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Civil Society and its Discontents

Abstract: The article departs from the discussion of the sources of the scholar interest in civil society and proceeds to the functional expectations about it. It claims that the concept of civil society, as it is frequently used in scientific and political debates, has specific cultural roots, which makes a trans-cultural analysis difficult or perhaps even impossible. Furthermore, the article addresses three conceptual problems of civil society, namely the issue of what constitutes civil society, its autonomy and impact as well as the challenge of civil society to the state. The central argument of the article is that in order to examine the impact of civil society on governance and democracy, it is recommendable to include three levels of analysis, namely the structure and functions of civil society (including also the possibly negative impact of civil society), the type of state co-existing with civil society as well as the character of the relationship between state and civil society.

Keywords: civil society, state theory, governance, democracy, Eastern Europe.

For the last twenty years, the concept of civil society has probably attracted more scholarly attention than any other concept in social sciences.¹ However, this concept is confronted with serious methodological challenges which cannot be ignored, particularly when one attempts to apply it in the context of different cultures. Some of those challenges will be addressed in this article. The article departs from the discussion of the sources of the broad interest in civil society and proceeds to the functional expectations about civil society. It tracks back the interest in civil society mainly in the search by scholars and political decision-makers for a new instrument of governance, particularly in the context of the debate on the defective state. In the next step, the article claims that the concept of civil society, as it is frequently used in scientific and political debates, has specific cultural roots, which makes a trans-cultural analysis difficult or perhaps even impossible. Subsequently, conceptual problems of civil society will be discussed. The article will address three aspects, namely the issue of what constitutes civil society, its autonomy and impact as well as the challenge of civil society to the state. The final section will deal with aspects of a civil society analysis that should be taken into account. The central argument of the article is that in order to examine the impact of civil society on governance and democracy, it is recommendable to include three objects of analysis, namely the structure and functions of civil

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society (including also the possibly negative impact of civil society), the type of state co-existing with civil society as well as the character of the relationship between state and civil society.

Sources of Interest in Civil Society

Scholars' attention to civil society arose mainly from numerous expectations about it regarding its role as a potential agent of democracy and good governance. The primary context in which the interest in civil society came into being was the societal activity against authoritarian regimes in Eastern Europe in the 1980s. Hence, the democratising effects of civil society were believed to be specific, mainly with regard to regimes in the process of political transformation. Civil society was regarded as a democratic catalyst.

However, general expectations about civil society were nourished by two developments in the 1990s. *Firstly*, the popularity of the civil society concept was a consequence of the debate on the defective state launched in the 1990s by scholars such as Susan Strange (Strange 1995, Cable 1995, Evans 1997, Keohane/Milner 1996). According to the defective state thesis, the state has been continually losing its capacity to produce efficient political outcomes. In other words, the government lost its absolute grip on governance. Governance means an ability of societies to solve collective problems and to provide for an effective public policy (Mayntz 1997: 156). In the so-called steering theory, good or effective governance can be attained through various modes, which mainly encompass three ideal types: the government as the hierarchical mode of governance, the market as the exchange-based mode and the negotiation systems incorporating societal and political actors (Mayntz 1996, Willke 2001: 19).² Regarding the hierarchical mode of governance embodied by government, it was argued that the internationalisation of national economies and interdependence between the national states and societies render the national solution of governance problems virtually impossible. Consequently, the governmental command over the economy and society in terms of problem solving would have been continually diminishing since the 1970s. It also means that a gap between citizens' expectations and the problem solving capacity of the state emerged as a consequence. Since there were growing doubts about the capacity of the state/government³ to fulfil its governance tasks, political scholars proceeded to seek a new steering mode beyond the state. It was hoped that new modes of governance could compensate for or substitute the decreasing state power. One of the modes was believed to be international institutions (or international negotiation systems, also called international regimes), regional or global in range, such as the European Union, the ASEAN, the Mercosur or the WTO (cf. Krasner 1983, Zürn 1998). Another mode was expected to be civil society (cf. Schuppert 2004).

² Some authors regard the solidarity-based community as the third mode of governance instead of the negotiation systems (Hegner 1986).

³ The terms government and state are used interchangeably, even though there are historical and semantic differences between them. However, both terms relate in the debate on governance to the same hierarchical steering mode.

Secondly, much hope was placed on civil society's capability to reduce the democratic deficit of the European Union. Since the EU has developed a great deal of regulation capacity,⁴ and it intervenes in the everyday life of European citizens, some scholars indicate a new form of European supranational statehood (less than a state, more than an international institution; cf. Kleger/Karolewski/Munke 2004). However, this statehood suffers from a democratic deficit, mainly because the citizens of Europe have little influence on the decisions taken at the European level. Civil society is supposed to compensate for the European democratic deficit by establishing new channels for citizens' participation. This expectation applies not only to the everyday politics of the European multi-level system (Heinelt 1998, Kaelble 2004), but also to the recent sessions of the European Constitutional Convention in which for the first time systematic hearings of civil society actors took place. Their role was to influence the agenda setting that was later debated by the representatives of European and national institutions (cf. Kleger 2004).

