Chapter 2 – The State and Civil Society: Setting the Theoretical Framework

Introduction

In this chapter I contextualize the theories of democracy as it originated in the European tradition and those of civil society within the European and Indian frameworks. The first section, Democracy and citizenship traces the origin of these two concepts in the writings of classical thinkers including Hobbes, Locke, Jeremy Bentham, James Mill, John Stuart Mill, Rousseau and Marx (Held 1992). I then expand the notion of citizenship, in terms of the various facets of this concept, as well as the idea of inclusive citizenship, as espoused by theorists such as Marshall (1992), Giddens (Barbalet 1988; Zolo 1993), Held (1993), Dahl (1989), Barber (1984) and Dworkin (1998). Once I delineate the emergence and consolidation of the various ideas of citizenship within the context of a democratic framework, I proceed to the second section in which I describe in detail theoretical formulations on civil society by various schools of thought, including the Scottish Enlightenment theorists (Khilnani 2002), Hegel, Marx, Gramsci and the post – Marxists (Chandoke 1995), De Tocqueville (1899), Habermas (2000) and Chomsky (1991).

In the third section, I deal with the theoretical foundations of civil society in India, in which I draw from the writings of Khilnani (2002), Oommen (2005), Chandoke (1995), Beteille (1999), the cultural critics (Kothari 1988; Nandy 1984; Sheth 2003), Rudolph and Rudolph (2003) and Varshney (2003).

In this section, I also highlight the emergence of the rights – based new social movements in India, which are played out in the sphere of civil society as a response to the perceived failures of the state to meet the promises laid down in the Constitution for a just and equal society. I primarily quote Jayal (2001) and Parajuli (2001) to describe the origin and growth of these movements.

In the final section, I end the chapter by drawing attention to the variations in the concept of civil society, specifically in the Indian context and the context of the rise of civil society in relation to its implications for India.
Democracy and Citizenship

The word 'democracy' is of Greek origin and means "rule by the people"—in other words, in a democracy, it is the people who come first. In addition to regular elections, which are meant to hold governments accountable and unseat a non-performing leadership, i.e., a leadership that does not address the often competing needs and interests of people, a democracy also requires institutions that function effectively and efficiently. By this is meant the existence of an autonomous judiciary, political parties, free and independent media and a public sphere where individuals and groups can freely express their opinions about public affairs that concern them, while at the same time playing the role of a watchdog that monitors and evaluates government functioning by allowing space for political participation.

In modern Western political thought, the idea of the state is often linked to the notion of an impersonal and constitutional order with the capacity to administer and control a given territory. Held (1992) brings to us some central perspectives on the modern state in which context he highlights some classical thinkers on this concept: Hobbes, Locke, Jeremy Bentham, James Mill, John Stuart Mill, Rousseau and Marx.

Hobbes argues that if individuals surrender their rights by transferring them to a powerful authority which can force them to keep their promises and covenants, then an effective as well as legitimate private and public sphere, or society and state can be formed. Thus, social contract consists in individuals handing over their rights of self-government to a single authority, who can act on their behalf, on the condition that every individual does the same.

The relation that ensues is one of sovereign to subject. The person established as sovereign has the authorized use of power. The sovereign's subjects have an obligation and duty to obey the sovereign, because the sovereign position is a result of their social contract and sovereignty is above all, a quality of the position rather than of the person
who occupies it. There can be no conditions placed on such authority because to do so would mean undermining its very raison d'être.

The underlying principle for Hobbes is that while sovereignty must be self-perpetuating, complete and absolute, it is the authority conferred by the people that establish it.

For Locke, on the other hand, humans (men) are free and equal because reason makes them capable of rationality, and of following the law of nature. However, natural rights of men are not always safeguarded in the state of nature because certain inconveniences exist. Among these inconveniences may be included the following: not all individuals fully respect the rights of others; when it is left to each individual to enforce the law of nature, there come too many judges and hence conflicts of interpretation about the meaning of the law; also, when people are loosely organised, they are vulnerable to aggression from abroad.

For Locke, the formation of the state does not signal the transfer of all subjects’ rights to the state. The rights of law making and enforcement are transferred, but this entire process is based on the condition that the state would adhere to its essential purpose, which is the preservation of life, liberty and property (property was used by lock in a narrow sense to mean the exclusive use of objects).

Sovereign power, or sovereignty remains ultimately with the people. The legislative body enacts rules, but only as the agent of the people, and in accordance with the law of nature. Locke believed in the desirability of a constitutional monarchy holding executive power and a parliamentary assembly holding the rights of legislation. An absolutist state and the arbitrary use of authority are not consistent for Locke, with the integrity and ultimate ends of society.

For Jeremy Bentham, James Mill and other Utilitarians, liberal democracy is associated with a political apparatus that would ensure the accountability of the government. In Bentham and Mill’s view, the objectives of the government should be to act according to
the principle of utility. The government must aim to ensure by careful calculation, the achievement of the greatest happiness for the greatest number.

The government has four subsidiary goals: the government must provide subsistence, it must produce abundance, it must favour equality and it should maintain security. The last goal is by far the most crucial because if the state pursues this goal, along with the others, it will be in the citizen’s self-interest to obey the government. Thus, this school of thought provided one of the clearest justification for the liberal democratic state which is what ensures conditions necessary for individuals to pursue their interests without risk of arbitrary political interference, to participate freely in economic transactions, to exchange labour and goods in the market and to appropriate resources privately.

For John Stuart Mill, liberty and democracy create the possibility of human excellence. Liberty of thought, discussion and action are necessary conditions for the development of independence of mind and for independent judgement. They are vital for the formation of human reason. The cultivation of reason, in turn, stimulates and sustains liberty. Representative government is essential for the protection and enhancement of both liberty and reason.

For John Stuart Mill, representative government is the most suitable mode of government for the enactment of laws consistent with the principles of liberty. A representative system of democracy makes government accountable and creates wiser citizens capable of pursuing public interest. It is both the means to creating a pluralistic society and an end in itself since it is an essential democratic order.

One of the earliest exponents of direct or participatory democracy is Rousseau. Rousseau saw individuals as ideally involved in the direct creation of laws by which their lives are regulated. The sovereign authority is the people who make the rules by which they live. Rousseau believed in the notion of an active and involved citizenry in the process of governance.
Rousseau was however a radical interpreter of participatory democracy. For him, all citizens should meet together to decide what is best for the entire community, and thereby enact appropriate laws. In essence, the governed should be the governors. Self-government, for Rousseau, is an end in itself. A political order offering opportunities for participation in the arrangement of public affairs should not just be a state, but rather the formation of a type of society in which the affairs of the state are integrated into the affairs of its citizens.

It is the citizens who must both create as well as be bound by 'the supreme direction of the general will', which is the publicly created idea of the common good. People are sovereign only to the extent that they can participate actively in generating the common will. Citizens are only obligated to a system of laws and regulations on the grounds of publicly reached agreement, because it is only to a law that they have prescribed for themselves that they can be obligated, with the general good in mind.

Rousseau argued for a political system in which the legislative—which belongs to the people—and the executive—which belongs to the government—functions are clearly demarcated. It is the people who form the legislative assembly and constitute the authority of the state, whereas the role of the government is to execute the peoples’ laws.

No theory on the state is complete without the Marxist view being incorporated. For Marx, it is class structure that is the key to understanding the relations between people. Those who are able to gain control over the means of production form a dominant or ruling class both economically and politically. Class relations are necessarily exploitative and imply divisions of interest between ruling and subordinate classes.

Societies are capitalist to the extent that they are characterized as being dominated by a mode of production that extracts surplus from wage-labourers in the form of surplus value. This surplus is the value generated by labourers in the productive process and is over and above their wages. The owners of the means of production or capital, i.e. the capitalists, then appropriate this value.
The modern epoch's social and political structure is characterized, for Marx, by such an exploitative relation between owners of means of production and wage labourers. In treating everyone in the same way, the state may act 'neutrally', but such an act may result in generating effects that are partial, thereby sustaining the privileges of those with property.

Marx envisaged the replacement of the liberal democratic state by a 'commune structure'. In such a system, the smallest communities, which would administer their own affairs, would elect delegates to larger administrative units such as districts and towns. These in turn would elect candidates to larger administrative units, which according to Marx consist of a national delegation. This arrangement is known as the 'pyramid' structure of 'delegative democracy'.

All delegates are revocable, bound by the instructions of their constituency, and organised into a pyramid of directly elected committees. And, since all fundamental differences of interest in society are class interests, and the working class interest is the progressive interest in society, which has to be articulated clearly and decisively during and after the revolution, a revolutionary party is essential. The party is the instrument, which can create the framework for socialism and communism.

Hayek, in his seminal three-volume work *Law, Legislation and Liberty*, outlines the neo-liberal's version of liberal democracy and critiques undue state intervention in the free market, which is especially characteristic of the socialist state (Pierson 180: 1993). For Hayek, individual freedom was sacrosanct, and believed that government intervention should be limited to domains such as law and order, policing, security and defense, provision of certain "public goods" which the market cannot deliver efficiently and providing aid for those who are impoverished. Hayek's definition of a liberal democracy was one which is characterized by a "condition of liberty" and work to satisfy their individual needs and aspirations by using the knowledge that is available to them, but do so within the framework of universally applicable, just rules of conduct (Ibid.).
For Hayek, parliamentary sovereignty is the main obstacle in the pursuit of liberty, since it creates vested interests whose needs it then functions to serve, at the expense of the rest of the society (Pierson 181: 1993). The result is the creation of coalition politics where issues of national and public interest are relegated to the background while particular interests are prioritized to keep the party in power.

The worst form of unlimited government is the one which plays into the hands of the socialists, for two main reasons. The first is their attempts to manipulate free market transactions, which according to Hayek is an exercise in futility since it is not possible to predict market behaviour (Ibid.). Secondly, socialists favour and sponsor state welfare measures and certain legislation, which may be advantageous for those who form part of the organized labour movement, such as the trade unions, the peasants groups and so on, and are thus not applicable universally.

Socialist intervention in the market results, according to Hayek, in the “mirage of social justice” (Pierson 182: 1993). The reason for this, is that undue state intervention in the market prevents the free market from functioning in a just manner, and “confiscates” the wealth of those who are more successful to redistribute this to the more needy. This makes parasites out of them, creates vested interests and undermines the individual’s role in the free market. In this way, socialists make a mockery out of democracy, making Hayek concede that “only limited government can be decent government” (as cited in Pierson 180: 1993).

Oommen (72: 2005) refers to Marshall’s definition of the multi-dimensional citizen to describe the democratic state as a collectivity of citizens who are endowed with rights that essentially have three dimensions - civil, political and social. Civil rights are rights relating to liberty, freedom of speech, expression and professing of religion, ownership of property, concluding valid contracts and attainment of justice. Political rights, on the other hand, refer to the rights to vote and to have access to public office. Finally, social
rights refer to a synergy of economic rights and justice for each and every citizen to live a decent life in vis-à-vis the standards set in the society in which the citizens are living.

Oommen (85: 2005) also emphasizes the debate between theorists such as Dahrendorf who believed that citizenship, being a non-economic term, is a status any individual is entitled to along with the resultant benefits, whereas the other side of this debate comprises theorists such as Mead who believe that 'unconditional entitlements' would make parasites out of people and that it is those who work who must receive benefits whereas those who receive benefits should be willing to work. However, Oommen (86: 2005) raises a few doubts regarding the latter view, by asking how persons who have disabilities or who are above (or below) a certain age can become active citizens. According to Oommen (Ibid.), under certain conditions, it is the 'able-bodied' individuals who can be made active citizens.

