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Rethinking Civil Society

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Most studies of civil society are mainly normative, both in their conceptualization and in their theoretical assumptions. We suggest a new, or better a revised, research agenda of the study of civil society, which should include (at least) these four points. First, the concept of civil society should be seen as a heuristic device. Second, the separation between 'civil society' and 'uncivil society' makes sense only in a normative framework, and then exclusively with uncivil society defined as a sub-set of civil society. Third, empirical research on civil society should study the nature of the relationship between civil society organizations and democracy/democratization, rather than assume it. Fourth, 'uncivil' movements and contentious politics should be included in the study of civil society.

Ever since the fall of communism, both the media and the scholarly community have expressed initially high hopes, and later deep disappointments, with civil society in post-communist Europe. There were some empirical reasons for these hopes, and to some extent for the disappointments as well. The decade-long struggle of Solidarity in Poland, the environmental protests of the Danube Circle in Hungary, or even the more short-lived demonstrations in East Germany and Czechoslovakia, all had shown the power of 'civil society' in opposing communist regimes across the region. True, civil society might not have been the key factor in the downfall of the communist regimes, but it did contribute to its demise and certainly played a role in the various transition scenarios that unfolded throughout the region at the end of 1989.

However, when the groups of anti-communist civil society demobilized shortly after the founding elections, and key individuals like Václav Havel or Lech Wałesa entered the state, most observers declared civil society in general to be in decline, if not dead. For example, compared to other regions in the world, including older (western) democracies and the post-authoritarian states of Latin America and Southern Europe, membership in voluntary organizations in post-communist Eastern Europe is distinctly lower. Public trust in various civil and political institutions – another oft-

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used indicator of the vibrancy of civil society – is remarkably low throughout the post-communist region too, A great number of commentators also note the undemocratic sides of (some) post-communist (civil) societies, most notably in the Balkans and the former Soviet Union, pointing to the propensity, often perceived to be intrinsic, to violent nationalism and populism of East Europeans.

Given some of these uncomfortable indicators about associational life in the region, the gloom about post-communist civil societies is inevitable. However, it may also be a pessimistic picture that is slightly exaggerated, and this for a number of reasons. First, many of the assessments of civil society are based on too high expectations associated with the dissidents' conception of civil society. The decline of civil society in post-communist Europe is thus derived from a diminishing appeal of dissident's normative theories (for example the 'parallel polis') – theories that themselves were not without problems, and theories whose usefulness should be primarily viewed in the context of opposition against a totalitarian regime.

Second, the gloomy views are based on a selective use of definitions of civil society employed in most of the research. This is most clearly exhibited by the tendency to include in civil society only a relatively narrow sphere of 'pro-democratic' organizations and relegate the rest to residual categories, like 'uncivil society'. It is also evident in the adherence to what we see as unnecessarily overdrawn boundaries that exclude from civil society organizations overlapping with both the economic production ('the market') and the state – most notable in the case of political parties. And civil society accounts in general, and on Eastern Europe in particular, tend to ignore an important area of associational life, that is political protest or contentious politics.

In the following, we will challenge these narrow borders of the concept of civil society, so dominant in contemporary writings on post-communist Europe. We will argue for the inclusion into the concept of civil society of respectively uncivil movements, political parties, and contentious politics on the basis of both conceptual and empirical grounds. We will conclude this article by calling for a revised research agenda for the study of civil society in general, and in Eastern Europe in particular, which includes fewer assumptions (prejudices) about the nature of civil society and its relationship to democracy.

Civil and Uncivil Society

The distinction between civil and uncivil society is rarely defined. It is nevertheless often used and, subsequently, organizations that appear to be anti-liberal and anti-democratic, like the Ku Klux Klan, Mafia, or ethnonationalist movements, are either (implicitly) excluded from considerations of civil society, or are (explicitly) subsumed under the ill-defined concept of 'uncivil society'. This category usually includes organizations that use violence in order to achieve their goals, or groups with non-democratic or (right-wing) extremist ideas. It is also possible to find accounts that define uncivil society in terms of the internal organization of the groups, with democratically organized groups (horizontally organized and non-hierarchical) being part of civil society. For example, this is the basis of Putnam's argument about social capital, according to which trust and norms of reciprocity that underpin the functioning of political institutions (that is, social capital) are produced by horizontally organized and egalitarian organizations. Finally, 'uncivil society' is also often deemed to lack the spirit of civility; that is, public mindedness, a sense of obligation towards the whole society and support for liberal values.

