

BOOK REVIEW

DEMOCRACY AND ITS INSTITUTIONS, ANDRÉ BÉTEILLE, OXFORD UNIVERSITY PRESS, DELHI, 2012. Pages 228. Price ₹ 595.

Writing on institutions of modern democracy in the Indian context is inherently problematic. Institutions are by their very nature conservative. They are often viewed as stately ships moored in the harbour inspiring awe rather than as vessels that would undertake a voyage which would leave them battered and weary. Institutions in India are perennially on a rough voyage through the chartered and more often than not, uncharted waters of democracy and discontent. The trick in writing about them, then lies in having a balance between the safety of being moored and the rough and tumbles of the journey. Perhaps, it is the one who is conservative who best understands the institution and the care that must go into building one. Perhaps because he understands it in the manner that he does, changes that are due and legitimate elude the grasp of required imagination. Yet, if there is to be a consensus on Indian institutions, it must simply be this – very few Indians in public life are institution builders, be it ministers in government or academics in universities. Most of those persons who could be builders of lasting institutions are overwhelmed by populism, bias of caste, creed and worse. And thereby hangs a tale that must be brought to the fore and sociologically understood and debated.

André Béteille has for years now been writing on democracy and institutions from a non-radical, liberal and constitutionalist perspective. He is surely India's foremost public intellectual as is evidenced from his large body of scholarly work. Béteille is also one among the few influential sociologists of our times and his writings bear testimony to this amalgamation of academic sophistication and simple lucid prose. From him we have learnt not to be easily persuaded by the storms that are often brewing in our public life and to weather them with reason and conviction that may not be in sync with the more adventurous and enticing radical spirit of our peers. By the same token, however, we have also come to expect from Béteille, a dour defence of social entities that are being challenged daily by the exigencies of democratisation – and which we would be foolish to wither away by stating that they do not conform to the canons of the pristine and historically ordained. It is precisely due to this that writing on such an innocuous social fact as the university, parliament, judiciary or bureaucracy becomes a veritable minefield – a contentious field of political sociology.

For the sociologist, a survey of institutions cannot be restricted to only those that are in the political domain. The family is an institution as much as marriage, law and the court. In his book, Béteille restricts his concerns to the 'political domain' as he argues that the contradiction "between the ideal

of equality and the practice of inequality” could “be observed, described, and analysed” within the “framework of the institution”. He feels that a “focus on institutions... enables us to see most clearly the divergence between ideal and practice in the operation of democracy”. For the book in question, the institutions that Bêteille focuses on are those that emerged in the middle of the nineteenth century and onwards. In other words, he leaves alone the ancient and medieval institutions of India and concentrates on the modern *per se* - a modernity that rode on the back of colonialism and has left behind a legacy that is constitutive of the political present.

For Bêteille, “democracy emerged in India out of a confrontation with a power imposed from outside rather than an engagement with the contradictions inherent in Indian society”. This provides Indian democracy with a character, contends Bêteille, that is unique to India and not experienced in the West. To illustrate his contentions the author talks about the Indian Parliament and the State Legislatures, the Supreme Court and High Courts and the political parties. Bêteille does not startle us with observations that he makes about these august bodies, but in a subtle way brings to our notice the ‘delicate balance’ that must be set up and maintained between the rule of law and rule by numbers. Often, he hints, Indian democracy is held hostage by sheer numbers, the consequence of which is that the quality of democracy is often compromised. The courts are bodies that are tasked with the duty to “ensure that the rule of law is not overwhelmed by the weight of numbers”. In his view, the Supreme Court has “held its place in public esteem rather better than the Lok Sabha”. For Bêteille, the higher courts have performed better as it draws its members from the highly educated middle classes whereas in the assemblies, the members are increasingly drawn from a wide range of classes and communities.

While the neatness of courts stands out in stark contrast to the messiness of Indian politics, it must also be noted that the judges are insulated from the immediate pressures of constituency based demands that politicians are constrained to articulate. The moot question that must be addressed in this connection is whether we can have a democracy that is alive and robust and yet sanitised and limited by the canons of western democracy in India? Or is Indian democracy in its post-colonial avatar charting a separate path whose contours violate the ideals of much that we understand democracy to mean? Nevertheless, we can all agree with Bêteille that the “institutions of democracy have not served the people of India as well as they were expected to”. Yet, Bêteille, cautious as ever, warns us about going overboard in our critique of Indian institutions by drawing our attention to the manner in which the Indian military has been kept at bay and in its place by the Parliament, the Supreme Court and the political Executive.

