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# Actors without Society

The role of civil actors in the postcommunist transformation

A study by **Srdan Dvornik**





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**HEINRICH BÖLL STIFTUNG  
PUBLICATION SERIES ON DEMOCRACY  
VOLUME 15**

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**A study by Srđan Dvornik**

Edited by the Heinrich Böll Foundation

**About the author**

Srdan Dvornik, born in 1953, is freelance researcher, consultant and translator from Zagreb, Croatia. He took active part in various civic organisations, taught in high schools and at the Zagreb University, and worked as editor in social sciences and humanities in the “Naprijed” publishing house. The most recent position was the executive director of the Croatian Helsinki Committee. Dvornik regularly publishes political commentaries and analyses for the Novi list newspaper, the Identitet magazine and the ZaMirZine.net and the Pescanik.net e-news portals.

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Vol. 15 in the publication series on democracy

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## PREFACE

Twenty years after the epoch-making change in 1989, which affected the post-Yugoslavian space in a way entirely different from other former “real-socialist” European countries, this study is an effort toward an analytical view on the past two decades of development of civil society in the western Balkans. The author, Srđan Dvornik from Croatia, is among those who know the subject well. Therefore, I am proud that I also played a part in motivating him and, with support from the Heinrich Böll Foundation, can make possible the realization of the study.

My connection with Srđan Dvornik comes from 10 years of professional cooperation and friendship during my work as the director of the Regional Office of the Heinrich Böll Foundation for southeastern Europe and after. For the Heinrich Böll Foundation, a German political foundation, relations with civil society are of particular importance. Owing to its close ties with the Alliance 90 / Green Party, the Foundation has deep roots in the area of civil society; the attitude of active and responsible citizenship is also the cornerstone of its self-understanding. The cooperation with civil actors and support for civil society are central to the Foundation’s activities all over the world, where we cooperate in political education and development. My work in the Foundation’s office for southeastern Europe is aimed at achieving a harmony between the concerns and approaches of a German foundation and the involvement in local relations, in order to create a fruitful relationship that would contribute to a stable peace and democratization of the region.

Srđan Dvornik represented the Heinrich Böll Foundation in Croatia from 1999 to 2004 as the head of its office there; he was an ideal, so to speak natural partner for that venture. In his person he connected knowledge of theory and practice of civil society, including internal and external factors of its emergence and development in the last two decades, both in Croatia and in the wider region of southern Europe. He is a sociologist and activist from the earliest days of civil society in Croatia, continuously concerned with reflection of society and politics, as well as sociopolitical position and meaning of one’s own activism.

In the late 1980s he took part in the early steps of the civil political commitment; he was among the founders of the Association for Yugoslav Democratic Initiative (UJDI). When the war broke out in the early 1990s, he took part in founding the Anti-War Campaign in Croatia. He followed the transformation of organizations of civil society from civil activism to professionalization. He worked for the Soros Foundation in Croatia, where he also ran the activities of

the Heinrich Böll Foundation in his country. After that he returned to the “civil-society” side, this time as the director of the Croatian Helsinki Committee for human rights. Throughout this period, he was also active as a translator of literature in philosophy and social science.

Therefore, it is not an accident that theory and practice – together with the internal and external relations of the development of civil society – are intermingled throughout the content and structure of this publication. From the standpoint of activities of the civil society actors and their effects, the principal question is that of the social context wherein those activities have been unfolding in the last twenty years. As Dvornik argues in the first part of the study, this is the first question that needs to be answered.

The development here, as a consequence of the Balkan wars that befell the post-Yugoslav region in the 1990s, does not correspond to the theoretical outlines of the democratic transition or transformation. The primary reason lies in the fact that in socialist Yugoslavia, like in other societies of the “real socialism” in the East, the relation between state and society substantially differed from this relation in capitalist societies, where the theories of transition originated. Secondly, the reasons lie in the specific authoritarian-nationalist “transformation” of the relations in the countries that succeeded Yugoslavia.

This difference in the relation between state and society, as Dvornik points out, had a decisive impact on the emerging civil societies; the impact was twofold: Firstly, it had a strong impact on self-understanding of the great number of activists and their activities in their own social environment. Secondly, the difference determines a negative impact of international donors on activities of civil society, as presented by the author’s disillusioning analysis. Many among the “democratizers,” with their programs, orientation on projects, approaches to “empowerment” or “capacity-building,” and other steps in training and education brought also their own normative understanding of civil society from an entirely different, Western social context, including a wrong understanding of – and misguided involvement in – the local relations. That had an indirect impact on the local civil actors. Taking over the external (Western) ways of comprehension and the corresponding mental patterns led, however, to a loss of touch with their own society, which Dvornik shows on several cases. The external supporters thereby unconsciously contributed to a conformist powerlessness of the local actors. They were less able to face the ethno-nationalist ideological homogenization of society in the conditions where the possibilities of action were limited.

What could be added to this analysis – which is central to the publication’s argument – is the thought that the conformist acceptance of western normative ideas of civil society among local civil actors also works as a feedback that supports a schematic perception in the international community about the social and political developments in southern Europe.

These theoretical and empirical insights give a special quality to the summary evaluation of the development of the civil society activism and its sociopolitical influence in the region. They are not negative, but differentiated, particularly

with regard to the political upheavals in Croatia and Serbia at the beginning of the decade; the future outlook seems positive.

Altogether, this study is an important contribution to the hitherto insufficient discussion about the possibilities and limits of the actors of civil society in the (post)authoritarian societies. At the same time, it offers a lesson that instruments of Western politics of democratization still have a long development ahead before the point where their current organizational and political potentials are exhausted, thereby enabling more appropriate responses to the challenges set by the new world (dis)order in the last two decades.

Berlin, October 2009

Dr. Azra Džajić-Weber

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*Eastern Europe, and the Caucasus in the Heinrich Böll Foundation*



## INTRODUCTORY NOTE

This study is primarily based on experiences during activist commitments and in my working with international foundations. The encouragement to undertake the study came from Dr. Azra Džajić-Weber, the director of the Regional Office of the Heinrich Böll Foundation in Sarajevo from 1998 to 2007. The work was originally conceived as a collection and interpretation of the experiences of a broad variety of civic actors in Bosnia-Herzegovina, Croatia, and Serbia. In the early stage, however, it became obvious that it was necessary first to examine, and even “deconstruct,” the fundamental concepts that have framed the original approach. Rather than assuming that building democracy and rule of law was already underway – as well as the development of civil society – it turned out that many problems lay in those very assumptions. The most important is the problem of overlooking the fact that in the postcommunist transformation, society itself had yet to be established.

Therefore, the work in its final outcome is mostly dedicated to the very meaning of the basic determinants of the postcommunist transformation, in order to fathom the civic actors’ place within the newly defined framework. They are not referred to as a “civil society” but as civil *actors*, because it is they who, together with other factors, develop a society as a complex of autonomous relations and transactions, as well as a field for civic commitment.

It is not possible to list all the people with whom I talked about these issues and who shared with me their activist experiences, their analyses, and theoretical thoughts. If they read the text that follows, many of them will also recognize some of their thoughts. I am deeply indebted and grateful to all of them. What I made out of it all and what is now offered to the reader is, as always, solely a matter of the author’s responsibility.

The research and writing of this study was only made possible by a generous stipend from the Heinrich Böll Foundation. Thanks to this support, I was able to work for one and a half years interviewing activists and getting an insight into at least a part of the very abundant literature, and on this basis write the work that I now put forward. It also allowed me to spend one month on a study visit to Berlin and half a month in Brussels, which provided an opportunity to learn about the views of various international organizations, political institutions, foundations, and other donors, as well as researchers also involved with this field. Apart from this precious material and logistic support, without which this work would not have been possible, it is important to point out that my colleagues in the Heinrich Böll Foundation Regional Offices in southeastern Europe (in all three cities), in

the central office in Berlin, and in the office in Brussels, have always provided a supportive and, more important still, friendly environment, both during my work at the Foundation and afterwards. *S. D.*

# **Part 1**

## **Postcommunist “revolutions”: making their own foundation**

## 1.1 WHAT WAS THE CHANGE ABOUT?

### The end of postcommunism?

The two decades that have passed since the revolutions, or “revolutions,” that marked the fall of the non-democratic regimes – called “socialist” or “communist” after the name and ideology of the parties whose top leaders controlled them – present an occasion that serves as an external impulse for many reviews of the path covered so far, for taking stock of the changes accomplished, and, of course, also for memories – nostalgic as well as unpleasant. In some of the countries that have undergone these changes, the expansion of the European Union to the East in 2004 was already a reason to demand that books be closed on the very concept of the “postcommunism,” because of the prevailing opinion that all the substantial affairs of transition have been completed, or that the experiences in various regions are too different to be subsumed under a common designation.<sup>1</sup> If Italy and Germany were not called “post-fascist” in 1960, that is, 15 years after the World War Two,<sup>2</sup> it also seems appropriate to take into account that Poland, the Czech Republic, and Hungary are no longer marked by significant features of the regime under which they lived till 1989. As for some other countries – ranging from Lukašenko’s Belarus to some post-Soviet countries in the Central Asia – it is questionable how many real changes took place at all.

The optimism of those who proclaim the “end of postcommunism” relies mostly on normative and institutional, but also on structural changes – ranging from building liberal democracy through defining the limits of the nation-state and citizens’ belonging to a body politic, to the separation of ownership and management of economic resources from political government. It is possible that these changes in the three aforesaid countries (and some others, such as Slovenia, perhaps Estonia, Slovakia, Lithuania ...) have been carried through to such an extent that there really is no more reason to contain them in a “transitional” context (leaving for later the discussion on the ideological nature of the very concept of “transition”).

However, traditions that cannot but encompass more than four decades under communist regimes nevertheless cannot be reduced to the economic and political set-up of the society. As long-lasting historic processes, they will keep

1 Thomas Carothers, “Western Civil Society Aid to Eastern Europe and the Former Soviet Union,” *European Constitutional Review* 55 (1999): p. 55.

2 The argument set forth by Andras Bozoki, “The End of Postcommunism” (presentation summary, Meeting Report 306, Woodrow Wilson International Center for Scholars, Sep. 24, 2004). <http://www.wilsoncenter.org/topics/pubs/MR306Bozoki.doc>

leaving their marks on the bright future of consolidated democracies and rooted market economies. Probably the most salient feature of this tradition is the interconnectedness of cultural implications of communist regimes and the inherited, pre-modern cultural patterns in these societies – an interconnectedness which will long manifest itself in phenomena such as collectivism, authoritarianism, ethnocentrism, intolerance, etc.

However, against different backgrounds and in different contexts, these phenomena sprout up all over the “old” Europe, which has long been civilized and until recently still commonly perceived as tolerant. This means that these remaining loose ends of not quite finalized modernization of postcommunist countries are not likely to impede their further integration into the elite club that is the European Union. It is so with every society; each one has certain limitations and bears the markings of its past, and it is possible that in spite of these markings, some countries have crossed a certain threshold of transformation. This is the transformation that brought about the stabilized structures of liberal-democratic capitalism, and made it possible to begin integration with the countries that 15 (now 20) years ago used to be substantially different.

It would be extremely instructive and useful for us to examine all the essential elements and factors of this transformation. Namely, living in the part of erstwhile communist Europe, which had been through war along with the postcommunist transformations, we who come from countries plagued with a hypertrophy of “post-” prefixes (*post-Yugoslavian*, *postcommunist* and *post-conflict*) can assume pretty safely that, even if it has been crossed in the aforementioned countries, here this threshold of transformation has not been reached. Thus it would be hugely helpful to see how some of the difficulties we are still witnessing have been overcome in more successful or fortunate instances. For example, how – if at all – was the limiting of the power of the political elite in relation to the economy brought about? What empowered the legal norms and institutions of the political system to make them truly act as the instruments of a predictable and responsible functioning of the government? How was the establishing of a civilized nation-state reconciled with the predominantly ethnic self-identification of the polity? And so on ... all of it under the assumption that there even exists a positive answer to the question of questions: Were the 15 years of interventions – commonly summed up as the process of constituting a nation-state, building democratic institutions, setting up a market economy, and creating a civil society – really sufficient to enable all these changes?

## **Delimiting areas and a comparative view**

Yet, no matter how important and useful it may be, studying the success stories of transformation cannot be the subject of this work, because its aim is to fathom the events that took place in the postcommunist transformation in certain post-Yugoslavian countries (Croatia, Bosnia-Herzegovina, and Serbia), and the role played in this by the actively committed local actors, all within the limits of a

reasonable scope, as well as the time and resources available to do the research. Since in some of these countries, as well as in their immediate surroundings, already in the first months following the formal “introducing of democracy” – the first free and multiparty elections – deep ethnic conflicts bordering on armed violence have burst out, and less than a year after more intense and deadly wars, many changes that were “following the plan for transition” were pushed to the margins, thwarted or implemented in a very modified form.

In the literature on the changes that followed the fall of communist regimes, which comparatively traced the transformation of different countries and societies, Yugoslavia and the products of its breakup (or, to put it more politely, the successor countries) were soon cast out of the lists of comparison, since the war had placed them in a different, hardly comparable, context. Still, in retrospect, the experiences of some postcommunist countries in the early years – approximately until the latter half of the 1990s – can be a source of interesting insights, even criteria, that might give a hand to cast additional light on what had taken place in our region as well, because they show phenomena and processes that are comparable, and are not contaminated by mass violence, which here had stifled, deformed, or postponed them.

This is why I will observe the nature of the changes that encompassed the break with the communist regime and the setting up of the main political and social forms in the immediate aftermath in the central and eastern European context, using the insights into the changes in this region to observe and explain more clearly what had happened in the post-Yugoslavian countries.

The entire approach hinges on the aspiration to ascertain *to what extent, and in which ways, society itself took part in the changes*, that is, the issue of the conditions of transformation that reach *beyond the formal – legal and institutional – transformation*. An essential derivative of this approach is the question: To what extent is the issue here one of building formal solutions “from the ground up” and “from within,” and how much is it about adopting existing models, the ways of their transferral and implanting, and the reach of their influence on the social environment into which they have been implanted?

These questions have once again returned the focus onto the question of the nature of the changes, but now it is not just descriptive, but also “generative” – as the question of the carrying forces and the motives for change. Opposite the tendency in some currents of social sciences to focus either on “structures” or on “actors,” I take it that none of these are given as ready-formed and present, but are merely constructs of an observer who uses them to try to recognize and halt certain configurations in their historical flow – if saying so is not too ambitious. In other words, if both of those – the structures (whether they be embodied in institutions and formal norms, or be they social and economic) and the actors – are *produced* in the course of their very functioning.

It will show that the message from this observation is that very little can be taken for granted if one attempts to comprehend just what happened during the postcommunist changes, especially if the intention is to take part in these changes

with understanding. Concepts such as “society,” “civil society,” “democracy,” “state,” “law,” and others, formed through reflection on the experiences of the development of the society, economy, and politics of the modern West through the past several centuries, are not directly transferable and applicable. However, the stress is on the “directly,” not on “are not.” The dependence of the societies of postcommunist transformation on an initial state and the specific paths of development in this part of the world should be taken into consideration, but it would be absurd to see it as absolute – because if so, why speak of transformation at all, which is evidently taking place? Thus, these concepts are by no means without meaning in these exotic lands, but this meaning should be *reconstructed* from the authentic context of the societies in question. The meanings that arose when constructed from other, different – if need be said: more advanced and developed – contexts, should be used for comparison only.

Speaking of constructs, the opposite is also valid: One must not omit the influence of the notions that many Western observers – the numerous explorers and scientific interpreters of “transition” as well as the once-numerous aids in democracy-building and other components of transformation whose numbers are now shrinking – tacitly transfer from their own social contexts and apply them with a doubtful appropriateness in their observations and/or modifications of postcommunist changes. What matter here, of course, are not idiosyncratic and contingent methodical and logical errors and distortions, but the systematic influences of the contexts from which observations are being made. Just like sociology and political science themselves, the fundamental concepts of society and politics have come to existence in confrontation with a particular social reality – the reality of the modern societies of the West, societies which, based on some finalized or highly advanced historical transformations, have been understood as a separate phenomenon. These transformations include the development of society as opposed to community, the distinguishing between (political) state and (civic) society, the development of the political capacity of civic society through the public and through democracy, and generally a certain level of modernization. The ways in which basic sociological and politological categories “travel east” are the topic of discussions that are theoretically intriguing, and here will be demonstrated on certain instances bearing a much more practical significance, and of a shorter range.

### **The source of change – revolution?**

Although the series of significant political changes – which in 1989 (with additional tremors in the following years) have taken the world aback by knocking down the seemingly immobile communist regimes – have already made the move from live happening into recent history, covered by historiography and politico-symbolically commemorated on its twentieth anniversary, it still has not been filed in memory under a widely accepted common designation. There is (was) talk about revolutions, far more about the fall of old regimes, and perhaps most

often all, this is metaphorically put away or concealed behind a wall – though also destroyed – the Berlin wall. Often with a capital: “W.”

The ambiguity of the name depends not only on the diversity of the countries where these significant changes took place, but also on the ambiguity of the changes themselves. Their one most striking feature was that citizens’ actions had fundamentally broken with the long and deep-rooted pattern of behavior of subjects of totalitarian regimes, and brought about sudden change – the fall of a governing order that had for decades succeeded to nip all opposition in the bud. As rapid and radical changes, they rightfully bear the name of “revolution.”

Another feature of these changes – in many ways contrary to the former – is that they did not actually bring forth any new order to the global scene, no new concept of a social system, and their actors had explicitly expressed the idea behind their action either as being the introduction of what the world of liberal democracy had for so long been practicing, or – initially fairly seldom, later on more commonly – as the renewal of identities and traditions that the repressive communist regime had suppressed half a century earlier. In this sense, it would be more appropriate to label them somewhat neutrally, as in “postcommunist changes,” or wittily and ironically: “compensational”<sup>3</sup> revolutions or “refolutions.”<sup>4</sup>

So what had happened? Although much time has passed since, and the later changes had probably surpassed in depth the initial ones – which were spectacular but short-lived – the nature of this historical shift that in 1989 and 1990 saw the removal of communist regimes in central and eastern Europe tells us something about the social changes, whose consequences are felt even today.

Of course, this is not the story of the concept itself and the meaning of the word “revolution,” nor is it a probing into whether the “revolutions” of 1989 were “real.” The “verity” of a mode of using or defining a term cannot be proven or refuted, because terms are conventions of meaning (tacit, by usage, or authoritatively definitory), not assertions of “things.” If neither the definitions nor the modes of use have been generally adopted, splitting hairs will not be of much use. The question that begs commitment is simply: What happened? And words with certain habitually adopted meanings may help to note and gather certain important features.

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3 *Nachholende* (or even *rückspulende*, “which swivels backward”), *catch-up*. Jürgen Habermas, *Die nachholende Revolution, Kleine politische Schriften*, 7, (Frankfurt am Main: Suhrkamp, 1990).

4 A combination of “reform” and “revolution.” R. Dahrendorf, *Betrachtungen über die Revolution in Europa, in einem Brief, der an einen Herrn in Warschau gerichtet ist 1990* (Stuttgart: Deutsche Verlags-Anstalt, 1992).

However, the word “revolution” will not help much here, within the range of its current use.<sup>5</sup> As Zygmunt Bauman begins his reflection on the meaning of postcommunist revolutions, one can hardly consume a daily measure of TV fare without ingesting the news of a revolutionary toothbrush or moisture cream; thus, he contents himself with trivial attributes of “breaking the routine” and “sudden change” and gives advantage to researching differences, and not the similarity of different kinds of usage, on the plane of “political revolutions.” Against this background, he introduces the distinction between “political” and “systemic” revolution, more on which below. On the other hand, Sabrina P. Ramet bases her interpretative overview of “thinking about Yugoslavia” on Sigmund Neumann’s definition, which she suggests is probably the most widely acceptable. He defines revolution as a “comprehensive, fundamental change in political organisation, social structure, control over economical property and dominant myth of the social order, which thus presents a major break in the continuity of development.”<sup>6</sup> This definition is indeed plausible, because – besides pointing out the comprehensiveness and fundamental nature of changes – it encompasses essential spheres of societal life: the political, the social, and the economic, as well as cultural (as a form of “mythical” apprehension of relations in the aforementioned spheres). So let it serve here as a small, tentatively adopted conventional framework.

