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Dragica Vujadinović

CIVIL SOCIETY IN CONTEMPORARY CONTEXT

– The Case of Serbia –

Belgrade, 2009

Prof. Dr. John Keane

The publication of the new and exciting study of civil society by Professor Dr. Dragica Vujadinović is to be warmly welcomed. Not only does the volume have many interesting and important things to say about Serbia. It is the culmination of two decades of thinking and action, and contains many fresh insights and challenges, both to Serbian readers and to scholars, activists and policy makers in the region and beyond. Her reflections on civil society are refreshing and, unusually, they include boundary-breaking materials on family and everyday life, civil initiatives and social movements, constitutional procedures and the need to rethink the language, norms and institutions of civil society within a wider, cross-border framework. All these qualities make the book thoroughly deserving of a wide readership.

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Prof. Dr. Vukašin Pavlović

This book is an excellent contribution to the study of civil society in Serbia, as well as in all societies on their road from an authoritarian to an open democratic political order. The idea of civil society has long been central to the Western liberal-democratic tradition, but it is still new for the Balkans, where the tradition of a strong and violent state has almost always prevailed. This is a very important and remarkable study and very valuable achievement in the debate of contemporary political theory and social science in our region.

CONTENT

INTRODUCTION

The articles collected in this textbook have been the result of my thoughts on political theory and practice of civil society during the last fifteen years. They are also the result of the mutual crossing of my theoretical work and my life/political experience. I started developing my theoretical interest in the issue of civil society due to Prof. Dr Vukašin Pavlović, who had invited me in 1994 to take a part in the project *Suppressed Civil Society – the Case of Serbia*[1] and gave me the task to analyze the interconnections of everyday life and civil society, theoretically speaking as well as applied to the cases of the Former Yugoslavia and Serbia. My text: "Everyday Life and Civil Society", written for that book, is included here. Further impetus for my interest in civil society came from Prof. Dr. Milan Podunavac, who in 1998 – in continuation with the aforementioned project – initiated a second project related to the comparative analysis of civil society development in transitional countries.[2] My text: "Everyday Life, Civil Society, Civil Protests 1996/97", written for that book, is included here also.

In the meantime, the civic and student protests of Serbia occurred and I took a very active part in them, as both a theoretician and as an activist. From then on, my theoretical research on the theory and practice of civil society and my individual and collective experience of civil society involvement in overturning the authoritarian and militaristic regime of Slobodan Milošević strongly and mutually influenced each other by crossing and overlapping. In other words, I always tried again to combine an achieved understanding of civil society with the experience of the mass protesting then.

The narrative concerned with those academics who had influenced me in this field of resarch has to involve (in the strongest way) Prof. Dr. John Keane, from Westminster University in London. Professor Keane has been one of the most prominent theoreticians of civil society in Europe and the world. He took part in both above mentioned Yugoslav projects and he has established continuous theoretical and personal friendships with academics especially from Serbia and Croatia, which helped us extraordinarily in our theoretical consideration of civil society. However, his impact on Serbian academics, including myself, reached also the practice of civil society related to the civic and student protests in 1996/97.

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1 Pavlović, V. ed. *Potisnuto civilno društvo* (*Suppressed Civil Society*), Beograd: EKO centar, 1995.

2 Skenderović Ćuk, N. and Podunavac, M. *Civil Society in Countries in Transition – Comparative Analysis and Practice*, Subotica: Center – Agency of Local Democracy Subotica, Open University Subotica, 1999.

As far as I have been privileged to become a close friend and colleague of Professor Keane, I started collecting a good deal of relevant details and indicators from Serbia's civic and student protests (from the media, my street protest walk experiences, slogans, pictures, etc.) in order to send them to him. When I had to stay at home because I came down with a cold I had caught in extremely cold weather, during the night by night students` actions where there were "cordons against cordons" (cordons of students and professors against cordons of the police), I gathered and sent those materials to him. Together with all the collected materials, I also sent a short analysis of the events, written by hand.

In 1998, Professor Keane published the book *Civil Society – Old Images, New Visions*, and the "Openings" of his book started with my letter and my description of the events of the protest, albeit with small corrections and improvements to my English: "February 1997: Half way through writing this book, a registered letter arrived from a colleague in Belgrade. Chock-full of newspaper clippings, sample posters, postcards and photographs, the tattered package held together in a wrapping of string contained a short letter describing the dramatic, now world-famous Serbian events of the previous several months. 'You should really come to see with your own eyes the wonders of the past 72 days', the letter began. 'Each evening, during the state-controlled television news programme, thousands of people join 'noise is fashionable' actions. They fling open their windows and clang pots and pans, or honk their car horns in unison, or assemble peacefully in the streets, blowing whistles, clarinets and trumpets. When the programme has ended, the racket stops at once. Thousands of people in small groups then go walking through the frozen streets of Belgrade. Police cordons are simply unable to stop them, especially because the students form 'cordons against cordons', and because the numbers of walkers grow as each day passes.' 'Walking is important to us', the letter continued. 'It symbolizes our reclaiming of space, our new civil freedoms. Routes and gathering points are usually decided and coordinated by mobile phone. We walk everywhere that we can: around the courtyard of the university rectorate, past the education ministry and the offices of *Politika*, over to the egg-splattered premises of Serbian television. Sometimes the marches walk in circles, acting like prisoners. The weather is unusually cold here. Minus ten and worse. Sympathizers supply the walkers with food, tea, coffee. Student organizations urge everybody to avoid alcohol. There have also been many huge demonstrations in the Republic Square, with flowers, whistles, placards, flags, gleeful children, costumes, musicians, actors, dancing, the singing of patriotic hymns. The demonstrators don't forget that they live in the Balkans. They have a lot to say about nationalism and war, lawlessness and pauperization. But they also sense that there are signs in everyday life, especially within families, cultural and educational organizations, that decency, openness and autonomous personality formation have survived. Perhaps that

is why, through all of these dramas, our president and his Lady Macbeth have kept silent and remained invisible. They surely have a whiff of what they cannot stomach: a civil society is emerging in their land."[3]

Exactly after the democratic overturn of the government in 2000, the Institute for Philosophy and Social Theory, from Belgrade, initiated a conference on the perspectives and limits of democratic reforms in Serbia. I gave the presentation: "Prospects for and Obstacles to the Development of Civil Society in Serbia/FRY after the Change", and that text was later prepared for publishing and has been included into the book *Revolution and Order*, printed in Serbian and English.[4] The text is also included in this book.

Prof. Dr John Keane, later in 2002, initiated that Prof. Dr. Vukašin Pavlović, Prof. Dr. Milan Podunavac, Prof. Dr. Mladen Lazić and I were to become members and representatives of Serbia in the prestigious European Civil Society Network (Ci-So-Net), which had been formed on the basis of the European Commission's Fifth framework grant. This network worked intensively from 2002 to 2006, and a series of books on European civil society have emerged as a result. Owing to belonging and working in Ci-So-Net, I published two articles in English, and one of them will be included in this book[5], while the other[6] will be included in another book[7] related to democratic reforms in Serbia and its accession to the European Union. One of the Ci-So-Net conferences was held in March of 2005 in Wassernaar, Holland, on the topic: Family Structures and Civil Society. My presentations encompassed the general framework of interrelating: "Family, Feminism and Civil Society", as well as the already mentioned analysis, titled: "Family Structures and Civil Society Perspectives in Present-day Serbia". Both these texts will be included in the book.

From 2000 to 2008, I initiated an international project of comparative analysis of the transitional processes in those countries established after the breakup of the Former Yugoslavia. This project was done through the cooperation of three non-governmental organizations from Serbia, Croatia and Montenegro, and resulted in publishing of three books, with the common main title: *Between Authoritarianism and Democracy: Serbia, Montenegro,*

3 Keane, J. *Civil Society – Old Images, New Visions*, Cambridge: Polity Press, 1998, pp. 1–2.

4 Spasić, I. and Subotić, M. eds. *Revolution and Order – Serbia after October 2000*, Belgrade: Institute for Philosophy and Social Theory, 2001.

5 Vujadinović, D. Family Structures and Civil Society Perspectives in Present-day Serbia, originally written to be published in the book: Ginsborg, P., Nautz, J., and Nijhuis, T. eds. *The Golden Chain: Family, Civil Society and the State*, Berghahn Publishers: Oxford and New York (in print).

6 Vujadinović, D. Democratic Deficits in the Western Balkans and Perspectives on European Integration, originally published in the magazine: *Journal for Institutional Innovation and Transition,* Slovenia: Ljubljana, Volume 8, 2004.

7 Vujadinović, D. *Serbia in the Mealstrom of Political Changes*, Belgrade: Faculty of Law University of Belgrade, 2009.

Croatia. The subtitles were related to a specific subject of comparative consideration. The second book[8] was devoted to a comparative analysis of the issues of civil society and political culture, and my introductory text written for that book: "The Concept of Civil Society in Contemporary Context", has been included in this textbook.

The text on global civil society was prepared for and presented at the Inter-University Center of Dubrovnik, for the course Social Philosophy, held in 2004. It was later articulated on further and presented at the conference of the Philosophical Society of Croatia, devoted to the topic: Philosophy and Globalization, held on the island Cres in September 2008. The final version of that text: "Global Civil Society as Concept and Practice in the Processes of Globalization" was recently published in the leading Croatian philosophical magazine *Synthesis Philosphica*.[9]

The last collective project, which was extremely useful and fruitful for my theoretical research concerned with the theory and practice of civil society, was the Tempus project awarded by the European Commission to the faculties of law in Serbia (in cooperation with the Faculty of Law in Maribor, Slovenia – as the grant holder, and a Consortium of certain faculties of law from the European Union), which had the goal to initiate postgraduate studies in European law and European integration in Serbia. In the framework of that project I received the chance to participate in writing the book *Democracy and Human Rights in the European Union*, more precisely to write a section which was related to the issue of European civil society. The first text in this book is exactly this one, under the same title: "European Civil Society".[10]

All of my texts related to civil society necessarily contain theoretical dimensions and categorical analysis, although most often it is in service to the concrete-historical analysis of the situation of the Former Yugoslavia or, even more so, in Serbia. Texts concerned with the relationship between civil society and political culture, civil society and everyday life, the interrelation of family, feminism and civil society, European civil society, have content which passes over the framework of concrete-historical analysis of Serbia and implicitly are built upon the theoretical ambition to be contributive, generally speaking, for the contemporary theory of civil society.

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8 Vujadinović, D., Veljak, L., Goati, V., Pavićević, V. eds. *Between Authoritarianism and Democracy: Serbia, Montenegro, Croatia – Civil Society and Political Culture*, Belgrade: CEDET, 2004 (published in English in 2005). The first book was: Vujadinović, D., Veljak, L., Goati, V., Pavićević, V. eds. *Between Authoritarianism and Democracy: Serbia, Montenegro, Croatia – Institutional Framework*, Belgrade: CEDET, 2002 (published in English in 2003). The third book was: Vujadinović, D. and Goati, V. eds. *Between Authoritarianism and Democracy – Serbia at the Political Crossroads*, Belgrade: CEDET 2007 (published in English in 2009).

9 Vujadinović, D. Global Civil Society as Concept and Practice in the Processes of Globalization, *Synthesis Philosphica*, 47 (1/2009) pp. 79–99.

10 Jovanović, M., Vujadinović, D., and Etinski, R. *Democracy and Human Rights in the European Union*, Maribor and Belgrade: Faculties of Law, Tempus project of EC, 2009.

The main title of this book covers the theoretical ambition of generally considering the theory and practice of civil society in contemporary times; the subtitle relates to the fact that all my theoretical research and practical/civic engagement start from and end in attempts to understand and promote the important role which civil society development has had in the processes of the democratization of Serbia and its accession to the European Union.

Texts in this book[11] have been ordered from the most recent written towards the first written. Such an ordering enables, firstly, insight into the theoretical maturing of the author, secondly, insight into this author's attempts to contribute to the development of the theory and practice of civil society; thirdly, a better understanding of the manifestations of civil society development in Serbia, i.e. better insight into what has already been achieved in Serbia in the field of civic activism and its contributions to democratic reforms and European integration; and fourthly, pointing out the serious obstacles of civil society development and democratic reforms in Serbia, and contributing to a better understanding of what has not been achieved yet and why it is so in respect to Serbia.

Dragica Vujadinović
Belgrade, March 2009

11 The texts are taken from the original publications and, insofar, there are possible eventual repetitions of ideas, especially in the passages where attempts for the defining of civil society have been undertaken.

EUROPEAN CIVIL SOCIETY*

Introduction

The previous chapter** discussed in detail the "democratic deficits" of the European Union (EU), i.e. problems with democratic legitimacy of the EU's institutions and policies. The conclusion offered was that the European Union represents a political system *sui generis*, which can be measured by standards of democratic legitimacy, but which however suffers, on the one hand, from a lack of institutional prerequisites for securing "informed consent" of European citizens in political decision-making, and, on the other hand, from the absence of an integrated European society – with a Europeanized party system, communication and media system, and a more robust EU civil society.

Establishing the EU political community "from above" has reached certain – although not complete – consolidation and institutionalization, but the process of Europeanization "from below" is necessary for the sake of accomplishing complete democratic legitimacy of the EU.

Institutional reforms of the EU are not possible or sufficient without creating a European critical public (a Europe-interested public), without creating "from the inside" Europeans who do not identify themselves either as members of a "Nation Europe" or as representatives of their nation-state of origin, but as belonging to a new-forming political community where a "higher" public interest of the individual is aimed at improving the democratic legitimacy of the European Union.

European civil society plays (and is supposed to play more and more) an essential role in the process of Europeanization "from below", in building "an integrated European society", in generating a democratic political culture, in developing a European public and genuine European media, as well as in generating a genuine European democratic polity.

* * *

In order to understand what the concept of European civil society means in its full complexity, the first chapter will outline the theoretical-political framework for understanding the place and role which civil society has in

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* This text was originally published in the book Jovanović, M., Vujadinović, D. and Etinski, R. eds. *Democracy And Human Rights in the European Union*, Maribor/Belgrade: Faculties of Law, Tempus Project of EC, 2009.

** Written by Miodrag Jovanović.

contemporary political discourse. In the second chapter the concept of civil society in its basic meaning and its contemporary theoretical and empirical contextualization (globalization of the discourse and practice of civil society) will be offered. The concept of European civil society and its empirical manifestations will be presented in the third chapter.

1. Theoretical-Political Framework of the Analysis

The theory and practice of civil society belong to political modernity. Modernity represents the epoch of civilization, which has been initiated from the Renaissance onward and articulated during the last few centuries with the essential feature that human beings have committed themselves to determine their own lives, their relations to others and their manner of being in the world. Political modernity refers to a collective self-determination, to the autonomous decision making of individuals about their life in common and the rules of common life. The liberal-democratic political order has been a paradigmatic expression of political modernity. Political modernity is equated by the institutional model of representative democracy based on universal human rights and on the collective self-determination of autonomous individuals.

There is a direct link between the idea of democracy conceived as self-determination and free polity, on the one hand, and civil society as defined by public discourse, by logic of communication and autonomous handling the relations with others (i. e. by the autonomy of society and fight against any attempts of the state power to overextend its dominance over people), on the other. The link of the concept of civil society to the idea of modern democracy is politics conceived as the institutionalized self-determination of the people. Civil society activism means politics in the wider sense, which has been essentially interlinked with institutionalized democratic politics (that is, politics in a narrower sense).

The republican idea of political activism of the people has been embodied into the process of establishing and consolidating a political order of representative democracy and constitutionalism. A republican interrogation of the individual and collective activism which is necessary for establishing and maintaining a free government has been the framework for situating civil society into political modernity. Political activism of the people inside a civil society conceived as politics in the wider sense represents one of the important republican ingredients of liberal-democratic polity. The aims of civil society activism, which are the building and rebuilding of free democratic polity, point to a normative dimension of civil society discourse.

The concept of civil society emerged with the development of political modernity, and experienced ups and downs inside the history of political modernity. It could be said that the discourse of civil society gained impor-

tance in phases before establishing and during the consolidating process of the liberal-democratic order (a period before and after the democratic revolutions of the first part of the eighteenth and the first part of the nineteenth century), thereafter it lost importance during a period of consolidated legitimacy and institutionalization of political modernity, which took place during the second part of the nineteenth century and the twentieth century until the 1970s and 1980s, and it again became important and popular with the loss of democratic legitimacy of political modernity (the "crisis of organized democracy").[1]

The history of the concept of civil society can be measured upon the changes in the status of democratic polity during the last few centuries, in the sense that before and soon after the democratic revolutions there were obvious republican colours in defining civil society as an important factor in building democratic polity; then during the period of consolidation and institutionalization of liberal democracy, a narrowing of the concept of civil society happened, i.e. its reducing to the paradigm "legal state[2]-civil society", by supposing that civil society is a part of a well-ordered set of relations between the various spheres of action in a complex society, or, at best, as the element of societal self-organization inside the liberal-constitutional state.

Most definitions of civil society refer to a liberal principle of limitation of state power (the paradigm "legal state-civil society"), and they originate from the post-revolutionary phases of a gradual consolidation of liberalism, during which republicanism declined from its key positions in European political thought and individualist liberalism attained priority and received its current status of the pivotal theory of political modernity. However, there are obvious influences of republicanism for the development of a liberal-democratic state (the gradual process of interconnecting liberalism and democracy, and liberalism and republicanism).[3]

1 Jan Terrier and Peter Wagner say: "The concept was first proposed to explore the possibility and limits of collective self-determination on the eve of 'democratic revolutions'; it declines with the gradual normative acceptance and institutional consolidation of democracy; and it re-emerged at a moment of quest for renewal of the democratic impetus, which was seen as threatened or emptied of substance in the face of the domination of political agency by bureaucratic or market-economic imperatives, variously underpinned by strong political doctrines." (See: Terrier, J. and Wagner, P. Civil Society and the Problematique of Political Modernity, in: Wagner, P. ed. *The Languages of Civil Society*, New York/Oxford: Berghahn Books, 2006, p. 10.

2 This notion is synonymous with "law state", "constitutional state", and "rule of law".

3 Concerning gradual interconnection between liberalism and democracy, and impacts of republicanism in that process, see: Held, D. *Models of Democracy,* Cambridge: Polity Press, 1987. (Croatian ed. *Modeli demokracije*, Zagreb 1990); Held, D. *Models of Democracy*, rev. ed. Cambridge: Polity Press, 1996 (again published in 2007); Held, D. *Demokratija i globalni poredak* (*Democracy and Global Order*, Cambridge: Polity Press, 1995), Beograd: Filip Višnjić, Libertas, 1997.

The concept and practice of civil society are parts of republican traits in the liberal-democratic tradition of modern political theory. The increase of visible republican impacts through the rebirth of civil society discourse has been connected with the legitimacy crisis of political modernity during the last few decades of twentieth century until today.

The actual rebirth of the theory and practice of civil society from the 1970s and the 1980s bears, either intentionally or not, the republican implications of understanding a constitutive character of civil society in building/reviving a democratic polity in contemporary circumstances. However, the "legal state-civil society" relationship has persistently been used as a paradigm for understanding the place and role of civil society, although the "old" paradigm attains – either consciously or unreflectively – a "new" meaning.

Especially, civil society's demands for limitations and checks on state power have been legitimate and productive but have not been able to fully respond to the contemporary quests for different world governance, different European governance, and even different nation-state governance. The theoretical paradigm of "legal state-civil society" has to be widened and become open for catching a constitutive role of civil society – defined from the point of its deliberative, communicative and associative character – for the democratic polity. Civil society activism of contemporary times has to be understood as a great tool for overcoming the contemporary "democratic deficit". It has to be viewed upon as an important constitutive factor of building and reviving a democratic polity today.

Generally, the modern state, understood either as being originally liberal, liberal-democratic, social-democratic, or neo-liberal, presupposes a limitation of state power, having the aim of protecting human rights. Each version of modern political theories acknowledges representative democracy, universal human rights, political pluralism, and political participation of citizens in elections. However, the liberal tradition – as the main designatum of political modernity – has never, either in its past development or today, unambiguously opted for a discourse of civil society, i.e. for the formative character of civil society inside democratic polity and the participatory dimension of a liberal-democratic order. Communitarian and neo-liberal versions of political modernity do not count on civil society activism and full implementation of civil, political, social, and economic rights. Those versions of liberal-democratic theory and practice which insist on "constitutional patriotism" and recognize a republican element in liberalism, i.e. the importance of an individual's commitment to the public good in a liberal context, also emphasize civil society discourse and the role of civil society in reviving democratic polity and democratic legitimacy in a contemporary world.

See also about the genuine convergence of liberalism and republicanism in constitutional democracy: J. Habermas, Constitutional Democracy – A Paradoxical Union of Contradictory Principles?, *Political Theory* 29, 6/2001b, pp. 766–781.

Jean Terrier and Peter Wagner place the phenomenon of the current rebirth of the theory and practice of civil society into the framework of three different and largely incompatible responses to the actual "crisis of organized democracy".[4] In the era after the Second World War, there had been a consolidated liberal-democratic political order in the West and different forms of formal or substantial democracies, as well as authoritarian and dictatorial regimes in Latin America, Asia, Africa "lived along" in a relatively high degree of consolidated arrangement during the Cold War.[5] However, hardly any of these societies escaped the reopening of the specifically modern question of the establishment of legitimate institutions. It is in this context of reopening the question of political legitimacy of institutional forms that three different responses emerged in the 1980s and 1990s, among which the new debate on civil society has begun.

The first response to the "crisis of organized democracy" was that economic liberalism, which had originally arose in the political economy of the eighteenth century, and in the twentieth century appeared in the form of neoliberalism. This response was enormously successful in the 1990s, insisting on free market mechanisms of self-regulation not only in economic spheres, but also social ones. It gave birth to a whole tendency of downsizing state institutions and dismantling welfare mechanisms in order to give way to market-driven self-regulation.

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4 See: Terrier, J. and Wagner, P. The Return of Civil Society and the Reopening of the Political Problematique, in: Wagner, P. ed. *op. cit.* pp. 223–233.

5 Terrier and Wagner describe the post-war political balance: "[T]he relatively consolidated arrangement of the post-war era eroded in the 1980s. The apparent failure of the traditional, Keynesian techniques of economic steering, the difficulties encountered by the countries of the Soviet block, the development of what Ulrich Beck calls *risk* (unpredictable events to which no immediate solution can be found, if at all, such as pandemic or natural disasters) triggered a general reflection on the shortcomings of the myth of a scientifically administered society. For Western Europe, we have characterized these arrangements as a largely technocratic management of the lines of socio-political cleavage, broadly set into the framework of a compromise between individualist-liberal, cultural-communitarian and social-solidaristic political commitments. Similar elements were in use in other societies, even though the balance of justification was often highly different. In the U.S., the individualist-liberal component was certainly much stronger than anywhere else, whereas in the `peoples` democracies` the commitment to solidarity based on a strong notion of class community was implemented in a decidedly non-liberal way. In Latin America, the degree of merely formal or substantial democracy varies over time and across countries; and in Eastern Asia, the degree of cultural commonality has only recently been newly debated after the grip of both authoritarian regimes that flourished with U.S. support and the socialist regimes has been loosened so that other modes of societal integration became more clearly visible. Despite this variety of social configurations and political forms, what all these socio-political settings had in common was a relatively high degree of consolidation, stabilized not least also by the 'frozen' world political context of the Cold war. And even though the precise reasons and forms of recent change also vary considerably, hardly any of these societies has escaped the reopening of the specifically modern question of the establishment of legitimate institutions." (*Ibid.*, p. 224)

The second response is connected to communitarianism, which owes a great deal to the nineteenth-century idea of *social homogeneity* that then arose as a critique of classical liberalism and imperialism because of its threatening stance to the coherence of cultural-political collectivities (and therein provoked the early twentieth century's rise of collectivist ideologies – aggressive nationalism and fascism, as well as communism). The point of this approach is that the successful establishment of legitimate institutions can be found in shared identities, and cultural-political collectivities. Many recent debates on "European identity", "clashes of civilization", and collectivistic self-determinism emerge in the framework of this second response, together with the revival of nationalist rhetoric, and the appearance of Islamic[6] and all other forms of contemporary fundamentalism. Communitarian responses to neo-liberalism and (neo-liberal) globalization, having a reaffirmation of cultural-political collective identities, appear in life to a great extent as new forms of ethno-nationalism and religious fundamentalism.

A common feature of these two responses to the crisis of organized modernity is the abdication from commitment to collective self-determination based on the deliberation among the free members of a political collectivity. Founding a collective political identity in the free will and autonomous intention of individual citizens has been left aside. In the neo-liberal context, the idea of collective political identity as such is put aside, i.e. "individual self-determination is considered to be a sufficient basis for a peaceful and efficient organization of the social life." In the second response, however, the need for collective self-determination is fully acknowledged, but based not on individual autonomy but on "an assumption of the existence of fully constituted cultural-political collectivities, to which human beings clearly identifiably belong".[7]

Neo-liberalism neglects any collective self-determination inside liberalism, and communitarianism neglects the liberal form of collective self-determination.

The return of the theory and practice of civil society belongs to the third version of "the response", i.e. the third political-theoretical trend. This third response is connected by attempts to overcome the "crisis of organized democracy" by widening institutional and other mechanisms of deliberation inside the liberal-democratic political order. It tries to preserve the project of collective self-determination based on the individual autonomy, of a political community founded in deliberation among the free members of a collectivity.

The restoration of the *problematique* of deliberation, lively debating on republicanism, on deliberative democracy came together to belong to the

6 "Islamism, for instance, seems to be best understood as an alternative such collectivist thinking after the failure of both secular nationalism and communism in the Islamic-Arab world." (*Ibid.*, p. 225)

7 *Ibid.*

same trend in the 1990s; the rebirth of discourse and practice of civil society has been a constitutive part of this trend. Deliberative and republican inspiration stand in the background of the civil society debate and practice.[8]

The concept and practice of civil society belong in an essential way to an effective addressing the political *problematique* of contemporary modernity, i.e. to fighting the crisis of democratic legitimacy through improving the mechanisms of democratic legitimacy of a liberal-democratic order, instead of abandoning it and replacing it with both collectivist or neo-liberal responses.

The rebirth of civil society belongs to the trend of the liberal-democratic tradition which interprets constitutional democracy in the most deliberative, participatory, republican way, and connects deliberative, communicative and republican inspirations with citizens' civil society activism.

There is an essential interconnection of constitutional democracy and civil society. Democratic political order demands control and stimulus for the improvement of its democratic legitimacy through democratic public and civil society activism. Communicative and deliberative inspirations of autonomous individuals gathering together in voluntarily and spontaneously formed associations, non-governmental organizations (NGOs), initiatives and movements – is what civil society activism is all about.

Civil society activism (or citizens' activism through civil society), is characterized as politics (or polity) "in a wider sense". Politics in a wider sense is necessary for improving democratic decision-making, for overcoming democratic deficits and improving constitutional democracy.

However, the globalization process imposes new approaches and articulations on both democratic polity and civil society discourse.

The process of globalization, together with the crisis of organized democracy, imposes as necessary the reconstituting of a contemporary democratic polity: these phenomena impose quests for expanding the normative horizons of democracy beyond traditional forms of an organized democracy, i.e. beyond nation-states and beyond a traditional concept of the political governance.[9]

On the one hand, the contemporary legitimacy crisis of liberal-democratic political order is linked to the crisis of democratic participation caused by the empowerment of political elite and the dominance of executive power over a legislative one, but, on the other, is linked to the weakening of a state's sovereignty in the context of globalization. Furthermore, globalization imposes ideas and practices of multiple, polyarchical global or transnational governance, system of committees, networked agencies and corporations within

8 "[T]he new, globalization-oriented social movements, which have formed from the late 1990s onwards, can indeed be interpreted as the contemporary bearers of the deliberative inspiration that stands in the background of the civil society debate." (*Ibid*., p. 226)

9 *Ibid*., p. 233.

certain globally or regionally interlinked infrastructures (for example, electricity and telecommunication infrastructure), and "federated regulations", in all possible spheres of economic, social, and political governance.[10]

The crossing of horizontal and vertical dimensions of institutional decision-making in the globalizing context of polyarchical governance has been followed by the processes of civil society globalization, i.e. by cross-bordered and multi-levelled (in the horizontal as well as vertical dimension) action and impact of a globalized civil society.

The project of democratic governance at the global level has been ideal-typically envisioned as the global deliberative polyarchy (viewed, for example, as power of a Multitude opposed to Empire[11], as "cosmopolitan democracy"[12], "Global Legal Community"[13], deliberative democracy or deliberative polyarchy[14], etc.).

Globalization processes in political matters during the last decades interlink these deliberate inspirations of a cross-bordered civil society with the project of a global deliberative polyarchy.

In the situation of appearing the globalized and multiple governances, civil society has been lodged into a pluralistic, or better to say, polyarchical perspective.[15] This means that the above mentioned theoretical paradigm "legal state-civil society", in which the definition of civil society has been usually settled, should be additionally reconsidered, since civil society cannot be anymore related primarily to the nation-state and government as unity.

Creating a multiple or multi-level democratic governance in local, regional, or global context, is the new normative task and a new reality in its formation. Civil society, acting at the local, regional, global level, plays an essential role in establishing this multi-levelled, deliberative democratic governance.

Discourse on European civil society has to be put into the framework of the "crisis of organized democracies" on a global level, as viewed upon from all above mentioned dimensions (the weakening of the nation-state's sover-

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10 See: Allegri, G. New Social Movements and the Deconstruction of New Governance: Fragments of Post-Modern Theories in Europuzzle, *European Journal of Legal Studies* 1, 3/ 2008.

11 See: Hardt, M. and Negri, A. *Empire*, Cambridge, Massachusetts: Harvard University Press, 2000.

12 See: Held, D. 1995, *op. cit.*; Habermas, J. *Postnacionalna konstelacija* (*Die Postnationale Konstellation, politische Essays,* Frankfurt a. M.: Suhrkamp, 1998.), Beograd: Otkrovenje, 2002.

13 Brunkhorst, H. *Solidarität. Von der Burgerfreundschaft zur globalen Rechtsgenossenschaft*, Frankfurt an Main: Suhrkamp, 2002.

14 See: Frankenberg, G. National, Supranational, and Global: Ambivalence in the Practice of Civil Society?, *European Journal of Legal Studies* 1, 3/2008; See also: Cohen, J. and Sabel, C. Directly Deliberative Polyarchy, *European Law Journal* 3, 4/1977, p. 313. (http://www.ejls.eu/index.phd?id=3)

15 See: Frankenberg, G. *op. cit*.

eignty, misbalance between legislative and executive power, the transformation of a state government into diffused, polyarchical governance, globalized civil society). There are, however, dimensions and issues of "democratic deficit" which are particularly linked to the European Union[16], and which open space and impose the need for considering European civil society as such, and for its specific relationship to EU polity.

2. The Concept of Civil Society

2.1. Historical Genesis – Conceptual Transformations

The concept of civil society appeared in the mid eighteenth century in modern political theory. It appeared precisely in relation to issues of the limitation of power and protection of individual freedom (negative concept of freedom), whereas the contemporary concept affirms the positive meaning of freedom and individual rights also.

As already mentioned, the concept of civil society is a part of the dichotomous theoretical paradigm "legal state-civil society", initially formed in European and Anglo-Saxon political philosophy between the mid-eighteenth and mid-nineteenth century, and was fully developed in the second part of the twentieth century. The concept of civil society was the keyword in the European political thought from the years of 1750 to 1850, and the first public use of the word "civil society" as a substance different from the "state" occurred in 1776 in Tomas Paine's *Common Sense*.[17]

The backbone of all definitions is the relative autonomy of civil society in regard to the state and political power. At the same time, this *differentia specifica* of civil society has been, ever since the beginning of the historical genesis of the concept, the hottest point of contestation. Various interpretations have been provided as to the scope, extent, meaning, and content of its relative autonomy.

Its differences range from the idea of necessary control of the state over civil society (Hegel), to a concept of regulation of the areas of social autonomy by the means of limited power (Locke), an emphasis on the self-regulating function of civil society as a repository of individual human rights and liberties (Tocqueville, Mill), the concept of opposition between civil society and state power (Paine, also Gramsci). This backbone relation has been held onto in certain contemporary interpretations, ending with the concept of partnership between the state and civil society, and it has also been significantly transformed inside the already mentioned interpretation, which considers civil society as a formative factor of the democratic polity.

The concept of civil society according to early modern theorists (Hobbes, Locke, Paine, Hegel, Mill and Tocqueville) was centred on the concept of

16 The first section of this book considers the "democratic deficit" of the EU in detail.

17 See: Keane, J. *Civil Society – Old Images, New Visions*, Polity Press, London 1998, p. 33, p. 67.

ownership (over private property, one's own life and liberty). For the classical perception of civil society, the starting point was the individual citizen as an owner of property (negative freedom, irreducibility of the social field to the state field). The development of the liberal state, based on the idea of limited power and a minimal state that protects the individual as an owner (negative freedom) was the first link with the theory and practice of civil society.

Hobbes and Locke were representatives of initial liberal attempts to consider society-state relations, and to identify civil society with political community, as opposed to the state of nature. Locke takes a step forward in differentiating the sovereignty of people and state power and also by envisaging a division of power, whereas, in the case of Hobbes, it would be even impossible to speak about civil society because he did not separate society and political community from sovereign state power.

Hegel's conception of separation between civil society and the state has been adopted as a common starting point for understanding civil society and accepting a liberal theoretical paradigm of legal state-civil society, although Hegel essentially in his concept of an objective spirit (in his *Elements of the Philosophy of Right* – 1821), absorbed civil society into the state, and he insofar went even below the level of the above mentioned (and to him a bit wrongly entitled) liberal paradigm. Contrary to this dominant (Hegelian) liberal interpretation, there were at that time certain interpretations which accentuated civic activism and the role of civil society in creating a democratic polity. Differently from Hegel, Adam Ferguson, in a time before the democratic revolution (in his *Essay on the History of Civil Society* – 1767) and later on Alexis de Tocqueville, in a time after the revolution (in his *Democracy in America* – 1835–40), did consider civil society from the point of the individuals' commitment to collective self-determination.

Adam Ferguson refers – by following Aristotle – to the "social disposition of man", to an individual's natural tendency to cohere in broad human associations. He differentiates the two modes of relationships among individuals: the communicative and commercial. Communicative relations are crucial for the existence of a free society, whereas the situation in which members of a polity relate to each other predominantly by trade tends to undermine the possibility of collective freedom. According to him, free collectivity requires a set of democratic institutions, but institutions have not been sufficient themselves for the preservation of liberty. Additionally, there is also commitment needed by the people to obey those laws which are the output of free deliberation (people express "respect to the laws" which are arrived at in common deliberation). Deliberation among individuals, civil communication is the basis of "public-spiritedness", which he also calls "the national spirit", and "love of the public".[18]

18 See: Ferguson, A. *Esej o istoriji građanskog društva*, Službeni glasnik, Beograd 2007. See also: Terrier, J. and Wagner, P. Civil Society and the Problematique of Political Modernity, in: Wagner, P. ed. *op. cit.* pp. 11–17.

Tocqueville[19], like Ferguson, opens the question of tensions between participation (citizens' involvement in decision-making, commitment to public matters) and institutionalized representation. He refused the individualistic liberal assumption that procedures established in a social contract provided a sufficient answer to the tension between participation and representation. His reflections on representation are extremely informative of the logic of civil society; he envisages a direct link between democracy and civil society in the decision making process, in a sense that the passing of a law by a representative body represents the institutional response to publicly formulated demands.[20]

Early nineteenth century liberals started proposing a concept of representation which downplayed participation, i.e. giving a dominant role to parliamentary institution and minimizing/eliminating the role of civil society, thereby the tension between participation and representation was "eliminated" by reducing decision-making only to institutional procedures.

However, there were liberal thinkers during the first two thirds of the nineteenth century, such as John Stuart Mill, who tried to also take into consideration the principle of citizens` participation and to reconcile it with the principle of representation. Mill discussed (in his *Considerations on Representative Government* – 1861) the issue of translating from a diversity of opinions in society to decision-making on behalf of the common interest through parliament. He insisted on the direction of the process of representation from society towards institutions, and insofar introduced non-liberal elements into solutions of the problem of representation. To some extent, he anticipated and prefigured the profound crisis of the classical liberal framework of thought which happened towards the end of the nineteenth century.

The late nineteenth century crisis of liberal polity legitimacy led to a transformation of the philosophical concept of representation, based on the political philosophy of the Enlightenment, into a sociological one based on the gradually emerging sociology of industrial and mass society, and accompanied by the withering away of political philosophy, decreasing the use of the concept of "civil society" (its replacement with the concept of "society"

19 See: Tocqueville, A. *Democracy in America*, New York and Toronto 1994. See also: Terrier, J. and Wagner, P. *op. cit.*, pp. 21–23.

20 Tocqueville assumes the limits of representative as well as of deliberative bodies, when taken separately from each other. A representative body is necessary since no deliberative assembly could be put in place beyond the local, communal level. However, parliament cannot be completely independent, it is under the constant influence of the popular will: no physical gathering of citizens in deliberative assemblies is thinkable at the general level of the state. However, their virtual gathering remains possible under the form of the public sphere. In short, the idea of communicative exchange between institutional framework and public opinion is taken up as a necessary type of social relation for the realization of a free polity. (See: Terrier, J. and Wagner, P. *Ibid.*)

as a whole), the rise of positivism and organic theories of society. The crises of representation stopped being discussed from the point of deliberation between a multitude of diverse human beings, and shifted into ideas about some pre-existing structures of society as a coherent whole, inside which existed either manageable differences or, even, unanimity.[21] There also emerged collectivist, anti-liberal responses to the crisis of liberal-democratic legitimacy, represented for example, by the ideas of Carl Schmitt[22] in political theory, and by authoritarian and totalitarian ideologies of fascism, nationalism, and Stalinism in reality.

Among others, modern thought which clearly recognizes and further develops these republican inspirations of classic civil society discourse is to be related with Hannah Arendt[23] and Jurgen Habermas[24].

Arendt – in a continuation of Ferguson and Tocqueville – understood liberty as a collective achievement, which needed to be defended against the wordlessness which originates from the development of commercial relations. Communicative relations – contrary to commercial ones – provide recognition to individuals and carve individual identities. Public space – different than that from Ferguson, Tocqueville and Habermas – is not only a formal space of deliberation where individual relations are marked by the obligation of conformity to an argumentative model, but also an ontological space in which communicative action essentially forms individual identity and citizen's responsibility.

Habermas links ideas of active citizenship with civil society, and emphasizes communicative action, development of a public sphere and so-called "constitutional patriotism". He assumes that there is no real tension between the principle of participation and the principle of representation inside a constitutional democracy. He discusses the "co-originality" of the liberal principle of human rights (rule of law) and the democratic principle of popular sovereignty (democratic will-formation, collective self-determination), as well as the essential relationship between the autonomy of the citizen and the

21 *Ibid.*

22 Carl Schmitt proposed the identity of the rulers and the ruled in modern political arrangement, which was guaranteed without any deliberative mediation. The legitimation of power occurred at best through direct acclamation, through which people made their unitary will known. (See: Terrier, J. and Wagner, P. Declaining Deliberation: Civil Society, Community, Organized Modernity, in: Wagner, P. ed. *op. cit.* pp. 92–95.

23 Arendt, H. *The Human Condition,* Chicago: University of Chicago Press, 1958; Arendt, H. *On Revolution,* New York: Viking, 1963; (See also: Terrier, J. and Wagner, P. The Critique of Organized Modernity, in: Wagner, P. ed. *op. cit.* pp. 211–215).

24 Habermas, J. *Strukturwandel der Offentlichkeit*, Suhrkamp, Frankfurt 1962; Habermas, J. *Between Facts and Norms – Contributions to a Discourse Theory of Law and Democracy*, Cambridge: Polity Press, 1996. (See also: Terrier, J. and Wagner, P. The Critique of Organized Modernity, in: Wagner, P. ed. *op. cit.* pp. 207–211).

autonomy of the private individual, i.e. the dual form of private and public autonomy.[25]

Compared to the classical paradigm, in which civil society was analyzed only (or predominantly) in respect to the political state, the modern concept of civil society involves a complex model in which civil society is determined also in relation to those areas essential to social life, like economy, culture, social policy, family life. The positive meaning of freedom is related to all spheres of universal human rights, social, economic, cultural, etc.

With the development of the contemporary liberal-democratic state and the universalization of human rights, a modified concept of civil society emerges, emphasizing the association and formation of a democratic public, i.e. the expansion of the field of self-determination of citizens and their self-organization into various kinds of associations and social movements. The current understanding of civil society stresses positive freedom, and the participative character of social action. However, as already mentioned, the "old" paradigm has been still rather much in use, but with new contents and modified meanings, at the core of which is a formative role of civil society for democratic polity.

The rebirth of the theory and practice of civil society in the 1970s and 1980s – in the regions of the Soviet Union, Latin America and East Asia – had different inspirations, but a common main outcome, i.e. attempts towards consolidating (or establishing) democracy and expressing/preserving autonomous individual activism against all versions of instrumentalization of the individual both in real-socialist authoritarian regimes and capitalist ones – concerned either with an overextended paternalistic welfare state or with neo-liberal overall marketization and neoliberal globalization.[26]

The rebirth of civil society discourse and practice in Central and Eastern Europe, as well as in authoritarian regimes in different world regions have played a role in fighting against those regimes, whereas in Western Europe it played, in this or that way, a role of fighting against democratic deficits and being in favor of protection and realization of constitutionally guaranteed universal rights and freedoms.

The revival of this concept from the 1980s has to be put into the context of globalized civil society discourse, i.e. in both the geographical and substantial sense.

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25 See: Habermas, J. 2001b, *op. cit.*, pp. 766–781.

26 Peter Wagner states: "In as far as the concept of civil society suggested that society could organize itself, and do so in a civil manner, the concept represented an optimistic idea about what was seen as a dire need, in particular in the East Central European contexts of overpowering states that had always tried to drain social life from every self-organizing momentum. Similar hopes were attached to the concept in Latin America and East Asia, the main difference being that the authoritarian states of those regions were often, though not always, aligned with business interests, thus making a struggle of 'society' against both 'states' and 'markets' necessary, in particular in Latin America." (Wagner, P. Introduction, in: Wagner, P. ed. *op. cit.* p. 2).

2.2. Contemporary Appearances of Civil Society in Global Context

The concept of civil society discourse was initially re-actualized in the 1970s and 1980s in Central and Eastern Europe, within the efforts of dissident intellectuals to oppose the totalitarian communist regimes and the Soviet Empire. It had also been used in the 1970s and the 1980s in Latin America, as well as in Spain, in the struggle against authoritarian military regimes. In addition, it was realized later that the term had already been used in the 1960s in Japan, where the "Civil Society School of Japanese Marxism" interpreted the quick rise of capitalism in that country as the result of an underdeveloped civil society and of weak social resistance due to the existence of a strong patriarchal tradition and a culture of individual obedience to the government.[27]

However, the main course of revival of the political theory and practice of civil society went from the aforementioned dissident thinkers and activists in communist regimes to critically oriented intellectuals in developed liberal democracies in the West. These western theorists "re-remembered" the concept discovering at the same time that "we have been living it without noticing" as "part of the unnoticed fabric of society itself".[28]

In the former "real-socialist" countries, which were part of modern society in a perverted way, the eminently modern bond "legal state-civil society" did not function. More precisely, there was neither a liberal-democratic state and rule of law nor a developed civil society. Unlike liberal-democratic western countries, where the legal state and civil society act (more or less successfully) so as to complement each other, in the states of former "real-socialism", elements of civil society had been established before the rule of law, albeit in a reduced and embryonic form. In a way, they were precursors of and encouragement for (as a social base formed despite and against repressive regimes) the transition of these states to a liberal-democratic order. This applies, first of all, to some Eastern Bloc countries – Poland, Hungary and Czechoslovakia – where "real-socialism" had been overcome due to – among other things – a well-formed liberal movement representing the initial elements of civil society, i.e. where "real-socialism" did not just implode due to the concrete-historical constellation marked by the fall of the Berlin Wall and the lack of readiness on the part of the Soviet leadership to use military means to prevent either the "implosion" or the "overcoming" of real-socialism.[29]

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27 Keane, J. 1998, *op. cit.*, p. 13.

28 Comaroff, J. L. and Comaroff, J. *Civil Society and the Political Imagination in Africa: Critical Perspectives*, Chicago: University of Chicago Press, 1993, p. 5.

29 See: Vujadinović, D. Prospects for and Obstacles to the Development of Civil Society in Serbia/FRY after the Change, in: *Revolution and Order – Serbia after October 2000,* Belgrade: Institute for Philosophy and Social Theory, 2001, p. 335.

The specificity of the revival of civil society in the countries of former "real-socialism" attempts to reconstruct society "from below" through (dissident) social movements that had preceded political pluralization. However, soon after the change of political regimes political parties pushed these social movements completely away from the political scene, while the non-governmental sector underwent significant development.

The concept and practice of civil society are increasingly used by the intellectual and political elite in countries throughout the world, including the underdeveloped countries of the Third World. Lewis[30] analyzed in detail a set of questions related to the civil society in Africa. He has observed that the growing obsession with civil society may be dated back to the mid-eighties, but that the content of these debates have had a far longer history: certain nineteenth-century "humanitarian imperialists" used the discourse of civility, which implied universal human rights and norms of citizenry, whilst national resistance had long been led in terms of jeopardized civil rights, thus resulting in numerous social movements and voluntary organizations. In the colonial period, civil society discourse was used both by colonizing and the colonized nations; complex and conflicting relations were at stake between European and African civil society in the colonial period, in the sense that contact between the aforementioned civil societies was actually very much "uncivil" and that it was intended to institutionalize the differences between groups of citizens and "ethnicized" subjects, and between civilized colonists guided by "constitutionalism" and aborigine tribes guided by "common law" principles.

Lewis also differentiates between "old" and "new" interpretations of the term civil society in the context of the Third World: the "old" are concerned with colonial history and the "new" with those contemporary processes of widening the use of the concept into undeveloped countries, primarily in relation to their inherent need to fight against undemocratic regimes and/or to solve elementary problems of poverty, unemployment, hunger. Within the context of "new" interpretations, special attention is paid to the current development of the nongovernmental sector in underdeveloped African countries, and it has been critically pointed out that this development is largely non-autochthonous, i.e. that the NGO's are often formed under the patronage of global economic organizations, and thus represent a tool of the strategy pursued by international capital aimed at using the nongovernmental sector to control economic and social processes in the underdeveloped world.[4] Concerning anti-colonial movements and the struggle for independence in Africa, Lewis concludes that civic activism against the state in Africa had long preceded struggles in Eastern Europe and the revival of civil society related to those struggles.

30 Lewis, D. Civil Society in non-Western Contexts: Reflections on the "Usefullness" of a Concept, www.lse.ac.uk/collections/CCS/pdf/CSW13_web.pdf, 2001, p. 10.

The globalization of civil society contains two empirical dimensions: one is related to the globalization of the discourse of civil society, of its usage in all parts of the world, and another to the cross-border networking of civil society actors and forming global civil society as an autochthonous entity. Of course, the normative dimension of the concept also attains globalized connotation: firstly, global civil society plays new roles, new modalities of struggle for democratic polity and overcoming democratic deficits on the global scene; and, secondly, the language of civil society in different parts of the world has its own specific tasks but also has a common normative attempt towards a free collective self-determination of the people.

The concept and the practice of civil society are being globalized in a way that reflects the empirical processes of inter-connecting societies and shaping a global society. From the normative-mobilizing perspective, civil society activists and theoreticians stress the need to defend global society from the global threats of nuclear war, environmental catastrophe, crime and violence, the domination of global powers over the fate of individual countries and societies, i.e. the need to oppose the tendency of "power policy" on a global level, and to defend the autonomy of (global) society as compatible primarily with the expansion of policies based on the rule of law at the global level, and incompatible with the policy of force, state cause, and domination of global centres of power.

Theoretical discourse has been broadened to encompass the concept of a global civil society, including European civil society. The category of global civil society is an ideal-typical one. On the one hand, it strives to include the actual, empirical processes related to the expansion of social ties to the global level, mediated by the internationalization of economic markets, transport, culture, satellite communications, globally transparent media, and the Internet. Such globalization processes result in a conflicting and/or assimilative crossing of civilizations and cultures, in the introduction of international political institutions and the adoption of international conventions for human rights protection, for the defence of democratic values, for combating terrorism and segregation on various grounds, thus leading to a global standardization of human rights culture and democratic political order. On the other hand, the category of global civil society also strives to express normative content, determination to embody the principle of democratic rule and the democratic way of life globally, to identify criteria for evaluating events in individual countries, as well as in global tendencies from the perspective of peace, tolerance, autonomy and control of society (societies) in relation to world centres – either formal or informal – of power and government.

Commenting on the normative dimension of the ideal-typical category of global civil society, John Keane remarks:

"The vision of a global civil society is presented as a challenge to the normative silence or confusion within much of the contemporary literature on globalization and global governance. In opposition to mounting fears of

terrorism, rising tides of bigotry and nationalism and loose talk of 'anti-globalization', the defence of global civil society mounted here implies the need for a defence of democratic ways of life, and for brand-new democratic thinking about such matters as violence, global markets, and government with a global reach."[31]

Global civil society, as well as European civil society, encompasses mass anti-globalization movements, civic protests against certain globally recognized issues, networks of associations, transnational non-governmental organizations, transnational civic *ad hoc* initiatives, World Social Forums and European Social Forums.

Calls for global civil society and European civil society match the needs for supranational forms of civic commitment against both unjustified state domination and neo-liberal marketization.

In regard to what is usually referred to as the anti-globalization movement, it should be stressed that this is a highly contradictory phenomenon. On one hand, it is a truly global social movement directed against the neoliberal logic of globalization and unification of existent "ways of life" – specifically "Americanization", "McDonaldization" – on a global level, and on the other hand, it is a sometimes violent (and in many ways intolerant and in contrast with democracy and "civil disobedience") social movement.

European civil society is a constitutive part of the process of globalization of civil society, although it has had its specific features according to the specifities of the EU as a new form of polity which has not been consolidated yet.

All forms of globalized civil society and their relation towards democratic polity in a globalized context can be analyzed as certain different manifestations of civil society's appearance in a transitional socio-political and institutional context.

Victor Perez-Diaz makes a distinction between the original meaning and its origins in the Anglo-Saxon liberal word, in "civil" or "republican" traditions, and the meaning of civil society in countries in transition. Of course, his analysis was related to those nation-state countries which are in transition, but can also be productive for the situation of a global civil society in the making. The author draws a distinction between the broader, or original, concept of civil society, applicable to advanced liberal democracies (civil society *sensu lato),* and the same concept taken in its more restrictive sense and related to countries seeking to move from totalitarian and authoritarian regimes into a democratic order:

"Civil society *sensu lato,* or the first meaning of civil society, denotes a set of socio-political institutions including a limited government or state operating under the rule of law; a set of social institutions such as markets and

31 Keane, J. *Global Civil Society?*, Cambridge: Cambridge University Press, 2003, XII.

associations based on voluntary agreements between autonomous agents, and a public sphere where these agents debate among themselves and with the state about matters of public interest and engage in public activities [...]. This construct of civil society *sensu lato* has an internal consistency. It is 'civil' inasmuch as its autonomous agents are 'citizens' (as opposed to mere subjects of a despotic ruler or of a ruling caste) and thus members of 'civilized' society (as opposed to barbaric or backward). But the point is that they can be citizens *only* because they are autonomous agents, and they can be autonomous vis-à-vis the state *only* because the state has a limited power to enter the area reserved for these agents [...]. But this autonomy may exist either in a full or in a diluted form. It exists in full only when the state is part of a civil society in the first sense, namely, when it is a limited state operating under the rule of law. Otherwise, in relation to the second sense the institutions of civil society (markets, associations, and a sphere of public debate) exist in a diluted and less developed way within the framework of other historical configurations, such as those related to authoritarian and totalitarian regimes (for instance, Franco's Spain and the East-European socialist societies). It may be argued that the development or emergence of civil society in the second sense within an authoritarian or totalitarian regime prepares the path for its transition to a liberal democracy and a full-fledged economy, and thereby to the establishment of civil society in the first sense."[32]

In regard to the issue of civil society in transitional countries, Perez-Diaz – continuing Linz's discourse – speaks about the need of making a distinction between the processes of *transition* to, *consolidation,* and *institutionalization* of the new regime. This analysis again can be applied also for considering the "democratic deficit" of the European democratic polity:

"Empirically, the three processes are interconnected: they are not consecutive phases in time, but they overlap. In the process of *transition,* the basic rules of the game [...] are established, both within the political class and society at large. These rules concern chiefly the limits of state power, the means of access of both politicians and society to that power, and the modalities for the exercise of such power [...] [T]his process should be distinguished from that of *consolidation* of the new regime, at the end of which there is a widespread expectation that the regime is going to survive, and that its basic rules will be respected [...]. This process should also be distinguished from the *institutionalization* of the regime, at the end of which the regime is recognized as legitimate by the majority of the population and for most of the time, and the basic rules of the political game not only prevail *de facto* but have been internalized by both politicians and society."[33]

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32 Perez-Diaz, V. M. *The Return of Civil Society*, Cambridge and London: Harvard University Press, 1998, pp. 55–57.

33 *Ibid.*, p. 4.

The difference that Victor Perez-Diaz draws is that transition, consolidation and institutionalization processes are also productive from the point of overcoming the European Union`s democratic deficit. An ideal-typical interpretation of civil society, with emphasized normative dimensions, matches also the EU`s framework in a sense of what must be done in order to establish a European democratic polity.

2.3. Contemporary Interpretations of Civil Society[34]

Discourse of civil society starts from social relations of the autonomous individual, and as such expresses the modern political commitment to collective self-determination.

Civil society is a deliberative body, an incarnation of modernity insofar as it proposes an answer to the question of legitimate institutionalization. Democratic legitimacy is based on the deliberative establishment of an institutional framework of the rule of law, as well as on the communicative, deliberative, associative, public acting of citizens through civil society.

Civil society is an active and communicable field (public domain), where interests steaming from the private (individual and family) and collective life (related to the institutional field of liberal-democratic order, but also to the public domain of education, health, housing, environmental protection, gender issues, work) are articulated from the perspective of "public use of reason for the common good".

Civil society is a field of public action of autonomous individuals, responsible citizens, who form voluntary associations, *ad hoc* initiative groups, civic movements, non-governmental organizations, networks of associations, in an attempt to fight against any sort of overextended state power or colonization of life by heteronymous factors of domination, or against "democratic deficit" inside modern polity. Associative character of civil society *per se* (without its deliberative features) is not sufficient for solving "democratic deficit", because there are also possible authoritarian political arrangements, in which different associations do exist without direct control of political power, i.e. without deliberative and communicative inspirations of civil society.

Civil society is an ideal-typical notion, while it always contains a normative-mobilizing dimension as well as an empirical-descriptive one. Civil society emerges from existent forms of autonomous associative and deliberative citizens' activism. It is designed as a system of norms and values, as a normative project that aims to improve collective self-determination, to affirm the participatory character of democracy inside the rule of law, to promote the participation of citizens in decision making, to reconcile the principles of participation and representation.

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34 See: Vujadinović, D. The Concept of Civil Society in Contemporary Context, in: Vujadinovic D. *et al.* eds. *Between Authoritarianism and Democracy: Serbia, Montenegro, Croatia – Civil Society and Political Culture*, Belgrade: CEDET, 2005, pp. 15–43.

The citizen appears in a twin role – as the representative of both individual autonomy and public autonomy; and as such he or she can become a member of associations and associations of associations. Civil society bonds individuals as holders of civil rights, civic associations and the public sphere into a single field. Civil society connects the principles and practices of autonomy, associability and publicity. Civil society acts as a horizontal network of human relations characterized by direct communication, neighbourly and local solidarity, spontaneous and/or voluntary and, as a rule, non-violent self-organization. This is the field of non-institutional politics, or the mediating field standing between the individual, the family, and society in general, on one hand, and the state and institutional politics, on the other.[35]

In a normative-mobilizing sense, civil society has the function of mobilizing citizens to defend personal, political or social rights, guided by the values of freedom, equality, justice, and accompanied by the development of a democratic political culture of solidarity, cosmopolitanism, pluralism, tolerance, non-violence and humanitarianism. In the measure in which it is guided by the values listed above, civil society can also include associating for the purpose of achieving specific collective rights based on ascriptive qualities, such as religious affiliation, ethnicity, race, and so on.

Institutions which are closely connected with civil society are families, religious communities, charity associations, private funds, educational systems, universities, the free press and media. This is the pre-political social and cultural environment which – insofar as it acts in such a way as to facilitate the development of an autonomous type of personality, the affirmation of democratic political culture, a critical attitude to all that is contrary to universal human values – contributes to the establishment of the principles that which civil society is based on.

Among the definitions of civil society, some include and some exclude economic interests, and sometimes, though rarely, religious affiliations and institutions are also included in the concept of civil society.

According to Jean Cohen and Andrew Arato[36], the economic sphere does not belong to the definition, as civil society is a "sphere of social interaction between economy and state, composed above all of the intimate sphere (especially the family), the sphere of associations (especially voluntary associations), social movements and forms of public communication". According to Van Rooy[37], civil society is the "population of groups formed for collective purposes primarily beyond the framework of the state and the market".

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35 Vujadinović, D. Civilno društvo i svakodnevni život (Civil Society and Everyday Life), in: Pavlović, V. ed. *Potisnuto civilno društvo (Suppressed Civil Society)*, Beograd: EKO centar, 1995, p. 306.

36 Cohen, J. and Arato, A. *Civil Society, Constitution, Legitimacy*, Lanham-Boulder-New York-Oxford: Rowman&Littlefield Publishers Inc, 1992, IX.

37 Van Rooy, A. *Civil Society and the Aid Industry*, London: Earthscan, 1998, p. 30.

Larry Diamond offers an interpretation according to which civil society and the state are complementary, and civil society excludes economic, religious, and family relations. He defines the field of civil society seemingly more empirically and descriptively than normatively:

"Civil society is conceived here as the realm of organized social life that is voluntary, self-generating, (largely) self-supporting, autonomous from the state, and bound by a legal order or set of shared rules. It is distinct from 'society' in general in that it involves citizens acting collectively in a public sphere to express their interests, passions and ideas, exchange information, achieve mutual goals, make demands on the state, and hold state officials accountable."[38]

Elsewhere, however, Diamond also points out the social-controlling and mobilizing role of civil society: "The mobilization of civil society is one of the main instruments for disclosing the misuses and for delegitimation of undemocratic regimes".[39]

Nevertheless, civil society "excludes" individual and family life as eminently belonging to the private sphere. The *differentia specifica* of civil society is related to active, public, critical, rational conduct regarding private and social problems, i.e. collective voluntary action and self-organization of people for changing the current quality of everyday and family life, and various aspects of social and political life. The everyday life of the individual – where public and private experience, as well as family life and various aspects of social life cross – represents a precondition (on the pre-political level) for the development of civil society. However, only if and when everyday life acts as the field of socialization of the autonomous personality type, it really contributes to civil society formation. Civil society presumes that an autonomous individual freely decides his or her involvement and association. Hence, the individual's decision to step out of a given everyday milieu, family and social environment and to voluntarily associate with other persons in order to act publicly and autonomously towards improving, solving, changing the state of affairs, represents the domain of civil activity.

Ernest Gellner believes that the most important functional objective of civil society is to act as a force that endorses liberal freedoms[40] and that the uniqueness of modern civil society lies in the fact that it uses the "ties or con-

38 Diamond, L. *Civil Society and Democratic Development: Why the Public Matters?*, University of Iowa Series, 1997, p. 5. (Paper published in the Center for International and Comparative Studies, Distinguished International Lecture Series, University of Iowa, 1999).

39 Diamond, L. Rethinking Civil Society: Toward Democratic Consolidation' *Journal of Democracy* 5, 3/1994, p. 7.

40 Gellner, E. *Conditions of Liberty: Civil Society and Its Rivals,* London and New York: Penguin Books 1994, p. 5.

nections" that permeate an entire society to create conditions for individual freedom in a liberal democracy.[41]

Political society is linked with the division of power and political pluralism, and, in a narrower sense, with political parties, party coalitions and the electorate. Civil society would not be able to realize its purpose without political society, but it is an important corrective for the political field (a government and its political parties).

The current conception of the principle of rule of law has several aspects: jurist (legality), constitutional (guarantees for basic human rights), political (division of power), whereas the fourth aspect is related to the existence of civil society, conceived as a corrective element towards political power (inseparable from a free public and a democratic political culture).

The most important presuppositions for the existence of civil society are the rule of law and legal state, guaranteed human rights and liberties, procedural democratic rules and institutions (most often in the form of a multiparty parliamentary democracy), a market economy accompanied by private property, democratic political culture, participatory democracy and the freedom of self-organization.

In order to develop, a civil society demands peace and relatively stable, non-violent social conditions, a well-regulated state, protection of human rights, and legal certainty.

Civil society is always threatened when a democratic public sphere turns into a manipulated one, when the "rule of law-civil society" paradigm is replaced with the (leader)/elite-masses paradigm of social relations, or when competition among interest groups, more or less democratic movements, parties and ideas is replaced with cleavage between democratic and ethnonationalist ideas and movements, when state order regresses into a non-democratic one, when institutions of the system become criminalized and corrupt, with para-state "institutions" of violence act with and above the actual institutions.

The level reached by civil society is always a process, one that is continuously being verified and improved on. Civil society is an open concept and practice, a task never completed and never safe against steps backward, a contradictory process and a continuous struggle within itself alone and within the government and the field of politics.

Besides the positive principles cited above, civil society may also assume negative characteristics (egoism, unfair competition, separatism, particularism, localism, possessiveness, violence). Within the field of civic action, actions based upon principles incompatible with the concept of civil society (e.g. associations based on segregation) and deviations within authentic civil action are also possible.

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41 Gellner, E. Importance of Being Modular, in: Hall, J. A. ed. *Civil Society: Theory, History, Comparison*, Cambridge: Polity Press, 1995, p. 42.

At any rate, concepts that are normative are important as criteria and guides for controlling/counter-balancing power, and as a self-corrective tool for civil society itself (to counter-weight populism, deviations within civic action, and retrograde simulations of civic action). The normative, utopian dimension of civil society has a mobilizing force of stimulating citizens to act in accordance with public matters, and the public good.

It may be said that the interpretation of the ideal-typical concept of civil society – which emphasizes the positive normative dimension, is just one possible interpretation. Yet another interpretation is also possible, where the descriptive character of the concept is emphasized, which places every form of organization or association of people beyond the dictate of the state in the framework of civic action. There is also an interpretation which questions the positive normative concept of civil society mentioned above from the point of setting criteria too high and being too restrictive; in other words, leading towards the ideologization and idealization of *what should be* in the field of civic action, while *what is* in the empirical field of civic action is also burdened by incivility. Thus, we are faced with an interpretation of civil society which does not aim to completely abolish the value criteria, but is (critically) focused on an empirical state of affairs, including the anti-civilizing aspects and components of a given civil society.

The current literature about civil society – which attempts to be reflexive and non-apologetic – points to the presence of incivility and violence in the field of civil action. Civil society requires a relatively stable everyday life and a state of peace; however, the problem with civil society in relation to war and violence, is the fact that the cult of war is imbedded in western culture, from which civil society – as concept and practice – has also emerged. This is precisely where one of the basic foci of the contradictory character of civil society (and the phenomenon of incivility within it) lies, which resolved or at least attempted to be resolved by making a difference between what a "civilized" and "uncivilized" civil society is.[42]

In contrast to the concept of civility – both as an ideal and as practice – which presumes a well ordered community and well ordered relations in that community, where the relations between people are based on decency, cultivated mutual communication, as well as on the institutional arrangements of the rule of law, stand the facts, as John Keane observes, about the twentieth century as being a "long century of violence". Namely, contemporaneity has been marked with a contradictory phenomenon: violence chronically persisting within countries and among countries, and the permanent possibility of the regression of civil societies into uncivil societies. In contrast, however, "the long-term growth of a new *civilizing* politics aimed at publicizing and reducing the incidence of such disparate phenomena as murder and rape, genocide and nuclear war, the violence of disciplinary institutions, cruelty to

42 Keane, J. 1998, *op. cit.*

animals, child abuse and capital punishment"[43]. As Keane notes, "the point can be toughened: *all known forms of civil society are plagued by endogenous sources of incivility,* so much so that one can propose the empirical-analytic thesis that incivility is a chronic feature of civil societies, one of their typical conditions, and, hence, normatively speaking, a perennial barrier to the actualization of a fully 'civilized' civil society."[44]

Civil society has been primarily related to the secular character of modernity and has deep roots in the universal values of the Enlightenment, including religious tolerance, as well as the non-interference of the church in state affairs. The role of churches and religions in liberal-democratic countries, and especially in transitional countries has been ambivalent and controversial. Namely, their activities in some countries and in some certain situations was sometimes oriented towards improvement and sometimes towards the inhibition of modernizing processes. In countries with totalitarian and authoritarian regimes the role of the church sometimes has favoured the struggle against such regimes, but, at other times, has favoured their survival. According to Victor Perez-Diaz[45]: "Religion may have the effect of 'consecrating' the existing political and economic arrangements [...] but it may also have the contrary effect of a 'prophetic denunciation' of those arrangements; most often it may have *both* effects, for different audiences and at different times." Adam Mihnik notes the mobilizing role of the Catholic Church in Poland during Poland's fight against communist rule and the Soviet Empire *(Letters from Prison),* although he also stresses the ambivalent role of the Church, in a sense that it can also return to retrograde tendencies (as in the case of the anti-abortion campaign in Poland after the fall of communism).

Globalizing processes also impose, among other things, the necessity that the concept of civil society should be modified in relation to its genuine secular character. Namely, Keane remarks how[46] the contemporary phenomenon of *post-secular* civil societies in Islamic countries, and voluntary associations based on Islamic religion, are different from Islamic fundamentalism and opposed to the despotic (secular) governments in their countries (e.g. in Egypt, Tunisia). He says that a rising number of Islamists uses the language of civil society with sympathy:

"They question the Eurocentric presumption that civil society, which is a European invention, cannot take roots among Muslims. These Islamists insist that it is *not* true that Muslims are automatically inclined to identify themselves with segmented communities guided by the anonymous *Umma* in which the faithful, who 'do allegedly does not miss civil society too much', strives to positions through a clientelistic, cynical policy. These same Islamists deny the

43 *Ibid.*, p. 119.

44 *Ibid.*, 135.

45 Perez-Diaz, V. M. 1998, *op. cit.,* p. 109.

46 Keane, J. 1998, *op. cit.* p. 27.

restrictively European definition of civil society. They insist that secularism, conventionally thought to be a basic requirement of a civil society, effectively functions as an Orientalistic ideology that protects despotic states suppressing the development of civil societies within the Muslim world."[47]

Most importantly, the processes of globalization impose the cross-bordering character of civil society, both in the geographical and substantial sense. The substantial meaning of global civil society is related to the role of civil society in forming democratic polyarchical governance on the global world level, and also different regional levels, including the European Union.

2.3.1. Human Rights, a Critical Public and Civil Society

Generally speaking, both republicanism and classic liberalism are political philosophies which give an important place to those concepts related to "civicness" and "civility", and both traditions of political modernity reflect conditions of the possibility of collective self-determination, based on autonomous individual will and action. An important difference, however, comes from the fact that the republican concept of deliberation and liberty (the substantial commitment to the common good) is much more demanding than the liberal individualist conception.

