

Civil Society Between Actual Practice and Imposed Constraints

المجتمع المدني بين الممارسة الفعلية والقيود المفروضة

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Abstract:

This study aims to explore the actual practices of civil society organizations (CSOs), whose efficacy is theoretically derived from their autonomy in decision-making, stances, and orientations. Conversely, their capacity stems from their ability to assert their viewpoints and attempt to alter trajectories deemed incompatible with sociopolitical, economic, cultural, and societal interests. However, the practical operations of these non-governmental organizations (NGOs) are often subjected to constraints and conditions that may hinder their functions and dilute their substantive role. Consequently, this study seeks to highlight the realities of civil society and the constraints imposed upon it in the Arab world, with a specific focus on Algeria. The findings reveal that, despite the presence and prominence of civil society as NGOs engaged in diverse activities and roles, their impact remains limited and circumscribed by systemic barriers that obstruct the expansion of their initiatives.

Keywords: Civil society; Associations; Actual practice; Imposed constraints; Autonomy.

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Problematic:

Civil society is recognized as one of the most essential social institutions due to its ability to drive political, social, and economic transformations. Civil society organizations (CSOs), as non-governmental entities, are responsible for oversight and service provision across various domains, addressing public welfare gaps through associations and organizations active in the public sphere. However, this characterization is primarily applicable to Western contexts, where CSOs exert considerable influence and possess the agency to assert sociopolitical, economic, and cultural decisions, largely unencumbered by minimal and depoliticized state intervention.

A crucial factor that enhances the autonomy of CSOs in these contexts is their financial independence, which allows them greater operational freedom, amplifies their activism, and reinforces their role in addressing societal needs. This independence enables individuals to rely on these institutions for the resolution of communal and personal matters. In contrast, the empirical reality of civil society in the Arab world reveals a stark disparity. Despite the exponential increase in the number of CSOs across the Arab region, particularly in North African countries such as Algeria, which ranks first in the proliferation of civil society entities, followed by Tunisia, Morocco, and Lebanon, their substantive impact remains minimal and largely invisible.

Quantitative metrics do not necessarily reflect operational realities. Many Arab CSOs lack financial autonomy, remaining dependent on the state and politicized in their activities and decision-making processes. This situation undermines their credibility, diminishes their role in advancing local development, and obstructs their ability to project legitimacy to international observers and global human rights organizations. This study aims to critically examine the operational realities of civil society institutions in the Arab world and the systemic constraints imposed upon. This study seeks to highlight the actual reality of civil society organizations in the Arab world and the restrictions imposed on them by addressing the following main research question:

What is the actual reality of civil society, and what are the restrictions imposed on it?

Firstly - Objectives of the Study:

Through this study, we aim to achieve the following points:

- Understanding the reality of civil society and the restrictions imposed on it.
- Identifying the general problems faced by these organizations and the key actors involved.
- Exploring the prevailing concept of "civil society" in Arab thought.
- Examining the reality of civil society organizations in Algeria.
- Identifying the restrictions imposed on civil society organizations and their impact on their social role

Secondly - Conceptual Framework

1-Civil Society

The concept of civil society, frequently linked to Western intellectual traditions, has undergone significant evolution, resulting in a variety of interpretations whose contextual significance shifts across historical periods in response to emerging societal needs.

The classical school defines civil society as a relational dynamic between two fundamental poles: society and politics. This interplay is rooted in historical struggles over natural rights and the development of social contract theories, positioning civil society as both a source of state legitimacy and an indicator of societal progress (Bishara, 1998, p. 63).

In contrast, Hegel offers a distinct perspective, conceptualizing civil society as the ethical and social sphere that exists between the family and the state. He contends that civil society arises "after" the establishment of the state and comprises individuals driven by self-interest in their pursuit of material needs. For Hegel, civil society represents a domain characterized by necessity and individualism, which perpetually requires state oversight to mitigate its inherent contradictions (Piutti, 1975, p. 185).

2- Actual Practice

Actual practice refers to "methods of operation" or "prescribed modes of action". It encompasses activities, processes, functions, standardized protocols, and guidelines (Al-Ma'any Dictionary, n.d.) .

