
UNIT 5 STATE AND CIVIL SOCIETY INTERFACE

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5.1 INTRODUCTION

The concept of state lies at the centre of any meaningful political theorising but there is no unanimity about its meaning, content and definition. It is because of such contesting notions about the state, in the heyday of the behavioural revolution in the 1960s, that David Easton substituted the word system for the state. Most often the state is understood as what it is not. A state is not government as governments change periodically and many times frequently but the state is permanent. A state is distinguished by political theorists from civil society which refers to the whole gamut of organised and permanent institutions and behavioural practices like the economy, churches, religious institutions, schools and centres of higher learning, and cultural centres, places of ordinary day to day activity of the average citizen. According to Weber, a state refers to a fixed political system and an organised community that exercises authority legitimately and authoritatively.

The word 'state' is derived from Latin which means a situation or state of being (Sartori, 1987, p.278). Machiavelli is the first to use the term but did not define what it is. The state is used to convey a historical or philosophical idea, an eternal form of political community, which is a specifically modern phenomenon (Forsyth, 1987, p.503). A state is defined as a political entity that possesses people, territory, a government and sovereignty. A government is a concrete reality of the state, which is an abstraction. Governments change structurally and can be removed without entailing a change in states. A government is the policy deciding body that makes, declares and enforces a law. It can exist and does exist without a state as history and anthropology reveal. An administration is a set of persons and bodies that work under the direction of government to discharge the ordinary public services. A government is the political executive while administration is the permanent executive. Furthermore, the modern state is highly differentiated, specialised and complex upholding the difference between the private and the public space. As a modern phenomenon the state develops with sovereignty as its distinguishing trait. The concept of sovereignty reinforces the public-private divide and also between one body politic and another. Concurrently with the idea of sovereignty—and partly in opposition to

it—grows another idea that distinguishes the state as a modern phenomenon, namely the idea that it is the people as a single entity who rightly decide and constitute the form of rule within the body-politic. This idea was carried further by the American and French Revolutions that established representative institutions and also developed the idea that the proper end of the state is primarily protection of individual rights. The emphasis on ‘pursuit of happiness’ as proclaimed by the American Revolution and the notions of liberty, equality and fraternity as declared by the French Revolution answer the willing obedience of citizens to political authority. ‘The state as a modern phenomenon may, thus, be defined as the institutional representation of the people’s will, enabling it to act effectively in both the normal and extreme situation to secure the defence and welfare of the whole and the rights of the parts—together with this very activity itself (Forsyth, 1987, p.506). The political apparatuses of the modern states are distinct from both rulers and ruled, with supreme jurisdiction over a demarcated territorial area, backed by a claim to a monopoly of coercive power and enjoying a minimum level of support or loyalty from their citizens (Skinner, 1978, pp.349-58; Giddens, 1985, pp. 17-31, 116-21).

A distinction is made between state and some interrelated terms like society, community, association and nation. A society, like the state, consists of people within a given territory engaged in cooperative activity but a society concerns itself with the social order while the state with the legal order. Society is a whole made up of many voluntary associations, each with specific tasks and purposes and includes the family right up to an international forum. Like society, the idea of a community stands for fellowship, personal intimacy and wholeness and is characterised by common ends or feelings. The state is bureaucratic and a government body of institutions and officials with a special purpose of maintaining a compulsory scheme of legal action and acting through laws enforced by direct and positive sanctions. The state, like society, is national in its scope but differs from society in two respects—(a) It consists of all people who inhabit a particular territory and has the power to use legal coercion, the power of enforcing obedience through sanction of punishment, to decree rules of behaviour, (b) other associations because of their being voluntary in nature can enforce social discipline, expect voluntary obedience of its conventions and rules and only in the last resort may expel a deviant member. The state is an association like other associations in the sense that it is a union of human beings that would act as partners to realise the common purpose. However, it is an association with a difference, for it can exercise an all-embracing compulsory jurisdiction within a given territory and is in position to act competently as an umpire to decide between conflicting claims, whether that of individuals or of associations. Michael Walzer characterised the state as a primary association. A people who constitute a nation may differ in religion, race, language and ethnic composition but share the same political system. When people identify with others who live within the state they constitute a nation. Nationalism supplied the reasons for people to set aside the internal divisions within a state, a process that has been going on since the sixteenth century. A state can exist as a juridical entity while a nation needs emotional props.