The tension between participation and representation is at the core of the problematique of political modernity, of the mutual relationship between republicanism and liberalism, and also at the core of the ups and downs in the history of civil society.[48]

The rebirth of the discourse of civil society and the public sphere is connected to a certain revival of republican sentiments in the contemporary liberal-democratic polity.

However, when speaking in a more general and substantial sense, republicanism can be seen, according to Walter van Gerven, as an internal corrective of liberalism:

"The understanding of responsibility as a moral virtue is the quintessence of republicanism, [...] as a political doctrine that emphasizes the need to care for the *res publica*, the common good. As such, this understanding is not antagonistic to liberalism, which is rightly regarded as the key-stone of a democratically organized society, but is instead complementary to it. [...] Democratic government and good governance are empty concepts if civil servants are not encouraged to feel responsible for the common good and citizens are not stimulated to become involved in public affairs."[49]

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47 *Ibid*.

48 See: Terrier, J. and Wagner, P. Declining Deliberation; Civil Society, Community, Organized Modernity, in: Wagner, P. ed. *op. cit.* pp. 83–99.

49 Van Gerven, W. *The European Union: A Polity of States and Peoples,* Stanford: Stanford University Press, 2005, p. 213.

Van Gerven notes that there are three versions of republicanism: the first, a moral version (as embodied in Rousseau's take on moral education for civic virtues); the second one is a "cultural" version, advocated by "communitarian" authors, such as Charles Taylor and Michael Walzer (republicanism conceived this as a counter-weight against individualist failing to invest into the public sphere); and, finally, the political version, as proposed by Habermas, which views republicanism as the creation of more participatory political structures and procedures. The political version of republicanism considers the causes and manifestation of this to be how self-interested individuals can be encouraged to act more like responsible citizens and to engage actively in the public sphere. The author mentions "that recent research shows that membership in voluntary civil society associations is important in promoting responsive and responsible citizens".[50]

The influences of democracy on liberalism and of republicanism on liberalism have resulted in the establishment of a universal category of a citizen and the altered republican identity of an active citizen, which is not problematic from the point of view of liberal individualism.[51]

With the revival of republicanism in the framework of constitutional democracy and civil society, a shift from the classic republican active citizenship has occurred in the sense of *a priori* determined individual's devotion to common good (the obligation to serve to *res publica*, the public duty of the individual to participate in public politics), towards a more liberal-democratic idea about constitutional guarantees of citizens' individual rights and freedoms, supported by citizens' activism, i.e. civil society acting to defend constitutionally guaranteed rights and freedoms from any threat or misuse of and by institutional political power.

The activism of a civil society's actors is based on the autonomous initiative of individual citizens, but it bears in itself – as promoting responsive and responsible citizenship – an orientation towards the common good; namely, through the fight for solving particular social, ecological, political, and other problems or defending the endangered individual, minority rights, rights of

50 *Ibid.*, p. 214.

51 David Held discusses the essential republican influence on contemporary constitutional democracy, which is followed by changes in the (republican) meaning of a citizen's devotion to the public good. "Across diverse background, thinking moved against reliance on virtuous citizens and civic restraint as the basis of political community and shifted towards a greater emphasis on the necessity to define and delimite the sphere of politics carefully, unleash individual energies in civil society, and provide a new balance between the citizen and government underwritten by law and institutions. Over time, the fundamental meaning of liberty as interpreted by the republican tradition changed; and liberty progressively came to evoke less a sense of public or political liberty, 'the right of the people to share in the government', and more a sense of personal private liberty, 'the protection of rights against all governmental encroachments, particularly by the legislature'. Old words took on new meanings and were rearticulated with other threads of political language and tradition." (See: Held, D., *Models of Democracy*, 2nd ed. 2007, pp. 40–45, p. 69).

disadvantaged individuals and groups, etc., it contributes to an improvement in legislature, social, ecological, urban policy, as well as to a better control of government and all sectors of political power.

The protection of individual rights and freedoms from any government or other individuals cannot be based only on institutional and legislative framework, and cannot just mean a self-interested-approach, but also an approach to the "common good"; it demands active, autonomous citizens with moral energy and civic virtues, i.e. democratic political culture based on an emancipatory system of values and universal human rights.

Politics in a wider sense is the field of civil society activism for defending constitutional rights and freedoms, of civil associations` impact on political decision making, on public opinion, political culture, media, as well as on legislature, judicature, and executive power.

Civil society as politics in a wider sense deals with all human rights and freedoms which can initiate/provoke civil society activism. Each constitutional right and freedom can be endangered and insofar can become the cause of civic activism in order to be protected, for example: the right to life, the right to the integrity of the person, prohibition of torture and inhuman or degrading treatment or punishment, prohibition of slavery and forced labour, the right to liberty and security, respect for private and family life, protection of personal data, the right to marry and the right to found a family, freedom of thought, conscience and religion, freedom of expression and information, freedom of assembly and of association, the right to property, the right to asylum, protection in the event of removal, expulsion or extradition, the right to equality before the law and the right on elimination of discrimination, the right of access to documents, the right to an Ombudsman's service, as well as rights concerned with judicial processes, and so on.[52]

Civil society considered *per se* deals with those rights which formally and legally enable civil society activism, such as freedom of thought, conscience and religion, freedom of expression and information, freedom of press, free access to public documents, freedom of assembly (freedom of forming associations and public protest, including freedom of whistle blowing and civil disobedience) .

Civil disobedience is an important constituent part of civil action. This concept is applied to the grouping of people and their subsequent public and critical actions in the defence of constitutionality and legality against or despite specific legal solutions; namely, opposition to specific positive laws as unjust or illegitimate, and protest against violations of specific laws and regulations, in reference to general constitutional or fundamental legal solutions and their foundation on natural law or on the idea of justice. Hannah Arendt defines civil disobedience as "breaking the law to verify its constitutionality". She also emphasizes the importance of group manifestation of civil disobedi-

52 See in detail about all these rights in the section of the book written by Rodoljub Etinski.

ence, because authorities may remain insensitive to individual civil disobedience motivated by moral reasons, qualifying it as an excess, while they will remain "deaf and blind" with far more difficulty to group pressure for verifying the quality of a law.[53]

Civil disobedience is a manifestation of civil society in its extreme form. It shakes up the state and society in a profound way, aiming to re-evaluate and establish relative stability at a higher level. The general meaning is in the legitimacy of public mass protests and movements, non-institutional pressure within the liberal-democratic order, in order to re-evaluate inadequate legal solutions or any incorrect application of law from the perspective of the constitutional guarantees of human rights, and to make them compliant. Hence, this represents a corrective role of mass pressure on legislative and executive power to prevent them from violating the Constitution.

On the other hand, civil disobedience in the case of non-democratic regimes plays a specific role of confronting the existing legal-political "order" from the perspective of principles of (desired) constitutional democracy.

According to Van Gerven, the civic dimension of freedom of information, free access to public and official documents, freedom of expression, freedom of the press (as the marketplace of ideas), as well as the right to whistle-blowing and civic disobedience, are strongly connected with human rights protection and promotion. These rights move people towards public activism in civil society and contribute to generating a critical public.

A critical public is identical to the concept of "public opinion" which radically shifted its meaning from referring to the diversity of popularly-held views (which are often ungrounded), to signifying the aggregate result of a polity-wide process of free, and therefore, rational opinion formation – whose outcome significantly guides political decision making.[54] This concept of public opinion, which has been modified due to Habermas, has represented a rational articulation of the common good through the deliberative exchange of opinions and ideas, and has been directly and essentially connected with the concept of civil society.

Public opinion is a very important factor in developing civil society and the democratic improvement of political systems towards open governance.[55] According to Van Gerven, an open government has the following components: civic responsibility, free access to documents, civil society and citizen participation, a vibrant public opinion, and a free press.[56]

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53 Arendt, H. Civil Disobedience, in: *Political Essays* (Građanska neposlušnost, in: *Politički eseji*), Zagreb: Antibarbarus, 1996, pp. 223–262.

54 Terrier, J. and Wagner, P. Civil Society and the Problematique of Political Modernity, in: Wagner, P. ed. *op. cit.,* p. 24.

55 For example, the media can and should have a crucial role in providing a public forum and moral support to whistle-blowers, i. e. those who publicly protest against endangering individual human rights. (See: Van Gerven, W., *op. cit.*)

56 *Ibid*., p. 253.

Establishing universal human rights and constitutional guarantees of individual freedoms, and their political implications in the field of civic responsibility, citizens' participation, civil society activism, and improving the public sphere, represents the summation of convergence between republicanism and liberalism in political modernity.

3. EUROPEAN CIVIL SOCIETY – ITS CONCEPT AND ACTUAL APPEARANCES

3.1. The Concept of European Civil Society

Discourse of civil society has become a structural part of debates about the democratic legitimacy deficit of EU governance. One of the main answers to the question of how the democratic deficit of the EU may be restituted – is connected with civil society, another with improving the democratic quality of governance in the EU.

Everything which is said about the meaning of civil society in general is valid also for the concept of European civil society. Talks on globalization processes applied to civil society development are also applicable, with the outcome of placing European civil society into the context of a global civil society. In addition, consideration of civil society discourse as a "third response" to the "crisis of organized democracy" can be applied not only to European "nation-states" but also to the European Union as a whole. European civil society is to be lodged into the global trend of polyarchical governance, and is to be put into the specific context of EU democratic polity.

"European Civil Society" is an ideal-typical concept with its normative-mobilizing and empirical dimensions. It represents, a normative project of developing European citizenship, European cultural space, and the European public sphere, as well as widening the space of democratic decision-making and solving the problem of the democratic deficit of the European Union.

It is a normative project based on universal human rights, on citizens' activism and public pressure attempting to control and counter-balance each possible and/or actual power-monopoly acts of the European Union's political institutions. Additionally, it also represents actual social networking of non-governmental organizations, social initiatives, and social movements at the European level.

The normative-mobilizing dimension of European civil society is supposed to promote the proposed ideas of a European democratic polity, "love of the (European) public", concern for "common (European) affairs", European "constitutional patriotism", European citizens' responsibility, and Europeans' civic activism.

European civil society, in both concept and practice, is related to institutional and political configuration, which is still in the process of being con-

structed. In accordance with how Peres Diaz and Linz differentiate transition to, consolidation, and institutionalization of a new democratic regime, the EU polity can be treated as a yet non-consolidated democracy on a transnational level. It might be said that there are similarities between countries in transition and the EU, in a sense that EU civil society exists and acts to a certain extent as the precursor of and encouragement for consolidating the EU's polity.

European civil society itself is a project which has been in-building[57], European citizenship[58] and the European public[59] represent the projects which have been arising, and the constitutionalization of universal human rights on the European level has been in the process of being established[60].

European civil society also has to be considered as one of dimensions of a global civil society[61]. This encompasses civic movements and associations which fight against neo-liberal globalization.[62] Global civil society relates not only to civic associations and movements organized and networked on the global scale, but also to those local, regional NGOs and movements or ad hoc civil society gatherings which fight – either through single issue actions or through huge protests against official meetings of the highest representatives of economic and/or political (neo-liberal) world power.

European civil society certainly belongs to the general trend of globalization and cross-bordering of civil society presently. However, there are specific problems of democratic deficits in the EU and of European civil society.

The concept of European civil society will be considered starting from the (republican) understanding of the essential interrelationship of liberal-democratic political order/constitutional democracy, universal human rights and civil society. Empirical manifestations of a European civil society will be analyzed in their multiple forms, starting from the groups of nongovernmental organizations and networks, which have been involved in "social dialogue" with EU officials, then through huge European civic protests, counter-summits and social forums, and up to continually reappearing grassroots initiatives, protests, movements, NGOs and networks.

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57 See: Keane, J. ed. *Civil Society – Berlin Perspectives*, New York-Oxford: Berghahn Books, 2006; Wagner, P. ed. *op. cit.* 2006.

58 See: Keane, J. European Citizenship? – Historical Foundations, New Departures, *CiSoNet Perspectives*, London-Berlin: CSD/WZB, 2005.

59 See: Berting, J. *Europe – a Heritage, a Challenge, a Promise*, Delft: Eburon, 2006.

60 See: *Ibid*; See also: Goodhart. M. *Democracy as Human Rights – Freedom and Equality in the Age of Globalization*, New York-London: Routledge, 2005.

61 See: Keane, J. *Global Civil Society?*, Cambridge: Cambridge University Press, 2003; Kaldor, M. *Global Civil Society: An Answer to* War, Cambridge: Polity, 2003; Chandler, D. *Constructing Global Civil Society – Morality and Power in International Relations*, Basingstoke: Palgrave Macmillan, 2004.

62 See: Rucht, D. Social Movements Challenging Neoliberal Globalization, in: Keane, J. ed. *Civil Society: Berlin Perspectives*, New York/Oxford: Berghahn Books, 2006. pp. 189–211.

3.2. The Practice of European Civil Society

European civil society[63] encompasses not only civil society associations and movements which have been eminently declared or even registered and institutionalized on the level of European governance, but also a great scope of civil society actors and their networks and activities at the European level.

In regard to actual appearances, two streams could be differentiated in European civil society, as well as two ways in which the proposed streams make an impact on the democratization of European institutions and on building a European public space: one could be called an organized or institutionalised civil society which has been in a partnership with the Eurocracy, i.e. NGOs and network organizations which have been recognized by the European Commission and other EU institutions as the partners; they are officially incorporated into "social dialogue" for institutional reforms, aiming to overcome the democratic deficit of the EU. This part of European civil society has the capacity to influence official decision-making from the inside. "Open doors" of media can also significantly impact public opinion and promote democratic political culture.

Another can be described as uninstitutionalized (in the above mentioned sense) and – comparatively speaking – subversive civil society, which has been manifested through huge transnational protests and European civil movements and European Social Forums. This uninstitutionalized civil society plays the role of public pressure, which can influence institutional decision-making, it generates European public opinion and democratic political culture from the outside – on the streets and through civic forums – and contributes to forming the sentiments of togetherness and belonging to European citizenship. Multiple networks of NGOs and civic associations also belong here; they function together on the transnational level through the Internet and diverse *ad hoc* grassroots initiatives, and they also contribute to social and cultural integration of Europeans. In addition, this includes all the local and regional nation-state-framed civic organizations which contribute directly or indirectly to the Europeanization of society, culture, media, communication, education, and to democratic institutional reforms in the EU.

The former accepts the given EU institutional arrangement, while the latter opts for Europe also, but one which would be much more democratic. It could be said that the attempts and initiatives of these two versions of European civil society do match in cumulative contributions to institutional reforms of the EU, building a European public space and constituting European society.

In short, European civil society appears in different forms, as an "organized", institutionalized European civil society; then mass civic protests and social movements – counter-summits and European Social Forums, and fi-

63 See: *European Journal of Legal Studies*, Special Conference Issue: "Governance, Civil Society and Social Movements" 1, 3/2008; See also: Keane, J. 2006, *op. cit.*; Wagner, P. ed. 2006, *op. cit.*

nally, a manifold of networks, initiatives, and NGOs which act at the European level or at the nation-state level, but with pro-European affiliations.

3.2.1. European "Organized" Civil Society

The EU White Paper on Governance[64], distributed in July of 2001 by the European Commission, represented the summation of the written expression of the top-down project – run for several years by enlightened technocrats in the EU, which aimed not only to link official politics with constant consulting "outside interest groups", but also to expand and formalize "open and structured dialogue" with the representatives of "organized civil society".

The Lisbon Treaty[65] also recognizes the importance of consultation and dialogue with associations, civil society, workers and employers, churches and other non-denominational organizations.

Drafters of the EU White Paper on Governance analyzed the growing cleft between the successes of European integration on the one hand, and the disappointment and alienation of "Europeans" on the other. They expect that civil society plays a main role in overcoming the situation in which "Europeans" have been passive "objects". The Commission has attempted to expand and formalize "open and structured dialogue" with the representatives of "organized civil society", to overcome the democratic deficit and to secure an influence of the "Europeans" on improving the "rules, processes and behaviour that affect the way in which powers are exercised at the European level, particularly in regard to accountability, clarity, coherence, effectiveness". Organized civil society is expected to compensate, next to institutional reforms, for democratic deficit, and to transform "Europeans" into active "subjects".[66]

Institutional reforms which impose a formalized and institutionalized partnership between Brussels elite and representatives of civil society, have led to the incorporation of "organized" civil society into European Governance, in other words, towards the "governmentalization" of European civil society. Such reforms contributed to the improvement of decision-making processes on the supranational, European level. From the point of the interrelationship of official politics and civil society, these reforms have helped

64 European Commission, *European Governance: A White Paper*, COM, (2001) 428 final. In addition, see: Craig, P. and De Burca, G. *EU Law – Text, Cases, and Materials*, Oxford: Oxford University Press, 2003[3], p. 173 ff.; and, for a critique, see: Responses to the European Commission's White Paper on Governance, http://www.jeanmonnetprogram.org.

65 http://europa.eu/lisbon_treaty/glance/democracy/index_en.htm.

The Treaty signed by the Heads of State or Government of the 27 Member States in Lisbon on the 13th December 2007 aims to reinforce democracy, including social dialogue with civil society in the EU. Under the title "More Participatory Democracy", this Treaty postulates that "there are already many ways in which European citizens can find out about and take part in the political process of the EU".

(http://europa.eu/lisbon_treaty/glance/democracy/index_en.htm).

66 See: Frankenberg, G. *op. cit*.

to complete politics of consultation with certain principles and criteria, to secure a greater transparency for consultations arrangements, as well as the legal basis for structured dialogue with NGOs (though without giving procedural or concrete rights to NGOs).

Frankenberg speaks about a "rank structure" of accredited civil society representatives in the framework of incorporation of organized civil society into European Governance. The first rank constitutes veteran social partners – employers and employees, who are massive union-based, and are institutionalized on a high level and, on the transnational level, well organized trade unions. The second rank deals with the "nobility" of European civil society, consisting of many-sided, diversely organized, transnational networked groups of organizations and NGOs, which are accredited in Brussels predominantly on an informal basis.

"Unlike the social partners, the second rank groups lack mass, and are elite organizations, *a la* Greenpeace, and part-NGO, such as the 'Platform of European Social NGOs', and networks with democratic structures. They have a high profile as a result of their spectacular activities (after the fashion of Greenpeace) and imposing media presence, and they enjoy excellent organizational resources, professional expertise and close, familiar contact with the EU-administration. The interests they represent are less noticeable and more diversified than those of the social partners, while their chief concerns are environment, social and human rights. Their rationality is demonstrated (preponderantly) in the professional advice of councils, in particular, the sub-councils of the administration: to this extent, they have recently, and prominently, and perhaps prematurely, constituted a new form of celebrated comitology."[67]

The third rank deals with similar, but less established and accredited in the frame of EU administration, associations which propagate supra-regional issues and extra-territorial projects. They also are well accepted as candidates worth being sponsored out of central funds.

However, there are certain problems in treating fragmented and diverse associations and NGOs as the representatives of the European *demos* or as "Europeans". Selective accreditation of civil associations, such as the EU's Commission partners, has been problematic by definition.

The "other side of the coin" of the "governmentalization" of civil society can be, according to Frankenberg, "politicism" in interpreting civil society, caused by the need to solve problems of democratic legitimacy. Namely, the overestimation and overburdening of civil society actors as "full time activists" of participatory democracy should be avoided, in the realm of public freedom in a republic. Members of social movements and networks do not have to make significant, enduring contributions in order to be understood as

67 *Ibid.*, p. 16.

actors of civil society. It is enough that their activity be normatively designed by the ethic of equity and self-restraint (civility to be taken as a model for argumentation and protestations), and that they express a "community of the well-intentioned", meaning that their emancipatory activity need not have direct political impact and effect.[68]

This restrictive, selective and elitist approach of the EU's administration in recognizing civil society partners for institutional reforms, clearly expresses the limitations of democratic capacities for institutional reforms within the EU, based on partnership with EU civil society. Genuine democratization is of a limited scope, as governmentalization of civil society representatives has been on the agenda; privileged parts of civil society lose their independence and spontaneity, and they easily start playing according to the own financial interests instead of according to general European well-being. Eurocracy domesticates and colonizes those registered partners, and amortizes more or less their social capital and moral energy; additionally it ignores unregistered civic associations of lower ranks and does not have any sensitivity for unsettling protest movements and political unrest, as well as for multiple single-issued or multi-issued sources of "European" dissatisfaction.

The institutionalization of the partnership between civil society and the European Government has its positive side and its limitations. The most positive side might be that an "organized" civil society (though divided and segregated from the inside) does play and should more and more play the role of fighting Eurocracy. This is proposed to be included in formal constitutional arrangements and integrated into the new, flexible, and supposedly transparent practice of the EU's governance. On the other hand, the social capital and moral energy of European civil society has been controversial, differentiated and segregated from inside and in the framework of partnership.[69] Just as the registered incorporation of civil society into institutional reforms was found as the solution for democratic deficit of the EU, a new and better solution for the limited democratic capacity of this partnership must be found again.

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68 *Ibid*.

69 Frankenberg states: "The marginalization of a significant part of civil society's associations makes the heralding of a European civil society look questionable, particularly where only transnational structures are representative organizations (and these only selectively) are supported and encouraged. The Commission's *communiqués*, in particular the suggestions of the white paper, also portend a division of civil society: A Large part of the organizations of the third rank are neglected, contrarily those of the first and second rank are accredited and, though they have no concrete rights to judicial review, can confirm themselves about the agendas of the Commission or its committees and, on the grounds of soft law such as codes of conduct, minimum standards of bureaucratic practice or partnership arrangements, represent their interests. This divided, and to that extent 'organized' civil society will also be included in formal constitutional arrangements and integrated into the new, flexible, and supposedly transparent practice of governance. This integration of social partners and some NGOs has its price, for the beneficiaries are also expected to maintain minimal standards of representativeness, responsibility and transparency. The relationship of those fortunate associations of civil society with the EU administration is therefore reciprocal." (*Ibid*., p. 17).

These official impulses for institutional reforms towards open governance[70] through social dialogue with civil society, in spite of their positive intention, bear a danger of losing the differentiation between governmental and non-governmental actors. "Governmentalization" of NGOs can compromise their own communicative potential and autonomous political capacity. In the sense of receiving financial support, the privileged status of certain NGOs bears the risk that these NGOs become bureaucratized and excessively dependent on EU funding, consequently losing autonomy, civic responsibility and orientation for the common good; they can easily split into conflict of interests and mutual competition with other NGOs (instead of cooperation in favour of common higher interests).[71]

If we want to sharpen the positive side, we can assume that this organized civil society – in spite of its controversial position and character – contributes to the development of a European public and a spirit of togetherness among European citizens, as well as a sense of belonging to a European cultural and political entity.

If we want to bring into focus the negative side, we can assume that the most serious problem is related to the risk that this organized civil society split into the logic of power.

Jody Jensen and Ferenz Miszlivetz speak about great risks which an overextended use of the concept of civil society bears for losing its deliberative and communicative capacity in fighting against a language of dominance and power. They even discuss the possibility of turning the language of civil society into the language of power:

"From the early 1970s to the 1980s, the notion of civil society primarily functioned as an umbrella concept and encompassed social movements and initiatives, as well as trade unions and the critical discourse of the independent white-collar workers. After that the notion moved through from the world of NGOS in the 1990s to reach its widest usage at the beginning of the new millennium. It appears in the reports and projects of the European Commission, the UN and the World Bank as well as in the programs of political parties, governments and multinational firms. Although the meaning of the notion varies with the cultural, political and institutional context, the practice proves [...] that all of these actors would create their own civil societies in order to qualify themselves and their activities. Civil society relates in this way to the public sphere – to a defined manner and mentality as well as to the community of NGOs. This expanded usage preserves the ambiguity of

70 Van Gerven states: "[C]onsultation of 'civil society' groups in the preparation of legislation and policy has become part of the Commission's and Parliament's political culture, particularly so where new modes of governance are used – which assume the involvement of private actors in defining policy goals and instruments." (Van Gerven, W. *op. cit.* p. 237.)

71 See: *Ibid*., p. 236.

the notion. It can serve to fight political battles, to mantle social and political problems, but can also turn into the language of power."[72]

A similar risk emerges, according to these authors, from the overextended usage of the concept of a European civil society, although it has become an unavoidable element of the EU and its nation-states documents, political party programs, business firms, etc.[73] Namely, European civil society discourse can be easily split into the new language of dominance and power if it does not manage to articulate itself as genuine civil society. However, they assume that the EU's self-reflection was started by the *White Paper on European Governance* and *Lisbon Treaty*, in a way which opens chances for real dialogue (instead of perpetual monologue from the side of Eurocracy).[74]

3.2.2. EU Counter-summits and European Social Forums[75]

Donatella della Porta analyzes the huge scope of un-institutionalised civil society actions and initiatives, such as counter-summits and European Social Forums.

Counter-summits have been organized against the official summits of International Governmental Organizations (especially the G8, World Bank, International Monetary Fund and World Trade Organization) and represent quite disruptive forms of protest at the transnational level. The global trend of emerging huge protests against centers of economic and political power, have their manifestations in Europe when certain world summits happen in Europe or in cases of EU summits. EU summits in Amsterdam 1997[76], in

72 Jensen, J. and Miszlivetz, F. The Second Renaissance of Civil Society, in: Wagner, P. ed. *op. cit.* pp. 148–149.

73 "It seems that civil society serves as an umbrella and shelter, the redeemer of the European project. European elites need their own civil society as well as national governments and political parties." (*Ibid.*)

74 "This is a new development in the history of the EU that reveals the birth of a new rhetoric, that is, the *White Paper* emphasizes civil society's outstanding role in the creation of the future Europe. There is a whole sub-chapter on the topic of civil society entitled 'Involving Civil Society'. This not only enhances the possible role of civil society, but also emphasizes its responsibility in the shaping the good governance." (*Ibid*., p. 151)

75 Main ideas and empirical data, are taken from the article written by D. della Porta, 'The Emergence of European Movements? Civil Society and the EU', *European Journal of Legal Studies* 1, 3/ 2008, pp. 1–37 (http://www.ejls.eu/index.phd?id=3).

76 Della Porta offers a detailed description of these huge civic protests, based on serious sociological and empirical research: "On June 16 and 17 1997, in Amsterdam, notwithstanding the approval of a new Treaty, the summit of the European Councils failed to deliberate on the large institutional reforms the European Commission was hoping for. On the first day of the summit, a coalition of NGOs, unions and squatted centers staged a demonstration. The coalition European March for Unemployment mobilized 50,000 people that arrived from all over Europe to ask for policy measures against poverty, social exclusion and unemployment. In symbolic protest, about 500 young people reached Amsterdam on foot, having left from different European countries on Labor Day.

Nice 2000[77], in Gotenburg 2001[78], in Barcelona, Lisbon and Seville 2002, were followed by huge counter-summits[79]. Additionally, the G8 summit, held in Genoa in 2001, was followed by mass protest.

During the days of the summits, groups of young activists distributed joints asking for free drogues in all Europe and gay associations marched in the red light district demanding equal rights. The headquarters of the Central Bank, where Heads of State, Ministries and dignitaries met, were protected by 5,000 policemen." (*Ibid*., p. 1)

77 Della Porta describes these mass protests, which were held in Nice in 2000: "Three years later, another important step in European integration was met by protest. On December 6 2000, the day before the opening of the European Summit, 80,000 people gathered in Nice, calling for more attention to social issues. The event was called for by an alliance of 30 organizations from all over the Europe. Together with the European Trade Union Confederation (ETUC), there were associations of unemployed, immigrants and environmentalists, 'alterglobalist' ones as ATTAC, progressive and left-wing parties, communists and anarchists, Kurdish and Turkish militants, women's collectives, Basque and Corsican autonomists. In various French cities, activists built travelers' collectives, asking for free transportation to the summit. The Global Action Train, transporting about 1500 activists from squatted youth centers, La Basta, White Overalls, and the youth association of the Italian Communist Refoundation Party, was blocked at the border, in Ventimiglia, where sit-ins were staged. The mayor of Ventimiglia declared, 'Which Europe is this', that closes its borders when there is a summit?" In the following days, the press contrasted the "street party" of the peaceful demonstrators with the "street battles" staged by a minority of radicals called "no global". On the 7th of December, attempts by a few thousand activists to block the avenue of the summit ended up in police baton-charges, with the accompanied use of tear-gas. According to the chronicles, notwithstanding the deployment of anti-riot special police, armed with flash balls and rubber bullet pistols, the works of the summit were disturbed by the protest – among others, the tear-gas entered the summit avenue, making Mr. Chirac sneeze. On the same day, an assembly of the Cross Roads for Civil Society met to develop a "true constitution", while a sit-in of European federalists was charged by the anti riot police. (*Ibid.*, pp. 1–2)

78 The following year, protest escalated in Gothenburg, where the Swedish Old Left and Eurosceptics met with the new and "newest" movement activists. On the 14th of June 2001, a "mass mooning" (activists showing their naked bottoms) greeted the visit of U.S. President Bush. Some of the protesters clashed with the police, who had surrounded their sleeping and meeting spaces. On the 15th of June, thousands marched to the headquarters of the summit, with some members of the non-violent network climbing the fences around the congress centre contesting what they defined as the exclusion of the people from a meeting that had to discuss policies that would reconcile environmental protection and economic growth. Notwithstanding the arrests of bus-travelers at borders and strict controls on the 2,025 protestors singled out as dangerous by the Swedish police, on the evening a Reclaim the City party escalated in street battles that ended up with 3 demonstrators heavily wounded by police bullets. The dinner of the European Council was cancelled due to protest. On the 16th of June 2001, in what was defined as the largest protest staged by the radical Left in Sweden, 25,000 marched "For another Europe", "Against Fortress Europe", defined as a "police superstate", and "Against a Europe of the Market", with the opening banner proclaiming that "The World Is Not for Sale". Sit-ins followed in front of the Swedish embassies in Britain, Germany, Spain, The Netherlands and other European countries protesting against the deployment of masked police, carrying semiautomatic rifles with laser sights in what was defined as a "police riot". (*Ibid.,* pp. 2–3)

79 "The following year, three EU summits are to be met by protest. On 14–16 March 2002, a three days of protest targeted the EU summit in Barcelona, whose main focus was market liberalization and labor flexibility, later to be presented in the media as 'an exit to the Right' from the Lisbon strategy (notwithstanding the Head of the EC, Romano Prodi,

Counter-summits have been mainly oriented to public protest, huge street gatherings and marches, but also they are followed by counter-summit conferences, seminars and grassroots discussions. Since 2002, when the first European Social Forum was held in Seville, combinations of huge street protests, counter-summit seminars and conferences and European Social Forum conferences have happened.

Speaking about Seville, for example, the EU summit was held there in June of 2002, and the Seville Social Forum reacted by organizing conferences, seminars, and grassroots discussions on issues relating to immigration, social exclusion, and the casualization of labour that lasted for two days. The opening day of the official summit was marked by a general strike organized by Spanish trade unions. The counter-summit worked as a combination of a conference and a street protest of 200,000 people, who were marching "Against the Europe of Capital and War". At the same time, 300 international activists and immigrants locked themselves into Salvador University to protest against the "anti-immigrant initiatives of the EU".[80]

A new counter-summit – as a reaction to the EU summit held in Seville in June 2002 – was organized again six months later, in December of that year. It was organized by the Initiative for a Different Europe and with the slogan "Against a Europe that does not like democracy". A coalition of grassroots movements, social and students' organizations, trade unions and left wing political parties asked for a Europe without privatization, social exclusion, unemployment, racism and environmental destruction. The protesters called for the right to free movement and dissent. The counter summit (organized by 59 NGOs from all over Europe) included lectures, discussions, and demonstrations against attacks on the welfare state throughout Europe, about the economic and social consequences of EU plans for eastward expansion, about the process of growing militarism, as well as about EU policies

talked of reconciling solidarity and free market competition). The protesters planned not only to contest the EU policies in the street but also to discuss alternatives during a counter summit. On Saturday 16, 300,000 people marched on the slogan 'Against a Europe of capital, another Europe is possible', from Placa de Catalunya to the Mediterranean harbor front in the largest demonstration against EU policies. Initially called by the Confederation of European Trade Unions, with representatives from the 15 EU countries, the event was joined by new unions, 'soft' and 'hard' environmentalists, anarchists and independentists (no dictionary recognizes this word), anti-capitalists and different civil society organizations. Following an opening banner proclaiming that 'Another World is Possible', protesters called for full employment and social rights against free-market globalization. While the long march (exceeding by far the organizers' expectations) proceeded peacefully, at its end some more militant groups clashed with the police, deployed 'en masse' (8500 policemen) to protect the summit. Once again, demonstrators were rejected at the borders, after passport controls had been re-established between France and Spain. While the Italian Premier Silvio Berlusconi stigmatized the 'professional globetrotters in search for a reason to party', the Minister of Interiors of Spanish centre-right government so justified the rejection of peaceful marchers at the borders: 'Some people think that they can do things that do not meet the approval of the vast majority of the population.'" (*Ibid*., pp. 3–4)

80 *Ibid.*, p. 5; (See also: *Global Civil Society Yearbook*, Chronology, 2003).

on migration. The one day counter-summit was followed by a march of 2,000 protestors denouncing racism. The next day, 10, 000 people marched behind the opening banner "Our World is Not for Sale".[81]

According to Donatella della Porta, the EU summits and counter-summits shade doubt on the image of a broad "permissive consensus" around the EU. Although there are not many and often huge European protest events, they seem however to be prominent events in the history of an emerging global movement, protesting for global justice. European social movements and public protests not only represent the European quest for justice, but also belong to the global social quest for justice. These protests show that it is not the European level of governance which is contested, but the content of the decisions made by European institutions. The initiatives and slogans show clearly that the struggle aims for a different Europe and world. For example, the initiative called "Cross Roads for Civil Society" aims to develop a "true constitution"; coalition "Europe March" struggles against poverty, social exclusion and unemployment; there are huge groups fighting against "anti-immigrant initiatives of the EU", racism, and militarism. Slogans which are used in street protests bear clear messages, like "For another Europe", "Against Fortress Europe" (defined as a "police superstate"), and "Against a Europe of the Market" (with the opening banner proclaiming that "The World is Not for Sale"), "Another World is Possible" (with clear social-economic appeals for full employment and social rights against free-market globalization), "Against the Europe of Capital and War", and "Our World is Not for sale".[82]

Rather than counter-summits, which are mainly oriented to public protest, European Social Forums are focused on debates among activists.

The idea of a European Social Forum (ESF) emerged in Florence, during the counter-summits to the World Economic Forum (WEF) held in Davos in 2002. It represented a "counter" to another counter-summit – the World Social Forum (a network of delegates of NGOs and social movements gathered around the issue of "Another possible Globalization").

The first European Social Forum met in Florence in November 2002, and since then activists have met yearly or bi-annually in order to debate Europeanization and its limits. The second European Social Forum was held in Paris in 2003, the third in London in 2004, the fourth in Athens in 2006, and the fifth in Malme in 2008. The sixth European Social Forum is planned to be held in Belem 2009, and the seventh is planned to be held in Istanbul in 2010.[83]

European Social Forums are emerging structures of a European social movement, which cannot be clearly divided from counter-summits. These so-

81 *Ibid.*, p. 5.

82 D. della Porta, *op. cit.*, pp. 1–10.

83 See more about European Social Forums: *http://www.ephemeraweb.org/journal/5–2/5–2index.htm* and *http://www.esf2008.org/about/what-is-esf*

cial forums are made of loosely coupled networks of activists endowed with multiple associational memberships and experiences with various forms of political participation. Discourses of these activists, as well as their organizations contribute to the development of a form of "critical Europeanism", which is fundamentally different from populist Euro-scepticism. Generally speaking, protestors have expressed strong criticism to the forms of European integration, but no hostility to the building of a supranational, European identity and institution. They can therefore be seen as a critical social capital for the emerging of a European polity.

The "search for another Europe" is most evident in the movement for Europeanization "from below", in both counter-summits and social forums.

Concerning the organizational dimension, World Social Forums and European Social Forums can be equally defined in the following way: "[T]he common basic feature of the social forum is the conception of an open and inclusive public space. Participation is open to all civil society groups, with the exception of those advocating racist ideas and those using terrorist means, as well as political parties as such." The charter of the WSF defines it as an "open meeting place". Its functioning, with hundreds of workshops and dozens of conferences (with invited experts), testifies to the importance given, at least in principle, to knowledge. In fact, the WSF has been defined as "a market place for (sometime competing) causes and an 'ideas fair' for exchanging information, ideas and experiences horizontally". In the words of one of its organizers, the WSFs promote exchanges in order "to think more broadly and to construct together a more ample perspective".[84]

Della Porta notes the importance of an internal democracy in these social forums, in the sense that issues of inclusivity, representation, and degrees of structuration have always been cautiously considered and in the center of discussion. Democratic self-reflexivity keeps these forms of activity from losing a genuine purpose of their existence.

The author also speaks about the networking capacity of counter-summits and social forums as reflected in an overlapping membership of the counter-summit and social forum participants.[85] In addition, there is an indefinable mixture of societal actors and their roles at stake.

Della Porta quotes the spokesperson of the Genoa Social Forum (that organized the anti-G8 protest in 2001):

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84 *Ibid.*, p. 10.

85 "According to a survey at the first ESF, participants were deep-rooted in dense organizational networks. The activists were well grounded in a web of associations that ranged from Catholic to Green, from voluntary social workers to labor unions, from human-rights to women's organizations: 41.5% are or have been members of NGOs, 31.8% of unions, 34.6% of parties, 52.7% of other movements, 57.5% of student groups, 32.1% of squats for the young, 19.3% of religious groups, 43.1% of environmental associations, 51.3% of charities, and 50.9% of sport and recreational associations." (*Ibid.*, pp. 13–14)

"Vitorio Agnoletto writes of the ESF as a 'non-place': it is not an academic conference, even though there are professors. It is not a party international, even though there are party militants and party leaders among the delegates. It is not a federation of NGOs and unions, although they have been the main material organizers of the meetings. The utopian dimension of the forum is in the active and pragmatic testimony that another globalization is possible."[86]

The European Social Forum in Florence presented an important moment in the construction of a critical public sphere for the discussion of the European Convention and its limits. Together with the democratization of European institutions, activists in Florence demanded a charter of social rights that goes beyond commitments in the Treaty of Nice.[87]

Europeanized protests – counter-summits and social forums – address ever more the lack of concern at the EU level for social inequality. The EU lacks campaigns on issues of economic policies which are necessary for implementing such social policies. The most prominent ideas are those related to social and economic inequality and to the need for globalization and Europeanization "from below".[88]

Participants of counter-summits and social forums share a common set of values, and simultaneously respect mutual existing differences. Objectively speaking, as well as from the point of their self-perception, there is clearly a left-wing-profile at stake.

As already mentioned, European Social Forums do not reject the need for a European level of governance, nor the development of a European identity, but criticize the EU`s policies asking for "another Europe" – which goes beyond the borders of the EU. They link different specific concerns within a common image of a feminist, ecological, open, solidaristic, just Europe. The

86 *Ibid*., p. 11.

87 Della Porta states: "The impressive success of the first ESF in Florence, in 2002 – with 60,000 activists from all over Europe participating in three days of debate and between half and a million activists in the closing march – was the result of networking between groups and individuals with, at least, partly different identities. The multiform composition of the movement is reflected in a differentiated attention paid to how 'globalization' affects human rights, gender issues, immigrant conditions, peace and ecology. But the different streams converged on their demands for social justice and 'democracy from below' as the dominant interpretative scheme, able to recompose the fragments of distinct cultures. A multilevel public intervention able to reduce inequalities produced by the market and the search for a new democracy are in fact the central themes of the emerging European movement." (*Ibid.*, p. 8)

88 "In fact, it is precisely against European economic and social policies that protests are focusing at the supranational level, with some early mobilizations that though rare, represent nevertheless an important signal of change (for instance, in the European Marches against unemployment in 1997 and 1999). The search for 'another Europe' is most in evidence in the movement for globalization 'from below' that called for the mentioned counter-summits, but also organized the first European Social Forum (ESF) in Florence in November 2002." (*Ibid.*, p. 9)

document approved by the Assembly of the Movements, held at the third European Social Forum, states:

"We are fighting for another Europe. Our mobilizations bring hope of a Europe where job insecurity and unemployment are not part of the agenda. We are fighting for a viable agriculture controlled by the farmers themselves, an agriculture that preserves jobs, and defends the quality of environment and food products as public assets. We want to open Europe to the world, with the right to asylum, free movement of people and citizenship for everyone in the country they live in. We demand real social equality between men and women, and equal pay. Our Europe will respect and promote cultural and linguistic diversity and respect the right of peoples to self-determination and allow all the different peoples of Europe to decide upon their futures democratically. We are struggling for another Europe, which is respectful of workers' rights and guarantees a decent salary and a high level of social protection. We are struggling against any laws that establish insecurity through new ways of subcontracting work."[89]

Sharp and clear criticism of the European Union is presented in the Declaration of the Assembly of the Movements of the 4th European Social Forum, held in Athens on the 7th of May 2006:

"Although the EU is one of the richest areas of the world, tens of millions of people are living in poverty, either because of mass unemployment or the casualization of labour. The policies of the EU based on the unending extension of competition within and outside Europe constitute an attack on employment, workers and welfare rights, public services, education, the health system and so on. The EU is planning the reduction of workers' wages and employment benefits as well as the generalization of casualization. We reject this neo-liberal Europe and any efforts to re-launch the rejected Constitutional Treaty; we are fighting for another Europe, a feminist, ecological, open Europe, a Europe of peace, social justice, sustainable life, food sovereignty and solidarity, respecting minorities' right and the self-determination of peoples."[90]

Contrary to the representatives of an "institutionalized" civil society, these alternative civil society activists not only reject partnership with the EU institutions but show great mistrust in the actors of institutional politics, like political parties, mistrust of the institutions of representative democracy – not just national governments, but also parliaments. There is decisively greater trust in local bodies, and for the UN. There is a rising mistrust in the EU, with a growing criticism of EU policy and institutions, particularly concerning the lack of democratic accountability.[91]

89 *Ibid.*, p. 17.

90 *Ibid.*, p. 16.

91 Della Porta quotes: "At the local level we have very low influence in the decision making process, but our influence becomes null in questions as the European constitution or the

Criticism of the democratic capacity of the EU's politics and policies is especially present in relation to the Constitutional Treaty. The document is criticized, generally speaking, as an expression of the "constitutionalization of neoliberalism", and because rigid policies are proposed for any changes of the rules, it is anti-democratic and takes away all possibilities to change the rules from its citizens. The need for a unanimous vote by 25 states makes any change of the proposed constitutional treaty impossible. According to critiques, the third part of the Treaty, which focuses on the implementation of concrete policies, goes beyond the normal frame of a constitution: it constitutionalizes competition rights, everything within it there is subordinated to competition, including public services. There is also a clear criticism of concrete policies, such as security policy, environmental policy, immigration policy, and so on.[92]

At one of the plenary assemblies of the second European Social Forums, an Italian activist summarized the critique of the Constitutional draft and of the democratic capacity of the EU: "There is a real desire of Europe [...] but not of any Europe. The European citizens ask for a Europe of rights: social, environmental, of peace. But does this Constitution responds to our desire for Europe?"[93]

Della Porta concludes:

"The 'No to the Constitutional draft' is combined with demands for a legitimate European constitution, produced through a public consultation, 'a European constitution constructed from below'. And many agree that 'the Europe we have to build is a Europe of rights, and participatory democracy is its engine'. In this vision, 'the European Social Forum constitutes the peoples as constitutional power, the only legitimate power'. In a report on the seminar 'Our vision for the future of Europe', we read: 'Lacking a clear and far reaching vision the EU-governments are stumbling from conference to conference. In this manner the EU will not survive the challenges of the upcoming decades! Too many basic problems have been avoided for lack of a profound strategic position. In our vision we outlined an alternative model for the future of Europe. It contains a clear long range positioning for Europe making a clear choice for the improvement of the quality of life for all and for responsible and peaceful development'."[94]

A Europe of rights and participatory democracy would be a social Europe, instead of a neo-liberal one. It can be built only through institutional reforms initiated "from below", through alternative civil society activism of

directives of the WTO or the IMF. We are even criminalized when we attempt it [...]." (*Ibid.*, p. 21)

92 See more detailed, *ibid*., p. 22.

93 *Ibid*., p. 25.

94 *Ibid.*, pp. 25–26.

"critical Europeanists", who do not want to accept with silent consent "negative integration" imposed "from above", but instead insist on public debate about all proposed institutional reforms. Namely, all the EU governors' proposals for overcoming a democratic deficit have to be submitted to "proof of the discussion" of a critical public. This would not mean an agreement upon borders, ideologies and various cleavages, i.e. bargaining bad compromises, but public debate and deliberative consent/agreement about all relevant issues which indicate the existence of a European public sphere.

In short, critical Europeanism is fundamentally different from the more traditional "nationalist" Euro-scepticism.

To sum up, the question of overcoming the democratic deficit of the EU leads to the necessary interconnection of democratic institutional reforms, European civil society, and a critical European public. A democratic Europe is a Europe of rights and participation of Europeans in the decision making process. European civil society must not be identified with and reduced to an institutionalized and organized form of European civil society. European nomenclature must become open and resonant for "social dialogue" also with actors and ideas of counter-summits and European Social Forums, and with manifoldly unistitutionalized social networks and initiatives.

3.2.3. European Civic Networks and Non-Governmental Organizations

There are numerous "grass-roots" local and regional organizations and associations, which do not have stable institutionalization and have an *ad hoc* emergence on the local or regional level and often have single-issue orientation. As such, they are not considered by the EU Commission as participants in social dialogue and partners in consultations, let alone potential recipients of subsides.

Their local or *ad hoc* and single issue-orientation, as well as their diversity and spontaneity – in spite of their obvious civil society capacity – often disqualify them as real representatives of EU civil society. They usually are not treated as having supranational authority and as being worth of EU sponsorship and partnership.

Just to mention one important campaign: The European Citizens' Initiative (ECI), whose aim was to achieve a legal basis for citizens' direct impact on EU polity, by collecting one million signatures for achieving the right to initiative at the EU level. The ECI was started by a certain group of NGOs and individuals, signatures were collected as the result of a Europe-wide campaign, involving organizations and initiatives in various countries. Most of the signatures came from the Netherlands, Poland, France, Belgium and Bulgaria.[95]

95 http://panorama.citizens-of-europe.eu/?p=43.

This campaign is relevant because of its extremely mass transnational/ European character, because of its clear European single-issue focus, because of its direct impact at an empowerment of European civil society, public opinion and European civic identity, and also because of its direct impact on institutional reforms and overcoming "democratic deficit" in a most direct way.

The idea is that when implemented, the ECI will be the first transnational tool of democracy. This would enable European citizens and civil society organizations to directly influence the political agenda of the EU for the first time in history. It will give citizens a right of initiative that is equivalent to that of the European Parliament, and much more effective than the current European citizens' right of petition. Being issue-focused, the right of initiative will contribute to shaping an open European public space around key debates that reflect citizens' real concerns. ECI will not only help to close the gap between citizens and institutions, but also foster the development of European civil society.[96]

The EU Commission's response to this extraordinary mass citizens' initiative was positive, in accordance with an attempt to promote "social dialogue", as being shown in the following adoption of the idea into basic institutional and legal documents of the EU.

The Lisbon Treaty postulated, under the title "More Participatory Democracy", that

"there are already many ways in which European citizens can find out about and take part in the political process of the EU. The newest of these is the citizens' initiative, whereby one million citizens, from any number of member countries, will be able to ask the Commission to present a proposal

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96 http://www.epha.org/a/2225.

I would just like to mention two more citizens' initiatives which aim to promote the communicative dimension of civil society: The *Tällberg Foundation, which*. was founded in 1981, and organized from that time each year. The Tällberg Forum now brings together 400 to 450 leaders, a highly diverse set of people bringing a broad range of perspectives and experiences. This promotes the sharing of experiences and perspectives and a cross-fertilization of ideas. The Tällberg conversation takes place in plenary sessions, design workshops, thematic seminars, on nature walks and mediated through artistic performances. The environment is strictly informal, and everyone is strongly encouraged to bring their families and partners. The Tällberg Forum became a global meeting, but started from the local village meeting with local leaders of the village, local businesses and the community itself. A two-year process of deliberate village meetings, which naturally began with considerable conflicts of interests, concluded by adapting interests towards a shared purpose. A common purpose was articulated and kept on – to connect people with each other, because meetings are problem solving mechanisms. Therein, the Tallberg Foundation and Forum transformed itself from village meetings at the local Swedish level to the European (global) meeting. (www.tallbergfoundation.org)

The Women Citizens of Europe Network (RCE) was formed in Madrid, on the 21st of November 2000, in order to provide a systemic monitoring of the practical exercise of citizens' Rights in the EU, on the basis of the necessary integration of the principle of Equal Opportunities between women and men in all areas of activity. (www.redcidadanas.org)

in any of the EU's areas of responsibility. The practical details of this initiative will be worked out once the Treaty of Lisbon takes effect."[97]

A further step towards legal regulation of the right to initiative at the European level was made in the Working document of the Committee on Constitutional Affairs of European Parliament, announced on October 15th 2008, which contained guidelines for a proposal for the regulation of the European Parliament and of the Council on the implementation of European Citizens' Initiative. There it is written:

"In providing for the introduction of the European Citizens' Initiative (ECI), the Lisbon Treaty contains a significant innovation in the area of European constitutional law, one which had originally been worked out in the European Convention, in close cooperation with non-governmental organizations, and which was only included in the draft Constitution prepared by that Convention after a lengthy struggle. The ECI represents a completely new instrument to strengthen democracy in the European Union. Its introduction is a first step towards the development of supranational direct democracy and its implementation could help to create a genuinely European public space in the longer term. The legal bases for the ECI can be found in the future Article 11(4) of the Treaty on European Union (EU Treaty, new version – EU Treaty) and in the future Article 24(1) of the Treaty on the Functioning of the European Union (FEU Treaty). The conditions and procedures for the ECI are to be laid down by means of a regulation adopted under the ordinary legislative procedure."

Regarding the differences between an ECI and a petition to the European Parliament, there is writen:

"Although the outcome of an ECI or a petition may be similar – for example, both may lead, at the instigation of several persons, to the adoption of a European Union legislative act – they differ fundamentally in terms of their function and, accordingly, their addressees and the conditions governing their submission [...]. Whereas petitions are addressed to the European Parliament, ECIs are addressed to the Commission. The European right of petition is granted to Union citizens in their capacity as persons directly or indirectly affected by the exercise of the European Union's sovereign powers and offers them the possibility, in that capacity, to address the directly-elected Parliament in order to inform it, as the representative of citizens' interests, about a given state of affairs and call for that state of affairs to be remedied. In contrast, for the first time the ECI enables Union citizens to participate directly in the exercise of the European Union's sovereign powers by giving them the possibility, like the Council or the European Parliament, to request the Commission to submit a legislative proposal. As a result, the conditions governing the use of these two legal instruments also differ. The right of peti-

97 http://europa.eu/lisbon_treaty/glance/democracy/index_en.htm.

tion is restricted to matters which directly affect the petitioner or petitioners, whereas no such restriction applies to the participants in an ECI, and nor would such a restriction make sense. Instead, like all persons exercising European powers, the participants in an ECI are required to foster the European general interest and to comply with European law. No such requirement must be met when submitting a petition."[98]

3.3. Civil Society, Human Rights and Public Opinion – the European Perspective

European civil society has special importance for generating European public opinion and European sentiments of belonging to the EU as a political community. European public opinion or public space also promotes the idea of European identity. While publicity by definition belongs to civil society, the precondition of civil society activism is the public associative acting of autonomous citizens. European civil society and European public are strongly and closely linked concepts. However, the concept of a European public has been wider than the concept of a European civil society. A European public has also had many other sources of autochthonous development, like media, internet, cultural and educational exchange, trade, as well as integrative consequences of the Europeanization of residences, work, education, and so on.

Contrary to what is often proported, public opinion (in this wider sense) does play an important role in the shaping of European Union policies. According to Van Gerven[99], public opinion has played a role as a societal actor in the European integration process. At the outset this role was underestimated, as public opinion was only seen as having provided political leaders with considerable "permissive consensus" for the European project. However, it became clear soon after that even during the first decades of European integration, public opinion did guide the members of the elite in defining national preferences and defending them in the bargaining process. Public opinion also moved the integration process in Member States along the continuum from intergovernmentalism to supranationalism. A prominent example of how public opinion steered governmental decision-making in Member States is the public debates that occurred in France and Germany in the 1990s over the monetary union, and the ensuing public reactions to proposed cuts in government spending to meet the monetary union`s target. It is undeniable that in this and other occasions public preferences in Member States have conditioned the actions of interest groups, political parties, and elites toward proposed EU policies.

Eurobarometer, a continual empirical survey established in the 1970s by the European Commission, has had formulated the survey question in terms

98 DT\747882EN.doc, 15.10.2008, http://www.europarl.europa.en/sides/getDoc

99 Van Gerven, W. *op. cit.* p. 240. (The author refers in his analysis to the research of two American sociologists, as well as to Eurobarometer surveys).

of whether particular policy areas should be decided jointly within the EU, instead of at the national level only since the mid of 1980s.[100]

Van Gerven concludes:

"It is often said that public opinion does not exist at the European level. That is only so if one looks at public opinion as a monolithic opinion related to the European integration as a global project. But it is clearly not true when public opinion is measured at the level of each Member State, and with regard to specific European policies. An analysis of Eurobarometer surveys [...] shows that, indeed, from the very outset of the European construction, public opinion has contributed substantially to define preferences in the member states, and has guided the respective governments in a significant way. That obviously applies to major integration policies, such as the internal market policies, but also to environmental policy and to such 'hard-core' policies as foreign policy, internal and external policy, and defence policy. As could be expected, Eurobarometer surveys show that the European integration experiment meets most resistance whenever it impinges on the substratum of cultural and national identification that is built over hundreds of years – if not millennium (as in the case of France and England)."[101]

"Organized" civil society is supposed to promote intentionally and in a systematic way – through media and all possible public activities – the European idea, the idea of a European Union. This part of civil society has an easy entrance into the media, and insofar a direct impact, if the media has been supporting European integration. In this case, integration "from above" also acquires democratic impulses "from below".

The part of European civil society which has not been institutionally incorporated has also promoted the European idea, but rather a different one, which should have been embodied primarily "from below", and, as proposed, with an essentially bigger democratic capacity. Civil forums, counter-summits, and huge protests aim to develop a critical public, public awareness about the importance of an integrated Europe, but still a different Europe and a Europe integrated in a different way. In addition, multiple networks of NGOs,

100 Van Gerven describes the two authors' report on the results of the survey, conducted in the then twelve Member States, concerning six policy areas: relations to developing countries, scientific research, foreign policy, environmental protection, asylum regulations, and immigration policies: "They find that, across all policy areas, support for policy integration is about 50 percent, but that support varies widely on specific policy issues. For example, in the 1990s support for cooperation with developing countries was about 80 percent, for foreign policy with third countries around 70 percent, for political asylum around 55 percent, and for cultural policy only about 45 percent." (*Ibid*., p. 240)

The Eurobarometer poll, carried out between mid-February and mid-March 2003 in the (then) fifteen Member states, found 63 percent of EU citizens favoring a common foreign policy (with 22 percent against) and 71 percent backing a common defense policy (with 17 percent against). (*Ibid*., p. 242)

101 *Ibid*., pp. 254–255.

civic initiatives, internet forums, academic networking, and so on contribute through single-issued projects and grassroots gatherings to the capilar, complex and multileveled social, economic, cultural integration "from below", and, therein, a feeling of European togetherness.

Huge civic protests, which are organized in cities in which summits of European or world political and economic elite are held – as counter-reactions to European (or World) nomenclature – contribute also to forming a critical public against Europeanization (and/or globalization) "from above". However, their public impact is the most controversial. On the one hand, their massiveness *per se* gains in publicity among local citizens and throughout Europe, means the media has to report them. However, according to the fact that these protests have been often followed by violence – provoked by militant groups of protestors and the subsequent violent police reaction, as well as that they are subversive towards the official European idea, their media coverage often tends either to ignore and diminish them or to interpret them as being the doings of hooligans.

The relationship between civil society, a critical public and human rights can be considered also from the point of European citizenship. According to Jan Berting[102], the issue of a different Europe can be posited as a question: "Whose Europe", with an answer of "a Europe of European citizens". European identity cannot be based on cultural unity; its unity can only be formed as sharing public political culture, the culture of a democratic political system based on a liberal/social Europe, and expressed not as patriotism based on cultural or national identity, but rather as constitutional patriotism. European citizenship is a "project for the future", a normative concept of belonging to Europe in the sense of (European) constitutional patriotism.

Berting assumes, that what a European citizen is has not been fully established, in a way which encompasses legal, political, and social dimensions. He summarizes the meaning of the complex notion of citizenship, and connects it both to the inalienability of individual rights of human beings and their belonging to the political community of Europe on the basis of constitutional patriotism. He states:

"Although the EU is a reality today, the European citizen is still a very bleak creature [...]. In juridical sense, the European citizen exists. The *Treaty on the European Union*, article 8, indicates that the persons, who have the nationalities of the member-states, are citizens of the EU. As such they have some rights, such as the right to circulate and to reside freely in the other member-states, the right to vote and to be elected in municipal elections and to vote in the elections for the European Parliament – a parliament without European political parties, the right to diplomatic and consular protection and the right of petition and of appeal to a mediator. Without any doubt, the European citizen has still more rights than these which are mentioned [...].

102 See: Berting, J. *op. cit.,* pp. 189–213.

In spite of the fact that these rights are important, the concept of the citizen remains shallow and is far removed from the concept of the citizen of the present democratic nation-state."[103]

Berting especially points out that there is also a further reaching project of citizenship: political citizenship.

"This implies the bringing of the EU-institutions within the reach of the citizens and the promotion of the active participation of the citizens in political decisions. This objective is included in the Maastricht Treaty of November 1, 1993, and is connected with the idea to make EU more democratic [...]. [J]udicial and political definitions of citizenship still leave out an essential aspect: the social dimension. This dimension of citizenship refers to the ways in which European citizens could create their reciprocal social and cultural identities."[104]

According to Berting, this is in fact the project of creating a European society based on the cohabitation of different collective identities, which were created in the past (such as national identities), but will also share common goals into the future. This means a European society will develop a stronger European consciousness than is the case presently and, finally, an open-minded European identity. Berting assumes that an open-minded European identity must not replace other identities:

"The cohabitation of collective and open identities will be the hallmark of Europe with its variegated richness. Especially the last dimension of citizenship shows that 'individualism' cannot be reduced to the idea that each individual is only pursuing its own, egoist interest, as the essence of social and cultural dimensions is reflection on relationship with the Other [...]. The ultimate yardstick must always be the inalienable rights of the individual human being, its individual conscience and freedom of choice. The *Universal Declaration of Human Rights* must be taken seriously in all European politics. The European Union has to protect the citizen against the many developments which encroach upon his dignities and liberties."[105]

The establishment of European citizenship in its all-encompassing meaning has been linked, most generally, with the process of full democratization of the EU. Civil society – taken in its interplay with public opinion – has been playing an essential role in democratic construction and reconstruction of the given political reality in the EU, as well as building European citizenship.

John Keane[106] points to the dialectical character of European civil society in its interplay with European citizenship. On the one hand, European

103 *Ibid*., p. 189.

104 *Ibid*., p 191.

105 *Ibid*., pp. 191–192.

106 See: Keane, J. European Citizenship? – Historical Foundations, New Departures, *CiSoNet Perspectives*, London-Berlin: CSD/WZB, 2005.

civil society has "harmonizing" effects for trans-boarder social relations and for building European citizenship; on the other hand though, European civil society has had in itself also tendencies towards conflict, protest, contestation, difference, and, insofar, bears specific consequences related to European citizenship. He notes that this conflict potential of civil society poses a new theoretical and political challenge to the project of European citizenship:

"Due to the fact that it is embedded in civil society activities, European citizenship, if it is to play a key role in the life of the European Union, will be a citizenship with difference – a form of citizenship that will not produce the harmony and homogeneity of a *Gemeinschaftsglaube* (Weber). European citizenship will instead be *pluralistic*, expressive of *multiple, potentially conflicting identities*, something of a guarantee of the right of citizens to be different."[107]

Michael Goodhart[108] speaks – in an ideal-typical way – about how democracy under conditions of globalization is identical to fundamental human rights. These rights are the set of rights that, together, when realized, constitute emancipation.[109] They are rights necessary to guarantee individuals against domination and oppression. "When people are deprived of any of these rights, they are potentially subject to the arbitrary will or unwarranted interference of another person, of the state, of a corporation, or of some other actor(s)." Democracy is understood as "a political commitment to universal emancipation *through securing the equal enjoyment of fundamental human rights* for everyone."[110]

Goodhart offers a productive grouping of fundamental human rights, from the point of main domains of democratic emancipation, such as, firstly, individual liberty and security, secondly, fairness, thirdly, an adequate standard of living, and fourthly, democratic polity:

107 See: Keane, J. *Ibid.,* pp. 10–11.

Keane points to the difference between European citizenship as a unique form of post-national citizenship and traditional citizenship, which implies a duty of loyalty to a polity based on national identity and solidaristic community in the framework of particular nation-states: "The new language of European citizenship represents a direct challenge to such thinking. It highlights one of the big issues faced by the emergent European polity: how institutionally to protect and nurture a multiplicity of (complex, overlapping, hybrid, 'bastard') national identities, which for obvious reasons will not wither away into some common 'European' identity based upon a common language, ecological sensibility, sense of history and shared culture. Seen in this way, the project of European citizenship is attempting something never before attempted on a continental scale: to detach nationality and citizenship; to guarantee and protect citizens' entitlements to their national identities; and (hardest of all) to protect the whole political order from politically dogmatic or violence-prone ideological renditions of national identity, expressed either as extra-parliamentary *nationalism* or as mild and confused and mindless 'Euroscepticism'". (*Ibid*., pp. 11–12.)

108 M. Goodhart, *Democracy as Human Rights – Freedom and Equality in the Age of Globalization*, New York-London: Routledge, 2005.

109 *Ibid*., p. 143.

110 *Ibid*., p. 141.

"The fundamental human rights can be grouped into four clusters or clearly related bundles of rights. Rights relating to *liberty and security* concern the physical safety and integrity of individuals, their freedom of activity, choice, and movement, and their right to non-interference in matters of personal or intimate concern. Rights concerning *fairness* entitle people to equal and fair treatment under the law and in politics and in society. These rights include guarantees concerning legal and criminal procedure (due process, and adequate defence, etc.) and equal access to public benefits and services. Rights essential to an *adequate standard of living* concern the satisfaction of basic needs and the conditions in which one works and lives. These rights include such things as food, shelter, affordable access to health care, a living wage, and a decent education, choice in family and relationship status, and rights to enjoy and participate in one's culture. Finally, *civil and political rights* encompass rights and guarantees concerning one's social and political activities. These include freedom of assembly, conscience, and expression, a right to choose one's own life style, and rights of access to and participation in government."[111]

Civil society activism – as based on civil and political rights – plays an important role in forming public opinion as well as in political decision making, institutional reforms, and attempts towards the full democratization of the political system.

Thusly, we are returning to the starting assumptions of this text, concerned with an essential interconnection of democratic polity and civil society, applied – in the context of contemporary globalization – on the local, nation-state, and global level, as well as on the European level.

Civil society has been considered in this part of the book as one of the essential tools for overcoming the democratic deficit of the EU, and for full implementation of universal human rights in the EU's polity and society.

Civil society activism aims to defend constitutional rights and freedoms. The process of full implementation of universal human rights and of establishing a full meaning of EU citizenship can be identified with attempts to a full democratization of the EU's political order.

From the point of an ideal-typical conception of the EU's democratic polity, there is an essential interconnection of the concept of EU civil society with concepts of universal human rights, EU citizenship and a critical EU public. Therefore, the topic of EU civil society has been placed between discussions about the democratic deficit of the EU and the implementation of universal human rights in the EU.

111 *Ibid*., p. 143.

GLOBAL CIVIL SOCIETY AS CONCEPT AND PRACTICE IN THE PROCESSES OF GLOBALIZATION*

Abstract

The latest discussions about civil society have been reconsidering the processes of globalization, and theoretical discourse has been broadened to include the notion of a global civil society.

The notion and the practice of a civil society are being globalized in a way that reflects the empirical processes of interconnecting societies and of shaping world society. From a normative-mobilizing perspective, civil society activists and theoreticians stress the need to defend world society from the global threat of nuclear war, environmental catastrophes, crime and violence, domination of world powers over the fate of individual countries and societies, i.e. the need to oppose the tendency of "power policy" on the world level, and to defend the autonomy of (world) society as one compatible primarily with the expansion of policies based on the rule of law worldwide, and incompatible with the policy of force, state reason, and domination by world power-centers.

The globalization processes have resulted in a conflicting and/or assimilative crossing of civilizations and cultures, as well as controversial tendencies of, on the one hand, attempts for the introduction of international political institutions and the adoption of international conventions for human rights' protection, for the defense of democratic values, for combating terrorism and segregation on various grounds (thus leading to a global standardization of human-rights culture and of democratic political and legal order), and, the rise of xenophobia, particularization and ethno nationalism, civil war, ecological threats, global terrorism, threat of hunger problem, nuclear war, new disease, etc.

The contemporary victory of liberal and democratic values is a positive success, but followed by contested issue of sovereignty, urban decay, racism, ethnic cleansing, xenophobia, failing political legitimacy (in the West), and followed on the world scale by: global injustice,

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poverty, environmental dangers, mass and deadly diseases, oppression of minority groups, relentless growth of the population, great asymmetries of political and economic power, terrorism on a global scale, threat of a nuclear disaster, and so on.

Global civil society has three dimensions: 1) empirical phenomena of globalized social relations, interconnections, 2) mobilizing, formative forces of project/vision, and 3) social actors (movements) at the global/transnational level.

The anti-globalization movement is an effort to counter perceive negative aspects of the current process of globalization. Although adherents of the movement often work in concert, the movement itself is heterogeneous and includes diverse, sometimes opposing, understandings of this process, alternative visions, strategies and tactics. Thus, more nuanced terms include anti-capitalist/anti-corporate alternative globalization. Participants may use the positive terms such as "global justice" or "fair trade movement"; or "Global Justice and Solidarity Movement"; or "Movement of Movements"; or simply "The Movement"; or "The Anti-Corporatist Capitalism Movement".

Generally speaking, the anti-globalization movement is not so much an opposition to globalization as such, but an opposition to the particular way it is taking place – like the neoliberal process of globalization. In this sense, many representatives of the movement prefer it to be called altermondialism.

Key words: civil society, global civil society, globalization processes, anti-globalization movement

1. Global Civil Society – Concept and Practice

Global civil society emerged as a major social force during the final decade of the second millennium to resist the assault on life and democracy by the institutions of corporate globalization. Initially, the resistance centered on the World Bank, the International Monetary Fund (IMF), and the World Trade Organization (WTO) as the most visible and powerful of the institutional instruments advancing the neoliberal policy agenda of deregulation, the elimination of economic borders, social safety nets, and the privatization of common property assets. Subsequently, global civil society directs its attention to global corporations and financial markets.[1]

Global civil society has three dimensions: 1) the empirical phenomena of globalized social relations and interconnections; 2) the mobilizing, forma-

1 See: Korten, D. C., Perlas, N. and Shiva, V. "Global Civil Society – the Path Ahead", http://pcdf.org/civilsociety/default.htm, September 20th, 2008.

tive force of the project/vision; and 3) social actors (movements) at a global/transnational level.

