

The Relationship between Civil Society and Local Governments

Sivil Toplum ve Yerel Yönetimler İlişkisi

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Derleme / Review

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Abstract

Although civil society is a concept old enough to be based on ancient Greek sites, its content has changed considerably in the period leading up to the present day. The concept of civil society, previously used in the same sense as the state, has diverged from one another in the period from Cicero to Hegel to Gramsci to the present day. This process, which has changed the concept of civil society quite a few, has, of course, led to the change of local governments as well. Today, there are generally accepted qualifications in the literature that civil society must carry. Therefore, it is possible to compare civil society and local government in line with these qualifications. The aim of this study is to examine the similarities and differences between civil society and local governments.

Keywords: Civil society, Civil society organizations, Local government, City-states.

Öz

Sivil toplum, antik Yunan sitelerine dayanacak kadar eski bir kavram olmasına rağmen günümüze değin uzanan süreçte içeriği oldukça değişmiştir. Önceleri devletle aynı anlamda kullanılan sivil toplum kavramı, Cicero'dan Hegel'e Gramsci'den günümüze uzanan süreçte birbirinden ayrılmıştır. Sivil toplum kavramını epeyce değiştiren söz konusu süreç, elbette yerel yönetimlerin de değişimine neden olmuştur. Günümüzde sivil toplumun taşıması gereken literatürde genel kabul görmüş nitelikler mevcuttur. Dolayısıyla söz konusu nitelikler doğrultusunda sivil toplum ve yerel yönetim karşılaştırması yapmak mümkündür. Bu çalışmanın amacı sivil toplum ve yerel yönetimler arasındaki benzeşen ve farklılaşan yönleri irdelemektir.

Anahtar Sözcükler: Sivil toplum, Sivil toplum kuruluşları, Yerel yönetim, Kent devletler.

1. Introduction

Economic, political and social developments spanning centuries have led to an evolution of local governments. Especially with the industrial revolution, this evolution has become more evident. Rapid

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urbanization resulted in a rapid increase in urban demand and services. In this respect, the problems of local governments have also increased.

One of the popular topics of recent times is relations between local governments and the urban residents who are members of the local government. Urban participation has gained importance with the support of local people, civic initiatives and effectiveness of public in decision-making. In this respect, it is important that urban residents and civil society organizations are active. In this way, urban participation will be an important factor in assessing the efficiency and effectiveness of local governments in terms of increasing needs and demands intended for how many problems solutions to services can solve. The principle of “closeness to the people in service”, expressed in the 1985 European Charter of Local Government Autonomy and later referred to as called subsidiarity was deemed to be the most obvious and effective stage at which local governments should fulfill. The subsidiarity; means the handling of political issues at the local level. So, local governments are closer to the people and civic initiatives are easier to participate in at local governments. In this context, it has even come to the agenda that local governments can be considered as non-governmental organizations also.

Civil society was used in ancient Greece in the sense of State in Cicero and other philosophers of the period. In the first stage, local governments and civil society organizations had similar characteristics. In terms of power, there was a balance or imbalance between local governments and political authority. The balance or imbalance in question changed in favor of political authority as the central kingdoms gained power. With the industrial revolution, the relationship between local governments and political authority began to show differentiating features in the world. This differentiation appeared in the relationship between local government and civil society also. Today, the relationship between local government and civil society has changed. Although local governments which were initially considered as non-governmental organizations, exhibited meta-morphological features in the contemporary sense, there are still similar and different ties between them. The aim of this study is to examine the concepts of civil society and adjacent to its, evaluate the development of civil society and its relationship with local governments. A literature review will be carried out in this direction.

2. Concept and Development of Civil Society

Civil society in the West has been a rising concept, especially after the 18th century. But the concept of civil society in Turkey has come to the fore with the 1980s. According to Şerif Mardin (1992); the point that is wanted to be underlined with the concept of civil society is "urban manners". In other words, it refers to the state of belonging to the city and the consciousness of urbanism. To put it briefly; civil society is a society outside politics. However, it is a social structure that; can affect political authority, although it is outside of politics; can determine its own demands from without manipulation; have areas where political authority cannot intervene; autonomous; self-formed; volunteer; establishes a bridge between the private sphere and the state (Diamond, 1997; Yüksel, 2011; Turan, 1991). Trade unions, professional associations, chambers of commerce, ethnic associations, student groups, music communities, cultural organizations, sports clubs, social or political unions can be listed within the scope of civil society (Carothers, 2000).