What immediately jumps out in connection to the pivotal events surrounding the fall of communist regimes is the partial nature of the changes. The tumultuous actions, condensed into very short periods of time, have brought about a change of government and changed its makeup; the dominant public notion of desirable and legitimate nature of the social order has also changed. So, a political revolution has been carried out. This, in its turn, was neither preceded, nor followed, by any change in economic and social structure worthy of mention. Moreover, if one attempts to identify the main social carriers of this political revolution, they will not be definable by any socioeconomic determinants. On the scene, the center of attention was occupied by dissident groups formed some 10 to 20 years earlier, which had survived in secrecy, some of them even (perfectly sensibly) avoiding any attempt of public political confrontation in a

5 On the widespread (mis)use of the word “revolution,” see Z. Bauman, “A Post-Modern Revolution?” in *From a One-Party State to Democracy: Transitions in Eastern Europe*, ed. J. Frenzel-Zagorska (Amsterdam and Atlanta: Rodopi, 1993), p. 3. This contribution by Bauman is really a slightly expanded chapter, “Communism: A Postmortem,” in his book *Intimations of Postmodernity* (London and New York: Routledge, 1992), pp. 156–74.

6 Sigmund Neumann, “The International Civil War,” *World Politics* 1:1 (Apr. 1949): pp. 333–4; Sabrina P. Ramet, *Thinking About Yugoslavia* (Cambridge: Cambridge University Press, 2005), quoting on p. 42 from: Michael McFaul, *Post-communist Politics*, p. xiii. (Washington: Center for Strategic and International Studies, 1993). (The author asks the readers to take these multiple indirect citations, which would not be permissible in a scholarly work, as a small indicator of the difficulties faced by anyone from these parts of the world not involved in professional scientific networks, who attempts to come by sources in literature.)

conscious “anti-political” choice. Aside from them, in the 1980s more permanent gatherings of citizens for peace, human rights, or the protection of the environment have gotten their start.<sup>7</sup> Now, in an unexpected turn, these have become the pinnacle of mass protest gatherings. In the paradoxical situation in which negotiations were called for – because, luckily, regimes have mostly given up on using the still overpowering police and army forces – and there were no mechanisms and procedures for electing people’s representatives, these alternative groups – who had gathered to critically discuss the undemocratic regime and its alternative – have found that, in this situation, they were occupying the role of “natural” speaker for the entire suppressed, discontented society.<sup>8</sup>

Poland was the exception, where, already at the turn of the decade, the Solidarity trade union had developed into a large, non-regime syndicalist organization, and become the core for gathering and expressing discontent with the regime. At the end of the 1980s, it had returned to the public scene, having survived the persecutions of the state of emergency and military-party dictatorship. However, in the meantime, Solidarity had grown from an illegal trade union into a general “popular movement,” so its representatives – chosen from within that movement – have also stepped forward in the name of the entire nation, without general elections.

The other exception – where there was a peaceful transition to electoral democracy – was the Socialist Federal Republic of Yugoslavia. After some hesitation, and seeing that, in case of resistance, the trend of democracy would only compound mass dissatisfaction, the regime leaderships in republics have decided without negotiations to legalize a parliamentary system based on direct elections and political pluralism, that is, to revoke the prohibition against founding political parties and their functioning. However, it did not work that way at the level of the federal state, for the reasons and with the consequences that will be discussed later.

However, in all these instances – as well as in those where force was applied in the perturbations around maintaining the regime or its collapse (as in Romania, or in the coup attempt in the then still-existent Soviet Union) – shared one visible common trait. Those who carried the changes through were the dissatisfied masses and those in small alternative movements. They were mostly intellectual-dissident and occasionally newborn “civil” elites, in some places also those from

7 See Gideon Baker, *Civil Society and Democratic Theory* (London: Routledge, 2002), especially part I, “The Parallel Polis. Central-East European Models of Civil Society.”

8 In all the countries of Central and Eastern Europe except Romania and Yugoslavia, round-table talks were held as a way of finding at least tentatively legitimate institutional solutions (only in Czechoslovakia were negotiations not about an institutional arrangement, but solely about elections. – J. Elster, C. Offe, and U. Preuss, *Institutional Design in Post-communist Societies* (Cambridge: Cambridge University Press, 1998), p. 57. In Romania there was a coup, which judging by all was a reaction to an eruption of mass discontent, and in Yugoslavia the transition had started with the assent or decision of the republican party leaderships themselves.

the top or elsewhere in the ruling elites, but – to put it in an old-fashioned way – nowhere was there a *revolutionary class*. Not in one of the countries in which until the end of the 1980s or beginning of the 1990s “socialism” reigned – be it “real,” “self-governing,” or some other – was there any social group on the rise whose economic power would conflict with the restrictive political framework and which would be both interested and strong enough to introduce changes. Moreover, at least 10 years of economic stagnation, and even regression, along with continued political-party and ideological monopoly, had resulted in people turning to private survival and the widespread de-politization and “leveling” of the societies in which no alternative interest could be formed.

In this sense, the overthrows of communist regimes in countries ruled by them did not follow the pattern of historically paradigmatic, bourgeois revolutions. These had arrived gradually and almost invisibly, taking even centuries, in the economy and in social relations. They were prepared in theories of civil society, social contract, and the rule of law, mediated to reach wider social awareness through communications in the civil public, which had developed gradually, and then, from the end of the seventeenth until the mid-nineteenth century, had erupted in political action to depose absolutism, and install electoral governments. In a given society, this political act was in no way final, as many dilemmas, turbulences, conflicts, and fights around the constitution of the barely “invented” democratic form of state had followed. Yet each of these political revolutions has marked that rupture of Neumann’s, in so far as it confirmed that a new political constitution must carry the function of securing the rights of free citizens, and must be responsible to them. Their freedom and the autonomy of mutual social (above all, market) relations were established from outside the political structure itself, through ownership of one’s own person and possessions and in their productive use. The political revolution was the confirmation of a revolution that had already largely unfolded (although it never stopped) in the economy.

### **“Revolution” and implosion**

The overthrows of communist regimes were also political. They were directed at bringing down both those who were then in power – as well as the political system that had suited them – and to the establishment of a new one, likewise democratic and based on the rule of law. But they were not grounded in any kind of a new growth; they were preceded neither by gradually accumulated changes in the modes of production, nor by the rise of new social forces. What is more, the state of all the segments of the society had been deteriorating, as well as their incapacity to fix it within the framework of their ascribed systemic roles. These “revolutions” were not even solely produced by a negative social energy taking the shape of mass dissatisfaction. It had existed for a long time, even occasionally erupted in rebellion, but the regime always held it, or quickly restored control. The toppling of a regime cannot be understood as an expression of the independent force of the society, because it did not exist in the true meaning of the word.

The regime did not have success in organizing production, but it did in incapacitating all autonomous horizontal social relations – that is, society itself.<sup>9</sup> For a long time, it also had success in ideologically closing up the epistemological horizon, preventively making it impossible not only to spread undesirable information or ideas, but also to establish the very criteria of judgment that would be tailored to human needs or freedom.<sup>10</sup>

Contrary to the “Western” paradigm,<sup>11</sup> even mass dissatisfaction does not turn into political pressure and action from an interest in change. The dissatisfaction had lasted for decades,<sup>12</sup> without having yielded such pressure and action. Although it is very tempting to retrospectively “discover” some necessary historical flow leading to rupture and overthrow, and to “find” some forces that would have been relentlessly pushing in that direction, nevertheless it is more realistic to apply Occam’s razor and look the general social breakdown under socialist regimes in the eyes, along with its implications. The decisive factors that

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9 Ferenc Mészáros, *Illusions and Realities. The Metamorphosis of Civil Society in a New European Space* (Szombathely: Savaria University Press, 1999), pp. 159–60.

10 Žarko Puhovski, *Socijalistička konstrukcija zbilje* [The Socialist Construction of Reality] (Zagreb: Školska knjiga, 1990); Puhovski, “Wizard of Oz,” *Socijalistička*, pt. 2.4, pp. 14–5.   
†eslav Miloš, *Zarobljeni um*, prev. P. Vujičić, (Belgrade: BIGZ, 1987).

Nadežda Mandeljštam, *Strah i nada*, Znanje (Zagreb: 1988), gives an impressive example of people in the era of the heaviest Stalinistic repression, who take consolation in the thought that people are still worse off with capitalism.

Offe et al. (*Institutional Design*) speak of “the derisory and degrading conditions of communication and association and, as a consequence of that, widely spread ‘semantic incompetence’ and ‘self-doubt,’ which had stood in the way of forming the ability to act, and which have led to the majority of people actually cooperating in their own repression most of the time” (p. 13).

11 Ramet (*Thinking About Yugoslavia*, p. 40) places her interpretation of the literature about the postcommunist transformation and Yugoslavia between the opposites of “elitocentric” and “sociocentric” approaches, pointing out the latter’s merits in taking society seriously as a source of changes and accepting that no government can interminably remain insensitive to dissatisfaction and pressures from below. However, this leaves open the question of the nature of this force of the society beyond dissatisfaction, be it diffuse or focused, whether expressed by way of unofficial cultural patterns, or through mass protest gatherings.

In her article “Who Killed the Cold War?,” Mary Kaldor opposes the notion that “revolutions” in Central and Eastern Europe were basically just spontaneous expressions of the desire to live like they do in the West, with no grounding in their own societies and bereft of new ideas. One of these new ideas, born in the dialogue between Western and Eastern peace movements, was the idea of a transnational civil society. She bases her stance on a close familiarity with alternative movements in these countries in the 1980s, on cooperation and dialogue with them, but she also cannot show just how these groups and organizations expressed the desires of, or influenced the wider segments of, the society; see *The Bulletin of the Atomic Scientists* (July/Aug. 1995): pp. 57–60.

12 That is, as Dahrendorf says, “communism has never functioned” (*Betrachtungen*, p. 21).

coincided during the 1980s were all *negative*,<sup>13</sup> and found themselves in contingent circumstances. The incapability of the regime to ensure that production is in the least bit efficient and basic needs are satisfied, along with the endeavor to keep controlling everything, would indicate that it really is not capable of ruling.<sup>14</sup> However, an ideological and informational blockade has long kept it capable of preventing the realization of this consequence, and so it went on securing its own legitimacy.

With the accumulation of negative signals that were beyond its reactive capacity – as not even the regime of total control was able to constantly detect signals of economic performance<sup>15</sup> – the top of the regime nomenclature went into attempts at liberalization, thus showing its subjects that it did not have complete control.<sup>16</sup> In Gorbachev’s reforms in the USSR, that was the sign of a profound turning point in the very center of socialist regimes (other than – in the case of Europe – Albania and Yugoslavia). It was particularly encouraging for the malcontents in Central European socialist regimes, especially once the USSR leadership let it be known that it no longer intended to determine its former dominions’ political paths through military pressures and interventions. Besides, slightly before that, on the other side of the cold war fence, another ideological instrument with clear universal messages began to assert its place aside the rhetoric of war – human rights. Their institutionalization in the shape of the Conference on Security and Co-operation in Europe, however formal, declara-

13 Offe et al. (*Institutional Design*, p. 52) point out three main common causes: 1) huge economic inefficiency, 2) the complete destruction of the ideological legitimation of the system, and 3) structural incapacity to adapt to new problems due to insufficiencies of institutional mechanisms for observing and learning.

14 The systematic anti-economicalness of the socialist societal formation is shown below more concretely.

15 Offe et al. (*Institutional Design*, Introduction, p. 2) points out that these regimes of complete control actually had very weak information on the real state of their critical variables. Dahrendorf (*Betrachtungen*, p. 25) writes: “We now know that in communist countries there never existed, and still doesn’t, a neat total account for the national economy.” Their control did not consist of an Orwellian all-seeing omnipresence, but in preventive obstruction of independent organizing and communication – what Ž. Puhovski calls the production of surplus power – which works in advance to preclude the forming of any efficient alternative.

As Adam Przeworski, says, dictatorship is not endangered by the absence of legitimacy, but the presence of opposition (quoted in Sten Berglund, Tomas Hellén, Frank H. Aarebrot, eds., *The Handbook of Political Change in Eastern Europe*, p. 5; referring to the book *Democracy and the Market: Political and Economic Reforms in Eastern Europe and Latin America. Studies in Rationality and Social Change* (Cambridge: Cambridge University Press, 1991).

16 For Gorbachev’s experiment with liberalization that went too far, and which could only have been set in motion because its consequences could not have been wholly foreseen, see Offe et al., *Institutional Design*, pp. 12–3. Gorbachev’s “revolution from below” is characterized as the only exit for a regime that had rested on preventing even top-to-bottom reform, and the complications and destabilization that his own top-to-bottom reform that resulted had frightened him – Claus Offe, “Capitalism by Democratic Design,” *Social Research* 3/2004 (71), p. 502.

tory, and lacking real power, had the effect of encouraging alternative groups in some socialist countries.<sup>17</sup> With the dissipation of fear from absolute domination of the regime, and in a context where many countries of “real socialism” still do receive information about a different life in the West, which presents an appealing alternative,<sup>18</sup> the regime appears to resemble the exposed wizard of Oz<sup>19</sup> – the little man behind the apparition that merely presented him as omnipotent, whereas he was powerful only in the extent to which others had perceived him as such.<sup>20</sup>

So these were the circumstances in which the population had ceased to “cooperate” through its own fear.<sup>21</sup> In keeping with the endemic paranoia of the undemocratic rulers, this fear was internalized and directed at the ruling nomenclature, which did not dare apply force. Mass protest gatherings and negotiations with the “representatives of the civil society” finished the job. The regime was not toppled by a stronger social counter-power; it *caved in*, imploded,<sup>22</sup> because it was blocked on the inside; this blockade was made all the harder by the effects of an appealing alternative from the Western side of the borders. The dissatisfaction that had its condensed expression in the months of 1989 was not the culmination of a development that would have had set up some sort of counter-elite, which would start a revolution and impose an alternative “project” of (re) constructing the state to fit an already transformed society. There was neither elite, nor such a project.

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- 17 Without it, such initiatives as the Charter 77 in Czechoslovakia would certainly be much less likely to have happened.
- 18 Especially under the influence of the fact that in the past quarter-century or so, the West had made the transition from a modernist style economy to “postmodern” (consumers’), a competition in which the East had no chance whatsoever. “The post-modern challenge proved to be highly effective in speeding up the collapse of communism and assuring the triumph of anti-communist revolution in its supremely important, yet preliminary, political stage.” – Bauman, “A Post-Modern Revolution?” p. 17.
- 19 Žarko Puhovski, “The Wizard of Oz Unveiled” in *Politics and Economics of Transition*, ed. Ž. Puhovski, I. Prpić, D. Vojnić (Zagreb: CSTE and Informator, 1993), point 2.2, p. 13.
- 20 Puhovski, *Politics and Economics*, point 4, p. 17. On the change in the “definition of the situation,” which was abruptly seen by a large number of subjects of communist regimes in a different light – precisely like Puhovski’s exposed wizard; see Jeffrey C. Goldfarb, “1989 and the Creativity of the Political,” *Social Research* 68:4 (Winter 2001).
- 21 Dahrendorf quotes the unnamed person who wittily talks of the arrival of a younger generation, whose members “didn’t know that it was impossible” (p. 19), so they tried to topple the regime, and succeeded.
- 22 George Schöpflin also points to the contingent circumstances in which the communist regime fell “in effect, its internal functioning, its capacity to sustain coherence, had become blocked. It was no longer capable of self-reproduction, it had lost its capacity for legitimation and pivotally as far as *the rulers were concerned, self-legitimation*. In sum, the élites had lost their will to rule.” – G. Schöpflin, “Liberal Pluralism and Post-Communism,” in Will Kymlicka and Magda Opalski, eds., *Can Liberal Pluralism be Exported* (Oxford – New York: Oxford University Press, 2001), p. 109, italic by S. D.

## 1.2 WE HAVE DEMOCRACY, WE (STILL) DON'T HAVE SOCIETY

### The retroactive creation of one's own foundation

Thus, as Z. Bauman suggests, these undoubtedly political revolutions should be seen in a different light, in which, surprisingly, certain significant similarities emerged with the revolution that had brought forth just the regime that had to be brought down 70 years later – the communist regime. Namely, the Bolshevik revolution in Russia in 1917 was also carried out by a small revolutionary group using a huge wave of mass dissatisfaction, instead of being the politically crowning of previous social and economic development. It, too, saw the immediate goal of conquering power as a means not only for political, but also for all-encompassing economic and social changes. Bauman suggests that we call such revolutions “systemic,” because they do not content themselves with political change, but, following a successfully executed political stage, they still have to pursue a thorough transformation of the entire socioeconomic system.

Of course, the differences jump out immediately: In the Bolshevik case, there was a well-organized revolutionary party, which took preparations to take over the state, while in the “democratic revolutions,” small groups of intellectuals merely expressed the general mood in the shape of basic principles of democracy and human rights, and were only partly prepared to step into the political struggle for leadership. Furthermore, the Bolsheviks intended to implement changes in Russian society, which would not only engage it with the flow of modernization (in that way, that was a sort of “catch-up” revolution, an attempt to grab a hold on events) and thus bring it closer to developed capitalist countries, but would equip it for a global innovation: the worldwide proletarian revolution. In contrast, the “democratic revolutions” did not rest upon any sort of innovative solution for their societies, but had set for themselves the goal of introducing the benefits acquired by the development of civilization that were long present in the advanced and prosperous countries of the West.

Still, what they have in common is what should especially be kept in mind when interpreting the meaning and aftermath of the postcommunist revolutions: These are political turning points in the name of something that, in a given society, still does not exist. The new political leadership has a temporary legitimate mandate for this because (a) in the right moment, it expressed a widespread, nearly general dissatisfaction as a concrete set of political demands, and (b) put forward a general formulation of the desires of significant parts of the society as a positive program. With this mandate, political power is directed at economic

and societal structures it intends to thoroughly reshape, and it is this path where hard curves and difficulties await it.<sup>23</sup>

Although Bauman's suggestion of dividing revolutions into "political" and "systemic" is plausible – as it points to the real and relevant peculiarity of postcommunist revolutions as "systemic" and to the fact that, unlike historically known democratic revolutions, they happen without their own social groundwork – it still contains a "catch." The benefits of civilizations – whose paths into societies that were freed from communist regimes should be cleared by these revolutions – consist of three essential components: democracy, the rule of law, a market economy. Democracy, even if it cannot naively be understood as the rule of the people, nevertheless denotes an order where the people have indirect control over state authority by way of direct elections of the legislative body as its representation, forming political will in public, and various channels of influence by special interest groups. The rule of law limits government's agency through general laws that are equal for all, and makes it transparent and predictable to the citizens. In its turn, a market economy implies the freedom of autonomous decision-making in business, forming prices, and investing capital according to market signals, as those authorized to manage economic resources, be it as owners or managers, will interpret them in their best interests.

In short, an authority established through free pluralistic elections should work on the development of norms and institutions, by way of which it will impose on itself the control of the people by means of democratic mechanisms. Furthermore, through rule of law and the division of government, it should relinquish the possibility of arbitrary application of power. And finally, it should deprive itself of control over economic resources until fully enjoyed by the previous communist authority, to the benefit of the market economy. What would impel new, even freely<sup>24</sup> elected governments to do all that? The control of the voters? Of the society? Of the public?

But if that control had existed, there would have been no need to talk of a democratic revolution. The only thing we have got as the incipient force for change is that the former regime of total state control has been totally discredited. However, there are two potential paths from here: actual transformation into democracy, rule of law, and a market economy, or "recycling" control with partial liberal concessions, crony privatization, and formal democracy where a still powerless society can only reconfirm authoritarian government. It is this vicious circle that necessitates this discussion. It has to be shown what sort of "revolution" we are talking about, what "forces" have carried it through, what

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23 "In eastern and central Europe the task is particularly difficult because, unlike in western Europe, it is not about *revitalising* democracy and the institutions of civil society, but to *create* them." – Miszlivetz, *Illusions and Realities*, p. 82.

24 As an institutional and normative democratic system had not yet been established, the initial elections cannot be considered democratic, but if the voters could make their choices without force and threats, the elections were at the very least free.

it has brought forth, and how much of what had to be overcome remains in power.

### **Together in the “third” pot: the incomparable destruction of society in the communist regime**

Another important distinction should be noted. Not only in journalism, but in scholarly literature as well, the democratization of the postcommunist countries of Central and Eastern Europe and ex-USSR in the late 1980s and 90s is situated with the so-called third wave of democratization, according to Samuel Huntington’s periodization of these changes.<sup>25</sup> The first two waves referred to the democracies arising after the World War One or Two respectively, and the “third wave” encompasses at least three large groups: the first group being countries in the so-called southern Europe – Portugal, Greece, Spain – which in the 1970s freed themselves of military or political dictatorships; the second group the countries of Latin America, which mostly freed themselves of military dictatorships in the 1980s; and the third one consisting of postcommunist countries, which began democratization in 1989.

