
Civil Society, Morality and Discipline., the Nigerian Question

By

Inyikalum, Daniel B.

Department of Political & Administrative Studies
University of Port Harcourt, Port Harcourt, Nigeria

AND

Sw. Dr. Daniel Uranta

(FCAL, FSOW, MCASSON, IDAN)

University of Port Harcourt

Social Work/Sociology Department

ABSTRACT

In this paper, we have attempted to highlight the significance and relationship between civil society, Morality, and discipline and how this leads to the overall socio-economic development of the society. We established that civil society should be seen beyond social group activities but rather issues bothering on citizenship with regards to adherence to laws governing the society. It is therefore the realization and recognition of this fact that makes for discipline and civilized conduct in political life; the highest civil activity in human society.

Keywords: Civil Society, Economy, Political Philosophy, Citizenship

Introduction

Civil society has been conceived in so many ways by political scholars. In other words, the concept of civil society has been misinterpreted especially by bourgeois scholars. But under the domain of political theory, civil society talks about citizenship, their rights, privileges and obligations. Invariably, it describes Law, rules, and regulations and how this

transmits to orderliness in the society. It further talks about morality and man's ability to live together according to laid down principles governing the society. Political theory on the other hand has been conceived as a branch of moral philosophy, which starts from the discovery, or application, of moral notions in the sphere of political relations. Many bourgeois scholars who misinterpret the

concept of civil society fail to note the fact that political words and notions and acts are not intelligible save in the context of the issues that divide the men who use them. Consequently our own attitudes and activities are likely to remain obscure to us, unless we understand the dominant issues of our own world.

Civil society originates from the word *civics* which implies the study of the theoretical and especially those practical aspects of citizenship, as it relates to laws and rules governing the affairs of humans in the society. Rousseau claimed that morality and reasoning distinguished man in a civil society from man in the State of Nature. In a civil society, it is important to note that man is ruled by conscience through which man is able to interact freely with others in the society. Freedom was tied up with the absence of rule, with a state in which there are no rulers and subjects, but there are only citizens of equal rank. Civil society is also a realm of mediation of particular wills through social interaction and a means whereby individuals are educated through their efforts and struggles toward a higher universal consciousness. While the standard of equivalence was not completely eschewed by Rousseau—he stated that in the formation of civil society “each man recovers the equivalent of everything he loses”—equality in democratic society, coupled with the notion of perfectibility, remained a means to liberty rather than a necessary and measured force imposed on individuals. Tocqueville to an arguably greater extent saw equivalence as a degradation of man’s liberty contained in the capacity for individual self-reflection and autonomous thought and action.

Conceptualizing Civil and Society

According to the Oxford English Dictionary the word “society” first

appeared in the 1500s and meant an “association with one’s fellow men, especially in a friendly or intimate manner; companionship or fellowship.” The term also referred to a “connection among people or association or companionship with others,” and, more precisely, a “state or condition of living in association, company, or intercourse with others of the same species.” By the 1600s “society” referred to a way of life adopted “by a body of individuals for the purpose of harmonious co-existence or for mutual benefit and defense.” It also referred to an “aggregate of persons living together in a more or less ordered community.” By the 1700s people were interpreting “society” as groups of people showing taste, etiquette and culture, and by the 1800s it referred commonly to a leisure class and a fashionable life.

The word “civil” on the other hand emerged independently of “society.” The Swiss sociologist, Norbert Elias, studied “civility” as it developed in the 17th and 18th centuries. He describes how common people at that time were becoming self-conscious about their manners and their health, and the idea of being “civil” referred to this widespread shift in attitude, conduct, and demeanor. For instance, people had for millennia urinated and defecated in the streets, or burped and passed gas at dinner. These natural bodily actions began to be frowned upon as a fashionable trend developed to control the natural functions and appetites of the body. At the same time, the custom of dueling developed to restrain aggressive instincts, since people had traditionally killed or tortured others on impulse over small disagreements. Gradually the practice of dueling itself fell into disfavor, became less “civil.”

