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Is violence constitutive of civil society?

Neera Chandhoke

LSE

www.lse.ac.uk/ngpa
tel +44 (0)20 7955 7205
fax +44 (0)20 7955 6039
email ngpa@lse.ac.uk

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Non-Governmental Public Action Programme
c/o The Centre for Civil Society
Department of Social Policy
London School of Economics and Political Science
Houghton Street
London WC2A 2AE

Tel: +44 (0)20 7955 7205/6527 Fax: +44 (0)20 7955 6038 Email: ngpa@lse.ac.uk

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Introduction

This essay takes as its theoretical referral two research projects of the Non-Governmental Public Action Programme in order to reflect on a rather vital issue: what is the relationship between violence and civil society ?¹ The argument in the essay draws out the theoretical implications of these two projects for the concept of civil society, rather than that of non-governmental public action per se for three, perhaps justifiable, reasons. Firstly, non-governmental public action takes place in civil society, or the semi-autonomous space (the concept of space is purely metaphorical) which lies between the household, the state, and the market. Secondly, it is evident that non-governmental public action is informed by, inspired by, and animated by the values of civil society: rights, obligations, publicity, accessibility, solidarity, collective action, and vigilance against transgressions of power. Thirdly, non-governmental public action is enabled as well as protected by the legal framework of civil society: the rule of law, constitutional rights, and an impartial judiciary. Above all, if the existence of an animated and semi-autonomous civil society is an essential precondition for democratic and developmental activities by citizen groups, social movements, and non-governmental actors, the activities of these agents help realise the many projects of civil society. For these reasons, I assume that any implications that we draw for civil society out of our study of violence, will necessarily hold some significance for NGPA.

The two projects that I take as a theoretical referent point are 'The impact of the War on Terror on aid policy and practice' directed by Jude Howell along with Jeremy Lind, and 'Conflict, community, and faith, the politics of public action in Sri Lanka' directed by Jonathan Spencer. The fundamental assumptions of both projects, I consider, are extremely significant for any conceptualization of civil society. Firstly,

¹ Since both these projects represent what is euphemistically termed 'work in progress', any theoretical implication that I draw from them is necessarily hesitant and qualified. I await the completion of the projects in order to draw a more definite theoretical picture of violence and civil society.

they highlight the importance of a contextualist understanding of a given civil society. The much vaunted autonomy of civil society may take a hard knock, when we understand that much of agendas, the priorities, and the objectives of civil society agents are shaped by processes, which are strictly external to the sphere. Secondly, these projects invite us to consider what civil society is in not so normal times, or rather in times of institutionalized violence, looks like. Both research projects highlight the one essential factor which needs to be comprehended as well as fore-grounded in any study of civil society: we may well find a substantial gap between the theoretical assumptions of the concept of civil society, and practices in actually existing civil societies. Finally, the two research projects are noteworthy, simply because the findings are likely to contribute substantially to the second generation theory of civil society. This second generation theory of civil society is more sober, more cautious, more uncertain and less optimistic about the potential of civil society to resolve the problems of the contemporary world, than the first generation theory of civil society was. But arguably, social theory can only proceed on its task of trying to negotiate the malaise of the human condition, only after it is aware of the many dimensions of the malaise itself.

Civil Society and Dialogue

In the history of political ideas, civil society has been seen as the site of collective action, here citizens come together to chart out all kinds of projects ranging from monitoring state power, to reflecting on what a good society should be, and how it can be brought out. Relationships between citizens was not considered to be a problem, the problem was what these citizens would make of the sphere of civil society. In recent times, however, civil society has had to take on another rather significant task. This task follows in the wake of what came to be known as the 'global ethnic explosion', and the politicisation of ethnic identities, which confronted not only states but also other groups in civil society. The one question that came to dominate political theory was the following: how do people in culturally plural societies come to live together in a certain measure of peace and harmony?

This question was fairly new for political theorists who had, for long, wended their way through the complexities of the human condition on the assumption that the political community was synonymous with the cultural community. However with the rise of identities in the ethnic mode in the public sphere, political theorists were compelled to recognise firstly that the political community contains a number of cultural communities, and that these cultures are of some value to their members. Secondly; citizens who belong to discrete cultural communities are not willing to leave their identities behind when they enter the public sphere. On the contrary many groups demand that these identities be recognised in the public sphere. Thirdly, it came to be recognised with some degree of discomfort that different cultural groups do not always agree on the core values which govern a political community, and which are coded in the constitution.

In India for instance, several political groups which draw their sustenance from close affiliation with religious organisations, contest the idea that secularism is the overarching principle of the political community. Of particular concern is the fact that

there is little agreement between these groups and others on gender justice, because some religious communities insist that the status of women should be governed, or is governed not by constitutional precepts, but by religious codes. In short, deep disputes over the basic values which form the core of a constitutional agreement, represents the most intractable problem that political theorists have had to confront. At the same time it is important that societies agree on the core values that provide the framework of the many transactions of a given plural society, for in the absence of such binding consensus, transactions are likely to go 'this' way or 'that'.

The political philosopher John Rawls had recognised precisely this aspect of American politics. The social upheavals of the late 1960s in the U.S and in Europe, had highlighted in some relief the lack of common historical and shared understandings on basic constitutional principles. Rawls, who wrote his magisterial *Theory of Justice* in the wake of the collapse of the great American dream of the melting pot, was to later suggest that social pluralism can no longer be bypassed by political theory when it reflects on the terms of social cooperation in society². Recognising that social pluralism carries immense repercussions for the task of designing just societies, Rawls set out to negotiate this precise problem. His resolution of the problem was rather ingenious. Locating his research agendas in the tradition of the social contract theory, Rawls argued that principles of justice, which ensure fairness to each individual, can only be charted out when people abstract themselves from their constitutive attachments. Therefore, when people assemble in an 'original position' to think out what these two principles of justice should be, one of the prerequisites of the process is that these people simply do not know who they are, and what position they will occupy in the society that will be set up via the contract. Or that the two basic preconditions for reflecting on the principles of justice are anonymity and impartiality.

² John Rawls, 1993, *Political Liberalism*, New York, University of Columbia Press, p 174; 1973, *Theory of Justice*, Oxford, Oxford University Press

Rawls took care to emphasise that the two principles of justice were purely procedural, and that any consensus on the indispensability of these principles was necessarily thin and not substantive. He called his notion of justice political, not metaphysical or substantive, in sharp contrast to Plato's theory of justice, which laid out in detail what the notion of the good which people and states should pursue, is. Further, Rawls argued that people had the right to pursue and revise their comprehensive conceptions of the good, but when it came to the public sphere they had to agree on these two principles of justice. In other words, even as Rawls accepted the fact of social pluralism, he negotiated the problems that accompany pluralism, by positing a divide between the public and the private domains.

In retrospect, the Rawlsian solution for the problem of social pluralism suffers from at least two major shortcomings. One, the distinction between the public sphere and the private sphere is deeply problematic. People do not set aside their prejudices which perchance form an integral part of their own comprehensive conceptions of the good aside, when they enter the public sphere. On the contrary, decisions taken in the public sphere may well reinforce the prejudices, particularly of dominant, groups. Secondly, the belief that people in a hypothetical state of nature sign a contract which lays down the two overarching principles of justice is open to niggling doubt. After the signing of the symbolic contract, some groups may well renege on this original commitment, if they find that this commitment goes against their deeply held beliefs or their comprehensive conceptions of the good. Moreover, political life does not recognise that one original contract is capable of binding future generations. Original signatures prove erasable to be rewritten, redrafted, and redrawn in every generation, and for different time periods. The overlapping consensus might well prove time bound, and flounder on the rocks of new conceptions of justice, or injustice as the case may be. In a bid to order rather chaotic and turbulent politics of all kinds, Rawls had provided solutions that were too neat and far too apolitical.