Functional Expectations about Civil Society

Civil society is primarily understood to be a sphere of self-organised, spontaneous and free groups of citizens. It is expected to fulfil certain functions with regard to democracy and governance. At first, the actors of civil society are supposed to associate primarily for the sake of sociability. Thus, being of a collective nature, civil society constructs a cleavage that runs between the associated and the non-associated individual. Since civil society is constituted of associations, it is located on the intermediary level of society. It is expected to be self-organised and autonomous vis-à-vis the state. Otherwise it cannot fulfil its auxiliary functions. Thereupon, it is also independent of private economy, which encompasses enterprises and households. This double autonomy also implies that actors of civil society usurp neither the activities of the state nor those of private economy. Actors of civil society should not be willing to rule the entire political system or replace its agents. Nevertheless, civil society is expected to fulfil important functions concerning democracy and governance. Probably the most important expectation about civil society is the strengthening function with regard to the democratic performance of the state. Thus, the relation between state and society is envisaged as a non-zero-sum game in which one side does not lose, even when the other side wins. This perspective dates back to Alexis de Tocqueville (1835/40), who posited that the institutional structure of free associations is an indispensable safety belt against tyranny of the majority, which is the major potential pathology faced by modern democracies. Associations of civil society are schools of democracy, as they help develop virtues like solidarity and participation will among the citizens. Citizens taking part in free associations are more likely to strive for the common good, which is essential for every majoritarian democracy. It stems from the expectation that in civil society individuals become socialised into community members.

⁴ With regard to the EU, Giandomenico Majone (1993, 1996) coined the term 'regulating state.'

In contrast, Hegel highlighted in particular the autonomous character of civil society in his *Philosophy of Right*, even though his concept differs significantly from the Tocquevillian account of civil society. Hegel conceptualizes civil society as a market with a dynamic equilibrium among individuals pursuing their rational self-interest. He depicts civil society as “a system of mutual dependence,” which “interweaves the subsistence, happiness, and rights of the individual with the subsistence, happiness, and right of all (Hegel 1996/1821: § 183, 186ff). It is a sphere of social interaction and coordination distinct from the state and the family, which is possible in the absence of hierarchical authority, and whose function is primarily to satisfy individual economic needs. Hegel argues that the economic rationality of civil society differs from emotional solidarity of the family and the patriotism of the modern state. A well-functioning civil society requires, however, the vitality of both the family and the state. Hegel argues that civil society and the market cannot flourish without the support of social and political institutions (Hegel 1996/1821: § 182, 185f). By distinguishing between civil society and the state, Hegel suggests on the one hand that the market should be protected from moral and political interference of the state and the family. On the other hand, the state and the family should be insulated from the selfish rationality of the market itself. In other words, modern society requires the family, civil society and the state, which remain interdependent but internally autonomous spheres of human association.

However, the modern notion of civil society goes even further than the support for democracy or the market-like conceptualization. According to Robert Putnam (1993: 167 ff), civil society solves problems of collective action that stem from the inability of atomised actors to co-operate. Thus civil society is expected to relieve the state from governance problems. Societal dilemmas like the tragedy of the commons, free-riding or prisoner’s dilemma are considered major unsolved issues of governance. In all these dilemmas every citizen is better off if s/he co-operates with each other than acts unilaterally. But in the absence of a credible mutual commitment every individual has a rational incentive not to co-operate, which leads to a sub-optimal outcome for the community (cf. Morrow 1994). There is naturally a statist solution for these governance problems. The state can enforce hierarchically co-operation between societal actors either by brute force or through the Hobbesian social contract in which societal actors voluntarily relinquish their decisional sovereignty to a central authority (Hobbes 1962). In the latter case, the state secures the necessary trust between the actors by its sheer efficiency of action. It supervises, monitors and enforces agreements, and it makes the violation of the contracts costly to the societal actors. However, a strong and contract-enforcing state is expensive to maintain, and it is always probable that it would turn authoritarian as a consequence of power concentration, thus endangering society itself. Against this background, civil society is supposed to solve the problems of societal co-operation in a different manner. Free associations such as choral societies, sports clubs or neighbourhood organisations are believed to produce social capital that enables voluntary co-operation (Putnam 1993: 171, Putnam 1995). Social capital refers to mutual trust, norms of reciprocity and networks of civic engagement. It is a moral resource, which in contrast to economic

capital increases through use, and becomes depleted whenever it is not used. Social capital can only be produced in the context of social activities and through repeated social exchange. Social trust between individuals makes them prone to co-operation, as it increases the credibility of participants. Horizontal social trust is based on norms of reciprocity, and it is expected to develop mainly in civil society.⁵ Actors learn to trust others primarily in civil associations, as the contacts between them become embedded in a stable horizontal structure. In this structure, people are confident to trust others, since they have less fear of exploitation than in an atomised and anonymous society. This structure facilitates social exchange and promotes general reciprocity, whereas social trust (trust between citizens) transforms into political trust (trust between citizens and the political elite). Consequently, civil associations are expected to become a tissue of a community. While civil society fosters trust, civic engagement and solidarity, it also is a measure of equality in comparison to asymmetric relations of hierarchy and dependence. Through civil society, citizens cease to be only spectators who vote, but instead develop their full civic potential.

