

The Promises and the Limits of Civil Society

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Thank you. Good afternoon ladies and gentlemen. I am enormously flattered to be invited to give this lecture to this very distinguished audience and always happy to come back to Kathmandu. I think I first came to Kathmandu about 10 years ago at the invitation of Social Science Baha; it was a huge conference on affirmative action, and I am very impressed by the way Social Science Baha and now the Alliance for Social Dialogue is seeking to bring together a number of citizens across different ideologies and different beliefs and commitments to debate on issues that are common to the entire society of Nepal. And this by way of introduction is precisely what civil society is about.

What I want to do in this presentation this afternoon is basically talk about civil society in three different parts. I am going to talk about the re-emergence of civil society in contemporary times in a very specific historical period, proceed to talk about why it is important for developing countries, countries that are searching for freedom for ordinary individuals, and then highlight problems with civil society. For no concept and the set of practices associated with the concept should be allowed to go unchallenged. It is only through critique that the practices can be redefined and the concept re-negotiated

I

Origins of a Concept

Civil society is enough a gift of the Cold War period, but it also heralded the end of the Cold War. The latter fact; that civil society brought about the end of actually existing socialist societies is the USP of civil society, the reason why it became a favourite concept, almost a buzzword, almost a 'hurrah' word for many donor agencies, for western governments, and for our own governments. The Cold War polarised a number of countries between the liberal democratic and the socialist bloc. The division was along the lines of ideology, a struggle between two different ways of looking at the world, about two different visions for the future, and about two rival ideologies contesting for domination in the period following the Second World War. The distinctive feature of the division was different notions of human rights. Whereas political and civil liberties were adopted and implemented by Western Europe, and the United States, the socialist bloc under the domination of the USSR held aloft social and economic rights. Authoritarian regimes in much of eastern and central Europe, whether it was East Germany or Poland or Czechoslovakia or Yugoslavia or Hungary or Albania, denied to their own people civil and political rights.

We in South Asia are pretty anarchic societies, three people meet in a bus or in a park, or in a restaurant, and begin to talk about politics, discuss the latest news of the day, and generally create an atmosphere of debate and discussion, acrimony and disagreement, and divisions that might

prove unbridgeable. Now imagine what it is to live in a society where people are not allowed to debate, where we they do not have the freedom to express opinions. Most of us would feel constrained. But it was precisely denial of freedom of expression, freedom to dissent, and, most importantly, the freedom to associate, was a hallmark of Eastern and Central European societies under socialist regimes or rather, Stalinist regimes. Naturally, by the seventies and the eighties, citizens of this part of the world had begun to feel claustrophobic and stifled because freedom is an instinct that is endemic to human beings.

In the 1980s East European intellectuals began to realise that the two options, which had been historically available to people struggling to emancipate themselves from unbearable political situations, were no longer accessible to them. The first option was reform of state power from above. The second option was that of revolution from below. Both these options as the East Europeans had learnt from bitter experience had been ruled out by the Brezhnev doctrine: that the erstwhile Soviet Union would not hesitate to intervene in the affairs of East European states, wherever and whenever the need arose. The doctrine in other words reinforced the status quo of arbitrary, insensitive bureaucracies and even more arbitrary and insensitive political elites in that part of the world.

And yet people reeling under obdurate state power and imperious bureaucracies found the lack of civil and political liberties, state monopoly over economic and social transactions and absence of participative citizenship or representativeness intolerable. Something had to be done. The only option that historically presented itself as a credible one to the East Europeans was that of carving out a 'free zone' within the existing system. Here people could associate and express their sentiments without fear amidst warm networks of solidarity. This free zone peopled by social associations, self-help and self-management organisations, and solidarity networks, East Europeans called 'civil society'.

Theorised as a metaphorical space between the household and the state, the call to civil society served to repopulate the public sphere. The slogan of civil society naturally appeared attractive to people who for long had inhabited politically arid political spaces. Forged as it was in the historical context of Eastern Europe; three features of the civil society argument stand out as significant. One, the argument announced the determination of people who had been banished from the political arena, to insert themselves into the political discourse on their own terms. People, it was held, have the right to make their own histories, howsoever, badly they might make them. The invocation to civil society simply conveyed a statement of intent: that ordinary people have the capability to fashion their own lives.

