CHAPTER ONE

CIVIL SOCIETY TODAY
During the last decade, considerable intellectual and academic attention has been given in the West to the idea of Civil Society. This revival is part of the plea made from diverse ideological quarters for a practical revival of Civil Society.

Several definitions of the term have been suggested. For example, Daniel Bell\(^1\) notes that the idea emphasizes, in modern times, voluntary associations, churches and communities, celebrating the principle of local, non-burecratic decision-making. For Michael Walzer\(^2\) it is the name of the space marked by uncoerced associationality and 'the set of relational networks formed for the sake of family, faith, interest and ideology'. Civil Society, for David Held\(^3\), connotes all those activities which are privately or voluntarily undertaken by individuals and groups 'outside the direct control of the state'. According to John Keane,\(^4\) the distinction between the State and Civil Society is that between 'military, legal, administrative, productive, and cultural organs of the state', and the realm of 'privately owned, market directed, voluntarily run or friendship-based activities which are legally recognised and guaranteed by the state'. And in Jean Cohen and Andrew Arato,\(^5\) Civil Society is the realm of 'plurality of voluntary and political associations' in which citizens deliberate in a rational, reflexive, and egalitarian
These ideas of Civil Society seem to converge on a perspective of social life outside the tutelage of the State, marked by initiative, diversity, difference, decentralisation, and the basic freedoms.

When a term is sought to be revived, or revised, historical survey of its usage forms part of that exercise. Taking such a review of the career of the concept, the scholar can then place himself in some tradition, or relate himself antagonistically to some school of thought. This way of clarifying one's intellectual identity is typical of thinkers belonging to the Western civilisation. The contemporary Western scholars have similarly given accounts of evolution of the term, 'Civil Society' or, less ambitiously, they have documented the variety of senses ascribed to the term. But these surveys themselves are diverse as will be clear from some examples:

1) Salvador Giner⁷ says that the term has been principally used in two traditions - Liberal and Marxist - each of which houses at least two strands. So we get (a) the classical Liberal (Lockean), (b) the Hegelian, (c) the classical Marxist, and (d) the neo-Marxist (Gramscian) ways of talking about civil society.

2) According to Charles Taylor⁶ the modern Western notion of
Civil Society has two currents within it: Lockean and Montesquieuan. Hegel was the first thinker to attempt a synthesis of the two though, a tension persists between the view of society as an extra-political reality (Locke) and the view of a body of citizens with a lively sense of political participation, their rights and associations, counterbalancing the State power (Montesquieu).

3) In Krishan Kumar’s account,9 ‘Civil Society’ was synonymous with ‘political society’ up to the end of the 18th century and it was contrasted to the natural society or state. ‘Civil Society’ stood for ‘civilisation’, and ‘cultivation’. Towards the end of the century the identification of ‘Civil Society’ gave way to the distinction drawn between the civil and the political. Adam Ferguson, Adam Smith, G.W.F. Hegel, and Karl Marx contributed to the idea of a separate sphere of private property. In the writings of Saint-Simon, Comte, de Tocqueville, Durkheim, Tonnies and Parsons, Civil Society as an intermediate sphere of voluntary groups and associations between the State and the market was conceived.

4) Arato and Cohen10 say that the concept of civil society first appears in Aristotle who speaks of political society/community (politike koinonia, translated in Latin as societas civilis).
In medieval Europe the term was used for various fragmented sovereign units like towns, corporate bodies, and empires. Then followed the absolutist identification of the civil and the political under the term, 'Civil Society'. In Locke and Montesquieu we have a distinction between the two, though with different connotations; and finally Hegel brings together the various strands of the 18th century thought to give a modern concept of Civil Society.

We have thus different histories of the term. These differences cannot be overcome to produce the definitive account of the ways in which Civil Society has been conceptualized over the centuries. This is because the crucial distinction between the term and the concept has not been scrupulously observed by all scholars. If we are taking a review of the ways in which the term has been used then we will get a classification which will be substantially different from that which looks at conceptions of Civil Society. In the first case we will put Locke and Rousseau in the same class whereas in the other we will regard Rousseau as a precursor of the Hegelian and Marxian ways of understanding the State-society relationship.

But the more important reason for the lack of agreement over the history of 'Civil Society' is this: Civil Society is not something that exists objectively, independent of our calling it by that name. As Keith Tester says, 'for this rose, the name is everything'. It lacks intrinsic,
invariant meaning and in this respect it is like ‘Nature’ with which it is sometimes contrasted. Again the lack of intrinsic meaning is not its defect but its peculiarity. We must see the following as entirely interdependent: (a) the conception (b) the political position that the scholar wants to take in the present context, and (c) the account of the past that s/he gives. For example, Charles Taylor wants to take a quasi-republican stand, in the context of today’s North American society, opposing the overbearing State, political apathy and normative fragmentation; therefore voluntary groups and associations participating in public life become ‘Civil Society’ for him and therefore, in his historical account, ‘the Lockean conception and the Montesquieuian conception represent two streams.’ In short, here ‘the map determines the terrain’.

Instead of examining the details of the various histories of the idea I will present my classification of the major ways in which Civil Society has been conceived, the contemporary views, and finally, the rationale behind my classification.

(A) John Locke, (B) G.W.F. Hegel, (C) Karl Marx, and (D) Antonio Gramsci give, in my view, the classic formulations of ‘Civil Society’. It is not entirely indefensible to treat the conceptions by Hegel and Marx as representing different emphases within the same tradition but, for my purposes, their differences are as important as their similarities.
Locke treats 'political society' and 'civil society' as synonymous. But he clearly distinguishes between 'government' and 'society', and the burden of his argument in the *Two Treatises of Government* is to set limits on the State's powers. It will be useful here to recall briefly some of the views that Locke is supposed to have held:

1) All men in the 'State of Maturity' are rational. Their rationality consists in their knowing and following the Law of Nature in their behaviour.

2) All men are therefore morally equal, their physical or other inequalities notwithstanding.

   "Men being, as has been said, by Nature, all free, equal and independent, no one can be put out of his Estate, and subjected to the Political Power of another, without his own consent."

3) The State of Nature, accordingly, is the state of equality and freedom, though not of licence. "To understand Political Power right, and derive it from its Original, we must consider what State all Men are naturally in, and that is, a State of perfect Freedom to order their Actions, and dispose of their Possessions, and Persons as they think fit, within the bounds of the Law of Nature, without asking leave, or depending upon the Will of any other Man."
"A State also of Equality wherein all the Power and Jurisdiction is reciprocal, no one having more than another ...."  

"But though this be a State of Liberty, yet it is not a State of Licence .... The State of Nature has a Law of Nature to govern it, which obliges every one: And Reason, which is that Law, teaches all Mankind, who will but consult it, that being all equal and independent, no one ought to harm another in his Life, Health, Liberty, or Possessions." 

Locke goes on to assert that we are all made by God (the 'infinitely wise Maker') each one with like faculties, and equal obligation to preserve oneself, without causing harm to each other.  

4) For the transition to Political Society, every person’s consent is indispensable. 

"The only way whereby any one divests himself of his Natural Liberty, and puts on the bonds of Civil Society is by agreeing with other Men to Joyn and unite into a Community...."  