Putnam (1993: 176) states that social capital produced by civil associations shows positive effects on economic performance as well as on the quality of governance. In his comparative study of Northern and Southern Italian regions, he discovered that civic regions not only grew faster, but also had more effective public institutions. Consequently, he concludes that regions with few civic associations and more hierarchy tend to be less *civic*, and this lack of *civiness* is supposed to be self-enforcing. It can lead to a stable equilibrium whose features are disorder and stagnation. In his analysis of civil associations in the USA in the previous 30 years, Putnam (1995) concluded that American democracy is endangered, since many civil associations such as the Boy Scouts, parent-teacher associations and bowling leagues are in decline. According to Putnam, weak civil society means weak state and weak economy.

Summing up, civic society is believed to support the market and the governance in fulfilling at least some of the economic and social tasks. For instance, Putnam (1993: 167) describes horizontal rotating credit associations as an example of trust-producing civil society. In this sense, civil society is expected to be part of the economic system, even if it is situated outside the market. Since the activity of state ought to mainly consist of producing collective goods, civil society is expected to facilitate these tasks.

Cultural Roots of Civil Society

The rather general expectations regarding civil society ignore the cultural background of civil society concept, which poses a serious challenge to its universal application. The practices of civil society emerged initially in Europe during the first centuries of the last millennium in the city-state belt that stretched from London to Florence and Siena through to the Netherlands. The consequence is not only the fact that the concept is deeply rooted in the European history of political thought, but also that

⁵ There is also a concept of vertical trust that develops in hierarchical social structures instead. But this, according to Putnam (1993: 173), does not lead to 'civility' necessary in democracies.

it developed under the influence of a plethora of authors and naturally as a reaction to political and social changes on the European continent. During many centuries, different conceptual layers and thus expectations about civil society accumulated into a complex term, whose cultural focus is quite specific.

The notion of civil society in its political sense emerged relatively late, in the beginning of the 15th Century. It had two major political connotations. Firstly, civil society was expected to protect citizens against the ruler's despotism. Thus, it was imagined as a space of freedom, which was guaranteed by the status of citizenship. The citizenship primarily encompassed individual freedoms such as the liberty of the person, freedom of speech, thought and religion as well as the right to own property and to establish associations. However, in the ancient and medieval period, civil rights were fused with political and social rights; hence citizenship entailed also political participatory rights (Marshall 1950). Against this background, civil society was a part of political society, and it did not begin differentiating as an autonomous sphere for about the next thousand years. Moreover, ancient and medieval civil societies were confined to one class, whereas the society of that period showed a high measure of inequality. In addition, civil society in that period was accompanied by urbanity, given its origin in the city-states (Beyme 2000: 51). However, since the 12th Century, initially in England, the process of territorial expansion of civil rights has unfolded. Thus, civil society that previously had ended at the borders of the city-states received a territorial boost as a result of the establishment of nation-wide royal courts. It basically stemmed from the fact that civil rights became nationally executable, and they were no longer subject to local administration. Around the same time, a decoupling of civil rights from political and social rights started. Social rights became anchored in local communities, while political rights remained class-dependent. Nevertheless, it was civil rights that were to become the basis for the modern civil society. In the 19th Century, civil rights inspired the expansion of political rights to broader parts of European societies, and thus civil society assumed a more political role. However, this manifested itself, as shown above, closely along the lines of development of European societies and therefore had a specific cultural context.

Conceptually, the most significant political definition of civil society can be found in John Locke's writings. In his *Second Treatise of Government* (1690/1963), Locke uses the civil society concept synonymous with political society, which would come into being after the conclusion of the so-called social contract. In this sense, civil society, meaning society of citizens (that is, people with participatory rights), is irreconcilable with an absolutist regime. Only the civil government is capable of co-existing with civil society and vice versa. Nonetheless, civil society remains a sphere outside the state, or as Locke would put it, outside the government. In his liberal approach to politics, Locke envisages civil society as protection for the individual citizen and his pre-political, natural liberties against encroachment by the state. However, this is not the only hallmark of the relationship between state and civil society. Montesquieu (1957: 10) supplemented this liberal and liberty-based, autonomy-accentuated notion of civil society with the concept of the spirit of law which enriched the civil society concept with the civilian element. According to this, the intermediary bodies of civil

society mediate peacefully between state and society. Hence, the civil society concept not only depicts the status of civil rights or specifies the relationship between state and civil society, but it also outlines the specific mode of interaction between the societal actors as well as between the actors and the state. Thus, civil society embodies a non-military, pacific momentum (cf. Gosewinkel/Rucht 2004).