There are empirical processes of globalization regarding social, cultural, economic relations. However, all of these processes and social interrelations cannot be understood as manifestations of a global civil society.

The first two dimensions taken together give content of an ideal-typical connotation of the category of a global civil society. Firstly, it strives to comprise the actual processes related to the expansion of social ties up to a worldwide level, mediated by the internationalization of economic markets, transport, culture, satellite communications, world-wide available media, and the Internet. Secondly, the category of global civil society also strives to provide normative content and a mobilizing force, determination to embody the principle of democratic rule and a democratic way of life world-wide, and to identify criteria for evaluating events in individual countries, as well as in global tendencies, from the perspective of peace, tolerance, autonomy and the control of society (societies), and in confrontation with the world centers – either formal or informal – of power and government.[2]

The concept of a global civil society is an ideal-typical one, consisting of empirical-analytical and normative-mobilizing aspects. The globalizing practice of social, economic, cultural, political, legal interconnecting rests upon its empirical aspects, which cannot be recognized as being genuine manifestations of a global civil society without a normative-mobilizing aspect that outlines a normative framework (principles of solidarity, justice, tolerance, peace, non-violence (etc.) on the global scale. This is to be taken together with the principles of publicity, associativity and autonomous acting of citizens on a global scale. In other words, the public acting of voluntarily and spontaneously forming associations of autonomous individuals at the transnational level and issues that have a global/transnational importance have been the field of global networking which bears the meaning and manifestations of a global civil society.

Global civil society is related to the public acting of associated autonomous individuals and groups organized globally or networked on an international and global level, and mobilized around social, political, economic issues relevant globally or expressed globally, and who are in favor of what is better off for humanity on a global scale.

2 Commenting on the normative dimension of the ideal-typical category of global civil society, Keane remarks: "The vision of a global civil society is presented as a challenge to the normative silence or confusion within much of the contemporary literature on globalization and global governance. In opposition to mounting fears of terrorism, rising tides of bigotry and nationalism and loose talk of 'anti-globalization', the defense of global civil society mounted here implies the need for a defense of democratic ways of life – and for brand-new democratic thinking about such matters as violence, global markets, and government with a global reach." (Keane, J. *Global Civil Society?*, Cambridge University Press, Cambridge 2003, p. 1.)

The normative perspective is important for recognizing and acknowledging which social movements, civic initiatives, and networks on the global scale can be considered as manifestations of a global civil society (and which of them should not be). Global civil society is becoming the new world view, i.e. the "big idea", concerned with globalization and its discontents, as well as with its capacity for the future improvement of a democratic way of life on a global scale.

According to Keane,[3] there are seven reasons for the appearance of the global civil society concept/vision:

"These unfamiliar words 'global civil society' – a neologism of the 1990s – are fast becoming fashionable. They were born at the confluence of seven overlapping streams of concern among publicly-minded intellectuals at the end of the 1980s: the revival of the old language of civil society, especially in central-eastern Europe, after the military crushing of the Prague Spring; a heightening appreciation of the revolutionary effects of the new galaxy of satellite/computer mediated communications (captured in Marshall McLuhan's famous neologism, 'the global village'); the new awareness, stimulated by the peace and ecological movements, of ourselves as a fragile and potentially self-destructive world system; the widespread perception that the implosion of Soviet-type communist systems implied a new global political order; the worldwide growth spurt of neo-liberal economic and market capitalist economies: the disillusionment with the broken and unfulfilled promises of postcolonial states; and the rising concern about the dangerous and misery-producing vacuums opened up by the collapse of empires and states and the outbreak of uncivil wars. Fed by these developments, talk of global civil society has become popular among citizens' campaigners, bankers, diplomats, NGOs and politicians."

1.1. The Anti-Globalization Movement

As above mentioned, global civil society has three dimensions among which social actors – movements at the global/transnational level – play an important role.

The anti-globalization movement[4] is an effort to counter perceive the negative aspects of the current process of globalization. Although adherents of the movement often work in concert, the movement itself is heterogeneous and includes diverse, sometimes opposing, understandings of this process, alternative visions, strategies and tactics. Thus, more nuanced terms include anti-capitalist/anti-corporate alternative globalization. Participants may use the positive terms "global justice" or "fair trade movement"; or "Global Justice and Solidarity Movement"; or "Movement of Movements"; or simply "The Movement"; or "The Anti-Corporatist Capitalism Movement".

3 Keane, J. *op. cit.* 2003, pp. 1–2.

4 http://en.wikipedia.org/wiki/Alternative_globalization_movement, February 2004.

Generally speaking, the anti-globalization movement is not so much an opposition to globalization as such, but rather an opposition to the particular way it is taking place – like the neoliberal process of globalization. In this sense, many representatives of the Movement prefer for it to be called "altermondialism".

"Some factions of the movement reject globalization as such, but the overwhelming majority of its participants are aligned with movements of indigenous people, anarchism, green movements, and to a minor extent communism. Some activists in the movement have objected not to capitalism or international markets as such but rather to what they claim is the non-transparent and undemocratic mechanisms and consequences of globalization. They are especially opposed to neoliberalism, and international institutions that promote neoliberalism such as the World Bank (WB), International Monetary Fund (IMF), the Organization for Economic Co-Operation and Development (OECD) and the World Trade Organization (WTO); neoliberal 'free trade' treaties like the North American Free Trade Agreement (NAFTA), Free Trade Area of the Americas (FTAA), the Multilateral Agreement on Investments (MAI) and the General Agreement on Trade in Services (GATS); business alliances like the World Economic Forum (WEF), the Trans Atlantic Business Dialogue (TABD) and the Asia Pacific Economic Forum (APEC); as well as the governments which promote these agreements, institutions, and policies. Still others argue that, if borders are opened to capital, borders should be similarly opened to allow free and legal circulation and choice of residence for migrants and refugees. These activists tend to target organisms such as the International Organization for Migration and the Schengen Information System."[5]

In regard to what is usually referred to as the anti-globalization movement, it should be stressed that this is a highly contradictory manifestation of what is a truly global social movement directed against the neo-liberal logic of globalization and against the unification of ways of life (Lebenswelt) ("Americanization", "McDonaldization") on a global scale, and yet is – in some places and at times – a violent (and in many ways intolerant and undemocratic) social movement.

It is also worth noting that many nationalist movements, such as the French National Front are also against globalization; they are still usually not considered part of the anti-globalization movement, which tends to adopt left-wing approaches.

According to Mark Raymond,[6] what is now loosely referred to as the "anticorporate globalization movement" remains a relatively new phenomenon in global politics. Though street protests in Seattle, Washington, Prague, Quebec City and Genoa have attracted considerable media attention, not to

5 See: *Ibid*.

6 See: www.utoronto.ca/cis/Mapping.doc.

mention tens of thousands of protesters, "prior to 1998 these actions rarely involved more than several hundred people at a time". According to him, the most consistently observed characteristic of a global civil society is its pluralism and diversity. He concludes that, indeed, the perceived lack of coordination is such that the current conceptions of a global civil society bear more resemblance to social movements than to networks.

1.1.1. Organizational Forms

Global civil society has been primarily presented through counter-summits, world social forums, and single-issued global movements, although there are also some more stable forms of global networking. Generally speaking, anti(neo)liberal globalization movements have been mobilized and organized against international events which represent a neoliberal model of globalization.

World counter-summits have been organized as a mass global reaction of the world's citizens against the world's economic, political, financial, military centers of power, represented in the above mentioned international organizations of the G8, WTO, NAFTA, IMF, etc... These counter-summits have been provoked by the concrete summits of some of these organizations and their world elite representatives. They represent a parallel counter-gathering and acting of the masses, who have been aware of the great risks and negative social, economic, political consequences of neoliberal globalization and its articulation and promotion through these world summits. Their aim is to express a critical point of view and to mobilize people around global issues and against an image of the world as designed by those world centers of power. Street protests and marches in cities where summits have been held are usually followed by conferences, discussion meetings. World social forums have similar inspirations and aims, and even organizational forms, but they are more focused on critical discourse, i.e. conferences, debate clubs, and discussion meetings.

Donatella della Porta states about these organizational forms:

"Counter-summits against the official summits of International Governmental Organizations (especially the G8, World Bank and IMF, WTO, and the EU) represent quite disruptive forms of protest at the transnational level. Differently from a counter-summit, that is mainly oriented to public protest, the Social Forum is set up as a space of debate among activists. Although originally indirectly oriented to 'counter' another summit – the World Social Forum (WSF) was organized on the same date and in alternative to the World Economic Forum (WEF) held in Davos (Switzerland) – the WSF presented itself as an independent space for encounters among civil society organizations and citizens. The first WSF in Porto Alegre in January 2001 was attended by about 20,000 participants from over 100 countries, among them thousands of delegates of NGOs and social movement organizations. Its main aim was the discussion of 'Another possible globalization'. Since then the number of organizers and participants as well as the organizational efforts of the following

WSFs (in Porto Alegre in 2002 and 2003, than in Mumbay in 2004, and again in Porto Alegre in 2005) increased exponentially. The WSF also gained a large media attention. According to the organizers, the WSF in 2002 attracted 3,000 journalists (from 467 newspapers and 304 radio or TV-stations), a figure which doubled to more than 6,800 in 2005. Notwithstanding some tensions about the decision making process as well as the financing of the initiatives, the idea of open arenas for discussion, not immediately oriented to action and decisions, has spread with the global justice movement. Since 2001, social forums have been organized also at macro-regional, national and local level. Panamazzonean Social Forums were held in Brazil and Venezuela in 2004; African Social Forums in Mali and Ethiopia, Asiatic Social Forums in India."[7]

Global networks connect national, regional, transnational groups and initiatives organized through international NGOs, Internet associations, and *ad hoc* international initiatives.

Still, some global civil society networks have already been established. The best example is CIVICUS,[8] which is a global civil society network which aims to: "... help advance regional, national and international initiatives to strengthen the capacity of civil society". CIVICUS is an international alliance aimed at nurturing the foundation, growth and protection of citizen action throughout the world, especially in areas where participatory democracy and citizens' freedom of association are threatened. Through its worldwide membership base, it aims to have a positive impact on civil society organizations' ability to engage with governments, corporations and international institutions in order to effect broad social, economic and political change. CIVICUS World Assemblies provide unique opportunities for civil society organization and other stakeholders from around the globe to share their experiences, consider new strategies and consolidate existing ones in advancing a greater space for citizen participation. It is foremost a forum for dialogue and debate, creating an opportunity for civil society organizations which normally do not have access to certain important actors nationally, regionally and internationally to engage in dialogue and debate about the future of the planet generally, and the role of civil society specifically. The Assemblies are also aimed at generating a theme which encompasses the broad interests of civil society.

The CIVICUS World Assembly was held (from the 22nd to the 26th of March, 2004), in Gaborone, Botswana under the "message": "Acting together for a just world" and accenting a vision for global justice.[9]

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7 Della Porta, D. The Emergence of European Movements? Civil Society and the EU, *European Journal of Law* (EJL), Vol. 1, No. 3, 2008.

8 See: http://www.civicus.org and www.civicusassembly.org.

9 Over 700 citizens from 100 countries worldwide gathered around the theme of "working together for a just world". The participants included civil society activists, practitioners, researchers, activists, concerned business leaders, representatives from intergovernmen-

The organization Move-On was formed in the U.S.A. after September 11th 2001 and as a response against actual American politics in which the war against the terrorism has turned into extraordinary military intonations followed by the restricting of human rights. Move-On has mobilized (with the help of the Internet) hundreds of thousands of Americans as well as participants from other parts of the world in attempt to criticize, control, fight against the politics of the Bush administration and the war in Iraq and Afghanistan, as well as against the Bush administration's purposefully ignoring environmentalist problems, and imposing a tremendous military budget.

The Move-On campaign in 2004 was centered around the issues of intolerance and discrimination, and especially family and women's issues and aimed to gather together more than a thousand feminist organization – women's rights, civil rights and health care organizations – in order to take part in the big "March for Women's Lives" in Washington, DC and to fight for the protection of the right to birth control, emergency contraception, abortion, and all reproductive health services. "The March is not just for girls and women who have the option of choice, but also for those who live with the fears and devastation of poverty, war, intolerance and sexual violence that threatens their very being and for the men who care about us". Seven organizations (the American Civil Liberties Union, the Black Women's Health Imperative, the Feminist Majority Foundation, NARAL Pro-Choice America, the National Latina Institute for Reproductive Health, the National Organization for Women and the Planned Parenthood Federation of America) organized the March on April 25th 2004, with the motto: "Help us Make History!"

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tal organizations and government representatives, all united by a common concern to work concertedly for greater social, economic, political and civic justice worldwide.

Kumi Naidoo, Secretary General of CIVICUS, in an impassioned opening address, highlighted the common concern of the actors in this diverse group of participants: "We are [all] committed to the ideal that every human being on this planet has the right and capacity to shape the form of governance institutions that make the policies that lead to the delivery of services and the maintenance of the rule of law which we hope will one day be based genuinely on social, economic, political and civic justice."

"The main ideas in the overall theme for the Assembly are 'acting together' and 'justice'." He added: "At the heart of these ideas is the valuing of human life and working together. The gross violations of human rights that stunned the world community on the 11th of September 2001 [...], the tragic situation in Iraq, and the recent Madrid bombings must force us to think about the value we place on human life and how much that shapes what we do, how we think and how we relate to each other at the global level. The world is consumed by 'terror' and the so-called 'war against terrorism' which itself has become terrifying, violence against women is on the rise, millions of people are displaced by war, and there is the quiet violence of poverty and starvation."

Naudoo went on to introduce four core themes of the conference: social, economic, political and civic justice, and the four cross-cutting themes of gender equality, HIV/AIDS, youth empowerment, capacity-building and marginalized communities. In the following four days, the delegates at the Assembly attended a wide range of events and workshops that focused specifically on these themes.

Move-On and this March had not only national, but also transnational and global purpose and impact.[10]

1.1.2. Causes within the Movement

There are many different causes championed by movement members, including labour rights, environmentalism, feminism, freedom of migration, preservation of the cultures of indigenous peoples, biodiversity, cultural diversity, food safety, organic farming, opposition to the green revolution and genetic engineering, and ending or reforming capitalism. Movement members see most or all of these goals as complementary to one another, together forming a comprehensive agenda touching on nearly all aspects of life.[11]

Regarding social actors of the movement and their concerns, many of the protesters are veterans of single-issue campaigns, including forest/antilogging activism, organizing living wage and labour unions, homeless solidarity campouts, urban squatting, urban autonomy, and political secession. However, new generations of protesters in developed as well as developing countries have stressed global issues and/or the global connotations and consequences of particular issues, as well as the fight against economic, financial, military, political – formal and informal – world centers of power.

Some of the movement's agenda is shared by major pro-capitalist economic theorists who argue for much less centralized systems of money supply, debt control, and trade law. These include George Soros, Joseph E. Stieglitz (formerly representative of the World Bank), and David Korten. These three in particular have made strong arguments for drastically improving transparency, for debt relief, land reform, and restructuring corporate accountability systems.

Concerning ideology, a leftist political orientation has been dominant, and rather often connected with some kind of anarchism. More precisely, some protesters identify themselves as revolutionary anarchists, socialists, or communists; others agree ideologically but don't immediately identify themselves as such and still others want to reform capitalism, e.g. democratic Greens.

According to Barbara Epstein,[12] many among today's young radical activists, especially those at the centre of anti-globalization and anti-corporate movements, call themselves anarchists. Yet the intellectual/philosophical perspective that holds sway in these circles might be better described as anarchist sensibility than as anarchism per se. For contemporary young radical activists, anarchism means a decentralized organizational structure, based on affinity groups that work together on an *ad hoc* basis and decision-making by consensus. This also means egalitarianism; opposition to all hierarchies; sus-

10 See: moveon-help@list.moveon.org and http:// www.marchforwomen.org.

11 See: http://en.wikipedia.org/wiki/Alternative_globalization_movement, p. 2.

12 http://www.monthlyreview.org/0901epstein.htm.

picion of authority, especially to that of the state; and commitment to living according to one's values. Young radical activists, who regard themselves as anarchists, are likely to be hostile to not just corporations but to capitalism as well. Many envision a stateless society based on small, egalitarian communities. For some, however, the society of the future remains an open question. For them, anarchism is important mainly as an organizational structure and as a commitment to egalitarianism.

There are many in the movement who do not consider themselves anarchists. These include some older intellectuals, as well as some younger activists with experience in movements with other ideological leanings, such as the international solidarity/anti-imperialist movement, in which anarchism has not been a major influence. There are activists who do not identify with any ideological stance. According to Epstein, anarchism is nevertheless the dominant perspective within the movement.

The movement is organized by movement activists, made up largely of small groups that join forces on an *ad hoc* basis, for particular actions and other projects. Movement activists call this form of organization "anarchist".

It is supported not only by those who call themselves "anarchists" but by many who would not do so. This author mentions some anti-globalization activists who described the anarchism of many movement activists as "liberalism on steroids"– which should mean that they are in favour of liberal values, human rights, free speech, diversity – and militantly so.

According to Epstein, the decentralized form of the movement and its commitment to leaving room for a range of perspectives allows for a certain flexibility of perspective. Activists may vacillate between various outlooks, remain ambivalent, or combine elements of anarchism, Marxism, and liberalism. This can lead to ideological creativity. It can also lead to the habit of holding various positions simultaneously which, if more rigorously examined, prove incompatible.[13]

1.1.3. Violence

The most heated debate within the movement is over the question of violence. Social movements which belong to the civil society should be and have been by definition peaceful ones. However, so-called anti-globalization movements are almost always followed by violent behaviour at least of some of its agents and representative groups.

The debate over violence within the anti-globalization movement concerns violence toward property,[14] and the danger of inciting police violence.

13 *Ibid*.

14 Epstein states: "In the context of the debate about violence in the United States, within which violence against people is excluded, the differences between the advocates of violence and those who are willing to countenance violence under certain circumstances are not clear-cut. In the early eighties activists, especially religious activists, did things like

In Seattle, groups of black young people, who later identified themselves as the Black Bloc, smashed windows and destroyed property of corporate targets within the downtown area over which protesters and police were fighting for control. These attacks took the organizers of the protest by surprise, and, provoked more police violence against protesters generally. Some nonviolent protesters tried to restrain these smashing of windows. In the wake of the demonstration, some protesters condemned the violence, arguing that it discredited the movement as a whole and that tactics should be decided democratically, not by small groups acting autonomously. Others argued that window smashing, and the police violence that it provoked, had brought attention of the media and given the demonstration a prominence that it would not have had otherwise. In subsequent demonstrations, the Black Bloc and others who had similar approaches became more integrated into the movement and have modulated their actions, while some others have become more willing to accept some violence against property.

Demonstrations in Prague and other European cities have included attacks on policemen, and such attacks have come to be expected as a part of any major mobilization of the movement. However, in Prague, only one of the movement's sections acted violently. Special attention should be paid to the fact that two million people in Madrid and Spain marched totally peacefully after the bomb attack on March 11th, 2004.

1.1.4. Organization of the Movement

Although over the past years more emphasis has been placed on the construction of grassroots alternatives to (capitalist) globalization, the movement's largest and most visible mode of organizing remains mass decentralized campaigns of direct action and civil disobedience. These often coincide with meetings of the organizations they object to. This mode of organizing, primarily under the banner of the Peoples' Global Action network, serves to tie the many disparate causes together into one global struggle. Exposure to other causes helps create solidarity and slowly lays the groundwork for a consensus process and basis of unity for the movement itself, which may eventually include any, all, or none of the doctrines listed above.

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attempting to damage missiles as part of nonviolent direct action. Destruction of property can be part of nonviolent politics. During the Vietnam War, pacifists and former Catholic priests Daniel and Philip Berrigan led raids on draft centers, destroying draft files by pouring blood on them and, in one instance, by the use of homemade napalm. In the eighties the Berrigans and other Christian pacifists, in a series of Ploughshares Actions, invaded arms-producing plants and attacked missiles with hammers and bare hands. It seems to me that the importance of the current debate over violence, in the anti-globalization movement, lies less in whether or not the opponents of violence to property prevail, and more in what kind of ethical guidelines the movement sets for itself. What is important is whether the movement establishes an image of expressing rage for its own sake, or of acting according to an ethical vision." (*Ibid.*)

The Movement manages to successfully organize large protests on a global basis despite a lack of formal coordinating bodies. They are able to do so by using information technology in order to spread information and organize themselves into "affinity groups", typically non-hierarchical groups of people who live close together and share a common goal or political message. Affinity groups then send representatives to planning meetings.

According to Epstein, there are reasons to fear that the anti-globalization movement may not be able to broaden in the way what this would require. A movement capable of transforming structures of power will have to involve alliances, many of which will probably require more stable and lasting forms of organization than now exist within the anti-globalization movement. The absence of such structures is one of the reasons for the reluctance of many people of colour to become involved in the anti-globalization movement. Though it has developed good relations with many trade union activists, it is hard to imagine a firm alliance between labour and the anti-globalization movement without firmer structures of decision-making and accountability than exist now. An alliance among the anti-globalization movement and organizations of colour and labour would require major political shifts within the latter, but it would also probably require some relaxation of anti-bureaucratic and anti-hierarchical principles on the part of activists in the anti-globalization movement.

Concerning the relation between the Internet and global civil society, Raymond considers it difficult or almost impossible to separate them, as the emergence of the Internet has coincided with the latest and most startling expansion of global civil society's extensity – both in terms of group numbers and its geographic scope.[15]

The Internet has almost certainly facilitated a revolutionary increase in network velocity in that it offers the inexpensive and nearly instantaneous transmission of text, data, voice, still images and even video. The most important coordinating function of Internet in these respects is strategic one, which enables participating groups to exchange information, prepare position papers, lobby local legislatures, and generally lay the groundwork for more established forms of political action. Namely, the increase in such network velocity as a consequence of the proliferation of the Internet has enabled the performance of just the type of mobilizing roles attributed to the core group.[16]

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15 Raymond remarks, however, that this increase in network extensity has not been distributed evenly in geographic terms. Fully 69% of the estimated 400 million Internet users in February 2001, were located in North America and Europe. (Raymond, M. 2002. "Finding the Centre? Mapping the Anti-Corporate Globalization Movement", www.utoronto.ca/cis/Mapping.doc)

16 In addition, according to Raymond, the Internet and *The Global Civil Society Yearbook* serve as the great resources for virtual and practical networking, as well as for theoretical surveys.

Regardless of the controversies concerned with the so-called I-democracy, i.e. the role of the Internet in the processes of the democratization of social life and political order on a global scale – there is the uncontested fact that the Internet can and has actually played a mobilizing/organizational role in the anti-globalization movements in the 90s and further on, which used to be played traditionally by core groups in the social movements in the 70s.

1.1.5. Influences

Generally speaking, influences depend on the extensity and intensity of the movement, on its organizational capacity, on financial donors' support, on motivational and mobilizational capacities, on media and internet presentation, on the official types of responses, and on coordination among different organizational forms.

As a paradigm of the optimal possible impact and strength of the anti-globalization movement, the notion given in the *New York Times* qualified the Movement as "the world's second superpower", when the anti-Iraq war global protest of 10 million or more throughout many cities and places in the world happened on the weekend of February 15th, 2003.

Concerning influences on the developed world, some people claim that the major mobilizations have taken place mainly in the developed world, where there are strong traditions of free speech, police restraint, civil rights, and the rule of law. In these countries, one of the objectives is to demonstrate that the protesters self-govern better than they could ever be controlled by violent force: on March 15th 2002 in Barcelona, 250,000 people "rioted" four days with no serious injury on either side – far fewer casualties than would be expected in a typical European soccer riot.

By demonstrating general restraint against attacking persons and restricting demonstrative actions to property damage, the mobilizations have acted as an important influence on the developing world. In Argentina during the winter 2002 economic crisis, millions of ordinary citizens took to the streets for days with similar results, forcing several changes in the federal government. From December 19th and 20th 2001, demonstrations (called "cacerolazos") in Buenos Aires forced the resignation of then-president De la Rua; over 32 demonstrators were killed. Since then, Argentine citizens have continued to develop alternative neighbourhood-based economic systems, social structures and systems of autonomous self-government. A popular slogan within the uprising was, "Que se vayan todos! Que no se quede ninguno solo!" meaning, "Everybody out (of the government)! Nobody stays!" indicating protesters' frustration not only with corruption in government but with the entire governmental structure.

The impact of the Movement has been dependent to a great extent on the media, but the biggest media empires have been owned either by state gov-

ernments or by the huge capital, international corporations. Media ignorance plus the denial of freedom of movement and extreme security measures have become the method most common for following up by official/power centers response to huge anti-globalization protests.[17]

The summit in Nice deserves to be remembered for the extreme bias shown by the media. Despite hundreds of hours of coverage the media ignored key issues. The counter summit attended by thousands of people was completely ignored. It finally closed when the police fired tear gas into the venue! Coverage of the demonstrations was confined to a few images of unexplained "violence". Once more the demonstrators were presented as a handful of violent hooligans without any alternative to capitalist globalization.[18]

1.1.6. Responses to the Anti-globalization Movement

Responses have varied. On the far right, some have attacked the protestors as "proto-terrorists", whose escalating level of violence can only culminate in individual terrorism. Other rightists have strongly supported the anti-globalization movement. They see it as a way to further neo-fascist agenda of stronger national autonomy, economic protectionism, the exclusion of immigrants, and withdrawal from world affairs and so-called world government.

The left has been equally divided in response. The two main left alternatives to capitalist globalization may be defined as the "fix it" and the "nix it" approaches. Arguments and divisions at the World Social Forum at Porto Alegre, Brazil, in January 2001, reflected these two approaches. The "fix it" position advocated the reform of global capitalism and its institutions, such as the IMF, WTO and United Nations. The "fix it" camp believes these institutions can be transformed to defend the interests of labour and the "Third World". Once transformed, they can provide progressive global governance in such forms as the enforcement of social clauses in world trade agreements. The more radical "nix it" position, championed by anarchists and libertarians, stands for the abolition of capitalism and its replacement with a humane, planned, self-managed, stateless, global economy. The "nix it" position argues that the IMF, WTO and other multilateral structures are inherently antiworking class. Hence, it should be confronted and abolished through class struggle.

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17 "In Nice, this denial of freedom of movement was not just happening on the borders, it was also happening in France itself. Collectives had formed to demand free trains for the demonstrations to allow unemployed people to attend. But at the stations, where the trains were to leave from, Paris, Dijon, Lyon and Bordeaux, the police were waiting and confrontations occurred. At the worst in Bordeaux, there were several injuries and arrests.

Meanwhile in Nice, French riot police attacked the thousands of demonstrators who at the end of the demonstration had headed to the train station to show solidarity with the Italians. As the French IMC later reported 'The Schengen Agreement 'guaranteeing' freedom of movement in Europe had been violated, preventing the Italians from going to Nice. Since the Italians were not consumer goods, they did not have the right to cross the border'." (http://flag.blackened.net/revplt/ws/2001/62/nice.html).

18 *Ibid.*

The anti-globalization movement has been heavily criticized on many fronts by politicians, members of right-wing think-tanks, mainstream economists, and other supporters of free trade policies. Participants in the movement dismiss these criticisms as merely coming from a small minority who can express their opinions via what they call the corporate media. They claim that the criticisms themselves are self-serving and unrepresentative of any informed popular opinion.

One of the most fundamental criticisms of the movement is simply that it lacks coherent goals, and that the views of different protesters are fundamentally contradictory.[19]

Another piece of criticism is that, although the movement protests things that are widely recognized as serious problems (human rights violations, genocide, global warming), it rarely proposes detailed solutions, and those solutions that have been advocated are often what some people regard as failed variants of socialism.

Some have criticized its claim to be non-violent. Aside from the indisputably violent tactics by a minority of protesters (possibly aggravated by the police), some see a blockade of an event as in and of itself a violent action (although many protesters would respond that blockades are a time-honoured technique of civil disobedience).[20]

2. Theoretical-Methodological Framework – the Horizontal and Vertical Dimensions of a Global Civil Society

The classic 20th century bipolar paradigm "civil society-legal state" through which issues of civil society have been considered in the framework of the nation-state should be modified into the paradigm "global civil society-global democratic order".

19 "It is argued (for instance, as a constant editorial line by *The Economist*), that one of the major causes of poverty amongst third-world farmers are the trade barriers put up by rich nations. The WTO is an organization set up to work towards removing those trade barriers. Therefore, it is argued that people really concerned about the plight of the third world should actually be encouraging free trade, rather than attempting to fight it. Further in this vein, it is argued that the protester's opposition to free trade is really aimed at protecting the interests of Western labor (whose wages and conditions are protected by trade barriers) rather than the interests of the developing world, despite the proclaimed goals of the movement in favor of solidarity and cooperation, not competition, between ordinary farmers and workers *everywhere*. Anti-globalization activists counter that free trade policies create an environment for workers similar to the Prisoner's dilemma, in which workers in different countries are tempted to 'defect' by undercutting standards on wages and work conditions, and reject this argument in favor of a strategy of cooperation for mutual benefit." (See: http://en.wikipedia.org/wiki/Alternative_globalization_movement, pp. 6–8)

20 See: *ibid*.

In the context of a contemporary state's sovereignty contestation, the main paradigm is under pressure to deal with certain changes. The conceptualization of nation state-civil society opposition/partnership inside the above mentioned paradigm becomes too simplistic according to the increasing importance of horizontal, transnational identities and linkages, as well as according to the increasing importance of the transnational political governance.

Some kind of analogy with civil society established prior to a liberal-democratic state in Central and Eastern Europe could be spoken about. Global civil society functions as the creation process from below, which generates – through constant pressure towards existent world centers of economic, political, military power – further development of the global civil society itself as well as the formation of democratic legal and political institutions on a global scale.

Talk on global civil society implies a political vision of a less violent world founded on legally sanctioned power sharing arrangements among many different and intermingling forms of social life.[21]

The ideal-typical category of global civil society recognizes elements of civil society construction in its horizontal dimension: horizontal networking and social movements on a global scale as well as in its vertical dimension in attempts of the global civil society to control, counter-balance, fight against – either formally or informally – the world centers of political, economic, and military power. As has already been mentioned, there has to be a differentiated analytical-descriptive and normative-mobilizing dimension of global civil society. Concerning the horizontal context, the descriptive dimension has been related to the processes of widening and deepening interconnections, associations among individual and group actors in a worldwide context, while it also contains normative-mobilizing elements referring to what ought-to-be the life (plurality of ways of life) of the global community in accordance with democratic principles. Concerning the vertical context, it is not easy at all either to clear up the second part of the paradigm, i.e. what comes about instead of the nation state, what the (democratic) political order on a global scale is, nor is it easy to clear up the normative framework (i.e. what it should mean to put under control, counter-balance, fight against that global political power in order to make it in accordance with democratic principles).

In its horizontal dimension, global civil society has been coming into life just through the new logic of globalized life production, and this is similar to what Comaroffs[22] had mentioned about civil societies in liberal democratic states ("We /in the West/ have been living it without noticing it as part of the

21 Keane, J. 2003, *op. cit*.

22 Comaroff J. L. and Comaroff, J. *Civil Society and the Critical Imagination in Africa: Critical Perspectives*, University of Chicago Press, Chicago 1993.

unremarked fabric of society itself"). Therein, we might paraphrase that the people of the world have been living a global civil society without noticing it as part of the fabric of global society itself, and to add, of global governance, as well.

As mentioned above, a normative perspective is also important for recognizing and acknowledging certain phenomena as the real manifestations of a global civil society in its horizontal dimension – whose social movements, civic initiatives, networks on a global scale could be considered as manifestations of a global civil society (and which should not be). In order that social ties, social actors or individuals be considered as representatives of civil society on a global scale, normative criteria connected with this horizontal dimension presuppose that they have to act as voluntary associations – social movements, networks, NGOs, global initiatives, i.e. different associations of autonomous individuals who consider themselves acting as the citizens of the world, and who act in accordance with universal human values and principles of a democratic political culture.

Concerning its vertical dimension, a global civil society has to be related to the notion of global governance, and normatively speaking, to the notion of democratic governance on a global scale. However, global governance, as we know, if it has already been established – has not been a democratic one. Constitutionalism on a global scale has not been established yet – as functional, as workable legal regulation, and as democratic constitutionalism. Its establishment can be treated primarily as project, ideal, and normative criteria. However, theoretically speaking, global civil society is supposed to have also the role of partnership and opposition towards political power in its vertical dimension, but in a more formative way than in classical liberal and liberal democratic states. With an analogy in respect to transitional countries, global civil society pre-terms and determines to a certain extent the formation of democratic political governance on a global scale, whatever political governance as a democratic one should or could mean. So far, the normative dimension of a global civil society has had extreme importance, much bigger than its descriptive (though unquestionably existent, non-negligent) dimension. The normative dimension of global civil society, as related to global governance gives an impetus to normatively conceived/projected (democratic) political governance on a global scale.

There are open questions of comparisons between the classical paradigm "civil society-legal state" and the modified one of "global civil society-global democratic order". Comparison is necessary concerning the horizontal and vertical dimensions of national civil society and global civil society, as well as concerning descriptive and normative connotations of both the above mentioned dimensions.

For example, civil society manifestations on the national level, or even transnational, have usually been centered on some particular issue. On the other hand, horizontal lines of global civil society's "networking" have been

multi-issued, pluralist, open and destined to combine a plurality of issues. Speaking about this, Keane states:

"The pluralist ideal of a global civil society openly challenges previous big ideas, all of which were held together by monistic presumptions of one sort or another. The whole image of a global civil society finds monism distasteful. To speak of a global civil society in empirical terms is to emphasize the fact that most people's lives today dangle on ten thousands different global strings."[23]

Global civil society has obviously been deteritorialized, pluralist, centred around many issues and even centred around some particular issues while it affects people on a global scale.

The questions of democratic potential of political order on a global scale, of the relationship between globalization and democracy, of the possibility for identification of citizens globally, i.e. the question of legitimizing the capacity of "the people" on a global level, have all been opened.

Sophia Nasstrom analyzes the relationship between globalization and democracy and critically remarks that the concept of a cosmopolitan democracy (Held, Habermas) has the tendency to overshadow the gap in the concept of democracy; more precisely, this cosmopolitan democracy should strive to solve the problem of legitimacy with the help of globalization instead of insisting only on the problematic nature of current globalization (because of generating new forms of power asymmetries). This gap is inherent in the concept of democracy, in the sense that:

"... democracy always falls back upon a community of citizens who are collectively self-governing. It requires a 'people'. Without a clear notion of political community, of who the citizens are, democracy would be inconceivable. It would not be able to fulfil its promise. Considering this, it is something of a paradox that boundaries of democracy cannot themselves be democratically legitimated. While 'the people' constitutes the only legitimate source of political authority, it cannot lend itself the legitimacy it needs to qualify as such. It cannot provide for its own legitimacy. We have a gap at the heart of democracy in the sense that 'the people' – in order to constitute the legitimate source of political authority – would have to be prior to itself."[24]

"The gap at the heart of democracy" found its solution at the time of the French revolution in the concept of nation, that popular sovereignty was framed by the nation. Namely, "... the appeal to the nation, a pre-political understanding of the people, provided the means needed to close this gap."[25] As the nation *was* the people prior to the foundation of democracy (was the indirect source of political authority) without any possibility to be theoreti-

23 Keane, J. 2003, *op. cit.,* p. XII.

24 Nasstrom, S. What Globalization Overshadows, in *Political Theory*, 2003, p. 808.

25 *Ibid*., p. 809.

cally or normatively legitimized (as the right to national self determination) inside of democratic theory, it has to be considered as a historical given or as an axiom.

"The justification of the people is an impossible but nonetheless necessary feature of democracy. For although the foundation of democracy is a virtual pact – a fiction of the contractualist tradition – this fiction founds a *real* community. The truth is that without this fiction we would not be able to distinguish legitimate force from unjustified violence."[26]

However, in the context of globalization an issue of popular sovereignty has to be reconsidered, because "the marriage of democracy and the nation-state is under pressure", and there is the need "to rethink the modern notion of political community".

Nasstrom thinks that the above mentioned gap can be bridged in new contemporary circumstances with the concept of globalization, but not in a sense that globalization can be treated as the pre-political state of affairs, from which the political community can be constructed and gain legitimacy.

"The problem facing modern political thought is not globalization. It lies rather in the difficulty of providing a viable response to globalization."[27]

According to this author, there is no direct switch from nation state democracy towards cosmopolitan democracy. The mediating force is globalization:

"With this in mind, I suggest that we reconsider the role of globalization. Globalization should no longer be thought of as a problem for modern democratic theory. Rather, the opposite is true. Globalization *resolves* the problem. In the absence of a democratic resolution to the question of political community, globalization steps in and brings democracy from here to there, from the nation-state to the cosmopolitan democracy. It endangers the transformation that democracy cannot bring forth on its own. In this respect, globalization is not only the functional equivalent to the nation, but the appeal to globalization in fact picks up where the appeal to nation leaves off. It takes on a role hitherto assigned to the nation. What happens in between here and there, in the process of de-nationalization, is nothing but a change in the burden of justification. In the formative moment of cosmopolitan democracy globalization offers what the nation can no longer provide: the means needed to close the gap at the foundation of democracy."[28]

The author also speaks about problematic spots in this analogy between nation and globalization and says that it has to be nuanced in at least two respects:

26 *Ibid*., p. 819.

27 See: *ibid*., p. 815.

28 *Ibid*., p. 826.

"To begin with, it should be noted that while globalization and nation both close the gap in the concept of democracy, this closure serves different purposes."

The nation has served for solving the problem of popular sovereignty and its proper interpretation either as a direct or a representative democracy and political status of the people.

"Unlike the nation, however, globalization is not a vision of the people. It is not imagined as pre-political community, a constituent power that is supposed to bestow legitimacy upon the state. Globalization is rather imagined as that which questions community... The difference is, I think, that while the nation fills the gap in the concept of democracy, globalization is more of 'a prophecy in quest for self-fulfilment'. Globalization is not a substantial concept – a concept that is supposed to give practical and stable solutions to the underlying problems of popular sovereignty – but a means in search for a new solution. It is an alternative device used by cosmopolitans to bring political community from one place to another. As such, it does not provide any significant guidance on the future status of political community."[29]

The point is that globalization apparently steps in to bridge the gap, not only between non-democracy and democracy but also between two different democratic systems.

The fiction of democratic order, the normative concept of cosmopolitan democracy serves in the context of globalization to differentiate legitimate from illegitimate rule and to establish more of "here and there" seeds of the deterritorialized fiction of cosmopolitan democracy.

"The concern is not how to make all persons within a given political community part of the democratic process. The concern is rather what should count as the relevant political community."[30]

The author concludes:

"Could it be that the response to globalization lies not in a cosmopolitan political community, nor in an affirmation of the already existing nation-state, but in a de-territorialized understanding of legitimacy."[31]

To paraphrase Nasstrom, "Here and There" seeds of a deterritoralized fiction of cosmopolitan democracy have been followed by deterritoralized, particular "here and theres" of social initiatives and associations, (global) social movements aiming at solving global problems – either some global problems on a global scale, either particular problems which affect everyone, or global problems on some particular scale. All that which is mentioned above

29 *Ibid*., p. 827.

30 *Ibid*.

31 *Ibid*., p. 829.

represents the phenomena of the particular and cumulative processes of its establishment. All these processes of global civil society development presuppose social actors, among which anti-globalization movements play an extraordinary role.

"Here and There" seeds of a deterritorialized fiction of cosmopolitan democracy, together with the "here and there" of social initiatives and associations, i.e. global civil society, have together been building the ideal-typical paradigm of a different world, a different globalization, as well as a different world view of globalization. The neoliberal world view of globalization and counter-neoliberal world view of globalization have been counter-opposed.

The neoliberal paradigm of globalization has been focused on centers of power and represents the so-called "elite globalization" and "worldview of empire".

In contrast to this, the proposed paradigm "global civil society – democratic world governance" has been focused on the mutually interconnected development of both global civil society and more and more democratic forms of global multi-level governance.

In a similar sense, Korten, Perlas, and Shiva[32] speak about the worldview of community versus the worldview of empire. According to them, in the worldview of empire the world is an inherently hostile and competitive place. In the world of empire, the only choice life offers is to be a winner or be a loser, rule or be ruled. This worldview gives rise to authoritarian impulses. The concentration and centralization of power and wealth are essential organizing principles of "elite globalization". In contrast to this, in the worldview of community, the world is a place of creative opportunity best realized through cooperation and the equitable sharing of power and control of resources. This worldview gives rise to the democratic impulse, and is related to both the development of civil society and democratic governance on a global scale. The equitable distribution and decentralization of power and wealth are essential organizing principles of proposed global democratic and just political global governance. Global civil society has been provoked and moved forward with the same principles in its striving towards a more just world and fighting against "elite globalization".

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32 See: Korten, D., Perlas N. and Shiva V., Global Civil Society – The Path Ahead (discussion paper), http://www.pcdf.org/civilsociety/default.htm, September 20th, 2008.

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CIVIL SOCIETY AND POLITICAL CULTURE*

This paper offers an attempt to clarify the concepts "civil society" and "political culture", as well as their essential interconnection in the scope of constitutional democracy. In the context of analysis of civil society, democratic political culture and the bipolar paradigm of "civil society–rule of law", special attention has been paid to building republican elements into the liberal tradition and into the ideal-typical model of a developed democratic order. One of the intentions has been to point out the significance of the continuous process of the democratization of civil society (emancipatory activism based on the principles of autonomy, associability and publicity), as well as of the affirmation of democratic political culture (the development of civic virtues based on the principles of tolerance, nonviolence, solidarity, freedom, equality and justice), for the establishment and promotion of constitutional democracy.

Key words: civil society, democratic political culture, constitutional democracy, republicanism, liberalism, politics in a broader sense, the principle of autonomy.

The Concept of Civil Society

The concept of "civil society" appears in the liberal and liberal democratic theory of the 17th century (through the 18th and the first half of the 19th century) in the context of discourse on the separation of state and society, and with different emphasis relating to different problems, in works by Paine, Locke, Hegel, Tocqueville and Mill[1].

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1 The *differentia specifica* of civil society – its relative autonomy in relation to state government – has been, ever since the beginning of the historical genesis of the concept, the hottest point of contestation. Various interpretations have been provided as to the scope, extent, meaning, and content of this relative autonomy. The differences range from the idea of necessary control of the state over civil society (Hegel), to a concept of regulation of the areas of social autonomy by means of limited power (Locke), an emphasis on the self-regulating function of civil society as a repository of individual human rights and liberties (Tocqueville, Mill), a concept of opposition between civil society and state power (Paine, also Gramsci albeit differently, then, in a specific way, authors from Central and East European countries in the 1970s, and, also in a more specific way, the anti-globalists today), ending with a concept of partnership between the state and civil society in the framework of the rule of law.

The theory of civil society is being revived and was especially being developed in Western countries during the 70s of the previous century – through the bipolar paradigm "civil society–rule of law" in the sense that constitutional democracy and rule of law require for their preservation and perfection (besides constitutionally guaranteed universal equality and institutional mechanisms of separation and control of powers) the controlling/partner/critical role of civil society.

The theory of civil society is being revived in Western countries within the framework of the liberal-democratic tradition (left liberal thought, liberal egalitarianism, and social liberalism); neoliberalism, however, accepts a reduced discourse on civil society, where civil society is considered as a prolonged arm of the state in doing so-called "third sector" businesses – civil/social services, as well as humanitarian work on a voluntary basis (humanitarian aid, and donations). The aforementioned revival process of the theory of civil society in the 70s is followed or caused by the emergence of the practice of civil society, and is under the influence of the crisis of "welfare state" legitimacy and the crisis of legitimacy of liberal order in developed Western countries in general (oil and economic crises, the war in Vietnam, crises of values with the consequential emergence of new social movements – ecological, anti-war, anti-nuclear, feminist, as well as human rights movements). The revival of the theory and practice of civil society is happening under the distinct influence of the birth of civil society discourse in real-socialist countries in Central Europe and its use in the fight for bringing down authoritarian regimes; that is, in the fight for establishment of constitutional democracies. It is interesting, however, that the discourse of civil society has been emerging simultaneously in those parts of the world under military dictatorships and in fighting against them – in the peripheral areas of Western Europe (Spain) and Latin America (Brazil, Argentina), as well as in neo-colonial countries that have adopted liberal political institutions, such as India, through efforts for defending society from authoritarian tendencies at the state government level. Also, in the past few decades, the discourse of civil society has been more attractive to Third World countries, which are very quite away from the implementation of the liberal tradition, and this discourse works in the sense of utopian guiding ideas in the fight against the misuse of power in different variations of authoritarian and totalitarian dictatorships. Today, also, there is more talk about global civil society – about civil movements networked at the international and global level in effort to fight for an alternative globalization – an alternative in relation to the dominant neoliberal model of globalization.

The basis for articulating all varieties of concepts and practice of civil society is the ideal-typical paradigm "civil society–rule of law". In this western-centric[2] bipolar paradigm, the ideal-typical concept of civil society is

2 In terms of origins, both in the normative and descriptive sense, this is a western-centric conceptual structure; however, with the spreading of the influence of civil society's con-

related to the self-organization of citizens/autonomous individuals into voluntary, spontaneous, nonviolent, non-class associations on the grounds of legally guaranteed human and political rights; the fight for an improvement in the quality of life on the principles of freedom, equality, solidarity, justice, as well as the implementation of principles of constitutional democracy and the defense of social, political and economic rights from the misuse of political power is at stake.

The other end of this ideal-typical paradigm is the legal state, the rule of law (the separation and mutual control of powers, control mechanisms of institutional politics). In other words, in a more complex sense, constitutional democracy is a framework for the effect of both the rule of law and civil society: in it the rule of law is implicit, and all citizens have constitutionally guaranteed equal rights, with certain elements of positive discrimination of endangered social groups; however, civil society is above all a field of legitimate care for particular identities.[3]

Civil society is based on the principles of autonomy, associability and publicity. The principle of autonomy concerns the autonomous, voluntary, spontaneous manifestation of citizens' identity; the principle of associability relates to the self-organization of citizens and associative activity on the grounds of spontaneous gathering – in the form of civil initiatives, social movements, nongovernmental organizations – around common problems, and with an aim to solve them by exerting pressure on governments, developing a critical public, and by concrete contributions of given self-organized groups; the principle of publicity concerns the public and media's proclamation of problems and goals of activities and concrete actions of self-organized civic actors, aiming to solve problems autonomously, by both exerting public pressure on governments and with the help from them.

Civil society represents citizen's activism in non-institutional politics. In other words, the discourse and practice of civil society concern the field of politics in a broader sense. Civil society – as a field of politics in a broader sense – represents a complement, a contra-pole, a control-mechanism in relation to politics in a narrower sense – the activity of governmental agencies, holders of political power, political parties, both in the government and in the opposition.

Within the scope of the ideal-typical bipolar paradigm, civil society is determined in a value defined, normative manner, connected to the mobilization of citizens and the active operation of self-organized groups that have the

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cept and practice, the western-centric framework of analysis seems more and more like an ideal-type of instrumentarium for concrete-historical contextual modification and use; thus, less and less as a predominant exemplar for copying the western modernization model, and more like an inspiration and stimulus for autonomous and authentic limitation and self-limitation of power throughout the world.

3 For more, see the following chapter with subtitle: Constitutional Democracy and "Politics in a Broader Sense".

goal of perfection of the liberal-democratic order, the defense of constitutional democracy even with methods of civil disobedience if needed, the encouragement of the development of a critical democratic public with the purpose of controlling the government and preventing it from escaping control and acting outside the law, on an antidemocratic, corruptive or criminal basis. Of course, a value-defined concept of civil society contains in itself – in addition to a normative-mobilizing dimension – a descriptive dimension connected to the statement of an empirical state of affairs within the meaning of activity of the nongovernmental sector, social movements and civil initiatives that have the aim to improve the democratic order. The said value-defined concept and practice of civil society represent a social basis and a social-political promoter of democratic order.

However, there are dilemmas and discussions regarding the criteria for defining what belongs to the concept and practice of civil society. The neutrally defined concept of civil society would include extreme-right social movements, civil initiatives and nongovernment organizations. The position of a broader, more neutral interpretation, according to which all voluntary associations of citizens – regardless of their political orientations and value preferences – fall into civil society, can be and is defended by certain argumentation. However, in this case the normative-mobilizing dimension of civil society, which is in the function of improvement, control and complement of constitutional democracy, is lost.[4]

According to the majority of contemporary studies, value criteria of commitment to democracy and its development, as well as the descriptive and normative focus on emancipatory citizen activism[5] is predominant while discussing what civil society is; extreme-rightist phenomena are treated as

4 From another side – the side of the neoliberal/conservative right, let's say in America, and in a special way on the side of the extreme right in transitional former real-socialist countries – there are interpretations of civil society as a marginal, parasitic, hostile element, anti-patriotic or traitorous forces, which actively contribute to various versions of world conspiracy against their own country (against the need for protection of the USA from terrorism, against the interest of Serbia, Croatia, etc.).

5 John Keane defines civil society most explicitly in the sense of the ideal-typical category, one that has a strong normative-mobilizing dimension: "Civil society, as I used the term and still do, is an ideal-typical category (an *ideal type* in the sense of Max Webber) that both describes and envisages a complex and dynamic ensemble of legally protected non-governmental institutions that tend to be non-violent, self-organizing, self-reflexive and permanently in tension with each other and the state institutions that `frame`, constrict and enable their activities." (Keane, J. *Civil Society – Old Images, New Visions,* London: Polity Press, 1986, p. 6).

Larry Diamond believes that "civil society is distinct from 'society' in general in that it involves citizens acting collectively in a public sphere to express their interests, passions and ideas, exchange information, achieve mutual goals, make demands on the state, and hold state officials accountable." (Diamond, L. Civil Society and Democratic Development: Why the Public Matters?, University of Iowa Lectures series, 1997, 5; this paper was also published in the Center for International and Comparative Studies, Distinguished International Lecture Series, University of Iowa, 1999).

abuses of democracy for antidemocratic goals, although in some countries hate speech and racism are forbidden by law, while in many other they are not. However, the vast area of manifestation and practice of "uncivilized civil society" has not been therefore disregarded analytically.

Civil society has a function of mobilizing citizens for the defense of personal, political and social rights, guided by the values of freedom, equality, justice, and bonded with the development of political culture of solidarity, cosmopolitism, pluralism, tolerance, nonviolence and humanitarianism.

The most important assumptions – in ideal type terms – for the existence of civil society are: 1. rule of law; 2. guaranteed fundamental civil, political, social and economic rights and freedoms; 3. procedural democratic regulation and institutions; 4. participation of citizens, activism in creating a critical public; and 5. self-organizing for the defense of endangered rights (endangerment is possible to happen even in the most democratic order).

In the relationship between state and civil society, it is understood that without a well organized state there are no guarantees of rights which will allow civil society to function. However, civil society is a constant potential critique of every eventual attempt of the state (accordant to the logic of expansion, which is inherent in every government) to turn itself into a dominant force.

The aforementioned bipolar ideal-typical paradigm is a model, an ideal, a normative-mobilizing scheme which is increasingly relevant, even in the most developed countries of the West, for the defense of democratic states and societies against all types of misuse of government power and social power and for solving an ever growing number of diverse social problems; this ideal-typical paradigm has supported the fight against authoritarian and totalitarian regimes, and as such, by itself, is not fully applicable in countries where the rule of law is not established and in which civil society is more or less underdeveloped. In other words, in these contexts it has to be understood and interpreted contextually and in a modified way.

As mentioned in the beginning, in the past few decades the discourse of civil society and the initial elements of civil society have been emerging exactly in the fight against those authoritarian and totalitarian forms of government in different parts of the world, and it can be said that the mentioned initial elements of civil society are actually contributing to the destruction of some nondemocratic regimes (and not serving only or exclusively as a complement or a control mechanism within the already established coexistence of the rule of law and civil society). Therefore, the normative-mobilizing dimension of the ideal-typical concept of civil society has an exceptional opera-

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However, elsewhere, Diamond points out precisely the social-controlling and mobilizing role of civil society: "The mobilization of civil society is one of the main instruments for disclosing the misuses and for undermining of legitimacy of nondemocratic regimes." (Diamond, L. Rethinking Civil Society: Toward Democratic Consolidation, in: *Journal of Democracy*, 1994, July, Vol. 5, No.3, p. 7).

tive, activist, mobilizing force and practically-politically effective dimension (policy-making dimension) in societies which so far have not yet established the rule of law.

It has been shown exactly that in this meaning the initial elements of civil society's development have supported the bringing down of authoritarian and totalitarian regimes of the former Soviet Block countries during the 1980s – through anti-regime, dissident movements, public protests and rebellions (in Hungary, and Czechoslovakia, for example).

The elements of authentic development of civil society were present in the area of the former Yugoslavia from the 1970s, through dissident activity and the development of social movements according to the model of western "new social movements", under the influence of the country's opening toward the West and the presence of elements of "Welfare State" development. This was the case especially in the more developed republics – to a certain extent in Serbia and Croatia, and particularly in Slovenia. This significantly contributed to the internal ruining of the Titoist and post-Titoist authoritarian communistic order.[6]

During the transition into a multi-party system, which was followed by the wars and dissolution of the SFRY, and also with the establishment of the newly independent states, civil society was differentiated; some parts transformed into ethno-nationalistic movements, some parts hopelessly strived to preserve the common Yugoslav political, social and cultural area through its democratic political transformation (for example, the AYDI – the Association for a Yugoslav Democratic Initiative[7]), as well as to confront upcoming cries of war – in public speeches and very quick and easily forthcoming "call to arms" – through anti-war activity.[8]

Constitutional Democracy and "Politics in a Broader Sense"

The civic-republican concept of political community, according to Nenad Dimitrijević[9], is articulated in constitutional democracies by the freedom of

6 See: Pavlović, V. ed. *Potisnuto civilno društvo* (*Suppressed Civil Society)*, Beograd: EKO centar, 1995; Pokrovac, Z. ed. *Građansko društvo i država – Povijest razlike i nove rasprave (Civil Society and State – History of Distinction and New Discussions)*, Zagreb: Naprijed, 1991.

7 UJDI – Udruženje za jugoslovensku demokratsku inicijativu (AYDI – the Association for a Yugoslav Democratic Initiative).

8 For further details, see: Vujadinović, D., Veljak, L., Goati, V., Pavićević, V. eds. *Between Authoritarianism and Democracy: Serbia, Montenegro, Croatia – Institutional Framework*, Beograd: CEDET, 2002. (in English 2003); Vujadinović, D., Veljak, L., Goati, V., Pavićević, V. eds. *Between Authoritarianism and Democracy: Serbia, Montenegro, Croatia – Civil Society and Political Culture*, Beograd: CEDET, 2004. (in English 2005).

9 Dimitrijević, N. *Ustavna demokratija shvaćena kontekstualno (Constitutional Democracy Understood Contextually)*, Beograd: Fabrika knjiga, 2007.

every individual, by the equality of all people as citizens/holders of rights, and by institutional arrangements of limited power. Constitutional democracies offer the type of political order in which the defense of freedom of the individual is primary, and democracy is a political form which functions as a defender and keeper of freedom. Constitutions are charters of freedom, acts of imposition of a social agreement by which the modern political community is formed and which contain – as a universal core – the concept of limited power and precedence of individual rights.

Constitutional democracies found the rule of law as well as equally defendable freedom of all individuals, while also preventing the prevailing dominance of the principle of nationality (as *ethnos*), which always transforms into the rule of dominant nationality (and therefore violates the principles of constitutional democracy).

Although modern states have been formed as national states and early constitutions have established political community on the premise of the identity of a national majority – in the long historical period of the fight for universal human rights – modern states have further evolved towards the universal category of a citizen and "liberally non-problematic republican identity". In record to this, Nenad Dimitrijević states: "It is true that many contemporary liberal democracies are founded as national states. Historically, the political neutrality of the liberal national state has been based on the premise of identity of national majority which was later transformed into a liberal non-problematic republican identity. That was typically done trough "privatization" of special group identities (even though history offers much evidence of repression and the annulment of national minority identities). Classical liberalism recognizes equal individual rights to all citizens, concurrently referring to civil society as a sphere of legitimate care for particular identities."[10]

The influences of republicanism on the development of liberalism are connected to the institutional sphere of a state's democratization (the influences of the theory and practice of a mixed constitution, and of a genesis of requests for the institutionalization of participatory politics), as well as to the sphere of society/civil society (a genesis from the understanding of necessity for an individual to serve the city-state, the common good, then through the separation of the public and private, and up to the liberal activism[11] of autonomous, individual citizens). The universal category of a citizen and the "liberal non-problematic republican identity" (modern republican structure and

10 *Ibid*., p. 155.

11 This activism is autonomous according to its determination and initiative, and simultaneously republican by character; devotion to the common good through the work for the improvement of a certain particular identity (the improvement of legal regulation, constitutional solutions through the fight for solving concrete social, political, ecological problems, or through the fight for the rights of minorities, positive discrimination of endangered social groups, and so on) is at stake.

constitutional democracy) and citizen activism are essentially interconnected, which is manifested trough the development of civil society and trough the influence of the republican tradition precisely for the development of civil society within the framework of liberal democracy.

In connection to the modern history of democracy, David Held[12] talks, in a very productive way, about the internal collusion of the republican and liberal tradition and about the influence of republicanism on the development of liberal democracy.

The evolution to the universal category of a citizen and to the "liberal non-problematic republican identity" is connected to the influence of democracy on liberalism,[13] as well as to the influence of republicanism on liberalism.

In the revised edition of *The Model of Democracy*, Held introduces the analysis of the republican heritage of the Renaissance, as an unavoidable basis of the development of modern political thought and practice. By doing so, he

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12 David Held analytically insists on the interconnection between the democratization of the state and the democratization of civil society, in the context of his analysis of history and the genesis of democratic order, as well as in the context of the ideal-typical understanding of the essence and optimal reach of democratic order ("democratic autonomy", "cosmopolitan democracy"). (See: Held, D. *Models of Democracy,* Cambridge: Polity Press, 1987. (Croatian translation published in 1990. under the title *Modeli demokracije*, Zagreb); Held, D. rev. ed. *Models of Democracy,* Cambridge: Polity Press, 1996. (Reprinted in 2007.); Held, D. *Demokratija i globalni poredak (Democracy and the Global Order"*, Cambridge, Polity Press, 1995), Beograd: "Filip Višnjić", Libertas, 1997.

13 On the relationship between liberalism and democracy, Held states the following: "It is important to bear in mind that the "modern" western world was liberal first, and only later, after extensive conflicts, liberal democratic. It should be stressed that by no means all liberals, past and present, were democrats, and *vice versa*. However, the development of liberalism was integral to the development of liberal democracy."

The category of "people" has evolved within the framework of representative democracy, in the sense of broadening the scope of the meaning from wealthy (educated) white men to all adults (regardless of gender, race, class, nation), which was made concrete by the institution of universal suffrage. This evolution, i.e. the broadening of the term "people" and establishing the universal right to vote, essentially represented the path from liberalism through the 17th, 18th and 19th century to liberal democracy from the end of the 19th and beginning of the 20th century to this day. In this sense, e.g. England in the 19th century was not democratic (generally speaking, man received the right to vote in 1918, and women did not until 1929), but it was a liberal (legal state).

Liberalism, in accordance with its essence, primarily insists on the freedom of private ownership and entrepreneurship. But, since a bourgeois class came into power with the aid of the ideas of freedom, equality, brotherhood, and with the help of mass mobilization on the basis of said values, liberalism had to compromise and make concessions under the later pressure of various parts of the masses, which had, as a consequence, the transformation of liberal laws into liberal-democratic laws. That is of particular significance in the case of laws regarding suffrage, then, in the case of laws concerning the character of a representative government (political pluralism), the development of a democratic public (the media) and mechanism of change and control of the government (regular elections, numerous candidates, anonymous voting). (See: Held, D. 1987. *op. cit*. pp. 1–41).

differentiates "the developmental republican theory" (Marsilius from Padua, Rousseau, Marx and Engels, Marry Wollstonecraft) inspired by the ancient Greek understanding of the *intrinsic* value of political participation for citizens' development as human beings and of service to the *polis* as a means of self-development and as having a sense of good life, and "the protective republican theory" (Machiavelli, Montesquieu, Madison), inspired by the old Roman understanding, according to which political participation has an *instrumental* value in the sense of protection of citizens' interests and goals, i.e. their personal freedom.

Republican ideas, such as the ideas of self-government, a mixed government, elected and limited power, a small political community, popular sovereignty, the fostering of civic virtue[14] through the inclusion of all citizens into collective decision-making with the goal of protecting their individual freedoms, have exerted a significant influence on Anglo-Saxon and Continental thought of the 17th and 18th centuries. Republican protective theory and developmental theory have considerably influenced liberal protective and developmental democracy. "Through time, a fundamental meaning of freedom, as interpreted by the republican theory, has changed and freedom has had a progressively less meaning of public and political freedom – `the right of people to participate in government`, and has gained more of a meaning of private and personal freedom – the protection of rights against all governmental infringements, especially with the support of legislature. Old words gained new meanings and were re-articulated with other trends of political language and tradition."[15]

Held connects the heritage of protective republicanism somewhat directly to a later development of the liberal tradition, and discusses developmental republicanism, next to liberal and Marxist theory, as a separate, relevant area of the affirmation of the principle of autonomy within modern political thought.[16]

In his conception of autonomy – as the union of individual freedom and political activism of every individual, the importance of civic virtue and individual influence on decision-making in every sphere of one's own life inside the community – he tends to synthesize the highest range of republicanism (citizen activism, civic virtues), liberalism (protection of personal freedoms, power limited by a constitution and laws) and Marxism (the importance of citizens' control over economic resources and economic centers of power), and to offer his own model of democracy – "democratic autonomy" and "cosmopolitan democracy".

14 See: Vujadinović, D. Ciceronovo shvatanje političkih vrlina (Cicero's Understanding of Political Virtues), *Anali Pravnog fakulteta u Beogradu* (*Annals of the Faculty of Law in Belgrade)*, 2007, No. 1. Year LV, pp. 100–120.

15 Held, D. rev. ed. 1996, *op. cit.* p. 69.

16 See: *Ibid.*, pp. 297–334.

He points out the complementarity of republican skepticism in relation to the power of monarchs and princes, of liberal skepticism in relation to concentrated power in all of its forms, and of Marxist skepticism in relation to economic power. Additionally, he points out that every tradition has significant limitations which should also be considered (the institutionalization of participatory politics in a large, modern state should be different from one in a Renaissance republic; the problem with liberalism is that it disregards the overextended power of the market, which is destructive to democracy, and the problem with Marxism is that it disregards political participation). Also, there are mutual limitations of republicanism, liberalism and Marxism: the roots of difficulties lay in the narrowed conception of the term "politics". In the republican and liberal tradition, the term "politics" is equalized with the affairs or with the world of the government. When this is equalized, the wider area of politics is disregarded: above all, the sphere of productive and reproductive relations (the sphere of control over economic centers of power and the sphere of family life in which a woman is systematically deprived of her autonomous activity and political participation). All three theories have disregarded the importance of the characteristics of family life and of the position of women in and for the democracy.

Therefore, the broader conception of the term "politics" from those offered in these modalities of opinion is necessary. Politics is a phenomenon we encounter within or between groups, institutions and societies, by crossing through private and public life. It is manifested in all activities of cooperation, negotiation and the battle over the use and distribution of resources. It is included in all relations, institutions and structures of societies; it is a universal dimension of human life. Politics creates and conditions every aspect of our lives and it lies at the core of the conflict resolution and solving the problems in society.

"Politics", understood in this manner, leads to a connection of the principle of autonomy with the participation of citizens in all of the decisions that are important to them. A democratically organized political life, or the participation of citizens in "politics in a broader sense", most directly concerns civil society, and this is not possible without the development of civic virtues and democratic political culture.

The influence of republicanism on the development of liberalism is present in the building of the conception and practice of both the rule of law and civil society. The heritage of a mixed government derived from Aristotle, republican Rome, and Renaissance cities has certainly influenced the development of the new century and the modern conception of constitutional government. On the other hand, republican heritage in the development of the ideas and practice of liberal democracy is that which states the most about the interconnection of the development of civil society and the rule of law, along with the intermediation of democratic political culture.

According to Pavo Barišić[17], the congruence of a political culture and a political system is necessary for the development of democracy and republicanism within the liberal order. The connection of civic virtues, political culture and their democratic institutions is at stake. Republican ideas give a foundation for political culture and civic virtues. Republicanism affirms the ideas of the common good and citizens' activism. Republicans compete with Liberals and correct liberalism, and do not separate individuals from the common good. In republicanism, the moral understanding of virtues is essential. The democratic liberal state can exist only when individual rights protected/guaranteed by the constitution function within the critical mass of those that have a political culture and devotion to the common good.

The Concept of Political Culture

The concept of democratic political culture is derived from the general definition of political culture and, of course, culture in general. Activist definitions of political culture are directed toward the question of to what extent existing political culture – defined as a net of subjective value orientations of the members of society in relation to the basic elements of a political system, its political institutions, processes and values – is manifested as a factor (catalyst) of political transformation, and to what extent it acts, contrary to that as an instrument of resistance. In this sense, an essential bond is established between the development of a democratic political culture and a democratic political transformation.

Milan Podunavac calls attention to the fact that the concept of political culture meets within itself the elements of all relevant discursive strategies in contemporary political theory – liberalism, communitarianism, republicanism, as well as different traditional fields (of the connection of traditionally conceived ideas of political philosophy and the empirically based field of political sociology). This type of synthesis is present in Rawls' *Political liberalism*, where the concepts' series begin with a discussion about the principles of justice, and ends with the ideas of consensus and political culture; although, in this new synthesis, the central place belongs to political culture.[18]

17 Barišić, P. Građanske kreposti i ideja republikanizma (Civic Virtues and the Idea of Republicanism), the presentation at the Conference of the Philosophical Society of Croatia, held in Cres, 26–29. September 2007.