Subsuming such differing situations and processes under one single “wave” is a sign that in democratization, a process is seen of establishing a formal – institutional and normative – arrangement, which sooner or later awaits every society (or at least society belonging to a “Western” civilization) as a matter of a “natural,” or predestined flow, no matter what the conditions in the society may be. Such simplification may not be unexpected, coming from the author of *the Clash of Civilisations*, but the widespread acceptance of this superficial, formalistic division is nevertheless a symptom of systematic, ideological distortion in observation and interpretation. Namely, there is a substantial difference between the first and second, and the third group within the “third wave.” Before the transformations toward democracy, the first two were under *authoritarian* regimes, while the third one was under *totalitarian* regimes. Unlike totalitarian regimes, authoritarian ones do not preclude any form of pluralism, do not abolish private ownership and turn it entirely into state ownership, and they do not abolish the market and impose a monopoly ideology.<sup>26</sup> Thus, even as they turn to democracy, these countries start with some degree of a free market

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25 S. Huntington, *The Third Wave: Democratization in the Late Twentieth Century* (Norman and London: University of Oklahoma Press, 1991).

26 Juan José Linz, *Totalitarian and Authoritarian Regimes* (Boulder: Lynne Rienner Publishers, 2000), p. 159 and below.

economy,<sup>27</sup> and with a society that is not completely wrecked, with social groups with pronounced interests, who, in a newly established democratic order, are capable of acting as autonomous actors vis-à-vis the state.

On the other hand, communist totalitarianism mostly thoroughly penetrated all the social links, imposed itself upon all horizontal relations as a mediator and controller, and subordinated awareness of social reality to a monopolistic ideology. The management of all productive resources was subordinated to the plan and direction from the top of the political hierarchy. The distribution accorded no place to any sort of autonomous decision-making on purchases and retail. Social services existed, but they were not provided as a right but a discretion, as an act of regime patronage, with imperative expectations of loyalty in return. Fear from straying from the obligatory ideology, from uttering a “wrong” word, which someone who’s party to the conversation will eagerly report to the authorities “in charge,” stretched the regime’s controlling tentacles into the most intimate private spaces. In this, the eager informers themselves have acted out of the same fear, because keeping quiet is being an accomplice. The society itself was party to its own oppression.

With the destruction of the autonomy of horizontal interpersonal relations – business as well as private – society itself was effectively destroyed. The word “destruction” is not far fetched, it is not used for effect’s sake. It is true that it also connotes physical ruin and demolition, but even without these two, destruction is what this is. Following the consolidation of Stalin’s government in the USSR in the 1930s, and the establishment of satellite regimes following World War Two, this destruction did not affect physical objects. (Although, it is true, that this was effected by a non-functional planned economy, incapable of making production suit the needs, and which had expressed the regime’s disdain of concrete individual life through lethal exploitation and pollution of nature.)

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27 Offe (“Capitalism by Democratic Design,” p. 504) thinks that including postcommunist revolutions in this group would be “inappropriate and illusory.” The essential differences among them are: 1) With the exception of divided Germany, the transition into democracy following World War Two (Italy, Japan, and West Germany), in the countries of southern Europe in the 1970s (Portugal, Greece, and Spain) and in Latin America in the 1980s (Argentina, Brazil, Uruguay, Chile, and Paraguay) did not involve changes in territory and larger migrations of populations. In postcommunist countries, there was territorial friction and migrations, conflicts around minorities and nationalities, secessionist tendencies. 2) Much more importantly, the transformations in the first three groups were a process of modernization that had a strictly political and constitutional character (to do with the form of government and the relation between state and society), whereas at the end of socialism the main task was to reform *economy* – to create a whole new class of entrepreneurs, by way of a political decision. In the article “Political Liberalism, Group Rights, and the Politics of Fear and Trust,” published 10 years later, Offe explains that (besides mainly uncontested state borders), in democracies of the real “third way,” there existed a capitalist market economy from before the democratic changes (while the privatization of companies owned by the state was underway), so he places postcommunist countries under a “fourth wave”; see *Studies in East European Thought* 53 (2001): pp. 167–82, esp. p. 168.

The destruction in hand was directed at the social “software” – people’s relations and minds. Namely – according to Karl Marx’s poignant formulation – society is not composed of individuals, but their relations. If the interpersonal, horizontal relations among the members of a society cannot be established and autonomously practiced, without authorization, mediation, and control from those in political power, the society will not function, and the population within this political power’s area of reach makes up a society, as much as the potatoes in a sack – Marx again – make up a sack of potatoes.

Truth be told, by the 1980s many of these totalitarian regimes had more or less made the transition into what Juan J. Linz and Alfred Stepan mark as “post-totalitarianism”<sup>28</sup> in their periodization. As is the case with many terms created using the prefix “post-,” “post-totalitarianism” does not denote some sort of situation *after* totalitarianism – assuming totalitarianism to be dead and gone – but its later phase. Unlike “full” totalitarianism, the intensity and reach of terror are reduced, and certain spaces for benign free (although always overseen) action are selectively allowed. In Hungary, a certain opening to private initiative was also adopted.<sup>29</sup> In Yugoslavia, a regime where the state and the communist party have formally almost completely withdrawn from managing the economy and social activities was developed over nearly 40 years, and in all this time any development in social autonomy was successfully obstructed. On the other hand, some regimes remained in state of “frozen” totalitarianism, although the intensity of repression would have suggested that they, too, had toned down the terror.<sup>30</sup> However, the essential feature was still going strong everywhere: the power of the political regime to direct all essential segments of social life, that is, from another perspective, the inexistence of a foothold for any sort of autonomous power of the society.

This difference reaches its expression precisely when countries belonging to either group attempt to establish a democratic order. It does not even necessarily manifest in all cases in formal “tests” of consolidation (which may speak more of the methods and criteria for examining consolidation),<sup>31</sup> but it is an unavoid-

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28 J. Linz and A. Stepan, *Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-Communist Europe* (Baltimore and London: The Johns Hopkins University Press, 1996).

29 Mislivetz (*Illusions and Realities*, p. 83) writes of this as of an East European “paternalistic state,” different to “totalitarian dictatorship.” The paternalistic state also retains monopoly over political decision-making, but leaves be the individual freedoms that do not endanger this privilege.

30 In the author’s interview with Reinhard Weißhuhn, who 20 years ago was an activist of the East German Initiative for Peace and Human Rights (now the foreign policy adviser for the Green party in the Bundestag), Weißhuhn said that in the 1980s, the repression has been so far perfected that it no longer needed to be brutal.

31 So it appears that some postcommunist countries consolidated their democracies faster than some Latin American countries did. See W. Merkel, “Plausible Theory, Unexpected Results: The Rapid Democratic Consolidation in Central and Eastern Europe,” *Internationale Politik und Gesellschaft/International Politics and Society, Newsletter der Friedrich-Ebert-Stiftung*, no. 2/2008, p. 12, [http://www.wzb.eu/zkd/dsl/pdf/03\\_a\\_merkel\\_gb.pdf](http://www.wzb.eu/zkd/dsl/pdf/03_a_merkel_gb.pdf)

able fact that neither Spain, nor Portugal, nor Greece, nor many Latin American countries had to solve the issue of setting up a market economy out of thin air, an issue that often amounted to squaring a circle – how to extricate something from the grip of politics by a political decision, when it still has to turn from a state-run estate into a free economy, and when it still demands the “creation” of private owners. In literature on the postcommunist countries’ transformation, it is practically a truism that not only the members of the new political elite, but of the old nomenclature as well, turned their political (formally even bankrupt) capital into the literal, economic capital by using contact networks and through knowledge of the constitution and workings of the administration (which, unlike the parliament, it is not possible to entirely transform in several months, either in personnel or in organization).

This in itself is not the crucial problem (except perhaps for moralists) if it is a matter of “primary” accumulation. It would not be the first nor the last time that some people acquired riches in a way that would hardly succeed in conditions of legality. A more permanent problem arises when the mutual ties of political and economic power become structural. That is, when it continues to thrive in further development in the middle, and even in the long run, when there lingers the kind of relationship in which capital is not only acquired merely thanks to political links and perks, but can only be retained, that is, economically utilized, through dependence on the political elite. This is a characteristic that has already become a permanent component of relations in Serbia, Bosnia-Herzegovina, and Croatia, and has displayed sturdiness in the face of such profound transformations like the war, the post-war normalization and, finally, the 10 years of reforms under significant international influence, particularly of the European Union.

Countries in which a market economy had already been functioning – even when they needed to reduce the scope of firms owned by the state – had the minimum conditions at their disposal: that environment of norms, institutions, and procedures, which, together with the market, make up the “economic society.”<sup>32</sup> These are measures of value determined by competition, institutions, and mechanisms of trading shares and transferring ownership; administrative and judicial institutional surroundings; and at least some free capital that could be invested – or perhaps channels of entry for foreign capital. None of this had to function anywhere near the level of desirable standards, but there was a minimum of *pluralistic social structure*, with a division of functions and

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32 Linz and Stepan (*Problems of Democratic Transition*) methodically implement this concept through a comparative analysis of changes precisely among the “third wave” democratization countries (in its wider sense). On the importance of this institutional subsystem, without whose “support” there the “free” market cannot work either (applied to Croatia as well), see Maja Vehovec, “Evolucijsko-institucionalni pristup razvoju poduzetništva” [The Evolution-Institutional Approach to the Development of Entrepreneurship], in *Poduzetništvo, institucije i sociokulturni kapital* [Entrepreneurship, Institutions, and Socio-cultural Capital], ed. Drago Ćengić and Maja Vehovec, (Zagreb: Institut društvenih znanosti Ivo Pilar, 2002), p. 15 and below.

a sphere of ownership that was not at the immediate disposal of authoritarian governors.<sup>33</sup>

## Transition and democracy as ideology

What is symptomatic in the oversight of this profound difference could best be interpreted by a preconception that “democracy” holds a certain force, with which sooner or later it will reaffirm itself as the only appropriate political form, and thus as the necessary outcome of every country’s historic development, which has to arrive sooner or later. In this way, it can be all the same as to how social preconditions work: Do they work and do they exist at all for the construction of something that should be no more and no less than a system of society’s influence over the state and the state’s responsibility toward the society: From this perspective, a term was born, a term which had become the most common designation of postcommunist changes: “transition.”<sup>34</sup> Since lexically it merely denotes a passage or bridging, even in such condensed form this term points to the notion that the end to the process that began in the breakup of communist regimes is already known. The starting point and destination of a passage are, of course, familiar.

Where democracy has long been practiced as a political way of life that is understandable and “natural,” it has come to be because in one time, during a certain period, some people have fought for it. This is a mark it still bears today, not only visible in the struggle among parties competing for places in parliaments and, indirectly, government, but also through various and numerous ways in which political will is publicly formed in the society, and in which its different parts send “signals” of their interests – be it to state bodies or to the public. This “mark” is not an atavistic drawback, an indigested and not-yet-overcome remainder of the previous, undemocratic order, but the very bloodstream of democracy, a game (as a metaphor for non-violent struggle) between special

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33 This difference is well-illustrated in an anecdote. In an interview with the representative of a European foundation considered to be conservative, which is active in Bosnia-Herzegovina, Croatia, and Serbia, I asked a question about evaluating activities and influences of civic actors in these countries. My interviewee, who not long before had taken over responsibility precisely for this region, replied that the engagement and the actual influence seemed too small to him. Given the conservative image of the foundation, which indeed does work much with elites and state institutions, I was surprised by the response. On more thorough discussion, we also arrived at the fact that the interviewee had spent years earlier working in one of the Latin American branches of the foundation, and that he had acquired entirely different notions of civic actors’ modes of working. The basic difference was that, although societies there were often significantly poorer, with greater presence of direct violence, largely thanks also to a never entirely quenched private capitalism (even when the links of corruption had deeply interwoven it with the spheres of political power), they were never completely closed in their functioning, which left many cracks and spaces for gathering and public agency.

34 Tom Carothers, “The End of the Transition Paradigm,” *Journal of Democracy* 13:1 (Jan. 2002).

interests for the acquisition of non-violent prevalence based on the free convictions of citizens-voters, and a game of reconciliation between special interests and common policy necessary to sustain the whole.

In societies the likes of which have come out of decades-long rule by communist regimes and short political revolutions, there was no such potential with which to fight to obtain democratic institutions. Although, if it is known how wide a consensus existed in favor of adopting democratic constitutions, constitutional and legal guarantees of civil and political rights, in favor of the rule of law as voted in a democratically elected parliament, the thesis of lacking potentials may seem at least paradoxical. However, democracy is not only a matter of commitment, a set of principles and an institutional form that can be picked on inclination, but a set of principles and institutions that are practiced actively, that is, which given actors use: principles that are effectively rendered into legal guarantees of freedom and institutions that serve as the framework for working to produce and implement norms and policies.

Whose freedom? Of whose agency? Of that same society that until yesterday had been so thoroughly and systematically destroyed? Just as it is difficult to resist the ideological belief that democracy is the natural cause of historic advancement, so it seems to be easy to fall into the trap of another prejudice: That societies of communist regimes were really not-yet-developed, but essentially capitalist societies, squeezed under the heavy mantle of the regime, but still carrying a liberal-democratic potential energy, whose – again! – “natural” mode of connection – that is, the market, and the likewise “natural” mode of human agency, enterprise, and market exchange – will sprout the moment the “unnatural” totalitarian mantle is removed. And with them, the interests providing the necessary motivational energy for democratic institutions of social control and true limitation of state power will also develop.

## The communist (de)construction of society

However, the society is not market-capitalist by nature, nor is it a neutral basis on which different systems can be superimposed at will; rather, it is a whole. Thus, the reign of the communist regimes also generated a societal formation in its own right.<sup>35</sup> This was accomplished in a seemingly contradictory manner, by the pre-emptive and actual destruction of the very fabric of autonomous societal relationships, but that is exactly the reason why it was profoundly efficient.

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35 It is a mistake not to realize that the “so-called real socialism – that is, the system that took shape in the Soviet Union and in European socialist countries – is a social system in the strong sense of the term; it has its own equilibrium mechanisms, its own dynamics, and the ability to reproduce its constitutive characteristics.” – Edmund Mokrzycki, “The Legacy of Real Socialism, Group Interests, and the Search for a New Utopia,” in *Escape from Socialism: The Polish Route*, ed. Walter Connor and Peter Ploszajski (Warsaw 1992), p. 269, quoted in: Linz and Stepan *Problems of Democratic Transition*, p. 246.

In economy, not only external control was established, but also a genuine dependence of economic transactions on political mediation, to the extent where there emerges an integral political-economic system of reproduction in its own right,<sup>36</sup> which is indeed a system of built-in political dominance that cannot be discerned from the economy.<sup>37</sup> The regime of the policies of planned economy profoundly informed the entire complex of production, exchange, distribution, and consumption, and turned it into a distinct political-economic formation, dominated by the former part of the syntagm – the political<sup>38</sup> – not because the command economy really worked according to the doctrine of planning and integration of the entire economy from the supreme political center, but exactly because the plan can never be realistic,<sup>39</sup> so the whole “system” depends on a combination of political bargaining and a network of informal connections for nudging.<sup>40</sup> In such a system, the agency of an integrated political power apparatus, separated from the society and economy, is a necessity.<sup>41</sup> This inextri-

36 Thus, Puhovski (*Socijalistička konstrukcija*) defines the basic structure of reproduction of the socialist order not as a production of surplus value but as production of surplus power: Since those regimes were not able to directly control everything through a kind of monstrous system of monitoring, gathering, and processing all information on all that is being done and happening in a given society, they focused on preventive disabling of non-regime thinking and action. That was accomplished not only by omnipresent surveillance (or by maintaining the frightening perception thereof) and by constant anxiety from incalculable repression, but also, and primarily, by a closed ideology.

37 A paradoxical but typical development has taken place in the Croatian language related to this issue. In the last two decades the word *gospodarstvo* has completely displaced the word *privreda*, both meaning “economy.” Paradoxically, the older word that was used during the period of the communist rule in Yugoslavia was composed in the way that designated acquiring or producing a new value, which pertains to a market economy. In contrast, the word that has been put into use in the last two decades is composed exactly like the German *Wirtschaft*, coming from *Wirt*, i.e., “master,” “possessor,” or “landlord”; thus, it indicates dominance over things, rather than exchange relationships in a market, wherein the objective is not mastery but production of value with a surplus. In this sense, *gospodarstvo* is closer to the ancient meaning of the Greek οἶκος (the closed household economy) than to a market-driven production. The linguistic shift resulted from the overall nationalistic effort to make Croatian as different as possible from Serbian, but the choice of words unintentionally reveals that political dominance over economy has survived the “democratic revolution.”

38 “[...] under the societal conditions of the Soviet system the economy does not contain or generate any principle of its own dynamism – whereby the dynamism is substantially determined by the will of the politocracy”; Ferenc Feher, Agnes Heller, and György Markus, *Dictatorship over Needs*, especially the part whose main author is G. Markus, “Korporativna svojina i komandna ekonomija,” quoted from the Serbian translation, *Diktatura nad potrebama*, translation by Ivan Vejvoda (Belgrade: Kosmos, 1986), p. 95.

39 *Ibid.*, pp. 92 ff.

40 *Diktatura nad potrebama*, pp. 135–36.

41 “[...] when the market plays no role in establishing balance, only the corrective agency of the central apparatus is capable of continually re-establishing relative harmony among formerly divided spheres of the economy” (*ibid.*, p. 150); “Thus, the abolishment of the balancing role the market plays creates an integral economic foundation for the social domination of the apparatus...” (*ibid.*, p. 151).

cable connection between the political regime of planned economy reaches its full expression in the so-called third economy. Namely, apart from the official, planned economy of the state-owned companies, the socialist regimes also allowed the restricted “second” economy, which operates in the market (mostly limited to handicraft services and production or very small enterprises) and serves as a necessary supplement to the “first” one. However, in the need to fill the gaps of the organization of the official, “first” economy, a “third” one also emerged, which operates by systematically circumventing the official channels, the circumventing being built into the real operation of the “first” economy.<sup>42</sup> Having to fulfill the unrealistic tasks set by the economic plans, managers of state companies continuously resort to relationships that are, in György Markus’ words, “more familiar from the area of economic anthropology than from descriptions of modern societies,” and consist of personal, informal relationships among members of the bureaucratic apparatus, by means of which problems like shortages or other disturbances are dealt with.<sup>43</sup> Furthermore, the “third economy” mediates between the first two, for example by hiring small private enterprises to fill the gaps in the official planned economy. This is how a system is informally institutionalized, which heavily relies on networks of personal contacts that are far too complex to be simply conceived of as “corruption”; such a system made it possible to organize and integrate complex activities in a sphere that is parallel to the official institutions and capable of penetrating them. These relationships would also play a significant role after the change of the political regime, that is, the implosion of communism – either in the form of the breakthrough of organized crime into the national economy in Russia in the early 1990s – where it turned out to be surprisingly well-equipped to take over relatively legitimate business activities – or as the aforementioned continuous, structural intermingling of political power and economic interests in the defective postcommunist democracies.

What made Yugoslavia different from the regimes under Soviet domination was a considerably higher autonomy of enterprises (which were considered “social,” rather than state-owned) and a considerably stronger role of the market in integrating the economy – although the market was much less free in the area of investment than in the areas of commodities, services, and (to the extent allowed for by the low geographical mobility of the population) labor. Namely, long before the “discovery” of “post-totalitarianism,” the system was developed

42 *Diktatura nad potrebama*, p. 158.

43 *Ibid.*, pp. 158–9. In the late 1970s and early 1980s, media occasionally ran exotic stories about a special, unofficial “profession” in the Soviet economy, called “pushers.” When a manager of a socialist company came under particular pressure to deliver products required by the plan, at the same time depending on equally unrealistically planned deliveries of raw material, components, or equipment, he had to find unofficial ways out of such a squeeze. Thus, the “pushers” reportedly travelled throughout the country with suitcases full of cash, buying other managers’ cooperation in the companies whose deliveries were needed. Although they could not be checked, such stories, which really resemble a kind of “economic anthropology,” at least illustrate the “model” at work in such societies.

in the manner that relegated the decisions that were not substantial for the overall control to decentralized instances (either geographically, or functionally, through the system of the so-called workers' self-management in companies). Furthermore, the real locations of control were obscured and concealed, instead of exposing them clearly as in the regimes of direct commanding domination. Therefore, unlike the markets just mentioned, the capital market, if it existed at all, was of merely second-rate importance compared to political arbitration in investments. Nevertheless, despite the higher level of the business decision-makers' autonomy from the political apparatus, political control was present in the less formal shape of the activity of the network of the League of Communists from behind the formal institutional screen of "self-management" in all social companies and institutions.