But if we rule out a once and for all contract, simply because it is undemocratic to bind future generations, how do people who subscribe to different belief systems, and who speak different languages, manage to agree on the basic principles that can conceivably go into the making and the legitimisation of a legal and political framework? How can a public sphere based on common interests be created, if there is no consensus on conceptions of justice, on conceptions of rights, on equality, or on what is due to human beings, or how societies should be governed? This imperative cannot be ignored simply because the kinds of transactions human beings enter into have to be governed by certain constitutional norms. In turn these constitutional norms can prove binding and legitimate only when the citizens agree on them.

One answer to this anxiety ridden question is provided by theories of dialogue. And it is precisely here that civil society emerges as significant for collective life. As the site of dialogue, deliberation, shared discourses and shared practices, civil society brings together people, who might otherwise be divided by the state and its disruptive practices, by the economy which fragments humanity into classes, and by cultural communities which define themselves against other cultural communities. In the space of civil society, human beings learn to connect with other human beings, transcend artificially created boundaries of class, caste, gender, and race, build bridges of solidarity, and traverse the obstacle ridden path to shared understandings. But this can be achieved only when human beings learn to speak to each other in and through the practices of dialogue.

I will suggest in a later section that it is precisely when persons stop speaking to each other or when they cease to communicate with each other that we see the eruption of violence. Here let me stress that the space of civil society, which is neither fully independent nor entirely dependent upon the state and the market, provides an appropriate setting for dialogue. The values of civil society; that of solidarity, rights, obligations, and collective action, encourage the institutionalisation of the spirit of dialogue, and the institutions of civil society stipulate the procedural

preconditions of dialogue; rule of law, publicity, and accessibility, or in more familiar terms freedom and equality.

The processes of dialogue are valuable for several good reasons, apart from the fact that dialogue brings together people who may otherwise be removed from each other by the exigencies of everyday life. For one, in and through the processes of dialogue, participants come to recognise others as people who matter. When we engage with others we validate their existence as people who count, or as persons who have a moral standing. Equally, we are reassured that in the eyes of others we possess moral standing, or that our existence as people who count is similarly validated. This contributes much to the ironing out of senseless conflicts which erupt, simply because people feel that they have not been 'recognised' in the sense of being treated with respect and dignity which accrue to the grant of moral standing. Correspondingly, when people belonging to different cultures, classes, genders, and religions begin to speak to each other; they realise that all of them belong to a common humanity. We recognise that all of us share a great deal with each other, the ability to feel pain and the ability to grieve on the one hand, and the capacity to make our histories along with others, on the other hand. This instils a sense of obligation to others. We realise that each of us pursues our interests and goals in full consciousness that others do the same, within the space of shared practices and specific institutions³.

O'Neill suggests that our pursuit of interests is, in part, based upon the actions of others insofar as we are dependent upon them, because we formulate our goals and our tasks and our expectations of outcomes in the context of other human beings. Our actions are conditioned by and contribute to institutions that affect others, and their actions contribute to the functioning of institutions that affect us. Because our actions assume others as conditions for our actions, we have made moral

³ Neera Chandhoke, 2003, *The Conceits of Civil Society*, New Delhi, Oxford University Press, chapter 4

commitments to these persons⁴. And when we recognise that we have commitments to other human beings, we have entered into a conversation with them or that we have established a relationship with them. Certainly the discourse of human rights is central to civil society, but the language of rights overlaps with that of obligation. For the assertion of a right, summons up an obligation on the part of relevant agents. Relevant agents are those agents who are in a position to affect the implementation of the right either negatively or positively.

It is true that in culturally plural societies, dialogue is not an easy matter, because participants speak different languages, and subscribe to different value systems. For cultural pluralism implies that there are many conceptions of the good, that each of these conceptions is of value, that each conception stands on its own ground and is irreducible to others, and that no conception can be ranked or evaluated with reference to other conceptions. But this does not mean that there cannot be a dialogue between persons who are embedded in distinct cultures. The effort we put into speaking with people who are not like us enlarges our own horizons and imaginations. Isaiah Berlin, who formulated in some detail the concept of incommensurability of values, had suggested that dialogue is possible because human beings share a human nature. It is this idea which sets limits to his pluralism and which prevents total incommensurability of values, because common human nature makes cross-cultural understanding possible. Communication between cultures is possible simply because 'what makes men human is common to them, and acts as a bridge between them'⁵.

Above all, dialogue cultivates toleration and instils civility, because the process allows participants to see and interpret the world from the perspectives of others. The give and take of reasons which can be publicly justified, the ability to accept another's point of view as more perhaps more persuasive and more valid, and the capacity to change one's own conception of what is right and good, institutes the

⁴ Onora O'Neill, 1996, *Towards Justice and Virtue*, Cambridge, Cambridge University Press

⁵ Isaiah Berlin 1991, *The Crooked Timber of Humanity*, Fontana, p 11

spirit of toleration. 'Toleration' suggests Galeotti, 'is the social virtue and the political principle that allows for the peaceful coexistence of individuals and groups who hold different views and practice different ways of life within the same society. This very general definition indicates that the conditions under which toleration is required are situations in which social differences exist which do not naturally coexist harmoniously; if they were to do so, there would be no need for such a principle'⁶. More significantly, in and through the processes of dialogue, participants realise that no *one* perspective can lay claim to epistemic, moral or rational authority. For these reasons, dialogue enhances a critical attitude to one's own culture even as it promotes a tolerant attitude to other cultures. I would go further and suggest that a culturally plural context provides a stimulus for assessing and reflecting on one's own norms, beliefs, and cultures, and interaction with others provides us with a valuable way of deepening our understanding and knowledge.

Finally, it is not important that participants in a dialogue arrive at a consensus, it is more important that these participants keep talking to each other, because the ability to speak to each other, to share practices and understandings, and to comprehend the view point of others, does much to tame irrational sentiments of distrust of others, and instil the spirit of civility and that of tolerance. Dialogue in civil society in short allows the construction of shared meaning systems and values, which transcend narrow and often chauvinistic beliefs and commitments.

To sum up the argument in the section above, one way of negotiating the enormous problem of how people belonging to different religions, speaking different languages, and subscribing to different systems of meaning, can begin to address each other and engage with each other in order to work out a core consensus on basic values of a society, is to institutionalize the tradition of dialogue in civil society. However, the possibility of instituting a dialogue, keeping this dialogue going, and establishing civility and toleration, depends on one main factor, that discourses and practices

⁶ Anna Elisabetta Galeotti, 2002, *Toleration as Recognition*, Cambridge, Cambridge University Press, p 20.

which encourage intolerance, and which can lead to the breakdown of dialogue, are resisted by the inhabitants of civil society. Civil society needs freedom from violence in order to realise its own potential; that of creating overlapping spheres of interaction and cultivating toleration and civility.

But it is precisely at this point that the idea of civil society as the space where these two values are nurtured and reproduced through dialogue runs into problems. Because we need to ask the vital question-to what extent is civil society insulated from the dynamics that mark other domains of collective existence?