Two, the argument asserted that the nurturing of self-help and solidarity through thick and overlapping associations-reading clubs, discussion societies, trade unions, self-education groups-was a good thing in itself. For it provided a counterpoint both to the state as well to the atomism of individual life. Civil society accordingly emerged in Eastern Europe as the site where people organised into groups could make and pursue democratic projects of all kinds in freedom from bureaucratic state power.

Three, the argument sought to institutionalise state society relationships, even as it asserted that procedures such as the rule of law, institutionalisation of political and civil rights, and accountability, should be codified in order to limit the power of the state over all areas of social life. The attempt of the 'Stalinist' state to swallow up civil society was thus rejected in the attempt to reinvent civil society and to demarcate the limits of the state.

Theorisations of civil society in this mode amounted to what was to be called a 'self-limiting' revolution. But in the historical context of 'Stalinist' States, even this limited call was to prove earth-shaking. For the argument developed fairly rapidly into a polemic slogan that counter-posed the sphere of voluntary and purposive collective action to dictatorial state power. And matters did not rest here, for an activity that had initially concentrated on carving out a free-zone within existing state power, was to develop over a rather short period of time into a powerful political movement- albeit a movement that was haphazard, spontaneous, and unorganised. In 1989, we were to witness the rather awesome spectacle of so many powerful states in Eastern Europe collapsing like the proverbial house of cards before agitating and agitated crowds assembled in the streets.

Even as a purportedly self-limiting social revolution transformed itself into a highly charged political revolution, a fourth dimension was tucked on to the civil society argument. The civil public, which had initially turned its back on the state, had dramatically transformed itself into the political public concerned with the form and content of power. The civil in civil society no longer signified non-political; it meant that people inhabiting the sphere outside the state had the right to debate about the nature of both the state as well as of the politics it pursued. In the heady days of the 1980s, the balance of power perceptibly shifted from the state to civil society.

In retrospect, two aspects of the civil society argument in East Europe give us cause for thought. Firstly, if we look closely at the details of the civil society argument- the demand for civil liberties especially the right to freedom of expression and the right to associate, rule of law, limited state power, political accountability, and the freeing of the market- it is clear that the East Europeans were practically re-enacting the bourgeois revolution, that had taken place in England in the seventeenth century against absolutist state power. John Locke, the quintessential liberal thinker may well have authored the civil society script in and for East Europe in the 1980s.

Correspondingly, the first message thrown up by the East European experience was to validate precisely what the Italian Marxist Antonio Gramsci had conceptualised in the 1930s. The message simply was the following: wherever and whenever states-whether absolutist or socialist-deny to their people political and civil rights, we can logically expect the eruption of discontent and popular resentment against exclusions from structures of citizenship and representation. Gramsci's dictum that states that do not possess civil societies are more vulnerable than those that do possess them was to prove more than prescient in this case. Conversely any attempt to pulverise public opinion and paralyse collective action inexorably rebounds on the state through the 'pressure cooker' effect. Civil and political rights are important, East Europeans told their actually existing socialist states, they are as important as economic and social rights.

There is an important lesson here for theorists of human rights. It is true, as the socialist critique of individual rights had told us that political and civil rights are inadequate without social and economic rights. Or that the grant of social and economic rights is a necessary pre-requisite for the full exercise of political and civil rights. A hungry and homeless human being cannot be free; neither can s/he participate in the political life of her or his society fully. Civil and political rights are in other words empty without rights that guarantee the basic conditions for a meaningful life.

But the converse is equally true. For social and economic rights without civil and political rights can prove equally meaningless. Think for instance of a benevolent dictator who gives to his people full social and economic rights: the right to an income, the right to a home, the right to education, but at a cost. The cost is that he takes away civil rights, particularly the right to assert rights. We discern the makings of a real political catastrophe here, for tomorrow if our benevolent dictator withholds social and economic rights, the people are rendered helpless. He has given material benefits to the people at will; he takes them away at will. And the people have no right to assert rights for they have traded off this right in return for material benefits.

In democratic politics, however, there are no trade-offs. If social and economic rights are pre-requisites for civil and political rights, civil and political rights are equally a precondition for the exercise of social and economic rights. The suspension of even one of them not only renders the others meaningless; it catapults discontent amidst the body politic. It is this lesson that we learn from the East European experience.

