In memory of Bhupen Khakhar
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# body.city

## siting contemporary culture in India

edited by Indira Chandrasekhar and Peter C. Seel

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Sudipta Kaviraj

# In Search of Civil Society

To understand the modern interest in civil society in the third world, it is important to remember its intellectual context. How were third world societies seen conventionally—after the retreat of colonial power in the 1950s and 1960s? Analysis of politics was dominated by three governing ideas: the first was an extreme form of political constructivism about institutions of the state; the second, a kind of unthinking functionalism that went with this—an expectation that transformation towards modern social forms would be internally symmetrical between various aspects of social life—in politics, economy, social habits, etc.; third, these were accompanied by a form of crass evolutionism which simply assumed that western or communist societies showed to post-colonial societies images of their only possible futures. Fifty years of political history have shown the fallibility of these theoretical attitudes. They have shown with terrifying clarity that democracy is not just a matter of constructing a legally preferable, rationally justifiable constitution; these constructions could collapse pitifully in the face of determined hostility from well-organized modern social groups, like armies or state bureaucracies, or from traditionally minded communities. Still more appalling was the lesson that even authoritarian regimes could not produce reliable governance, any serious form of *rechtsstaat*, however iniquitous. Democracies could with frightening ease collapse into authoritarian regimes which, in their turn, could decay and degenerate into a complete decline of political order, a very malign form of statelessness. This in turn makes the pursuit of all modern activities difficult, if not impossible. Current 'civil society' discussions arise out of a critical engagement with this set of problems. I interpret them as exploring, probably through an inappropriate concept taken from a different intellectual culture, an essential question of the historical sociology of power in the non-western societies of today. To be fruitful, a discussion of this kind must be better informed about at least three aspects of non-European societies. It must not

be ignorant of their specific cultural-intellectual histories, and must understand the theoretical concepts and ideas that structure each intellectual tradition. It must also be sensitive to the existing structures of practice relating to the use of and opposition to power specific to each society. Finally, analyses of third world politics should not confuse the normative with the empirical and believe that simply by accosting, or to use Althusser's famous term, 'interpellating' people as individuals, they can be successfully turned into 'unencumbered selves'.

## Colonial states and colonial 'civil society'

It appears safer to argue that the introduction of modern political practices to non-western societies began as a result of the combination of colonialism, liberalism and capitalism in the eighteenth and nineteenth centuries, rather than to attribute it to the sole universalizing force of capital.[1] The coming of colonialism began the long historical process of political transformation that has led to the present predicaments in the third world. In most parts of the non-European world, the institution of the modern sovereign state played a central role in two ways. In a majority of the cases, European power defeated an established political regime and introduced colonial control through the defeat or conquest of political power.[2] Once European colonial power was established, however, it almost always set about the establishment of a state as close to the modern kind as possible. It is this signal fact of non-European history that ought to be analysed properly if we wish to have a clear idea of the problem of 'civil society'. Other societies might not have had developed legal languages of highly differentiated legal subjectivity (that is, the legal existence of different types of bodies or persons starting from natural individuals to cities, municipalities or guilds), or a highly developed conceptual language of natural rights based on an idea of what human beings in general *naturally* are. Hindu religious traditions, for example, developed an intellectual argument that ran in the opposite direction, in tune with the social practices of the caste system. Its idea of discrete natures or *svabhava* (literally, characteristics constituting the self) of different types of social castes, as of animals, etc., was radically opposed to the European conception of a human nature shared by all human individuals by virtue of their creation by the same Christian god. Hindus would regard the fact that individuals are born into caste-determined heredities



as the explicit mark of God's will to fix people into separate destinies by giving them separate natures.[3] However, this culture certainly had a conception of society distinct from its political structure, precisely because of the relatively marginal existence of the state in relation to the primary legislative function of producing binding norms for society. It can be suggested that perhaps in traditional societies both Hindu and Islamic—where political authority's legislative competence was strictly restricted, and the norms that produced social discipline were considered natural/divine (that is, not created by political rulers)—society has a sharp definition against political rulers; and certainly, the whole society and its life were never defined or determined by the structure of political power. In such cultures society does not need to protect itself from encroachments of the state, which is restrained by over-riding religious rules of conduct. Threats to the well-being of society are seen to arise from non-observance of social norms—by deviance in conduct rather than from the power of the state. Since all political authority is not gathered into a single centralized state which could over-ride all other authorities, a society does not need a collective definition of all other groups *defined against* the state. To make the same point historically, societies which did not go through the specific experience of absolutism and its imperialistic claims against all other social organizations would not require a typical 'civil society' type of argument, in the manner of our second dichotomy. Segmentation of political authority, a fairly widespread feature of all pre-modern religious agrarian societies, pre-empts absolutist claims of political power.