Locating Civil Society

The answer to this question is not too sanguine, because the assumption that civil society is autonomous from other domains of human action, for instance the state and the market is just not persuasive. For the Italian Marxist theorist, Antonio Gramsci, civil society possesses little autonomy simply because it is the location where the capitalist state enforces invisible, intangible, and subtle forms of power, through educational, cultural and religious systems, and cultural practices. If political society disciplines the body through its penal codes and prisons, the practices of civil society discipline minds and psyches. Left at this, for civil society would be nothing more than a passive recipient of forces unleashed by the state and the dominant classes. But the sphere acquires, in Gramsci's theory, an active and an energetic dimension. Whereas civil society is the site where the hegemony of the state is forged, it is also the terrain of contestation. For it is precisely here that the subaltern classes can challenge the power of the state. The challenge to the state and dominant power equations in civil society may be, however, purely contingent, belong to the domain of happenstance as it were, but for Gramsci the role of civil society as a handmaiden to the state is a constant⁷.

Arguably the one methodological problem that was fore-grounded by Gramsci is the following: how do we study a particular text? How texts are read and interpreted is of course a major debate in the field of social theory. For instance do we read a text, in this case activism in civil society, in terms of the linguistic conventions, the practices, and the meaning systems of that particular civil society? Or do we focus on the context in which agents of civil society perform various roles, set priorities, and engage in activism? Whereas the former method of reading a text would undoubtedly generate thick descriptions, because it would map out civil society agents, their strategies, and their objectives, the method itself might prove

⁷ Antonio Gramsci, 1971, *Selections from the Prison Notebooks of Antonio Gramsci*, New York, International Publishers, p 261

irremediably flawed. Can we understand civil society without taking into consideration that this domain does not only exist alongside other domains of collective life such as the state, but that it constitutes these domains as much as it is constituted by them?

Consider for instance one of the main agents of civil society, civil liberty groups which aim to monitor and redeem transgressions of human rights by the agents of the state. Civil liberty groups take on and have taken on the state, but ironically the activism of these groups is facilitated as well as protected by the institutions of the same state that they target: the rule of law, constitutional rights, and an impartial judiciary. Although the exercise of power by democratic states it is expected will be responsive to and mediated by public opinion that is formed in civil society, it is difficult to ignore that the state, precisely because it is a condensate of power, has enough leeway to decide which activity is permissible and which is not permissible. For instance, civil society agents may attack the state in unrestrained ways, practice civil disobedience, and invoke the imagery of revolutionary transformations. The democratic state might permit all this, but there is one demand that no state, howsoever democratic it may be, is able to tolerate; the demand for secession. In such and other related ways is civil society constituted by the state.

If Gramsci writing in the 1920s and the 1930s in Mussolini's prison warned us that civil society is constituted by the practices of the state, a century earlier, the German philosopher Hegel had theorized that transactions in civil society are constituted by the logic of the capitalist market. Hegel, who was to give us the first fully blown theory of civil society, saw the sphere as essentially an achievement of the modern world. It is the domain, writes Hegel, where the individual finds in a concrete form that sense of subjective freedom, which could not be realised in earlier forms of society. But freedom can easily lapse into egoism, self-centredness, and instrumentalist conceptions of social interaction. When individuals are motivated by self-interest and self-aggrandisement, 'civil society affords a spectacle of extravagance and want as well as of the physical and ethical degeneration common

to both'. It is clear that for Hegel, social transactions in civil society reflect the logic of market transactions, where each regards the other as a means for the fulfilment of his own desires. Civil society is individualist and egoistic, selfish and fragmented. Left to itself it would self-destruct. But this Hegel could not allow, because a universal state could be institutionalised, only if civil society subordinated particularity to universality. Consequently, civil society for Hegel, becomes the historical space where the individual can be socialized into *realising-bildung* (educated) is the word Hegel uses - that an ethical community is the only way in which his sense of freedom is actualised. Civil society has to be organised through an intricate system of mediations, and the institutionalisation of moments of universality

The important point is that in the history of political theory civil society has not been seen as independent of other domains of collective existence. Its autonomy can, therefore, at best be described as relative⁸. Further we cannot assume that civil society is by itself democratic. The sphere is a site for a number of projects, not all projects sit comfortably with each other, many speak past each other, others jostle with each other, and yet others are involved in struggles for hegemony. The politics of civil society is about the politics of affirmation as well as conflict-ridden encounters, the politics of solidarity as well as that of confrontation. But this is what the generic concept of civil society is about; civil societies possess no *one* attribute, no *one* core, and no *one* moral disposition. Civil society is the space of a melange of different projects. This may be the strength of civil society; it is also possibly one of its major weaknesses. For if the forte of civil society is openness and accessibility,

⁸ It is therefore surprising that in contemporary political theory, civil society is often posed as an alternative to both the state and to the market; as the third sphere of collective life. Gordon White, for instance, conceptualizes civil society as 'an intermediate associational realm between the family and the state populated by organizations which are separate from the state, enjoy autonomy in relation to the state and are formed voluntarily by members of society to protect or extend their interests or values' White, Gordon (1994). 'Civil Society, Democratization and Development. (I) Clearing the Analytical Ground'. *Democratization*, vol 1, pp 375–90, p 379. And Jean Cohen and Andrew Arato refer to a 'third realm' differentiated from the economy and the state as civil society. In the hands of these two authors, civil society as a normative moral order is diametrically opposed to both the state and the economy. Jean Cohen and Andrew Arato, 1992, *Political Theory and Civil Society*, Cambridge, MA, MIT Press, p 18

then can we assume that everything that is good makes its way into civil society, and that other not so desirable projects are barred entry? I am reluctant to believe this much as I would like to, simply because some of the most hate ridden and fascist movements against religious minorities in India, have arisen in civil society. And that civil society networks also connect patriarchal, racist, and 'terrorist' groups is not unknown. This places an enormous burden on the shoulders of democratic groups that seek to realise the values and the ethos of civil society-rights, solidarity, obligation, and compassion to the victims of history. They have to battle for the values of civil society in the space of civil society.

Civil Society and the Institutionalisation of Violence

Yet the proposition that members of civil society should be aware that ideologies of power, profit, and patriarchy coded in the institutions of the state, the market, and the household seek to colonise projects in civil society, is qualitatively different from the proposition that dominant ideologies, such as the war on terror, seek to subordinate the many projects of civil society almost completely, to their own logic. It is in this particular context that the two assumptions which underwrite the project directed by Jude Howell and Jeremy Lind prove of enormous importance for any analysis of actually existing civil societies. These two assumptions are the following. Firstly that the agendas of aid agencies might well undergo major shifts when the context in which policy is made changes dramatically, and when new agendas phrased in terms of some urgency and immediacy are catapulted onto the political horizon. When one agenda begins to dominate the political scene, particularly when it is phrased in peremptory terms that order immediate compliance, other agendas which might have to do with the urgent task of ameliorating ill being, are likely to be marginalised, even subordinated.

This realisation is substantiated by the second assumption of the research project: that global politics, international security, and aid policy deeply intertwine with local politics to shape given civil societies. However, the relationship between the global and the local, suggest Howell and Lind, is dynamic, and mediated by the strength or the weakness of existing civil societies. It is this factor that renders outcomes contingent. It is consequently possible that the war on terror might have a greater impact on post-conflict states where state institutions are weak and civil society is still in the process of consolidation (Afghanistan), than in emerging democracies where the institutional framework for and legitimacy of civil society are still being established (Kenya), or in developing countries with established democracies and legitimate civil societies (India).

