

Civil Society in Society

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Articles by Gurpreet Mahajan (1999a, 1999b) and Andre Beteille (1999) have done well to initiate a discussion on civil society and its relationship to democracy, state and citizenship. However, both these authors discuss civil society and associated concepts only as normative ideals of the liberal ideology and do not situate them in concrete social contexts. From the perspective of their ideology they decry what does not approach their ideal, but their presentations have little explanatory significance as they are of no help in understanding the way things are. The various avatars of civil society discussed by Mahajan are varied meanings that different authors ranging from a liberal Locke to third world Marxists have attributed to this term. The real avatars of civil society are, however, not these different meanings, but actual civil societies that have emerged world over with the spread of liberal ideology and polity. That different social contexts would give rise to different types of civil societies, which again would be interpreted differently by different authors, is completely missed by Mahajan.

Andre Beteille does call for a comparative and historical investigation of citizenship. However, while he laments the spread of reservation policy in India corroding the basis of equal citizenship, he does not ask how the lowest dalit castes in India could get constitutional reservations in a caste ridden society long before Blacks in the much more liberal US got affirmative action. If a choice were allowed, Blacks of US would prefer a policy of assured positive discrimination like in India to a soft programme of affirmative action now threatened by 'neo liberalism' of a society where in the largest state of California every third Black young man is under the clutches of the penal system.

Both Mahajan and Beteille associate civil society with a set of institutions that are *open and secular*. These institutions occupy the space between individuals and the state. On the one hand, they are distinct from institutions of private life like family

or friendship, on the other, they are separate from state institutions like bureaucracy. Now, such institutions exist in all societies that have state as a well-separated institution from the rest of society. Openness and secularism are liberal ideals and formal characteristics of liberal institutions. Wherever liberal polity exists one can expect institutions with these characteristics to exist. However, liberal polity and ideology are not the only forces fashioning institutions of civil society. Consequently, there may be an incongruence between the formally open and secular character of these institutions and their socially substantive characteristics. That is, even though openness and secularism are the identifying characteristics of civil society institutions, there is no reason to assume that these will be their most significant characteristic socially.¹

Since Mahajan and Beteille treat the identifying and partial aspects of civil institutions as their entire aspect, there is a disjunction between the set of actually existing civil institutions and what they call civil society. Their methodological error makes their civil society an ideal concept. In their presentations it appears as a category of the liberal discourse.

Our purpose here is not to establish an alternative to their conception of civil society. We continue with the liberal *definition* of civil society. However, we wish to dethrone the liberal concept of civil society as the ideal by making it confront the actuality of civil institutions as they have arisen historically in liberal societies.

Civil society is the sphere of public activity of *private individuals* who believe them to be endowed with rights and act as autonomous subjects. It first arose with struggles of the emerging class of private property owning bourgeoisie against the absolutist states of the 17th-18th century Europe. The bourgeois civil society was in direct conflict with the feudal public sphere where individuals participated as ranked subjects of a monarch and as members of closed estates. The sphere of free commodity exchange was the archetypal element of civil society. But more

important for the ideological consolidation of the bourgeoisie were arenas of freethinking, critical inquiry and independent political actions like clubs/saloons, press and political parties.

An individual endowed with rights, presumed to be natural and universal, is the basic category of liberal thought. The problem of emergence of community among these individuals is solved by the notion of voluntary associations among them for mutual benefit. The ensemble of such associations is the civil society of liberalism. The right owning individuals are further assumed to come together to constitute a communal authority to promulgate law and to oversee that they do not infringe upon others' rights. In this conception the state, which is just the supreme communal authority, is a natural outgrowth of the social life of right owning individuals, and hence is not separate from society. Correspondingly, in the early liberal thought, for instance that of Locke, the term civil society does not refer to a social sphere separate from the state, but to a type of society as a whole.

Early Liberal Political Action

The aim of early liberal political action was a constitutional state that guaranteed rights of individuals, including their right to associate with each other as members of civil society. Through civil society, with the help of instruments like public opinion, these individuals were thought to influence state policy. In fact, since according to liberalism sovereignty of state flows out of the body of citizens constituted as a public, and the only public liberalism can think of is that of the civil society, latter is the sole legal and moral basis for state actions. The public opinion, with whose help private citizens guide state policy, is, according to liberalism, constituted through reasoned discussions and critical debate. The notion of rationality here is that of an Enlightenment ideal, as a self-evident faculty of every 'right minded' individual and as a neutral tool to help reach the true essence of things. The resulting overcoming of ignorance was believed to be a source of human progress. Increasing progress in turn was identified with a deepening of freedom. Hence, Reason was considered an essen-

tial means to arrive at the ideal of collective and individual civil freedom.