These distinctions appear relatively clear, at least once explicitly expressed. Nevertheless, they are very problematic, and too exclusive. This can be demonstrated by the treatment of nationalist movements in Eastern Europe. 'Uncivil' ideologies, nationalism among them, are generally considered to be 'bad', while civil society is seen as inherently 'good'. How weak, and relative, this argumentation is, can be shown by the world of difference that exists between the categorizations by (often similar) authors of relatively similar movements at different times. So, while for example the nationalist movement in Slovakia in 1990–1992 is generally described as 'bad', and is excluded from 'real' civil society, similar organizations and people were included in the 'good' civil society in 1989.

This difference in classification does not reflect a change in the character of the Slovak nationalist movement: they fought for national independence and (their interpretation of) democracy in both struggles. Rather, it reflects the difference in 'enemy', and the perception of it by these authors. Thinking in simplistic antagonistic models, nationalists were 'good' when they opposed a 'bad' regime (communist Czechoslovakia). But they turned 'bad' when they started to oppose a 'good' regime (post-communist Czechoslovakia). And given that civil society is always 'good', this means that nationalism was one time part of civil society, and one time not.

Empirically, this obviously does not make any sense. As virtually all accounts of the anti-communist 'revolutions' testify, they were in general as much about nationalism (national independence from the Soviet Union) as they were about democracy (anti-communism). In short, nationalism was very much a part of civil society in 1989–1990; in some cases it became even the dominant ideology, leading some scholars to talk about 'nationalist civil society'.' It is not surprising, then, that in post-communist times nationalist forces remained active in the civil societies of Eastern Europe (as

they do in most other countries). In some cases, nationalists thought they were still occupied (this included both minority and majority nationalists), while in other cases nationalists tried to sustain their position in a time that national independence was achieved and the vast majority of the people no longer cared for the nationalists' programme.

The strength of East European nationalist movements in the early 1990s has been documented in numerous studies. However, what very few studies have picked up on is that nationalist movements can change, and indeed have done so on various occasions. In a recent study of the Serbian Resistance Movement (SPOT), Florian Bieber shows that 'uncivil' movements can become 'civil'. While SPOT started out as an ultranationalist group that pressured the Milošević regime into more anti-Albanian and pro-Serbian policies, it slowly but steadily developed into a relatively moderate counterweight to the nationalist regime, even establishing itself as the official interlocutor of the Kosovo Serbs for the international community. This should function as a clear warning against too rigid categorizations of civil society organizations (CSOs).

There is another reason why the distinction between civil and uncivil society appears problematic in practice: the existence of multiple activities of groups. This has been demonstrated by organizations as geographically and ideologically diverse as Hamas in Palestine, the War Veterans in Croatia, or the Nation of Islam in the United States. While the political face of these movements/organizations may have appeared ideologically radical, populist and even extremist, it is difficult to overlook the fact that they also served their constituency. For example, they provided financial and other support for bereaved families of deceased Croatian soldiers – valuable services that the state or other organizations either could not or did not want to provide.

Possibly most damaging is the fact that, in many ways, 'uncivil movements' are more authentic representatives of civil society in post-communist Europe. Not only do they indeed fill the space between the household and the (national) state, the defining feature of civil society, they also play an important role in the process of democratization, be it directly or indirectly (by provoking 'civil' movements to respond to their challenge). Moreover, unlike many prominent 'civil' organizations in Eastern Europe, which are elite-driven non-governmental organisations (NGOs), detached from society, many 'uncivil' organizations are true social movements, that is, involved in grass-roots supported (contentious) politics. Like 'civil' groups, they can at times be part of 'advocacy networks'; for example, the war veteran organizations under the Tudjman regime or the various Slovak nationalist groups and NGOs (most notably *Matica Slovenská*) under the Mečiar regimes.¹²