Howell and Lind imply that the essential *preconditions* of civil society activism: bringing citizens together in shared practices and shared discourses, respecting rights, instituting the spirit of toleration and civility, and developing the ethos of obligation to others, particularly the disadvantaged, are normal politics, a relative degree of peace, and some measure of political stability. It is only then that agents can proceed to chart out programme and priorities along with other agents in a measured and balanced manner. But if the context is rendered unusual, simply because the political environment is stamped by an air of immense anxiety, and because one objective, which is phrased in the ideology of the war on terror, overrides or trumps other objectives, the changed scenario might well have a marked impact on civil society activism, notions of what we owe other human beings, doctrines of the sanctity of rights, and the idea of solidarity with the victims of history.

I identify the war on terror as an ideology advisedly, simply because ideologies as political constructs frame interpretations of the world, legitimise or de-legitimise phenomena, allot values, and constitute identities. Ideologies in other words shape the way we look at the world and what we make of the world. Though the world is characterized by a multiplicity of ideologies: of patriarchy, of feminism, of caste, of race, of class, of nationalism, and of ethnicity, and though these ideologies challenge each other, as well as compete with each other for allegiances, arguably the power of a particular ideology depends on the power of the ideologue. The power of the ideology of the war on terror is traceable to the fact that this ideology has been formulated and disseminated by the sole hegemon in the world today, the U.S. Therefore, it carries immense power and commands absolute obedience. If this phrase had been coined and disseminated by any another country, it would not have extracted allegiance in quite the same way. But when the U.S speaks, the rest of the world is forced to listen to the basic message coded in this ideology: that terrorism must be eradicated irrespective of the costs this project might carry.

What are these costs? For one, the U.S has managed to sideline the U.N as the legitimate mediator of conflicts almost completely. According to the Charter of the U.N the right to act on behalf of human kind is reserved for the Security Council and this provision can be invoked only in conformity with the regulations of Chapter VII of the Charter; that is in cases when international peace and security are threatened. This imparts a certain degree of assurance to populations and countries, that illegitimate deployment of force will be resisted by the world body. It is precisely this assurance that has been weakened because the U.S has taken over, without the sanction of the U.N, and without meeting the requirements laid down in Chapter VII of the Charter⁹ the role of deciding where and when violence will be deployed and for what reasons. The Security Council has been reduced to putting its stamp on decisions taken elsewhere. Secondly, even as the U.S has taken it upon itself to type states notably Iraq, Iran, and North Korea, as rogue states, denounce these states, and demonize them as evil, the international order which has been carefully built up around notions of non-intervention has been shaken to the core. And notions of national sovereignty have been dismissed with some impunity; this is more than evident in the invasion of Afghanistan and Iraq. 'Terrorism within the US' writes Spence, 'had hitherto been predominantly treated as a law enforcement issue demanding investigation and prosecution according to prevailing standards of due legal process. The September 12 redescription [when President Bush described the acts of terror as the acts of war], however, specified as global both the territory of the 'new' enemy and the space that US policies subsequently traversed, overturning in an instant the Kennanite norms of deterrence and containment that shaped US strategic thinking throughout the Cold War'¹⁰

More significantly, the one-dimensional focus of the ideology of the war on terror has served to displace settled understanding on social justice and civil rights,

⁹ The U.N does not recognize the doctrine of preventive war as articulated by the U.S, because under the provisions of Chapter VII of the Charter, all use of force in international relations is explicitly banned except in self-defense or if the Security Council sanctions the use of force in consonance with Chapter VII.

¹⁰ Keith Spence, 2005, 'World Risk Society and War Against Terror' *Political Studies*, vol 53, p 284-302, p 288

understandings that have been reiterated and codified by the U.N in the recent past. The militarization of the dominant discourse has, in effect, marginalised issues of social justice and development. As Tujan, Gaughran and Mollet put it, 'as the war on terror becomes the number one global political priority, development cooperation is increasingly being influenced or captured by the global security agenda. Security considerations are being promoted as key in the granting of development aid, either in the selection of programmes or partners in the actual promotion of military or quasi-military assistance as development aid'¹¹. The three authors document how military aid to South and South East Asia which contain substantial Muslim population has gone up substantially compared to economic aid. For instance in South Asia, U.S overseas development assistance grew by 85 percent from 2000-2003, but expenditure on international military education and training grew by 593 percent in the same period¹². The war on terror appears to have altered the primary objective of aid giving; that is development cooperation, and concentrated on the militarization of entire societies.

And Jude Howell has argued that the subordination of foreign aid to military, foreign policy, and economic interests, has altered the context in which development aid is framed and implemented. The declaration of the war on terror by President Bush has highlighted the strategic relevance of foreign aid to both national interests and global security¹³. Foreign aid, suggests Howell, has always been part of donor state's soft approach to pursuing foreign policy, and military and commercial objectives, particularly during the cold war period. The end of the cold war, however, freed aid policy from the constraints of ideologically informed global political rivalries. 'Donor agencies and Western governments began explicitly to place issues of governance onto the developmental agenda, making human rights, democracy, the rule of law, and accountability conditions for aid...Rights based approaches to development, voice, and participation became leitmotives of development practice

¹¹ Antonio Tujan, Audrey Gaughran, and Howard Mollett, '2004. 'Development and the "global war on terror"', *Race and Class*, vol 46, no 1, pp 53-74 in p 54

¹² Ibid p 57

¹³ Jude Howell, 2006, 'The Global War on Terror, Development and Civil Society' *Journal of International Development*, vol 18, pp 121-135.

and writing'¹⁴. The global war on terror has, argues Howell, redefined the environment in which international aid is framed, constructed, and implemented. Howell argues persuasively that aid is no longer targeted towards the realisation of certain objectives that are desirable in themselves, such as the importance of removing poverty that stifles human initiatives. Now the removal of poverty and deprivation is seen instrumentally, not as desirable ends in themselves, but as essential for wiping out the scourge of terrorism, that it is held, breeds amidst deprivation and ill being.

Even as the normative significance of development; as a way of redressing the ills of the human condition, has been whittled down to a large extent, and even as aid is now perceived as a weapon to ensure security, the notion of security has itself undergone a remarkable shift. In the 1990s international relations theory had been transformed, from an exclusive and overriding pre-occupation with national and strategic interests, towards a softer and more normative preoccupation with the preconditions of human dignity. The debate which was initiated by Barry Buzan in the 1980s¹⁵, served to notably expand the traditional concerns of international relations theory, and to foreground the supremely normative notion of human well being.

In a basic sense, security privileges rights and refers to a state of affairs. When the core moral rights of life, freedom, equality, justice, and the right to assert rights are institutionalized and protected in and through policy, when these rights are seen as essential preconditions of living a life that is truly human, human beings are secure. Security as a concept, is in other words, supervened upon the concept of rights. The defense of right are the core moral concern of states and institutions, and if these rights are respected, institutionalized, and implemented, human beings are assured that they are secure in the possession of these rights. Security is a property of a state of affairs, freedom from fear.

¹⁴ Ibid p 123

¹⁵ Barry Buzan, 1983, *Peoples, states and fear: the national security problem*, Brighton, Wheatsheaf

With the declaration of the war on terror, the discourse of rights has been rendered secondary, and security has once again become the property of states. This marks a rather dramatic U turn in the normative discourse on security, and in the relatively new preoccupation of international relations theory with human wellbeing. What is more worrying is that the replacement of the discourse of human rights with that of national security; has neatly provided governments with a convenient excuse to suspend or suppress vital civil liberties. 'Not every human rights abuse can be attributed to the 'war on terror' states a 2006 report by Amnesty International, but there is no doubt that it has given a new lease of life to repression. It has provided an effective smokescreen for governments to authorize arbitrary and unfair trial, suppression of political dissent, and ethnic persecution, knowing that any international criticism will be muted'¹⁶.

