Civil Society and its (Indian) Critiques

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Abstract

In this paper, I discuss the concept of civil society, with special relevance to its meaning in the post-colonial and non-Western world, seeking to underline the problems and challenges it faces both in theoretical literature as well as in its practical application. I start by contextualizing civil society and explaining why the concept has been witnessing a renaissance over the last decades. I then briefly point out the challenges and problems surrounding the debate on civil society. In the third part I will concentrate on the particular understanding of civil society (and political society) as proposed by Partha Chatterjee, one of India's leading post-colonial scholars, thus addressing the problematic in an exclusively Indian context. I finalize by critically scrutinizing his main arguments and juxtaposing them with critiques by other authors.

Keywords: Civil society, Post-colonialism, India

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The growing attention theoretical literature has been devoting to the concept of civil society over the last decades, in the Western, as well as in the non-Western world, deserves to be looked closer at. Two different sets of reasons can be forwarded. On the one hand, more practical ones, related to the political development in most countries, and, on the other hand more abstract ones, related to the overall change in the nature of the liberal political community.

After the collapse of the Soviet sphere of influence, especially in Eastern Europe, there was a withdrawal of the state, which had been interventionist and expanded its jurisdiction integrally over the society. In the post-communist states thus, civil society is perceived to be a revitalizing element, establishing the bases for a new participatory and autonomous civil domain (Kaviraj&Khilnani: 2002).

On the other side, in many of the Western liberal democracies, capitalist atomisation and the progressive retreat and collapse of the welfare state provoked doubts about the viability of the political community and thus led to a revival of civil society under the banner of "associativism". In this sense, there is a return to the traditional moral ordering of society, based on mutual trust and cooperation, and seeking to fill up the democratic vacuum left by the retreat of the state and the progressive disenchantment with the state. This return to civil society in these societies is also to be understood under the light of the new social movements, and the invention, or reinvention, of new forms of associational, voluntary and participatory methods in society.

An opposite trend is also observable: civil society emerging as a counterweight to a more powerful, more interventionist and more omniscient state. In this sense, not at all incompatible with the tendency of the "retreat of the state" I have identified above, the state is redirecting and concentrating its powers in the form of surveillance, with the help of new technologies. Thus, though the state might be seen to withdraw at the surface, it is specializing its capacities in certain specific interventionist areas. Under this light, civil society has been assuming a role of opposition, a promising model to counter the state's bureaucratic panoply and keep it in check.

A more philosophical and second set of arguments, at least a more abstract one, has equally to be considered when forwarding the explanatory framework to the renaissance of the concept of civil society around the world. First, it poses as a credible alternative to fill up the vacuum left by the collapse of the two mainstream perfect socio-political organizational models, conceived and tested over the 20th century. Between capitalist liberal democracy and statist socialism, civil society now poses as an alternative arising from the civic domain itself, seeking to reconstruct the community from below (Gupta: 2000).

Yet, and second, this faces the challenge of the progressive collapse of civil society itself, wherever established already. In the line of Habermas' thought, the more inclusive a public sphere and thus a civil society becomes, the more it degenerates. This degeneration is translated by the collapse of the myth of the common good, advocated as central element in the expansion of the public sphere, due to the strengthening of increasing private goods and the emergence of new inequalities (Bhargava: 2005).

This explanatory framework, on the abstract side, could be completed with the idea of universality. Globalisation has given place to strong resistances and homogenizing tendencies have been perceived critically and in a hostile way. The endangered condition of the local and particular, the universal fragments, has been highlighted in too many ways. But, less attention has been given to the possibility of globalisation, seen in all its secular historical development and mosaic of differences, shaping the possibility of a new global civil society, i.e. the emergence of a supra-national, truly universal civil society. It might still lie far away, but never before have we been so close to it in practical terms. Thus, a renaissance of a theoretical approach to a global and universal civil society is also due.[1]

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[1] In fact, there has been also a renaissance of the concept of civil society in its specific universal application. New readings of Kant, for example, but also an understanding of the end of history, i.e. an ultimate stage of global liberalism. See, e.g.: Fukuyama, Francis, *The End of History and the Last Man.*

Debating: the problems and challenges[2]