If the natural liberty of man consists of recognizing no authority except the Law of Nature, liberty of man in society consists of refusing to be under any legislative power save the one he has consented to establish. 

5) The purpose of forming Political Society is to do in a more certain, peaceful, and convenient way what one is striving to do in the State of Nature, namely, self-preservation.
"The great and chief end therefore, of Men uniting into Commonwealths, and putting themselves under Government, is the Preservation of their property. To which in the Estate of Nature there are many things wanting." 

(By 'property', Locke means 'Lives, Liberties and Estates'.

6) As a result though men give up their freedoms and powers to enter into Political Society, the power of the legislature 'can never be suppos'd to extend further than the common good', common good being securing for everyone enjoyment of his property.

Absolute Monarchy is incompatible with Civil or Political Society because the latter is supposed to provide for a common authority that can be appealed to in case of disputes over property; in Monarchy there is no appeal against the Monarch should he invade his subjects' property.

Similarly, a government which rules by decree, or without stated, settled, standing laws is not consistent with the 'Ends of Society and Government'.

Before drawing general conclusions from these points, it will be useful to look at Locke's Law of Nature.

The Natural Law tradition goes back to the Third century B.C. and is supposed to have originated with Stoicism. Cicero, apparently influenced by Stoicism set out the
essence of Natural Law thus:- Mankind is a universal community or a cosmopolis. The Natural Law is its expression. Being based upon the common nature of man, it is universal. Being endorsed by God, it is eternal and immutable.\textsuperscript{24} The Canonists (i.e., the lawyers of the Church), who systematized the Natural Law doctrine in the Twelfth century, claimed that the Natural Law is contained in the Scriptures and the Gospel.\textsuperscript{25} In the next century Thomas Aquinas synthesised the Aristotelian notion of the moral good with the Biblical moral law, as represented by the Ten Commandments, into a cohesive Natural Law theory. In this view, everything has been created by God and has some divine purpose behind it. Human beings can discern these purposes by using their reason and choose to act in such a way as to fulfill these purposes. The purpose of the faculty of speech, for example, is communication and in so using it we 'participate in the eternal law'.\textsuperscript{26} In following this Law, humans fulfill their nature, which entails their well-being, whereas non-observance of the Law punishes them with the discontent of a failed nature.\textsuperscript{27}

In the Seventeenth century with the breaking up of Christian unity, a relative decline in its authority and with the growing secularisation of political philosophy, the basis and conception of Natural Law changed. Grotius, starting with the assumption of sociableness of man defined as Natural Law every rule that was conducive to the preservation of social order. Though he invoked God's
authority the Law was anchored in human nature. In Hobbes we find a very similar conception. He gives precepts which, he claims, are "means of peaceable, sociable, comfortable living." So a Natural Law is a general rule found by reason, forbidding us to do that which is destructive to our lives.

Locke retains the religious associations of the idea by saying that the Law of Nature is discovered, by the use of our reason, in Scriptures. But he shares with Hobbes the idea that it is primarily a system of morality conducive to peaceful social life. That does not make him a utilitarian for Locke expressly rejects that every man's own interest is the basis of the Law. It is the decree of a superior will; it lays down the do's and the don't's; and it binds men. Thus, "it is pretty clear that all the requisites of a law are found in natural law." The Law of Nature "willeth the peace and Preservation of all Mankind."

This Law of Nature governs the State of Nature. The State of Nature was, for Locke, not a historical phase though he does sometime seem to try to prove that it must have actually existed. As a Golden Age, it may never have existed and Locke does not argue that it did. What he means probably is that the existence of unjustifiable political societies is an all too real historical existence given the sense attached to 'political authority' by him.
Following John Dunn\textsuperscript{34} we can say that the State of Nature as a moral order \textit{always exists}. It is a divine order, expressed by the Law of Nature, of which each one of us is potentially an equal member.

Every one in his 'State of Maturity', is rational, autonomous and Natural Law-abiding, and this he is naturally. (Recall how, in his discussion of promise-keeping in the \textit{Second Treatise}, Locke remarks that 'Truth and keeping of Faith belongs to Men, as Men, and not as members of Society'.\textsuperscript{35}) It is also significant that even before entering into Political Society, men have a reasonably complex system of production, or, to put it in a different way, men are capable of economic development without government. If they actually form Political Society, it is for reasons of peace, security and comforts. But the purpose of this society and the intent of its laws is not at variance with the Law of Nature.

If the State of Nature follows every actual society like a shadow, so does Civil or Political Society. For, that too is a norm, an ideal. One is formal, rather hazy, clear only in outline. The other i.e., the Civil Society, is concrete, the contents filled by human reason, which itself is a gift of God. Any empirically existing human society must try to be the latter, keeping in mind the former. Thus understood, Locke's argument means that a Political Society should be so organised that its members would find in its laws and institutions an echo of their reason.
John Locke thus gave the first classic formulation of Civil Society in its modern sense: a sphere of material and moral activities outside the State. Men produce and exchange naturally, i.e., without being encouraged to do so by their government; they have a sense of right and wrong which they do not owe to the State; the purpose of the State is the preservation of the rights of men and especially protection of their right to property; the legitimate powers enjoyed by the government are limited and conditional upon the fulfilment of its obligations to men; these are the elements of which the Lockean concept of Civil Society is made. Without using the term in the sense given to it here, Locke proposed a distinction of Civil Society and the State. The former is the life, the crux of our humanity; the latter, though not entirely superfluous, is only a convenience. Apart from convenience it does not add anything to or modify our essential nature. It is just an outer framework, a protective shell, of our sociality. While we owe it conditional obedience, we must also be on our guard forever lest it should start encroaching upon our humanity, violating our rights and dignity.

Ian Shapiro\(^\text{36}\) has argued that Locke (like Hobbes) ‘regarded regulation of the market by the state as involving active intervention’. Referring to Locke’s *Considerations of the Consequences of Lowering Interest*, Shapiro says that Locke argued in favour of the State enforcing an interest rate.
Locke says:

"When it is too high it so hinders the merchants' gain that he will not borrow; when too low it so hinders the money-man's profit that he will not lend; and both these way it is an hindrance to trade."

The right rate may not be generated by the market and hence the State may have to intervene. He expected the State to regulate labour markets by forcing the able-bodied poor to work at subsistence - wages and to introduce market in land.

At the time when Hobbes and Locke were writing, Shapiro argues, the idea of the self-equilibrating market had not yet emerged. On the contrary judging by their experience of the past century and their own century, they could not have regarded socio-economic changes as self-regulating.

"The myth of the minimal state could only arise once the social and legal institutions necessary for the functioning of a negative libertarian society had become so deeply entrenched that they would seem to be part of the natural order of things and thus the state would then preserve a status quo that its activism in an earlier period had been instrumental in creating."

The idea of self-equilibrating market and the policy proposal for minimal State have been associated in the history of economic thought with Adam Smith. Starting with the conception of self-interested rational individuals, Smith showed how, through division of labour and exchange, everyone unwittingly serves other's interests. This
reflects a natural order in the affairs of men, created by
wise Providence producing general good through the pursuit
of self-interest.