18 Podunavac states the following: "Through building the political ideal of a 'well based society' around the principle of 'political justice', 'overlapping consensus' and 'political culture', Rawls, contrary to classical liberal political theory (including his own standpoint in the *Theory of Justice*), pleads for the establishment of a normative status of the 'citizenship' principle, referring to the fact that stability and nature of modern democratic institutions does not depend only on the principles of justice of the 'basic structures of society', but also depends on political preferences, stances and qualities of its citizens. Civil virtues and civil identity are a base core of the citizenship principle, which is, again, just another expression for the `public political culture` of one society. Political culture is

There are several different definitions of political culture. Zagorka Golubović gives a complex definition which includes, besides forms of individual participation in social practice or the "culture of behaving", the norms and conditions of their participation, types of social/political actions, as well as processes in which individuals prepare for social participation (socialization, and especially political socialization, the forming of "social character", symbolization processes, accepted types of belief and ideology, predominant mentality, and so-called "national character").[19]

Almond and Verba offer a subjective interpretation from the viewpoint of civic culture (the "civic culture approach"): "Within the limits of this approach a political culture is determined as a subjective dimension of the political system, and the central point of exploration is marked by the exploration of knowledge, value, feeling and thinking in the interpretation of political behavior and political processes within the limits of one community. The theoretical status of political culture within the scope of this `school` is drawn upon the following premises: 1. political culture refers to a model of subjective political orientations within a whole nation or some of its parts; 2. integral parts of political culture are cognitive, affective and value elements; this includes the knowledge and opinion of political reality, feelings regarding politics and a political value stance; 3. the substance of political culture is a result of socialization in childhood, one's up-bringing, influence by the media, experiences from the lives of adults and those outputs made by their government and politics as well as their results; it limits them but, in any case, it does not determine them completely. The causative arrows between political culture and the structure and output of government go in both directions."[20]

According to Podunavac, the concept of political culture which comes from the shared field of social and cultural anthropology (represented, let's say, by Elkinson, Pye, Rohe) is also relevant. It has an advantage in relation to "the civic culture approach" due to the fact that it accentuates the form of government as an independent part of political culture. A special quality exists in this interpretation, as political culture is a "sensible entirety", a relatively stable and tabulated structure of personal, private and collective public experience, a product of historical memory of a certain society. Political

identified as a basic factor of unification of one political order." (Podunavac, M. Politička kultura i političke institucije (Political Culture and Political Institutions), in: Vasović, M. ed. *Fragmenti političke kulture [The Fragments of Political Culture]*, Beograd: Institut društvenih nauka, 1998, p. 13).

19 See: Golubović, Z. Authoritarian Heritage and Obstacles for the Development of Civil Society and Democratic Political Culture, in: Vujadinović, D. et. al., op. cit. 2004, pp. 233–247. See also: Golubović, Z., Kuzmanović, B., Vasović, M. *Društveni karakter i društvene promene u svetlu nacionalnih sukoba (Social Character and Social Changes in the Light of National Conflicts*), Beograd: Institut za filozofiju i društvenu teoriju and "Filip Višnjić", 1995.

20 Cited according to: Podunavac, *Ibid*., p. 23.

culture gives structure and meaning to the political sphere. Only understood in the way (as a "sensible entirety" as that which gives meaning to politics), political culture includes central themes in the structure of politics: the question of loyalty and legitimacy, the problem of unification of the community, the relationship of political trust and distrust, the questions of equality and hierarchy, freedom and force, authority and order.[21]

In this context, the interpretation of political culture as a form of self-understanding of the political order itself, which has constitutive significance for one community, is also relevant. Therefore, in this meaning, political culture has a central role for the understanding and analysis of political identity. It is understood as a set of stands, viewpoints and sentiments which give sense and meaning to political processes and make basic presumptions and rules which determine behavior in the political system. Political culture simultaneously encompasses political ideals and operational norms of politics. Political culture – defined in this way – has a broader sense in relation to classical comprehension, according to which it represents "the subjective and psychological dimension of the political system".

In this interpretation of political culture, its supra-individual character is accentuated. Secondly, in contrast to its interpretation as a "subjective and psychological dimension of the political system", emphasis is placed on the basic principles for judgment of a given order and its politics (that political culture consists of sets of more principal viewpoints of politics and orders, of principles upon which the order is judged). From this starting point, a much tighter connection than that within classical comprehension is made between political culture, political identities and political power and legitimacy. Thirdly, the power of the normative charge of political culture is emphasized.

Political culture is an ideal construction of the political life of a certain community and is filled with a certain sense. This sense is articulated not only through the dominant political traditions of reasoning, through political discourse in the public arena, through the influence of inherited cultural models, but also through the influence of individual value and political preference and motivation. The field of a modern, democratic political culture contains the "free and open communicational area of change and modernization in which the influences of outer environments, public events and operating norms, the spirit of public institutions and private experience of actors are intertwined."[22]

Values and value preferences are integral parts of political culture. In the mutual relationship of values and political culture, the reciprocal influences of individuals and the community, adopted cultural models and requests for changes, past and future, socialization and autonomous actions intersect.

21 *Ibid.*

22 *Ibid.*, p. 28.

Dragomir Pantić[23] discusses the influence of values on political culture in the sense of character dispositions and the elements of citizens' social consciousness, on the one hand, and the integrative character and motivational force of values, on the other. He also discusses the fact that values which come from institutions are very important for political culture, and that those that come from individuals are important as well. Values have different functions in the life of the individual, and those that are especially important for political culture are the function of the individual's adaptation to a social environment and their protective function (ego-defense): political culture provides certain recommendations, requests, guides, and the "condensed experience of ancestors and contemporaries" for the individual. On the other hand, participatory and civic political culture in modern democratic countries leave the individual with space for the independent acquisition of political knowledge and experience and, consequently, for an autonomous creation of its own preferences, initiatives and decisions.

There are different classifications of political culture on the grounds of the criteria of value preferences, the types of social relations and the types of socialization of personality which they generate. Almond's classical categorization is placed on the parochial/traditional, subservient, participatory and civic political culture. There are also classifications as a traditional, modern and postmodern political culture; conventional and protestant; elite, sub-elite and contra-elite; civic and revolutionary; materialistic and post-materialistic; cooperative-pragmatic, apathetic and alienated political culture. The categorization for democratic culture opposed to autocratic or authoritarian political culture occurs very often.[24]

The classification of political culture on the grounds of value preferences for modernity, future and progress, contrary to preferences for the preservation of tradition, the heritage of the past, the tabulated state of affairs in a country and society, and in combination with the type of relations of democratic/egalitarian or hierarchic/authoritarian, can be considered as an analytically productive line of distinction of types of political culture.

It should be noted that the field of political culture, as well as of all modern processes and occurrences, is dialectical and it always represents a field of conflict of tendencies of traditionalism and modernizing processes, and of a traditional and democratic political culture. As well, it should be noted that it is a complex area of intersection of pluralism of cultural, normative and political models, quantitative and qualitative changes within every manifestation of political culture, as well as in its interrelation – the relation of preponderance, dominance, the fight for supremacy of different modalities and civilization tendencies in the field of political culture.

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23 See: Pantić, D. Politička kultura i vrline (Political culture and values), *Fragments... op. cit*. pp. 39–56.

24 See: *Ibid.*, pp. 56–67.

Civil Society and Democratic Political Culture

The value definition of civil society has an essential connection to the concept of democratic political culture. The development of democratic political culture is of essential importance for the development of civil society. Conversely, the presence of authoritarian and nondemocratic political culture represents one of the most significant obstacles for the development of civil society.

This connection is reciprocal, but not exclusively reciprocally dependent; the processes of the improvement of civil society influence the change of citizen value preferences, the quality of subjective attitudes toward the order, the quality of historical memory, self-reflection about the past, present and future, the quality and quantity of democratic political participation; insofar, they influence the development of a democratic political culture.

Also, on the other hand, the improvement of the development of a democratic political culture (under the influence of media, education, changes in family and types of upbringing, culture in general, the public press, activities of political, economic, media and religious elite, and the openness for influence coming from an international context), represents fertile ground for the development of an autonomous type of personality, civil identity and, by this, for the development of civil society.

Generally speaking, the quality of political culture, as well as the factor of the quality of political institutions, the factor of the quality of legislation, the way in which the cultural-historic heritage of a given environment is interpreted, the way in which social elite act, the way in which public opinion is formed and the way in which the family and educational system are structured, all play key influences on the development or non-development of civil society.

The prevalent type of personality, the prevalent type of value preferences and normative models and the type of prevailing social mentality, represent a bond between the field of civil society and the field of political culture; the connection in the sense of a causative effect on the quality and development of both civil society and political culture, as well as in the sense of consequent results, that is, in the sense of the influence of the development of democratic or anti-democratic capacities of both individuals and social groups.

Political culture can be considered as a field where individual, collective and public experiences meet. Civil society also represents a field where individual, collective and public experiences meet. This field is common for them within the framework of politics in a broader sense. On the other hand, political culture is not in effect only in the field of politics in a broader sense, but also in the field of politics in a narrower sense – within the limits of activities of political parties and political elite, as well as relating to questions of loyalty, legitimacy of a political order, and interrelations of citizens and the given political order.

The most direct fields of their meeting are value systems, normative models, and basic principles upon which emancipatory activism in civil society and democratic political culture are founded.

In terms of principles, a significant assumption for the development of civil society is the affirmation of universal human rights, the value of freedom, equality, justice, solidarity as well as the principles upon which a democratic political culture is based: the principles of tolerance, nonviolence, and of respect for autonomy and diversity, which also means a non-segregated relation towards the other – in the sense of race, nationality, gender and minority. When civil society, just like the rule of law, does not act according to the criteria and the model of a democratic political culture, the processes of the democratization of both civil society and liberal order are disrupted; in that case, within civil society the elements of authoritarian political culture begin to manifest themselves.

The development of civil society, as was stated, requires a democratic political culture, the democratic socialization of the individual/citizen, a critical public, the affirmation of universal human rights inside the family, in the field of education, in the workplace, in culture, media and politics. Also, the most important stimuli for the development of democratic political culture come from the field of civil society.

FAMILY, FEMINISM AND CIVIL SOCIETY*

Introduction

This text will deal with the general theoretical framework for considering the relationship between family and civil society, as well as the relationship between feminist political theory and the theory of civil society. The starting point of analysis will be the feminist approach to family-civil society relationships, mediated by private-public dichotomy and by social policy issues. However, the feminist approach will be critically reconsidered from the point of the existent dialectic between patriarchy and anti-patriarchy in modernity.

The following questions are included in this analysis: What is the intrinsic connection between civil society and family structure? What importance does civil society have for the improvement of gender relations and family life and vice versa? How should the concept of civil society further be developed in order to incorporate a feminist perspective? What improvements of the feminist approach would be necessary for a better understanding of family-civil society interrelation?

Behind the responses to these questions lies the feminist view that a division between the public and private sphere has to be redefined, that the "public" character of civil society and the "private" character of family life are essentially interconnected and indivisible, and that gendered character of the public/private issue should be demystified and overcome. There is also the underlying assumption that the mutual silence between feminist political theory and civil society discourse is a result of the inner limitations of both theories.

The concept of "gender" is used – in accordance with feminist political thought – primarily in the sense of expressing socially determined sexual inequality: "gendered" and "engendering" is related to female subordination in practice and theoretical articulation/affirmation of gender inequalities; "degendering" means the process of overcoming sexual inequality; "gender sensitivity" means being aware of gender inequality in theoretical research and focusing on overcoming it in general policy making.

1. Family and Civil Society

1.1. Background Analysis

The relationship of family and civil society will be put into the context of relationships between the individual, the family, civil society and the state, as

* This text was originally presented at the European Civil Society Network (CiSoNet) meeting, covering the topic: Family Structures and Civil Society, held in Wassenaar, Holland in March 2005.

formed inside the liberal democratic order and modern Western civilization. The analysis will also include the dialectic of patriarchy and anti-patriarchy as well as the processes of globalization which widen the basic framework of analysis (individual-family-civil, society-state) over national boundaries and also over the framework of Western civilization.

Connections between individuals, families, civil society and the state are the most generally relevant context of the analysis. This context entails different multiple interrelations between: the individual and the family, the individual and civil society, the individual and the state, the family and civil society, the family and the state, and lastly, civil society and the state. These multiple connections can be mutually consistent (for example, when an individual behaves autonomously inside family relations, and equally autonomously in the framework of civil society and towards the state), but controversial relations are possible as well (when the individual behaves partly autonomously and partly heteronymously in some or all of these relations).

Ginsborg[1] speaks about a "series of relationships, both interlocking and conflictual, between individuals, families, civil society and state" and adds: "If we examine in more detail this suggested series of relationships, individuals-families-civil society-state, it is all too obvious that some of them have been at the very heart of recent analytical enquiry, while others have not. For instance, intra-family relationships, and in particular the family identity of women, have been one of the central concerns of modern feminist scholarship, and certainly not just that of historians. Nor need time be wasted reminding the reader of how rich is the historiography on the relationship between the individual and the state. But it is what may be termed the `missing links`, the relationship doomed to silence or to casual reference, that most concern us here. In particular, it is the nexus family-civil society, civil society-state, family-state that seems to cry out for greater attention and analytical clarity."

The theoretical-historical background of the aforementioned context of analysis is the modern liberal tradition, which has generated the emancipatory capacities of social life in contrast to and in contradiction with still present patriarchal heritage. Ideal-typical considerations start from the controversial character of given reality, focusing on normative and practical proposals for overcoming the manifestations of patriarchal heritage. An ideal-typical model of connections between the individual, the family, civil society and the state implies either two-way or multi-way connections between an autonomous individual, a democratic (non-patriarchal) family, a developed civil society and the rule of law (constitutional democracy). In other words, ideal-typically, the following relations are proposed:

1. An autonomous personality is the central figure of a democratic non-patriarchal family.

1 Ginsborg, P. Family, Civil Society and the State in Contemporary European History: Some Methodological Considerations, in: *Contemporary European History* 4, March 1995, p. 267.

2. Democratic family life and the democratic education of children is a sine qua non for forming autonomous individuals of both genders – female and male.
3. Democratic changes in family life have been the sine qua non for the development of civil society.
4. Individual autonomy and democratic family life are developed most successfully in a well ordered liberal democracy.
5. The public associative action of civil society representatives and active political and public action of autonomous individuals (based on universal human values, including values concerned with gender equality and focused on the degendering of all spheres of public and private life) have had essential importance for anti-patriarchal changes in family life.

However, different versions of the liberal tradition do not consider the interconnectedness of the individual, the family, civil society and the state in the same way. Especially, the liberal egalitarian tradition (including Scandinavian postwar social democracies) – based on social justice and a particular kind of welfare state model of social redistribution of economic and social capital – has provided the most fruitful political/institutional framework for the development of individual autonomy, democratic family life and democratic participation in a developed civil society. The so-called "new liberalism" (neoliberalism) on the other hand does not support social policy legislation that aims to redistribute resources in favor of social security and gender equality, and insofar contributes to a revival of the patriarchal family and the return of women into the household. Neoliberalism does support autonomous individuality, but primarily as is important for the free market economy and, consequently, it supports a minimal state model instead of a welfare state, and it tolerates civil society but tends to reduce it to NGOs as a substitute for the third sector of services. In addition, "new conservatism" openly supports the patriarchal heteronymous character of family life and social relations, and gives priority to the principles of collectivity in family and social life (except in the sphere of the market economy), instead of the principle of individuality (autonomous personality). Consequently, "neoconservatism" does not tend to develop civil society as a field of participatory voluntary associative action of autonomous individuals (except concerning right wing anti-feminist pro-life public campaigns). Instead, it has much more sympathy and support for philanthropic and humanitarian aid types of activities.

Patriarchal heritage is not only connected with the history of the family, but in a wider sense, designates all spheres of social life along the model of a hierarchical distribution of power, which as a rule means male domination in not only family and in private life, but also in all spheres of social relations and public life. This statement has been formulated in the most general terms, because it can be applied to all civilizations and to the whole history of

humanity up to the modern era. Of course, patriarchy, although representing the red core line of gender relations has always been politically, culturally and historically contextualized.

Modernity and the liberal tradition have brought the contradictory character of family and gender relations into life, i.e. the dialectic of patriarchy and anti-patriarchy. The patriarchal tradition of heteronymous hierarchical relations and subordination of the female still exists both in the family and in wider social life, but it is no longer the only and predominant model of gender relations. The contradiction between patriarchal and non-patriarchal models of gender relations has become an essential feature of modernity. This means that modern society (including its individual and family life, civil society, and state) in other words, modern private and public life, have been designated as the "battlefield" of patriarchal heritage and anti/patriarchal emancipatory potential. This would also mean that every version of a liberal political order (even a most egalitarian one) contains some elements of patriarchy inside individual life, family relations, civil society, and the distribution of political power.

Contemporary modern society has been contradictory in itself, and one of its essential contradictions has been expressed as a contradiction between patriarchal heritage and the processes of emancipation from patriarchy in all aspects of family life as well as in all spheres of social and political life. To sharpen this contradiction in the most extreme way, the patriarchal behavior of both males and females can be found in both the private and the public sphere of the most advanced democratic circumstances, and equally, the emancipated behavior of both females and males can be found (though exceptionally) in the private and/or public life in most patriarchal surroundings.

Although the patriarchal tradition has been present in all versions of the liberal tradition and in all contemporary societies (including the underdeveloped countries of the Third world, semi-peripheral and transitional countries), there are big differences in the extent to which patriarchy has been manifested. Participative models of liberal democracy that have a strong social policy of welfare mostly act towards destroying patriarchy from above (state intervention) and from below (at the mezzo level – through civil society activities and at the micro level through changes in the family itself), while neoliberal and especially neoconservative versions usually act towards maintaining the patriarchy. However, generally speaking, the patriarchal tradition in all liberal societies has been weakened significantly in the family and the public life, and the development of civil society and its emancipatory impact continues to weaken patriarchy even further.

As for countries in transition, there the neoliberal transitional strategies combined with negative trends of globalization lead to a situation in which women have been losing their social security and the social rights they had already gained (during "real socialism") in the fields of labor, maternity, and

child care. This contributes to a definite additional strengthening of female subordination and re-patriarchalization. On the other hand, civil society in these countries has become reduced to the NGO sector and has mostly been instrumentalized to substitute their previously strong state social services. Therefore, at the moment, it does not represent a source of weakening the processes of re-patriarchalization. This, however, does not mean that it cannot take – under the growing pressure of women's dissatisfaction – an emancipatory role in the future.

Speaking about semi-peripheral and peripheral countries of the Third World, there have been dominant different versions of strong patriarchal traditions (colored by dominant religious world views), which have been destabilized but not seriously endangered by changes in family relations under the influence of globalization, on one hand, and of the grassroots civil society actors – feminist groups and NGOs fighting for female civic or social rights, on the other.

The processes of globalization have been expressing fully and clearly the global character of the specifically modern phenomenon of dialectical relations between historical tendencies of patriarchy and anti-patriarchy.

Generally speaking, globalization has had controversial impacts and there are positive effects for emancipatory processes in family relations – by breaking down strong patriarchal systems of norms from the inside and by taking women out of the family and the private sphere. However, there are even more negative impacts of globalization, especially when combined with neoliberal politics of diminishing social redistribution. These have resulted in strengthening the double patriarchal roles of the female (the model of mother and wife, as well as the model of the prostitute), followed by a rise in violence in the family, by the abuse of women and children (sex trafficking), by the tabloidization and pornografization of traditional gender roles in the media and by the gendered unification of the dominant models of behavior in common life, mass culture, fashion, and so on.

A decade and a half ago, these negative trends started being termed "misogyny". There are multiple negative impacts of misogynous unification of social roles under globalizing and integration processes in transitional countries.

The feminist use of the concept "misogyny" has had a remarkable cognitive value for improving the critique of patriarchy (of its contemporary continuation), through sharpening the issue of female subordination as a problem of hatred towards women and as violence against women and children. This violence has become ever more an issue of public politics and has gained transparency and practical relevance. The concept of misogyny has a strong critical capacity for demystifying the anti-emancipatory elements of globalization and of the "old" and "new" patriarchy, by stressing violence as the most extreme form of reproducing female subordination in modernity.

Marina Blagojević[2] elaborates on the "old" and "new" character of misogyny, conceived as a manifestation of "masculine culture" and its violent character, and applied to the West and East, as well as to the global scale of our contemporary world: "In contemporary practices and discourses, both public and private, within a certain social community, misogyny is both new and old; it is based on relatively permanent cultural patterns, but it is also renewed in a different context, reproduced differently, influenced by new social forces. Attributing more historicity and permanence than contemporaneousness and temporality to the current state of misogyny would be simply a methodological error."

According to Blagojević, misogyny has been progressing in the West and has been manifested through different sorts of sexual abuse and violence, and is supported by new technologies and popular culture. Additionally, with processes of globalization, the principles of a "masculine culture" of Western provenance have been carried to extremes (extreme pathological forms) with the help of new technologies. The industry of war and popular culture and misogyny eventually even can lead to necrophilia, "... a condition which, in the final instance, develops into destruction not only of the object but also the subject of hatred".[3]

The concept of misogyny as applied particularly to countries in transition has shown some "new" and also "old" manifestations of reproducing patriarchal heritage: "In the post-communist world, misogyny is being re-established in a social setting and a timeframe which have been characterized primarily by discontinuity and represent a reaction to this discontinuity. At the same time there is a need for some model of continuity, in which at least the image of hatred towards women could be understood as a relatively stable social pattern within a recognizable cultural framework. In this way at least some link can bee provided between the fragmented post-communist world with its own historic experience, and the 'global' one. In post-communism, misogyny is surfacing as one of the possible and very stable links with the 'world' and with the 'past'; in fact it has two parallel, seemingly contradictory, but essentially pervasive functions, both transcending local culture and demonstrating its uniqueness. Thereby, in a sense, it appears as a symbolic meeting point of the local and the global; both an intersection of these worlds, and the focus of an overall consensus. In the post-communist world, misogyny is undoubtedly one of the essential features of so-called 're-traditionalization' which also prompts nostalgic feelings towards the traditional patriarchal order, feelings that have been growing stronger in the 'chaos' of transition. At the same time, misogyny is at the meeting point of the very different worlds of the West and the East, where brotherly 'contract' and specific societal con-

2 Blagojević, M. ed. *Mapiranje mizoginije u Srbiji: diskursi i prakse* (*Mapping Misogyny in Serbia: Discourses and Practice*), Beograd: AŽIN, 2000, p. 674.

3 *Ibid.,* p. 672.

tract have become particularly conspicuous in the easy adoption of the products of mass culture from the West, full of misogynous content."[4]

The question regarding the relationship between civil society and the family deals with the "collocation of the family: should it be regarded analytically as part of, or separate from, civil society?"[5] According to relevant analysis, the family should neither be regarded either as fully incorporated in nor fully separated from civil society, because this private/public interconnection has been "interlocking and conflictual".[6] Private and public are both complementary and indivisible, and separate spheres of social life. Consequently, the analytical separation of the family (the private sphere) and civil society (an element of the public sphere) is important for understanding the particular specificity of each of them, yet does loose its cognitive power if it blurs and mystifies their essential mutual connections, and if *vice versa*, the cognitive power of the internal connection between the public and the private can be lost by giving priority to a separateness of these spheres.

These seemingly neutral theoretical-methodological statements blur the contradictory character of family and civil society internally as well as in their mutual relationship in the context of contradictions between the patriarchal and the anti-patriarchal tendencies in modernity.

To sum up: 1. The consideration of family-civil society has been put in the context of the individual-family-civil society-state relationship, but while also taking into consideration the processes of globalization (overcoming state boundaries); 2. The family has been considered as analytically separated but essentially interconnected to civil society and *vice versa*; 3. The theoretical-methodological framework of analysis has been related to the contradictory processes of reproducing patriarchal heritage and of overcoming patriarchy in the context of individual-family-civil society-state relations, as well as in the context of globalization.

1.2. Additional Aspects of the Referential Framework of Analysis

In addition to the above presented theoretical-methodological framework, it is necessary also to introduce, firstly, the concept of everyday life, the interrelation of everyday life, family life and civil society, as well as to explain the fruitfulness and relevance of the sociology of everyday life for these considerations, and, secondly, to give elementary understanding of the family, which social anthropology and sociology of the family offer.

1.2.1 Everyday Life, Family and Civil Society

There is an unbreakable connection between everyday life and family life, and between them and civil society. The socialization of the individual and the establishment and reproduction of family life have happened through

4 *Ibid*., p. 674.

5 Ginsborg, P. 1995, *op. cit.*

6 *Ibid*., p. 267.

the everyday life of individuals and families. While family issues necessarily include the notion of everyday life, the quality of everyday life has had crucial importance for the development of civil society. For the emancipatory potential of civil society and for its permanent democratic reconstruction, it is of the utmost importance that the individual is formed as an autonomous personality, above all in the family and in everyday life. On the other hand, since within the everyday life of every individual, through his/her personal experience and fate, the influences of all spheres of social life are reflected, for the development and advancement of democratic content of civil society it is necessary that the individual is educated and socialized not only within a democratic type of family, but also that he/she takes part in democratically designed education, culture, associations; that he/she has access to free media, and so on. Here civil society resonates with all spheres of social life – the family, the everyday, the economy, education, science, culture, media, etc. – insofar as they encourage the development of a free personality, and promote universal human values and democratic principles of solidarity, tolerance, and humanitarianism.[7]

The sociology of everyday life has been established as a new branch in modern sociology. This means that everyday life has theoretical-methodological, empirical as well as analytical importance for contemporary social research.

Contemporary sociology tends to encompass social phenomena also from "below", from a grassroots' level, i.e. starting from the everyday life of individuals, which has insofar received relevance *per se* inside this alternative sociological approach: "[The] consideration of and even more fascination with the everyday has not been occasional. It means the timid and hesitating constitution of a different world view, the view of majority (in the sense of number) and minority (in the sense of power), which looks upon things from *below*. Taking into consideration the everyday means including into sociology exactly that perspective from *below*, which has not been any more legitimized by that which is 'above', i.e. by the system, hierarchy, order and government, but by *itself*. Simultaneously, accepting this perspective demands an imagination and bravery for refusing the principles of 'objectivity' of the science which however has never really been objective, bravery for the deliberate *involving* of personal experience, as well as bravery to *read behind*

7 The importance of civil society in the whole process of emancipation can be seen as follows: "Not the state, but members of civil society bear the responsibility of sustaining an effective democratic public sphere. Only when actors consciously try to enhance, expand, and transform the public sphere as they participate in it do we have critical buffers against deformation... (W)e value civil society because it makes democracy possible and we value democracy because, if authentic, it transforms domination into self-rule... Habermas argues that authentic public autonomy is impossible without private autonomy and private autonomy can be justified only through public autonomy." (Chambers, S. and Kymlicka, W. eds. 2002. *Alternative Conceptions of Civil Society*, Princeton and Oxford: Princeton University Press, 2002, pp. 98–99).

the lines, which is invisible behind the banality and triviality, and for which appropriate theoretical hypotheses and valid 'scientific' proofs' do not always exist."[8]

The importance of everyday life for the social research of underdeveloped and deconstructed societies is also worth mentioning, as it offers at least a minimum of stable referential empirical and cognitive factors.

The concept of everyday life[9] emerged only in modern social theory, due to the fact that everyday life itself had attained problematic content, and insofar had to become recognized as a relevant issue. Therefore, modern social and philosophical thought, insofar as it is aware that everyday life is the foundation of the whole social practice and the basis of all knowledge, thought and action, has to take it as a point of departure in its effort to achieve relevant insight into the character of social reality.[10]

In everyday life human beings achieve their primary human experience both as an individual and as a part of the community, above all, the family. In everyday life the basic prerequisites of sociability are adopted (language, rules for manipulating objects, and basic social norms).[11]

In everyday life, the intersubjective and the subjective, the collective and the individual, the particular and the generic, nature and culture intervene, mutually condition and modify each other.[12]

In modern society, everyday life (like modernity, generally speaking) is not only structurally contradictory – alienated (rationalized, colonized)[13], but also contains emancipatory potential.

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8 See: Blagojević, M. in: Bolčić, S. Društvene promene i svakodnevni život: Srbija početkom 90-ih (Social Changes and Everyday Life: Serbia in the Early '90s), Beograd: ISI FF, 2002 (2nd ed.), pp. 181–182.

9 See the text in this book: Everyday Life and Civil Society.

10 See: Heller, A. *Svakodnevni život* (*Everyday Life*), Belgrade: Nolit, 1978, (first ed. 1970).

11 See: Vujadinović, D. *op. cit;* Heller, A. Everyday Life, Rationality of Reason, Rationality of Intellect, manuscript, 1982.

12 See: Lefebvre, H. Kritika svakidašnjeg života (A Critique of Everyday Life), Zagreb: Naprijed, 1968.

13 The alienation of everyday life is not an exclusively modern phenomenon, but one may speak of the specifically modern character of the alienation of everyday life, i.e. of the contradictory nature of everyday life in modernity, relevant precisely from the point of view of the relation between civil society and the everyday. That is, everyday life was also alienated (colonized) in pre-modern history: the development of the individual and the modes of everyday behavior were dictated "from outside" by the prevailing unambiguous and "naturally given" social "norms and rules"; but the religious worldview still bestowed some sense upon such everyday life, and supplied the "human being as a whole" with the feeling of being integrated. The alienation of everyday life could become problematic only with the emergence of the modern logic of democracy, which, as combined with the universalization of commodity production, resulted in the destruction of the sacredness and unambiguousness of the traditional way of living and the traditional "norms and rules". At the same time, individual autonomy and the democratic "public sphere", as well as universal values and the standpoint of the "rationality of the intellect" emerge as the foundation of the critical examination of

Everyday life basically means something "temporary" (passing and changing), but through repetition. This means that there is some kind of substantial "stability" in everyday life. Everyday life has been, by definition, an ordinary life, a perpetual and self-repeating and self-reproducing phenomenon. A relatively stable everyday life has been a signal of relative normalcy in a society and state. In times of crisis, wars, the destabilization of a society has been followed by not only the decomposition of ordinary everyday life, but also by some of its necessary recomposition. Namely, everyday life has to be reproduced even in abnormal, turbulent times, and there is an unlimited number of survival strategies. The price of accommodation and modification of everyday life in cases of abnormal social, political, economic, and other conditions is the unlimited deterioration of the quality of everyday life.

It should not be forgotten that there are essential differences between the normal everyday routine in stable social contexts and the "everyday" in societies in decomposition. There is a big difference between the high quality of everyday life in modern developed countries – which can and does influence decision making and the destiny of society, and everyday life in underdeveloped and turbulent societies where it is mostly reduced to mere survival. In addition, the difference between male and female everyday life both in developed and stable and in underdeveloped and unstable societies should always be taken again into consideration.

Like everyday life, the family is also an empirical human universal, and these two intervene and presuppose one another. The family is the cellular form of the community and the place of socialization's origin, shaping of needs and value systems, the formation of the type of personality and of the quality of interpersonal relations.

Everyday life, family and gender relations are structurally contradictory in modern society, due to the generally contradictory character of modern society (contradiction between universal political and legal emancipation and economic domination of the logic of capital); they are also specifically determined by the conflict between the patriarchal tradition and the tendencies

the said "norms and rules". Additional reasons for turning everyday life in modernity into a topic concern the specifically modern form of alienation of everyday life – its rationalization, i.e. its being invaded by the scientific worldview, and its inability to give meaning to life, to integrate heterogeneous activities of the individual and offer him or her the sense of being a complete personality; as a consequence, the individual feels alienated, a puppet manipulated from without, dissatisfied. This is the point where the "rationality of the intellect" standpoint touches upon everyday life, i.e. where the subjective experience of discontent resonates with universal human values.

The modern contradiction between the alienated "rationality of the reason" and the desalinating "rationality of the intellect" is manifested at the individual level as the contradiction between the heteronymous, other-directed, conformist and manipulative "persons" inclined to irrationality versus autonomous personalities inclined to the democratic way of thinking, behaving and acting. At the social level it is manifested as the contradiction between other-directed collective behavior inclined to populism, authoritarianism, neo-fundamentalism versus the formation of a democratic-type "social character". (See: Heller, A. 1982, *op. cit.*).

of its destruction. Namely, the modern age is the first in which the patriarchy – as the core characteristic of family and gender relationships through all premodern epochs – has become crossed and relativized by the emancipatory impacts of industrialization (which opened for women a path towards economic independence), political revolution (which opened for women a path towards universal, female political and legal equality), a gradual expansion of education, information, media, civic movements (which opened a path towards a rise of self-consciousness in women and their mobilization for defending and conducting women`s rights).

The conflict between tradition and emancipation, i.e. the growth of the emancipatory aspect of family life and gender relations, is of the utmost importance for the establishment and development of civil society. Namely, if the up-bringing and the value system promoted in family and everyday life are based on universal human values, on anti-authoritarianism, anti-collectivism, anti-nationalism, etc., the road is open to the formation of autonomous personalities, of anti-patriarchal gender and parent-child relationship, and therefore also to a civil society. *Vice versa*: if civil society stimulates gender equality and acts in accordance with a feminist approach it contributes to emancipatory processes in the family; if civil actors and associations promote the reshaping of everyday life in accordance with democratic principles, they do an important job for both the quality of everyday life and of civil society.

The interrelation of family and everyday life in this context could be summed up as follows: for the emancipatory potential of civil society and for its permanent democratic reconstruction it is of the utmost importance that the individual is formed as an autonomous personality, above all in the family and in everyday life. On the other hand, since within the everyday life of each individual, through his or her personal experience and fate, the influences of all spheres of social life are reflected, for the development and advancement of democratic content of civil society, it is necessary that an individual is educated and socialized within a democratic-type family, that he/she takes part in democratically designed education, culture, associations and that he/she has access to free media. Here civil society resonates with all spheres of social life – the family, everyday, economy, education, science, culture, media... – insofar as they encourage the development of a free personality and the universal development of his/her unalienated needs and capacities, and insofar as they promote universal human values and the democratic principles of solidarity, tolerance, humanitarianism, and the like.

1.2.2. Family Structures

Social anthropology and sociology of the family consider the issue of the family at the macro and micro level and do this by starting from an essential difference between the premodern and the modern family.

Types of families can be classified at the macro level in the framework of a historical typology (of premodern and modern family)[14] and according to the following criteria: the size of the family and types of family group relations, stability, the types of primary family relations (love, duty, and authority), region and place of residence, the relation towards kinship groups, the type of authority, family belonging to a certain social stratum, mobility, family functions, property relations, belonging to a village-city, belonging to a race, family culture, religious background, and so on.[15] Of course, the above mentioned criteria have been also reproduced at the micro level as the historical, social-economic, cultural predetermination of the internal features of the family.

At the micro level, the internal family structure, family and kinship composition, the division of work in the family and consequential distribution of roles, the distribution of authority, structure of relations (power relations) and its system of internalized values and norms is at stake.[16]

There is a typology of family "micro-systems" according to the concrete-historical features of the surrounding society: the differentiation of families in the given society depend on its class structure (belonging to a certain social strata), professional structure (belonging to certain professional groups), and the location of the village or the city (belonging to certain cultural and spatial framework).

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14 Characteristics of the premodern family: traditional, patriarchal, extended family in which exists *pater familias* and subordination to elders and especially males; most of the functions of social reproduction are located in the family and household, through immediate relations between family groups; up-bringing and socialization is in accordance with traditional systems of roles and values; emotional links are subordinated to functional and traditional ones; social mobility is minimal and centered around the family locus; the economy is based on the family and household and, accordingly, the productive activity of family members is based on a family economic system; marriage is regulated according to strict rules of the given patriarchal tradition and religious heritage.

For the modern family the charachteristics include: that it emerges with industrialization and urbanization as a nuclear unit; family relations have become more spontaneous and based on emotions; marriage becomes more a matter of individual choice; familial and marital relations become a "battlefield" of patriarchal and anti-patriarchal tendencies; different specialized social institutions take on a great deal of previous family functions in socialization; there is a pluralist system in which the family represents only one of social groups and each family member belongs to different social groups (among which the family is only one); socialization is multi-centered and open for change in its systems of values and social roles; household economy stops being a basic social phenomenon, economic production and productive activities of family members are disengaged from the family; the family's standard of living does not depend any more primarily on its household economy but rather on labor activities outside the family; women come out of the family and the household, but also become burdened with double tasks. (See: Golubović, Z. *Porodica kao ljudska zajednica (Family as Human Community)*, Zagreb: Naprijed, 1981, pp. 11–130).

15 *Ibid.,* p. 135.

16 *Ibid*., pp. 135–204.

The main functional segments of each family are: bio-reproduction, existential reproduction (the satisfaction of needs), material-property standards, psychological-interactive types of relations, socialization, and economic productivity context related to the factors of one's profession and career.

The basic elements of family structure are related to the type of kinship and the number of relatives in a kinship, the number and age of children, and the number of generations represented in a family. According to the kinship structure, a family can be either an extended or a nuclear one. A nuclear family – which represents the core of a modern family – can be complete (with both parents – married or out of marriage) and incomplete (children living with one parent, either in divorce, widowhood or in an extramarital context). An extended family can consist of a few associated kinship families, a new born family of a married child living together with their parents, or associating with one of the widowed parents.

The nuclear family is two-generational and represents a normal type of family size in modernity, while extended families are three– or even more generational and have become an anachronism in modern society.

The contemporary (nuclear, western type) family has been at the crossroads of changing social roles and the quality of relationships. There is a contradiction between the patriarchal and/or non-patriarchal paradigm of social roles and relations between parents and children, and among parents alone in a nuclear family as well. Most families experience a mixture of elements of both paradigms. Insofar, contemporary families can be described as a "battlefield" of different civilizational options. The non-patriarchal option is called a partnership type of family.

The contemporary nuclear family has been changing its basic structure according to its size and composition inside of the aforementioned "battlefield" of patriarchal and anti-patriarchal interrelations. The link between the nuclear family and marriage has been weakened significantly, the nuclear family has not only been eroding through the rise of divorce, but also through an outburst of alternative types of family relations (new forms of two-generational extended families consisting of married couples where one or both parents are divorced and have children (different combinations of kids from previous marriages and newer ones), and new forms of consensual unions: "living apart together" (LAT), cohabitation and extramarital families.

Regarding civilizational/historical context, the nuclear family represents an essential step forward compared to extended patriarchal families. The nuclear family was the starting point of differentiation between the so-called traditional and modern family. However, in the context of modernity, the "classic" marriage (the nuclear family with two children as a model) seems as if it is closer to the patriarchal mode of relations and social roles, while new family structures (alternatives to the nuclear family and "classic" marriage) seem to be closer to non-patriarchal family relations and roles. Still, the "bat-

tlefield" is the common concrete-historical context of controversial changes in contemporary family life.

The point being is that phenomenological changes in family structure should not be *a priori* designated as qualitative changes of social roles and relations. Namely, the "classic" nuclear family can be more partnership-like than the alternative modes of extramarital relations, though the opposite is more probable. The core line of difference concerning family structures and their power relations should be a qualitative one, related to the type of social roles and relations being dominantly reproduced, and the type of personality being formed. The difference between alternative family structures according to current changes in size and the composition of the family happen to be only phenomenological and descriptive ones; the essential difference between existent forms of family structures and relations in contemporaneity comes from the quality of power relations based either on the logic of patriarchy or anti-patriarchy.

The core line of differentiation in the quality of family life lies in the "battlefield" of patriarchy and anti-patriarchy. A partnership-type family model, which has been based on anti-authoritarian democratic relationships between adults as well as between parents and children, and which has been enabling individual autonomous development of each family member, represents an ideal-type of an essentially changed, i.e. anti-patriarchal family structure.

2. Feminism and Civil Society

2.1. The Mutual Silence of Feminism and Civil Society

An important question is: In which direction does the concept of civil society need to develop in order to incorporate the feminist perspective? Viewed from a feminist perspective, this question is the following one: Does feminism need a concept of civil society and *vice versa*?

The main presupposition is that actual state of relations between feminist and civil society theory and practice has been characterized by a low level of mutual understanding and cooperation, and by mutual silence and a lack of awareness about their essential interconnectedness.

The main problem of both feminist political theories and theories of civil society is that they have the classic liberal dichotomy of private and public as their starting point. By accepting the standpoint of the aforementioned private/public division, both theories have been losing the cognitive capacity (which would have come out of a dialectical way of thinking). Civil society theories take this dichotomy as pre-given, and most often leave family and private issues from their consideration totally aside.

A paradox, or at least one of them, is that feminist movements have been an important part of civil society and the slogan: "The private is politi-

cal" should have been a constant warning for civil society theories about the importance of private issues. Instead, civil society theories have been mostly silent about family and private life. On the other hand, feminist political theories do not accept this dichotomy as pre-given; they start from a liberal dichotomy and critically attempt to reconsider it, in order to emphasize and make patriarchy transparent as a core line of interconnectedness of the private and public. By doing so, these theories take a step forward in comparison with theories of civil society. On the other hand, in an attempt to demystify the patriarchal basis of the liberal private/public division and connectedness, they are put aside and almost ignore the reality of contradictions between patriarchal and non-patriarchal tendencies in both the private and public sphere as well as in their approved interconnections. In other words, by focusing on a gendered character of family issues feminists leave aside and/or do not pay appropriate attention to the existent struggle between the patriarchal (gendered) and the non-patriarchal (degendering) elements in family issues, the struggle which takes part mostly in the family, but equally in the realm of the public sphere and civil society. They do not pay enough attention to the degendering processes and, inasmuch, go below the level of an existent state of affairs in both the family life and civil society (to use Aristotle's point of critique of Plato's conception of an "ideal state" as the one which goes below the level of an already reached quality of political practice in the Greek *polis*).

The consequence of the above mentioned similarities and differences in accepting a liberal dichotomy of the private and public results in theories of civil society being mostly silent for family and gender issues. Even more so, under the neutral or abstract use of the categories of the family, the individual, civil society actors, and so on, they actually express their gendered character.

Feminist theories are also more or less silent about the issues of civil society, they are much more state-centered and family-centered, although precisely the sphere of civil society is the one which matters most for the problems of everyday life and family from the point of forming or not forming individual personalities as well as from the point of a struggle for the improvement of everyday life through voluntary civic associations.

A lack of self-reflexivity of both of these theories (being both genuinely part of the liberal tradition) is a result from their mere taking on of the liberal private/public dichotomy. Insofar, mutual silence is not a matter of ignorance or lack of interest, but a logical consequence of their theoretical-methodological limitations in their approach to the essential controversies of modernity.

Feminist political theory (especially liberal feminism and socialist/social-democratic feminism)[17] is focused on demystifying the gendered character of

17 Kimlicka describes current streams in feminist political theory and their unifying element: "Contemporary feminist political theory is extremely diverse, in both premises and conclusions. This is also true to some degree of the other theories I have examined. But this diversity is multiplied within feminism, for each of these other theories is represented within feminism. Thus we have liberal feminism, socialist feminism, even libertarian

the mainstream political theory and philosophy, either by taking into consideration the individual-family-civil society-state framework or only the relation of family-civil society. Feminist theory demystifies the already mentioned alleged gender neutral analysis of family and civil society as being essentially a gendered one. Still, feminist political theoreticians very rarely take into consideration civil society discourse and its gendered character. Anne Phillips, for example, points to a gendered character of political theory including the theory of civil society: "Hegel saw man as having his 'substantive life' in the state and civil society, while woman pursued her 'substantive destiny' in the family, and this highly gendered understanding of civil society is by no means unique. 'Civil' often implies a contrast with natural or familial. 'Woman' still suggests an association with nature or family. It is hardly surprising that civil society so often conjures up a masculine realm."[18] She also points to the inner liability of civil society for gender inequalities related to its weak organizational structures and its spontaneity in functioning: "There are certain features of modern democracy that can be said to counteract background inequalities. At its best, this is what the right to vote does: it makes differences of sex, class, or race temporarily irrelevant, and gives men and women a moment of equal power. Civil society is not open to regulation in the same kind of way. There is nobody to oversee its activities, to check that each citizen joins an equal number of groups or that each is equally active; because of this, civil society is likely to reflect and confirm whatever the current distribution of sexual power is... The related difficulty is that the relatively unregulated nature of civil associations can make them more prone to discriminatory behavior than the publicly scrutinized institutions of the state."[19]

Phillips also states the aforementioned factual ignorance towards civil society in all feminist theories: "Despite other disagreements, there has been a consistency in feminist appropriations of 'civil society', the main unifying feature being that the concept plays minimal part in the feminist division of the world. Feminists do use the phrase: they use it when discussing women's confinement to the family and exclusion from the public activities of the wider world; they use it in discussion of women's citizenship. But while the distinction between public and private spheres has been central to (any) feminist analysis, feminists have remained – in Jodi Dean's phrase – 'oddly silent' on

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feminism. Moreover, there is a significant movement within feminism towards forms of theorizing, such as psychoanalytic or post-structuralism theory, which lie outside the bounds of mainstream Anglo-American political philosophy... (A) Commitment to eliminating the subordination of women unifies the diverse strands of feminist theory. But... this agreement soon dissolves into radically different accounts of that subordination, and of the measures required to eliminate it." (Kymlicka, W. *Contemporary Political Philosophy – An Introduction*, New York: Oxford University Press, 1997. [first ed. 1990], p. 238).

18 Philipps, A. Who needs Civil Society? A Feminist Perspective, in: *Dissent* 1999. Vol. 46, 1, p. 56.

19 *Ibid.,* pp. 58–59.

the subject of civil society. Civil society is not a significant organizing category for feminists, and rarely figures in the feminist taxonomy."[20]

Phillips normatively points to the importance of civil society for female emancipation: "Civil society matters, finally, because programs for radical change have to capture people's hearts and minds and cannot depend on directives issuing from the state. The battle for sexual equality has to be won in civil society, for there is a limit to what can be achieved through the 'right' legislation alone. The point suggested earlier is that the state can be more conservative... than the free flow of opinion and argument in civil society. But we know that the opposite also happens: that state policies can get ahead of opinion formation in civil society, and that when this gap becomes too great, some kind of backlash occurs... In both cases, one might say that politicians had become overly confident about what could be achieved by fiat alone. Feminists have, of course, been happy to seize any opportunities offered via equality legislation or affirmative action. But being more attuned than some other traditions to the power of culture in regulating social relations, they are also acutely aware that strategies for change have to intervene on a number of levels. This is not necessarily (indeed rarely) discussed under the rubric of civil society, but it does have the effect of directing feminism away from an exclusively state-centric politics and highlighting the role of nongovernmental associations."[21]

It should be also noted that a further self-reflexivity of feminism would have led to more understanding of the fact that feminist political theory has not been fully clear about the complexity of gender inequality.

Carole Pateman demands that (liberal) feminism offer a radical critique of the "liberal-patriarchalism" expressed clearly in the liberal conception of the dichotomy between private and public: "Feminist critiques of the liberal-patriarchal opposition of private and public raise fundamental theoretical questions, as well as the complex practical problems of creating a radical social transformation... The range of philosophical and political problems that are encompassed, implicitly or explicitly, in feminist critiques indicates that a fully developed feminist alternative to patriarchal-liberalism would provide its first truly 'total critique'." [22]

Will Kymlicka remarks that the mainstream political theory and philosophy as well as even feminist political theory do not always pay appropriate attention to the importance of changes in the family: "Contemporary theorists deny that only men are capable of acting within the public realm. But

20 Phillips, A. Does Feminism Need a Conception of Civil Society? in: Chambers, S. and Kymlicka, W. eds. *Alternative Conceptions of Civil Society*, Princeton and Oxford: Princeton University Press, 2002, pp, 71–72

21 Philipps, A. 1999, *op. cit.* p. 58.

22 Pateman, C. The Disorder of Women. Democracy, Feminism and Political Theory, Oxford: Polity Press, 1989.

while sexual equality is now affirmed, this equality is still assumed, as in classical liberal theory, to apply to relations outside the family. Theorists of justice continue to ignore relations within the family, which is assumed to be an essentially natural realm. And it is still assumed, implicitly or explicitly, that the natural family unit is the traditional male-headed family, with women performing the unpaid domestic and reproductive work. For example, J. S. Mill emphasized that women were equally capable of achievement in all spheres of endeavor, he assumed that women would continue to do the domestic work. He says that the sexual division of labor within the family is 'already made by consent, or at all events not by law, but by general custom', and he defends this as 'the most suitable division of labor between the two persons'. ... While contemporary theorists are rarely as explicit as Mill, they implicitly share his assumption about women's role in the family (or if they do not, they say nothing about how domestic labor should be rewarded or distributed). For example, Rawls says that the family is one of the social institutions to be evaluated by a theory of justice, he simply assumes that the traditional family is just, and goes on to measure just distributions in terms of the 'household income' which accrues to 'heads of households', so that questions of justice within the family are ruled out of court. The neglect of the family has even been present in much of liberal feminism, which 'accepted the division between the public and private spheres, and chose to seek equality primarily in the public realm."[23]

The same is true for the theory of civil society, because it does not pay enough attention to the feminist demystification of its own gendered features. Self-reflexivity from the feminist perspective has been lacking in the theory and practice of civil society. Karen Hagemann speaks about the paradoxical fact that in the given wealth of publications in gender studies just a few address civil society, and the even more striking fact that in the wealth and diversity of literature on civil society there is almost no consideration of gender issues: "For the majority of their authors, the gender dimension appears to have been simply non-existent. This finding is all the more noteworthy since women have been an important group of civil society actors from the beginning, and the women's movement was one of the social movements par excellence that supported civil society."[24] Hagemann speaks critically (as well as Pateman) about the silence on gender in the discourse on civil society: "Following such an understanding, 'gender' as a 'cross-sectional category' needs to be systematically included in the analysis of all projects and tested for its significance for each set of questions and object of research on civil society. The latter continues to be 'gender neutral', but de facto as male-dominated."[25]

23 Kimlicka, W. 1997. *op. cit.* p. 248.

24 Hagemann, K. Civil Society, Gender Difference and Gender Justice – or does Feminism need Civil Society, paper for the Conference: *Civil Society and Gender Justice. Historical Perspectives* (WZB, 9–11 July 2004, p. 1).

25 *Ibid.,* p. 5.

In order to overcome the gendered character and "silence" of theory and practice of civil society, it is necessary, firstly, to have in mind what an ideal-typical model of relations between democratic family and democratic civil society means, secondly, to keep in mind the controversial character of both family and civil society, thirdly, to articulate these reflections as the analytical-methodological approach for recognizing patriarchal and non-patriarchal (gendered and degendered) elements in both of them and in their mutual relations, fourthly, to clarify mutual potential and actual benefits of civil society and feminism, and fifthly, to articulate these reflections as the normative-mobilizing and policy making approach which aims to struggle against gendered and patriarchal elements in theory and practice of both feminism and civil society, as well as in their interrelation.

2.2. Relevant Issues of Feminist Analysis

2.2.1. The Private/Public Dichotomy

The feminist approach to the family-civil society relationship has been strongly linked with the relation between the public and the private sphere.

While according to the classic liberal tradition the family belongs to the private sphere and civil society to the public one, the feminist reconsideration of the private-public issue has been of the utmost importance. The main point is that the division between the private and the public, firstly, is not neutral but gendered; secondly, both the private and public sphere should be degendered internally and in their mutual relations; thirdly, private (family) life should keep its analytical separateness from public life (including civil society), but the main (degendered) division should focus on the difference between a private-public framework of forming an autonomous personality, on one side, and a private-public framework of forming a heteronymous personality on the other; fourthly, the first of the abovementioned different frameworks, ideal-typically speaking, has been the background and presupposition of the development of civil society, while another framework carries counter-implications in this sense; fifthly, in reality, the struggle between the above mentioned "frameworks", i.e. the struggle between the logic of forming an autonomous personality or a heteronymous personality (in the family, state, or public sphere) has come up as a manifestation of the contradictory character of modernity itself.

To sum up, feminism explains a genuine characteristic of the family (takes on an importance of its analytical separateness) and gives relevant insight about the gendered character of all social relations and institutions, including the family. However, the main critical remark about the limitations of the feminist approach to the private/public issue has to be kept in mind in order to be eventually overcome.

Carol Pateman offers a clear understanding of the "interlocking" between the public and private in both an empirical-analytical sense (from the point of feminist critique of liberal tradition) and in a normative-mobilizing

sense (from the point of overcoming the so-called "liberal patriarchalism"). Primarily, she points to the gendered character of the liberal dichotomy of the public and private. She explains that the liberal public-private dichotomy expresses interrelated elements of patriarchal relations crossing both public and private life in liberal capitalism, and she calls this "liberal patriarchalism". She explains that "the domestic (private) and civil society (public) held to be separate and opposed, are inextricably interrelated; they are the two sides of the single coin of liberal patriarchalism."[26] Pateman also remarks: "These feminist critiques of the dichotomy between private and public stress that the categories refer to two interrelated dimensions of the structure of liberal-patriarchalism; they do not necessarily suggest that no distinction can or should be drawn between the personal and political aspects of social life."[27]

Pateman gives a refined overview of the gendered character of the public/private dichotomy based on the slogan "The personal is political": "The slogan 'the personal is political' provides a useful point from which to comment on some of the ambiguities of the public and private in liberal-patriarchalism and also, in the light of some of its more literal feminist interpretations, to comment further on an alternative feminist conception of the political. Its major impact has been to unmask the ideological character of liberal claims about the private and public. 'The personal is the political' has drawn women's attention to the way in which we are encouraged to see social life in personal terms, as a matter of individual ability or luck in finding a decent man to marry or an appropriate place to live. Feminists have emphasized how personal circumstances are structured by public factors, by laws about rape and abortion, by the status of 'wife', by policies on child-care and the allocation of welfare benefits and the sexual division of labor in the home and workplace. 'Personal' problems can thus be solved only through political means and political action. The popularity of the slogan and its strength for feminists arises from the complexity of women's position in contemporary liberal-patriarchal societies. The private or personal and the public or political are held to be separate from and irrelevant to each other; women's everyday experience confirms this separation yet, simultaneously, it denies it and affirms the integral connection between the two spheres. The separation of the private and public is both part of our actual lives and an ideological mystification of liberal-patriarchal reality."[28]

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26 Pateman, C. 1989. *op. cit.* pp. 121–122.

27 *Ibid*., p. 133.

28 Carol Pateman adds: "The separation of the private domestic life of women from the public world of men has been constitutive of patriarchal-liberalism from its origins and, since the mid-nineteenth century, the economically dependent wife has been presented as the ideal for all respectable classes of society. The identification of women and the domestic sphere is now also being reinforced by the revival of anti-feminist organizations and the 'scientific' reformulation of the argument from nature by the socio-biologists." (*Ibid.,* 132)

Her support for the feminist conclusion that the "separate" liberal worlds of private and public life are actually interrelated, connected by a patriarchal structure, stands firmly, but leaves aside important insight, i.e. it perpetuates the aforementioned limitations of the feminist approach. Namely, Pateman does not use the possibility to clarify the degendering potential of the feminist struggle for the implementation of the slogan "the private is political", and, even more, to draw essential links between feminism and civil society – in theory as well as in practice. Implementation of this slogan should be always again reconsidered from the point of degendering of both private and public life. The demystification of gendered relations in all civic movements and associations – inasmuch as they are gendered – should be of the utmost importance for the degendering of civil society in general and for its backward degendering impact on family relations and on the public politics and state. A special role in that context belongs to feminist movements, as they represent an extremely important part of civic associations and civil society.

Speaking about the private/public issue, Nancy Fraser puts in one of the subtitles of her book *Justice Interruptus*, the relevant question: "Whose privacy?" and "Which publicity?". She puts into question the classic liberal model of a public sphere which treats the meaning and boundaries of publicity and privacy as simply given and self-evident. Her point of critique is that the meaning and boundaries of the categories "private" and "public" have not been neutral but gendered and where the line of division will be drawn depends on who has had the power to enforce and defend that line.[29]

Nancy Fraser offers a sophisticated analysis of the complexity of the notion of publicity: "Recognizing how the categories of publicity and privacy have become coded by gender and 'race' points up several inadequacies of the liberal theory of the public sphere. For one thing, it is not adequate to analyze these categories as supports for and challenges to state power exclusively. Rather, we need also to understand the ways in which discursive privatization supports the 'private' power of bosses over workers, husbands over wives, and whites over blacks."[30]

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29 Fraser, N. *Justice Interruptus*, London: Rutledge, 1997 p. 101.

30 She adds: "Publicity, then, is not only a weapon against state tyranny, as its bourgeois originators and current Eastern European exponents assume. It is also potentially a weapon against the extra state power of capital, employers, supervisors, husbands, and fathers, among others. There was no more dramatic proof of the emancipator side of publicity in relation to private power than the way in which these events momentarily empowered many women to speak openly for the first time of heretofore privately suffered humiliations of sexual harassment. Nevertheless, it is not correct to view publicity as always and unambiguously an instrument of empowerment and emancipation. For members of subordinate groups, it will always be a matter of balancing the potential political uses of publicity against the dangers of loss of privacy. These events also show that even emancipator uses of publicity cannot be understood simply in terms of making public what was previously private. They demonstrate that merely publicizing some action or practice is not always sufficient to discredit it. That is the case only when the view that the practice is wrong is already widely held and uncontroversial. When, in contrast,

In order to point further to the complexity of the meaning of public life and of gendered character (influenced by power and inequality) of both public and private, and of the line of differentiation, Nancy Fraser says: "Finally, is democratic publicity best understood more broadly as a check against illegitimate private power as well? And what is the relationship between various different publics that emerged here: for example, the official public sphere within the state (the hearings); the extra-governmental public sphere constituted by the mass media; various counter–publics associated with oppositional social movements like feminism and with ethnic enclaves like the African-American community (the feminist press, the black press); various secondary associations active in forming public opinion (interest groups, lobbies); the ephemeral but intense constitution of an informal public sphere at various sites in everyday life – at workplaces, restaurants, campuses, street corners, shopping centers, private homes, wherever people gathered to discuss the events? In each of those public arenas, whose words counted in the conflict of interpretations that determines the official public story of 'what really happened'? And why?"[31]

Fraser also poses the questions: Who has the power to decide where to draw the line between public and private? What structures of inequality underlie the hegemonic understandings of these categories as well as the struggles that contest them? In her opinion, one of the important aspects of the struggle to contest the power–based borderlines was the feminist pointing to the gender asymmetries (which can be strengthened or complicated by race or class factors) concerning privacy and publicity, i.e. the asymmetries concerning women's greater vulnerability to unwanted, intrusive publicity and their lesser ability to define and defend their privacy. What makes this common situation extremely complex is that women (as well as men) cannot simply be treated as a community just because of being the same gender, because women (and men) of different ages, income, and education think and act differently.

Fraser insists on the necessity of a better liberal theory of the public sphere: "Such a theory would need to take as its starting point the multivalent, contested character of the categories of privacy and publicity with their gendered and racialized subtexts. It would have to acknowledge that in highly stratified late capitalist societies, not everyone stands in the same relation to privacy and publicity; some have more power than others to draw and defend the line. Further, an adequate theory of the public sphere would need to theorize both the multiplicity of public spheres in contemporary late-capitalist societies and also the relations among them. It would need to distinguish, for example, official governmental public spheres, mass mediated mainstream

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the practice is widely approved or contested, publicity means staging a discursive struggle over its interpretation." (*Ibid*., 116)

31 *Ibid., p.* 103.

public spheres, counter public spheres, and informal public spheres in everyday life. It would also need to show how some of these publics marginalize others."[32]

We can add an essential remark that civil society, as an important space of articulating public opinion and reforming political culture, can contribute considerably (if designed by the feminist approach) to the degendering of all above mentioned spheres of public opinion, and public politics, and thereby also to the degendering of everyday and family life as well as to changing cultural models of gender relations.

2.2.2. Feminism and Social Policy

The private-public issue leads also towards the feminist reconsideration of social policy issue (welfare state intervention into the family). This is a place in which the family-civil society relationship turns into a family-civil society-state relationship. Feminist critique demonstrates the mostly gendered character of welfare social policy, as its egalitarian attempts have been mitigating the problems of women as "home careers", even as "bread winners", but essentially with taking on instead of giving up traditional female social roles.[33]

Anne Phillips[34] points out the case of the Scandinavian post-war social democracies in which the essential step forward was made in equalizing the position of women in comparison to all other welfare state systems. She puts into question the classic consideration of the public/private issue from the point of women's coming out of the household and entering the public sphere of education, work, even politics, on one hand, and from the point of entering of the state (the welfare state) into private sphere and household, on the other. She points out the general trend of the rising participation of women in paid jobs and education (including higher education), and also points out that all advanced western countries have had some kind of social welfare protective systems for women and families. She says that liberalism has excluded important fields of our life from democratic control, and by insisting on the division of the private/public, it actively contributes to maintaining the unequal share of power. She remarks that there is an incommensurable advance in the gender equality of Scandinavian women – social, economic, sexual equality, and also much greater political participation – in comparison with all other developed liberal democratic countries.

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32 *Ibid*., p. 118.

However, this critique fits mostly into liberal-democratic models of welfare social policy in contrast to social-democratic ones.

33 See. Wilson, E. *Women and the Welfare State*, London, 1977, p. 59; Gordon, L. ed. *Women, the State and Welfare,* Wisconsin, 1990, p. 37; Pascall, G. *Social Policy – A New Feminist Analysis*, London: Routledge, 1997, p. 239.

34 Philipps, A. *(O)rađanje demokracije,* Zagreb: Ženska infoteka *(Engendering Democracy*, First ed. London 1991), 2001, p. 28.

The point of the degendered character (or at least, the capability of becoming degendered) of the Scandinavian social policy comes out, firstly, from systemic state attempts in favor of women – both as home and child careers and as bread winners, secondly, from gender issues becoming an important publicly announced and transparent part of state politics, and thirdly, from social policy of that kind being supported by the feminist approach of the women who have been proportionally equally involved in the state politics.

On the basis of the advantages of the Scandinavian model, Phillips concludes that direct female political participation plus their mass entering into the labor market and education, and all these combined with affirmative and protective social programs are necessary but still not enough; namely, the decisive factor could be the quality of social programs! –quality in the sense of how much and in what way they contribute to overcoming the gendered character of social policy, i.e. to the essential change of social/cultural/psychological models and gender roles, instead of only mitigating female subordination, i.e. just lowering the pressures on and exhaustion of women by social services. "Explanations which were offered by the Scandinavian feminists had been focused on the nature of the division between public and private and implicated the contrasts between liberal and social democracy. From those discussions there came out two crucial things. The first is that the postwar Scandinavian democracies took on themselves much more responsibility and it was demonstrated not only in securing the social care (there had been invested more money in social services than in other European countries), but also in articulating the politics of social care, what might be even more important. All contemporary states have had a program for women and family, but it often happens to be unavailable and contradictory, and not transparent for public scrutiny. In the Scandinavian countries the state took on itself more openly the mediating role in creating and changing those things which have been considered in other countries as the primarily private domain."[35]

The essential question is whether the social policy of the welfare state has been gendered or degendered (or at least has been tending towards degendering). Scandinavian feminist political theory was contributive in explaining how the welfare state as such can be gendered, in other words, that "general egalitarianism does not guarantee its resulting in sexual egalitarianism".[36]

Phillips concludes that the combination of at least three political factors explains the essentially bigger advances in the emancipation of Scandinavian women: firstly, systems of equal proportional political participation of men and women, secondly, strong women`s organizations inside social-democratic parties (feminist groups also had the chance to take part in public politics and to gain legitimacy for feminist issues), and thirdly, Scandinavian public politics took into public consideration private issues. She repeats an impor-

35 *Ibid.,* p. 91.

36 *Ibid*.

tant remark about the different approach of liberal democracy, on one hand, and social democracy, on the other, to the relationship between the public and private sphere in a way that family issues came under public scrutiny and became much more transparent in Scandinavian social democracies. She also adds that these three factors demonstrate the importance of public politics for changing gender relations.[37]

To sum up, political equality, even a considerable participation of women in politics does not guarantee social and economic equality, and even more so, social programs do not *per se* mean a radical change in gender relations in the family. In order to really produce a radical change in gender relations in the family (instead of just mitigating female subordination in the family), welfare social policy has to contribute to radical change in the domestic share of obligations and to a qualitatively different evaluation of women's work in the family (together with giving up the devaluation of private/domestic work). In addition, the direct political participation of women in state politics has been very important, but not just as participation which can follow male dominance modes of public politics, but as one led by a feminist approach. Equally or even more important is the public transparency of family and female issues in public politics. Consequently, the core line of sexual equality has been based in the quality of family life, in gender relations in the family. This means that all changes in public politics, in state social politics, in legal regulation of women`s human rights, in the cultural domain, in the public participation of women (workplace, professional life, etc.) have to lead towards overcoming the basic subordination of women in the family.

Will Kimlicka goes one step further in his consideration from the feminist point of view of the private-public issue, by focusing on the core importance of changes in the family for any change of private-public relations and for sexual equality in general: "...(T)here remains the question of why domestic labor is not given greater public recognition. Even if men and women share the unpaid domestic labor, this would hardly count as genuine sexual equality if the reason why it was unpaid was that our culture devalues 'women's work', or anything 'feminine'. Sexism can be present not only in the distribution of domestic labor, but also in its evaluation. And since the devaluation of housework is tied to the broader devaluation of women's work, then part of the

37 According to this analysis of Anne Phillips, a bigger contribution to the improvement of the position of women came from the state and public politics than from the feminist movement and women's struggle itself. Phillips quotes the Scandinavian feminist author, who speaks about "the mutual crossing of state, market, family and public sphere", and about ways in which that moved the frontier between the public and private, the personal and common, making much more transparent the position of woman as "the object" of public politics. This author also says that the first political decisions about the status of women came out more from the paternal care of men for women than from their own participation. "Women had been the object of politics much before becoming the subjects in the political process." However, the explicit linking of women and public politics does have a real impact. (See: *Ibid*., p. 91, 93)

struggle for increased respect for women will involve increased respect for their contribution to the family. The family is therefore at the centre of both the cultural devaluation and economic dependence which attach to women's traditional roles. And the predictable result is that men have unequal power in nearly all marriages, power which is exercised in decisions concerning work, leisure, sex, consumption, etc., and which is also exercised, in a significant minority of marriages, in acts or threats of domestic violence... The family is therefore an important locus of the struggle for sexual equality. There is an increasing consensus amongst feminists that the fight for sex equality must go beyond public discrimination to the patterns of domestic labor and women's devaluation in the private sphere. In fact, Carole Pateman says that the 'dichotomy between the public and the private... is, ultimately, what the feminist movement is all about.'"[38]

However, Kymlicka remarks that not only mainstream political theory and philosophy, but also even feminist political theory do not always pay appropriate attention to the importance of changes in the family.[39]

Kymlicka implies that the sexual equality presupposes not only legal equality, equal political participation, and also an equal share of public participation including job sharing among men and women, but also an equal share of family work (domestic work and child care), and an equal sharing of the consequences of the domestic work for female and male careers: "The limits of any approach to sex equality that neglects the family have become increasingly clear. As we have seen, the result of women's 'double-day' of work is that women are concentrated in low-paying, part-time work, which in turn makes them economically dependent. But even if this economic vulnerability were removed, by guaranteeing an annual income to everyone, there is still the injustice that women are presented with a choice between family and career that men do not face. Mill's claim that a woman who enters a marriage accepts a full-time occupation, just like a man entering a profession, is strikingly unfair. After all, men also enter the marriage – why should marriage have such different and unequal consequences for men and women? The desire to be a part of a family should not preclude one's having a career, and in so far as it does have unavoidable consequences for careers, they should be borne equally by men and women."[40]

To sum up, the struggle for gender equality has to encompass radical changes of both public and private life – in order that they become degendered, and that the division between them also becomes degendered. Feminist awareness about the necessity of all these changes, i.e. radical reconsideration of the family, marriage, household, work-share in the private and public

38 Kimlicka, W. 1997. *op. cit.* p. 249.

39 "The neglect of the family has even been present in much of liberal feminism, which accepted the division between the public and private spheres, and chose to seek equality primarily in the public realm." (*Ibid*., p. 248)

40 *Ibid.*

domain, career and its relation to family obligations, social policy, complexity of publicity, etc. have to be carried out in order to make appropriate impact on public politics as well as on the development of civil society (as the important part of the public sphere), and the family (private sphere).

The feminist approach is a good starting point but has to overcome its own one-sidedness and simplifications.