> *"Civil society refers to the arena of uncoerced collective action around shared interests, purposes and values. In theory, its institutional forms are distinct from those of the state, family and market, though in practice, the boundaries between state, civil society, family and market are often complex, blurred and negotiated. Civil society commonly embraces a diversity of spaces, actors and institutional forms, varying in their degree of formality, autonomy and power. Civil societies are often populated by organisations such as registered charities, development non-governmental organisations, community groups, women's organisations, faith-based organisations, professional associations, trades unions, self-help groups, social movements, business associations, coalitions and advocacy group." [3]*

This quite exhaustive definition of civil society may seem attractive at a first glance. Yet, what is to be highlighted, and what I will concentrate on is the variety of problems and challenges a definition of the concept faces, however expanded it might be in quantitative or qualitative terms. Taking into account my later focus on India and on post-colonial societies, I will therefore focus especially on the challenges and difficulties arising out of those contexts. What are the structural challenges, difficulties and shortcomings any definition of civil society faces a priori to any further debate? Two sets of reasons can be identified.

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[2] This section borrows several arguments from Bhargava (2005: Introduction)

[3] Definition of civil society forwarded by the Centre for Civil Society, London School of Politics and Economics (LSE), in http://www.lse.ac.uk/collections/CCS/what_is_civil_society.htm

First, in a more theoretical domain, civil society, as any other theoretical term seeking to condense and represent complex reality, is conceptually and semantically exposed to tremendous ambiguities. In this sense, civil society is extremely vulnerable to different understandings and interpretations, varying with the translations and contextual adaptations it is prone to subdue. Second, it is necessary to keep in mind the conceptual effectiveness, i.e. the degree to which the concept remains accurate, or at least faithful, in representing reality. This will become especially relevant in the post-colonial context, as analysed below. In different contexts, civil society might not only be understood and interpreted differently, but also lead to different outcomes and conclusions. This leads me to the eventual *normative* capacity of the term. To what extent can we perceive civil society to be a moral endeavour, an ideal to be pursued? Does it include any normative significance, or is it limited to its descriptive instrumentality? These are some of the central challenges and problems the debate about civil society encounters. Yet, its definitional obstacles are not limited to semantics and the theoretical domain.

A more significant challenge comes from the civilizational and contextual faultlines, and in our case, especially between the Western, modern, colonial context, and the non-Western, modernizing/non-modern and post-colonial context. I will focus on four main problems.

First, the *received* language as an essential handicap for post-colonial societies to deal with reality. This is strengthened by the fact that any theoretical application and development is necessarily executed in the light of past experiences and specific local problematics. Imported concepts, such as civil society, are thus to be seen as urging and accelerating the need for resolution of the post-colonial paradoxes and complexities. Given also that Western concepts have a discursive and semantic field attached to them, the problem is further exacerbated. Introduced by colonial administrators and adopted by local elites, these discursive fields thus inculcate a sense of urgency in the resolution of local colonial or post-colonial problems.

This leads me to the second handicap, the paradox, or gap, between the Western seemingly universal discursive fields adopted by post-colonial non-Western societies, and the particular local political processes. In this sense, the imported semantics, theoretical approaches and methods, but also institutions and values, are perceived to be inadequate to explain a different local reality, assuming that any context is *sui generis* and thus not prone to be explained and addressed by Western modernity. This, briefly, can be identified as the problem of colonial modernity, almost integrally inherited by post-coloniality.

A third is related to a vernacular handicap, i.e. the difficulty non-Western intellectual traditions might have in adapting to a new discursive field, that of "high politics". In this sense, the local is seen as unprepared to challenge the dominant language and concepts, simply because its own discursive instruments are seen as alien in its own (local) context. This then eventually leads the anti-colonial nationalist movements to adopt a modern and Western conceptual language, and to the problems one and two I have explored above.

A final problem related to the emergence of a universal and homogenised discourse on civil society. Here, the argument goes that there is a historical gap between established Western liberal democracies and emerging post-colonial democracies. While in the West the debate about the fundamentals and basis of civil society has been initiated two or three centuries ago, and thus is quite consolidated, the post-colonial societies are facing this challenge "only now". This has to be further explained. There is no element of asymmetrical condition here, or of eventual superiority and teleological progression. The focus is on the asymmetry of *theoretical* conditions, i.e. the different, if not opposite, contexts in which the debate about civil society is taking place in the Western liberal democracies and in the non-Western post-colonial democracies.

Civil and political society: Chatterjee's understanding

I will now focus specifically on the definition presented by Partha Chatterjee on civil society and political society.[4] Before highlighting the five main arguments he forwards specifically regarding India, there are two notes to be made, contextualizing his approach to civil society.