These specific European cultural and societal roots of civil society challenge the general use of the concept, especially with regard to different cultural contexts. The frequent use of the civil society concept presupposes a specific model of society. It is a society that exhibits cultural homogeneity, atomisation and anonymity, which in turn is a depiction of an industrialised mass society, present in writings of modern sociologists and philosophers. Moreover, Ernest Gellner (1994, 1995) not only associates modern society on the macro-scale with an industrialised mass society, but also argues that this society produces “modular people.” Modular people are culturally homogenous and rational. In addition, their society is based on double freedom. This is freedom from central political authority as well as freedom from ethnic or cultural associations that exert a tyranny of loyalty. Modular people can freely enter and exit associations of civil society without fear of being punished for their lack of loyalty. Loyalty in the modular society arises only in the situation-dependent context, meaning that modular people are indifferent regarding ethnic or religious belonging. In such ideal-type society, it is quite easy to transform the social trust into political trust. If all people are exchangeable in terms of the role in society (that is what Gellner’s concept of modularity presupposes), and if all modular people are similar in the functional sense (however not necessarily in the sense of their common goals and preferences), it appears to be plausible to argue that individuals can generalise their specific experiences in civic associations into trust regarding the entire society and the government. However, this conclusion can only be made against the specific cultural and societal background in which civil society operates. One could go even further, and argue that functions of civil society, assumed by Robert Putnam, can only be fulfilled in the cultural and societal context described by Ernest Gellner. Hence the question whether civil society can find a general application remains open.

Conceptual Questions with Regard to Civil Society

Besides the problem of the universal application of the civil society concept, there are other methodological questions that arise from the study of civil society. The first major challenge is still how to define what civil society is.

1. What Constitutes Civil Society?

Many scholars disagree on what constitutes civil society as well as on its range within the society, while the difference between political and civil society is not clear. Methodologically, there are at least two possibilities to define civil society.

Firstly, one could use the motivation to join civic associations as a criterion for definition. Robert Putnam himself states that joining associations is supposed to be for the

sake of sociability. Therefore, we could examine the motivation of the participants to join free, spontaneous and autonomous associations. Regarding sociability, bowling clubs and choirs would belong to civil society, but not the rotating credit associations described by Putnam. Those are of a strictly economic nature and result from the economic needs of participants. Consequently, in terms of participant motivation, there is a considerable difference between a choir and a credit association or other common pool resource like grazing grounds, water supplies and fisheries, which are established and maintained by the citizens without any state initiative or support. Those associations are certainly free; however, they ought to be seen as a part of the economic system, not civil society, since their goal is to produce goods. Those associations may well ameliorate the economic performance of society, not necessarily as a result of the fact that they belong to civil society, but for a completely different reason: production of goods is what causes economy to grow. Hence, we should differentiate civil society as constituted of purely sociable and community-based institutions from economic institutions, even if they are state-independent and market-independent.

Against this background, we shall distinguish between civil, political and economic society. Political society encompasses among other things parties and other political organisations that are not components of the state, but aspire to become it. In contrast, civil society consists rather of associations, which give up any ambition to become a part of the state and whose goal is not to produce or distribute material goods. However, this does not mean that civil society is of an apolitical nature. Civil society may show direct political significance by assembling and channelling voices of different parts and layers of society. Hence, civil society not only fulfils a socialising function, thus having indirect political significance, but it also directly voices civil interests and grievances. These can be directed either towards the society itself, like in the case of the Polish Association against Crime, which attempts to enhance public awareness with regard to specific issues, or it is directed towards the state, like for instance the Russian Association of Soldiers' Mothers, whose goal is to enhance the awareness and sensibility of the state.

Economic associations in the form of common pool resources are based on the common economic interests of the participants. Whereas these economic associations may very well include trust as a prerequisite for successful co-operation, the will to co-operate is not a result of a social trust, but has its source primarily in a similar utility definition of the participants. In contrast, 'leisure time associations' such as choirs, which may foster *civiness* between participants, might also very well induce competition. An example could be the bowling clubs admired by Robert Putnam, which operate in a league system, thus promoting competition. Consequently, it is hardly plausible to assume a causal link between leisure time associations, even if they do foster co-operation between their members, and the economic performance of society. Treating two different categories of associations as one seems to be quite misleading, since only economic associations might be able to fulfil economic tasks. Leisure time associations may even be counterproductive with regard to the quality of governance. An excessive participation in such organisations is time-consuming, and it certainly detracts from economic activity. If it reaches a critical level, civil society

might bring damage to an economic performance of society. This is by no means a new insight. Thorstein Veblen (1912) developed his theory of the leisure class already in the 19th Century, a theory which was based on the idea of the proclivity of modern society to show unproductive conspicuous consumption and to focus on leisure. Albert Hirschman (1982) made a similar argument with regard to the time-consuming and unproductive extra-economic activities such as party and association meetings, parades etc.

Against this background, we shall conclude that different association types may be in a contradictory relationship to each other. Leisure time associations could produce social capital but simultaneously harm the economic performance of society. Conversely, economic associations may promote economic growth, however they rather need social capital as a prerequisite to function, and they do not necessarily produce any of it.