Through criteria like universality, and use of rationality, the civil society conceived under liberalism was formally an inclusive entity. Yet it was realised early that only those persons who were actually free could be responsible members of civil society. Property ownership was a crucial criterion of freedom. According to Kant, "The only qualification required by a citizen (apart, of course, from being an adult male) is that he must be his own master and must have some property (which can include any skill, trade, fine art, or science) to support himself. In cases where he must earn his living from others, he must earn it only by selling that which is his, and not by allowing others to make use of him" [Kant 1970:78]. Hence, as Habermas remarks, wage labourers, who were forced to support themselves by selling their labour, were excluded, and only property owners who freely indulged in exchange of goods could be enfranchised to vote and admitted to the arena of critical debate where public opinion was formed [Habermas 1989:110].

So formed, liberalism was an ideology, pure and simple; it was a self-interpretation by the bourgeoisie of its social role. Contradictions within its own scheme of things, and aspects of social reality, which did not conform to its self-image, were not confronted and adequately theorised. It is not our argument that the civil society of liberalism was, and is, a facade. It certainly existed, there were arenas where private citizens could assemble as equals and express opinions through critical debates. The history of modern state cannot be understood without appreciating the influence they had on it. There is no questioning the liberating influence of such activities against feudal estates and other forms of bondage. The Declaration of Independence and the Bill of Human Rights have inspired struggles for human emancipation far beyond contexts they were originally penned for. The contribution of liberal ethos to the field of art and literature, where, for instance, the novel emerged as the archetypal form conveying the internal life of an autonomous subject, and to sciences and industry are unquestioned. But claims of liberalism were much more than these. More important aspects of social life, like the formation of a propertyless proletariat outside the civil society, remained hidden from its sight. Through its claim to universality, liberalism imagined a

complete bourgeois-fixation of society, but this society could not function as a bourgeois society until it had the proletariat.

Limitations of Liberal Civil Society

Hegel was the first major thinker to highlight the limitations of the liberal civil society. According to his idealist dialectics, the civil society was an immature form of the state; it was the latter which was the actuality of the ethical idea [Hegel 1942:155]. Driven by accidental caprice and subjective desires, the civil society, to him, afforded a "spectacle of extravagance and want as well as of the physical and ethical degeneration common to them both" [Hegel 1942:123]. While in classical liberal thought the state emerged out of the voluntary association of the right endowed individuals, according to Hegel, it was the highest moment of the dialectic of the ethical idea. It imposed universal order on civil society that remained unconscious of the interests of the Idea. The apparent harmony between the civil society and the state in Hegel's writings, which Mahajan notes approvingly, is the result of an externally imposed dialectic. It was through a play of this dialectic that Hegel came to espouse the Prussian State and individual rights at the same time.

Young Marx presented the most trenchant criticism of the bourgeois civil society. In 'On the Jewish Question', he questioned the liberal equation of individual freedom under a constitutional state with genuine human freedom. The individual-centred right to freedom in the civil society was seen to be "not based on union of man with man, but on separation of man from man" [Marx 1971:103]. The right to property was seen as a right to selfishness. The civil society based on these rights was believed to lead "man to see in other men not the realisation, but the limitation of his freedom" [Marx 1971:103]. The political emancipation envisaged by liberalism was seen to produce a false dichotomy between the actual man of civil society, "who was recognised only in the form of the egoistic individual", and the true man of community "who was recognised only in the form of an abstract citizen" [Marx 1971:107]. The bourgeois may have succeeded in freeing the civil society from the authority of the state, however, the civil society was not the domain of freedom because within it was created a new relationship of power between owners of the means of production and wage workers. Civil society was

the arena of reproduction of capitalist production relations, of continuing slavery of wage earners. Hence, as the battleground of two opposing classes, the civil society lost any unifying principle.

It is interesting that after the consolidation of historical materialism, references to civil society disappear from the writings of Marx and Engels. Nor do they appear in the writings of Lenin or Mao. The mainstream Marxist revolutionary politics targeted state, which was seen as the instrument of naked class rule. Later, in the Marxist tradition, civil society was to resurface in writings of Gramsci. He saw civil society as an essential leg of the bourgeois rule in liberal states. Through it the ruling class established its political and ideological hegemony over society. For Gramsci, this hegemonising function was the unifying principle of civil society. To counter bourgeois hegemony, Gramsci argued for class struggles in civil society.