In the late medieval period, people also began to acquire a greater sense of “self,” seeing themselves independent from

external authorities. More specifically, they began to talk about individuals having autonomy from the monarchy and the Catholic Church. The argument against church authority, begun by Martin Luther in the 1500s, preceded and influenced the subsequent philosophical argument against the monarchy.

Exploring the Concept of Civil Society *vis-à-vis* the State of Nature

Current understanding of civil society usually refers to the public sphere, set apart from the state and the market; however, it was not always so. In the Greek city-state, Polis, Socrates asked how people should reconcile their individual needs with the needs of the society. In addressing this question, Socrates employed a dialectic method in which the arguers test propositions against other propositions in hopes of uncovering the truth (O'Brien, 1999). Individuals' arguments were tested against societal arguments to find the proper balance - a civic virtue that would produce a society called a *societascivilis*, in contrast to barbaric society.

Concurrently, in Rome, the individual who participated in the public realm was viewed as participating toward *civitas* (city-state). *The fulfillment of civic duties determined the civic virtue of individuals* (Mihan, 2000). It could be concluded that some societies existed outside *civitas* and others inside *civitas*. Those inside *civitas* might be called *civitas* societies, in which each individual is bound by civic duties as civic virtue. Going further, Plato asserted that in a just society, citizens dedicate themselves to the common good, act virtuously and wisely, and practice the occupation for which they are most suited. Such a society should be led by "the enlightened one."

The philosopher-king, who returned to the cave after seeing the light outside, could make decisions based solely on the common good (Mclean, 1997).

Contrary to the suggestions posed by Plato, Aristotle first recommended that a State be governed by the middle class, those who are likely to strive for equality and who are moderate in their individual aspirations. Later, though, he asserted that governance must be performed for the common good, in which all can participate (Aristotle, 1967). Hence, democracy is preferable to oligarchy. Moreover, he stressed two aspects of liberty served by democracy: the opportunity for the individual to participate in making public policy, and the individual's freedom, protected by constitutional law, from intervention by the State. Societal governance, in his view, induced the lower units to achieve their goals through responsible, cooperative action, goals that they could not achieve by acting alone. He also strongly stated that the individual depends on the community in order to live a truly human life, and even that the State is a natural creation that precedes the individual (Mclean, 1997). In this way, Aristotle identified the nature of the socio-political order as a *koinniapolitika*, or civil society. He presupposed that society had multiple forms of interaction, association, and group life.

In the State of nature, individuals fought and killed themselves, whereas in civil society, the State maintained peace in a community of people acting in a civic manner. By contrast to the Aristotelian assertion that people entered society because they were naturally sociable, Hobbes asserted fear drove people to the covenant. The covenant created a condition in which the state of nature

gave way to civil society. Thus, civil society was not merely the opposite of the state of nature; it represented an escape from the state of nature, achieved when free, rational people entered into an agreement. For Hobbes, civil society integrates all lawmaking and executive power in a single body.

John Locke moved forward, arguing society results from a social contract. Locke argued that the State should not be seen as a single body, as Hobbes had done. Instead, Locke differentiated between government and society, with the goal of preventing the power of government from threatening the rights of the society (O'Brien, 1999). Locke viewed government as a unitary outgrowth of the freedom to form an association. Thus, he juxtaposed civil society against both the state of nature and the government:

Wherever therefore any number of men are so united into one Society, as to quit everyone his Executive Power of the Law of Nature, and to resign it to the publick, there and there only in a Political or Civil Society.... And this puts Men out of the State of Nature into that of a Commonwealth.

Locke was inconsistent when he compared the dissolution of legislative power to the dissolution of society (Cohen & Arato, 1992). He asserted that dissolution of legislative power did not necessarily mean the end of society. Therefore, one could conclude that he simply distinguished the State from the

society. In particular, he separated religious doctrine from the State. Churches remained autonomous. This represented an embryonic idea of civil society as a model for government.