This party (insofar as an organization – which encircles the whole, rather than being just a part and/or a side within a pluralist political spectrum – can be called a party) influenced both the selection of managers and the business decisions (particularly on capital investment and other major measures) and it always had some extraordinary means at its disposal (in the form of the "compulsory management") in cases where the discrepancy between autonomous business-making and the interests of the local or republican political center grew too big. That is the reason why not even in SFR Yugoslavia – in spite of the much higher capacity of autonomous business management, which had raised expectations among certain sociologists and economists – was it possible for a separate business elite to develop, emancipated from the dominant political impact. Given that the change in power – apart from the fact that the mode of its establishment has changed to free, multiparty elections – was also carried out as the replacement of the dominant political elite, the business managers could not become a nucleus of a potential future capitalist class on the basis of their positions in the relatively autonomous enterprises.<sup>44</sup> After the change in power (in Croatia and Bosnia-Herzegovina), or the shift in the basis of legitimacy (like in Serbia), the political elite openly takes over the powers of ownership and launches crony "privatization" – allocation of property to political allies or dependents – and imposes new masters on the non-emancipated business elite.

Both in its "real" and "self-managerial" versions, the socialist regime did not leave room for different positions in the society and economy to emerge as interests. It is true that farmers, managers, industrial workers, clerks, and others used

44 How the new, "democratic" (and indeed freely elected) power holders did everything in their power to prevent the creation of such independent elite, is described by Vesna Pusić in *Vladaoci i upravljači* [Rulers and Managers] (Zagreb: Novi Liber, 1992), especially the third part, "Što su vladaoци učinili upravljačima" [What the Rulers Did to the Managers], pp. 129 ff. On directly corrupt and criminal practices, see Darko Petričić, *Kriminal u hrvatskoj pretvorbi* [Crime in the Transformation of Ownership in Croatia] (Zagreb: Abakus, 2000). So the destruction of autonomous, auto-regulatory mechanisms of the society, which had been partly developed, but at the same time constantly suffocated and obstructed under socialism, continued even after the formal establishment of democracy and transition to private ownership and a market economy.

to have rather different problems and corresponding needs in their lives; but in order for those needs to evolve into recognizable interests of social groups ready for action, the people in similar positions should be able to associate autonomously, and to communicate about their needs, about the difficulties they encounter, about their possible causes, and the conditions for improvement. In short, a process of socially relevant awareness-raising, without which needs do not turn into interests.<sup>45</sup> Without the legal conditions of the freedom of assembly, association, and public communication, as well as without a necessary infrastructure in the form of open and independent media, the awareness of the (unsatisfied) needs was simply suppressed or remained captured in frustration and resentment, and those who were equally affected never came to be connected. Simultaneously, being “socialist” and based on the ideology of the working class’ rights and its emancipation, the regime effectively occupied the field of possible criticism and absorbed any will for action through endless meetings, discussions, controlled trade-union activities, and “theoretical” analyses. If “sensitive individuals”<sup>46</sup> were to be found among social scientists, philosophy authors, writers, members of similar professions, and individuals who seized on the opportunities to use these circumstances for critical discourse, it was an unintended side-effect that was dealt with by various methods, depending on the local particularities of the given regime: isolation; intimidation by public character assassination; transfer to jobs without corruptive influence on the youth or the public; relegation or imprisonment; and heavier sentences.

Other “risky” professions that threatened to get out of control – like the aforementioned “engineers of human souls,” owing to their specialist knowledge, which the regime could not subjugate to its total control without rendering it useless (like scientists, experts in technology, and managers) – were disciplined by occasional campaigns against “technocracy.” Again and again, it turned out that it is easier for the regime to jeopardize the functioning of technical systems than to relinquish a part of the control. Of course, this “technocracy” had nothing in common with the phenomenon of certain expert groups acquiring influence over the authority, or even getting a share in it via specialized agencies to which some developed interventionist Western states delegate competences in making decisions that require expertise beyond the capacities of political bodies and professional bureaucracy.<sup>47</sup> For communist regimes, any expert knowledge necessary to the regime but not susceptible to intrinsic control could be denounced as “technocracy”; thus, the control was exercised by a combination of intimidation and bribery by perks.

45 These fundamental concepts are developed in Žarko Puhovski, *Interes i zajednica* [Interest and Community], Studentski centar Sveučilišta u Zagrebu, the “Razlog” series, (Zagreb 1975).

46 Using the words of Don Fernando, a character in the novel *Kiklop* [Cyclops] by Croatian writer Ranko Marinković.

47 See, e.g., Sheila Jasanoff, *The Fifth Branch: Science Advisers as Policymakers* (Cambridge, Mass.: Harvard University Press, 1990).

## Democratic potentials?

What does this mean for the establishment of democracy? On one hand, as mentioned above, it was practically a matter of consensus. It symbolized the opposition to the arbitrary power of the socialist regimes, unaccountable to the society. In mass perception it was inextricably associated with freedom and human rights and, even more importantly, with a market economy, freedom of private initiative, and economic prosperity. Admittedly, for the old elites, it meant relinquishing power (although some of them managed to survive the first free elections). But, if carried out in a peaceful and consensual manner, the relinquishing of power came with the lowest realistically attainable price – without the old power holders being exposed to violent frustrations of the societies that had been humiliated for decades. There were still no new elites, and for the emerging nuclei thereof, that is, the political societies preparing to become political parties, democracy was not only a chance to come into power but also a condition for international recognition and support from the West. In short, democracy was simply assumed to be the desired form of political order for the postcommunist states. And to determine what it should look like in the concrete implementation, it was sufficient to look around: There were an abundance of constitutions and laws to copy (with some adaptations, or even by literal copying and pasting), an abundance of literature both on the fundamental tenets and on complications of political implementation, and there were numerous consulting services on offer.

Democratic orders were thus indeed established surprisingly quickly, almost in accordance with the famous figurative projection by Ralph Dahrendorf, who foresaw that the instituting of democratic constitutions and the most important laws (the “hour of lawyers”) would take six months, the transition to the market economy (the “hour of politicians”)<sup>48</sup> would take six years, while the real foundations of the new order by development of its social foundations, “which transform the constitution and the economy from fair-weather into all-weather institutions capable of withstanding the storms generated within and without [...] sixty years are barely enough to lay these foundations.”<sup>49</sup>

On the other hand, however, such speed, assuming that the job was well done, could only mean two things. Firstly, democracy did not develop out of interests stemming from the society itself, indeed of its various group and collective actors.

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48 Dahrendorf, *Betrachtungen*, p. 77.

49 *Ibid.*, p. 83 (the English translation, *Reflections on the Revolution in Europe*, Transactions Publishers, 2004, p. 100). It is telling, and deserves a special elaboration, that Dahrendorf’s comprehensive term of “social foundations” of the stability and legitimacy of the “constitution and economy” has been generally interpreted in a reductive way, i.e., as *political culture*, or, in the further theoretical development, as *social capital*. The reduction thesis does not apply to the argument by Offe in his paper “Political Liberalism”; in his presentation, each step in the progression from civic to political to social rights, is followed there by the corresponding “moral resources”: trust, tolerance, and solidarity, respectively.

In a society that is getting rid of a communist regime, democracy is endorsed in the mode of *ideology*.<sup>50</sup> However, not as an ideology of any particular interest group, but as imitation of respected models, or as a legitimation of the new order. “Instead of concepts, strategies, collective actors and normative principles, there are acting persons and their discoveries of the moment with their deliberately opaque semantic content. Among them are the catchwords *glasnost*, *perestroika*, and the metaphor of a ‘common European home.’”<sup>51</sup> Democracy as ideology is at the same time a guiding idea for action, and a symbolical expression of desires that are not necessarily coherent, nor is it derived from them through rational analysis; it precisely fits the definition of both distorted consciousness and the authentic consciousness of a distorted reality. And distorted reality consists of the fact that the democratic play is not wanting in playwrights, viewers, or prompters, but misses the players, that is, actors in the literal sense. If democracy is (among many things) a field of tension, ordered in a certain manner, between the society as a less than harmonious ensemble of conscious and politically active particular interests on one hand, and the state responsible for promulgating generalizable, binding norms and policies that are favorable to the whole society as a “community” on the other hand, then this equation *lacks one entire side* if we are talking about societies emerging from regimes that radically suppress any independent forming of interests (let alone a public articulation, or any organized advocacy and representation thereof).

In other (less dramatic) words, if the destroyed, dysfunctional “societies” – where autonomous, horizontal ties had been broken – did not produce any “project” of their own of a new order, by the same token they did not produce any representative collective actors. Namely, the communist regime left the legacy that made the postcommunist transformation very different from any previous case of transition to democracy: It “rather successfully prevented the emergence of socio-economic cleavages (such as countryside versus city, workers versus employers, the oligarchy versus the poor) which now would have provided a

50 “[...] the new construction seems to begin with the abstract notion of democracy and market economy.” – Puhovski, “Wizard of Oz,” p. 18.

“The condition in which all post-communist regimes find themselves today, suspended in the void between borrowed models un-backed by native interests and native interests devoid of realistic political programmes, is one in which *everything may happen yet little can be done...*” – Bauman, “A Post-Modern Revolution?” p. 18. In this early paper (completed in Oct. 1992), which clearly indicated many problems that would fully manifest themselves in the decade that followed, Bauman also shows a bit too much trust in leaving social integration to the free market play of private forces, praising the trend of “buying off” the social services of the “protective state.”

51 Offe, “Capitalism by Democratic Design,” p. 503.

fertile soil for the formation of *representative collective actors*.”<sup>52</sup> The absence of such actors can be understood on the background of the very “society” that simply does not work as a civic society of the modern age, that is, as a sphere wherein the power of civic actors is constituted outside of political structures and autonomously from them, primarily resting on private property (capitalist interests), then on knowledge (professions), organized solidarity (trade unions), networks of trust and mutual support (civil associations, organizations of minorities), etc.<sup>53</sup> All that has been simply *going without saying* in modern Western democracy for the last two centuries, even though it did take a lot of struggle. It seems that this implication is the reason why it has generally been overlooked that the condition of active interest groups that make up the civic society was not fulfilled; in the euphoric postcommunist “democratization,” the change was perceived as a mythical return to where the societies in question had “always belonged” before they fell under the communist yoke. The belonging is, however, conceived in the irrational sense of an imagined Western “identity” of Central European societies, rather than in a sense of sharing civic and democratic order in reality (with the exception of Czechoslovakia in the short period between the two world wars). Namely, the countries of Central-Eastern Europe left the process that had been started by the “Stalinist revolution” as “homogenized, simple polities.”<sup>54</sup> With an economy that has yet to win its independence from the state (which cannot be reduced to privatization, but requires a real independence of the owner from the political elite,<sup>55</sup> as well as an institutional and political ambience wherein business agents can make autonomous decisions; it also presupposes that the market signals for such decisions – while necessarily modified by the government’s economic and social policies – are not entirely distorted or suppressed), with the population trained to be dependent on state redistribution, without

52 Offe et al., *Institutional Design*, p. 25, italics S. D., (see also Offe, “Capitalism by Democratic Design,” p. 510).

“In the absence of a consolidated structure of capital ownership or a fully developed labour market, then, social differentiation is retarded and social cleavages are ill defined. Interest group politics revolves instead around the conflicts and issues arising from the process of transition to the market.” – S. Padgett, “Organizing Democracy: Economic Interest Groups in Post-Communist Germany,” *Journal of Communist Studies and Transition Politics* 15:3 (Sep. 1999): p. 8.

53 In the postcommunist societies, there is a “gaping hole right where the class organizations, interest groups, and voluntary organizations of liberal democratic civil society are located.” – David Ost, quoted in: Martin Krygier and Adam Czarnota, “Rights, Civil Society, and Post-communist Society,” in *Western Rights?: Post-communist Application*, ed. András Sajó, Katharine Lauer (The Hague: Kluwer Law International, 1996), p. 129.

54 “Because of their one-sided distribution of power, the rulers of these systems could never accept any significant degree of social autonomy and, indeed, consistently destroyed all manifestations of uncontrolled social thought and action, particularly in any organized form.” – George Schöpflin, “The End of Communism in Eastern Europe,” Nov. 28, 1989, *International Affairs* 66:1 (Jan. 1990): p. 4.

55 A political environment marked by a systematic orientation toward an individual subject of political life. – Puhovski, “Wizard of Oz,” pt. 4.3.1, p. 19.

powerful social organizations and established non-political elites, the “equation of democracy” really does lack the other side – the one that consists of the power of the society versus that of the state.

## Democratic defects

The second implication of the rapid establishment of democratic orders relates to the quality of the newly introduced arrangements. In a strange consensus of the new elites and the Western advisers, they were conceived as minimalist arrangements, that is, formal and procedural, which mainly boil down to free pluralist elections and the general and equal suffrage.<sup>56</sup> Not even all the necessary legal and institutional prerequisites were taken into account, let alone the socioeconomic realities of the countries in question. For “transitologists,” this was sufficient to subsume *electoral* democracies under the “third” wave (as discussed above) of democratization in the twentieth century.

Such an approach is consistent with the approach that takes democracy primarily as a legitimizing ideology for the new order, rather than as a political-institutional and normative expression of claims from below aiming at a controlled and accountable system of governance. It is curious, however, that the minimalist set-up of the new democracies did not appear problematic to the Western observers. That tells us something about the reduced understanding of democracy, even in the political context of advanced Western societies. For instance, in her study on the role of the Constitutional Court in the development of the rule of law in postcommunist Hungary, Catherine Dupré noted:

*“institutional optimism” was induced and encouraged by the nature of Western expertise. This expertise was largely based upon a particular conception of democracy, namely that of formal or procedural democracy. In other words, it essentially rested upon a set of institutions and formal requirements. Being born and educated in this model, Western experts (unconsciously?) promoted it in post-communist Europe.*

Apart from the fact that the model in itself does not deserve an uncritical endorsement, the receptive countries of the postcommunist world did not meet certain essential requirements for its implementation. But, “as the recipe for democracy is extremely complex and ultimately a bit mysterious, opting for the insti-

<sup>56</sup> An example of such minimalist designation of democracy – quoted in: Catherine Dupré, *Importating the Law in Post-communist Transitions* (Portland: Hart Publishing, 2003), p. 58, n. 51 – is given by the concluding statement by Karen Darwisha in the introduction to her book: “It is assumed that leaders chosen via free and fair elections, using universal adult suffrage, will be induced to modify their behavior to be more responsive to popular wishes and demands than leaders in authoritarian states”; – in K. Darwisha, B. Parrot, eds., *The Consolidation of Democracy in East-Central Europe* (Cambridge: Cambridge University Press, 1997), p. 40

tutional perspective was probably the easiest and quickest way to teach its basic ingredients.”<sup>57</sup>

So, it is the explicit assumption of the electoral democracy “that leaders chosen via free and fair elections, using universal adult suffrage, will be induced to modify their behavior to be more responsive to popular wishes and demands.” The tacit assumption, however, includes more than that: that the “popular wishes and demands” will be conscious and articulated; that there will be appropriate organizational resources, knowledge, and skills to present them in the public arena and introduce them into the political process; that there will be open channels of public communication, etc. All these assumptions obviously go far beyond not only the institutional and procedural framework, but also the framework of the overall political system, but that does not make them less relevant as conditions of democracy.

So, such a model suited both the Western “democracy helpers” and the postcommunist elites. For the former, the minimum conditions were met, the communist rulers were removed from power, and even if they returned, they would do so only as one of the competing political groups. For the latter, that is, the new elites, the pacification of any democratic movement and its “translation” into formal structures was more than welcome.<sup>58</sup> After the first decade, however, it turned out that most of the new democracies were in a sort of “gray zone,” where they no longer belonged to totalitarian, or even authoritarian regimes, but nevertheless suffered from grave deficits in terms of democratic standards. Citizens’ interests were ill-represented, their participation in political life (apart from voting) is weak, state officials often break the law, it is not guaranteed that elections are legal, the governments’ performance is poor, etc.<sup>59</sup> By criteria more elaborate than those used by the Freedom House, only 50 percent of the postcommunist democracies in Europe and CIS were liberal, and one-third were illiberal.<sup>60</sup> In short, the free elections, multiparty competition, and general suffrage are not sufficient. Wolfgang Merkel, who made comprehensive research into defective democracies, lists five components that should, at least within the limits of institutional architecture, assure that democracy is embedded in a given society. Apart from democratic elections, there are four “defining elements” that should be secured: political rights, civil rights, horizontal accountability between state institutions, and the effective power to govern.<sup>61</sup> To be sure, there are also conditions outside the political system. So, a low level of socioeconomic development (with big social differences) may lead to the “low-intensity citizenship,” which in practicality means that a considerable part of the population see no

57 Dupré, *Importing the Law*, p. 59.

58 Bill Lomax, “The Strange Death of ‘Civil Society’ in Post-Communist Hungary,” *Journal of Communist Studies and Transition Politics* 40-41 (1997): p. 42.

59 Carothers, “The End of the Transition Paradigm,” pp. 9–10.

60 Wolfgang Merkel, “Embedded and Defective Democracies,” *Democratization* 11:5 (Dec. 2004): p. 35.

61 Merkel calls them “partial regimes”: *ibid.*, pp. 36–42.

effective use for political rights, even if they are properly guaranteed in the formal legal sense. There is another, rather complex condition – that is, the degree of development of civic society – which determines to what extent the individuals will be protected from the government's arbitrariness, whether the society will work as a counterbalance to the state, how much the citizens will have a chance to learn democracy and corresponding civic virtues, and to what extent the prevailing political will be created and shaped through public deliberation.<sup>62</sup>

All of this shows that systems that look democratic in their basic features may be more or less so in reality. It is possible – usually using various tricks with citizen's status – that suffrage be denied to certain categories of the population, although given by the constitution and applicable laws as “general.” General suffrage may not be accompanied by really effective guarantees of personal freedom and other civil rights. It is possible that political rights are recognized or provided only partially, so, for example, the right of choice is not supported by equal openness of media to all, which cripples the right to public communication and action. In many cases, it is not just human (civil and political) rights that are problematic, but also the division of different branches of power and their mutual control – most often, it is the judicial control over the workings of the legislative and executive branches that is missing, or the executive power becomes practically independent from the legislative and judicial powers. Finally, it is possible that certain parts of the state structure (typically, the military and police) usurp a domain where they act without any control.<sup>63</sup> In short, democracy reduced to correct electoral procedures still does not guarantee serious change.

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<sup>62</sup> *Ibid.*, pp. 45–7.

<sup>63</sup> Still, it is worth noting that – except in the Soviet Union and SFR Yugoslavia – the armies showed a surprising absence of will to prevent the changes arriving with the anticommunist democratic “revolutions.”

## 1.3 PROJECTIONS AND REALITY

### The “natural” necessity of democracy

The fact that so many new democratic states remained on the level of “diminished” or defective democracies should not be unexpected, at least because of the banal circumstance that a normative and formal institutional system is not the same as building institutions and implementing norms in so-called real life. Of course, what is more important is the more specific explanation that the minimalist set-up of the new democratic states did not include all those additional “partial regimes” necessary for the self-reproduction of democracy as a system of citizens’ control over their state, of efficiency of decision-making and governance, and of state accountability. What is surprising is that nobody asked how come that the minimalist – formal and procedural – notion of democracy is accepted as quite appropriate in Western countries, which do not suffer from such deficits of democracy. Such comparison would directly indicate that the decisive differences should not be sought in a possibly insufficient construction and implementation of democratic systems, but in the social context. The answer is partly implied already in the cited conditions of a full-fledged democracy: not only the complete institutional structure (which protects individual autonomy, enables public action and secures the control of the system) but also a developed civic society as the counterbalance to the state.<sup>64</sup>

In the established democracies of the western and northern Europe and northern America, it is not the question *whether* the civic society works, but what are the procedural paths and institutional frameworks within and through which different interests confront each other, conflict with each other, and find compromise, and how the decisions are reached that respect both the majority rule and the postulate of acceptability for all. The society has reached the sufficient degree of social integration through the internalized norms and rules of the game, and social actors – despite the growing complexity of the system and popular political apathy – do find interest and ways to take part in forming political will. Nothing of the above can be initially taken for granted in the postcommunist societies.

Those more critical Western observers of the postcommunist transformation already noticed that their own “cultural baggage,” their own “doxa”<sup>65</sup> (meaning

<sup>64</sup> See in that respect Jorge Nef and Bernd Reiter, *The Democratic Challenge. Rethinking Democracy and Democratization* (Basingstoke: Palgrave Macmillan, 2009), chapter 4.