Furthermore, there is another aspect of the differentiation between associations for purely sociable purposes and those with economic goals. Associations founded as communities for production of collective goods are exclusive by definition. They exclude actors who do not contribute to the production of goods in question. However, if those associations are exclusive, it is again hardly plausible to assume that they are able to establish generalised social trust without generating conflicts of commitment and loyalty. Moreover, free and spontaneous associations could turn into communities with exclusive identities, which would not necessarily socialise their members into good citizens. On the contrary, these associations could polarise society, instead of constructing general trust and solidarity. For instance, associations with strong deliberative features can exhibit this tendency. As Cass R. Sunstein (2003: 83) argues, group polarisation is among the most robust patterns found all over the world. Drawing upon experimental literature from psychology, Sunstein argues that members of deliberating groups may engage in 'enclave deliberation', in which they will not only reject alternative views, but also reinforce their initial position in a more extreme form. Members of deliberating groups always think of a certain number of arguments that underline their initial position. If this person hears like-minded people, s/he is likely to hear other arguments that support her/his initial position. Thus, the person will express her/his views less cautiously and move to a more extreme version of the initial position.

Secondly, another possibility of definition is outlining the concept of civil society in functional terms. Civil society could be conceptualised as a functional sphere of society, which can be entered and exited freely by any association that fulfils formal and functional criteria. In this sense every self-organised and free association belongs to the civil society, once it fulfils the expected functions. Scholars distinguish in general five positive tasks which civil society is expected to carry out with regard to a democratic regime (Croissant et al. 2000). These are the protection function (it protects society from the state), the mediating function (it mediates between the political and social spheres), the socialising function (it socialises individuals into citizens), the community function (it bridges social cleavages) and the communication function (it provides a sphere of free debate and discourse outside of the state and

the family). Since it is difficult to clearly distinguish between the civil, economic and political functions of civil society, civil associations could be conceived of as amphibian bodies, which can be active in different parts of the society and are sometimes only temporary (Taylor 1993). A trade union, for instance, could be considered such an amphibian body, operating in the interface between political and civil society, entering and leaving both spheres at different times.

2. Autonomy and Impact of Civil Society

Besides the problems of definition, there also exists a methodological difficulty regarding the proposition about the autonomy of state vis-à-vis civil society, which cannot be convincingly sustained. Civil society is incapable of functioning without the state, since it finds itself in a parasite-like relationship to it. Without a legal space for civil rights (even if it is limited), there cannot be civil society. If we use the broader definition of civil society (including independent economic associations), it becomes clear that citizens engaging in production of common pool resources would need state loans or loan guarantees. In addition, if we apply the narrow definition (excluding economic associations), one must concede that philanthropic organisations, for example, are dependent on tax exemptions, churches need legal recognition (or at least state toleration) and professional associations are in need of state support for the licensing practices. The function of the state is also to protect weak groups against powerful ones and to restore the balance whenever it is needed (Walzer 1995). The idea of civil society implicitly requires balance and symmetry between civil associations. However, only the state is in the position to inhibit the dominance of some groups to the benefit of others. Thus, civil society requires a strong and responsive state. This is naturally an extremely challenging task, since the state itself is not free from ideological biases. Only in the liberal theory does the state remain simply a framework for society. In the political reality, state activity frequently results in a bias in favour of either enterprises or trade unions, either religious groups or ethnic groups, etc. Consequently, civil society ceases to be a space of equality as it is stipulated in the concept of citizenship and develops into an unequal civil society, characteristic of ancient or medieval ages.

Moreover, even if civil society makes a difference, it is unknown how significant this is. On the one hand, treating civil society as an antidote against all ailments of the state may be counter-productive. It could result in a new ideology of civil society. On the other hand, it is possible that such an ideology stems from a rational strategy, with which national governments attempt to cede their responsibility to non-governmental actors. However, this escapist strategy of relinquishing activities of the welfare state to actors of civil society indicates that civil society could become a stopgap of state elites unable to improve the economic performance with traditional macroeconomic and structural policies. Against this background, civil society could serve as an instrument for depoliticising public space, which indicates nothing less than a dilution of political responsibility. A similar argument has been postulated with regard to European integration, which is supposed to help national governments avoid political responsibility by arguing that the EU is now responsible for many

political decisions (cf. Milward 1992). There is a possible negative outcome of the process. Even though surrendering of the responsibility may ensue, there is naturally no guarantee that civil society will be capable of fulfilling the expectations. However, if civil society is unsuccessful in fulfilling the expected tasks, societal actors will hold the government responsible for the failure, since it is the only actor that can be punished politically. Consequently, the national government might not be able to escape political responsibility after all.

In sum, the nature of the relationship between civil society, the state and the economic society is still unclear. For example, the Orange Revolution in the Ukraine in 2004, where the civil society upsurge toppled the authoritarian regime, was completely unexpected, since civil society in the region was regarded as particularly inactive. Scholars of Eastern European civil society stressed that the Ukraine showed an underdeveloped civil society and a low level of social capital. Even a couple months before the Ukrainian presidential elections of December 2004, experts did not expect any significant political activity among the population (Arel 2005). In 2001, the Civicus report stressed the rather loose ties between the civil society, conceptualized primarily as nongovernmental organizations, and the population in the Ukraine as well as the public's reluctance to volunteer. The report concluded that Ukrainian civil society has little impact on the government in terms of civil rights protection, solving social problems and improving the quality of life in society (Kuts 2001: 21). Nonetheless, an attempt to rig the election results lead to an outbreak of civil protest.

