The Potential for Civil Society in the Middle East: Historical Precedents and Post-Colonial Trends

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Introduction

Much of the debate on the compatibility of Islam with democracy and civil society has been undertaken from a discipline-based comparative approach (Mardin 1996). As a methodological tool, such an approach is useful in that it allows us to investigate the existence and effectiveness of conceptual and institutional structures both in the Islamic 'East' and the Christian 'West'. However, one of the biggest challenges to this approach is the difficulty in reconciling the inherent conceptual differences between the notions of civil society, as formulated in the West and of civility as experienced in the Middle East. While the former almost always presupposes formal associations that bring together free individuals and groups bound by a clearly articulated social contract, symbolised by such artefacts as the membership list, civility is organised on the basis of mutual trust and interpersonal obligation as individuals are bound by the ties of an already existing community. These informal civic institutions can teach 'citizenship skills that may, in time, lead to further politicisation and institutionalisation and thus pave the way for a more participatory system and encourage more accountable governance' (White 1996:143).

These conceptual and organisational differences are generating much debate in the civil society literature dealing with the Middle East as to whether it is possible to treat these informal civil activities as evidence of the presence of civil society. In particular, recent Western discourse has focused on the presence of feminist groups, trade unions, and other groups that fit the Western model of free association of individuals, and have a contractual if not adversarial relationship with the state to prove or disprove the existence of civil society. Excluded from these types of associations are those organisations based on primordial ties, such as those of family, clan and tribe because these are exclusionary in nature and do not allow individuals freedom neither to join nor to quit (White 1996).

As far as the Middle East is concerned, there are two essential factors that need to be taken into consideration when discussing civil society: firstly, Islam and secondly, Western concepts introduced during the era of colonialism. In discussing these two factors, this paper will try to assess whether:

- Islam allows the development of civic associational life which can lead to active civil society; and

- The borrowed Western models of civic associations can be effective in the Middle East.

To put these questions differently, is it inevitable in the age of globalisation and liberalisation to have a universal approach to the concept of civil society? Or is it inescapable that this concept be culture-specific and, therefore, manifest itself in forms and structures other than those typically associated with Western models?

Before presenting a brief analysis of the concept of civil society, it is useful to look at Orientalism as defined by Said (1978) and debated by Turner (1994). Orientalism is a 'discourse which represents the exotic, erotic, strange Orient as a comprehensible, intelligible phenomenon within a network of categories, tables and concepts by which the Orient is simultaneously defined and controlled. To know is to subordinate' (Turner 1994:

21). It is within this socio-political discourse that much of the debate on Islam, democracy and civil society took place in the last two centuries. One of the major problems of this

Orientalist discourse is that it reduced the historical complexities of the Orient into a definite set of categories, characters and types.

The Concept of Civil Society

Turner (1994) defines civil society as being 'a prolific network of institutions- church, family, club, guild, association and community- (that) lies between the state and the individual, and which simultaneously connects the individual to authority and protects the individual from total political control'. This paper will adopt Turner's definition as a starting point and apply both to the contemporary Middle East and to the Middle East since the birth of Islam. The objective of the following analysis will be to show that while this Western concept is useful, it might be insufficient to capture the dynamics of an evolving civil society which does not always follow a predicted pattern and in some cases, exhibits both traditional (e.g. the *shura majlis,* consultative councils in the Gulf) and modern tendencies (unions and feminist associations in North Africa). Its limitations are compounded when a narrow definition of non-governmental institutions is adopted.

It is often argued that the degree to which a country's political system is democratic can be measured by the strength and activism of civil society and its ability to curb the power of the state/party (Haynes 1996). Hence, the concept of civil society has emerged as a significant category linking democracy, development, and peaceful management of conflicts. In its institutional form, civil society is composed of non-state actors and non-government organisations. From an ethical perspective, civil society implies values and behavioural codes of commitment to the peaceful management of differences among individuals and collective institutions that share the same public space. This process is referred to as polity as opposed to politics, which is the domain of political parties.