Zolo (255: 1993) highlights the paradox in Marshall's theory of citizenship in which it has a tendency toward equality of all but at the same time, citizenship rights cannot be separated from the move towards a capitalist society. And, capitalism is a system of inequalities rather than equality. Thus, Marshall's main point of worry, according to Zolo (Ibid.), is how can the political system in western societies based on capitalism develop and become stable if these societies are rooted in this paradox?

According to Marshall (11: 1992), during the early stages of the development of the capitalist society, providing citizens civil rights was a functional necessity; additionally, the logic of civil rights of citizens did not conflict with the contractual nature of markets. The reason for this is that the civil aspect of citizenship allows individuals to function in economic competition with each other as individual units and at the same time denies them social protection on the pretext that citizens were equipped with the legal means to do so. Marshall (Ibid.) was at the same time wary of political citizenship because it threatened the capitalist system by providing the proletariats the means to move towards equality of all through establishment of egalitarian policies and social rights.
Giddens (Barbalet 1988; Zolo 1993) saw citizenship as the outcome of the political struggle waged by the subordinate classes whereas Barbalet (108 – 11: 1988) claims that there are internal tensions between civil rights and social rights. While civil rights, on the one hand increases the social and economic power of citizens, social rights, on the other don’t bestow any power on citizens since they are simply consumers’ rights. Therefore, according to Barbalet (Ibid.) provision of social rights to citizens must not be confused with social policies being granted by a welfare state. For, social rights do not remove inequalities, rather they only reinforce them because they affect the mechanisms relating to distribution of resources.

According to Held (Zolo 237: 1993), citizenship is not to be narrowly restricted to civil, political and social rights. Rather, it involves the full participation of individuals in their community. In addition to this, one must take into account the struggles of the marginalized, the oppressed and those belonging to the bottom level in social stratification. According to Zolo (Ibid.), Held’s definition of citizenship is thus:

Any discussion of citizenship must therefore account for the different struggles that groups, movements and classes have waged against specific forms of discrimination, social stratification and political oppression. Crucial political issues such as the reproductive freedom claimed by the feminist movement, or the problems raised by black movements, the ecologists, the defenders of children’s rights or the advocates of moral status of animals and nature, cannot be ignored (237: 1993).

Held (Zolo 260: 1993) extends the definition of citizenship beyond rights of individuals within the nation - state. For Held (Ibid.), globalization has widened the gap between citizenship within one national community and international legislation which imposes regulations and obligations on individuals and government and non - government organizations (Ibid.).

For Zolo (263: 1993), the only reasonable meaning of citizenship is the republican one, alluded in Habermas’ definition of the term,

The republican component of citizenship is completely separated from membership of a pre-political community in which integration is achieved through descendance, tradition and a common language. The identity of a nation made up of citizens is not constituted by ethnic or cultural affinities, but by the
practice of the citizens themselves, actively exercising their rights of participation and communication (263: 1993).

For Dahl (120: 1989), inclusive citizenship is a criterion any democratic process must satisfy in terms of a democracy including all "adults" who are impacted and subject to the "binding collective decisions" of that democracy. According to Dahl (124: 1989), two basic principles have been forwarded to define who is a citizen. One is the categorical principle according to which "every person subject to a government and its laws have an unqualified right to be a member of the demos". This principle has been espoused by classical thinkers beginning with Locke. The other is the contingent principle, advocated principally by Rousseau according to which "only persons who are qualified to govern, but all such persons should be members of the demos" (Ibid.). Dahl opines that while the first principle is "explicit, categorical and universal" the second is "implicit, contingent and limiting" (Ibid.).

Dahl (129: 1989) notes that since groups that have been excluded from the functioning of the demos such as women, racial and ethnic minorities and the landless would not only become disempowered and unable to articulate their interests but the demos itself is "not likely" to protect the interests of these marginalized groups. In light of this, Dahl (127: 1989) has redefined the categorical principle thus, "every adult subject to a government and its laws must be qualified as, and has an unqualified right to be, a member of the demos".

For Barber (217: 1984), citizenship is the legitimation of the natural bonds shared by individuals of a community, which provides these natural bonds a voluntary nature and makes common the fate that is shared by all the individuals in that community:

Strong democracy places the democratic process itself at the center of its definition of citizenship ... Citizens are neighbours bound together neither by blood nor by contract but by their common concerns and common participation in search for common solutions to common conflicts... In actual democratic states, as one might expect, a compound notion of citizenship is at work: territory and birth are the condition of citizenship, whereas contract (the basis of government legitimacy), blood (the sense of a national culture), and common activity (practical politics as a process) give it its concrete character (Barber 219: 1984).
Barber (220: 1984) notes that when citizens define themselves not in relation to each other but to the government in two ways, i.e. as "sovereign contracting parties" and as "subjects" or "beneficiaries", then, they become citizens wholly by virtue of their relationship with the government and their relationship with other citizens is of an entirely private nature and does not have any "civic" element about it. Citizenship for Barber (Ibid.) becomes a latent function when citizens become watchdog that watches every move of the government to hold it accountable for any mistake, such as during a time of constitutional crisis or a political scandal but, "submits passively" to all other government activity that is considered to be legitimate, in which they leave governing to the elected representatives while they themselves pursue their activities in the private sphere.

In such societies, the government and citizenry are distinct and separate forms, where the former is responsible to and for the latter but is not comprised of its citizens. Citizenship in such societies, as exemplified by the United States, acquires a particularistic and client–style nature and loses its sovereignty and the idea of the common fate associated with it.

It is in the realm of strong democratic politics that citizenship becomes a "dynamic" relationship between strangers who are transformed into neighbours who commonality is a result of their ever–expanding consciousness about each other rather than their physical or geographical proximity (Barber 223: 1984). Individuals in a strong democracy are active participants in the institutions of local self government and are more involved with one another as a result of their ongoing and shared interest in the affairs of the government and in politics (Ibid.).

Thus, for Barber (227: 1984), active participation of individuals in politics is a significant element to the definition of citizenship, where the individual is autonomous and enjoys citizenship by "right", which is political in nature rather than natural. Citizenship in a strong democracy can be forfeited by the individual only by his own action or inaction
rather than by an external agency. A strong democracy is built upon civic activity of its citizens rather than by any other traditional definition of citizenship (Barber 228: 1984).

For Marshall, social citizenship would not be able to succeed in weakening the non-egalitarian principle by which markets function. States cannot, by providing social benefits to their citizens, also achieve equality of income in this process. They can, by extending social rights to their citizens, try and bring the underprivileged citizens to the standards of the society in the areas of "health, employment, age and family conditions" by subordinating the logic of the markets to the idea of social justice (Zolo 236: 1993).

Dworkin¹ (320: 1984) explains that the notion of inclusive citizenship can be explained best in the context of a liberal form of government. There are, according to him, two types of liberalism. One is the liberalism based on neutrality, and the other is the liberalism based on equality. The fundamental principle on which the liberalism based on neutrality functions is that the government must not take sides on issues that have a moral implication. However, liberalism does not provide any explanation for the inequalities that exist in society. On the other hand, liberalism based on equality, according to Dworkin (Ibid.), stipulates that government must treat all its citizens as equals and must not impose any constraints upon any citizen if that citizen cannot accept a state ideology "without abandoning his sense of his equal worth".

Civil Society: Its European Formulation

The term "civil society" is not a post–Hegelian concept Khilnani (17: 2002); it in fact, owes its English usage to the Latin translation, societas civils, of the term initially used by Aristotle to denote it, i.e. koinonia politeke. In the sense in which it was first used, there was no distinction between the "state" and "society" – it is here that credit must go to Hegel who was the first to make this distinction. Initially however, civil society was used to refer to,

...a community, a collection of human beings united within a legitimate political order, and was variously rendered as ‘society’ or ‘community’ (Khilnani 17: 2002).

Prior to Hegel’s redefinition of civil society, there were two main threads of thought in respect of this concept. The first of these belonged to John Locke and the second to the Scottish Enlightenment theorists.

For Locke, the distinctive feature of civil society could be gleaned from the fact that it exists in contrast to the state of nature. On the other hand, he did not make any distinction between civil society and political society, i.e. he did not define civil society as an entity that was distinct from the state. Rather for him, civil society was used to refer to a “benign state, a legitimate political order” (Khilnani 18: 2002).

Locke however, placed primacy on the individual in civil society and his interactions with others, which was based upon trust. According to Locke, the legitimate political order was not possible if the medium of human interaction was not founded upon the principle of trust. In this manner, Locke tried to synergize the private and the public: i.e. the “physical and practical relations” between “individual citizens” that mark their private lives and the “structural relations” that characterize the interaction between “bureaucratic governments” and their “subjects” (Ibid.).

In Locke’s opinion, for civil society to function effectively there needed to exist in it a capable judicial mechanism with laws that were recognized by society and which it had the powers to enforce effectively. To become a civilized society, certain minimum conditions also needed to be met. These included the existence of a representative government, private property rights and the freedom to worship. In addition, human beings conducted themselves not in any way they pleased, but, in a disciplined manner. In fact, in a civilized society, the actions of individuals reflected their realization that they were on earth to fulfill the will of the Christian God. Thus, it was their “shared conviction

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For Locke, the freedom of speech and the toleration of atheism were not characteristic features of a civilized society.
of their terrestrial purpose" that ultimately held together the civilized or civil society (Khilnani 18: 2002).

The second thread of opinion on civil society came from the Scottish theorists, whose response was more secular in nature. According to the Scottish theorists, also known as the commercial theorists, society was held together by "interdependencies of need". In other words, the basic principle on which civil society functioned was not trust but need. However, for individuals to function effectively in association with one another, certain minimal conditions had to be met. These were the existence of a judicial system that was upheld by political authority which also governed an effective market system. The existence of the market system made the need-based association of individuals a continuous and on-going one.

However, for the commercial theorists, human relations were not only governed by need, which was only one aspect of human interactions. Human interactions were also characterized by relationships in the private realm such as friendship, affection and sentiments. This element of voluntarism in human interactions, according to the theorists, enriched these interactions since they helped to break away from their need-based interactions, characteristic of any commercial society.

The relationships in the private realm were also referred to as those based on what Adam Smith called "natural sympathy" and it played a significant role in that it "integrated individuals into larger societies, and connected them successively to more inclusive groups" (Khilnani 22: 2002). In addition, this social cohesion amongst individuals, which was of a voluntary nature, could also restrain the authority of the state and prevent monopoly of political power by any one branch of government.

The credit for defining civil society by calling for the delineation of an economic sphere goes to classical political economists. The classical political economists, also known as the liberals termed this sphere "civil society". The concern of the classical political economists with civil society arose as a result of the developments they witnessed in their
own society, which was characterized by division of labour and centrality of production. According to the liberals,

...civil society is a characteristic of “emerging industrial societies which were marked by a complex division of labour, the centrality of production and economic changes (Chandoke 115: 1995).

Liberals also consider civil society to be the property of democratic states since civil society is places emphasis on values of accountability of the state and the boundaries of its power, which are core democratic values by themselves. Moreover, in such societies, it is the function of the state to maintain social order and the freedom of the civil sphere while at the same time not interfering in its functioning (Chandoke 161: 1995). Thus, civil society for the liberals is a space where individuals pursue their private interests in association with others, and are at the same time rule-bound. Additionally, this space is independent of or autonomous from but protected by the state, where both the state and civil society have specific and differentiated roles to play.