This stands in sharp contrast to many of the NGOs so often hailed in western policy and academic circles, namely the pro-western, liberal democratic groups. Many of these groups have few if any ties to the national grass roots, and communicate mainly if not exclusively with their *international* (that is, western) donors. So, rather than being part of an active, pro-democratic civil society in their own country, strengthening the process of democratization at home, they are part of a 'virtual civil society', ¹³ which exists mainly in reports and boardrooms of major NGOs and governmental offices in the West. Moreover, in addition to communicating mainly with external sources (that is, their donors in the West), they often also address the concerns of the foreign elites, rather than the grievances felt by the domestic population. Or, in more Marxist terms, they 'appear to reflect, rather more, the concerns of a "new global professional middle class", than of oppressed groups and progressive social movements'. ¹⁴

Civil Society, State and Political Parties

Civil society is most commonly defined as a set of organizations that operate between the state, the family (individual; household) and the economic production (market; firms). Supposedly, civil society is independent from the state in financial terms, and CSOs do not aim to occupy the state, but rather try to influence it. Also, activities conducted on the individual level or within the family are theoretically excluded from civil society, primarily because of their private-ends orientation and the low level of communal involvement. Finally, companies are distinct from civil society too, because of their production and profit-making orientation. For example, one of the most influential definitions of civil society used in democratization studies distinguishes between civil society, political society and bureaucracy (the state), and economic society.¹⁵

However, the problem with this theoretically eloquent set of distinctions is that, in reality, there will be a significant degree of overlap between all of these different sub-systems. Eastern Europe provides several examples of this, one of them being the relationship between political parties and civil society. Indeed, this relationship has always been problematic, both in a theoretical and an empirical sense. Historically, political parties have been seen as part of civil society. In contrast, contemporary political parties are seen as primarily part of the state, while their ties with civil society are considered to be largely eroded. In all likelihood, they have always been part of both, with a primary focus on either civil society or the state being more or less pronounced in different historical periods. The point we wish to make is that boundaries between political parties and civil society can be blurred even if we accept the distinction between them, as is commonly done in most of the contemporary democratization literature.

A good example is provided by the Slovak National Movement (SNM), the broad, catch-all movement of nationalist organizations and elites that dominated Slovak politics during the transition period.¹⁷ The SNM actually functioned in part within the state, most notably through the 'cultural' organization Matica Slovenská, which was the spider in the web of the nationalist movement. At the same time, the SNM also included (high-ranking members of) political parties and broad-based popular movements. Finally, it served as a breeding ground for new political parties, by providing the organizational basis and the personnel for their rapidly developing party structures. In practice, therefore, it was almost impossible to sustain the distinction between the state, the political parties and CSOs.

Slovak politics is not an exception in this respect. The blurred boundaries between political parties, civil society and the state appear to be a more general pattern; at least in the volatile and uncertain period of transition in post-communist world, where political parties often had to be built from scratch and in an atmosphere of marked hostility towards the very idea of the political party. But the transition period, perhaps specific for the post-communist world, is not the end of the story. For example, some groups chose to function as both a civil society organization and a political party. This is most clearly the case with *Samoobrona* (Self-Defence) in Poland, which functions both as a radical trade union for farmers and as a populist political party. While the goals and constituencies of the two faces of Samoobrona are somewhat different, their cores overlap and so do their organizational structures. Moreover, both are by and large the personal vehicles of charismatic leader Andrzej Lepper, despite occasional dissatisfaction within sections of the two branches.

Some CSOs might not function as political parties per se, but their extremely close links with certain parties tie their faiths by and large together. This has been the case with the aforementioned SNM and the national(ist) parties in Slovakia, that is, the Movement for a Democratic Slovakia (HZDS) and the Slovak National Party (SNS), or with (some) Croat War Veterans' groups and the Croatian Democratic Community (HDZ) and the Movement for Croatian Identity and Prosperity (HIP), a recent HDZ-split. But also in the 'civil' camp ties can be extremely close, such as in the case of the pro-democratic movements Impulse 99 and Thank You, Time to Go and the parties of the former Four and now Two Coalition in the Czech Republic.¹⁹