Within sociological discourse, actual practice denotes the collective actions and initiatives undertaken by individuals within a society. These span multiple domains of cooperation and knowledge exchange, aimed at reinforcing collaborative values and contributing to societal advancement (Nazim & Mukherjee, 2016)

3- Imposed Constraints

Constraints, derived from the Arabic Qaeda (to restrict or confine), signify systemic barriers or externally imposed obstacles. These are often enacted by individuals or governments through legally sanctioned mechanisms to assert authority. While framed as legitimate, such constraints may perpetuate social inequality, primarily serving to curtail freedoms or specific activities whether for ostensibly legitimate or illicit purposes (Al-Ma'any Dictionary, n.d.) .

Institutionalized constraints thus function as tools of control, operating within power structures to limit civil society's autonomy and efficacy, often under the guise of legal or political necessity .

Thirdly - Civil Society in Contemporary Arab Thought

Despite the pervasive use of the term "civil society" in Arab intellectual discourse, its theoretical grounding remains underdeveloped. Arab societies exhibit divergent adaptations of the concept, reflecting broader challenges in achieving consensus—a common issue in political and social debates across the Arab world. This lack of coherence stems from imprecise definitions and the fluidity of meanings ascribed to key terminologies (Ghalioun, p. 684) .

This conceptual ambiguity has resulted in fragmented interpretations of civil society. Some scholars describe civil society as a network of private social institutions that counterbalance the state and its public apparatuses (Ben Said Al-Alawi, 1989, p. 171). Others define it as a constellation of voluntary, self-organized associations that occupy the public sphere between family and state. These entities, distinct from kinship-based or compulsory state institutions, emerge to advance members' interests, provide public services, or engage in various humanitarian activities, operating under principles of mutual respect, consent, tolerance, participation, and equitable management of diversity (Abu Sawwaf Usajat, 2000, p. 19).

In contemporary Arab thought, the concept of civil society is a contested issue where political, social, and cultural dimensions intersect, with significant divergences in approaches among Arab intellectuals, rooted in historical and ideological contexts. This concept has continually evolved in response to transformations across the Arab world since the mid-20th century, encompassing post-colonial liberation, the rise of authoritarian nation-states, and the post-Arab Spring era. Below is a detailed overview of key theoretical propositions:

Burhan Ghalioun argues that civil society is not merely a replica of Western models but a space for embodying a "new social contract" between the state and society, especially in light of the legitimacy crises affecting Arab regimes. In contrast, Ali Oumlil attributes the absence of a robust civil society in the post-colonial period to the dominance of national states that suppressed independent actors, such as unions and religious associations, under the guise of a "National unity" discourse.

Azmi Bishara contends that civil society organizations (CSOs) are sometimes used as tools to legitimize authoritarian regimes through performative "cosmetic modernization" projects, often lacking genuine autonomy. Conversely, Mohammed Abed Al-Jabri posits that civil society could serve as a catalyst for democratic reform if liberated from the paternalistic hegemony of the state and grounded in a civic culture focused on citizenship and dialogue. Mohammed Arkoun critiques the concept's embeddedness within a secular Western framework, raising questions about its applicability to societies dominated by religious references and tribal solidarities.

Empirical case studies indicate that many CSOs face "dual dependency": they are subordinated to the state through restrictive legislation while also relying on foreign donors who impose agendas misaligned with local priorities. This dynamic underscores the tension between external influence and grassroots agency.

Despite these divergent perspectives, most Arab scholars agree that civil society is not a neutral entity but a battleground for competing projects of emancipation and hegemony. Its revitalization requires legislative reform and a departure from imported liberal paradigms toward approaches that reconcile cultural specificity with a balance between individual and collective rights. In this context, proposals such as

Hichem Djaït's "participatory civil society" model, which integrates marginalized voices into policy-making, emerge as critical pathways forward

Fourthly -Genesis and Evolution of Civil Society

The concept of civil society first emerged in ancient Greek thought, where Aristotle characterized it as a "political collective governed by laws," conflating the state and civil society. In early European political philosophy, the state was synonymous with a civil society, comprising citizens who recognized and adhered to its legal framework .