By contrast to Locke's expansion of the rights of man into the rights of property, Rousseau argued that the introduction of private property, which focused on the rights of the individual and neglected the common goods, ignited the state of war among the people. To avoid such war, he proposed a new social order that would provide equality and freedom for all. This new social order collected individual forces into a supreme power that could govern, enact laws, protect its members, and maintain harmony. The State, as a supreme power, would be the arena for defining the common good and the institution through which individuals would willingly obey the general will (Colas, 2002; O'Brien, 1999). In this view, then, the passage from the state of nature into civil state procedures coincides with the replacement of instinct with justice.

Ferguson, differing with Hobbes, believed that "society is the natural state of men" (Pietrzyk, 2001). He saw political society as the natural result of men's experiences since birth. Civil society was, then, a society polished and refined, characterized by a certain stage of social, political, and economic advancement. For Ferguson, not all society could be called "civil." Only those in which individuals enjoy civil liberties protected by the government could qualify.

Although Ferguson considered commercial society the most advanced stage of social development, he acknowledged the dialectic of virtue and corruption in that society (Ferguson, 1966; Pietrzyk, 2001). Thus, civil society

might decline if commerce corrupted individuals' republican virtues. In this respect, Ferguson implicitly distinguished an economic society that still practiced republican virtue, which he called civil society, from one that did not, which he called "tribesman" (Ferguson, 1966). He also did not view civil society as opposing the state of nature, in Hobbes's terms, but as opposing the rude nation. He believed that through governmental policies, education, gradual knowledge and development, rude society might be transformed into civil society.

Thus, while rejecting the idea of social contract as the basis of civil society and the asserted Aristotelian civic tradition, Ferguson envisioned the shift of society from rude or barbaric one into civil society. In doing so, some might say he viewed civil society face to face with the state of nature or barbaric nations. Additionally, he developed a new discourse about modern commercial society, in which active participation and citizen virtue intertwine with concepts of freedom, property, and justice derived from the natural law tradition.

Kant's position differed somewhat from Ferguson's. Kant insisted on the ideas of social contract and property as the just and moral bases of civil society (Kant, 1995; Pietrzyk, 2001). He took no position on whether humans are inherently bad, as Hobbes believed, or good. In balancing the use of coercive power by the State with individual freedom, Kant suggested the need to accept a political authority to achieve a condition of justice and rights. Accordingly, the main purpose of civil society is to force human beings to respect one another's rights. Kant might also be included among scholars who see civil society as more or less a civil state,

with no sharp separation between state and society. Regarding Kant, Pietrzyk concluded that

civil society cannot exist without the state and is often meant by him as a political society with its institutions such as a public law or the representative authority.

To sum up, this section traces the historical idea in which civil society is seen as a model of societal governance, arising in the shift from the state of nature to the contractual society and forming a government based on civil liberties and rights.

Scholarly Perspectives to the concept of Civil Society

Rousseau on Civil Society and the State

Jean Jacques Rousseau (1712-1778) said that **a civil society existed with an economy**. He discussed the idea of a political economy in relation to government. Rousseau described this economy in *The Social Contract* and described the aims of government in his *Discourse on Political Economy*. In these treatises, Rousseau expanded Aristotle's idea of the household economy to include the commonwealth. Aristotle had spoken about "household government," and now Rousseau enlarged the idea to include state government. Government was like an extended family. The word "economy," Rousseau wrote, was derived

from "the legitimate government of the house for the common good of the whole family."

Rousseau strived to distinguished different parts of the economy. In A Discourse on Political Economy he argued that the "public economy...has been rightly distinguished from private economy." He wrote: "Every political society is composed of other smaller societies of different kinds, each of which has its interests and its rules of conduct." Now the notion of "society" – as an independent entity with a normative order – joined with the notion of an economy with both a public and private sector. Rousseau saw society in this social contract tradition as shaping the rules of conduct. Morality served as a power in itself beyond the force of government. The transition from a state of nature to a civil society, he maintained, demanded an ability to participate in "moral reasoning." Hence, he proposed a "general will" of the people, which supplied the basis for that moral life, making the social contract sustainable.

Rousseau's "general will" of the people, however, remained within the confines of the state, not society. Individual wills "fused" (mysteriously) into one general agreement. In this general agreement, Rousseau insisted, people must produce a collective good to maintain a moral life in society. In sum, Rousseau's social contract emphasized a moral order that included a private and public economy. He stressed the interdependency of people who live collectively. The wills of individual contractors were determined not merely by "desire" (far from Hobbes), but by social and moral norms. The "natural goodness" in people was constructed through education and politics, even as he said those social institutions needed reform.