Even though the concept of civil society, after the industrial revolution may have become popular, it is possible to find the origin of it in Greek sites (Kaypak, 2012; Keane, 1993). The trade and craft that developed towards the end of the Middle Ages increased the importance of cities. The serfs who were raised as trade or craft students were sent to the city with a partial capital to apply what they learned

and pay taxes on their earnings. However, trade and craft have gained such vitality, serfs have formed a class called of the rich bourgeois in a name. When the lords began to demand compensation, the old serfs, who were inhabitants of the city, they organized and argued that all earnings were theirs. They became increasingly autonomous with the armies of the city and the courts they established to solve the problems between them. The communes, which emerged in this period when there was no strong political unity, that is, central authority, gathered the legislative, executive and judicial powers in their hands. So without the lord was born of a free environment. Even, according to one view, this is the origin of the German proverb “urban air liberates man” (stadtluft macht frei) (Weber, 2015; Pirene, 1994).

After the 12th century, a compromise emerged between the feudals who wanted to take advantage of the riches in trade and craft opportunities offered by the city and the productive layer of the city that wanted to get the return for the opportunities they gave to the feudals (Mardin, 1992). Although defense issues began to point to certain geographical areas in order to protect public order, the growing Kingdom system in Europe gained power and reclaimed these privileges from them, even if urbanites gained almost legal personality with the privileges they obtained. Thus the kingdoms began to establish centralized bureaucratic structures. However, the effect of the privileges gained by the cities has never completely ceased. Because the ruling class needed the productivity of the city's trading and artisanal strata, and because these rulers participated in trade by putting capital or taxing trade in the city, it avoided steps that would restrict the economic efficiency of the city. These developments, such as autonomy and the privileges of economic classes, have been accepted as the basis of civil society in the modern sense (Saribay, 1993).

Civil society was used in ancient Greece in the sense of State in Cicero and other philosophers of the period (Cicero, 2014). With the 18th century, especially with the contributions of Hegel, civil society began to be used as the opposite meaning of the state. This idea is shaped around the concepts of capitalism, private ownership, and the free market (Carothers, 2000). According to Hegel; “Cicero knew nothing about the character of the states, but especially about the Roman state” (Hegel, 2016, p. 301). Because Hegel says, "civil society is an area that educates the individual for civics and prepares them to participate in the political arena of the state” (Vergin, 1994). But, according to Marx, Hegel could not realize that the state was subservient to those who regulated the economic field (Mardin, 1992, p.15).

Following World War II, Antonio Gramsci's writings on civil society made the concept popular again. According to Gramsci, civil society "is a serious area of struggle against tyranny of independent political activities” (Yüksel, 2011). With the 1990s, the concept of civil society became a magical word. With the dissolution of the Soviet Union, neoliberal reforms were used to reduce the powers of governments, especially in the developing world (Carothers, 2000). In the literature, civil society is examined in four stages from the point of view of thinkers. The first phase is the period when civil society and the state are used in the same sense. The second phase is the phase where self-defense against the state gains legitimacy in society. The third phase includes the idea that the social conflict arising from civil society can be solved by the state. In the final phase, in response to the ‘state against civil society’ idea in the third phase, the idea that state intervention would destroy civil society prevailed (Keane, 1994).

3. Similarity and Difference between Civil Society Organizations and Local Governments

Ruşen Keleş (1993) argues that civil society organizations should have three basic characteristics. The first is that they have a democratic character. Therefore, the first feature of civil society organizations is the realization of participation. The second main feature of civil society organizations is their independence from political authority. In other words, non-governmental organizations that do not have an organic connection with the state should be outside the state and not in a hierarchical structure with the political authority. The third feature is that they are independent of political authority and, more importantly, they can think differently about what the public interest is. It is possible to list the characteristics of civil society organizations as that; autonomy, criticizing political authority, being a mechanism of oppression, realizing participation, freedom of establishment, volunteering, being outside the public administration organization (Çaha, 1998; Turan, 1991; Kingdom, 1991).

When the above characteristics of civil society organizations are taken as criteria, it is necessary to compare these characteristics one by one with the characteristics of local governments. Autonomy, the first feature, is also present in local governments. It is necessary to accept a local government without autonomy but as a hierarchical ring of the central government. But it cannot be regarded as a local government in the contemporary sense. At the core of the idea of local government is to effectively meet the needs of groups of people living in a local area, to avoid the phenomenon of bureaucratism as much as possible, and to break the power of power in favor of localization in the context of the centralization-localization struggle. The autonomy shown among the reasons for the existence of local governments is administratively and fiscally relevant. Administrative autonomy means that local governments have elected their members and can take decisions and execute them independently of political authority. The fiscal autonomy of local governments means that they are institutions that have sufficient sources of income to spend freely and fulfill their duties and responsibilities without the need for political authority. It can be argued that the fiscal autonomy of local governments can be fulfilled under four conditions. These are; the provision of the majority of financial resources from equity income, the determination of self-income ratios by the local government, the allocation of the share allocated from the central government to the local government is not subject to any conditions about spending, the ability of local governments to spend their income freely (Yüksel, 2011; Kingdom, 1991).