Civil society is necessary to balance the state's tendency to seek absolute power and control over a country's major political, economic and social decisions. Generally speaking, it is believed that only Western countries have powerful states and strong civil societies. Theoretically, the two rarely clash in the West because there is a basic understanding (social contract) that the state represents institutions while civil society represents the people-nation. This binding relationship almost guarantees that both the state and civil society become partners rather than opponents. However, with regards to both civil society and political opposition, the situation in the Middle East, as with other third world countries, is very different. In the Middle East, civil society is perceived to be weak due to the following reasons:

- economic (low level of economic development);
- historical (the legacy of Western/European colonisation and the weakening of intellectual dissent and political opposition);
- political (authoritarian/undemocratic rulers);
- social (low levels of education and lack of tradition in the area of civil duties); and

> ● ethnic/religious (divisions among different ethnic and religious groups weaken their opposition to central authoritarian rulers).

Entelis (1995) argues that there are four stages in the formation of civil society. The first is a defensive stage in which individuals and groups actively or passively defend their autonomy vis-a-vis the state. The second is an emergent phase in which individuals and groups seek limited goals in the wider public sphere that are sanctioned by the state. The third is a mobilisational phase in which the legitimacy of the party-state is undermined by groups offering alternative forms of governance. The final institutional phase sees leaders enact laws which guarantee autonomy of social action, which results in a contractual relationship between the part-state and civil society.

Having identified the chronological formation of civil society, one must ask the question: how does a non-democratic state react to these developments? Przeworski (1991: 54-55) offers this explanation:

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> A common feature of dictatorships, whatever mix of inducements and constraints they use, is that they cannot and do not tolerate independent organisations. The reason is that as long as no collective alternatives are available, individual attitudes toward the regime matter little for its stability ... What is threatening to authoritarian regimes is not the breakdown of legitimacy but the organisation of counter hegemony: collective projects for an alternative future. Only when collective alternatives are available does the political choice become available to isolated individuals.

A good case in point for this situation occurred in Algeria on the eve of the 1991 elections, which were cancelled prior to a subsequent *coup d'etat* that took place early in 1992. The irony in these events is that the West allowed a situation to develop in which a democratic process was halted and an emerging civil society oppressed, because the local brand of Islamic democratisation and civic activism did not match the Western secular model.

Islam and Civil Society

Although there is much debate about the current status of civil society in Muslim/Middle Eastern countries, civil society in its simplest form is not a foreign concept to Islam and the pre-modem Middle East. In fact, Weber's argument (1958, 1968) that there were no urban structures conducive to civil liberties in the Islamic city is typical of an Orientalist discourse that tends to apply Western criteria to culturally specific notions. Although, Middle Eastern societies (prior to the emergence of the modern states in the twentieth century) were ordered around a political authority whose legitimacy was derived from a combination of conquest and/or religious sources, the public space was immediately shared by the *Ulama,* merchants and religious sects *(millats),* as well as other formations such as tribes that were quite autonomous from the central authority. In a sense this is what Turner's (1994) definition of civil society entails.

Society elders and notables performed several functions in the overall governance of the pre-modern Arab State. Apart from running intra-communal affairs and managing inter-communal conflicts, they also acted as advisors to the rulers. Known as *ahlu al-hall wa ar-rabt* (those who loosen and bind state affairs), these individuals along with the *Ulama,* merchants and religious leaders, helped reduce the absolutist nature of the pre-modern Arab/Islamic state. They were influential figures who spoke for their constituencies first and the people in general second. The traditional equilibrium between central authority and civic

institutions was maintained by a multitude of mechanisms like occupational and residential segregation, clear hierarchies and other autonomous resources such as religious endowments *(awqaf).* Such a system proves that Arab cities not only operated as civil societies in the modern sense, but more importantly relied on these civic formations to ensure political representation and social harmony.

The notion that Islam may not be compatible with democracy or civil society is a typical product of Western 'Orientalist' discourse. Without dwelling extensively on the historical formation of civil society in Islamic states, it can be argued that the creation of the first Islamic city-state in Medina brought with it the concept of civil society *(al-mujtama al-madani)* which subsequently assumed an increasingly important role in social and state affairs.

Indeed, the process of establishing the first Islamic state in Medina reflects this civic nature of the state, as it produced a new constitution separate from the *Sharia (Islamic Law)* to organise co-existence between the various ethnic and religious minorities. This constitution *(Dustuur al-Medina)* facilitated the formation of a network of tribal and minority leaders who were able to negotiate outcomes, defend their constituencies and act as a security buffer between the central state and their members. This, in fact, is the role that the modern concept of civil society is supposed to perform.