Aims and Objectives

After reading this Unit, you would be able to understand

- The nature and scope of the concept of civil society
- The Hegelian concept of state
- The meaning of pluralist state and the debates.

5.2 CIVIL SOCIETY: NATURE AND SCOPE

In the works of some of the important political thinkers since the seventeenth century a distinction is made between state and civil society. Hobbes, Locke and Hegel are among those who maintain that civil society is the organised society over which the state pervades. However, such a distinction is not seen as being valid as the state is itself part of the society. Civil society is the framework within economic relationships, family and kinship structures, religious, cultural and educational institutions exist.

Till the mid seventeenth century civil society was used synonymously with the state. Aristotle's *politike koinonia* refers to an ethical-political community of free and equal citizens in ruling and being ruled under a legally defined system of public procedures and shared values. It was between 1750 and 1850 that the term became an important concept in the works of political theorists. The notion originated with the rise of liberalism in an attempt to undermine absolutism in authority and to identify and establish the limits of political authority. The disintegration of the feudal societies and the Protestant Reformation within the Catholic Church brought about the distinction between the political community and the spiritual one. While Hobbes maintains that the state and civil society are identical it is Locke, who reiterates Aristotle and points out to the distinctiveness of the political community from an extended family and that political rule is not paternal. Both Hobbes and Locke interchange features of the existing civil society back into the state of nature in order to demonstrate the natural and rational grounds for establishing a social contract between the individual and a political authority.

In the aftermath of the Industrial and the French Revolutions, the civil society emerged as a network of interaction and exchange formed by individuals exercising the right to pursue the satisfaction of their particular needs in their own way. Montesquieu points out that the advantages of peace and prosperity accrued by commercialism would negate the risks of war and military exploits. Montesquieu's view is reiterated by Hume, Smith, Ferguson and Millar but also add that not only material desire for exchange but also contract which requires trust and justice shape civil society. The Scottish Enlightenment Thinkers break away from the traditional conception of the economy and the political idea of civil society, as adhered to by the social contract thinkers and view civil society as the expanding material sphere of trade and manufacture. The economy is no longer limited but that would expand and benefit from trade and exchange, extension of the division of labour and the market, an idea found in its embryonic form in the writings of Marsilius of Padua.

Ferguson's *An Essay on the History of Civil Society* (1767), a leading figure within the Scottish Enlightenment provides the most in-depth analysis of civil society. He considers the civil society not as a sphere of life that is distinct from the state but one that is identical with it. A civil society by means of regular government, the rule of law and strong military defences protects the commercial arts, cultural achievements and a sense of public spirit. Paine provides the next phase of defining civil society seeing as essential to restrict state power. Civil society is unqualified good while the state is a necessary evil. The basis of civil society is common interest that is more powerful than the positive law enacted and administered by governments. According to Tocqueville, the civil society acts as a countervailing force to the despotic power of the state, a problem that confronts modern nations. It is within civil society that citizens learn about their rights and obligations, push forward their claims and become conscious about claims of others, and also learn their interdependence with one another which makes them cooperative and less

selfish, narrow and private, all of which help in consolidating the democratic revolution. He considers the right of association within the civil society as an inalienable right. A self organising and pluralistic civil society that is independent of the state is extremely crucial for democracy. Tocqueville has a three part model that differentiates, although unsystematically between a civil society of economic and cultural associations and publics, a political society of local, provincial and national assemblies and the administrative apparatus of the state.