The second implication is as follows: because people in East Europe were deprived of civil rights, and because the civil society argument concentrated on resuscitating these rights, East Europeans through and by the civil society argument proclaimed a final end to the revolutionary imaginary. The argument effectively performed a closure on the idea of politics as social transformation. Till then revolutions which can be conceptualised as ruptural moments in the political biographies of societies, had pre-occupied imaginations and mesmerised the passions of political visionaries. "Everything I see about me is sowing the seeds of a revolution that is inevitable, though I shall not have the pleasure of seeing it", a 70 years old Voltaire had written with some regret to M. de Chauvelin in 1764. "The lightning is so close at hand that it will strike at the first chance, and then there will be a pretty uproar. The young are fortunate, for they will see fine things". But from the 1980s onwards, civil society replaced revolution as the prime locus of passions and imaginations. And civil society emerged as a dominant concept in political vocabularies and texts.

II

The Relevance of Civil Society

What is interesting is the way in which the civil society argument fashioned in the historical context of East Europe, was to propel a major spill-over in the way scholars and activists conceptualised the human condition in other parts of the world. The general disenchantment with the overreach of the state in both the advanced capitalist, as well as in the developing world in the late 1980s and the early 1990s was to propel an important move: that of directing attention to the building of alternatives to the state in civil society. And this was perhaps inevitable for political

agents had been overcome with generalised fatigue arising out of frustration, and exasperation. Both 'revolutions from above' as well as 'revolutions from below' had simply failed to deliver what they had promised. The revolution 'from above' in the shape of the interventionist state: whether Keynesian, welfare, developmental or socialist had lapsed into status quoism and the unabashed pursuit of personalised power. The state had simply atrophied. The revolution 'from below', which had taken the form of the liberation struggle in the colonised world, had lapsed into passivity, even as nascent civil societies were pulverized by state elites.

In countries of the developing world the state had failed to deliver a minimum standard of life to its people. Powerful bureaucracies and political elites, consolidating their power in the interstices of post-independence states, had simply shrugged off the very same masses, which had put them there in the first place. Scholars in India were to speak of corrupt bureaucracies and of even more amoral and power hungry political leaderships, who were completely impervious to the fact that state led development had failed miserably. These scholars were to castigate the bankruptcy of the political vision; they were to bemoan the loss of hope, and they were to express lack of confidence in the capacity or indeed of the willingness of the state to be responsive to the needs of the people.

Scholars in Africa were unsparing in their critique of military led dictatorships and paternalistic state regimes. The holders of state power had concentrated not on the creation of conditions that would secure the wellbeing of the people, but on their own purposes of enrichment. The state, it was widely observed, had 'swallowed' up civil society. In the wake of the velvet revolutions in Eastern Europe, activists and scholars in Africa came to believe that it was only a viable and stable civil society that could hold the state responsible, assure economic development, and offer reasonable assurances that basic material needs would be adequately satisfied.

It is in the midst of this disenchantment with the overreach of the state that the concept of civil society took hold of the imaginations of both the Left and the Right. It promised an exit from bureaucratic inefficiency and political indifference. The state could no longer be relied upon; it had failed miserably, even though it had exercised untrammelled power for decades. Somewhat naturally the people looked for an alternative to state led projects and state inspired developments. The wave of protest movements that overtook Africa in the early 1990s, movements that were popularly hailed as the second liberation of the continent were accordingly to be conceptualised as civil society against the state. Political theorists took to the concept of civil society, simply because it seemed to capture a specific political moment in the biographies of states and societies: the historic moment when civil societies asserted themselves against the state.

The nationalist dream had simply petered out and democracy had been compromised. The people had failed to come into their own. Nowhere was this sense of betrayal expressed more strongly than in the literary genre of the postcolonial novel, in Gabriel Garcia Marquez's *Love in the Time of Cholera* for instance. The literary critic Jean Franco suggests that Marquez who had already begun to pillorise and parody the nation in his other writings, specifically makes the 'private' the centre of his writing in this novel. Even as the 'apocalyptic landscape of decay and cadavers bear the scars of modernisation', the 'protagonists enacting their anachronistic love story can no longer represent

anything beyond their own moral passions'. *Love in the Time of Cholera*, argues Franco, "marked the dissolution of a once totalizing myth which is now replaced by private fantasies lived out amidst private disasters". The novel that during the struggle for decolonisation had created the nation in and for fervid imaginations was now to deliberately deconstruct the nation for these very imaginations. It just revolted against the betrayal of the national vision. It is in this precise historical conjuncture that the civil society argument arrived to present a third alternative to revolutions from above and revolutions from below.

What is Civil Society?