Financial independence is another key, yet highly problematic, criterion on which the distinction between civil society and the state is based. First of all, many of the ideal cases of CSOs in Western Europe – ranging from ecological movements to anti-racist organizations – are financed by, if not fully dependent upon, their national state. A major comparative study found

that even in the United States 'government is ... almost twice as significant a source of income for American non-profit organizations as is private giving, despite the presence there of numerous large foundations and corporate giving programs'. 30

Second, the criterion of financial independence becomes even more problematic if one looks beyond the confines of the relationship between civil society and the *national* state. Nowadays, borders have changed in meaning, and, in particular, with respect to civil society and its financial support, the world has become more and more integrated. This can be seen clearly in post-communist Europe, where western states and private foundations have invested billions of dollars in both the building of (domestic) civil societies and the using of NGOs to develop and implement international aid programmes, following similar practices in Africa and Latin America. But what does this 'globalization of civil society', or the so often proclaimed arrival of 'global civil society', mean for the argument of fiscal independence? If civil society should be financially independent from its own national state, should it not then also be independent from other states?

Finally, state support for CSOs is not always the same over time. For example, while Matica Slovenská received generous funding during the Mečiar governments, this was far less the case during other governments. This is similar to the situation of the War Veterans' Movement in Croatia under the Tudjman and post-Tudjman governments. Thus, while at one point in time a movement is almost indistinguishable from the state, it appears to be a model of self-sustainable and independent organization at another point in time. Does this influence its in- or exclusion from civil society? Is there perhaps a financial threshold that determines whether an organization is or is not a member of civil society?

We believe that the criterion of financial independence should not be interpreted too rigidly. CSOs can (at times) even be fully dependent upon the state in the sense of receiving their full budget from the state. The key point is that they are not legally a part of the state structure; in other words, they should enjoy at least *formal* independence. To be sure, (un)civil organizations that are highly dependent upon state funding are probably less likely to act truly independently, but so are, for example, movements that are led by people who share political affiliations with leading state members. In fact, empirical studies show that while NGOs may appear to de-radicalize when participating in a policy network with the state, this may be more because they are not influential enough to mount a serious opposition to state policies than because of their co-optation through financial dependence.²³

In conclusion, we should be careful about overdrawn boundaries between civil society and the other spheres (and thus inclusion/exclusion in empirical research). As has been demonstrated, there are many overlaps between CSOs and the state, be they direct (financial, personnel) or indirect (through political parties). This is also true about the economic sphere; think, for example, about the role that certain large companies play in the funding of CSOs, such as the Ford or Volkswagen Foundations or even the, in parts of Eastern Europe hugely influential, Open Society Foundation of businessman-philanthropist George Soros. It is also worth rethinking the distinction between civil society and the sphere of private/individual, especially in the context of (many) non-western societies where, for various reasons, local and small-scale networks, neighbourhood networks or simply friendship networks have often represented more meaningful forms of association than the large-scale and politicized organizations operating on the national level.

Contentious Politics and Political Protest

Our final concern with the civil society literature in general, and on postcommunist countries in particular, relates to the exclusion of what we see as potentially a vital ingredient of associational life – various forms of protest or, as it is frequently termed, contentious politics. For various reasons, contentious politics is usually screened off from the accounts of civil society. One reason may be that protest actions sometimes turn out to be violent (that is, 'uncivil'), either against property, or against groups of adversaries, most notably state authorities. In essence, our misgivings here are fairly similar to the ones we expressed in our earlier discussion on the supposed boundaries between civil and uncivil society, and will therefore not be repeated.

A more specific reason why contentious politics is not adequately treated by the civil society literature is the fact that contention is, by definition, episodic.²⁴ The civil society literature tends to focus, somewhat conservatively, on permanent, long-established organizations. This is most clearly exemplified by the standard indicator for measuring civil society's strength, organizational density. But does such relatively narrow focus not miss at least part of the point? Even if more fluid and nebulous, protest activities are also organized and planned, demanding, as it were, a great deal of co-ordination and activist involvement.²⁵

Moreover, collective protest action in Eastern Europe had already once been treated as a sign of strong civil society. With the notable exception of Poland, most mass demonstrations in communist Eastern Europe were at best loosely organized events, involving few if any CSOs. Indeed, often the key organization involved was the youth organization of the Communist Party. Also, the 'cycle of contention' was generally rather short (with the obvious exception of Poland), spanning between less than a week to a few months. As John Nagle and Alison Mahr have argued: 'The largest demonstrations in the autumn of 1989 were grand symbolism, but the anticommunist liberation movements were gone within a year or two, leaving little organizational legacy.' Therefore, the civil society that so heroically 'defeated' communism, and was deservedly praised by most scholars in the field, was not much different from the civil society today, which is so often criticized for being weak or even absent.