2.3. The Feminist Approach Reconsidered – The Dialectic of Patriarchy and Anti-Patriarchy

According to this understanding, the feminist approach has to be focused on the contradiction between the patriarchal and anti-patriarchal tendencies in modernity and in the global world. This approach enables us to recognize the emancipatory anti-patriarchal elements existing in family and public life at the analytical-empirical level (in contrast to patriarchal ones), and also enables us to articulate a normative-mobilizing perspective for improving already existent emancipatory elements and for overcoming patriarchal ones. Consequently, the ideal-typical conception of emancipatory tendencies, i.e. ever again democratized individual-family-civil society-state relations (the family-civil society relationship, public-private dichotomy, etc.) comes into focus in attempting to overcome the patriarchal heritage.

The controversial factual state of affairs in both the family and civil society has to be under scrutiny at both the analytical-empirical level and the normative level: recognizing the gendered character of family relations and of civil society, as well as recognizing the elements of emancipation in both of them and in the private/public dichotomy.

The feminist critique of gendered relations in family life and in civil society has been a good starting point, but it would have offered a much more productive approach to relationship between the family and civil society if it had had a clearer focus on the dialectic between patriarchal and anti-patriarchal elements in the public and private domains of modernity.

A full awareness of these dialectical theoretical-methodological presuppositions is a crucial starting point for to better understand as well as to more successfully overcome both the "old" and "new" patriarchy in family and civil society.

The controversies between patriarchal ("old" and "new" patriarchy) and anti-patriarchal tendencies in the modern family and in social life have represented the most productive approach to investigating the private-public dichotomy and the relations between family structures and civil society in contemporary life.

The feedback influence of a civil society in the process of its own degendering to the degendering of family relations has also been of the utmost importance.

The mutual interconnection between family and civil society has been a dialectical one and the degendering of both of them (the process of overcoming patriarchal elements in private and public life) can contribute to the improvement of both as equally as the process of strengthening patriarchal elements in private and/or public life can contribute to the worsening of both.

Ideal-typically speaking, talk is about the importance of non-patriarchal family relations for the development of civil society, and the importance of a democratic civil society for overcoming patriarchal relations in the family as well as generally in the social field.

If civil society – among other features[41] – has been based on the principles of individual autonomy, associability, publicity inside voluntary actions aiming at some sort of solidarity and common good, then certain types of families and family relations are supportive and essential for the development of civil society and *vice versa*.

Families which contribute to forming autonomous personalities of its members (whatever structure of family and number of members are concerned), which internalize certain value systems that have as their aim social justice, solidarity, the common good, and which stimulate its members to become capable and willing for their public associative acting in favor of the improvement to the community are of the utmost importance for the development of civil society. Such a kind of family presupposes by definition non-hierarchical, anti-authoritarian relations between parents and children, as well as between parents or partners. This means that families which have not been based on patriarchal tradition represent an appropriate basis for the development of civil society.

The emancipation of children from the parental or familial authority, more precisely – from an authoritarian type of that authority, is essential for

41 "Civil society implies a culture of civility which emphasizes individual autonomy and the freedom to associate, as well as a commitment in favor of general purposes beyond one's particular interests. 'Civil society' remains an unfulfilled promise. The concept signifies and envisages the emergence, expansion and stabilization of a dynamic ensemble of legally protected and non-governmental institutions that tend to be non-violent, self-organizing, self-reflexive, and permanently in tension with each other and with governmental institutions that 'frame', construct and enable their activities. Against this background the definition of 'civil society' can be expressed in three ways: first, as a type of social action; second, as an area or sphere connected to but separate from the economy, state, and the private sphere; and third, as the core of a draft or project that still has some utopian features. First, 'civil society' refers to a specific type of social action in contrast to others, that is, in contrast to struggle and war, to exchange and market, to rule and obedience, and in contrast to the peculiarities of private life. As a specific type of social action, 'civil society' is characterized by the fact that it (1) is oriented toward conflict, discourse, compromise, and understanding in public; civil society is realized in the public sphere; (2) stresses individual independence and collective self-organization; (3) recognizes plurality, difference and tension as legitimate; (4) proceeds non-violently; and (5) is oriented toward general goals, that is, it works actively for the common good, even if different actors in civil society usually have very different conceptions of what constitutes the common good." (*Project Dossier*, CiSoNet, http://cisonet.wz-berlin.de/activities.en.htm)

their upbringing as autonomous individuals. The role of parents, namely, the quality of socialization and the system of values which they transmit to their children, the non-authoritarian interactions between parents and children have been crucial in this respect. In other words, a non-patriarchal upbringing of children presupposes anti-authoritarian behavior of parents, their behavior in accordance with the human rights of children; support for children's developing as autonomous personalities; interactive, dialogical relations, relations in which both parents and children have obligations and rights, in which the legal and psychological immaturity and economic, educational, emotional dependence of the young does not *per* se mean their subordination, predestination to unreserved servility, obedience, submissiveness, to punishment and abuse; in short, surrender to a powerless position or, in other words, to unrestricted exposure to the adults' superiority and powerfulness.

The support and stimulation which parents/adults offer for the autonomous development of children, combined with a refusal of children to accept patriarchal models of behavior is essential for their forming (already in an immature period and inside the family) as autonomous personalities and for their future readiness to join modern civil society.

However, the notion of "children" has to be interpreted again in a degendered way to ensure that an autonomous personality is attributed equally to female and male young generations. Of course, the family is not the only social institution important in this respect. Great importance belongs also to: the quality of the school system (type of pedagogic approach and educational methods), media impact, mass culture, the Internet, the quality of the friendships among children and their spending the leisure time, the dominant systems of values which influence the young through all channels of their everyday public and private life.

Attributing either potential or actual autonomous personality to children has been the result of the so-called "child centered" value orientation of modernity, which is articulated in contemporary social psychology.[42] In addition, the idea that an autonomous personality has to be considered in a degendered way represents an important contribution of contemporary feminism.

The best chances for anti-patriarchal development of family structure and their impact on the development of civil society have been connected with the liberal egalitarian tradition combined with the Scandinavian model of welfare state social policy. This is the place in which the state obtains its crucial mediating role in the relationship between the family and civil society, but only together with the feminist movement's activity, equal/proportional participation of women in politics, and with radical changes in the relationship parents have with their children, an equal share of public and private work, an equal share of private work and one's career, radical change in cultural models and social roles.

42 Fromm, E. *Zdravo društvo (Healthy Society),* Zagreb, Beograd: Naprijed, Nolit,1984, p. 52.

The development of an autonomous personality and of associative affinities and readiness for active participation in public life and civic activism in favor of the common good cannot be exclusively reduced to the role of the family. The importance of education, culture, social milieu, social mentality, accepted habits, and the political culture should not be neglected either.

A two-way relationship between civil society and the family means that the already existent civil society – through its struggle for feminist goals, for democratic education, for better social policy, for preventing violence against women and children at home and in general, for a critical public concerned with media and the political coverage of family issues, for better legislation in the field of family – contributes to emancipatory processes in the family. Families which contribute to forming autonomous personalities in their children and which are based on a partnership between parents or child-caring representatives are a solid background for the development of civil society. The self-reflexivity and self-struggle for overcoming the gendered self-awareness of women (freeing themselves from the internalized "slavery" or subordination) has also been extremely important.

As has already been mentioned, a defined character of family and internal family relations has been *per se* contributive for the development of civil society. However, this is the ideal typical notion of an anti-patriarchal partnership model of the family which cannot be fully accomplished in modernity. No contemporary family has been totally emancipated from the patriarchal tradition. Equally, no contemporary family has been totally reduced to and absorbed by the patriarchal tradition.

No family in any country (even in the best given contemporary circumstances) has been totally free from patriarchal elements concerning both the relationships and quality of life inside the family unit and social spheres which have been interconnected with family life. No family in any country (even in the worst given contemporary circumstances of the globalized world) has been totally occupied by patriarchal elements concerning both the relationships and quality of life inside the family unit and social spheres which have been interconnected with family life.

Civil society has also been partly gendered and partly degendered. No manifestation of civil society has been fully gendered or fully degendered. An ideal-typical notion of civil society has to be faced always again with the controversial factual state of affairs in civil society. There are elements of male domination; an unequal distribution of social resources and power characterizes also the domain of civil society. Gendered/patriarchal elements do exist in the networks of civil society, social movements, and NGOs. Yet, there are also manifestations of degendering processes inside civil society and of cognitive and practical potential for its improving and fighting against gendered elements and tendencies.

A "battlefield" between patriarchal and anti-patriarchal options inside female and male individuals, as well as inside family and civil society is at stake.

2.3.1. Summarizing the Modified Feminist Approach

Five main questions have been clarified in this paper:

- Does the family need civil society?
- Does civil society need the family?
- Which gender relations are good for civil society? Why does civil society need certain types of families?
- Do feminist political theories need theories of civil society?
- Do theories of civil society need feminist theories?

The public/private dichotomy is of fundamental importance for considering the relationship between family and civil society, but this dichotomy has a different meaning and importance for the issue of the family in a different concrete-historical context.[43] Additionally, the analytical importance of separation between the private and the public, and their internal mutual inseparability should be kept in mind.

The general framework of consideration, consisting of four main social entities: the individual/the family/civil society/the state, is of uncontested importance.

Attempts to overcome the mutual silence of feminist theories and civil society theories are necessary. Inside feminist theory there are more attempts to focus on the importance of feminism and family for civil society theory and practice. Feminists openly posit questions about whether at all feminism and family issues need civil society both in theory and in practice. This comes from the fact that most feminist approaches still emphasize the position of the state for women's emancipation above that of civil society. Feminist (welfare) theories have been mostly state-centered without sufficiently recognizing the factual tendencies of the welfare state's crises, or the fact that even the friendliest state power needs to be controlled by civil society, as well that it is not true that each welfare state offers real female emancipation.

Civil society needs self-reflexivity from the perspective of gender. Talk of individual, universal values, emancipation, civic actors has been gender

43 In March 2005, at the European Civil Society Network (CiSoNet) meeting on Family Structures and Civil Society, held in Wassenaar – Holland, experiences from different European countries were presented. According to the presentations from Spain, Italy, Britain, Germany, Poland, Sweden, there are important differences in the sense that the family in Spain and Italy has been strong and patriarchal and more privately centered than in Germany and Britain. In Poland, the family is not primarily a matter of private domain but more of the public and state interest. The welfare social policy in Germany and especially in Sweden (the so-called universal welfare model) is of great importance for mitigating the social inequality of women and in transmitting family functions to the level of civil services. The welfare model applied in Spain from the mid 80s has been a conservative "families model" which fits in well with their strong patriarchal family structure, and in Britain a neoliberal model of welfare is applied which has also been family centered but without having its background or complement in a "strong patriarchal family". (See: http://cisonet.wz-berlin.de/activities.en.htm)

insensitive, i.e. civil society discourse does not pay enough attention to the gendered character of its categorical apparatus and its practice. Conversely, there is a plurality of civil societies among which some have been inclusive and some exclusive for women.

Feminist political theory and the feminist movement also need self-reflexiveness in order to overcome their somewhat "self-isolating" and "ghettoized" position.

Mainstream thought in the feminist tradition has been state-centered and family-centered, and does not make a real effort to respond to questions concerned with its relations towards theory and practice of civil society.

The hitherto presented theoretical/methodological approach offers the following responses to the aforementioned questions:

Does civil society need the family?

Civil society needs certain types of families – ones which develop autonomous personalities of children and partnership-relations between parents and children, as well as between parents.

Does civil society need feminism?

The theory and practice of civil society need feminism in order to initiate the process of their own degendering in both discourse and practice. Civil society has to become gender sensitive, to reconsider itself from the point of gender inequality. Instead of posing only (or mostly) general notions – individual, associations, actors – attention should be paid to the power-relations inside civil society and among civil society actors, to the questions of "who" and "how" from a perspective of gender. In addition, feminist movements represent an important part of civil society; and feminist movements should have played a pressurizing role for the degendering of civil society instead of making themselves distant. However, feminism has been almost uncritically state-centered, as it believes that the state has been the best friend of women and the family, as it has the instruments for their legislative and social policy protection.

Does the family need civil society?

The family needs civil society, because family members act in civil society or experience its influences through the public sphere and through social contacts, and receive input of certain systems of values, emancipatory world views or at least particular emancipatory ideas from the civil society sphere (the educational role of civil society for self-awareness and for the practical acting of family members to have a reciprocal influence on power redistribution in their own family). The slogan "the private is political" works as the core manifestation of civil society inside feminist movements. This also works through impacting women's self-awareness, through impacting general gender-sensitiveness, through public pressure, change of cultural patterns, and so on.

Does feminism need the theory and practice of civil society?

Feminist political theories need interactivity with civil society in order to overcome their self-isolation. In theory, a dialectical approach would open more space for reconsidering family issues and different aspects of civil society from the point of degendering processes instead of continually again insisting only on demystifying its patriarchal elements. In other words, a more open and more dialectical approach would mitigate the artificial exclusiveness of feminist political theories which leads simultaneously to their self-isolation and non-transparency.

A dialectical theoretical-methodological approach would have shown that feminism and theories of civil society have some questions in common, i.e. the questions of the struggle between patriarchy and anti-patriarchy in the domestic and public field, in the family and civil society. Civil society by definition puts the state's power into question and controls and checks the state. The "state friendship" towards women has not been guaranteed *per se*, as even the best possible welfare state social policy can come into crises, can be eroded, can stop functioning well, and, in this case, civil society can make pressure and does press the state in order to defend women's rights.[44]

Feminism needs civil society in order to achieve (inside of or together with civil society activism) the main goal of degendering family and social relations. The gendered character of family relations and processes of their degendering have been essential for the controversial character of the contemporary family and its social sphere. The private and public have been crossed by the abovementioned dichotomy. There is a struggle for power redistribution in favor of gender equality, female emancipation, and social equality in general. The neoliberal model of globalization instead tends to support the processes of re-patriarchalization on a global scale (in different forms in different world contexts) in family relations combined with the misuse of the "prostitute model" of women (sex-trafficking, tabloidization, pornografization of public expressions of the female), (according to the complementary patriarchal roles of women: housewife/mother model related to the private sphere and the prostitute model in the public sphere).

The mutual silence of feminist political theories and theories of civil society arises from the inherent theoretical-methodological limitations in their approach to the private/public dichotomy.

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44 The case of Poland and its Alimony Fund must be mentioned: "... [In] Poland during 5 years between 1998 and 2002 the number of persons collecting benefits from the Alimony Fund rose by close to 100,000... But on the 1st of May 2004, the Alimony Fund ceased to exist, leaving single mothers with no support. Interestingly, women who felt that their rights had been violated decided to take over the initiative. In 2004 a nationwide grassroots` women network emerged. They prepared a citizens' law proposal to reestablish the Alimony Fund. They managed to gather 180,000 signatures to support it, with the help of various women's and feminists organizations who wanted to support this initiative...". (See: Elzbieta Korolczuk, "Gender and the Boundaries between Private and Public Spheres – The Case of Poland", 2005. http://cisonet.wz-berlin.de/activities.en.htm, and Labor Market and Social Security report for 2003, www.mpips.gov.pl)

Both of them need to overcome this mutual silence through overcoming their own limitations: both have to make certain shifts in the way they treat the public/private dichotomy. The dialectic of patriarchy and anti-patriarchy has to become a core line of considering the private/public dichotomy as well as of considering the private and public sphere separately. It accentuates the "interlocking and conflictual" relations between the private and public sphere from the point of view of the struggle ("battlefield") between gendered (patriarchal) features and degendering processes in both the private and the public sphere.

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FAMILY STRUCTURES AND CIVIL SOCIETY PERSPECTIVES IN PRESENT-DAY SERBIA*

Introduction

In order to present the Serbian situation in regard to family life and (its mutual relation with) civil society development, it is necessary to keep in mind the historical conditions in the former Yugoslavia before the 1990s, as well as in contemporary Serbia during the last decade of the 20th century. Here the process of decomposition of Serbian society and its impact on changing family structures and the thwarting of any development of civil society are particularly relevant. It is equally necessary to outline the positive anti-patriarchal trends in Serbian (ex-Yugoslav) family life, gender relations and civil society development that had been emerging steadily from the 1960s onward (though in a more or less suppressed form) and have become again somewhat strengthened after the democratic institutional reforms in 2000.

The theoretical and methodological background to this article is the dialectic between patriarchy and anti-patriarchy in the contemporary world, as applied to the former Yugoslavia and to present-day Serbia. In addition, an underlying assumption of the paper is the idea that democratic family structure, gender equality and civil society development are essentially connected to one another.

Family Structures and Gender Relations in Contemporary Serbia

Family structures and gender relations in Serbia today have been negatively influenced by the social and political devastation which had happened during the (authoritarian) Milošević regime, in the sense that some emancipatory results which had been already achieved have now become suppressed and even eliminated. The elements of women's emancipation in the former Yugoslavia after the Second World War were related to their massive entrance into education and labour spheres, as in other real-socialist countries. In contrast however to the real-socialist countries under the Soviet umbrella, these developments in Yugoslavia were combined, between the 1960s and the 1980s, with influence of the western welfare state in the areas of social policy, edu-

* This text was originally written for the book: Ginsborg, P., Nautz, J., Nijhuis, T. Ed. *The Golden Chain: Family, Civil Society and the State,* NY, Oxford: Berghahn Books (in print). Editing of the text is left unchanged as can be found in the original book.

cation, labour, cultural patterns, system of values, as well as with impacts of consciousness raising through feminist movements and women studies. These emancipatory elements in public life were accompanied by sticking to the patriarchal model of family relations, however attenuated, in the private sphere. This contributed to reproducing the authoritarian (though softened) nature of the real-socialist regime. The growing political crisis from the late 1980s until the early 2000s was followed in virtually all former Yugoslav republics by populism based on ethnicity and religiosity replacing the previous communist ideology. The result was the bloody break-up of former Yugoslavia. In Serbia a sharp turn occurred towards ethno-nationalism, militarization, and the gradual emergence of religious fundamentalism; what ensued were international economic sanctions and isolation, acute economic crises and drastic impoverishment, The NATO bombing campaign, and, consequently, the destruction of society ("sociocide", *See* Lazić 1994), of the economy, and the present system of social welfare.

All this reflected on gender relations and family structures. The persistently strong patriarchal matrix was reinforced by the massive loss of jobs by women and their return to unpaid housework, by the reappearance of extended families, and the reaffirmation of traditional gender roles following the economic collapse (re-patriarchalization) and outburst of ethno-nationalist populism and religious fundamentalism (re-traditionalization and clericalization).

These negative trends continued even after the democratic change of regime in 2000. However, the democratic transformation of political, legal and economic systems has also been strengthening the positive, emancipatory trends in family life, gender relations and civil society development.

The results of empirical surveys,[1] conducted in the approximately 15-year period of "sociocide" and of delayed/controversial transition, have continuously confirmed the negative trends of re-traditionalization, re-patriarchalization and clericalization, though some dimensions of private and public life where gender equality progressed have also been detected.

In the overall social decomposition, the family – while being the basis of any sociability – is the last instance of defence, security and stability (*See* Milić, A. in: Bolčić, S. and Milić, A. Eds. 2002: 253–280). The escape to privacy was linked with strategies of survival and escaping the stressful public sphere. Thanks to its character of being a total phenomenon, with consistent functions and established inner relations, the family manages to secure itself, to survive and operate even in abnormal situations – when other so-

1 The Institute for Social Research of the Faculty of Philosophy in Belgrade (ISI FF) conducted three successive surveys – from 1991 to 1994, 1995 to 2000, and 2000 to 2004. The idea was to scan transition capacities and tendencies, including trends in changing family structures and gender relations. These studies have been collected in: Bolčić 2002 (first ed. 1995); Bolčić and Milić 2002; Milić 2004.

cial groups and organizations fail to support its existence and functions. The family preserves the "remnants" of sociability. During the whole process of "sociocide" the family managed to keep its surface structure intact. The divorce rate, which had been rising since the 1970s and through the 1980s, began diminishing with the outbreak of the crises, and this trend still continues. The price of preserving the (extended) family and marriage in turbulent times and contaminated social and ethical circumstances has been very high, in the sense of losing the emancipatory potential of qualitative changes and improvements in gender relations. However, as has already been mentioned, certain signs of emancipatory trends have become visible also in this respect after the democratic change to the regime in 2000.[2]

Family and kinship networks took over various social functions that had previously been institutionalized. Mere survival was followed by the processes of re-privatization (the return of various social functions into the family) and re-traditionalization (the traditional extended family was revived thanks to the impacts of pauperization – a lack of housing, a lack of money for renting flats and living on one's own, a lack of money for everyday life, etc.). The process of re-patriarchalization also occurred through strengthening the "other side of the coin" of the traditional female role – the female as prostitute, in the form of a massive rise in sex trafficking and new forms of violence and sexual abuse. The militarization at the public level and the rise of aggression at the private level – accompanied by a "self-sacrificing micro-matriarchy" (Blagojević, M. in: Bolčić, S. Ed. 2002: 255) – represent the decomposition of the emancipatory anti-patriarchal elements in the family and public life and the strengthening of both the old and new patriarchy at the macro as well as the micro level.

Family changes have been regressive in structural and normative terms. A drastic increase in the number of extended families has taken place, now making up one-third of all households. Survival strategies have led towards the revival of family-kinship networks and their positing as the framework of individual existence, which hinders the promotion of individual needs, desires and identities. There has also been a drastic fall in the share of nuclear families with one or two children – from 65 percent in 1971, to just 31.7 percent of all households today. Additionally, elderly households have become more numerous (more than 50 percent of them consist of retired people and 72 percent of them are aged over 60). Couples without children make up almost 25 percent of households (again a rise), and most of them consist of retired people. One-parent families make up less than 10 percent, and consist

2 The long period of keeping family relations "in peace" and "in one piece" – just for the sake of mere survival (i.e. by suppressing inner conflicts, mostly achieved by female subordination and woman's double burden) – is coming to a close. Anđelka Milić writes: "This is a new moment in family transformation, giving rise to hopes that modernizing trends have not been completely annihilated in the destructive processes of the past decade." (Milić, A. in: Milić, A. Ed. 2004: 315).

of a combination of a child/widowed parent or a child/divorced mother (*See* Milić, A. in: Milić, A. Ed. 2004: 315–347).

The nuclear family (comprising 3.5 members on average) was in the 1970s and the 1980s the motor of changes towards modern values and ways of life; it used to be the most vital family form from the perspective of modern codes of fertility, child-bearing, upbringing and socialization. Instead of further modernizing processes and changes of the nuclear family in the direction of deepening partnership relations and opting for alternative family and household forms that seem to offer more gender equality, a retrograde and paradoxical trend in the case of the nuclear family happened: towards, on one hand, smaller units of older people without reproductive capacity and, on the other, anti-modern extended families.

In accordance with the strong presence of the patriarchal matrix, marriage is highly valued and most people wish to become married. Alternative forms of partnership are rare, and serve rather as a preparatory phase for marriage (*See* Tomanović, S. in: Bolčić, S. and Milić, A. Eds. 2002: 315–339; Milić, A. in: Bolčić, S. and Milić, A. Eds. 2002: 251–281).

Somewhat divergent trends have been found in the most urban regions of Belgrade, indicating a decline in the universality of marriage, as well as an increase in extramarital childbearing, especially during the last decade of the 20th century. There are also some changes in marital modes, in the sense of the increasingly frequent choice of alternative models of consensual unions, like the "living apart together" (LAT), cohabitation and extramarital family model. However, these changes do not reflect the meaning of partnership as relationship based on love, equal rights and mutual respect, but more conceived as a short-lasting life goal, as a preparatory stage leading to marriage, which could easily become influenced by the ideology of patriarchy (Bobić 2003: 214).

Still, there is an evident change in the attitudes towards consensual unions, indicating that a departure from the traditional value system has taken place (though a certain value confusion is also present), and has impact on the behaviour of individuals and the quality of relations within couples and among social groups.

Another important transformation of marriage is linked with the evident postponement of marriage and childbearing (the aging of nuptiality and fertility), as well as a significant increase in the percentage of single people[3] (Bobić, M. in: Milić, A. Ed. 2004: 375). The drop in fertility has occurred simultaneously with a fall in divorce rates. The former trend has been documented by long-term indicators; the latter is more related to a prolonged crises and will be changed with gradual improvement in the socio-economic situation (*See*: Bolčić and Milić 2002; Milić 2004). The trend of postponing the moment of marriage has occurred not only due to existential problems, but also due to women's prolonged education and new cultural patterns.

3 People who have never been married.

The educational situation of women has been improving: one third of women have finished high school (or a university degree – around 5 percent). The rise in the number of highly educated women after the Second World War was extremely rapid (from 1962 to 1991, more than 40 percent of highly professionalized specialization – in the fields of medicine, law, etc. – belonged to women, and in 1992 more than a half of specializations were done by women; in same period, 30 percent of MA and 20 percent of PhD degrees belonged to women, and in 1992 women received 40 percent of all MA diplomas, and 34 percent of PhD diplomas (*See* Statistical Yearbook: 1993).[4]

Indicators concerning women's active participation in work outside the home are controversial: around 40 percent of women were active in the labour market in 1991, but over half of the female population consisted of economically dependent housewives. However, there had been a trend of diminishing economic dependence of women up to the 1990s, and a strong trend of their massive return into the household from then onwards (especially of older, less educated women). An opposite trend has also been noted, that has a significant emancipatory potential, of a comparatively high rate of women entering the free market economy (especially where younger and well educated women are concerned). Namely, with the growth of private entrepreneurship since the late 1990s, women have emerged as proprietors of firms in over 30 percent of cases (more often as co-owners with husbands and family members). Highly educated women consider their career very important and experience a conflict between their career and maternity; most women give priority to the latter (*See* Blagojević, M. in: Bolčić, S. Ed. 2002: 181–209).

Parenthood is extremely important and families in Serbia have been declaratively child-centred. Most of the child care falls on the shoulders of mothers, but the share is fairer when playing with kids and out-of-school activities are concerned. Women generally accept the model of self-sacrifice, which essentially means unequal spending of basic human resources: energy, time, health, creativity (*See* Blagojević, M. in: Bolčić, S. Ed. 2002: 181–209).

Parenthood thus turns out to be the most important source of satisfaction for women; it gives meaning to life and meaning to self-sacrifice. Self-sacrificing, paradoxically, becomes the condition for the individualization of women, for their escape from both the anonymity and chaos of the public sphere. "*Self-sacrificing micro matriarchy* implies not only that families are `mother-centred` but also that there is a structure of authority that is hidden (not to threaten or offend the patriarchy) but active, that women achieve a great amount of *private power*, especially over their offspring, that there is a large amount of *dependence* on women, that there is an inclination towards matrilineal kinship, and that women actually achieve their domination through self-sacrifice." (*See* Blagojević, M. in: Bolčić, S., ed. 2002: 255–257).

4 However, there is still a high rate of illiteracy: almost every tenth woman is illiterate, and every fifth is poorly educated; more than half of illiterate women are over 65.

All in all, the transformation of parenthood in Serbia is not directed towards de-traditionalization and individualization; yet, among well educated parents and gender-sensitive women and couples an awareness of the importance of a child's autonomous personality exists, and parenthood does lead towards de-traditionalization (*See* Tomanović, S. in: Milić, A. Ed. 2004: 347–348).

The child's position in the Serbian family has been measured in the studies cited above via the categories of children's rights as stipulated in the *Convention on the Rights of the Child.* The personal rights of children to the freedom of thought, individuality and privacy are constrained by the dominance of the traditional patriarchal collectivist culture which still largely looks upon the child as a silent family member without individuality of its own and thereby also without the right to privacy (*See* Tomanović, S. in: Bolčić, S. Ed. 2002: 211–227, 259–260).

To sum up, most gender equality has been achieved in education and high professionalism, but generally the process of emancipation has been stopped and the re-traditionalization and renewed marginalization of women have been progressing. Protracted crises, war, sanctions and pauperization have made conditions considerably more difficult for education, employment, financial independence, getting married and divorced, for decisions on childbearing and upbringing. Chances for democratic change in the family structure have been significantly curtailed.

The first empirical study focusing directly on comparing male and female social positions and their quality of life was conducted by feminist NGOs in 2006 (Blagojević 2006). The aim of this survey[5] was to serve as an empirical basis for articulating gender politics within the framework of democratic reform and key policy strategies and documents of the Serbian state, concerned with overcoming poverty and gender inequality in Serbia (*See* National Action Plan 2007–2010).

Social-economic gender differences are sharply visible in employment and in general economic position. Among men, 71.7 percent are employed, and 59.7 percent have a single paid job, while only 56.9 percent of women are employed and 48.6 percent have a single paid job. Employment rises with age, i.e. the youngest segment of the sample (20 to 29 years) is the least employed: among men 41.1 percent are unemployed and among women 48.6 percent.

Among these young men and women, only 69.8 percent of men and 62.8 percent of women have a job matching their qualifications. Within the total number of employed from those who took the survey, 59.8 percent of men and no more than 44.3 percent of women have jobs matching their skills.

The possibility for advancing in one`s position is better for those who possess a higher education, especially for men. Among men and women with

5 The sample includes 1,500 men and women in active life, aged 20 to 50.

the same level of education, 51 percent of men and only 41.7 percent of women believe in the possibility for advancement in their job.

There are sharp differences in favor of men concerning their position in the labour market, private property, registered private firms and family inheritance: 50 percent of men and 14 percent of women own a car, 6 percent of men and 2 percent of women own a second home, 18 percent of men and 5 percent of women own real estate, 27 percent of men and 8 percent of women own a house, and 22 percent of men and 10 percent of women own a flat.

The massive unemployment of the young, particularly women, together with all the aforementioned indices related to labour and private property, sum up to a quite unfavorable picture of gender equality and the available possibility to build anti-patriarchal family structures.

The patriarchal matrix is shown in attitudes about the share of responsibility in the private sphere, in partnership relations and parenthood. Both men and women think that men have "more important" jobs than women do; that men contribute more than women do to solving housing problems, securing the family budget, exerting authority over children, or making important decisions.

However, a profound change in the pattern of sharing responsibility is also visible, as there is a rather high percentage of responses among men and women stating that they decide "together" about crucial things such as large investments.

Concerning violence in family life, both men and women say by 40 percent that there had been no violence in their parents' families. When asked about their own family, 85 percent of men and 78.8 percent of women say there is less violence than there used to be in their families of orientation.

Readiness to sacrifice for their children is very prominent in both men and women (73 percent and 80 percent, respectively). However, physical punishment of children is still existent in Serbia: only 45.8 percent of women and 47.5 percent of men say they have never beaten their children. This data clearly shows a patriarchal matrix in treating kids as subordinate, where providing love and patience goes together with expecting obedience, while the failure to obey must be punished. These indicators are negative from the perspective of the democratization of the structure of the family and an anti-authoritarian model of child-rearing, as well as from the point of view of civil society development.

Over the past five years, social networks of men have become wider, while the opposite has happened with the social networks of women (although women in the sample are proportionally younger). This speaks greatly about women's lack of free time, energy and capacity for public activities and social networking.

Regarding social activism, less than 51 percent of women and almost 20 percent of men have been engaged in the local community, 15 percent of

women and 21 percent of men have taken part in voluntary work, 17 percent of women and 28 percent of men in civic protests, 5 percent of women and 6 percent of men in the NGO sector, while 8 percent of women and 22 percent of men have been members of political parties. This means that men are much more active than women in public life, especially when activities in political parties and local community are concerned.

Indicators of social networking and political activity show rather low capacities for participatory democracy, especially among women; these are quite unfavorable signs for the development of civil society.

To sum up, this empirical survey – with its comparative approach – convincingly demonstrates the general dominance of the patriarchal matrix in private and public life, but it also points to certain moves towards gender equality.

Civil Society and the Feminist Movement in Contemporary Serbia

Between the 1960s and the 1990s, the former Yugoslavia was relatively open towards the West and experienced a rather strong modernizing processes in its economy, culture, family, and education. Such modernization processes and influences resulted in the emergence of some initial elements of civil society (a suppressed civil society, so to speak), particularly in Slovenia (the most advanced republic), and partially in Croatia and Serbia (*See* Pavlović 1995). The discourse and practice of this (suppressed) civil society spread over the country, beyond and despite republic borders as a tool for fighting the authoritarian communist (Titoist and post-Titoist) regime. However, at the time of Yugoslavia's disintegration, a differentiation, realignment and contextual redefinition of the language of civil society and its protagonists, either towards independence and ethno-nationalist movements, or towards anti-war and other civic movements and NGOs began.

In Serbia, civil society – counterbalanced and endangered by ethno-nationalist populism – took longer to acquire more massive proportions. After a decade of constant struggle however, it turned into a decisive force of social pressure on the Milošević regime (and the divided opposition) – especially after the protests of 1996/97. Little by little, it became capable to contribute significantly to the final downfall of the regime in the December of 2000, combining democratic methods (elections) with non-violent, typical civic activities.

Feminist groups and NGOs used to be among the most developed and active social movements and representatives of civil society in the former Yugoslavia. They preserved their mutual connections even after the brake-up of the former Yugoslavia, in spite of the wars and the bloody disintegration

of the country as a whole, and they acted together against the wars and the ethno-nationalist policies in the region.[6]

Feminist initiatives and NGOs in Serbia have been strongly and massively present since the 1970s.[7] They have been working not only on awakening female consciousness, but also on promoting anti-war and human rights culture. Today, they work in the area of women's human rights, women's political participation, the issue of family violence, and child abuse, and they initiate multiple public campaigns for uncovering and publicly denouncing violence, for preventing it and also solving the problem through joint efforts of the police, social services, legal and state representatives. Some feminist organizations are focused on gender-sensitive education and research. The strongly internationally networked organization Women in Black has been active in Serbia and the region since the beginning of the wars in 1990s, against war, ethno-nationalism, militarism, and in favour of realizing transitional justice (*See*: Women in Black 2007a; Women in Black 2006b).

Feminist organizations, especially Women in Black, often act in cooperation with the most influential mixed-gender NGOs in an attempt to fight against the public neglect of war crimes (such as Srebrenica), against Nazi

6 Between 1975 and 1979, the first public discussions and lectures on gender topics started in Belgrade; the first international feminist conference in the communist world was held in Belgrade in 1978; several gatherings of Yugoslav feminists happened in Ljubljana, Zagreb and Belgrade during the 1980s; in 1990, SOS lines for women and children victims of violence were launched; in 1992, different women's organizations took part in anti-war activism, building solidarity networks and bridges with women in other Yugoslav republics and war zones; in 1993, with the war in Bosnia raging, an SOS line began working with women victims of rape in war; in 1994, the ZaMir (ForPeace) e-mail network was established in Zagreb, serving as the only means of communication among peace activists and organizations during war time in the former Yugoslavia (*see* Blagojević 2007). The International Network of Women in Black has also been very active as well as the Women's Peace Network (Coalition between Kosova Women's Network and Women in Black Network-Serbia). In July 2006, the *Women's Regional Lobby for Peace, Security, and Justice in Southeastern Europe* was formed. It is comprised of women activists from civil society and democratic parties from the Balkan region (Albania, BiH, Montenegro, Croatia, Kosovo, Macedonia, and Serbia; *see*: Women in Black 2007a).

7 In 1979/80, the first feminist research group in Belgrade, Women and Society, was founded; in 1990, the Belgrade Women's Lobby was established; in 1990, a short-lived Women's Party appeared; in 1991, the founding assembly of a shadow Women's Parliament was organized; in 1992, the NGO Women and Society launched its Center for Women`s Studies; in 1993 Women's Studies were officially introduced into the academic curriculum; in 1994, the feminist publishing house "94" was established, publishing several feminist journals: *The Feminist Notebook, Women's Studies,* and *ProFemina*; in the same year the Incest Trauma Center and Women's Network were founded; in 1996, the first shelter for women refugees was opened; in 1997, new centers for women's studies in Novi Sad and Niš were opened; in 1999, the Voice of Difference – A Group for the Promotion of Women's Political Rights was founded (*see* Blagojević 2007). During the last few years, many new SOS hotlines, shelters, and safe houses have been opened. Large-scale media campaigns against family violence and sexual abuse have been supported and initiated by already existing feminist groups, NGOs and networks.

and fascist extreme right wing activities. For example, the so-called G8 is a group of eight NGOs – the Belgrade Circle, Center for Cultural Decontamination, Civic Initiative, Humanitarian Law Center, Helsinki Committee for Human Rights in Serbia, Youth Initiative for Human Rights, The Lawyers' Committee for Human Rights, and Women in Black – that formed a Coalition in 2005. It mostly has focused on the responsibility of the Serbian regime for committing war and war crimes[8], as well as on transitional justice, the rule of law and democracy.

However, NGOs with anti-emancipatory ideas on gender issues are also springing up in Serbia. The falling fertility rate, among the lowest in Europe, provides a strong stimulus to extreme-right NGOs and clerical campaigns against women's reproductive rights and generally against gender equality and democratization of the family (*See* Women in Black 2006a). For example, the NGO called *Survival – Struggling against the "White Plague"*, blames women for killing unborn babies. A curiosity is that this NGO is led by a retired Law School professor of Family Law, who is also a poet. In real-socialist times, he was an academic well-known for his promoting modern family law and insisting on social policy measures in favor of protecting women. Today, he misuses "poetry" and composes for his NGO slogans like the following:

> "Why you, dear Mother,
> Killed so many glorious great Men;
> Instead of them, from your Lap
> A dried Branch has sprung."
> (www.opstanak.org.yu)

These retrograde processes have been supported by the Serbian Orthodox Church (Srpska pravoslavna crkva – the SPC). A drastic rise in religiosity[9] (replacing communist ideology) from the 1990s has been followed by an increasingly conspicuous presence of religious rituals in private and public life. Religious instruction was introduced in primary schools in 2002. The SPC has been obtaining ever more influence in state policies, education, cultural patterns, and social life. The SPC has been using this great impact for affirming traditional gender roles and family structure; promoting collectivist, ethno-nationalist, militarist values and anti-modern ways of life; recommending educational models based on religion and uncritical obedience; opposing emancipatory tendencies in human rights protection –including the legal regulation of the right to abortion, provisions against sexual and family violence, and sexual tolerance.

8 *The Declaration on Srebrenica* from June 2005 was the most noteworthy initiative of G8. However, *The Declaration on Srebrenica has* not been announced yet; the president of Serbia Boris Tadić revived the initiative for passing this Declaration again in January 2010.

9 In the 1991 national census there were just 8.5% "convinced believers", while according to the 2002 national census 99 percent of the Serbian population said they were religious (*see* National Census in 1991, and 2002, Statistical Office of Serbia; *see* also Marković 2005).

However, there has also been ever stronger opposition to these extreme-rightist attacks on gender equality and the democratization of family life. Feminist movements and women in general react strongly when their already achieved rights to birth control and abortion are endangered.[10]

Women in Black initiated a public campaign against the clericalization of the Serbian state and society, and the so-called Coalition for a Secular State was established in 2006 as a form of cooperation between feminist and mixed-gender associations. This Coalition published a booklet with quotations from written or oral public announcements of the highest representatives of the SPC. Here are some quotations of Patriarch Pavle[11] and other high level Church officials: "The covering of the female head has been a symbol of women's obedience towards their husband and the Church; this is a sign of man's power over women."; "By commanding a woman to be obedient and compromising towards her husband – in spite of all his bad features – Christianity tends to bring peace into marital relations and re-establish marital happiness."; "Great poets among women can be counted only on one hand."; "The Church considers any sexual relation outside of marriage as debauchery."; "Feminists opt for killing unborn children. Fortunately, they are not in any way connected to the essence of the Serbian people."; "Atheism bears the guilt for wars, impoverishment and moral collapse."; "Many mothers who did not want to have more than one child, today pull out their hair and cry desperately over their sons lost in these conflicts of war; they often damn God and people for that, but forget to blame themselves for not bearing more kids in order to have kept some alive for consolation." (*See* Coalition for Secular State 2007)

Feminist groups, feminist intellectuals and civil society activists initiate different public campaigns and initiatives for promoting gender equality in public discourse, in school textbooks[12], the media[13], political parties[14], state policies, political documents, and in the legal system.

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10 In the draft law of 1995, severely restricting women's right to abortion was on the legislative agenda. Feminist groups organized public signings of a petition against the adoption of this law, and it was signed by tens of thousands of women in Belgrade and other cities. The petition succeeded and the draft was withdrawn.

11 Patriarch Pavle was born on September 11th, 1914 (as Gojko Stojčević) in the Kingdom of Croatia-Slavonia, Austria-Hungary. He died on November 15th, 2009. He was the spiritual leader of the Serbian Orthodox Church. His full title was *His Holiness the Archbishop of Peć, Metropolitan of Belgrade and Karlovci, Serbian Patriarch Pavle*.

12 Feminist academics, historians and linguists have done critical research of the textbooks for primary and high schools; *see*, for example, Stojanović 2006.

13 For example, a few years ago the daily *Blic* started a public campaign for choosing the 100 most prestigious women, as well as for electing a "Women's Government in the Shadows" from the list. This Government operates through voicing, in *Blic,* opinions of the female "ministers in the shadows" about relevant political and economic topics.

14 All political parties have been considering 30 percent quotas for female political representation; however, after the January 2007 parliamentary elections, only 20.4 percent of women were elected to Parliament, and only one party (G17 Plus) had over 30 percent

Concerning state policies, legal and political documents, some advances were made between 2000 and 2007, in an attempt to cope with the EU`s legal and institutional standards. Here is the overview (*See* Blagojević 2007) of most applicable state provisions for gender equality: in 2001, a new *Labor Law* was adopted regulating equal pay, protection of personal integrity, and childcare leave (introduced as being complementary to maternity leave); in 2002 the Vojvodina *Provincial Secretariat for Labor, Employment and Gender Equality* was established as the first institutional gender equality mechanism in Serbia; the *Act on a Provincial Ombudsperson* (one of the 5 Deputy-Ombudspersons is the Deputy for Gender Equality) was passed by the Vojvodina Provincial Parliament; the *Criminal Code* was amended to sanction domestic violence, as well as the failure to pay alimony to single mothers; marital rape became a crime in the new Code as well; in 2003 the *Criminal Code* was amended to include new criminal acts: sexual harassment and trafficking in human beings. In October 2003, the Serbian Government adopted *A Poverty Reduction Strategy,* which is also sensitive to gender aspects of poverty; an inter-ministerial body, the *Council for Gender Equality*, was established; in 2004 the *Parliamentary Committee for Gender Equality* was finally constituted in the Serbian Parliament. The *Council for Gender Equality* was constituted under the new government, and created a *National Action Plan* for Improving the Position of Women and Promoting Gender Equality in 2005. The new *Labour Law* includes articles against discrimination and sexual harassment. In addition, the definition of equal pay for equal work was improved. Since 2007, the final draft for the *Law on Gender Equality* had waited a few years to be sent by the Government to Parliament, and was finally adopted in December, 2009.

We can add to this overview the legal changes in the *Family Law*, announced in 2005, which introduced civic law protection from violence in the family; this change has been complementary with changes in the new *Criminal Code*, which introduced a crime called "violence in the family" (*See* Draškić 2007: 61).

When speaking about female and feminist activism in Serbia, it is important to keep in mind that women lead and take an active part in the most prominent NGOs in Serbia, which fight against ethno-nationalism, and for the protection of human rights, the affirmation of democratic reforms and for democratic political culture. Some of the most influential NGOs, such as the Helsinki Committee for Human Rights in Serbia, the Center for Cultural Decontamination, the Lawyers` Committee for Human Rights, YUCOM, and the Humanitarian Law Fund have been led by women. These women have demonstrated genuine courage in their struggle for human rights and the rule of law, and especially for transitional justice. They and their NGOs are often

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of women MPs. There were 4 women ministers in that Serbian government (out of 23). After the early parliamentary elections, held in May 2008, 21.6 percent of women were elected to Parliament, and there are 5 women ministers (out of 22, plus 4 deputy ministers) in the new Serbian government.

personally attacked by the extreme right. Well known women from some of these organizations are denounced by extreme rightist political parties and their sympathizers as "being witches", because of being on the frontline of speaking publicly about war crimes and war criminals, signs of fascism, or human rights violations.

This fact indicates the high level of women's political participation in the field of civil society, and also delineates favorable prospects for promoting gender sensitivity inside civil society.

Conclusion – Family Structures and Civil Society Perspectives in Serbia after 2000

Serbia has been an example of how regressive tendencies of re-patriarchalization, re-traditionalization and clericalization can slow down the processes of emancipation in the family, in gender relations, and in the development of civil society as well. These negative trends work against the development of an autonomous personality in family life, against forming democratic family and non-authoritarian gender and family relations.

However, emancipatory potentials – though suppressed – are still present. The self-awareness which women had gained between the 1960s and the 1990s – thanks to mass education, mass entrance into the labor market and their rather well-developed social security based on advanced social legislation (even more protective of women and children than in Western welfare states) – should not be treated as something completely lost during the long period of social and value devastation. Women have still been proportionally equally present in higher education and in highly important professions in such fields as medical care, engineering, high education, and the judiciary.

Women were proportionally equally active during civic and student protests in 1990s, and assumed a prominent role in overturning Milošević's authoritarian regime in 2000 (Lazić 1999).

Women are equally visible or even over-represented in the NGO sector, and power relations have been far more balanced in the field of civil society than in political, economic and other public domains; gender inequality is less prevalent in civic movements and NGOs than in other institutions and organizations of public life.[15]

15 There is evidence of a lack of gender sensitivity and democratic political culture even among female activists in democratic political parties: the NGO *Women in Black* recently conducted a study titled: Women, Security, Reproductive Rights and Transitional Justice. The aim was to examine statements and value orientations of politically active women (democratic female political elite) concerning their acquaintance with Security Council Resolution 1325 and the issue of female security, as well as about reproductive rights and transitional justice. The survey discovered poor knowledge among politically active and above-average educated women relating to questions of transitional justice and Resolution 1325 (70 percent had not even heard of it). The survey also showed an especially

Civil society actors, feminist groups and individual feminist intellectuals have made great efforts and produced considerable impact on changing the patriarchal matrix in public discourse, in media, political life, state policies, and legal regulation. They undoubtedly have contributed to the gradual spreading of anti-patriarchal values and practice in public and private life. In addition, the official state policy aims towards EU integration (although with a certain ambivalence), and has, insofar, contributed to articulating public discourse and official documents in a gender-sensitive manner. Of course, all these changes in favor of gender equality have had a positive impact on family relations.

If the democratic political reforms and economic improvement continue and if the process of EU accession is accomplished in the near future, the emancipatory potential in family structure and the development of civil society, as well as their mutual relations, will gain a crucial stimulus and begin to prosper.

Summary

Changes in the family structure in Serbia have been determined by controversial influences: firstly, of the emancipatory processes which occurred from the 60s to the 80s in the Former Yugoslavia and contributed to a diminishing and internal restructuring of the dominant patriarchal framework of gender relations; secondly, of the ethno-nationalist over-turn with the coming into power of the Milošević regime and with the following bloody break-up of the Former Yugoslavia – which resulted in the processes of re-traditionalization, re-patriarchalization and clericalization; and finally, of the dialectical relations and clashes between the above mentioned manifestations of re-patriarchalization, on the one hand, and the recovered elements of emancipation in gender relations, especially after the establishing a democratic regime in 2000, on the other.

Accusing of Serbia for the bloody break-up of the Former Yugoslavia brought economic sanctions, international political isolation, the NATO bombing campaign, extreme impoverishment, and the destruction of society to the common people. The persistently strong patriarchal matrix was reinforced by massive jobs losses among women and their return to unpaid housework, by the reappearance of extended families, and the reaffirmation of traditional gender roles following

low level of democratic political culture among women active in democratic parties (an uncritical acceptance of their parties` official statements, a strong suspicion of the NGO sector, negative sentiments towards Women in Black and their feminist and anti-militarist views); and also, their low interest in the questions of female human rights, and extremely poor awareness of the sense and importance of transitional justice (Women in Black 2007b: 69–92).

Serbia`s economic collapse (re-patriarchalization) and the outburst of ethno-nationalist populism and religious fundamentalism (re-traditionalization and clericalization).

However, there is empirical evidence that strong elements of gender equality have been achieved, especially after the democratic reforms of 2000, in education and high professionalism, in female participation in private entrepreneurism, and, to a certain extent, in sharing responsibility for the up-bringing of children, in preventing family violence, in the gradual official acceptance of the legal standards of the EU and international human rights law, in developing gender sensitivity in public and political life.

Between the 1960s and the 1990s, the former Yugoslavia experienced rather strong modernizing processes and influences from the West, which resulted in the emergence of some initial elements of civil society. The discourse and practice of this (suppressed) civil society spread over the country, beyond and despite former republic borders as a tool for fighting the authoritarian communist (Titoist and post-Titoist) régime. However, at the time of Yugoslavia's disintegration, a differentiation, realignment and contextual redefinition of the language of civil society and its protagonists, either towards independence and ethno-nationalist movements, or towards anti-war initiatives and other civic movements and NGOs began.

In Serbia, civil society, which had been counterbalanced and endangered by ethno-nationalist populism, took longer to acquire more massive proportions. However, after a decade of constant struggle, it turned into a decisive force of social pressure on the régime and contributed significantly to the establishment of a democratic government in 2000.

Civil society actors, feminist groups and individual feminist intellectuals have made great efforts and produced considerable impact on changing the patriarchal matrix in public discourse, in media, political life, state policies, and legal regulation.

However, NGOs with anti-emancipatory ideas on gender issues are also springing up in Serbia; namely, falling fertility rates, which are among the lowest in Europe, provide a strong stimulus to extreme-right NGOs and clerical campaigns against women's reproductive rights and generally against gender equality and the democratization of family structure.

To sum up, gender equality in family relations and public life, as well as the development of civil society have been far from satisfactory in Serbia; yet, there are strong indications of emancipatory changes in the family, cultural and political life, and of a mutual enforcing between the development of civil society and democratic transformation of the patriarchal matrix.

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THE CONCEPT OF CIVIL SOCIETY IN CONTEMPORARY CONTEXT*

1. Introductory Considerations: Preliminary Definition of Civil Society

In the history of western political theory up to the early modern age and modernity the dominant standpoint was the policy of power, i.e. an interpretation – on various legitimization grounds and in various modalities – of political power as a right of rulers to rule, and an obligation of citizens to obey. Several-century long development of liberal and liberal-democratic ideas brought another type of political theory and practice; namely, the theory and practice of limited power, separation of powers, political pluralism, universal human rights, the legitimization of power mainly through the electoral will of citizens, as well as through political participation in the democratic public sphere, the freedom of the press, democratic political culture, and the right to civil disobedience in the case of unjust laws also grew and became dominant.

The concept of civil society appeared in modern political theory in the middle of the 18th century precisely in relation to issues of limitation of power, the relations between the state and society, state power and individual freedom, the sovereignty of the state and the sovereignty of the people, rights and duties, power and rights. Generally, the modern state, understood either as originally liberal, liberal-democratic, social-democratic, or neo-liberal, presupposes a limitation of state power with the goal to protect human rights. However, the liberal tradition has never, either in its past development or today, unambiguously opted for an interpretation of the separation of power in a way that would affirm the participation of citizens, i.e. a (continuous) interactive relationship between the state and society, the representatives of power and the citizens they represent.

The concept and practice of civil society are a part of the tradition of modern political theory and practice based on the spirit of separation, control, and limitation of political power in the context of interdependent processes of state democratization and social participation, i.e. civil activism. The ideal-typical model of constitutional democracy, or the rule of law, is inseparable from the idea and practice of civil society. We could even speak of a bipolar paradigm of constitutional democracy (the liberal-democratic order, the rule of law) and civil society.

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The essential meaning of this bipolarity is the following: the preconditions for the functioning of limited power cannot be reduced to institutional political and legal regulations. Constitutions and constitutional guarantees of human rights, constitutional judiciary, party pluralism and active opposition, separation and mutual control of the three branches of power, free elections, ombudsman and other institutional arrangements, though being necessary preconditions have not been by themselves sufficient ground or a total guarantee for the functioning of constitutional democracy.

The most important presumptions for the existence of civil society are the existence of: 1. the rule of law and legal state (*Rechtsstaat*); 2. guaranteed fundamental (civil, political, socio-economic) rights and liberties; 3. procedural democratic rules and institutions; 4. a market economy and private property, 5. a democratic political culture; 6. the participation of citizens in political life, namely their activism in the creation of a critical public opinion and self-organization for the defense of threatened rights and liberties.

Within this paradigm, the concept of civil society is defined in different ways. In contemporary literature there is a whole range of applicable definitions of civil society, often differing from each other or even being controversial.[1] Still, the backbone of all these definitions is the relative autonomy of civil society in regard to the state and political power. According to Bachmu-

1 Among the definitions of civil society some include and some exclude the sphere of economic interests, and sometimes, though rarely, religious affiliations and institutions are also included in the concept of civil society.

According to Walzer, civil society is "the space of (politically) uncoerced human association and also a set of relational networks – formed for the sake of family, faith, interest, and ideology – that fill this space" (1990, 293). According to Jean Cohen and Andrew Arato, the economic sphere does not belong to the definition, i.e. civil society is a "sphere of social interaction between economy and state, composed above all of the intimate sphere (especially the family), the sphere of associations (especially voluntary associations), social movements and forms of public communication". (Cohen, J. and Arato, A. *Civil Society and Political Theory,* Cambridge: MIT Press, 1992. p. IX).

According to Van Rooy, civil society is the "population of groups formed for collective purposes primarily beyond the framework of the state and the market" (Van Rooy, A. *Civil Society and the Aid Industry*, London: Earthsca, 1998. p. 30).

In contrast, according to Shills, civil society is composed of three parts. One is a "complex of autonomous institutions", including economic ones, distinguished from family, clan, locality, or state. The second is related to the part of society that possesses "a particular complex of relationships between itself and the state and a distinctive set of institutions which safeguard the separation of state and civil society and maintain effective ties between them". The third is related to a "widespread pattern of refined or civil manners" (Bachmueller, C. F. Civil Society and Democracy Reconsidered, in: Skendereović Ćuk, N. and Podunavac, M. eds. *Civil Society in the Countries in Transition*, Subotica: Open University Subotica, 1999. p. 22).

Some authors, for example, Salamon and Anheier, have restricted the term to formally constituted "non-profit" organizations, which in their turn represent a significant economic "sector" that contributes to the widening of opportunities for employment and consumption within their respective national economies. (Salamon L. M. and Anheier, H. K. The Civil Society Sector, in: *Society,* No. 34, 1997).

eller, the commonalities shared by nearly all definitions of the term are related to the abovementioned autonomy, more concretely, to voluntary social activity not imposed by the state. "The accepted central, though incomplete, core characteristic of civil society is its composition of autonomous self-organized associations limited by a framework of law. Civil society is the location of independent thought and, within legal boundaries, voluntary action".[2] Additionally, this *differentia specifica* of civil society has been, ever since the beginning of the historical genesis of the concept, the hottest point of contestation. Various interpretations have been provided as to the scope, extent, meaning, and content of this relative autonomy. The differences range from the idea of necessary control of the state over civil society (Hegel), to a concept of regulation of the areas of social autonomy by means of limited power (Locke), an emphasis on the self-regulating function of civil society as a repository of individual human rights and liberties (Tocqueville, Mill), a concept of opposition between civil society and state power (Paine, also Gramsci albeit differently, then in a specific way authors in Central and East European countries in the 1970s, and also, more specifically, the anti-globalists today),

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In contrast to these authors, Benjamin Barber (1995) in his normative perception views civil society as a utopian fantasy, unrelated to any civil association or non-profit organization, but as a "civic space" that should exist between the government and the private sector. He notices that this "civic space" had nearly disappeared from American life (Barber, B. *Jihad vs. McWorld*, New York: Times Books, 1995).

In a different context, but with similar implications, Robert Putnam speaks on an actual "collapse" of the community in the United States (Putnam, R. D. *Bowling Alone: the Collapse and Revival of American Community*, New York: Simon and Schuster, 2000).

Larry Diamond offers an interpretation according to which civil society and state have been complementary, and civil society excludes economic, religious, and family relations. He defines the field of civil society seemingly more empirically and descriptively than normatively: "Civil society is conceived here as the realm of organized social life that is voluntary, self-generating, (largely) self-supporting, autonomous from the state, and bound by a legal order or set of shared rules. It is distinct from 'society' in general in that it involves citizens acting collectively in a public sphere to express their interests, passions and ideas, exchange information, achieve mutual goals, make demands on the state, and hold state officials accountable." (Diamond, L. Civil Society and Democratic Development: Why the Public Matters?, University of Iowa Lectures series, 1997. p. 5).

Elsewhere, however, Diamond points out precisely the social-controlling and mobilizing role of civil society: "The mobilization of civil society is one of the main instruments for disclosing the misuses and for delegitimizing of undemocratic régimes" (Diamond, L. Rethinking Civil Society: Toward Democratic Consolidation, *Journal of Democracy*, July, 1994, Vol. 5. No 3. p. 7).

Ernest Gellner believes that the most important functional objective of civil society is to act as a force that endorses liberal freedoms (Gellner, E. *Conditions of Liberty: Civil Society and Its Rivals*, London and New York: Penguin Books, 1994. 5). Namely that the uniqueness of modern civil society lies in the fact that it uses the "ties or connections" that permeate the entire society to create conditions for individual freedom in liberal democracy (Gellner, E. Importance of Being Modular, in Hall, J. A. ed. *Civil Society: Theory, History, Comparison*, Cambridge: England Polity Press, 1995. p. 42).

2 Bachmueller, C. F. in: Skendereović Ćuk, N. and Podunavac, M. eds. *op. cit.* p. 24.

ending with a concept of partnership between state and civil society in the framework of the rule of law.

In current liberal-democratic literature, which insists on the spirit and practice of separation of social and political power, the prevalent conception stresses the interactive and complementary relation between the area of state power and civil society: political power actors are under constant pressure and obligation to respect legal and institutional arrangements, to protect rights and liberties of citizens, while civil actors – acting within the framework of protection of human rights and legal guarantees for their associative action – equally have an obligation to respect the law, i.e. the obligation of loyalty to the power which has passed the test of legitimacy. Simply put, in advanced liberal democracies a partnership relation between state power and civil society is presumed. This partnership can imply taking over certain services and social affairs by civil actors; this means control and counterbalance to political power, and this may also mean the manifestation of civil disobedience. Within the framework of this conception, civil society is the social base of democratic order. It is a counterbalance to state power and the political field: with respect to the state – to keep it from turning into a dominant force, from encroaching upon the autonomy of society; with respect to the political field – to prevent it from breaking free from citizenry, from closing unto itself and instituting the relation between (political) elite and the masses as being a basic one. Civil society is also a counterbalance to its own corruption: to a degeneration of the autonomous personality into a depersonalized particle of a mass, of the free public into a manipulated one, of civic associations into associations and movements that are retrograde in civilization terms.

The relation between the state and civil society assumes that without a well-ordered state there are no guaranteed rights that enable the functioning of civil society. On the other hand, civil society is a continuous potential critique of any possible attempt on the part of the state (in line with the intrinsic logic of any power, i.e. the logic of expansion) to turn into a dominant force.

Along with these controversies over the relative autonomy of civil society from the state, important controversies in defining civil society exist over two more issues: firstly, whether this term represents primarily a normative or a non-normative instrument of social theory, and secondly, whether it includes economic and religious relations, and even family relations.

The view propounded in this paper concerning the question of whether the concept of civil society is primarily normative or analytical-descriptive is that these controversies should be interpreted as different accents given to the concept of civil society. Essentially, this is an ideal-typical notion, involving both evaluative and empirical elements recognizable in social practice, and evaluative and utopian elements referring to an ideal, a demand, an "ought to be", a criterion of the valuation of what is, as well as a guide and motive for improving it.

Pavlović[3] points to the double function or the two dimensions of civil society – the theoretical-analytical and normative-mobilizing. "In the theoretical-analytical sense, civil society is an aggregate concept for the set of social communications and social links, social institutions and social values, whose main actors are: the citizen with his or her civil rights; civic (non-political and non-governmental) organizations, associations, social movements and civic institutions, as well as all that is included in the concept of the public in modern society... Unlike its theoretical-analytic function, the concept of civil society in its other function has primarily the status of a normative concept, which serves and helps motivate and mobilize citizens and other social actors in order to establish and develop different contents and forms of civil activities."[4].

John Keane defines civil society most explicitly as being an ideal-typical category: "Civil society, as I used the term and I still do, is an ideal-typical category (an *Idealtyp* in the sense of Max Weber) that both describes and envisages a complex and dynamic ensemble of legally protected non-governmental institutions that tend to be non-violent, self-organizing, self-reflexive, and permanently in tension with each other and with the state institutions that 'frame', constrict and enable their activities."[5]

All definitions of civil society are doomed to a necessary relativization and modification, in accordance with the fact that the concept of civil society over the past few decades has taken root in parts of the world that do not fit in the ideal-typical model of constitutional democracy, in countries that were under Soviet rule, and some countries of Western Europe (Spain) and Latin America (Argentina, Brazil), which fought against dictatorial ré-

3 Pavlović, V. ed. *Potisnuto civilno društvo* (*Suppressed Civil Society*), Beograd: EKO centar, 1995.

4 Pavlović, V. in: Pavlović, V. ed. 1995. *op. cit.* pp. 249–250

5 Keane, J. *Civil Society – Old Images, New Visions,* London: Polity Press, 1998, p. 6.

The awareness of the bipolar nature of this concept exists even in the context of the contemporary expansion of the use of the concept of civil society in other parts of the world beyond the Western civilization. Thus, Lewis speaks of the bipolar nature of the concept of civil society as an analytical construct and an instrument of policy, i.e. a prescriptive instrument for policy makers also in the Third World. He argues that this concept is fruitful in both of its dimensions for the promotion of democratic institutions and autonomy of society in the West. Also, it is increasingly becoming fruitful for policy making in the Third World (especially in Africa), in the sense of encouraging the development of an active public, autochthonous voluntary associations (predominantly for fighting famine, illnesses, droughts...), the establishment of media institutions, as well as for encouraging a market economy and the formation of "good governance". According to Lewis, the concept of civil society has global importance for the strengthening of development and democracy, while in non-developed countries, beyond the western context, and in the framework of "ever more universal negotiations between citizens, states and the market", the concept becomes subject to local adaptations related primarily to the overcoming of poverty and the needs of development (see: Lewis, D. Civil Society in non-Western contexts: Reflections on the 'usefulness' of a concept, www.lse.ac.uk/collections/CCS/pdf/CSW13_web.pdf, 2001).

gimes, as well as in neo-colonial countries that have taken over liberal institutional arrangements under the dictate of their colonial rulers, and where these arrangements have taken roots sporadically and specifically (e.g. India). Furthermore, political discourse became ready to accept the concept of civil society also in parts of the world that are in every respect far from the implementation of liberal tradition. In addition, the concept of global civil society is increasingly being mentioned in political theory, and the theory of a global civil society recognizes the elements of its construction in the context of globalizing processes.

Conditionally speaking, if we accept a division into global, European, Balkan, national, transnational, Third World civil society, then we are able to speak about the complex interaction among levels of civil society in the contemporary era.

2. The Historical Genesis and Contemporary Modifications of the Concept of Civil Society

The concept of *civil society* is a part of the dichotomous theoretical paradigm "state-civil society", initially formed in European and Anglo-Saxon political philosophy between the middle of the 18th and 19th century, and fully developed in the second part of the 20th.[6] The concept of civil society was a keyword in the European political thought from 1750 to 1850, and the first public use of the word "civil society" as a substance different from the "state" occurred in 1776 in Tomas Paine's *Common Sense.*[7]

The concept of civil society in early modern theorists (Hobbes, Locke, Paine, Hegel, Mill and Tocqueville) was centered on the concept of ownership (over private property, one's own life and liberty). For the classical perception of civil society the starting point was the individual citizen as the owner of property (negative freedom, irreducibility of the social field to the state field). The development of the liberal state, one that has the idea of limited power and is a minimal state that protects the individual as an owner (negative freedom) was the first link with the theory and practice of civil society.

With the development of the liberal-democratic state a modified concept of civil society emerged, emphasizing the association and formation of a democratic public, i.e. the expansion of the field of self-determination of citizens and their self-organization into various kinds of associations and social movements. The current understanding of civil society stresses positive freedom and the participative character of social action.

Compared to the classical paradigm, in which civil society was analyzed only in respect to the political state, the modern concept of civil society in-

6 There was no discussion on civil society in western political theory at the end of the 19th century and during most of the 20th century.

7 Keane, J. 1988, *op. cit.* p. 36; 67.

volves a complex model in which civil society is determined in relation to some essential areas of social life (economic, cultural, political), although the relation of civil society/state remains in focus playing the role of fundamental paradigm.[8]

Definitions of civil society (mentioned in the introductory section) are a part of the process of revitalization of the theory and practice of civil society in the West during the second part of the 20th century. The concept was initially re-actualized in the 1970s and 1980s in Central and Eastern Europe, within the efforts of dissident intellectuals to oppose their totalitarian communist régimes and the Soviet Empire. The concept was used also in the 1970s and the 1980s in Latin America, as well as in Spain, in the struggle against authoritarian military régimes. In addition, it was realized later on that the term had already been used in the 1960s in Japan, where the "Civil Society School of Japanese Marxism" interpreted the quick rise of capitalism in that country as a result of an underdeveloped civil society and of weak social resistance due to the existence of a strong patriarchal tradition and a culture of individual obedience to the government.[9] However, the main course of revival of the political theory and practice of civil society went from the aforementioned dissident thinkers and activists in the communist régimes to critically oriented intellectuals in developed liberal democracies in the West. Western theorists "re-remembered" the concept discovering at the same time that "we have been living it without noticing" as "part of the unnoticed fabric of society itself".[10] Furthermore, they started using the concept of civil society not only under the influence of those ideas coming from Central and Eastern Europe, but also autochthonously – in relation to the crisis of the welfare state, the crisis of legitimacy caused by the Vietnam war, the oil and economic crises, as well as the birth of antiwar, feminist, and ecological social movements in the West.

The causes for the revival of the discourse on civil society during the second part of the previous century are complex, but simply put, they are connected with the crises of the contemporary state in its various modalities, i.e. with the contemporary crisis of the relations between the state and society, the government and the individual, both on the national level and in global context; more concretely, the revival of the discourse on civil society in the 1970s was stimulated by the crisis of the "real-socialist" state and the crumbling of the Soviet system, on one hand, and the crisis of the welfare state in the West, on the other.