Colonial states, by contrast, were always driven by an ideology of sovereign power,[4] and when their power was established they revelled in the unlimitedness of the control they wielded over these societies. In the case of many third world societies, therefore, it is the colonial state that functions as a close local/regional equivalent to absolutism. Colonial sovereignty, then, gave rise to some early ideas of 'civil society' in at least two different ways. European states themselves accepted and took for granted the new social ontology after the eighteenth century.[5] In some specific cases, as in India, orientalist knowledge systems introduced a healthy scepticism against an excessively unheeding transference of European concepts and practices, and made colonial regimes wary of an attempt to bring all parts of life under their control. Colonial administrations themselves occasionally worked on an implicit understanding of the division between the true province of state control and a province of society that

could be left unregulated. In large parts of the colonial world, educational reforms produced a new Europeanized elite skilled at fluent use of practical concepts of European social life. By imitative enthusiasm they usually developed a literary public sphere; with the growth of newspapers a public arena of discussion on common issues came into existence and even an attitude of mendicancy towards the colonial state that encouraged the formation of associations based on interests. Development of modern economic processes like mining and extractive industries usually contributed to the growth of commercial classes, who showed astonishing subtlety in appreciating the opportunities of enrichment created by the modern market. This was normally accompanied by the creation of a labour market and the growth of a colonial working class—though the actual behaviour of neither the bourgeoisie nor the proletariat followed European models—causing utter confusion particularly among Marxist intellectuals. Thus the colonial administrations themselves, partly out of their own conceptual habits, partly out of convenience, allowed a substantial part of social life to be free of their direct control—creating an inchoate, early 'civil society'.

### Nationalism and claims of 'civil society'

Subsequently, with the stirrings of nationalist ambitions among the modern elites, political groups began to claim certain aspects of social life to be the proper province of decisions by the indigenous people, particularly its elites, rather than the foreign state authority. European colonialism of course produced regimes of extreme diversity: at times the same metropolitan power, Britain, for example, followed substantially divergent policies towards their colonies, producing in each case a specific, highly divergent form of political exchange with the indigenous society. India is an interesting case, precisely because it comprised such a huge segment of western colonial empires, but also because the political exchange between Indian nationalism and British colonial authorities showed levels of political 'civility' that were relatively rare in the generally violent history of colonial empires. The politics of Indian nationalism showed all the marks of 'civility' with rare purity: growth of associations, respect for a certain kind of legality within the colonial state, a general politics of restraint, accommodation and rule-following, even a great predominance of lawyers in the Indian nationalist elite. Even the bourgeoisie, more developed than





elsewhere in the colonial world, behaved impeccably and supported democratic nationalist politics. In many other colonies such development of colonial civil society was perfunctory or absent, the imitation of colonial rulers limited to externalities like accents, manners, dress codes, a taste for cricket and Shakespeare. Imitativeness of the indigenous elite did not often extend to a serious attempt to replicate the rules of western institutional life. Not surprisingly, after independence many of these colonies did not attempt an import-substituting strategy in institutions but continued their extreme and pathetic reliance on universities, economic firms and other modern institutions of the west instead of trying to establish these themselves. But the Indian case was exceptional in another sense: the transfer of power was generally an orderly constitutional affair, while in most colonies the retreat of European colonialism was ugly and brutal without any semblance of such civility. Yet, even in India, as Partha Chatterjee demonstrates, this civil society and its tacit acceptance of liberal individualist premises of social existence were partial and limited: in his interesting case, not all poets approved of a condolence meeting and some considered the public sphere an inappropriate stage for expressing feelings of personal grief.[6] More significantly, those who did formed a rather small, privileged circle, with understanding of such modern rules hardly extending into the lives of poorer city-dwellers or the masses of the peasantry. The purity of the practice of this colonial civil society was thus as striking as its limitedness.

Careful observation of the actual operation of this restricted 'civil society' shows another interesting feature with long-term implications for post-colonial politics. The associational life that burst forth in colonial Calcutta comprised associations of two distinct types, only one of which had a pure *Gesellschaft* character.[7] Numerous societies were established for the cultivation of science, or for the establishment of western-style education, or for setting up journals and newspapers—all of which used a principle of open access on the basis of economic or intellectual interest. However, there were also other, extremely powerful associations that were based on ascriptive loyalties of either caste or homeland or language. These associations aspired to a certain kind of universal membership: the *Kayastha Sabha*, a highly successful caste association, would not have relaxed its efforts at recruitment until the last *kayastha* had joined its ranks; but by its very principles of membership, it could not be open to anyone else. Tönnies's formal distinction would have broken down entirely in the face of such ungrammatical organizations:[8] they were associations artificially

created to petition and pressure the colonial state, to influence its public policies; yet they were based on entirely ascriptive, *gemeinschaftlich* criteria. Or, from a somewhat different angle, they used a strange complex of the opposite principles of universality of access and particularity of membership. Obviously, elite inhabitants of colonial Calcutta led a culturally amphibian existence. Functionalist theories believe that such ambidexterity has limits and eventually people have to choose between consistently traditional or consistently modern forms of behaviour. But surprisingly large sections of mankind, like the Bengalis or Chinese or Japanese, seem to live in defiance of such functional rules.