First, for Chatterjee, 1947 and Indian independence are to be relativized and placed in a larger historical framework. For him, independence is not conceived as a rupture in political constitution and processes, but rather as a continuation. In this sense, there is rather a quantitative expansion of the democratic framework adopted from the colonial period, i.e. a larger and more effective institutional and state penetration into society. On the other hand, therefore, the qualitative expansion of democracy is neglected. In this sense, the post-colonial Indian state is a substitute for the pre-colonial one, a transfiguration. For Chatterjee, the state is nothing else than a ruling class coalition, with the industrial bourgeoisie, the urban middle class intelligentsia and the privileged rural landownership class at the commanding heights. There is thus, a democratic deficit, and an inherent weakness to the post-colonial state.

Second, Chatterjee gives special emphasis to a Western and narrow definition of civil society. He sees it, in the West, as representing *"institutions of modern associational life based on equality, autonomy, freedom of entry and exit, contract, deliberative procedures of decision-making, recognized rights and duties of members"* (Chaterjee 2002: 171), but, as I will show below, focuses on the non-application of these concepts in the Indian context.

Five main arguments condensate the idea Chatterjee proposes regarding civil society in India. First, civil society has to be understood in India as a mission and a modernizing endeavour. The state appropriates the concept of civil society to transform existing non-modern institutions, instead of adapting to these. There is thus an urgency to replicate

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[4] Mainly in *"Wages of Freedom: Fifty Years of the Indian Nation-State"*, Introduction, New Delhi: Oxford University Press, 1998 and in "On civil and political society in postcolonial democracies", in *Civil society: history and possibilities* (ed. Sudipta Kaviraj, Sunil Khilnani), New Delhi: Foundation Books, 2002

the West, a desire for a new ethical life enacting English, bourgeois and secular Western Christian principles in India. In this sense, according to Chatterjee, civil society in India is an elitist project, something invented.

This relates to the second argument: though the legal-bureaucratic apparatus of the Indian state expands, bringing *population* under its control and addressing it with policy-making, civil society remains restricted to proper full-fledged *citizens*, and therefore an exclusivist and minoritarian endeavour. There is thus a hiatus between modernity and its non-Western application, leading to the assumption that modernity is an eternally incomplete, but everlasting project. Concentrating on Nehru, Chatterjee then demonstrates that this project has been fostered under the endeavour of cultural modernization, under the disguise of a specific Indian modernity, which yet addresses the population and not citizens. The project is represented by the modern urgency to *"order the unclear forms of this emergent political society, attempting to co-opt it in the prescribed forms of liberal society"*. In this sense, as seen by Chatterjee, the state seeks to institutionalise society.

The third argument relates to the procedural domain with which this project is associated. For Chatterjee, civil society is fostered by *self-enlightened* elites and conceived as a strongly pedagogic project[5] . In this sense, civil society is thus not voluntary and associational, but rather imposed, invented from above. Looking back, Chatterjee demonstrates this in the thought of Rabindranath Tagore, and his urgency in educating the public to become a public. This is, according to Chatterjee, incoherent with the classical understanding of civil society and therefore *a priori* undermines its emergence in India. The tone here is fatalistic. Any wrong adaptation of civil society in the past will necessarily conduce to a total failure a *posteriori*.

I now come to the fourth and most interesting argument of Chatterjee. If civil society is largely absent in India's society, how to politically conceive the participation of the rest? While refusing to engage

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[5] Though he is not clear about the nature of this project, in particular whether it is benign or malicious. Is it conceived by the elites as being in the real interest of the society, or just used as an instrument to perpetuate their dominance?

in the modern/traditional dichotomy and thus defining the majority of the Indian population as non-modern, he prefers to conceive a *political society* as a mediating platform between the population and the state, where political behaviour is modelled along non-rational, non-modern and non-Western lines. This political society is inhabited by resistance, strategic manoeuvres and appropriation of the public sphere and it competes with civil society, running parallel to it. The methods of political society are thus seen to be incompatible with those of civil society, but not less important and relevant to study the civil domain. Thus, the state seeks to *manage* political society, adapting to its needs and demands, bending the supposedly universal rules of civil society and reaches out to these non-citizen domains.

He further proposes four characteristics to define political society: first, its mobilization essentially undermines and violates law and the discourse of rights of civil society; second, it demands welfare to the government as a matter of right; third, it poses its demands as a collective right, i.e. in the name of the larger community and not in the name of the individual interest; and fourth, the state and civil society deals with these demands from political society by addressing the population and not its citizens.

