Challenges and Opportunities:

Civil Society in a Globalizing World

by Patrick Heller

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ABSTRACT

What role can social movements and civil society play in promoting transformative development in the global South? This paper argues that inclusive and democratic forms of development depend on a delicate balance between the market, the state and civil society. Globalization has created new opportunities for economic development, but market power has often expanded at the expense of democratic and social accountability. Democratization in the global South and the emergence of new forms of transnational activism offer the hope of re-embedding markets. The paper explores these possibilities both through an analysis of existing global configurations of power and emergent forms of global civil society, as well as through an analysis of how movements and civil society have shaped three very different developmental trajectories in Brazil, India and South Africa. It argues that at both the global and domestic level, prospects for more inclusive development depend largely on the balance between civil society and political society.

INTRODUCTION

Over the past three decades, the wide range of social, political, and economic changes that have accompanied globalization have radically transformed opportunities for progress in the developing world. Entire classes, sectors and nations have been lifted from poverty, representative democracy has spread, and new modes of communication have made us more aware of our shared fate. At the same time, globalization has produced new forms of social exclusion, new sources of insecurity and precariousness, and new security threats ranging from extremist movements to environmental degradation. Most significantly, globalization is transforming how power is organized and how legitimate power is authorized. The contours and substance of the nation-state, the traditional container of authorized decision-making, are being transformed. Nation-states are losing the regulatory control they have long enjoyed over the economy as well as the sovereign authority they have traditionally exerted over their citizens. Conceptions of nationhood, and with it, social integration, are being challenged by transnational flows of ideas, identities and information. The post-national constellation (Habermas 2001) poses fundamental questions around national integration, popular sovereignty, social protection and economic regulation.

Taken together, these developments have triggered a crisis of democracy. The great irony of the opening of the 21st century is that just at the moment in history when democracy has become the global norm, and precisely when a global economic crisis demands new modes of national and global democratic governance, the two great institutional pillars of modern governance—representative democracy and bureaucratic organization—are both suffering from increasing deficits of effectiveness and legitimacy.

In policy-thinking and contemporary politics, the responses to these deficits have more or less taken one of two forms. The first sees the problem as one of increasing complexity and in particular an excess of demand-making, and argues that contemporary institutions are simply being overloaded by societal pressures. The prescription essentially involves insulating institutions—in particular the market and the state—from politics. Many current versions of 'good governance' essentially follow this line of thinking and place enormous faith in the virtues of self-regulating markets and insulated expert-run administrative bodies. In this vision, democracy is reduced to representation through periodic elections.

The second response raises concerns with the limits of representative institutions of democracy, and points to the need to strengthen democratic practices and forces. Here, the concern is

not that there is too much demand-making, but rather that the system is dominated by organized and powerful interests, and that existing mechanisms of accountability are inadequate. The call is for more, not less democracy, and in particular a strengthening of citizenship. This view has taken concrete form in two separate but analytically parallel developments. At the national level, efforts to deepen democracy have entailed a wide range of experiments in various forms of participatory democracy, ranging from new attempts to directly engage citizens in development projects, to large-scale state-driven reform projects that build participation into new institutions of governance.[1] At the global level, the role that social movements and global civil society have played in the past decade in promoting political openings in authoritarian societies and driving the spread of human rights, ranging from the Arab Spring to indigenous movements in Latin America, have drawn attention to how popular contention can transform politics and development.

But for all the new attention that academic literature has given to social movements and civil society, there have been very few efforts to integrate the theoretical and empirical lessons from this literature into understanding of the challenges of development in an increasingly globalized world. Most lacking of all has been any concerted effort to systematically relate the claims made for 'bringing civil society back in' to the specific conditions of institutional development and democratization in the global South.

MAKING SENSE OF CIVIL SOCIETY

The term civil society is of course highly disputed as a category, and certainly has not enjoyed the sustained and focused analytic attention of the market or the state. To make sense of the effects that civil society can have on developmental trajectories first requires a clear theoretical understanding of what civil society is, what its boundaries are, and most importantly how civil society is differentiated from other domains of social action, most notably the state, market and community.

Following the most recent developments in theory and research on civil society, this paper defines it as the full range of voluntary associations and movements that operate outside the market, the state and primary affiliations, and that specifically orient themselves to shaping the public sphere. This would include social movements, independent unions,

advocacy groups, and autonomous non-governmental organizations (NGOs) and community-based organizations. From a sociological perspective, actors in civil society rely primarily on "social (as opposed to legal/bureaucratic or market) modes of mediation among people [organizing collective action] through language, norms, shared purposes, and agreements" (Warren 2001, p. 8). This civic or communicative (Habermas 1996) mode of action is as such distinct from the pursuit of political power, profits or the reproduction of primary ties and identities that characterize social action in the state, market and community.[2] At the heart of any conception of civil society is the ideal-type notion that citizens might be able to interact, deliberate and coordinate with each other based on their capacity to reason. This point needs to be developed to make the link with democracy and development.

Though civil society is distinct from the state, it is nonetheless intimately linked to how state power is authorized. As political theorists from Aristotle to John Elster have argued, civil society provides the normative basis for legitimating democratic rule. This is true in two fundamental respects. In a democracy, decisions can be made through three mechanisms: voting, bargaining and deliberation. Voting and bargaining play critical roles in any democratic system. Voting allows for the aggregation of preferences, and bargaining for voluntary coordination across different interest groups. But these procedural bases of democracy both have their limits. The aggregative logic of voting is a very blunt tool of representation, and bargaining leads to outcomes that are a static reflection of existing distributions of power.

Deliberation, defined as "decision making by discussion among free and equal citizens" (Elster 1998, p. 1) adds two essential ingredients to any democracy. First, it allows citizens and civil society organizations to actively debate and form preferences, and thus to improve the informational and evaluative basis of voting. Second, because deliberation can transform preferences both by bringing new information and new understandings (including other-regarding considerations) into the decision-making process, it represents a potentially far more effective form of coordination than bargaining.

If civil society is considered in terms of how it might contribute to enhancing deliberation in democratic life, then it becomes essential to informing our thinking about development. Deliberation is at the heart of Sen's argument for

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1   Examples include participatory budgeting and sectoral councils in Brazil; participatory decentralization in Bolivia, Ecuador, India and South Africa; and new forms of participatory governance in the European Union. These democratic reforms have attracted significant attention, most notably the Report from the Presidential Task Force of the American Political Science Association (2011).

2   There is now a rich and diverse sociological literature that increasingly overlaps with normative democratic theory in making the point that the mode of action specific to civil society can be distinguished from state, market and community. See Habermas 1996, Cohen and Arato 1992, Somers 2008, Alexander 2006a, Warren 2001, Elster 1998.

reconceptualizing development as the pursuit of freedom. Moving beyond utilitarian conceptions of development, Sen argues that development is about expanding the capabilities of persons "to lead the kind of lives they value—and *have reason* to value" (1999, p. 18, italics added). Sen's argument begins with a refutation of a powerful line of thinking in economics that argues that it is impossible to make 'social choices' (Arrow's famous impossibility theorem), a view that presumes that preferences are given and leads to emphasizing aggregative logics of decision-making. Sen instead argues that preferences can and should be formed through public deliberation. "Public debates and discussions, permitted by political freedoms and civil rights, can also play a major part in the formation of values. Indeed, even the identification of needs cannot but be influenced by the nature of public participation and dialogue. Not only is the force of public discussion one of the correlates of democracy…but its cultivation can also make democracy itself function better…" (ibid., pp. 158-159).

But deliberation in turn can only be effective if all citizens enjoy the basic capabilities required to fully engage in political, social and economic life. Classical and contemporary theories of democracy all take for granted the decisional autonomy of individuals as the foundation of democratic life. All citizens are presumed to have basic rights and the *capacity* to exercise free will, associate as they chose and vote for what they prefer. This capacity of rights-bearing citizens to associate, deliberate and form preferences in turn produces the norms that underwrite the legitimacy of democratic political authority. But as Somers (1993) has argued, this view conflates the *status* of citizenship (a bundle of rights) with the *practice* of citizenship. Given the highly uneven rates of political participation and influence across social categories that persist in advanced democracies (and especially the United States), the notion of citizenship should always be viewed as contested.

This problem is especially acute in the global South. In the context of developing democracies, where inequalities remain high, and access to rights is often circumscribed by social position or compromised by institutional weaknesses (including the legacies of colonial rule), the problem of associational autonomy is so acute that it brings the very notion of citizenship into question (Mahajan 1999, Fox 1994, Mamdani 1996). A high degree of consolidated representative democracy found in southern democracies such as Brazil, India and South Africa should as such not be confused with a high degree of *effective* citizenship. And in the absence of effective citizenship, the problem of subordinate group collective action becomes acute. If we recognize this problem, then we have to understand both the potential of civil society—a

space in which all citizens can freely associate and participate equally—and the reality of existing civil society.

Under what conditions then does civil society—defined as voluntary associations and movements that operate outside the market, the state and primary affiliations, and that specifically orient themselves to shaping the public sphere—contribute to democracy and to more inclusive forms of development? Given how often the idea of civil society leads to a conflation of the normative with the empirical, we should begin with a clear disclaimer: There is nothing about associational life that is inherently democratizing. Associations can be formed to pursue narrow interests, and many associations are clearly uncivil, devised to deny other groups their associational rights (e.g., anti-Muslim groups in India and the Klu Klux Klan in the United States).

Whether civil society expands rights-based conceptions of democratic inclusion, serves as an extension of state power or devolves into inward-looking and exclusionary forms of retrenchment (Castells 2003) is an empirical question, and one that is shaped by civil society's relation to the state and market (Burawoy 2003). Historical work shows that civil society can become the conduit through which reactionary elites or authoritarian regimes mobilize support, as in the case of the fall of democracy in Weimar Germany (Berman 1997) or the rise of fascism in Italy and Spain (Riley 2005). Indeed, as we shall see in the final section comparing Brazil, India and South Africa, slight differences in the balance between civil society and political society can have dramatic effects on democratic deepening. In contrast to traditional liberal conceptions of civil society that focus exclusively on freedom of association and contract defined with respect to the state, more recent work in political theory and sociology has emphasized that socio-economic inequalities—including differences in economic well-being and status recognition—can have perverse effects on associational life. In this *relational* view, when civil society's autonomy is compromised and associational life becomes an extension of state power, economic influence or traditional authority, it is more likely to magnify than to reduce inequality.

This then presents us with a central analytical task: understanding the conditions under which associational life enjoys an operational degree of autonomy, or more specifically, the conditions under which all citizens can effectively associate and engage in public life, independently of state control, economic power and ascriptive status. When such a proper balance is achieved, civil society can be said to promote democratic inclusion, and especially the empowerment of subordinate groups, by effectively counterbalancing forms of illegitimate domination, including market power, political

power and traditional authority. More specifically, it can be argued that a strong civil society—one that is internally well organized and capable of autonomous action—can on balance have democracy-enhancing effects for two reasons.

First, in an established constitutional democracy, the basis of legitimacy for all civil society groups is the pursuit of rights. Of course, rights can be selectively or differentially claimed, and can as such reinforce existing inequalities. But given that the foundational right is the 'right to have rights' (a point made by theorists such as Somers and Arendt, but also brandished by Brazilian social movements), exclusionary claims to rights are hard to defend as legitimate in the public sphere. As we shall see later, claiming rights has become the bread-and-butter of social movements operating in global spheres.

Second, civil society does have a bias towards the subordinate, or better yet against domination. A functioning civil society is one that enjoys and defends associational freedoms. While not all groups are equally positioned to take advantage of such freedoms, the one comparative advantage that subordinate groups do have is the possibility of collective action, a possibility enhanced by a more open civil society (Rueschemeyer 2004; Rueschemeyer, Huber and Stephens 1992). This point is related to the first. The history of civil society struggles that have advanced democratization and social rights can be interpreted as a process of redeeming the unredeemed claims of democratic-constitutional societies, a process that has relied critically on subordinate group collective action. The transformative movements of the 20th century—labour, women, civil and indigenous rights—all had in common demands to expand and deepen rights of citizenship. As we shall see in the next section, the deepening of rights has become a key point of articulation between national civil societies, and global movements and international NGOs. The discourse of rights has in effect become the lingua franca of transnational movements, a shared normative base that has facilitated collective action on a range of political and social fronts. The emerging infrastructure of global civil society, both in the form of international law and an increasingly dense network of NGOs and movement alliances, has provided national civil societies critical points of leverage in promoting the expansion of civic, political and increasingly social rights.

Of course, not all movements have taken the path of expanding civil society.[3] What paths movements emerging in

the spaces of associational life follow depends on institutional context, economic conditions, and relations to the state and other societal actors. A historical perspective underscores the affinity between social movements and the ideal of political equality that animates democracy. Charles Tilly, the most influential scholar of social movements, argues that while some press particularistic claims, they nonetheless expand possibilities for broader claim-making by excluded groups:

> Social movements assert popular sovereignty […] the stress on popular consent fundamentally challenges divine right to kingship, traditional inheritance of rule, warlord control and aristocratic predominance. Even in systems of representative government […] social movements pose a crucial question: do sovereignty and its accumulated wisdom lie in the legislature or in the people it claims to represent? (2004, p. 13).

But if social movements and civil society have played a critical role in promoting democracy, understanding of their transformative effects should not be limited to questions of political inclusion. The recent revival of interest in civil society came in the aftermath of democratic movements in Eastern Europe. In resisting authoritarianism, these movements naturally emphasized civil and political rights. This lent powerful support to liberal conceptions of civil society that emphasized individual rights and cast civil society in opposition to the state. This liberal conception in turn came to inform 'democracy promotion' efforts of Western governments and multilateral institutions that accordingly focused on supporting civic and political rights, as well as economic freedoms of contract and property.

