PROBLEMATIQUE OF CIVIL SOCIETY IN INDIAN CONTEXT

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It is useful to bring in the two sharply contrasting perspectives on civil society from within India. Before putting the debate (Kothari, 1990, Mahajan, 1999, Beteille, 1999) in place, it is important to note certain useful concepts in line, such as, State, democracy and citizenship. These three concepts were deployed with different weight in each of the conceptualizations in the debates. Civil society is conceived in a particular way depending on how these concepts are viewed and interconnected. State is viewed as organized coercion or as a guarantee of rule of law; democracy is conceived as participation and moral equality of all individuals. Citizenship ensures rights to the members of political community; it depends on the connection that one establishes between them, the specific idea of civil society.

Kothari has not used the term civil society with theoretical nuance that informs contemporary discussions. One needs to exhume from the literature to formulate an idea of civil society. He thought that it has not been explicitly stated. Non-party formations or gross-root initiatives are the two terms used synonymously. Non-party formations, for him, include "associations, organizations and networks of social life *unaffected* by homogenizing, technocratic managerial state offers scope for participation on *their own terms* which is crux of civil society" (emphasis is mine) (Kothari, 1988, p. 202).

Being unaffected by state that is 'homogenizing, technocratic and managerial' (Kothari, 1988, p. 202) in nature is one of the key ideas in his project. He articulates it in all pervasive sense of crisis that emanates from failure of such a state. Initially, he calls it crisis of institutions. Later on, in the progression of the argument, he terms it multi-dimensional crisis affecting all aspects of social life. It is crisis of state and its institutions, political parties, state sponsored NGO's or voluntary associations. The crisis, he describes as crisis of communication, and the argument follows as follows, the aspirations of the masses could not be articulated and made part of mainstream political system. They were not part of political system from within their life-world contexts. They were reconstituted as objects of technocratic managerial control. It did happen so because of particular logic that determined the course of political modernity in India. Political modernity involves setting up modern state and its institutions like bureaucracy and parliamentary democracy, quickening pace of development through science and technology, building scientific and managerial culture necessary for sustaining centralized process of development. Political modernity failed in realizing itself as institutional matrix could not channelize organic expression of aspirations of the masses. Masses were excluded from modernity because it was not dialogical but monological. Modern institutions have a tendency towards centralization of power, homogenization of culture and bureaucratization of development. The goals of the development are not decided through a participatory process by the community: national and local. The goals are decided by experts on the basis of 'rational' calculation of costs and benefits. The participatory processes are abandoned in favour of power of technical experts to decide upon goals and means to pursue. Thus, political modernity failed due to the failure of communicative capacities of institutions of political

modernity to facilitate organic expression of aspiration of the masses. Due to the failure of modernist state institutions, democracy has become a formal framework without substantive normative content. Thus, Kothari viewed non-party formations as having capacity to articulate varied needs and aspirations of masses without disentangling them from their life contexts.

These three expressions inform his thought well "unaffected by process of modern state", "organic expression" and "participation on their own terms". It implies that state processes disentangle masses from their life-world situations. It objectifies them to make them the objects of developmental process and participation of people on their own terms implies people rooted in their life-world contexts. Expressions of their true / undistorted aspirations are made possible not by political parties aiming to capture power, but by non-party formation primarily not intended to gain power. They articulate issues left out by mainstream politics arising out of life-contexts of masses. These concrete issues would transform the nature of political system itself.

There is one crucial distinction regarding who are the participants in the processes spearheaded by non-party formations. That is between those people who are constitutively part of modern regime of power, associated with state, and other modern processes, and those who are not yet part of it. Non-party formations articulate aspirations of such masses. Kothari says, they develop new language of politics. And he elucidates the contents of it as follows,

"As regards new expression of politics there is, first, a new form of voluntarism that is not non-political, but is political in a different way than are parties, aiming its ends different from mere seizure of state power, in the process, redefining not just the meanings of politics, but also concepts like revolution and transformation. And there is, second, a new genre of movements that, while having an economic content, are in practice multi-dimensional and cover a large-terrain, the environmental movement, the civil-liberties movement, the women's movement, movements for regional self-determination and autonomy, the peasants' movements and the still feeble and small, but slowly gaining movements for peace, low military budgets and anti-hegemonical stand vis-à-vis India's neighbours" (Kothari, 1988, p. 202).

