

International Journal of Social Science and Education Research



ISSN Print: 2664-9845
ISSN Online: 2664-9853
Impact Factor: RJIF 8.42
IJSSER 2025; 7(2): 663-667
www.socialsciencejournals.net
Received: 23-09-2025
Accepted: 25-10-2025

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Reconstructing Civil Society: The Intellectual Genealogy and Theoretical Construction of Jean Cohen's Civil Society Theory

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DOI: <https://doi.org/10.33545/26649845.2025.v7.i2h.419>

Abstract

In recent years, "civil society" has become a prominent topic in academic circles both domestically and internationally. Jean L. Cohen and Andrew Arato's work, *Civil Society and Political Theory*, grounded in Western social reality, provides a systematic interpretation of modern civil society theory and has exerted considerable influence in academia. This paper takes their work as its core text to systematically study Cohen's theoretical system of civil society. The main body of the paper is divided into three parts: Firstly, in terms of intellectual origins, it traces the conceptual development from Aristotle to Hobbes, Locke, and Montesquieu, while examining the theoretical legacies of Hegel, Marx, Gramsci, and Habermas, thereby clarifying Cohen's critique, inheritance, and transcendence of earlier thinkers. Secondly, regarding theoretical construction, it systematically elucidates the theoretical foundations, core pathways, and practical bases for her reconstruction of civil society by analyzing Cohen's discussions on discourse ethics, social theory, and social movements. Finally, regarding theoretical evaluation, it assesses her contributions from both theoretical and practical dimensions: theoretically, Cohen's civil society theory not only advances the contemporary conceptual understanding of civil society but also fills certain gaps in democratic theory; practically, her ideas hold significant referential value for promoting the discursive revival of contemporary civil society and the harmonious development of modern society.

Keywords: Jean Cohen, Civil Society, Discourse Ethics, Democratic Theory, Social Reconstruction

Introduction

In early conceptions, civil society was viewed as a sphere where individuals pursued private interests. Although the state generated social order through intervention, thereby realizing "human freedom," this freedom was merely that of the realm of necessity, dominated by personal desires. With the ongoing development of the contemporary concept of civil society, scholars have engaged in more profound research and discussion on the concept. Through continuous self-adjustment, the concept of civil society has increasingly adapted to and aligned with the development of modern society.

Jean L. Cohen (born November 18, 1946), a renowned contemporary American political scientist, is a professor at Columbia University specializing in contemporary political theory. Her research primarily covers contemporary politics, democratic theory, and civil society. In her book *Civil Society and Political Theory*, her civil society theory, to some extent, indicates the research direction of contemporary civil society theory. Cohen's quadripartite model of civil society analyzes the interactive relationships between political society, economic society, and civil society itself. Studying and analyzing Jean Cohen's civil society theory contributes to a comprehensive understanding of the role civil society theory plays in the process of Western modernization.

Genealogical Reconstruction and Critical Transcendence of Cohen's Civil Society Theory
Jean Cohen's theoretical system of civil society is built upon genealogical examination and critical reinterpretation of the concept of "civil society." Through dialectical inheritance and transcendence of intellectual traditions, Cohen strives to construct a civil society theory that is adapted to modern society and possesses greater explanatory power. This article will systematically elaborate the construction logic of Cohen's civil society theory from three

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dimensions: conceptual historical origins, modern transformation, and creative transformation of the critical theory tradition.

I. The Historical Genealogy of the Civil Society Concept

Cohen's systematization of the conceptual history of civil society holds dual methodological significance: it clarifies the theoretical burdens and limitations of the concept in different philosophical systems, while also constructing a theoretical tool for understanding the complex composition of modern civil society through a historical perspective. This methodological self-awareness guides him to systematically examine the conceptual evolution from Aristotle to Montesquieu.

The origin of the concept can be traced back to Aristotle's classic work *Politics*, in which he first proposed the concept of "political society" (*Politike Koinonia*). Aristotle defined the polis as a public ethical-political community composed of free and equal citizens governed by law. Law is not only a procedural norm but also an expression of the national spirit and value system, shaping the life forms and virtue preferences of the community. This original conception endowed civil society with a strong teleological character, anchoring it at the origin of Western political philosophy.