Additionally, the funding of the civil society actors by companies and governments highlights a problematic proximity of civil society to the benefit-oriented rationality of the economic and political society, thus transgressing the postulate of double autonomy. Kimberly Stanton highlights that Eastern European civil society has little voluntary character, showing rather traits of economic society (Stanton 1999: 248). By the same token, civil society can cease to be an agent of the self-organized society and can become part of the economic society.

In conclusion, there is no certainty regarding the impact of civil society. Its influence could be also neutral. Some religious groups such as the Amish people declare their retreat from social and political responsibility and live in isolation. In this case, it is hard to imagine how civil society would socialise individuals into citizens. Additionally, civil society may include actors who present a dangerous vision of civic responsibility that leads to uncivic behaviour, such as in the case of some militia groups in the United States. Furthermore, civil society can also challenge state power. The anti-state activity of civil society was particularly visible in Eastern Europe of the 1980s.

3. Challenge of Civil Society to the State

The communism crisis in the 1980s in Eastern Europe has been attributed mainly to the revolt of civil society against the communist state. In its totalitarian phase, the communist state was attempting to inhibit any spontaneous activity arising from civil society. Supported by the ideology of Marxism-Leninism, its aim was to suppress

private property and market structures along with an annihilation of spontaneous, non-state public space. Consequently, civil society and the communist state found themselves in a systemic conflict (cf. Staniszkis 1992). Civil society was by definition a locus of pluralism, which developed as the antithesis of the collectivist party state. Every state collectivism, be it fascism or communism, seeks to absorb civil society in the name of an ideology, thus destroying its autonomy and spontaneous character. Only in the authoritarian phase of real existing socialism did the spontaneously growing Polish social movement known as Solidarity develop from the first independent trade union and challenge the prerogatives of the collectivist state. The Polish case shows an underlying paradox of civil society in its relationship to the state. While scholars of civil society highlight its benevolent functions for governance in democratic regimes, the Eastern European experiences emphasise the importance of civil society as a counterweight to the authoritarian state (Michnik 1985).

However, if the Eastern European type of civil society is strong enough to bring about a regime change, it also could undermine democratic governments. What would happen if civil society organises itself along social cleavages and polarises society? And what if civil society can oppose democratic government, as it can counterweight tyrannical regimes? As it is increasingly debated, civil society may very well apply radicalised methods and sympathise with undemocratic actors (cf. Croissant et al 1995: 20).

How can Civil Society be Analysed?

Firstly, one should notice that civil society possesses as equally dark and bright sides as any other central political category. Therefore, civil society depicts an ambivalent concept such as state or power. For instance, state could on one hand be viewed as a guarantee for citizens' freedom. On the other hand, it could be turned into an instrument of oppression and exploitation. By the same token, civil society may support state activity by socialising the individuals into citizens. It might work as a 'laundry device,' enriching individual preferences from egoistic preferences to civic ones (c.f. Habermas 1996: Chapter 8). However, this function of civil society depends on the type of state and civil society and their mutual relation. Civil society can turn into a destabilising force, particularly in weak and illegitimate states. In the worst-case scenario, it could cause disintegration of state structures and lead to civil war, a situation feared by Thomas Hobbes. Consequently, civil society is able to unfold its uncivic potential by becoming a militarised, uncivil society, as was the case in the former Yugoslavia or Rwanda.

Secondly, it is highly misleading to place many expectations on one instrument of governance, be it the market, the state or civil society. The choice of only one instrument could lead to the opposite, namely to a degeneration of governance capabilities of a society, since the dominance of one instrument of governance frequently rests on ideology. Yet ideologies are fixed systems of political beliefs, and therefore hardly suitable for societies in the process of change. On the one hand, the belief in state activity as an antidote against problems of governance has led to collectivism and

oppression. On the other hand, the belief in the market as a universal solution to problems of society might in result in exploitation of weak actors by the powerful ones. Consequently, civil society can also become an ideology. The dominance of civil society has its roots in the anarchist belief in the absolute self-steering capacity of societies. However, as Michael Walzer (1995) put it, one cannot choose the civil society alone. An interesting case of different types of civil society can be provided by examples from the post-Soviet context. In the countries such as Russia, where there is an elite continuity in local politics and where informal mechanisms of interest representation dominate, 'incorporated' Soviet-style organizations have much better possibilities to fulfil socializing and integrative functions vis-à-vis the population than 'independent' ones. Those organizations are closely associated with the state, which reproduces the model of civil society absorption by the state, thus denying the autonomy and spontaneous character of civil society. As Agnes Gilka-Boetzow (2005: 13) shows in her empirical account of Russian civil society on the local level, this leads to an overrepresentation of conservative interests, especially of senior citizens and war veterans, whereas 'independent' organizations have very little influence on local policy making. At the same time, the 'incorporated' organizations suffer from organizational inefficiency and low professionalism, whereas the 'independent' organizations provide professional and targeted services, but the local authorities are reluctant to coordinate with them.

