

'Prisoners and Escapees: Improving the Institutional Responsibility Square in Bangladesh'¹

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Summary

The paper argues that explanations of problematic governance are institutional rather than organisational and have their roots in the deep structures of society. Bangladesh is used as an exemplar for such analysis, deploying the notion of the institutional responsibility square comprising 4 institutional domains of state, market, community and household. A prison or 'total institution' metaphor is used to describe the ways in which different classes are obliged to pursue their livelihoods, entrapped within the problematic social embeddedness of these 4 institutional domains. The paper develops this argument via three themes: permeability between these domains (i.e. blurred moral boundaries between public and private behaviour); problem of legitimation of public institutions, given this permeability; and the incorporated rather than independent characteristics of civil society, thus limiting optimism about its potential to create reform. Nevertheless the paper offers a strategic agenda of institutional improvement (i.e. escape from the prison) based on the principles of shifting people's rights from the problematic, uncertain informal sphere towards the formal realm.

Introduction

The analysis of political and administrative performance in Bangladesh, as for any other society, should be rooted within understandings about socio-political structures in the context of widespread poverty. In this sense, such analysis seeks to assess the prospects for improving political and administrative performance from a 'room for manoeuvre' perspective (Clay and Schaffer 1984), by referring to the deeper structures within the society. These structures offer social actors alternative sets of constraints and moralities for rational behaviour to those deriving from a Western, liberal-democratic pluralist paradigm and accompanying public choice perspectives. It is argued that improvement of governance and competence relies upon acknowledging that the problems to be overcome are institutional more than organisational, and that in previous administrative reform attempts in Bangladesh and societies like it, too much attention has been focussed upon the organisational at the expense of the institutional.

The analysis presumes, on the basis of much consensus in Bangladesh, that present structures and associated cultural norms fail to deliver adequately both substantive and procedural needs satisfiers (Doyal and Gough 1991) to most Bangladesh people. As a result, these 'failures' in the four institutional domains of state, market, community and household reproduce widespread poverty, and undermine basic principles of citizenship and accountability. The analysis here asks, in an applied sense, whether all social actors in Bangladesh committed to, or at least incorporated in, present dysfunctional behaviour (i.e. operating as 'prisoners') or do many seek an escape from these systemic institutional failures? For donors and well-wishers (not always identical), this leads to the further question: is there 'room for manoeuvre' based on alliances with such potential escapees?

Of course, potential escapees have to be convinced of the benefit of a switch from their incorporated, client status as the dominant mode of survival in the society towards more open systems involving

¹ An earlier version of this paper was originally presented at the PAD Jubilee Oxford Conference in April 1999. It was subsequently and significantly embellished in a longer monograph prepared as a contribution to the World Bank National Institutional Review of public institutional performance in Bangladesh later on in 1999.

transparency, merit, altered mixes of competition and cooperation, and more formal contractual relations enshrined in public law.

The argument proceeds first with a discussion of key principles, in which a model for understanding institutional failure is proposed by contrasting a formal 'institutional responsibility square' (IRS) with a problematic one, relative to socio-economic and cultural context. The formal IRS (the de-contextualised, narrow version) is characterised as well-functioning in terms of rights, citizenship and accountability: i.e. the escapees' objective. The under-performing, problematic, IRS is then analysed as the 'prisoner' problem through three key themes: permeability (i.e. the blurred moral boundaries between public and private behaviour); the problem of legitimation of public institutions in the context of this permeability; and a challenge to present normative optimism about civil society by describing its incorporated characteristics in Gramscian terms. Since much of the 'prisoner' analysis is presented as a problem of 'clientelism', any reform of the problematic IRS has to comprise an agenda of 'de-clientelisation': an agenda of institutional rather than organisational reform. This leads to a conclusion in which strategic options for action are outlined.

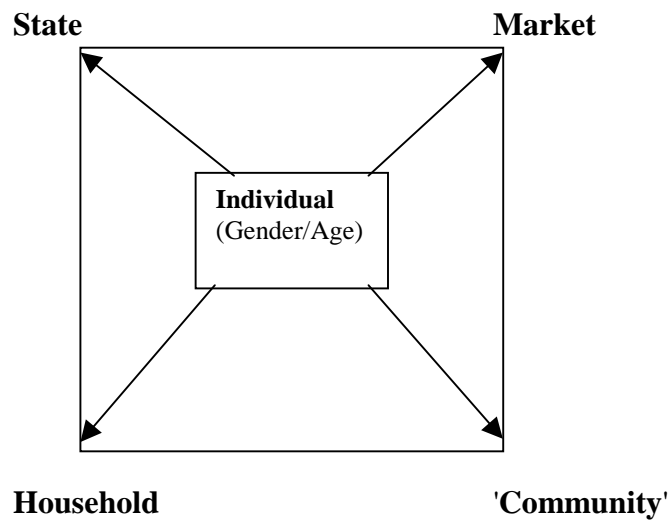
Key Principles

Much of the thinking about good governance and development administration explicitly or implicitly makes judgements about performance (content, structure and outcomes) in terms of Weberian criteria about well-functioning bureaucracies operating within liberal-democratic, pluralist political systems. In other words, a particular concept of rationality is assumed and real societies are analysed by reference to it. Thus we develop a series of 'derived' concepts like corruption, rent-seeking, nepotism, favouritism, croneyism, discretion, arbitrary, secrecy and so on through which to conduct a critique, with the implication that they are all bad things which must be overcome as a precondition for achieving good or better governance. When it comes to 'overcoming these bad things', an accompanying 'interest' derived rationality is applied.

The application of that general principle of rationality is not at issue here. What is at issue is how broadly one constructs that rationality to contain the range of commitments, obligations and therefore motivations for behaviour in societies like Bangladesh. In the context of societies characterised by highly imperfect, socially embedded markets, overall extreme scarcity of resources, a dysfunctional and imperfectly marketised state and a correspondingly high reliance upon personal social resources (as a limited version of the social capital idea), livelihoods survival for most people at whatever level involves a complex set of calculations, configuring a sustainable relationship between these elements. Perhaps this can be better illustrated by considering the following two diagrams.

The first diagram sets out a model of formal, liberal-democratic pluralist, rationality in which the relationships for the individual in its centre are presumed to be open, transparent and mutually reinforcing. The assumption of the IRS is that all people's livelihood success requires some effective and functional interrelation between all four corners.