But the much larger problem for Indian politics, in the longer term, was the fact that large masses of the peasantry and country-dwellers were mainly untouched by these activities since they lacked the English education that gave the elites these concepts and associated practical orientations. As long as politics remained within the confines of the colonial state—an exchange between the colonial administration run by westerners and their Indian subordinates on one side, and the modernist Indian elites on the other—these rules of both liberal politics and etiquettes of civil society and legality were observed punctiliously. Such habits of politics continued for about two decades after independence. By the 1970s, however, the meaning of democracy had communicated itself to the predominantly peasant electorate who were less practised at seeing themselves as monadic individuals grouped into transient constellations of interests. Consequently, *gemeinschaftlich* behaviour started emerging into the democratic political arena, altering the meanings and consequences of all democratic procedures and occasionally creating tension between the individualistic premises of the legal–constitutional structure and the predominantly community-oriented self-understandings of large electoral groups.

It can be argued, however, and indeed this is strongly implied in cases where western observers, scholars, donors or activists argue with well-meaning impatience about the creation of a civil society, that it simply does not matter whether southern societies had traditions of a conceptual separation of society from the state or conceptions similar to natural rights. These are irrelevant to this robust, businesslike constructivist argument. Although they do not usually put their arguments in this shape, its advocates could draw upon a widely acknowledged modern view that concepts can be formed not merely by explicit intellectual traditions, but also, probably with greater insidious compulsion, by entanglement in practices.





If they are subjected to state practices which assume the existence of that ontology, people must develop a practical understanding of what these involve. Every successful transaction with the state on matters relating to property claims, inheritance, civil marriage, litigation about infringement of rights, freedom of newspapers, *habeas corpus*, etc., constantly forces people to *act* these concepts. Any successful and repetitive transaction in the modern context, therefore, must produce this conceptual understanding. Despite its plausibility, this theory of forcible conversion of peoples into unknowing users of western political theory is unrealistic. Societies of the third world have had experience of modern institutions sitting thinly over their traditional structures for close to two centuries, with admitted variations, but do not show signs of either firm conceptual grasp of these ideas or of a natural preference for these over more traditional ones. This raises all the difficult questions of the transfer of political concepts, and the seemingly inevitable displacement or slide that accompanies cases of institutional graft.[9]

## Failures of the state in the post-colonial era

All successful states are alike, i.e. liberal, but each unhappy one is unhappy after its own fashion. Though this Tolstoyan insight should be kept in mind to avoid overgeneralization, the post-colonial states' assorted miseries can be divided into three types. Post-colonial states have often begun by giving themselves unpractically extensive projects which not merely overextended the state's capacities but took it into areas where in principle it could not be very effective. An example can be taken from the usually practical thought of Gandhi who, in a moment of typical nationalist sentimentality, said over-expansively that he expected independence 'to remove every tear from every eye'. This is an appropriately lyrical presentation of the idea of a 'moral project' of the new nation-state common to anti-colonial thinking. Since such ideas came from the depths of nationalist thinking and emotion, and since present states in the south are products in some measure of anti-colonial nationalism, it is important to explore the relation between the modern state in the south and the nationalist imagination.

Because in pre-colonial times most of these societies were not centred on the state, if not acephalous,[10] the astonishing power of the sovereign states of the modern west created an enormous impression on them. But

this was to create difficulties for principles of 'civil society' after independence. It was entirely natural for native elites initially to accept and subsequently to advocate an idea of civil society distinct from the legitimate province of the state when it was subjected to colonial power. It was, under the usual conditions, equally convenient for the colonial state to maintain this distinction, though these demarcations and even basic civilities tended to break down when nationalist struggles slid into colonial wars. As nationalism evolved and gained strength, it had to speak increasingly in the name of the entire society against the colonial state, and question its moral right to rule. Not surprisingly, it was not the colonial administration that thought of introducing modern disciplinary techniques into third world societies, because of its perceived alienness, but nationalist elites who embraced them with great enthusiasm. Thus the relation of the state with the society at the moment of nationalist success was crucially different from the anti-absolutist phase of European history. Absolutist states faced suspicion and hostility from social groups such as merchants and the nobility, as they feared that these could constitute themselves as a partial interest which had the power to over-ride all others. The practical ingenuity and theoretical reflection of European societies were thus focused on finding an answer to this problem and restraining its power from all sides—the political context for the growth of civil society.