Thus,Non-Party Formations (NPF's) does not come under the rubric of left-right politics, either programmatically or organizationally. They represent a different agenda, and different content of politics. It redefines the whole meaning of politics and also ideas of revolution and transformation. They do not pursue class-based politics and vanguard leadership of the party to lead masses to capture state power. NPF's takes up issues of loss of livelihoods, displacement, discrimination at local level etc. They do not believe in constant violent opposition, but through a process of conscientization of the supporters as well as officials. They emphasize on participation and critical of the ideas of the leader and the led. NPFs cover aspirations of wider set of movements. Kothari visualizes a global coalition of such NPFs which would emerge in as new kind of politics.

Kothari talk about popular participation not in the sense of participation in mainstream politics or its institutions, but participation at local levels like participation of people in

panchayats, NGOs and other bodies in which they can manage their affairs by themselves. It is a kind of direct participation. Direct participation of people at local level is different from participation in institutions of national scale. Participation in larger institutions, limits the quality of participation. It is participation of limited type where one participates as a voter, worker, professional etc. It is a consequence of emergence of modern type of roles. Vast numbers of people remain outside the sphere of modern economy, polity and culture. These people participate at local levels thereby leading to transformation at local levels, which would, in course of time change political structure at large. The civil society includes "a network of voluntary self-governing institutions in all walks of life" (Kothari, 1988, p. 202) apart from social movements. These institutions provide the "grassroots model of mass politics…. In which people are more important than the state" (Kothari, 1988).

There is one common characteristic to all these organizations and institutions, i.e., they are not part of the state, government, and modern political parties and even not part of NGO's sponsored by agencies like world-bank. They provide an alternative to these state-centric institutions sponsoring false consensus. They open up new areas outside these institutions.

Mahajan (Mahajan, 1999) criticises Kothari's version of civil society armed with developments in liberal theory. Kothari essentially bases his ideas on failure of the state in having a communicative relationship with the people, instead, it resorted to coercive approach. Mahajan comes from the side of the state. She argues that it is the duty of the state to develop a certain concomitant culture in civil society. And notes that,

"The state enunciates laws that objectively embody conditions necessary for enhancing equal citizenship. Civil society operates in accordance with the established system of laws and rights, so that individuals can pursue the particular ends while simultaneously respecting claims of equal citizenship. As such, in a democracy, the state and civil society act together in tandems with each other to promote citizenship rights and conditions of subjective freedoms" (Mahajan, 1999, p. 3471).

She articulates synchronization between state and civil society. For her the State cannot sit pretty well on an uncivil culture in civil society. Both are locked with each other. State ought to create conditions necessary for realization of equal citizenship rights through law. Here, Mahajan brings in Hegelian insight of state as constitute of civil society in the process of development of ethical realm.

Mahajan criticizes Kothari's idea of civil society as consisting of associations, organizations and local networks. This includes variety of associations. This conception does not take into account the nature of associations or groups. These groups are not based on moral equality of individuals and freedom of choice for entry and exit into such associations. These are groups based as hierarchy and exclusion (Mahajan, 1999, p. 1194).

She further argues that the nature of communities in India and the west are different. In India, communities are still bound by ascriptive loyalties. In the west, communities have been transformed into the civic communities and as a consequence, they are supposed to

conform to the norms of democratic equality of constitutional state (Mahajan, 1999, p. 1194).

