

Civil Society, State and Social Movements

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The recent debate in *EPW* (Gurpreet Mahajan (GM) May 15, 1999, December 4-10, 1999 and Andre Beteille, September 4-10, 1999) on the relation between state and civil society on one hand and citizenship on the other, has brought into sharp relief certain crucial issues. This is an attempt to rethink two central arguments of GM.

(i) The central idea of civil society is as a mediating agency between individuals and the state: "civil society is associated with a set of institutions that mediate between the individual and the state...civil society is...seen as a modern phenomenon that emerges only when the principle of formal equality becomes the operative norm in society".

Civil society and state are integral parts of a process of realising formal democracy. The relation between state and civil society is posited as harmonious and complementary. The objective of formal democracy is realised by state and civil society as part of a mutually reinforcing process. "As such, it is difficult to detach civil society from the state or to conceive it without the latter. Indeed the institutions of civil society are, and must be viewed as, parts of the democratic constitutional state".

(ii) Citizenship is the central identity capable of operationalising the transformative agenda of formal democracy. It is an identity which is realised only when society is grounded on formal equality rather than on primordial identities. "The link between civil society, state and citizenship is a defining feature of democracy. The strength of a democratic polity depends upon the extent to which the civil society and the state acknowledge the claims of equal citizenship."

Further, in agreement with Beteille she holds that "these open institutions of civil society embody and endorse the modern

idea of citizenship. They set aside ascriptive community identities and treat all individuals as citizens in an equal manner. Since institutions of the civil society give pre-eminence to individuals as citizens rather than to their identity as members of specific communities, such as caste, race or gender, they can only exist when the social-political order based on hierarchy is replaced by a system based on equal rights of individuals."

GM argues that only where there are authoritarian states the relation between civil society and the state is adversarial.

Fundamental assumptions of GM are that (a) the state can accommodate all the demands of the civil society; (b) there is a homogeneous and uniform relation of the state with all the structures in the civil society; and (c) citizenship as a homogenising identity which establishes uniformity of relation with various structures in the civil society.

This paper tries to engage with the aforesaid central arguments and the underlying assumptions from an alternative perspective.

Modern societies are complex organisations of heterogeneous structures. Broadly one could differentiate structures into dynamic and dialectical structures. Dynamic structures can be defined as those structures that balance contradictions through co-option and coercion. Dynamic structures can be further differentiated into actively discriminating structures (ADS) and passively discriminating structures (PDS). ADS are structures such as those defining man-woman relation in a gendered structure, or determining the relation between the dominant and subordinates in a caste structure, or delineating the relation between the rich and the poor in a private property structure. The underlying principle of ADS is that unequal relations are built into the structures. The PDS are struc-

tures such as the parliament, independent executive, and judiciary, the institutions that are non-discriminatory or counter-discriminatory, the underlying principle being action based on or seeking to realise formal equality. A meritocratic regime may be a formally non-discriminatory principle. Reservations for the underprivileged broadly reflects the progressive relation between the ADS and the PDS. It may be looked at as a counter-discriminatory principle. As against the dynamic structures that seek to balance contradictions are the dialectical structures that seek to resolve contradictions. Dialectical structures may be associated with class, caste, gender, environmental, etc, movements.

There is a significant variation in the perception of change between the dynamic and the dialectical structures. The dynamic structures view change essentially as different patterns of inclusion-exclusion complex. If society is defined in equilibrium centric terms, certain minimum entitlements and conditions may be prescribed which lead to such an equilibrium. Those that satisfy these entitlements and conditions may be considered included and those that fail may be termed excluded. While the ADS leads to reproduction of the pattern of inclusion-exclusion across time and space, for the PDS change is a process of inclusion of the excluded over time and space. The task then for the PDS is reduced to increasing opportunities and providing equal access to all through formal democracy. Dialectical structures however are transformation centric. For dialectical structures, the idea of providing equal access through formal democracy is a contradiction in terms. They look at relations in terms of a process. They take into consideration the inter-connection of the ADS and PDS and the structured constraints emanating in the latter which make PDS incapable of carrying forward the transformative agenda. Dialectical structures aim at realising substantive democracy. The conception of inclusion-exclusion complex itself varies from structure to structure. While the ADS look at the inclusion-exclusion complex as segregated and

static, the PDS look at inclusion-exclusion complex as segregated and incremental. The dialectical structures view inclusion-exclusion complex as interconnected and quantum.

Viewing GM's central arguments and the underlying assumptions in the context of this model raises many questions. GM's idea of the relation between the state and civil society falls in the domain of PDS. This conception in the first place neglects the existence of dialectical structures. This implies that civil society is narrowly defined. It is not only a mediation between individuals and the state but an arena of more creative interaction between individuals, collectives and social movements. Further, it is not clear from GM's article how primordial identities come to be replaced by formal democracy. It is silent on the process of inclusion and the problems posited by the structured constraints emanating from the interconnectedness of the ADS and PDS. Even in the case of advanced capitalist countries, class, gender, race, still remain strong challenges to the realisation of formal equality. To be able to postulate that the state and civil society are integral parts of realising formal democracy with a harmonious and complementary relation, the problem of structured constraints needs to be resolved.

Apart from the interest groups internal to the PDS, the dialectical structures may generate such pressures that the structured constraints in the civil society or the state in its interest may resort to coercive mechanisms. Karamchedu, Chundururu massacres or the fake encounter killings Indian state resorts to, or why an advanced capitalist liberal democracy such as the US resorts to the highest number of death penalties and why most of the 'criminals' are blacks are exemplars of patterns of oppression which complex pressures on the system can lead to even in the presence of democratic institutions. It is therefore not necessary that there be an adversarial relation between the state and the civil societies only when the state is authoritarian, it can also happen in a democracy.

The second central argument of citizenship being the identity to realise transformation in a formal democracy also stands challenged. Firstly, the idea of citizenship as a transformative identity can be seen as an attempt to homogenise all other identities and an attempt to establish a

uniform relation with reference to all the institutions of civil society and the state. It is not clear from GM's contribution how citizenship as an identity subsumes all the other identities.

Secondly, it needs to be noted that the identity of citizenship which emanates from the conception of a nation state is rooted in the emergence of market and market relations. Relations in a market society are guided by functional solidarity. By functional solidarity is meant such a solidarity as guarantees successful

execution of transactions in a market society. Citizenship is the condensed form of functional solidarity in a formal democracy. An identity grounded in substantive democracy as against formal democracy and human solidarity as against functional solidarity can only have the transformative potential to carry civilisations even beyond liberal democracies. The real question is what is such an identity? Social movements and not citizenship can be seen as forces addressing this question. **EPW**