The situation in the post-colonial societies was entirely different. Nationalist movements successfully persuaded their followers that development of their societies required the removal of colonial rule; freedom was not simply a matter of recognition. Colonial states kept their remits restricted but were immensely powerful within those confines; nation-states[11] in the south happily inherited that coercive apparatus, complete with some habits of gratuitous barbarism.[12] The secret of the immense power of the nation-states was not an inheritance from colonialism but from their nationalist mobilization. Through the national movements, these elites laid claim to a right to mobilize all sections of society, and extended the state's influence over all spheres of social life. This is one significant paradox of post-colonial 'civil society' or, rather, its absence. Nationalism created a situation in which, after its triumph, the nationalist elite dominated not merely the state but also other spheres of social life which it had, till then, assiduously protected from the control of the colonial state. Nationalism, making colonialism responsible for everything that was wrong with colonial societies, was making an insidious preparation for its own



title to dominate all domains with unquestioned legitimacy. Its seemingly democratic and egalitarian ideology—because it spoke for everyone against the colonial rulers—contributed to this impression. Thus the historical circumstances in which colonial nationalism laid hold of the state and became the state of the nation—its rare combination of power and utter dominance over the moral imagination of its people—were not propitious for the continued growth of a 'civil society' after independence. Any group or interest that spoke about restricting the new nation-state's power could be suspected of betrayal. Only in some exceptional cases, like India, the elite which constructed the institutions of political life adhered sufficiently to liberal ideas to accept, almost to create, limits on its own power; but even there such understandings were muddied as electoral politics became increasingly frantic.

Under such circumstances, it was only natural for the state, and the elites who controlled it using the nation's name, to have unrealistic expectations about its project. Materially, in terms of economic development, these new states were expected to bring a modern economy into existence in a short time. The natural corollary of this was for the state to take on large measures of responsibility in running the economy directly. In some cases, where nationalism was more radical and infused by leftist economic theory, the state nationalized enterprises run by ex-colonials and undertook to run them in their place. Usually, nation-states also gave themselves unusually large responsibilities in the cultural sphere, especially in education. Responsibilities for health and providing infrastructure often fell by default on the new states. It is not surprising under these conditions that the state's area of operation would become grossly overextended. In part, precisely because of the aloofness of the colonial regimes and their lack of interest in development of the economy, this expectation fell on the nationalist elites; and when they realized political power, they naturally used the ubiquitous instrumentality of the state to solve these problems and provide services. Within a short time this contributed to a process of bureaucratization, with the state bureaucracies constituting themselves as a strong interest group. Quite often, their natural allies were the military, the second social group to have pronounced self-definition, a clear structure of organization and leadership, and with enormous access to the increasingly centralized resources of the state. Since these societies had no previous history of associational activity, very few institutions independent of the state existed. More significantly, the modern elites, who had

the intellectual, organizational and financial capacity to set up structures with independent strength, were themselves in control of the state, and preferred the use of its well-entrenched machinery instead of organizations of 'civil society'. Not surprisingly, in the early stage of post-colonial nation-states, nationalism often created an illusion of consensus and an active 'civil society' distinct from the state was not considered necessary; after several decades of the state's unresisted expansion, it was considered impossible. The state had overextended itself in several senses. Financially, it sometimes did not have the revenue to perform all its expected activities; this was very often compounded by extensive corruption of the political or military elites. It had taken on tasks for which the state was not the best instrument, as in education. At times, it had also created a culture of utter reliance on the state among the ordinary people, extending people's expectations of it and its own areas of activity beyond all reasonable limits. Its initial success was in fact the distant cause of its subsequent failure.

In some cases the state failed more directly and signally—not in providing services but in providing minimal political order. Especially in colonial Africa, the process of colonization was such a frantic scramble for territory that its administrative settlements were even more arbitrary than elsewhere, setting down lines of political control without regard for any pre-existing cultural or social faultlines. With the withdrawal of colonial rule, these territorial conglomerations automatically turned into post-colonial states, often with egregiously illegitimate pretence of homogeneous nationalism. Not surprisingly, after the state structure was entrenched, either single ethnic groups or personal cliques and military cohorts came to establish exclusive control of its revenues, defended fiercely by its coercive apparatus. Its treatment of other groups was so entirely arbitrary and exclusionary that this often led to demands either for overthrow of these governments irrespective of constitutional modalities, or for secession from the state's fraudulent claims of a national identity. Since the incomes of the military, bureaucratic or quasi-commercial elites depended heavily on control of territory, particularly its natural resources, these elites invoked disingenuous arguments of moral betrayal to justify the use of armed power to stamp out dissidence. During the cold war these often produced stalemates, in a few rare cases bloody conclusions; but after its end such conflicts usually resulted in a complete collapse of the state. In such cases, actually, a Hobbesian argument of 'civil society' is entirely applicable; unfortunately, there are few social groups left around which can translate a civil association into reality.