<sup>65</sup> Pierre Bourdieu’s concept from *The Field of Cultural Production* (Cambridge: Polity Press, 1993).

implicit assumptions on the world of liberal democracy where they live, assumptions raised to the level of unquestionable yardsticks by which to judge how (un)successful the democracies in the postcommunist countries are<sup>66</sup>) tend to interfere with their analyses. It should be added that such tacit assumptions might also lead to “reading into” the societies in transformation the traits and potentials they in reality do not possess. That is precisely the case in the facile application of the minimalist concept of democracy onto the postcommunist societies, including, for instance, unfounded expectations that the electoral democracy by itself, through periodical competitive elections, should set in motion some other processes,<sup>67</sup> or the assumption that “any country moving *away* from dictatorial rule can be considered a country in transition *toward* democracy.”<sup>68</sup> This is how the number of “transitional” countries in the world has increased to more than a hundred.<sup>69</sup>

However, it would be wrong to see this as “colonial” influence from the West, which “imposes” its own models on the postcommunist countries, directly impacting on the constitutional and legal solutions, in the place of the authentic solutions generated by the countries in question. Not only that democracy was – and to a great extent still is – a broadly accepted emblem of a desired political order in those very societies; it is exactly its mere formal-procedural version that suits the new local elites. The very deficits that make those democracies defective figure for those elites as a field of greater freedom, while the formal minimum is most often a sufficient condition for international recognition and acceptance (and may serve as a qualification for various kinds of support). That is how a number of countries are comfortably placed into the category of the “free countries,” as classified, for instance, by the *Freedom in the World* index of the Freedom House, whereby democracy merely consists of the right to organize a number of parties, that those parties compete in regular free elections, and that there exist a general active and passive suffrage and civil rights.

However, if we endorse the notion that there is nothing “natural” in democracy and a market economy, which also means that they are neither the guaranteed nor the necessary outcome of the social change, we face the paradox that it is precisely democracy and a market economy that appear practically as the only choice for those societies. Indeed, it is a necessity, but a necessity in no way metaphysical or historically determined; it is the necessity of integration into the order that is globally dominant, and which has therefore encircled all

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66 Schöpflin, “Liberal Pluralism,” p. 111.

67 Carothers, “The End of the Transition Paradigm,” p. 7.

68 *Ibid.*, p. 6.

69 *Ibid.*, pp. 6–7. W. Merkel poses the pertinent question of method in which 5.5 of a total of 7 points has been reserved for countries considered more or less free, and only 1.5 points (from 5.5 to 7) for illiberal countries. Merkel, “Embedded and Defective Democracies,” p. 55, n. 7.

possibilities of development – that order being Western capitalism.<sup>70</sup> There is no theoretically elaborated or practically viable alternative of a “third way,” since the social democrats in the developed countries also endorsed neoliberal politics.<sup>71</sup> However, global capitalism does not require more than a minimalist concept of democracy, and even that is preferred for reasons of legitimacy, rather than substantial ones.<sup>72</sup> What is really of substantial importance for that order – that is, the global spread of market as the field of competition, consumption, and profitable investment – requires liberalization, removal of political barriers, but not necessarily a democratic system of governance in every place in the world.

The question of forces for change that reaches beyond the transition, that is, formal democratization and building institutions, remains open.

### The “problem” of the sequence and coordination of reforms

The course of the “systemic revolutions,” including the development of democracies without social conditions, confronted the observers with many questions that were not asked in the previous decades of development of theories of democracy. One of them was the question of the sequence of reforms, or the problem of their simultaneity.<sup>73</sup> Although after more than 10 years of investigating the consolidation of democracy, it was shown that the “problem” was not real, and found that the proposition about the dilemma of mutual interference between the building of democratic institutions and the politically controlled introduction of capitalism did not pass the empirical check, that is, that the proposition could be considered “exhausted.”<sup>74</sup> It took 18 years to get from its first statement to this

70 Mladen Lazić, *Promene i otpori* [Changes and Resistance] (Belgrade: Filip Višnjić, 2005), p. 122.

71 Ashley Lavelle, *The Death of Social Democracy. Political Consequences in the 21st Century*, (Aldershot-Burlington: Ashgate, 2008), pp. 19 ff.

72 We should not forget that during the Cold War, for Western democracies, particularly for the United States, there was nothing incompatible with democracy in supporting dictators, provided they were of anticommunist persuasion. That is well illustrated by the reported statement of Franklin D. Roosevelt about Anastasio Somoza García, the Nicaraguan dictator in 1939: “He may be son of a bitch, but he is *our* son of a bitch.”

In a blind coincidence that we may be tempted to call an irony of fate, the strikes to the New York World Trade Center and the Pentagon on September 11, 2001, were carried out precisely on the anniversary of the toppling of a democratically elected government and President Salvador Allende in Chile by armed forces sponsored by and, doubtlessly, also incited by the US authorities and interested business circles.

73 Jon Elster was probably the first to formulate that dilemma: see “When Communism Dissolves,” *London Review of Books*, Jan. 25, 1990, 12 (2): pp. 3–6 (available at <http://www.geocities.com/hmelberg/elster/AR90WCD.HTM>). See also Jon Elster, “The Necessity and Impossibility of Simultaneous Economic and Political Reform,” in Pjotr Polszajski, ed., *Philosophy of Social Choice* (Warsaw: IFiS Publishers, 1990), pp. 309–16.

The connection between the problem of simultaneity and the consolidation of democracy is discussed in Merkel, “Plausible Theory, Unexpected Results,” pp. 11–29; see [http://www.wzb.eu/zkd/dsl/pdf/03\\_a\\_merkel\\_gb.pdf](http://www.wzb.eu/zkd/dsl/pdf/03_a_merkel_gb.pdf)

74 Merkel, “Plausible Theory, Unexpected Results,” p. 28.

conclusion, almost the whole period of the postcommunist transformation. This makes the “simultaneity dilemma” itself a symptom of (mis)apprehending the nature, substance, and structure of those changes, which offers an opportunity to point out by contrast what was missed. In any case, it was not a case of mere misunderstanding.

What makes the postcommunist reforms legitimate? What is the basis for the authorities elected in the first free pluralist elections to expect consent, or at least a quiet endurance of policies that substantially alter not only the constitution of the state and its economic system but also affect the economic and social security of every individual in the society? On the one hand – that is, the promise of democracy and the rule of law – the subjects are transformed into citizens who acquire the right to participate in political life, publicly state their interests, connect with others, influence the forming of political will, and co-decide in elections whether to keep or remove those in power. On the other hand, one of the first tasks of the new authorities is the economic reform, which is supposed to introduce a free market economy. That does not necessarily entail privatizing ownership over enterprises (although it practically does in most cases), but it certainly does mean that business decisions – no matter whether they are made by managers in state-owned or private companies – come to be directed by criteria of efficiency based on the value realized in the market, in accordance with the merciless law of supply and demand. For many enterprises that meant a total collapse, but those that survived also had to cut significantly their consumption of resources by product unit, including the “human resources.” Even if they manage to retain their market and the previous amount of production, many jobs are lost all the same.

As the illusorily high, or even full employment that used to be maintained in the politically commanded “real-socialist” economy disappears under the pressure of market competition, there is a growing number of those for whom the reforms brought both a decrease in the standard of living and a loss of security. For people who for generations were used to taking for granted the existential framework determined by the command planning (even when they had reasons to be deeply dissatisfied by its economic performance, which was most often the case), it was not just the loss of security of the sources of existence, but also the loss of certainty about their place and role in the societal environment, ranging from the family and friend circles to the more abstract social status. As voters, they would – according to expectations – punish the reformers. In turn, facing such outlooks, the governments would not dare to carry out reforms that would lead them to political suicide. If they did nothing, the economic deterioration would continue, which would also threaten human security, and the government would again have to face mass dissatisfaction. So, the newly introduced democracy would undermine the economic market reforms, which are as necessary as the democracy itself; or the governments would be forced to employ more authoritarian methods, which might bring economic improvement in the longer run, but would certainly erode the legitimacy of democratic institutions.

Furthermore, the governments in many countries had to worry about the third kind of concern, which actually precedes the other two: the concerns of constitution of the polity itself, that is, the nation-state, its borders, citizenship etc. That introduced additional convulsions and tensions, and made it even more difficult for the governments to cope with reforms.

Therefore, at the very beginning of the postcommunist transformation, some informed observers<sup>75</sup> expressed serious doubts about the possibility of such reforms being implemented simultaneously.<sup>76</sup> Zygmunt Bauman (in the already quoted article “A Post-Modern Revolution?”) warns about the contradiction between the “postmodern” character of the systemic anticommunist “revolutions” (“postmodernity,” meaning that capitalism moved from quantitative expansion in order to satisfy existing needs to production of new needs, which resulted in an attractive affluence, which opened a new ground where communism could no longer compete), which were motivated by the dissatisfaction of people who were not allowed to take part in this affluent consumption, and the still valid, old modernist imperative of accumulation in the first period of the development of the postcommunist socioeconomic system (because systemic revolutions do not change a political order to align it with a new one, albeit developed within the old socioeconomic system; on the contrary, they change the political system in order to create a new socioeconomic one, and thereby also its actors, carriers of “transformative interests”).<sup>77</sup>

It should be noted that this “impossibility” that simultaneously implemented the necessary reforms involved another factor that is significant, though not by virtue of exercising any impact, but as a factor whose absence contributed to the problems anticipated. The legitimacy of the reforms – or of the democratic institutions that insisted on their implementation – is threatened not only by the decline in living standards and the growth of poverty, but also by the drastic rise

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75 Elster, “When Communism Dissolves,” and Offe, “Capitalism by Democratic Design.”

76 Offe (“Capitalism by Democratic Design,” p. 513) warned that, while the introduction of the free market is in the long-term interest of the whole society, its immediate meaning for most of the population is that the old and new elites are getting rich and their own economic positions getting worse not only relatively but also absolutely.

77 “It was this culture that delivered the last blow to abortive communist hopes of competition with the capitalist rival. And it was the overwhelming desire to share (and to share immediately) in the delights of post-modern world, that mobilized the massive dissent against communist oppression and inefficiency. [...] This asset may, however, turn into serious handicap at the stage of systemic transformation. And this on two accounts: first, the relative scarcity of puritan attitudes allegedly indispensable at the stage of primary capital accumulation; secondly, the possibility that the high hopes from which the anticipatory trust with which the post-communist governments have been credited has been drawn, will be frustrated—with adverse effects on the still barely rooted institutions of young democracy. Frustration may rebound in its usual sublimations, with scapegoating, witch-hunting and totalitarian intolerance most prominent and most vexing among them. The resulting socio-psychological climate may prove fertile for the growth of hybrid political formations of little resemblance to the liberal-democratic hopes of the intellectual leaders of the revolution.” – Bauman, “A Post-modern Revolution?,” p. 17.

of social insecurity. This rise, however, was not caused only by the transition from the command economy of the communist (post)totalitarianism into the (proto) democratic market economy, in which neither jobs nor survival of enterprises are guaranteed by a plan backed by political authority. The insecurity is also determined by an absence – the undeveloped, dysfunctional, and inadequate institutional system of social welfare protection, the system, which in the advanced countries, goes hand in hand (admittedly, not automatically) with the development of the market economy and corrects the effects thereof, which might prove disastrous to the losers in the game. In the adjustments or transformations of the institutions of the “protective” communist state, the welfare system was typically neglected in comparison with civil and political rights, and the welfare institutions were not properly adjusted to the new challenges of insecurity.<sup>78</sup> Since the socialist type of regime maintained the policy of full employment, even if it was artificial or caused by low economic efficiency, those regimes – which otherwise boasted its social “rights,” allegedly superior to those in the West – never developed any institutional mechanisms to support the unemployed, and there was no service like an employment exchange (public employment office). But, while the postcommunist governments were able to count on abundant Western support in introducing the merciless market race and the corresponding “shock-therapies” (since the “consultants” in that field – where Washington-consensus-based “solutions” were disseminated – found it even less necessary to learn about the specificities of the given society than in other fields of “aiding democracy abroad”), regarding social welfare the situation was opposite: The policies suggested to the governments were more in the function of the notorious “cutting public spending” than of guarantees of a modicum of acceptable social security.

Therefore, it is significant that the market transition was happening within a specific international context, wherein the foreign sources of models for a democratic system of governance, rule of law, and a market economy were

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78 Bauman already warned about this in the early stages of the transformation: “One scenario challenging all historical precedents (and one less plausible, if precedents are anything to go by) is the conjunction of universal political freedom and parliamentary rule with the dismantling of what the French call *l'état providence*, the English *welfare state*, and the Poles *panstwo opiekuńcze* (caring state) in a situation in which less and less members of the body politic can attend to their own survival using the impartial services of consumer market.” – Bauman, “A Post-modern Revolution?” p. 19.

“[...] intermediary institutions and agents are largely lacking that would be capable of making the individual costs and risks of the transition a subjectively acceptable burden, and of guaranteeing that the pains and burdens of the economic transition would eventually be compensated for by equitable returns.” – Offe, “Capitalism by Democratic Design,” p. 519.

already heavily contaminated by neoliberalism.<sup>79</sup> Thus, the new democratic regimes received neither proper impulses nor assistance in establishing systems of welfare security from their surrounding, except suggestions to at least partially privatize parts of it, like health or pension insurance. (As though there were a tacit agreement, the “public spending” that ought to be cut never applies to unproductive expenses such as the military or parts of the bureaucracy, but on social protection, pensions, and the public health system.) The discrepancy anticipated between consequences of the introduction of capitalism and the threats to the legitimacy of democratic institutions was in fact quite logical, given that the third factor, social security, had been amputated, although it was never eliminated in the advanced countries – despite the ideology of the market as the universal regulative model.

The course of events has proven that the relationship between the three reforms was not quite so unambiguous. Some of them did not even have to be simultaneous, or it may be that their effects did not become manifest in the same periods; eventually, it became apparent that they did not even necessarily undermine each other.<sup>80</sup> After the collapse of the “real-socialist” regimes, both the new elites and the masses of common people viewed phenomena such as the drop in the GDP, growth of unemployment and inflation, as temporary and transitional difficulties, which are unavoidable if the economic system is to be changed; so, the blame was not placed on the democratic political system.<sup>81</sup> Even when after a few years, in the mid-1990s, reformed communists or new social democrats in some countries won the elections, owing exactly to the discontent caused by the insecurity and decline of living standards, that did not jeopardize the economic reforms (although it did slow them down sporadically) and did not put the

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79 The paper by Branimir Krištofić (“Tranzicija i modernizacija” [Transition and Modernisation], *Sociologija* XLIV:2 [2002]: pp. 161–74) offers a good critical analysis of the specific implementation of this approach in the postcommunist countries as presented in the World Bank study, *Transition. The First Ten Years. Analysis and Lessons for Eastern Europe and the Former Soviet Union* (Washington: World Bank, 2002), at <http://www.worldbank.com>

80 Thus, Linz and Stepan (*Problems of Democratic Transition*, p. 554) do not think that the simultaneity was necessary. In Carother’s paper (“Western Civil Society Aid,” p. 55), written on the basis of 10 years of experience, he came to the conclusion that economic and political reforms stand or fall together; they do not conflict with, but reinforce, each other. Six years later, Elster and Offe themselves admit that their research did not confirm their pessimistic hypotheses (*Institutional Design*, p. 272 ff).

81 Offe et al., p. 273.  
Pamela Waldron-Moore’s research from 1991 and 1992 shows that in six postcommunist countries (Hungary, Czechoslovakia, Poland, Russia, Ukraine, and Lithuania), there is a high enough diffuse support for *democratic institutions* whereby any specific (*dis*)satisfaction with *democracy* as a means for economic efficacy and distributive justice probably will not imperil democracy in the longer run; see Waldron-Moore, “Eastern Europe at the Crossroads of Democratic Transition: Evaluating Support for Democratic Institutions, Satisfaction with Democratic Government, and Consolidation of Democratic Regimes,” *Comparative Political Studies* 32:1 (Feb. 1999): pp. 32–62.

democratic institutions into question. Moreover, it was just another confirmation that democracy was consolidated, as even the former “defeated forces” were no longer conspiring to overthrow democracy and reinstall communism. Or, in the words so dear to the “consolidologists,” it confirmed that democracy was really “the only game in town.”

What made the anticipations of difficulties with the simultaneous reforms too pessimistic consisted of a too *optimistic* expectation: namely, the “dilemma of simultaneity” – which was quite natural for the observers reasoning from within the conceptual framework of liberal democracy – rested on a tacit assumption of political effectuation of social and economic discontent. According to the assumption, people affected by the decline in real incomes and by rising prices, and/or threatened by unemployment and poverty would translate their anxieties, frustrations, and general discontent into critical attitudes toward government’s politics and into demands for changes, and transfer them into the public arena, where the similar and mutually close attitudes and demands would aggregate and act as a massive impulse for political confrontation with the groups in power.

That is not, however, how it works in societies that had undergone several decades of “processing” under communist regimes. The path that leads from existential concerns or frustration caused by impoverishment to an oppositional political option that enters electoral competition for power involves the willingness and capacity of at least a part of the malcontents to publicly express their discontent. It implies the existence and activity of associations that would help them gather and give their voice more power, and make a stronger appearance on the public stage. That is, there should be a trade union or a similar organization capable of formulating realistic demands on the basis of the expressed pains – demands for adequate social and economic policies. And finally, there should be opposition parties sensitive enough to commit themselves to such demands, or at least pragmatic enough to use them to win the support of the socially impaired parts of the electorate.

Although in several countries there appeared some parties that included such problems into their campaigns to improve their chances in elections, all other intermediary activities and organizations were missing. It is those intermediary factors that would have to secure the constant presence of the problems and interests of the affected social groups on the “public agenda.” For it is one of the key features of the societies shaped (or made shapeless) under the communist regimes: In these societies, no particular interests were autonomously formed, nor was a power of their organized public and political advocacy developed. In the apathy and political passivity that returned after the short-lived, massive

mobilization around the toppling of the old regimes,<sup>82</sup> there was no pressure from below to at least try to force the political actors to introduce policies of solidary social correction of the effects of the market.

This phenomenon is generally applicable to all other interests of various social groups, with just a few exceptions: organizations like the dominant denominations in a given society, or professions like physicians and lawyers. Therefore, when advocates of neoliberal “shock therapies” claim that there were no major protests against such policies,<sup>83</sup> we should keep in mind that that is not a sign of satisfaction but of the weakness of the society, preoccupied by survival and incapable of organized resistance.<sup>84</sup>

In the final outcome, the “dilemma” of whether to engage in reforms – with the risk that the effects of the market-economy reform might jeopardize the achievements of the democratic-political reform – was ill-conceived from the outset: It rested on oversimplified premises, which did not leave room for one whole pillar of the advanced capitalist states – the pillar of a responsible and competent welfare state. The whole neoliberal and neoconservative backlash since the late 1970s notwithstanding, the welfare state was never reduced to the extent that it would cease playing a significant role in maintaining human security and moderating social tensions; and the notions of the welfare system as mere wasteful spending and burden to the taxpayers were to a great extent just

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82 “Following a short period of public mobilisation that came in the wake of the collapse of the regimes of state socialism, the deeply indented habits shaped under communist rule have combined with the difficulties in the economic transformation to produce widespread civic anomie or cynicism towards the government and mass retreat from participation in politics.” – Ewa Morawska, “International Migration and the Consolidation of Democracy,” in *Democratic Consolidation in Eastern Europe. vol. 2: International and Transnational Factors*, ed. Jan Zielonka and Alex Pravda (New York: Oxford University Press, 2001), p. 178.

83 Krištofić, “Tranzicija i modernizacija,” p. 173.

84 Offe et al. (*Institutional Design*, pp. 273–4) state unambiguously that even (democratic) legal forms of presenting and advocating interests, when properly established, stand in striking contrast to the fact that those very interests are at best only emerging, more or less in the state of initial formation. Although spheres of action have been fairly sharply delimited, there are no relevant actors on the scene willing to, or capable of playing, the adequate roles and functions... The new elites that have full control over the symbolic forms of representation of interests ... are still searching for interests to represent. There is also another side to this, which will be addressed later in this study: the predominance of “categorical” conflicts over “identities” over interest-based conflicts; the former cannot be dealt with through rational negotiations and compromise, and threaten the consolidation of democracy.

an ideology for external use, like many other tenets of the Washington consensus.<sup>85</sup>

Leaving the ideology aside, the separation of the economic power of disposing with resources from the political power of disposing with means of legitimate coercion – the separation that necessarily includes privatization – remains decisively important for democracy in the long run,<sup>86</sup> because it sets the background for the development, however slow, of social power, independent from political structures.

## The “Western” optics and the “Eastern” transformation

In sum, what “saved” the reformers from the possible political consequences of the social troubles caused by the introduction of the capital market was on one hand the authoritarianism of their societies, and, on the other, the high degree of consensus in the expectations, which resulted in the readiness to endure economic troubles perceived as transitory. However, the very fact that the question of the “simultaneity dilemma” was raised – the very perception that there was a “problem” of (non)simultaneity of the reforms – was an implicit expression of an understanding in the new “science” on transition, namely that the new elites have only the “abstract” legitimacy of implementers and agents of transition to democracy and a market economy. Their legitimacy was tied to the realization of these “goals” as the desired form of society, of an *objet du désir*, which was not drawn from specific interests and political actions of the actors present in a given society, nor was it specifically defined by their demands. Therefore, it turns out that the consent of the societies in question was fragile, because the clash with the reality of the path to the desired, “target” state could break the spell.