It is in Hegel's writings that the notion of civil society finds extensive analysis. He stresses that the state proper and the civil society are two different things. Civil society embodies a 'system of needs' and totality of private individuals. With gradual freeing of the Third Estate, the civil society came to be regarded as bourgeois society; a society of private, free and equal individuals with property but without the domination of one group by another. Civil society, for Hegel, represents conflict of interests that can be resolved only by the state representing all interests of society. The Young Hegelians and Karl Heinrich Marx (1818-83) criticise this relationship between the state and civil society. In writings such as *On the Jewish Question*, *Contribution to the Critique of Hegel's Philosophy of Right: Introduction* and *Economic and Philosophical Manuscripts*, Marx uses the term civil society to make a critique of Hegel and German Idealism. The term disappears in the later writings. For Marx, the civil society is the site of crass materialism, of modern property relations, the struggle of each against all, and egotism. Civil society, he stresses, arises from the destruction of medieval society. In the medieval society, the individual was part of different societies, such as guilds or estates, each of which had a political role and hence there was no need for a civil realm. With the breakdown of these partial societies, individual becomes all important thus giving an impetus to the rise of civil society. The old bonds were replaced by selfish needs of atomistic individuals, distinct and separate from one another and from the community. Law provides the links between individuals but it arises not from human will and dominates them by the threat of punishment. The fragmented and conflicting nature of civil society determines the nature of the modern state.

Antonio Gramsci (1871-1937) writes extensively on civil society and uses the term in a manner different from that of Marx. It is not simply a sphere of individual needs but of organisations that has the potential for rational self regulation and freedom. While Marx stresses the separation between the state and civil society, for Gramsci, the two are inter-related. Civil society consists of private institutions like schools, churches, clubs, journals and parties which are instrumental in crystallising social and political consciousness and political society consists of public institutions like the government, courts, police and the army, the instruments of direct domination. It is in the civil society that the intellectuals play an important role by creating hegemony. If hegemony is successfully created by intellectuals then the ruling class rules by controlling the apparatus of civil society and if they fail then the rule is through coercion. Unlike Marx who places total emphasis on economic relations for Gramsci it is the superstructure that is important. The hegemony of the dominant class is exercised through the civil society, culturally and not through coercion. But this hegemony of the civil society does not exist equally in all societies. Writing about the former USSR, Gramsci observes "in Russia, the state was everything, civil society was primordial and galantines; in the West, there was a proper relationship between state and civil society, and when the state trembled a sturdy structure of civil society was at once revealed. The state was only an outer ditch, behind which there stood a powerful system of fortresses and earth works".

The concept of civil society reappears in the neo-Marxist critics- Kolakowski, Mlynar, Vajda, Michnik, Habermas, Lefort, Touraine, Bobbio, Weffort, Cardoso, and O'Donnell of socialist authoritarianism locating the conceptual origins of communist totalitarianism in the young Marx's demand to overcome the distinction between the state and civil society. The separation of civil society from the state makes a decisive break from the Graeco-Roman conception that regards civil society as bound up with the state. The unity between the particular and the general in Hegel's account of civil society and state is also rejected by August Marie Francois Comte (1798-1957), seeking to establish a separate discipline of sociology as positive science of society. Sociology analyses social dynamics and social static with the first deliberating on general law of social development and the second, on the 'anatomy' of society and the mutual interaction between its constituents. Comte's view of interconnectedness of elements of the social system anticipates functionalism.

5.3 THE HEGELIAN STATE

The nature of the modern state is described and analysed by Hegel in detail. The state, for him, represents universal altruism synthesising dialectically the elements within the family and the civil society. It functions in a manner that the interests of everyone are furthered and enhanced. It represents the universal tendencies within the civil society, thus giving rise to the notion of citizenship. It is 'absolutely rational' with a 'substantive will' and realises itself through history and is, therefore, eternal. Hegel perceives the state as an end in itself; it is Mind realising itself through history. He emphasises the public nature of the state, but does not distinguish between the private and the public spheres. The indispensability of the state is demonstrated by the fact that the individual qualities and potentialities of good life can be realised only through the state. It is divine will, 'in the sense that it is mind present on earth, unfolding itself to be the actual shape and organization of a world'. It is the most sublime of all human institutions, the final culmination which embodies both mind and spirit deriving its strength from a synthesis of the individual interest with that of the state. If there is a conflict between the two, the citizen would identify with those of the state rather than pursue one's own interests. The state is the individual writ large.