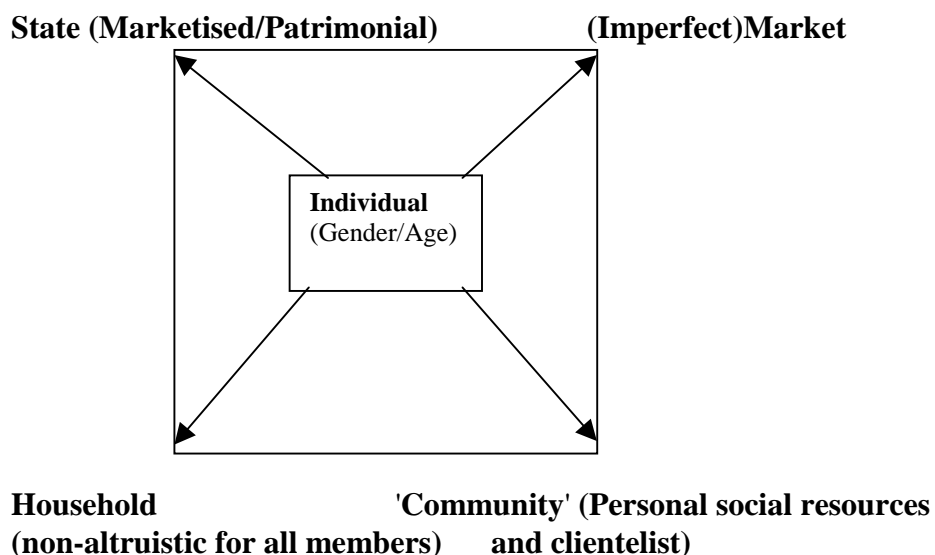
Diagram 1: Formal Institutional Responsibility Square (IRS)



The basic idea here is obviously increasingly familiar to development thinking, especially when understanding and responding to poor people's livelihood options. (NB the term 'community' remains deliberately ambiguous, referring to a multitude of sub-societal organisational forms, including the notion of 'civil society' which for some analysts might include NGOs, with entailed values and structures.)

Altering the conditions of each corner in terms of a broader concept of 'relative' rationality to encompass the realities faced by individuals in Bangladesh, each of the four institutional corners in diagram 2 then become problematic for the individual.

Diagram 2: Relative Institutional Responsibility Square (IRS)



This second diagram, with the status of its corners qualified in parenthesis, summarises the real character of institutional constraints and options faced by social agents in the society. Together, the particular configuration shown in diagram 2 represents our entry into the deep structures of Bangladeshi society.

The notion of the ‘marketised’ state is not just a reference to the operation of price mechanisms in triggering statutory rights and entitlements (involving rent-seeking, corruption and quasi legal transactions) but a recognition that the state is both heavily involved in the economy though not expected to operate in a formal-legal manner in its dealings with the economy and society. By adding ‘patrimonialism’, we refer to a broad notion of personalised power, exercised significantly via relationships of patronage, drawing on cultural principles of seniority and loyalty.

The concept of imperfect markets is more commonly understood, especially in New Institutional Economics, as problems of information and transactions costs. Here we need only add a reference to the socially and culturally embedded character of those markets, specific to the conditions of Bangladesh, which are not dissimilar from elsewhere in S.Asia, such as: history of excessive state regulation over the economy; an intense principal-agent relation between the state and the private sector; severe rationing in resource allocation (including, historically, access to foreign exchange); contractual intimacy between officials and business (often occurring within extended kin groups and other social networks); the significance of these inter-personal relations within the business community entailing high market segmentation and barriers to entry; in other words, a set of conditions conducive both to rent-seeking, restrictive practices via monopolies and oligopolies, false accounting, tax avoidance, and the subordination of price mechanisms to non-transparent contractor asymmetries in resource allocation.

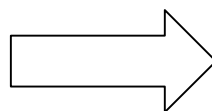
The community corner, in effect, presents ‘social capital’ as highly problematic, with a strong notion of community as constructed via the deployment of personal social resources (kin, lineage status, regional and sub-regional identities), involving patron-client relations, all heavily gendered. This amounts to two ‘dark sides’ of social capital, both of which are gendered: social closure (a familiar concept in sociology but recently alluded to in a social capital context by Putzel 1997) based on over-exclusive identities; and adverse incorporation (Wood 1999) in which the prospects for exit are so low that loyalty and inclusion occur only on adverse terms for dependent clients (including women in households), in which long term positive social capital has to be traded off to meet immediate needs in known systems of delivery (i.e. security prevailing over risk).

And finally, the household must be included as increasingly problematic as it is revealed less as an altruistic unit of social action under the leadership of benign, household heads, and more as a site of contestation, especially again in gender terms. The forms of power exercised in this institutional corner establish the codes and principles of social interaction, psychology and cultural preferences (deference, dependency, risk avoidance, plural security portfolios, blood ties, mutual inter-dependence, subordination of individuality, amoral familism, patriarchy, submersion of the self to the collective identity) which constitute a socialisation for life: i.e. the prison, especially for those with escape in mind.

Thus, overall, diagram 2 represents the broader, ‘relative’ rationality for social agents in Bangladesh. If the quest for improvement in political and administrative improvement entails a notion of escape, then we are looking at a shift in the society from diagram 2 to diagram 1. More realistically, we are probably only able to settle for some improvement of conditions in the prison. Thus a continuum model may be better.

Diagram 3: Prisoner-Escapee Continuum

Relative IRS/Broader Rationality



Formal IRS/Narrow Rationality

Best intentions for political and administrative improvement then lies somewhere within the broad arrow.

Thus the central argument for this paper is that while the achievement of the conditions in diagram 1 might be the overall goal for escapees and donors in the longer term, it is unrealistic to expect thoroughgoing reform in the short term. That is why the term 'improvement' is preferred, since it does not signal the unrealistic intention to 'advance on all fronts', and does not raise the stakes for oppositional vested interests. In such a context of more limited, but perhaps therefore more realisable ambitions, the key objective for any reform programme is to identify the sequence of preconditions which might lead on to higher ambitions later. Given the codes, rules and moralities outlined above, there is no 'big bang' scenario. For the moment the coalition of donors and escapees have to settle for less and do it well.