The U.S, for instance, has employed enormous discretionary power to detain and torture suspects either directly or by sending them to countries where governments display not the least compunction in torturing and abusing prisoners- Afghanistan, Pakistan, Gambia and Jordan¹⁷. No lawyer can petition the authorities, seek judicial review or demand fair trial for those in detention, for the simple reason that no one knows where these people are being held and by whom. The U.S, holds the 2007 AI report, treats the world as one big battlefield for its war on terror. 'The US administration remains deaf to the worldwide calls for closing down Guantanamo. It is unrepentant about the global web of abuse it has spun in the name of counter-terrorism. It is oblivious to the distress of thousands of detainees and their families, the damage to the rule of international law and human rights, and the destruction of its own moral authority, which had plummeted to an all-time low around the world- while the levels of insecurity remain as high as ever'¹⁸.

¹⁶ Amnesty International, 2006 'Terror and Counter-Terror: Defending Our Human Right', ACT40/009/2006, <http://web.amnesty.org/library/Index/>, accessed on 22 June 2007

¹⁷ Foreword to the Amnesty International Report 2007 by Pierre Sane, p 8

¹⁸ Ibid, p 9

The actions of the U.S., that of willfully disregarding civil liberties, has encouraged other governments to do so in the full assurance that they will be protected by the ideology of the war on terror. In the process, all the procedures which have been established for dealing with perpetrators of violence have been dispensed with, and now even suspected 'terrorists' are dealt with summarily. Let me illustrate this with reference to India, which sees itself as a key player in the war on terror. On 26 November 2005, senior officers of the Gujarat police, who belonged to the Anti-Terrorism Squad, killed one Sohrabuddin Shaikh. The circumstances of the killing were particularly gruesome and marked by a complete disregard for basic human rights. According to the Gujarat Criminal Investigation Department, which was ordered by the Supreme Court of India in 2006, to investigate the killing, Sohrabuddin and his wife Kausar Bi were pulled off a bus on 22 November along with Tulsiram Prajapati, and detained in a Gandhinagar farmhouse. On the morning of 26 November at 4 a.m. Sohrabuddin Sheikh was taken in a car to a place where the police was waiting for him. He was pulled out of the car, thrown on the road, and four police inspectors fired eight rounds from their service pistols into his body. Subsequently, Kausar Bi was taken away from the farmhouse, reportedly raped, and poisoned. Her body was burnt and disposed off by ATS officers¹⁹. According to all reports Tulsiram Prajapati was also killed, because he was witness to the crime. The police passed off this killing in cold blood as an 'encounter' with a member of the terrorist organisation, the Lashkar-e-Taiba. It was alleged that Sohrabuddin was conspiring to kill the Chief Minister of Gujarat, Narendra Modi, and other leaders of the ruling BJP.

The Supreme Court of India intervened and ordered an enquiry. The state government accepted that although criminal charges against Sohrabuddin Shaikh included extortion, he did not belong to any terrorist group. The state government admitted that between 2003-2006, 31 such killings had occurred in Gujarat, that most of these killings were carried out by officers belonging to the ATS, that almost all the victims were killed in the early hours of the day, that the majority of these

¹⁹ <http://www.hindustantimes.com/storypage>, accessed on 20 June 2007

killings took place in Ahmedabad, that thirteen of those killed were Muslims, and that the killings took place on the pretext that the people shot dead had conspired to commit acts of terrorism.

Amnesty International has alleged that the recent upswing in these killings by the Gujarat police began after the communal violence in Gujarat in 2002. The city of Ahmedabad is highly prone to communal violence, and riots between the Hindus and Muslims have become an endemic feature of the urban landscape since 1941, but more particularly since 1969²⁰. The city leads the country in the number and the scale of violence between religious communities. 2002 however marks the high point of violence in Ahmedabad. Some Muslim miscreants had set fire to a compartment of a train carrying Hindu members of the religious right, who were returning from Ayodhya. A number of Hindus died as a result. Rather than dealing with the people who had committed a wrong in accordance with legal procedures, within a day, crowds led and directed by leaders of the Hindu right-the Rashtriya Swayam Sevak Sangh, the Bajrang Dal, and the Vishwa Hindu Parishad, launched a veritable pogrom against the Muslim community. 70,000 Muslim citizens were rendered homeless and 2000 people, mainly Muslims were killed brutally. Muslim women were subjected to particularly brutal acts of sexual violence, and children were murdered without compunction. According to reports by civil liberty organisations and citizen tribunals, politicians belonging to the ruling party, as well as the police played an active role in giving directions to crowds, which were sometimes 5000 strong, by mobile phones and other electronic devices. At least two Gujarati newspapers provided lists of commercial establishments, restaurants, and homes owned by Muslims. What was also distinctive about violence in 2002 was that that rich Muslim entrepreneurs as well as politicians belonging to the Congress party, for example Ahsan Jaffir were brutally killed. It was also noted that Hindu women, many of them belonging to the affluent upper castes, were looting shops

²⁰ Our research team from the developing countries research centre of Delhi University carried out field work on Ahmedabad in 2006 and the first half of 2007, as part of the Crisis States Programme Phase II, located in DESTIN, LSE, and directed by Professor James Putzel. The report is currently being finalized.

owned by Muslims. Successive waves of violence have substantially reordered the demographic map of the city, and now Muslims are crowded in ghettos, some of which contain as many as 250,000 residents.

These ghettos are typed by other inhabitants of the city as mini-Pakistan, the roads which divide the ghetto from other residential areas are called the border, and Muslims themselves have been subjected to hateful and hate-filled stereotypes, as Pakistani's, as traitors, as quislings. The war on terror has provided fascist groups with another adjective; that of terrorist. And the U.S has set an example on how suspected terrorists should be treated. Further, the ideology of the war on terror has given to the parliamentary party of the religious right, the Bharatiya Janata Party, which came back to power in the state assembly elections in the aftermath of the massacres in 2002, an additional weapon. After the killing of Sohrabuddin Shaikh, the Gujarat government claimed that it was compelled to take recourse to killings of 'suspected terrorists' because Islamic fundamentalist groups and Pakistan's intelligence agencies were bent upon extracting revenge for the pogrom of 2002²¹. The war on terror has in effect legitimised state terrorism and rendered minorities even more vulnerable. As one commentator puts it 'various anti-terrorism police outfits can operate in India the way they do only because of support from the highest quarters, including access to huge amounts of money, with which to fund 'special' operations and patronize informants...Anti-terrorist police, citing 'secrecy', defy all accountability and become a law unto themselves'²². But continues Bidwai, there is a difference between the senior and well connected police officer involved in this case, Vanzara, and other encounter specialists. He claimed love for the nation or worship of the nation, and depicted these killings as patriotic acts.

