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## Can civil society be free of the natural state? Applying north to Bangladesh

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# **Can civil society be free of the natural state? Applying North to Bangladesh**

Geof Wood

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## Abstract

The recent book on 'Violence and Social Orders' by the Nobel Prize winner Douglass North and others distinguishes between limited access and open access states. Most states in the world remain limited access, or natural, states dominated by coalitions of elites capturing rents from the society while limiting access of ordinary people. A feature of natural states, whether fragile, basic or mature, is that organisations in the society are unable to exist and function independently of the state, which is represented either by dominant individual rulers or by a broader social persona or political class. There are parallel theoretical approaches to express this lack of independence, for example: the contrast between normative approach of de Tocqueville and the scepticism of Gramsci; the discourses on syndicalism and corporatism, especially associated with authoritarian decades in Latin America; and, for societies like Bangladesh, whether the presence of *Ummah* undermines any prospect of conceiving civil society independently of the state. Being so heavily aid dependent in the recent past, civil society organisations in Bangladesh, especially the development NGOs, have also reflected a western normative discourse about open access states and critical independence which is rarely realised in practice, while crowding out other more indigenous forms of social capital. The paper will review some case examples of failure, compromise and apparent success among CSOs to reveal the tension between voice and loyalty, and ask whether Bangladesh will continue to be a natural state regime for the foreseeable future, combining elements of fascism, populism, syndicalism and tight control of access to rents. The analysis has to be subtle, drawing upon ethnographical insights, particular events as well as structural conditions and processes.

**Key words:** Natural state, civil society, development NGOs, *Ummah*, ethnography, Bangladesh

## Introduction

The discussion about civil society in countries like Bangladesh is a little surreal. Are we complicit in seeking to analyse institutions in a society through false lenses, through constructs, which have been developed in the context of other societies, at other times, far away? Is the concept of civil society the appropriate device for observing civil society in a society where the concept is not embedded in its values and political culture? One response to such questions is that we need to develop analytic concepts, which are relative to specific conditions, and that therefore, we need to be relativist. Thus we might refer to the notion of the *Ummah* as blurring a distinction between state and civil society, enabling theocratic rather than democratic government and governance. However, an opposing response is that such relativism removes all prospect of judgement about what is good for citizens so that if the Taliban are the true representatives of Afghan values and culture, then it does not matter that they oppress women. That is not a good position or place to be in, analytically. Thus we need some comparative framework which both captures the intrinsic or ontological essence of institutional practice, while enabling us to situate a society against some universal principles of human rights and entitlements. Our suggestion is that the recent book *Violence and Social Orders* by North, Wallis and Weingast (2009) is seminal in providing this comparative framework, which facilitates sensitive contextual analysis alongside the possibility of judgement.

Although regarded by us as seminal, *Violence and Social Orders* is of course in a tradition of discourse about states subverting and incorporating organisations, which appear as if they are part of civil society. Indeed that **appearance** is part of political illusion—a landscape of organisations whose legitimacy requires at least the appearance of independence even if they are in continuous and dependent negotiation and compromise with regime power-holders. In the UK for example during the 1960s Wilson Labour years and the ‘social contract’, apparently independent trades unions had a beer and sandwiches intimacy with Downing Street. Union leaders were in highly ambivalent positions: back room deals potentially undermining their legitimacy to their own members, while needing the occasional strike or meaningful threat of one in order to demonstrate to government that they retained a power to disrupt. These relationships indicated the idea of the corporate state. But we have earlier examples of the social contract in practice: the pre-2WW fascist regimes in Italy and later Germany comprised populist parties penetrating the entire organisational landscape of the society: professional bodies; youth movements; workers’ associations; the press; charities. And of course the pressures of that war itself suspended politics in the UK as key aspects of resource allocation were traded between collaborating leaders of the respective ‘estates’.<sup>1</sup> And regimes apparently as far apart as the USSR and Japan both pervaded the putative organisations of civil society before, during and, for the USSR, after that war.

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<sup>1</sup> This reference to ‘estates’ derives from the medieval distinction between clergy, nobility and the commoners, akin to varna categories in Hinduism. This context of 3 estates, or orders, gave rise to the idea of the ‘fourth estate’. Thus Edmund Burke referred to the fourth estate in the gallery of the House of Commons, namely the Press. Thomas Carlyle also deployed the same idea in his *History of the French Revolution*. Today, the term ‘fourth estate’ refers to societal or political forces whose influence is not always recognised by powerholders. This is close to the contemporary idea of civil society.

Indeed there seems to be a persistent theme that periods of crisis collapse any meaningful distinction between state and society, as external 'others' are confronted, requiring unity at home. Post war reconstruction in the USSR and Eastern Europe sustained strongly that ideology of unity above all else, embodied in deliberate re-workings of nationalism. Communist regimes in China and later SE Asia reproduced these forms of excessive state penetration over society. And during the same period, authoritarian, military-bureaucratic regimes across Latin America (O'Donnell 1986) displayed strong features of corporatism and syndicalism, perhaps most famously under Peron in Argentina.

Thus one might conclude from all of this that Gramsci offered the more accurate account of civil society as a supporter of the state, performing a range of politically aggregating functions under the guise of separation while being thoroughly implicated in the state's project. By contrast, the tradition of de Tocqueville arises from a more specific experience associated with the more libertarian pursuits of post Revolutionary France, its democratic lessons for the newly independent United States of America, and the history of hostility and suspicion towards monarchs and their lackeys in the nations of the United Kingdom. And yet, it is the liberal-democratic-pluralist model derived from these rather more specific historical experiences, which have become the universal benchmark not only by which societies are judged but also by how they are understood and analysed. In other words, societies are being analysed for what they are not instead for what they are. It has been difficult to disentangle the normative from the descriptive as a result, which is why *Violence and Social Orders* is seen by us as so important. It offers some prospect of analytical connection between Gramsci and de Tocqueville via the notion of doorstep conditions between limited and open access states. We will come to their schema presently.