Hobbes's social contract theory constituted a watershed between traditional and modern concepts of civil society. Cohen points out that while Hobbes distinguished between the state and society, he regarded power as the sole bond connecting individuals and constructing the political society. When authoritarian states attempted to dissolve intermediate groups, a "societal" sphere composed of various associations and forms of public life revealed its contours in resistance. Although Hobbes failed to fully develop the concept of civil society due to his abandonment of the classical notion of moral law, he historically opened up the core problematic of modern political philosophy: the relationship between the state and society.

Locke achieved a crucial advancement in the concept of civil society, attributing civil society to the product of the social contract and positioning it as logically prior to the state. In his *Two Treatises of Government*, he stated: Men living together according to reason without a common superior on earth, with authority to judge between them, is properly the state of Nature. In his theory, "political society" and "civil society" were regarded as one but not equivalent to the government. Society is the foundation of governmental power and retains the ultimate decision-making authority, establishing the basic framework of "societal supremacy."

Montesquieu's contribution lies in the structural refinement of the concept. By distinguishing between civil law and public law, he theoretically established a societal sphere distinct from the state and possessing its own operational laws. Cohen emphasizes that Montesquieu valued the role of intermediate groups in constraining power and constituting a pluralistic social structure. This conception of a "politicized society," supported by the rule of law and intermediate groups, provided key institutional elements and a constitutional dimension for modern civil society.

Cohen astutely points out, "Today we repeatedly hear discussions about the revival, reemergence, and regeneration of civil society, which signifies the continuation of an emerging political paradigm with basic tendencies of early modernity." This revival initially manifested in political

struggles against authoritarianism in regions like Eastern Europe, but its early forms were regarded by Cohen as superficial, instrumental revivals, treating civil society merely as a democratic slogan without delving into its political philosophical implications.

The genuine theoretical progress lies in how the revival of civil society has given rise to new topics that transcend the classic Western origins model, encompassing two core concepts: first, the concept of self-limitation, where political movements, after embracing democratic principles, consciously renounce seizing and monopolizing state power through violent or totalitarian means, confining their activities within civil society and promoting social change by constructing public spheres and self-organizing forms. Second, the constructive role of social movements—the vitality and democratizing trend of civil society increasingly rely on various emerging social movements, which continuously generate new collective identities and public issues, transforming civil society into a dynamic arena filled with normative controversies.

Cohen's core thesis is that there exists an intrinsic constitutive relationship between civil society and stable democracy. Civil society is not only a bulwark against authoritarianism but also a normative space for cultivating democratic culture, shaping democratic subjects, and practicing democratic deliberation. The transformational experiences of Eastern Europe and other regions demonstrate that deeply integrating civil society with democratic ideals is a viable path to constructing a new and robust democratic system.

After completing the systematization of conceptual history, Cohen anchors his theoretical construction in the critical theory tradition from Hegel through Marx to Gramsci, establishing his own theoretical sources through immanent critique and creative transformation of this lineage.

Hegel's theory of civil society constitutes the immediate starting point for Cohen's critical work. Cohen points out a fundamental tension in Hegel's theory between systematic philosophy and social theory, manifesting as the persistent antagonism between statism and anti-statism. He focuses on analyzing Hegel's tripartite framework of "Abstract Right—Morality—Ethical Life," in which "Ethical Life divides itself into the tripartite structure of family, civil society, and the state by combining the dualities of family or politics, state or society." This provides an important analytical tool for understanding the complexity of modern society.

However, Cohen discovers inherent dilemmas in Hegel's theory: in his analysis of the "system of needs," although Hegel insightfully observes that the market economy makes individual needs "elusive" and leads to systemic crises such as wealth polarization, his proposed solution—mediating contradictions through state administrative intervention—suffers from fundamental flaws. Similarly, his hope for social solidarity placed in intermediate organizations such as "corporations" faces an unbridgeable structural gap between civil society and the state. Nevertheless, Cohen affirms that Hegel was the first to systematically reveal the dialectical relationship between civil society and the state, providing a basic conceptual framework for understanding the integration mechanisms of modern society.

Marx's theory of civil society developed through his systematic critique of Hegel's philosophy of right, achieving a fundamental inversion of Hegel's theory: it is not the state that determines civil society, but civil society that

determines the state. With the completion of The German Ideology, Marx's theory of civil society gained a historical materialist foundation, defining civil society as "the form of intercourse determined by and simultaneously determining the productive forces," encompassing "all the material intercourse of individuals in a given stage of development of the productive forces." This revelation of the economic relational essence of civil society marked a complete break with Hegel's idealist position.