This gives cause for some thought, has perchance the ideology of the war on terror accomplished much more than the marginalisation of civil liberties? Has the ideology

²¹ Amnesty International, 2007, 'India: A pattern of unlawful killings by the Gujarat police: Urgent need for effective investigations' <http://web.amnesty.org/library/Index>, accessed 22 June 2007

²² Praful Bidwai, 2007. 'Gujarat's shameful 'encounter' killings' *Transnational Institute*, <http://www.tni.org>, accessed on 20 June 2007

perchance served to constitute identities in particularly intolerant modes? Has intolerance, which constantly lurks over, and threatens traditions of toleration and civility in civil society, been legitimised? Perhaps. I have suggested earlier in this argument that democratic groups in civil society have to battle undemocratic groups in order to realise the potential of civil society; that of instituting a dialogue between different people. In this task, democratic groups are protected by the legal framework; constitutional rights and the rule of law. But when the language of rights is devalued simply because it has been subordinated to the ideology of fighting terrorism, democratic groups are left unprotected and weaponless. The impact of contexts on the normal activities of civil society has never been thrown into sharper relief than this. More troublesome is the fact that the suspension of democratic norms by the state has encouraged the development of sectarian identities and legitimised extreme intolerance. Arguably, the ideology of the war on terror has not only served to downgrade civil liberties, and replaced the language of rights with that of state security, it has accomplished a much more dangerous dynamic; that of constituting identities in a particularly nasty mode. Let me illustrate this by reference to another incident in the annals of the recent history of India.

On 13 December 2001, a group of 'terrorists' tried to enter the precincts of the Indian Parliament in a white ambassador car while Parliament was in session. The security personnel stopped the car after it had entered the gates, and in the exchange of gun fire all five passengers were killed. Two days later, one Mohamed Afzal was arrested in connection with the attack. The investigating agencies found three people to have masterminded the attack, Maulana Masood Azhar, chief of the terrorist group Jaish-e-Mohammed which operates from Pakistan, Ghazi Baba, the alleged chief of Jaish operations in J and K, and Tariq Ahmed a Kashmiri. But it was Afzal who was held responsible. The Supreme Court subsequently acknowledged that Afzal neither masterminded the attack, nor was he the executor. The evidence was purely circumstantial. Afzal himself stated that though at one point of time he had joined the militant group in the Kashmir Valley, the Jammu and Kashmir Liberation Front led by Yassin Malik, he had subsequently renounced his

membership. It can also be noted in this connection that though the JKLF had initiated the popular revolt against the mismanagement and corruption of the Jammu and Kashmir Government and the Government of India in 1989, by 1993, the group had given up violence. The armed struggle in the Kashmir Valley has subsequently been hijacked by outsider groups, particularly mercenaries formerly active in Afghanistan, and committed to jihad. Moreover, according to Afzal, he had mere nodding acquaintance with members of the group who had executed the attack on Parliament, and the only concrete evidence that he had any connection with them, was a telephone call he had made to one of the members on the latter's mobile phone.

The Supreme Court admitted that evidence against Afzal was neither substantial nor conclusive, but yet he was sentenced him to death, a sentence which is reserved for the rarest of the rare cases. For some strange reason the Court held that 'the collective conscience of the society will only be satisfied if the capital punishment is awarded to the offender'²³. The sentence, in short, seemed to cater to demands of fascist groups more and to principles of natural justice less. Afzal's wife subsequently appealed to the President of India for clemency under Article 72 of the Constitution; that his death sentenced should be commuted to life imprisonment. The President has still not decided on the case, but in the meanwhile indignant clamour arose from right wing groups that Afzal should be hanged. Civil liberty groups and concerned citizens who argued that capital punishment is unacceptable in civilised societies, have been subjected to a great many indignities and accused of being anti-national. For instance on a website called 'Prudent Indian', a number of posted messages carried alarming connotations. Some samples illustrate the intolerance that has overtaken substantial sections of Indian society. 'Let me start by saying that I have no sympathies for Afzal or for any of his cohorts. Any body who advocates Clemency for him and alike is committing a crime against my Motherland and in my eyes is as big a traitor as Afzal...The attack on the Parliament was not

²³ Somini Sengupta, 2006, 'Indian opinion splits on calls for execution' *International Herald Tribune* 9 October 2006

any another attack on the India. This was an attack on the Nation; its people, its very idea of existence'. A little later the writer attacks secularists and liberals. 'These are the people who provide the spacious ideological arguments supporting terrorism. Human rights activists get charged up as and when a Terrorist is apprehended and tried in any court of law...These apologists for terror have no sense for crime and justice. The message should be loud and clear to all those who threaten India's democracy and its essential freedom; that they will be annihilated'. And other websites, mostly owned and managed by the religious right carry the same messages.

A number of scholars have suggested that the war on terror has succeeded in destroying civil liberties in particular; and the concept of rights in general. Jude Howell argues that after 2001, 'many governments have skilfully deployed the language of terrorism to undermine and oppress their perceived enemies. Even where previously governments may have used the language of extremism and terrorism to label opponents, in the post September 11 context such terms have a heightened resonance and justificatory power'²⁴. I would go further and add that the ideology of the war on terror has served to constitute members of civil society in a particularly intolerant mode. The ideology of the assault on terror divides and subdivides civil society, justifies bigotry, constructs otherness, and renders already vulnerable members of civil society even more vulnerable. The context of institutionalized violence as embodied in the war on terror, both frames and invades the text; that is civil society. And the prospect that people are able to transcend narrow and constricting identities and come together with other people, in shared discourse of solidarity in civil society, is rendered more distant.

²⁴ Jude Howell, 'The Global War on Terror, Development and Civil Society' p 127.

Institutionalisation of Violence in Civil Society

The second factor that threatens traditions of tolerance and civility in civil society is that of the institutionalisation of violence within society. If civil societies can be constituted in intolerant modes by external contexts, or by the ideology of violence phrased in terms of war and terror, matters are infinitely worse in societies where groups have taken up arms against each other and when they speak the language of violence. In Sri Lanka, groups suffering from an overpowering sense of injustice have used massive violence not only to target the state, but also other members of civil society. And both the state and these groups have responded by recourse to the rhetoric of intolerance and hate. For some time now Sri Lanka has been caught up in a never ending spiral of violence, which threatens to submerge everything else to its own relentless logic. Jonathan Spencer seeks to explore the role of non-governmental actors in peace building as opposed to negotiation between combatant parties and the top down policies of the state. Does faith based action in Sri Lanka contribute to peace and social healing or exacerbate the roots of conflict in situations of long term conflict? What are the key differences between different faith based organisations, and do these differences possess implications for the organisation's potential role in conflict situations? Arguably any negotiation of the question whether faith based organisations can help institutionalise peace, is highly dependent on how we conceptualise peace. Is peace merely the cessation of armed hostilities, or does it mean something more?

Because we live in a conflict ridden world, and because conflict has become a way of life, peace appears to be the binary opposite of conflict, or as no conflict. But this is a thin notion of peace, peace as the absence of conflict, whereas a stronger notion of peace should mean much more. Arguably peace is secured only when justice, recognition, and toleration are properties of human relations. Let me expand on this point. Any complex society contains within its spatial and its symbolic boundaries, different cultural communities. Till this point the proposition remains at

the level of the purely descriptive, and need not carry any sort of political connotations. Groups can relate to each other in different ways and none of these ways carries any special significance²⁵. For instance, groups in a society may keep to themselves, and regard other groups as the unknown and perhaps the unknowable. We, members of x group can believe, have our own reasons for doing things that we want to, and members of group y have their own reasons for doing things that they want to. These reasons have to do with our internal self-understandings, our shared language, traditions, and histories. These internal understandings can neither be comprehended, nor appreciated by people who have not been born into a culture, or shaped by the values of the culture and by narratives of belonging. These groups living in what anthropologists call a back to back relationship live in a certain degree of peace, simply because they have little to do with each other.