In contrast, civil society-driven democratization in Latin America and South Africa, and a range of transnational social movements that have challenged the terms of economic globalization, have brought questions of social and economic justice to the forefront. This is reflected in the most recent academic treatments of civil society, which have explicitly problematized the relationship between civil society and markets, and in doing so, have gone beyond the conventional liberal focus on civil and political rights to bring social rights back in.

This distinguishes between what Kaldor has labelled 'neo-liberal' conceptions of civil society from what she calls 'activist' conceptions. In the neo-liberal vision, civil society is defined as a competitive, voluntary sphere whose primary function is to keep the state in check and even to substitute for the state. State and civil society thus exist in a zero-sum relationship. Both perspectives presuppose the rule of law and protection of basic individual rights of association and

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3   The rise of Hindu nationalism in India (which is by definition antithetical to secular plural democracy) is only the most recent and dramatic example of how associational practices can be breeding grounds for anti-democratic ideologies (Hansen 1999, Jaffrelot 1996, Fernandes and Heller 2006).

representation, but the activist view insists on a redistribution of power. "On this definition, civil society refers to active citizenship, to growing self-organization outside formal political circles, and expanded space in which individual citizens can influence the conditions in which they live both directly through self-organization and through political pressure" (2003, p. 8).

There are two senses in which this view explicitly differentiates civil society from the market, and can be linked to demands for social rights. First, if communicative power is the defining resource and mode of action of civil society, it follows that expanding civil society necessarily means preserving it from the intrusions of state power (as in the liberal view) but also from money. Indeed, all civil society organizations, running the full gamut of universities, communications media, advocacy groups and NGOs, work hard to present themselves as independent of state power and money. Civil society actors who seek to have influence can only do so in the public sphere, and their standing there depends on the recognition that they are motivated by a concern for the public interest. Their leverage is, in Habermas' famous trope, the *force of the better argument*. Of course, all civil society organizations need resources, which means money, but their legitimacy rests on articulating and pursuing goals that are not driven by the pursuit of economic returns. Indeed, if the civil society organizer, the journalist, the scholar or the advocate is shown to not be working for the cause or the aggrieved community they claim to speak for, but rather because they seek profit or power, they invariably lose much if not all of their credibility.

At a broader level, this logic of legitimacy as rooted in the communicative/argumentative structures of the public sphere is precisely why so much effort—both in terms of building formal legal barriers and strong professional or normative codes of conduct—goes into ensuring that non-profits are indeed non-profits, that universities are dedicated to the pursuit of knowledge, and that media are not just mouthpieces of the state or corporations. It is in this sense that the sociological view breaks with the liberal view by recognizing that market power is as great a threat to civil society as state power.[4] Even more so, some would argue, because as Habermas notes (2001), state power can be democratized;

money cannot.

There is a second sense in which the organization of civil society must be distinguished from economic life. The very idea of civil society is predicated on the principle of basic equality of associational capacity. In liberal theory, basic rights of association and property suffice to anchor civil society. But if we recognize that the exercise of associational freedoms is unevenly distributed across social and status groups (as argued earlier) then de facto inequalities present a threat to de jure associational rights. Creating and promoting an inclusive civil society, and in particular one in which the poor or the socially excluded can self-organize, as such calls for redressing basic inequalities. This in turn translates into a more proactive role for the state and social policy, a role that can be understood largely in terms of providing citizens with basic capabilities.

THE TRANSFORMATIVE POSSIBILITIES OF CIVIL SOCIETY

It is something of an article of faith to sociologists and many political theorists that a strong civil society or the strengthening of civil society is the transformative force of the modern era. In contrast to the highly romanticist claims that drive much of the literature on civil society, the theoretical case for its transformative capacities is well developed, if often lacking a clear empirical foundation.

The social sciences have long been focused on the study of three basic domains of action, each of which provides critical forms of coordination in any modern society: community, market and state. If the 20th century taught anything, it is that tensions between these three institutions can threaten the very survival of society. When markets become too powerful, social rights and identities are at risk. This was the thrust of Karl Polanyi's (1944) classic argument that the rise of market society in the 18th century jeopardized the social fabric and was the root cause of unprecedented social dislocation. He argued that the rise of the social protection and social insurance schemes in the late 19th century was a reaction to these social disruptions.[5]

Many diagnoses of the current economic crisis emphasize

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4 Alexander provides a succinct definition that reconciles the liberal with the sociological: "Sociologically, the idea of civil society points to the idea of a liberal discourse that is at once critical and tolerant, and to institutions, from factual fictional mass media to voting and law, that allow collectivities to be guided by symbolic communication among independent and rational citizens who feel bound by ties of solidarity and mutual obligation" (2006b, p. 521).

5 Polanyi's argument in turn became the basis for one of the most influential arguments in international relations theory, namely the claim that the 'golden age' of the post-World War II period in the West was secured on the strength of what Ruggie dubbed 'embedded liberalism'. Ruggie (2008) argued that in order to restore the conditions of world trade in the aftermath of the Great Depression, national regimes embraced a combination of open markets and social commitment. It is notable that economists' most influential arguments challenging the basic tenets of neo-liberal globalization are couched in Polanyi's argument (Rodrik 1997).

the extent to which deepening inequality and retrenchment of the regulatory powers of the state in an increasingly globalized economy unleashed the highly speculative financial bubble that precipitated the crisis. An overreaching and overly powerful state can also threaten the balance of institutions. The case against the state from the market perspective is well known. If this argument has been taken too far in rejecting the very idea of the state and even the idea of society (Thatcher's infamous quip that there is no such thing as 'society'), it hardly needs repeating that basic rights of association are essential to the proper working of the market, a point that as Sen (1999) notes saw Marx and Smith largely in agreement. An overly aggressive market or state can also threaten the basic structures, identities and practices of communities, a point that has long been make by conservatives and radicals alike. The danger of imbalance among the major coordinating institutions is the hallmark of modernity, and if anything has been accentuated by globalization. Civil society then emerges as critical to balancing the power between these three institutions. But how is this actually done?

Civil society by definition does not have power. The medium of civil society is not money, law or coercion, but communication. But civil society can profoundly shape the exercise of power and in particular can act as a countervailing force to unjust forms of domination. Modes of civil society influence can be categorized into three types: normative, mobilizational and institutional. The normative influence of civil society is probably the best known and generally what people mean when they assume that civil society has intrinsic qualities. Active civil societies are organized around ideas of normative rightness. They justify their actions and make claims on the basis of ideals that are represented as being of universal significance. In the process, civil society actors in effect do two things.

First, they problematize and thematize social issues that have been neglected or repressed by conventional channels of political representation. As social movement theorists often say, movements name, frame and claim. This problematization takes an issue and in effect projects it into the public sphere where it becomes an object of debate and argument. The women's movement problematized patriarchy, the civil rights movement problematized the practice of second-class citizenship, the environmental movement asked if growth should come at any cost. If movements problematize by engaging in contentious action, NGOs and advocacy groups can be seen as part of a civil society infrastructure that routinely problematizes what states fail to deal with. Whether in the more contentious mode of movements or the

routinized mode of NGOs, when successful, civil society in effect transforms norms, and in doing so changes systems or criteria of valuation.

Second, civil society can mobilize new actors. This is clearly the case of social movements. Movements by definition organize and mobilize those who have failed to find redress for their grievances through the existing political system. As challengers of dominant groups, movements seek to bring new actors into the political field and the public sphere. Though NGOs and advocacy groups do not generally directly mobilize, they nonetheless clearly have mobilizing effects. This can include speaking for those who cannot speak or have no voice (e.g., nature, children and immigrants), providing resources to politically disadvantaged groups (the American Civil Liberties Union) or redressing asymmetric bargaining situations (labour unions).

Civil society can have institutional influences not so much by directly playing a role in decision-making, but by either directly influencing decision-makers or by being joined to decision-makers. Direct influence can take the form of impacting political actors, most notably political parties. Parties are generally risk averse, and electoral calculations tend to downplay issues that will not resonate with electoral pluralities or require a long-term refashioning of established norms and practices. Civil society groups can nudge parties to take on new issues by mobilizing new actors or shifting the normative terms of debate. It is the civil rights movement that transformed the Democratic Party from the party of Jim Crow to the party of civil rights. The environmental movement in Europe has pushed almost all parties to take on more green positions. The ruling Workers' Party (Partido dos Trabalhadores or PT) in Brazil was formed by social movements, and even as a party in power has maintained important links to civil society organizations.

A less direct but equally important form of influence is the role that civil society plays in holding political actors, corporations, state institutions and other civil society actors to account. All four—politicians, corporations, states and civil society organizations—make public claims that are critical to their authority and legitimacy. Individual citizens rarely have the information, time or expertise to evaluate those claims, and civil society organizations—including the media, advocacy groups, think tanks and the educational complex—play a vital role in providing the 'knowledge frames' through which citizens can make evaluations. This can include whistle-blowing, revealing new information, challenging or reinterpreting dominant knowledge frames and demanding greater transparency. The Occupy Wall Street movement is

a case in point. The evidence on increasing inequality in the United States has been overwhelming for some time, and in academic quarters the perverse influence of concentrations of power in US politics is an article of faith (Hacker and Pierson 2010, Bartels 2005). Yet it took a contentious movement, deploying classic repertoires of social movements, to recast well-known empirical issues into a *societal* topic of public debate and moral outrage.

Direct influence can also be exerted on state institutions. In India and the United States, civil society has had significant influence through the courts. Well-organized civil society organizations also influence regulatory bodies and in some cases even shape new policies. In Brazil, the Sanitarista movement of health care professionals born of the democracy movement has played a central role in developing the public health care system and expanding services to the poor. In such cases, civil society is influential because it has staked out and publicized new normative issues (toxic dumps, female genital mutilation) that resonate with important publics, and/or because it has altered the political calculus by changing preferences or mobilizing new voters. Finally, in an increasingly complex, fast-moving and risky world, civil society can influence institutions by shifting the informational basis on which institutional actors make decisions. This more than anything else explains the success of the environmental movement.

Beyond influencing power and policy, civil society is increasingly directly involved in governance. In recent years, there has been an explosion of theoretical and empirical literature documenting the ways in which civil society can be co-joined with government. This, for example, is the thrust of much of the literature on participation. Whether in the development projects of multilateral organizations or in more explicitly political efforts to increase citizen engagement, such as participatory budgeting in Brazil, the basic idea is that governance can be much improved if citizens are directly involved. New models include Ostrom's (2000) work on co-production, Fung and Wright's (2003) work on 'empowered participatory democracy' and a rich literature on associational democracy. In all of these models, civil society actors (stakeholders, associations, citizens) are given direct responsibilities for shaping and even implementing policies related to everything from city budgets to running housing projects and managing the commons.

The idea that government can be more effective when co-joined with civil society takes on new significance when viewed in light of recent calls for promoting capability-enhancing development. While Sen's call remains quite underspecified

(how to enhance capabilities), Peter Evans (2008, 2010a, 2010b) has recently tied capability-enhancement to a theory of the 21st century developmental state. Evans argues that Sen's capability approach to development converges nicely with new growth theories in economics. Economists have increasingly come to recognize that growth relies more on ideas and good coordination than the accumulation of capital. Recent work that has systematically examined interactions between growth and human development shows that human development is in fact a critical component of growth rather than just an outcome (Boozer, Ranis, Stewart and Suri 2003). The returns to human capital and social innovation are greater than ever in a global economy that is increasingly service-driven and knowledge-intensive. Accordingly, Evans (1995) argues that if the 20th century developmental state required high levels of capacity combined with close coordination with business elites to jump start industrialization, the 21st century developmental state will need a strategy of social investment that can directly help support human capital formation and a range of complex coordination functions essential to the post-industrial economy.

A state that can deliver such services is one that must have both significant infrastructural power to reach into society and deliver things as well as significant authoritative power to get individuals and groups to willingly obey commands. This requires developing synergistic relations with a broad range of actors in civil society (Mann 1984, Evans 1996). If services are to be effective, active participation by citizens becomes a key ingredient. Education is 'co-produced' by students and their families. Health is 'co-produced' by patients, their families and their communities (Ostrom 2000). Environmental regulation is effective only when the state has allies in civil society capable of monitoring and exposing environmental problems (Evans and Heller, forthcoming).

The continuous monitoring and feedback of civil society sensors can radically reduce leakage and improve both the quality and quantity of delivery, especially for goods that can not be readily standardized (e.g., quality education, local planning).[6] Indeed, following the line of reasoning developed in the new heterodox theories of industrial policy that point to the need for continuous experimentation, feedback and bootstrapping (Rodrik 1997, Sabel 1995), it can be argued that intense state-civil society interactions are critical to policy innovation (Baiocchi, Heller and Silva 2011). In the 21st century, 'embeddedness'—the dense sets of interactive ties that connect the apparatus of the state, administrative

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6   See Evans and Heller (forthcoming) for an elaboration.

and political, to civil society—not only becomes more important but must focus on a broad cross-section of civil society rather than simply on industrial elites (Evans and Heller, forthcoming).

If the debate on human development can thus be very fruitfully recast in terms of thinking about state-civil society relations, it is important to underscore that there are good historical reasons for believing that inclusive and just forms of development can be reconciled with growth-promoting policies. Most obviously, the democracies of Northern Europe have demonstrated that it is possible to reconcile the imperatives of open market economies, including global competitiveness, with social policies that promote inclusion and equality. As is now well established in the literature, the post-World War II trajectories of European welfare states, and most notably the social democratic variants, enjoyed a virtuous cycle of democracy and socio-economic incorporation. Remarkably, the model has prospered in the post-industrial, knowledge-intensive economy: Increased social investments, including advanced and flexible human capital formation and new forms of social support, have enabled social democracies to adapt to the competitive challenges of globalization (Kristensen and Lilja 2011).