In the sphere of civil society, individuals pursue their own interests in association with others. As a result of the voluntary nature of people’s associations with each other, the liberals gave primacy to civil society and called for its autonomy from the state simply because they believed that people were rational, motivated and self – regulating, and these attributes contributed to defining the limits of the state vis-à-vis the civil society (Chandoke 115: 1995).

Chandoke (Ibid.) quotes Ellen Wood, for whom civil society is a phenomenon that emerged in a concrete fashion in the eighteenth century, summarizes the classical political economists’ notion of civil society,

"Civil society represents a separate sphere of human relations and activity, differentiated from the state but neither public nor private or perhaps both at once, embodying not only a whole range of social interactions apart from the private sphere of the household and the public sphere of the state, but more specifically a network of distinctively economic relations, the sphere of the market-place, the arena of production, distribution and exchange” (Wood 61: 1990 cited in Chandoke 115: 1995).
At the same time, the classical political economists were aware of the limitations of civil society. Though they were concerned about the consequences of an autonomous, self-regulating civil society peopled by rational and self-motivated individuals pursuing their interests, they limited their analysis of civil society to the delineation of this sphere as a counter-mechanism to the powerful state. They did not provide an answer to how free, but self-interested and egoistic individuals who inhabit this sphere can indeed destroy it.

The solution to this problem was provided by Hegel and Marx, who not only expanded the notion of civil society in order to demystify it by not just confirming the need for its existence and subsequent primacy over the state, but also by explaining how its limitations may be transcended.

According to Alam\(^3\) (350: 2005), civil society and national community emerged as a result of a growing democratic awareness. He explains that in ascendant capitalism, people are brought together in the common market to interact with one another for the mutual exchange of goods and services. However, capitalist societies are prone to certain types of conflicts, which people learn to handle through shared meanings, which was dependent on the extent to which people could communicate. It is in this way that vernacular languages developed and with it, national communities in European countries (Alam 350: 2005).

The other significant role played by ascendant capitalism by bringing people into interacting with each other directly was to dissolve feudal ties which were bound by relations of superiority and inferiority, as a result of which feelings of subservience were broken down and people with a sense of their identities as individuals or “individuated persons” to use Alam’s coinage, emerged (Ibid.).

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Individuals began to have their own conceptions about the way society must be arranged and the resulting interchanges and clashes led to the creation of contestants, and it is through this contestation that the public sphere emerged. In the course of such evolution of society, the sphere of civil society began to take shape. Thus, according to Alam (Ibid.), civil society and democracy “were deeply supportive and facilitative of each other. This historic development is the source of the belief that democracy needs civil society to survive and thrive; and that it cannot do without its support”.

Hegel:
The term civil society or Burgerliche Gesellschaft was already in use at the time Hegel began to study it. According to Jones (107: 2001)⁴, the term civil society had begun to be associated with the third estate from the time of the French Revolution as a result of which thinkers such as Carl Ludwig von Haller considered the possibility of returning to the idea of ‘natural society’ in place of ‘civil society’, as a way of restoring the feudal relations in society.

Hegel, however, was influenced by the classical political economists who separated the state and civil society, and who saw civil society as a characteristic of the modern industrial society. He too believed that the civil society was the sphere in which individuals legitimately pursued their own interests. Consequently, he saw civil society as “progressive, enlightening and emancipatory … (allowing) therefore the realization of individual potential” (Chandoke 117: 1995).

The Hegelian notion of civil society consisted of the rights-bearing individual who functioned in this sphere within the framework of a capitalist economy marked by the ethos of the market. However, according to him, civil society was distinct from the economy and lay between the state and the family. For Hegel, civil society was a category attributed historical importance due to its being an “important moment in the

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transition from the family as a mode of social organization, to the state as the supreme and final form of such organization” (Ibid.).

Thus, for Hegel, the significance of civil society was reflected in its being one of the factors that regulated individuals, the other two being the family and the state. While the family, on the one hand was characterized by transactions based on ties of love and affection, and the state was characterized by transactions that were universal in character, civil society, on the other hand, was considered to be the domain where the egoistic and self-interested individual functioned to fulfill his or her needs – thereby making this a domain of particularity. Moreover, it was in the domain of civil society that the principles of particularity and universality were negotiated and tensions worked out to mark the transition from family to state as the highest form of ethical being.

However, Hegel was aware that the self-serving individuals who comprised civil society were also its limitations in the sense that such selfish interests would ultimately fragment this sphere. If given a free rein, i.e. if the autonomous civil society was left completely to the will of the self-regulating individual guided by the principle of particularity, it would end up destroy this sphere.

Hegel granted that the self-seeking activities of individuals generated a community-feeling amongst them as a result of their interdependence. In other words, labour being a social function, individuals mutually depended upon each other to fulfill their needs through their day-to-day economic activities. Secondly, the fact that labour being a social function it would develop any meaning only in society, where people enjoy shared meanings, rights and obligations that are mutually recognized. Hegel explained this by citing the example of the right to property which, according to him, could acquire significance only in a society where such a right was mutually recognized by people, who therefore respect this otherwise individual act (Chandoke 123: 1995). Thus, these two opposing tendencies of individualism and community feeling co-existed in an exchange economy, thereby allowing for universality to gain primacy over individualism.
According to Hegel, the market needed to be regulated since it had the tendency to “remove vast sections of people from the benefits of modern life” (Chandoke 124: 1995). The “taming mechanism” would be the state with its emphasis upon the universal ethos. Thus, society, according to Hegel was vertically organized into three segments, with family at the bottom, civil society in the centre and the state being the highest form of ethical expression.

As a result of the serious limitation of civil society being peopled by self-serving individuals whose particularistic tendencies could fragment it, civil society, according to Hegel, needed to be “organized both pedagogically and institutionally” (Chandoke 120: 1995). The individual needed to be oriented and sensitized to the fact that blindly following their selfish interests can only lead to disintegrating this domain. Thus, they needed to understand that an “ethical community” (Ibid.) was the way to sustain civil society and at the same time realize their individual rights and freedom.

In Hegel’s opinion, modern society did not have institutions that could perform the role of integrating individual and social interests (Chandoke 126; 1995). Thus, in modern society, individuals were deprived of a safeguard against the powerful state. Thus, individuals needed to be moderated by membership of associations, which could guide the relations of individuals with the state. Hegel also talked about three types of controls that negotiated social relations and harmonized individual and group interests.

The first of these were the public authorities such as judiciary and the police and welfare agencies, amongst others, which normally belonged to the realm of the state but were placed by Hegel in civil society because they regulated social exchanges rooted in a capitalist society. The second range of controls was the social class into which an individual was born which made him aware of shared interests and estates which implemented certain types of administrative functions such as monitoring the exercise of power by agencies of the state at the local level. The third range of controls was the corporations which were like a second family for their members since they provided them a sense of identity, integrated their competing interests by imposing duties and
distributing equally benefits that were accumulated by the members and thirdly by promoting their members’ interests and thereby emerging as a pressure group.

Thus, social classes, estates and corporations provided moral socialization for individuals by making them realize that it is only in associating with others that the universal can emerge.

For civil society to transform itself, it needed to be made subsidiary to the state, since the state would regulate it to ensure that its contradictions didn’t result in its disintegration and also because the universal (state) is more important than the particular (civil society) for this to be achieved. However, according to Hegel, even this couldn’t guarantee exclusion of certain groups since the universal which is the superstructure, would be representative of the particular, or the substructure, which was characterized by the particularistic tendencies (Chandoke 129: 1995).

One critique of Hegel is that he defined the corporations that regulated the relations of individuals with the state very narrowly since to become a member, an individual needed to own a set of “skills, income, authority and property” (Chandoke 131: 1995). Such a definition inevitably excluded large sections of society by confining membership to the propertied classes. This would make the poor who were excluded more discontented and rebellious.

This contradiction of Hegel’s whereby the conflict between individual and social interests needed to be reconciled by the state but the state itself encouraged non-participation of certain sections, specifically the working classes, from civil and political society, made the realization of ethical life by the state an impossible mission. However, Chandoke (132: 1995) notes that the Hegelian state, by recognizing the propertied classes as the active group in civil society, managed to reconcile the conflicts at the level of the propertied classes, which was what, according to Hegel, needed to be transcended for an organized civil society. This made the realization of the Hegelian form of ethical life through the state a partial process that was beneficial only for the propertied classes.
From this analysis, it is seen that Hegel’s conceptualization of civil society was considerably narrowed by his being influenced by the realities in his society, when values such as property and dominance of the state and skepticism of direct democracy were the accepted norms.

**Marx:**

Marx, like Hegel believed that civil society comprised of self-serving individuals whose egoistic activities were prone to result in conflicts in this sphere. However, he differed from Hegel with regard to the way in which such conflicts in civil society could be transcended so that this sphere could be transformed to a higher, more ethical form. And this transformation of the particularistic practices of civil society, for Marx, would need to originate from within civil society itself (Chandoke 134: 1995). So, in the Marxian formulation, civil society was more important than the state and held the state together - the state did not regulate civil society.

In the Marxian notion, civil society being the sphere found in a capitalist society, is characterized by economic exchanges and the appropriation of surplus labour. In it various dialectics including the “social and political, domination and resistance and oppression and emancipation” were played out in a quotidian manner (Chandoke 136: 1995). For Marx, civil society, instead of looking towards an external system such as a state to redeem it through a set of mediations, must look inward, since it was the stage where history was being played out everyday, to transcend the particularistic stage.

According to Marx, the individual being was depoliticized in nature, hardly participating in public affairs, while the state monopolized political life through the bureaucracy, which as a matter of principle, prevented individuals from accessing the state. Thus, the everyday life of the depoliticized individual was carried out in the realm of civil society and not the state. However, civil society being a sphere of egoistic actions of selfish individuals had not experienced the sort of political revolution that transformed the political domain and resulted in an emphasis on the notions of rights, equality and justice.
And since according to Marx, the state cannot have a logic which was different from the one characterized by civil society, the modern individual cannot expect to find any protection from the state, which was as particularistic as civil society (Chandoke 136: 1995).

Thus, according to Marx, the state could not claim universality as it was dominated by the interests of the propertied classes and here too, the logic of capitalist exploitation was applicable, i.e. the state was a “class bound institution” (Chandoke 137: 1995). The state was thereby not superior to civil society, it was not universal and it certainly could not be considered to be neutral either. The individual who had access to the state and whose rights the state guaranteed was the bourgeois and not the working classes. Though Marx agreed that the political revolution experienced by the state had resulted in relegating class to the private sphere, it didn’t result in eliminating classes altogether. Class differences acquired a social character but with no political significance.

To Marx, civil society provided avenues for self-actualization of the individual through labour, which according to him should be a joyful activity, as it was through labour that the individual realized himself and related to others around him. However, given that the sphere of civil society was one which was characterized by selfishness, egoism, conflicts and subjugations, it needed to be transcended so that individuals could lead a better life. It is, according to Marx, through the transformation of civil society that the political domain could also be transformed (Chandoke 142: 1995).

It was society and not the state which bore the brunt of Marx’ critique since it had tolerated the marginalization of an entire section of people, i.e. the working classes. According to Marx, the working classes actually formed the fundamental class of civil society since they lacked the presumptions that were characteristic of property-owning classes. This gave them a “universal human consciousness” (Ibid.). By this Marx meant that the poor were spared the negative impact of selfish interests on their moral character and consciousness. Thus, the contradiction in civil society that needed to be overcome
was no longer between the propertied classes as was conceived by Hegel, but between the propertied and non-propertied classes.