Thirdly, in a democracy, participation of citizens is always good. Kothari talks about participation of people in decision making processes at various levels. Mahajan contends that participations as most of time boils down to majority rule. Majority rule does not always ensure guarantee of rights in a society, where community membership permanently shapes choice, there is a strong need to "delink distribution of political privileges from social ascriptive identities" (Mahajan, 1999 p. 1194). To secure this, civil society must rest upon recognition of rights of citizens. She claims that Kothari is not explicitly against ensuring rights of individuals. However, as mentioned earlier, there is difference in nature of communities in the east and the west. Given the secular transformations in social life in the west, participation in the local life does not strengthen narrow identities. Contrary to this, given the ascriptive nature of community identities in India, the idea of participation in non-state associations would lead to "justifying communitarian ethic" that is contrary to the principle of inter group equality (Mahajan, 1999, p. 1194).

Fourthly, for Mahajan, Kothari had been a critic of state and state led development. State failed to be an instrument of transformation. It failed even as a mediator in the conflicts of civil society and became a coercive mechanism. With this background, Kothari visualizes that small village level bodies, panchayats and NGOs through participation would transform the nature of the state. Mahajan criticizes that the ideal of self-governing village communities cannot be realized in the face of conflict of interests that exist in caste and community divided villages" (Mahajan, 1999, p. 1194). In real terms, Mahajan argues that Kothari's critique of state and state led development ends up postulating a romantic picture of homogenized village communities that are immune to the struggles of power that infest the machinery of the state (Mahajan, 1999, p. 1194).

Thus, Mahajan questions the potential of grass-roots organizations and local bodies to realize democracy and citizenship rights. Local participation may not help in realizing democracy, as village society is seeped into divisive and discriminatory practices. She doubts its capacity to usher in democracy through making alternative vision of politics possible.

Andre Beteille (Beteille, 1999) offers another conception of civil society to these above arguments/debates. For him, civil society consists of mediating institutions. No society can function without mediating instructions between the state and the individual. There had been many intermediary instructions between the state and the individual even before the onset of modernity. However, those institutions are not open and free in the sense that their memberships are limited by ascriptive markers, and the entry and exit is not open to all. With the coming of democracy, they become open and secular institutions, they are open in the sense that membership is open to all irrespective of race, caste, creed and gender; and they are secular in the sense that their internal organisation is not guided by religious considerations (Mahajan, 1999, p. 1195). Beteille alludes "banks, universities hospitals and professional associations as institutions conducive to the growth of civil society" (Mahajan, 1999, p. 1195).

Mahajan criticizes Beteille's views significantly on two counts. These arguments consist a merit. He makes a distinction between two kinds of mediating institutions. One is based on ascriptive identities, and the other one includes institutions committed to liberty and formal equality. The latter type constitutes civil society. He associates civil society with the values of liberty and equality (Mahajan, 1999, p. 1195). According to Mahajan, Beteille brackets state and religion together as separate from institutions of civil society. It delegitimizes the state and law and lends credibility to the view that the state must not interfere in the functioning of associations and community bodies, a conclusion that is favoured strongly by the communitarian perspectives in India (Mahajan, 1999, p. 1195). He views the state as distinct from civil society, which advocates non-interference.

Secondly, Beteille does not take into consideration the necessary conditions for the growth of plurality of organizations in civil society. He advocated sustaining institutions of legal rational character which might help in promoting impersonal behaviour and equal citizenship. Mahajan questions this causal flow. Rational institutions may promote efficiency. But, they cannot automatically bring into existence conditions of equal citizenship. Equal citizenship can only be secured by abiding institutional norms. Rational efficiency cannot ensure following institutional norms and maintaining secular character of the institutions. Universal law can only do this. Universal law cannot spontaneously emerge from associations and an institution of civil society. It requires active intervention from democratic constitutional state (Mahajan, 1999, p. 1194).

Beteille responds to this debate. He doesn't emphasize on the role of any of the three terms state, citizenship and mediating institutions excessively. He views that it is a division of labour between the three. There has to be functional differentiation as well as integration between the three for civil society to exist. It is not acceptable to him to emphasize people at the expense of the state. State performs certain indispensable functions, "If these are subverted civil society will wither in bad" (Beteille, 1999, p. 2588).