Furthermore, the fact that the Prophet Muhammad did not appoint a religious and political successor before he died allowed the community to choose its own social and political systems (Moussali 1995). Thus, after the prophet's death social groups including Muhammad's own cousins, supporters from

Medina, and Meccan immigrants began negotiations and consultations around the process of how to appoint a political-religious leader. Each group represented an important segment of the population, and together exhibited structural organisations typical of civil society. They were instrumental in electing the leader, developing social policies and maintaining stability and consensus.

A key element of the agreement struck between these various non-state organisations and the leader-elect is the negotiated contract (bay 'a) by which the leader is elected. This contract spelt out clearly the duties, obligations and rights of each party. This is similar to the process of modern elections in which voters consider the political parties/leaders' electoral program (promises) before casting their votes. The dismissal aspect of this contract, however, is less clearly defined. Even when there was popular demand for the dismissal of a ruler (e.g. the third rightly guided caliph *Uthman* who was assassinated in 656 A.D.), the system did not deliver peaceful transition, as the leader believed that he had a mandate to govern and to be obeyed as long as he did not commit any act which contravened the Islamic law *(Sharia).*

Another example of the manifestation of civic culture is the important role played by the *Ulama,* religious scholars, philosophers, scientists and philologists who were not necessarily *Imams,* and should not to be confused with the Christian hierarchical clergy. The primary role of *Ulama* who had historically represented the most active and distinguished part of civil society (Moussali 1995) was to legislate when the *Sharia* did not contain clear instructions and regulations on how to deal with a particular issue. The *Ulama* performed this role, normally a task restricted to governments and legislative bodies, because the Prophet did not leave a specific theory relating to politics. It is important to note here that the main characteristic of the *Sharia* is that it was not complete. Therefore, many social and legal issues needed to be addressed by a civil society body like the *Ulama* who were able to use consensus, legal presumption, interpretation and analogy in order to derive new 'legislation'.

One of the main arguments presented by scholars who believe that Islam is inherently incompatible with civil society, is the crucial differentiation between the notions of justice and liberty. The ideological and philosophical argument can be put simply as follows: Islam endeavours to achieve justice for all, but does not protect the right of the individual to choose and decide for themselves; hence this is a form of denying liberty. Since liberty and personal freedom are essential values in the Western civil society literature, Islamic states are seen as inherently incapable of reconciling these conflicts and are unable to form a modern civil society. Along this line of reasoning, Mardin (1996: 285) claims that the Muslim ideal of society appeared at three levels.

> The most profound level of the dream was the idea that the Muslim would only bow to the political obligations set by the Qur'an. The second level was that he would accept as an equivalent the Qura'anic verisimilitude of the Qur'an's commentators. Third, because neither of these systems were able to assert themselves unequivocally, the Muslim dream shifted to the ideal of a social equilibrium created under the aegis of a just prince.

According to Mardin, the two main characteristics of this society are that it relies on the charismatic authority of the leader to achieve justice, and that it precludes the adoption of alternative concepts in the realisation of social justice. Furthermore, the notion of justice it adopts seems to be broad enough to include the Western sense of 'freedom'. The centrality of a just leader would preclude the formation of competing socio-political structures and the rationalisation of the legal practice as was the case in Western Europe.

There are major methodological problems with Orientalist arguments that dismiss the potential of Muslim countries to cultivate a civil society. The main important problem is that although their comparative approach seems to exhibit internal consistency, it fails the test of external validity. In other words, while the logic behind the conclusion seems to be well presented and argued, it nevertheless does nothing more than impose a foreign concept of civic culture on local conditions. Such a comparative approach is bound to produce outcomes in which unrealistic expectations are generated and where there is little understanding of the specificities of alternative conceptual forms.

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In addition, the argument that civil society must be equated with liberty and personal choice is not, and cannot be treated as, a universal prerequisite for the formation of civil society. In fact, there are places such as Turkey (Mardin 1996) where a vibrant civil society exists and individuals, including women, are able to play an active role in social debates without necessarily belonging to independent Western-style associations or syndicates which also exist. And if we are to adopt a set of universal criteria for a civil society that includes as a prerequisite having the persona! freedom to join associations and organisations, then there will be no need for further debate about the existence of civil society in Islamic or Third World countries. This is because most of these states do, and often, facilitate the formation of such forma! associations, which in the case of Islamic countries can never be as effective as the less formal primordial communities. This argument will be further highlighted below when the current situation in the Middle East is discussed.

The Re-Emergence of Civil Society in Post-Colonial Middle East

The last two centuries have witnessed what appears to have been an irreversible disintegration of the traditional equilibrium of governance in the Middle East and of the socio-economic structures that accompany it. This has been a direct function/result of Western

intervention; directly through colonisation, and indirectly through coercive policies in the region.