Marx realized that the working class, which was indispensable to civil society as it was constantly engaged in labour, was also capable of political action. Thus, Marx saw the potential the working class had to transform civil society through political action.

However, the limitations in Marx's conceptualization of civil society lay in the fact that he did not consider that the poor, though they remained outside civil society by virtue of not owning property or pursuing private interests, could still share the values of civil society. Thus, Marx's analysis of civil society was marred by the "romanticism" that he attributed to the proletariat (Chandoke 144: 1995).

**Gramsci:**
Gramsci expanded upon the Marxian notion of civil society (Chandoke 148: 1995). According to Gramsci, the state could not be understood without first understanding what civil society was, for it was in civil society that the state's policies and programmes had to find acceptance. Gramsci also made a distinction between political society and civil society. Political society, according to Gramsci, was the domain in which one could locate the coercive apparatus of the state through which the state demonstrated its hegemony over civil society whereas the civil society was the domain where the "intangible and subtle forms of power" were located through the institutions of education, culture and religion (Chandoke 149: 1995).

While the latter were ever-present the former, which included the police, the judiciary and the armed forces were put into operation only when the system itself was threatened. And, Gramsci placed primacy on the institutions of 'soft power' that were used to obtain people's consent. For Gramsci, civil society represented "a set of social relations which stands between the individual and the state" (Ibid.). He saw civil society as both the superstructure as a result of the ideological practices it used to obtain people's consent,
and as a structure where the capitalists and the workers engaged in economic activities and experienced these very ideologies that were used to obtain their consent.

Such civil society was thus the sphere where the practices of both the ideological and cultural superstructure and the coercive structure were negotiated such that the dichotomy between the two could be overcome. This overcoming of the dichotomy was what gave way to consent by the people of state policies and programmes. However, people didn’t give this legitimacy to the state by unconditionally accepting its power over them, rather, such legitimacy was given after “open confrontation with the state and its apparatus” (Chandoke 150: 1995).

Gramsci classified states through their civil societies, i.e. though he accepted that coercive power structures were usually characteristic of all states, it was states with civil societies that could be considered as truly transparent entities. According to Gramsci, civil societies also acted as “protective filters” for “sophisticated bourgeois states” through their apparatus of cultural and ideological domination.

On the other hand, the individual in Gramsci’s formulation was protected neither by the state nor by civil society. And here we see the fundamental difference in the Gramscian and Marxian analyses of civil society. While Marx believed that civil society needed to look within itself for transformation to a higher ethical state, for Gramsci both the state and civil society (and not just civil society) needed to be transformed to protect the civil liberties of individuals.

The transformation in civil society to effectuate the rights and liberties of individuals would occur, according to Gramsci, when individuals, including the subalterns, challenged the power of the state (Chandoke 154: 1995). This could happen through political interventions which were preceded by social, political and cultural interventions, which sowed the seeds for political revolution. Once the working class attained hegemony, it could create a civil society where the individual could self – govern, but, where the self-government did not enter into conflict with the state and its functions.
Such transformation of society banished the alienation of the subaltern classes, thereby making the political society ethical and legitimate.

To place these debates in the present day context, one sees that it is necessary for people to participate in the decision – making that affects them individually and collectively for them to be able to exercise control over their lives. However, such participation is possible only where there is a free civil society which is the sphere where people have the freedom to engage in debates and dialogues over matters that have an impact upon them. This includes their capacity to be prepared to guard against any threat to this freedom, even if the threat is from the all - powerful state. Though the ability of civil society to prevent any monopoly of control over citizens is a necessary condition for democracy, this is not a sufficient condition because only when a civil society provides access to all its citizens to exercise these freedoms, can that civil society be considered to be truly democratic.

Post - Marxists:
Post- Marxists considered the coming together of civil and political society as a dangerous trend. According to the post-Marxist discourse, the existence of a state was a necessary precondition for an autonomous civil society in which people could organize themselves and engage in voluntary exchanges (Femia 144: 2001). Femia quotes the post - Marxist Andre Gorz, according to whom, civil society “needs to embrace a plurality which may be understood not simply as the plurality of parties and trade unions but as the coexistence of various ways of working, producing and living, various and distinct cultural areas and levels of social existence” (Ibid.).

Andre Gorz, (Femia 146: 2001) explained that state was a precondition for freedom, for, it codified in the form of laws people’s obligations pertaining to their social interactions. When such constraints and obligations were placed on individuals in the form of laws and regulations, it created scope for autonomous activity. According to Andre Gorz (Femia

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147: 2001), external constraints weren’t as tyrannical as those internalized by individuals, which were based on sentimental values imposed by the society in which one grew, and which acquired a quasi-sacred status that could not be questioned (Ibid.).

What post-Marxists attempted was to synergize the Marxist and the classical political economists’ analyses of civil society in order to come up with a good definition of this concept.

To attempt to bring together the Marxist and liberal conceptions of civil society was problematic, according to Femia. The liberal analysis placed prominence on the individual as “essentially autonomous entities, secure in their individuality beyond communal ties and referents” (Femia 145: 2001) while the Marxists gave society primacy over the individual who they placed subordinate to the state. However, Femia accepted that both insights originated from a common vision, that of the relation between man and society, and agreed that there were no cases in history where one existed without the other (Ibid.).

The second problem with post-Marxist discourse was the prominence it gave to pluralism. Femia agreed with Adam Seligman who pointed out that if pluralism was to work, it would have to be a ‘pluralism of motives and interests’, not a pluralism of ‘affective ideological universes’ (Femia 145: 2001). Adam Seligman cited the example of new social movements and cautioned that they may not always be compatible with each other or with the core value system of the society in which they originated and might not therefore, be a “viable model of social order” (Ibid.).

De Tocqueville:
De Tocqueville juxtaposed the state and civil society, which he considered to be the realm of private interests and economic activities. For him, what was also relevant to maintaining the institution of democracy in the United States was a third sphere, which he called “political society”, which according to him consisted of political parties, local
self governments, religious groups, professional and commercial organizations and recreational clubs.

According to De Tocqueville (197: 1899), the United States is the prime example of the successful use of the principle of association in a great variety of areas. De Tocqueville (Ibid.) makes a distinction between the associations which have been established by law in townships, cities and counties, and those which have been formed and maintained by private individuals. The tendency of Americans to form associations is, according to De Tocqueville (199: 1899) the result of the norms and manners that they have been brought up with in their homes and later within the educational institutes. These include the values that the American child has been instilled with to rely upon him/herself rather than an external agency to meet his/her needs. Secondly, the average American tends to mistrust authority, and tends to rely on it for assistance only as a last resort.

In other words, as individuals and as citizens, Americans have always taken charge of their destiny. This is seen in the formation of associations whether for political and economic causes, or whether for recreational activities, through which American citizens have used their right to association in myriad ways, and affecting different spheres of life.

To quote De Tocqueville,

In the United States associations are established to promote the public safety, commerce, industry, morality, and religion. There is no end which the human will despairs of attaining through the combined power of individuals united into a society (205: 1899).

For De Tocqueville, the right to associate is also “a necessary guarantee against the tyranny of the majority” (201: 1899).

An association is formed when individuals give assent to certain doctrines and principles and converge through a contract to promote these doctrines and principles in a certain manner (De Tocqueville 200: 1899). This manner of functioning of associations, though similar to the freedom of the press, is distinct from it in terms of the greater degree of
authority that these associations usually possess, specifically because individuals, through associations, express an opinion which is reflective of certain members of that society, which a representative democracy would do well to take note of. De Tocqueville (Ibid.) notes that an association unites people towards a common cause, which through that association, they attempt to achieve. This is especially true of associations that are formed by individuals for political purposes.

The second important characteristic of associations is the fact that they allow people to gather at one point and interact with one another, which according to De Tocqueville (200: 1899), is far more potent than the value of the written press. The third characteristic of associations is their capacity to unite as electoral bodies that choose a delegate to represent their views in the central decision-making body.

For De Tocqueville (202: 1899), the right to associate is most important in those countries which are democratically constituted as they don’t have the natural associations such as the “noble and the wealthy” which act to check any abuse of power in what De Tocqueville (Ibid.) calls “aristocratic nations”. Therefore, in democratically constituted societies which don’t have these natural associations, artificial and temporary ones need to be created which can act as a buffer and a protection against either the tyranny of the majority or that of a single individual. De Tocqueville cautioned that an “unrestrained liberty of association for political purposes” has the capacity to create conditions that can increase the chances of a nation being thrown into anarchy (De Tocqueville 205: 1899).

For De Tocqueville, the right to associate is of supreme relevance in a democratic society,

The most natural privilege of man, next to the right of acting for himself, is that of combining his exertions with those of his fellow creatures and of acting in common with them. The right of association therefore appears to me almost as inalienable in its nature as the right of personal liberty (De Tocqueville 206: 1899).

The violence that political associations are capable of can, according to De Tocqueville (206: 1899), be alleviated by the most important factor called universal suffrage, by
which the majority’s opinion is out in the open since the government in power is the one they elected and is representing their views, and not that of the section that did not vote for it. The consequence of this is that the “moral influence” of the government is increased at the cost of these associations, which don’t represent the majority, have to negotiate with the state to be receptive to their needs or the very doctrines and principles that formed the association, and thereby solicit a reform in existing laws.

Habermas:
Habermas’ (27: 2000) account of the public sphere describes the rational debates and discussions within certain institutional set ups in this sphere between the educated and aware bourgeoisie. Such debates and discussions, fuelled by what the bourgeois public read in the print media, resulted in the formation of public opinion, which had the power to influence government policies during the time.

Habermas’ (Ibid.) public sphere emerged in Europe, particularly within the coffee houses of England and the salons of France as a result of the need felt by an increasingly literate public which had access to all sorts of literature to create a space which was independent of the representative state, where it could engage in rational debates about issues of common interest.

For the emergence of an active public sphere, which was distinct from the church and the state, certain conditions were required for Habermas (28: 2000). These were the existence of institutions such as the coffee houses and the salons where the organized discussions that the public engaged in could be ongoing. There were certain basic similarities between these institutions. It was in these institutions that issues of common public interest were given a tangible shape, it was inclusive of all propertied and educated private people who had access to the market and to these institutional set ups where these private individuals converged to discuss (Ibid.). In other words, within the sphere of the bourgeois public who engaged in discussions of public concern, there was no formation of cliques or closed groups that excluded people.
Habermas (31: 2000) noted that the salons and coffee houses were forums where people could freely express themselves on various issues including critiquing art and literary products to discussions of an economic and political nature. Habermas (33: 2000) also confirmed the role the state and the media played in nurturing the public sphere. While the state created the opportunities through availability of social and economic resources for the private individuals to establish forums for discussion and publishing enterprises, in addition to a democratic and independent media, the media itself in the form of newspapers and journals, on the other hand, was accessible to the public which could then form opinions and discuss them in this sphere (Ibid.).

However, the public sphere soon began to deteriorate as a result of the increasing role played by a capitalistic media which placed more importance on advertisement rather than providing information on the government’s functioning. This contributed to the growth of a consumer culture within the public, which soon gave more importance to being consumers rather than being rational individuals engaging in discussions of common interest. This emergence of an all-powerful media in a capitalist society resulted in the stepping in of the state to control the public sphere in order to sustain the capitalist forces. The new media was not autonomous; rather it was manipulated by the state and market forces, thereby resulting in a struggle for monopoly over communication flows (Habermas 45: 2000).