It is, however, the fifth argument of Chatterjee that best represents his approach: he associates the discourse of rights, as embodied by civil society, to the concept of citizenship, while associating the discourse of policy, as embodied by the state, to the concept of population. It thus emerges that for him there is a *"choice, between the demands of modernity and the compulsion of democracy"*, an essential incompatibility between modernity and democracy. For him, the site of relevant transformations in the colonial period is civil society, while in the post-colonial period it is in the political society. Second, he identified modernity as the site of specifically social transformations in the colonial period and democracy for the post-colonial period. Thus, thirdly, in an era of "globalizing capital" there is an emergent clash between civil society as a modern product and political society as a democratic endeavour. Though Chatterjee presents this as theses, it is visible that these are his orientating groundlines when approaching civil society.

Critiques: Chatterjee and civil society reconsidered

Chatterjee's understanding of civil society in India, and in general, as well as its implications should be reconsidered. I will seek to do so personally, with support of different readings of civil society by other authors[6]. In this sense, I would like to forward six main critiques challenging his considerations in a variety of fields, all not exclusive, but complementary to one another.

The first critique is directed at the monolithic understanding Chatterjee presents of "the West". Civil society is represented differently in a variety of patterns, travelling in space and time across several Western countries. Besides grouping a large and complex tradition into an ambiguous term ("the West") and thus seeming to succumb to the same flaws Orientalism fell prey to several centuries back, Chatterjee ignores the various and multiple understandings and meanings of civil society, within this West he artificially conceives, e.g. the Scottish, the French and the German traditions of civil society and understandings of Enlightenment, but also the historical travel of the concept, from Locke and Hegel and Marx, up to Habermas. Under this light, he is also reductionist when it comes to measure the impact of the West in the colonial sphere. While he tends to concentrate on the dichotomy accept/reject, he misses out a third possibility, as advocated by Bhargava, that of assimilation and emergence of a hybrid third layer of *sui generis* modernity. Born out of the interaction between the colonial and the modern, between the vernacular and the Western, this new hybrid form is far more complex than the binomial of Chatterjee, imitating the impact of the West to a zero-sum game. In fact, if Chatterjee was to accept this hybrid third layer, as he did elsewhere in his studies on "modular nationalism", he would be able to strengthen his demand for a new theoretical language in vital ways. If Western modernity is simply accepted or rejected, i.e. transplanted, no new relevant language is to

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[6] See bibliography for main references.

emerge. Instead, if a hybrid alternative modernity is to be proven as emerging out of colonial societies, than it becomes necessary to establish a new conceptual language and approach.

A second criticism can be directed at the narrow understanding Chatterjee proposes of civil society. With reference to Bhargava, civil society is to be understood and representing the association of fragmented private interests and not oriented towards the state. On the other hand, he conceived the public sphere as a space of collective, community-wide, dialogue, deliberation and thus oriented towards the state, possibly influencing and even shaping it. This leads to two conceptions of civil society. In its broad version, the public sphere matches with the civil society. But, in its narrow version, as proposed by Chatterjee, there is a vacuum, the public sphere being placed outside the civil society. This he seeks to fill up with the concept of political society, as an intermediator between the population and the state, therefore, emptying the civil society of any relevance. This leads to the exposure of two shortcomings in his argumentation. First, the rigid separation he undertakes between civil society and political society, basing the first exclusively on a language of rights and laws, while placing the second in a more libertarian domain. Yet, first, the distinction is not as rigid, as certain political processes might be located at the same time in both societies, effectively transgressing and challenging the boundary. Second, instead of conceiving civil and political societies in contradictory and incompatible terms, the emphasis could equally be placed on their complementarities and compatibilities, mutually reinforcing. In this sense, if a public sphere is conceived as open to universal entry, then it is integral of civil society, too. What I argue here is that the very own definition of civil society – in its narrow or broad variant – affects the judgement we are prone to execute of the success and shortcomings, as well as the potential of civil society.