Like early socialists, young Marx believed that the extension of civil liberties and political rights to the working classes would be sufficient to enable them to build a society according to their needs. That is, the access of working classes to the institutions of civil society like press, political parties and parliament will be sufficient to bring socialism. Experiences of 1848, when even radical sections of the bourgeoisie, recoiling from bold revolutionary assertions of the underprivileged, did not hesitate to align with reactionary powers, were to dash any such hopes. The bourgeois civil society itself became a social force arraigned against revolutionary masses. The bourgeois, of course, was responding to some fundamental changes in society. Instead of being a class under the political subjugation of an absolutist state, it was becoming the ruling class of industrialised countries and its contradiction with the working classes was becoming the dominant social contradiction. There was a consequential change in its ideology also.

Liberalism as a Hegemonic Ideology

Once it gained state power, the uncompromising stances of the Declaration of Independence and Bill of Human Rights were replaced by emphasis on pragmatic negotiations, compromises and legal fine-tuning. The idea of liberty, which when interpreted as universal human emancipation could lead to upheavals like the French

revolution, got transformed in J S Mill's hands to the problematic of determination of limits of interference by "the collective opinion of society" in private affairs. After the emergence of the bourgeoisie as the ruling class, liberalism ceased being the ideology of the middle class oppositional forces aligned for civic rights and got transformed to a hegemonic ideology. The latter transformation was a prolonged process, not completely over in western Europe till the end of the second world war and still continues in most of the third world countries where the de facto rule of capital prevails.

The establishment of constitutional states based on universal adult franchise completed the strategic political task of the bourgeois civil society. From then on, instead of being a vehicle for anti-state mobilisations, it was to act as a status quo preserving social force, since by definition the liberal civil society could not be against its own state. In a way, universal suffrage was necessary for liberal hegemony. Hegemonic ideologies function effectively only when they are able to address and form subjectivity of the overwhelming members of society. Liberalism could be the hegemonic force only over liberal subjects, i e, only over those who had formal political rights. As long as the working classes were without franchise, they were outside the pale of liberalism. The enfranchisement of the working classes in western Europe, i e, their de jure entry into the civil society in the second half of the nineteenth century did not lead to what socialists had hoped. However, what early liberals had feared, i e, the rule of property less riff-raff over property owners, also did not occur. Some fundamental changes in the nature of the capitalist state and production relations and the very nature of civil society were responsible for this.

Propertyless workers did not have the material and cultural means comparable to capitalists and professional middle classes to be equal members of the civil society. Hence there occurred a split in the formal and substantive character of the civil society. While the old class distinctions continued, there also emerged a narrow circle of political, bureaucratic, managerial and cultural specialists who acted in the name of society. Functions of civil society like critical debate, formation of voluntary associations and elections to legislatures began to be under effective control of these narrow groups.

This development coincided with a phenomenal growth of the state. The process had started in the second half of the 19th century and was noted by observers as diverse as Tocqueville and Marx. Two forces from opposite sides led to the growth of the state. One, the increasing concentration and accumulation of capital led to a stage where the state began to play an important role in the capitalist economy, both as a direct participant and as a regulator.² From the opposite side, the pressure of enfranchised working masses led to social legislation to take care of the rough edges of the capitalist production relations. This is one example we see of enfranchised masses putting much more faith in state actions rather than in deliberations of civil society. By the end of the 20th century, the state was the largest employer, buyer and spender in all capitalist countries. Hence, the civil society imagined by liberalism got transformed due to the internal pressure of the propertyless de jure members who could not be its effective members and an external pressure of a bureaucratic state. The result was what Habermas calls "disintegration of the bourgeois public sphere" [Habermas 1989:175].