Thirdly, the nature and functioning of civil society depends on the relation between state and society. Every democratic system is in need of civil society, but not necessarily in terms of improved economic performance. Democratic regimes should be responsive, not only with regard to material needs of the society, but above all with regard to structural changes within the society.⁶ It appears to be particularly necessary when the state is not able to reflect value changes in society. Consolidated democracies exhibit a high degree of rigidity, which is on the one hand a welcome consequence of constitutionalism (constitutions are difficult to change, since they require a supermajority). On the other hand, the state, due to its rigidity, might be unable to respond to the value changes in society. For example, in the post-war democracies many impulses of change did not arise from within the state, which had apparently been too encapsulated, but from within the civil society. The pacifist and environmental movement in post-war Germany or the civil rights movement of Afro-Americans in the United States of the 1960s would have been largely ignored by the states of the countries if civil society had not voiced the societal change of values. Yet it is exactly the responsiveness of the state vis-à-vis the civil society that guarantees the political survival of the state, since democratic states or states that claim to somehow follow the principle of popular representation rely (at least in the middle run) on some sort of democratic legitimacy.⁷ Therefore, civil society could carry out the function of the transmission belt regarding the change in modern societies.

⁶ See the concept of reflexive state by Heinz Kleger (1993).

⁷ Ernest Gellner (1994; 1995) represents an alternative position, arguing that political systems are dependent instead on material and cognitive growth for their survival.

However, as regards the functional dimension of civil society, different democratic regimes require differently vigorous civil societies. According to tendency, liberal states like the United States are more dependent on the civil society for their citizen's education or the functioning of the legal system. Since private education is pervasive in the U.S. and the legal system is precedence-based, a high level of activity by the civil society is vital for society and the political system. In contrast, republican states such as France rely strongly on state policies such as public education and steering by the elite for the functioning of democracy. Consequently, liberal regimes largely abstain from educating their citizens in correspondence to an a priori image of the citizen, and they renounce on the single concept of common good to be forged by the political elite. Therefore, of all things, civil associations have to fulfil the task of democracy schools. In turn, republican regimes cannot depend on the spontaneous and autonomous character of civil society, since it is not calculable and predictable enough with regard to the preconceived idea of citizenry.

However, the state should not only be responsive, but also strong in terms of legitimate monopoly of violence. This is necessary concerning the *uncivic* potential of civil society, mentioned above. Civil society is capable of preventing the state from functioning properly or it can even endanger the entire society. Only a state with the effective control of means of violence would be in the position to tame the dark side of civil society. Certainly, the concept of an effective state does not indicate repressive states such as Belarus. Instead, Spain would fit into it with its firm stance against Basque terrorism. Repressive states may very well use the uncivic potential of civil society against the society itself. This pattern can be found with tribal states such as Sudan, whose government uses actors of formerly civil society to destroy entire ethnic groups.

Empirical studies from Eastern Europe highlight the relevance of the relationship between state and civil society. For example, Ramona Coman (2005) argues that the reform of the judiciary system in Romania can be explained in this context. According to Coman, between 1996 and 2000 the collaboration between the state (the Ministry of Justice) and civil society evolved on a spontaneous and mutual basis. On the one hand, the Ministry of Justice needed civil society to attain information on how to reform the judiciary system and to legitimise its policies through the participation of the judges. On the other hand, civil associations of judges needed the state in order to be heard and to influence the content of the reform. However, the laws elaborated between the state and civil society have never been adopted. The reforms were blocked as a result of the electoral change of government. The new justice minister was not interested in collaborating with civil society organisations.

Fourthly, the criterion of responsiveness applies also to non-democratic states, whose interest is also to react to the demands of civil society. Otherwise, a too high perseverance of the regime might result in a violent revolution induced by civil society. There are probably *three variables* relevant to understanding the relationship between a non-democratic regime and civil society. The first has already been mentioned, namely the degree of regime perseverance to the societal demands of change (cf. Schmitter 1985). The second is the type of the regime's legitimacy. Traditional regimes,

which are based on ethnicity or religion, might be far less responsive to civil society than those resting on a rational type of legitimacy rooted in welfare or modernity ideology. The third variable seems to be the degree of societal heterogeneity that confronts the regime. Heterogeneous civil society is less likely to challenge the regime, since it faces a plethora of collective action problems. Traditional regime legitimacy makes concessions to dissident demands less probable, as this kind of legitimacy rests on the idea of ultimate truth. Although communist regimes were not traditional in the Weberian sense, their legitimacy drew on Marxism-Leninism, which aspired to be the only correct interpretation of the course of history and civilisational progress. On that account, Ernest Gellner depicted Marxism as a secular religion (cf. Geller 1995). Ethnic and religious cleavages enhance in turn the probability of uncivic potential of civil society, which in turn indicates a higher probability of tribal regimes to oppress or physically annihilate ethnic groups. Rational legitimacy as rooted in the capability of regimes to solve societal problems appears instead to be compatible with civil society, for the same reason that democratic regimes have to be responsive. Non-democratic regimes, which justify their rule in their capacity to establish welfare, are dependent on the information about dilemmas, problems, interests and worries of the society. Those regimes can also better cope with social heterogeneity, as they require the support of the majority of societal groups.