Cohen draws two key insights from Marx's theory: civil society as a historical category whose separation from the political state will end with the demise of capitalism; and the analysis of the economic dimension of civil society providing an important perspective for understanding the inherent contradictions of modern society. However, he also points out that Marx's vision of social autonomy after the withering away of the state faces utopian dilemmas, overlooking the necessity of institutional safeguards.

Gramsci achieved a creative transformation of the Marxist tradition under the new historical conditions of monopoly capitalism, repositioning civil society within the superstructure and noting: What we can do, for the moment, is to fix two major superstructural "levels": the one that can be called "civil society", that is the ensemble of organisms commonly called "private", and that of "political society" or "the State". These

two levels correspond on the one hand to the function of "hegemony" which the dominant group exercises throughout society and on the other hand to that of "direct domination" or command exercised through the State and "juridical" government. Cohen highly appreciates Gramsci's discovery of civil society's function in cultural hegemony, believing this insight reveals the profound role of civil society in consolidating rule. But he also points out inherent dilemmas in Gramsci's theory: a tendency towards functionalist reduction and a failure to thoroughly clarify the relationship between the state and civil society.

Habermas's theory of civil society undergoes a conceptual evolution from the "public sphere" to the "life-world." In the public sphere theory stage, Habermas defines civil society as a private autonomous domain independent of the political state; after turning to the "life-world" theory, he disengages civil society from the economic field, restricting it to "non-governmental, non-economic connections and voluntary associations," attempting to use "communicative rationality" to resist the colonization of the lifeworld by instrumental rationality.

While inheriting Habermas's theoretical insights, Cohen also notes their limitations: completely excluding the economic field from the category of civil society may lead to a one-sided understanding of the power structure in modern society; the mechanism for achieving consensus through rational discourse faces numerous structural obstacles in real society. On the basis of critically absorbing Habermas's theory, Cohen is committed to constructing a civil society theoretical framework with greater practical explanatory power. Through genealogical examination and critical reconstruction, Cohen's civil society theory retains the historical depth of the concept while endowing it with normative tension to address contemporary social problems, providing a vital theoretical paradigm for understanding the complex dynamics of modern democratic society.

II. The Constructive Logic of Cohen's Civil Society Theory

The generalized use of the concept of "civil society" in contemporary theoretical circles has led to the hollowing out of its theoretical substance. Confronted with this theoretical crisis, Cohen proposes a systematic "reconstruction" plan—deconstructing and reorganizing the theoretical framework to make civil society the core vehicle for new forms of collective identity, thereby constructing a planning system that promotes social democratization and liberalization.

The core of Cohen's theoretical construction lies in reconciling the inherent tension between freedom and democracy. He creatively transforms Habermas's discourse ethics from moral philosophy into a political-ethical framework, providing justification for democratic legitimacy. This transformation turns discursive principles such as "public dialogue" and "general interest" into operational criteria for testing socio-political norms, laying a normative foundation for the concept of civil society.

Discourse ethics accomplishes a paradigm revolution in the conception of truth, asserting that truth resides in the collective consensus of rational subjects. Cohen pays particular attention to the dialectical relationship between morality and law, pointing out that in a democratic constitutional framework, acts such as civil disobedience must follow the principle of self-limitation: under the premise of acknowledging constitutional authority, the goal is to promote public rationality and normative consensus. Rights are redefined in Cohen's theory: they are not derivatives of the state but originate from the process of public deliberation within civil society. This "right to have rights" is not a specific negative liberty but a core political principle applicable to the relationship between citizens and civil society.

Civil society and representative democracy exhibit a constitutive relationship of mutual preconditionality. The public sphere and voluntary organizations provide the communicative foundation for representative democracy, while the system of basic rights centered on communicative rights safeguards societal autonomy while limiting state power. Developing Marx's insight, Cohen notes that if democracy is confined solely to the political sphere while economic and social spheres remain dominated by authoritarian forms, political democracy will ultimately be eroded.