Such thinking is consistent with shifting the operational agenda for donors away from ambitious, all-embracing administrative reform, focussing just on good government and competence via re-organising lines of responsibility, streamlining budget making and spending, training and incentives, towards 'leverage over a process' which extends, in the first instance, the number of escapees seeking to pass through the gates. This translates essentially into an exercise of policy advocacy about the state corner of the IRS in particular, but also about the IR configuration as a whole. In another language, it is establishing the principle of governance as a precondition for improved government. But the process of governance, itself, has several stages—only the last of which constitutes the 'audit' process which is presumed to impact positively on performance.²

Earlier stages of governance involve:

- critiques of performance;
- diagnosis of malaise;
- establishing wider stakeholder ownership of that diagnosis (crucially including the organised middle classes as well as the poor);
- identifying escapees with leadership aspirations;
- building movements with political clout around that diagnosis in order to change the calculations of power-holders in the public and colluding private sectors;
- and then deploying the advocacy and audit skills in both a general but also disaggregated way on different parts of state performance.

In this scenario, we must not assume that escapees are homogenous, with identical stakeholding interests. A more segmented, disaggregated process will connect specific stakeholders to sector performance of specific relevance to their interests - specialist constituencies, in effect. In this respect, stakeholder analysis has to be more accurate in the disaggregated assessment of interest and opposition in relation to the 3 audit categories (i.e. inputs, outputs and outcomes). This is the more realistic agenda of good governance.

Such a shift involves numerous dilemmas for responsible international development agencies:

- leverage and accountability objectives clearly signify engagement with political process;
- a focus upon shifting from diagram 2 to 1 context necessarily entails re-configurations of power (anything less leaves good governance objectives stranded on rhetoric) within each institutional corner as well as between them;
- this has to entail a re-alignment of the moral basis for social agency, therefore establishing revised rights of entitlement and influence among relevant sets of stakeholders, crucially not excluding the poor;
- such an agenda has, over the last decade, involved a preoccupation with strengthening certain aspects of 'organised' civil society to constitute 'countervailing forces' as the socio-political precondition for engineering such a re-configuration;

² Within 'audit', distinctions are necessary between tracking indicators on inputs (e.g. teacher attendance), outputs (e.g. student exam performance) and outcomes (e.g. utility of education for the student in personal and public interest terms).

- for donors, such moves tread a fine line on issues of sovereignty and accusations of political interference, as well as favouring certain clients partners over others in the society;
- in particular, there are nationalist sensitivities towards external support for domestic NGOs which may have direct or indirect long term political agendas (in the sense of formal political competition for state and local state power) and even be perceived as crowding out other, more 'home-grown' civil society initiatives.

To reflect on the above points more brutally, there is a central problem about: 'trying to take the politics out of politics'. The shift from government to governance is essentially towards a more obvious focus upon power, and its re-configuration in the political process. However, this is not just power in the sense of the relationships between civil society (or society) and the state; it is also about the structure and exercise of power within the state. So the agenda is not just about accountability of state to society, but about the practice of state performance, and the determinants of that practice. The argument here is that this practice (i.e. public institutional performance) can only be understood in terms of the broader, 'relative' rationality referred to above.

Permeability

Such arguments depend upon a key premise: that state actors do not discard their social norms and values when performing as officials. This is a general premise, not unique to Bangladesh or even societies like it. Thus the premise is not controversial or original. Rather, the issue is: what social and cultural distance does an official have to travel from home to work everyday? In other words: to what extent are the behavioural expectations derived from Weberian principles compatible with other sets of principles in the society more generally? Or again, how 'bureaucratized' is societal behaviour as a basis for compatibility with expected or preferred official practice?³ Embedded in these questions is another general assumption or premise: that the social and cultural boundaries between official and private domains are permeable.

Thus in societies with high normative consistency between expected or preferred official/public behaviour (perhaps only as judged by a few moralists or external commentators) and the reality of private behaviour, this permeability does not matter. But in societies with low normative consistency, such permeability becomes a problem of governance, good government and legitimated public performance.

In Bangladesh these general analytic principles concerning official behaviour interact with some historical specifics. Significant proportions of the present senior cadres in the civil service owe their positions precisely to the deep structures which determine behaviour once in office. The mode of gaining office has thus erected a context-specific set of incentives (i.e. rent-seeking by weakly qualified officials to establish their families more successfully/ firmly within the political economy). These incentives are not so easily available to them in other arenas (partly due to competence, and partly due to competition and risk).

Social Determinants of Public Institutional Performance

To understand the determinants of public performance, central conditions of power, inequality, political structure and political culture have to be addressed. By presenting the diagrams 1 & 2 above, schematic institutional maps have been drawn: respectively, the normative and the actual. Any programme of public institutional reform has to be directed at improvement along the continuum (diagram 3) towards the normative configuration of intra-corner relationships.

The understanding of how to achieve that large ambition has to be grounded in the realities of the broader rationalities which surround the people of Bangladesh. It becomes a separate matter of

³ There is an extended discussion of some of these issues in 'Parallel Rationalities in Service Provision: The General Case of Corruption in Rural Development', Chapter 21 in Wood 1994. This paper returns to this discussion in more detail, below.

judgement about potential donor capacity to influence processes and events, which lie deep within the basic social structures, culture and political economy of the society. To move forward, we need to gather together a consensus about the characteristics of societal behaviour that, given permeability, impinge upon the performance of public institutions.

These characteristics have been called 'deep structures' to convey their embedded though not always visible or obvious significance in explaining people's: commitments; motivations; priorities; moralities; obligations; informal rights; expectations of others; and responsibilities. The principal argument of this paper is that no-one can make progress with an agenda of improving the performance of public institutions without calculating for the over-riding context. In Logframe terms, it is the key analysis in the 'assumptions' column of the matrix.

Before offering a summary description of these deep structures, the paper should make clear its epistemological stance for this analysis. All social actors have agency. Although heavily constrained, they make choices about which institutional routes to select (and thereby validate). The purpose of development policy in Bangladesh therefore is:

- to support the ability of those with less autonomy to extend their range of choices (i.e. from prisoners to escapees);
- to extend their control over surrounding structures;
- and to secure an expansion of rights and entitlements from the state.

As agents in this process, they constitute one of the key resources therefore in the pursuit of improved public performance even if their present conditions oblige them, structurally, to collude with rather than challenge prevailing forms of discretionary and arbitrary power (see Wood 1999 on 'adverse incorporation'). This is the key to the 'countervailing forces' argument.