It is true that for Rousseau in *civil society liberty meant a life lived freely under the law enacted by the sovereign state*. In civil society, man alienates his natural liberty in favor of an unnatural, moral liberty. This is a significant step in the idea of man as an autonomous being crucial to the development of human freedom. This also allowed Rousseau to compose an idea of society that remained true to his belief that when humanity was most free, individuals were most equal. Moral liberty presented a new form of freedom for humanity, fortified by man's interdependence in civil society and the congruent ideal of the innate perfectibility of man, which becomes fully recognized through man's social character. While interdependence created the conditions for the subjugation of individuals, it is also the necessary precondition for the general will, which is a key component to Rousseau's concept of liberty in democratic society. Democratic society, according to Rousseau is the closest form of government to man in his state of nature. As opposed to monarchical or aristocratic governments, in a democracy, citizens are subject to the law and not other men of the nobility.

Locke on the Concept of Civil Society

John Locke (1632-1704) under his concept and analysis of social contract theory proposed that a contract should be understood in the context of a society. Rather than identifying a social contract with the State (as did Hobbes), he looked at autonomous structures within a society, like the family and religious orders. These associations also carried social contracts, which preceded that of the State. *This was a new idea: the commonwealth (government) was part of society, and not the "first society" as Hobbes had said*. Locke proposed that the "first society" existed in nature, where social (conjugal) relations prevailed to

maintain order. Locke saw primitive societies based on a communal life governed by a kinship order. These early societies had their own degree of freedom within that simple order of social life.

Modern society – which he also termed “second” or “civil” society – was different because it did not have that same degree of license that had existed in earlier times. This second society was “political” based on “explicit consent” to establish security. Civil liberty consisted of being under “no other legislative power but that established by consent.” This was a very big step, as Locke distinguished “society” from “government.” And he revealed the greater complexity of society, where social authority and civil governance developed. In fact, for Locke, society had more authority in certain aspects than government. People in a society consented to create a (commonwealth) government. If people in society were unhappy with their government, they could and should change it.

Just as the political philosophy of Thomas Hobbes was shaped by the politics of absolutism, so that of John Locke (1632-1704) represents a response to experiments with republicanism. Locke wrote his *Two Treatises of Government* almost immediately after the Glorious Revolution of 1688 in which a corrupt, absolutist British monarch was replaced by William and Mary in a bloodless coup that established a constitutional monarchy. As Locke stated in the preface of his *Of Civil Government*, he hoped;

“to establish the throne of our present King William; to make good his title, in the consent of the people . . . and to justify to the world the people of England,

whose love of their just and natural rights, with their resolution to preserve them, saved the nation when it was on the very birth of slavery and ruin.”

For Locke, civil society included a “government” created within this larger order of social contract, which is an order of human association. If government became oppressive or ruthless, people should dissolve it and create another.

[C]ivil society being a state of peace amongst those who are of it...is the soul that gives life, form, and unity to the commonwealth... The constitution of the legislative is the first and fundamental act of society.

Thus, *Locke's “civil society” did not involve a complete surrender of all rights to a sovereign government.* It conceded a right for people – apart from government – to resist unjust rule. The social contract was based on compatibility between individual wants and the common need for security and moral satisfaction. Locke’s ideas were read around the world. Thomas Jefferson for instance, read Locke’s work and used it to justify the overthrow of King George in the American Revolution. He based the Declaration of Independence on the right of people to determine their own government.

Like Hobbes, Locke explains the civil society by first addressing the state of nature. Man must have a reason to form the civil society if God is removed from

the equation. Unlike Hobbes, however, Locke argues that the state of nature is not a state of anarchy, but a state of perfect equality. It is only when men come into conflict over property that the need for the civil society becomes clear. Instead of joining the civil society for self-preservation, men join to protect property. For Locke, the function and end of government are the preservation of life, liberty, and property. Perhaps one of the key elements of Locke's argument is his emphasis on government as a process. Government is not static; it responds to the process of human development and to changing human needs. We can alter or abolish it accordingly as it suits our needs. In addition, it is a process of moving from the state of nature where total freedom and equality reign, to a civil society where we give up certain liberties in order to gain security.