## Significance of the Natural State for Civil Society

Why do we pose the question in the title of this paper? The term 'natural state' is a reference to North *et al* (2009), characterising limited access states as natural states, sub-divided between fragile, basic and mature. We think it is rather easy to assign Bangladesh to the natural, limited access category, though whether it is fragile, basic or mature is harder to determine, reminding us that typologies are heuristic and not necessarily to be applied too literally, though North *et al* (2009) try to do so for their example countries. A key premise of the natural state is that organisations are not free of the state, whether represented by key overbearing individual rulers/personalities, or by a more generalised social persona or political class—or more likely a mix of both. Not to be free of the state seriously undermines the idea of civil society in its de Tocquevillian sense, removing a whole range of 'between elections' democratic functions associated with accountability as well as policy refinement. It is our contention that in Bangladesh most of those organisations to which can be applied the collective term 'civil society' are not free of the state. However, the explanations for the actual relationships between civil and state organisations are multi-layered and not just attributable to a syndicalist conspiracy by ruling control freaks. Thus Bangladesh is not alone. The structural weakness of civil society, evidenced by its unfreedom, is shared with other societies at similar points of transition from relatively recent agrarian pasts with complex forms of indigenous social capital and institutional practices. The organisations of putative civil society do not grow in a vacuum.

By posing the question in this way with an expectation of a complex answer, we are placing the aspirations for civil society in Bangladesh within a context of governance, rights and representation—in other words a normative agenda of citizenship. Although we have used the prison metaphor previously (Wood 2000) to describe the entrapment of most people in Bangladesh within systems of non-transparent, personalised transactions, there is nevertheless an active debate and deliberate activity by escapees and their international sponsors (i.e. the aid community) to advance the presence of a meaningful civil society in a variety of forms. So we are not observing an hegemonic, unchallenged suppression of rights, but rather a struggle albeit a rather uneven one. This is why the central question is worth asking. There is a dynamic interactive process, a dialectic, of incorporation as well as attempts to break free, indicating not a fixed, locked in system but an ongoing contestation.

We certainly agree with North *et al* (2009) that the freedom of non-state organisations from the state is a key doorstep condition for an open access society. However, our argument cannot be a simple mechanistic one. The apparently straightforward idea of a ‘freedom indicator’<sup>2</sup> oversimplifies the relative autonomy of the estates in any society. The ‘freedom’ formulation artificially disentangles formal roles from more complex underlying interests, motivations and relationships. An anthropologist would refer to these as crosscutting ties, meaning that social players in apparently separate organisations with formally separate, contesting missions are also bound together by family and class identities in other equally important associations. As a result, behaviour in both domains is moderated. Indeed some agendas never surface, as they are informally pre-negotiated off the table, akin to Lukes’s second dimension of power (1974). Another way to capture this is to follow North’s earlier distinction between institution and organisation (1990) and repeated in *Violence and Social Orders* (2009, p15). Thus institutions are ‘rules of the game’ (1990) and the ‘patterns of interaction that govern and constrain the relationships of individuals’. ‘Institutions include formal rules, written laws, formal social conventions, informal norms of behaviour, and shared beliefs about the world...’. Organisations are more purposive counterparts of institutions, comprising specific groups of individuals deliberately associating with each other to pursue common as well as individual goals. There is some parallel to the Tonnies distinction between *gemeinschaft* and *gesellschaft*,<sup>3</sup> except that we do not want to over-emphasise the contrast between small scale and large scale embedded in the Tonnies contrast. Perhaps there is also a ‘base’ ‘superstructure’ parallel from Marx, though he was more intent on capturing a causal relationship between underlying economic structure or infrastructure (i.e. base) and its management and representation through politics and culture.

## The Concept of Permeability

Let us return to crosscutting ties and Bangladesh. In previous writing (Wood 2000 and 2011, Landell-Mills 2002)) governance issues in Bangladesh have been analysed in terms of ‘deep structures’ and institutional responsibility domains. In particular we have pursued the proposition that the formal domains of state, market, community (read: organised civil society and inherent social institutions) and household are permeable, rather than representing separate rules of the game. This permeability proposition is absolutely central to our overall

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<sup>2</sup> For example, as favoured by the World Bank ‘social development indicators’ exercise.

<sup>3</sup> Always difficult to translate into English, though ‘community’ and ‘association’ are usually used.

argument. The liberal bourgeois myth of separated domains enabling the compensation and regulation of behaviour between them is fundamentally undermined when permeability exists. This is the conceptual challenge of the *Ummah* (Wood 2009). Under conditions such as for Bangladesh, this permeability is treated from the De Tocqueville perspective as negative in the sense of mutual contamination between domains thus denying a rights-based existence for all the population. It is this proposition, which led to the 'prison' analogy. The proposition has direct significance for understanding welfare regimes and the limitations of the Polanyian compensation schema.<sup>4</sup>

## Apparent and Hidden Behaviour

By deploying a distinction between institutions and organisations, and the language of deep structures and cross cutting ties, we can begin to understand a contrast between apparent and hidden behaviour.<sup>5</sup> Apparent behaviour occurs more completely in the organisational domain. Socially constructed actors interact with each other through their formally acknowledged roles. In this sense they are definitely 'acting'. It is a structured drama characterised by role **specific** language and costume. Indeed it is a world of cases rather than stories.<sup>6</sup> Hidden behaviour refers to the institutional domain where the basic rules of the game apply. This is a world of **diffuse**<sup>7</sup>, multiplex ties being activated simultaneously – a world of favours and obligations entailing multi-period games. This is an oral underworld, relying upon memory and triangulation. It is a world, which demands the tacit understanding of its players and a sense of continuous membership to manage compliance and indeed complicity. Failing to honour expected obligations is risky and incurs sanctions and/or ostracism. Exits are hard to find. It is all embracing. Hidden behaviour is the real purpose of apparent behaviour.