Hegel examines the different components of the state, namely, the rule of law, the monarchy and the bureaucracy. The law is not merely a code but one that reflects ethical values which governs cultural life. The bureaucracy is the universal class and its importance is because of its commitment to impartiality. Its distinctiveness lies in the fact that it supervises the entire societal apparatus which Hegel calls public business. The bureaucracy and mechanisms of free institutions enable the constitutional state to retain its independence. The Monarchy for Hegel is a functional requirement of the modern constitution based on separation and division of powers. He goes to the extent of saying that the division of power guarantees freedom. Hegel differentiates between the doctrine of the separation of powers from his own innovative theory of inward differentiation of constitutional powers, dismissing the former as a false doctrine as it supports total autonomy and independence of each functioning category. Hegel considers the state as a supreme community because of its comprehensive membership and competence as compared to other associations. It is not only physically supreme but also morally preeminent among the social institutions. It is necessarily right and its opinion will prevail when there is a conflict between its opinion and that of a citizen.

5.4 THE PLURALIST STATE

A Pluralist state is based on the idea that the state has to serve the divergent and at times conflicting interests in society. Rejecting the notion of common good within the classical and liberal theory, as there is rarely an agreement among individuals and groups among ends and even if there is one, there will be disagreements about the means to be employed for the realisation of a given end. In modern societies that are economically and culturally diverse there are bound to be different notions of common good. Citizens are rarely informed or interested in political issues except for those that affect them directly and economically. Within this critique Schumpeter comes up with an alternative model of how the modern democratic capitalist state does and should function. Reversing the notion of the classical theory that power resides in the people who chose their representatives to represent their interests- the general will, Schumpeter makes the deciding of issues by the electorate secondary to the election of representatives who are to do the deciding. The electorate is left with the power to decide which set of leaders it wishes to have and carry out the decision-making process. Schumpeter compares the power of vote to that of money in the market.

Dahl argues further that even though elections rarely reflect the will of the majority they are 'crucial process for insuring that political leaders will be somewhat responsive to the preferences of some ordinary citizens. Power still resides in the voters even though this power is not expressed as majority versus minority 'will'; rather each issue calls forth those voters interested enough in the issue to vote for the politician on the basis of that issue. Political parties translate the diverse political demands and help in forming stable governments which equilibrates demand and supply. Both Schumpeter and Dahl argue that individuals function through multiplicity of groups. Dahl points out that power is distributed and shared by many groups in society representing diverse interests and they defend their particular interests through government, creating a proclivity towards 'competitive equilibrium' that benefits the citizens in the long run. Citizens exert control over leaders through regular elections and political competition among groups, parties and individuals. The rule by a series of minorities, called as polyarchy function within the boundaries stipulated by consensus with none being able to dominate but all having a space for their manoeuvre and bargaining. This emphasis on consensus is in contrast to Schumpeter's view of democratic politics, as managed ultimately by competing elites. The competition among groups is the safeguard of democracy, as the latter does not establish the sovereignty of the majority but a rule by 'multiple minority oppositions'. The more is the presence of competing interest groups, the more secure is democracy.

Marcuse is critical of the democratic pluralist defence of advanced capitalism. He points out that though it is generally conceded that the welfare state has lessened inequalities to a considerable degree by improving standards of the poorer sections, it is acknowledged that far from any indication of the withering away of classes it continues with in-built cleavages giving considerable validity to the Marxist analysis of these societies.

Mills criticises American pluralism by arguing that far from being an independent arbiter of national interest, the state is dominated by the power elite of politicians, military and corporate bosses who shape public policy to suit their own ends. His theory involves a three level gradation of the distribution of power with the executive branch of the national government at the top followed by large business corporations and the military establishment controlling political power, means of production and death, respectively reinforcing