As John Dryzek perceptively noted, the mobilization of 'civil society' against the state was followed by the inclusion of civil society into the state.28 As a consequence, he stated, civil society was left severely weakened. Though partly true, this provides a too limited, homogeneous view of civil society. Not the whole civil society was left weakened by the incorporation of some of its former leading members, but only a section. Indeed, the one section that most scholars focus on exclusively, namely the 'pro-democratic' one. But while that section was left weakened by its leaders' inclusion in the state, other sections used the vacant space to (again) start mobilizing. A good example is the SNM, which organized and mobilized in much the same way as the anti-communist groups and individuals had done. In a similar vein, after (and because of) the incorporation of the SNM into the Slovak state, particularly under the third Mečiar government (1994-1998), a new 'pro-democratic' civil society started mobilizing, which in 1998 led to the successful pro-vote campaign and the consequent victory of the opposition parties.29

Indeed, Grzegorz Ekiert and Jan Kubik have argued that 'within the relatively open political space created by the old regime's collapse, popular protest should contribute to the process of defining the public domain and remaking the boundaries between state and society'. This painstaking process can be clearly observed in the actions of, most notably, the SNM and the Croatian war veterans. In both cases the state initially absorbed (civil) society, that is, when sympathetic governments were ruling (HZDS-SNS and HDZ respectively). After the fall of these governments, the relationship between the state and the movements was redrawn, which again led to contentious politics, and probably again to renegotiations – after all, democracy is an ongoing process.

This is not to say that history is a struggle of 'civil society' against 'uncivil society', with periodic alternations of power. Civil society is not one homogeneous entity, but rather a heterogeneous sphere in which various groups exist and at times mobilize; sometimes together, sometimes apart, sometimes together against the state, sometimes alone against each other. In general, successful mobilization of one group/network is followed by its demobilization (and possibly the inclusion of its leaders into the state). This

does not mean the disappearance of civil society as a whole, but the (often temporary) demobilization of a section of civil society. Various other sections of civil society will remain hardly touched by these events, or, in some cases, will actually become activated by them!

It should be stressed that the implosion of the 'pro-democratic' civil society organizations after 1989 (or after 1998 in Slovakia and 1999 in Croatia for that matter) has to do less with the periodic alternations of power than with the character of mobilization of many CSOs in Eastern Europe. In this respect, it is important to emphasize two points. First, many groups have a strong anti-statist orientation. The antithetical relationship between civil society and the state, central in the writings of many East European dissidents (for instance Václav Havel or György Konrad), is still very influential in both the writing on, and the beliefs of, activists within civil society in post-communist Europe. Secondly, many CSOs in the region are marked by their reactive rather than pro-active character of mobilization.³¹ The basic form of contentious politics was resistance rather than protest.

Finally, a similar misunderstanding prevails over the role of contentious politics during the process of democratization in general, and democratic consolidation in particular. Theories of democratic consolidation are, in general, strongly predisposed to treat high levels of contentious politics with a high degree of scepticism, because its occurrence could mean a significant challenge to the fragile, newly drawn 'rules of the game'. ¹² However, one could also argue that, in case of non-violent contentious politics, it should be seen rather as an expression of acceptance of these rules. After all, various forms of non-violent protest belong to the repertoire of 'voice' that the democratic citizen has at its disposal to communicate with the political elite. ¹³

Conclusion

Civil society is a fashionable concept in contemporary political science; and will continue to be so for some time. However, it is also a concept that has sparked major controversies regarding its meaning, importance and normative value. So far, most studies of civil society (in Eastern Europe) have been highly normative, both in their conceptualization and in their theoretical assumptions. With a few notable exceptions, even the few 'empirical' accounts of the presumed weakness of civil society in post-communist Europe have been more the result of a strong normative bias than of rigorous empirical analysis. Indeed, we believe that many of the problems associated with civil society in the post-communist world actually stem from its false identification with the enthusiasm and ideological outlook of the original dissident groups.