There are three prefatory points I wish to make at this stage in order to clarify the concept of civil society. One, civil society is very often treated in contemporary theories as co-terminus with society, but this is unfair to the entire tradition of political theory. Society can be thought of as the entirety of social practices with which a given community maintains and reproduces itself. Civil society is a space where challenges to state power are expressed through political practices. Two, civil society has historically been associated with norms of democracy, accessibility, participation, publicity, and accountability. The institutions of civil society are associational, representative, and deliberative forums, social movements, and a free press. The inhabitant of this sphere is the rights bearing and legally defined citizen. And the protection of the members of civil society is found in the language of rights. It is all this that makes civil society a normative concept.

Three, democracy is not only about people getting elected into power. Democracy is about ordinary people possessing the political competence to engage and intervene in an activity the ancient Greeks called politics. I am using the Greek notion of politics because today politics has got such negative connotations in our countries. Politics is about actually discussion, debate and deliberation on a good life: what is a good life? What is good for people? It is about connecting. It is about obligations we owe each other.

In sum, the civil society argument holds that inhabitants of the space between the market, the household, and the state, should come together in all manners of associations, to keep careful watch on the state and to initiate policy through collective action. Thereby the political discourse is transformed, and practices of domination contested and recast. Radical politics in other words produces and reproduces political agents in the radical mode.

III

The Limits of Civil Society

Civil societies have won their most momentous victories against undemocratic regimes such as the Peoples Movement against the monarch in Nepal and the civil society movement against the military regime in Pakistan. But after democracy has been achieved through freedom from autocratic states, what then? Two sets of developments have subverted the radical potential of civil society. One, civil society has been yoked to development agendas and appropriated by donor agencies, and the concept has come to be identified almost exclusively with the third sector, the non-profit sector, the voluntary sector, or more popularly non-governmental organisations. Civil society is supposed to be an sphere where citizens groups, reading clubs, debating forums, social

movements, and various form of civic action compete and clash over meanings of what is a good life, where the state has gone wrong, and what it should be doing about securing such a life. It is the site for the politics of contestation as well as the politics of affirmation. It is the site for transforming citizens into political agents. It is the site therefore of radical politics. Today, however, civil society has become synonymous with the NGO sector. And this has bred its own contradictions; because no longer are ordinary men and women given the opportunity to make history or to speak back to histories not made by them.

I do not mean to dismiss the NGO sector, because some NGOs have initiated innovative ways of resolving the problems of poor and impoverished people of the global south. When they train people in methods of water harvesting, or organic ways of growing food, or when they provide services that the state has proved incapable of delivering, or when they design pioneering educational programmes, they render signal service. Given the inability of the 'third world' state to deliver the basic preconditions of good life to the citizens, the non-governmental sector has filled in a significant gap in service delivery.

But can this substitute for an activity we call radical politics? Does the involvement of NGOs enhance the political competence of the constituency or diminish it? Many of these organisations consist of specialists engaged in the business of managing collective life. They are just not in the business of engaging in an activity that we call politics, let alone politics in the radical mode. And it is precisely this aspect of the non-governmental sector that is troublesome. As suggested above, when ordinary men and women engage in the politics of making their own histories, howsoever badly they may make these histories, they acquire agency.

It is precisely this notion of radical politics that is at a discount when NGOs hijack political initiatives and constitute human beings as subjects of political thinking thought elsewhere, or worse when they constitute individuals as consumers of services rendered by them. For we must ask this uncomfortable question of even the most well-meaning of these groups: *who* was consulted in the forging of agendas? *When*? And *how* were the local people consulted, through what procedures and through what modalities? Were they consulted at all? Do, in short, NGOs represent people and their needs? Or are they managing people who do not have even a remote chance of influencing their agendas? And when we consider the somewhat formidable range of activities that have been taken up by these actors in civil society, our doubts intensify. For now these organisations dictate what kind of development should be given to the people of the global south, what kind of education they should receive, what kind of democracy should be institutionalised, what rights they should demand and possess, and what they should do to be empowered. What we see is the collapse of the idea that ordinary men and women are capable of appropriating the political initiative. What we see is the appropriation of local and political agendas in favour of the agenda of the specific NGO.

Moreover, since the inception of modern politics it has been assumed that elected representatives are accountable to the citizens for the policies they make, and for the policies they do not make. NGOs play a larger than life role in our collective lives. But unlike legislators NGOs are not elected.