Catherine Götze (2003: 217) shows the relevance of state legitimacy and social heterogeneity in their relation to civil society using the comparison of the Red Cross organization in Albania and in Bosnia-Herzegovina. In both countries the failing state does not constitute the framework for public order, but it is instead a source of public disorder. However, both countries differ with regard to the relationship between the state and society. In Albania, the rivalry of the societal groups is directed *at the state*. The goal of these groups is to seize control of government and thus claim the monopoly of violence as well as to tap the financial resources of the state. Hence, Albania corresponds to the model of an 'under-consolidated state'. In contrast, the rivalry of societal groups in Bosnia-Herzegovina is directed *against the state*. The goal of these groups, which regard themselves as ethically alien, is to dismember the monopoly of state violence and to exclusively acquire a part of it. Therefore, Bosnia-Herzegovina represents the model of an 'over-extended state'. Interestingly enough, despite the state failure in Albania, there is enough public space for self-organized associations of civil society such as the Albanian Red Cross, whereas the failing state in Bosnia-Herzegovina destroys any independent associative, since the ethnic groups are incapable of cooperating according to overarching norms of civil behaviour and civil conflict solution. The clan-based Albanian society is no less violent, but was capable of developing overarching ritualistic forms of conflict-solution. This reduces the societal anomy and enhances chances for civil society to survive.

Fifthly, a responsive state is not the only prerequisite for the compatibility between state and civil society. In addition, reflexive civil society is required (cf. Kleger 1995). Reflexive civil society must be aware of its conflictual and uncivic potentials and be able to limit itself, particularly whenever its activity endangers democracy. Particularly with regard to the Yugoslav experiences, some authors (Rüb 2000: 185)

highlight the patterns of incivility within the civil society which lead to violence, and degenerated into the Hobbesian violence of all against all in an uncivil society. Fiedbert Rüb (2000: 174) argues that the degenerative pattern of violence in the uncivil society resulted *ceteris paribus* from the fact that there had never been an overarching Yugoslav civil society, since every republic was based on its idiosyncratic microcosm of ethnic, economic and social structures. Those structures became the basis for the radicalisation of ethnicity because its bonding potential also entails a drive to annihilate the difference. This is most important for two types of states: states experiencing disintegration of their institutions and states in the process of transformation. The former encourages the uncivic potential of civil society, which remains unchecked without solid institutions of state. For the latter, the role of civil society depends on the phase in which the transformation unfolds. Eastern European countries face a complex process of economic and political transformation (cf. Offe 1991). Economic transformation gave rise not only to a plethora of new associations, but also to new demands vis-à-vis the state. During the transformation, it was mostly trade unions and peasants, not choirs and bowling clubs that took to the streets. However, frequent demonstrations and economic demands (which were essential for the breakdown of the communist regimes) run the risk of destabilising the neo-democracies and thus endangering the entire transformation (cf. Rohrschneider/Schmitt-Beck 2002). Therefore, reflexive civil society should be able to restrain itself, especially in the phase of democratisation when the newly established institutions are still not deeply rooted in the society. A hyperactivity of civil society in this phase might disturb the process of majority formation, which is necessary for a political continuity. An imperious civil society posing constant demands is a serious burden in a process of institutional transformation by increasing its costs for the population (cf. Schmitter 1995). Mansfeldová and Szabó (2000: 108) argue that democratic consolidation in Hungary had occurred earlier than in Poland due to the greater passivity of the Hungarian civil society during the transition period. Hungarian governments had had an easier task, since they were confronted with less socio-political polarisation and with a more passive population.

However, vital civil society can also promote the consolidation of newly established democracy. Reflexive civil society can be conducive to recognition and reduction of defects that every democracy develops. Those are, in the case of transformation states, primarily pathologies of political capitalism such as collusions of political and economic power that results in corruption and nepotism (cf. Staniszkis 1999). Civil society can also help consolidate neo-democracies by providing information for the government about societal problems to be solved, and in the first place about infringements of freedom by the society and state. Hence, a vital civil society is relevant in the phase of democratic consolidation, in which civil society stabilises expectations presented to the state, as it confronts the authorities with more aggregated and reliable information about the direction of reforms. It also provides an arena for articulation of popular will, which inhibits political alienation from the new political system as well as producing instruments that can be used in case of authoritarian deviation during the transformation process (Schmitter 1997: 247).

Conclusion

We can conclude that the phenomenon of civil society requires a complex analysis, particularly if one attempts to examine it in a trans-cultural context. The roots of civil society are European, as it is the belief in the benevolent impact of civil society on democracy, economy and governance. However, there are justified doubts about solely positive workings of civil society. The dark side of civil society has manifested itself in recent political events worldwide, be it civil war in Yugoslavia, Rwanda or Congo.

In order to grasp the complexity of the phenomenon, one has to analyse it on three levels. Firstly, it is essential to question whether every free, spontaneous, state-independent and market-independent organisation belongs to civil society. The issue is particularly relevant with regard to the associations with economic character such as the rotating credit associations described by Putnam. The second level would touch upon the relationship between state and civil society. The thesis of this article is that the benevolent functions of civil society unfold only under the circumstances of responsive state and reflexive civil society. The third level of civil society analysis would examine the type of state in its relation to civil society. It makes a difference for the effects of civil society whether it confronts a democratic state, an authoritarian state, a failed state or a state in transformation. Depending on those types of state, civil society can assume different functions, particularly those stemming from the dark side.

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