The concept evolved significantly in the 18th century alongside the consolidation of capitalist production relations, which necessitated a distinction between the state and civil society. This period emphasized the decentralization of political power and positioned associational movements as vital safeguards against authoritarianism. By the late 18th century, Western political thought affirmed the need to curtail state dominance in favor of civil society's self-governance, relegating the state to minimal administrative roles .

The 19th century marked a second transformation, with Karl Marx redefining civil society as the arena of class struggle. In the 20th century, Antonio Gramsci reconceptualized the term within a novel framework, arguing that civil society was not merely an economic battleground but a site of ideological contestation. Gramsci distinguished between "political domination" (coercive state power) and "ideological hegemony" (the cultural and moral leadership exercised through civil society institutions) .

Fifthly -Civil Society in the Context of Capitalist Development and Arab Sociopolitical Realities

With the maturation of capitalist relations in 17th- and 18th-century Europe, societies became stratified into classes with divergent or conflicting interests, intensifying class struggle. To manage and contain this conflict while safeguarding capitalist interests and societal stability, European capitalism developed two mechanisms :

-Direct Control: Exercised through the state apparatus .

-Ideological and Cultural Hegemony: Facilitated by non-governmental social organizations where individuals engage in voluntary activities to address sectoral and societal issues, thereby improving cultural, economic, and living conditions .

The significance of the second mechanism lies in its ability to secure compliance with capitalist values across social strata. By encouraging voluntary participation within the system's ideological framework, the dominant capitalist class effectively manages societal conflict, reinforcing the foundations of capitalist ideology .

This historical evolution produced three interrelated yet distinct concepts :

-Society: The overarching framework organizing human relations within a specific socioeconomic structure, evolving through interclass interactions and conflicts .

-Political Society: The domain of the state, comprising governmental institutions, political parties, and organizations seeking to influence or control state power .

-Civil Society: Constituted by individuals and informal entities active in educational, economic, familial, health, cultural, and charitable spheres .

Civil society encompasses what sociology terms "secondary institutions" voluntary associations, labor unions, professional syndicates, business chambers, and similar entities. Advocating for civil society entails empowering these grassroots organizations to assume greater responsibility in societal governance, fostering self-regulation. Notably excluded from this definition are "primary social institutions" such as family, tribe, clan, and ethno-religious sects, as well as governmental bodies. Civil society thus operates within the realm of non-governmental, voluntary organizations .

Crucially, civil society and the state are not diametrically opposed, but functionally interdependent. A robust civil society cannot thrive under a weak state; rather, their relationship hinges on role differentiation, not total separation. While political parties are excluded from civil society's formal definition, they occupy an interstitial space between civil and political societies. As vanguards of social forces seeking state power, parties often mobilize within civil society, illustrating overlapping spheres of influence .

Contrary to misconceptions in the Arab world, civil society is not reducible to recently established NGOs operating under globalized, externally funded agendas. Historically, Arab civil society has included grassroots and mass organizations—such as 19th-century charitable associations, early 20th-century labor unions, and cooperatives—long predating contemporary neoliberal frameworks .

By definition, civil society constitutes an intricate web of relations between individuals and between individuals and the state. These relations are grounded in mutual interests, contractual agreements, rights, duties, and the accountability of state power. Operationally, this network materializes through voluntary social, economic, cultural, and rights-based institutions, forming the foundation of state legitimacy and a mechanism for holding the state accountable (Khalil, 2000, p. 12).

Sixthly -The Significance of Civil Society

The significance of civil society and the maturation of its institutions lie in their capacity to organize and activate public participation in shaping societal destinies, challenging policies that exacerbate poverty, and fostering a culture of self-initiative, institutional development, and civic empowerment. Civil society enhances the status of citizens, emphasizes their agency in historical action, and engages them in transformative change, ensuring that significant societal shifts are not monopolized by ruling elites (Thabet, 1999, p. 20).