It is important, at this point, to remind ourselves that the lived combination of apparent and hidden behaviour is a universal social phenomenon. It is the essential epistemology of good sociology. And, in that sense, the distinction is neither new nor in itself particularly interesting. Rather it is the relationship between the two domains in different limited and open access state conditions, which matters. Thus we might say that in open access societies the hidden realms of our behaviour are more suppressed, or even repressed. This suppression may be reinforced by the lower interconnected density of primordial relationships, so that actors are freer to act their formal roles with more anonymity and be primarily identified with them. In other words there is

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4 This is a reference to the state protection of labour rights in otherwise open markets (Polanyi 1944). See also Esping-Andersen (1990 and 1999), as well as Wood and Gough (2006) for the use of 'de-commodification', derived from the same separation/compensation principle.

5 Another way of understanding this artificial layer of interaction is to recall Goffman's *Presentation of Self in Everyday Life* (1971)—we interact through constructed 'fronts' (formal organisations), taking care to disguise our 'backs' (deep structures or institutions). It is thus by reference to this 'game' that the contradiction exists. And there is widespread collusion in this game. It is as if we have 'pretend' societies, seeking normatively to act out the tenets of the liberal democratic pluralist state for an audience, while behaving pragmatically by another much more acceptable and culturally familiar set of rules derived from the intimate personalised structures of agrarian relations: patron-clientelism enriched by kinship, clan and regional identities, as well as the notion of the 'batch'.

6 See Wood 1985 and 2007 on labelling which asserts that stories are the real 'us', while cases are the abstracted elements of our story specific to compartmentalised transactions to get formal business done.

7 The contrast between specific and diffuse is derived from Talcott Parsons' 'pattern variables', in this instance a reference to role performance.



less permeability. The domains of apparent and hidden are kept more easily apart. And because they are so, any permeable transgression is widely perceived as inappropriately self-serving and corrupt. Case law is paramount, the room for discretion tiny. But in limited access societies, the hidden behaviour bubbles more obviously to the surface, having a strong influence upon the acting out of formal, apparent roles. The expectations arising from the informal or 'natural' rules of the game gain currency in the formal drama. The space between front and back collapses. Yet the maintenance of a respectable veneer remains an important device in the capture of rents, providing a thin layer of legitimacy to essentially personal motives. The transactions between the hidden and apparent domains have other dimensions also. The competition for the formal roles can be intense precisely due to the veneer of legitimacy for private rent seeking and the consequent distribution of these rents among kin and friends. But prices have to be paid to reach the 'audition' and subsequently win the formal role. Those prices are paid in the hidden domain with an expectation of payback.

### 'Natural, limited access states' applied to Bangladesh

Before considering the case of Bangladesh more specifically, the core argument in *Violence and Social Orders* should be outlined since it offers a highly recognisable framework for a deep structures approach to governance. For them:

'The progression of natural states involves increasing more complex societies, requiring increasingly complex institutions that support more complex organisations. In all natural states, economics is politics by other means: economic and political systems are closely enmeshed, along with religious, military and educational systems.'  
(p72)

This is their core epistemology reflecting their overall perspective. It has resonance with my arguments about permeability between the domain elements of the 'institutional responsibility' square (state, market, community and household). Adapting my previous arguments to theirs, negative permeability (the dysfunctional blurring of institutional boundaries) is most strong under fragile natural state conditions, but also significant in any movement from basic to mature natural states. In this progression, although organisations become more codified, 'the process initially occurs simultaneously in the public and private sector; indeed it is a primary reason that governments in most limited access societies appear so corrupt to observers from open access societies' (p73). This is particularly a function of the personal identity of elites: 'organisations in fragile natural states are usually tied to powerful individuals' (p 73). But 'as societies move towards basic natural states, these identities become less associated with **specific individuals** and more with **social personas** that become associated with powerful organisations' (my emphasis, p73). Thus my earlier permeability argument<sup>8</sup> is supported by their statement that: 'Most important basic natural state organisations are closely associated with the (private) (sic) individual identities of the elites who inhabit them. These organisations span the boundary of public and private, personal and social.' (p73)

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<sup>8</sup> From Prisoners and Escapees, (Wood 2000) but also a term used in a similar way by Oliver de Sardan (2008) writing about Africa.

Applying this insight to Bangladesh helps to establish the transitional phenomena which is familiar to observers, namely the melange of: powerful individuals; the activities of an exclusive political class (social persona); and the intimate connections between this class and elite strata in other, private and non-government sectors. C. Wright Mills talked of 'circulating elites', and with anti-incumbent voting in the 'winner takes all' politics of Bangladesh, there is a revolving door between public and private roles. Ethnographically, this circulation occurs among members of large, sprawling kinship groups who at any point in time straddle the public and private, even if the actual personages rotate between the domains. Such kin, even several times removed, recognise a loose structure of mutual obligations and favours between each other, played as repeated, multi-period games. Such underpinning keeps the political class intact, even when the more extreme 'tribal' identities are seeking to de-legitimise the history and political claims of each other in absolutist terms. While such crosscutting ties might be a sign of maturity, there are, however, no guarantees of progression. Thus:

'No teleology pushes states through the progression from fragile to basic to mature states. The dynamics of natural states are the dynamics of the dominant coalition, frequently renegotiating and shifting in response to changing conditions. If adjustments lead to more power and rents based on personal identity, institutions become simpler and organisations less sophisticated, and the society moves to the fragile end of the progression of natural states. If adjustments lead to more power based on durable agreements, institutions become more complex and organisations more sophisticated, and societies more toward the mature end of the progression. No compelling logic moves states in either direction.' (p73)

This quotation contains several issues for us involving the tension between personality and structure. The progression towards mature natural states with limited access is partly a problem of 'constraining personality' (p74) and partly the causally related issue of bringing about more specialist organisations which are both independent of the whim of the ruler while organically interdependent.<sup>9</sup> In other words, are the interests of the coalitions of elites, the political class, to be achieved through the patronage of rulers as in fragile or even basic natural states or through a codified allocation of rents and privileges which are sufficiently inclusive of those voted out of office as to avoid disorder, coups and civil wars.<sup>10</sup> And given that we are observing an extended patronage system down to grassroots, micro level access, the issue of personal identity politics is a reference to a system not just to leaders at the top. And if we face the presence of personality from top to bottom of this system, then the issue of succession has to be resolved at all levels too before a natural state even reaches the 'basic' mode.