And they are not likely to be elected at any point of time, because that is not their mandate. This really means that while these organisations are in the business of representing constituencies in forums of decision making and engaging in the politics of advocacy, they are not in the business of being accountable to these constituencies. This can lead to some bewilderment, because many of these organizations are beyond the reach of representation or accountability. Therefore, the idea that a definable system of authority is even *notionally* answerable to the democratic will has been seriously compromised. More significantly a politics of advocacy that is shorn of representation and accountability provides no substitute for self-determining and empowering action born out of specific experiences.

We may well find that in the process the non-performing state in the global south has been rescued. At the very moment when the state in this part of the world was being pilloried by activists and citizens for non-delivery, and when it was being castigated by political activists as corrupt, non-performing, and non-responsive, NGOs entered the scene to bail it out by sub-contracting for it. In the process, voluntary and market agencies have not only rescued and perhaps legitimised the non-performing state, they have neutralised political discontent by stepping in to do what the state is expected to do for the citizens. In sum, though skilled professionals are not accountable to the people themselves, they save the state from being accountable.

Finally, the one question that confronts us at this juncture is the following: how much can the NGO sector achieve? What are the limits of civil society interventions? Civil society agents are just not in a position to summon up the kind of resources that are required to emancipate citizens of the global south from poverty and deprivation. It is only the state that can do so through widening the tax net, and through monitoring the collection of revenues. Moreover, NGOs can hardly implement schemes of redistributive justice that involve transferring of resources from the better to the worse off sections of society. Above all, the non-governmental sector cannot establish and strengthen institutions that will implement policy. These tasks simply lie outside the pale of civil society activism. NGOs can lobby for and mobilise people for social and economic rights. But ultimately the realisation of these rights depends largely upon structures of governance.

In sum, the present avatar of civil society has replaced citizen activism with professional and often well-funded NGOs who are neither representative of the people, nor accountable to them. In the process, citizens instead of engaging in the politics of history making are reduced to consumers of agendas brought to them on a metaphorical platter. These developments have led to the de-politicisation of civil society, a decline of citizen activism and involvement, and the reduction of political contestation to demands for better services.

The second development that has subverted the democratic and radical potential of civil society is the splintering of the sphere into a number of identity groups each wanting a share of the collective pie for their members. This is troublesome because it inhibits the project of solidarity which is what civil society is about. It is true that in societies such as ours where individuals have been devalued because they belong to a caste or a community that has been devalued through social and cultural practices, it is of the utmost importance that people struggle for a revaluation of identities.

Struggles in civil society have to be both about recognition and redistribution. But when struggles for recognition overcome and overwhelm struggles for redistribution, civil society becomes fragmented. This plays neatly into the hands of the state which seeks to divide civil society. It is for democratic groups in civil society to unify democratic movements by working out a relationship between redistribution and recognition. Otherwise, civil society itself dissolved into a host of competing groups, and it can neither take on the state nor undemocratic groups within its own sphere.

Finally we have to take cognizance of the fact that there are limits to civil society. Civil society agents are neither in the business of making policy, nor in the business of implementing these policies. Civil society agents are in the business of creating, fostering, nurturing, and reproducing informed public opinion that can be brought to bear upon the making and implementation of policy through civic activism. Correspondingly civil society has to keep watch on the implementation of policy. In 1790, the eminent Irish orator, wit, legal luminary, and Member of the British Parliament, John Curran (1750-1817) had suggested insightfully that 'the condition on which god hath given liberty to man is eternal vigilance'. It is this very task that politics entrusts to civil society.

Above all we have to reiterate the responsibility of the state. Not only does the state have the power to institutionalise and mandate a just order to remedy the ills of the human condition, it has an obligation to do so. The democratic state takes decisions in our names, it imposes these decisions on us, and it legitimises these decisions. We as citizens have a right to ask why the state practices injustice, to challenge the policies of the state, and to compel the institution to redress its acts of omission and commission. The state cannot call upon the NGO sector to bail it out of its current difficulties, which have been created by its own incompetence, corruption, and insensitivity to the needs and the aspirations of the citizens. States are condensates of power but they are also the locus of popular aspirations and the site where political projects are realised. They should respond to these aspirations for therein lies state legitimacy and acceptability. If the state continues to stand squarely in the middle of collective imaginations; it has to do something to merit that status.

This is not to say that civil society does not matter. Citizen activism, public vigilance, informed public opinion, a free media, a multiplicity of social associations, and citizen activism are a vital precondition for democracy. It is only a vibrant civil society that can prevent the political elite from lapsing on its commitments and responsibilities. It is this vibrancy that has to be brought back to civil society so that significant challenges to the status quo can be conceptualised and executed through collective action.