The Individual as Sacrosanct and the Public vs. Private Debate

In this section, I briefly highlight the idea of the centrality of the citizen by Chomsky (1991). Chomsky belonged to the anarchist school of thought. For Chomsky, the state had to be constantly monitored, and could not be considered a trustworthy instrument and acknowledges peoples’ struggles, especially in the United States, to preserve their right to freely express their opinions, even if these tended to expose state oversights vis-à-vis its people, especially those who were marginalized.

Chandoke (1995) draws our attention to the argument by the Marxists and the Feminists who emphatically maintain that it would be a mistake to place civil society in the private
domain, as was claimed by the liberals. For the Marxists, the individual and the society cannot be separated for he or she is born in the society and internalizes its principles. For the Feminists, the very idea of civil society being made part of the private domain is a mistake because it extends the discriminatory treatment of women in this sphere, on to the public sphere, and in this way finds justification for the unfair treatment and stereotypes pertaining to women in the public sphere.

Chomsky:
According to Chomsky (397: 1991), an instinct for freedom is essential to human nature, and any attempt to justify that people abandon their rights is illegitimate and based on bonds of hierarchy and authority that seek to preserve their domination over others less privileged. Chomsky (Ibid.) particularly focuses on the freedom of speech of every individual, since according to him “it lies at the heart of a whole array of freedom and rights”.

Chomsky (398: 1991) notes that the most crucial question in modern history is that of the state’s intervention to interdict freedom of expression by objecting to the “content of communications”. This is especially pertinent when it comes to the question of how dissident opinions are treated. Chomsky notes that even in what is considered to be one of the most open societies of the world, i.e. the United States of America, freedom of speech had a “slender basis” up to the period of the First World War. It was only in the year 1969 that the United States Supreme Court ruled that those who are not contented with the system should be able to freely express every opinion, plan and disagreement, as long as they don’t incite revolt, which must be the last resort before the state can be justified in placing “disturbing” them (Chomsky 400: 1991).

Chomsky (Ibid.) notes that a basic and indispensable right such as the right to freedom of expression was not a gift from the American state to its people through terminology expressed in the Constitution, but the consequence of the dedicated struggles of groups that were excluded from the “mainstream” and thus prevented from living a life that did not meet the standards of American society. These struggles include the labour and anti-
war movements and those waged by the civil rights, women’s rights and gay rights activists, amongst others. In view of the American experience, Chomsky (401: 1991) applauds the fact that the instinct of freedom “can be dulled”, as has been witnessed by history, “but it has yet to be killed”.

Chandoke:

According to Chandoke (170: 1995), the liberals considered civil society to be the private sphere vis-à-vis the state, which was considered to be public, since civil society was the space where individuals pursued their own interests.

However, the dichotomy between public and private has been criticized from separate quarters, the most prominent amongst them being the feminists and the Marxists. The feminists argue that confining the household to the private sphere has resulted in depoliticizing gender, specifically the subordinate position that women occupy in a patriarchal society. Moreover, the right to privacy of individuals in the realm of civil society increases the power of the male since historically it is the males who have enjoyed rights in the public sphere. This is so because stereotypes that have been propagated about women in the domestic sphere get reinforced in the public sphere thus resulting to a large extent, in their exclusion and incomplete participation in public affairs. Thus, democracy, according to the feminists, cannot be effective when large sections of the population are excluded from the public sphere. For the feminists, the public and the private are not equal and they are also not separate, as the liberals claim.

The Marxists have a fundamental disagreement with the liberals on the topic of the relationship between individual and society. For the liberals, individual rights are sacrosanct and they need to be guarded against threat from the state as well as from the collective majority. However, for the Marxists, there cannot be a separation between the individual and society, for, the individual is born and socialized in a society whose values are internalized by him/her. There cannot be a sphere that is private in terms of being outside society or being outside the social exchanges that are characteristic of society (Chandoke 173: 1995).
For the Marxists, bifurcating between the state and civil society as public and private, respectively, results in depoliticizing economic exchanges between people, which are a distinguishing feature of civil society. Economic exchanges are characterized by unequal rights and oppressive relations based on surplus labour between the bourgeois and the working class. Thus, when the private sphere is sanctified, it results in reinforcing the oppressive relations between the bourgeois and the working class. Since for the Marxists consequently that there cannot be anything that is private in the sense of it being apart from society thus, human interactions, including those in the family, are conditioned by various types of social oppressions, which therefore, need to be constantly interrogated so as to not permit the oppression to continue.

Theoretical Foundations of Civil Society in India
Khilnani⁶ (11: 2002) notes that in the South, i.e. in India, China and countries of South America, Middle East, South East Asia and Africa, the term civil society has been infused with a new life in recent decades. And, this can be seen in the increased interest of international aid agencies, to bypass the state, which is categorized as corrupt and authoritarian, and to identify and directly assist the "constituents of civil society".

The term "constituents of civil society", according to Khilnani (Ibid.) encompasses a wide array of institutions and associations such as private enterprises, religious institutions and other voluntary associations such as those belonging to self-employed workers, and very importantly, non-governmental organizations or NGOs. To quote Khilnani on the constituents of civil society,

They have come to be seen as essential to the construction of what are assumed to be the social preconditions for more accountable, public, and representative forms of political power. To all who invoke it, civil society incarnates a desire to recover for society powers - economic, social and expressive - believed to have been illegitimately usurped by states (Khilnani 11: 2002).

In the Indian case, the entry of agrarian groups into politics at the central and state levels has resulted in drawing attention to the gap that exists between the discourse of the urban elite and that of the rural-based agrarian groups. This has consequently raised doubts about the possibility of creating and sustaining an active civil society in the Indian context. However, the Indian situation is unique in that though there exist heterogeneous groups that gives rise to a sort of social pluralism, there also exists at the same time a stiff competition for the rewards which are dispensed by the welfare state to its citizens in the form of food, employment, education and so on.

In such a situation, according to Khilnani (25: 2002) some degree of civility arises only where these groups are able to maintain their individual identities but are at the same time also able to pursue their own interests or when new political communities that are culturally homogeneous are created through some form of unifying ideology.

Khilnani, as mentioned before, notes how in the South, civil society is referred to as a counter to the state and its monopoly of power and as the space that attempts to bring back into its fold certain functions that only it can perform well. Given this context, civil society can have several meanings here. To quote Khinani:

It may, for example, be used to affirm a conception of a liberal Rechtstaat which can act to restrain what are taken to be pernicious aspects and practices of the state itself. But, besides this secular and liberal view, it can also be appropriated by those wishing to legitimate distinctly non-liberal goals and practices. Indeed, in this manner the appeal to civil society may be nothing less than a demand that the state be subordinated to a civil society which is proposed as a terrain of authenticity and special intimacy, one uncontaminated by government and located outside its regulation (Khilnani 30: 2002).

For Oommen (112: 2005), the state is the sphere of the Parliament and its institutions, the judiciary, the bureaucracy and the army, whereas civil society is the sphere of political parties, ethnic associations, clubs and societies, the press and the electronic media, amongst others, all of which jostle for space to assert their relative autonomy.

Chandoke (167: 1995), on the other hand, attempts to define civil society by first contesting the notion of contemporary theorists who consider civil society everything that
is apart from the state. This includes households, religious and voluntary networks, work places and all other associations that can be classified as private.

In contrast to this, Chandoke defines civil society in the following manner:

Civil society is simply the sphere where groups organized on class and other social bases – gender, sexuality, race, ethnicity, environment – engage in political and ideological struggles. It is the sphere of organized politics, organized not only in the sense that these practices are carried out by institutions such as political groups and social movements, but organized in the sense that public opinion about issues undergoes a process of crystallization (Chandoke 168: 1995).

She also distinguishes between society and civil society. According to Chandoke (169 - 1995), contemporary theorists’ definition of civil society tends to identify it with society, which she describes as a collectivity which is characterized by the existence of both public and private social practices in their entirety. When society is defined as such, civil society vis-à-vis the society may be defined according to Chandoke as follows:

Civil society is the public sphere of society. It is the location of those processes by which the experiences of individuals and communities, and the expression of these experiences in debate and discussion, affirmation and contestation are mediated. ...civil society is the mediation level between the private and the public, or, in other words, between individual experiences and public articulation. ...As a mediation level between the private and the public, civil society is the site of expressed politics (Chandoke 168 - 69: 1995).

Chandoke (175: 1995) thus defines civil society as a public sphere. In the public sphere, each citizen can participate in decisions that affect his or her life, which is not possible if people are ensconced in their private spaces or even accept the primacy of the state without questioning. Thus, according to Chandoke (Ibid.), there cannot be a participatory democracy without the existence of a sphere where people can freely participate and mediate issues between the individual and the state. Though the right to privacy of people needs to be respected, it does not mean that they can be placed outside public concerns that affect them collectively and as individuals. Thus, Chandoke agrees that civil society is the sphere where the dialectic between the private and the public is negotiated.

Civil society is also the space where there exist associations and networks that form public opinion about the state’s actions and it is also the sphere where these actions are
held responsible. According to Chandoke (175: 1995), this characteristic is “part of the social fabric, and it is the substance of civil society”. Though citizens in civil society are not constantly engaged in contesting the state thus, certain issues are given wide prominence at this level through debates and discussions in order to pressurize the state in order to elicit a response from it. To quote Chandoke (Ibid.), “A politicized civil society is the key to a responsive state”.

Chandoke (178: 1995) hastens to add that the state and civil society don’t stand in opposition to one another as two distinct and homogenous entities. Additionally, civil society only provides the space for people to engage with each other - it does not organize them into separate collectivities to voice their opinions.

The paradox of civil society is that not only is it the sphere where citizens are engaged in forming public opinions that hold the state accountable, but, it is also the sphere where the state tries to influence public opinion to make its policies accepted by the public. In this role, civil society acts as a buffer for the state rather than for the individuals. To quote Chandoke (179: 1995), “it is this critical dimension which makes civil society a paradoxical conjunction, as both the precondition for democracy, and as inhibiting the democratic project”.

While the individual is the “citizen” in the eyes of the nation - state, s/he is the “bearer of mutually recognizable rights” in the eyes of civil society. Thus, the individual of civil society is the citizen who bears rights flowing from the state and who, as a citizen, engages in both political as well as civil life. Chandoke (184: 1995) calls citizens “critical participants” since they critique the functioning of the state. However, though the citizen has certain civil rights, s/he needs to function within the parameters of what the state codifies in the form of laws, rules and regulations.

The individual cannot challenge the state’s legitimacy, neither can s/he transgress the laws of the land. Thus, while the civil society is characterized by the rights-bearing individual, at the same time, the duties that are imposed upon him/her by the state limit
his/her rights vis-à-vis the state. What Chandoke is trying to do here is to contest the claim of the liberals that the civil society is a sphere where individuals can freely engage without inhibitions.

Chandoke (186: 1995) also states that the arena of civil society has to be a “peaceable” one since the individuals associate with each other there for which rules and procedures of proper conduct are laid down, and where any form of confrontation is resolved by judicial means. Chandoke (Ibid.) notes that with violence being expelled from the public sphere, it is the state which has the legitimate monopoly over violence.

In post-colonial societies, which are predominantly rural in nature, civil society is confined to urban sectors which are dominated by the educated and articulate middle class, who thus dominate this sphere. Thus, the poor people who are relegated to the periphery don’t have rights which they can exercise, they are not articulate and cannot therefore put forward their concerns or participate in political society.