In the former countries of "real-socialism", which had been part of modern society in a perverted way, the eminently modern bond "legal state-civil

8 Pavlović, V. in Pavlović, V. ed. 1995, *op. cit.* p. 30.

9 Keane, J. 1998, *op. cit.* p. 13.

10 Comaroff, J. L. and Comaroff, J. *Civil Society and the Critical Imagination in Africa: Critical Perspectives,* Chicago: University of Chicago Press, 1993. p. 5.

society" did not function. More precisely, there was neither a state ruled by law nor a civil society. Unlike liberal-democratic western countries, where the legal state and civil society act (more or less successfully) so as to complement each other, in states of the former "real-socialism", elements of civil society had been established before the rule of law, albeit in a reduced and embryonic form. In a way, they were precursors of, and encouragement for (as a social base formed despite and against repressive régimes) the transition of these states to a liberal-democratic order. This applies, first of all, to some Eastern Block countries – Poland, Hungary and Czechoslovakia – where "real-socialism" had been overcome due to – among other things – a well-formed liberal movement (representing the initial elements of civil society), i.e. where "real-socialism" did not just implode due to the concrete-historical constellation marked by the fall of the Berlin Wall and the lack of readiness on the part of the Soviet leadership to use military means to prevent either the "implosion" or the "overcoming" of real-socialism.[11] The specificity of the revival of civil society in the countries of former "real-socialism" concerns attempts to reconstruct society from below, through (dissident) social movements that preceded political pluralization. Soon after the change of political régimes political parties pushed these social movements completely away from the political scene, while the nongovernmental sector underwent significant development (with both negative and positive features, from the perspective of building civil society in transitional countries in the context of globalization). The dilemmas and challenges of the first steps of plural democracy (where issues such as the re-privatization of property, freedoms and rights of citizens, free political and interest associations, independent press and mass media, autonomous trade unions, autonomy of the university and the status of the church, etc. are in the forefront) are closely related to the complex of civil society and its genuine establishment in the context of the further consolidation of democratic changes. Insofar they are permanent potential for the theoretical and practical revival of the civil society-rule of law paradigm in Central and Eastern Europe.

Victor Perez-Diaz speaks in his own way about the necessity to reconsider and accommodate the concept of civil society according to context. In other words, he makes a distinction between the original meaning and its origins in the Anglo-Saxon liberal word, in "civil" or "republican" traditions, and the meaning of civil society in countries in transition. Namely, the author makes a distinction between the original concept of civil society, applicable to advanced liberal democracies (civil society *sensu lato*), and the same concept taken in its more restrictive sense and related to countries seeking to move from totalitarian and authoritarian régimes into a democratic order: "Civil society *sensu lato*, or the first meaning of civil society, denotes a set of sociopolitical institutions including a limited government or state operat-

11 Vujadinović, D. in: Spasić, I. and Subotić, M. eds. *Revolution and Order Prospects – Serbia after October 2000*, Belgrade: Institute for Philosophy and Social Theory, 2001, p. 335.

ing under the rule of law; a set of social institutions such as markets and associations based on voluntary agreements between autonomous agents, and a public sphere where these agents debate among themselves and with the state about matters of public interest and engage in public activities... This construct of civil society *sensu lato* has an internal consistency. It is 'civil' inasmuch as its autonomous agents are 'citizens' (as opposed to mere subjects of a despotic ruler or of a ruling caste) and thus members of 'civilized' society (as opposed to barbaric or backward). But the point is that they can be citizens *only* because they are autonomous agents, and they can be autonomous vis-à-vis the state *only* because the state has a limited power to enter the area reserved for these agents... But this autonomy may exist either in a full or in a diluted form. It exists in full only when the state is part of a civil society in the first sense, namely, when it is a limited state operating under the rule of law. Otherwise, in relation to the second sense the institutions of civil society (markets, associations, and a sphere of public debate) exist in a diluted and less developed way within the framework of other historical configurations, such as those related to authoritarian and totalitarian régimes (for instance, Franco's Spain and the East-European socialist societies). It may be argued that the development or emergence of civil society in the second sense within an authoritarian or totalitarian régime prepares the path for its transition to a liberal democracy and a full-fledged economy, and thereby to the establishment of civil society in the first sense."[12]

In regard to the issue of civil society in transitional countries, Perez-Diaz – continuing Linz's discourse – speaks about the need of making a distinction between the processes of *transition* to, *consolidation*, and *institutionalization* of a new régime: "Empirically, the three processes are interconnected: they are not consecutive phases in time, but they overlap. In the process of *transition*, the basic rules of the game... are established, both within the political class and society at large. These rules concern chiefly the limits of state power, the means of access of both politicians and society to that power, and the modalities for the exercise of such power... (T)his process should be distinguished from that of *consolidation* of the new régime, at the end of which there is a widespread expectation that the régime is going to survive, and that its basic rules will be respected... This process should also be distinguished from the *institutionalization* of the régime, at the end of which the régime is recognized as legitimate by the majority of the population and for most of the time, and the basic rules of the political game not only prevail *de facto* but have been internalized by both politicians and society."[13]

The latest discussions about civil society have been reconsidering the processes of globalization, and theoretical discourse has been broadened to include the concept of a global civil society. The category of global civil soci-

12 Perez-Diaz, V. M. *The Return of Civil Society*, Cambridge, Massachusetts and London, England: Harvard University Press, 1998. pp. 55–57.

13 *Ibid.*, p. 4.

ety is also ideal-typical: on the one hand it strives to include the actual processes related to the expansion of social ties to the global level, mediated by the internationalization of the economic market, transport, culture, satellite communications, globally transparent media, and the Internet. Such globalization processes result in a conflicting and/or assimilative crossing of civilizations and cultures, in the introduction of international political institutions and the adoption of international conventions for human rights protection, for the defense of democratic values, for combating terrorism and segregation on various grounds, thus leading to a global standardization of a human rights culture and a democratic political order. On the other hand, the category of global civil society also strives to express normative content, a determination to embody the principle of democratic rule and democratic way of life globally, and to identify criteria for evaluating events in individual countries, as well as in global tendencies from the perspective of peace, tolerance, autonomy and control of society (societies) in relation to world centers – either formal or informal – of power and government. Commenting the normative dimension of the ideal-typical category of global civil society, John Keane remarks: "The vision of a global civil society is presented as a challenge to the normative silence or confusion within much of the contemporary literature on globalization and global governance. In opposition to mounting fears of terrorism, rising tides of bigotry and nationalism and loose talk of 'anti-globalization', the defense of global civil society mounted here implies the need for a defense of democratic ways of life – and for brand-new democratic thinking about such matters as violence, global markets, and government with a global reach."[14] In regard to what is usually referred to as the anti-globalization movement (which Keane calls the "loose talk of anti-globalization") it should be stressed that this is a highly contradictory phenomenon: on one hand, it is a truly global social movement directed against the neo-liberal logic of globalization and unification of "ways of life" – "Americanization", "McDonaldization" – on a global level, and, on the other hand, it is an explicitly violent social movement (in many ways intolerant, in contrast with democracy and "civil disobedience".

This leads to the conclusion that the concept and the practice of civil society are being globalized in a way that reflects the empirical processes of inter-connecting societies and shaping a global society. From a normative-mobilizing perspective, civil society activists and theoreticians stress the need to defend the global society from the global threats of nuclear war, environmental catastrophe, crime, violence, and domination by global powers over the fate of individual countries and societies, i.e. the need to oppose the tendency of "power policy" on the global level, and to defend the autonomy of (global) society as compatible primarily with the expansion of policies based on the rule of law on a global level, and incompatible with the policy of force, state cause, and domination by global centers of power.

14 Keane, J. *Global Civil Society?*, Cambridge: Cambridge University Press, 2003. p. XII.

With the strengthening of the process of European integration into the economic, institutional-legal, political-legal, cultural, social, information technology, and media domain, there is a growing importance of the discourse on European democratic political culture, European cultural space and identity, and consequently on European civil society. Naturally, the concept of European civil society comprises normative-mobilizing and analytical-descriptive dimensions, which are related – in principle – to the measure and quality of the implementation of the principles of constitutional democracy, democratic control of European institutions, meaning of constitutional patriotism, sustainable balance between autonomy and integration, subsidiarity of the national in comparison to transnational/European law, as well as to the factual phenomena of interaction, integration, networking on the level of the aforementioned economic, social, cultural and other processes, and on the level of transnational activity of social movements and nongovernmental organizations.

The concept and practice of civil society are being increasingly used by intellectual and political elite in countries throughout the world, including underdeveloped countries of the Third World. Lewis analyzed in detail a set of questions related to the civil society in Africa. He observes that the growing obsession with civil society may be dated back to the mid-eighties, but that the content of these debates had a far longer history: certain 19th century "humanitarian imperialists" used the discourse of civility, which implied universal human rights and norms of citizenry, whilst national resistance has long been led in terms of jeopardized civil rights, thus resulting in numerous social movements and voluntary organizations. He also emphasizes that in the colonial period civil society discourse was used both by colonizing and colonized nations; he further indicates the complex and conflicting relation between the European and African civil society in the colonial period, in the sense that the contact between the aforementioned civil societies was actually very much "uncivil" and that it was intended to institutionalize differences between groups of citizens and "ethnicized" subjects, and between civilized colonists guided by "constitutionalism" and aboriginal tribes guided by "common law" principles.[15]

According to Lewis, the "western (prescriptive) prism" produces a view which disregards the historical specifics of the development of civil society and organizations in environments under colonial rule that do not fit into the given western prescriptive models (according to which civil society entails only "voluntary" associations of autonomous citizens), bearing in mind that their development also involves elements such as family relations, ethnicity, and local traditions, which do not comply with the original definition of civil association due to their "involuntary" character.[16] Interestingly enough,

15 Lewis, D. "Civil Society in non-Western contexts: Reflections on the 'usefulness' of a concept", www.lse.ac.uk/collections/CCS/pdf/CSW13_web.pdf, 2001, p. 10.

16 *Ibid*., p. 8.

Lewis also indicates the possible use of certain parts of the theoretical heritage in civil society for the analysis of the colonial heritage of civil society: "For example, the Hegelian concept of a 'civil society' may be useful in understanding how access to and exclusion from the public sphere and citizenship right was organized in the colonial African context, while Gramscian ideas about civil society have long been relevant to understanding of organized resistance to colonialism."[17]

He also speaks about the existence of "old" and "new" interpretations of the term "civil society": the "old" are concerned with colonial history, and the "new" with contemporary processes of widening the use of the concept for undeveloped countries, primarily in relation to their inherent need to fight against undemocratic régimes and/or to solve elementary problems of poverty, unemployment, hunger. Within the context of "new" interpretations, special attention is paid to the current development of the nongovernmental sector in underdeveloped African countries, and it is critically pointed out that this development is largely non-autochthonous, i.e. that NGO's are often formed under the patronage of global economic organizations, and thus represent an expression – or better yet – a tool for the strategy pursued by international capital aimed at using the nongovernmental sector to control economic and social processes in the underdeveloped world.[18] Concerning the anti-colonial movements and the struggle for independence in Africa, Lewis concludes that the civic activism against the state in Africa long preceded the struggles in Eastern Europe and the revival of civil society related to those struggles.

Civil society has been primarily related to the secular character of modernity and has deep roots in the universal values of the Enlightenment, including religious tolerance, as well as the non-interference of the church into state affairs. The role of churches and religions in liberal-democratic countries, and especially in transitional countries, has been ambivalent and controversial; namely, their activities in some countries and in certain situations have been sometimes oriented towards improvement and at other times towards the inhibition of modernizing processes; in countries with totalitarian and authoritarian régimes the role of the church sometimes favored the struggle against such régimes, but sometimes favored their survival. According to Victor Pe-

17 *Ibid.,* p. 4.

18 The critical attitude towards NGO's in Africa is generally applicable to all Third World countries. As an example, we may quote some of the undeveloped regions in Europe: a review of the shaping and functioning of civil society in Bosnia and Herzegovina, Macedonia, Albania and Kosovo, to a certain extent asserts the fictitiousness and artificiality of the civil society in those countries, in the sense that the NGO sector primarily exists thanks to the instruction and financing by international factors. (See for the case of Bosnia and Herzegovina: Bojičić-Džalilović, V. Politike međunarodne pomoći – pregled najvažnijih pitanja, in: Papić, Ž. ed. *Međunarodne politike podrške zemljama jugoistočne Evrope*, Sarajevo, 2001).

The previous assessment only partially applies to Serbia, Montenegro and Croatia, where also relevant autochthonous civil society elements exist.

rez-Diaz: "Religion may have the effect of 'consecrating' the existing political and economic arrangements... but it may also have the contrary effect of a 'prophetic denunciation' of those arrangements; most often it may have *both* effects, for different audiences and at different times."[19] Adam Mihnik speaks about the mobilizing role of the Catholic Church in Poland during the fight against communist rule and the Soviet Empire (*Letters from Prison)*, although he also stresses the ambivalent role of the Church, in a sense that it can also turn into retrograde tendencies (as is the case of the anti-abortion campaign in Poland after the fall of communism)."[20]

The radical transformation of the concept of civil society (or the necessity of yet another modification and adaptation of this concept) might be forthcoming in relation to its genuine secular character. Namely, John Keane speaks[21] about the contemporary phenomenon of *post-secular* civil societies in Islamic countries, about voluntary associations based on Islamic religion, which are different from Islamic fundamentalism and opposed to the despotic (secular) governments in their countries (e.g. in Egypt, Tunisia). He says that a rising number of Islamists use the language of civil society with sympathy: "They question the Eurocentric presumption that civil society, which is a European invention, cannot take roots among Muslims. These Islamists insist that it is *not* true that Muslims are automatically inclined to identify themselves with segmented communities guided by the anonymous *Umma* in which the faithful, who 'allegedly do not miss civil society too much', strives to positions through a clientelistic, cynical policy. These same Islamists deny the restrictively European definition of civil society. They insist that secularism, conventionally thought to be a basic requirement of a civil society, effectively functions as an Orientalistic ideology that protects despotic states suppressing the development of civil societies within the Muslim world."[22]

Relativization and modification (contextual adaptation) of the use of the concept of civil society is evidently in effect and necessary because of the aforementioned phenomena and processes. Therein, the concept, which is ambiguously defined even in its original meaning, due to those processes of relativization and modification (similarly to the concept of democracy) faces the danger – of a possible but not inevitable – inflation and confusion of meanings, including the danger of its fashionable misuse in legitimizing and

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19 Perez-Diaz, V. M. *The Return of Civil Society*, Cambridge, Massachusetts and London, England: Harvard University Press, 1998. p. 109.

20 From the 1991–1999, the role of religion and the churches in the wars and in the post-communist and transition period, point to their generally retrograde impacts, from the perspective of civil society development, modernizing processes and European integration in the region of the Former Yugoslavia. (see: Vujadinović, D. et. al. eds. 1995, *op. cit.*).

21 See: Keen, J. 1998, *op. cit*., p. 27.
Keane's analyses are compatible with what Lewis says about the importance of atypical factors, such as kinship, caste and custom law for forming civil society in African local communities at the time of colonialism.

22 *Ibid.*

mystifying practice, which can be far from the content and sense of even a minimal definition of civil society.

Minimal definitions always have to be re-connected with the aforementioned *differentia specifica*, which is related to relative autonomy of collective action in respect to state power. Thereat, different uses of the concept of civil society must be taken contextually and it should be assessed whether the use of given contextual modifications is justified. In order to evaluate whether the use of the concept – in all of its complexity and dynamism – is justified or not, it is indispensable to explicate its normative (value) definition. This can be underpinned by the concretization of the normative dimension of the original ideal-typical concept of civil society.

Hence, the normative definition of civil society has a general analytical-cognitive and a practical dimension. However, this normative definition also has specific cognitive and practical importance in countries where liberal democracy has not been established yet. In the analysis of the status and function of civil society in transitional countries, the ideal-typical model is important, which has emphasized normative dimension in the sense of what "must" be done to establish a complementary link between constitutional democracy (the rule of law) and civil society, i.e. in order to overcome both the democratic deficit of the state, and the deficit of the autonomy of the society. Thereat, the difference that Victor Perez-Diaz makes between transition, consolidation and institutionalization processes in overcoming the aforementioned democratic deficit is unavoidable.

3. The Concretization of the Ideal-typical Category of Civil Society

The concept of civil society, as an ideal-typical category, contains also a normative meaning related to the affirmation of the liberal-democratic project of constitutional democracy.

Civil society is an active and communicable field (a public domain) where interests stem from the private (the individual and the family) and collective life (related to education, health, housing, environmental protection, gender issues, and work) are articulated from the perspective of the "public use of reason for the common good" and the "rationality of the intellect"[23], namely where dissatisfaction with the existing state of affairs is expressed by an autonomous personality through individual behavior ("the private is political") and through collective action based on principles of publicity and associability (in new social movements, local self-governments, various forms of civil disobedience).

23 Heller, A. "Everyday Life, Rationality of Reason, Rationality of Intellect", manuscript, 1982.

The citizens appear in a twin role – both as an individual and as entitled to guaranteed basic rights, and as such they can become members of associations and networks of associations. Civil society bonds individuals as holders of civil rights, civic associations and the public sphere into a single field. In other words, civil society connects the principles and practices of autonomy, associability and publicity. Civil society acts as a horizontal network of human relations characterized by: direct communication, neighborly and local solidarity, spontaneous and/or voluntary and, as a rule, non-violent self-organization. This is the field of non-institutional politics, or the mediating field standing between the individual, the family, society in general, on one hand, and the state and institutional politics, on the other.[24]

In a normative-mobilizing sense, civil society has the function of mobilizing citizens to the defense of personal, political or social rights, guided by the values of freedom, equality, justice, and accompanied by the development of a democratic political culture of solidarity, cosmopolitanism, pluralism, tolerance, non-violence and humanitarianism. In the measure in which it is guided by the values listed above, the corpus of civil society includes associating for the purpose of achieving specific collective rights based on ascriptive qualities, such as religious affiliation, ethnicity, race, and so on.

Institutions that are closely connected to civil society are the family, religious communities, charity associations, private funds, the educational system and universities, the free press and media. This is the pre-political social and cultural environment which – insofar as it acts in such a way as to facilitate the development of an autonomous type of personality, the affirmation of democratic political culture, a critical attitude to all that is contrary to universal human values – contributes to the establishment of the principles that civil society is based on.

Nevertheless, civil society "excludes" individual and family life as eminently belonging to the private sphere. The *differentia specifica* of civil society is related to active, public, critical, rational conduct regarding private and social problems, i.e. collective voluntary action and self-organization of people for changing the current quality of everyday and family life, and various aspects of social life. The everyday life of the individual where the public and the private experience cross, as well as family life and various aspects of social life, represent on the pre-political level – as a field of socialization of an autonomous type of personality – a precondition for the formation and development of civil society. In other words, civil society presumes an autonomous individual freely deciding on their involvement and association. Hence, the individual's decision to step out of a given everyday milieu and family and social environment and to voluntarily associate with others in order to act publicly and autonomously towards improving, solving, and changing the state of affairs, represents the domain of civil activity.

24 Vujadinović, D. Civil Society in Everyday Life, in: Pavlović, V. ed. 1995. *op. cit.* p. 306.

In order to develop, civil society demands peace and relatively stable, non-violent social conditions, a well-regulated state, protection of human rights, and legal certainty.

Civil society is always threatened when the democratic public sphere turns into a manipulated one, when the paradigm of civil society/rule of law is replaced by the (leader)/elite-masses paradigm, or when the competition among interest groups, more or less democratic movements, parties and ideas is replaced with a cleavage between democratic and nationalist ideas and movements, when the state order regresses into a non-democratic one, when institutions of the system become criminalized and corrupt, and produce para-state "institutions" of violence acting with/above them.

Civil disobedience is an important constituent part of civil action. This concept is applied for the grouping of people and their subsequent public and critical actions in defense of constitutionality and legality against or despite specific legal solutions; namely, opposition to specific positive laws as being unjust or illegitimate, and protest against violations of specific laws and regulations, in reference to general constitutional or fundamental legal solutions and their foundation on natural law or on the idea of justice. Hannah Arendt speaks of civil disobedience as "breaking the law to verify its constitutionality".[25] She also emphasizes the importance of group manifestation of civil disobedience, as the authorities may remain insensitive to individual civil disobedience motivated by moral reasons, qualifying it as an excess, while they could have remained "deaf and blind" with far more difficulty to group pressure for verifying the quality of a law.[26]

Civil disobedience is a manifestation of civil society in its extreme form. It shakes up the state and society in a profound way; it has the aim of reevaluation and establishment of a relative stability at a higher level. The general meaning is in the legitimacy of public mass protests and movements, non-institutional pressure within the liberal-democratic order, in order to reevaluate inadequate legal solutions or incorrect application of law from the perspective of constitutional guarantees of human rights, and to make them compliant to the Constitution. Hence, this represents a corrective role of mass pressure on legislative and executive power to prevent them from violating the Constitution.

On the other hand, civil disobedience in the case of non-democratic régimes plays a specific role of confronting the existing legal-political "order" from the perspective of principles of (desired) constitutional democracy.

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25 Arendt, H. Građanska neposlušnost (Civil Disobedience), in: *Politički eseji (Political Essays)*, Zagreb, 1996. p. 226.

26 "Civil disobedience appears when a certain number of citizens become convinced that the usual ways of making changes no longer function, that their objections will not be heard nor will actions be taken accordingly, or that, otherwise, the government is ripe for change, and that it has begun to act and persists on acting in ways whose constitutionality and legality are subject to profound doubts". (*Ibid.*, p. 242)

In the case of Serbia – as an example of a non-constitutional régime – in the final decade of the 20th century, it became evident that civil disobedience as an extreme form of civil action represented the strongest tool for shaping the culture of political resistance based on nonviolence and on the principles of the rule of law, constitutional rights and democratic legitimacy. In fact, this culture of resistance expresses the non-acceptance of the ruling order, the rejection of ethnic nationalism and resistance against war, militarization of society, and the militant spirit. This culture of political resistance represented the main field where civil society had been shaped, i.e. where the existing régime and the disintegrated community were delegitimized.

The civil protests in Serbia (especially those in 1996/97), were in terms of their immediate motivation, an eminent expression of civil disobedience – a rebellion against the violation of the will of voters and of electoral rights prescribed by the Constitution. However, in view of its genesis and essence, i.e. taking into account the context, this protest (and all other forms of civil disobedience used in the last decade of the 20th century in Serbia), was far more than that – a request for a renewal of the state and the society, for a change of the political order and of the régime, for a radical change of the type of the public and political culture.

The level reached by civil society is always a process, one that is continuously being verified and improved. Civil society is an open concept and practice, a task never completed and never safe against backward steps, a contradictory process and a continuous struggle within itself alone and with the government and the political field. In line with the fact that modern society is contradictory, the accomplishment of the positive normative meaning of civil society is also contradictory (and has a limited range). Namely, besides the positive principles cited above, civil society may also assume negative characteristics (egoism, unfair competition, separatism, particularism, localism, possessiveness, violence). Within the field of civic action, actions based on principles incompatible with the concept of civil society (e.g. associations based on segregation) and deviations within authentic civil action are also possible.

At any rate, the normative concept is important as being a criterion and guide for controlling/counterbalancing power, and as a self-corrective tool for civil society itself (to counterweight populism, deviations within civic action, and retrograde simulations of civic action).

It may be said that the interpretation of the ideal-typical concept of civil society – which emphasizes the positive normative dimension, is just one possible interpretation. Another interpretation is also possible, where the descriptive character of the concept is emphasized, which places every form of organization or association of people beyond the dictate of the state in the framework of civil society. There is also an interpretation which questions the

positive normative concept of civil society mentioned above from the point of setting criteria too high and being so far too restrictive; in other words, leading towards the ideologization and idealization of *what should be* in the field of civic action, while *what is* in the empirical field of civic action in fact has been burdened by incivility. Thus, we are faced with an interpretation of civil society which does not aim to completely abolish value criteria, but is (critically) focused on an empirical state of affairs, including anti-civilizing aspects and components of a given civil society.

The current literature about civil society – which attempts to be reflexive and non-apologetic – points to the presence of incivility and violence in the field of civil action. Civil society requires a relatively stable everyday life and a state of peace; however, the problem with civil society on one hand and war and violence on the other, is in the fact that the cult of war is imbedded in western culture, from which civil society – as a concept and as a practice – has also emerged. This is precisely where one of the basic foci of the contradictory character of civil society (and the phenomenon of incivility within it) lies, which is resolved or at least attempted to be resolved by creating a difference between "civilized" and "uncivilized" civil society.[27]

In contrast to the concept of civility – both as ideal and as practice – which presumes a well ordered community and well ordered relations in the community, where relationships between people are based on decency, cultivated mutual communication, as well as on the institutional arrangements of the rule of law, stand the facts – as John Keane observes – about the 20th century being a "long century of violence". Namely, contemporaneity has been marked with contradictory phenomena: with violence chronically persisting within countries and among countries, and the permanent possibility of regression of civil societies into uncivil societies, on one hand, and on the other with "the long-term growth of a new *civilizing* politics aimed at publicizing and reducing the incidence of such disparate phenomena as murder and rape, genocide and nuclear war, the violence of disciplinary institutions, cruelty to animals, child abuse and capital punishment".[28] As Keane states, "[T]he point can be toughened: *all known forms of civil society are plagued by endogenous sources of incivility*, so much so that one can propose the empirical-analytic thesis that incivility is a chronic feature of civil societies, one of their typical conditions, and, hence, normatively speaking, a perennial barrier to the actualization of a fully 'civilized' civil society."[29]

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27 Keane, J. 1998, *op. cit.*

In confrontation with negative manifestations of the liberal order, which, despite everything, produces excessive incivility (excessive fear, injustice and public violence), the theory of "uncivil civil society" (Keane, J.), "barbarian civil society" (Neumann, F.), "modern barbarity" (Offe, C.) evolves.

28 *Ibid*., p. 119.

29 *Ibid.*, p. 135.

4. Obstacles and Prospects for the Development of Civil Society in Croatia, Serbia, and Montenegro

The comparability, similarity, and recognizability of phenomena related both to the development of civil society and to the obstacles to its development in Croatia, Serbia and Montenegro, have their roots in their common history during the existence of the First and the Second Yugoslavia. The important common experience of the former SFRY during the 1970s and 1980s is linked to modernization processes – under the influence of the West – in its economy, culture, family, and education. It should be noted straight away that this modernization experience represented a counterweight to traditionalism, patriarchalism, the dominant collectivistic ideology of initially communism and then nationalism (more precisely, ethnic nationalism), which marked the process of abolishment of the common state. What is even more important, the "counterweight" mentioned above was insufficiently articulated without a strong social fulcrum, while the democratic deficit in the field of institutional solutions and in the area of civil society resulted in a bloody dissolution of the common state.

The abovementioned modernization processes and influences resulted in the appearance of the initial elements of civil society in most of the republics of the common state (particularly in the most developed Republic of Slovenia, partially in Croatia and in Serbia), in the form of social movements, dissident activities, manifestations of civil disobedience. The discourse and practice of the "suppressed civil society"[30] were used beyond and in spite of borders between republics within the common state, as a tool for fighting the authoritarian communist (Titoist and post-Titoist) régime.

At the time of the disintegration of the former SFRY, a differentiation, realignment and contextual redefinition of the language of civil society and its protagonists began, depending on the political-historical context: Slovenian civil society converted into the function of the idea and practice of the national identity affirmation and the establishment of its statehood and international recognition as the Republic of Slovenia. Civil society discourse and the civil protagonists in Croatia started operating in the function of the affirmation of statehood of the Republic of Croatia, while also differentiating internally and weakening in the cleavage between conflicting choices, such as defense against a war of aggression on their territory, the defense of threatened minority rights in their territory, and creating a distance towards the war of aggression in which Croatia also took part. In Serbia, where the modified communist authoritarian régime managed to survive a decade longer, evolving in the meantime into a nationalistic, militant and aggressive régime, a significant part of the protagonists belonging to the sphere which used to be ideal-typically defined as civil society, chose to identify itself (in a self-destructive manner from the point of civil society) with "higher state

30 See: Pavlović, V. ed. 1995, *op. cit.*

interests" and converted into members of an uncivil nationalist movement. Nevertheless, throughout the whole of this period a certain part kept its autochthonous civic character and a minority civic alternative continued to exist in Serbia, which consistently and persistently fought against the bellicose, ethno-nationalistic, authoritarian, isolationist state policy, and providing a great contribution to the toppling of the Milošević régime. In Montenegro, rudimentary civil society took shape at the beginning of the 1990s in the resistance against the Milošević régime (and its domination through the obedient attitude of the Montenegrin government), as an expression of the anti-war and anti-régime position. A more advanced civil society evolved after 1997, as a result of the efforts of the reformist wing within the political elite to show its pro-European orientation and loyalty to fundamental democratic values, as well as owing to major international support to the democratization processes in Montenegro. It evolved partially non-autochthonously, but also developed independently from its authorities. In regard to the government, Montenegro`s autochthonous civil society pursued a relationship of mutual tolerance, occasional cooperation and until 2000 – in view of the threats from the Milošević régime they commonly faced – even a strategic alliance.[31]

In the final years of the strengthening of the independence movement in Montenegro, the intellectual and political elite linked to the field of activities of civil society mostly opted for the idea of the independent statehood of Montenegro, which had the appearance of certain similarities with the aforementioned fate of civil society in Slovenia in the 1990s (and partially in Croatia as well).

From what has previously been stated, it may be concluded that the civil society which had existed in a rudimentary form even in the former SFRY (where its function was to fight the authoritarian régime), played different roles – of greater or lesser importance and influence – in the changes of the democratic régimes in the newly established states. Consequently, it can be asserted that civil society in some of the newly established states has had different predispositions and social resources to influence and contribute to further democratic change on the path to consolidation and the institutionalization of the rule of law.

Taking into account that the processes of transition, consolidation and institutionalization of democracy – both on the level of institutional changes and with regard to the development of civil actions and democratic political culture – in Serbia, Montenegro and Croatia are far from their factual and complete implementation, the normative-mobilizing dimension of the concept of civil society is still very fruitful in this region. A draft definition offered by Veljak – concerning the assessment of the transitional process in Croatia – is equally applicable to all these environments: "The concept of civil society operatively encompasses the sphere of civic public which shares civic

31 See: Darmanović, S. and Bojović, R. in. Vujadinović, D. et. al. eds. 2005. *op. cit.*

values compatible with liberal-democratic order, i.e. develops a political culture that corresponds to the aforementioned order."[32]

Moreover, institutional changes and constitutional-legal transitional processes have gone much further in Croatia than in Serbia and Montenegro due to their earlier started processes of political transformation, settled issue of national state, and a largely consensual readiness among the political elite to promote – at least declaratively – their integration and a faster harmonization of legislation with the standard of the EU. On the other hand, civil society in Croatia has not had a decisive influence on the initiation and implementation of institutional changes. Its protagonists, i.e. civil society associations faced a fate similar to those in Slovenia and in the newly created countries in Central and Eastern Europe: passivization, adhering to trends of affirmation of the national state, reduction to the sector of nongovernmental organizations, which represent more a replacement for the service sector or humanitarian organizations than a factor of control and counterbalance to state authorities. There is a visible discrepancy between the established institutional arrangements of democratic order and the slowed-down development of civil society. Precisely as a consequence of the poor development and limited influence of civil society, a democratic public is not taking clear shape and weak social pressure is exerted on the authorities. This entails a number of important consequences including: the lack of readiness of the main political figures and the population to face the experience of the wars in the region between 1991 and 1995 (wars which were not only defensive), insufficient readiness to fight crime and corruption, and a lack of will to really bring to life newly established institutional arrangements, and affirm a democratic political culture and responsible government.

In Serbia and Montenegro the socialist order had managed to survive a decade longer with minor and then major modifications, and a delayed transition took place – especially in Serbia – that had not only a heritage of sanctions, the bombing, bellicose government policies, undefined state borders, but also had a growing buildup of social opposition to the régime, the war, and social and spiritual poverty. In other words, civil society took shape here in a slower fashion (than, for example, in Slovenia), but did so more massively and strongly than in Croatia, and it turned – especially after the protests of 1996/97 – into a decisive force of social pressure on the régime (and on the divided opposition), capable of significantly contributing to the final downfall of the régime with a combination of democratic methods (elections) and nonviolent, typically civic activities. However, after the democratic changes of 2000, it became apparent in Serbia that the new authorities – which emerged from the enormous support of civic, student and union protests, civil initiatives and NGOs – failed to display any substantial capacity to meet the requirements of the logic of the change of order (in regard to institutional ar-

32 See: Veljak, L. in: Vujadinović, D. et al. eds. 2005. *op. cit*.

rangements, primarily the adoption of a new Constitution and the changing of legislation to meet European standards), the requirements of the times (regarding European integration and facing guilt and responsibility for the wars in the region during the last decade of the 20th century), the expectations of an awakened citizenry (regarding life in a well ordered political community, fighting against crime and corruption, the introduction of a responsible government, the affirmation of a democratic political culture in the inter-party and intra-party domain, and in the political sphere, as a whole). The gap between a more or less developed civil society and the lack of any well established institutional arrangements of democratic order have become visible.

To sum up, the democratic deficit both on the level of political and state-legal institutions and in the domain of civil society was characteristic for Croatia as much as for Serbia and Montenegro, although specifically for each of these environments. Therefore, the ideal-typical bipolar paradigm of constitutional democracy/civil society inevitably still carries a strong normative-mobilizing charge in these countries.

Since the states and societies we are dealing with represent countries of "delayed transition" (postponed transition), the normative approach linked to civil society and democratic political culture (as well as the normative approach from the point of the ideal-typical postulation of constitutional democracy) is strongly underpinned by a need for the pacification of the region and its European integration. An area and countries marked by grave violence and the destruction of war throughout the last decade of the "long century of violence" are in question. It is also an area, that even after the end of the previously mentioned wars, continues to be burdened by a lack of respect of human rights, by ethnic nationalisms, the expansion of crime, violence, re-patriarchalization, re-traditionalization, and clericalization. It is thus necessary to deal with the negative consequences all these phenomena have had on the development of the "civilizing policy", i.e. with the way these phenomena have favored the generation of negative (uncivil, anti-civil and uncivilizing), i.e. retrograde, anti-modernizing characteristics in these given societies.

The limiting factors of democratic transformation both in its institutional-legal and in its civic aspect are multiple: 1. a destroyed and corrupt state which was inherited, the more or less slow reform of political institutions and slow harmonization with European legislation, the judiciary lacking autonomy, the dominance of the executive power over legislative, the democratic deficit in the behavior of all political protagonists (which is also visible in the lack of political responsibility of both the ruling and opposition parties regarding common well-being and state interests, as well as in the lack of any self-awareness of every single politician of the importance of a responsible and politically correct attitude), the non-democratic internal organization of democratic political parties (visible in the centralized management and domination of the leadership principle), the failure to establish civil control over the police and the army, the inherited and embraced use of force contrary

to law in the police and prison systems, and weak electoral legislation;[33] 2. a destroyed society in all its vital segments – its economy, welfare policy, culture, media, healthcare, education, scientific research, and universities; 3. the insufficient differentiation of a civic option (compared to a nationalistic) within reform oriented political authorities and social actors.[34]

Patriarchal political culture, traditionalism and orientation towards the past – along with significant potential for the mystification and abuse of historical memory – represent primary obstacles, or the basis of all obstacles, for the development of a civil society in Serbia, Montenegro and Croatia.[35] In this region, traditionalism is linked directly to ethno-nationalism. Tolerance or the instigation of aggressive, exclusive nationalism represents an essentially limiting factor for the development of civil society in each of these individual countries, as well as in the region as a whole. Hate speech, in all its forms, has to be eliminated from media, schools, education, and political discourse if a single step in the civilizational sense is desired to be taken forward.

In principle, an important precondition for the development of civil society is the affirmation of democratic political culture of tolerance, nonvio-

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33 In the assessment of the limiting factors for the development of civil society, the character of opposition parties in transitional countries has to be noted. In fact, the establishment of the rule of law and the development of civil society require a democratic opposition, guided by democratic values and engaged in individual and collective activities which are sanctioned by both law and public criticism, i.e. by the democratic public. In Croatia, after the democratic changes in the January of 2000, Croation Democratic Community – HDZ, became the leading opposition force and over the past four years, this political party – is spite of a heritage of hate speech, corruption, and misappropriation of social property – gradually abandoned its overt nationalistic discourse and turned into systemic opposition. In Montenegro, the oppositional Serbian National Party – SNP is essentially acting as anti-systemic opposition, which obstructs political improvement, but is less and less capable of stopping it or destroying it. Quite differently, the anti-systemic opposition established in Serbia after October 5th, 2000, is characterized by the negative heritage of politics and crime, it is authoritarian and has a very low democratic political culture, it is corrupt, unaware of its own sins, and aggressive. It still pollutes political and social space, and is trying to mobilize public opinion by statements qualifying the new government as treasonable and incapable, causing social and economic chaos, unable to solve acute problems, and allegedly pursuing a policy of *pogrom* instead of a democratic one towards its opposition. The "patriotic front" in Serbia, is trying to present itself as a victim rather than a culprit, as a possible savior instead of a demolisher, a patriot instead of a traitor, and is systematically using slogans full of hatred and intolerance in its public statements, and there are indications – although still not corroborated because trials are still underway – that the "patriotic front" (the "red-black coalition" of the Socialist Party of Serbia – SPS and Serbian Radical Party – SRS) rallied under the slogan "stop to the Hague" and could be linked to the assassination of the late prime minister Zoran Đinđić, or at least represents its social/political background.

34 See: Vujadinović, D. in: Spasić, I. and Subotić, M. eds. 2001. *op. cit*. pp. 339–345.

35 See also the texts of the authors: Šiber, I., Golubović, Z., Vrcan, S., Rastoder, Š., Đorđević, M., Popović-Obradović, O., Dimitrijević N., Dimitrijević V. in the book: Vujadinović, D., Goati, V., Veljak, L., Pavićević, V. eds. *Between Authoritarianism and Democracy: Serbia, Montenegro, Croatia – Civil Society and Political Culture*, Belgrade: CEDET, 2005.

lence, respect of autonomy and difference, i.e. a non-segregational attitude toward the Other – regarding race, nation, gender, minorities. In this sense, "malignant nationalism", "ethno-nationalism", "nationalism as political pathology", "hate speech and war logic", the engagement of the church and religions in the service of the "hate speech and war logic" – which is something that has occurred in this region to a great extent after the bloody dissolution of the common state – is radically in contrast with the very idea of civil society. However, even after the democratic changes, Serbia`s patriarchal political culture, traditionalism and turning back to the past haven't lost too much of their importance; on the contrary, in connection with dominant nationalism, we are witnessing – after the political changes both in Croatia and in Serbia – efforts by the church and religions to penetrate all pores of social life, and to eliminate the principles of a secular state and the separation of church and state, while ruling political elite and public opinion generally accept or insufficiently oppose such tendencies.

An acute problem in the state union of Serbia and Montenegro (SCG), as well as Croatia, which has important consequences for the prospective of development of a civil society, concerns the attitude towards the Hague Tribunal, i.e. coming face to face with those war crimes committed during the wars in the last decade of the 20th century. In Serbia and Montenegro, and also in Croatia – the new governments and the majority of the people alike – have no reservation about becoming part of the international community; however, in their governments and among citizens, there are still objections and some resistance to the Hague Tribunal, in spite of its being an integral part of the UN and the international community".[36] As well, extreme nationalists both in Serbia and in Croatia are, characteristically, the most radical opponents of the Tribunal. The relativization or refusal of the obligation to extradite war criminals exists in both countries, with one set of arguments in Serbia, and another in Croatia.

Common sense suggests that all the indicted commanders and major direct executors of war crimes will be extradited to the Hague Tribunal sooner or later. Practical reason suggests that war criminals and other criminals who are the product of previous régimes must be tried for all misdeeds and atrocities, most importantly for the most serious crimes – those committed against humanity, as otherwise, the umbilical cord connecting the logic of war, violence and nationalistic madness and the ever again looking for suppression of memories and excuses related to the disastrous war crimes, cannot be cut, although this has to be done in one way among the people in Serbia and Montenegro and in another in Croatia.

The facing of the people and the citizens of Serbia and Montenegro with the moral and political responsibility for the role they played in the bloody

36 It could seem paradoxical, but after the victorious comeback of HDZ in Croatia in the parliamentary elections of 2003, the Croatian government has shown a more cooperative approach in this respect.

dissolution of the SFRY is a key precondition for the crystallization of the civil option and for the development of civil society.[37] The point is that individual and collective guilt must be sanctioned wherever it exists, and that the people of Serbia should face their own share of responsibility for having granted democratic legitimacy to ethno-nationalistic policy and the logic of war. Experience shows that citizens gradually change their standpoint concerning a given issue when political and intellectual elite, as well as the media, begin to take a clearer stand. In this sense, a clear determination of the new government and the responsible intellectuals in Serbia to confront the people with the negative "Serbian side of the war" is necessary (but not sufficiently present). This entails the corresponding media coverage of issues related to war crimes against other peoples of the former Yugoslavia, without, of course, minimizing the crimes committed against the Serbian people.

Recently conducted public opinion surveys[38] show that a majority of those polled now accept the fact that Serbian military forces committed crimes during the wars. This comes after the public had been confronted with media reports on corpses of Albanians found in freezer trucks pulled from the Danube, and on events in Srebrenica (with the massacre of the Muslim population). Unfortunately, people still try to relativize or belittle these facts by claiming that the "other side" did the same. Such suppression, mitigation, and deliberate oblivion, are also related to the absence of a clear official policy to condemn crimes, as well as a lack of sufficiently impressive and influential civil society campaigns on the issue. Similarly, in Montenegro the readiness is not sufficiently articulated either in political circles or among the population to acknowledge and publicly admit the truth about the official support to Milošević's military policy during the wars (except for the conflicts in Kosovo in 1999), and particularly about the invasion and plunder by Montenegrin troops within the former Yugoslav People's Army in the area of Dubrovnik and its hinterland at the end of 1991. Of course, the "other side" – in this case the Croatian people and government officials in Croatia, have to confront "their own" crimes against Muslims in Bosnia and Serbs in Croatia. Major resistance in Croatia (the veterans of the "fatherland war" and a considerable part of the population) to the Hague Tribunal and to the trials before national courts for war crimes committed against citizens of other nationalities is primarily based on claims that the war was a defensive one.

The attitude towards minority rights is a major test for democracy, both in the institutional sense and in the sense of the quality of democratic political culture. In this context, the limiting factor for the development of civil society in Croatia, in Serbia and in Montenegro is deficient implementation of minority rights and freedoms due to the absence of a culture of tolerance, primarily among majority nations, but also among minority ones. Although the

37 See: Dimitrijević, N. in: Vujadinović, D. et al. eds. 2005, *op. cit.*

38 See: Golubović, Z., Spasić, I., Pavićević, Đ. 2003, *op. cit.*, pp.141–158.

formal-legislative framework related to human rights is on the European level (especially in Croatia and Montenegro), there is nevertheless a significant discrepancy with the practical implementation of minority rights, particularly in Croatia.[39] The development of civil society requires an environment marked by relative peace, relative social and economic security (intense pauperization and mass unemployment hinder civil action), relative economic stability (based on a market economy, private entrepreneurship and social justice), as well as legal security (the rule of law, an independent judiciary, efficient sanctions against criminal behavior by any subject or group, and the protection of life, property and freedom).

A limiting factor for the development of civil society is the aforementioned extreme pauperization of the population, as well as its substantial unemployment. Individuals who are fundamentally, existentially insecure and threatened, are not in the position to behave as actors of civil society, and actually they have not been proponents of the civil option over the past decade. These people were primarily concerned with their bare survival, by the aid of the "gray economy".

It is more than evident that the governments in Serbia, Montenegro and Croatia need a certain period of social peace, in order to be able to invest their efforts and energy in economic transformation and consolidation. In fact, the danger of a collapse of the economy and social revolt turning into social chaos is very realistic in these countries, especially in Serbia and Montenegro. On the other hand, it cannot be denied that such economically motivated social revolts, however dangerous at the moment, also carry significant potential of autonomous civil action and control of the government (in fighting corruption and criminalization within political elite). As such, they represent a potential source of social opposition and a critical public, and of stimulating of the development of civil society.

Generally speaking, preconditions for the development of civil society are inseparable from suppressing the limiting factors listed above. More concretely, there can be no civil society without punishing war crimes and other criminal acts, the decriminalization of the police, the creation of a independent judiciary, the establishment of legal and social security, combating corruption and the gray economy, the development of a political culture of tolerance and non-violence, verbally and tangibly confronting hate speech and nationalism, facing crimes and responsibility, public control of the government (followed by an uncompromising demystification of the "opposition" when it acts against the system), and the general advancement of social opposition (to act towards improvement, and no more only against deterioration). The optimal result would be a process leading to the recovery of the society and state of Serbia, Montenegro, and Croatia, i.e. the establishment of a constitutional democracy/civil society paradigm in all states formed after the col-

39 See: Tatalović, S. in: Vujadinović et. al. eds. 2005. *op. cit.*

lapse of the SFRY, as the expression of the normal functioning of society and the state and proof of being part of modernity, i.e. of Europe and the world. Of all the former Yugoslav republics, Slovenia has so far come the closest to this ideal, though Croatia is closer to it than Serbia and Montenegro. Nevertheless, Croatia as well as Serbia and Montenegro, still have a lot to do in the sphere of genuine *transition, consolidation* and *institutionalization* of the liberal-democratic order and development of civil society within their borders, as well as in processes concerning European integration and the shaping of the European civil society.

For a prospective of further civil society development, or better yet, for the true establishment of civil society in Serbia, Montenegro, and Croatia, the foremost requirement is that the legal state and the rule of law be ensured, along with a market economy and simultaneous initiation of independent media, autonomous culture and education institutions. Particularly important is the development of civil awareness resulting in an expansion of a critical public, a culture of civil rights and civil disobedience whenever any form of threat to constitutionally guaranteed human rights reappears, or when elements of the ethnocentric and/or militant option emerge on the political or social scene. Furthermore, the transnational context of the European integrative process is of key importance, as through its inherent logic it affects the enhancement of institutional framework, the harmonization of legal systems that have the highest standards in human rights protection, and the consequential development of a culture of human rights.

Summary

The concept of civil society has its theoretical and practical genesis, related to Western civilization and modernity, i.e. to an emergence of the modern state and of a sphere where people act independently of the state according to principles of individual autonomy, associability, publicness, and in compliance with democratic values, i.e. the universal values of freedom, equality, solidarity and justice. Civil society has an ambivalent and fragile character, it requires peace and is opposed to violence, also contains elements of violence and is thus incapable of preventing wars on its own.

In the countries of transition from totalitarian to democratic order (Central and Eastern Europe, Latin America, and Spain) the elements of civil society preceded the establishment of a legal state and contributed to institutional changes and processes of the democratic consolidation of both the state and society. This also applies to countries created after the dissolution of the former SFRY, in a certain way to Croatia, and specifically to Serbia and Montenegro, and contains numerous common characteristics regarding the obstacles and per-

spectives for the development of civil society. The further evolution of civil society in transitional countries has crucial importance for the development of democratic political culture, i.e. the culture of human rights. Its development is also of crucial importance for establishing a partnership between the state and a democratic public on the path of implementing the ideal-typical paradigm constitutional democracy/ civil society, within the context of integration into the European Union and European civil society.

For a real perspective of civil society development in Serbia, Montenegro, and Croatia it is necessary to ensure that the rule of law, a stable economic growth based on a market economy and the development of democratic political culture exist.

Key words: civil society, democratic political culture, "civilizing policy", incivility, violence, European civil society, global civil society.

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PROSPECTS FOR AND OBSTACLES TO THE DEVELOPMENT OF CIVIL SOCIETY IN SERBIA/ FRY AFTER THE DEMOCRATIC CHANGE*

Summary

This paper starts from the assumption that modern society is characterized by the paradigm "state of law-civil society" which worked neither in "real socialist" societies nor in the FRY emerging after the breakup of the SFRY. Another assumption is that, after the removal of the old regime, Serbia and the FR Yugoslavia have a chance to establish a normal, modern liberal-democratic order. The general view – that within the liberal-democratic paradigm there can be no civil society without the state of law, and that there is no rule of law without a developed civil society, as a counterbalance or social opposition to the political power – is beginning to apply to Serbia and the FRY as well. However, to which extent a genuine transition of Serbia and the FRY into a liberal-democratic order will be achieved depends primarily on the dynamics and quality of the moves undertaken on the way to implement both poles of the given paradigm. Therefore, it is very important to consider the factors limiting the development of civil society in Serbia today, such as: its inherited destroyed and corrupt state, its society devastated in all of its vital segments (its economy, social policy, culture, education, and media); its insufficiently developed civil society, including an insufficient articulation of the civic option within the broad movement of popular resistance that won over the old regime. Civil society cannot develop further unless these limiting factors are countered. It is necessary to punish war crimes and other criminal acts, to decriminalize the police, to establish an independent judiciary, to provide legal and social security, to fight corruption and the black economy, and to develop a political culture of tolerance and non-violence.

Key words: civil society, rule of law, social opposition, political culture of tolerance, anti-nationalism, anti-militarism.

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It is impossible to talk about a modern state and limited government without talking about civil society as well. The preconditions for the functioning of a limited government cannot be reduced to institutional political and legal regulation. Constitution and constitutional guarantees of human rights, a constitutional judiciary, a parliamentary system, party pluralism, existing of and active opposition, division into and mutual control between the three branches of power, periodical elections, an institution of ombudsman – all of these, in and of themselves, do not comprise a sufficient basis and guarantee for the functioning of limited government, although they certainly are its necessary institutional preconditions.

The famous dictum that power corrupts, and absolute power corrupts absolutely, can be rephrased as "any power, including the most democratic one, is prone to corruption".

Civil society (civil opposition) is the counter-balance to state power and the political field. With respect to the state – preventing it from becoming a dominant force, to encroach upon the autonomy of society, in the sense of the "colonization of the *Lebenswelt*/everyday life". With respect to the political field – to prevent it from becoming alienated from citizens, closed unto itself, and from establishing an elite/mass type of relations as being dominant. Civil society, conceived as a dialectical process, contains also a quality of counterbalancing its own corruption, which consists of the conversion of an autonomous personality into a depersonalized part of the masses, of the free public into a manipulated one, of civic associations into civilizationally retrograde movements and organizations.

According to Robert Dahl, the fields of democracy are: economic society, political society, the rule of law, efficient administration and civil society.

Political society and the liberal state are related to the division of power and political pluralism, politics in a narrower sense, with political parties, party coalitions and the electorate. Civil society is an important corrective for the political field (the government and political parties).

The current conception of the principle of the rule of law has several aspects: jurist (legality), constitutional (guarantees for basic human rights), political (division of power), while the fourth aspect is related to the existence of civil society, conceived as being the corrective element towards political power (inseparable from a free public and democratic political culture).

For classical thinkers (Hobbes, Locke, Paine, Hegel, Mill, Tocqueville), the concept of civil society was centered upon the concept of property (private property, life and freedom). This classical conception focuses on the individual citizen conceived as the proprietor (i.e. negative freedom, irreducibility of the social field to the State field).

The contemporary understanding of civil society is based on the concepts of positive freedom and the participatory character of social action. The idea of limiting political power is closely connected to the idea of civil society.

Therefore, the development of the liberal state – with the idea of a limited government and minimal state which protects the individual as the proprietor – was the first link with the theory and practice of civil society. However, as the liberal-democratic state developed and faced crisis in the mid 20th century, the contemporary concept of civil society also arose, which emphasizes human association and the formation of a democratic public (democratic political culture through media, upbringing, education, and democratic institutions of public activity), or in other words the expansion of the field of citizens' self-determination and self-organization.

Somewhat differently from the classical paradigm in which civil society was considered primarily in relation to the political state, the modern concept of civil society is a complex model whereby civil society is determined in respect to various important spheres of social life – economic, cultural, or political. However, the relationship between civil society and the state remains the focus and still plays the role of the main paradigm.[1]

The most important presuppositions for the existence of civil society are: the rule of law and the lawful state (*Rechtsstaat*), guaranteed human rights and liberties, procedural democratic rules and institutions (most often in the form of a multiparty parliamentary democracy), a market economy and private property, a democratic political culture, participatory democracy and the freedom of self-organization.

Civil society functions as a horizontal network of human relations, characterized by direct communication, communal and local solidarity, spontaneity and self-creation, and a non-class and non-political basis of collective action. This is the field of non-institutional politics or the field mediating between individuals, family, and society in general, on one side, and the state and institutional politics, on the other.[2]

An important segment or aspect of civil action is civil disobedience. Hannah Arendt states that it consists in "acting against the law in order to check its constitutionality".

In the countries of former "real-existing socialism", which had belonged to modern society in a perverted manner, the eminently modern connection between *Rechtsstaat* and civil society did not function, or more exactly, there existed neither one nor the other.

In contrast with normal liberal-democratic countries in the West, where *Rechtsstaat* and civil society are complementary, acting as inseparable elements or aspects of a political order based on the rule of law, in those states of former "real-existing socialism", one could argue that the elements of civil society had been visible, although to a very reduced degree and only inchoately established before the lawful state. In a sense, they were the vanguard

1 See: Pavlović, V. in: Pavlović, V. ed. *Potisnuto civilno društvo (Suppressed Civil Society)*, Beograd: EKO centar, 1995.

2 See: Vujadinović, D. in: Pavlović V. ed. 1995, *op. cit.*

and stimulation (as a social basis formed against and in spite of repressive regimes) for the transition of those states into the liberal-democratic order. This holds primarily true for some Eastern bloc countries – Hungary, Poland and the Czech Republic – where "real-existing socialism" did not simply implode because of the fall of the Berlin wall and the unwillingness of the Soviet government to intervene by force, but was overcome also thanks to the already formed liberal movement inside society (i.e. initial elements of civil society). It could be said that the initial elements of civil society played a similar role in political changes in Serbia and the FRY (the state union consisting of Serbia and Montenegro) late in 2000. On the other hand, there are important differences between those "real-socialist" countries mentioned above and the changes that took place at the political level of the FRY in October 2000 and in Serbia in the December of 2000.

In some aspects, differences between the states formed after the break-up of the Soviet Union and some former SFRY republics (Slovenia and Croatia, for example) and the FRY/Serbia, are readily observable. The first important difference is the fact that in the former countries of the Soviet block and also Slovenia and Croatia, the transition process started a decade earlier than in Serbia and Montenegro, and therefore the malignant processes of destruction of the state and society had had much less time to develop. Speaking about the FRY, it should not be forgotten that the prolonged agony of "real-existing socialism" converted into a nationalist militaristic project and was supported and facilitated by both, a deeper internalization of the socialist tradition by the people of Serbia and Montenegro and by the frustrated national sentiment of Serbs propitious for nationalist recruitment and militarist manipulation. The second important difference is that, in the case of the states of the former Soviet block, inchoate elements of civil society and civic resistance from inside and from below would not have resulted in democratic change – or at least not without bloodshed – without the crucial decision of the Soviet government (headed by Gorbachev) not to intervene militarily. (Something similar could be said for Slovenia and Macedonia as well, in respect to the decision of the Yugoslav Army not to intervene and to let these republics "leave" the Federation.) The difference therefore consists in the fact that the fall of Milošević's regime happened mostly from the inside and from below, with the (relatively) peaceful transfer of power on the basis of electoral results combined with massive popular pressure aimed at forcing Milošević to recognize his defeat. This, of course, implies the contradictory development of Serbia and the FRY during the last decade, with a mutual struggling of the nationalist option on one side and civil option on the other, tending slowly, step by step and still ambivalently, towards the prevalence of the civic option at the expense of a nationalist and militaristic one.

As has already been stated, in the former Yugoslavia, like in other "real-socialist" countries, neither a lawful state nor civil society existed. In the case of Serbia, until recent political changes, this modern paradigm did not work at all, not even to the extent applicable to the "countries in transition" of Cen-

tral and Eastern Europe. Serbia was far from a democratic state or a state embodying the "rule of law".[3] Civil society was generally underdeveloped, and elements of civil society – which managed to emerge before the breakup of the SFRY and especially during the civil protests of 1996/97 – had been very much suppressed.

Civil society had not existed, apart from what remained of its elements implanted originally in the times of the SFRY, under the influence of Western-type modernity and of partial deflections from the dominant state socialist system (a retarded and deformed model of modernity). Throughout the last decade, civil society was all but destroyed and evidently obstructed by growing nationalism and the increasingly powerful authoritarian government. It was also ruined in the circumstances of the war-torn Yugoslavia, that possessed concomitant large-scale pauperization, deep economic crisis, a criminalized government, and all the negative consequences of legal insecurity – deprivation of property, freedom and individual life.

However, the initial elements of civil society (social movements, civil disobedience), as well as the emancipatory potential enshrined in family and everyday life, though suppressed, were not completely destroyed during the last decade. The events in 1996/97 confirmed the emancipatory potential of everyday life and its role in establishing civil society. Namely, the significant potential of autonomous individuals (especially among the educated urban population) seems to have become connected with two other necessary preconditions of civil society, i.e. with associative and public action, when election fraud took place and political manipulation reached its peak. When autonomous individuals initiated large-scale protests, they started to behave as citizens: political subjects who were leaving their own private sphere behind and entering the sphere of *vita activa*. It was a public demand to recognize the election results of the democratic opposition's victory in major Serbian cities, including Belgrade.

Under such circumstances, civil protests (civil disobedience) and civil initiatives proved to be the main promoters in establishing civil society and generating a social basis for the democratic transformation of the state. In other words, the protests themselves might have represented initial potential for a renewal of the foundations of society and state, in spite of the prevailing tendencies of political, social and cultural destruction of society (sociocide) and the state in Serbia.

According to its immediate motives, the student and civil protest of 1996/97 was preeminently a manifestation of civil disobedience – a revolt against the violation of the people`s electoral will and election rights guaran-

3 Serbia was not a democratic lawful state, since formal and legal preconditions of democratic rule were not fulfilled and applied to the extent of their official proclamation. Additionally, the Constitution was not adopted in accordance with democratic, parliamentary and public procedure, a division of power was not implemented (the power of the rulers was neither restricted nor controlled), the parliament also did not reflect pluralism or a balance of pluralistic social interests.

teed by the Constitution. However, in its genesis and essence, i.e. contextually, this protest (like all forms of manifesting civil disobedience over the past decade) was much more than that. It was a demand for establishing a normal modern state and society, for a change of the political order and regime, for a radical change in the public sphere and political culture.

These civil protests ended successfully from the viewpoint of their immediate goals. However, from the viewpoint of the essential demands and needs for a democratic transformation of the society and the state their outcome was, unfortunately, not positive. One of the main reasons for this failure was the inability of the opposition parties and protagonists of the civil and student protests to form a firm and stable infrastructure for continuous counteractivity (the real civil opposition) towards the regime.

One of the greatest contributions of these nonviolent protests seems to be that people definitively rid themselves of fear[4]. It could be said that even police blockades[5], which from some point onwards were used massively and intensively did not succeed in bringing fear back onto the streets and into the people.

Unfortunately, the feeling of fear soon came back into the hearts and lives of citizens in Serbia. The failure of these protests to move society forward enough towards a genuine democratic transformation resulted in a counterattack by the regime and an even deeper political, economic and social crisis. The process of the further destruction of society, of eroding all material and

4 "The main forms of civil disobedience taking place during the student protest and which was organized by the opposition coalition 'Together' were the street protest walks in Belgrade and many other towns affected by the same election fraud... The street protest walks, as a physical, social and cultural act, had the following features: the power of forming and expressing an authentic public, an authentic associability and socializing process, communication, information, making friends, love affairs, enjoying protest street activities, whistling as a form of revealing one's emotions and convictions, crying out slogans and carrying banners, enjoying the very physical activity of walking and ignoring the weather which sometimes was quite inconvenient. The protest street walks had a cathartic effect – of freeing oneself of the suppressed dissatisfaction, anxiety, fear, humiliation and helplessness before all the negative experiences they had been exposed to for years." (Vujadinović, D. Everyday Life, Civil Society and Civil Protest 96/97, in: Skenderović Ćuk, N. and Podunavac, M. eds. *Civil Society in Countries in Transition*, Subotica 1999, p. 517; see the same text in this book).

5 "The street protest walks irritated the authorities for their role in spreading the protests, for their breaking the media blockade, for their massive liberation from fear, encouraging an individual and collective feeling of freedom, and because all this seemed to have been an evasion of the ruling power's control over the situation. This was the reason why soon after organizing the counter-protests strong police forces were used for preventing the street protest walks under the pretext that they disabled normal traffic in the city. Absurd explanations of the police blockade were given so that the downtown pedestrian zone was forbidden for street walks as well. The police blockade achieved only partial effects in terms of the prevention of 'Eros'/catharsis and caused some anxiety due to mental and spatial insufficiency, as well as of the effects produced by blue uniforms, helmets and bulletproof jackets. However, the goal itself, i.e. returning fear onto the streets and into people, was not attained." (*Ibid*., p. 520).

social resources for necessary social change, of further suppressing civil initiatives and destroying the state, set in and gained momentum. In other words, many reasons for an outburst of fear (fear for life, security, freedom, destiny, future, etc.) coincided.

NATO intervention contributed significantly to retrograde processes of societal destruction and to the further suppression of civil society, directly as well as indirectly: it was 79 days of fear, suffering and frustrations caused by airstrikes and by the growing imbalance that ensued between the people's needs (existential, cultural, political and spiritual) and the regime's actions (staying in power at any price). Looking back upon it, it could be argued that the NATO intervention did a very bad job for democratization in this country. It contributed to a rise in frustration and insecurity, further value disorientation of the people, increased xenophobia and self-isolation, exacerbated impoverishment and devastation in economic, social, cultural, political, and environmental terms. These consequences, among others, certainly did not amount to the democratic transformation of Serbia and Yugoslavia.

The outcome of the war (the NATO campaign) weakened the prospects for democracy in at least the following respects: 1. strengthening anti-Western attitudes; 2. not contributing in any identifiable manner to removing Milošević from power (on the contrary, the military campaign even strengthened his dictatorship); 3. promoting the ongoing processes of the destruction of civil society even further.

After the NATO bombing campaign, people had to suffer additional frustration and apathy. The curtailment of media freedoms, already rather severe thanks to the Information Act of 1998, was strengthened through martial law which was kept in force even after the end of the war. Thus, by September 2000 the media blockade became almost total. Citizens were exposed to a strong anti-Western campaign, followed by a mystifying ideological discourse of the regime centered on "post-war reconstruction of the country based on our own resources". Political loyalty to the ruling coalition became the main and almost sole criteria for the "well-being" of individuals, which in the context of extreme poverty, lack of jobs, problems with health care, and so on meant increasing corruption and converting rights to health care, work, education or professional promotion into privileges of the politically loyal. Divisions and constant quarrelling within the opposition were also disappointing for the people.

Everywhere on the streets as well as in private (as confirmed by public opinion polls), it could be felt that there was no hope for any improvement to the situation. Fears of possible new wars that could break out in the spring of 2000 in Montenegro, in Kosovo again, or even in Serbia proper become widespread. People also feared that there would be no heating during the winter of 1999, that there would be another bout of hyperinflation, another NATO bombing campaign. Generally speaking, feelings of desperation and a lack of power to influence one's own destiny were dominant among most of the population. Certainly, some people continued to blame "external factors"

for their ill fate and bleak future. Still, for the first time in the history of the Milošević's regime, most people began to blame the regime; yet, they still believed it was unchangeable in the long run.

All sound public opinion polls conducted from late 1999 onward witnessed the following indicative processes: 1. Anti-Western feelings did not prevail in spite of the recent war and in spite of massive anger towards the West (for example, in December 1999, when asked to choose between a pro-Western, pro-EU orientation of the country and a possible alliance with Russia and Belarus, 64% of the respondents answered in favor of the first alternative, 17% chose the latter coalition, while the rest were left undecided); 2. People expected the opposition to unite, and the popularity of the part of the opposition (SzP[6]) that had united the political field more or less successfully had risen above the critical threshold, while the rating of SPO[7] had been declining, due to the refusal of this political party to unite with the rest of the opposition, as well as due to their making coalition with the Left (the regime representatives) in the Belgrade city council.

In April 2000, the opposition held a mass rally in Belgrade, where an estimated 150,000 (or more) citizens gathered upon the invitation of the leaders of SzP. This rally is important to mention because it indicated several things: 1. The opposition established a common, consensual demand for democratic elections; 2. In spite of the proclaimed consensus within SzP, considerable differences among SzP member parties were still obvious (protruding through various speeches given by party leaders), mainly due to their leaders` egocentrism; 3. It was clear that people came out onto the streets not so much due to the opposition but rather to show that they could not stand and, moreover, did not want to stand the situation anymore, as well as to warn the opposition that it should really become united and capable of responsible political decision-making; 4. The proclamation of the representatives of the student movement "Otpor"[8], aimed at forcing the opposition leaders to promise unified action, was followed by long ovations.

Still, in the months to come, the opposition went on quarrelling and the subsequent attempts to organize public rallies were much less attended by the people. A feeling of despair overwhelmed the public again, because the opposition lacked convincing and responsible political elite that could have really articulated the need for change.

At that moment, Milošević played a new game with the well-known scenario to surprise the other side ("enemies", "traitors", in the regime's parlance), to divide them: 1. Relying on a majority in the Federal Parliament, using voluntaristic and dictatorial manners in decision-making, and with the assistance of his "servants" among lawyers, he managed to effect constitution-

6 SzP – Savez za promene (Alliance for Change).

7 SPO – Srpski pokret obnove (The Serbian Renewal Movement).

8 "Resistance".

al changes which had two main functions. One was to guarantee him staying in power, and the other to structurally diminish the constitutional status of Montenegro and the political will of the people in the FR Yugoslavia's smaller republic. Thus, in July of 2000, Milošević changed the Constitution in an illegal and illegitimate way in order to introduce a direct election of the federal president, which resulted in the impossibility for any representative of Montenegro ever to become the president of the common state. 2. Milošević was the one who announced early elections, and he did not do it under the pressure of the opposition or public demands but rather on the basis of his own calculations: when he thought it was appropriate and useful for him, for the sake of keeping power and even strengthening it. Summer vacation had already started. The combined effects of summer holidays, the politically immature behavior of the opposition as a whole, the short period of time left for the election campaign, led to a situation where political analysts and the public in general talked about Milošević's political and personal "cunning", and how he once again won in the "political game".

Rather unexpectedly – keeping in mind the foregoing information – the opposition finally articulated itself as a unified political body in terms of organization, composing candidate lists, etc. The Democratic Opposition of Serbia (DOS) started functioning and conducting a successful election campaign. The division between the bulk of the opposition unified in DOS, on one side, and SPO, on the other, was sharp. Finally there was a breakup, which was at the time thought to reduce the opposition's chance of winning. The first reason for this cleavage was the question of whether to take part in the elections at all (which the president of SPO, Vuk Drašković, and SPO were against). The second reason was related to the dilemma of whether to go to the elections together, or in two blocks. In the end, rather quickly, two oppositional blocks were differentiated, precluding any possibility for the whole opposition to join together in local, parliamentary and presidential elections.

Political parties organized in DOS started a wise and fruitful campaign, and made joint lists for candidates at all levels (without visible fights and quarrels). Several reasons can be offered for this sudden change in behavior of the opposition political elite: 1. They were trapped by the short election campaign period and by the high expectations and vociferous demands of the people to take their responsibility seriously, as this was their last chance to win; 2. The rising popularity of Vojislav Koštunica the leader of DSS[9], hitherto a small opposition party – was continuously registered by surveys during 1999 and 2000. On the basis of this, the opposition leaders rather quickly reached a consensus on promoting Koštunica as being the common presidential candidate; 3. According to some political analyses, the DS[10] leader Zoran Đinđic provided a good example to other leaders renouncing his own elec-

9 DSS – Demokratska stranka Srbije (Democratic Party of Serbia).

10 DS – Demokratska stranka (Democratic Party)

toral ambitions in Koštunica's favor. Additionally, Đinđić, taking on the role of "campaign manager", was efficient in organizing the entire DOS campaign and especially Koštunica's presidential campaign.