A third case of political experience should not perhaps be termed a straightforward failure, but it presents perplexing questions to the theoretical imagination. In cases like India, the state has not entirely failed in either of these two ways. Despite persistent criticism from advocates of liberalization, although the state is certainly overstretched, it has not crumbled under its responsibilities. In fact, it now shows signs of an internal redistribution of functions through which it might successfully shed some of the functions that it performed spectacularly badly. It still provides a minimal civil order in most of its territory, though it is impossible to ignore large pockets which periodically descend into statelessness.[13] However, in India's case the crisis is also partly because its politics are spinning out of all recognized trajectories charted by western political theory—which is not necessarily a disaster in itself. Probably, it is more a crisis of theory than a crisis of the state: the state and the politics around it are becoming increasingly important in the life of society, but it is doing things for which no precedents are found in western history or theory. Since our theoretical imagination is almost entirely confined to these horizons, this creates a peculiar anxiety among modern elites and interpreters. In fact, this calls for new theoretical efforts to understand its nature and find concepts adequate for its description.

Partha Chatterjee suggests a solution to at least one part of this predicament by a distinction between civil and *political* society.[14] The duality of sociability expresses itself in political life. Elite groups educated in the western style understand the advantages of social individuation and have the skills of association—that is, the subtle and in some ways culturally unfamiliar art of getting together and committing themselves partially and transiently to others with the same sectional interests. People belonging to other social groups do not. They live in a world of more complete commitments. However, the European tradition of civil society emphasizes a most significant point: the whole reason for existence of these associations is not to turn their backs on the state but to produce constant transactive relations with it. In fact, the pleasant peculiarity of a liberal-democratic state is precisely that it explicitly respects this division and allows associations in civil society to form public opinion, and allows its own decisions to be shaped by them. Even though the associationism of civil society is not highly developed in the case of the majority of poor citizens in India, the need to influence the state does not go away. The poor in particular need constantly to interact with the state in positive and negative ways. For example, when they are evicted from slums, they need to influence politicians

to restore their illegal 'right' to remain; they depend more intensely on state provisions where these are available—cheap food distribution through the subsidized rationing system, supply of municipal water, cheap electricity, primary education for children, minimal provisions for health care in state hospitals. For the lowest strata of Indian society, associational channels, which depend on education and a certain lack of desperate necessity, are not easily available: their repertoire, which has considerable range, stretches from acceptance of patronage from politicians to wary support of local toughs; from political mendicancy to spontaneous violence. All the elements of this repertoire lie outside the definitions of associational 'civility'. Chatterjee calls this relationship with the state—which is more tenuous and more intimate at the same time, and anyway more urgent—'a political society';[15] and he views the rise of various forms of populism within Indian democracy in terms of this distinction. It helps in part to explain the curious mixture of success and failure of Indian democracy: its great success in increasing popular participation, coupled, ironically, with its increasing difficulty in maintaining norms of democratic restraint.

## Civil society and community in opposition to the state

Some of the turbidity of the meaning of civil society in the south comes from conceptual unclarity, some from the enormous variety of circumstances that await serious classificatory exercises. For example, much of the discussion about civil society simply uses a strangely undifferentiated idea of the post-colonial state; but the actual variety of states in the third world is probably more extensive than in the north. It is essential to move beyond the outrageously undifferentiated use of 'the state' or the careless taxonomy of democracy/authoritarianism which involves the misleading and indolent conflation of South Korea and Zaire as suffering from similar troubles. However, as in the case of the west, in the south, too, political discourse is a response to strongly felt perceptions of problems, primarily of peoples' dissatisfaction about the performance of local states, and the use of civil society arguments are here invariably adversarial or critical. To understand with precision what political imagination each particular use of the term/slogan carries within itself, we must identify what exactly it criticizes in the functioning of state power in the local, regional or national context. That cannot be done with any degree of intellectual precision until we



produce a more intellectually acute taxonomy of non-European states. And we cannot do that unless we recognize that in these continents the state, despite its European provenance, has begun a life of its own.

Some preliminary clarifications can be made even in this parlous state of our knowledge. These arguments emerge out of shortcomings of the state, which is seen as repressive, ineffectual or unresponsive. The slogan for a revival of civil society is to rally forces in society to correct these shortcomings. If the state is repressive and interferes with all aspects of social life, a pitifully imitative totalitarianism in the southern context, writers want 'civil society' to come out of its suffocating control: in this case, the argument is remarkably similar to that concerning Eastern Europe or post-communist Russia. If the state is overextended but ineffectual, civil society means a demand for the creation of other bodies in society that can provide essential services instead of the faltering bureaucracies. If the state is unresponsive and the democratic party system appears too disorderly or otiose, civil society is a call for the regeneration of grassroots organizations of marginal and dispossessed groups who cannot usually make their aspirations break through the regular format of political parties.[16] The slogan 'civil society' rings out in all three cases, but its precise significance is quite different and specific.