Despite this lacuna, Chandoke (199: 1995) justifies the existence of civil society because according to her, civil society offers the possibility to popular social movements to gain space to mould the politics of those who dominate the sphere. To quote Chandoke (Ibid.), popular social movements “mould and mediate the politics of the dominant classes. It provides such opportunity because the values of civil society have provided, and can provide, the impulse for the democratization of the society. For it is precisely these values that have become the battleground for groups seeking access to the space of democratic assertions”.

According to Chandoke (199: 1995), it is these social movements that have emerged to give voice to and articulate the needs of those who occupy the periphery of civil society that expand this sphere by “drawing inspiration from the stated principles and values of civil society”. It is this sphere which gives the potential for those who occupy the periphery to engage in political society and control the power of the state and the dominant classes, “to control the political agenda”.

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Chandoke’s description of civil society has its origins in but is not narrowly limited to Jurgen Habermas’ idea of the public sphere which is characterized by the saloons and coffee houses of seventeenth and eighteenth century England and France, where private individuals, i.e. the bourgeois, met to discuss issues of collective interest and thus formed public opinions. These opinions also criticized the state and called upon it to justify its programmes to the aware and conscious citizens. Though the opinions mainly articulated the needs of the bourgeois, the public sphere gave relevance to and institutionalized the idea of informed debates and discussions about issues of public interest between the citizenry and the importance of such debates in creating a “political public” that could negotiate with the state (Chandoke 177: 1995).

According to Chatterjee (172: 2001), the term civil society is best used to describe associations and institutions set up by the nationalist elites during the latter part of the colonial struggle when modern India as we know it today

...to describe those institutions of modern associational life set up by the nationalist elites in the era of colonial modernity ... often as part of the colonial struggle.

Beteille (2588: 1999) places emphasis on rational – legal intermediate institutions such as the judiciary, the university, the economy and institutions of local governance amongst others to propel modern society into a brighter and more democratic future. For Beteille (Ibid.), the state cannot be trusted to preserve the autonomy of these rational – legal institutions though it established them. The state has over the years corrupted these institutions, therefore, they need to be freed from its hold to be able to stand on their own and function effectively.

Beteille’s (2589: 1999) argument is that since the state has failed to accommodate the needs of all its citizens inspite of making promises in this direction, and since it has only

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managed to create divisions between the haves and the have-nots rather than bridge gaps between the two, it is now up to modern rational-legal institutions to play a role that would make society more inclusive. According to Beteille (Ibid.), only when civil society is considered to be comprising of truly autonomous bodies can the welfare of these rational-legal institutions be guaranteed.

Gupta (226: 2003) however, critiques Beteille’s analysis of modern institutions and their role in propelling society to a liberal democratic future if they are allowed to function autonomously, without any interference from the state. According to Gupta (Ibid.), Beteille does not explain how one understands the concept of institutional well-being, the protection of which is the duty of the state and in which it has failed, as can be seen from the Indian situation. It is important in any understanding of institutional well-being in the context of a constitutional democracy, to take the citizen into account.

Given the state’s failure in many aspects, Beteille, according to Gupta (Ibid.), has a tendency to place undue emphasis on the intermediary rational-legal institutions themselves as something that is good in their own right. Thus, what Beteille does is to downplay the importance of the state as a result of which the very idea of citizenship suffers. For, if citizenship is equated with the notion of equality of all citizens, then citizens can suffer/inequalities if the only condition for protection of modern institutions is their functional efficiency.

As is seen in the Indian case, several intermediary institutions such as private schools and hospitals which cater to the welfare of only an elite section that can afford them have emerged with encouragement from the state, simply because of their functional efficiency. However, the flip side of this is that whole sections of the population which cannot afford these institutions can’t therefore access them.

For Beteille, rational-legal institutions of civil society need to be efficient and for this they need to have qualified functionaries for their well-being. Thus, he does not place much emphasis on citizenship, in which case, according to Gupta, “it is hard to find a
logical connection between institutional well-being and national or collective well-being” (Gupta 228: 2003).

For Uberoi, the most crucial challenge for civil society is to reconcile difference and equality (104: 1996), especially in the context of plural societies such as India which are characterized by a plethora of ethnicities, religions and languages. This reconciliation can be achieved only through the participation of every individual in society, irrespective of these differences, so that the logic of “unity in variety” can truly be achieved (Ibid.). In this manner, Uberoi gives primacy to civil society over the universal state as well the particularistic family. A truly federal state can become a reality only when civil society works towards “combining as well as separating a multi – religious nation, a modern pluralist society and a federal secular state”, which is the characteristic of “real tolerance and purity in civil society” (Uberoi 104 – 107: 1996).

Another stream of thought regarding the notion of civil society belongs to a group of theorists who may be classified as cultural critics. According to the cultural critics (Kothari 1988; Nandy 1984; Sheth 2003), the post – colonial state has disappointed the masses in terms of addressing their issues and concerns and the reason for this is the fact that the state has ignored India’s cultural moorings, which was a means for social cohesion.

According to the cultural critics, civil society is rooted in traditions and customs that have been in existence even before the concept of the ‘state’ became public knowledge. The cultural critiques claim that what we witness today in terms of the crisis in governance is the inevitable result of the insensitivity of the state to the social and cultural differences that lie within society (Kothari 118: 2001). The modern state has, in its quest for nation – building sought to bury rather than highlight the differences of the various nations that make the Indian state by bringing them all under one homogeneous fold.

The Indian state has come to rely increasingly on the urban elite during the development process, which has resulted in the bifurcation of the country into the modern, urban India
and the traditional, rural Bharat. For the cultural critiques (Sheth 2003; Kothari 1988; Nandy 1984), it is the non-governmental organizations, which can articulate their interests effectively enough to rouse the interest of the state. This is so because according to them, the NGOs are rooted in culture and tradition and due to this aspect are close to the people who live on the periphery of the society and undergone subjugation by the state.

Rudolph and Rudolph⁸ (2003) bring out the role of the post-modern Gandhi in creating an active civic network in India during the national movement in order to reach out to the illiterate masses and involve them in the movement while at the same time bring about the social transformation of India. Gandhi (Rudolph & Rudolph 403: 2003), like Beteille and the cultural critiques, was wary of the state. For Gandhi, power was derived from and internal to society and it was on society that the state was dependent upon for change.

According to Rudolph and Rudolph, Gandhi was,

...a talented and tireless creator of civil society. Gandhi was a talented and tireless creator of civil society. He spawned activist networks all his life, wherever he went. His ashrams were energizing centres of social movements, sending out hundreds of volunteers who in turn generated micro-associations dedicated to social and economic reform at the village level. In his role as the unelected leader of the nationalist movement, he helped create organizational forms for the Indian National Congress which amplified its anti-colonial project to the most remote Indian villages and towns (Rudolph & Rudolph 377: 2003).

It was with this conviction that Gandhi sought to mould opinion in the public sphere through the medium of the ashram. He used the ashram as the vehicle to communicate to both the literate and illiterate masses from both urban and rural India. Through the ashram, Gandhi and his followers tried to exemplify the sort of lifestyle that was necessary to empower India and Indians from below with the ultimate two-fold aim of overthrowing the colonial power and socially transforming India.

Change was more a social than a political act for Gandhi and social change for him could be truly achieved through transformation of the inner selves. In order to achieve this, Gandhi used the ashram to transgress the boundaries between the public and the private (Rudolph & Rudolph 405: 2003). Gandhi’s vision of social change included overcoming social prejudices such as belief in untouchability, dowry system, exclusion of widows from society and so on. By using the ashram as the stage for bringing about individual and social transformations, Gandhi paved the way for political transformation by overthrowing the colonial rulers.

Rudolph and Rudolph note,

The ashram is and is not public, a place focused on the political vocation even while engaging all the rounds of life. It is a setting at once familial, even patriarchal; monastic, disciplined by an ecumenical definition of religious commitment; dedicated to social and political change in a polity where illegal political action is the only action possible for free person (389: 2003).

Since for Gandhi power rises from society instead of descending from above, if governance is to be effective, then it must be rooted locally within the control of those who experience the effect of governance, rather than from a far away centralized state (Rudolph & Rudolph 379: 2003). According to Gandhi, local self - governance is effective not only because it directly involves people in the administration of their affairs, but also because it lies within the close proximity of civil society.

Rudolph & Rudolph (381- 85: 2003) contextualize Gandhi’s attempts to create ashrams wherever he went to build momentum against the colonial state in Habermas’ theory of the public sphere. Habermas’ observation of human interaction in the coffee houses, clubs and literary journals of eighteenth and nineteenth century England, France and Germany led him to conclude that it was in these locations that discussions about the issues of collective interest created and expanded the scope for democratic participation of private individuals, thereby creating what they called a “unified public”.

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Rudolph & Rudolph note that,

Gandhi’s earliest experiments in the creation of a public sphere tried out organizational forms that could be used to attract new constituencies into politics – a very different function than the coffee house’s deliberative exchanges among the politicized. His first sites were situated in South Africa, where political participation was restricted to the European bourgeoisie and denied to Africans and Indians. He meant to create a new kind of public space. If the coffee house is the quintessential formation of Anglo-American civil society, the ashram is the special institution of Gandhi’s civil society (391: 2003).

Unlike the public sphere of Habermas, Gandhi’s public sphere included both the urban and rural masses. In villages, elders assembled in the Panchayats to discuss issues of collective interest and solve problems. In this process, the Panchayats created a forum for public discussions in order to produce a consensus amongst the village elders on these issues. The similarity between Habermas’ public sphere and the Panchayats of rural India was that both excluded those who were considered inferior in the process of achieving a consensus.

Varshney (2003) opines that the active presence of civil society can play a useful role in creating preventive capacity in neighbourhoods prone to ethnic conflicts and in those cases where conflicts have erupted, civil society can provide the resilience to cope with them, so that least harm is wrought on the residents.

According to Varshney (435: 2003), there are two factors that can be said to be responsible for connecting civil society and ethnic conflict. The first factor falls under what he calls the quotidian or everyday forms of engagement and can be seen in the existence of civic networks, which promote communication and routine engagement between individuals who belong to different religious communities. Examples of quotidian forms of engagement include day-to-day interactions between members of different religious communities, joint participation in meals, festivities and permitting children from inter-religious families to play with each other.

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These networks can help people of different communities to come together during times of tension and form organizations of a temporary nature such as peace committees. Citing the Indo-Pakistan Partition of 1947 and the Babri Masjid demolition of 1992, Varshney (436: 2003) notes that peace committees, consisting of members from both communities, perform functions such as policing the neighbourhood, providing information to the administration, killing rumours and most importantly, facilitating communication between members of the conflicting communities. Such peace organizations could hardly be found in those cities or neighbourhoods where there did not exist day-to-day communication between inter-religious groups facilitated by the existence of civic networks.

The second factor that is responsible for the connection between civil society and ethnic conflicts is the associational or organized forms of engagement. Examples of these are NGOs, clubs related to sports, theatre, film, reading and art amongst others, trade unions, business associations and cadre-based political parties (Ibid.). These associational organizations play a significant role by virtue of serving the economic, cultural and social needs of the two communities.

According to Varshney (426: 2003), much of India’s “associational civic structure” owes its genesis to the national movement that emerged under the leadership of Mahatma Gandhi in the 1920s, when the focus of the movement was two-fold; to gain political independence from the colonial rulers and to engineer simultaneously the social transformation of India.