The argument proceeds by offering a summary list⁴ of social norms in the political economy which constitute the overall determining context for a second list of more specific political practice variables which operate more closely upon public institutional performance: thus deep structures 1 & 2. Together, these represent a more elaborate descriptive analysis of diagram 2 above, although many of the themes cut across the corners of the IRS.

Deep Structures 1: Social Norms in the Political Economy

As has been repeated in numerous publications, the political economy of Bangladesh combines dimensions of:

- Rural class relations based on landholding and *de jure* and *de facto* private and concentrated possession of other sets of key natural resources such as water, fisheries, forests, orchards (see, for example, Wood 1981, Glaser 1989, Hartmann and Boyce 1983, Jansen 1986, Boyce 1987, Toufique 1998);
- Elite control at national and local levels over resources and opportunities distributed by the state (especially *khas* resources, but also agricultural inputs, rural works and social sector services) and through the imperfect markets of the private sector (Kramsjo and Wood 1992);
- A history of considerable official monopoly over the allocation of resources and their distributional impacts, inviting widespread rent-seeking and corruption: from colonial times, through the Pakistan period into the present, the state has occupied a monopolistic position over public resources.
- Complex kin, bangsho and caste structures which underpin a pervasive system of patron-clientelism (Bertocci 1972, McGregor 1991);

⁴ This summary list has been elaborated at greater length in the monograph prepared for the World Bank exercise, noted in footnote 1 above.

- An increasing exclusion of the destitute poor from those clientelist based forms of welfare and safety nets: this is almost a tautology, since this exclusion has become a definition of destitution, reflecting the breakdown of family or community based social protection and mutual support mechanisms;
- A persistent cultural domination of women by men with heavily gendered socialisation within a pervading ideology of patriarchy (see White 1992, Kabeer 1994);
- The strong reliance for all upon networks, linkages, interlocked transactions (i.e. mainly vertical and non-transparent forms of power and control) which define necessary behaviour in terms of deference to arbitrary and non-bureaucratic (in its strict conceptual sense) authority based on personal as well as official position (see Wood 1994, chapter 21, Lewis, Wood and Gregory 1996);
- Extended families for richer classes who can thereby spread network risk and maintain a wide range of quality 'linkage' options to operate in imperfect, non-transparent markets as well in their dealings with the state;
- This is contrasted to the narrower kin space and consequently less effective brokerage in the market and state arenas among the poor: that is, the reverse of the preceding point applies. To be 'poor in people' (White 1992) is a crucial element to understanding poverty and its reproduction;
- An intensification of competition for resources and flows of goods and services, especially in the context of population growth and pressure on landholding;
- Forms of inequality which are deep-rooted in the psychology of Bengali society, thereby translating into 'natural' deference-authority dyads, and in turn determining the real quality of human and legal rights;
- A growing morality of plunder when opportunities allow, where the priorities of family, wider kin and friendship networks take precedence over the public good (Wood 1988);
- Increasing individualisation and siege mentality among the rural and urban middle-classes, akin to the notion of 'amoral familism' (see Banfield 1958 for an argument that preceded Putnam's by 35 years), in which wider senses of responsibility and social conscience are eroded;
- However, the moral status of these 'communities' is not stable. There are processes of fission and fusion, according to external events and pressures. Besieged identities, under common external threat, will come together, thereby extending, albeit temporarily, their moral community. But in other circumstances, the moral unit will shrink back to the inner circle. In this sense too, the notion of social capital is highly variable, expanding and shrinking in significance relative to context. In other words, there are concentric circles of moral proximity. This instability of social capital reflects the anomic character of societies in transition, where the shift from personal social resources to social capital as institutions in a public goods sense (i.e. a shift from diagram 2 to 1 above) demands of social actors an unprecedented leap of faith into the value of unknown principles of impersonal trust and predictability of outcomes, defined by universal rationalities. Under such conditions, social actors are more inclined to serve immediate advantage and to be calculative in their dealings with others, and to be constantly suspicious and alert to the potential deceit of others, thus to engage in anticipatory cheating. Such conditions set limits to the prospects for cooperative behaviour more specifically, and to a faith in democratic behaviour more generally. It also underpins the character of large organisations, structured less by cooperative principles around joint, shared missions, and more by a series of pragmatic, instrumental liaisons which for many will be strongly patron-client. Thus organisations can be understood as a nested hierarchy of patron-client relations in which the loyalties and liaisons between sub-patrons and their sub-clients may vary horizontally and vertically.

Legitimation

Deep Structures 2: Formal Politics and the Legitimation Problem

These processes and relations (derived from and maintained by the overall context of an underdeveloped economy) underpin the more formal politics and public institutional performance in the society. Four sets of interrelated issues are discussed below: structure and performance of political parties; problems of governance and legitimation of the state; weaknesses of alternative voice; and patrimonial official behaviour.

First, with the structure and performance of political parties, we need to acknowledge: the clientelist modes of recruitment of political leaders through lower cadres to the upper echelons of their organisations; an accompanying motivation to enter the formal political arena for personal gain, influence and status; a contradiction between the representative logic of formal democracy and the near absence of a representative culture except through the clientelist system of personal favours and obligations; and a strong moral relationship between the investment in gaining votes (the formal rules of the game) and obtaining a 'return' on victory consistent with the zero-sum game organisation of political competition with a 'winner takes all' outcome.

Secondly, these characteristics of the political system described above lead onto a set of governance issues as follows: the low costs of non-compliance with the formal rules of democratic politics and bureaucratic accountability; the relative autonomy and therefore virtual unaccountability of the uniformed services (military and police) in relation to the primary function of politicians to allocate the budget and justify it; the pervasive distrust of the representative will of politicians to campaign on a clear manifesto and their willingness to be held to account in office; and the consequent problems of establishing widespread legitimacy on which to base an effective tax-raising strategy and redistributive expenditure.

Thirdly, other aspects of this legitimation problem function to weaken rather than strengthen alternative, critical voice. In this respect, Bangladesh retains a uniqueness in relation to other poor countries struggling with these problems. Ironically the weakness is also a strength: namely the presence of donors significantly in the economy, with foreign private investment closely attached. Bangladesh has, for many years, divided its annual budget into recurrent and development (capital investment) categories, with donors funding up to 80% of the latter.