The story behind this virtuous cycle is complicated, but there is a lot of agreement in the comparative scholarship that the size and depth of the welfare state is correlated with the degree to which ordinary citizens, and in particular the working class and the small-holding peasantry, were able to engage in political life, overcome collective action problems and build encompassing political formations (Luebbert 1991). The 'grand social bargain' that underwrote the golden era of Europe's post-war development by reconciling private profits with social investment didn't suddenly happen. It was rather the end point of a fairly long, often contentious process of democratization, mobilization and political transformation.

The pattern of economic and political development in the global South has been much different, requiring caution in drawing historical analogies. But there are good reasons to believe that patterns of civil and political participation can have a profound impact on development trajectories. There are existing models of rights-based welfare and development in the global South. Chile, Costa Rica, Mauritius and the Indian state of Kerala have all been identified as successful cases of combining development with democracy and equity (Sandbrook, Edelman, Heller and Teichman 2007). All have achieved high levels of human development, and sustained and deepened democratic institutions and practices (with the notable exception of the Pinochet period in Chile). They have

all done well in maintaining high levels of growth without sacrificing equity gains in the most recent period of globalization.

These cases are of particular interest because none would have been singled out as likely candidates for inclusive democratic development in the 19th century. Even by the standards of their respective regions, Chile, Costa Rica, Mauritius and Kerala were extremely poor and politically underdeveloped. They were also all highly integrated into the global economy as more or less mono-exporters (copper, coffee, sugar and spices). Yet in the middle of the 20th century, all four experienced democratic transitions (or in the case of Chile, a broadening of the democratic electorate) that were driven by subordinate class mobilization, and specifically various combinations of landless labourers, small farmers and urban workers that were able to align with reformist middle-class elements. The resulting patterns of democratization went hand in hand with building comparatively robust welfare states.

What is most instructive about these four cases for thinking about contemporary development is that in each subordinate class mobilization was facilitated by civil societies that were, by the comparative standards of their respective regions, quite open.[7] Indeed, in each case, elite dominance in the pre-democratic setting was more liberal than repressive, bounded by basic rights and limited political competition. This not only provided critical space for subordinate group organization, but also facilitated the process of cross-class coalitions and the possibility of forging encompassing social democratic pacts. (As we shall see later, this pattern has been reproduced in the case of contemporary Brazil). It is notable that the resulting 'politics of solidarity' has been institutionalized in strong legal support for social rights and inclusive social policies such as land reforms, social protection schemes, and universal provision of basic health care and education.

These cases carry two important lessons for thinking about the possibilities of equitable and democratic development in the era of globalization. The first is that for all the constraints that late developing societies face in reconciling market economies with equity, outcomes are far less overdetermined than some critiques of market-driven globalization suggest. Given the nature of the post-industrial economy and the challenges of pro-employment policies in a world of fully mobile capital, one can hardly exaggerate the structural constraints of building a comprehensive welfare state in the global South. But recognizing that more inclusive development

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7 This argument is developed in detail in Chapter 7 of Sandbrook et al. 2007.

begins with capability-enhancement and a modicum of social protection, then these cases of social development on the periphery are remarkable achievements. Second, identifying such possibilities in the contemporary period calls for looking at the political conditions that might favour subordinate group formation or even more basically, effective citizenship. This in turn implies a more critical examination of the nature of existing democracies and civil societies in the global South. And here are some rather challenging paradoxes.

On the one hand, the wave of transitions away from authoritarian rule to representative democratic systems in the developing world marks a significant juncture. Whatever their limitations may be, these new electoral democracies have dramatically expanded the spaces for subordinate politics. The increased mobilization of lower castes in India of the past two decades and the dramatic rise of indigenous political power in the Andean nations are only two examples.

On the other hand, there are good reasons for scepticism. Despite the consolidation of formal representative institutions as well as significant gains in associational freedoms, pervasive inequalities among citizens along class and other lines, and severe problems in preserving the chain of sovereignty between citizen and state have limited the effective representativeness of democratic institutions (Törnquist, Webster and Stokke 2009). These fundamental deficits of representative democracy in the global South have hampered subordinate group collective action and severely restricted the possibilities for building effective welfare states. Note that the missing link between representation and substantive outcomes is the nature of participation. To understand what, if any virtuous linkage might exist or emerge between subordinate class politics and more inclusive development outcomes calls for focusing more specifically on the conditions and possibilities for the effective practice of democratic politics.

In grappling with the question of effective citizenship, there are two distinct axes of practice that have to be taken into account. On a horizontal axis, we find that associational capabilities are unevenly distributed across social categories. Some groups have more resources and skills of association than others, and some groups are so socially marginalized as to be virtually excluded from the public sphere. The vertical axis refers to how citizens actually engage with the state. The problem here is twofold.

On the one hand, there is the problem of *how* citizens engage the state. State-society relations in the developing democracies tend to be dominated by patronage and populism, with citizens having either no effective means of holding government accountable (other than periodic elections) or

being reduced to dependent clients. In the absence of clear and rule-bound procedures of engagement, citizens cannot engage the national or just as importantly the local state as citizens, that is, as autonomous bearers of civic and political rights. On the other hand, there is the problem of *where* citizens engage the state—that is, the problem of the relatively narrow institutional surface area of the state. Given that local government is often absent or just extraordinarily weak in much of the developing world, there are in fact very few points of contact with the state for ordinary citizens.

Taken together, the vertical problem of state-society relations and the horizontal problem of perverse social inequalities undermine the associational autonomy of citizens, the sine qua non of any effective democracy (Fox 1994). Just because citizens can vote does not mean that they can participate equally or consequentially in the political process. From this vantage point, we can in fact assert that the right of participation—and more concretely effective citizenship—fundamentally conditions the core principle of popular sovereignty. As Chandhoke has argued, much as we regard the right to vote as a *root* right of democracy, we have to give the right of participation—which she defines as "the right to participate in institutions that make public decisions or in deliberations on and around these decisions"—equal status as a root right (2009, pp. 27-28).

Identifying the practice of citizenship as the central problematic of democratization then focuses our attention squarely on questions of who participates, how they participate and where they participate. In other words, *how* and for *whom* is civil society constituted? How do formally endowed citizens in the democracies of the global South actually put their rights to use, and in particular develop their collective power? This is a question that has taken centre stage in the academic literature, but one that has also been driven by actual developments in many democracies of the global South. Most notably, in the past two decades, a number have embarked on ambitious reforms to strengthen local democratic government. In many of these cases, pressure to democratize local government has come from social or political movements that have explicitly contested elite-dominated forms of democracy (Avritzer 2002). These instances of *civil society politics* invariably begin with critiques of the deficits of representative institutions and end by advocating reforms geared to enhancing citizen engagement with the state, and in particular the local state. The effects of these policies are closely evaluated in the final section of this paper, which considers Brazil, India and South Africa.

1. CIVIL SOCIETY AND GLOBALIZATION

THE PROBLEM: DEMOCRATIZING GLOBAL POWER

Ideas of how civil society can influence power and be a transformative force have largely been developed in the context of national societies. There, associational rights and freedoms are clearly defined, and channels of influence—elections, lobbying, media, public campaigns—are all relatively well institutionalized.

But when we switch from national stages to the global stage, the rules of the game and the nature of the playing field change dramatically. There are strictly speaking no institutions of global democratic representation. States are represented in some international venues, but citizens are not. Other channels of influence exist, but they generally favour powerful and well-organized interests, most notably states and corporations. There is clearly such a thing as *global public opinion*, but compared to national publics it is amorphous, asymmetrically developed, and does not have the kind of direct power to hold officials and representatives accountable that we would find in a national public sphere. As such, any effort to conceptualize global civil society must begin with these concerns in mind. Nonetheless, it is possible to scale up the concepts developed in the previous section to the global level, and in doing so to identify elements of a global civil society that has at certain times and in certain places exerted genuine influence.

Before doing so, it is important to clearly identify the problem. The relationship between civil society and globalization is intimately tied to questions of democracy, and more specifically how decisions are authorized and the extent to which those exercising authority are held accountable. As argued earlier, a long tradition of democratic theorizing holds that the ultimate source of legitimacy for any democratic government is civil society. The major challenge of globalization is that we have global governance without having global government. That is, while there are networks of private players that enter into agreements about how to govern private transactions, and there are states that enter into bilateral or multilateral agreements on how to govern a particular transnational domain, these actors are not directly authorized by a properly constituted civil society.

Globalization is marked by an increasing disconnect: The space within which formal politics has long been organized—the territorially bound sovereign nation-state—is no longer the space in which many new forms of authorization (forms of global governance) are being constituted. New forms of global power have not, in other words, been rooted in new forms of democratic authorization. More specifically, new forms of global authorization are both *under*-democratic and *extra*-democratic. They are under-democratic because when states are acting on behalf of citizens (as when represented at the United Nations or World Bank) the mode of representation is far removed from direct citizen scrutiny and accountability, and so highly aggregated that state interests (*la raison d'etat*) invariably prevail over democratic norms. It is extra-democratic in the sense that the level at which many decision are being made is no longer aligned with democratic institutions or procedures. As Habermas notes, "Because nation-states must make decisions on a territorial basis, in an interdependent world society there is less and less congruence between the group of participants in a collective decision and the total of all those affected by their decision" (2001, p. 70).

In an era of increasing transnational power, how then can global governance be realigned with global politics and specifically global democracy? In the absence of a globally constituted state with representative institutions, there appears to be no institutional answer. But increasingly, global movements and emerging networks of transnational activist networks suggest the possibility that global governance could be embedded in a global civil society. Indeed, this has been the thrust of so-called 'anti-globalization movements', which are more accurately described as global democracy movements. While these movements cut across a range of issue areas, articulate diverse substantive claims and embrace an almost endless variety of political messages, they nonetheless share a basic concern with making new forms of transnational power accountable to civil society. But what exactly is global civil society?

IS GLOBAL CIVIL SOCIETY EVEN POSSIBLE?

The very idea of global civil society invites scepticism. There are four distinct problems. The first is that there is no enabling institutional environment of associational freedoms and civic rights enforced by law at the global level. The second is that at the global level there is simply not enough of a basic shared culture—and specifically basic shared values—to support a genuine public sphere. The third is that even if global norms can challenge global power, they do so only on issues and terms that reflect existing imbalances in global society. Fourth, even if all the above problems were addressed, what would a global civil society actually do? Even if it existed and was active, it might either be seen as mostly ineffective in the absence of institutional mechanisms through which it could influence global power holders, or so completely inflected by basic inequalities among and within nations as to do little more than amplify (or simply disguise) existing power distributions.

The first point of scepticism can be readily addressed. While it is true that a global rule of law that comprehensively secures basic rights of association is missing, emerging governance structures have provided significant international spaces and networks in which civil society actors can operate with a high degree of freedom and protection from arbitrary state power. While this may only apply in practical terms to the (mostly Western) elites that have the wherewithal to travel and operate in these spaces, it is hardly trivial, and has certainly laid the groundwork for a rapidly growing transnational network of NGOs, movements and activists.

There are first the formal, inter-state spaces in which actors are recognized as rights-bearing and afforded due protections, including the vast array of conferences, venues, summits and routinized exchanges sponsored by international organizations.[8] Second, new international, bilateral and multilateral treaties have provided transnational actors a far greater range of protected movement and association than was ever true in the era of national sovereignty. In the vast majority of countries today, and certainly in all democracies, transnational actors can move with relative freedom and security. Third, if human rights (and especially social rights) are far from universal, basic civic rights are now increasingly globalized. The Westphalian age of traditional sovereignty that afforded nation-states "untrammelled effective power" within their territories has given way to a regime of "international liberal sovereignty" (Held 2004, p. 87) in which the liberal doctrine of delimited state power has been extended to the international sphere. The exercise of legitimate authority has in turn become increasingly linked to the maintenance of human rights values and democratic standards of accountability. Indeed, since the war crimes tribunal of Nuremberg, the idea and practice of international laws protecting humans as superseding state laws has gained increasing traction. Not only do most regimes, and especially democratic ones, recognize a more or less full range of civil rights, but these norms have become so widespread that documented abuses are widely publicized and routinely denounced by an increasingly thick network of international NGOs. High-profile civil society actors such as journalists, activists and humanitarian aid workers certainly continue to face significant personal risks, but also receive far more media attention and public protection than ever before.

Increased interaction, new communications technology, expanded transnational legal protection and greater public scrutiny have not only made it much easier for global civil society networks to emerge, including through increasingly routinized linkages between domestic and international transnational activists,[9] but have also radically expanded the circuits through which communicative messages are processed for a global public sphere. This has included the growth of 'epistemic communities' of professionals and scientists that provide an important resource for processing knowledge and norms independently of economic and state interests. Recent work on the World Health Organization (WHO), for example, shows that even as it has had to carefully manage state interests and adjust itself to the emphasis on privatizing health services that became dominant in the 1980s, the organization's core commitments to public health and its ties to civil society actors have allowed it to pursue policies that still emphasize a rights-based approach to health (Chorev 2012).

Moreover, the infrastructure through which new norms can flow globally has become much more robust since 1948 with the institutionalization of norms in international law, rules of multilateral organizations and treaties. As Finnemore and Sikkink note, "Such institutionalization contributes strongly to the possibility for a norm cascade [discussed below] both by clarifying what, exactly, the norm is and what constitutes violation (often a matter of some disagreement among actors) and by spelling out specific procedures by which norm leaders coordinate disapproval and sanctions for norm breaking" (1998, p. 900). So even if this institutional infrastructure is a patchwork at best and should not be confused with the fully stabilized civil society that we would associate with national arenas, and even if it is occupied by only a small and privileged group of cosmopolitan actors, it has nonetheless supported an increasingly vigorous network of international NGOs, transnational activist networks and even global social movements.[10] As Chandhoke notes, "(G)lobal civil society actors have inaugurated a normative turn in world politics, which has been traditionally marked by realism and by the politics of national interest and national sovereignty" (2005, p. 358).