In other words, the “transitologists” knew – even if the majority of them were not aware of it – that the construction they were building either in their theorems or in practice (insofar as they took part in the analyses guiding the policies of the Western governments, or in the consulting services to the new postcommunist governments), the construction of a democracy / market economy / rule of law did not meet the requirements that had been at work earlier in history, in the societies from which the construction was originally derived. That should have had some consequences for the models themselves because it is not the same

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85 Fareed Zakaria, in the recently published book *The Post-American World*, writes about these double standards: “Recall that during the Asian financial crisis the United States and other Western countries demanded that the Asians take three steps—let bad banks fail, keep spending under control, and keep interest rates high. In its own crisis, the West has done exactly the opposite on all three fronts.” – Preface to the paperback edition, *The Post-American World* (W.W. Norton & Co. Inc., 2009), my translation, *Svijet nakon Amerike* (Zaprešić: Fraktura, 2009).

86 M. Steven Fish and Omar Choudhry, “Democratization and Economic Liberalization in the Postcommunist World,” *Comparative Political Studies* 40 (2007): 254–82.

thing, on one hand, to build a system of institutions and procedures through confrontation of organized social actors who are aware of their interests and capable of public and political advocacy thereof, and, on the other, to build a new order after a revolution that actually did not happen on the socioeconomic level. Those who formed the governments – which was the only thing that changed at the beginning<sup>87</sup> – were facing the changes in economy, in social institutions, legal system, education, etc.

It is clear that this was in practicality an integration into a globally dominant system, introducing its rules and institutional forms as models; otherwise, where would the new elites find the inner social resources to mobilize for such profound changes? As a small mental experiment that could illustrate this better, let us ask ourselves: Why did the question of the necessity, and yet impossibility, of simultaneous economic and political reforms not arise in the time of the French revolution and afterwards? There was no pre-established harmony between different interests, rights, and political options in those days either, and many people paid with their lives for the strife between them, but the revolution established a *hegemonic social force*, which dominated in the political and socioeconomic spheres, as well as in public awareness. This means that if the postcommunist “revolutions” were really revolutionary changes produced by and from the societies, the “problem” of simultaneity would not have arisen. This is not because there would have been no risks of lack of coordination, but because there would have existed a hegemonic force (like the bourgeois class in the eighteenth and nineteenth centuries, or the communist parties in Russia and Yugoslavia in the first years after the revolutions) with the power and authority to maintain the framework, within which the divergences would have to be reconciled (for better or for worse).

No matter how illiberal or undemocratic this argument may sound, there should be no delusions about the existence of social forces that possess decisive power both over decision-making and over the society’s notions about it even in the stabilized and long ago “consolidated” democratic systems with their norms, institutions, and procedures.<sup>88</sup> The very fact that it was considered necessary to raise the topic of the necessity and (im)possibility of simultaneous reforms of the economy and the legal and political systems indicates not only that the new elite was not an exponent of social interest groups with enough weight to win (and support) the authority by way of democratic elections, but also that it was acting in a “missionary” role of operationalizing a general model that was admittedly accepted by all, but did not emerge from “projects” developed by actors that had already been formed in the society before the upheaval. Since the mission initially enjoyed the mass trust, people did not expect it to yield consid-

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87 Though with some significant exceptions, like Milošević in Serbia or Bulatović and Đukanović in Montenegro.

88 Let us just recall books like *The Power Elite* by C. Wright Mills.

erable economic gains in the shortest run – as long as it kept open the prospects of change for the better.<sup>89</sup>

Although it seemed narrowly specific and, as it turned out, not decisive for the postcommunist transformation as a whole, the “episode” with this issue showed how the “transitological” views on this process, which implicitly read into it some elements of capitalist societies and the liberal-democratic order,<sup>90</sup> could lead to wrong diagnoses and conflicting conclusions. On one hand, as we have seen, the assumptions that the effects of economic reforms could jeopardize political reforms and even the democratic constitution of the state as their substantial purpose, rested on ideas more fitting of some Western government, which acts on the background of an already active society and public, with articulate group interests, a government that is forced to “deliver” specific results and live up to the promises it made. In other words, we have a presupposed society that itself contains the bases of its plural interests, which also serves as the basis of its power to influence the forming of political will, decisions, and policies. On the other hand, the perception of the first democratically elected governments and parliamentary majorities as so vulnerable to social discontent caused by unfavorable effects of economic reforms confirms the notion that they cannot in fact rely on any significant social group that would be able to provide its political support on the basis of its position in the economic and political distribution of resources and power, motivated by its own particular interests to support the transformation in which it would have a clear stake. Instead, the political rulers could find themselves as the target of a dull, inarticulate anger of a “society” as an amorphous mass.

It should have been evident from the beginning that different social conditions must lead to differences in the actualization of the models transferred. The world hegemony of the liberal-democratic capitalism assured that the models be adopted – and to a great extent implemented – and the different social context determined all that was later diagnosed as their defects. However, it would be wrong to see those defects as “errors in realization.” They are a consequence of the fact that institutions and procedural mechanisms are not supported by a social structure in which differentiated actors would have the socioeconomic footing to exercise political influence and at the same time a majority of citizens – regardless of social stratification and other differences – would see their interest in the stable functioning of the institutions and recognize their legitimacy. That is why in societies that have not yet entirely overcome the results of the totalitarian destruction, the formal democratic system may serve as legitimation for authoritarian rule and policies. So after some time, it was discovered that many young

<sup>89</sup> Linz and Stepan, *Problems of Democratic Transition*, pp. 441 ff.

<sup>90</sup> See Tom Carothers, particularly the first of the aforementioned five assumptions: “[...] any country moving *away* from dictatorial rule can be considered a country in transition *toward* democracy.” – Carothers, “The End of the Transition Paradigm,” pp. 5–21; quote on p. 6.

democracies were “illiberal,” “delegative,” and defective in other ways; from a normative viewpoint, they could be called degenerate forms of democracy, but it would be far more instructive to consider them a new social and political reality, wherein power is formed on new foundations and finds its appropriate forms in the constructed normative-institutional models.

### **The meaning of social rights: society under a constitutional umbrella or society in action**

As we have seen, two errors obstructed the views on the societies in postcommunist transformation. The first was “optical,” and it was determined by the implicit application of certain “Western” structural patterns onto societies that entered the postcommunist transformations from a regime that was not just a political dictatorship superimposed on a society that was basically of the same kind as the capitalist ones. The other error was political, namely the adoption of the neoliberal paradigm and neglecting welfare policies and social institutions as the third factor, which can greatly assist the reconciliation of the economic and political reforms, and facilitate the transformation without dangerous conflicts and much great damage to the people.

There might be a deeper reason for such an omission. The area of social rights is substantially different both from the rights that make up the basis of democratic governance (political and civil rights) and the rights that lay in the basis of the market economy (civil rights). Consequently, their realization requires different policies. The controversy arises around the question whether the fundamental legal guarantees of social rights should be embedded in the constitution, like in many postcommunist constitutions, or in policies (of legislation and implementing).<sup>91</sup>

Legally, democratization is based on constitutional guarantees of political rights of each individual. They guarantee freedom of assembly, association, and public sharing of opinions and information. Such political participation is completed by the general suffrage. The autonomy of the individual is protected from political intrusions by civil rights to personal freedom, including freedom of movement and free use of one’s property, protection of home, private communication, etc. Both civil and political rights, apart from the obligation of others not to violate them, mean that their bearers, that is, every person, have the power of deciding how to implement them.<sup>92</sup> They are “negative” – of course, not in terms of value, but in the sense that they protect individual freedom by *prohibiting* its violation. Since they protect freedom, the regulations that guarantee and protect them cannot make any “positive” provisions, that is, they cannot include orders, because a provision saying that something must be done would negate the very

91 The issue was discussed in the journal *East European Constitutional Review* (1992 and 1993). Sajó’s collection *Western Rights?* dedicates one of its six parts to this issue.

92 Ulrich Preuß, “The Conceptual Difficulties of Welfare Rights,” in Sajó, *Western Rights?* pp. 211–23.

object of protection: freedom. In the affirmative sense, the negative rights are “self-executing” because they are the matter of personal liberty and are executed by free action; their “negative” implementation (prohibition of denial, interference, and obstruction) can also be clearly determined from the rights themselves. It suffices to establish through a valid procedure that the right was violated, and from there follow the measures of restitution, indemnity, reparation, and punishment of the perpetrator. As fundamental rights, they cannot be conditioned by any counter-action of their “beneficiaries,” that is, bearers; by means of the legal state, the society is responsible for the protection of rights, but the bearers of rights do not hold any responsibility to the society in return.<sup>93</sup>

The same applies to the rights significant for the introduction of a market economy. That is, first and foremost, the civil right of free disposal of one’s own person and property, which is the basis from which follow the rights related to contractual relationships, and all others that are important for participation in the market production and exchange. An individual is free to do with him/herself and her/his things whatever he/she wants (until he/she violates the liberty of others), and the state bodies in charge of the protection of rights must prevent and punish those who encumber them.

Both owing to their unambiguity and to their fundamental significance for the order of freedom and democracy, the “negative” civil and political rights can and must be guaranteed by the constitution, because they must not be at the disposal of a simple parliamentary majority that is sufficient to pass a law.

In contrast, the social rights are “positive” – again, not in terms of value but in that they are not realized *against* intrusions of the state and other individuals, but *by the agency* of certain state or public institutions. Therefore, their implementation does not mean that the state and its institutions have a duty to leave the citizen alone, but that they have to do something specific for him/her – provide certain services or pay for support, etc. These obligations are determined in various degrees, on the basis of complex criteria. Their defining unavoidably involves political choices and estimates, like defining the census that qualifies a person for welfare support or criteria for social services. Such provisions could be defined to a high degree of unambiguousness, so they can be approved by a court decision, but they cannot be formulated as a fundamental constitutional right in a simple manner that does not depend on political and economic oscillations. If such a right is included into a constitution, it causes difficulties because by its nature it is not and cannot be a direct personal right, but is mediated by certain institutional guarantees. The manner of establishing whether somebody was denied, say, a “right to a life becoming a human being,” which should be the basis for the right to welfare support, shelter, or some other service, cannot be so easily legally prescribed as establishing whether a boundary of a personal

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93 Ibid., p. 216.

freedom is violated. Namely, every positive right includes a specific substance; it demands an action of the state, which is not entirely defined by this right.<sup>94</sup>

The inclusion of positive rights into constitutions was also contested by arguments such as that it would interfere with market relationships and free allocation of resources, which would interfere with establishing civic society.<sup>95</sup> Furthermore, the inclusion of positive rights would overburden the constitution with matters that should fall under the obligations of a decent society itself. Since they cannot be constitutionally formulated in a way that would provide for their unambiguous implementation, those rights would generate precedents of unenforceability and contribute to a cynical attitude toward the constitution, a legacy of the communist era, which considers documents like the constitution as merely declaratory, rather than legally binding.<sup>96</sup> The presence of such provisions in a constitution also works “*against the current effort to diminish the sense of entitlement to state protection and to encourage individual initiative.*”<sup>97</sup> In addition, since the function of social rights (which comprise most of the positive rights) is to compensate for the inequalities among people, they change the character of legal norms, which are transformed from the abstract and general into more specific and special, thereby losing consistency and becoming selective,<sup>98</sup> which is harder to reconcile with the character of the constitution than with the character of laws. Finally, that would provoke all groups to try to transform their special interests into rights.<sup>99</sup>

The opposite arguments<sup>100</sup> point out that the constitution is not only a legal document, but also a document in which a society states its fundamental commitments and sets its priorities; it serves as the political, social, and moral fundamental instrument for structuring and directing the supreme authorities.<sup>101</sup> The function of its principles is to provide direction in cases of dilemmas between competing rights.<sup>102</sup> Additionally, many constitutions of established democracies already include many positive rights – the best-known one certainly being the right to free education – without any damage to the unambiguousness and enforceability of constitutional provisions. Of course, specific provisions (such as the duration of the working week) do not belong in a constitution; such provisions should be adjustable to changes in social context and are to be left to the majority decisions in the legislative body.

The most serious, however, are the arguments presented by Nenad Dimitrijević, the theorist who carefully analyzed the relationship between constitu-

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94 Ibid., p. 211.

95 Cass R. Sunstein, “Against Positive Rights,” in Sajó, *Western Rights*, p. 228.

96 Ibid., p. 229.

97 Ibid., italics in the original text.

98 Ibid., p. 219.

99 Ibid.

100 Herman Schwartz, “In Defense of Aiming High,” *East European Constitutional Review* (Fall 1992): pp. 25–8.

101 Ibid., p. 25.

102 Ibid., p. 27.

tional democracy and the context of the postcommunist transformation.<sup>103</sup> If a constitution is used to create new institutes of positive law, he warns, it falls under the opposition stated by Carl Schmitt with regard to the German Weimar Constitution, that is, the opposition between provisions derived from the basic human right to freedom and provisions that are set as *objective* categories within the framework of the state, as something “written down and limited, that serves certain tasks and certain objectives.”<sup>104</sup> When the latter is included in the postcommunist constitutions, it is indeed an “attempt to bridge the weakness or almost complete absence of cohesive forces in the fabric of the society; in other words – a lack of social, economic and cultural infrastructure of democracy.”<sup>105</sup>

That is why the way this problem was raised was symptomatic. No matter what attitude we assume toward (or within) the controversy on the embedding of the “positive” rights in the postcommunist constitutions, what is indicative is the need to use this legal “heavy artillery” to secure something that obviously did not acquire durable support in terms of a culture of rights and solidarity (the word that recalls mostly repulsive associations among people who lived for a long time in regimes where “solidarity” was imposed ideologically, from above), something that does not have sufficiently influential advocates either among the interested or the value-motivated civil organizations.<sup>106</sup> Regardless of whether the positive rights are included in the constitution or not, their implementation will substantially depend on the attitude prevailing in the society toward those rights. If they are guaranteed by the constitution in the same category with the negative, civil, and political rights, the unambiguity of deduction of rights from individual freedom is lost. A democratic constitution, which should be a derivative of that principle, is set not as a guarantee of original rights, but as a source of rights in its own right, which turns the primacy of individual freedom into a setting wherein an individual and her rights are a mere derivative of will of the community.

In the context of the political-cultural legacy that should be reckoned with in the postcommunist transformation, the legacy that also includes strong authoritarian and collectivist components, that is not a harmless implication.

**103** Nenad Dimitrijević, “O sadržaju ustava” [On the Content of the Constitution], in *Ustavna demokratija shvaćena kontekstualno* [Constitutional Democracy, Contextually Understood] (Belgrade: Fabrika knjiga, 2007), pp. 126 ff.

**104** Quote from Schmitt, *Verfassungslehre*, in Dimitrijević, *Ustavna demokratija*, p. 129.

**105** Dimitrijević, *ibid.*, referring to the discussion paper by Ulrich Preuß, *Constitutional Aspects of the Making of Democracy in the Post-Communist Societies of East Europe* (Bremen: ZERP, 1993).

**106** In the context of difficulties in reforming the system of welfare protection, in the 1990-ies it was already noted that “... governments still lack strong, reliable societal partners, organized interests outside the realm of the parliamentary system, which could be used to overcome resistance, launch reforms, and assume welfare responsibilities.” – Offe et al., *Institutional Design*, p. 234.

Let us take a look, however, at how this context works in the field of transformation, which seems to be the clearest and the most exactly predictable: the establishment of the free market economy.

## **Privatization and around it**

The substantial impact of the social context not only relates to building democracy and rule of law, but also the way to a market economy through privatization. Privatization is one of the components of one of the fundamental tasks, that is, the emancipation of the economy from direct and all-encompassing political control. At first glance, it simply means a shift of the name of the owner's – from the state onto individual or collective private owners. This immediate meaning is, however, by no means free from assumptions and significant implications that complicate both the concept and the implementation of privatization. In the post-Yugoslav countries there was an additional element of establishing ownership itself, that is, defining its titular instead of so-called social ownership, which remained without a clear legal definition as early as 1950, when the People's Assembly of then Federative People's Republic of Yugoslavia passed the Basic Act on Management of State Enterprises and the Higher Business Associations by Working Collectives (popularly called “the law on transfer of factories to workers' management”). The states that were quickly constituted on the basis of the Constitution of SFRY of 1974, which already defined them as nation-states, resolved this issue by a shortcut in the time of the implosion of the communist regime, that is, by simply converting the “social” ownership into state ownership. As a new (or, in the countries that had been under Soviet domination, old) owner, the state was in a position to start privatization.

This very first act of transformation of the former “social” ownership into state ownership (which is called “pretvorba” in the Croatian official usage, the same word that designates “transubstantiation” in ecclesiastical use) was already a matter of political decision, rather than a formal verification of some unavoidable natural course of developments. There were possible alternatives; it was possible to recognize the institutionalized self-management as the starting point, that is, interpret the transferred right to management as a long-term possession that could be turned into ownership. Of course, that would have left for later the task of resolving the complicated issue of defining relationships between the collective self-managing entities and their individual members, individual co-ownership, shareholding, etc. But no matter how these, now hypothetical, issues were resolved, the point remains that the nationalization was not the only and necessary possibility, but a politically chosen option.

When the transfer of ownership was done, and in the whole of the postcommunist world privatization was the next task in order, further steps followed whose modes were also determined by political decisions. Would the enterprises be sold on the capital market, and at what value? Would there be recognition of the workers' claims to a portion of ownership on the basis of an employee's

status, and whether it would be realized via a distribution of free shares or by discount selling? Should the right to a share also be recognized for those who had already retired and for employees in public and state institutions? Should the managers get a privileged share in the ownership in order to make them interested to efficiently run the enterprises in the market...?

After the *political* decisions were made about the immediate legal framework of the privatization, it faced the first condition that could not be met by a political decision: the existence of free capital in the financial market, ready to be invested in the economic resources inherited from the socialist regimes. Here, too, a political decision was significant – the one about the liberalization of direct foreign investments.

Even after it had thus been formally left to the dynamics of market relations and autonomous managerial decisions, the new market economy still depends on a broader institutional and political environment: the regime of registration, various checks, and licenses; effective judicial protection of contractual rights and obligations, and ownership rights, including shareholding; protection of competition against monopolies; the system of taxation, governmental policies of incentives, the banking system, availability and conditions of loans, etc. This environment, in turn, works only if its footing is in the overall legal system, which not only consists of laws passed through a valid legislative procedure, but also relationships in which the norms are really valid, recognized as legitimate and are abided by.<sup>107</sup> It is evident that the main burden lies on the public administration, which is supposed to act competently and responsibly, and on the judiciary, which should be independent, impartial, and efficient. On the formal level, this is ensured by the partition of competences among the legislative, executive, and judicial powers, and their mutual horizontal accountability; but rule of law ultimately rests on the ability and readiness of the public, indeed the society, to stand up against arbitrary exercise of power and violation of the basic right to freedom, equal for all.

And what if the society does not have such power of its own – which really is the case if its members do not have economic resources at their disposal or are not autonomous in mutual transactions, making it incapable of acting as an active public and oppose violation of rights?

This leads us into a vicious circle. The whole arsenal of institutional solutions and corresponding policies developed for the maintenance of liberal capitalism and to guarantee civil and political rights has historically developed in a societal context in which – to use a metaphor from economics – there was an effective demand for such an arrangement. In the postcommunist context, the three

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<sup>107</sup> These trivial remarks are not as irrelevant as may seem if we keep in mind that a fair amount of applicable regulations were imported from the West, sometimes literally by a copy-paste technique. In such a setting, there is a deep gap between the formal legislation and real-life implementation, which should not be reduced to the implementation problems present in any country. See the discussion of the possibilities and limits of the “importation” of law in the case of the Hungarian Constitutional Court in Dupré, *Importing the Law*, p. 61.

equations seem to lack one side. Democracy lacks the political demos, the legal state lacks a society vigorously insisting on respecting rights, that is, ruling by law, and the market economy lacks free private capital.<sup>108</sup>

The third element may seem awkward, because it is notorious that capital is not just a sum of money invested in for-profit activity but a social relationship, a relationship of inequality. Moreover, it is not just quantitative inequality of property, but an opposition between dominance and freedom. What has it got to do with guarantees of human rights? Just the fact that it still presents the dominant form of economic infrastructure of civic society, the sphere where social life can autonomously reproduce, though with external support of the state, but not entirely absorbed by the political structure as its subordinate part. The significance of private property does not lie in an ideology according to which everybody should be an owner before she/he can participate in a democracy of “possessive individualism,”<sup>109</sup> but because private property maintains a *pluralist structure of society*. Until a more just and egalitarian economic form is found, we must make do with the fact that the given form of society and economy is still preferable over total state control.