This transformed the Lockean Civil Society into a sphere of
economic activities and relations claiming autonomy from the
State on rational utilitarian grounds. The Enlightenment
idea of the State as a mere collective instrument for
individuals was thereby reinforced.

(B) Hegel

Hegel had read Classical Political Economists,
particularly Steuart, Smith, Say, etc., and one of the
principal tasks he had set himself in his Philosophy of
Right was to demonstrate the limitations of their views. He
seems to have taken the term ‘Civil Society’ from Adam
Ferguson. Arato and Cohen claim that the Scottish
Enlighteners like Hume and Ferguson had conceptualised Civil
Society as a “civilized” society, its “civilization”
consisting of its developed material activities. This
idea of material or economic society got further
crystallized in Smith’s depiction of the bourgeois economy
and one important sense of Hegel’s ‘Civil Society’ was
precisely that.

Grossly put Hegel’s argument about the State-Civil Society
relation was this: Civil Society as a system of production
and exchange concretises the individual freedom. As such it
is an indispensable dimension of modern society. But, as a self-subsisting system of freedom, it is unviable because through its complexity and uncontrollable economic dynamism it generates poverty, degradation and disaffection. It is the State's obligation, therefore, to keep the operations of Civil Society under control by moderately regulating the economy. While Hegel clearly separates Civil Society from the State and gives it a strategic place in his system, it is evident that he did not wholly take over from Smith the idea of the 'invisible hand'. Modern bourgeois economy he certainly welcomed as the realm of individual freedom but he also recognised the need—and in this he was remarkably prescient—for subordinating the blind economic laws to human, that is political, will. Whether this can be characterised as the unity of opposites (unity of the particular and the Universal) as Hegel tended to can be debated. For that we will have to examine his whole philosophical method. Nor can it be unproblematically claimed that he anticipated the modern Welfare State. But, for the moment, it may be pointed out that Hegel's was the first systematic attempt to reconcile an acceptance of the bourgeois economy with a prominent role for the State.

(C) Marx

Though Marx did not use the term 'Civil Society' very often he continued to hold the concept of a material sphere outside the State in Hegel's sense. Of course he omitted the Hegelian details (the quasi-medievalist estates for
example) from his picture and it is perhaps more accurate to say that he was indebted to the classical political economists for his idea of the bourgeois economy and that the resemblance of his ideas on the subject to that of Hegel's was due to their common source. His argument with Hegel on the 'real' relationship between the State and the sphere of material production is too wellknown to need any elaborate restatement. What may be highlighted for the purposes of the argument I will later make, is his emancipation of the category of 'labour.'

In Hegel there is of course a recognition of the role played by labour in human historical development and Marx was unfair in accusing Hegel of not knowing any labour other than the purely intellectual categorial 'labour' of the Cosmic Spirit (Geist). But, for Hegel, history is a spectacle of the forms of conceptual thinking, not a story of the growth of human productive powers. Moreover, in his Philosophy of Right, his concern is not with the experience of degradation suffered by workers but with the consequences that that has for Civil Society.

The disaffected rabble of poor people become hostile to Civil Society and in rage attack it, disrupting the functioning of civilized freedom. Civil Society has the duty to guard itself against their enmity.
Marx criticised Political Economy for its disregard for the worker. The labour theory of Value from Smith onwards, to be sure, regarded labour as creator of Value. But the worker as a whole human being, worker as the agent of value creating activity, did not figure in the economists’ perspective.

Marx’s contribution to the ideas on Civil Society chiefly lay in his attention to the relative poverty, degradation, alienation and exploitation of the worker that capitalism must entail. Capitalism is a dehumanizing social world and its source is in the systematic subjugation – which is daily reproduced – to Capital. Civil Society, for Marx, is the primary site of degradation of labour; it is a system of ‘uncivilized’ labour.

Marx did not expect the State to remove the main source of the workers’ degradation: the private ownership of the means of production. Throughout his career he remained convinced that the State in Capitalist society serves the interests of the capitalists and that it coercively puts down workers’ opposition to the system. In some countries it may be possible to pressurise the government, through trade union activity and through established political institutions, to wrest some concessions for the workers. But these are victories in battles which will not lead to winning the war which will have to be fought through violent revolutionary overthrow of the State.
(D) Gramsci

The strategy of targeting the State, either for 'smashing' or 'taking over', is not universally valid though. As Gramsci pointed out, there are societies (in the East, for example) where the State is all pervasive and Civil Society (in Gramsci's sense) is weak, underdeveloped. In such societies the Leninist strategy may work for a successful revolution but not so in the advanced capitalist countries of the West. There, even if the State collapses or is weakened temporarily, the capitalist system does not crumble because behind the State, there is a 'powerful system of fortresses and earthworks', 43 or, the Civil Society.

As is well known, Civil Society, for Gramsci, is the web of various educational, religious and even political associations. Social control by the ruling class takes two forms: (a) domination, or use of force, and (b) hegemony, or 'intellectual and moral leadership' that the 'deputies' of the ruling class assume and through which they elicit consent of the subordinate classes to the rule of the dominant class.

The distinction is analytical. 44 What Gramsci is focussing on are the two aspects of class rule. The State, or more specifically, the political society which is identified with the use of force may occasionally produce consent through its agencies, and the associations of Civil Society may
occasionally use force with regard to its members. Each functions in both ways and there is also extensive mutual entanglement of the two in real life.

For classical Marxism, conflict rather than consensus marks the social life, and as part of this picture, the State is seen as a largely repressive institutional apparatus in the service of the ruling class. Now Gramsci does not deny the class nature of the State. What he argues is that in certain countries at least, 'ideological' means are used as much as the coercive ones.

Gramsci was inspired in his usage of 'Civil Society' by Hegel's conception through, for him, Civil Society does not include the system of production. Apart from the economy proper Hegel's Civil Society also involves various professional bodies, voluntary organisations, etc. Hegel expects these to mediate between the anarchic particularism of the bourgeois economy and the larger social life represented by the State. Hegel's discussion of these associations seems to have influenced Gramsci. This comes out clearly in the following remarks from his Prison Notebooks:

"A tradesman does not join a political party in order to produce more at lower cost nor a peasant to learn new methods of cultivation .... In political party the elements of an economic social group get beyond that moment of their historical development and become agents of more general activities of a national or international character."
All members of a political party are intellectuals. (In his enlarged notion of intellectuals everybody from philosophers, scientists to factory supervisors, notaries, army officers is an intellectual.) They articulate a conception of the world and perform 'educative' functions. 47

The elements of Civil Society interpret the so-called laws of the economic structure and thus the latter cease to be an external force dominating men; it is transformed into something that is understood, something that can be 'worked on' or even 'transformed'. 48

Thus it is through the interpretative activity of Civil Society that men are integrated into the larger ethical order represented by the State with its two elements - political and civil, coercive and 'educative'. Every State

"... is ethical in as much as one of its important functions is to raise the great mass of population to a particular cultural and moral level, a level which corresponds to the needs of the productive forces of development, and hence to the interests of the ruling classes." 49

Thus Civil Society for Gramsci is that sphere where the intellectual and moral leadership of the ruling class is produced and maintained. That is the realm of hegemony.
Recent Perspectives on Civil Society-State Relationship:

1. Stuart Hall on Thatcherism

Gramsci's notion of hegemony has been put to creative use by Stuart Hall in his analysis of the contemporary British politics. Hall says that from the mid-1970s onwards there has opened a new political project on the right: Mrs. Thatcher [and her successors] aimed at a change in the Keynesian Welfare State that had dominated British politics from the mid-1940s. Thatcherites know that to dominate a social formation, political, moral and intellectual leadership is indispensable; 'that they must win' in civil society as well as in the state.' The 'Common sense' of the English people had for sometime been constructed around the notion of the Welfare State that they thought had come to stay. This Thatcherism wanted to change.