Since the inter-war period (1918-1939), the region's traditional civic institutions have disappeared and a new set of civil formations have gradually started to take shape. These new formations, which were consolidated immediately after independence was gained in the 1950s and 1960s include the Arab 'state' itself. The modem Arab state has now replaced the traditional central authority that dominated the Muslim/Arab world for most of its history. Its emergence, which was overseen by Western colonial powers, brought with it numerous deformities ranging from the artificialities of newly made borders to the internal weakness of new institutions. Right from the start, these modern Arab states have faced severe problems and challenges both from within and from without (Ibrahim 1995).

Initially, the new states neither reinstituted the traditional wisdom of pre-modern civil formations, nor allowed for enough public space for their post-colonial equivalents to flourish autonomously. As a result, the new Arab states found themselves embattled on many fronts during their first four decades of independence, and also shared some of the processes which had accompanied the emergence of the modern state and civil society in the West namely, erosion of the traditional equilibria, rapid population growth and urbanization. However, the important processes of capitalization and industrialization lagged far behind, which meant that the new socio-economic structures that form the backbone of the modern state and civil society have not grown progressively nor evenly.

One of the main characteristics of post-colonial regimes in the Middle East is that they were populist, radical and predominantly anti-Western. These populist regimes (also known as the one-party states) exploited people's anti-Western feelings to forge a 'social contract' whereby the state 'was to effect development, ensure social justice, satisfy basic needs of its citizens, consolidate political independence, and achieve other national aspirations (Arab unity, liberation of Palestine). In return their peoples were to forego, at least for a while, their quest for liberal participatory politics. Pan Arab nationalist and socialist ideologies were used to popularize this social contract' (Ibrahim 1995: 37).

Unfortunately, this social contract had detrimental effects both on political parties and other nongovernmental organisations, which were either totally prohibited or severely restricted in their activities. This situation lasted for more than three decades, at which time citizens realised that their dream of a strong and independent nation-state would not eventuate. On the contrary, sluggish economic growth as well as successive political and military defeats, culminating in the 1991 Gulf War signalled a move away from the old social contract towards a more accountable system of governance (e.g. Algeria's 1991 elections).

The Current Situation

Although the concept of civil society is resistant to analytical precision (definitions abound according to one's theoretical approach), the functioning of civil society is literally and plainly at the heart of participatory political systems. Civil society enthusiasts (c.f., Norton 1995) often express reserved and pessimistic views when it comes to the Muslim world and the Middle East in particular. However, there has been an impressive growth of NGOs and political parties since the mid 1970s to the late 1980s, even though only a minority of them are active and effective. The following figures show the increase in the number of political parties in certain countries: Algeria: 46; Yemen: 43; Jordan: 23; Morocco: 19; Egypt: 12; Tunisia: 11.

Also important, because of the impact they can have on a government's social and economic policies, is the emergence of professional syndicates (unions) in a number of countries. In Sudan, for example, the syndicates have been so powerful that they have contributed significantly to the overthrow of the government twice in recent times (1964 and 1985). In Egypt, Morocco and Tunisia the syndicates have often been potent players in domestic socio-economic affairs not least because of their international connections to kindred organisations that has enabled them to enlist moral protection from abroad (no absolute protection though).

The formation of these organisations resulted from a well-documented socio-economic process. In the post-colonial era, many newly independent Arab states embarked on ambitious educational and industrial programs which led to the emergence of two distinct classes: the new middle class and the new working class. Central planning and control was the order of the day until the 1970s and 1980s when the region witnessed a mix of inconsistent and confused socio-economic policies. The initial oil boom tempted many of the poorer Arab states to introduce an open-door policy. However, this was unsuccessful because the states did not alter their previous orientations towards the central planning and control of socio-economic policies. The result of this confused state of affairs was a worsening in the economic and financial conditions of most of these states, with external debt becoming rampant in many Arab countries. The new middle class and the ever-growing working class, both on fixed salaries and wages, were hard pressed by inflation and steadily alienated from the ruling regime, while the urban unemployed were easily manipulated by street politics (Islamists and leftist organisations). This civil dissatisfaction was manifested in the gradual formation of the following organisations and institutions:

> • Political parties and NGOs: there has been a rapid multiplication of Arab civil organisations in the last two decades a significant quantitative jump in the number of political parties in most Arab states. At the same time the region has witnessed a large increase in non-governmental organisations (the region is host to more than 70.000 NGOs). However, this statistical increase is not indicative of any real significance and efficiency by these civil organisations. In fact, the majority of the political parties in the Arab world are literally insignificant (as can be seen from their performances in elections) and most of the NGOs are either inactive or, if seemingly active, do not cany any political weight that might influence the decision making process.
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> • Professional syndicates: These are probably the most effective civil organisations currently operating in the Arab world. There are several reasons for this: they provide union-type benefits to their membership; they attract members with a high level of education and political awareness; and they have relatively independent financial resources. In addition to this, they are also organised on the pan-Arab level as federations and are well-linked to their international counterparts.

Like many other dimensions of development in the Arab world, the advance of civil society has not been uniform or even throughout Arab countries. To some extent civil formations always existed and were, in many countries, relatively active in expressing views about political reform and social debates. More important is that in Arab countries that have been subjected to severe political and/or economic crises, the presence or absence of civil formations has made a difference to how they coped. For example, Lebanon and Kuwait, which have well established civil formations (600 and 200 civil organisations respectively), have been able to deal with their various crises better than Somalia which, in comparison, has very few

civil organisations. The way the crises have been withstood in all three countries shows the importance of civil society in state and society building and rebuilding.

Despite this quantitative growth in civil society a number of observers (Roy 1994; Richards 1995) still express doubts about the prospects of its development in the Middle East. This is because the region is still ruled predominantly by authoritarian regimes, and its economic conditions remain stagnant. This situation is compounded by the rise in Islamic activism, which is seen as anti-modernity. However, as Esposito (1996) argues, this resurgence of Islamic movements is by no means uniform across the Muslim world. The Islamic revolution in Iran and the rise of Islamists to power in Sudan lies in sharp contrast to the experiences of other Muslim countries, such as Pakistan and Malaysia, where Islamic movements are recognised and included in the political system. And in countries such as Algeria and Egypt, the rise of Islamic activism is characterised by a blend of extreme and moderate movements, which present a challenge both to the local states and to the West on how best to deal with such a complex situation.

Conclusion

This paper has attempted to discuss civil society in the Muslim Middle East with the aim of showing that it is theoretically undesirable, even impracticable, to adopt a culture-specific model of civil society and present it as a possible universal approach. While previous comparative approaches (e.g. Weber 1968) have provided useful theoretical frameworks, they have inescapably suffered from significant methodological shortcomings. Weber, for example argued that the differences between Western and 'Eastern' histories of urban development are the key to understanding the formation of civil society in both contexts. For while the Western city was organised in a way conducive to voluntary associations, the Islamic city, consisted of segments and sections of non-voluntary groupings whose membership was based on ethnicity and religious schools. Even the *Ulama* (religious scholars) were not able to enjoy the same influence as the Christian Church, because they were too close to the central authority (Mardin 1996) to act independently.

This type of comparative approach remains at the heart of the disagreement about what criteria should be adopted to assess evidence of civic culture and how these should be successfully implemented across cultures. Such a debate is compounded by the fact that the contemporary Middle East, as a product of the forces of colonialism and more recently globalism, has witnessed a process of gradual Westernisation of its civil society. The problem is that the results of this Westernisation process, which took place at the expense of the traditional equilibrium, are not too encouraging. The quantitative growth of associations and NGOs has not translated automatically into a more participatory socio-political life (see, for example, Egypt and Turkey). In fact, what we find in countries like Egypt is that both the state and the Western-style NGOs are failing to deliver on their promises. This has given rise to a new breed of Islamic private voluntary organisations (PVOs), which are filling this gap in a plethora of areas including health, education and training (Sullivan 1996: 211). The main problem with this is that these associations are supported by the Muslim Brotherhood and, therefore, tend to be treated suspiciously not only by the local state but also by the West. The state fears that the PVOs have the potential to undermine its authority and legitimacy, while the West argues that as such organisations are anti-modern and anti-Western, they should not be recognised, let alone assisted.

Until we move away from the traditional Western Orientalist discourse on civil society and substitute the comparative approach with a more powerful research paradigm, a deep understanding of civil society in Islam and the 'Orient' will continue to be elusive. Furthermore, while Islamic propositions might not be the only solution to current problems in

countries like Egypt, they are, nevertheless an indispensable part of any alternative solution that might be put forward (Sullivan 1996).

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