## Two uses of civil society

If it is true that all civil society arguments stem from some deep disillusionment with the state and its mode of functioning, and writers who call for a reassertion of 'civil society' are basically calling for people to gather up all resources of sociability to form their own collective projects against the state's, we face another conceptual difficulty. In a sense, this is an application in the third world context of Tocqueville's idea that the modern centralized state was so immensely powerful that it could not be resisted by individuals who are in any case systematically atomized by economic processes of capitalism, and can be resisted or influenced by collective bodies—the *corps intermédiares* that fill the space between the state and the individual. It seems straightforward up to this point: what can be more uncomplicated than the suggestion that if people find the state oppressive they should try to mobilize what social resources they have to try to oppose, correct or limit it? However, the serious trouble with this idea

is the uninflected homogeneity of the two terms: state and 'civil society'. The state, as I have already argued, has to be distinguished in terms of civilian and military, secular and religious, democratic and authoritarian, with finer distinctions within each of these broad types. This is essential because although all these states can cause concern or repression, the exact kind of crisis or repression or dissatisfaction depends on what kind of state it is, and what adventitious mischief it is doing at the moment. More important for our argument, in these anti-state arguments 'civil society' can mean two different things. It can mean *all* social organizations apart from the state—which would include not merely those based on *gesellschaftlich* principles but also those of *Gemeinschaft*. Alternatively, there can be a more cautious and restrictive use of the term which implies that the powers of the state should be restrained—not by any possible form of social organization but only by those of the right sort, i.e. the *Gesellschaft* ones. Just the statistical difference between these two conceptions is enormous. In the first case, civil society would simply mean the rest of society and would include potentially powerful communal collectivities. In the second case, it would mean a substantially smaller segment of social associations and groups, and in some third world societies, their collective power against the state would be negligible.

Why should we make this distinction at all in this context? Why not use all types of social bodies to curb the power of the state rather than only those of a special type? This connects back again with the principle of autonomy and individuation. The demands of the state are often peremptory and unbearable precisely because they are compulsory; that is the reason why particular groups or classes, if they get control of the state, can present their sectional interests—to use Marx's language—fraudulently as the 'general interests' of the whole society. Associations act on the basis of voluntary and retractable membership; and since these are normally associated with a part of individuals' lives, these cannot in principle make such large and comprehensive demands on their commitments. The voluntariness of the associational principle is thus fundamentally linked to a conception of the individual or the self.[17] This is a self constituted by an individual through his own rational and deliberate choices, and since such choices are provisional and revisable, so is this individual self. In a different context, this Kantian view of a radically autonomous individual has been called the 'unencumbered self',[18] because the self in this view does not consist of any intrinsic attributes; all its attributes are self-chosen. To his own self, the



individual stands in a relationship of possession; and the attributes he has can be altered by his own choice. Autonomy therefore implies that commitments are not either comprehensive or final. The trouble with the oppressive state is that it does not allow individuals this space for autonomy. If the trouble with the state is this intensity of commitment and its comprehensiveness, so that it can demand even the highest sacrifice from its citizens, the conflict with its unreasonable demands or intrusions into individuals' lives can be seen in terms of a dichotomy between compulsoriness and choice, mandatory controls and voluntarism, autonomy and compulsion. Evidently, this is the classical liberal critique of the state played out in the unfamiliar terrain of modern southern societies. The trouble with *Gemeinschaften* is precisely that their claims on the commitment of their members are quite similar. The use of *Gemeinschaften* against the state would not be appropriate precisely because it might lead to the replacement of one kind of compulsory membership by another. Individual autonomy is smothered as much by a state with totalitarian pretensions as by religious groups or community identities which require total commitment and provide injunctions for all of life's activities, not just some of them. In fact, the major problem lies in the fact that if *Gemeinschaft* identities are used to fight against the state successfully, the political order these are likely to produce after their victory would be similarly opposed to autonomy and principles of choice.