"Ideologically Thatcherism is seen as forging new discursive articulations between the liberal discourses of the 'free market' and economic man and the organic conservative themes of tradition, family, respectability, patriarchalism and order." Thus Thatcherism gives a new conception of 'Englishness' and forges a strategic alliance of various social forces in contemporary British Society around the 'consensus' over its economic policies.
Hall says that from Gramsci we learn a new conception of politics as a 'productive' sphere. Gramsci insisted that in modern societies power is constituted on varied sites. It is constituted in relation to moral, intellectual, sexual and economic questions. But the traditional organised Left, the Labour Party, is unwilling to learn from Gramsci. It does not yet realise that its fight against Thatcherism is a fight against a world view which is striving to entrench itself in the people's 'common sense' and that the Left must counterpose to it its conception of 'a new civilization'. It still relies on electoral battles, on appealing the 'traditional Labour Voter,' using the trump card of the idea of the Welfare State which has since long fallen in disrepute. This, Hall says, is a bureaucratic notion of politics in so far as it relies on the old strategy of mediating and reconciling various organised interests; it does not relate itself to the everyday experiences of the people, it does not involve them in its politics and thus empower them. It does not go beyond the State and economy in its operations. In short the labourist Left does not treat its task as the task of establishing moral and political leadership.

2. John Keane, David Held and the 'democratic road to Socialism'.

Keane and Held want to explore the possibility of a new kind of socialism in terms of rethinking the relationship
between the State and Civil Society (i.e., the realm of privately owned or voluntarily run activities). Their attack is targeted on the Keynesian Welfare State or 'State-administered socialism'. Under this model the State came to do a wide range of things: looking after investments and industry, reducing unemployment, providing various services, etc. There was an assumption behind all this that the State knew about its citizens' needs and wants. This intrusive presence of the State in Civil Society led to the widely shared perception that socialism meant bureaucracy, red tape, State control, and so on.

The State promises too much, but with various international and domestic crises, fails to deliver the goods. The expansion of its activities puts a strain on public finances, invites lobbying and invariably ends up fixing its priorities in an arbitrary way. In this selectiveness it is widely seen as vulnerable against the powerful groups within Civil Society; for all its visibility it is seen as ineffective.

Against this background, the New Right was quick to take initiative and argue for redrawing the society-State boundaries. For example, cashing in on the failures of the interventionist State and mobilizing the dissatisfaction with it, Thatcherism in Britain popularised ideas of hard-work, self-reliance, freedom of choice, sanctity of property, etc.
The New Right emphasizes Civil Society, i.e., freedom; the old Left equality through State intervention in market. Redefined socialism must rework the State-Civil Society relationship and combine redefined liberty with equality.  

Today Civil Society is dominated by capitalist corporations and patriarchal family structures. These powers and the presence of the State come in the way of the equal and active role that citizens might play in Civil Society, that is, in production units, households, community-based services, and in voluntary organisations.

So, what Keane and Held are arguing for is increased autonomy for Civil Society. Neither it nor the State can be abolished nor should they be fused. The coexistence and separation of the State and Civil Society must be acknowledged to be a 'permanent feature of any democratic social and political order'. What is required is their democratization. And the two are 'conditions for each other's democratization'. This involves, for example, State's guarantee of rights related to reproduction, child care, health, education, etc., and restriction of the powerful interests in Civil Society as Held points out elsewhere. He calls his perspective 'democratic autonomy' or 'liberal socialism.' At its centre is 'the right of all citizens to participate in public affairs.' Everyone must have a 'rightful share' in the process of government.
"If democratic life involves no more than a periodic vote, the locus of people's activities will be the 'private' realm.... But if democracy is understood as a double-sided process [of democratizing State and society] this state of affairs might be redressed by creating opportunities for people to establish themselves 'in their capacity of being citizens'.

Keane also argues for a new idea of socialism, one that is no longer obsessed with the nationalisation of property or attacking capitalism. This old notion keeps the attractions of socialism confined to white, male, heterosexual groups and interests and it remains indifferent, even hostile, to ecological, feminist, civil rights movements. The new socialism must be sensitive to these interests and movements.

3. Andrew Arato and Jean Cohen

The liberal phase of capitalism was marked by the defense of society against the State. With the transformation of the State into Welfare State, bureaucracy came to have an unprecedented presence and role in citizens' lives. The 'new social movements' [discussed briefly in a later section in this chapter] that have emerged in this context regard themselves as 'society strengthening'. They don't want to be part of the State nor do they want to 'smash' it through revolution. Their goal is to rebuild Civil Society and delimit the powers of both the market and the bureaucratic State. Cohen and Arato say that their
reconstruction of the concept of Civil Society 'aims to defend these projects'. The authors want to extract a notion of Civil Society from Habermas's concept of the 'life-world'. In his *Theory of Communicative Action* Habermas tries to synthesize hermeneutic and functionalist conceptions of social order. He does this by allotting communicative actions and purposive rational actions to two distinct spheres of society - to 'life-world' and to State, economy respectively. The task of material reproduction is performed by the State and economy according to the criteria of instrumental rationality. 'Life-World', (by which Habermas means family, neighbourhood, voluntary associations, etc.), on the other hand, is a reservoir of shared convictions, assumptions, etc., with the help of which men and women communicatively generate intersubjective meanings.

Grossly put, it is this life-world, populated by voluntary organisations, that becomes Civil Society for Arato and Cohen.

"We understand 'civil society' as a sphere of social interaction between economy and state, composed above all of the intimate sphere (especially the family), the sphere of associations (especially voluntary associations) social movements, and forms of public communication".

One of the central themes of the authors is the intrusion of State and economy on Civil Society.

In the late capitalist countries having the Welfare State
system, economy and State penetrate the life-world and reduce everybody to passive roles of consumers and clients. The Welfare State creates a set of social rights and securities but it also creates dependencies. It destroys possibilities of self-help and solidarities among citizens. It emphasizes only the aspect of strategic action, damages the self-respect of the recipients of the State provided services, introduces monetary criteria and thus prevents a distinct fabric of Civil Society from developing independently.66

But the authors do not favour generalized participatory democratization of all spheres. That, they fear, will threaten the very basis of modernity: namely, differentiation and efficiency.67 Let the State and economy run according to the imperatives of purposive rationality. What is urgent is drawing a boundary around them and relieving the life-world from their intrusion.68 The authors envisage Civil Society organised on the basis of constraint-free communication regulating its affairs and also possibly influencing State and economy in the direction of democratization without endangering the system maintenance imperatives.69 This is the 'self-limiting, immanent, self-reflexive utopia' of Civil Society that Cohen and Arato present.70
4. Civil Society in East Europe

Several East European scholars have been invoking the notion of Civil Society to talk of the beginnings of a new kind of politics in the former communist countries. Andrew Arato\textsuperscript{71} mentions several Polish writers explicitly using the term and defining the task in their country as that of constructing Civil Society. Or, again Ferenc Miszlivetz,\textsuperscript{72} writing in Vera Gáthy's collection, describes some of the emerging movements in Eastern Europe as beginning of Civil Society. He takes the case of the Peace movement in Hungary, called Dialogue. Organised in the early Eighties, university students and intellectuals were prominently active in it. Given its location in the university colleges, it spawned a growth of clubs, publications and seminars on issues which lay outside official socialism - environment, peace, minority problems, civil rights, etc.