He laments romantic notions. "The life of segmentary tribe or the wandering band holds no special attraction for me" (Beteille, 1999, p. 1194). For him, civil society and state are complementary to one another but not alternatives. Those who see civil society as totally distinct from state, for him, they are projecting a romantic view. It is not right to say that institutions existing in pre-modern India provide blueprint for alternative notions of civil society. For him both the views lack an ideal of citizenship and rights.

Beteille refers to tendencies that are harmful to growth of civil society in India: competitive populism and demagogy. Indian constitution normatively meets claims of equal citizenship in its various provisions. He argues that, the rights of citizenship are pre-eminently are the rights of individuals, "It is uphill task in a country where collective identities predominate over individual ones" (Beteille, 1999, p. 1194). He mentions that, the policy of reservations violated in practice what should have been legitimately due to individual form the collective chunk. Reservations keep a portion away from the collective chunk. He thinks that threat to civil society comes not from totalitarianism of the state, but from competitive populism; secondly, there has to be respect for the structures of the state, and the structures of public authority. In India, populist intellectuals from 1970's onwards

irresponsibly criticized public institutions. He avers that, populist demagogy weakens civil society, as surely as, reasoned criticism strengthens it.

However, there is a strong need to unravel and think through these three of the articulations of idea of civil society. Here we construe a basic question within the concerns of Indian context, interweaving into it. For this effort, one need to further elucidate on certain other aspects of the question in debate for a better perusal. For instance, there are four key aspects like, non-modern/peasant, state, democracy and citizenship. Dipesh Chakraborty (Chakraborty, 2000, p. 11) uses the term peasant to refer to all that is non-modern. We are adopting it here to refer to local forms of life untouched by the modern, whose democratic potential Kothari highlights. It will be instructive to refer to Dipesh's use of the term peasant "as a short hand for all the seemingly non modern, rural, non-secular relationships and life practices that constantly leave their imprint on the lives of even elite. State, citizenship and democracy are the terms used by the authors. In each of their articulation, they laid various emphases on different terms.

Kothari views non-governmental agencies, panchayat bodies and local networks as significant to democratic transformation as formal institutional democracy miserably failed in organically translating the hopes and vision of the masses into institutions and public culture of modern state. Modern state -in frantically pursuing quantitative enhancement of creation of economic values and material comforts- it has ignored the question of livelihoods, and cultural and political expression of vast masses. Political systems steered away from the needs of the masses. Thus, Kothari's account undervalues state and its institutional mechanisms in their ability to encompass the life contexts of masses. Mobilization and expression for cultural contexts of masses certainly yields and contributes in a substantive way to the concept of democracy. These mobilizations should be taken up by non-party formations. The agency of non-party formations is significant, because they do not seek political power as their aim. They would aim at articulating and making heard the issue in question. They would aim at transforming current state of opinion of the group they are working with, through a process of innovative methods of participation and collective practice. Their approach to mobilization is markedly different form political parties.

Mahajan's criticism of the views of civil society expressed by other two scholars is not free from problems. First, the problem lies with her understanding of normative concepts. She assumes that normative concepts would realize their potential as and when they are invoked in practice. All the aspects of the normativity of a concept would realize in practice. Her idea of limitations of ideal of participation and associative democracy as envisaged by Kothari can be taken as an instance. She posits conceptual antinomy between the ideal of participatory democracy and empirical context of hierarchical and divisive village system. She argues that participatory ideal would fall flat as the village or the empirical contexts are divisive and hierarchical. Such a conception of relation between ideal and empirical is too schematic. Ideals resonate in empirical contexts in far more complex manner. Ideals are imagined in practical contexts in variety of ways. They are being practiced, depending upon variety of contingent factors. Thus, ideals are being practiced through imaginative contexts in variety of ways and along the way their

normative potential is realized. Hence, her conception of relation between ideal and practical contexts is limited and schematic.

Second, it is essential for constitutional democratic state to restructure civil society to meet the requirements of equal citizenship. She articulates the normative relationship between state and civil society via citizenship in Hegelian mould. Hegelian philosophy carries presuppositions of its own rooted in speculative metaphysics of the times. More nuanced views are available on normative relationship between democratic state and civil society. Civil societies must be autonomous from the state, at the same time state ought to intervene in the processes and structure of the civil society to meet the requirements of citizenship claims and the new notions of civility in the wake of movements for racial and gender justice (Khalzer, 2002). So, state can intervene on the basis of specific nature of the case, which must strike a balance between the autonomy of civil society and justness of the claim. The Hegelian mould of state /civil society interpenetration is archaic one.