While North *et al* (2009) are substantially aiding the analysis of Bangladesh with this framework, there appears to be a further complication not really considered by them. Not all institutional rules and organisational forms can be classified in one single type (i.e. fragile, basic or mature natural, limited access states—let alone open access ones) as they do not move perfectly in step with each other for an ex-colonial society like Bangladesh. This is where the Alavi thesis (1972) also assists our thinking. The colonial process of establishing specialist organisations, relatively

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9 Organically interdependent, in a Durkheimian sense. This point is very akin to the structural-functionalist tradition in anthropology and political science.

10 See Mushtaq Khan's paper for the World Bank (2010) which deploys an earlier essay of North on Limited Access Order (LAO) to periodise phases of rent seeking by political classes in the Bangladesh State.

independent of any ruling coalition of elites, such as the legal system, educational entities, taxation and revenue authorities and so on, sets up an overdeveloped bureaucracy, with the appearance of Weberian principles, while democratic politics<sup>11</sup> is left trailing as competing propertied classes (agrarian, commercial urban comprador, and metropolitan) vie with each other for sectoral advantage while also seeking their collective interest in the protection of the principle of rents and privileges. Thus the veneer of formal sophistication may lie in some institutional arenas (i.e. Public Service Commission or the Establishments Division) due to colonial inheritance, while the rules of political competition remain crude, immature and highly fragile. In other words, there is co-existence of form.

## Social origins of present deep structures

From the inception of liberated Bangladesh, there has been a continuity of problematic practices and behaviour within government among politicians and public officials and between them and the rest of the society, without effective regulation in governance terms either from apparatuses of government or from the civil society. These practices have been analysed by various writers over the last decade especially, including myself (*Prisoners and Escapees*<sup>12</sup>) and Landell-Mills (*Taming the Leviathan*<sup>13</sup>). More recently BRAC's Institute of Governance Studies (IGS) has provided similar and in-depth analysis in a sequence of *State of Governance Reports* (SOG 06, 07 and 08). Aspects of these reports have been informed by the research of Transparency International Bangladesh (TIB). The IGS analysis offers a deeper reflection on causes of poor practice, than the more factual, descriptive information from TIB and elsewhere. SOG 08 actually appeared in 09 and thus embraces behaviour of the present government actors as well as previous ones.

South Asian, ex-British and recently agrarian societies, are characterised by severe socio-cultural as well as economic inequalities. There is considerable deference to those above you on the social scale, however expressed—caste, *bangsho*<sup>14</sup> and so on. Within this elite-mass, agrarian inheritance, most people thus have a deep rooted fatalism and *de facto* tolerance of non-transparent, non-accountable, undemocratic practices. They have expected their leaders to behave as *zamindars*<sup>15</sup> with unchallenged authority. These feudal legacies have now evolved via the arrival of political parties into a '*mastaanisation*'<sup>16</sup> of the countryside and the society at large, an extension of urban mafia like institutions, indicative of rapidly evolving opportunities,<sup>17</sup> mediating between people's immediate needs and imperfect markets and states in which these needy 'clients' have no power or influence. The tolerance of these institutionalised practices

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11 Including, critically, civil society.

12 Public Administration and Development 2000

13 A World Bank report (2002) from a review of Public Institutional Performance in Bangladesh in 1999.

14 Bangsho: lineage, which are understood hierarchically in the allocation of social status

15 Zamindars: the old landlord class, used to describe anyone (men) behaving like traditional patrons

16 The term '*mastaan*' refers to an underworld of gangsters and brokers, perhaps akin to the mafia. They are normally associated with criminality, but recent work has recognised their role as intermediaries (e.g. between slums and municipalities) for their clients, enabling informal routes of access to services, employment opportunities and protection. Thus they represent a kind of social capital, though not quite as intended by Putnam. See Khan (2000) for a detailed exposition of this argument in a Dhaka slum.

17 The economy is, after all, growing through the expansion of the garments industry and other globalised economy activity, providing an expanded base for rent seeking.

thus reflects socio-cultural history, but now reinforced by more superficial threats and inducements.

Although the liberation narrative for Bangladesh juxtaposed an incipient nation of small peasants against the landlord and bureaucratic-military elites of the Punjab, the East Bengal delta was more complex in its agrarian structure (Wood 1981) and by no means as homogenous as the narrative implied. Of course that narrative was politically heuristic and thus a deliberate construction within a fission and fusion framework of political identity. The reality was that while there were key pockets of minifundist, small peasant farming as in the Dhaka-Comilla belt, elsewhere there were more significant landlords, sharecropping tenants and effectively landless labour. And even within the minifundist region, the archetype of Awami League mythology, there were key indicators of inequality, dependency and patron-clientelism (Huq ed 1976 *Exploitation and the Rural Poor*). And of course, East Bengal/Pakistan in 1971 was very rural, unusually so even for South Asia. There was a tiny urban elite, mainly in Dhaka with landed property as the basis for bureaucratic, education, trading and manufacturing roles—an essentially comprador elite incorporated into the East Indian Company and British colonialism (see State of Dhaka City Report 2011, IGS forthcoming). This admittedly over-simplified characterisation reveals to us that only a single generation ago, Bangladesh was agrarian and pre-capitalist in its mode of production and exchange. Power was exercised essentially through family and patron-client forms of exchange through concentric circles of moral proximity and intimacy, and through diffused, multi-dimensional, multi-period games. Clearly much theory and empirical observation is collapsed and condensed into this summary account of power. But this conceptual formulation of agrarian forms of power in the Bangladesh can be traced through to contemporary socio-economic structures—what I have previously referred to as ‘deep structures’.