There is no doubt that this is a serious argument on the theoretical plane; sociologically, it has still greater force, as sometimes individuals in situations of crisis might be forced across this analytical line from *Gesellschaft*- to *Gemeinschaft*-type resources. If a journalist or a lawyer enters into a conflict with the state, he would expect support from the press or from lawyers' associations. If these associations are weak, the state would tend to ignore their pleas and threats on his behalf. He might then be thrown back on his religious or linguistic community or tribal group, which might decide to do the right thing (to protect him) for the wrong reasons (not because the state action is illegal but because he is a member of their community). Thus the original classification of Tönnies's sociology, regarding these communal sociabilities as 'primary', calling them 'the most natural' or 'organic' forms of human solidarity, contains an important secondary insight. It is a truism that human beings carry numerous identity attributes. To call the *Gesellschaften* mechanical, non-organic, secondary, suggests that the *Gemeinschaften* are identities of the last resort: under stress or situations of crisis, other solidarities might fail; and as they do, individuals have no

recourse but to turn to the primary ones. Sociologically, this indicates one of the major problems for third world societies and their struggle to bring their states under control. In the south, most often, the only social groups that have sufficient numbers, historical cohesion and sheer collective force are identity-based collectivities. These have often generated or been vehicles for movements against mistreatment or discrimination, but once successful, because of their fundamental principles, they have rarely contributed to the creation of democratic states.

Although this critical point can be made easily, it takes us into another theoretical difficulty of comparative sociology. Tönnies's distinction between *Gemeinschaft* and *Gesellschaft* suffers from a difficulty common to much of classical western sociology. Like Weber's or Marx's conceptual distinctions, its primary cognitive object was to render analysable and find a language for the unfamiliar transformations western societies were going through in the modern age. The point of all these dichotomies was to understand clearly and without any serious cognitive loss, the social systems of the modern west, by emphasizing their distinction from all others in the European past or in non-European history. Such dichotomies, while illuminating the specificity of Europe and modernity, have the considerable disadvantage of clubbing together into a single artificial sociological type, social forms of radical diversity. An example from Marx can illustrate this point. Marx generally insisted that social formations like feudalism and slavery were entirely distinct, and that it was a fundamental historical error to treat them indiscriminately. Yet, in some parts of the *Grundrisse*, he clearly works with a dichotomous opposition between capitalist and pre-capitalist societies.[19] While a capitalist society, in Marx's terms, referred to a real social formation, the designation 'pre-capitalist' did not point to any distinct type of society but to a *logical* type created by the requirement of the specific argument. Tönnies's use of *Gemeinschaft*, and the current uses of community that are deeply indebted to him, seem to suffer from the same sociological error. Comparative sociology does not have a sufficiently inflected and complex map of pre-modern sociabilities. While it is true that all 'communities' share some characteristics in opposition to *Gesellschaft*, they need not be identical. In other words, all communities are different from civil society but each might be different for a different reason. Certainly, Hindu caste society and Islamic conceptions of the *umma* give rise to senses of community; yet, the first is as strictly hierarchical as the second is egalitarian. The question of how traditional practices might change its



repertoire, and whether these can generate indigenous traditions of 'civility' if not 'civil society', must depend significantly on this kind of internal structure of existing practices of community. Ironically, it might transpire that what we call 'community' is as internally differentiated as the idea of 'civil society'; and some of the conceptual confusions and practical difficulties in creating political tolerance might arise from the first confusion, not just the second.

### Civil society and the language of liberal desire

There is a certain tendency in the theoretical literature on international relations that shows an evangelical impatience about these questions and suggests, in effect, that people of repressive cultures must be mildly forced to be free.[20] Civil society might not already exist, but a coalition of forces can try to bring it into existence. In fact, the assorted power of such a 'civil society'-oriented coalition can be considerable, in some cases probably overwhelming. Taking a generous view, the indigenous middle classes have a natural taste for liberty; the modern working class, if not deluded by communist ideology, wants rights of trade unionism; women desire liberation from patriarchy; children deliverance from parental repression. In this best of all possible worlds, especially after the collapse of communism, international forces of liberalism, like western governments and international financial agencies, are all interested in the growth of a civil society. The prospects of this would appear quite different depending on whether we see liberal individuation as natural or cultural. If we reject the thesis that this transformation is 'natural', we are left with the slow and unreliable process of cultural transference. In current moral philosophy, there is a powerful argument which asserts that moral persuasion is less successful by the invocation of an Archimedean point; it is more effective when the argument acknowledges the existence of a moral sense in the interlocutor and seeks to persuade him to alter that. Advocates of civil society must then look for ideas bearing some resemblance to these in other cultural traditions, and begin to build arguments from some intelligible points of connection rather than from the moral 'outside'. Will, not force, must constitute the durable basis for civil society outside the west.

It is in the nature of the problem that the debates about civil society remain inconclusive; but these are not, for that reason, fruitless. After all,

these debates form parts of a collective reflection on the nature of the conditions that political democracy requires to take root and flourish. Precisely because of its elusiveness and intractability, the idea of civil society in the third world forces us to think about the social terrain behind explicit political institutions and to try to explicate what happens in that essential but relatively dark analytical space.