In the Arab world, civil society serves as a critical pillar for promoting civic participation and addressing shared challenges arising from authoritarian regimes and rentier economies. In the context of weak formal democratic institutions, civil society

organizations (CSOs) provide alternative spaces for empowering marginalized groups—such as youth and women—and advocating for fundamental rights, particularly in areas like individual freedoms, social justice, and environmental protection. These organizations also play a vital role in monitoring state abuses of power and fostering dialogue on constitutional reforms, especially in post-Arab Spring states, where ruling elites have sought to co-opt popular demands through performative reformist rhetoric. However, CSOs face significant challenges, including restrictive legislation (such as counterterrorism laws and foreign funding bans), security-related stigmatization, and donor dependency, all of which undermine their ability to evolve into independent pressure entities.

In Algeria, civil society assumes exceptional significance as a key actor in the contemporary sociopolitical landscape, particularly following the 2019 Hirak movement, which highlighted the failure of traditional political parties to represent popular aspirations. Independent associations and unions played a pivotal role in organizing peaceful protests and articulating a counter-discourse on rights that resonated with youth demands for justice and dignity. These organizations also address gaps left by the state's withdrawal from public service provision, particularly in education and healthcare, especially in marginalized regions. Yet, they remain constrained by structural barriers, such as Law 12-06, which subjects the establishment of associations to stringent security oversight, and their exclusion from decision-making processes, hindering their transformation into genuine partners in reform. Despite these challenges, Algerian CSOs function as laboratories for cultivating a participatory democratic culture, potentially laying the groundwork for a redefined equilibrium between state and society in the post-"old regime" era.

Seventhly. Components of Civil Society

According to this definition, civil society institutions encompass any organized communal entity characterized by structured membership that aligns with a public purpose, profession, or voluntary action, explicitly excluding hereditary or blood-based affiliations. The key components include:

- Professional and Labor Unions: Organizations that advocate for the interests of workers and professionals.
- Social Movements, Cooperatives, and Civic Associations: Groups mobilizing for various social causes and community initiatives.
- Academic Institutions and Clubs: Entities fostering intellectual engagement, such as universities, sports clubs, youth centers, and student unions.
- Chambers of Commerce and Industry: Organizations that promote business interests and entrepreneurship.
- Advocacy and Developmental NGOs: Groups dedicated to human rights, women's rights, environmental issues, and developmental initiatives.
- Independent Media: Organizations involved in journalism, publishing, research, and cultural activities.

Some scholars also include traditional institutions, such as Sufi orders (turuq) and "waqf" endowments, which historically supported civil society in Arab societies long before the emergence of modern organizations.

Eighthly- The State of Civil Society in the Arab World

Arab interpretations of the European model of civil society have not fully aligned with regional realities. Despite the growing discourse surrounding civil society in the Arab world, it remains largely unable to assert its will, influence state decisions, or operate independently contrasting sharply with developments observed in Western and Eastern Europe, East Asia, and Latin America.

The Arab region exhibits significant disparities in the presence of civil society, as well as in the diversity, efficacy, and policy influence of its activities. Although nominally independent NGOs exist in various parts of the Maghreb and Gulf states, their impact is highly variable, with most constrained by state dominance. Political parties and forces outside state structures play limited roles, reflecting a restricted space for civic freedoms compared to global norms. State power largely remains unaccountable and non-participatory; however, some countries, such as those in North Africa, Egypt, and Lebanon, exhibit relative flexibility, contrasting sharply with the more restrictive environments prevalent in the Gulf (Baqir al-Najjar, 2004, pp. 55–56).

Ninthly -The Reality of Civil Society Organizations in Algeria

Following Algeria's independence in 1962 after a protracted war, the 1990s witnessed a violent conflict between the state and Islamist insurgents. Under emergency laws and directives, constitutional rights related to civic freedoms were severely restricted (Maurice & Rouchmaoui, 2007, pp. 16–17). However, emerging from this turbulent phase, Algeria now ranks first in the Arab world in the number of civil society organizations (CSOs), with approximately 136,000 registered associations as of December 31, 2022. These include 33,444 provincial associations and 101,439 municipal associations, including neighborhood committees (National Observatory for Civil Society, marsad.dz). This position Algeria ahead of Morocco (30,000 associations), Egypt (16,000), Tunisia (7,560) underscoring North Africa's prominence in civil society proliferation (Baqir Al-Najjar, 2004, pp. 55–56) .