St. Augustine

Stressing on the ordering of the civil society, St. Augustine shifted the natural law of society from one based on reason to one based on divine rule. Fear of God (and of churches) became the basic foundation of civic virtue, law, and order of the society. *To be a civilized society was to be the city of God.* Therefore, churches were seen as representatives governing the society. Civil society meant simply society under the protection of God and submitting to God's divine rule as manifested in the church's decisions and policies.

Thomas Aquinas

The differences in the concepts of God's society and Aristotle's civil society were reconciled through the work of Thomas Aquinas in the thirteenth century. He proposed that "love thy neighbor"

provided a guideline to treat all people alike. Furthermore, building upon Aristotle's *Nicomachean Ethics*, Thomas proposed that human life was more than a cyclical return to nature; rather, each life had sacred meaning and eternal import. By combining Plato's participation and Aristotle's ethics, Thomas stressed civic manners: each individual must consciously commit to cooperatively strive toward a common goal in order to create a civil society. In the sixteenth and seventeenth centuries, Thomas Hobbes and John Locke argued that society was not a work of nature but rather the result of a social contract (Colas, 2002). For Hobbes, the state of nature was the natural order, in which people followed their emotions rather than reason. Such people would fight, "all against all," to protect their freedom. They would need agreements in order to create peace, and then an institution to preserve it. This institution arose through a contract between individuals. As Pietrzyk would note, it is only then could human freedom flourish under the protection of the State, which kept the peace and guarded civil society (Pietrzyk, 2001).

Civil Society and the State; Analyzing Marx and Hegel's Position

Studies in civil society reveal that the binding principle of civil society is a private morality, predicated on public recognition by one's peers, joined through bonds of shared moral sentiment (O'Brien, 1999; Smith, 1976). Hegel believed that as the embodiment of egoism, civil society is unstable. For him, individual freedom originates in the State, whereas modern-day liberals put freedom outside the State. This freedom, in which individuals and groups pursue conflicting interests, can be overcome only by an ultimate

authority. Furthermore, for Hegel, civil society cannot be separated from economic society. Social conflicts over rights and needs have to be solved; this is a job for the State, society's supreme entity. The State is an end in itself, as the highest morality, whereas civil society's ultimate end is to protect its members. Later, this idea was used by Hefner, who included business associations as part of civil society, entitled to protection of their rights and interests (Hefner, 1998).

For instance, using Hegel's description of civil society, especially of the first part of the system of needs, Marx prefigured his analysis and critique of the capitalist State. He asserted, that "Civil Society embraces all the material relations of individuals within a definite stage of development of productive forces" (Bobbio, 1987). From the foregoing, it therefore implies that in contrast to Hegel's suggestion that the State prevails upon civil society, Marx saw abolition of the State as a desideratum to be achieved after revolution. Marx while referring to the other type of civil society asserted that civil society is bourgeois society, in which people treat one another as means to their own ends. Furthermore, he saw civil society as a means to weaken the feudal order and concentrate power in the hands of the new class, the bourgeois.

Furthermore, Marx saw civil society as the arena of class conflict between the bourgeoisie and the proletariat. In this way he tried to highlight how socio-economic distinctions constituted "the stratification of modern civil society" (Colas, 2002). In this way, civil society is associated with the private realm, the relations among individuals that developed in the bourgeoisie only. For Marx, too, this also resulted in the evolution of the State as an institution

separate from economic society. Gramsci, also following the Hegelian approach in distinguishing civil society from the State, has located those two entities in the super-structural sphere, unlike Marx, who placed civil society in the structural sphere. (Bobbio 1987) asserted that for Gramsci,

Civil society is "not all material relationship (which means a base) but all ideological and cultural relationship; not the whole of commercial and industrial life but the whole of spiritual and intellectual life"