Civil Society in Mature Liberal States

So what type of civil society got fashioned under the bourgeois rule in countries where it has been operating longest? On the face of it, the space of civic freedom enjoyed by citizens of these countries is truly impressive. One only needs to compare it to the situation in the third world to be convinced of it. However, comparison with the third world is of little help in a critical evaluation of these societies, which should be done on the basis of ideals espoused by these societies. Many authors have noted that the rationalisation of social relations via the market and bureaucracy, the rule of law, a constitutional state, civic freedom and technological and economic progress in western Europe and North America have not led to human beings imbued with 'substantive rationality'. Rather these very features, which according to liberalism should have led to freedom, are often perceived as making the available freedom impotent. A vast array of economic, political and social forces lies outside the control of right-owning individuals. Available mechanisms of civil society are seen as no antidote to these power centres. Social relations are seen as

adversarial and alienating, rather than associative and enabling. This undercuts the very possibility of voluntary associations. The critical cultural activities, which were so central in formulating critiques of feudal society in the 18th and 19th centuries, have been swamped by a culture of consumption. The production of cultural commodities is controlled by profit-driven media conglomerates. The other liberal instrument key to the formulation of public opinion, the public debate, is still prevalent. But the participation is limited to specialists. The civil society is a consumer of such debates. The form of presentation necessary to retain the audience interests is the paramount concern during such debates. The public opinion formulated under media glare is hostage to a manipulative publicity; civil society has become a platform of advertisement by particular interests.

Politics in mature liberal states is dominated by two or more political parties controlled by 'party bosses' who determine the basic policies, decide about coalition partners, etc. Their one purpose is to win elections and get popular mandate. However, rather than being a passive reflector of people's demands, who vote for them, these parties are active agents in formulation of people's perception of their social reality. Electoral campaigns of political parties in evolved liberal societies are often run as product advertisement campaigns involving extensive prior 'market research' regarding 'consumer' choice and response, and like the prime time programming aimed for audience interest, are centred on personalities. On broad policies, the dominant parties are often in close agreement, legislation is a result of backroom bargaining; so what voters effectively get to choose is the face they see in prime time news. The result of a triumphant liberalism may be a consumerist utopia thriving on created desires, but is a poor image of liberal civic ideals.

The third world presents a different scenario. In countries like India, liberal polity has been functional for over five decades. But here not only the ruling bourgeoisie did not settle accounts with the country's feudal past, it also continued with the heavy-handed practices of the erstwhile colonial state. Liberalism never gained the hegemony it enjoys in western countries; the idea of abstract citizenship remains weak and bereft of any unifying principle. The civil society is manifestly torn between particular interests. Yet the very existence of liberal polity like the

electoral system means that these particular interests often take the path of populism to realise their goals. However, populism is the way for sections of society that actually enjoys some measure of power. The vast majority of people, who do not enjoy even formal political rights, are outside the civil society of liberal polity. Their struggles for life often take the form of direct struggles against the state and are not mediated through institutions of civil society. However, since the state routinely tramples upon their basic human rights, their struggle is often accompanied by the discourse of human rights. It is with the background of these struggles that many left intellectuals begin to call the arena of these struggles itself as the civil society. But their conception of civil society should clearly be distinguished from the civil society associated with liberal polity in which sections with social power participate.

Conclusion

With reference to North American states, where universal (white) male franchise was prevalent, Marx raised the following question in 'On the Jewish Question'. "Is private property not abolished ideally speaking when the non-owner has become the law giver for the owner?" [Marx 1971:93]. He further noted that in these states "the census is the last political form of recognising private property". Yet it would be naive for anyone to assume that the history of law and politics in North America can be understood without appreciating the influence of money power. The formal political equality exists when inequalities present in the society are not reflected in the formal, that is legal practices of the state. The institutions of civil society are formally open and secular when in their avowed objectives and open practices they do not discriminate. But these very facts mean that formal equality can co-exist with real inequality. This much is admitted even by the liberal political theory of the 20th century. However, the formal characters of state and civil society continue to be the starting points of this theory, and it continues to believe that existing inequalities can be overcome by managing the existing liberal institutions. According to us, the problem for an adequate understanding of the liberal state and civil society is rather different. Given the fact that societies with liberal polity have been and continue to be unequal in many aspects, what is needed is an exploration of the

mechanisms that integrate liberal state and civil society to existing social inequalities, irrespective of formal egalitarianism. It is from this perspective that in the foregoing we have presented a brief sketch of some of the seminal changes in the civil societies of liberal countries. [EPW](#)

Notes

- 1 Mahajan (1999b) seems to be recognising this in her rejoinder to Beteille. But she also gives the impression that systemic discrimination is external to institutions of civil society. She is not open to the possibility that formally open and secular civil society institutions themselves may be a source and means to reproduce social discrimination.
- 2 For instance, in 19th century the construction of railway networks almost everywhere was done with the help of bonds that had assured returns guaranteed by the state.

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