To what extent, therefore, has donor aid been destructive for the improvement of governance and local accountability in the longer term? By substituting for domestically raised revenue, has donor aid removed a whole epoch of debate over priorities and trade-offs from the political system? Has a state-society accountability link been systemically undermined by the stronger presence of a state-donor one? (see Wood 1997).

In many ways, this issue can be likened to adverse incorporation (see above, and Wood 1999) on a macro/global scale: the short term necessities also function to postpone the establishment of operational institutions in the longer term. There can be little dispute with the proposition that the donor presence has severed the domestic state-society link, both removing the need for domestic policy debate and choices, and providing the opportunities for rent-seeking which do not appear as an immediate cost to the citizens of Bangladesh. Indeed, others argue that the absence of public clamour against corruption can be explained precisely because it constitutes a denial of potential benefits rather than a loss of present, actual ones (Lewis 1996).

The circumstances which thereby construct this lack of anger and indignation against the prevailing political culture contribute towards this morality of low expectations about public performance. Thus 'narrow rationality' assumptions about people's interests and future impact upon voting behaviour, for example, do not apply.

Fourthly, in the absence of other successful forms of legitimation which might define their role in the society, civil servants (especially Class 1, but also down to Class 2/3) continue to act in a patrimonial manner towards other members of the society. In other words, authority is less derived from formal,

statutory responsibilities within a clear and transparent framework of executive rights, rule of law and bureaucratic rule adherence, and more from their ascribed status in the society (superior lineage and 'caste' status, educated, urban and urbane, elite, well-networked to other elites, and of course property).

Incorporated Civil Society

This discussion of deep structures within the political economy and as an issue of legitimation within formal arena of politics brings the analysis to the central contextual or 'deep structures' understanding of the concept of civil society in a society like Bangladesh.

To develop the argument about civil society, a basic functional distinction needs to be made between civil society as a critique (sic) of the dysfunctional or over-bearing state and civil society as a defence of the state. This distinction is further complicated by stances towards the market, or capitalism more generally. Thus civil society as a critique of the state may very well have the defence of the social value of the market as an essential element of that critique. But in other contexts, civil society as a defence of the state may also be coopted into a political defence of capitalism. The latter was certainly the position taken by Gramsci in his path breaking analysis of civil society in Italy in the 1920s (see his Prison Notebooks 1976). For him, civil society consisted of the private sector organisations which supported the 'naturalness' of capitalism, thus contributing to the notion of hegemony which became the thesis of the Frankfurt School in the guise of legitimation (such as Habermas 1976 and Marcuse 1964).

In the context of Bangladesh, liberal-democratic observers look to civil society more normatively as a check upon the dysfunctional, corrupt and unaccountable state. However the reality appears differently: a set of institutions in the society, deeply penetrated by the main social agents of both the state and socially embedded markets operating through clientelist relationships of subordination and incorporation, as described above (see also Davis and McGregor 2000).

Perhaps therefore we have to consider two civil societies rather than one, classified by their coopted or critical stance towards the state. The problem for much wishful thinking about Bangladesh is that the normative version of civil society (as implied in diagram 1 above) as 'countervailing forces' is mistaken for the real, incorporated, civil society where autonomy has been lost or, more accurately, never gained. Other analysts would prefer not to regard both sets of contrasting conditions as examples of civil society, reserving the term only for the normative version. For example, Khan argues thus:

'In a context where the emerging capitalist system does not enjoy political stability and general acceptance, where the state is not strong enough to enforce order by force and where civil society is failing to create the ideological support for the emergence of capitalism, patron-client networks which organise payoffs to the most vociferous opponents of the system are an effective if costly way of maintaining political stability.'
(Khan 1998 p115)

To some extent, the dramatic rise of NGOs in Bangladesh over the last two decades may have taken our eyes off the ball in understanding the incorporated version of civil society and its patron-client forms. The temptation has been to see NGOs as 'escapees' and therefore able to both constitute and mobilise other countervailing forces towards a more normative version of civil society. Analytically, however, we are entering a more discerning phase of distinguishing between the operation and function of different NGOs by reference to their place on an incorporated--normative civil society continuum (see for example, Devine 1999).

This brings the analysis back to the relation between 'incorporated' civil society and patron-client institutions. From the intrusion of the Mughal state into Bengali society, and certainly continued thereafter, the political economy has been characterised by sub-infeudation: i.e. hierarchies of intermediaries between the state and the peasant, delivering order in return for rent-seeking. These classes of landlords and officials constructed state-society relations as a deliberately pervasive rent-seeking entity, with other institutions in the society subordinated to it over many centuries (i.e. religion; morality as in the *samaj* [village community]; the operation of the *shalish* [village court]; caste-based system of rights and duties; control over access to land, ponds, rivers, forests, employment and credit; and management of common property.) These socio-political structures have adapted to the

modernisation of Bangladesh which is significantly characterised by: urbanisation; the rise of professional, middle classes; the proliferation of activity in the economy away from subsistence agricultural production involving more trade and manufacturing; and, of course, the presence of both donors and private, foreign investment.

The patron-client networks and incorporated civil society have extended into this modernisation via the 'relative institutional responsibility square' (i.e. diagram 2 above): a web of inter-locked exchanges between political elites, business, and 'intermediate or "middle class" organisers, who organise and mediate social discontent' (Khan 1998, p116). These intermediate classes are primarily non-capital owning, but middle class either by virtue of professional, salaried status or by virtue of intermediation functions as entrepreneurs and *mastaans* (informal contractors and local gang leaders using criminal methods). It is these classes which perform the primary function of linking together the four corners of the 'relative IRS', and also importantly beyond the 'square' to include relations with donors and foreign capital. They are the 'managers' of the modernisation, precisely using their networks to manage: new commodity markets (e.g. increasing quantities of rural produce on urban sale); new labour markets ('old' rural works recruitment had always been managed by labour *sardars* [gang leaders] but now including access to garments industry and so on); access to urban shelter and services; access to government contracts; access to foreign business partners; avoidance of regulation and other legal intrusions; dealerships for agricultural inputs and industrial components; import-export 'smoothing'; access to relief goods; and community services.