### **The surreal context for civil society**

This context provides us with a key contradiction for Bangladesh, and for other societies like it in South Asia and beyond: namely the gap between the institutions which effectively shape the society and the formal organisations which apparently populate the landscape. Thus, for example, a political party may exist as a formal organisation competing in elections, providing governments and the occupation of the *Jatiya Sangsad*, but its institutional profile resembles a traditional *dal* comprising leaders and followers bound together by highly personalised, multiplex tiers of obligation, favour and dependence as well as interdependence. This contradiction, sometimes understood as the gap between rhetoric and reality, is well known in Bangladesh among its political actors and among its governance oriented donors. It provides the setting for a complex charade of smoke, mirrors and shadows. Thus the political class among Bangladeshis and donors in Bangladesh live in a dual world of implicit institutional practices and explicit organisational pretension. It is interesting that the donors collude in this duality, based either upon naivety or upon the false idea that organisational reform might change underlying institutional principles—a kind of reverse causation.

So we might expect political parties to be unable to separate themselves from prevailing institutional cultures since they are in the business of securing and exercising power by whatever means, even including violence as long as it is deniable. But let us consider a stronger test of a

‘reality/rhetoric gap’ proposition—the formally created non governmental organisations, which potentially indicate a transition to open access society. They are supposed to be breaking away from business as usual. Their existence is supposed to be, in itself, a critique of non-transparent, hidden forms of informal, personalised forms of power. They are purposive, deliberate associations—a standard bearer for *gesellschaft* over *gemeinschaft*. They are supposed to represent ‘escape’. But for them too institutional norms overcome organisational objectives. Leaderships are highly personalised, recruitment takes loyalty strongly into consideration, policy is centrally directed despite the existence of formal committees, and there is exaggerated respect and deference to key, founder directors (i.e. specific individuals not just social persona). In moments of dispute over succession, there is even the mobilisation of violence and the bribing of third party officials. None of this should surprise us. Prevailing societal institutions set the tone for organisational cultures so that associations apparently created for deliberate missions quickly resemble patron-client communities like the rest of the society. The internal organisation of the major business houses is similar (see Fukuyama’s ‘Trust’ and the analysis of the *chaebol* , 1995). Thus even the NGO ‘test’ indicates basic or even possibly fragile natural state conditions.

The interesting conclusion is not so much the institutional influence over the organisational, but that this further layer of interaction exists: i.e. dealing with organisations **as if** they were not influenced by their institutional settings. Thus political parties are treated as real things which can be improved towards democracy once informed about it, **as if** lack of knowledge about ideal type political party functioning was the problem. And NGOs can be supported **as if** they are mission based, objectives oriented, rationally constructed organisations rather than communities of personally attached individuals. And the ‘game’ is not only played by donors but internally too, as a kind of sham or veneer.

## The Demand Side role of Civil Society

From this ‘institutions and deep structures’ perspective, it is clear that any escape route to engineer some kind of transformation from a limited access state to an open access one, and at the same time hold the design and delivery of essential rights, entitlements and services to account requires a demand side stance through social mobilisation and advocacy. However, the key issue for a demand side driver for good governance is **risk** and its corollary: **the security of agency**. While there are different kinds of risk, the main focus here is upon the distribution of risk between political actors from within and outside the state: i.e. from those benefiting in some way from limited access conditions and those, hitherto politically excluded classes, seeking to open up access. There is a complex principal-agent problem to unravel. The ‘principal’ in this discussion are either actual local escapees (I ignore donors as ultimately insignificant in this discourse) or a more diffuse or latent sentiment that state performance should be better and characterised by open access conditions if only the free-rider problem could be overcome. Thus there is a mass prisoner’s dilemma dimension to extending the escape party!

And then there are the agents: organisations and individuals. There have been some spectacular failures of organisational agents in recent years (e.g. our anonymised case of PMUS<sup>18</sup>) because they have either crossed a boundary into politics and/or because leaders have been financially

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18 I hope to add a further case of Shammo in a later version of this paper.

corrupt (including the inappropriate diversion of donor funds into direct political mobilisation and electoral ambitions). The boundary between social mobilisation for advocacy and such organisations either entering or being captured by the political domain is a difficult one for ‘principals’ to police. Both contending political parties, or factions, have been assiduous in co-opting other movements (especially youth and student ones, but also unions) into exclusive agreements as front organisations.<sup>19</sup> This resembles, as noted earlier in the paper, the Gramscian critique of civil society as providing support for authoritative regimes, i.e. as an element of fascist political theory, rather than the de Tocqueville version of free standing independence.<sup>20</sup> And other large organisations outside the state (NGOs) have chosen to minimise the risk of boundary crossing or political attack for not accepting incorporation by reducing their advocacy roles either to below the parapet or to technical rather than rights arenas. In this way, they become ineffectual in a governance sense of either access transformation or accountability. The Press and other media organisations tread this fine line between co-option and the risks attendant upon being independent.

### **Holistic and Marginal Risk: Sustaining the Demand Side**

Of course the governance agenda is about moving people from the condition of dependent security to autonomous, rights based security, from limited to open access conditions. But from the preceding analysis, we can see that the demand side of governance incurs **holistic** not just **marginal** risk for most people, especially for the poor. They are not in a social situation where they can compartmentalise their lives—struggling in one bit of it, while kowtowing through necessity in another bit. This is the meaning of Naomi Hossain’s ‘rude accountability’ dilemma (Hossain 2010): outbursts of protests with rough language capable of being dismissed as affective rather than affectively neutral behaviour<sup>21</sup> with no significance beyond the immediate moment. Thus agents, as organisations or individuals, need to be continuously supported by their principals—that is to have security of agency as the incentive to confront holistic risk, and to move from rude to sustained accountability either short or long loop.<sup>22</sup> But what can that continuous and predictable support mean in a closed limited access society (prison) with interlocked, covariant relationships inside the perimeter fence? It is too easy to resort to international donors as the ultimate principals in a principal-agent cascade. Donors and international human and political rights organisations can and should contribute to predictability of support as long as they are prepared to shift from projectised time horizons to longer term ones. That can be important signalling. But the necessity of long term predictability of support by an NGO for people being locally mobilised into risky struggle and confrontation to achieve accountability, means that the NGOs themselves need predictable support in some way over

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19 This process of co-opted inclusion has interesting implications for limited access thesis since it represents a mechanism for the informal extension of access.