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108 Schöpflin, “End of Communism,” p. 13.

109 As the concept was developed by C. B. McPherson, *The Political Theory of Possessive Individualism: Hobbes to Locke*, Croatian translation *Politička teorija posjedničkog individualizma*, translation by A. Kontrec (Zagreb: Centar društvenih djelatnosti SSOH, 1981).



## **Part 2**

# **The new communities**

## 2.1 THE SUBALTERN, POLITICALLY PASSIVE SOCIETY

When considering all these dysfunctional traits of the society as formed under communism (and measured by standards of civic society), one should remember the primary interest of the current study: to find out about the possible ways and conditions to establish, or win, social autonomy, because that is the condition without which formal solutions for freedom and democracy cannot fulfill their normative purpose. The democratization of the postcommunist regimes is more difficult than that which came in the wake of the right-wing authoritarian regimes of “southern Europe,” where markets and some spaces of social autonomy still existed,<sup>110</sup> which meant that there were some relevant (not just marginal) realms that were not under the total control of the authorities. To reconstruct, or establish anew, a society as an interlaced fabric of relationships and as a space wherein the power of women and men is constituted (first of all in the economy) independently of the political, takes much longer than it takes to destroy it. This is because what should be reconstructed cannot be directed from institutions, even though it does require institutional assurance, not just of fundamental rights, but also more specific conditions for business activities, free public communication, cultural creation, etc. At the same time, in order for institutions to act in favor of the autonomy of society, that is, in favor of their own limiting and accountability, they should be under pressure that strikes a counterbalance to their own interest in control; such pressure – precisely because of the very nature of the condition that is to be changed – is, however, impossible as something coming from the society itself, as given in the period of transformation.

### What was left from the society?

The interest in the emancipation of society from the state has an obvious normative basis: It is assumed that relationships in the society *ought* to be autonomous, as well as that the right to life, freedom, dignity, etc., should be granted to each individual person. However, the realization of this interest would paradoxically exercise an opposite function as well: It would liberate the institutional system of democracy, the market economy, and rule of law from mostly merely normative prescribing, and transform them into a functional matter of (of course, mediated) interests of the social actors.

The normative approach can easily delude if it is mixed up with description and analysis. So far we have observed everything that was missing in the

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<sup>110</sup> Schöpflin, “End of Communism,” p. 11.

postcommunist societies (from the normative standpoint, according to which it is *good* that citizens have a possibility to act in public and exercise democratic control over their state, that the government is limited by law and rights, and that the economy is autonomous from political power), but the question remains as to what those societies *are* like.

In attempting to answer this question, we immediately stumble upon the leading motive of this study: There *is* no society as an autonomously structured complex of relationships. To be sure, that does not mean that it does not display demographic varieties, social differentiation and stratification, or economic differences both in richness and in positions in the social division of labor and goods. But whatever “regularities” it displayed, they are inextricably intermingled with the superior political impact and cannot be expressed independently. It is true that even the democratic regulation and conducting of public affairs, and particularly changes, are a political affair. However, that does not mean that each society in its substance, in each thread of its fabric cannot be but heteronomous, totally dependent on political guidance.<sup>111</sup> The “socialist” regimes used the state for social engineering, which the Western states have also been doing at least since the middle of the twentieth century. But, unlike the Western (social-democratic) notion of socialism, they did that *regardless* of the society.<sup>112</sup> Therefore, in a search for the appropriate description of the state of the society after the communist formation, we should do something that should otherwise be considered a mortal sin of social analysis – take a society merely as a collection of individuals and observe it as reduced to their ideas, attitudes, and behavior.

## The internalized domination

The first widespread feature comes from the profound impact that the communist regimes have had, and again can be formulated only in negative terms: the impossibility to satisfy one’s needs and form awareness of one’s interests without the mediation of political authority. In a word: *authoritarianism*.<sup>113</sup> It is not just

111 The supremacy of politics over economy was always a fact, sometimes openly recognized, sometimes obscured. In the structure of total states, the situation is clear; in the structure of democratic states the situation is often concealed; see Franz Neumann, “Economics and Politics in the Twentieth Century” (1951), in Franz Neumann, *The Democratic and the Authoritarian State* (New York: Free Press, 1957), p. 268; translation *Demokratska i autoritarna država*, the essay “Ekonomija i politika u dvadesetom stoljeću,” translated by N. Ćađinović-Puhovski and Ž. Puhovski (Zagre: Naprijed, 1992), p. 226.

112 Schöpflin, “End of Communism,” pp. 3–4.

113 Ivan Šiber, “Politička kultura, autoritarnost i demokratska tranzicija u Hrvatskoj” [Political Culture, Authoritarianism and Democratic Transition in Croatia] and Zagorka Golubović, “Autoritarno nasleđe i prepreke za razvoj civilnog društva i demokratske političke kulture” [Authoritarian Legacy and Obstacles to the Development of Civil Society and Democratic Political Culture], in *Između autoritarizma i demokratije. Srbija, Crna Gora, Hrvatska* [Between Authoritarianism and Democracy. Serbia, Montenegro, Croatia], vol. 2, *Civilno društvo i politička kultura* [Civil Society and Political Culture], ed. D. Vujadinović, L. Veljak, V. Goati, and V. Pavićević (Belgrade: CEDET, 2004).

a matter of “mentality,” that is, the mental setting of many individuals formed by the same pattern, but an expression of the real living conditions wherein there was no room for autonomous initiative and achievement of change by social action. It is not decisive whether the dominance of the political authority was supported by all-encompassing central-command control and fear, or if it was ideologically permissive and tolerated certain liberalized and decentralized areas. What is essential is the impotence of individual and group action in satisfying the needs and the dependence on the solutions or directives from above. The needs, expectations, and even the addictive ‘trust’ are projected onto powerful figures in leading positions. Alternatively, when expectations remain ungratified for a long time, the trust can be redirected to a powerful figure on the opposition side, especially if such a person manipulates with simple and radical messages and “solutions.”

Authoritarianism is not just a loyalty to the power; it is also an acceptance of one’s own position of a minor, and ultimately also readiness to deliver one’s own destiny into the hands of the leader. However, it is not limited just to the person of the leader; it can apply to the whole institutional and ideological system on which the power rests. That was the footing on which the politically productive power of ideology rested for a long time in the socialist regimes. It made it systematically impossible to face the reality, because the existing reality was always submitted to a compulsory interpretation that presented it as *something in between*: on one hand overcoming the capitalist past (even in countries where such a past hardly ever happened), with its class divisions, exploitation, and imperialist threats; and, on the other, the permanent struggle for a classless communist future, in the name of which the existing regime was on a mission to legitimately mobilize all social forces, and delete boundaries between the private and the public, the social and the governmental, between freedom and duties. In such a setting, it was not possible even to think of demanding accountability from the regime for what it really delivered in exchange for all the human suffering and denial that it imposed – not only because the final score was always shifted into an indeterminate future, but primarily because it was never allowed for an individual to know the course of history, to know what the wise leaders were doing, and what the price was that had to be paid. Even things that were delivered to individuals – from salaries to social services – was delivered as an allocation, not as something they were entitled to by some enforceable individual rights. The obligation of trust and belief in the regime was simply the “option” without alternative.

The transition to democracy – including the right to a pluralism of attitudes, interests, organizations, etc. – brings a cleavage into this monolithic complex, but cannot abolish authoritarianism in one stroke, because the people were not offered an alternative basis of security that would rest on their own resources and abilities. It was still expected that the “state” would provide the essential elements of human security, both in terms of human rights and welfare, and in the economic field. The criteria for the “services” expected could be more realistic, like the income level, standard of living; like those that were shyly introduced

onto the late stage of the “real socialism” as a part of the attempts of economic reforms, but could also remain entirely transcendent; like the symbolic identifications with an imagined “community.” For that matter, in the SFR Yugoslavia the attempts at a materialistic-rational legitimation of the regime started much earlier and lasted for a long time, so things like personal incomes (the official term for wages and salaries) and standard of living were in focus all the time; moreover, the responsibility for achievements in that area was handed over to the “working people and citizens” in a “self-management” manner. Nevertheless, in the final outcome, it did not prevent the total ascendancy of the irrational authoritarian identification with the community.

This links the authoritarianism with another feature that the society carries along as a baggage from the communist regimes: *collectivism*. Although its main manifest form is nationalism, collectivism is rooted in a more primordial meaning, related to the fact that everything that an individual has got – material prerequisites of existence, “rights” that were actually institutionally secured “privileges,” and her/his place in the social division of labor – was given to him/her *exclusively as a member of a collective* or one of its segments. There were no rights that were on free disposal of the individual. In real socialism, it was unthinkable that the whole order could be founded upon individual freedom and rights that guarantee it; in the postcommunist order it was proclaimed as a new ideology, but was not confirmed by real possibilities of autonomous economic and political action, nor was it supported by effective mechanisms of enforcement of rights. The self-understanding of many individuals had a built-in code by which he or she was just a derivative from the will and the structure of the collective; this code informed the individual’s demands, expectations, and social connections.

At first, nationalism was a result of an inarticulate quest for a social footing opposite to the regime or at least independent from it. “Inarticulate” because in a society wherein one cannot establish, express, and advocate one’s own interests through public communication and social and political organizing, there remains frustrated even the basic need to establish a circle of solidarity and understanding, to recognize “one’s own.” To be sure, that was done in the family circles, among personal friends and broader or smaller networks of acquaintances, but on the societal level, only a projection was available of common belonging to an imagined community – the ethnically defined nation.

In the absence of political pluralism, ethnicity works as a sort of “radar.”<sup>114</sup> Only the ethnically defined nation is a “community,” wherein we can “recognize” strangers as “our own” people without exchanging a word with them and not knowing their personal values or traits, or without having seen them in action. That is the only abstract, symbolic belonging that can be appropriated without public communication, common (formally or informally) organized action, or any other social mediation.

The advantage of the nation in this context is that it rests on an *ascribed* belonging and solidarity, constructed on the basis of ideas on common ethnic characteristics, ideas that are themselves also socially constructed. As always, the “constructed” does not simply mean invented or consciously fabricated, but an interactive symbolic interpretation conditioned by the social context and the existing complex of perceptions and ideas.<sup>115</sup> Thus the common language – which is also a product of action of the polity, which took place as late as the modern era – becomes one of the primordial constituents of the joint belonging “from times immemorial.” Cultural traditions, alleged common origin, and presence in a given territory complete the arsenal of the instruments of “recognition” of a historical community or destiny.

It is important to notice the line of continuity that connects what is seemingly incompatible. Ethnic identification was the basis of a romantic movement for the building of the belated nations,<sup>116</sup> that is, those that emerged through mobilization in the cultural field, to be organized as states only at the peak of this process (and then, in a parallel with Bauman’s concept of systemic revolutions, undertook the building of the nation by cultural homogenization from within, educational

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**114** Henry E. Hale explains the findings of a research that tried to test the extent to which ethnic identification is really a matter of a primordial determination or whether it is socially constructed: “... the primordial element is not that groups themselves are necessarily ‘permanent’, ‘ancient’, or ‘impassioned’, but that (a) people have a deeply rooted psychological mechanism facilitating social categorization; (b) there tends to be an intrinsic value to those markers we call ‘ethnic’ in constituting boundaries distinguishing these groupings; and (c) some ethnic identifications are in fact quite ‘old’, thick, and/or stable. But in other ways, the findings seem decidedly constructivist: (a) Group identification is not intrinsically linked to emotion; (b) identity is constantly and inherently changing as the environment changes, and, critically; (c) identifications and the meanings associated with them are highly manipulable by both elites and the ‘identifying’ individuals themselves.” – Hale, “Explaining Ethnicity,” *Comparative Political Studies* 37 (May 2004): pp. 458–85; quote on p. 481.

**115** See the comprehensive discussion in Peter Berger and Thomas Luckmann, *The Social Construction of Reality* (Harmondsworth: Penguin, 1985); my translation, *Socijalna konstrukcija zbilje* (Zagreb: Naprijed, 1992).

**116** According to the well-chosen term by Helmut Plessner in the book with the same title; H. Plessner, *Die verspätete Nation* (Stuttgart: Kohlhammer, 1969); Croatian translation *Zakašnjela nacija*, translated by I. Prpić (Zagreb: Naprijed, 1997).

construction of the mythology of a common origin and history,<sup>117</sup> “inventing” tradition from a variety of heterogeneous found elements, imposing a dialect or even a constructed language as the standard language, etc.). In such tradition it is extremely difficult to discern citizenship and ethnic belonging, so, for instance, Italy or Germany, even when they managed to organize themselves democratically, would be considered “ethnic democracies” by contemporary standards.<sup>118</sup> On the other hand, even when the borders of the socialist states were defined (i.e., leaving aside the changes of borders and mass forced migrations after the end of the World War Two), and their political structures were fixed, that was still not sufficient for those states to be accepted as “authentic” nation-states. In relation to society, they suffer from a double heterogeneity: They are “occupied” by a regime without social consent and they are in a vassal position in relation to the Soviet Union. Therefore, as a paradox, a notion of citizenship that would not be identical to ethnic belonging cannot develop in those states – because formal “citizenship” in the reality of the socialist regimes means belonging to the state, and not a membership in a political community derived from the members’ consent. The “real” citizenship would be belonging to a “real” nation-state, which may be established only when the communist yoke is cast off. In the socialist regimes under Soviet domination, the ethno-national<sup>119</sup> identification is at the same time a readily available expression of a symbolic disagreement with the domination; first of all, the domination of the Soviet Union, but also the domination of the political regime in one’s “own” state. But this very disagreement in the “national key” bore in the nutshell the concept of statehood based on ethnicity, in which the nationality, that is, citizenship, would remain inextricably merged with ethnic belonging.

In multiethnic states, such as Yugoslavia used to be, ethno-national identification was also a way to – also mythical – merge the authentic and the real self in opposition to the regime, because a particular ethno-national trait was also ascribed to the regime. In the eyes of other nationalists, the regime was pro-Serbian. As for the Serb “community,” during the last decade of SFR Yugoslavia, through criticism of the constitutional arrangement of 1974, and even more so through information, propaganda, and mythical presentation of persecutions of

117 See Žarko Puhovski, “Uporaba povijesti u tvorbi kolektivnoga identiteta” [The Use of History in the Generation of Collective Identity], *Rež*, no. 61/7 (Mar. 2001): pp. 7–22, Belgrade; also available in the memorial collection for Gajo Petrović, *Zbilja i kritika* [Reality and Critique] (Zagreb: Antibarbarus, 2001).

118 Sammy Smooha, “Po modelu koji je razvio,” in *The Fate of Ethnic Democracy in Post-Communist Europe*, ed. Sammy Smooha and Priit Järve (Budapest: Open Society Institute, European Centre for Minority Issues, 2005).

119 In the whole text I use the term ethno-national as a term for the ethnic definition of nationhood as opposed to nationhood defined by citizenship. It is clear that both are ideal-type constructs, and it would be erroneous to take any of them for granted as descriptions of real polities. Nevertheless, since states do differ in the significance that is ascribed to ethnicity on determination and recognition of citizenship, this differentiation of terms is meaningful.

Serbs in Kosovo in the 1980s, the syndrome of collective victimization also developed inside the Serb nationalism, although the regime as such was not given any particular ethno-national feature. The meaning of the political mobilization on the basis of ethno-national identification in the breakup of the SFRY is the topic of the following analysis. At this point it is important to see the deep roots of collectivism and nationalism as its most significant manifestation.

Another important feature of the attitude toward society and state could be summarized as *distrust*. In the political regime that puts itself above any legal regulation (although, at least out of mere economy, it routinely rules by regulations that formally resemble laws) there is no basis to trust the regulations and the system. If you abide by the regulations, that would probably have spared you from additional repression, but would not protect you from it if a force beyond your comprehension – through an opaque procedure – decided to exercise it. Here, too, the fundamental set-up of the regime is manifested, opposite to individual freedom as a point of origin. Individual “rights” are not original but allocated if the regime so decided. At the same time, they are conditioned by loyalty and heteronomous “responsibility”; any “right” must be counterbalanced by a duty; the responsibility does not have the *moral* meaning of bearing consequences of one’s own initiative and free actions of an autonomous agent, but a political meaning of obligation to loyalty to the regime that “gives” rights and provides for living conditions.

The mistrust is the flip side of the authoritarian attitude; knowing that he/she depends on the authority that she cannot actively (often not even ideally) contest, the individual “knows” at least that the authority is not to be trusted or relied on unless the individual constantly provides new evidence of loyalty. Even if she internalized the loyalty to the authority, she can never know for sure that her thoughts and deeds are “correct.” The support is also a threat. Others around her are competitors either in the struggle for privileges or in proving loyalty, which also means they are potential informers. The distrust in the order spills over into distrust in fellow members of the same society,<sup>120</sup> which is overcome either within circles gathered exclusively on the basis of personal closeness or on the basis of abstract symbolism of devotion to the nation; however, the latter contributes to the closeness with other, unknown people only “in principle” or in extraordinary events, which includes mass gatherings.

In the more “liberal” regime that reigned in Yugoslavia, the authority was implemented by a kind of tacit pact between the authorities and the population; the pact permitted a zone of free action, including private initiative and even a certain degree of tolerance of deviation from the institutional rules. The limited liberalization was a consequence of the fact that the regime had earlier given up total control over certain areas; it was not a matter of legally guaranteed, even if limited, freedom. Therefore, the formal normative system was not designed to

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**120** Martin Krygier and Adam Czarnota, “Rights, Civil Society, and Post-communist Society,” in Sajó, *Western Rights?*, p. 120.

take freedom into account; instead, it tolerated a certain degree of breaches.<sup>121</sup> The system did not possess the instruments for a controlled allocation of such “freedom,” but that function was rather well served by good old negligence (which saw to it that formally existing controls were not strictly implemented), by temporary interventions of the regime for the preservation of “freedom” (lest it be forgotten that they were merely tolerated, not legally recognized), and by the lack of the administrative and judicial apparatus that would be appropriate for a real rule of law. The price for the subjects was not total loyalty but respect for the political monopoly. The inhabitants of Yugoslavia had a great deal of latitude (even in the literal, geographic sense, as they were allowed to travel abroad) to pursue their private interests, but they were not allowed to advocate them politically. Organizational forms that were set by the regime, reportedly to advocate interests of the working people, such as trade unions and workers’ councils in social enterprises, as well as the whole “delegate system,” worked as mechanisms to direct and absorb possible discontent, and for appeasement through small concessions and favors.

Although the fear, so typical of the Stalinist regimes, was not so omnipresent, the turn toward private interests engendered another kind of distrust: lack of solidarity. The possibility to realize one’s life “projects” in a private arrangement directed the energy toward private gains; if social networks were involved, it was the kind of network whose social contacts could be instrumental in obtaining favorable terms that could not be obtained through regular procedures. However, those were not networks of solidarity, but mutual benefit. Reliance on the normative system was not any better off, because the laws did not perform one of the basic functions of the rule of law: limiting the power of the state. Small deviations “from below,” by common people, were tolerated within the implicit “pact” of the limited liberalization, so nobody was really motivated to rely on regulations and correct procedures.

That was the basis for the development of the next among the major traits: *lack of appreciation of law*. For good reasons, legal norms were perceived merely as instruments of power, as mere means to a political end, and advantages for the ruling nomenclature. Accordingly, in personal attitudes toward legal norms, cynicism prevailed, as well as efforts to circumvent any given regulation unharmed and unnoticed. The same attitude prevails in relation to public institutions, which implement regulations and/or provide social services. They are either instruments of power or places where privileges can be obtained using personal connections. If the authorities pass regulations for their own sake, the only thing subjects should bear in mind is their own interests. But even in

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121 Srđa Popović, one of the most outstanding human rights lawyers in Yugoslavia, gave a telling example (in the interview with the author for *Start* magazine in 1989): As a defense lawyer in many trials concerning human rights, he had a lot of experience with politically motivated charges. In such cases the Yugoslav courts typically found the defendants guilty of deeds that would never go to court in a system based on the rule of law, but those found “guilty” would then be sentenced to very lenient punishments.

the objective sense, the “legal” norm cannot mean anything other than this, because it was not passed in a procedure, which legitimizes it as a rule that can be generalized and acceptable for everybody. For a subject of a socialist regime, it is unthinkable that a norm could be a behavioral pattern, which, if respected by everybody, would enable the uninterrupted performance of some common functions, higher security, or another *general* benefit – unthinkable in the same way as it would be for an individual to see the law as a support and warranty of personal freedom and security.