Responding to the events of 1980-81, when Solidarity achieved its first major success, Arato chose to describe the movement as the birth of Civil Society and highlighted its innovative qualities and said that their Civil Society goes even beyond the Western achievements in this regard.\textsuperscript{73} Apparently as a tactical move, Solidarity disclaimed any intention of capturing State power, a feature which Arato commends. The movement stressed political freedoms - right to assembly, to free speech, to collective action like strike, etc - and not individual rights (as in the West) tied to private property. In distributing the underground
literature it relied on non-commercial network and this strengthened the autonomy and mutuality of its members. However not all commentators are as enthusiastic about political participation as Arato. For example, Kazimierz Wojcicki\textsuperscript{74} comments that the Polish people prefer to live in family and friends and this is not due to apathy and atomism but because they want to shield their culture and social life from politicisation.

Evidently then, the prospects of intellectual revival of 'Civil Society' in the Eastern Europe are still unclear and ambivalent. As Salvador Giner remarks, there the task is to create Civil Society \textit{ex nihilo} and not fight its erosion; it is 'only in the very last instance that the issues at stake resemble each other in East and West'.\textsuperscript{75}

Yet the discussions of the State-society relationship in East Europe by Western scholars are significant less for their perceptiveness of the East European situation and more for what it reflects about their own concerns. Thus read, their account of the absence of Civil Society under the erstwhile communist regimes only serves to reinforce their implicit belief in the universal validity of the State-Civil Society separation.

5. The paradoxical case of the New-Right: Nozick

Robert Nozick's attempt in his \textit{Anarchy, State and Utopia} is to give a philosophical defence of the 'night-watchman' or
minimal State. The functions of this State would be limited to protecting the citizens from 'violence, theft, fraud' and to the enforcement of contracts. In his hypothetical, quasi-Lockean State of Nature, every individual has rights of dominion and any breach of those rights, as would be involved in the existence of even a minimal State, must be founded on his consent. Although inconvenient, the State of Nature is a situation where people 'generally act as they ought', by which Nozick means that they respect their contracts. It has division of labour, market, money and flourishing business.

As is well known, Nozick opposes any kind of 'patterned' distribution of resources. A patterned distribution is that which is based on a principle which envisages some distribution as fair in advance. In contrast, he favours 'initial condition' notion of justice. Each individual is rational in that he tries to optimise his benefits through his voluntary transactions and every transaction based on the individuals' consent is just. "Whatever arises from a just situation by just steps is itself just."  

The philosophical basis of Nozick's views of individual rights is his notion of free action. Action is an 'intentional doing arising out of a process of choice among alternatives.' Nozick is concerned with demonstrating that causality notwithstanding, choices can be genuinely free. Towards this he deploys the argument that the fact
that my capacity to choose is determined by a whole set of factors need not render my choice itself unfree.\textsuperscript{79} (Incidentally, he thinks that free actions are realised in capitalist markets.)

Though Nozick's individual occupies a moral space around which a line is drawn, he does not make any distinction between needs and wants,\textsuperscript{80} nor is his Lockean doctrine of individual as the sole proprietor of his capacities and possessions tempered by the Lockean belief in God. And, as Shapiro remarks, Locke's State could act in public interest but in Nozick's scheme of things there is no public sphere.\textsuperscript{81} The neo-classical notion of market is applied to politics which becomes so many voluntary transactions of commodities. Nozick's individuals are isolated from one another busy maximising their utilities.

"Small wonder that the view of the "meaning of life" at the end of [Nozick's] \textit{Philosophical Explanations} is so romantically individualistic, concerned with the "harmonious hierarchical development" of the individual soul, lapsing into appeals to mystical experiences ... .\textsuperscript{82}"

Thus one of the most influential (influential at least in the U.S.A. and Britain) statements of minimal State thesis has no conception of public sphere, of politics, of Civil Society. State is to be rolled back not for any voluntary activities of public nature but for the sake of the rights of solitary individuals.

6. Keith Tester : Beyond Civil Society

37
Rather than give yet another conception of Civil Society, Keith Tester tries to 'go beyond' it: that is, he tries to show what the invocation of 'Civil Society' involves, what have been the stakes in its discussions.

Civil Society, he says, is an 'imaginary' construct inaugurating modernity and harboring tensions and conflicts characteristic of modernity. It is an imagination by which philosophers and sociologists have sought to explain relationships which we do not directly experience - as we do, for example, the family - but which are the basis of 'our safe public existence.'

In history, as societies with an asymmetrical relationships gave way to the ones with 'symmetrical reciprocity,' the question arose: how to bind equal and mutually indifferent strangers into something called 'society.' Societies based on inequalities were seen as part of nature. And that which is part of nature is something given, unchanging. You do not have to 'explain' social relationships. But societies based on freedom, achievement, etc., are man-made. It was in these modern societies in the West that 'Civil Society' as something rigorously separated from the natural was conceptualised.

In this self-conscious artifice, the principle of reflexivity was involved: Civil Society was a questioning of all given, natural arrangements; it was an achievement. But at the same time, as an achievement, as a victory over
the natural and the elemental (whether outside us or within us), as a civilizing effort, it sought to establish something: it was an order.

Evidently, reflexivity and order are not mutually compatible. Their claims are irreconcilable. Civil Society thus expresses the central dilemma of modernity. It makes 'society' possible by explaining it when explanation by nature has become unavailable. But in defining itself negatively, with reference to its 'Other', the nature, it comes to face the dilemma of reflexivity versus order.

The Context of 'Civil Society' Today
The current discussions in the West of Civil Society - State relationship have a social context the main features of which are as follows:

1. Throughout the Twentieth century there has been a tendency towards expansion of the functions of the State. But the development of what is generally called the 'Welfare State' has been a watershed in this regard. It emerged after the Second World War and enjoyed remarkable ideological and political support till the oil crisis of the early seventies and the following recession, inflation, and unemployment in most of the Western countries.

While the earliest 'Welfare provisions' in some of the European countries were essentially of 'poverty-relief'
nature, today the activities of the State in providing public services have gone far beyond that. As an approximate characterisation of these services it can be said that these services provide

"... benefits in cash or kind to identifiable individuals which cannot be regarded as payments for current contributions to national output."

These services are of different kinds and some examples may indicate what they consist of:

a) Various social security payments: retirement pensions, widows pensions, invalids pensions, unemployment pay, sickness benefit, and so on.
b) Benefits in kind, like the health service.
c) State-financed education.
d) Various subsidies like subsidized school meals, subsidisation of public housing rents, public transport.
e) Special tax allowances, like allowances for children, allowances against mortgages, etc.