Of course, in this process, these intermediate classes also accumulate capital and themselves become reliant upon other intermediate classes to deliver the social conditions under which the value of that capital can be protected. These social conditions crucially include the management of discontent which accompanies the rationing that comes with managing scarcity, as well as the enhanced perceptions of relative deprivation and exclusion that also come with modernisation in the form of constrained or under-performing economic growth. Thus these intermediate classes perform the functions of political management as well, especially via the penetration of the organisations of civil society which might otherwise threaten the present gainers from the 'relative IRS'. In this way, much of so-called civil society is itself tainted and incorporated into the 'prison', especially via the efforts of the major political parties and their brokers seeking to aggregate support throughout the organised elements of the society whether on the University campuses, the Chambers of Commerce, the NGO sector or the local CSOs.

Deep Structures and Performance of Public Institutions

These processes of permeability, legitimation and incorporated civil society themselves situate the analysis of public institutional performance firmly within an interpretation of state-society relations, thus offering a more structural and culturally grounded analysis instead of seeing problematic official behaviour as merely pathological and by implication amenable to simple curative responses. The overall argument here is that the institutional problems have to be understood before proceeding to the organisational remedies. It is a further argument that the institutional problems have to be resolved as a necessary condition for success with the organisational ones. Given the preceding analysis, a further refinement has to be an understanding of the official performance of the state corner of the relative IRS of Bangladesh in relation to the other corners. This involves assessing where Bangladesh lies on a continuum of strong to weak rent-seeking conditions; recognising the permeability and therefore parallel rationalities of official and client behaviour (see again Wood 1994); and distinguishing between political and financial corruption in terms of strategic versus tactical manipulation of clients by officials.

From Informal to Formal Rights

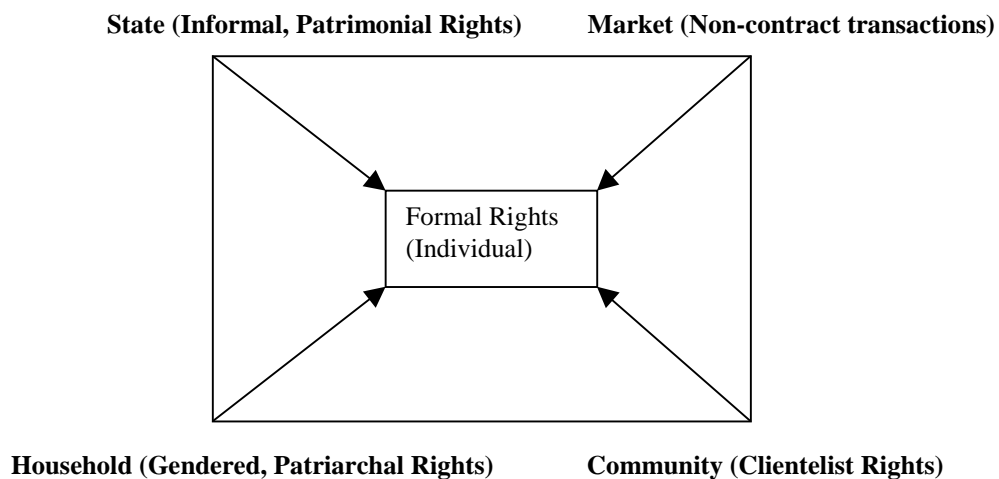
In attempting to analyse the situation as it is (rather than how we would like it to be), the implication is that the notion of 'escape' into a preferred and more 'perfect' world of markets and state performance is meaningless to the extent that it asks people to opt out of their society. This is the dilemma of institutional, in contrast to organisational, reform. In particular, it is asking people to behave by rules, which have barely taken root in the society. It is asking them to re-locate their trust away from the predictability of multi-period games conducted by known players towards an abstract, alien system of

formal, transparent rules, allegedly supported by impartial law and judicial system. These 'known' players are established brokers and intermediaries who connect the four socially embedded or 'deeply structured' corners of the 'relative IRS' together, especially linking state and society (the official and non-official worlds).

Thus people are being asked to switch from the realm of informal rights, guaranteed within the 'community' concepts of social capital (Wood 1998, Putnam 1993, Coleman 1988 and 1990, Wood 1999a, Putzel 1997, Narayan and Pritchett 1996, Tandler 1997 and Thin 1996) and social resources (McGregor 1998, Lewis et al 1991, Lewis and McGregor 1993, Wood 1994, and Moser 1998) towards the realm of formal rights, formal institutions (North 1990) and ideas about citizenship, with corresponding assumptions about access and equity.

To return to diagram 2 above (i.e. the 'relative IRS'), each of the problematic four corners represent sites of informal rights provided by sets of 'imperfect' institutions. Together they constitute the prison, just like any 'total institution' (Goffman 1968). Within the prison, the inmates have to accept the prevailing institutional rules and related hierarchies, which have been constructed by previous inmates, and survive the best they can. In the process they validate and reproduce the very rules which deliver only arbitrary and discretionary services, namely informal rights which are uncertain and unpredictable unless constantly serviced by subordination and acceptance of client status. What are the objectives for escaping? To enter a realm of formally established rights, which have certainty, predictability and corresponding mechanisms for asserting them. To enter a realm in which there is a widespread acceptance of the correlative duties within society to uphold those rights and deliver the attached services. And to move therefore into a legitimated arena where the principles of security and equity prevail. In the diagram, therefore, we might envisage arrows moving from the 'informal rights' corners into a central box of formal rights, inhabited by individuals.

Diagram 4: De-Clientelising the IRS



Whereas Esping-Andersen (1990) envisaged this process of securing basic needs for all in a society by state modification of the distributional inequities of the market through de-commodification, in societies like Bangladesh, replete with clientelist authority structures of allocation, the process has to become one of de-clientelisation. This is the institutional, in contrast to organisational, reform agenda. The reform problem, however, is that the state has a vested interest in present arrangements and cannot therefore be expected to lead change. This leads to the question of incentives, and enables us to distinguish between those unsuccessful reform attempts which essentially remain within existing institutional practices and those which imply a reconfiguration of power, i.e. engage with deep structures by deploying normative rather than incorporated versions of civil society.

Strategic Options for Action

As indicated at the outset of this paper, the analysis made here of deep structures and their implications for public institutional performance in Bangladesh involves a search for escapees and potential escapees from the prevailing rules of the game. These rules lead to:

- allocative inefficiency;
- postponement of formal rights and entitlements for weaker sections of the population;
- private gain at public expense;
- an undermining of the value of public goods;
- incorporated civil society;
- circulation of power elites (deploying clientelist tactics rather than ideological stances);
- arbitrary rather than statutory authority;
- a corresponding absence of the rule of law;
- and an induced collusion by many sections of the population for immediate survival purposes.