Milošević, on the other hand, was most probably misinformed by the nomenclature in his surroundings and expected that the short period of time before the elections along with the likely divisions within the opposition would certainly result in a victory of the leftist coalition on all levels. In addition, he planned (wrongly, as it soon turned out) to steal votes in Kosovo and in the Southern-Serbia electoral district (where many Kosovo Serbs were voting), as well as in Montenegro. Kosovo elections (if they can be called elections at all) were controlled by KFOR and therefore the possibility for manipulation of them was limited. In Montenegro, the ruling coalition, led by President Milo Đukanović, boycotted the elections, on the grounds of their constitutional illegitimacy. Đukanović however decided not to prevent the elections in Montenegro, but rather to control their regularity with domestic monitors, representatives of both the Montenegrin ruling DPS[11] and the Serbian DOS. As a result of a successful anti-election campaign, voter turnout in Montenegro was just 25%. This is considered to be a very important victory for the democratic government of Montenegro, as being some type of plebiscitary support for the government's policy of dissociation from the regime in Belgrade.

Therein, this political game played by the usually skilful political manipulator (but this time heavily misinformed by his servant-like allies and thankig to his own ever more self-isolating political behavior) was thrown back into the face of the regime and Milošević himself. His advisors and he himself ignored the essential change, which was at last taking shape in the political body and public opinion of Serbia.

This shift in citizens' political preferences became obvious very soon after the first voting results were announced on Sunday, the 24th of September 2000. During Sunday night, the evidence about the rising advantage of DOS in the local and federal elections, as well as in the presidential elections, turned out to be indisputable. The people of Belgrade and Serbia will never forget that night. A strange mixture of fear and hope was felt in the air, as most people were waiting for the results in the streets. They were there not only because there was no reliable media coverage, except for a handful of independent radio stations, or foreign media outlets, whose coverage was insufficient for domestic purposes. People took to the streets also because of the historical importance of the event. And they were perfectly aware that violence was likely to be used against them by the police. However, as time passed, the fears of violence and anxiety as to what kind of results would come out gradually subsided and disappeared, and feelings of victory and hope prevailed.

Rumors spread that Milošević broke everything in his house when he heard the initial results; he reportedly even threw an ashtray at his party's[12]

11 DPS – Demokratska partija socijalista (Democratic Party of Socialists).

12 SPS – Socijalistička partija Srbije (Socialist Party of Serbia).

Secretary General who was had the unpleasant duty to tell him the "bad news". The story says that he shouted and blamed his assistants and allies for lying to him and mistakenly convincing him that he was winning the elections. There were also rumors that he ordered army leaders to intervene; their reply was allegedly that they did not have the forces reliable enough to do so. It is a telling fact that the Federal Electoral Commission suddenly stopped working during the night, precisely when counting the votes of the police forces and the Army, who voted for the opposition in large numbers.

Perhaps nothing of this is true in the sense of factual data, yet such rumors reflected quite well the logic of the events. This logic was articulated or summed up perfectly in the new slogan of *Otpor* students and the youth movement, saying "He's broken"[13]. The former, also extremely well pointed slogan of the same organization was "He's done"[14]. Both of them – just like the steps in the de-construction of the power-pyramid from its top down seemed to suggest that the end of the regime was imminent. This end meant also a real beginning of a new political era which would hopefully signify a qualitative step forward towards a democratic reconstruction of the state and society.

At one moment we were faced with the parallelism of powers: the opposition decided not to accept the second round in the presidential elections, because it had proof of having won the first round already. The regime, on the other hand, insisted that the second round be held on the 8th October, seeing it as the last chance to over-turn the situation, using a "legal" means to stay in power in the meantime and perhaps even longer, as the regime itself expected the opposition to boycott the second round. The opposition called for a general strike, in order to force Milošević to recognize defeat and step down. There were two points backing this opposition's decision: 1. Bringing the country to a standstill aimed to produce political pressure up to a critical point where Milošević would have to resign; 2. A successful general strike would mean the strong support of a majority of people to the Opposition's victory and the people's readiness for radical political change. A massive rally in Belgrade on the 5th of October was the highest point and the last phase of the standstill and of the people's pressure on Milošević to recognize defeat and accept a change of the federal government.

Instead of the bloodshed that could have resulted from the parallelism of powers and which indeed was a realistic possibility, the other option came true: Serbia got rid of dictatorship by the will of the people, relatively peacefully, with only some elements of violence on the side of the police as well as the people, and Serbia did so primarily through general civil disobedience and on the basis of election results.

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13 In Serbian: "Slomljen je" (meaning that his personal and political power has come to an end/is broken).

14 In Serbian: "Gotov je" (meaning that his regime has been overturned).

To sum up: at one moment during 2000 – after the NATO bombing, the sudden call for elections by Milošević, the opposition's unification within DOS, and refusal of the regime to acknowledge its defeat in the federal presidential and parliamentary elections held on the 24th of September, civil resistance by the subjects of civil society (activists continuing the student and civil protest from 1996/97, the student organization "Otpor", which gradually grew and was renamed "Popular Movement Otpor", enclaves of independent media, parts of the university and the cultural public, the NGO sector's multiplied expressions of resistance to the regime in cities and towns throughout Serbia), turned into massive social resistance to the ruling regime, its increasing repression and its producing an entire conglomerate of destructive processes. The massification of resistance and the achievement of a "critical mass" threshold were manifested in all public opinion polls conducted during 2000, and then decisively confirmed on the 5th of October 2000 by a mass of popular pressure on the Milošević regime; and then once again "verified" by the results of the elections for the republican parliament, in December 2000.

I shall make a few digressions here, in order to present the political context as clearly as possible.

Speaking about people in Serbia and their political behavior during the last decade (or more exactly, since 1987, when Milošević seized political power with nationalist and militarist rhetoric and practice), it could be said that a dialectical process with extreme nationalism on one side and civic option on the other was on the agenda. The nationalist and the civic coexisted in constant contradiction, where the nationalist, populist, militarist, chauvinist movement always held an advantage, but was continuously counteracted by the weak but nonetheless existent civil opposition.[15] After this step-by-step process, the dialectic of nationalist (militarist) and civic option shifted finally in favor of the latter. After the elections of the 24th of September, events of the 5th of October, and Serbian elections on December 23rd, the civic option managed finally to prevail, though it still contains ambivalent elements, as it has not yet differentiated itself clearly enough from nationalist sentiment″s.

If we try to define the political order under Milošević, two types of regime can be said to have alternated. Namely, between 1990 and 1998 this was a pseudo-democratic order (where freedom of speech, autonomy of the University, etc. were tolerated to some extent), while from 1998 to 2000[16] the regime turned into a pure authoritarian regime marked by open and progressive repression and elements of sultanism.[17] Consequently, the re-

15 For example, huge anti-Milošević demonstrations happened in March of 1991, then again in June 1992, in 1993, then student and civic protests in 1996/97, a few civic protests in 1999 and then throughout 2000.

16 On March 24th, the "red-black coalition" was formed in the Serbian parliament, which consisted of SPS, JUL (Yugoslav Left), and SRS extremists on the right.

17 In June 1998, the Parliament adopted a new University Law which greatly restricted the autonomy of the University. In October 1988, the Law on Public Information was adopted,

gime that was removed on the 5th of October was authoritarian, or an open dictatorship.

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In the FRY or the Third Yugoslavia, where the lawful state did not exist, where the constitution had been designed and adopted in a manner that was neither legal nor legitimate, where not all basic laws were in accordance with constitutional standards, civil disobedience meant not just a correction to the legal and political system. Rather, it assumed the significance of an impulse from below, from the sphere of the social opposition, for the establishment of the lawful state and civil society. Of course, the said "impulse from below" could not by itself bring about a fundamental change in the political order and the regime, but it did constitute an important social base of the possible process of transition into a liberal-democratic order. The actors of civil society and massive social resistance to the regime created preconditions for the overthrowing the regime from below and therefore potentially for establishing a lawful state and the rule of law. Hence civil society, which – however partially – did become manifest through civil protests in Serbia, comprises the main formative factor of the shaping of a political culture capable of opposing anti-democratic tendencies and simultaneously of stimulating democratic reconstruction and social consolidation.

The removal of the Milošević regime, as has been said above, happened primarily from within and from below, and this is one of the very important values of the current changes. The second important point is that all this happened mostly without bloodshed and with comparatively little violence by either defenders of the old regime or the masses of people. The third generally positive point is putting a stop to the systemic and systematic destruction of society, the economy, etc., and above all to the militant politics and the dominant logic of war.

After the changes in late 2000, the question is sometimes raised as to what, or even whether anything has changed. This can be answered by arguing that an essential improvement has happened: institutional prerequisites for a transformation of the state and society have been created, or for the establishment of the rule of law; a peaceful transfer of power, actually the first genuine change of power in Serbia has taken place; a new state policy of renouncing

whose provisions served to fine the independent media with a total of about 20 million DEM and to imprison journalists. About 1,700 members of the "Otpor" movement were physically abused or imprisoned, political assassinations occurred, the whole NGO sector was almost forbidden, and an anti-terrorist law was announced. Relations with the Montenegrin government were severed (economic blockades, military intervention threats, etc.). In his speech as party president at the Fourth Congress of the Socialist Party of Serbia (SPS), Milošević also announced the possibility of abolishing the multi-party system altogether: he said there were no opposition parties but just small groups of traitors paid from abroad.

war logic, and of tanding to reintegrate Serbia into the international community has been under way. Hope, perspective, and the future have been opened (although young people continue to leave the country, because they cannot wait for practical implementation of the changes). The power of the demos has been confirmed, as well as the transformation of subjects into citizens; the self-awareness of the citizenry has been stimulated, as well as their European identity as against claustrophobia. In a sense, the most important change consists in a rebirth of hope and the rehabilitation of the notion of future.

It is simply wrong to say that nothing has changed (in public discourse statements are frequent such as "they are merely fighting for offices", "the standard of living has declined", "police as the main mechanism of the old regime have remained unchanged", etc.). Neither is it justified to say that the new authorities just proclaim to be committed to changes, while nothing has changed or has changed for the worse in everyday life. Firstly, the extremely low standard of living would have deteriorated even more dramatically during the past winter without foreign donations (over 200 million US dollars), which served to compensate for shortages in fuel and food, to pay off state debts for child allowances or pensions, etc. In spite of the inherited pauperization and social debts imposed by the previous government and in spite of the fact that the standard of living has not increased and could not have increased, the quality of life still has been essentially improved, or at least tends to be. The point is that one's "quality of life" cannot be understood as just quality of material existence, although the latter comprises its basic criterion. There are also important criteria related to the state of human liberties and life choices. In this case, the process of establishing legal security has been initiated, the space of political liberty has been broadened, prospects, hopes, thoughts about the future have been opened, replacing thoughts about how just to survive.

For prospects of further development or, a better, genuine establishment of civil society in Serbia and Yugoslavia, it is necessary, above all, to establish a lawful state, and simultaneously to establish media, educational, cultural and other institutions' autonomy, and particularly to encourage the development of civil initiatives and expression of civil disobedience whenever some new threats to constitutional guarantees appear on the political and social scene.

The general notion that within the paradigm of the liberal-democratic order there can be no civil society without a lawful state, and that there can be no rule of law without the development of civil society, as a counterweight or civil opposition to the government, is increasingly valid for Serbia/the FR Yugoslavia as well. However, a genuine transition of Serbia and the FR Yugoslavia into a liberal-democratic order depends primarily on the dynamics and the quality of the steps taken towards achieving both poles of the said paradigm. It is therefore very important to consider the limiting factors for the development of civil society in Serbia today.

The limiting factors of the democratic transformation, both in terms of establishing legal order and the development of civil society, are manifold: the inherited destroyed and corrupt state, destroyed society in all its vital segments: its economy, social policy, culture, education, media, etc.; insufficiently developed civil society, including insufficient differentiation of the civil option within the general popular resistance that brought about the victory over the previous regime. The mass support to DOS by voters and the popular movement that brought down the Milošević regime was essentially rather anti-Milošević than unequivocally civil by its political, social, cultural character and value commitments. More concretely, it represented less clearly a genuine civil option in comparison with the civil and student protest of 1996/97 or, say, with any protests at the beginning of 2000, which failed to rally any critical mass. In the federal presidential and parliamentary elections a democratic majority was won by voting against Milošević and his retrograde regime; critical mass was achieved by the consensus on what one was against rather than what one was for. In other words, among DOS parties and followers there are differences, sometimes fundamental, sometimes superficial. In this context, the limiting factor for the future of civil society is the already mentioned insufficient differentiation of the civil option within the all-popular resistance that triumphed over the old regime. In any case, a new differentiation from within is yet to take place, in terms of "for" and "against" civic and nationalist options, and this holds for both individual parties within DOS and DOS followers among the people.

At the level of principle, an important precondition for the development of civil society is the affirmation of democratic political culture of tolerance, non-violence, respect for autonomy and difference, i.e. a non-segregationist attitude towards the "Other" – in terms of race, nation, gender and so on. In this respect "malignant nationalism", "ethnic nationalism", "nationalism as political pathology", "hate speech and the logic of war" are radically opposed to the very idea of civil society. Moreover, tolerating or encouraging any nationalism (in this part of the world at least) is a limiting factor for the development of civil society. In the context of the multi-ethnic composition of Serbia's and the FRY's population, insisting primarily on cherishing Serbian tradition and religion (Orthodoxy, introducing religious education into school, celebrating Orthodox Easter and Christmas in school, the official use of the Cyrillic script according to the 1992 Constitution of FRY (although Latin script has been equally present in cultural history and also was legally equal under the previous Constitution), and generally a strong insistence on a traditionally grounded national identity of the majoritarian Serbian people could act as a limiting factor for the development of civil society.

When we look at the aspects of the political field that may prove limiting to the development of civil society, there is the character of the new extreme rightest opposition. The establishment of the rule of law and the development of civil society require a democratic opposition, which is guided

by democratic values, and whose individual and collective action is controlled and sanctioned by law and by public criticism, i.e. a democratic public. The new political opposition in Serbia (an extreme rightest one) is burdened by its political and criminal heritage; it is authoritarian, and without a trace of democratic political culture, corrupt, unaware of its own sins, aggressive, and frightened. It continues to contaminate political and social space and attempts to mobilize public opinion on the basis of allegations that the new government is traitorous and incapable, that it provokes social and economic chaos, that it is not able to solve the problems in Kosovo and in southern Serbia, that it does not treat its opposition democratically but with revanchism, etc. Striving to present themselves as victims rather than culprits, possible saviors rather than destroyers, patriots as opposed to traitors, the new oppositionists in their caricature imitations of civil protests raise slogans such as "Down with the NATO government", "We won't surrender anybody" (to The Hague Tribunal), "Sloba is the best for Serbia", "One arrests, the other slaps". This opposition is still characterized by hate speech, not sanctioned by law or public criticism. Even after the victory of the democratic option, hate speech was manifested in an extremely unacceptable way in the Serbian Parliament, in the words of the SRS[18] member of Parliament Tomislav Nikolić – that he had absolutely no regret for Slavko Ćuruvija, the well known journalist killed by Serbian secret police during the NATO campaign. This man thus gave legitimacy to political assassinations, and publicly and with impunity he dared to do so after the defeat of the "red-black coalition" that had been ruling under the previous regime.

Hate speech, in all its forms, must be eliminated from the media, from schools, education, from political discourse, if we wish to make a step forward in civilizing terms.

As a matter of principle, the development of civil society presupposes a state of relative peace, relative social and economic security, relative economic stability based on a market economy and private entrepreneurship, as well as relative legal security. In this respect, acute problems in southern Serbia and in Kosovo, unresolved relations within the federation, attitudes towards the international community and in that context towards The Hague Tribunal, attitudes towards the guilt and responsibility for the war crimes, inherited dramatic pauperization of the population and the imminent economic collapse, as well as the equally dramatic inherited state of social and legal insecurity, essentially curtail the prospects for the development of civil society.

The first acute problem, related to southern Serbia and Kosovo, keeps the war option open. It invokes, or gives argument (should somebody wish to use them) for continually stirring up the deeply entrenched nationalist sentiment against Albanians, continuing with disastrous militant policy and yielding to the temptation of a war solution, which has already been provoked by Albanian paramilitary formations. Civil society, by definition, opposes this by preferring a state of peace, never a state of war.

18 SRS – Srpska radikalna stranka (Serbian Radical Party).

The second mentioned acute problem, referring to the increasingly strong political will in Montenegro to break up this last Yugoslavia, also gives occasion for inflaming new nationalist passions – now turned against Montenegro and Montenegrins. This time, however, without any serious danger that a war between Serbia and Montenegro could be provoked or break out (which during the Milošević regime was a realistic possibility). In this regard, neither Montenegrin nor Serbian authorities are making adequate effort to prevent the emergence of anti-Serbian or anti-Montenegrin nationalism. The media mostly conveys news in a way that emphasizes differences or quotes politicians' views which are radical, warning, threatening; statements and proclamations about a peaceful separation or reconciliation have been rare and more often rhetorical than sincere. The non-governmental sector also fails to do its due in this respect, that is, to open a dialogue and allow arguments of both sides to be presented in public, publicize arguments systematically both for and against the preservation of the FRY, offer rational solutions, and above all appeal to tolerance, prevent intolerance and hostilities, i.e. nationalism at both sides. No national NGO has actually done anything in this regard. On the other hand, several useful meetings of eminent Montenegrin and Serbian experts, intellectuals and politicians have been organized under the auspices of foreign NGOs, but nowhere in the media has there appeared the full systematic argumentation of both sides. In Serbia the public has not been offered insight into the argumentation of the Montenegrin side at all. In the Serbian media, at least, information mostly ends in short news on meetings held, topics discussed, and often pointing to the irreconcilable positions of the two sides. Such an approach by the media certainly does not contribute to an alleviation of the tensions and a more productive search for political solutions.

The third acute problem is the international dimension, which has been limiting the prospects for the development of civil society in several ways: this is related to the fact that the FRY representatives of the new government (and also most of the people) would wish to be part of the international community without reservation[19], and have managed to reclaim the status of being an equal member in many major institutions. However, within the newly established authorities, there are discords and resistances towards The Hague Tribunal as an integral part of the project of full membership within the international community. The relativization or rejection of the obligation to surrender war criminals, under the justification that this would destabi-

19 The *Medium* public opinion poll agency conducted a study between the 19th and 26th of February 2001, from a sample of 1,050 surveyed in the territory of Serbia minus Kosovo, asking questions about citizens' attitudes towards the international community. The responses related to the FRY's membership in Partnership for Peace, NATO and the EU show that a majority of citizens were in favor of integration into international institutions, with the exception of NATO, where a majority (58.1%) was against the FRY joining it (while 23.4% was "for", and 18.5% "didn't know"). The question whether their country should strive towards joining the European Union was answered positively by 67.9% of those surveyed, 14.2% were against, and 17.8% "didn't know". (See: *Blic*, Tuesday, March 6th, 2001).

lize Yugoslavia and its new government, cannot be defended on either moral, legal, concrete-political or strategic-political grounds. Morally speaking, the question arises as to why protect war criminals, i.e. why give priority to minor forms of criminal behavior. It would simply be a shame for the Serbian judiciary if, say, Milošević is tried for corruption or election fraud, instead of primarily for war crimes and the bloody disintegration of the state (the latter, of course, does not exclude the former, but the former should by no means push into the background his role in the crimes against humanity).[20] Legally speaking, it is not true that according to the existing Constitution war criminals cannot be extradited to a body founded by the UN, whose the FRY is a member of. In concrete political terms, the delay in bringing indicted war criminals to court acts contrary to the stabilization of the situation in the country. What is more, it contributes to hushing crimes, and in strategic-political terms it acts contrary to the establishment of a lawful state[21] and contrary to the establishment of the rule of law (which also implies that public opinion should have a say in strategic decisions, instead of individuals in top government positions always deciding on the fate of the entire country).[22]

20 At the time of this writing, an attempt is just underway to arrest Slobodan Milošević and bring him to court in investigation of abuse of office and corruption and, additionally, "armed rebellion" during this attempted arrest!

21 This is what Slobodan Vučetić said about the arrest, i.e. the postponed arrest of the Chief of State Security of Serbia, Rade Marković: "But why has this arrest, which has almost decisive significance for the establishment of criminal responsibility of the top ranks of the previous regime, been so intolerably delayed? Why did it happen only after the Government of Serbia headed by Z. Đinđić was formed? What was the political calculus behind virtually protecting the man from responsibility who was for years, upon orders of the Dedinje couple, organizing 'death squads' which secretly and illegally taped, dogged, threatened, blackmailed, detained, beat up, abducted and killed the political opponents of the couple? It was so obvious that by keeping the secret police chief in office after October 5th, the top of the former regime was virtually given the opportunity to clean up traces of its many criminal deeds, especially financial ones... The expert team of SPO investigated the multiple political assassinations on the Ibar Highway committed over a year ago and presented compelling evidence to the authorized state bodies and to the public that this was a terrorist act from the top of the Serbian secret police – this was more than sufficient reason to arrest Rade Marković immediately, on October 6th, 2000. This certainly would not have been an act of 'revolutionary communist justice', on the contrary, a strict enforcement of the Criminal Code and a great contribution of the new government to the efficient struggle against organized crime in general. Instead, the secret police boss was not only not arrested for months after October the 5th, he wasn't even removed from office!" (*Blic*, March 1st, 2001).

22 Here are some empirical findings related to the participation of citizens in making crucial decisions, such as this one about The Hague. A survey conducted by the "Argument" agency from the 12th to the 19th of February 2001, from a sample of 910 surveyed from 26 municipalities in Serbia (minus Kosovo), shows that a majority of respondents link this decision to the participation of citizens, either through their MPs in parliament, through a referendum, or through public debates. "The decision about extradition, according to this study, should be made by the new government on its own, a view supported by 38% of those surveyed, while 35% think that citizens should decide. A decision made through parliamentary debate is supported by 21% of those surveyed, while about 5% think that the only good way to make the decision is public discussion with the participation of citizens." (See *Blic*, March 1st, 2001).

Strategically in the economic sphere, this issue appears as truly a matter of survival, i.e. preventing economic collapse that would surely be accompanied by chaos in the social sphere. In strategic political terms in the sense of a genuine democratization of the state and a recovery of society, this issue also emerges as a question of a higher quality of life (in the sense of Aristotle's view that it is not life as such that is important, but having a good life). Namely, a good life in Serbia is not possible without facing personalized crimes against other nations, against its own citizens, and against humanity.

Common sense says that this delay is immoral and politically unwise "spite" against a world where we would like to be included; common sense says that all those who are wanted because they ordered or executed war crimes will be extradited to The Hague Tribunal, the question is not just whether before or after the establishment of a new formal or factual isolation of this country, i.e. the possible reintroduction of sanctions by the international community. A practical reason says that war criminals and ordinary criminals, who are the product of the former regime, must be tried in court for all their misdeeds, and fore mostly for the gravest ones – those committed against humanity, because without it the umbilical cord with the logic of war, violence and nationalist madness will not be severed, and the Serbian people will not sober up. In other words, the Serbian people and the citizens of the FR Yugoslavia should face their moral and political responsibility for the role they played in the bloody disintegration of SFRY. This is a crucial prerequisite for a crystallization of the civil option and for the development of civil society. The point is not that the population should remove the blame from itself by suppressing or circumventing crimes committed in its name and by some of its members,[23] but that it should face

23 In the quoted study conducted by "Argument", 910 citizens from 26 Serbian municipalities were asked about the war, including a question of who the major culprits for the war were. Over two thirds of those surveyed (66.2) had an anti-war orientation, over 30% were neutral, and just 2.4% could be termed militant. In regard to the war in Croatia, 74% accused political leaders for the war's outcome, 25% the international community, while the following culprits were named in just a small percentage: impassioned groups and individuals, paramilitary formations, the army, the police, and citizens. The smallest number of citizens thought that the media contributed to the war in Croatia. Similar results were obtained in relation to the war in Bosnia, and almost identical results were obtained in respect to the war in Kosovo. Further, over 40% thought the war in Croatia was beneficial from the viewpoint of Croatian national interest, and only 2% for Serbian national interest; 70% thought it was damaging precisely from this point of view. In regard to the war in BiH, 28% said it was in Bosnian interest, 25.8% in Croatian interest, and 5% in Serbian interest. The question of whether members of Serbian forces participated in war crimes during the wars in the territory of former Yugoslavia provoked the following answers: most of those surveyed, 49%, said this was done by individuals and incidentally, and 21% named paramilitary formations as being the culprits for the war crimes. About 8% of those surveyed think that members of Serbian forces did not commit crimes, 6% that all members of the Serbian forces are responsible for the crimes, while 0.3% think that regular units were responsible. About 15% did not know the answer to this question. (See *Blic*, Tuesday, March 6th, 2001)

its own responsibility for giving democratic legitimacy to ethno-nationalist policy and the logic of war.[24]

Experience teaches that citizens gradually change their opinions on an issue when political and intellectual elite, as well as the media, begin to state their stance on the issue more clearly. Thus, a clear commitment of the new government and responsible intellectuals in Serbia to make the Serbian people face the negative "Serbian side of the war", and the subsequent media publicizing of wrongdoings committed during the war against other people in the former SFRY (of course without minimizing the misdeeds committed against the Serbian people), is of the utmost importance in the context of discourse on civil society and its prospects in this part of the world.

A limiting factor for the development of civil society is, as has been stated above, the extreme pauperization of the population, as well as the huge unemployment rate. Individuals who are basically, existentially insecure and endangered are not in a position to act as subjects of civil society. As a matter of fact, they were not the ones who were the bearers of the civil option during the past decade. They cared first of all about their survival, also in the black economy. Still, a part of them through perverted private entrepreneurship did accumulate, in a reduced degree, some entrepreneurial spirit, which can possibly be put to use in the process of economic and social transformation. Interestingly, immediately after the victory of the opposition in the industrial and service sectors social revolt awakened; trade unions have been activated and strikes initiated. This is done by those same trade unions which in the past decade had done nothing, or almost nothing in this regard. In the educational sector, where, to the contrary, several trade unions were actived and organized strikes over the years, impatience and strikes have been very common in the past months. It can be assumed that, in the case of schools, the economic moment was decisive, i.e. that old demands are still on the agenda, while impatience and lack of fear are not new. In other cases, the effects of the liberated energy of protest and resistance to the government in general, the disappearance of the fear that the regime will respond with repression, and the uncovering of the embezzlements of the former management which have

24 In this regard, views, such as those expressed by Lino Veljak are invaluable in that "if the legal framework for catharsis is not created the failure of transition is inevitable", or, as put by Professor Nenad Dimitrijević: "Legally, a framework must be ensured for preventing some future hate speech, logic of killing according to ethnic membership". It is also good to remember the view of Professor Veljak that "in practice, through the media and through culture, people must be made to come face to face with the past and with the still living idea of committing crimes against other nations in the name of the alleged national interest". (See the texts of Veljak, L. and Dimitrijević, N., in: Vujadinović, D. et. al. 2005, *op. cit*.)

In this context the following texts are also relevant: Martinov, Z. „Haški tribunal – lakmus papir za srpsku demokratiju – Zločin bez kazne", in: *Republika*, Beograd, No 254, 1–5 February 2001, pp. 5–6; Golubović, Z. "Raskid sa zločinom je polazište demokratije", in: *Republika*, Beograd No. 249, 16–30 November 2000.

been now made public, have been active at the same time; however, they have also been crossed with an attempt by members of the former ruling coalition to mobilize workers against the new government and to provoke social chaos.

Evidently, the new authorities would need a certain period of social peace, in order to invest energy in economic transformation and consolidation. For, the danger of economic collapse and social revolt turning into social chaos is real. On the other hand, it cannot be denied that these social revolts, economically motivated, however dangerous at this moment, also carry the potential of autonomous action of citizens and control over the government. As such, they also arguably bear the potential of civil opposition, i.e. encouragement for the development of civil society.

Preconditions for the development of civil society are, generally speaking, inseparable from overcoming these limiting factors. Concretely, there can be no civil society without punishment for war crimes and other criminal acts, without decriminalization of the police, establishing an independent judiciary, legal and social security, the struggle against corruption and black economy, or without the development of a political culture of tolerance and non-violence, the active resistance to hate speech and nationalism, facing crimes and responsibility, public control of the new government (with an uncompromising demystification of the new "opposition"), and a general improvement of the social opposition (in a joint action for better societal improvement rather than merely against deterioration). The optimal result would be the process of recovery of the society and state in Serbia, i.e. the establishment, in our part of the world, of the paradigm "lawful state-civil society" – as an expression of the normal functioning of society and state and proof of our membership in modernity, i.e. Europe and the world.

Belgrade, July 31st, 2001

EVERYDAY LIFE, CIVIL SOCIETY, CIVIL PROTESTS 96/97*

This text serves as an insight into the civil and student protests in Serbia of 96/97 and utilizes the categories of the democratic state of law (the rule of law), civil society and everyday life applied to the social and political situation of Serbia in the 90s.

This text consists of three levels: a theoretical analysis of respective categories, a concrete-historical analysis (a thematization of the respective notions and their interrelation in the case of Serbia), an empirical analysis of factual development in Serbia from the perspective of the civil and student protests of 96/97, including all fundamental categories and their possible function in the democratic transformation of the Serbian society and state.

Theoretical Framework

1. The rule of law presumes the existence and application of: a) democratic procedure of adopting a constitution and laws, b) a division of power, c) political power elected in democratic, multiparty system so that the winning political party forms the executive branch and runs state affairs in accordance with the constitution and laws during its mandate.

These elements of the "state of law"[1] are the fundamental, but still insufficient preconditions for the democratic spirit of modern government.

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1 "The notion 'state of law' is now widely in use. A significant number of writers dealing with the theory of law tend to bring this idea closer to the rule of law or to enhance it with the necessary social functions of the welfare state. Some evident differences between the theory itself and the nature of the state of law (Rechtsstaat) originating from German political and legal theory on one hand, and 'the rule of law' on the other, must be taken into consideration. The state of law might be authoritarian (laws passed by a body not being elected in accordance with democratic procedure) and even totalitarian (laws covering all kinds of social and private spheres regardless of the legislative body and leading to the possibility of so-called totalitarian democracy or of a legally implemented 'tyranny of the majority'). Additionally, this German theory was too etatistic and in this context, Hegel's concept of the state had been interpreted as a sphere of generality being beyond society in terms of its values and lawfulness. However, the Anglo-Saxon political and legal concept of the rule of law has been much broader and more convenient in contemporary attempts of recalling the state of law. The rule of law specifically insists that all subjects respect certain rules, including the ones adopted by legislative bodies; furthermore it insists on guaranteed rights of minorities and on a set of rules to be formulated

d) an additional factor provides the necessary preconditions for democratic rule, i.e. ensures channels of control and citizens' influence on elected political representatives and political decision making processes in between elections.[2] The precondition of democratic politics and the rule of law is not only the existence of a powerful and democratic opposition, but rather the existence of a developed and autonomous civil society and democratic public as well. "State rule without any social restrictions and social opposition (in terms of a social counterbalance to official politics and the state) can easily, by its nature, become a hazardous one, more frequently an authoritarian one, because it always has the license for despotism."[3]

Generally speaking, this is all about the citizens' influence on the political decisions by means of a parliamentary system through the activities of both parliamentary and non-parliamentary opposition, through the exposition of the political decision-making to the democratic public and the role of the media in this sphere, through fostering political transparency, democratic culture of the masses, and various forms of autonomous civil society, independent from the state and political power.

The interrelation of the first three (necessary) preconditions and the additional fourth, implies a firm interconnection between democratic rule and civil society. In other words, the functioning of a liberal and democratic order requires that the described political, legal and institutional framework exists in parallel, together with certain social prerequisites regarding the development

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in accordance with certain principles and in the framework of democratic institutions... Any power must be restricted, even the power of the people. This is the essence of the principle of the rule of law... It implies an idea of continuity and acquired rights, equality of rights and responsibilities. Frequent and arbitrary changes of rules, usually as overregulation followed by the restrictions of autonomy are contrary to this principle. Given the fact that it includes equal rights for everyone, in legal terms it opens up equal opportunities for everyone. Presently, the rule of law includes and embodies the most important civilizing achievements in terms of individual protection, human rights, institutional and procedural guarantees and rules. It also demands an appropriate level of participation of both citizens and social institutions in its further development and law adoption. However, they cannot be seen only as expression of the mere will of the majority. Minorities` rights are a form of correction of the principle of majority rule. In a specific sense, the rule of law implies constitutionalism restricting political power, regulating relations between citizens and the government, obliging the latter by the approval of the former and regulating institutional possibilities and ways of electing the government, its performance and ability to change. The legitimate status confirmed by elections is only one necessary element, whereas lawful and rational execution of power is even more important. Today, the support of the majority is a necessary but insufficient precondition for power to be proven legitimate and for its regulations to become the law in a legal-philosophical sense." (Stanovčić, V. Civil Society and the Rule of Law in the Multy-Ethnic Societies, in: Pavlović, V. ed. *Potisnuto civilno društvo* [*Suppressed Civil Society*], Beograd, EKO centar, 1995, pp.123–124).

2 Held, D. *Modeli demokracije (Models of Democracy)*, Zagreb, 1991, Preface by Pusić, V.

3 Pavlović, V. Foreword: Civil Society and the Possibilities of Democratic Transformation Toward an Open Society, in: Pavlović, V. ed. *op. cit*., p. 42.

of civil society and a respective democratic political culture, as well as certain economic prerequisites such as private property and a market economy.[4]

Civil Society[5]

Theoretically, "civil society denotes a specific set of social communication and interrelation, social institutions and values whose main actors are: citizens with their civil rights, civil (non-political, non-governmental) organizations, associations, social movements and civil institutions; and all that which is considered as being public in a modern society."[6]

From a normative point of view, civil society has a mobilizing function in terms of its capacity to defend personal, political or social rights of its citizens (whenever their needs and interests are violated); it is guided by democratic values including freedom, equality and justice, and followed by the development of democratic culture of solidarity, cosmopolitanism, pluralism, tolerance, non-violence and humanitarianism.

"The notion of civil society brings together civil rights, civil associations and the public into a common sphere. The most important collective actors of civil society are civil associations, institutions and social movements. The institutions more or less associated with civil society are the family, the church, charity organizations, private foundations, educational institutions, universities (depending on the level of independence from the state), free and independent media etc. Extremely important is the cultural dimension of civil society (civic culture) for the formation and transfer (socialization) of the fundamental cultural values of a certain type of political culture. This dimension relies on the classical idea that one of the key aspects of civil society is an ethical vision of social life. Complementary to this is the idea of citizens' trust in their society (trust in society)."[7]

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4 "Namely, there is no such set of institutions and legal acts that will bring about democracy where at least some of the important elements of civil society do not exist. Hence, we consider that democratic institutions established by constitutions that have promised rights and liberties, as well as the guaranteed rights of ethnic minorities are not sufficient for democratic empowerment unless certain preconditions are fulfilled... Their actualization requires more than the existence of a political will, moreover it includes a suitable social structure (a growing and influential middle class, a number of stable, autonomous and functional social institutions, a certain level of economic development), intelligence, a suitable educational system and successful management (including legal). All these elements are interdependent, being both the preconditions for and consequences of the transformation process. Hence, the following elements are seen as mutually related: autonomous civil society, democratic political culture, the rule of law, the abolishment of political monopoly, the introduction of democratic institutions and procedure, the change of society-state relations, a high level of human rights and liberties protection, autonomous property, i.e. the freedom (bona fide) of utilizing the goods at one's disposal." (see: Stanovčić, V. in: Pavlović, V. ed. 1995. *op. cit.* pp. 107–130).

5 The analysis of "civil society" is based on the text: Vujadinović, D. Civil Society and Everyday Life, in: Pavlović, V. ed. o*p. cit.,* as well as the whole said book.

6 Pavlović, V. in: Pavlović, V. ed. *op. cit.* p. 248.

7 Pavlović, V. Foreword*,* in: Pavlović, V. ed. *op. cit.,* p. 29.

The *differentia specifica* of civil society is its autonomy from the state and from the political sphere, whereas the fundamental principles of civil society are civic autonomy, association and the public. The autonomy of the individual encompasses "a corpus of civil rights, above all civil rights and freedoms as a guarantee of an individual's freedom – which is considered to be negative liberty and indicates its protective function". The next two levels of civil society – association and public – "...denote the sphere in which positive freedom is created, being mainly of participatory character and expressed rather as the citizens` need for and capability of individual and collective public action, and includes the right to discuss the issues of common, public good (in this way influencing the political sphere directly or indirectly)."[8]

Associability and publicness both comprise the principle of plurality, implying a democratic culture of dialogue, tolerance and opposition to any form of segregation of the individuals, groups, or ethnic minorities. "Each civil society puts forward the issues of associations and their internal democratic life. The autonomy of various segments of society, above all, its economy, universities, trade unions, science, press, churches, etc. implies that other similar spheres may be organized in the form of appropriate associations. This is in the nature of the associative concept of society. Additionally, civil society opens up the issue of autonomous law, especially in respect of the right to the liberty of contract, without which nothing can arise except an authoritarian society. Autonomy of this kind presumes a change in the relation of the society-state. The role of the state regarding these and similar social organizations must be reduced to the establishment of a common framework, namely laws regulating the rules of the game to be respected by everyone in order to ensure the proper utilization of civic rights and liberties without violating the rights and liberties of others. Economic, social, political and cultural plurality, seen as the alpha and omega of civil society are established on the foundations of the autonomy of the social actors as well as on individual rights and liberties".[9]

According to Jean Cohen, modern civil society consists of three crucial dimensions: legality (civil rights, civil, political and social equity and rights), plurality (autonomous, self-organized voluntary associations), and the public (communication, public participation, political will and social norms' reflection and articulation).[10]

Civil society implies an effective sphere of communication (public sphere) in which dissatisfaction with private (individual, family) and collective life (education, health protection, housing, environment protection, employment...) is publicly articulated. Namely, dissatisfaction with the current situation can be expressed both by autonomous individuals and their behavior ("private is political") and by collective performance based on the princi-

8 *Ibid*., p. 43.

9 Stanovčić, V. in: Pavlović, V. ed. *op. cit*. p.129.

10 Cohen, J. Class and Civil Society, 1982. (cited from: Pavlović, V. in: Pavlović, V. ed. *op. cit*. p. 249.

ples of publicness and associability (within newly formed social movements, local autonomies, trade and professional associations, trade unions, various forms of civic disobedience). It is the sphere of non-institutionalized policy or mediating sphere between the individual, family, and society in general on the one hand, and the state and institutionalized policy on the other.

Civil society is an autonomous sphere of civic public performance, so that the citizen as a free personality becomes its immanent subject. Civil society is based on the individual who is not simply an owner of private property or an alienated person (complying with given existential conditions), but rather a citizen and autonomous person being capable, both in private and public performance, of making decisions and organizing himsef/herself in order to defend and promote a certain level of quality in his/her private and public life.

Contemporary civil society implies autonomous civic performance in voluntary and independent associations and movements focusing on certain needs, interests or common issues (trade union, ecological, professional, gender interests,...), always for the purpose of protection from the tendency of the state to take control over spheres of social, professional, personal and family life, as well as from the tendency shown by those in power to monopolize and abuse their power. The difference between society in general and civil society, similarly as between association in general and the associations representing civil society, lies in the fact that the latter are focused on public, critical and active performance aimed at safeguarding autonomy as self-determination which is counterposed to the state and political monopoly.

Assuming that all associations may stimulate an individual's autonomy, solidarity and tolerance, i.e. to form a precious foundation for civic association, each autonomous and voluntary association can acquire the attributes of civic performance in cases when individual autonomy, needs and interests are violated by authorities and thus, they may become a mobilizing factor in opposition to non-democratic tendencies.

Civic disobedience[11] represents an important component of civic performance. The notion itself implies social groupings and their publicly expressed critical approach regarding certain legal acts, but which are in defense of lawfulness and constitutionality; namely, it implies opposition to certain positive legal acts which are considered illegitimate and unjust and calls for the fundamental constitutional legislation and its legal justification.

11 "Regardless to the human essential need for order, reflecting the ancient strive for certainty, established social orders may become unjust or authoritarian so that resistance appears, but is justified in philosophical terms. The so-called right to disobedience in relation to unjust laws cannot be deduced from positive law only (with the exception of the Weimar Republic's legal system which in this context was proven ineffective). But, it is the human conscience, its ethical and religious concepts, moral, legal and political philosophy that create foundations for 'supra-legal right' to resist the 'legal unlawfulness'. Civil society offers opportunities and tolerates resistance by non-violent means. The act itself may be contrary to positive law, but its essence is in accordance with the idea of the rule of law." (Stanovčić, V. in: Pavlović, V. ed. *op. cit.* p. 119).

Hannah Arendt writes about civic disobedience in terms of "violation of the law with the purpose of its constitutional verification".[12] She emphasizes the importance of groupings in civic disobedience, because authorities may remain insensitive to individual civic disobedience motivated by moral reasons which then might be qualified as an incident.[13] Civic disobedience occurs "whenever a number of citizens are convinced that the usual methods of change cannot operate any more, or when their reproaches do not seem to be considered seriously, when the government is about to resign, or when its methods and behavior regarding legality and constitutionality are deeply suspected."[14]

Furthermore, Arendt attempts to affirm the compatibility of civic disobedience with the rule of law, as the former by no means can be identified with criminal disobedience. A criminal breaches the law secretly, for purposes of personal gain, whereas a citizen takes the law into his or her hands in public criticizing it together with other like-minded people, without personal benefit. Instead they do so in order to improve the law or to regain balanced power (in situations when either executive or federal power becomes dominant). In this way, civic disobedience ceases to exist when changes of the political and legal order are carried out. Civic disobedience does not comply with revolutionary change, as its dominant characteristic is nonviolence (rebels and disobedient citizens are compatible only when using violent methods). On the other hand, contrary to revolutionaries, citizens practicing civic disobedience accept the framework of the authority established and general legitimacy of the legal system. Finally, according to Arendt, one argument which supports the legitimacy of civic disobedience is the fact that it is a mechanism of opposition to the uncontrolled rule of the majority (the tyranny of the majority). Namely, it is civic disobedience that implies "organized minorities which are too important both by their number and quality of thinking to be underestimated without harm. Hence, these are the groups distinguished by their number and quality of conviction, i.e. the 'relevant minorities' threatened by the 'dominant majority' and whose convictions are a legitimate basis for political change. Treating disobedient minorities as rebels and traitors is not in accordance with the Constitution whose creators were particularly sensitive towards threats of the uncontrolled rule of the majority."[15]

However, Arendt notices that it is more difficult to distinguish a disobedient citizen from a revolutionary than from a criminal, for "a disobedient

12 Arendt, H. Građanska neposlušnost (Civil Disobedience), in: *Politički eseji (Political Essays)*, Zagreb, 1996, p. 226.

13 "Civic disobedience practiced by an individual alone is not likely to be effective. He or she will be treated as eccentric and more interesting to be observed than disabled. More remarkable civic disobedience will be practiced by a number of people representing a social group having its own specific interests." (*Ibid*., p. 228)

14 *Ibid.,* p. 242.

15 *Ibid.,* p. 243.

citizen and a revolutionary share the same ambition to change the world, and the changes they want to carry out may indeed be drastic, as for example was the case with Gandhi, who will always be remembered as an example of non-violent behavior. (Did he really accept the framework of an established authority of British rule over India? Did he respect the general legitimacy of the legal order in the colony?"[16] On account of this remark, it can be noticed that this example does not seem to challenge the distinction between a disobedient citizen and a revolutionary one within the paradigm of a liberal-democratic system's relative destabilization and delegitimization which needs to be corrected.

According to Arendt, civic disobedience as a legitimate mechanism of the political fight for change of the political order generally presumes the existence of a stable legal system of a liberal democracy. The legal system ensures the social order's stability, i.e. wherever stability and restriction of the law do not exist, and the ruling power changes the laws unrestrictedly, then anarchy and lawlessness (coercion as the prevailing method of the order's preservation), prevail and there is "a criminalization of the entire governmental apparatus, as is the case with totalitarian regimes".[17] On the other hand, contemporary society is faced with an "unprecedented speed of changes in the modern world" and challenges to the legal order, in terms of the necessity of their articulation, i.e. stabilization and legalization. In this sense, "a law is really capable of stabilizing and legalizing change once it appears, but change itself has always been a result of unlawful action".[18]

In these changes and the need for their absorption by legal and political order, the point is that civic disobedience is of growing importance and must be accepted as a legitimate means of struggle: "A perspective for the fast implementation of a change leads to the conclusion that the 'likelihood of the progressive broadening of the role of civic disobedience lies in... modern democracies.' If civic disobedience 'remains where it is now', as many have begun to believe, its compatibility with the law becomes a major issue; the answers offered may show to a great extent whether the institutions of freedom will be proven flexible enough to survive the attack of change with or without civil war or revolution."[19]

More precisely, Arendt pleads for such a concept of law in the liberal-democratic order that will be compatible with civic disobedience and accordingly, for finding a suitable place for civic disobedience in the American Constitution. She also states that the realization of the foregoing would be an extremely significant event, perhaps, no less important than the established *constitutio liberates*, almost a hundred years ago."[20]

16 *Ibid.*, p. 244.

17 *Ibid*., p. 245.

18 *Ibid*., p. 246.

19 *Ibid*., p. 248.

20 *Ibid*., p. 249.

Although both civic disobedience and civil society generally imply collective public performance, the foundation and specificities of this form of collectiveness are in voluntary association of autonomous individuals, conscious of what they are and what they want in the framework of civil groups, rather than in a sum of individuals or manipulated masses. In this sense, what matters here is the essential interconnection and mutual relation between the members of the group (association and solidarity), on one side, and individuality (the rights and freedom of every citizen) on the other.

It is the analysis of the personality type promoted by civil society that requires insight into the relation between civil society and everyday and family life.

The Relationship between Civil Society and Everyday Life

The formation of the individual as an autonomous personality, both inside the family and its everyday life, is extremely important for the emancipatory potential of civil society and its permanent democratic restructuring. On the other hand, the everyday life of each individual and his or her personal experience and destiny are a reflection of various aspects of their social life. Therefore, in order to ensure the further development of the democratic context of civil society, it is necessary for an individual to be educated and socialized inside a democratic type of family, to be included in democratic forms of education, culture, associations and to have access to independent media. In this sense, civil society is resonant in relation to all spheres of social life – family, everyday life, economy, education, science, culture, media, etc. to the extent of their capacity for developing an autonomous personality, or their ability of affirming universal human values and democratic principles of solidarity, tolerance and humanity.[21]

Although everyday and family life by definition do not belong to the structure of civil society, together with the society as a whole they create an indispensable environment and the foundation of civil society. Both individual and collective everyday living represent the basis of the formation and emergence of both the positive and negative characteristics of civil society. However, the individual and family life, which belong to the private sphere, are excluded from civil society and, moreover, cannot be identified with society (not even with its emancipatory aspect related to the initiation of individual autonomy and the formation of autonomous, voluntary professional association). In regard to what is mentioned above, the *differentia specifica* of civil society lies in the active, critical and rational behavior in both private and social spheres, i.e. the collective voluntary performance and self-organization of citizens aiming to change their existing quality of everyday and family life and other various aspects of their social life.

The quality of everyday life includes necessary presuppositions of civil society in regard to autonomous individual development. Hence, there are no

21 Vujadinović, V. in: Pavlović, V. ed. *op. cit*. p. 307.

possibilities for civil society development, unless everyday family life, as the foundation of individual development and socialization, creates an autonomous personality. The democratic potential of everyday family life is a necessary, but an insufficient precondition for performance of civil society, for it is the principle of autonomy combined with the principles of association and public (perhaps it is necessary to emphasize – association on the basis of discontent with the existing situation and the need for public performance) that defines the structural components of civil society. Moreover, a relatively autonomous individual might be formed within everyday family and social life even though civil society has not yet been established.

The thesis of the emancipating potential of everyday and family life being relatively independent of civil society is particularly significant for analyzing democratic prospects in societies which have not yet established a democratic state of law and civil society, i.e. in which civil society is suppressed. In this sense, the above-mentioned is relevant for an analysis of the current situation in Serbia. Namely, from the point of view of democratic principles, it is quite an important achievement to ensure the formation of the individual as an autonomous personality (at least partially), which has the capacity of expressing a significant degree of creativity, initiativeness and vitality and has the ability to entertain critical attitudes, cherish humanistic and cosmopolitan values, affinities, a culture of tolerance and dialogue. Hence, people may act relatively autonomously and yet, not perform within civil society. From the point of view of democratic principles, the fact that they are not actors of civil society, but rather passive observers standing aside from the political environment would be considered as a drawback. Still, their advantage lies in the fact that only they and their like-minded may be expected to become genuine actors of civil society.

Concrete-Historical Framework

1. Serbia is not a democratic state of law, in that the formal and legal preconditions of democratic rule have not been entirely fulfilled and applied to the extent of their official proclamation. Additionally, the Constitution has not been adopted in accordance with democratic, parliamentary and public procedure, the division of power is neither restricted nor controlled, the Serbian Parliament is neither the outcome of pluralism nor of the balance of pluralistic social interests.[22]

22 "We are living in an area in which the great principles of social justice, equality, liberty and the rule of law seem to be proclaimed without difficulty. But, until some years ago, the ideas such as the state of law, the rule of law or even civil society had been qualified by Marxists in socialist countries as counter-revolutionary or at least problematic. Later on, the ideas of the state of law and the rule of law were being gradually accepted, at least verbally. However, the transformation from the 'ideological state' into the rule of law has not been completed yet, but some regressive and much worse processes followed by lawlessness soon started. Now, it is a large scale process and the law is in hands of those who violate it.

2. Civil society does not exist, apart from a few remaining elements of civil society originally initiated in the former Yugoslavia during the 70s and 90s, which have been influenced both by Western-type modernity and partial deflections from the dominant state of the socialist system (a retarded and deformed model of modernity). Over the last decade what of civil society existed has almost been destroyed and evidently obstructed by a growing nationalism and by a strengthening of authoritarian rule. Also, it has been suppressed under the circumstances of the war-torn former Yugoslavia, a large scale pauperization and deep economic crisis, as well as the criminalization of power and all the negative consequences of legal insecurity: the deprivation of property, freedom and individual life.

3. Everyday life: The period between the 70s and the 90s in the former Yugoslavia was characterized by sound improvements in the development of the autonomous individual in the context of a gradual integration into the western model of the welfare state, and by democratic processes in culture and education (an education boom). Additionally, significant improvement seems to have occurred in the family life and gender relations due to remarkable attempts to reject a traditional, patriarchal culture. Certainly, a drastic drop in overall social living standards, the war and the decay of the country (followed by right wing-nationalism) resulted in a deterioration in the quality of everyday life and the suppression of the emancipatory potential of all aspects of everyday and family life (education, culture, free time, professional work,...).

However, the initial elements of civil society (social movements, civic disobedience), as well as the emancipating potential of the family and everyday life, although suppressed, were not completely destroyed. Moreover, owing to the fact that everyday life in modern society (including Yugoslavia) has remained relatively autonomous in relation to the public sphere and prevailing public opinion, the relatively developed individual autonomy potential within family, education, culture or health care has not been completely destroyed. This is due to the fact that private sphere was to a lesser extent exposed to said destructive and regressive processes and individuals have been seeking shelter in family life rather than joining nationalistic euphoria and war. "Not only did nationalistic homogenization not succeed in absorbing them, but many were seeking shelter and withdrawing into private family life. Although they have not been brave enough to oppose this in public (civic performance), they have managed to keep their distance from the prevailing system

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General uncertainty of the life, liberty and property does not seem to worry those ruling, who are rather focused on their own survival, whereas the fundamental ratio of power (of any kind) has been lost under such circumstances... Legal uncertainty used to be a means of authoritarian control during the communist regime. It is the same today. It will not be an easy task to implement the ideas of the rule of law under the given circumstances. The rule of law simply does not comply with general uncertainty, authoritarian patterns of behavior, burdens of dogmatism, underdeveloped political culture, nationalistic blindness, intolerance, unrestricted power and the absolute uncertainty of citizens." (Stanovčić, V. in: Pavlović, V. ed. *op. cit.* pp. 129–130).

through raising their children, through their professional engagement, the preservation of their ethnically mixed marriages, interethnic solidarity and friendships, and their respecting universal human values."[23]

In addition to all these positive aspects of withdrawal into the private sphere from the destructive public, a negative aspect must also be taken into consideration as the positive effects seem to be short-term, and when they last for a longer period of time they may become counterproductive due to the lack of opposition to the regressive political performance.[24] In this sense, whenever creativity, vitality and innovativeness of certain social groups in Serbia are concerned, their ambivalence should be considered due to the possible conclusion that it can be seen as a promoter of further suffering and agony. Additionally, solidarity with close friends or neighbors, despite an indisputable human dimension, may be partially associated with existing traditional values. Hannah Arendt gives a specific explanation for this kind of increasing care and solidarity inside social groups or nations being threatened in any way. She analyzes the case of the Jewish people, but it is also applicable in the case of Serbia. According to this thesis, people being threatened may develop an extreme level of solidarity and humanity, which would have self-isolating features implying an escape from reality, but may also in improved circumstances grow into a permanent civilizational and human quality: "History has known periods of darkness in which the obscurity of the public sphere overwhelmed the world and people ceased to hope for any of their vital interests and individual freedoms to be fulfilled. Those living in such times always appeared to despise the world and the public sphere or at least to ignore them. They even tended to sleep them over or leave them behind, as if the world had just been a facade for people to hide behind, in order to understand better their relatives, regardless to the surrounding world. If everything ends up well, a special mankind is developed in such times."[25]

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23 Vujadinović, D. in: Pavlović, V. ed. *op. cit.* p. 327.

24 This ambivalence is specifically explained by Ivan Vejvoda: "We are witnessing a state of anomie, apathy and 'minding one's own business' just in order to save our head and soul in times of general destruction. 'Modernity freedom' is practiced in absence of modernity and in absence of legal certainty for that freedom; authoritarian framework offers a limited space of freedom, but does not seem to recognize a need for its broadening. On the contrary, it goes further in limiting the achievements of freedom. Many are attempting to protect themselves by withdrawing and focusing on their profession and in some way, contributing to the creation of an autonomous sphere, free from manipulative and coercive politics, thus hoping that a new energy for new policies would start flowing. Any political engagement generates anxiety and fear, not only because of the 'dirty hands' syndrome, but also because of a possibility that it may thwart any rational politics that is expected to appear. Evidently, what had to be started yesterday is postponed and that implies a troublesome, long process of opening up an autarchic society in transition to global modernity and to all of its problems, deficiencies or imperfections." (Vejvoda, I. Politics and the Spirit of Liberty, in: Pavlović, V. ed. *op. cit* p. 243).

25 Arendt, H. *Ljudi u mračnim vremenima (The People in Dark Times)*, Gornji Milanovac, 1992, p. 20.

The emancipating potential of the everyday family, and social life in terms of creativity, innovativeness, practicality, vitality or solidarity and other forms of autonomous individual behavior has not been completely destroyed in Serbia. Also, a cosmopolitan type of identification with Europe and the world, as well as pacifism, interethnic and intercultural tolerance, and a striving for civic identity have not been completely erased from historic memory and affinities of the people in Serbia. They seem to be suppressed and insufficiently rooted, but they are neither completely uprooted nor eradicated. Given that family and everyday life create the foundations of social practice, it is the protection and further development of the repressed democratic potential at this pre-political level that is of crucial importance for the establishment of civil society in Serbia and its possible democratic development in the future.[26]

This conclusion, expressed within the project "Suppressed Civil Society – The Case of Serbia" some years ago, may have seemed too optimistic at the time, when economic, political, social and spiritual hopelessness prevailed in Serbia. However, this conclusion was in no way contrary to the project participants' viewpoint that civil society in Serbia almost did not exist or that it was suppressed, implying complex political and legal, social and cultural impediments for the establishment of the state of law and civil society. Namely, this particular conclusion implies the existence of certain preconditions for the development of the personality of the individual at the pre-political level of everyday and family life (and other spheres reflected in an individual's everyday life – education, health care, etc.), all of which, at some point, might be activated and contribute to the formation of autonomous civic identity and civic performance.[27]

Civic and Student Protests

The events at the end of '96 and the beginning of '97 showed that the statement about the emancipating potential of everyday and family life and

26 See: Vujadinović, D. in: Pavlović, V. ed. *op. cit.* p. 321.

27 "The initial presumption of this project was that even a few existing elements of civil society in Serbia and in the former Yugoslavia have been suppressed too much, either to break through the rigid system or to be established. Specific analysis shows, that the long-term prospects for the development of civil society in Serbia and for the democratization of its state and society are uncertain and bleak. The question can therefore be raised which is contrary neither to the initial presumption nor to the results obtained: if and to what extent at the pre-political or non-political level the interest and capacity for the development of cosmopolitan values exist, and despite everything, can they represent a seed of a future democratization? Other imminent analysis of either institutional or non-institutional presuppositions (including the reasons for their absence) of the establishment of civil society are left aside. The focus is on the analysis of the question whether the individual and social character of people in Serbia and the former Yugoslavia and their quality of life may give a chance to civil society (regardless to whether the chances will be carried or not)." (*Ibid*., p. 309)

its role in establishing civil society were proven right in the reality of Serbia and even surpassed the most optimistic expectations.[28]

Apparently, a significant potential of autonomous individuals (mainly among the educated population of urban areas) seem to have been in conjunction with the other two necessary preconditions of civil society, i.e. with associability and the publicness, at the time when election fraud took place and political manipulation reached its peak. When autonomous individuals initiated large-scale protests, they started to behave like citizens, as political subjects leaving their private sphere behind and entering the sphere of "*vita activa*". It was a public demand for the democratization of the state and society initiated by the concrete demand for the recognition of election results according to which the democratic opposition won in major cities in Serbia and in Belgrade.

Under such circumstances, both civil protests and civil disobedience were proven to be the main promoters of establishing civil society and, in the future, a genuine democratic state of rule. In other words, the protests themselves represent an initial potential for the renewal of the foundations of society and legal state in spite of the prevailing tendencies of political, social and cultural destruction of the society and state in contemporary Serbia.

Indisputably, both civil and student protests became an apposite political movement for the democratic transformation of society pertaining the following elements: massive and voluntary gathering of autonomous individuals insisting on recognizing the election results (implicitly on democratic reforms), non-violent methods of opposing the ruling power even when police cordons appeared; a non-hierarchic organizational structure and spontaneity in initiating individual and group actions; tolerance regarding the plurality of ideas, initiatives, relationships, values; and extreme innovativeness in the forms of civic disobedience.

The main form of civic disobedience taking place during the student protest and the one organized by the opposition coalition "Zajedno" ("Together") were the street protest walks in Belgrade and many other towns affected by the same election fraud. They became the main form of expressing dissatisfaction at the multiple breaches of election law. In addition, they were also a form of struggle for the critical public, for getting rid of fears, for collective and individual catharsis, for creativity and for awakening civic self-consciousness and the consciousness of power of self-organized sociability.

The street protest walks, as a physical, social and cultural act, had the following features: the power of forming and expressing an authentic public, authentic associability, socializing, communications, information, making friends, love affairs, enjoying what was happening on the street, whistling as a form of revealing one's own emotions and convictions, crying out slogans and carrying banners, and enjoying the very physical activity of walking and

28 The fact is that neither expert nor the political public expected such an intensive and large scale civil protest in Belgrade and in Serbia.

ignoring the weather which sometimes was quite inconvenient. The street protest walks had a cathartic effect – of freeing oneself of suppressed dissatisfaction, anxiety, fear, humiliation and helplessness in front of all the atrocities that they had been exposed to for years. The catharsis effect seems to have been a form of liberation from a forced escape to the private and professional sphere as an attempt of pseudo-salvation of the soul against the torrents of war atrocities, destruction and the role of Serbia in all these events. Yet, a question remains to be answered, i.e. what level the catharsis reached and whether the citizens of Serbia were ready to go through to the end at the time, to the deepest layers of the problems related to years of massive nationalistic psychosis and to massive approval, or at least, public non-opposition to the option of war.

Under the circumstances of the media blockade and totalitarian control over almost all media (for several days when the radio programs Index 202 and B–92 and the daily "Demokratija" were not available, people had to go out into the streets to see what was going on), the street protest walks were an excellent way to establish a critical public, for they enabled citizens living in different parts of the city to be in touch with what was going on and to take part in the events; they enabled encounters with commuters on buses and facing people's needs or different-minded people; this kind of communication was a form of their forced encounter with the world of a parallel public.

A specific action called "Buka u modi" ("Noise is Fashionable") clearly articulated dissatisfaction with the media blockade and totalitarian rule of RTS (Radio-Television Serbia) and contributed to the establishment of an authentic public and was extremely successful during the January and February of '97, but as the protest was drawing to a close, the action itself also dispersed. Owing to its alternative approach to information distribution, this action helped the protest spread and connect various local communities and peripheral parts with the city centre. "Noise is Fashionable" started at 7:30 every evening and was followed by evening street protest walks usually ending up in the city centre. Furthermore, it had the effect of liberation from fears of expressing a different opinion in public in one's local community, i.e. an opposition political viewpoint, which was a rather delicate issue since people were exposed to possible negative reactions and revenge of different-minded people and neighbors. However, the action helped establish better neighborly relationships and a common identity within the local community. And what is possibly the most important effect, the action (relying on the traditional values of the home, family and local community) contributed much to a broadening of a civic protest culture including whole families (without manipulation of children). On the other hand, it did lead to intergeneration and ideological confrontation (usually with elderly family members), which helped civic consciousness increase and led to a further liberation from patriarchal social pattern. In addition, the multiplication of the protest localities and networking of various local centers of noise and street walks made

the police incapable of controlling such a large scale protest. Eventually, both micro-ly and locally, "Noise is Fashionable" resulted in the establishment of a network of civic disobedience culture in Belgrade and to a lesser extent in other cities as well.

In terms of the values expressed and the multiple functional significance of the street protest walks, the following slogans are worth mentioning: "U zdravoj šetnji zdrav duh!" ("A healthy walk, a healthy spirit!"); "U ovom slučaju ulica vaspitava bolje!" ("In this case, the street raises better!"); "Sa nama su ulice kraće – studenti" ("The streets are shorter with us – the Students"); "Bolje u novembru prehlada, nego sunčanica u JUL-u" ("Better being cold in November than getting sunstroke in JUL-y[29]"; "Mislim, dakle, hodam" ("I think, ergo I walk"), "Sve što šeta htelo bi da šeta, neka šeta i treba da šeta" ("Everything that walks would like to walk, let it walk and it should walk"), "Ja sam student i u odličnoj sam formi" ("I am a student and I am in an excellent condition")[30]; "Osećam se loše ako ne prepešaćim bar 120 km dnevno" ("I feel bad if do not walk at least 120 km daily"[31]); "Dva studenta traže stan u krugu šetnje" ("Two students are looking for a flat in the circle of protest walks"); "Samo ulične šetnje mogu da spasu Srbe" ("Only street protest walks can save the Serbs")[32]; "Šetaćemo dok ne odšetaš" ("We will walk until you walk away"); "Studenti šetaju, a rektor će da leti" ("Students are walking but the rector will fly"); "Šetnjom do zdravlja" (Walking until healthy"[33]; "Niko nas ne može opisati – nas treba doživeti" ("Nobody can describe us – we have to be experienced"); "Ljudi su bića s dve noge, koja nemaju krila ali imaju dušu" ("Humans are creatures with two legs, who have no feathers but have a soul"); "Mi smo šetači – protiv Slobe" ("We are walkers – against Slobo"), "Hodaš pravo – bravo, bravo!" ("You walk straight – bravo, bravo!"); "Cogito, dakle šetam" ("Cogito, ergo I walk"); "Misli jasno, hodaj pravo" ("Think clearly, walk straight"); "Izvinjavamo se pozorištima, galerijama, diskotekama, bioskopima, muzejima, bibliotekama, sportskim dvoranama, koncertnim salama, ovih dana ste loše sreće, ovih dana je studentski protest!" ("We apologize to the theatres, galleries, discotheques, cinemas, museums, libraries, sport halls, concert halls for their bad luck these days, but these days there are student protests"; "Šetnja ili šutnja – odlučite sami!" ("A walk or silence – decision is yours"; "Nikada ne propuštamo priliku da prošetamo kao ljudi" ("We have never missed the opportunity to walk as people"; "Ovo su nepravedno nametnute i ničim izazvane šetnje" ("These are unjustifiably

29 A play on words is made here: JUL in Serbian means July, but is also the acronym for the extreme left party "Jugoslovenska levica" (The Yugoslav Left), which was led by Milošević`s wife Mirjana Marković.

30 This slogan was written by the students who walked from Novi Sad to Belgrade.

31 This was written by students from Niš, who had walked from Niš to Belgrade.

32 This is an allusion to the traditional Serbian slogan "Samo sloga Srbina spašava" ("Only unity will save the Serbs").

33 This was a banner which hung at the Students' Medical Center.

imposed street protest walks provoked by nothing")[34]; "Šetnje su zdrave, i ja sam dobro – studenti Subotice" ("Walks are healthy and I am good – Students from Subotica"); "Isključite RTS, uključite mozak" ("Turn off the RTS[35], turn on your mind"); "Cogito, ergo ambulo – mislim, dakle šetam!"("I think, therefore I walk!"); "Mislim, dakle ne postojim!" (I think, therfore I do not exist!"); "Ne budi crna ovca u belom mantilu" ("Do not be the black sheep in a white coat"); "Tata, mama, izađite s nama!" ("Father, mother, let you come out with us!"); "Hoćemo MIR i SLOBODU – nećemo MIRU i SLOBODANA!" ("We want PEACE and FREEDOM – we don`t want Mira[36] and Slobodan". There were also slogans in English, like: "Slo be or not Slo be – that is the question!", "AMERICAN PEOPLE HAVE: BILL Clinton, Stevie WONDER, Johnnie CASH and Bob HOPE! SERBIAN PEOPLE HAVE: Slobodan Milošević, no WONDER, no CASH, no HOPE!"; "Sex and walks and rock'n roll"; "You can fool some of the people all of time and all of the people some of time, but you can't fool all of the people all of the time!"; "Do the walk of life!"; "We are the mirrors of the soul ... reflections of the mind!"; "Enjoy the students` protest! You can't beat the (students`) feeling!"; "I am a student in protest and I am proud"; "Democracy on the road again!". There were also slogans with a combination of Serbian and English words, such as: "Ja sam cool, ali nisam fool, da budem za JUL" ("I am cool, but not a fool to opt for JUL").[37]

Protestors, witnesses, foreign and domestic reporters were surprised by the strength and variety of the positive energy of the protest, in terms of its innovativeness, attractiveness and nonviolence. All of the mentioned features were preserved from the beginning, even in the course of the operations of police and their repressive actions. Evidently, both the protest and its prevention were focused on the street protest walks.

The street protest walks irritated the authorities for their role in widening the protests, for their breaking the media blockade, massive liberation from fears and the broadening of the individual and collective feeling of freedom, and because all this seemed to have been an evasion of the ruling power's control over the situation. This was the reason why soon after organizing the counter-protests, the Milošević regime employed strong police forces to prevent the street protest walks, with the excuse that they disabled normal traffic in the city. Absurd explanations of the police blockade were given so that even the downtown pedestrian zone was forbidden for street protest walks. The police blockade achieved only partial effects in terms of the prevention

34 This is an allusion to the wellknown slogan of Milošević, concerned with "unjustifiably imposed and causeless sanctions" of the UN, which had been announced against Serbia in 1992.