20 The North, Wallis and Weingast (2009) differentiate between states in terms of their sponsorship of organisations which manage access in some form. For the contrast between Gramscian and de Tocquevillian perspectives, see Davis and McGregor (2000), and see also Woldring (2000) on de Tocqueville’s approach to state and civil society.

21 Parsons’ pattern variables again.

22 A useful distinction made by Harry Blair (2010) between the immediacy and intimacy of short loop in contrast to the depersonalised remoteness of long loop accountability between providers of services and the claimants of rights and entitlements.

long periods. They need to be independent and free of the state and its key actors. Sustainability, via independence and freedom, is thus a major issue in the mitigation of some aspects of risk for both groups of poor people and the NGO activists who support them (since they are at risk too). NGO workers are vulnerable to attack, along with their families. That sustainability requires a broader ownership of 'principal' status from among the emerging middle classes of the country who have some resources and, perhaps via the spread of direct tax nets, an interest in more active citizenship.<sup>23</sup> India, for example, has moved way beyond donor dependency (if it ever had it) in this respect.

## The PMUS<sup>24</sup> Case

To support the theoretical argument and the contextual analysis offered above for Bangladesh, we offer here a case study, which in our experience are quite typical of the wider picture. The case of PMUS refers to a large NGO created in the mid-1970s and which had 3 decades of expansion before entering a period of extended crisis from which it might currently be slowly emerging.<sup>25</sup>

PMUS had a wide, national, grassroots presence, at one time in the early 2000s this exceeded even the reach of BRAC<sup>26</sup>, without having a similar HQ establishment or profile. It pursued a strategy of group mobilisation and supported income generation alongside conscientisation and empowerment objectives. It was innovative technologically especially in smallholder agriculture and horticulture and developed a large-scale microcredit, revolving loan fund, to support group entrepreneurialism. Increasingly it federated these groups and entered local level politics through its members competing in local government elections as well as via various forms of protest. Nationally it reinforced this process by being a prominent leader of the Association of Development Agencies in Bangladesh (ADAB); and by creating a think tank in the early 1990s to promote broad civil society objectives as well as specific critiques of the annual budget from a pro-poor perspective. In this role, it participated in national and international seminars and conferences, and attracted large scale funding from external donors. It appeared to be very successful. It developed a large HQ, an attractive out of Dhaka 'ashram' for its training sessions, conferences and some action-research. It also constructed a network of *pucca* area development offices. In other words it acquired significant property. Up to the mid-1990s, it also appeared to have independence from the state, partly because democratic politics only returned to Bangladesh in the early 1990s, and it managed to appear separate from and critical of the military regimes, while operating and expanding under their patronage. This sense of independence was also reinforced by having large and apparently secure flows of external donor funding. However the formation of the NGO Affairs Bureau in 1989, towards the end of the

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23 A PhD student at Bath, Jens Stanislawski, is working on this side of the political equation.

24 A thinly disguised acronym to provide some anonymity.

25 I hope to add in a later version of this paper, a second case, Shammo, from Joe Devine. Shammo refers to a smaller, more regionally focused NGO which emerged in the 1980s but which too has declined amid allegations of corruption and political infighting.

26 Bringing Resources Across Communities (formally the Bangladesh Rural Advancement Committee)



Ershad regime, was resented by PMUS as a controlling, regulatory intrusion.<sup>27</sup> It became a warning of problems to come.

However beneath this formal picture of a separated and independent 'estate', the leadership of PMUS could not divorce themselves and their organisation from the social interests in the society around them. As part of extended kinship groups, they had relatives across the other 'estates' and sectors in the society: the bureaucracy, the military, the police, universities, judiciary, the media, banking, the manufacturing economy, property developers, and of course political leaders of the suppressed and then emerging political parties. These and other links entailed two way interaction. Jobs in PMUS were found for sons and daughters in return for access, introductions and protection. Property deals were sealed with commissions. *Mastaan*<sup>28</sup> were paid off to facilitate construction and quiescent labour. Senior bureaucrats and later politicians were given favours to release land for development, and not to question too closely the use of donor funds. Such linkages have their ethnographic roots as well as serving key organisational objectives. It is a familiar tale of necessary cooption in an uncertain environment, a tale made famous through Selznick's classic study of *TVA and the Grassroots* (1953). Thus in a generic sense, the leaders of PMUS would not be doing their job if they were not engaged in these various cooption practices. However the issue under the limited access state conditions of Bangladesh is the nature of this institutional permeability. Do the practices of cooption undermine the autonomy of CSOs and the boundary between the 'estates'?

These practices have intensified during the recent period of PMUS when it has been enduring an extended crisis. The origins of this crisis derive from the explicit mission of PMUS that 'politics matter' in the removal of poverty. It is of course laudable that PMUS understood that the reproduction of poverty was a function of class relations with political elites both protecting propertied classes and themselves rent seeking across the economy. It was therefore broadly comfortable with the proposition that to be effective on behalf of the poor, the political arena had to be entered in some way. Thus group mobilisation at the grassroots was increasingly seen as the base of a pyramid, a large informal constituency to support the advocacy and subsequently candidature in national elections of the principal leader.<sup>29</sup>

The first obvious foray occurred in the mid-90s with a large rally in Dhaka, intervening essentially on the side of the then opposition party, the Awami League, to overturn the bogus elections held by the BNP in February 1996. This effort was successful in that subsequent more valid elections were held later in the year, bringing the AL to power for the 1996-2001 period. PMUS was now firmly tagged to the AL in the popular imagination, and indeed participated in various ways in policy development, especially in relation to land access for the poor. PMUS and its leader appeared to be strong as a result of this association, developing higher ambitions of expansion and influence with the prospect of ongoing donor support and an expanding revolving

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27 This judgement was shared by the more critical NGOs, though Lewis (2010 and 2011) has a more benign view of this relationship, reporting that 'it is quite common for an NGO to employ at least one reasonably senior former government official in order ensure that problems in working relationships can be solved by using personal ties and channels of communication' (Lewis 2011, p 121). From this PMUS case and other examples, such appointments are more likely to be double-edged!