In other words, the *samity* culture of Bangladesh has not yet overcome the *mastaani* culture. This analysis prompts an agenda of institutional action rather than organisational reform.

It is also clear from the analysis that East Bengal has a long and honourable tradition of bold escapees, willing to confront the unaccountable and illegitimate states of various preceding epochs. The current problem is slightly different in that the presence of formal democratic institutions confuses many stakeholders into a grudging acceptance of overall state legitimacy. Defining the need to escape is thus a more subtle exercise, with so many stakeholders willing to compromise that legitimacy through the practice of deep structures: i.e. managing modernisation by not abandoning tradition. The challenge, then, for escapees is to lead the escape party without incurring so much social ostracism as to render one's own personal escape a meaningless sacrifice. It is this prospect which keeps so many in the prison. Such risk can only be countered by the principle of solidarity, where resolve is maintained by the comfort of being demonstrably part of critical mass. It was ever thus with social movements, confronting the status quo.

It is for this reason that 'mobilisation for voice' heads the agenda of 'strategic options for action'. However, mobilisation and solidarity building alone is vacuous unless accompanied by attempts to alter the political and moral vocabulary: i.e. 'changing discourses'. It is also vacuous unless explicit attacks are made upon the present destructive moralities which pervade public performance: i.e. 'transparency and exposure'. Furthermore, we cannot envisage one moral and cultural leap into the better world of diagram 1. Smaller victories have to be gained on the way: hence 'participatory management', and 'pluralism in service delivery'. Finally, all these 'improvement' strategies require support for 'competence' as an incentive for public servants to respond to the other pressures for change.

Mobilisation for Voice

It has been argued above that the pursuit of improvement in political and administrative performance is itself a political and institutional as well as a technical and organisational process. While such a proposition is problematic for donors in relation to sovereignty, it is also true that donors and their own taxpayers are significant stakeholders in Bangladesh, and as such have rights too in the probity and efficiency of state performance. No-one disputes that this is an issue of accountability as a major ingredient of improved governance. Accountability in the context of the deep structures described

above represents a re-configuration of power: i.e. the principle of answerability by officials and political leaders to the citizens of the country, including the poor and female. Since there is little prospect of that answerability occurring voluntarily, it has to be induced by an increase in organised voice in the society, moving civil society away from its incorporated condition towards a more normative, autonomous critical stance which challenges the arbitrary and non-transparent behaviour of public office-holders.

The emphasis upon the superior efficacy of **organised** voice is important. Local social capital unconnected to the national level will not re-configure power. Spontaneous protest is easily marginalised and forgotten. Thus, despite the dangers of the larger NGOs potentially crowding out local spontaneity and manipulating agendas, there is no other option outside the tainted political parties for large-scale, organised mobilisation which has the prospect of changing the risk calculations of the present gainers from bad governance. However, given that these NGOs are mainly identified with the interests of the poor in the society, they need to woo the middle class much more strongly behind a good governance agenda. They need to convince the middle class of joint interests in improving the representation of poor people's interests in official decision-making at the national level. This requires a shift of analysis for many NGOs from the assertion that the poor should have their interests met only at the expense of the masses of non-poor in the society. It should imply the necessity for economic growth and the expansion of the economy to offer Pareto Optimum outcomes. It is not, therefore, asserting the achievement of equality as a precondition for meeting the objective. Although this becomes reformist rather than revolutionary rhetoric, the more modest objective of 'improvement' demands a wider critical mass of escapees and a recognition of the significance of escape-minded segments of the middle class to alter national morality and culture. Politics, after all, is about building ever wider coalitions of interests.

Thus if the larger NGOs are to lead a process of mobilising wider voice they have to convince people other than their own clients that they are worthy and credible leaders. Improving their own governance is a prerequisite for this., since they are currently criticised in parts of the hostile press for being answerable at best to their donors only, and/or to 'tame' governing bodies. Since their fortunes will also crucially rely upon their management of PKSF funds, the present auditing arrangements between PKSF and their NGO clients (which are quite rigorous) should be more publicised as part of the evidence on their governance and probity.

The NGO community needs also to be encouraged to speak with one, clearer voice on these public accountability issues and to be more mutually respectful of the plurality of routes to pursue these objectives. There are differences of style, and these should not necessarily be converged into a single strategy. But the overall impact which the NGO community could have is being undermined by internal feuding, and attempts to weaken competitors through rumour, disinformation and insinuation. The stakes for the poor and hard-pressed citizenry are too high to permit this. Since donors will continue to have significant influence over the NGO sector for some time to come, they should be acting more collectively on this sector instead of sponsoring their own NGO constituencies to the detriment of others. Academics and consultants both within and outside Bangladesh should note this point carefully too, since they too are guilty of stirring up divisions. The principle of solidarity is paramount at this conjuncture.

Changing Discourses

If we use the analogy of personal psychiatry, people have to move beyond self-denial as a precondition for wishing to confront problems. In management and educational sciences, there is parallel emphasis upon personal action-research and personal dialectics as the route towards improving professional and organisational behaviour. We must now extend these principles to a societal level.

Of course, at the individual level, there is widespread awareness of the analyses of social norms, moralities and culture made above. If there were not, we, as outsiders, would not know about them. However, informants in Bangladesh are at different points on the self-denial scale, from innocent prisoners, through self-aware ones to potential and actual escapees. But the key issue here is the creation of **collective** self-awareness. This is part of solidarity building behind the analytic themes outlined above: a process of tilting the moral and cultural fulcrum towards formal and equitable rights,

enshrined in legitimated and effective rule of law. This involves shifting collective perceptions and expectations towards a re-defined moral majority, modifying at least the broad rationality of diagram 2. So, there is an agenda of establishing widespread, mutually acknowledged, ownership of the analysis made here as a platform for voice for improvement.