Eisenhower's conception of the military-industrial complex. At the bottom exist the politically fragmented masses (1956, pp.167-68). He tries to distinguish his position from that of what he terms as 'simple Marxian view' that holds economic elite to be the real holders of power and therefore uses the term power elite rather than the 'ruling class' for that implies too much economic determinism (1956, pp.276-77). He also asserts that his analysis is compatible with the Marxist view. Furthermore, he also maintains that the political, military and economic elites are considerably autonomous, often in conflict and rarely act in unity. Miliband thinks that there is no room for debate about details in Mills' account but the background thesis is reasonably satisfactory. Dahl criticises the analysis on the grounds of insufficient data. He notes that a theory, which cannot be converted to empirical evidence, could not claim to be a scientific theory. The burden of such a proof has to be provided by the theorist and not by his critics. Parsons praises the copious data of Mills and agrees that Mills has put it to good use but rejects Mills' claim, as the data is not enough for sufficient empirical grounding. He argues that Mills ignored two very important developments: first, the dynamics of a maturing industrial society; and second the altered position of the United States in the world in the context of the relative decline of Western Europe, rise of the Soviet power and independence of colonies. Sweezy finds the greatest merit in the book in its graphic description of those who ruled America. He considered it to be an authentic voice of American radicalism. However, he also criticises Mills for blurring class relationships in the light of the dynamics of the class system in areas of the process of co-option and the loss of high-class status. In short, even the admirers on the left like Miliband and Sweezy did not consider Mills' account to be rigorously worked out and empirically verifiable thesis of power in contemporary United States.

5.5 DEBATE ON ADVANCED CAPITALIST STATE

Gramsci rightly points out that an advanced state rules by perfecting the ideological apparatus rather than through repressive measures like force and terror. The state consists of two elements: (1) the coercive apparatus comprising of the police, army and judiciary that uphold the authority of the ruling class through force and (2) the other includes various institutions of civil society such as media, church, schools, clubs, parties and trade unions, the instruments of hegemony, the means by which the ruling class secures spontaneous adherence of the rest of the society to comply to its rule. Hegemony allows a ruling group to hold on to power long after it has ceased to be the dominant class. For Gramsci, the tenacity and strength of societal forces within advanced capitalism make it possible for the capitalist class to assert its hegemony. In the process it renders a genuine communist revolution as a virtual impossibility unless carried out in the Leninist manner.

The democratic pluralist view provides the most popular defence of advanced capitalism as a viable and relatively just system. Its major emphasis is that within advanced capitalism there is equality of opportunity, for most, if not all the people, and because of this crucial factor, the concepts of a ruling class, power elite and class politics are largely irrelevant. In these systems 'all the active and legitimate groups in the population can make themselves heard at some crucial stage in the process of decision' (Dahl, 1965, pp.137-38). Since 'the fundamental political problems of the industrial and political citizenship have been solved, conservatives have accepted the welfare state; and the democratic left has recognized that an increase in overall state power carries with it more dangers to freedom than solution to economic problems' (Lipset, 1963, p.443). This

theory of classlessness within advanced capitalism has obvious limitations. Though it is generally conceded that the welfare state has lessened inequalities to a considerable degree by improving living standards of the poorer sections, it is acknowledged that far from any indication of withering away of classes, it continues with inbuilt cleavages. In other words, the Marxist analysis of these societies still retains validity to a very considerable degree.

In recent times, one of the most penetrating class analyses of the welfare state has emerged in the writings of Ralph Miliband, who in his *The State in Capitalist Society* (1969) makes a detailed critique of the pluralist view by asserting the superiority of the Marxist analysis. He begins by examining the concepts of ruling class or the power elite, which the pluralists totally ignore. Advanced capitalist countries are highly industrialised and a large portion of their activity is under private ownership and control. Miliband points out that there is state intervention, of varying degrees, in the economic life. Their economic base is identical, resulting in notable similarities within their social structure and class distribution. A relatively small number of people continue to own a very large and disproportionate share of wealth deriving their incomes from ownership. This class is the ruling class in the Marxist sense. Despite 'all the instances of growing or achieved 'classlessness' . . . the proletarian condition remains a hard and basic fact in these societies, in the work process, in the levels of income, in opportunities or the lack of them, in the whole social definition of existence' (Miliband, 1969, p.16). These affluent societies also carry with them large sections of people who live in misery. Managerial capitalism is not a selfless neutral institution but maintained definite class interests. They appeared social in character but exist largely for private purposes. The social origins of this managerial class are similar to people with large incomes and ownership of property. The elite recruitment is mostly hereditary. Education is very important to rise in the ladder, though the elite institutions are usually accessible to upper and middle classes. The working class students do not get better jobs. The differences among the dominant classes are confined within a given ideological framework. The property owners control the state system. For instance, a very small percentage of the American army officers come from the working class background. It is the same case in Sweden and Japan. The main purpose of the government is to further the interests of capitalism for it, 'genuinely believed in the virtues of capitalism, and . . . have accepted it as far superior to any possible alternative economic and social system' (Ibid, p.70). Contrary to the general belief, the higher civil service is also not neutral. The military maintains close relationships with large-scale business houses. The government appoints judges who in turn appoint conservative judges. All these factors combine to create an imperfect competition. In different ways this process is legitimised. For instance, the bourgeois political parties are in a position to spend more money than the working class ones. Miliband also points out that the most significant political fact of advanced capitalism 'is the continued existence in them of private and ever more concentrated economic power. As a result of that power, the owners and controllers in whose hands it lies, enjoy a massive preponderance in society, in the political system, and in the determination of the state's policies and actions' (Ibid, p.265). The basic fact in these societies is that unequal economic power produces unequal political power.