In other words, Marx saw Hegel's civil society as economic relationships (the system of needs) and therefore on the structural level, whereas Gramsci understood it as a super-structural concept that, along with the family, constituted the ethical roots of the State. In this respect, both Gramsci and Marx believed the historical development of society occurred in civil society and not in the State, as Hegel had suggested. In civil society, all economic relationships shape history (as Marx suggested) or the interpretation of history (ideological and intellectual life), which in turn influences the future. The State, "which is exist up to now, is a dialectical unity of civil society and political society." Moreover, the State's ultimate end is the absorption of political society into civil society, as a result of civil society's enlargement as a hegemonic force. Furthermore, Gramsci suggested that civil society occupies an autonomous space in the system and

"appears as the third term, due to its being identified, no longer with the state of nature, nor with industrial society, nor generally with the pre-state society but with the factor of hegemony" (Hoare & Smith, 1989). Thus for Gramsci, civil society became a complex entity, standing on equal footing with not only the state of nature and the civil state, but also the church and political society.

Conclusion

In conclusion, we have noticed that over the years, different meanings, definitions and mostly misconceptions have been afforded Civil Society. But under the context of this study, it was unanimously agreed that Civil Society talks about a situation whereby members of a particular society live or pattern their lives according to laid down rules, laws or regulations governing the society at every point in time. This study therefore isn't interested in civil society groups' activities and programmes, but rather it emphasizes acts of discipline and morality with regards to adherence to laws governing the society and how this engenders the overall growth and development in the Society. As rightly stated by Prof. Ndu, Nigeria is the most uncivilized nation in the world. This is primarily because of the absence of genuine civility/discipline in our conduct and general way of life. Morality, discipline, rule of Law and by extension genuine development is therefore lacking in our contemporary Societies because States have failed in ensuring that the original concept of citizenship which stems from civil society is adopted and implemented in our daily endeavours.

References

Aristotle. (1967). Politics III. In Oxford (Ed.), *Philosophers* (Vol. Chapter I, pp. 8). London: Oxford.

Bestor, V. L. (2004). *Reimagining "Civil Society" in Japan*. Retrieved 14 December, 2004, from <http://www.us-japan.org/dc/cs.bestor.paper.htm>

Cohen, J. L., & Arato, A. (1992). *Civil Society and Political Theory*. Cambridge, MA: MIT Press.

Colas, A. (2002). *International Civil Society*. Cambridge: Polity Press.

Ferguson, A. (1966). *An Essay on the History of Civil Society*. Edinburgh.

Green, A. (1999). A Cross-Regional Analysis of Civil Society and Democratic Development. *CIAO*, 2.

Hikam, A. (1999). *Demokrasidan Civil Society* (2nd ed.). Jakarta: LP3ES.

Kant, I. (1995). *Political Writings*. Cambridge: Cambridge University Press.

Levin, E. (1997). *Daring to Define Civil Society*. Retrieved 13 December, 2004, from <http://www.la.utexas.edu/course-materials/government/chenry/civil/archives97/estpaper/0000.html>

McLean, G. F. (1997). Philosophy and Civil Society: Its Nature, Its Past and Its Future. In G. F. McLean (Ed.), *Civil Society and Social Reconstruction*. Washington DC: The Council for Research in Values and Philosophy.

Meis, M. (2004). Book Review: The Civil Society Reader. *The International Journal of Not-for-Profit Law*, Six(Two).

Mihan A. (2000). *Civil Society: The New Force*. Retrieved 5 January, 2004, from <http://www.mihancivilsociety.org/>

O'Brien, R. (1999). *Philosophical History of the Idea of Civil Society*. Retrieved 11 September, 2004, from <http://www.web.net/~robrien/papers/civhist.html>

Pietrzyk, D. (2001). Civil Society - Conceptual History from Hobbes to Marx. *International Politics*, 1.

Rosenblum, N. L., & Post, R. C. (Eds.).(2002). *Civil Society and Government*. Princeton: Princeton University Press.

Scott, S. J. (2003). From Benin to Baltimore: Civil Society and Its Limits. *The International Journal of Not-for-Profit Law*, Six(One).