28 See footnote 17 above. ( NB We tend not to pluralise words from Bangla, so this can be singular or plural, and also refer to an institution.)

29 He once told me of the necessity to put 'muscle behind the policy'.



loan fund supported by the Palli Karma-Shayak Foundation (PKSF—a microcredit wholesaler). But, as friends advised at the time, this strength was also a weakness.

With anti-incumbent voting, the BNP returned to power, *primus inter pares* in a coalition including Jamaat-e-Islami, in 2001, with scores to settle, especially with PMUS. A period of political harassment followed, entailing corruption charges against the PMUS leadership, and especially its principal leader, now enjoying the self-appointed title of President! In these charges there were elements of truth, of ambiguity, and of invention—but enough potential truth to scare donors away and to suspend funds. Investigations and legal processes, indeed entanglement, followed. The previous patronage of the AL was now a millstone, so protection could only be sought through mobilising bureaucrats, other NGOs, think tanks, journalists and seeking supportive links to lawyers, judges and military personnel. Pleas to donors increasingly fell on deaf ears, apart from the EU whose own funds had anyway expired.

PMUS limped through to the coup in early 2006, only to be included in a wider list of people and organisations to be cleaned up. The elections in 2008 produced a landslide for the Awami League, but alas for the PMUS President he lost his deposit in all of the 3 seats he contested, having failed to get a AL ticket. This humiliation broke the leadership of PMUS into 2 principal opposing factions: led by, on the one side, the President; and, and on the other, his deputy (the Vice-President). This split and subsequent intense competition for control of PMUS and its brand was prompted by a nervous Board finally getting the courage to vote off its Chairman, namely the President/Chief Executive. The 'charge' was essentially bringing PMUS into disrepute by using it to support his increasingly personalised ambitions to enter politics and the *Jatiyo Sangsad*, and, further, pursuing this agenda over many years with donor funding. Thus the Board had finally overcome its loyalty and shared the formal, GOB critique, actually shared by both leading parties, that the de facto use of external donor funds to build up a constituency of electoral support was fraudulent and anti-nationalist. Of course the ousted leader hotly contested this critique, referring to his right as a citizen to enter politics. This claim was simultaneously undermined by allegations of personal corruption.

This story, as related so far, might imply that representatives of the state and the political class wanted separation between the state and such organisations in the civil society domain. However, this is not the main lesson to be drawn, as subsequent events further reveal. The factional struggle between the contenders for control over PMUS over the last 3 years has required these contenders to recruit support from various elements of the state and political class. This process of cooption was initiated by the ex-President, deploying his erstwhile links, albeit informal ones, with *mastan*, goons<sup>30</sup> and local police to attempt a physical re-occupation of the HQ building in Dhaka. Protection for such attempts required the hidden, high-level support of close relatives of the Prime Minister. With this knowledge, judges in the lower courts were influenced along with the police to turn a blind eye to this violence. To compete, the acting replacement leader (i.e. the erstwhile Vice-President) had to imitate this behaviour and open up matching contacts with the political class, and be prepared to mobilise funds for the legal costs of repetitive cases in successively higher courts. In return, places on the Board had to be re-allocated to political nominees to ensure political management of PMUS in the future. Thus this process of factional struggle has ensnared both contenders and their respective supporters in an

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30 A more Anglo-Saxon term for thugs.

ever-increasing dependency upon both the governing party, but also functionaries in the state. And of course, it has been necessary for the occupying leadership of PMUS to keep lines of communication and support open to the opposition party, BNP; being realistically fearful of a repeat of the earlier harassment should it return to power. By being unable to separate itself from the patronage of the ruling party, any long-term survival of PMUS requires it now to be close to both parties, and thus deeply entangled with the state.

What is interesting, and key to our argument, is that this entanglement and thereby subversion of autonomy does not arouse more perceptions of shock and horror among observers in Bangladesh. The explanation for this lies in the 'prison' metaphor (Wood 2000). Some NGOs have uncomfortably similar stories and thus cannot credibly throw stones from their glasshouses. Others have more subtly and quietly nurtured their support among the different factions and branches of the political class and senior functionaries of the state through Board memberships, through actual senior appointments in their organisations, especially for recently retired senior officers, as observed by Lewis (2011). Young relatives, whose family connections have ensured them a good education, have had starts on their career ladder with NGOs, which are now highly professionalised, offering decent salaries and prospects. Foreign trips, logistical support, and links to overseas appointments as well as the donor community have all been on offer to such state cooptees. Direct payments via NGOs using donor funds are harder to track, though the allegations and popular assumptions are rife. Thus both crisis, and the management of crisis avoidance, demands this entanglement.

What are the wider structural implications of this entanglement? NGOs, the hundreds of them in Bangladesh, are both a threat and an opportunity for political classes managing a limited access state. In threat terms, they can potentially mobilise an alternative constituency, especially if supplied with non-state funds thus undermining the state's monopoly of the distribution of resources and positional goods, and its collective/coalition monopoly of rent seeking. NGO constituencies have demonstrated their weakness in open electoral terms, so far, and anyone who has attempted to launch a meaningful third force political party has been rapidly and explicitly suppressed, even if led by Nobel Prize winners!<sup>31</sup> This is a very obvious process of limiting access to prospects of political office, and maintaining a strict control of that access. Indeed the two main contending parties, or more accurately political factions, are strongly focused upon delegitimising the claims of their respective opponents to democratic political status. The spoils are not to be shared, if at all possible. However, the prospect of being out of office does temper the behaviour while actually in office!

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31 This is a reference to the founder of the Grameen Bank, who has twice tried to enter the political arena on a technocrat ticket. The first time, with 2 other well-established senior NGO players, was towards the end of the Ershad period, offering in effect a lifeline to a continuation of the military-bureaucratic oligarchy. More recently towards the end of the Interim Government in late 2007 he tried again to form a party of technocrats, but gave up after two months of very negative media coverage. His move attracted the deep hostility of political incumbents who have subsequently managed to remove him from the leadership of the Grameen Bank and undermining his reputation through allegations of financial impropriety. In other words, like the leader of PMUs, he has been punished for trying, in Northian terms, to widen the limited access coalition.