Miliband's instrumentalist view argues that the capitalists use the state as a means for domination in society. The Structuralists like Althusser (1969) stress the ideological and structural mechanisms that help the ruling class maintain itself in power using both force

and consent. Elaborating on Althusser's basic formulations, Poulantaz (1973) relates it to the major function of capitalism, namely the reproduction of the capitalist society in its totality. The state, along with maintaining the political interest of the ruling class, also performs the functions of ensuring cohesion and equilibrium in society in a manner that blurs class divisions. As a result, social relations appear competitive and individual based. Any notion of class and class struggle disappears in that situation. The competitive party system concealed the contradictions, factions and disunity. It does not allow hegemony of any particular class, including the bourgeoisie. Since the state is not the instrument, as Miliband assumes, of a dominant class, it is a relatively autonomous and a stabilising factor. The Structuralist view, like the instrumentalist one, does not deal with the mechanism of change or the essential reasons for the continuance of the capitalist state, in spite of its irrationality. Marcuse provides an answer to this by accepting the fact of inequalities in advanced capitalism and its irrationalities and yet he concludes that there is no probable escape from it because there is some rationality in these irrationalities which are cherished and valued by all, irrespective of class and status. One of these is the prevailing false consciousness in an overwhelming number which allows disguised violence of the state to continue making the state look legitimate to the majority of the people. But even in this capitalistic order, there are a small number of people constituting the intellectuals, students, the unemployed and the unemployable who keep the torch of dissent and thereby the critical dimension alive within the civil society.

5.6 SUMMARY

Daniel Bell raised a pertinent question with regard to the modern state when he observed that the modern state is too big for small problems and too small for big problems indicating to the fragmentation of politics both within and outside the state. Not only has this led to a situation of more federalising tendencies within the state but also the challenges posed by the global civil society. The state as an all powerful leviathan is a thing of the past as it has to contend with plurality of associations within the civil society. Such associations may not always be critical of the state but instead represent manifold and diverse individual interests.

The concept of state lies at the centre of any meaningful political theorising but there is no unanimity about its meaning, content and definition. It is because of such contesting notions about the state, in the heyday of the behavioural revolution in the 1960s, that David Easton substituted the word system for the state. Most often the state is understood as what it is not. A state is not government as governments change periodically and many times frequently but the state is permanent. A state is distinguished by political theorists from civil society which refers to the whole gamut of organised and permanent institutions and behavioural practices like the economy, churches, religious institutions, schools and centres of higher learning, and cultural centres, places of ordinary day to day activity of the average citizen. According to Weber, a state refers to a fixed political system and an organised community that exercises authority legitimately and authoritatively. The state as an all powerful leviathan is a thing of the past as it has to contend with plurality of associations within the civil society. Such associations may not always be critical of the state but instead represent manifold and diverse individual interests.

5.7 TERMINAL QUESTIONS

1. What is the relationship between the state and civil society in Hegel's theory?
2. Explain the notion of civil society.
3. What are the different theories on the modern state?

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