The second point of scepticism poses the much thornier question of whether or not this emergent architecture

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8   Held (2004) estimates the number of international conferences at 9,000 a year.

9   Tarrow uses the term transnational activist networks to describe the "informal and shifting structures through which NGO members, social movement activists, government officials, and agents of international institutions can interact and help resource-poor domestic actors to gain leverage in their own societies" (2001, p. 13).

10 Held (2004) estimates that NGOs and international NGOs have grown exponentially, reaching 25,000 and 5,000, respectively.

and matrix of transnational networks constitutes a global public sphere and a space in which social, cultural, political and economic issues can be communicatively problematized and debated. Public spheres are necessarily culturally bounded. For new norms and ideas to resonate and shape new preferences, they have to be commensurate with existing conceptions of what is held to be true, normatively right or beautiful. The modern container of the life-world is of course the nation-state, and public spheres are most robust within national boundaries. What resonates in one national public sphere may not resonate in another, however. Nationalism trumps universalism. Yet as the recent global consensus on landmines and access to AIDS drugs dramatically illustrates, on some issues and in some sectors, global public opinion has not only formed a powerful normative discourse, but has also held corporations and states to account.[11] So even if one must not lose sight of the enormous challenges that the formation of a global public sphere necessarily faces, the possibilities of cross-cultural learning and coordination of norms are strengthened by at least five observations.

First, the national public sphere was historically and politically constructed. What we call, for example, the French national public sphere is the product of repeated cycles of revolution and reaction, the construction of the category 'French person' through Napoleonic standardization of mass education and legal codes, and the rise of the 'republique' through iterated cycles of democratization. More recently, the creation of India and South Africa were every bit the work of powerful national, anti-colonial movements that created new forms of solidarity in opposition to illegitimate domination. If, as Benedict Anderson has famously argued, the nation was imagined, why not the globe?

Second, taking direct aim at various theories of cultural relativism (including the much discussed 'Asian values' argument), Sen (1999) and Nussbaum (2001) among others have argued that there are in fact universal norms. Not least of these is the human desire to flourish. The Arab Spring, which erupted in a region many observers had assumed was politically stunted by implacable authoritarianisms and an immovable, illiberal culture, is but the most recent object lesson in

the universal resonance of human rights.[12] The increasing universalism of the idea of democracy itself marks the triumph of a meta-norm.

Third, civil society actors—including social movements and international NGOs—are very good at bridging frames. They can align what are two initially different sets of concerns into a shared agenda for change. They have long done this across classes and sectors, but increasingly are doing so across life-worlds. The way in which indigenous communities throughout the world have worked with international environmental groups to align their demands for cultural recognition and social justice with concerns for preserving the global commons is but one of the more dramatic examples of this (Keck and Sikkink 1998).

Fourth, combining the second and third points gives new life to Habermas's (2001) argument that the source of solidarity and shared norms need not be only 'cultural' (in the sense of a particularized sense of *we-ness*) but could also be the learning effect of the spread of information and increased interaction. Shared identities and even solidarities can be developed through deliberative practices. It is not deep, immovable, inert and irreconcilable identities that form the basis of shared national cultures, but the shared experience of the process of nation-building and democratic politics. Given the extraordinary heterogeneity and size of India, how else do we explain the average Indian's deep identification with a nation that is a very recent political construct than by reference to Indians' experience of democratic politics?[13] More broadly then, we can argue that the basis for national cohesion in successful multicultural societies—such as Brazil, India, South Africa, the United States and Europe—resides in the vigour of democratic practices.[14] At a global level, there might be very little by way of a deeply shared culture (though some norms may be universal). But as Risse notes, "A high degree of international institutionalization might substitute for the absence of a 'common lifeworld' in terms of a common

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11 The so-called anti-globalization movement is a case in point. As Castells comments, "Most of this [new inclusion of NGOs] is a change of discourse rather than of policy option, but it does indicate a deeper trend: *the process of globalization is subject to public debate*. It is no longer assumed to be a natural process, resulting from the inner logic of technology and the market. The need for the political management of globalization is now widely recognized, although the values and goals informing this management are still, by and large, what the movement labels as 'corporate values'" (2003, p. 159).

12 The most influential theory of the Muslim world's innate hostility to liberal democracy is Huntington's 'clash of civilizations' argument. There is of course a rich, but much less visible literature that documents powerful strands of liberalism in a range of Muslim societies (Bayat 2005 and 2007, Kurzman 1998).

13 Survey data from the Centre for the Study of Developing Societies records a comparatively very high degree of primary identification with the nation (as opposed to region, religion or linguistic group) in India, including by minorities such as Muslims (Linz, Stepan and Yadav 2006).

14 As Habermas puts it: "In complex societies, it is the deliberative opinion and will formation of citizens, grounded in principles of popular sovereignty, that forms the ultimate medium for a form of abstract, legally constructed solidarity that reproduces itself through political participation" (2001, p. 76).

history of language providing a crucial background condition for argumentative [communicative] behavior" (1999, p. 534).

Fifth, publics can talk to publics. It is not just money or power that flows through global networks, but also norms, ideas and information. What distinguishes the current period of globalization is the degree to which publics can speak to publics, unmediated by state power or the market. If this process can be iterated, and if parties to the conversation are committed to a common good and willing to adjust their a priori culturally specific preferences, then new cross-cultural understanding can be achieved. Communicative practices, played out in the networks and public spheres of global civil society, can lead to new forms of civic solidarity. Indeed, international relations theorist Neta Crawford, examining the history of the anti-slavery movement and more recent campaigns against female genital mutilation, detects a long-term trend towards humanizing the 'other'. And Klug's (2005) study of the international movement to make access to HIV/AIDS drugs affordable emphasizes the effectiveness with which "HIV/AIDS activists, and health, consumer and development-oriented NGOS, as well as cooperation among developing countries in international fora" (p. 119) created a form of "transnational solidarity" that was able to successfully bring pressure to bear on both the pharmaceutical companies and industrialized country governments.

The third point of scepticism related to the idea of a global civil society is that even if we accept the possibility that a global public sphere might be able to create "a morally authoritative structure for national and international communities," we are still confronted with the critical question of whose norms are being privileged in the global public sphere (Chandhoke 2005, p. 359)? There is, simply stated, a profound asymmetry to how global civil society is constructed. Most of the international NGOs, resources and actors are from the West. Transnational networks are only rarely directed by actors in the global South, and most southern groups find themselves in a dependent position. The international human rights regime has, for example, tended to emphasize civil and political rights—which were of particular concern to civil society in Eastern Europe—rather than social rights, which figure much more centrally in the demands of popular movements in the global South. There is no denying these profound asymmetries in global civil society, but there is also clear evidence that while the network linkages may be asymmetric, the outcomes are far less so, and that the playing field is, in any event, in the process of being significantly levelled.

In most transnational networks, western actors tend to set the agenda and accordingly privilege certain concerns and norms over others. But their southern partners are hardly passive, and while they may depend on external resources and leverage, they wield considerable bargaining power within transnational networks. Much of this bargaining power simply reflects that fact that partners in the global South provide crucial access to the domestic political field. But it also has much to do with the fact that it is difficult for international NGOs to maintain their credibility and legitimacy without aligning their frames and objectives with their national partners.

International spaces and civil society networks are moreover being profoundly transformed by larger developments in geopolitical power. This is true at two levels. In the international arena, NGOs from the global South have simply become more resourced, more effective and more recognized than was the case just a decade ago. Direct South-to-South networking and diffusion are becoming increasingly common, with the World Social Forum providing a particularly dramatic example of an alternative venue for civil societies of the global South. Klug's (2005) account of the successes of the HIV/AIDS movement points to the central role that WHO's assembly played as a rallying point for movement actors and developing countries.

Another telling example is Appadurai's (2002) account of the highly effective alliance between Shack/Slum Dwellers International (SDI) and NGOs in Mumbai. SDI is built from federations from 14 countries and through grass-roots exchanges has developed a model of horizontal learning in which the "mode of exchange is based on a model of seeing and hearing rather than of teaching and learning; of sharing experiences and knowledge rather than seeking to impose standard practices, key words being *exposure*, *exploration* and *options*" (ibid., p. 41). At the domestic level, democratization itself has made it much easier for civil society organizations to emerge and exert pressure on their respective governments without having to rely on external resources or leverage. Indeed, Yashar (2007) argues that in the case of the indigenous rights movements in Latin America, successful mobilization has had less to do with international linkages than with domestic "citizenship regimes".

Finally, the fourth and most serious point of skepticism involves the notion that global civil society might be able to exercise real influence. Even if the elements of a global institutional infrastructure exist, and even if in some sectors and for some issues a form of global public opinion can be constructed, how would such civil society claim-making actually translate into action? What can be argued for existing national democracies clearly does not hold for the global

arena. In national contexts, a judicial-parliamentary complex can process issues problematized by civil society. At the global level, there is no such complex. Although there are some points of institutionalized and authoritative interface with civil society (the International Criminal Court, the United Nations) the surface area of global democracy is very limited. There are basically no spaces or avenues for direct influence.

But spaces for indirect influence are arguably multiplying and having some measurable impact as countervailing forces to the powers of states and markets. The construction of a basic architecture of a global civil society—however fragmented and asymmetrical—has opened up significant points of leverage for social movements and civil society in the global South. Three different mechanisms—changes in the global political opportunity structure, norm cascades and the boomerang effect—are discussed below.

As social movement theorists have long stressed, movement success is highly dependent on changes in the political opportunity structure. This refers to the consistent—but not necessarily formal—institutional and contextual factors (national or global) that either encourage or discourage social actors to use their internal resources to form social movements. It can include the degree of openness of the political system, the degree of state or extra-state repression and the presence of potential allies. At a global level, the political opportunity structure is highly volatile, susceptible to sudden shifts in geopolitical calculations, new inter-state alliances and the rise of new regional hegemons. Alexander notes that while the US presidency of Bill Clinton was accompanied by a new effervescence of global civil society, in the aftermath of September 11th, US unilateralism reasserted the primacy of national interest, shattered world peace and made a mockery of international law (2006a, p. 522). But new tensions also animated new assertions of the primacy of civil society. Commenting on the massive anti-war global rallies that followed the US invasion of Iraq, a *New York Times* reporter wrote: "The fracturing of the Western alliance over Iraq and the huge antiwar demonstrations around the world this weekend are a reminder that there may still be two superpowers on the plant: The United States and world pubic opinion" (cited in Alexander 2006a, p. 523).

The end of bipolar power has in fact been marked by two separate dynamics in geopolitical power that have created significant new openings for popular movements. First, throughout the Cold War period, great power intervention more often than not buttressed authoritarian regimes and suppressed popular social movements. Today, there is far more leeway for popular movements to emerge without becoming objects of great power struggles. Second, the rise of the global South, both in economic and geopolitical terms, has dramatically increased the range of alliances, coalitions and hence openings in the global political field. This increased volatility in international relations has many ramifications, some of which can certainly amplify tensions among nation-states. But on balance, the displacement of traditional national interests by an increasingly fluid set of shifting alignments has created increased opportunities for popular movements.

What is most remarkable in the post-Cold War period has been the diffusion of democracy as a global norm. The last decade alone has witnessed repeated popular insurrections for democracy, all of which were in no small part made possible by new openings in the global political opportunity structure. The Zapatista movement in Mexico is a dramatic case in point. Peasant insurrections in Latin America have historically been met by state repression, a logic driven partially by Cold War international alignments. But in this instance, a combination of a media-savvy movement that cast its demands for land and recognition in the language of citizenship, the fact that the 'world was watching' through the eyes of international NGOs, and a new inter-state equation in which Latin American democracies would not have countenanced a repressive response gave the Zapatistas an unusual degree of operational freedom (Castells 2003).

The Arab Spring also underscores how shifts in global political opportunity structure—marked in this case both by the communicative diffusion of democratic norms as well as new inter-state alignments—have provided new life to democratic movements.[15] The Arab Spring of 2011 was the product of two separate developments that converged in a perfect storm. The first was an incremental build-up of a national and transnational infrastructure of civic networks and accompanying ideas, advanced sometimes through contentious action, but more often and more prosaically by a slow accumulation of ties and solidarities in the interstitial spaces of authoritarian regimes. The second was a new geopolitical opportunity structure, a fortuitous mix of domestic politics and new international opportunities (and in particular the Obama administration) that signalled that the time was ripe for popular insurrection, or that at a minimum the costs for challenging

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15 The breathless portrayal in the West of a popular revolt driven by social media has mistaken the means for the explanation. Episodes of rapid global diffusion of ideas and expectations long predate the information technology revolution. In 1919, Egypt, Libya and Tunisia were all shaken by popular uprisings (Anderson 2011). The spark was US President Woodrow Wilson's Fourteen Points speech, which was conveyed by telegraph.

authoritarian states were significantly lower.[16] At the centre of these two converging forces was the centrally powerful idea that the people have a right to revolt against injustice, and a commitment to basic norms of representation, accountability and dignity—in sum citizenship.[17]

Though the insurrections have followed different paths reflecting varied domestic constellations of elites, popular forces and institutions, in each case entrenched and organized associational powers came to the forefront. In Tunisia, protest was sustained by a newly invigorated labour movement. In Egypt, an educated and cosmopolitan urban middle class coupled with domestic traditions of comparatively open public debate set the stage for Tahrir, and revealed movement structures that were self-disciplined, highly inclusive and capable of sophisticated tactical moves. The case of Libya underscores just how critical domestic civil society is to shaping the process of transformation. If Egypt and Tunisia enjoyed relatively well-developed associational structures, Libya was divided by tribes and local loyalties. "Libya has no system of political alliances, networks of economic associations, or national organizations of any kind" (Anderson 2011, p. 6). The uprising took the form of multiple civil wars challenging a failed state, and the prospects for post-conflict political cohesion remain bleak.[18] The case of Libya underscores the lesson that favourable circumstances in the global political opportunity structure are likely to promote democratization only when they converge with favourable domestic conditions.