Varshney (435 - 36: 2003) also introduces us to a paradox relating to the fact that though rural India has hardly any form of quotidian or organized engagements between inter-religious communities, they have not been the primary site of communal violence unlike the cities of India which boast of both forms of engagement but which have at the same time borne the brunt of communal riots between Hindus and Muslims.
The reason for this, according to Varshney (Ibid.), is the existence of organized gangs that link the politicians - who want to polarize Hindus and Muslims for electoral advantage - and criminals. These organized gangs are protected by politicians and escape the clutches of the law even when they have disturbed neighbourhood harmony. These is the difference between cities where there exists an “institutionalized peace system” and are therefore more resilient to ethnic conflicts and cities where there exists what Brass called an “institutionalized riot system” (Varshney 436: 2003) which fuels ethnic conflicts that destroy the social fabric of a neighbourhood.

New Social Movements:
Jayal (221: 2001) opines that the ideological struggle between the state and the market and the subsequent transition to a market-based economy has renewed the debate about the suitability of the welfare state in the Indian context. According to advocates of sustainable development, the policies and programmes put in place by the government for the country’s expansion and growth are suspect in light of their callousness towards the marginalized who are exploited in this process to furnish the growing needs of the elite.\(^\text{10}\)

Several commentators see the rise of new social movements in India as not only reflective of India’s ongoing commitment to democracy, but also as the response of the masses to the ‘particularistic’ assertions of the elites who have up to now been the beneficiaries of the politics of accommodation practiced by the Indian state (Kothari 1998; Jayal 2001; Parajuli 2001).

Parajuli\(^\text{11}\) (2001) clarifies that these new social movements are not akin to the traditional lobbies that pressurize the state to meet their requirements. Rather, he defines them as the attempt of the marginalized to,

\(^{10}\) The Sardar Sarovar Project is considered by activists to be an act of the state to appropriate natural resources such as land and water in the Narmada basin to build a dam that would, essentially, supply the irrigation and drinking water needs of the elite, by displacing the tribals from that land in the process of building the Sardar Sarovar Dam.

...redefine the entire matrix of development and progress, survival and identity, body and health, food and nutrition, time and space, nature and humans, men and women. They envision different ways of achieving equality and democracy, autonomy and identity (Parajuli 273: 2001).

What is characteristic of the new social movements is that they are mainly rights-based movements that challenge the growth and development indicators set in place by the state. For the champions of the new social movements, according to Parajuli (261: 2001), the indicators that are relevant in the modern context are livability, sustainability and equality that are the new parameters of development. The Indian state has failed with regard to the accommodation of the marginalized groups such as women, indigenous people and the rural poor whose rights, interests and concerns have been subjugated in the development discourse to accommodate those of the elites.

At the same time however, the leadership in post-colonial India has projected itself as the self-appointed guardian of these marginalized groups and attempted to mediate issues related to caste conflicts, gender, class and ethnicity by deploying various tools such as secularism, political democracy and the capitalist economic system. This contradictory posture has come to be seen for what it is and now the state is being made accountable for its actions by civil society, especially through the medium of new social movements which have been used by these marginalized groups to articulate their issues and to challenge the state’s authority and its claim to represent people.

The unique characteristic of new social movements is that they seek “autonomous social governance” (Sheth 1989; Parajuli 2002) over the state’s attempt to homogenize different groups in the nation-building process by integrating everybody as citizens through the democratic electoral processes and as consumers through the free market. Parajuli (206: 2002) clarifies that new social movements don’t aim to capture state power through elections or through violent revolutions for their aim is to transform the nature of politics. Moreover, they seek to dispel the myth of a centralized unit of power and decision-making since they prefer to express their point of view through what he calls “multiple
sites of power” such as class, ethnicity, gender, caste and regional identity, rather than continue to be relegated to the periphery under one big homogeneous umbrella.

Parajuli (263: 2001) provides a Gramscian analysis of the new social movements when he characterizes the relation between the state and new social movements as a hegemonic one. According to Parajuli (Ibid.), whereas on the one hand, the Indian state uses both coercion and persuasion to generate consent for development programmes and schemes, the new social movements, or the counter-hegemonic movements of the marginalized, on the other hand, use the dual strategy of ‘collaboration’ and resistance’ in response to the state’s actions. Protagonists of these new social movements have their own strategies and indicators whereby they assess the desirability of the state’s development programmes and schemes. They make it clear right from the outset that for them, what is more important is being recognized by the state especially in relation to the rights that have been denied them over the decades. For them, the issue is not merely about catching up with the mainstream.

For Oommen (247: 2005), new social movements are a response to the “discontents of Indian modernity”, which are a result of centralized economic planning and the failure of the state to implement the notions of equality and distributive justice, as envisaged in the Constitution, which have led to maintain the unequal foundations of traditional Indian society based on hierarchies and the lack of sufficient emphasis given to non-class identities.

These new social movements are politically significant in that they challenge the notion of the welfare state to integrate the heterogeneous population and carry them along in the development process. This is one of the consequences of the realization that the leadership has, by being pushed to a corner by various vested interests that are at the same time necessary for its own sustainability, articulated the interests of these vested interests or ruling elite as the interest of the whole nation. Thus, the subalterns and the masses, mainly the rural and urban poor, have been excluded from the development discourse. What Parajuli (274: 2001) calls the “tenets of Indian nationalism”, which were
based on patriarchal attitudes towards women and patronizing attitudes towards the Dalits and the tribals, continues to a large extent even today.

Expanding the Notion of Civil Society in the Current Indian Context
In this section, I draw attention to the manner in which the term civil society has expanded to incorporate the realities of the Indian context. India being a heterogeneous society, has a different context in relation to the origin, growth and maintenance of the sphere of civil society. As was clearly seen in a previous section, civil society in India had its origins in the freedom struggle and not in the context of market exchanges of a capitalist society which called for an intermediary space between the state and the market.

National leaders in India began to use various tools available in this sphere such as the vernacular media, formation of associations such as the Brahmo Samaj and the Arya Samaj for the social transformation of India, though on western lines, and the formation of ashrams to create a pan-Indian base for the Indian National Congress and also for social transformation through the removal traditional prejudices against women and untouchables so that they too could be brought into the fold of the freedom movement, while simultaneously making India a more empowered nation true to its democratic ethos.

The leaders of the freedom movement not having succeeded in making India a truly inclusive society with women and people belonging to the marginalized castes and tribes still suffering at the peripheries, the country has seen the rise of rights-based new social movements, which have articulated the rights of these marginalized so that they be included in the development discourse of the state.

While the country has witnessed the rise of new social movements on the one hand, I also draw attention in this section to the fact that the ethnocentric formulation of civil society in the European context by Hegel and others, may not have the same relevance in the Indian context, since there are other forms of ideological contestations, for example,
those based on ethnicity, which may not find resonance in the origin of this concept in its European setting.

Variations in the Concept of Civil Society:
For most commentators of civil society, it is not possible to think of democracy without the existence of the sphere of civil society since it is characterized by public debate on the state, its relations with the society, and indeed, even inter-societal relations, taking place in relative freedom from the state (Chandoke 203: 1995). For citizens, participation in the decision-making process is a possibility only in this sphere, thereby making its existence an inextricable part of political and social democracy, so much so that, any attempts to demolish democracy are associated with the attempts to suppress civil society.

However, commentators have also clarified that the mere existence of this sphere does not and cannot guarantee democracy, for, if the sphere of civil society is not inclusive, and participation is restricted to certain groups at the expense of others. In such situations, the inevitable response from marginalized groups has been to struggle against this and to make this sphere more representative of their interests and aspirations. Again, what most commentators (Chandoke 204: 1995) argue is that such struggles are possible only where the civil society is active, and gives even marginalized people the space to articulate their interests.

In fact, it would be useful for us to remember at this point, what the classical thinkers, mainly the Marxists, have said about the expansion of the sphere of civil society. According to them, this sphere expanded and evolved as a result of the struggles waged by the working classes or the proletariats against the oppressions they-faced in a class-based society. Today, new social movements have expanded the character of these struggles to include other groups marginalized historically and subjugated by the state on the basis of ascriptive characteristics such as gender, ethnicity, race and religion.
These new social movements have resulted in expanding the rights discourse with the result that the state has had to acknowledge the existence of rights that were not part of its vocabulary and which have been claimed by marginalized groups for a more humane existence (Kothari 1988; Chandoke 1995; Parajuli 2001). These groups, which include the urban and rural poor, the disadvantaged caste groups, tribals and women’s groups, to name a few, have lived for far too long as oppressed subjects rather than as fully participating citizens and have not only added substance to the rights discourse but also in the process, even questioned the authority of the state to subjugate them by exploiting their marginal status.

The new social movements, which is the medium by which oppressed groups have been articulating, within the sphere of civil society, their concerns and rights vis-à-vis the state, have redefined the state – society relation in myriad ways. The most important of this is the fact that the rights that the state extends to individuals, including the marginalized who are now demanding that they too be treated as citizens that determines its legitimacy. Naturally, this has resulted in the state taking more serious cognizance of the struggles of these groups in order to make the nation – building and development processes, which are parallel projects in the Indian context, more inclusive.

The state can now no longer subdue its people or monopolize their lives without being taken to task in both national and international settings. The new social movements have not only made the state’s claims to monopoly of power a contentious issue, but, they have also expanded civil society to include historically marginalized groups and made it more inclusive. Additionally, civil society continuously monitors the actions of the state in both national and international settings.

However, social movements can only make a difference if they come together to organize themselves and to synergize their interests. However, this is easier said than done as a result of the differences in the aspirations of the divergent groups in heterogeneous societies like India, which are seeking recognition from the state. It is a Herculean task.
for these divergent groups with their myriad aspirations to come under one banner to articulate a common political vision.

History, however, demonstrates that any attempt to organize different groups into one coherent block has resulted in the very differences that characterize these groups to become obliterated (Kothari 1988; Chandoke 1995; Tharoor 2001; Parajuli 2001; Oommen 2005). One can see this in the case of nationalism, for example, when the entire country came together with the unifying political vision of overthrowing the colonial power.

Under the pretext of nationalism, attempts were made by the organizing principle to eliminate all differences and to be a representative of the people and to speak as the sole authority. The natural corollary of this was for other groups and communities, especially those which were in the periphery to begin with, to be denied the right to speak for themselves or to articulate their needs. An organizing principle from below also has the same consequences in relation to the people on whose behalf the movement has emerged (Chandoke 227: 1995).

While civil society articulates the struggles of different social groups over rights-based issues, it is necessary to keep in mind that these struggles are political in nature, for they are posed against the oppression of the state. Therefore, while civil society is the space where several activities take place, especially in the form of debates, discussions, dialogue and the eventual formation of public opinion, all of these are political in nature, for they address what Chandoke (227: 1995) calls “codified structures of power”. They challenge the existing political arrangements and seek to transform them. However, even after civil society has succeeded in transforming the state, it needs to be ever – vigilant, for the expansion of the state in terms of citizens rights is an ongoing and continuous process.
For Oommen, the democratic state may be defined as follows,

The notion of the democratic state is that of an impartial final arbiter between citizens precisely because the source of its legitimacy is derived from them. Therefore, the democratic state ought to be viewed as a collective of citizens who enjoy legal equality in the territory of the state, irrespective of their identities based on race, religion, language, class, caste or gender (Oommen 108: 2005).