The concept of civil society entered Algeria's political landscape in the latter half of the 20th century, shaped by the sociopolitical and intellectual dynamics of its historical context. The adoption of the February 23, 1989 Constitution—Algeria's first post-political pluralism constitution—marked a turning point. Article 33 guarantees individual and collective freedoms, including the defense of human rights, while Article 41 explicitly enshrines freedom of expression, association, and assembly. These provisions theoretically created a legal framework for CSOs operate .

Tenthly - Constraints Imposed on Civil Society Institutions and Their Social Impact

Civil society organizations in Arab states, including Algeria, face systemic challenges that hinder their ability to fulfill their social roles. Restrictive state policies

often render their presence and efficacy negligible, particularly in countries imposing stringent controls. Key constraints include :

-Bureaucratic Barriers: CSOs must seek state approval for registration and permits to hold gatherings, with requests frequently rejected arbitrarily. Laws lack transparent criteria for approving or denying such requests .

-Arbitrary Suspension: States routinely disrupt CSO activities without legal justification, particularly targeting human rights organizations under the pretext of “political activity ”.

-Judicial Harassment: Activists and organizations face unfounded prosecutions, especially when addressing sensitive issues like human rights (Karim Al-Bayar, 2005, p. 115) .

These restrictions undermine CSOs’ capacity to advocate for social justice, monitor state actions, or contribute to local development. In Algeria, despite the numerical proliferation of associations, many operate under de facto state oversight, limiting their autonomy and relegating them to superficial roles .

Funding and Structural Constraints on Civil Society Organizations

Civil society organizations (CSOs) in Arab states often lack the institutional capacity to secure sustainable funding through their activities. Many rely on private sector donations, traditional charitable mechanisms (e.g., Mosques, churches, "zakat", and alms-giving), or state subsidies. This financial dependency renders them subservient to state agendas and vulnerable to arbitrary decisions. Restrictions on foreign funding—justified by states as counterterrorism measures further exacerbate their fiscal challenges. For instance, U.S.-designated “terrorist” entities, including Palestinian NGOs and other CSOs, face blanket prohibitions on support, effectively criminalizing solidarity under the guise of global security norms (Maurice Rouchmaoui, 2007, pp. 16–17) .

-Unions and Associational Freedoms

Labor unions and professional associations remain heavily constrained across the region. Despite periodic legal reforms ostensibly enabling their establishment, genuine associational freedoms are curtailed through bureaucratic obstruction and de facto bans. Even where unions exist, their operations are tightly monitored, stifling collective bargaining and worker advocacy .

These systemic barriers, financial precarity, state interference, and restrictive legal frameworks—collectively weaken CSOs’ social impact, reducing them to token actors rather than transformative forces. Scholars argue that revitalizing Arab civil society requires :

-Financial and Administrative Autonomy: Reducing reliance on state funding to minimize political coercion .

-Depoliticized Pragmatism: Prioritizing tangible solutions to social issues (e.g., Poverty, security) over ideological clashes with the state .

-Complementary State Engagement: Positioning CSOs as partners in governance rather than adversaries (Tawfiq & Ibrahim, 2001, pp. 698–699) .

Algeria's 1989 Constitution, particularly Article 42, formally distinguishes between associations and political parties, guaranteeing the latter's right to exist (Bouhenni & Qawi, 2011, p. 39). An observer of the Arab reality in general, Algeria particularly, can discern a form of alignment in distinguishing between civil society and community-based organizations on one hand, and in the division of labor among social forces with differing ideological and political orientations on the other. While social forces traditionally associated with the left referred to today as "democratic forces", with their modernist and secular inclinations, strongly employ the term "civil society" and dominate organizations and institutions active in the field of human rights (human rights organizations, research and study centers in the domain of social development and political participation, etc.), social forces with traditional and religiously conservative orientations are notably present in the domain of community-based organizations. These forces prefer the use of the term "community-based" (or "ahli" in Arabic), which they perceive as being more reflective of the particular realities of Arab societies.