## Conclusion

We have proceeded from an assumption that an autonomously functioning civil society is essential for the governance and accountability dimensions of democracy and thereby addressing the generic problem of democratic deficit in most societies of the world. We have explored this widespread problem through the case of Bangladesh, famous on the one hand for the vibrancy of its development NGO sector while still emerging from an agrarian past, characterised by patron-client hierarchies, social deference and unaccountable elite domination. Although NGOs are not synonymous with civil society, we have referred to the case of a significant development NGO in order to demonstrate the intricacies of their relationship to the natural, limited access state and its actors. We have argued that these relationships circumscribe their room for manoeuvre, even when they are apparently challenging the state. So the key question to pose is: can we envisage a change in these conditions so that civil society does become free of the state?

North *et al* (p148 and *passim*) argue for what they term 'doorstep' conditions enabling a transition from limited to open access societies. The crux of these conditions is a shift towards impersonality and the rule of law for elites. This is combined with 'perpetually lived organisations in the public and private spheres' (i.e. organisations that can exist independently of personalised elite patronage and incorporation) and 'consolidated control of the military'. They also cite the work of Acemoglu and Robinson in the *Economic Origins of Dictatorship and Democracy* (2006)<sup>32</sup> who paradoxically argue: 'Because the elite loses under democracy it naturally has an incentive to oppose or subvert it; yet, most democracies arise when they are created by the elite.' The easiest way to present the apparent paradox of Acemoglu and Robinson's observation is through elite perceptions of the need to make concessions to other classes seeking access rather than risk losing everything through clinging to elitist, highly exclusionary power. In other words, for elites a controlled transition to democratic, open access conditions in which they still significantly share power is preferable to revolutionary upheaval which might sweep away their rents and privileges.

So how might this work in Bangladesh? The **first** observation is that *nouveau riche*, urban middle classes are growing rapidly so that longer standing elites have to make room for them, thus shifting the society from fragile to somewhere between basic and mature natural state conditions. **Secondly**, the threat from a growing aspirant but substantially excluded, urbanised lower middle/working class is palpable. Thus *mastaan* management of such emergent classes on behalf of elites is unstable and unpredictable. **Thirdly**, a neo-Marxian mobilisation of poor peasant classes via NGO or other movement intermediaries is now highly unlikely, despite the past 4 decades of radical orthodoxy, since they have been successfully contained by a combination of *mastaanised* forms of cascading patronage (as a substitute for previous semi-feudal mechanisms of incorporated control) and migratory safety valves (either in overseas labour markets or internal urbanisation). And **fourthly**, crucially for the key doorstep condition, there will be a shift over the next decade along the personal identity scale from specific individuals (and their families and intimate associates) to social persona. In other words, not only is Bangladesh at a demographic conjuncture regarding threats to elites, but also facing a succession crisis in both main political factions. This time fact alone heralds the prospect of at

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32 This title is a play on Barrington-Moore's famous *Social Origins of Dictatorship and Democracy*, 1968.

least partially fulfilling the key doorstep condition of some shift towards impersonality<sup>33</sup> and, with that shift, a stronger rule of law for elites.

But do these 4 observations represent a sufficient combined 'doorstep' condition? Are they enough for ruling elites to accommodate other classes into a wider political space, managed through codified norms and rules offering autonomy for organisations of civil society rather than through continued use of *mastaanised* processes? However, with a few notable and noble exceptions of relative independence and autonomy<sup>34</sup>, most organisations<sup>35</sup> and corporations<sup>36</sup> in Bangladesh are a long way from freeing themselves from current forms of political incorporation. The military is a long way from consolidated, civilian control. The judiciary is highly contaminated. Millenarian options associated with Islamic fundamentalism are close at hand for populist management of the excluded, volatile, urban *declassé*. Educational provision, and thus ideas about citizenship under open access conditions, remains pitiful and reproduces exclusion or, at best, adverse incorporation. Market transactions remain highly imperfect through non-transparent social and cultural variables. Labour remains pre-commoditised (Wood and Gough 2006). The spheres of economic and political life thus remain interlocked.

It is highly possible, then, that Bangladesh will continue with its *mastaan* forms of capitalism<sup>37</sup>, that a shift to impersonality will be incomplete for at least another generation<sup>38</sup>, and that rising populist threats to elite (albeit enlarged and accomodating) rent-seeking will be managed through a combination of fascist millenarianism, interspersed with military coups. Donors and the few local, open access oriented escapees<sup>39</sup>, will continue to wring their hands from the sidelines. Though, to return to an earlier point, we should not see this set of conditions and consequent outcomes as hegemonically locked in. The structural contradictions are present to enable ongoing struggle and contestation. Although the 'springs' in North Africa and the Middle East have yet to run their course into a pleasant summer, they are indicative of the proposition that limited access, natural states are ultimately unstable in a modern world of migration and global communications where elites steadily lose their monopoly of control over information. The widening knowledge of open access, democratic models elsewhere can act as a driver of internal movements for positive change, movements especially populated by emerging middle classes with a growing stake in how the society should be run.

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33 Though the continuation of the Nehru dynasty in India and the precarious survival of the Bhutto one in Pakistan makes one less optimistic about this aspect of transition in Bangladesh.

34 BRAC, The Daily Star and TIB come to mind.

35 Including NGOs and trades unions.

36 Including the media and other industries.

37 Ha-Joon Chang from LSE writes about different forms of capitalism reflecting different histories and socio-political circumstances (e.g. The Guardian 16.11.11) rather like Wood and Gough's historically rooted and specific welfare regimes (2006).

38 A remember, with an extended mastaan structure, the personality issue exists all the way down to the grassroots in daily face to face encounters as a problem of succession.

39 From the prison.

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