Third, there is range of ideas on the state. State in its sociological dimension is different from normative dimension. State, for Weberians, could be viewed as a monopoly of coercion. For Kothari, state is an instrument of domination. It is an organization that causes centralization of social and political power, homogenization of culture, and bureaucratization of development. Modern state, in its present form cannot be an instrument of transformation because it is structured on the lines of Kothari's analysis. Mahajan views it in normative terms, in the sense of an harbinger of change and an instrument for liberal goals of liberty and equality as embodied in the constitution. Constitutional visions ought to be realized as enshrined in its various provisions. Constitutional democratic state can bring about social justice by abolishing inequalities and social prejudices. But these opposite views have not been really examined. Instead, she is invoking an ideal of liberal state.

Fourth, she has been urging for modernist intervention in the life world contexts which are non-modern. She views Beteille's idea of mediating institutions are premised in legal-rational terms which may not automatically yield citizenship rights. Citizenship rights are to be sought for in self-conscious manner, through democratic constitutional state according to Mahajan. On the other hand, institutions and associations in local contexts are not standard liberal type. It consists of associations, local networks and community institutions like caste panchayats, village panchyats etc. They are bound by traditional mores of social life. Kothari argues that these associations constitute a resource for reviving democracy as they constitutively express non-instrumental forms of life. Mahajan thinks that these associations ought to be transformed by liberalizing visions of constitutional state, even if one agrees that the liberal values conceived in the constitution are of undeniable significance. One cannot be oblivious to contexts in which it is invoked. With the wide spread criticism of modernization theories and processes, the route to introduce liberal values in a society cannot be by means of coercion, if liberal values are seen as emerging along with values of possessive bourgeoisie individualism. One needs to be critical of such values, and some theorists of postcolonial theory have articulated a critique of liberal institutions and modern state in post-colonial contexts such as India (Chatterjee, 1986, 1993, 2011 &Mongia, 1997). They have been critical of capacity of liberal institutions to transform socio cultural institutions of native society. It would lead to alien imposition of values foreign to one's society. Hence, the process of transformation of

socio-cultural institutions by the modern state is a critical question. Here comes the thorny issue of nature of institutions of civil society and their spread.

There are two views on the nature of spread of institutions of civil society. The first kind view civil society as essentially consisting of groups and associations which are voluntary in nature. The membership in such associations is based on free choice made by autonomous individuals who can exit from such associations. Such associations and institutions are very limited in their expanse. The spread of such organizations is limited to small groups of educated elites. A large section of people has been organizing themselves on the lines of caste, language ethnicity. These sorts of organizations do not imply that they are merely perpetually archaic identities. These identities stand for recognizing the traditional caste resources for modern purposes of articulation, mobilization and representation in the public realm. This is a second kind. Modernization theory presumed that articulation of identities based on ascriptive loyalties would be replaced by economic and profession-based identities. But they continued to thrive. The question is, while conceptualizing civil society, the use of the term is restricted to the first one; or it can possibly include the second kind as well. If one takes Mahajan's standpoint, civil society has to be considered as consisting of first type of associations. If one takes Kothari's stand point, civil society may have to be considered as consisting of second kind of organizations as well. The transformation of socio-cultural institutions is a problematic that ought to be visited not merely from the stand point of constitutional state, but other possible kinds of non-statist transformations that Kothari visualized on the Gandhian lines so that alternatives to the modern state can be thought of.