In the modern world, however, this kind of peace is bound to be chancy and ephemeral simply because people are bound to each other in and through a myriad of transactions, particularly transactions that involve competition over scarce goods. These goods can range from educational opportunities, employment, power, to the issue of which language will become the national language, and whose religious or cultural symbols will be sanctioned as the symbols of the cultural sphere. Today the civil war in Sri Lanka has acquired a trajectory of its own, and it is difficult to recollect that the conflict erupted in the first place, over language policy. History has shown that the privileging of one language at the expense of others is to invite discontent. For the speakers of the language that is disadvantaged, not only feel, and rightly so, that their opportunities for skill formation through education, employment, and participation in the political life in the country have been negated, but also that their linguistic identities have been devalued. It is this double value attached to language, language as the symbol of identity and language as opportunity; that has rendered linguistic conflicts explosive, pace the secession of Bangladesh. In India some of the

²⁵ Walzer suggests that there are five different attitudes that we can bring to the fact of difference: acceptance, resignation, indifference, stoic endurance, openness and full endorsement. Michael Walzer, 1997, *On Tolerance*, New Haven, Yale University Press, pp 10-12.

most bitter conflicts in the country took place in the 1950s over the formation of linguistic states, and in the 1960s over the issue of an official language. If in the 1950s and early 1960s, Gujarati's in Maharashtra and Sikhs in Punjab, were restless because they felt that their language had been devalued simply because they had not been given a state of their own, in the 1960s in Tamilnadu two young men immolated themselves at the prospect of Hindi been declared as the national language. Copies of the Constitution were burnt in the streets of Madras, and many Tamilians declared secession from the Indian Union. The Government of India has adopted a policy of (a) accommodating the demands of all troublesome groups for a state of their own, and (b) a three language formulae which pluralises the language issue. The Sri Lankan government has, however, proved more resistant when it comes to demands for autonomy and decentralisation of power. The absence of peace in this case has to do with the denial of justice to the Tamil community.

Sri Lanka is not alone in this, across the world states have pursued partisan and discriminatory agendas, and penalised groups that do not belong to the same cultural community as the holders of state power. Whereas modern states privilege democracy, citizenship, and popular sovereignty, all of which are inclusive concepts, these states have also developed new forms of exclusion based on ethnicity. This inhibits the realisation of peace which is inherently connected to justice and non-discrimination. More significantly peace is assured when people recognise each other as persons who matter, and when they learn toleration and civility in and through dialogue.

But when the very conditions that enable dialogue break down, when people begin to perceive the other as the 'enemy' or as someone who is not human, violence erupts in particularly nasty forms. There is no other explanation for the terrible violence which human beings heap upon their own, except that the victims are simply not recognised as human, or as belonging to a common humanity. In other words, if to engage in dialogue is to validate the moral standing of others as people

who matter, the absence of dialogue means that such moral standing is denied to others.

This is particularly evident in the case of Ahmedabad. One of the factors that is unique to the city, is the complete segregation between the Hindu and the Muslim communities, both residentially and socially. The residential ghettoisation of the Muslim community followed the first major riot of 1969, but there is little indication that the two communities participated in shared practices in the past. This is highly unusual considering that Ahmedabad is an industrialised city, till the 1980s Ahmedabad was called the 'Manchester of India', and industrialization contributes much to the making of a working class culture which can transcend other boundaries. Moreover the residents of the city had played a central role in the anti-colonial freedom struggle. Despite the fact that the freedom struggle also generated the demand for partition, history validates that different communities came together under the banner of the struggle, and thereby established bonds of solidarity. Above all, Mahatma Gandhi, who was known for his commitment to the cause of communal harmony, lived in Ahmedabad for quite a while in the decade of the 1910s and the 1920s. But in Ahmedabad these historical events have not contributed to the making of a culture of dialogue, or the institutionalisation of the spirit of toleration and civility.

For instance, in 1921 Mahatma Gandhi launched the non-cooperation movement as a back to back movement with the Khilafat agitation, which had been initiated in 1920. The move was deliberately fashioned to bring both Hindus and Muslims together on a common platform. The initiative proved a success in most parts of the country. If the members of the Khilafat agitation were grateful to Mahatma Gandhi for supporting their cause, they also became sympathetic to the wider movement for independence. Conversely, other communities came to be aware of and sympathise with the issues raised by the Khilafat movement. Ahmedabad proved different. The 1931 census recorded that the boycott of the colonial government in 1921, and in 1931 when Mahatma Gandhi had launched the civil disobedience movement, was effective only with the cooperation of the Hindus and the Jains. The Muslim

community however cooperated with the census operations of the government. In 1941 the District Magistrates report on communal riots in the city stated that 'since 1937, relations between the two communities have deteriorated rapidly...The Muslim League became very powerful in the city and practically all Mohammadens of note, except a few Congressmen became members of it...Of recent months, the Pakistan scheme of Mr Jinnah has made a wide breach between the two communities. The local Hindu Mahasabha was particularly bitter against the scheme and constantly exhorted Hindus to adopt more vigorous actions'²⁶. The sole political movement in which the two communities participated substantially was the movement to demand a separate Gujarat state within the Union of India. And this was shortlived.

The other forum, in which relationships of solidarity could have been forged between the two communities, was the Textile Labour Association. However the organisation, which was set up by Mahatma Gandhi as a new form of trade unionism, failed to impart a radical edge to working class politics. The politics of cooperation between the mill owners and the workers actually bred conservatism. More significantly, the Union failed to transcend religious divisions between the workers in and through the politics of class. The Royal Commission on Labour in 1905 had reported that Muslim workers in the textile industry, has in the pre-trade union period, set up their own guilds and their own associations. After the formation of the TLA, matters did not improve substantially. According to Jan Breman who has worked extensively on the rise and fall of the working class in Ahmedabad, Muslims were employed in departments which had few workers from other communities. This led to the setting up of another union for the workers in this occupation. The Muslim workers felt more at home here than in the TLA, with its dominant Hindu style of functioning. These workers tended to vote for Muslim League candidates in elections, even when a mill worker stood for elections. In the early 1940s Mohammed Ali Jinnah visited Ahmedabad, this was after the Muslim League had passed the Pakistan resolution.

²⁶ *Report of the District Magistrate, Ahmedabad, on the Hindu-Muslim Disturbances in the Ahmedabad City*, dated 12-12-1941

He addressed a crowd of 35,000, mainly mill workers, and all of them were Muslim²⁷.

Above all in Ahmedabad, the Gandhian legacy of peace and non-violence proved ephemeral. When the inhabitants of the city violently protested against the arrest of Mahatma Gandhi in 1919, noted Gandhian's walked the streets to counsel peace. But when in 2002 Muslims fleeing violence asked the Gandhi ashram for sanctuary, the gates of the ashram were closed in their faces. This incident perhaps illustrates the point I am trying to make, when people do not engage with each other in the many forums of civil society, for example political movements and trade unions, and when they do not enter into a conversation with each other, the realisation that all people belong to a common humanity, and that therefore we owe human beings, is elided. It is only when persons deny moral standing to other human beings that they become capable of inflicting deep violence on others. This is something which agents in conflict ridden societies have to understand. Their task does not end at bringing about a cessation of armed warfare or calling an end to brutality. The task of the agent who mediates in conflict ridden societies is to restore or create the conditions which make dialogue possible. This is the absolute precondition for establishing civility in social transactions.

In sum a stronger notion of peace is inextricably bound to (a) justice and absence of discrimination, (b) the institutionalisation of practices which helps us recognise others as people who matter because we belong to a common humanity and (c) civility toleration towards others because we realise that our own positions need to be rethought and other perspectives may be right. Consequently the prospects of peace are dependent upon the institutionalisation of traditions of dialogue. And it is precisely here that civil society agents can play a vital role by bringing people together and invoking understandings that are common across difference. Is it

²⁷ Jan Breman, 2004, *The Making and Unmaking of an Industrial Working Class-Sliding Down the Labour Hierarchy in Ahmedabad, India*, New Delhi, Oxford University Press, pp 75-76

possible for civil society agents to bring together warring communities, or identities that have been constituted in a violent mode by the external context in a dialogue?