The second mechanism through which global civil society can exert influence is the diffusion of new norms that transform the behaviours of state and private actors. Arguments about the role of norms in shaping international relations have attracted increasing interest in recent years. International relations theorists have borrowed from legal theory on the life cycle of norms to argue that they can emerge, inspire

mobilization, reach a critical mass and then have substantive effects in international arenas. The prototypical 'norm cascade' effect begins in the North and diffuses to the South. This is the logic of the various global civil society campaigns that in the past two decades have received the most attention. In such campaigns a northern 'norm entrepreneur' takes up an issue, names it, frames it and strategically exerts pressure on northern states, usually through communication campaigns targeted at national civil societies. If and when a 'tipping point' is achieved, follower states jump on the bandwagon, giving the issue irresistible momentum (Finnemore and Sikkink 1998). This can result in new international treaties, more muscular enforcement of existing treaties or massive direct intervention.

Classic examples include the global diffusion of the women's suffrage movement, the Red Cross movement that eventually produced the Geneva conventions and the International Committee of the Red Cross, and the anti-slavery movement. More recently, anti-land mines legislation, the decommodification of AIDS medicines (Klug 2005) and campaigns opposing violence against women have emerged and diffused in highly compressed cycles. Risse (1999) documents a number of cases where a combination of pressure by international NGOs and northern states compelled "norm-violating regimes" to first accept human rights principles and then institutionalize them. Risse moreover shows that in this "spiral of norm socialization" the willingness of regimes to adapt to human rights norms can only be in part explained by strategic calculations. As these regimes engage in iterated discussions of human rights both with international actors and their own civil societies, they can, through a process of "communicative rationality" (which as argued earlier marks the ideal-typical logic of civil society), learn "to interpret their interests in a new way and consistent with recognizing international human rights norms" (ibid., p. 550).

It is important to recognize that not all norms are equal in global civil society (Chandhoke 2005). Some normative issues are far more likely to become part of a cascade than others. Keck and Sikkink (1998) argue that norms that are highly emotive, and especially those that involve bodily integrity and bodily harm for vulnerable groups, and legal equality of opportunity, are far more likely to get traction globally. The tractability of these norms may be cultural, but it also may just reflect the distribution and organization of power. As Chandhoke (2005) emphasizes, global civil society networks have been dominated by western NGOs, and these have tended to emphasize liberal concerns with civil and political rights over demands for social and economic justice

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16 In his celebrated Cairo speech, Obama declared "an unyielding belief that all people yearn for certain things: the ability to speak your mind and have a say in how you are governed; confidence in the rule of law and the equal administration of justice; government that is transparent and doesn't steal from the people; the freedom to live as you choose. These are not just American ideas; they are human rights. And that is why we will support them everywhere." Anderson comments that Obama's proclamation "did not produce this year's democratic upheavals in the Arab world, but it set expectations for how the United States would respond to them" (2011, p. 7).

17 For an analysis of the reform movement in Iran that paints a similar picture of highly diverse movement actors ranging from religious conservatives to secular intellectuals united by basic core commitments to pluralism, rule of law and democracy, see Bayat 2005.

18 Anderson in turn attributes the highly repressive and anti-civil society "permanent revolution" of Qaddafi's regime to inherited colonial legacies of Italian fascism.

(though she notes that this is changing). The problem is also clearly structural. Norms about the treatment of labour and distributive justice may have universal resonance, but because they challenge the very core of the profit motive that drives global economic integration, they are much harder to press into action.

The third point of leverage that global civil society provides is through what Keck and Sikkink (1998) have dubbed the "boomerang effect." Social movements or NGOs in a developing country take on an issue, but find their efforts frustrated by the limited opportunities to influence state power in their national context. They then forge an alliance with a well-connected and resourced northern NGO, which in effect gives them access to new venues in which they can mobilize support. The boomerang effect occurs when the southern social movement can successfully leverage a northern public to move a northern state to put pressure on the southern state. As Keck and Sikkink note, "Linkages are important for both sides. For the less powerful Third World actors, networks provide access, leverage and information (and often money) they could not expect to have on their own. For northern groups, they make credible the assertion that they are struggling with, and not only for, their southern partners" (1999, p. 93).

The boomerang effect is mediated through states, and much of the diffusion literature also focuses on the central role that states play in expanding the reach of new norms. But the increased density and intensity of global interactions may also be extending the possibility of direct civil society interventions. The recent controversy over Apple's use of the Chinese sub-contractor Foxconn is a case in point. After a series of media exposés that documented harsh labour conditions in Foxconn's factories, Apple asked a monitoring group, the Fair Labor Association (FLA) to investigate. When FLA published its findings, documenting low pay, long hours and hazardous working conditions, Foxconn immediately agreed to significant reforms, including eventually reducing the average workweek to 49 hours as required by Chinese law. Noting that Foxconn is China's largest private sector employer, and produces 40 percent of the world's electronic products, *The New York Times* commented that these reforms "could improve working conditions across China" (Duhigg and Greenhouse 2012). It is notable that a western public (the US media and advocacy groups) pressured a US corporation to pressure a Chinese partner to uphold Chinese government labour standards.

One must be very cautious about making any generalizations about global civil society. At best, the existing legal infrastructure and networks represent a patchwork. This has nonetheless had a number of measurable effects. First, the greater density of transnational networks and venues has increased the flow of rights-based discourses and claim-making. This has led to the diffusion of new norms, in effect expanding the reach and influence of global points of reference, but has also provided domestic movements with new frames for their own claims. Movements and civil society organizations can now appeal to an embryonic but noisy global public sphere. Second, openings in the political opportunity structure including both changes in the global strategic balance of power and increased international scrutiny of state actions, have increased the costs of repression and opened up new spaces for democratic movements and movements challenging powerful vested interests. Third, transnational global alliances and global venues have given domestic civil society actors new points of leverage over recalcitrant governments. The resulting partnerships have in a number of cases resulted in highly effective forms of transnational solidarity and strategic intervention by civil society actors. The movement to increase access to affordable HIV/AIDS medications is a case in point.

But if the global playing field has become far more supportive of and responsive to civil society actors and communicative power, it is important to underscore that each point of articulation between global civil society and national civil societies is highly contingent. Much depends on the specific nature of the linkages and the character of the domestic political regimes. To understand what if any effects global civil society has on rights, social policy and development, we must carefully unpack local civil societies and their relationship to the state and market.

2. CIVIL SOCIETY, MOVEMENTS AND DEVELOPMENT IN BRAZIL, INDIA AND SOUTH AFRICA

Brazil, India and South Africa present particularly important cases for exploring the relationship between civil society, democracy and development. First, these are the most successful cases of democratic consolidation in the developing world.[19] While Brazil has had a rollercoaster ride with democracy, and India did suffer a brief authoritarian interlude—the Emergency of 1975-1977—all three are now widely viewed as

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19 Setting aside Indonesia, which has been democratic for less than a decade, Brazil, India and South Africa are the most populous democracies with a 'free' score on the Freedom House index.

highly stable democracies where the likelihood of democratic reversal or even destabilization is remote. Democracy has not only become the only game in town, but it has made a real difference. In India, it has helped forge a nation from the most heterogeneous social fabric in the world. In South Africa, democratic politics and constitutional rule have managed a transition from white minority to black majority rule with minimal conflict. And in Brazil, the transition to democracy has not only neutralized the military, long the institutional basis for authoritarianism, but has seen a programmatic and highly effective broad-based party (the PT) come to power.

Few observers would disagree with the claim that relative to their neighbours, all three countries have 'vibrant' civil societies that have been a critical part of their democratic successes. The historical reasons are not hard to identify. Because political society under colonial/authoritarian rule was the domain of traditional elites, the democracy movements in the three nations evolved and were mobilized through structures of civil society (unions, schools, civic organizations, peasant associations, religious organizations, etc.), and relied heavily on domestic narratives of resistance to authoritarian rule to make their normative and political claims for democratic self-rule.

Until it assumed power, the Indian National Congress was more a social movement than a party, led by the quintessential communicative entrepreneur, Mahatma Gandhi. South Africa's anti-apartheid movement is generally associated with the African National Congress (ANC), but it was the coalition of thousands of civics, churches, unions and student associations under the organizational umbrella of the United Democratic Front (UDF) that organized mass mobilizations and contested the apartheid state continuously and on every front for two decades. Brazil's Popular Movement (*O Movimento Populari*), which had its roots in the progressive Catholic Church in the 1970s, drew together neighbourhood associations, women's groups and unions, as well as a wide range of middle-class human rights groups and professionals into what Alvarez has described as a "new way of doing politics" (1997, p. 92). This emphasized community participation and a new politics of citizenship focused not just on legal rights, but "citizens being active social subjects, defining their rights, and struggling for these rights to be recognized" (Dagnino 2007, p. 549).

In the post-transition period, a robust, if not always evenly enforced rule-of-law environment has safeguarded and in some cases expanded the space for civil society. In all three countries, overt state repression is rare (and when it occurs vociferously denounced), associational life has largely been free of state interference, the media is diverse and noisy, social movements are tolerated (though begrudgingly in the case of South Africa) and there are clear indications of a dramatic expansion of NGO activity.

The consolidation of democratic institutions and the existence of robust civil society is all the more notable given that inequality in the three countries is pervasive and remains the most difficult obstacle to development. Brazil and South Africa are notorious for having the highest Gini coefficients in the world. India officially escapes this distinction (many would argue only because of measurement problems), but stands out for having some of the most severe levels of basic deprivation in the world.

If economic inequalities are deep, forms of social exclusion are just as severe. Race of course was the organizing principle of apartheid in South Africa. While race was never institutionalized in Brazil (Marx 1998), it has nonetheless had a pervasive role in reproducing inequality (Telles 2004). In India, social exclusion is deep and complex, organized along caste, religious and ethnic lines. To have built stable, liberal and comparatively tolerant democratic political systems in these environments not only defies much of the conventional wisdom and dominant theoretical views on the necessary social prerequisites for building democracy, but also suggests that processes of democratization are *shaped* but not necessarily *determined* by durable social inequalities.

But if all three countries have fared well in consolidating democratic institutions, including the rule of law, and if all three receive near identical rankings in the Freedom House index,[20] comparative analysis in fact points to very different degrees of democratic deepening and inclusive development. Much of this variation can be tied to the possibilities and limits of civil society, and in particular the relationship of civil society to the state.

In Brazil, civil society has in effect *projected* itself into the state and not only fundamentally transformed politics, but also helped underwrite an inclusive model of development. The impact of civil society and social movements in India is much harder to assess. Given deep structures of social inequality and entrenched communities, many observers have argued that India is inhospitable to rights-based associational life (Mahajan 1999, Chatterjee 2004). Yet social movements at the regional level have played a critical role in driving subnational variation in developmental outcomes, and in the past decade, civil society has become much more assertive and

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20   Brazil and South Africa rate a 2, and India a 2.5 on a combined index that runs from 1-3 (free) to 3-5.5 (partly free) to 5.5-7 (unfree).

effective in driving social policy. The relationship between civil society and the state remains highly contentious, however, mediated, as it is, by a political party system that is fragmented and dominated by patronage interests.

The case of South Africa presents a cautionary tale. Civil society played a central role in ending apartheid and securing a working and effective democracy that has been a model of national integration, rule of law and macroeconomic stability. There are well-organized civil society organizations, and many continue to play a vital role in shaping development, but the overall efficacy of civil society has been limited by its lack of effective leverage over the state. This *containerization* of civil society is in turn fuelling class polarization.

In the sections that follow, the role of civil society is explored at two levels. The paper first examines local arenas of governance, since all three countries implemented important decentralization reforms in the 1990s that were specifically designed to increase citizen participation. This is followed by a broader examination of the role that social movements and civil society have played in shaping development trajectories.

3. BRAZIL

LOCAL GOVERNMENT AND CIVIL SOCIETY

Brazil has been one of the most decentralized countries in Latin America, but state and local governments have long been dominated by local oligarchies.[21]

Beginning in the late 1970s, however, social movements for democracy became increasingly proactive, demanding not only political reforms, but also accountability and improved governance. Throughout Brazil, these movements sought ways to organize various local neighbourhood associations and movement actors into common blocs that could make demands on city and state government. Eventually, they coalesced into national drives like the Cost of Living Movement, the Housing Movement and the Collective Transports Movement.

With the discussion for the new Constitution beginning in 1986, urban social movements successfully made demands for more accountable forms of city governance, calling for decentralization and citizen participation in the running of city affairs as a basic right of citizenship (Holtson 2008). The Constitution of 1989 empowered local democratic governance by giving municipalities more resources and more responsibility for a wide range of services, including

for health, transportation, housing and primary education. There is now wide agreement that Brazilian municipalities are the most autonomous and most resourced in Latin America (Samuels 2004; Baiocchi 2006; Baiocchi, Heller and Silva 2011). The Constitution also supported participatory governance by creating various sectoral councils (health, transport, education, environment) composed of representatives from sectoral interests, government and civil society. The councils are essentially neo-corporatist deliberative arenas with significant binding authority, most notably the right to veto the allocation of federal monies to municipal budgets.[22]

Reforms have also consisted of innovative initiatives in which some form of civil society participation was institutionalized in areas as varied as municipal planning, environmental regulation and housing programmes (Baiocchi 2006). The most significant of these local experiments has been participatory budgeting, a process that involves direct involvement of citizens at the neighbourhood and city level in shaping the city's capital budget. Over 400 Brazilian cities have now adopted some form of participatory budgeting.