To avoid this 'normative trap' of prejudging the nature of state-society relations, a radical readjustment of the conceptual understanding of civil society is needed. In the words of Neera Chandhoke, 'What is being suggested here is that our *normative expectations* about the sphere of civil society should not derange our analysis of *actually existing civil societies*.' Only this will enable the academically sound, and much-needed, empirical study of civil society in general, and in post-communist Europe in particular. We suggest that this new, or better this revised, research agenda of the study of civil society should include (at least) these four points.

First, the concept of civil society – roughly defined as organized collective activities that are not part of the household, the market (or more general economic production), and the state – should be seen as a heuristic device. In practice, groups of civil society will at times overlap with all other 'spheres'. Moreover, civil society is itself hugely diverse and heterogeneous, including a plethora of different and sometimes opposed agents. Hence, it is not useful as a unitary concept in empirical research; i.e. statements like 'an active civil society is good for democracy' are invalid, as this depends on which groups within civil society dominate.

Second, the separation between 'civil society' and 'uncivil society' makes sense only in a normative framework, and then exclusively with uncivil society defined as a sub-set of civil society. In empirical research, particularly of a comparative nature, the distinction obscures more than it highlights. As we have argued, CSOs are often difficult to classify as (either) 'civil' or 'uncivil', as their goals and actions are highly influenced by their environment, they perform multiple tasks and they sometimes change character.

Third, there is no straightforward relation between the ideology of CSOs and their effect on democracy – on other words, 'civil' movements are not by definition good for democracy/democratization, and 'uncivil' movements are not by definition bad for democracy/democratization. Again, this depends to a large extent on the interaction between CSOs and their environment, including both 'the state' and other CSOs. Therefore, empirical research on civil society should *study* the nature of the relationship between CSOs and democracy/democratization, rather than *assume* it.

Fourth, and consequently, 'uncivil' movements and contentious politics should be included in the study of civil society (in post-communist Europe). Both form a vibrant part of associational life, and play an important role in the process of democratization as well as democratic consolidation in Eastern Europe (and obviously outside of it). Though it is slightly exaggerated to claim that "mass protests" are an everyday part of life in the new democracies of East Central Europe', 31 let alone of Eastern Europe as a

whole, there clearly is more to civil society than just the 'pro-democratic' NGOs that most scholars focus on.

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- 33. A more balanced position is put forward by Anna Seleny, who argues that 'it is not hard to imagine that chronically high levels of mass mobilization could prove destabilizing for the regime especially if many citizens continue to regard such activity as a substitute for the formal channels of democratic politics'. See Anna Seleny, 'Old Political Rationalities and New Democracies. Compromise and Confrontation in Hungary and Poland', World Politics, Vol.51, No.4 (1999), pp.515–16.
- Maté Szabó, 'Post-Communist Protest Cultures in ECE', in idem (ed.), The Challenge of Europeanization in the Region: East Central Europe (Budapest: Hungarian Political Science Association and the Institute for Political Sciences of the Hungarian Academy of Sciences, 1996), pp.313

 –40.
- The best example of a 'notable exception' is Howard, 'Weakness', and idem, The Weakness
 of Civil Society in Postcommunist Europe (Cambridge: Cambridge University Press, 2002).
- Neera Chandhoke, "The "Civil" and the "Political" in Civil Society', Democratization, Vol.8, No.2 (2001), p.5. See also Thomas Carothers, 'Western Civil-Society Aid to Eastern Europe and the Former Soviet Union', East European Constitutional Review, Vol.8, No.4 (1999), pp.54–62; Michael W. Foley and Bob Edwards, 'The Paradox of Civil Society', Journal of Democracy, Vol.7, No.3 (1996), pp.38–52.

- 36. Chandhoke.
- Maté Szabó, 'Politischer Protest in den postkommunistischen Staaten Ost-Mitteleuropas: Slowakei, Slowenien, Ungarn 1993', Österreichische Zeitschrift für Politikwissenschaft, Vol.24, No.4 (1995), p.495.

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