The democratization of civil society needs to advance in differentiated forms across heterogeneous fields such as politics, economy, and society: the political field must balance the constraints of representative democracy with direct participation; the economic field can explore democratic models such as cooperatives and joint decision-making; the social field should activate the participatory potential of associations and public communication. This pluralistic path to democratization aims to achieve a democratic ecology that is both differentiated and interconnected through the mediation of civil society.

Through a creative transformation of Husserlian phenomenology, Cohen divides the life-world into two fundamental domains, regarding culture and language as the transcendental framework for institutions and organizations. This dual conception enables him to transcend existing normative orders and objectively analyze issues of civil society. The modern life-world involves two intertwined processes: the differentiation and rationalization of social

structures and institutions, and the rationalization at the cultural-linguistic level. Cohen points out that this differentiation involves not only institutions of socialization, social integration, and cultural reproduction but also the differentiation of the domains of personality, sociability, and culture. In this process, social institutions gradually break free from traditional constraints, personal identities form autonomously, and culture achieves creative transformation. Accordingly, Cohen divides civil society into public and private spheres, regarding the system of basic rights as an essential component of the modernization of the lifeworld.

Cohen points out that although Habermas defines the authoritarian state from the perspective of the "rule of law," he does not fully consider the lifeworld, instead viewing it as a source of traditional resistance. This analysis at best represents an ideal-typical construction and fails to adequately reflect historical complexity.

In Cohen's view, Habermas's distinction between "potential non-choice" and "actual choice" deepens the understanding of civil society, but his theory has limitations: the rationalization of economic and administrative systems comes at the cost of the rationalization of civil society, leading to a split between expert culture and popular culture. The root of this cultural impoverishment lies in the malformed cultural structure caused by selective institutionalization.

Faced with the social differentiation that may result from the universalization of the democratic utopia, Cohen proposes the concept of a "civil society utopia." He believes that only based on the dualistic framework of civil society can its internal constraints generate a genuine democratic utopia. This utopia is no longer a traditional association but a product of social differentiation, requiring the support of a post-conventional cultural structure.

the forces from which modernity once derived its self-consciousness and its utopian expectations, are in actuality turning autonomy into dependence, emancipation into oppression, and reason into irrationality. According to Cohen's theoretical discussion, the self-limiting nature of the democratic utopia can confine communicative and cooperative actions to the institutions of civil society itself, thus making it unnecessary to integrate regulatory mechanisms and society as a whole. However, it is precisely for this reason that fundamental differences arise in the spiritual dimensions of the U.S. Constitution, the Bill of Rights, and the French Declaration of the Rights of Man and of the Citizen. The key distinction between a democratic utopia and a power utopia lies in the fact that while the former originates from revolution, it is also constrained by it. In certain historical contexts, the goals of revolution are not necessarily driven by utopian pursuits, particularly in the overthrow of oppressive systems. Here, Cohen offers a profound insight: most importantly, the rupture caused by revolution affects democracy, and revolution itself requires a necessary premise of legitimacy. The sole legitimization of democracy lies in its difference from revolution and its principles; it is itself a process of continuous institutionalization of new power, while simultaneously, power imposes limits and constraints on new power.

In all utopian thought, there exists an intrinsic connection between moral practice and emotional motivation. Cohen believes that the ideal of civil society discussed above may lack motivational force for some people because it is too

distant from current important cultural goals and concrete life practices. In his view, the focus should be on the legal and political domains, but the differentiation of the current lifeworld does not require a complete break with all ideas of cultural transformation. Cohen proposes that the colonization of the lifeworld ("loss of freedom") is fundamentally related to the selective institutionalization of cultural potential ("loss of meaning"). However, the lifeworld is permeated with the erosion of money and power, turning cultural potential into a selective, cognitively based instrumental feedback mechanism. In democracy and civil society, new interpersonal relationships are established through moral and aesthetic cultures, and these cultural forms enrich daily life practices. It must be recognized that such new relationships must be built between the specialized cultures of these domains and everyday interactions to form large-scale feedback effects, thereby promoting deeper social transformation.

III. Rethinking Cohen's Theory of Civil Society

Social movements, as collective practices through which marginalized groups in power structures promote social change via non-institutionalized means, are elevated in Cohen's theoretical system to a core mechanism for the self-renewal of modern civil society. This chapter will reconstruct Cohen's core arguments, examine his theoretical contributions and inherent limitations by introducing comparisons with diverse philosophical perspectives, and explore the insights his theory offers for understanding contemporary contentious politics.