The autonomy of civil society organizations points to a different situation than the autonomy of local governments. Civil society organizations are closer to an independent form of administration. Because civil society organizations freely implement their own decisions by their own decision-making bodies, but there is tutelage of the political authority over local governments. There can be no tutelage supervision over civil society organizations. In a contemporary context, although civil society organizations are not regarded as local governments, communes represent a threshold in the formation of contemporary local governments. In the past, the communes have existed as administrative units with administrative, fiscal and legal autonomy. As mentioned above, the communes began to lose power this time with the central governments gaining power from the 13th century onwards. From this point of view, it is accepted that local governments have stronger and more similar features to civil society in the emergence process and early years (Yüksel, 2011).

It is possible to suggest that the ability of civil society organizations to criticize political authority is also unique to local governments. Because local governments are not one of the hierarchical circles of political authority as a meaning of autonomy. Therefore, although there is tutelage supervision of the political authority over the local authorities, the political authority does not have the right to make decisions by taking replace the local government organs. Tutelage supervision of political authority means supervision of compliance with the law. In addition, with the supervision of tutelage, decisions taken by local governments within the framework of law can be canceled but cannot be changed. That

is, the political authority cannot substitute itself for local government bodies and allocate judgments on their behalf. Although there are different regulations and practices in this field in the world, the contemporary local government system of Western origin requires this. From the point of view of the contemporary local government system, local governments, which have the ability to criticize political authority, such as civil society organizations, can also support political authority (Çaha, 1998).

Local governments also have the distinction of being the oppression mechanism of civil society organizations. For example; local governments may put pressure on the political authority to issue a legal regulation on their own rights and engage in activities called lobbying and elbow contact to create the regulation in their favor.

Local governments also, such as civil society organizations, are administrative units that allow participation. Local governments form areas where political participation can be realized in a marked manner and through many channels. In many countries where contemporary local government is applied, neighborhood councils, city conventions, city councils, etc. it is possible to realize urban participation with the applications. Participation constitutes the basis of local governments (Kaypak, 2012). The aim of the local governments is to involve the people of the neighbourhood in the administration with the idea that the determination of the needs and problems of the neighbourhood and the suggestions for solutions to these needs and problems will be made by the residents of the neighbourhood in the best way.

The ability of civil society organizations to be established freely is not in question for local governments. Because local governments are public legal entities. They are therefore required to meet legal requirements within established procedures. For example; conditions such as meeting the population criterion, obtaining permission from the relevant unit and approval are legally obliged. On the other hand, civil society organizations are established by the decision of people who have come together on a voluntary basis without any restrictions of political authority.

The voluntary basis of civil society organizations is a characteristic that is partly applicable in local governments. The people living in a certain place are considered as natural members of the local administration unit of the place concerned. Such a situation; it forms the basis of obligation, not volunteering. However, the situation for changing the living place, where there are no restrictions on this subject, can lead to the conclusion that the volunteerism feature of civil society organizations also exists in local governments.

The fact that civil society organizations are outside the public administration organization does not apply to local government organizations. Therefore, local governments are within the organization of public administration. Civil society organizations do not have any organic ties to public administration organization. On the other hand, local governments are administrative units with legal personality within the organization of public administration. It is therefore subject to tutelage supervision of the political authority, even if it is limited to the lawfulness audit.

Conclusion

In ancient Greece, "civil society" was used to describe city states. So, in terms of its emergence in the west, there are approaches that consider local governments as civil society organizations, based on the fact that local governments have many characteristics that are identified with civil society. In addition, there are approaches that do not look at local governments as non-governmental organizations because they are public legal entities. However, it can be clearly stated that local governments have many characteristics in common with civil society organizations.

Many attributes have been attributed to civil society organizations. Generally accepted characteristics of civil society organizations are;

- Autonomy
- To be able to criticize political authority
- To be an oppression mechanism
- Performing the participation
- Being able to establish freely
- Volunteerism
- To be located outside the public administration organization

This is how the characteristics of civil society organizations are listed in the literature. When we consider the above features on local governments, it is possible to identify aspects which are partly similar and differentiated with civil society. Of these, it is possible to criticize autonomy, political authority, to be a mechanism of repression, to realize participation and to claim that volunteerism coincides with the characteristics of local governments. However, it is also possible to say that the characteristics of being able to be established freely and to be positioned outside the public administration organization do not match the characteristics of local governments in legal terms.

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