In 2001, the Brazilian Government passed new legislation—the City Statute (*Estatuto da Cidade*) which not only "incorporates the language and concepts developed by the urban social movements and various local administrations since the 1970s," but requires that all urban policies be subject to popular participation, and "introduces a series of innovative legal instruments that allow local administrations to enforce the 'social function'" (Caldeira and Holston 2004, pp. 405-406). All of these reforms in effect expanded the institutional surface area of the state and sought to displace traditional clientelistic modes of intermediation with rule-based interactions based on principles of citizenship.

Just how significant these transformations have been in terms of actual democratic practices is revealed by three very different types of evidence. First, research conducted with Baiocchi and Silva in eight Brazilian municipalities found that participatory budgeting not only significantly democratized the traditional elite-driven budgetary process, but that it also markedly increased the access of civil society organizations to the decision-making process (Baiocchi, Heller and Silva 2011).

Second, in his recent book, *Insurgent Citizens*, the anthropologist James Holston follows the history of the struggles of workers on the vast periphery of São Paulo. Lacking even the most basic rights ("citizens without a city") these workers

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21 This section draws significantly from Baiocchi, Heller and Silva 2011.

22 Alvarez describes the 1990s as the decade of 'council democracy'. By one estimate there were at least 84 national councils at this time, and thousands of local level councils, including 1,167 councils in São Paulo state alone (1997, p. 27).

struggle to secure titles to their land and to demand social services. What were essentially highly prosaic localized struggles to gain a foothold in the city merged into the broader stream of the democracy movement to become highly politicized struggles for citizenship. As urban movements scaled up, a "new pedagogy of citizenship" emerged, and "the language of human rights became a general idiom of citizenship during this period" (Holston 2008, p. 250).

Third, Peter Houtzager and his colleagues have actually measured the degree and quality of associational engagement with the local state. Using original survey data from São Paulo, Mexico City and New Delhi, Houtzager and Acharya (2008) find that only residents of São Paulo act as citizens. In contrast to Delhi, where the urban poor depend entirely on political patrons to make demands on the city, and Mexico City, where urban residents have resorted to self-provisioning rather than demand-making to address their basic needs, a majority of residents of São Paulo seek redress by directly engaging city authorities.

In sum, civil society organizations and citizens in Brazil have direct access to local government, and in many cities play an active role in shaping public policy. If this has deepened democracy, it has also been part of the dramatic success Brazil has had in the past two decades, and in particular in the last decade, in reducing poverty and inequality. The ability of cities to direct resources to marginalized sectors and neighbourhoods has been well documented in case studies, but there is now a growing body of comparative work that also finds a link between participation and redistribution. A number of studies have found that cities that adopted participatory budgeting had a far better rate of poverty reduction than cities that did not (Pires and Vaz 2011; Baiocchi 2006; Baiocchi, Heller and Silva 2011). In an analysis of 44 cities over a 12-year period, the Institute for Applied Economic Research found that cities that had more participatory institutions (measured by the number of sectoral councils) had a significantly higher rate of expansion of social and health personnel (Pires and Vaz 2011). In other words, participation is directly linked to the growth of the local welfare state.

In addition to direct local effects, researchers have also attributed the success of a wide range of federal programmes, such as the conditional cash transfer programme *Bolsa Familia* and the rapid expansion of public health care in the last decade, to the efficacy of local government. By one estimate, *Bolsa Familia* has a very low level of leakage, a success associated with the design of the programme but also with the efficiency with which municipal governments have targeted the poor (Arbix and Scott 2009). Recent comparative

work on the federally funded expansion of community clinics and health teams working in poor areas has shown that the effective reach of the programme as measured by doctor appointments is directly tied to the strength of local health care movements (Gibson 2011).

SOCIAL MOVEMENTS AND DEVELOPMENT

Brazil in every respect stands out as the prototypical case of transformation driven by social movements. They have profoundly impacted the public sphere, problematizing and politicizing a wide range of social justice claims, engaging directly with the state to shape policy, and most importantly, redefining "citizenship by challenging the existing definition of what constituted the political arena—its participants, its institutions, its processes, its agenda, and its scope" (Dagnino 2007, p. 550). One cannot account for changes in Brazil's health sector, including the response to AIDS; the environment; affirmative action policies[23] and urban governance without reference to the role of movements.

What decisively differentiates Brazil from India and South Africa is that social movements at the national level have remained politically engaged and efficacious. This observation holds true across a wide range of sectors. The examples of the environmental movement and the HIV/AIDS movement capture the key dynamics at work.[24] In their comprehensive study, Keck and Hochstetler (2007) argue that the environmental movement in Brazil is by far the broadest and the most successful in Latin America. The movement encompasses a wide coalition of professionals and local grass-roots actors, including indigenous groups, organized labour and urban movements. It has engaged with environmental issues across the full spectrum, ranging from pollution and conservation, to genetically modified organisms and dam construction.

Born in the crucible of the democracy struggle, the movement quickly scaled up into what Keck and Hochstetler dub "socio-environmentalism" a strategy that links environmental sustainability with sustainable livelihoods (Hochstetler and Keck 2007, p. 13). The movement has moreover self-consciously combined contention (*ecologia de denuncia*) with pragmatic engagement with the state (*ecologia de resultados*). This itself has been made possible by the dramatic expansion

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23 Paschel (2011) has also documented the success of the Black Social Movement in Brazil, and has specifically argued that in contrast to Colombia, the movement has been able to engage the state without compromising its autonomy. The state has in turn pursued aggressive policies of affirmative redressal across a wide range of sectors.

24 See also Khagram's (2004) study of the anti-dam movement and Holston (2008) on urban movements.

of the policy surface area through both constitutional provisions that mandate engagement on environmental issues with civil society organizations and through the proliferation of a range of councils that have given environmental groups direct access to policy-making. The responsiveness of the state is most notable in the increasingly proactive role of the *Ministerio Publico*, a body of independent public prosecutors that has filed 97 percent of civil suits in the environmental arena. By 2002, there were more than 2,000 prosecutors specializing in environmental issues. Only the United States has made more use of legal tools in environmental politics (ibid. 2007, p. 56).

The HIV/AIDS movement has been the most broad-based and effective of its kind. From the outset, social movements took the lead in publicizing HIV/AIDS and demanding state action. Most significantly, they explicitly defined the crisis as a human rights issue and demanded comprehensive treatment including free access to anti-retroviral (ARV) medicines. President Fernando Henrique Cardoso's administration responded by making treatment a priority. The Government forced pharmaceuticals to provide ARVs at favourable prices and secured a World Bank loan to fund a massive roll-out programme. Rather than working through the Health Ministry and its ossified and patronage-driven bureaucratic structures, the programme enlisted over 500 NGOs for implementation, especially the task of outreach to marginalized populations.

In one of the most detailed studies of the programme, Biehl observes that "AIDS activists and progressive health professionals migrated into state institutions and actively participated in policy making" (2007, p. 1,087). Biehl concludes that: "Against all odds [for a poor, developing country] Brazil invented a public way of treating AIDS" (ibid., p. 1,084). Rates of mortality had fallen by 70 percent in 2004, and Brazil's strategy of universal treatment is now "widely touted as a model for stemming the AIDS crisis in the developing world" (ibid., p. 1,088)., The contrast with India, where the response has been slow, highly bureaucratic and focused on prevention rather than treatment, and South Africa, where the lack of response for so many years stands out as one of the great policy disasters of any democratic government, is a testament to just how decisive civil society engagement can be.

The fact that movements have played such a powerful role in many different sectors in Brazil points to the significance of broader factors at work. In comparison with India and South Africa, the nature of civil society-political society relations stands out as decisive in Brazil. Social movements there emerged largely *in opposition* to political society. As Dagnino argues, movements acted against "the control and tutelage of

the political organization of the popular sectors by the state, political parties and politicians. Their conception of rights and citizenship embodied a reaction against previous notions of rights as favours and/or objects of bargain with the powerful (as in the case of citizenship by concession, *cidadania concedida*)" (2007, p. 553).

But even as movements sought to redefine the meaning and the modalities of the political, they were also driven by very practical demands for inclusion and determined to shape public policy. Though Cardoso's two administrations are best known for their success in stabilizing and opening up the economy, they were also noted for their openness to civil society. Cardoso himself attributes the success of his social reforms to close collaboration with civil society, and has described the relationship of the Brazilian state to social movements as 'porous'.

The current ruling party, the PT, was at the confluence of the social movements of the 1980s and has a model of governing that includes a substantive commitment to redistribution and a procedural commitment to "incorporating and even institutionalizing popular participation in decision-making" (Hochstetler 2004, p. 8). At the beginning of his administration, President Luiz Inácio Lula da Silva met with labour, indigenous, anti-poverty and religious groups, as well as with the mass-based and highly militant rural landless labourers movement. The meetings were highly publicized and gave these movements significant prominence (ibid., p. 10). The movements continue to sustain their autonomy, however, even with the PT in power. They have openly criticized the Government's economic policies and continue to engage in contentious actions (ibid., p. 21). The vitality of the movement sector in Brazil was most recently on display in June 2013 when nation-wide protests erupted in the build up to the World Cup. A rich cross-section of social groups mobilized to denounce corruption and excessive expenditure on World Cup infrastructure and to demand increased investment in social development and public services.

The case of Brazil underscores the historical contingency of the balance between state and civil society. Brazil was no less unequal at the time of transition than India or South Africa, and if anything its political institutions were more fragile and more dysfunctional. Yet the post-transition period has witnessed not only the strengthening of an autonomous and vivacious civil society, but also clear instances of civil society projecting itself into the state to shape policy. Most notably, civil society pressures have resulted in the institutionalization of a wide range of participatory structures and the strengthening of local democratic government. This has

had the effect of embedding the state in a broad-based sector, underwriting developmental policies that have emphasized social investment and human development, and encouraging highly effective forms of state-civil society co-production.

4. INDIA

LOCAL GOVERNMENT AND CIVIL SOCIETY

The institutional space for the exercise of local citizenship in India is highly circumscribed. Indian states enjoy significant powers and play a central role in development. But local elected governments—municipalities and rural governments (*panchayats*)—have few resources and very limited authority. Until the 73rd and 74th constitutional amendments in 1993, most states did not even hold local government elections on a regular basis. The development functions of local governments were limited to acting as implementation agencies for line department schemes. Ordinary citizens were afforded few opportunities to directly engage in or influence decision-making about public allocations.[25] The actual presence of local government has been so thin both institutionally and financially that it has not provided a usable platform for public deliberation or action.

To the extent that local citizens interact with local government, they generally do so through the mediations of various brokers and fixers, often leaders of caste associations or landed elites. And when the state is present in a more robust form, it often becomes little more than an instrument of dominant interests, as in the case of local police forces that actively harass and prey upon lower castes (Brass 1997, p. 274). In sum, the form of the local state and the mode of its interface are so institutionally weak and so thoroughly permeated by social power and extra-legal authority as to vacate the actual practice of citizenship.

The limited scope of local government has dramatic implications for development on two counts. First, local government itself has little or no developmental capacity, and the weakness of local institutions fundamentally compromises the ability of the centre and states to deliver. Downward accountability through the extremely long chain of command that characterizes the Indian state deteriorates dramatically as one gets closer to the point of delivery, and levels of leakage are notoriously high and institutional failure endemic.[26] Despite very significant increases in educational spending in recent years, for example, and a now near-universal rate of primary school enrolment, teacher absenteeism remains chronic, caste discrimination rampant and school failure endemic (Ramachandran 2009).[27] The existence of subnational states that have demonstrated a marked capacity for enhancing capabilities, most notably Kerala, Tamil Nadu and Himachal Pradesh, while drawing on the same resources, institutional forms and bureaucratic structures as other states, suggests that the problem is more political (the chain of sovereignty) than organizational (the chain of command).

Second, the absence of local democratic spaces of engagement has reinforced narrow group identities at the expense of broader, civic identities. Commenting on the increasing politicization of identities, Jayal writes, "The idea of universal citizenship enjoys little purchase within these political arguments, as cultural citizenship has acquired pre-eminence, and social citizenship is compromised" (2006, p. 13). "Clientelistic" representation pre-empts the formation of the type of stable, lower class and caste programmatic coalitions that have been associated with the more successful redistributive regimes in Tamil Nadu, Kerala and West Bengal (Corbridge and Harriss 2000). The problem of democratization thus lies less in the institutions of democracy or the party system than in the political practices and channels that link civil society to the state, and weaken the possibilities for a more deeply and broadly embedded developmental state.

In the past two decades, a range of legislative and policy initiatives—most importantly the 73rd and 74th constitutional amendments, as well as sector-specific reforms—have marked a concerted effort to empower local government. This represents a critical juncture in state-building, all the more so because this has not simply been an institution-building exercise. The rationale for decentralization that has been invoked by centre actors explicitly links the project of building local state capacity to new forms of participatory democracy (Jayal 2006). There has been recognition that top-down command-and-control bureaucracies, supported by expert planning, have not generated anticipated transformative effects. A rent-seeking nexus of bureaucrats and local politicians has captured state sources as they flow downwards. The prescription has been to move the state downwards by building locally

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25 The insignificance of local government in India is readily summarized: Annual local per capita expenditure in 1990-1995 was a paltry Rs. 45, about one dollar (Chaudhuri 2006).

26 This is best captured in Rajiv Gandhi's apparently improvised comment that only 15 paise of every rupee ever reached the intended beneficiary.