However, Oommen (Ibid) notes that the capacity of the state to be impartial in its dealings with its citizens especially in a heterogeneous society is truly questionable given that it operates its routine activities through its bureaucracy (Ibid.). He points out that in recent times, another powerful entity has emerged claiming autonomy, precisely because of an ever-increasing consumerism displayed by society and fostered by the media. This entity is the market whose power due to these reasons is "unparalleled in human history" (Oommen 109: 2005). However, the market tends to atomise society due to the competition for goods and services that it instills in the people. Therefore, the power of the market needs to be contained by the state and civil society working in tandem. For, it is the state, the market and civil society which are the three most powerful actors in society.

Citing the Bhoodan (land- gift) and the Self – Employed Women’s Association movements, one geared towards human development in general and the other to addressing issues of gender justice, Oommen (Ibid.) makes a few points about relationship between state and civil society in India. He points out that civil society and state have not always been at loggerheads with one another, for, at times, civil society can be neutral vis-à-vis the state and can even adopt a pro-state stand, as this depends upon the nature of the state, whether it is attempting to foster civil society or interdict certain excesses of civil society (Oommen 122-23: 2005).

The market tends to be callous towards the weaker sections of society, though it does have its advantages in terms of increasing efficiency by instilling a competitive spirit amongst people which leads to preserving the standards of goods and services (Oommen 112: 2005). However, to protect weaker sections from the “rapacious” market, the state needs to intervene by providing “safety nets” "decisively in favour of the weak", 63
especially if the concerned state is welfare in its orientations. For Oommen (112: 2005), civil society also has an important role to play in this regard, especially in relation to monitoring the functioning of the markets so as to contain its tendency to emphasize only upon profits at the cost of the consumers.

Civil Society in India - Current Trends:
Robinson¹² (356: 2003) notes that India is one of the most heterogeneous societies in the world with distinct ethnic identities based on religion, caste, class and region, which has given rise to a large number of associations, groups and movements that unite people on the basis of collective aspirations. According to Robinson (362: 2003), the classical theories of civil society beginning from Locke and moving on to Hegel, Marx, Gramsci and the post – Marxist cannot be considered as the prime reference points for explaining the sphere of civil society in India. For, according to Robinson (Ibid.), India has been witness to three main types of ideological contestations, as a result of the distinct identities that interact in this plural society, which give civil society in India a different hue and colour from that in the European society, where its definitions originated.

The principle sites of contestations according to Robinson (358: 2003) are, the attempt of the Hindu nationalist movement to place itself as ideologically and politically superior to other fundamentalist movements, the struggles for hegemony between the capitalist state and the developmental state and the resistance to voluntary actions by individuals and groups that seek to hold the state accountable and responsive to its citizens (Robinson 362: 2003).

According to Robinson (363 - 68: 2003), the ideological contestation that emerged as a result of the Hindutva movement, though it had its origins in the reform movements, was played out in the domain of civil society. The movement used tools available in the public domain such as the mass media, educational institutes, constitutional and legislative bodies and religious groups to assert their claims to superiority. While this has

resulted in a response from minority groups that have sought to articulate their own claims to counter the aggressive stance of the Hindutva movement using religious institutions, the vernacular media and educational institutes as their tools for self expression, the state has not retaliated with a strong enough defense of secular nationalism on which it was founded, to mitigate these particularistic movements (Ibid.).

This role of defending the secular national fabric of Indian society has been left, according to Robinson (368: 2003), increasingly to civil society such as the media and educational institutes which may be seen as a “small sub – category” of the civil society sector. This end result of this ideological struggle, according to Robinson (Ibid.) is uncertain – the only certainty, according to him, is the fact that it would be played out for some more time in the civil and political domains.

The second form of ideological contestation was the one played out between the capitalist and the developmental states. Though there was a broad consensus between the various political parties that reforms were necessary for India’s progress, the main conflicts were in regard to the direction of the reforms and the pace with which they need to be initiated, most of which occurs in the sphere of civil society between the social, economic, political and scientific elites on the one hand, who attempt to assert themselves using the media and business groups, and the trade unions and the farmers’ groups, on the other, since it is their members who stand to lose out in terms of job losses, once complete liberalization becomes a reality (Robinson 370: 2003).

Though the business, social and political elites and the trade and farmers unions are clear about their respective positions in this issue, the same cannot be said of civil society where economic reforms is a deeply divided issue between these two sections (Ibid.). The current situation clearly favours the elites due to their access to the government but this is not to undermine the threat felt by those in power of the nature of retaliation that it might provoke in civil society due to its commitment towards liberalization and economic reforms.
The third arena of ideological contestation is the one occurring between those who want to promote a form of government that is based on freedom and equality versus those who want to preserve the bureaucracy as an established arm of the state (Robinson 371: 2003). It is in the former realms that one would come across civil society as the ideal type envisioned by the classical theorists, i.e. as the intermediate realm of associations that lie between the family and the state and where these two spheres are negotiated, which provide a buffer against an authoritative state. Examples of these include human rights groups, citizens groups, environmental organizations, women’s organizations and so on (Ibid.).

Grassroots movements that have originated in the villages and have had national repercussions are other examples of civil society trying to emerge as a protective buffer against a callous state. These include the Narmada Bachao Andolan, the Chipko movement and the Right to Information Movement. Both of these emerged as a result of the perceived failures of the state to guarantee basic rights of its citizens. Urban India too has seen the rise of groups and associations active in the sphere of civil society such as citizens’ action groups and Residents’ Welfare Associations, which have sought to actively pursue solutions through advocacy and media campaigns, to the chronic corruption, red tapism and the resultant inefficient service delivery that have been plaguing urban India ever since independence (Robinson 373: 2003).

In this way, Robinson (374: 2003) demonstrates how ethnocentric definitions of civil society that originated in Europe and emphasized on the right of individuals to form associations to meet collective needs or and the preservation of class hierarchies of a capitalist society, may play a more “secondary role in situations where ethnic and religious identities constitute the primary basis for competing claims for ideological hegemony in civil society”.

The rise of the new social movements as a result of the discontent with modern state is explained in greater detail in the following chapter, which traces the rise and subsequent weakening of the Indian state from the national movement when it gained statehood to
the Emergency and subsequent rolling back of the state. All of these have had profound impact on the people, who responded not by rising against the state, but by coming together and forming voluntary associations or becoming involved in rights – based social movements in the sphere of civil society that set the stage for a more responsive state.

Setting the Parameters for Good Governance
The concept of governance is not a new one. It is as old as human civilization. Simply put governance means the process of decision-making and the process by which decisions are implemented (or not implemented). Given this definition, an analysis of governance focuses on the formal and informal actors involved in decision-making and implementing the decisions made and the formal and informal structures that have been set in place to arrive at and implement the decision.

The Government of India’s National Human Development Report, (2001) provides the following definitions of the concept of governance:

The World Bank: The Bank defines governance as the manner in which power is exercised in the management of a country’s economic and social resources. The World Bank has identified three distinct aspects of governance: (1) the form of political regime; (2) the process by which authority is exercised in the management of a country’s economic and social resources for development; and (3) the capacity of governments to design, formulate and implement policies and discharge functions.

The United Nations Development Programme: For UNDP, governance is viewed as the exercise of political, economic and administrative authority in the management of a country’s affairs at all levels. It comprises mechanisms, processes and institutions through which citizens and groups articulate their interests, exercise their legal rights, meet their obligations, and mandate their differences.

The Organization for Economic Cooperation and Development: The OECD defines the concept of governance as the use of political authority and exercise of control in a society in relation to the management of resources for social and economic development. This broad definition encompasses the role of public authorities in establishing the environment in which economic operators function and in determining the distribution of benefits, as well as the nature of the relationship between the ruler and the ruled.

The Commission on Global Governance: The Commission considers governance to be the sum of the many ways individuals and institutions, public and private manage their common affairs. It is a continuing process through which conflicting or diverse interests may be accommodated and cooperative action may be taken. It includes formal institutions and regimes empowered to enforce compliance, as well as informal arrangements that people and institutions either have agreed to or perceive to be in their interest.

The concept of good governance has acquired increased importance since the 1990's largely because international aid agencies such as the World Bank\(^\text{14}\) began to recognize its absence as a serious barrier to economic development of the developing countries. It is the failure in developmental efforts that brought forth into prominence the need for as well as identification of the principal elements of good governance.

Good governance is participatory, consensus oriented, accountable, transparent, responsive, effective and efficient, equitable and inclusive and follows the rule of law (NHDR 114: 2001). Sound governance assures that corruption is minimized, the views of minorities are taken into account and that the voices of the most vulnerable in society are heard in decision-making. It is also responsive to the present and future needs of society (Ibid.).

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\(^{14}\) In 1989, the concept of governance was for the first time highlighted in the World Bank Document on Sub-Saharan Africa.
It is important to note that transparency, responsibility, accountability and responsiveness (to people’s needs) are key attributes of good governance. At the same time, good governance also ensures people’s participation, which includes not only their participation in the collective decision-making process, but also their assertion to alter the direction of development by making the system more accountable.

In order to understand good governance, it is also important to realise that people are not mere customers or clients of the services being provided by the State, but are citizens in a democracy who hold the government accountable. They want their freedom and rights protected.

According to the Citizens’ Report on Governance and Development 2007, a performance review of governance institutions, i.e. the Parliament, the Judiciary and Local Government Bodies reveals that there exists an ongoing impasse between the notions of “growth and equity, intentions and reality, programmes and performances” which leads to the question of “rhetoric vs. reality” (Social Watch India 26: 2007), inevitably impacting the efficiency in governance.

According to the Central Information Commission’s (CIC) Annual Report for 2005 – 2006,

In an expanding economy, it is important to promote public participation in Government, and remove the aura of mystique surrounding the latter. In a democracy the people are an integral part of the system of governance, and they must also feel that they are part of this system. Governance improves with heightened trust between people and the Government. Trust improves with transparency (CIC Annual Report 9: 2005 – 2006).

Summary
In this chapter, I have first delineated the theoretical framework pertaining to the concepts of democracy and citizenship, mainly in regard to their European origin, with a few critiques and additions by Indian commentators such as Oommen. Following this, I have outlined the emergence of the concept of civil society in Europe, particularly with the Scottish Enlightenment thinkers and the classical political economists. I have then
moved to the actual definition of civil society by Hegel, Marx, Gramsci, and the post-Marxists.

Once the European tradition is outlined, I move to the conceptual parameters surrounding the concept of civil society in India, given its pluralists nature and contesting ideologies between different ethnic, caste and class groups. This is relevant for the next section on new social movements which explains the emergence of these movements as a result of dissatisfaction with the state’s failure in keeping its promises to the poorest and weakest, as well as due to the afore-mentioned contesting ideologies. Next I move on to the definitions of governance and good governance and briefly highlight the challenges to the state of governance in India.

Finally, I draw attention to how the concept of civil society can be expanded to meet the realities of the Indian situation as well as the fallacy of equating the growth and nurturing of civil society as formulated in Europe, to the vastly different Indian context, with the aid of Robinson’s (2003) examples of the contesting ideologies that jostle for space in the sphere of civil society in India.

This sets the stage for Chapter 3, where the emergence of civil society in India is related to the period when emergency was declared and people’s basic rights were temporarily suspended. Indian societies plural nature and the discontents with the state, as highlighted in the section on the emergence of the new social movements, are more clearly explained as the failure of the welfare state vis-à-vis the freedoms it promised its citizens and the resultant expectations, which it could not meet.