## Notes

1 See for this view, Partha Chatterjee, *The Nation and Its Fragments: Colonial and Postcolonial Histories* (Princeton: Princeton University Press, 1994), p. 235: 'If there is one great moment that turns the provincial thought of Europe to universal philosophy, the parochial history of Europe to universal history, it is the moment of capital—capital that is global in its territorial reach and universal in its conceptual domain.' This seems to restrict the argument to the problems of traditional Marxist ones; though if the term 'capital' is taken, somewhat arbitrarily, to refer to a more complex constellation of modern forces, I have no disagreement with this argument.

2 I argue elsewhere that India is an exception to this general trend, since European power in Bengal was established without a clear conflict with established political authority, and this was possible because Indian pre-colonial society was not dependent on provision of social discipline by political authority. The second argument seems to be more generally applicable.

3 For a brief discussion of the idea of *svabhava* in Hindu thought, see Bhikhu Parekh, *Colonialism, Tradition and Reform* (Delhi: Sage Publications, 1989).

4 I am indebted to Edward Keene for showing me the internal variations in European legal theory on this question. See Edward Keene, 'The Grotian Law of Nations and the Westphalian System', paper presented at the Arrabida Conference on the 350th Anniversary of the Peace of Westphalia (unpublished).

5 A story recounted in detail in Keith M. Baker, 'Enlightenment and the Institution of Society: Notes for a Conceptual History', in Sudipta Kaviraj and Sunil Khilnani, eds, *Civil Society: History and Possibilities* (Cambridge: Cambridge University Press, 2001).

6 See Partha Chatterjee, 'On Civil and Political Society in Postcolonial Democracies', in Kaviraj and Khilnani, eds, *Civil Society*. After the death of Bankimchandra Chattopadhyay, the most renowned modernist literary figure in nineteenth-century Bengal, on 8 April 1894, a memorial meeting was held in Calcutta. Nabinchandra Sen, a respected senior figure on Bengal's literary scene and a younger contemporary of Bankim in the civil service, was asked to preside over the meeting. He refused, objecting to the idea of a public condolence meeting.

7 The sociological argument on the distinction between community (*Gemeinschaft*) and civil society (*Gesellschaft*) takes its purest and most systematic form in the work of Ferdinand Tönnies. See his *Community and Association (Gemeinschaft und Gesellschaft)*, translated by C. P. Loomis (London: Routledge and Kegan Paul, 1955).

8 This is strikingly similar to the line of argument in Thomas A. Metzger, 'The Western Concept of Civil Society in the Context of Chinese History', in Kaviraj and Khilnani, eds, *Civil Society*.

9 For a collection of papers on these questions, see Jean François Bayart, ed., *Le Greff de l'Etat* (Paris: Karthala, 1997).

10 See the argument about Africa in Jack Goody, 'Civil Society in an Extra-European Perspective', in Kaviraj and Khilnani, eds, *Civil Society*.

11 I use this to mean the post-colonial nationalist state: that is, a state which is produced by colonial rule and which carries over many of its structural characteristics, but is animated and legitimized by a nationalist ideology.

12 Again to take an Indian example, the nationalist elite in the Congress Party bitterly complained about the lack of consideration and brutality of the police in British India, in other words, a lack of civility/moderation. Yet, after coming to power, they did nothing to alter this culture of alienation from the common people and to punish its occasional slide into brutality. Apparently, when used in support of the nation-state, this was reinterpreted as greater effectiveness.

13 Examples are the states of Jammu and Kashmir, Assam and Bihar where, for entirely different reasons, political order is entirely insecure.

14 Chatterjee, 'On Civil and Political Society'.

15 Ibid.

16 See in particular arguments by Rajni Kothari about the failures of Indian democracy, in his *State against Democracy* (Delhi: Ajanta Publications, 1981).

17 I am indebted to Tom Young for showing me that this ideological move is still alive and frequently used in contemporary political discourse about the third world.

18 Michael Sandel, 'The Procedural Republic and the Unencumbered Self', *Political Theory*, 12 (1) (1984).

19 Karl Marx, *Pre-Capitalist Economic Formations*, edited by E. Hobsbawm (London: Lawrence and Wishart, 1971). Hobsbawm notes in his introduction this oddity of conceptual use.

20 For a thoughtful and critical exploration of the subject, see Tom Young, '"A Project to be Realized": Global Liberalism and Contemporary Africa', *Millennium*, 24 (3) (Winter 1995), pp. 527-46.

From Sudipta Kaviraj, 'In Search of Civil Society', in Sudipta Kaviraj and Sunil Khilnani, eds, *Civil Society: History and Possibilities* (Cambridge: Cambridge University Press, 2001), pages 306–23.
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