Fifth, Mahajan's account of state /civil society relationship is weak with regard to the path that socio-cultural institutions might have to take in the process of transformation led by nationalist movement and postcolonial state. Nationalist leaders thought in terms of transforming obsolete social institutions on modern lines. This has been continued by postcolonial state in terms of obliterating markers of caste, ethnic and gender considerations from the public realm so that a secular culture could be built which would be presided over by the state. However, neither the state nor the modernist elite have succeeded in building such a culture. Political scientists also hoped for a future public realm which is emptied of social and ethnic markers including modernists of liberal and Marxist persuasion. They thought it would create professional identities. Future would be devoid of social and ethnic markers. This did not happen, social and ethnic identities become permanent stay in public life. This has happened also as a result of democracy. Apart from theoretical literature on the significance of identity, social identities contribute to democratization. A social identity is a way of gaining control over public resources actual and symbolic. In different societies, political modernity takes different paths. Mahajan's articulation of role of state in democratizing the ethic of civil society should be cautious of its homogenizing impulse. She assumes an Archimedean position from which identities in civil life can be reformed there by producing conditions necessary for civil society. She does not pay attention to the fact that the idea of citizenship cannot be extricated from culture. Citizenship is not merely concerning rights. It is about cultural belonging as well. She does not emphasize the cultural specificity of a society that produces identities. Thus, she has totally ignored culture specific path that political modernity takes in postcolonial societies. She advocates restructuring civil society by a

universal law to establish equality and justness in its structures. It ignores cultural specificity of institutional development of civil society. She is making a theoretical case for instituting liberal civil society through constitutional norms and laws. She says laws cannot spontaneously spring from civil society, but must be legislated and enforced by state. At the heart of it, there is a problem. This idea of liberal civil society outlaws out of existence vast realm of associations and organizations whose membership is not voluntary but based on ascriptive criteria. It considers them as hierarchical, inegalitarian, and unjust. They must be thoroughly reformed. Hence, they do not come under the scope of civil society. Thus, vast realm of public initiative has to be excluded from the scope of civil society as it does not conform to bourgeoisie norms. This emanates from cultural 'neutrality' that she presupposes. One needs to be sensitive to cultural specificity of how institutions have been imagined and their evolution.

REFERENCES

Kothari, R. *State against Democracy*, Delhi, Ajanta Publications. 1990.

Mahajan, Gurpreet, "Civil Society and its Avatars: What happened to Freedom and Democracy,"*Economic and Political Weekly*, May 15, 1999, 4, & "Civil Society, State and Democracy,"*Economic and Political Weekly* Dec 4, 1999.

Beteille, Andre, "Citizenship, State and Civil Society,"*Economic and Political Weekly,* September 4, 1999.

Kothari, Rajni, *State Against Democracy:In search of Humane Governance*, Delhi, Ajanta Publications, 1988.

Kothari, Rajni, *Transformation and Survival: In Search of Humane World Order*, Delhi Ajanta, 1988.

Mahajan, Gurpreet, "Civil Society and its Avatars: What happened to freedom and democracy,"*Economic and Political Weekly*, May, 15, 1999.

Beteille Andre, "Citizenship State and Civil Society, *"Economic and Political Weekly*, Vol. 34, No. 36, (Sep. 4-10-1999)

As Discussed in Mahajan, Gurpreet, Civil Society and Its Avatars: What happened to Freedom and Democracy, *Economic and Political Weekly*, Vol 34, No. 30 (May 15-21, 1999).

Beteille, Andre, "Citizenship, State and Civil Society", *Economic and Political Weekly*, Vol 34, No. 36.

Chakraborty, Dipesh, *Provincialising Europe: Post-colonial thought and Historical Difference*, New Delhi, OUP, 2000.

Khalzer, Michael, "Equality and Civil Society" in Chambers Simone and Kymlicka Will (ed) *Alternative Conceptions of Civil society*, Princeton, Princeton University Press, 2002

Chatterjee, Partha, *Nationalist Thought and the Colonial World: A Derivative Discourse*, London, Zend Books, 1986, The *Nation and its Fragments: Colonial and Post-Colonial Histories*, Princeton, Princeton University Press, 1993, *Lineages of Political Society*, Delhi, Permanent Black, 2011. Mongia, Padmini, *Contemporary Postcolonial Theory: A Reader*, Delhi, Oxford University Press, 1997