This list is not exhaustive but it gives us some idea of the manifold increase in the functions of the State. One of the original justifications for Welfare State was the Keynesian economic doctrine that the welfarist policies encourage investments, employment and stimulate demand. But it was also believed that it would be prudent and fair to provide security against the irrational market thereby reducing the incidence of class conflict and that involving
workers in collective bargaining will routinise resolution of wage disputes and avoid industrial unrest. On 'moral' or 'ideological' side, it was justified as fair and egalitarian: the promises of liberalism cannot be fulfilled by relying on market but rather by intervention of the State, for market regulation and for social securities provision, for those who have been at the receiving end of the market forces.

The critics of the Welfare State have mounted their attack on both economic and political-theoretic fronts. Economically, the State allegedly leads to disincentive to work and to invest. And, high wage rates make investment unprofitable, and capital tends to go abroad where wage level is much lower. The reduced level of investment must lead to unemployment. Politically, the Welfare State has not been able to prevent conflicts from arising (only their form has changed). State intervention violates the liberty of the entrepreneurs and undermines working population's self respect. In the name of welfare provisions, the State intrudes on privacy and weakens the autonomy of citizens. The rising expectations have led to 'system-overload' and crisis of ungovernability.

Some of these criticisms have also come from commentators who are not neo-conservatives, especially the ones about dwindling self respect and autonomy of citizens. State's presumption to have superior knowledge of people's needs and
wants has been questioned and State’s role as a regulator, inspector, educator and punisher of social life has been resented. As mentioned earlier in this chapter, Arato, Cohen, and Habermas find the Welfare State enervating of social life. Surely, people have the ‘virtues’ and the ‘social skills’ required for cooperation, neighbourhood self-help, and democratic decision-making in small groups. But the overdoing of the State gives no occasion for these solidarities to flourish. With such solidarities also flourish certain traits like civic sense, mutuality, and a lively sense of one’s personal worth. When various services are allocated and administered bureaucratically, these traits do not develop and citizens are reduced to the diminutive role of clients.

2. Closely related to welfarism is a tendency which one critic describes as ‘corporatisation’. In the West today the relationship between employers, government and the workers’ unions has been institutionalised. Every profession has its formal organisation, a trend which has been intensified by specialisation in every field. There is thus a great ‘corporate density’ in advanced industrial countries and this has left no public space for small groups, communities and publics. Collective bargaining and the growth of competitive party-system (with each party accommodating diverse interests and responding to the organised interests directly) has meant death of politics; in its place we have bureaucratic, organised politics. The
public sphere of liberal capitalist societies has disintegrated and emphasis on purposive rationality, prominence of experts and predominance of large organizations in policy formulation involves ‘denormalisation of politics’ and abandonment of democratic ‘will-formation’.  

Citizens react to this state of affairs with political apathy and Arato and Cohen are right in relating their discussion of Civil Society to the debates in contemporary political theory over the elite and participatory models of democracy. The empirical work on political alienation, perceived inefficacy and lack of trust can also be mentioned here.

3. The ‘new social movements’ in last twenty years or so also lend special resonance to the calls for Civil Society’s revival. Anti-nuclear movements, environmental movements, peace movements, women’s movements, the assertions of alternative lifestyles, movements of homosexuals: these are some examples of the new social movements. They are so-called because, as Habermas points out, they ‘deviate from the welfare state pattern of institutionalized conflict over distribution’.  

“These new conflicts no longer arise in areas of material reproduction; they are no longer channelled through parties and organisations; and they can no longer be alleviated by compensations that conform
to the system."

"The question is not one of compensations that the welfare state can provide. Rather, the question is how to defend or reinstate endangered lifestyles, or how to put reformed lifestyles into practice. In short, the new conflicts are not sparked by problems of distribution, but concern the grammar of forms of life."

These movements may not be able to give a comprehensive perspective on man and society but the questions they are raising are no less fundamental: critique of growth and development, accepted notions of normality and homogenisation. What is at stake is nothing short of modernity itself. What is being demanded is room for difference, plurality and autonomy.

This is a clear sign that the established organisations—political parties, unions, professional bodies—do not show sensitivity to the issues of gender, sexuality, environment and peace. It also means that the established ideologies on the Right and the Left fail to reflect the new problems and urges and have become quite wooden. That is why we find various political theorists modifying the old, venerated paradigms, the isms and giving new names (like 'liberal socialism', 'democratic autonomy') to their heresies. At the level of political strategies, it has been felt that unless more open, participatory non-bureaucratic politics is not constructed around the 'new' issues, the established parties (on the Left, for example) will not be able to 'win the hearts and minds of the people'. (Recall Stuart Hall's
4. As the communist regimes of the Soviet-type collapsed one after another largely due to the withdrawal of the Soviet Union and their own economic crises, the disclosures of State repression, active underground dissidence, economic failures, etc., confirmed the various criticisms of State socialism. The State that annexes all areas of social life neither successfully modernises nor does it usher in communism. The road to socialism need not, in fact must not, go via Party, State Administration, Centralisation, and Ideological purity and uniformity. It came to be believed that even socialism requires a foothold outside the State Apparatus; in fact it is most likely to flourish in small groups, communities, and in the issues of everyday life.

My main concern in this Thesis is to look at some of the systematic Western formulations of the political regulation of the economic, or, better still, subordination of the economic to the political, where both the economic and the political are understood dynamically. I propose to later extend the thinking behind these formulations to Indian discussions of development. It is clear from the brief survey of the current trends of thinking on Civil Society - State that the attempts at reworking their relationship situate themselves in the context of the Welfare State and corporatist politics. Our context in India, as I perceive
it, is not of 'limits of State action', but of appropriate model of development. After enjoying impressive degree of support, the so-called Nehruvian model has been on the retreat. The 'dignity of labour' theme of Gandhi's politics had waned even before that. It is necessary to 'restate' the intentions behind these projects as a counterpoint to the politics of 'economic liberalization'. Given this interest, I see Hegel and Marx decisively breaking with Locke and Adam Smith - two most influential liberal thinkers. In this Rousseau was their precursor. Locke is important for his view of extra-political maturity of man. Smith, for his view of self-equilibrating economy. These have been two crucial strands within liberalism. Hegel's and Marx's views on history and labour emerged in conscious opposition to these aspects of liberalism. Moreover, both Locke and Smith (along with Mandeville and Physiocrats) contribute to the discovery of the autonomous realm; we must see Hegel and Marx as responding to this discovery.

Locke's starting point in the Second Treatise is the Biblical notion: quoting from the Psalms he says that God has given the earth to mankind in common. The question then is, 'how did we come to have the institution of property?' Locke shows considerable ingenuity in answering it.

1. God has not only given the world to men but he has also given them the abilities to make use of for 'the best
Advantages of Life and Convenience.

ii. These abilities, however, are not 'common.' Over his body, his labour, every man has exclusive right. Every man has property in his own person.

iii. Therefore whatever natural object that a man mixes his labour with becomes his property. Labour is an act of 'appropriation'.

iv. The bounds of just property lie in the connection property has, in the 'natural' scheme of things, to the comforts of the possessor; it is means to comfortable living. Property which is wasted without use amounts to depriving others of their rightful enjoyment of that thing.

v. It follows that in case of durable objects, right to property is unrestricted.

vi. By the same logic, amassing wealth in the form of money is ethically permissible.