35 RTS is national TV station, which contributed significantly to hate speech and apology of the Milošević regime.

36 Mira Marković, the wife of Slobodan Milošević.

37 Students` Protest and Center for Research and Development of Democracy, SF Politikos eds. *Buka u modi (Noise is Fashionable)*, Studentski protest `96, Beograd, Decembar 1996.

of the participants` good mood and caused some anxiety due to spiritual and spatial insufficiency, due to the frustrating effects of the police`s blue uniforms, helmets and bulletproof vests. However, the goal of the regime of returning fear onto the streets and into the people was not attained. The "genie simply escaped from the bottle" and from political control, and no one could return it by force.[38]

The most drastic and successful example of the opposition to the police cordon was the student action "Cordon against Cordon". Days and nights, in the rain and cold for more than a week, the students practically forced the police to stand behind the barricades in Kolarčeva street. They proved their right to walk during the weeks before and did not want to give up and to let police frighten them and stop any further street walks; they were sure that, sooner or later, they would break the police blockade and go on with their walks, and disclose the real role of the police and the power of the regime. In the meantime they managed to attract enormous media attention, public support and thus, persuaded many hesitant individuals who for a long time had stood aside to publicly oppose the regime (the question of how sincere or showy these appearances were still remains to be answered). Also, both the students and secondary school pupils improvised a discotheque "At the Cordon" which offered the best entertainment in the city. Alcohol was not allowed, whereas the strongest and the most persistent protestors showed extreme spiritual and physical endurance during the most difficult time of the day (early mornings when the glamour and attractiveness faded). After the marathon action had finished, the police cordon was removed and the initiative ended up in victorious, euphorically walks on the eve of St. Sava's Day.

Regarding the relation between the student and civil protests, it may be noticed that, despite various pressure by the political leaders of the Coalition "Zajedno" and some public personalities who aimed to merge the student protest with the civil protest, the student protest managed to remain relatively autonomous within the whole civic protest. However, it was only relatively autonomous, because both of the protests were initiated by the same cause (election fraud), and because they were operating in conjunction, striving for the same objective i.e. recognition of the election results and a democratic transformation of the system. Additionally, a significant number of both students and professors took part in the protests initiated by the Coalition "Zajedno". However, the students rightfully insisted on the autonomy of their

38 The situation on Knez Mihajlova street (on the 26th December) may serve as an illustration of conquering fear; this was the first time the protests near the Faculty of Philosophy were prevented. The students who were surrounded by the police cordon were forced to proceed along the main pedestrian zone. Here again, between two police cordons, they made a symbolic movement: a walk in a tiny circle and shouted at the police: ("Wow, wow", "What are your neighbors doing?", "Your wives are at home alone!", etc.). Soon, they invited their professors to join the circle, and again, symbolically, acted as prisoners during their walk in prison. Meeting face to face with the police, a University professor held an open book while walking. Completely focused on reading it, he simply demonstrated indifference to the police and their terrifying presence.

performance, because they had started the protest themselves, with professors joining only later. Their protest appeared to have been a social movement (one without a strict hierarchy or firm organization, elected leaders, which had only more or less spontaneous appointments of the Main Board, and majority voting). Conversely, due to the Coalition of three opposition parties and their leaders, the civil protest was a combination between a party gathering and a social movement. Finally, the student protest was a non-partisan movement, whereas the other contained elements of a struggle for power.

A longer duration of the two daily protests taking place at the same time represents an argument in favor of their separated and cumulative performance and is considered more effective than its quantity; on a long-term basis, autonomy of the students` protests leaves more space for the fulfillment of students' demands and the professors' engagement in improving their status and autonomous position of the University. It did however leave more space for a critical approach to the entire political performance of the parties in the Coalition during the protests and in the aftermath, keeping in mind the possibility of their taking power. Additionally, a non-partisan concept of the students' demands strengthened their struggle against the antidemocratic system and opened up a larger space for a democratic political alternative compared to what was then offered by the three political parties of the Democratic Party (DS), the Serbian Renewal Party (SPO), and the Civic Alliance of Serbia (Građanski savez Srbije). This idea was specifically sublimed in the following slogan: "We are not here for Vuk or Zoran, we are here because of Sloba!"

From the angle of the relationship between the protest and everyday life, once again, it may be emphasized that in Serbia a remarkable potential for the formation of the individual as citizen and political subject had been created, contrary to the apparently prevailing subordination, especially in the sphere of education, family life, culture and profession. On the other hand, in the course of the protests, significant changes to the quality and rhythm of everyday life, certainly contributed much to strengthening the individual civic consciousness and life perspectives of many Serbian citizens. Somehow, the slogan written by the students of the Technical Faculty, explicitly sublimed the protests' rhythm: "In the morning I sleep, from 12.00 to 15.00 I am a fascist, from 15.00 to 18.00 I am a Chetnik, from 19.30 to 20.00 I am an invisible man, and after that I get crazy!" (the protests were held according to the following daily schedule – 12.00–15.00 – student protest, 15.00–18.00 – civil protest, 19.00–19.30 is the time for the evening news of the state Television which simply ignored the events on the streets).

The immediate positive effects of both the students` and civil protests initiated by the coalition "Zajedno" are indisputable, not only because the election results were recognized, or because the student protest generated several associations for the protection of the Universities` autonomy, but also because it managed to take over some pro-regime and quasi-student organizations. Above all, its success lies in the great individual and collective energy

that will not be erased from the people's collective memory and civilization code; in its democratic orientation, in its culture of non-violence, in its civic consciousness, in the specific experience of social power which is threatened by the ruling power, as well as in massive liberation from individual and collective fears. The civil protests, by their nature and regardless of some divisions and later conflicts between the members of the coalition (some of which had a partisan or nationalistic profile or ambitions to be leaders) managed to preserve genuine democratic and civilized values. Cherishing the tradition of autonomy, self-consciousness, associations on the principles of solidarity, publicity, the development of a critical approach, and a culture of dialogue, tolerance and non-violence, the protestors represent a significant basis for the further development of civil society and the establishment of a democratic state of law.

Certainly, the pace of democratic change, its scope and modalities depend much on the current behavior of the opposition parties and their leaders. It will also provoke either a quick resignation of the ruling power, or the further strengthening of regressive nationalism and destruction of the state and society. On the other hand, assuming that the extreme nationalistic option including further isolation of the country does not come to pass, the outcome of the civil protests may overcome the role of the opposition parties' leaders, unless they prove strong enough to cope with the awakened democratic energy of the citizens of Serbia.

There have been some doubts both among participants and non-participants of the protest related to a possible idealization of the student and civil protests. Some authors claim that the protest is nothing but an episode which has changed none of the profound economic problems, political hopelessness and crime and none of the issues regarding the evaluation of the role of Serbia in the wars of the former Yugoslavia. Although the excitement and experience gained during the protests might generate certain nostalgic feelings or biases, none of the acute and difficult problems have been resolved; However, the perspectives of their resolution will certainly remain bleak even without the contribution of the civil protest to the establishment of civil society, which implicitly would open up possibilities for the formation of a democratic state of law. This particular attitude may be confirmed by Hannah Arendt's words: "Even in the darkest times do we have the right to expect enlightenment which is to a lesser degree generated by theories and ideas, and more by an uncertain, flickering and often delicate light that some men and women illuminate in any given circumstances and scatter it over the time they live in this world."[39]

There are reasonable doubts addressed to these movements and their long-term results related to the most important issues (mobilization related to the realization of concrete aims concerning elections, the media and a change in power) of preservation of this authentic democratic energy when

39 Arendt, H. 1992, *op. cit.* p. 9.

inevitably faced with urgent questions of Serbian national interest, which are: regional autonomy (Kosovo, the Sandžak, and Vojvodina), international relations, relationship with neighboring countries, the recent war and the role of Serbia in it, nationalism, inter-ethnic reconciliation, and political options: either a monarchy or a republic. Undoubtedly, all these issues must be resolved, whereas their resolution will be more civilized if being relied on the democratic experience of the student and civil protests 1996/97, and on their further development in terms of legal, political, social and cultural aspects. Hence, if there are still some doubts, they originate from factual existence of the subjects and parties capable of politically articulating the democratic character of the protests on one hand, and facing the above-listed urgent questions of social reality, on the other.

This theoretical and concrete-historical analysis may be concluded with the following practical political viewpoint: a significant part of Serbia has undergone a democratic change, yet, no further breakthrough can be made unless a consensus in regular election procedure between those in power and the opposition parties is reached. If the round table would be utilized as an instrument for transition to democracy, which has already been the case in Eastern and Central European countries, then real foundations for parliamentary democracy could be established in Serbia, i.e. the FR Yugoslavia. Assuming that the political parties and their leaders do have the capacity for democratic change and its articulation on the principles of the rule of law and civil society, it is only under such conditions that a real possibility for resolving acute problems within the framework of civil society and a democratic state of law will eventually prevail.

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CIVIL SOCIETY AND EVERYDAY LIFE*

A concrete-historical analysis of the quality of everyday life and its effects on the prospects for the establishment and development of civil society in Serbia today, requires a preliminary categorical demarcation of everyday life and its relation to civil society.

"Everyday life" is an empirical universal in the sense that it has always existed and always will. It is in it that one achieves his/her primary human experience both as an individual and as a part of a community, but above all in one`s own family. Here the human being primarily expresses him/herself as someone with needs, and who satisfies these needs in accordance with rules and norms (value systems). Descriptively, this concept refers to the universal heterogeneity of immediate and spontaneous forms of people's responses to particular tasks they face in the reproduction of life and in their social reality.

Both ontogenetically and phylogenetically, it is in everyday life that the basic prerequisites of socialibity are adopted (language, rules for manipulating objects, and basic social norms).[1] In it, the intersubjective and the subjective, the collective and the individual, the particular and the generic, nature and culture intertvine, mutually condition and modify each other.[2]

The concept of everyday life emerged only in modern social theory, due to the fact that everyday life itself had become problematic (no longer taken for granted and unambiguously self-reproducing) and had to be recognized as a topic. Therefore, modern social and philosophical thought, insofar as it is aware that everyday life is the foundation of all social practice and the basis of all knowledge, thought and action, has to take it as the point of departure in its effort to achieve relevant insight into the character of social reality.[3]

It was possible for everyday life to become a topic only with the emergence of modern society, where civil society became relatively separated from the state, whereby everyday life gained relative autonomy from the prevailing scientific worldview and dominant social structure. Further, in this type of society within everyday life relatively autonomous individuals come to be formed, capable of critical distance towards the givens of their own society,

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1 See: Heller, A. "Everyday Life, Rationality of Reason, Rationality of Intellect", manuscript, 1982.

2 See: Lefebvre, H. *Kritika svakidašnjeg života* (*A Critique of Everyday Life*), Zagreb: Naprijed, 1968.

3 See: Heller, A. *Svakodnevni život (Everyday Life)*, Beograd, 1978.

and ready to present their own private problems (concrete sources of discontent) to the public, so that these problems – insofar as they are not merely individual – become the basis for people's coming together and self-organizing in order to resist the prevailing social structure and to improve the quality of the everyday.

The alienation of everyday life is not an exclusively modern phenomenon, but one may speak of the specifically modern character of the alienation of everyday life, i.e. of the contradictory nature of everyday life in modernity; this contradictory nature of everyday life is relevant precisely from the point of view of the relation between civil society and the everyday. Namely, everyday life was also alienated (colonized) in premodern history: the development of the individual and the modes of everyday behavior were dictated "from outside", by the prevailing unambiguous and "naturally given" social "norms and rules"; though the religious worldview still bestowed some sense upon such everyday life and supplied "the human being as a whole" with the feeling of being integrated. The alienation of everyday life was able to become problematic only with the emergence of the modern logic of democracy, which, combined with the universalization of commodity production, resulted in the destruction of (the sacredness and unambiguousness of) traditional ways of living, the traditional "norms and rules". At the same time, individual autonomy and the democratic "public sphere" emerged, as well as universal values and the standpoint of the " rationality of the intellect"[4] as the foundation of the critical examination of said "norms and rules". Additional reasons for turning everyday life in modernity into a topic concerning the specifically modern form of alienation of everyday life – its rationalization, i.e. its being invaded by a scientific worldview, and its inability to provide a meaning to life, to integrate heterogeneous activities of the individual and offer him/her the sense of being a complete personality; as a consequence, the individual feels alienated, a puppet manipulated from outside, dissatisfied. This is the point where the standpoint of the "rationality of the intellect" touches upon everyday life, i.e. where the subjective experience of discontent resonates with universal human values.[5]

4 The "rationality of the intellect" is the syntagm used by Agnes Heller to refer to the specifically modern level/degree of advancement/development of historical consciousness (or the "self-consciousness of humankind"), based on universal human values, and inherent to a democratic public and civil society. Practical action in accordance with the "rationality of the intellect" refers to the critical attitude from the viewpoint of universal values toward the alienated (rationalized) character of the whole of social life in modernity, including everyday life. On the other hand, practical action in accordance with the alienated "rationality of the reason" refers to the consent to the alienated everyday and the existing total social state of affairs, i.e. the consent to morally void pragmatism (devoid of its moral content) of the "scientifically grounded" rules of behavior in everyday life and institutions of social structure. (See: Heller, A. "Everyday Life, Rationality of Reason, Rationality of Intellect", manuscript, 1982. See also: Vujadinović, D. *Teorija radikalnih potreba – "Budimpestanska skola" (The Theory of Radical Needs – The "Budapest School"*, Nikšić, 1988).

5 See: Heller, A. *op. cit*. 1982.

The modern contradiction between the alienated "rationality of the reason" and the disalienating "rationality of the intellect" is manifested as the contradiction of the heteronomous, directed, conformist and manipulative "individuals" inclined to irrationality *versus* autonomous personalities inclined to a democratic way of thinking, behaving and acting. On the social plane it is manifested as a contradiction of directed collective behavior inclined to neo-fundamentalism *versus* the formation of democratic-type "social character" and civil society activism.

In modern society, everyday life (like society itself) is structurally contradictory – alienated (rationalized, colonized), but also contains emancipatory pontential. Since everyday life (including family life) is the prime field for shaping and satisfying human needs, it is necessary to analyze its contradictions from the angle of needs. In the modern everyday, and in modern society in general – in spite of the antinomic character of these processes – a multi-sided and universal development of human needs and capacities takes place, precisely thanks to the fact that universal values, as a specifically modern level of "historical consciousness", influence the value content of all structures of needs. Thus universal values appear as the common determinant of both alienated and unalienated needs in modernity (be it material/existential or spiritual/cultural). Namely, alienated (quantified) needs, just as unalienated (qualitative) needs, stem from universal values of freedom, equality, dignity of the personality, with the difference in this case being that their shaping and satisfying does not involve a conscious commitment to these value contents as regulative ideas of thought, will and action, and instead are put at the service of quantification, homogenization and reduction of the full richness of human needs. A peculiar connection is established here between the illimitedness in principle of needs shaped by universal values, and the three desires (directed to money, power and possession): the desires for fame, wealth and power, which are in the immediate function of the production and reproduction of the logic of capital and quantified "progress".[6]

The analysis of everyday life is also inherently related to the analysis of family life. Like everyday life, the famil*y* is an empirical human universal, and these two intertvine and presuppose one another. The family is the cellular form of the community and is the place of one`s origin of socialization, shaping of needs and value systems, as well as formation of one`s type of personality and the quality of one`s interpersonal relations.

Like everyday life, in modern society the family and gender relations are structurally contradictory, and specifically determined by the conflict between patriarchal tradition and the tendencies of its destruction. The conflict between tradition and emancipation, i.e. the growth of the emancipatory aspect of family life and gender relations is of utmost importance for the establishment and development of civil society. Namely, if education and value system promoted in the family are based on universal human values, on anti-author-

6 *Ibid*.

itarianism, anti-collectivism, anti-nationalism, and so on, the road is open to the formation of autonomous personalities, of gender and parent-child equality and, therefore, also to developement of civil society (and *vice-versa*).

Of course, civil society is here analyzed primarily in terms of the type of personality it both assumes and promotes, as well as in terms of its relation to the quality of one`s family and everyday life in modernity.

Civil society is the active and communicable field (public field) where discontent with private (individual and family) and collective life has been articulated according to the standpoint of the "rationality of the intellect", i.e. in which discontent with the existing state of affairs is responded to by the autonomous personality in both individual behavior ("private is political") and collective action based on the principle of publicity and associativity (in new social movements, local self-governments, various forms of civil disobedience). This is a field of non-institutional politics, or an intermediary field standing between the individual, family, and society in general on the one hand and the state and institutional politics on the other.

Civil society is the autonomous sphere of the public action of citizens, so that the citizen as a free personality is its immanent bearer. The basis of civil society cannot consist of the individual simply as a holder of private property, or as a person who functions in an alienated way (by simply assenting to the given conditions of existence), but as a citizen and autonomous being able and ready to decide and self-organize in his/her own private and public activity in order to promote and defend a particular quality of his/her private and public life.

In modern society, if the structure of needs, family and everyday life, as well as the individual and social character, are stamped by immanent contradictions (in the last analysis, by the conflict between the logic of capital and the logic of democracy), then civil society is also necessarily stamped by these contradictions, i.e. its fundamental principles – autonomy, associativity and publicity must be understood and treated as a tendency to be fought for permanently and repeatedly. Simultaneously, it is necessary to struggle to overcome negative aspects (in the view of the logic of democracy) of civil society, such as: unfair competition, possessiveness, egoism, particularism, localism, intolerance..., as well as to promote all those features that give it the emancipatory, democratic character, such as: solidarity, pluralism, mondialism, harmony between pluralism and universalism, tolerance, the culture of dialogue, humanitarianism, and contractuality.

A relevant definition of civil society (of "what civil society is and is not"), and particularly interesting from the point of view of the relation of the everyday and social life to civil society, has been offered by Larry Diamond: "Civil society is conceived here as the realm of organized social life that is voluntary, self-generating, (largely) self-supporting, autonomous from the state, and bound by a legal order or set of shared rules. It is distinct from

'society' in general in that it involves citizens acting collectively in a public sphere to express their interests, passions and ideas, exchange information, achieve mutual goals, make demands on the state, and hold state officials accountable. Civil society is an intermediary entity, standing between the private sphere and the state. Thus it excludes individual and family life, inward-looking group activity (e.g. for recreation, entertainment, or spirituality), the profit-making enterprise of individual business firms, and political efforts to take control over the state."[7]

From the angle of our topic, these theses are particularly important in that civil society is "distinct from 'society' in general" and that it "excludes individual and family life"; though being apparently self-evident, these theses nevertheless require clarification in their own right, which this author fails to offer – and which, incidentally, lack in most other relevant analyses of civil society.

For the emancipatory potential of civil society and for its permanent democratic reconstruction, it is of the utmost importance that the individual is formed as an autonomous personality, above all in his/her family and in everyday life. On the other hand, since within the everyday life of every individual, the influences of all spheres of social life are reflected through his/her personal experience and fate, for the development and advancement of democratic content of civil society it is necessary that the individual is educated and socialized within a democratic-type family, that he/she takes part in a democratically designed education, culture, and in associations; and that he/she has access to free media. Here civil society resonates with all spheres of social life – the family, the everyday, the economy, education, science, culture, and media – insofar as these are autonomous from the sphere of institutional politics, i.e. insofar they encourage the development of a free personality and the universal development of one`s unalienated needs and capacities, and insofar as they promote universal human values and the democratic principles of solidarity, tolerance, and humanitarianism.

Subjectively, the basis of civil society is people who are dissatisfied in their everyday and family life; objectively, it is comprised of two sides: the alienated and contradictory character of the everyday and the entirety of social life, and a democratic public and universal human values (the "rationality of the intellect"). In any case, individual and collective everyday life are the basis for the formation and initial manifestation of both the positive and the negative aspects of civil society.

Nevertheless, civil society still "excludes individual and family life", as eminently belonging to the private sphere, and impossible to identify with "society", even with its emancipatory aspect. Compared to them, civil society's *differentia specifica* consists in the active, public, critical, rational behavior concerning private and social problems, i.e. the collective voluntary action

7 Diamond, L. Toward Democratic Consolidation, in: *Journal of Democracy*, 1994.

and self-organization/mobilization of people for change in the existing quality of everyday and family life, as well as of various aspects of social life.

In summation, family life and the everyday do not structurally belong to civil society, although they (together with "society" as a whole) make up its indispensable environment and basis.

The democratic potential of everyday life is a neccesary, but not a sufficient condition for the functioning of civil society. Here the roots of the autonomy of the individual lie, without which civil society is impossible. It is only when combined with the principles of associativity and publicity that the principle of autonomy becomes a structural component of civil society.

It is only with these two principles that the principle of autonomy acquires its full democratic meaning, i.e. an autonomous personality fully deserves that label only as a subject of civil society, as a citizen ready for self-organization and non-institutional political action. Then again, the principle of autonomy by itself carries emancipatory value, as an antecedent and necessary step on the road to civil society.

It has already been said that modern society is the first in human history to have witnessed the relative autonomy of everyday life from the prevailing worldview and prevailing political, social and economic structures. However, one may speak also of the relative autonomy of everyday life from civil society itself, i.e. of the emancipatory quality of everyday life as such, of "the quality of life". Of course, bearing in mind the feedback between everyday life and the totality of manifestations of social life, one may, in a sense, speak also of the emancipatory quality of social life as such in the modern age.

Namely, from the standpoint of democratic politics it is not an insignificant civilizational achievement (even if its role may be merely preliminary) if individuals in their everyday and social lives are more or less formed as personalities, who have developed unalienated qualitative needs, capacities and affinities, who have pronounced creativity, critical approach, initiativeness, and vitality, as well as a culture of tolerance and dialogue, the spirit of cosmopolitanism and humanism. In other words, if – beyond the context of "non-institutional politics" which may mean before the establishment of civil society in the strict sense, or in the circumstances a suppressed civil society – people behave, act, and think from the standpoint of universal values and essentially in accordance with the principles that civil society rests on. Differently put: people may behave in a relatively autonomous manner, while also still not acting in a civil manner. A negative aspect, from the point of view of democratic politics, is that these people, as such, have not yet become civil society actors; but it is positive that only these people, as they are, and those similar to them, can in principle grow into genuine civil society actors.

The thesis of the relative autonomy of the emancipatory potential of everyday life (and indirectly of social life, as well) from civil society is especially important for the analysis of the prospects for democracy in those societies

that have not yet established civil society, and thus for the analysis of the current situation in Serbia.

This project started from the general assumption that the few elements of civil society that had managed to break through the shell of the "real-socialist" rigid system and to establish themselves in former Yugoslavia/Serbia have in the meantime become suppressed. From particular analyses, the general conclusion resulted that the long-term prospects for the development of civil society in Serbia, and thus for the democratization of the state and society have been uncertain and poor.

From the angle of this specific topic and of the discussion so far, the question must be asked, which does not counter ether the initial assumption of the project or the achieved results, but is somewhat peculiar, since it transcends the immanent analysis of civil society. The question is: Do the initial assumptions of civil society exist in today's Serbia, and to what extent, prepolitically and non-politically (i.e. within the everyday, family, and social life). Do elements of autonomy, initiativeness, qualitative development of needs and capacities, a cosmopolitan value system, and so on exist and survive in spite of everything, and, as such being the germ of the possibility for future democratization of Serbia's state and society?

This paper thus leaves aside immanent analyses dealing with the issue whether institutional and non-institutional prerequisites for the establishment of civil society exist (and if not, why). Instead, it focusses on the analysis of the question as to whether people's individual and social characters and the quality of their life in former Yugoslavia and today's Serbia give any chance to civil society (independently of whether these chances will materialize or not.

In the former Yugoslavia, after World War II, and particularly in the 1960s and the 1970s, a peculiar mutual crossing of Western and Eastern types of the modern society had been taking place, both generally speaking and, of course, in terms of the quality of everyday and family life. The beginnings of civil society were evident in the form of new social movements, expressing civil resistance and disobedience, although considerable political-legal obstacles have been also blocking the full promotion of civil action and of the real identity of citizen. In the sphere of family life and in the development of needs and capacities within everyday life, as well as in the sphere of education, culture, communication, there were some emancipatory shifts and stimulations to the development of individuals as free personalities. Nevertheless, the everyday and family life in the former Yugoslavia acquired relative autonomy from the prevailing worldview and order, and thanks to the significant rise in social standard between the 1970s and the 1990s, they achieved a relatively high level of civilizational and qualitative development.

Thus, the spheres of non-political and pre-political life (i.e. what precedes the constitution of civil society as the domain of non-institutional politics) opened a certain space to individuals for the development of their autonomy, creativity, initiativeness, forming thereby – in tendency and potentially – the

basis for the possible future development of civil society and a genuine democratization.

Of course, negative aspects of the influence of the Western model were also evident, in terms of the "colonization of everyday life"[8], i.e. alienation, reduction and homogenization of needs based on the desires for fame, power and wealth. Furthermore, the phenomena of consumer mentality and mass society emerged, as well as negative aspects of civil society (egoism, unfair competition, particularism, and so on).

On the other hand, the presence of the Eastern model of a "dictatorship over needs" was felt even more strongly (though in a more indirect and less intense manner than in the countries which had belonged to the Soviet block), and it was manifested in family life and the everyday through an ideological reduction of and control over needs, politicization of everyday life, and relatively well-preserved patriarchal structure of relationships.

When talking about the family and relations between the sexes, in the case of the former Yugoslavia one may speak of the combination of Western and the Eastern variants in the conflict between tradition and emancipation. Thus Yugoslav women were in some respects better off than women in the West (they participated on a more massive scale in employment and higher education, had better social, medical, employment, and maternity insurance), and certainly than women in the East (Yugoslav women experienced elements of material and cultural affluence, communication with the world, cultivation of needs and the development of esthetic criteria in food, clothing, conduct, appearance...). On the other hand, like women in the East, they carried the double burden of their job and work at home (though in a less rigid form), since the patriarchal tradition was still strong in the former Yugoalavia. On the whole, patriarchal stereotypes have weakened somewhat, and changes have taken place in gender and parent-child relations in the family and society. Emancipatory shifts have been particularly evident in urban settings, among better educated and younger people.

Along with further tension from crisis in economic, political, interethnic and inter-republican relations, and especially with the growth of nationalism and the disintegration of the country, the characteristics of local communities shifted considerably in the direction of an Eastern model (in various measures and varieties). At the same time, the model of a "dictatorship over needs"[9] has been perverted further, in a setting where the already embraced democratic influences of the West were suppressed and annihilated, with a corresponding emphasize on the ethnic factor. The communist-type political voluntarism (imposed cosmopolitanism), which deliberately neglected

8 See: Heller, A. 1978. *op. cit*.; see also, Heller, A. *Vrednosti i potrebe (Values and Needs)*, Beograd, 1981.

9 See: Heller, A., Feher, F., Markus, Dj. *Diktatura nad potrebama (Dictatorship Over Needs)*, Beograd, 1986.

and suppressed a democratic solution to the problems of ethnic plurality, its specificity of various traditions and ethnic identities, now has turned into the political voluntarism of the national (republican) elite, who abuse the frustration of the nations and instigate mass irrational behavior of ethnic entities and hostile confrontation of different nationalisms.

With the outbreak of the war – in Serbia in one manner, and in Croatia in another – a much more drastic and civilizationally destructive variant of a "dictatorship over needs" came onto the scene than had been the one which had been present in East-European "real-socialist" societies. It is a paradox that this new, extremely retrograde and pathological variant of "dictatorship over needs" has happened precisely in the area of former Yugoslavia, where this Eastern model was the least obvious and the least rigid.

In today's Serbia then, the negative trends began in the time of the disintegration of the country; of course, they have continued and intensified with the ourburst of the civil war in the former Yugoslavia. The motoric force of this rigid "dictatorship over needs" may be said to consist of Serbia`s drastic economic crisis, nationalism and war in the area. This paper will not deal with the political implications of the thesis about the perverted "dictatorship over needs" (i.e. the shift from "leftist" to "rightist" totalitarianism, or to "nationalist totalitarianism"). Our predominant interest here is how these retrograde processes reflect on everyday life.

In the most general sense, we may say that in the past several years a sudden, deep and intense deterioration in the quality of everyday life has happened, both materially and spiritually. Negative processes reached their peak, both generally speaking and in terms of their reflexion on the everyday, in 1993 (out of control inflation and a mass pauperization of the population, nationalist euphoria, escalation of the war in Bosnia). On the contrary, in 1994[10], certain improvements were observable in spite of everything, and in all the listed aspects above, particularly in the economic sphere (due to the implementation of an economic stabilization program).

As for the impact of nationalism on everyday life, we may speak of the tendency of nationalist manipulation of human needs, capacities, and value systems, and of its tendency to reduce and control everyday and family life (to "positively subordinate" them) in accordance with the "national interest". Both as individuals and as collectivities, and in their behavior, thinking, and way of life, people have been under enormous pressure from ethnically limited and nationalistically determined information, media propaganda, and official ideology. Only that type of individual and group thinking and behavior, which are in accordance (predominantly or even exclusively) with "Serbian national interest", have become desirable. Of course, national homogenization

10 Still, the electric power cuts during the winter 1994 resembled the worst period of the end of 1993, in terms of their devastating effect on people's everyday life (imposing dysfunction, disorder, unpredictability, and uncomfortableness).

causes frustration and latent or manifest resistance in those people who still refuse to agree to the priority of the collective principle over the individual, or the priority of the national and ethnic principle over the civil.

The war in the surroundings generated in people fear, anxiety, dilemma, confusion, disbelief, and psychological trauma; those who supported it (as a matter of the defense of the "imperilled Serbian nation") were not few, equally as those who believed in the interpretation of the media`s propaganda (the pro-war campaign) that the war was inavoidable. Influence of the war has been indirectly present in everybody's everyday – through the media, economic poverty and UN sanctions, outburst of refugees (sometimes of the closest kin)[11], and also through the deaths of relatives or worry about relatives being in the war zones.[12]

Still, the main reason for the sudden and all-encompassing decline of the quality of everyday life and the standard of living (the material and cultural conditions and aspects of people's existence) lies in the economic crisis and especially the hyperinflation which destroyed the economy during 1992 and 1993 and culminated at the end of 1993. The rapid pauperization of the country and the mass pauperization of the population may be illustrated by the figures indicating the decline in social product per capita: from 2,148 $ in 1989 to only about 900 $ in 1993 (and to 700 $ at the very end of that year).[13] When we talk about the relatively better economic situation and improved standard of living during 1994, this holds in comparison with the worst period, i.e. it is still very far from the level of the standard and quality of everyday life which had been reached in former Yugoslavia (and Serbia within it) between the 1970s and the 1990s. There are estimates that we need as many as 18 years of favorable conditions to live again at the 1990 level.[14]

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11 According to recent data from the Red Cross of Yugoslavia, in Serbia there are about 500,000 refugees, with 400,000 being housed in families (at homes of their relatives, friends, unknown voluntary hosts, in rented rooms and apartments).

12 In April 1994, the Belgrade Agency "Argument", in the collaboration with CIET International (Acapulco, Mexico) and McMaster University (Hamilton, Canada) conducted a research project entitled "Social Conditions of Health", covering 3,335 Serbian households (the total number of those surveyed 12,783, among whom 2,777 were refugees). The question whether the family had lost a close relative in the last year was answered in the affirmative in 390 cases, while in 4% of cases the "war" was mentioned as the cause of the deaths.

13 For economic reasons and indicators of the mass pauperization of the population in Serbia, see the text: Pošarac, A. within this project: Pauparization of the Population of Serbia: One of the Main Causes of Suppressed Civil Society, in. Pavlović, V. ed. *op. cit.* pp. 329–359.

14 The Center for Development of the Federal Ministry for Science and Technology offers the data that today's Yugoslavia, due to the UN`s sanctions and the disintegration of the former Yugoslavia, from 1991 to 1994 lost 45.117 billion dollars, and by the year 2011 this loss will grow to 147.3 billion dollars. "These figures were computed by estimating the losses on the basis of the unactualized social product (38.136 billion), on the basis of salaries for workers on forced vacations (436 million) and non-economic expenditures (5.13 billion). 'Non-economic expenditures' mean humanitarian aid to refugees and in-

Thus, we may start from the assumption that in the times of the relative growth of social standard in former Yugoslavia, the level of satisfaction and development of both individual and social needs, i.e both existential and cultural (spiritual) needs, reached quantitatively and qualitatively the civilizational-cultural standard appropriate for countries within the "upper segment of the middle-developed countries".[15] In today's Serbia, then, we may speak of the visible reduction of general development and the satisfaction of needs, caused by the mass and rapid pauperization of a great majority of the population. People are forced (though they are not ready to) to give up already adopted civilizational standards in their way of living, their qualitative criteria in food, clothing, education, using leisure time, their cultural and esthetic habits, health and hygiene, and so on. Owing to the imposed impossibility to satisfy even the most elementary of existential needs, the everyday of most people is reduced to a struggle for mere survival. This automatically means that the basic existential need for food becomes a top priority,[16] but it is also satisfied at a lower level, in both quantitative and qualitative terms.[17] On the other hand, this means that personal resources available are drastically reduced for satisfying other material needs (for high quality housing[18], cloth-

habitants of the Krainas. Even if we consider these figures too high, our near future is far from bright." (Vujović, S. in: Lazić et. al. eds. *Razaranje društva* (*The Destruction of the society*), Beograd, 1994, p. 114).

15 See: Pošarac, A. et. al. eds." Potrebe za javnim kuhinjama u SRJ" ("Needs for Public Kitchens in the SRY"), a project of the International Red Cross, 1994

16 "The structure of households' expenditures considerably changed, i.e. it became similar to those in less developed economies. On average, the share of expenditures on food rose from 35.9% in 1990 to 52.1% in the period January-June 1993, leaving many families without any means to satisfy any other needs except for food." (Pošarac, A. et. al. eds. 1994, *op. cit*.p. 4).

17 Within the study carried out by a group of authors in November and December 1993 (in the territory of the FR Yugoslavia, Kosovo excluded), and from a sample of 1,203 surveyed and subsample (the economic elite) of additional 325 surveyed, from which the book *The Destruction of the Society* resulted (Lazić, M. et al, Belgrade 1994), on the issue of food, results were derived which were subsequently compared to the results of a similar 1988 study. Thus, in 1993 67% of those surveyed had three meals a day, and 27% two, while in 1988 80.3% had three meals, and 15.3% two. Further, in 1993 only 16% of respondents ate meat daily; 41.5% milk and its products; 68% vegetables, and 52.4% fruits. On the contrary, in 1988, 33.2% ate meat regularly, and 46.5% milk, fruit and vegetables 49.7%. In 1993, only a quarter of respondents ate the necessary quantity of bread (up to 250 grams), 40% up to half a kilo, and 36.3% over half a kilo. (See: Vujović, S. in: Lazić et. al. eds. *op. cit*. p. 92).

18 A shortage of apartments and low quality of housing was a chronical problem of (ex) Yugoslavia, but now has become much more pronounced.

The first reason is that the total output of the construction industry has drastically declined, which is directly related to the emptying of construction funds and dying out of the construction business in the circumstances of the economic crisis and embargo. The so-called social distribution of apartments has been almost completely abolished; the building of the so-called solidarity apartments for the poorest has been abolished or turned into building settlements for refugees. The housing policy of buying of socially owned apartments by their tennants, begun before the disintegration of Yugoslavia and now being finished in Serbia, has resulted in a significant redistribution of social prop-

ing, durable material goods[19], high quality transportation and traffic services), as well as the need for personal hygiene, health protection, education, recreation, vacations[20], and the like.

As for social consumption, in (the former) Yugoslavia it was proclaimedly oriented, and partly succeeded in being formed, on the principles of social justice, solidarity, distribution according to needs, and had the aim to relieve social inequality and give the opportunity to everyone (regardless of their social, material, cultural standing) – to have equal access to education (free schooling), health protection (free medical services), social insurance and child care, and employment rights (employment legislation). Social consumption was relatively well developed, was constantly rising, and considerably influenced the rise in the standard of living.[21] Generally speaking, due to insufficient resources and an inconsequential value orientation, during the cited period of relative material and social prosperity, social consumption was chronically marked by contradictions between stimulating the "educational boom" and lasting illiteracy, encouraging an authentic culture for the masses and cultural kitsch, stimulating meaningful ways of spending leisure time and manipulating said time, stimulating the egalitarianization and democratization of health and social insurance (particularly of children, mothers, and the elderly) and growing social inequalities with negative consequences on health and social safety.[22]

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erty. Namely, those who received an apartment from the state could now buy it for little, and thus have gained considerable material privileges, while those who did not manage to get an apartment (though they also contributed to common housing funds from their income) are now still farther from the possibility to ever solve their housing problem. In addition, the prices of rented apartments are on the rise constantly (because the inflow of refugees intensifies demand), which further exacerbates the problem.

19 Till a short time ago people were massively buying various items such as furniture, household equipment, radio and TV sets, musical instruments, cars, vacation houses (often with consumerist over extending), many of these things, once necessary and taken for granted, now have become a luxury. Cars are bought and driven less (and often badly need repair), so that most people are forced to use overcrowded, uncomfortable and poor public transportation.

20 The culture of traveling and holiday spending (going abroad, to the seaside, to the mountains), for decades encouraged in a relatively wide strata (with the help of loans), now turns into a luxury for most people: on the other hand, it has been replaced by "smuggler tourism".

The number of tourists from the FRY at seaside resorts was 341,000 in 1993, compared to 951,000 in 1990; in mountain resorts there were 267,000 tourists in 1993, while in 1990, there were 550,000; in spas 274,00 in 1993, compared to 455,000 in 1990. (*The Statistical Annual of Yugoslavia*, 1994).

21 "For a long time Yugoslavia has been allocating significant resources to social services, such as health and education, as well as to social welfare programs. As a result, Yugoslavia has developed a good network of health and education institutions, and achieved an almost complete coverage of the population and relatively good quality of its services... Social services have been financed almost exclusively publicly, with very small or no participation at all from beneficiaries." (Pošarac, A. 1994. *op. cit*.)

22 See: Berković, E. *Kvalitet životnog standarda (Quality of the Standard of Living*), Beograd, 1977.

The current situation in social consumption is characterized by a drastic decline in quantity and quality, which has an extremely negative impact on the standard of living of Serbia's population. This is coupled with a rejection of egalitarian and solidarity principles – either due to the changed value orientation, or to the emptied social funds and the impossibility to continue the survival of these principles in health, social, and employment legislation. Thus, social consumption is increasingly less a factor of relieving social inequality and offering the poor, ill, old, and infirm minimum normal conditions for living. Moreover, a decline in the social standard is manifested as the promoter of the rising social insecurity of "weak"/vulnerable social groups; at a general level, we may additionally speak of a rapid rise in social insecurity due to the war nearby, war psychosis, psychotic reactions of combatants coming home, the rise in criminality and juvenile delinquency, the flourishing "hidden" economy and criminality generated by it, and particularly due to the exacerbation of the already chronic problem of unemployment.

On the other hand, the fact is that, for decades, Yugoslavia had been setting aside considerable resources for maintaining its social standard and left behind a heritage of a developed network of educational, medical and other social institutions, which all have strong personnel and technological bases. A positive result of this has been that the crisis in social services and the visible erosion in the social infrastructure, in personnel and technology, has had a less devastating effect on the decline of the standard in culture, education, and care of the young and elderly than it has been realistically expectable.

Education: In this field, the chronic (and never eradicated) problem of illiteracy survives,[23] and, with the growing poverty, children more frequently drop out of their compulsory eight-years schooling. The number of high-school and college graduates has also been declining.[24] Elementary and secondary schools are still formally free, but the prices of textbooks, equipment

23 In the area of today's Yugoslavia (Serbia and Montenegro) in 1981, 10.8% of the total population (age 10 and up) were illiterate (4.6% of men and 16.8% of women), while in 1991 there were 7% illiterate (2.8% men and 11.1% women). It is significant that 83% of the illiterate belong to the age group of 50 and over. (*The Statistical Annual of Yugoslavia*, 1994).

24 *The Statistical Annual of Yugoslavia* (1994) published data on the inclusion of the population in the educational system for 1991, and the figures for subsequent years are certainly not better. In 1991, 73.2% of children (ages 7–14) were involved in compulsory elementary schooling (97% in 1980). High school was attended by 42.7% of children (ages 15–19) in 1991, while in 1980 the percentage was 54%. The percentage of young people (20–24) attending college was 17.9% in 1991 (27% in 1980). Interestingly, in 1993 only 14.6% of students graduated on time. The average length of studies was 6.1 years (7.1 at universities, 3.9 at first-level colleges).

We may also mention the finding of the above-mentioned "Argument" study, where among those surveyed, ages 7–19 (total 2,000) 4.5% replied that they did not go to school; reasons given were: Illness (12%), Money (16%), and Learning at home (5%). This last answer refers to Kosovo Albanians, who refuse to accept the existing schooling system on a massive scale and tend to form a parallel Albanian educational system.

and sending children to school in general have become a considerable financial burden on most parents. The quality of schooling has also been declining rapidly due to the declining quality of the personnel (poor motivation, the pressure of existential want, reduced opportunities for professional improvement), as well as due to the declining children's motivation for learning (strained problems in family and everyday life due to material want, the phenomenon of malnutrition in children[25], poor concentration, rise in juvenile and school delinquency, and the value system erosion). Schools are rarely reconstructed, improved, supplied with new material and technical resources.

Higher Education: During recent years, tuition-free studies have been increasingly replaced by the practice of financial participation upon the part of the student, which is not affordable to everyone. With the introduction of high tuition and restrictive criteria of eligibility for studying for free, the periods of entrance examinations and enrollment at the beginning of each school year bring a dramatic rise in social tensions and psychological problems. As for university personnel, part of them (especially from the colleges of technical sciences) left the country, and those who stayed try very hard (and only partly succeed), despite the material want and imposed intellectual isolation, to preserve the quality of their professional work and creativity, as well as communication with similar intellectual circles abroad. The technical-technological improvement of university work is most often stagnating or declining. Some natural science colleges lack elementary means for educational work (for instance, laboratory equipment).

The overall mental climate at University has been marked by the 1992 Student Protest, when the enormous creative energy of the young was manifested in a protest not only against the regime, but in part also against nationalism and war. The Protest self-abolished itself, however, and a tendency took hold of restricting the autonomy of the University.

As for the quality of teaching, its decline has been observable, particularly in elementary schools, and above all in cases of native language and history classes, whose programs were changed after the disintegration of the country.[26]

25 On the basis of an empirical study, nutritionists at the "Belgrade Clinical Center" established that the average weight of children ages 7–14 has dropped 2–3 kg in the last three years, anaemia is more frequent, and various illnesses in general. Due to the noticeable mass malnutrition in children, the Red Cross has delivered free lunches to elementary school pupils in the previous and the current school years.

26 In the latest history textbooks, there is considerable ideological confusion: the new type of national consciousness and its ideologization and instrumentalization (the idea of the historical rightness of one's own nation) is combined with the survival of old interpretations. Examples of the old ideology are recognizable in attitudes toward the bourgeoisie, capitalism, fascism, the working class movement and national history, while the new ideologization is visible in the artificial reduction of the importance of the pro-Yugoslav orientation and distorted presentation of relations among the Yugoslav nations.

In native language readers, Yugoslav patriotism has been replaced with national patriotism, and any pacifist value orientation is far less present than that of a "warrior socializa-

On the general issue of the poor condition of education, we can quote a competent opinion: "Why are changes needed? The first reason to worry is the condition of education in the nation. The data of the 1991 census shows that one-third of the inhabitants of this country have not even an elementary education. When you look at some segments of the population – e.g. women in villages – 60% have not finished elementary school... Further, a serious evaluation of pupils' achievements show that 30–40% of the whole prescribed program, at various levels of the education system, is actually adopted at best; this indicates great inefficiency. At this moment, due to the social crisis and transition, education is paralyzed. Schools now seem to be emptied of content and activities. Classes are being held regularly, but the real influence on children does not happen at school, but in life. School has become marginal. Third, looking at the material position of the education – it receives less than 3% of the GDP. With this extremely low gross of national income, this percentage is so meager that it cannot sustain even the existing standard in education, to say nothing of development. The material position of the population is low. Certain categories of the population will not be able to school their members in these circumstances...".[27]

Health Services: All current problems related to the economic crisis, international embargo and decline in the standard of living, have been reflected in their most drastic form in medical care.

For decades, Yugoslav society was setting aside considerable resources for the development of medical staff, highly differentiated hospital structure and medical technology; thanks to all this, the quality of health care met European and world standards, in the conditions of free health services. In the past several years, the resources for health care have dropped drastically, social funds have been emptied, and thus hospitals and medical staff have been impoverished rapidly. Technological lag behind the world is more and more pronounced, and the long-standing disproportion between enormous public spending and negligible personal spending for health has been reversed – not only does legislation prescribe raising the participation of the patient in the price of the treatment, but sick people and their families (particularly during 1993) have also been forced to buy even the most elementary material for hospital treatment (such as food or bandages), expensive medicine and surgery materials with their own money. In the circumstances of the rapid decline in the standard of living and plumetting personal income, this burden on individual and family finances is an insoluble problem. Further, in

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tion model" (praising heroism beyond rational boundaries, the assertion that our nation always defeats the enemy because all of our battles are just, the glorification of the nation's suffering, the creation of the feeling of permanent imperilment and the interpretation that to die for one's homeland is a blessing, a pride and an honor).

27 Ivić, I. Šta bi trebalo menjati u našem obrazovnom sistemu (*What Should Be Changed in Our Educational System*), Beograd, 1994.

this way social inequality has been drastically sharpened and social insecurity of most people has been enhanced; the relief of humanitarian organizations only partly relieved the problem.[28]

The decline in the standard of living, mass social poverty and the described condition in health services has had a negative effect on the condition of health for the total population.[29]

Social insurance of people who because of illness, old age or inability to work cannot take care of themselves, and which was quantitatively and qualitatively on the rise in former Yugoslavia, now shows many signs of decay and collapse. In this way an important component of the social care about the human being, based on the principle of solidarity, grows into something that functions on the principle of charity (say, soap kitchens for the poor), or something that does not function at all and leaves the infirm,

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28 The total medical relief that arrived in FR Yugoslavia in 1993, according to WHO estimates, satisfied only 15–20% of what was needed. (*Red Cross of Yugoslavia Repor*t, 1994)

Those surveyed in the cited "Argument" study gave interesting answers to the question of what they expected from humanitarian organizations: as many as 60% answered "Nothing", 13% – "Medicine", 8% – "Monetary aid".

29 According to the report of the Red Cross of Yugoslavia, "the mortality rate in contagious diseases has risen (by 115%), as in the deaths among infants, the elderly and acute patients. The number of cases of tuberculosis, rheumatic fever, children's contagious diseases... is on the rise. Children with asthma die, with diabetes, those on haemodialysis.. The consequences of the war and economic uncertainty have resulted in rising incidences of mental disorder and suicide. The number of suicides has risen most among people over the age of 62.

The data of the Federal Statistical Bureau also indicates a rise in the mortality rate for the period of 1990–1994. Thus the rate of deaths per thousand rose from 9.3 in 1990 to 9.8 in 1991, 10.1 in 1992, 10.2 in 1993 and approximately 10.0 in 1994. In the same period, there is a tendency in the reduction of the live birth rate per thousand of the population, from 14.7 in 1990, to 14.6 in 1992, 13.5 in 1993, to approximately 14.7 in 1994. This implies that the natural increase has also dropped considerably, from 5.4 in 1990 to only 3.2 in 1994.

Within this context, the data is particularly alarming about the considerable drop in the number of infants vaccinated and revaccinated against tuberculosis (only 67% in 1993); this is not only in Kosovo (due to the deregulation of health services), but in other parts of Yugoslavia as well. The "Argument" study data shows that the vaccination coverage of measles was just 52% in 1994, while in 1990 it was 90%. The coverage of refugee children in 1994 was much more efficient (91%).

As for the health condition of the elderly, "two out of three suffer some chronic disease. These are mostly cardiovascular diseases or arthritis (over half of those surveyed), but one should not overlook also tuberculosis (6.4%), which is close to diabetes in terms of ocurrence." As for the general mental and psychological condition of the elderly, "about 20% drink alcohol daily, and 15% say they drink more than before. Still worse, over half of those surveyed (54%) are in the condition of acute or chronic depression." The majority do not know the exact cause of their condition, therein poverty, disease and old age taken together barely cover half of the offered reasons for depression, and only 3% relate their condition to the sanctions. (The "Argument" study, carried in August 1994, from a sample of 3.421 households, /with 11,000 people/, where all who were surveyed were over 60 years of age. (See: *Vreme*, October 31st, 1994)

the old, and the poor (and increasingly more the pensioners) to their own resources.[30]

It is perhaps in child care that the society strives most to sustain civilizational standards, in spite of all: we may mention the effort to keep the price of day-care centers low, to make it possible to every third child in the family, or to children of poor families, to attend them for free; the right to child allowance (according to the material standing of the parents) and to maternal allowance (as a help for the newborn); the maternity leave (12 months long) with financial allowance equal to the salary. Of course, the overall conditions of the social care about children deteriorated during the crisis years, culminating in 1993, when day-care centers were often neglected, cleanliness and food impaired, number of children reduced... During 1994, the situation has improved, especially in Belgrade, where kindergartens are subsidized by both the Republic and the city, so that the price for parents (80% of them pay themselves) is the lowest in Serbia (14 dinars per month in October 1994, as opposed to 18 dinars before), and the quality of services is better, the number of children increased by 6,230 compared to the previous year.[31]

When talking about the influence of culture on the quality of everyday life, it is characterized, by a visibly reduced presence of "high" culture in the life of the population due to the interruption of cultural exchange with the world and the destruction of the relatively unified Yugoslav cultural sphere. It is further characterized by the reduced cultural output in the country (from material want, inellectual apathy, protest against the war, and the emigration of many artists), and, of course, by the narrowed material possibilities of people themselves. Conversely, there has been the visible expansion of "neofolk culture". The newly composed music is the real "opium for the masses" – flavored with primitivism, kitsch, nationalism and suspectable values; it is present everywhere in the media and thus very powerful, influential and detrimental to the mentality and quality of everyday life of the masses, particularly to the young.

If culture is understood in the broadest sense, as a spiritual and cultural climate, then changes for the worse are very pronounced. Hyperinflation, material want, war in the area and psychosis from war, nationalism and populism, the sudden interruption of communication with the rest of the world, people's unpreparedness for these culminating retrograde processes – have had a disastrous effect on the psyche of the people and their overall spirituality. All this has resulted in a massive feeling of closed perspectives, powerlessness, lack of motivation, an erosion of values, apathy, conflict, ag-

30 In the "Argument" study of those aged 60 and over, the question: Who has helped you during the most difficult months in the last year, was answered as follows: as many as 59% said "No one", 35.9% – "Relatives", 2.2% –"Friends", 0.9% – "Neighbors", while the state, church, domestic and foreign humanitarian organizations almost do not figure at all on the list. (*Vreme*, October 31st, 1994)

31 "The Report of the Secretariat for Social and Child Care", September 1994.

gression, and mental disorder. Yet, individuals and social groups characterized by advanced individuality, a more autonomous personality formation, and internalized system of universal values have responded to the overall situation by refusing to accept nationalism and war, by preserving interethnic tolerance and cosmopolitanism, by affirming solidarity in interpersonal relations, by their creative attitude toward their profession, and by sustaining their personal dignity.

Family and Gender Relations: The specifically modern conflict between the patriarchal tradition and the process of emancipation, which in normal circumstances – economic prosperity and democratization – leads into the strengthening of the aspect of emancipation, in the current pathological situation has undergone a regression and a strengthening in the aspect of patriarchy. Namely, though it is not true that women have been losing jobs proportionately more than men,[32] material want has certainly resulted in a mass return of women to housework, including those long forgotten and dropped out of habit (making provisions for winter, sowing clothes for the family, baking bread...). A multiplication in housework and unpaid work done by women in the household is growing, and the double burden of those women who still work outside home has become unproportionately greater. Difficulties in supplying the household with various goods and troubles with transportation exacerbate these problems and further reduce women's available leisure time (for relaxation, personal improvement, etc). In families, love has been destroyed and conflicts have been intensifying,[33] which has been manifested in the increased domestic violence of men against their wives and children (the syndrome of "beating after the evening TV news"). Social pressures have emerged (particularly on the part of the Serbian Orthodox Church) militating against the right to abortion, and woman's reproductive functions have been ideologically overemphasized. Fortunately, women find it difficult to give up their achieved results of emancipation, which means that they still have been trying hard to preserve their achieved standards related to the quality of their life, work, behavior, appearance, health, and so on.[34] More importantly still,

32 From 1987 to 1993, the number of men employed dropped by 15% (26,000), and for women it was only by 4.2% (50,000), while the total employment of men is nearly twice as high (64%,as compared to 36%). The number of people looking for their first job was 463,000 in 1993, among these there were 270,000 women (109,000 of them unskilled). The total number of people looking for a job was 739,000 in 1993, among these 407,000 were women. (*The Statistical Annual of Yugoslavia*, 1994).

33 In spite of this, the number of divorces has dropped (true, the same holds for the number of new marriages), probably due to general social insecurity and fear of an uncertain future. Thus the marriage rate per thousand of the population was 6.2 in 1990, and approximately 5.6 in 1994. The rate per thousand of the population for divorces was 1.0 in 1990, and 0.6 in 1994. For the total number of marriages in 1989, 18.2% were divorced, and only 10.2% in 1992. About half of the marriages which ended in divorce were childless, and children were most often given to the mother. (*The Statistical Annual of Yugoslavia*, 1994)

34 The above-mentioned drop in birth-rate during the crisis years (from 5.4 in 1990 to 3.2 in 1994) indicates that women have not assented to the official and religious (and often

even when assenting to the imposed (renewed and reinforced) patriarchal model, women have essentially partly abolished it, since they often respond to new problems they are facing with an enterpreneurial spirit, activism, vitality, resourcefulness, an endurance; in short, they act not as victims, but as subjects acting in the most disadvantageous circumstances imaginable. We might say that women have born the heaviest burden of the crisis and it has been precisely their positive energy that has soothed the effects of the crisis on the life of their families and children. This multiplied burden has drained women's energy, but it has not erased their achieved relative autonomous identity. The macho-male model has not managed to gain too much power, despite the global increase in patriarchality, since men are massively sent on forced vacations too, thus losing their professional identity and perspectives.

Families which chose the emancipated variant of gender relations and the pedagogical alternative in their attitude to children have not renounced their attitude to life under the pressures of the crisis. Similarly, ethnically mixed marriages in Serbia have presumably not fallen apart because of the pressures of nationalism, and solidarity among families of friends, relatives, neighbors... has still been considerably present. The fact is, it is also important that women's self-organizing in these last years has been very intense, and within several modalities, such as an SOS-Hotline, Women in Black, The Autonomous Women's Center, the Center for Women's Studies and Communication, the Women's Parliament, and the Center for Aid to War and Rape Survivors. Thus, the continuity has been preserved with the Yugoslav feminist movement. Women's groups have sustained communication with the world and with anti-nationalist feminist groups in the newly formed states in the former Yugoslavia, they have constantly expanded their activities and join all anti-war and anti-nationalist initiatives in Serbia. Similarly, they have resolutely reacted to all anti-women oriented moves of official policy and the Church (concerning the abortion law, for instance),[35] as well as to all manifestations of the instrumentalization of women's issue by the authorities.[36]

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nationalistically flavored) pro-natality campaign. Women's maintaining of cultural standards may also be illustrated by the data that a number of births deliveried outside hospital dropped from 19% in 1982 to 14% in 1992. (*The Statistical Annual of Yugoslavia*, 1994)

35 To the legal proposal of the restrictive application of the right to abortion, women's general public opinion (i.e. not only of feminists) responded with vigorous resistance. "Numerous protests were sent to the initiators, feminist groups organized a public signing of the petition against the adoption of this law, and it was signed by tens of thousands of women in Belgrade and other cities. All these protests had born fruit, and the supporters of this act had to give it up." (Milić, A. *Family, W o m e n, Politics – Politics, W o m e n, Family*, forthcoming, p. 176)

36 This is a recent manifesto of the Belgrade Women's Lobby (published in *Republika*, December 1st–15th, 1994):
"On the occasion of the Second Congress of the Association of Societies for Inter-Balkan Women's Cooperation, the autonomous women's groups of Belgrade declare that the basic human rights of women are constantly violated in Serbia:
– 18% of the female population is illiterate;

On the other hand, it is interesting that one of the rare[37] phenomena of social protests at the pre-political level (i.e. at the level of feeling immediately and personally threatened) has been related precisely to the spontaneous resistance and organized demands of the mothers (and fathers) of soldiers at the beginning of the civil war, throughout the former Yugoslavia, against the recruitment and mobilization of their sons into military units. Serbia will particularly remember the events when mothers invaded the house of the Assembly of Yugoslavia, demanding the return of their sons/soldiers from the war in Slovenia; and the parents' protests in front of the General Staff for the return of their sons from the war in Bosnia-Herzegovina.[38]

These concluding analyses have already implied a positive answer to the central question asked: "Does the everyday and family life in today's Serbia contain the initial preconditions of civil society?"

The emancipatory elements and potential which have manifested themselves, together with the embryos of civil society as far back as to the 1970s

– 96% of Gypsy female population is illiterate;
– 97% of Albanian female population is unemployed;
– 65% of married women have experienced physical and/or psychical violence by their partners (data from the SOS-Hotline for Women and Child Victims of Violence);
– Every half an hour, a woman is sexually abused in Belgrade (data from the Autonomous Women's Center against Sexual Violence);
– 17% of girls are victims of incest;
– The problem of sexual abuse and blackmail at work, in high-schools and colleges has only been broached;
– An analysis of playtime in kindergartens indicates that girls are encouraged to play "home and family" in 92% of cases, while boys are directed to active and competitive games;
– An analysis of school primers indicates that only 8% of illustrations present women in a situation related to a profession (study done by the Anti-War Center);
– In no social institution (cultural, media...) is there a consequential use of feminine verbal forms for professions;
– Lesbian rights are still below the threshold of social sensitivity;
– No new law passed by the Serbian Parliament has improved women's rights;
– Since the war started, researchers have noticed an increase in pornography, sexual trade and the use of women for sexual slavery (the group 'Women's Rights Are Human Rigths');
– The SOS-Hotline has noted that 65–80% of Serbian soldiers beat, mistreat and rape women in their homes when they return from the 'battle-field'.

Are any of these questions going to be on the agenda of this Congress?"

37 Another example of such protests may be the protest of "hard currency depositors" due to being seized in state banks.

38 "Here for the first time we faced public resistance to the war and the prevailing options of war. Women here still kept to their stereotypical pattern, though being mothers who were just trying to protect their own children. However, the stifling of resistance followed the course of transforming the protest into a manifestation of support to the official policy of the government. In all the republics, the spontaneous protests of mothers against the sending of their sons into the YPA (Yugoslav Peoples' Army) would be used for various political goals... contrary to the intentions of their initiators." (Milić, A. *Porodica Žena Politika – Politika Žena Porodica* (*Family, Woman, Politics – Politics, Woman, Family*), Beograd", p. 193)

and which have came to be expressed at the level of the everyday and family life, and at the level of need and value systems, have not been totally cancelled out, even though they have been considerably reduced and suppressed.

The rigid "dictatorship over needs" has not succeeded in conquering and completely subordinating people's family and everyday lives; the same holds true for culture, education, the media. Helped by the political-cultural heritage of the past, it does make it essentially impossible for people to articulate their discontent with individual and overall social life in terms of the standpoint of the "rationality of the intellect", i.e. in terms of the self-organization of citizens for autonomous civil action; yet, it is equally true that the nationalist homogenization and the reduction of life has not managed to achieve its goal of being all-embracing and all-permeating.

The achieved levels in the quality of life, relative autonomy of the individual, of the family and everyday life, of the quality of needs and capacities, of knowledge and affinities, are difficult to renounce completely. The same holds true for the already adopted elements of cosmopolitanism, intercultural and interethnic tolerance (adopted through an affirmation of universal human values, the partly established Yugoslav cultural space, and the openness of the former Yugoslavia to the world), which, in spite of the nationalist spiritual climate and the indoctrinating role of the media, have not been completely erased from the people's "historical consciousness".

In order to support the thesis regarding the preservation (however suppressed) of the initial preconditions of civil society in terms of the manifestation of autonomy, creativity, and the initiative of individuals within everyday life (i.e.the private sphere) and within all those aspects of social life which, through an individual's participation in them, also become parts of his/her everyday life – we may resort to the analysis of the "other side of the coin" of each one of the listed elements of the personal and social standard, i.e. to demonstrate the various manifestations of resourcefulness, vitality, creative problem solving, solidarity, enterpreneurial spirit, endurance and so on, even in the worst moments of the fateful year of 1993.

Of course, one should not forget the ambivalent character of this forced creativity and endurance of the people, since they may in part be interpreted as factors making people simply accept things as they are (and thus continue the agony); additionally, expressed solidarity with relatives, neighbors, and the like may also be partly ascribed to existing traditionalism.

First, we must mention food: in those times of the acutest financial want and shortage of food, people demonstrated resourcefulness and solidarity in supplying food and making reserves, as well as demonstrating ingeniousness in preparing various dishes out of monotonous raw ingredients.[39]

39 "The imagination of housewives and culinary columns in daily papers were trying hard to make insufficient and monotonous nourishment more edible and varied. Thus 'embargo' or 'sanctions' recipes were offered – i.e. recipes for preparing cheap pastry, sweets, cakes (with just one egg), juices, etc. Many urban households starting baking bread at home – something they had not been doing since the end of World War II. Yes, these are

When discussing personal spending on education (for personal improvement), people who used to buy books, reviews, textbooks, records, and so on, and who could no longer afford to do so, have switched to loans, exchanges, and second-hand acquisitions. On the other hand, since a culture of learning foreign languages had already been developing for decades, this sort of personal improvement has not massively declined. Since the prices of these courses are not low, we may conclude that people who have developed an awareness of and a need for this kind of learning (for instance, further musical education and computer training) do not want to abandon this kind of cultural and educational need.

Extreme originality and resourcefulness have also been manifested in sustaining certain esthetic and qualitative standards in clothing, personal hygiene, cosmetics and other esthetic services, primarily among people who had already developed this kind of need. Of course, sport and travel fans also find it difficult to give up their needs, but individually or collectively look for free or cheap solutions to satisfy these needs.

Regarding education, in spite of all the listed negative developments in terms of content, personnel and efficiency, it is a matter of fact that education still offers some degree of autonomy to pupils and students (anti-authoritarian elements in teacher-pupil relations, and elements of anti-reproductivist type of learning), supplies a relatively complex range of knowledge (and thanks to this fact, children who are average or merely good pupils here achieve excellent results in foreign schools), and part of its personnel (primarily in higher education) still highly appreciate the dignity of the profession (in spite of the lack of material motivation).

In health, too, in spite of negative indicators, vitality may be noticed, and a willingness to adjust to the difficult conditions of work (e.g. spending and resources were adequately rationalized at the right moment). Further, personnel characteristically sustain their dignity (enthusiasm and responsibility, non-segregational attitude toward patients of non-Serbian ethnicity, continuous professional improvement, readiness for commitment in spite of the lack of material motivation and the overall erosion of social value systems), preservation and renovation (in 1994) of the existing medical technology, a relatively small decline in the number of ambulance treatments and surgeries,[40] as well as tendencies of sustaining European and world standards in highly specialized fields of medicine and in top-level surgery,[41] and keep-

trivial, but this is what everyday life in the kitchen and at the table mostly consisted of." (Vujović, S. *op. cit*. p. 93)

40 In 1994, at the University Clinical Center of Serbia in Belgrade, 85,000 patients were hospitalized (14% less than in 1991), 1.2 million hospital days were had (11% less than in 1991), and 45,000 operations were carried out (only 10% less than in 1991).

41 At the "Banjica Specialized Orthopedic Hospital" in Belgrade, 7,000 operations were carried out (on 4,700 patients) in 1994, and 7,000 (on 5,000 patients) in 1993. In 1994, there were 132,000 ambulance treatments, and 127,000 in 1993. This specialized institution increased the amount of its work by 3–5% each year, and by exceptional 19% in 1994.

ing up with world standards in proportion between the number of patients and available personnel.[42]

When it comes to child care, a positive development may be noticed that alternative day-care centers, both social and private, have become more and more numerous, based on the idea of not just taking care of children, but of creatively dealing with them. Expert individuals or groups, in either private or social arrangements, gather children together to develop their abilities in sports, their ecological consciousness (as many as three ecological kindergartens have recently started working in Subotica), as well as their general creativity, and musical, dramatic, singing, and linguistic affinities. In these institutions, it is positive that their prices are most often affordable to a wide strata of parents, and a particularly positive feature is that they are the result of either intensified social care of children, or of the private enterpreneurship of highly trained and expert people. These people not only try to avoid poorly paid work and forced vacations in socially owned enterprises, but also show their readiness to transfer their knowledge and talents to children through pedagogical alternatives.

In the field of culture and its influence on and participation in everyday life, the situation is neither completely bleak. In spite of everything, in theaters, music, fine arts, publishing... a considerable vitality, resourcefulness, enthusiasm, and an intense effort to sustain their high quality has been demonstrated.[43]

In summation, the family and everyday life (and indirectly social life, too) in the former Yugoslavia, as being influenced by the Western model of modernity, have achieved a relative independence from the prevailing worldview and order; thanks to this fact, they have not completely lost this quality even in today's Serbia. It is not merely that nationalist homogenization has not suceeded in absorbing them completely, but many individuals find refuge precisely in the family and in their everyday (their withdrawal into the private) when attacked by nationalist demands. In other words, even when people do not dare oppose these demands publicly and in an organized manner (i.e. to act civilly), they dissasociate themselves from them in their individual lives – through educating their children, in their attitudes towards their professions, preserving their mixed marriages, friendships and solidarity with people of other ethnicities, and through sustaining universal human values.

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42 In 1990, the number of inhabitants per doctor was 493, and 504 in 1992, which is still good compared to the average situation in the world (the figure is 700 in Switzerland, 610 in Japan, 420 in the USA, 350 in France, 230 in Austria). (*The Statistical Annual of Yugoslavia*, 1994; *World Development Report 1993*, World Bank, Washington D.C)

43 In the 1992/93 season, professional theaters had more performances (4,999) and for a larger audience (1.34 million) than in the 1989/90 season (4,131 performances for an audience of 1.15 million). On the other hand, in 1992 the number of newly published books and brochures was halved (2,618) as compared to 1989 (5,190) – which is not such a meager result, given the economic situation. (*The Statistical Annual of Yugoslavia*, 1994)

Let me conclude with the assertion that there still are indicators of non-eradicated emancipatory potential within everyday life – in the family, education, health, and culture.

The cosmopolitan identification with Europe and the world, pacifism, tolerance of other nations and cultures, aspirations to having a civil identity and autonomous development of personality have not been erased from historical memory and the affinity of the people of Serbia. The pre-political elements of civil society have been suppressed and insufficiently deeply rooted, but they are neither completely lacking root, nor completely uprooted.

Since the family and everyday life are the foundation of the entirety of social practice, the preservation, revitalization and further development of (suppresed) democratic potential at this pre-political level is crucial for the possible establishment of civil society in Serbia and its possible democratic development in the future.

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