The influence and weight of these conservative forces are particularly evident in community-based organizations with a professional character, especially those involved in service provision and social care (e.g., healthcare, education, family affairs, and the like).

A noteworthy observation regarding this distinction between social forces is that the first camp comprising leftist forces generally or what are now called democratic forces faces a fundamental problem: they often lack a broad and strong social base that would enable them to reproduce themselves. In contrast, traditional forces in their various forms (traditional conservative social forces, political Islamist movements, Salafi religious groups, etc.) enjoy a wide base of support, particularly among popular classes and newly formed middle strata (workers, students, civil servants, etc.).

Thus, one finds themselves facing a paradox: on the one hand, there are organizations and institutions that strongly adopt the term "civil society" and seek to utilize it as a counterforce to the authoritarian state characteristic of the Arab context, aiming to expand and entrench democratic practices. However, these forces lack the social base and influence necessary to achieve the desired changes in the structure and practices of power. More than that, these forces, through their ideas and practices, often appear as foreign entities implanted into the social body. In most cases, they consist of small, elite groups that are disconnected, rootless, and thus lack real strength.

On the other hand, there are traditional and conservative forces that enjoy a broad social base and wield sufficient influence to introduce desired changes to the structure and practices of power. Yet, a significant segment of these forces often refrains from engaging in political activity. In Algeria, for example, there are numerous influential religious organizations, such as "zawiya" (Sufi lodges), religious and charitable associations, that adopt this stance. As a result, the

authoritarian state and the minority elites entrenched within its structures and apparatuses, such as the military and bureaucracy, remain unchallenged by any genuine rival capable of confronting them.

If civil society is understood as encompassing all institutions and organizations that act as intermediaries between the individual, society, and the state, then it becomes imperative to pay attention to all intermediary structures, whether they be bodies, frameworks, movements, organizations, associations, or leagues, including religious organizations, political parties, and institutions dedicated to care, solidarity, and social welfare. Among these, particular attention must be given to those whose activities are local or regional in nature.

The importance of these local or partial organizations emerges despite, or perhaps because of, their limited scope. While they are often criticized for their narrow reach, this very characteristic constitutes their strength for several reasons:

1. Due to their small size and limited scope, members find opportunities to express their concerns and preoccupations in a direct and candid manner.
2. Their size allows for the establishment of direct relationships among members, which strengthens ties and fosters solidarity, away from the bureaucratic methods typical of large organizations. Moreover, they are better equipped to resist the phenomenon of oligarchic domination, which often leads to individuals feeling alienated from the organization. (Al-Ayashi Anser, 2001, p. 63)

-Recommendations:

- Reassess the role, importance, and objectives of civil society organizations and review the laws governing them by introducing legislations that align with current changes, developments, and the transformations taking place in the country and the world as a whole.

- Civil society organizations should establish goals and financial management plans that enable them to achieve financial independence. They must identify, evaluate, and monitor their funding sources to avoid financial issues with entities that could pose security threats to themselves or the state. This would prevent them from facing legal and judicial challenges, which could subject them to scrutiny and restrictions as a result of such practices.

- The state should avoid involving these organizations in political conflicts or making them a party in disputes or alignments with one side against another. Instead, it should grant them independence and freedom to choose neutrality or focus exclusively on their specific activities, especially those related to societal needs.

- The efforts should be made to lift certain restrictions imposed on civil society organizations, particularly those involved in voluntary and charitable works, as these serve as a safety valve for the state in its relationship with society. However, this does not negate the need for reasonable oversight mechanisms that comply with legal and regulatory frameworks. These mechanisms should be adjusted to reflect social, economic, and political circumstances. Applying outdated laws to new developments often complicates their role.

- The state must recognize the importance and role of civil society, both domestically and internationally, especially in light of the challenging political conditions the world is currently experiencing. It should extend support to these organizations, particularly those that demonstrate a clear intent to work towards societal advancement. This can be achieved by removing obstacles and simplifying procedures, allowing them to pursue higher and more ambitious goals, especially in light of the rapid and alarming technological advancements. These organizations can serve as a protective shield to assist in building society, fostering citizenship values, and promoting digital citizenship to ensure societal security and stability.

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