Conclusion: Challenges to Civil Society

The 1980s marked the return of civil society as central to political theory and practice for a number of reasons, mainly the victory of protest movements against some very powerful Stalinist States in Central and Eastern Europe. These victories were to inspire a move away from the state to civil society across the world. Taking the Eastern and Central European experience of the 1980s as a referral, theorists and activists suggested that citizens faced with recalcitrant and unresponsive political institutions should turn their back on the political domain, and form self-help organisations in civil society to resolve their problems, or devise their own methods of representation and participation. The shift was prompted by the inability of traditional modes of representation such as political parties to represent the interests of people. Parties had, in other words, exhausted their capacity to represent the aspirations of their constituencies, because they had become hierarchical, bureaucratic, and rigid, and because they tended to follow the political logic and impulse of power seeking more, and pursue the task of representing the needs and the interests of their constituents less. Since political modes of representation proved inadequate, the move to civil society organisations, which at least are in touch with the exigencies of everyday life, was both natural and understandable.

But at the same time as scholars and activists began to look to civil society with some hope and expectations, that here citizens would be able to pool energies to negotiate the problems of the human condition, the international order and national states were shaken by another series of developments. The first such development in the wake of the demise of socialist societies was the ethnic explosion. Over the world people began to assemble under the banner of ethnic identity to challenge injustices on the one hand, and to demand a state of their own on the other. More often than not these upsurges were accompanied by armed struggle. How do civil societies, which are marked by the ethos of solidarity, obligation to the victims of

history, collective action and vigilance towards abuse of power, deal with the phenomenon of violence? It is more or less assumed that when members of civil society enter the sphere, they put aside their swords, six shooters, and other paraphernalia of violence, which may have governed public transactions in pre-modern times. Any swordplay or duelling, howsoever dramatically appealing and romantically swashbuckling it may appear to us, is not for this sphere. The only weapons that can be deployed in the discursive spaces of civil society are those of rhetoric, perorations, declamation, and reasoned argument. Or the member of civil society engage in collective action; such as marches, demonstrations, protests, demonstrations, strikes, and other means of *civil* disobedience. Violence, however, is simply not allowed, because human kind had been rendered civil as Norberto Elias told us in such evocative detail²⁸.

In the main humankind has been rendered civil because violence was tamed. And violence was tamed because states had acquired, as Max Weber argued, a monopoly of violence. 'Today', wrote Weber, 'the use of force is regarded as legitimate only in so far as it is either permitted by the state or prescribed by it. Thus the right of a father to discipline his children is recognised a survival of the former independent authority of the head of a household, which in the right to use force has sometime extended to a power of life and death over children and slaves. The claim of the modern state to monopolise the use of force is as essential to it as its character of compulsory jurisdiction and of continuous operation'²⁹. The modern state replaces violence by order and authority. In turn the sovereign nation state, firmly in control of the production and reproduction of violence, provided the foundation of the international state system.

The foundational principles of national and international orders have, however, been fundamentally challenged by the de-centred but pervasive violence that infiltrates all

²⁸ Norbert Elias, 1998, 'The Development of the Concept of Civility' in his *On Civilization, Power, and Knowledge: Selected Writings*, edited and with an Introduction by Stephen Mennell and Johan Goudsblom, Chicago, the University of Chicago Press, chapter 3

²⁹ Max Weber, 1998, *Economy and Society*, vol 1, Berkeley, University of California Press, p 56

corners of a globalised world. The rules of the game have changed, because the armoury of violence has been acquired by both sub-national and trans-national actors. All controls and all norms that prescribe when the use of violence is permitted and for what reasons have been lifted. Consequently, today violence is employed indiscriminately to target innocent populations. The employment of violence at any time and at any place sends a powerful message, no one agent howsoever powerful this agent may be, can control the use of violence, or penalise the perpetrator of violence. Violence has escaped all restraints, all monitors, and all notions of where the use of violence is legitimate and where it is illegitimate, where it is sanctioned and where it is not sanctioned. Some very powerful states have proved helpless in the face of violence wreaked by political actors who do not belong to one nation state, who are both global and decentred, and who possess tremendous technological capacity to adversely impact a number of different sites in different places. The problem is that there is no acceptable means of defining political violence, against what, who possesses the means of violence, and what violence is meant to achieve. For long violence was conceived of as a primordial emotion from Hobbes to Max Weber inasmuch as violence was prior to the normative order of the state which replaces anomie and violence, and which is for that reason legitimate. Today there is no recognised owner of violence, the adversary is unrecognisable, the goals are unclear, and the site where violence will be consumed is unknown³⁰.

This development has bred its own reverberations: lifting of all restraints on the employment of violence by states, whether these restraints be the civil liberties of the citizens, or the obligation to ameliorate ill-being. Therefore, civil societies are caught between two kinds of violence; that employed by trans-state and sub-state agents, and the violence of the state. How does civil society deal with this dual threat? John Keane, for instance accepts that violence is not left behind when societies transit from incivility to civility or from pre-modernity to modernity. But at

³⁰ On this see Martin Albrow and Helmut Anheier, 2006/2007, 'Violence and the Possibility of Global Civil Society' in Mary Kaldor, Martin Albrow, Helmut Anheier, and Marlies Glasius edited *Global Civil Society 2006/7*, London, Sage pp 1-14

the same time he seems to locate such violence in inter-state affairs, in the auxiliaries of the state, or in armed groups that roam free terrorising populations. Violence, he seems to suggest, is owned and practised either by the state or by aberrant groups. Therefore, Keane finds it relatively easy to counter such violence by the development of a culture of civility. “I want to emphasise that the cultivation of *public spheres of controversy*, in which the violent exercise of power is resisted initially by civilian-citizens’ efforts to monitor it non-violently, is a basic condition for reducing or eliminating incivility...The public spheres of civil society can help to cultivate shared memories of times past when terrible things were done to people”³¹.

But violence cannot always be thought of as an alienable *property*, attached to errant groups or to the state. For it may well be employed generically to *constitute subjects and identities* in civil society. If the war on terror has cultivated, as suggested above, intolerance towards violations of civil liberties, indiscriminate arrests, and punitive measures completely disproportionate to the crime on the one hand, it has also accorded legitimacy to hate speech, construction of groups as the other, and the violence of everyday life. And institutionalised violence within the state has led to the breakdown of dialogue, rendering civility and toleration distant dreams. If civil society has to realise its own potential and its own promises, members of the sphere will have to address the phenomenon of violence and the attendant intolerance even hate that has come to impinge the domain of collective action. This may be to demand too much because civil society constitutes the other of violence, as much as civility constitutes the other of incivility. The notion of civil society is premised upon a peaceful world which is marked by the spirit of dialogue, negotiation, compromise, and coordination. But whereas dialogue means recognising the other in a conversation, or validating the moral standing of the other, violence is premised upon obliterating the other and reducing the other to anonymity. Violence is not spatially distant from civil society; it rapidly intrudes upon this world and subordinates civility and conversation to its own relentless logic. Civil society is important because the values of civil society encourage dialogue, but the

³¹ John Keane (1998) *Civil Society. Old Images. New Visions*. (Cambridge. Polity) pg 156

limits of civil society have to be understood. And one of these limits is institutionalised violence.