Bêteille’s second essay is on the government and opposition. He argues that the test of a democratic polity is in its ability to engage with the

political opposition as a legitimate entity. According to Béteille, driving political opinion that does not conform to the ruling party underground is not acceptable in a democracy. While this can now be hardly disputed in India as a principle, the mistrust between the government and the opposition has actually increased over the years. This deficit of trust is not merely a consequence of party based position on ability to govern as Béteille states, but perhaps an indication of a more systemic failure in the body politic. It would have been apt for a discussion of this type if the nature of opposition is debated in the context of India's crisis of governance, but little is said in this regard. De-institutionalisation of the opposition is a grave risk for the well being of a democracy and a far greater threat to the polity than a government that is inept and floundering.

In the chapter devoted to civil society and the State, a topic that has for the past decade or more found resonance in India's polity and public life, Béteille argues that civil society is a set of institutions and that the State and civil society is complementary at least in principle. Béteille also makes a distinction between civil society and the organisations in the voluntary sector, which in most popular writings are seen as one and the same. For Béteille, civil society as an institution has an enduring character which is the hallmark of institutions whereas most voluntary organisations do not pass this test. He also reminds us that despite the "current popularity of the term in different parts of the world, civil society is a historical category and not a universal category of human existence". To speak of civil society is to speak with reference to the legal framework and to the emergence of it in a historical era with reference to the material conditions extant. The question that emerges in India is that is the civil society a universal institution in a country that is marked by caste and ethnic relations primarily?

Civil society for Béteille is, first and foremost, a society of citizens and most importantly he reminds us that not all societies are societies of citizens. It is here that a more extensive discussion on the limited reach of civil society is required to understand the political situation in India where the formal citizen may not be a member of civil society. Béteille does not take us to this land of contest and reconfiguration. It is by now well established that the nature of democracy in India has spawned a space that fills up its ranks through the association of people who are more often than not at the fringes of the mainstream and who are therefore also at the margins of the law. In India and countries of such similar history, a probe into the limits of civil society would have been a discussion to look forward to.

In the chapter titled 'Constitutional Morality', Béteille argues for "the virtue of civility" that "calls for tolerance, restraint, and mutual accommodation in public life". In this chapter, Béteille shows how the lack of civility has hollowed out the Gandhian mode of protest – civil disobedience and how

civil disobedience is necessary in a political system where the political parties have shown themselves to be venal and self-serving. The Emergency of 1975-1977 and the JP movement that preceded it, form the backdrop of the chapter. Bêteille is critical of JP's mode of agitation and the competitive populism that it unleashed. The result was that the institutions of democracy were considerably weakened and an antinomian legacy was embedded in the body politic of India from which it is difficult to extricate certain principles of legality, argues Bêteille. The ideal typical is shattered but then the rhythm of democracy post JP and the Emergency should have picked up the lost cause of institution building. That it did not is the story of democracy in India sacrificed at the altar of populism and defended by political parties –another institution – for short term expediencies.

In the chapter titled 'Can Rights undermine Trust?', Bêteille brings to the table a discussion that is unique and relevant for India. As India increasingly becomes integrated to the world grid of economic activities through globalisation, the discourse on rights has become stronger by the day. Rights are given to individuals in the main and are an indicator of modernity whereas the discourse of trust is more a legacy of a communitarian society. Bêteille argues that rights and trust are 'both indispensable constituents of collective life and that "an excessive emphasis on trust may lead to the rights of some members being ignored and repeatedly violated"'. But a continuous "assertion of rights...either individually or collectively, undermines the fiduciary basis of society". The argument that Bêteille makes is that an emphasis on one undermining the other cannot be sustained by a society which needs both. The balance that is required, the equilibrium so to say, is a complex matter that is calibrated by spatio-temporal coordinates. And this becomes more critical in a changing society where the dialectical interaction of the two holds the key to an understanding of the problem posed.