27 The most recent comprehensive national evaluation concluded that by the end of the fifth year of education, more than half of school children have yet to acquire a second-year level of reading (ASER Centre 2012).

accountable institutions of state authority.[28] It is worth noting that this vision of decentralized democratic governance has been powerfully and influentially informed by Sen's work on capabilities (the meta-capability being the capacity of citizens to define the life they want to live through deliberation), but also has deep roots in civil society and a range of social movements that have been demanding greater accountability from the state.

Almost two decades after the reforms, however, the general view is that they have been disappointing at best.[29] Some states have done little, some have done a bit, and a few either already had strong track records that they have extended (West Bengal and Karnataka) or broke new ground and made important headway (Madhya Pradesh and Kerala) (Heller 2009). It is also clear that the reforms have been up against determined state-level political and bureaucratic resistance (Jayal 2006).[30]

There is one dramatic and instructive exception to this otherwise bleak picture. In Kerala, a coalition of leftist parties led by the Communist Party of India–Marxist (CPI(M)) returned to power in 1996 and immediately launched the People's Campaign for Decentralized Planning. Inspired and informed by a state-wide community organization—the *Kerala Sastra Sahitya Parishad* (KSSP) movement, a 50,000-member organization with a long history of promoting local experiments in participatory planning and development—the state government implemented what is in scope and scale undoubtedly one of the most ambitious participatory reforms ever undertaken. All 1,214 local governments—municipalities and the three rural tiers of district, block and *gram panchayats*—were given new functions and powers of decision-making, and were granted discretionary budgeting authority over 35 to 40 percent of the state's developmental expenditures.

28 Rajiv Gandhi in 1989 provided the following justification for a constitutional amendment to increase the powers and responsibilities of local bodies: "A wide chasm separates the largest body of the electorate from a small number of its elected representatives. This gap has been occupied by the power brokers, the middlemen and vested interests […] With the passage of this Bill, the panchayats would emerge as a firm building block of administration and development […] as an instrument in the consolidation of democracy at the grassroots" (cited in Jayal 2006, p. 6).

29 The 73rd amendment applied to rural government. The 74th amendment applied to cities, which have historically enjoyed very little local capacity, and are all but governed by centre and state bureaucracies. But the broad consensus is that this amendment was little more than an afterthought and has had little impact. Some even argue that processes of centralization have been accentuated with economic liberalization (Benjamin and Bhuvaneswari 2006).

30 The contrast here with China is telling. Bardhan (2010), among others, points to local government decentralization as a key ingredient of China's phenomenal and much more inclusive growth rates. Decentralization allowed for effective innovation in promoting local growth, with the centre playing a key role in diffusing the most successful models.

In addition to devolving resources, state officials sought to directly promote participatory democracy by mandating structures and processes designed to maximize the direct involvement of citizens in planning and budgeting. There is now an extensive literature that shows that local government has been firmly implanted in Kerala, and that while the depth and quality of citizen participation varies dramatically across *panchayats*, the campaign has opened new spaces for citizen engagement (and in particular by women and Dalits), and strengthened the capacities of the local welfare state (Heller et al. 2009; Gibson, forthcoming).

SOCIAL MOVEMENTS AND DEVELOPMENT

There is a long and rich post-independence history of social mobilization in India. As Omvedt has argued, in contrast to the reformism of the Congress leadership, the many anti-caste movements, both before and after independence, "fought for access to 'public' spaces of work, consumption and citizen's life" (2003, p. 137). These movements in other words sought to expand democratic civil society by actively removing barriers to participation. In southern India, they fundamentally transformed caste relations, and Varshney (2000) even credits them with the better government performance and better social development indicators observed in states there. Also, as argued in Heller 2000, the extensive social rights and equity-promoting public policies that have been secured in Kerala can be tied directly to its historical pattern of civil society formation. In this state of 32 million, successive waves of social movements, a rich and competitive sector of civic organizations, and citizens who know and use their rights have kept political parties and the state accountable, producing India's most competitive party system and its most efficacious state.

But with the possible exception of the farmer movement that emerged in the 1980s, few social movements in India as a whole have been able to scale up and impact the political arena. The farmer movement successfully mobilized relatively well-off farmers to secure significant concessions from the state. But its agenda has been a narrow corporatist one, more lobby than movement, and certainly not interested in expanding social rights. Other class-based movements have had even less success. Though landless labourers constitute by far the single largest class category in India, and are overwhelmingly Dalit and lower caste, nothing even resembling a sustained movement has ever emerged, except in Kerala. If anything, movements of the agrarian poor have taken place largely outside the democratic arena in the form of various Maoist-inspired local insurrections, which are now active in a number of states.

India's industrial labour movement has been especially weak. From the very beginning of Independence, labour federations were dominated by the state and as Chibber (2005) has shown were outmanoeuvered into accepting an industrial relations regime that subordinated labour's interests to the imperatives of promoting capital investment. Operating in a highly bureaucratic and quasi-corporatist environment, the federations have for the most part become instruments of political parties. It is telling that they have never expanded their presence beyond the confines of the protected organized sector, which accounts for less than 9 percent of the workforce.[31]

Other movements, including those of Dalits, Adivasis, women and environmentalists, have developed innovative and effective forms of contention and built strategic ties with transnational advocacy networks, so it is difficult to downplay the richness and vibrancy of social movements. Yet none of these movements have built effective and sustainable ties to political society, and indeed, many have taken an 'anarcho-communitarian' turn, embracing communities and rejecting engagement with the state (Corbridge and Harriss 2000, Bardhan 1999). This reflects the degree to which civil society formations have come to distrust a political society increasingly characterized by corruption, personalism, short-term calculations, and concentrated and insulated power.

Reviewing the trajectory of social movements in post-Independence India, Katzenstein and Ray point to a decisive shift in how the political opportunity structure has shaped social movements by delineating two distinct periods. In the Nehruvian period, the state, political parties and movements were aligned around a left frame of democratic socialism, but since the 1980s these progressive movements have had to reinvent themselves with the "ascendance of its [the Nehruvian period] institutional mirror image on the right, the similarly synergistic nexus of state, party, and movement now organized […] around religious nationalism and the market" (2005, p. 3). Indeed, movement activity in the 1980s and 1990s was increasingly dominated by forces tied to the rise of Hindu nationalism, including various "elite revolts" (Corbridge and Harriss 2000) against the new electoral power of the lower castes. Insofar as these movements seek to affirm traditional privileges of caste, male authority and the Hindu majority, they are in effect deeply illiberal. And though they

have not proven a threat to formal democracy—as evidenced by the Bharatiya Janata Party's tenure and departure from power—they have arguably had a deeply perverse effect on civil society by stoking inter-community violence; legitimizing old and new exclusions; communalizing schools, unions and associations; and in general reinforcing the involutionary logic of exclusionary identity politics.

Surveying this landscape, some of the most thoughtful analysts of civil society in India have drawn some sobering conclusions. At a general theoretical level, Mahajan and Chatterjee have both questioned the viability of the very concept of civil society in India and especially its democratizing character. Mahajan (1999) argues that because communities and group identities in India remain strong—and even have legal sanction—participation along group lines can often produce demands that are contrary to the principles of legal, individual equality. Chatterjee goes even further, arguing that civil society is a terrain of engagement with the state that has been dominated by elites, and goes on to assert that most Indians "are not proper members of civil society and are not regarded as such by the institutions of the state" (2001, p. 8). Some recent empirical work by Harriss has shown that the space of civil society is primarily populated with middle-class groups that have crowded out lower class/caste groups (2007).

But the shear heterogeneity and complexity of politics in India cautions against generalization. Though Hindu nationalism has had the most visible effect because of its electoral successes, and while "patronage democracy" (Chandra 2007) remains the norm, the last decade has also witnessed a quite dramatic rise in rights-based movements.

First, Varshney (2002) has shown that there are places in India, specifically cities, where inter-communal associational ties have produced civic spaces where a wide range of actors can participate in public life, engage in more or less reasoned discussion about highly emotive issues such as communal conflict, and resolve problems through cooperation. Second, as is well known, the history of anti-Brahmin movements in the south has fundamentally transformed caste relations, opening up a range of political spaces and associational practices that simply do not exist in much of the north. Third, there is enormous churning taking place among subordinate groups in India. The most remarkable expression of this has been in electoral patterns, and in particular in what Yadav (2000) has dubbed the "second democratic upsurge."

Below the surface of electoral politics, many have also noted a new effervescence in associational life. As Corbridge et al. write, "(P)ower is leaching steadily, and in some respects ineluctably, to the lower castes, and has been claimed by them

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31 The exception here is Kerala, where the Centre of Indian Trade Unions (the CPI(M)-affiliated federation) has made significant inroads into the informal sector (Heller 1999). In a very different pattern, new non-aligned movements have emerged in the informal sector, most notably the Self-employed Women's Association (SEWA), and small but significant organizing efforts in the construction and *beedi* industries (Agarwala 2006).

in terms which often resist the presumptions of a benign and disinterested state" (2005, p. 83). From fieldwork in Bihar, Jharkhand and West Bengal, they conclude that it is "the indirect effects of a discourse of participation that have been most effective in carving out spaces of citizenship for poorer people, however small and disappointing these spaces might seem to be" (ibid., p. 122). In his work on urban movements in Mumbai, Appadurai (2002) has pointed to a similar dynamic by showing that new forms of civic agency are fundamentally challenging dominant discourses and practices.

In her work on microcredit NGOs in rural India, Sanyal (2009) finds that participation in NGOs has very significant effects in expanding women's 'associational capabilities'. Women who had very limited if any associational life—that is contacts and social intercourse outside the extended family—found themselves attending village gatherings (and even extra-village meetings), and in the process developing a range of new capabilities, critiquing patriarchal power, cultivating new solidarities and expanding what Appadurai calls their "culture to aspire." Similarly, Agarwala's research (2006) on informal sector women workers in the *beedi* and construction industries across three different states documents new forms of organizing in what historically have been extremely difficult arenas for collective action. What is notable about the types of mobilization she documents is that they have taken place outside traditional union- or party-dominated structures, and despite not being linked to each other, have all developed forms of claim-making that revolve around women's identities as citizens demanding rights and recognition.

The NGO sector has also undergone dramatic growth and transformation in the past decade. The educational NGO Pratham has played a transformative role in exposing the failures of India's public education system. NGOs in the urban sector have devised innovative ways of increasing scrutiny over government performance, including ward councillor scorecards, a ward-based infrastructure index, and an 'I paid a bribe' website that has shamed the Bangalore municipal corporation into publicly acknowledging corruption. The *Mazdoor Kisan Shakti Sangathan* (MKSS), a grass-roots organization to empower workers and peasants in Rajasthan, has been a classic case of scaling up success. It started as a local movement demanding greater transparency of local government records, launching social audits in villages and using the quintessential civil society tool of the public hearing (*jan sunwai*) to expose government malfeasance. The MKSS was successful in securing legislation that requires public meetings to review village accounts. The model diffused rapidly to other states and eventually became part of a larger civil

society movement that successfully pressed for national legislation—the 2005 Right to Information Act—that for the first time has explicitly empowered citizens to demand transparency from the Indian Government.

As Jenkins notes, a second wave of the anti-corruption movement has significantly narrowed the gap between the traditional middle-class NGO sector and people's movements (2007, p. 64). Jenkins observes that increasingly NGOs are calling themselves 'people's movements for reinforcement of democratic values' and gaining much broader legitimacy. Civil society has also found new ways to engage with the Government. Using public interest litigation, an alliance of civil society groups took the Government to task for not meeting basic food security. In 2001, invoking the 'right to life' provisions of the Indian Constitution, the Supreme Court ruled that the state had in fact violated citizens' right to food and mandated the creation of a food commissioner (ibid., p. 65). The commissioner was granted unprecedented powers to monitor a range of state agencies, but has also been unusual for developing close working ties to civil society (ibid., p. 66).

Despite the significant impacts that civil society has had on policy in the past decade, evidence of substantive change remains limited. The jury is still out on the impact of new legislation and programmes. Given the weak capacity of the Indian state, the massive levels of leakage that are built into the system, and the failure of any political party to align with movements and programmatically champion inclusive development, it remains to be seen what, if any, effect these policies will have. Though NGOs, the Government and various social movements have taken up the cause of participation, and despite very real efforts such as through the *panchayats* to open the political system to more citizen engagement, there is little evidence that subordinate groups have been empowered, with notable exceptions such as Kerala. While media are growing and becoming more vociferous and diverse, they remain dominated by upper castes (Dréze and Sen 2011) and tend to reflect middle-class interests, celebrating markets and denouncing state intervention (Chaudhuri 2010). Voter participation remains high and inclusive, but the party system is severely fragmented.

Under these conditions, it is hardly surprising that India has failed to capitalize on its growth dividend, and inequality is growing, significantly so in income terms but even more dramatically in human capability terms. Even as the upper castes/classes reap the rewards of the global knowledge economy, Bardhan (2010) estimates that India continues to be beset by the greatest inequality of educational opportunity of any developing country. Even more striking is the complete failure

to deliver the most basic of capabilities—food and health. A recent assessment found that in 2006, 48 percent of children under the age of five were suffering from stunting (the highest level of malnutrition in the world), a condition that has severe long-term health consequences (Government of India 2009). Annual reports of the National Nutrition Monitoring Bureau actually show a decline in the consumption of calories over the past two decades.

In part, the state is increasingly constrained by its close ties to business interests (Kohli 2007a).[32] Efforts to develop urban infrastructure and social services have been stymied by the dominance of 'land-grab' politics, as developers and politicians collude in capturing the rents of exploding urban land prices.