Thus, Locke starts with religious restrictions on property prevalent in medieval Europe and endeavours (largely through the dubious transition from step (iv) to step(v) above) to remove them entirely. In fact, step (i) itself is not consonant with the orthodox Christian view, derived largely from Thomas Aquinas, that we owe our faculties to God who
has implanted them in us for specific purposes. The second step, where right to property is established on the basis of labour is another respect in which Locke departs from medieval Christianity. For, as Louis Dumont observes, to make labour, and not the needs of the individual, the basis of property is a typically modern move.

So, the right to property derives from individual attributes, not from his membership of the society.

Locke conceived of individuals as intrinsically moral beings, related primarily to God. From this, Locke is led to the idea of society as abstract relations between individuals. His system had the semblance of being consistent with Christianity and yet it relieved the individual from social or communal "encumberances." As Dumont comments:

"In other words, I submit that in this case the substitution of man as an individual for man as a social being was possible because Christianity warranted the individual as a moral being. The transition was thus made possible from a holistic social order to a political system raised by consent as a superstructure on an ontologically given economic basis."98

(Emphasis original; bold type added.)

Dumont understands holism as primacy of the relations between men [this characterisation is acceptable only in a qualified form], and individualism as primacy of the
relations between man and things. He thinks that the transition from holism to individualism in Europe resulted in the emancipation of the economic dimension from political dimension and led eventually to the emergence of the positive science of economics.

The Physiocrats, who were influenced by Locke, believed in "natural order" and laws of nature. Social order was seen as instituted by God and the laws of nature regulating society were understood to be much like the ones determining the physical world. They were not clear about these laws nor about the social order they spoke about but their idea of individual self-interest as the basis of the possibility of society was stark enough to influence later economic thought. Here again their starting point was Lockean: the individual and his rights were primary; private property was an expression of his freedom; and it was assumed that he was rational regarding his interests.

According to the physiocrats individuals recognise that their interests are best served by cooperating with others in the enterprise of production. Hence their maxim: laissez faire, laissez passer (let things alone, let things take their own course). By wise providence, we have been so made that our drives make us sociable. Governments should restrict themselves to making laws protecting and encouraging these drives. The particular interest of the individual always produces the interests of the whole
These ideas had already been articulated by Mandeville, though, in a different paradigm. Mandeville published a pamphlet in 1705 which was a story in verse and it was called *The Grumbling Hive: or Knaves Turned Honest*. (Out of this grew his famous work, *The Fable of the Bees: or, Private Vices, Public Benefits*, 1714.) The story was about a flourishing economy, thriving on fraud, luxury, and pride. It described "A spacious hive well stocked with bees/ That lived in luxury and ease," Where millions were endeavouring to supply "Each other’s lust and vanity." "Thus every part was full of vice/Yet the whole mass a paradise." And, "The worst of all the multitude/Did something for the common good."* When an ascetic, puritanical revolution breaks out in this economy, suddenly there is an all round decline. Luxury and fraud ceased, but there was unemployment, millions fled away, and the community became defenceless against its rivals.

The moral of the story was explicitly stated by Mandeville himself in his later work:

"Men are naturally selfish, unruly creatures; what makes them sociable is their necessity and consciousness of standing in need of others' help to make life comfortable: and what makes this assistance voluntary and lasting are the gains or profit accruing to industry for services done to others, which in a well-ordered society enables everybody, who in something or other will be serviceable to the public, to purchase the assistance of others."*
(Two clarifications are important here. Not all vices produce, for Mandeville, public benefit, nor are they automatically beneficial, without skillful political management. Secondly, the public benefits so produced are unequally distributed; Mandeville said bluntly that the wealth and comforts enjoyed by some in the society depend upon a multitude of labouring poor.)

For Mandeville (as for Locke), man is fundamentally individual and this individual (as in Hobbes) is already endowed with all the passions that, in some other thinker (e.g. Rousseau), would be regarded as the product of social interaction, or, (as in Marx), of capitalist society. Sociableness arises because man has indefinite number of wants which he cannot satisfy without overcoming the resistance of nature. Thus he is forced to cooperate with other men. We have again an instance here of what Dumont calls relations between men and things (material needs) being primary and relations between men (society) being secondary.

Society is an instrument for each individual, it is an extra-human, thing like natural entity. Both the society and the individual are 'emancipated' from the moral constraints of the Lockean State of Nature and the Law of Nature. This emancipation, and the primacy of man-things relations that goes with it, result, in modern times, in the
power and status of economic considerations. ¹⁰⁷

But it is with Adam Smith, most probably influenced by Mandeville,¹⁰⁸ that economy as a separate domain is discovered.

According to Smith, when self-interested individuals compete with other self-interested individuals, they unwittingly provide the goods and services the society wants.

Not benevolence but self-interest keeps things going. Heilbroner¹⁰⁹ explains how this is supposed to work:

1. Competition between manufacturers prevents any one of them from seeking high profits by raising the price of his goods above the average market price.

2. The demand and supply, through fluctuating prices, tend to balance each other.

3. Capitalists and workers move from one line or branch to another in search of higher returns or better wages, and thus level the gains obtaining in different industries.

Thus, competition, structured as market, regulates prices and quantities of goods the society wants and distributes incomes evenly at every level of economic activity.
We come across here the idea, long in the making, of the economy as a separate domain, with its own laws and legitimate autonomy. Borrowing from Dumont, we can speak of the 'emancipation' of the economic realm from religious, moral, and political constraints.

The momentousness of this discovery of the economy becomes clear if we recall some of the ancient and medieval regulations of the economic affairs. It is wellknown that the earliest economic thought was developed as part of reflections of spiritual matters, or as part of the formulation of ethical code for the society. Scriptures, religious institutions, and custom sought to undervalue material affairs, condemn avarice and greed, restrict wants, and keep competition in check. The Mosaic Law forbade usury; (interestingly, in applied only in connection with fellow Jews; lending to strangers was allowed; Christianity, in the 12th century, generalised the taboo); and Christ asked his followers to lend, 'hoping for nothing again.' Judaism also laid down the kind of things that could not be demanded as pledge, i.e., as security for loans. Generally these restrictions were injunctions against violating the dignity and livelihood of the person who had taken the loan. There were judaic prohibitions against speculation, hoarding during famine, false weights and measures, adulteration, exporting necessary articles of food, etc. There was also a law requiring farmers to keep their land fallow every seventh year.
Medieval Christianity regarded Charity and alms giving as cardinal virtues. Colletti cites R.H. Tawney on the medieval attitude to poverty. It was believed that the poor represented 'Our Lord', and being avaricious without charity to the poor called for severe admonition. In contrast, in early modern times, the poor came to be regarded as idlers, as morally deficient. Recall here Marx's account of the bloody legislation in England and France in the Sixteenth century.

The Scholastic attempt to fix 'just price' of every good also must be noted. The 'just price' was usually arrived at by taking the cost of production, including the labour, into account. It was considered immoral to sell a thing for higher price and it was regarded as a duty of the law to fix prices.