Who are the stakeholders in Bangladesh who incur little risk in articulating such an agenda? This is where the donor community has a duty to engage with this institutional analysis rather than just settle for the conventional organisational one, which acts in the society like oil on the water. Practical steps to change the discourse can be made by actively supporting an extended process of debate with Bangladesh policy institutes, think-tanks, Chambers of Commerce, the Universities, the Press, the NGOs, other professional bodies, working groups of MPs, focus groups of public officials, regional forums, district level meetings, religious organisations, educationalists at pre-University levels, People's Organisations and so on. The more such internal stakeholders, with higher personal risks associated with their individual action and critiques, can be brought into such public discussion and ownership of the analysis, the more confidence in a critical mass of escapees is achieved. The lessons from Italy in the early nineties in confronting the Faustian alliance between the Christian Democrats and the mafia are relevant here (Richards 1995).

Transparency and Exposure

The prospects of discovery of misbehaviour and subsequent social ostracism can be increased by:

- Promoting critical, competent and credible journalism (through training, workshops, dialogues with foreign reporters etc.);
- Enhancing the availability of public information (e.g. through pushing further on the freedom of information legislation);
- Support for the anti-corruption commission (contributing in particular to investigative competence, especially in tracking illegal financial transactions and deposits);
- Supporting evolving programmes of social auditing by NGOs, lobby groups, think-tanks using techniques advanced in the UK and the USA (ADAB's 'Social Watch' initiative will be countrywide, and could be supported with TA as well as training opportunities for staff involved);
- Linking such sources of information to public interest litigation, ensuring that such lawyers have more resources of staff and facilities to follow up on information and prosecute cases;
- Advancing the techniques of information management (for Press, lawyers and audit groups) to enable cross-checks and links to be made across different data sources that track behaviour.

Participatory Management

Since no-one can reasonably envisage a 'big bang' approach to transforming performance, accountability and governance, the re-configuration of power also consists of smaller victories as part of the route. The principle of participation can be taken beyond the mobilisation of voice into more control over process at micro, meso and macro levels through the notion of participatory management. The character of that participation will be different at different levels:

- more involvement in the policy process at national level via organised advocacy, lobbying and so on (e.g. critiques of the budget by the Institute for Development Policy Analysis and Advocacy within one of the large NGOs, and the independent economic reports by the Centre for Policy Dialogue, funded by a consortium of NGOs);
- more involvement in resource allocation and establishing public investment priorities at regional and district levels, as well as the monitoring of performance;

- and at the more local levels, much more hands-on management by groups of local stakeholders, especially drawn from among the poor.

Local government is currently the point of primary encounter between the majority of the poor and aspects of the state. This more local participation will also constitute a training ground for responsible entry into national level politics. While ‘participation’ normally implies improved representation of pro-poor interests in local government organisations, the reference to ‘management’ has deliberate implications for developing the competence among the poor to manage resources available for distribution and expansion at the local level. This emphasis upon anti-poverty objectives does not exclude other local representatives from also participating in training programmes to develop appropriate competence. This might be achieved by:

- Enhancing pressure to devolve authority over natural resources (e.g. *khas* [government owned] land, ponds, forests, roadsides and embankments, stretches of rivers and canals) to representative local governments as they emerge;
- Continued support for integrating the organised poor into local government (not just as elected officers which is already happening, but in wider, regular planning meetings, information sharing and feedback meetings as well as scrutiny of plans and projects);
- Wider franchising of project contract work to the local private sector with a correlative NGO-led programme of supporting market entry by the poor. This has already occurred to a limited extent through the Labour Contracting Societies in connection with rural works. This principle can be extended to many sectors: management of untitled local natural resources (as listed above); operation and maintenance of infrastructure; maintenance of public buildings and other public space; water management (including drinking water and sanitation); garbage disposal; conservation strategies (e.g. protection and planting of trees);
- Local level training for different stakeholders (perhaps conducted by NGOs through local offices and training centres) in local level planning, assessing resource values, managing franchise contracting arrangements and monitoring performance.

Pluralism in Service Delivery

The obvious point here is the structural adjustment principle of improving the quality of public services and reducing the propensity to rent-seek via competition between private and public sector delivery mechanisms, with the possibility of the latter disappearing altogether. There are many issues of franchising, regulation and responsibility here, especially in the context of an overall objective of trying to convert informal rights into formal ones. There can be little optimism so far that a programme of de-clientelisation will achieve optimal social outcomes simply via the commodification route, while de-commodification under current conditions simply increases the opportunities for unaccountable public performance and widespread rent-seeking.

Part of the problem with this debate is that it tends to be conducted in universal terms, whereas more may be achieved through disaggregating the analysis. Concretely, this should lead to a more sector-wise SWOT analysis of stakeholding, with careful assessments of vested interests and room for manoeuvre. At the same time, a further ‘project’ might focus upon some deliberate analysis of present examples of ‘franchising out’ and competitive services. An example of the former would be primary education; and example of the latter would be agricultural input supply.

Competence

Apart from all the disincentives and deep structures which determine the present poor standard of Parliamentary representation and performance, there is also a basic question of competence of political leaders (whether MPs themselves or their advisory staff, where they exist). Perhaps the resourcing of MPs needs to be reviewed with respect to research assistance and other facilities (including information systems, timely availability of documentation etc.). However, there is the further issue of their basic competence to understand economic and other 'development' arguments. Political leaders have mainly been 'recruited' into the national arena via all the networking and exchanges of favours within the deep structures. Most have not come through an 'intellectual' route, despite their 'formal' student origins. Despite the proliferation of 'think-tanks' in Dhaka, noted above, do politicians at national and local levels have the capacity to comprehend, critique and take a reasoned position on the analysis presented to them? This improvement in representational quality might be achieved by:

- Enhancing resources available to politicians, e.g. technical assistance, library resources, computer related resources.
- Support for organisations which are training politicians in pro-poor policy analysis.
- Support for public dialogue between MPs and researchers.

Conclusion

Each of these strategic options reflect the preceding analysis which recognises the limited prospects for radical improvement in public performance given that the constraints are institutional rather than superficially organisational, and that these constraints therefore reside within the deep structures, moralities and culture of the society. Logically, the reform agenda is one of de-clientelising the institutional responsibility square, and moving people's livelihoods from the realm of informal to formal rights. The prison analogy has been used to convey the notion of a society like Bangladesh as a 'total institution', which prescribes the holistic behaviour of its inmates. Total institutions are not easily reformed by their dependent inmates, and certainly not by those with vested interests in present arrangements. Thus, to pursue the 'escape' metaphor, assistance from outside is required. Donors and other external well-wishers have a duty to provide that assistance. The six-point agenda outlined above seems the only way to go.

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