Counterfactual cases within India suggest that the problem lies less in issues of state capacity than in the way in which the state's relationship to society is constrained by political dynamics. State interventions continue to be captive to narrow, patronage-driven political imperatives that are highly entrenched at the subnational level. In the absence of countervailing civil society organizations that can hold bureaucrats and politicians to account, and more broad-based forms of demand-making that would favour the provisioning of public goods, India's prospects for successfully expanding capabilities remain limited.

5. SOUTH AFRICA

LOCAL GOVERNMENT AND CIVIL SOCIETY

The state of local government in South Africa presents a more complicated picture than in India. In rural areas, given the legacy of customary rule and the still formidable powers enjoyed by chiefs, Mamdani's (1996) characterization of local government as a form of decentralized despotism is still probably apt. Recent legislative reforms have in fact buttressed the power of 'traditional authorities', and as Ntsebeza (2005) has carefully documented, reversed many of the democratic gains of the post-apartheid period. Institutional weaknesses moreover make most local and district governments largely dependent on provincial line departments.

The picture in urban areas is quite different. Here South

Africa is unique, having inherited municipal structures that in comparative terms enjoy significant governance capacities and fiscal autonomy, especially in the three megacities of Johannesburg, Cape Town and Durban. It is even possible to talk of a local developmental state (van Donk et al. 2008). The democratic character of that state is another matter.

At the time of transition, South Africa's foundational development document, the Reconstruction and Development Programme, reserved a central role for community participation in promoting local development. Subsequent legislation mandated a series of participatory processes in local governance. But with the shift in 1996 to a more market-driven vision of development, the Government came to see local government more as an instrument of service delivery than a forum for participation. As many commentators have noted, over the past decade local government has become increasingly insulated and centralized (ibid.). In the name of efficiency and more rapid delivery, the ANC has managerialized decision-making processes, and reduced the quality and scope of participatory processes created under the Reconstruction and Development Programme.

A wide range of participatory institutions such as community development forums have been dismantled or hollowed-out, and municipal governance has been centralized into unicity structures that have entrenched a bureaucratic and corporatist vision of urban governance (Beall, Crankshaw and Parnell 2002). The privatization or outsourcing of many government functions and increased reliance on consultants has virtually crowded out community structures. At the ward level, elected councillors and their handpicked ward committees have been given a new role and new resources for coordinating local development. Because of the electoral dominance of the ANC, and the very tight control it exerts over the selection of councillors, however, the new ward committee system feeds into ANC patronage. Interview and focus group data show that township residents complain bitterly that their ward councillors are more interested in advancing their political careers than in serving their communities (Heller 2001). More broadly, as Oldfield remarks, this "focus on development as a delivery process has framed the substantiation of democracy as a procedural policy rather than political challenge" (2008, p. 488). In sum, the local spaces in which citizens can practice democracy and exert some influence over South Africa's very ambitious project of local government transformation (i.e., deracializing the apartheid city and closing the service gap) have narrowed.

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32 In a revealing episode, the Minister of Panchayati Raj in 2007 publicly complained that the centre was spending more on the Commonwealth Games in Delhi—an investment seen as critical to India's image as a site for global capital—than on the budget of his ministry charged among other things with strengthening local government (*Indian Express*, 24 April 2007).

SOCIAL MOVEMENTS AND DEVELOPMENT

In South Africa, social movements played such a critical role in the anti-apartheid struggle that they entered the democratic period with significant organizational capacity, enormous popular support and a lot of momentum. Despite the perverse and resilient inequalities of apartheid, large segments of the black population are well organized, most notably the labour movement, and have been able to secure significant redress such as labour protection and the deracialization of formal labour markets. Moreover, a wide array of movements from local civics (Heller 2003, Chipkin 2007) to single-issue campaigns and HIV/AIDS movements have deployed a range of 'in-system' and 'extra-institutional' tactics to press both rights-based demands (HIV treatment) and more contentious challenges (opposition to neo-liberalism) with the state (Ballard, Habib and Valodia 2006).

Following a well-established pattern (Hipsher 1998), a certain degree of demobilization was inevitable with the transition to democracy, especially considering the formal representation through various corporatist structures that the labour and civics movement were given. But the degree to which movements have been almost completely neutralized or sidelined requires some comment.

First, one needs to address the most complicated case—organized labour. The Congress of South African Trade Union's (COSATU) strength and cohesiveness stands in sharp contrast to India's fragmented and marginalized labour movement, and is a testament to the depth and breadth of labour organizing that took place under apartheid. Despite its alliance with the ANC, COSATU has retained its autonomy, often voicing criticism of the state and staging broad-based and well-organized strikes across sectors to leverage labour's bargaining capacity (Habib and Valodia 2006). COSATU has moreover shown itself to be a powerful kingmaker, having played a critical role in Jacob Zuma's defeat of President Thabo Mbeki for control of the ANC at the party's December 2007 Polokwane conference.

Yet most assessments of labour's role in South Africa's corporatist structures, and specifically the National Economic Development and Labour Council (NEDLAC), are critical, arguing that the ANC has largely set the agenda. Most notably, COSATU failed to block or even modify the ANC's shift from the redistributive Reconstruction and Development Programme to quite orthodox neo-liberal policy. COSATU itself recognizes its political marginality. In a policy document, the federation complained that the ANC National Executive Committee has no active trade unionists or social movement activists, and goes on to state, "Once elections are over we go back into the painful reality of being sidelined for another five years" (cited in Webster and Buhlungu 2004, p. 241).

For other social movements in South Africa, one can paint a much more simple picture. The national civics movement—the South African National Civics Organization (SANCO), which was next to labour the most important component of the anti-apartheid movement—has become little more than a compliant ANC mouthpiece. As shown in Heller 2001, local civics remain very active, extremely critical of the ANC's policies, and often engage in contentious action. They also serve as vital and vibrant local public spaces. But with the dismantling of local participatory structures and the cooptation of SANCO, civics have very little influence over the public sphere, much less over government policy.

In recent years, the extent of dissatisfaction with the quality of local government and persistent unemployment has fuelled the rise of new social movements in urban areas, including anti-eviction campaigns and various forms of resistance to the commodification of public services. In 2005, the Minister for Provincial and Local Government reported that 90 percent of the poorest municipalities experienced protests. The Minister for Safety and Security put the number of protests in 2004-2005 at almost 6,000 (Atkinson 2007, p. 58). These movements remain largely local and inchoate, and have had little choice but to resort to contentious actions, many directed specifically at ward councillors. They have largely been met with silence or outright hostility by the Government.

A third movement of note has been the Treatment Action Campaign (TAC), which has received international recognition for its resistance to the Government's disastrous neglect of the HIV/AIDS epidemic. This movement, which enjoys a very high level of professional capacity and some very innovative leadership, has scored a number of legal and moral victories over the Government, including a new commitment to roll out ARVs. TAC has faced extraordinary challenges in engaging the Government. For years the movement was subjected to thinly veiled claims of racism, routinely denounced by government officials as beholden to foreign interests, and often actively harassed, including through prosecution of grass-roots activists for providing anti-HIV transmission treatment to rape victims. That the TAC persevered and ultimately helped change government policy is a testament to its tenacity and efficacy as a movement. But it needs to be underscored that this is a tragic triumph. After the Government spent years claiming HIV did not cause AIDS and completely ignored TAC and other HIV/AIDS organizations, not to mention international pressure and COSATU's protests, South Africa has the highest per capita infection rate in the world.

South Africa's democracy is of course very young, yet there are already troubling signs of increasing polarization. Civil society has become deeply bifurcated between an organized civil society that effectively engages the state, and a subaltern civil society that is institutionally disconnected from the state and political society. Business groups, professionalized NGOs, the middle-class beneficiaries of South Africa's 'black economic empowerment' policies and organized labour continue to be well positioned to engage the state. But subaltern civil society groups, and especially those linked to the urban poor, have more or less been sidelined from the political process. This containerization has taken place through a complex set of institutional, political and discursive practices.

In institutional terms, the surface area of the state in South Africa has dramatically shrunk over the past decade. Participatory spaces in local government have been dismantled, and state-society relations have become increasingly bureaucratized and politicized. At the national level, corporatist structures are all but defunct. The state still transacts significantly with civil society, but does so in a highly selective and controlled manner. Across a wide range of sectors, the preferred mode of intermediation has become 'partnerships' with professionalized NGOs that carry out contracted services. Conditions for engagement with the state are increasingly set by complex standards for meeting performance targets and accounting practices that all but rule out community-based organizations. High-paid consultants, often working for 'non-profits', now occupy much of the terrain between the state and society. Katzenstein and Ray's characterization of the shifting nature of state-civil society relations in India might well have been written of South Africa: "Economic liberalization has been accompanied by the massive NGO-ification of civil society, arguably crowding out some of the more protest-oriented forms of organizing within the social movement sector" (2005, p. 9).

South Africa enjoys a significant natural resource base, a sophisticated economy and one of the most efficient tax regimes in the developing world (Lieberman 2003). With a high-capacity state, it was well positioned to translate economic resources into social development under a democratic mandate. It has largely failed to so. Massive investments in health, low-income housing and education have produced disappointing returns. In Brazil, the rate of infant mortality was cut almost in half between 1996 and 2006. In South Africa, it increased in the same period. In Brazil, the proportion of girls in primary school rose from 83 percent to 95 percent between 1991 and 2004. In South Africa, it dropped from 92 percent to 88 percent in the same period.[33]

33 See WHOSIS database (WHO): www.who.int/whosis/en.

Income inequality has risen and South Africa's major cities have become even more spatially polarized than under apartheid (Kracker and Heller 2010, Schensul and Heller 2011).

Arrighi, Aschoff and Scully arrive at the conclusion that without "structural reforms that re-invent the welfare state on foundations that can be generalized to the vast majority of the population, the economic and social performance of the South African state will continue to deteriorate" (2010, p. 435). Current social and economic policies are founded on a narrow alliance between the state, business elites and the upwardly mobile black middle classes. Expanding the basis for development will require a state that is more broadly embedded and sensitized to civil society.

COMPARATIVE LESSONS FROM BRAZIL, INDIA AND SOUTH AFRICA

The democratic deficit in India and South Africa lies neither in civil society per se nor in the formal character of the state. The state in both cases is a democratic one, and social inequalities notwithstanding, subordinate groups have organized in civil society. The more intractable problem has been the nature of engagement with the state. Despite the conditions of highly consolidated democracies and full rights of association, citizens from subordinate groups find it difficult to engage the state effectively.

There are two interrelated problems here. First, the surface area of the state remains quite limited, especially when it comes to local government. This institutional deficit, which is widespread throughout much of the developing world, compromises the most basic building block of any civil society—effective forms of association and engagement with public authority. Indeed, this problem is so acute and so debilitating that one might be tempted to argue that the most important developmental goal in democracies of the global South must be strengthening local democratic structures and practices.

Second, in both India and South Africa, political parties not only monopolize the channels of influence, but also exert considerable power in setting the agenda for which issues, claims and even identities enter the political domain. As a result, the public sphere is shaped largely by forms of influence that flow directly from political or economic power (parties, lobbies, powerful brokers) rather than from the deliberations of civil society actors. The problem of democratization thus lies less in the electoral institutions of democracy or the party system, which is dramatically different in both countries, than in the political practices and channels that link civil society to the state. The larger developmental result is that the state in both countries is embedded in society only through selective

and generally patronage-driven linkages. The shortcomings of these linkages in part explain the comparative failure of South Africa to make more effective use of its inherited state capacity, and of India to translate its substantial growth dividend into capability-enhancing investments and policies.

Since the mid-1980s, Brazil has travelled a very different path. It points in particular to the developmental pay-off of having a strong and vibrant civil society. Beginning with the democracy movements of the 1970s, but then extending into the post-transition period, subordinate groups have actively occupied the spaces of civil society and transformed the public sphere. They have done so on a scale and with a degree of organization that far exceeds what one observes in India and South Africa. But even more importantly, civil society groups have projected themselves into the state, not only directly impacting the design and implementation of social policy, but also transforming the very nature of the state's engagement with society. This has undergirded a wide range of programmatically driven and rights-based developmental interventions. The state's embeddedness in structures of civil society has also increased the possibilities of co-production, which are critical to the success of capability-enhancing policies.

What these case studies underscore is just how delicate is the balance between civil society, politics and markets. As a general proposition, the importance of civil society in counterbalancing the power of markets and narrow political interests is clear. In all three countries, civil society actors have proactively pressed a range of social rights claims in areas as diverse as public health, women's empowerment and poverty reduction. They have also aggressively demanded greater accountability from the state and the expansion of participatory spaces. The effectiveness of civil society, however, has largely depended on political possibilities for processing and aggregating civil society demands.

In Brazil that relationship has largely been synergistic, but in India and South Africa narrow political interests have generally prevailed over civil society demands. These comparisons lead to an important lesson: The effectiveness of domestic civil societies is highly contextual, and in particular a function of civil society's relationship to political society. Developing a richer understanding of the circumstances under which social movements and civil society can contribute to deepening democracy and making development more inclusive require close attention to the political settings in which civil society operates.

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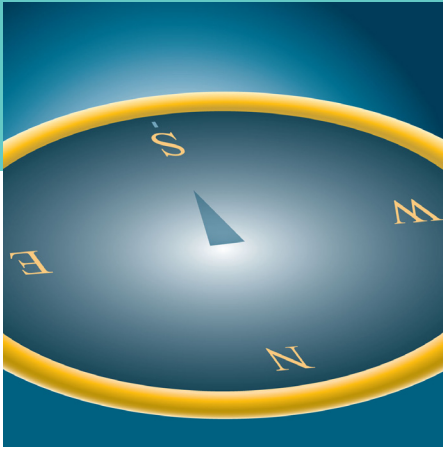
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