Thus, in pre-modern Europe, economic thinking was part of the religious or the theological thinking. It was so not only in the superficial sense of the same thinker (or writer) reflecting on both the matters but in the deeper sense that the economic affairs were regarded as subsumed under religious considerations. In contrast, the early modern thinking on economic themes conceptualized a separate realm called 'the economy' and argued for exempting it from religious regulations. This line of argument begins most clearly and explicitly in Locke and culminates in Adam
Smith’s *The Theory of Moral Sentiments* (1759). It is usually associated, somewhat inaccurately, with the ‘laissez faire’ position on the role of the government.

It is of course not true that the classical political economists from Smith to J.S. Mill opposed all kinds of government intervention. Smith himself advocated, for example, State provision of education and O’Brien 117 shows in detail the political economists’ recommendations on government intervention with regard to child labour, work hours, mechanization, poverty relief, trade unions, etc. And William Barber 118 draws attention to a passage from *The Wealth of Nations* where Adam Smith declares that the interest of traders and manufactures ‘is always in some respects different from, and even opposite to, that of the public’, and he warns that any proposal for a new law which comes from them ought to be adopted only after careful examination undertaken with ‘the most scrupulous’ and ‘the most suspicious attention’.

So, what was novel about the new line of argument, emerging in the Seventeenth and Eighteenth century, was the conception of a sphere of human activity subject to its own ‘laws’. Outside intervention, and not the normative autonomy of this sphere, would now have to be justified. Two views of the State are suggested in this ‘autonomy of the economic’ position:
a) Regulating State: There is a 'natural' order of things in economic as well as in all other matters; and the State must restore it whenever, through human folly, the economic phenomena deviate from it. This calls for governmental intervention, but it is legitimate provided it remains within the 'natural' ambit. When John Locke argued in favour of lower interest rate, he invoked the idea of 'natural' interest rate.\textsuperscript{119} It is not clear how anyone can know indubitably what is the natural interest rate or natural price of a commodity; but the point is that this view expects the government to intervene in the economy.

b) Minimal State: State is the protecting shell or the overall framework of the economy. Economy has its self-equilibrating mechanism in the form of the market and it is foolish to tamper with it. What the State ought to do is to extend the market, prevent monopolies and economic privileges, enforce agreements, and maintain law and order. Adam Smith's \textit{Theory of Moral Sentiments}\textsuperscript{120} may be taken as a paradigmatic presentation of this view.

The self-equilibrating mechanism is formal, the natural order of things is substantive (through I am not very clear what would the latter amount to). But both the views share the concept of man as individual who has rights, interests, and rationality prior to the society. The society has a moral as well as a pragmatic obligation to respect the individual's rights and interests.
The liberal tradition has regarded society as a coordination of rational and self interested actions of particular individuals. Is a society of this kind possible? Followers of Locke and Smith have given an affirmative answer to the question. But Rousseau, Hegel, and Marx tried to show that such a society is oppressive and alienating.

Hegel is skeptical whether the market mechanism is all that faultless. After all does it not breed poverty, unemployment and disaffection? But he is also insistent that the view of man as self interested individual is an impoverished notion of man, that we have purposes larger than our egocentric goals.

In Marx the self-equilibrating mechanism undergoes a metamorphosis. He retains the idea that the capitalist economy has its own mechanism but that comes to be described by him as 'laws' of capitalism. And, far from equilibrating, they in fact lead to crises and weaken the bourgeois social order.

Marx's other central idea, that we have (a) common and (b) communally individual goals which must regulate the economy, blends with his economic analysis of capitalism.

In the following chapters (ch.2,3,4) I will present the thrust of the 'critique of Civil Society' by Rousseau,
Hegel, and Marx. Chapter 5 will try to derive from their analyses a notion of Civil Society that can be extended to Indian context for the purposes of academic usage informed by a vision of non-revolutionary, leftist politics.
NOTES AND REFERENCES

6. Though the Western culture is not unique in this respect.
12. Taylor, n.8, p.117.
16. Ibid., p.269.
17. Ibid., pp.270-71.
18. Ibid., p.331.
19. Ibid., p.283.
22. Ibid., p.350.
23. Ibid., p.326.
25. Ibid., pp.37, 39-40.
27. Ibid., p.14.
30. Ibid., p.91.
32. Locke, n.15, pp.275-77.
33. Locke says in the Second Treatise: “For ’tis not every Compact that puts an end to the State of Nature between Men, but only this one of agreeing together mutually to enter into one Community, and make one Body Politick....” Locke, n.15, pp.275-77.
35. Locke, n.15, p.277.
38. Shapiro, n.36, pp.138-37.
40. Shapiro, n.36, p.68.
42. Cohen and Arato, n.10, p.91.


51. Ibid., p.154.

52. Hall explains elsewhere the concept of articulation thus: "By the term, "articulation", I mean a connection or link which is not necessarily given in all cases, as a law or a fact of life, but which requires particular conditions of existence to appear at all, which has to be positively sustained by specific processes, which is not "eternal" but has constantly to be renewed..."See Hall, "Signification, Representation, Ideology: Althusser and the Post-Structuralist Debates", *Critical Studies in Mass Communication*, Vol.2, No.2, 1985, p.113.

53. Hall, n.50, p.2.


55. Hall, n.50, p.171.

57. Ibid., pp.34-5.
58. Ibid., p.36.
59. Ibid., p.37.
61. Ibid., pp.186-87.
75. Salvador Giner, n.7, p.263.
76. Nozick calls it 'fundamental potential explanation'. I am not clear about what he means by this.


79. Ibid., p.347.

80. Shapiro, n.36, p.200.

81. Shapiro, n.36, p.200.

82. Shapiro, n.36, p.200.

83. Tester, n.11, pp.13-14.

84. Tester, n.11, pp.31-2, 35.

85. Tester, n.11, pp.172-76.


87. This list has been taken from Wilson and Wilson, n.86, p.1.

88. Cohen and Arato, n.10, p.11. I owe the following discussion of the economic and political justification and criticisms of the Welfare State to Cohen and Arato.

89. Keane, n.62, p.49.

90. Giner, n.7, p.259.

91. Giner, n.7, p.259.

92. This is the central thesis of Jurgen Habermas, *The Structural Transformation of the Public Sphere : An Inquiry into a Category of Bourgeois Society* (Massachusetts, Polity Press, 1989). Esp. Part IV.


94. Cohen and Arato, n.10, pp.4-8.


98. Ibid., p. 59.


100. Ibid., p. 181.

101. Rivière, the French Physiocrat, argues on these lines. See, Haney, ibid., p. 181.


103. Ibid., p. 117.

104. Dumont, n. 97, p. 66.


106. Dumont, n. 97, p. 67.

107. Dumont, n. 97, p. 81.


111. Haney, n. 99, p. 43.


114. Colletti, n. 105, p. 207.

119. Hutchison, n.102, pp. 61-64.
120. Louis Dumont cites Jacob Viner's observation that the model of harmonious order of nature 'rules without qualifications' in The Theory of Moral Sentiments but, in the Wealth of Nations, the order is revealed to have flaws and that Smith concedes the need for government intervention in several cases. See Dumont, n.97, p.104.