Cohen's theoretical construction first manifests as an integration and transcendence of paradigms in social movement theory. He incorporates the rational choice dimension of American "resource mobilization" theory and merges it with the identity politics perspective of Western European "new social movement" theory, elevating social movements from mere strategic games or cultural resistance to an internal driving force for civil society's self-reflection and normative reconstruction. This synthesis effectively challenges traditional views that simplify collective action as irrational emotional outbursts (such as Le Bon's) and stands in sharp contrast to Olson's purely cost-benefit-based logic of collective action.

Cohen's most original contribution lies in proposing the "dual political tasks" of social movements. This assertion profoundly reveals the inherent dialectic of social movements: they are both confrontational (challenging the established power structure of political society) and constructive (embedding new identities and institutional forms in the lifeworld). This analytical framework resonates with Gramsci's concept of a "war of position," which emphasizes the struggle for cultural hegemony, but Cohen goes further by clarifying that the goal is not to completely destroy the old state apparatus but to achieve positive interaction and mutual constitution between civil society and political society through "self-limitation."

On a practical level, Cohen's theory provides a powerful analytical tool for interpreting various emerging social movements since the 21st century. Whether it is the Black Lives Matter movement challenging systemic racial discrimination while promoting reforms in public monuments and curricula, or the global climate justice movement influencing international negotiations while fostering sustainable lifestyles at the community level, both

confirm the coexistence of "dual tasks." These movements not only seek resource redistribution (as Nancy Fraser argues) but also strive for identity recognition and representation, reflecting the complex interplay between distributive justice and the politics of recognition.

The positive significance of his civil society theory lies, first, in injecting a dynamic dimension into democratic theory. He views democracy as an open process of continuous self-correction through social movements, rather than a closed set of fixed procedures, responding to contemporary society's desire for broader and deeper democratic participation. Second, it provides resources for critiquing instrumental rationality. His emphasis on social movements being rooted in the "lifeworld" and resisting the colonization by systemic logic aligns with Habermas's critique, offering a warning against the erosion of the public sphere by algorithmic power in the digital age. Finally, his theory transcends the binary opposition between revolution and reform. His concept of "self-limiting revolution" offers a "third way" for social change, situated between complete rupture and full assimilation, embodying important practical wisdom.

However, Cohen's proposition also faces several theoretical and practical challenges. His description of the eventual institutionalization of movements, though insightful, may underestimate the risks involved. As Weber warned, the process of institutionalization inevitably accompanies the "routinization of charisma" and bureaucratization, which may lead to the radical criticality of movements being co-opted by the system rather than genuinely transformed. Once social movements become "insiders," how to maintain their initial transformative passion and marginal perspective remains an unresolved problem.

Furthermore, he assumes that movements can clearly define and adhere to the boundaries of the "lifeworld," avoiding erosion by the logics of power and money. However, Foucault's analysis of power suggests that power is productive and diffuse, not an external realm that can be simply demarcated. The internal decision-making processes, resource allocation, and discursive competition within movements may themselves reproduce the power structures they seek to resist, posing severe challenges to their ideal of "self-limitation."

Moreover, Cohen's theoretical framework is primarily grounded in the context of Western nation-states. In the era of globalization, the motivations, goals, and opponents of many social movements (such as climate movements and anti-globalization movements) are transnational. His theory fails to adequately address this "deterritorialized" challenge and does not engage with the profound critiques of postcolonial theorists like Spivak and Homi Bhabha regarding whether subaltern people in the Global South can "truly speak."

Conclusion

Cohen's theory of social movements, by anchoring social movements in the normative reconstruction project of civil society, provides an invaluable framework for understanding the complex dialectic of contention and establishment, rupture and continuity in modern politics. He successfully reveals social movements as the source of democracy's vitality. However, his optimistic expectations regarding the process of institutionalization, the resistance to power penetration, and the consideration of globalization

dimensions in his theory remain debatable and require further deepening. Future research may need to build on the path Cohen pioneered, more deeply integrating critical theory and postcolonial perspectives, affirming the emancipatory potential of social movements while continually reflecting on their inherent tensions and paradoxes, thereby more comprehensively grasping the difficulties and hopes of social transformation under modern conditions.

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