This leads me to the third criticism, the clash between the individual and the society, or between the particular and the universal, as proposed elsewhere by Chatterjee[7] , and present in his argumentation

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[7] Notably in *Nation and its Fragments*

about the importance of political society. The problem seems to arise on his excessive emphasis of the political in *political* society, neglecting the *social*, i.e. society. Society is necessarily to be conceived as a community of interests, as emerging out of the reason and rational realization that a mutually beneficial common good can arise out of the association of individual interests. This is the basis of citizenship, the principle of civic association to form the republic, which fosters the common good. This elementary link and correlation between the private and the collective, embodied by citizenship, seems to be missing in Chatterjee's argument about political society, instead focusing on the fragmenting communitarian differences and particularities. The consequence is that any possibility of the universal, i.e. the common based community, is undermined *a priori* and subject to the affirmation of the particular interests. In this sense, the common ground slips away in Chatterjee's political society, opening the Pandora's box to fragmentation and communitarianism. In this sense, it undermines also the establishment of a basic language of rights, common to all citizens.

A fourth, more practical criticism, is directed at the concept of public sphere in India, which Chatterjee unfortunately does not explore in depth. He stops there where he should start his argument, i.e. he focuses on a negative definition of a public sphere, and not on a positive one. In Chatterjee there is an excessive attention to define the outer limits of the public sphere, i.e. the outer boundaries which should be inviolable but have been violated by modernity and colonialism. Therefore, while rejecting the Western concepts of civil society and public sphere, Chatterjee falls short in defining if there is a unique Indian public sphere, similar or different from its imagined Western counterpart. While Chatterjee is silent about this, the edited work by Bhargava and Reifeld addresses this question, focusing on pre-colonial India and its own conceptions of public sphere, such as in the areas of religious worship, the market place, literature and language. It is not the place to critically expose this endeavour, but to underline the attempt to do so, while highlighting the omission in Chatterjee.

A fifth criticism addresses Chatterjee's opposition to the "peda-gogic" role of the state in fostering and creating civil society. Certainly, there is the danger of the state, or its elites, to cast this interest in the light of their own interests, i.e. to foster dominance and submission of the public to the state. Yet, it would be superficial to consider the need to create a civil society just in this light. Instead, what emerges is a clear clash in terms of conception of civil society as an ideal. For Chatterjee, civil society as a coercive project looses all its validity. But, on the other hand, for him civil society is an alien and absent body. Thus, civil soci-ety could alternatively be seen as having been always present, dormant or not, and thus just needing proper activation. Second, as proposed by Bhargava, civil society can also be promoted on the basis of mutual consent and persuasion, but what Chatterjee would probably understand as reflecting coercion. This arises out of the different normative content both reserve for civil society. While for Chatterjee it is minimal, and thus does not deserve imposition on the people, for a more critical and universalist line of thought, civil society is understood as representing the force of public deliberation, superior to violence and confrontation, and thus presenting itself as the minimal and basic common ground for the social domain to come together and face the state[8].

The sixth criticism is related to this, in the sense that it sees civil society as a static concept or as a project, an ideal. For Chatterjee the emphasis goes on a passive citizen, i.e. one who negatively reacts to the state and seeks to establish his own domain of autonomy, or that of his community. Thus, the emphasis is also on the fragment, on the particularity. Yet, civil society cannot work on this basis, and thus the preset conditions established by him are necessarily hostile to the ad-vent of any inclusive and integrative civil society. Instead, civil society can be seen as a broad civic community, and as the condition in which

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[8] Thus, civil society can be perceived in divergent ways, depending upon the acceptance of its normative value or not. Chatterjee prefers not to do so, relying thus exclusively on what he calls the voluntary associational basis of civil society and refusing any *exterior* element in its creation.

the individuals begin to see themselves as active, rather than as passive citizens. In this sense, the individual abandons his particular interests, at least partially, to embrace the universality and the common ground of the larger civic community, entering the civil society and thus shaping the state himself.

This obviously leads to two diametrically opposed understandings of civil society. While Chatterjee focuses on civil society as a monolithic and institutional realm, emphasis can equally, and should, be put on civil society as a condition and a possibility to the full realization of the public sphere and the community. In this sense, it has to continuously expand and be reconceptualised, adapting to new contexts and challenges. Yet, while Chatterjee prefers to see civil society as a limited and limitating endeavour, and seeks to see in the challenges it faces its demise or limitation, the relevance of civil society is the opposite one: it stands in opposition to the state of nature, which, even if cast in a romantic and ideal way, would lead either to the return to anarchy and the primacy of the individual, or to the strengthening of the authoritarian and omniscient state. And these are precisely the two possibilities and the two avatars against which civil society was born and carved out, valuing the community of civic ties in the form of an association of citizens.

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