Bêteille uses the empirical example of the state of Indian universities to explicate the matter of balance between rights and trust and points out how an over emphasis on rights has created a situation of mistrust, misunderstanding and suspicion to the detriment of the academic institutions. One cannot but be in agreement with Bêteille about the abysmal conditions that most of our institutes of higher education are in but to lay the blame at the door of rights *per se* would be perhaps a little unjust. Education was for a very long time the bastion of a few and their hold over the institutes of higher learning was nearly absolute. It is through the language of rights that a great number of students from disadvantaged backgrounds – and not merely disadvantaged by caste- have entered the portals of higher education. Democratisation of education is a long and arduous process and the last has not been heard on the matter.

In the chapter 'Caste and the Citizen', Bêteille expresses his reservations about caste occupying the political landscape in independent India

to the extent that it has. The citizen is being lost to the community whereas it is the citizen as an individual who is really the backbone of the State. Further he argues that with the new found buoyancy in the Indian economy, a great number of individuals are being drawn into arenas where claims of caste and community do not matter as much as the performance of work as an individual does. This entry into the world of the modern workforce concomitantly raises awareness of rights that are not matched with a sense of responsibility. Béteille argues eloquently for a citizenship that is not merely a matter of right but also a matter of value. He feels that “nothing is easier than to inscribe new rights in a constitution, and nothing more difficult than to change the habits of the heart”.

On the question of pluralism and liberalism, Béteille reiterates the position that he has taken in this book, namely a critique of caste based reservation and the misgivings about reservation as social justice. This has over time put Béteille in confrontation with radical groups who have strongly espoused positive discrimination as a matter of policy and good governance. Béteille feels that one is not yet certain after so many years of caste based reservation, as to whether any meaningful reduction in disparities across caste and community has taken place but “what is undeniable is that stark and glaring inequalities of income and wealth continue to exist between individuals and households”. What is left untouched is that old riddle in Indian sociology of the overlap between caste and class. Béteille feels that “the politics of caste has clearly displaced the politics of class, at least for the present” and that politicians have been clever if not outright cynical in exploiting caste based reservations.

What is the distinction between law and custom? Béteille draws our attention to the fact that all societies have some disjunction between the two but those societies that are in transition or are undergoing rapid social change are most likely to show the schism. Laws in India are created based on the principles of equality “whereas our customs are permeated by hierarchical ideas, beliefs and values”. Thus, Béteille brings into play the classic binary between the modern and the traditional – an enduring legacy of the great modernisation theories that were the rage of an era gone by. But the question that must be asked is, does this binary, such neat classification into slots, hold true today? Or more importantly and critically, is it not also true that for every custom that made hierarchy evident there were within that which is customary, principles of equality?

Béteille convinces us when he says that law is conscious, deliberate and purposeful and perhaps because of these qualities amenable to reasoned arguments and rational decisions. Customs are notoriously slow to change and imperceptible at the best of times. He also observes that the modern state “constituted on the principle of rule of law, places a high value on uniformity and consistency”. Thus the study of law is well established in societies that are complex and that have well defined institutions, whereas the study of custom

is often the preserve of the anthropologist studying simple societies that are pre-literate. So is the distinction between the two, one that may be explained by evolution *per se*? Bêteille takes us through several layers of arguments of great intellectual import in his deliberations in the chapter 'Law and Custom'. He demolishes the argument that the citizen can count on the law at all times and indicates that custom may hold more meaning and salience in a society that is rapidly changing. In the west, the customary has evolved into the legal and the frictions and contradictions have been largely smoothed out by the fact that both have similar principles of origin.

But the "situation is different when a legal system nurtured in a particular social and cultural environment is introduced from the outside", in a milieu that has its own customs and laws. But the Constituent Assembly of the newly independent India chose as a matter of consensus the task of building a new social order based on the rule of law. The laws that the founding fathers created are good, yet their acceptance or compliance has not been as universal as it was hoped. Here then is the argument in a nutshell – legislation does not stand purely on the merit of its reasoning only, but is constrained by the historical and the social.

Perhaps the best and the most insightful argument on institutions and democracy are reserved for the very last in this book. In the chapter on sociology and ideology, Bêteille brings in the consideration of value in sociological studies and warns us about disregarding the normative. He explicitly states this when he argues that "it is important to recognise that the standpoint from which a sociologist makes his study affects the course of that study". Plurality is often seen as confusion out to upset the apple cart of order. Sociology, however, teaches that 'there is no one unique or privileged standpoint in the study of society and culture'. Separate standpoints need not be contradictory. They may be complementary and in a country as diverse as India, the acceptance of plurality must define both democracy and its institutions.

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