There is an opposite side to the lack of a sense of law; it is not only manifested in the cynical suspicion that the power holder uses a norm as an instrument to reinforce or “enrich” his oppression. As already said about authoritarianism and collectivism, what the regime provides as benefits (although most of those things, like salary, social insurance, etc., should clearly belong to people by right) is not given to free individuals who have rights, but to members of a given society as a community. What unites them into the community is neither a free choice nor an idea of a primordial belonging, but the paternalist state. Thus, a “right,” even when it brings forth something (at least relatively) good, is not an open-ended relation following from a universal recognition of individual rights and principles of equality, but something ascribed to certain people, depending on their affiliation with the community.<sup>122</sup>

When the regime changed into what is a formally democratic and legal arrangement, the number of “beneficiaries” of rights merely increased – both those who had in mind their particular benefits when the norms were enacted and those less privileged who compete for access to benefits just as end-users. The quality of norms as well as the reliability of their unbiased implementation will have to develop for a long time before they win the citizens’ confidence. That is, however, not just a matter of time. Namely, the major contribution to trust in norms and institutions is the experience of their implementation in their function as constraints on the political power, which make the actions of the government calculable and predictable to the citizens. As pointed out at several points, such development requires counter-action of the society versus the state, the society as the ultimate instance of accountability for all branches of state power. That is why the following feature is also decisive.

This last feature could be called *defensive depolitization*. Those who did not want to, who were not able or allowed to build their careers through the institutions of the regime chose as the safest strategy to withdraw from any political interaction. The reasons ranged from fear of making wrong steps or statements, through apathy caused by overall inability to change anything, to the feeling of repulsion in the face of all those extortions of loyalty that the regime imposed on numerous public occasions – from kindergartens to factory halls and sports events. Even when socialist regimes entered the post-totalitarian stage and experimented with various doses of controlled liberalization, for the majority of

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122 Grażyna Skąpska, “From Rights to Myths,” in Sajó, *Western Rights?*, p. 88.

the population it only made more attractive the withdrawal to privacy as a space where one could enjoy a slightly higher standard of living and some consumer pleasures.

## The deficit of civilization

Withdrawal to privacy and political apathy, while quite understandable in the conditions of “real socialism,” at the same time means giving up on one’s capacity of active citizenship and any organized action. This is by no means a moral judgment; regardless of how highly we appreciate the normative value of the readiness of citizens to get involved in politics, which is their own affair, there are no grounds to demand from anybody to do the impossible – to deny themselves participation in the “political life” of a closed society, while somewhere at home, in a private circle, to maintain a small holy flame of his or her democratic potential. Such “activity” did exist in small intellectual and artists’ circles, where islands of more or less free and “normal” communication (not deformed by ideology) – though at great personal sacrifice and risk – made it possible for a few people to keep the critical distance and articulate the alternative at least in terms of principles.

However, giving up active citizenship becomes the source of a grave deficit after the collapse of the communist regime, as the space is opened for democratic political participation. The underdevelopment of ideas – even of elementary skills of organizing, public expression, and communication – leaves the society still in the state of a *mass*; it is no longer forced into it by force and fear, but even under the “burden of freedom,”<sup>123</sup> it does not have the strength to transform itself into a civil society. Not only have the changes found this mass politically neglected, sometimes even in a savage state;<sup>124</sup> the new uncertainties of free market, inflation, loss of safety of employment, and the entire “safety net” came crashing on its head. As Ewa Morawska wrote about the legacy of the “*homo sovieticus*,” apart from the defensive depolitization and dependence on the state, “perhaps the greatest obstacle to the consolidation of democracy ‘from below’ has been the enduring syndrome of practices that were survival strategies in the communist period. In particular, three related elements of this *homo sovieticus*

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123 See Padraic Kenney, *The Burdens of Freedom: Eastern Europe since 1989* (Black Point: Fernwood, 2006), particularly the chapter “More Shocks to the System,” p. 26 ff.

124 The most striking manifestation is the emergence and growth of extreme right-wing groups on the territory of the former DDR, but also the peculiar mixture of football fans’ aggression and their sense of a “national mission” in the post-Yugoslav countries. The most telling example is the legend of a fight at the stadium of the football club “Dinamo” in Zagreb in early May 1990, during the match with the visiting team “Crvena zvezda” from Belgrade. The fight between the fans of the two clubs and between fans and the police (then officially still called “militia,” which was apparently discouraged by the political climate after the high score of the HDZ in the first round of the first pluralist elections), was retroactively promoted into no less than the beginning of the struggle for the independence of Croatia, not only in the football fans’ subculture, but also in the general public.

syndrome – habits of coping with the previous system – are now a hindrance to the construction of a functional democratic order: a popular distrust of public institutions, especially the state, its organs, and functionaries combined with widespread civic apathy, and the pervasive corruption that has made ‘beating the system’ and ‘going around the law’ into widely accepted social norms.”<sup>125</sup> Deeply internalized patterns of adjustment, developed under the old regime, have hardly hampered the institutional development, but they kept the society unable to impose social responsibility on those institutions.

Along with these major traits related to action and the inability for it, the underdevelopment of ideas about the society and politics should not be overlooked. In the fragmented, unpredictable, chaotic, even threatening reality of the postcommunist transformation (which looks like anything but *transition*, an orderly passing over toward a known goal through neatly ordered stages<sup>126</sup>), it is more likely that people would attempt to grasp such reality by “ordering” it through a mythical structure of thinking.<sup>127</sup> So, in the existing tensions, one would see a Manichean struggle of good and evil forces, and in the complex social problems a result of the operation of a certain agent with hidden, base motives, which are “recognized” on the basis of stereotypes and judged on the basis of prejudice.

In such mode, there emerge myths of renewal of a glorious national past (or the more recent one, in which social security under the protective state prevailed) and of “return to Europe.”<sup>128</sup> For the governments that carry out the unpopular economic policies of liberalization, privatization, and “flexibilization” of the labor market within the new, democratic constitutions, all of which requires a “firm democratic mandate,”<sup>129</sup> this latter myth, together with the one on getting out of Eastern Europe (and a “return” to (Central) Europe) contributed to the patience with which their society endured the pains of reforms before the newly emerged market economy started to grow again and employment increased.

From the beginning, the factor of identification with the nation was also significant, having already appeared in the days of communist regimes. Thus, the Polish Solidarity union in the late 1980s does not act as an organization of the civil society but as an all-encompassing national movement. It tried to comprise all civic groups and organizations, did not give priority to pluralism and individual rights, but promoted collectivism.<sup>130</sup> Since the ideological homogenization, imposed by communist regimes, prevented the emergence of independent social groups with different interests, at the time of the first free pluralist elections there were no such groups that would stand for different political demands.

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125 Morawska, “International Migration,” pp. 177–8.

126 Carothers, “The End of the Transition Paradigm,” p. 6.

127 Skąpska, “From Rights to Myths,” p. 97.

128 *Ibid.*, pp. 98–9.

129 Offe, “Capitalism by Democratic Design,” p. 513.

130 Krygier and Czarnota, “Rights, Civil Society,” p. 122.

Therefore, it should have come as no surprise that parties that opposed the hitherto ruling communist parties share certain characteristics,<sup>131</sup> like the claims that they act on behalf of the whole society or, in many cases, mobilization of political support on behalf of the “community,” that is, on the ethno-nationalist basis. Consequently, they tried to encircle and absorb all political, social, and economic activities, invoking the need to unite in the name of a higher goal, like opposing the communist party (deliberately or unconsciously relying on inertia, because at the time of pluralist elections, the communists were already reduced to a party among parties; even if reformed, they were still burdened with the guilt over the past, unless they were able to switch to a nationalist basis of support), or much more successfully (and more dangerous) to oppose the “dominant nation.” All-national parties or coalitions arose; they neither intended nor were able to advocate specific interests of particular social groups, which had not yet emerged, so there was nothing to stop them acting on behalf of the whole (ethno-national) community. In cases where it was the communist parties that won the status of “champions of the national cause” (whatever that meant), for which the former SFR Yugoslavia offered particularly fertile soil, they managed to survive the elections and maintain power (in Serbia and Montenegro), or at least their leaders won democratic support (Slovenia and Macedonia).

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131 Schöpflin, “End of Communism,” p. 11.

## 2.2 POST-YUGOSLAV STATES AND NATIONALIST REVOLUTIONS

If anticommunist “revolutions” in the countries under Soviet domination were far less a result of mutiny from below than the implosion and giving up from above,<sup>132</sup> in SFR Yugoslavia the opening to political pluralism and an at least formal democratic constitution of the “socialist republics” was indeed a matter of decision of the communist leaders still in power. They did not even try to appear as if they were giving in to the pressure of the angry masses from below, although a number of civic organizations (virtually all of them, except UJDI, the nuclei of emerging political parties) raised such issues and collected thousands of signatures for petitions demanding free pluralist elections. During 1989 the leaders of the federal units of SFRY could observe how the socialist regimes crumbled one after another, like dominos, without resistance, giving in to the soft, “velvet” revolutions. Late that year the hardest two among the communist regimes broke down. The demolition of the Berlin wall marked in a literally palpable manner how even the most closed regimes had to give in. The overthrow and the rapid execution of Nicolae Ceau escu a month and a half later gave a warning sign of what could happen to those who tried to resist.

But the acceptance of the minimal democratic constitution of the political order does not by itself mean giving up power, at least not in all the constitutive parts of the former Yugoslavia. The units that used to make the SFRY a state, then already on the edge of breakup, also shared the major traits of postcommunist transformations in Central and Eastern Europe: Under the communist regime, even if it was relatively open, liberalized, and decentralized, the societies were permeated by political control to such an extent that they were firmly tied to the political sphere without visible “seams.” The significant difference was that, on one hand, the regime was trying to acquire legitimacy on the basis of allegedly superior economic performance in comparison with the “real socialism,” and on the other, that the regime appeared in two “editions,” at the republican (or provincial) and federal levels of government.

### **The two faces of power “withering away”**

In the course of the development of the system of “workers’ self-management” in production, and then its expansion to the political system in the form of

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**132** With the exception of Romania, where a coup within the ruling group contributed to the change in power.

the “delegate system,” this peculiar version of socialism under the communist rule was strategically working on concealing the real *locus* of power behind the detailed, elaborate medley of institutions and procedures of the people’s controlled participation in decision-making. True, nobody was fooled by the communist party’s change of name, calling itself a “league” of communists<sup>133</sup> since the 1950s, which was meant to demonstrate the demission of the basic commanding force of the communist regimes. But the fact that any commanding power of the party was excluded from the formal system, and all “working people and citizens” were included by means of the workers’ councils and the multi-level system of delegations, did make it possible to maintain the illusion of general participation. There was no danger, however, that such participation might bring about any real change, because the path to any meaningful decision was unclear, obstructed by a jungle of procedures and institutions of the formal system. The discontentment was directed toward the “state” and “bureaucracy,” from which the ruling organization<sup>134</sup> seemingly detached itself, while the “league” of communists – as the network of real political control – remained in the background. If its influence was informal, by no means did it mean that it was weak. Owing to the extremely complicated formal system, the SK was able, as the only political and strictly hierarchical organization, to use shortcuts to reach effective decisions, as well as to control the selection of cadres, without being openly visible as the force that pulls all the strings. On the other hand, the “state” was supposed to gradually “wither away” according to the official ideology, by withdrawing and leaving the ground to the “workers’ and social self-management”; that, of course, did not apply to the “leading role” of the League of Communists.

Since the early 1970s, the federal division of power on two levels – the level of federal units (republics and provinces) and the federal state – had similar functions. The first could have appeared as closer to the “working people and citizens,” while the unpopular traits could be “delegated” to the federal level, especially given the fact that the institutional reforms simultaneously included both the decentralization and gradual liberalization. But, in spite of those reforms, which included liberalization of the goods and services market, with a degree of business autonomy of the “social” enterprises, the liberalization never reached the level on which the society would acquire even an elementary autonomy and could be emancipated from political control. Therefore, with all its specificity in comparison with the “real socialism,” even in the case of the Yugoslav “self-managing socialism,” the abandonment of the regime of communist domination and the move to political pluralism and electoral democracy did not open the scene to a suppressed political potential of the society; no new economic forces

**133** The acronym “SK” stands for *Savez komunista*, i.e., the League of Communists.

**134** In terms of political science, it is questionable whether such organizations should be called “parties.” With their ideological monopoly, total integration of all societal subsystems and pervasive political control, they are anything but a “part” (hence the term “party”) or a “side” (hence the Slavic synonym *stranka*) in such a regime.

emerged immediately, no potentials of a suppressed market capitalism. Even here nothing new was growing in the “womb” of the old regime, and even the “revolutions” were led in the name of renewal of old traditions and values.

## The politics go ethnic

What *did* develop within the communist regime was an almost complete “ethnification” of politics,<sup>135</sup> and *a fortiori* of the entire social life. In the last years of Yugoslavia, it was most strikingly manifest in the conjunction between the communist leadership and the populist movement mobilized on the nationalist basis, the movement, which was then called (from the inside) the “happening of the people” and “anti-bureaucratic revolution,” and from outside it was notorious for its undisputed leader, Slobodan Milošević, the president of the communist party of Serbia since 1986.

This breakthrough of the ethno-nationalist mobilization into communist politics was not without precedent. As early as in the late 1960s, when a political decision was pending whether the economic reform (started in 1965) should be accompanied by a political reform and what course the latter should take, and while the scope and content of decentralization was discussed inside the high ranks of the communist leadership, its Croatian branch tried for the first time to rely on mass support from below as a means of adding more weight to their claim for a bigger share of the republican authorities in the control over the economy. This attempt followed the established pattern, according to which a big turn in the “party line” was announced on a major gathering – a party congress or a conference of the Central Committee (this time it was the famous 10th Session of the Central Committee of the CL of Croatia in early 1970). A new negative political symbol was introduced, termed “unitarianism,” which stood for the continuation of highly centralized political power and negation of national particularity. On the opposite side, of course, no positive value was ascribed to nationalism or republican particularism; the new line was presented just as a new step in the development of the ruling ideology and order. For the first time under the communist regime, the struggle for a particular “republican” interest was proclaimed as a legitimate cause, instead of the general ideological tenets of the regime that dominated hitherto, like the “rule of the working class,” “brotherhood and unity,” “development of the self-management relationships,” etc. The discourse formally remained within the limits of the prevailing conventions, so even the advocacy of decentralization and a bigger control of the republics over goods like the foreign currency export income (including the

135 Srđan Vrcan, “Izbori u Hrvatskoj 1995. i 1997. Demokratizacija društva u okovima etnifikacije politike i nacionalizirajuće države” [Elections in Croatia in 1995 and 1997: Democratization of Society in the Chains of Ethnification of Politics and the Nationalizing State], in S. Vrcan, B. Buklijaš, D. Lalić, S. Kunac, N. Bulat, and D. Štrelov, *Pakiranje vlasti. Izbori u Hrvatskoj 1995. i 1997* [Packaging the Power. Elections in Croatia in 1995 and 1997], (Zagreb: Alineja, 1999), especially pp. 22–5.

unrecognized export of the labor force, that is, the foreign currency transfers of the workers “temporarily working” in the countries of Western Europe) was presented by the then prevailing language – as even a more consistent implementation of self-managing socialism and the proclaimed national equality in rights. What changed was a nonverbal “meta-language,” so there was a new “us” behind the current wording, a notion of a collective “ownership”<sup>136</sup> over public goods, which included the whole community for the first time (regardless of the standard talk of “class differences” and the like). To be sure, all denials notwithstanding, such “community” could not be constituted in any other way but on the basis of the only politically relevant difference in such a society: ethno-national difference.<sup>137</sup>

This was the first time that such an ambition came to the fore. The communist revolution, no matter how much it effectively invoked its character of a general popular liberation from the occupation, clearly had the character of class struggle; the power it established, although it enjoyed broad support at the beginning, was evidently in the hands of a closed elite. Therefore, it had no basis to claim that it acted on behalf of the whole, undifferentiated, “societal” community. This time, the new line of the ruling party emerged as an object of widespread support, indeed, as a matter of identification, and it was tacitly “recognized” as such – consistent with the nationalist pattern, according to which the nation was a community of immediate belonging, rather than on the basis of a rational convergence of interests or consent reached by discourse. Solidarity with, as well as membership in, such community is *ascribed* to each individual by virtue of the very premise by which an individual “arises” from the communal ground, rather than making a community with others on the basis of free action and agreement. People were ready to see the politics of decentralization as something that directly benefited them, and the demands for the republican control of the “Croatian” foreign currency as something that mattered for them personally. In the nationalist interpretation, the decentralization completely overshadowed the fact that in the devolution to the level of the republics, the political goods still remained under equally undemocratic control; those in the top positions of the regime are “one” with all of us, and what is in their possession is as good as “ours.” Decentralization was seen and adopted as a complete

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136 Long before the very word “ownership” entered the jargon of international supporters of the postcommunist democratization as a term for a doubtful effort to find foundations of democracy in the local societies.

137 For a contemporary discussion see: Žarko Puhovski, “Filozofija politike novog stanja” [The Philosophy of Politics of the New State of Affairs], *Praxis*, no. 3-4 (1971): pp. 603–14. One of the rare essays in political science (that also highlights the paucity of studies on this subject) can be found in Tonči Kursar, “Prijeporni pluralizam 1971” [The Disputable Pluralism of 1971], *Politička misao* XLIII:4 (2006): pp. 143–55.

substitute for democratization,<sup>138</sup> to the extent that there was no awareness of the difference. The formula was “discovered,” which provided the only way for the communist regime and its leaders to win back the mass legitimacy that was lost by the irrevocable exhaustion of the original revolutionary ardor.

Although the signals of the new political orientation sprang from the ruling – that is, closed – institutional political framework, they were quickly recognized in the broader public as signs of change. Apart from the usual mechanisms of dissemination typical of the communist regimes – which included repeating, distribution, and “elaboration” of the “messages” from the most recent sessions of the Central Committee down the line of the communist hierarchy – the new politics was also understood as a lifting of the ban on expressing nationalist attitudes and sentiments. Thus, in the journals and literary production, in media, at sports events, and in the everyday conduct, a whole variety of forms developed to express the value of the national and the affiliation to the nation, including theories and “theories” on the objective factors of national identity, ranging from history to language. The Croatian language was “liberated” from the policy of equalization with Serbian (expressed in the Novi Sad agreement of 1954), although it still remained an object of linguistic policies, but now in the opposite direction. It was different from the climate that has prevailed in Croatia, Serbia, and Bosnia-Herzegovina in the last two decades, primarily in that nationalism was then seldom expressed with overt hatred and aggression toward other ethnic “communities,”<sup>139</sup> including the most important “other” of the Croatian nationalities: Serbs.

The mass support given to the communist leaders came into conflict with the framework of the regime when the official students’ organization started to act as an independent agent and put pressure on the communist leaders by radicalizing their political demands, lest it mitigate the claims for the “reform of the federation” and the foreign currency regime and consent to a compromise. While Tito – all the time the undisputed charismatic leader – tolerated and apparently tactically supported the reliance on the “mass movement,” the limit of tolerance was crossed the moment that a part of the movement tried to impose its own politics, as thereby the movement overstepped the only permissible role – the one of mass support to the incumbent leadership. By the prevailing logic of the regime, the leaders of the Croatian SK were proven incompetent in keeping the movement it had mobilized under control.<sup>140</sup> They were forced to resign, the

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**138** This interpretation, also applied on the subsequent changes of the constitution, originates with Žarko Puhovski, who presented it in numerous articles and public debates. See, e.g., Ž. Puhovski, “The Paradigm Shift in the Transitional Conception of Sovereignty,” in *Next Steps in Croatia's Transition Process*, ed. S. Dvornik, C. Solioz (Baden-Baden: Nomos, 2007), p. 20, note 4.

**139** This was not always so in the everyday relations, which were not exposed to the eyes of the public.

**140** At the 21st session of the presidium of the League of Communists of Yugoslavia in Karadordevo in December 1971, Tito put it crudely: “You let things get out of hand.”

protests were crushed by force, student leaders and many others were arrested and subsequently given long-term prison sentences, and many supporters of the ousted leadership and those who publicly expressed nationalist views were laid off or removed from all leadership or managerial positions.

## Decentralization instead of democratization

On the basis of further development, it can be assessed that the regime learned a twofold lesson: that nationalism is a very usable spare basis of legitimacy, but that broadening the basis of legitimacy must not include any independent political initiative from below. Therefore, the decentralization was continued in the first half of the 1970s. That is also when the “delegate system” was introduced. The redistributive functions of the political regime were additionally concealed behind the “self-managing interest communities,” which replaced the state funds. Certain forms of “self-managing” intervention were introduced into economic policies as well as the market, which, according to the official ideology, they were supposed to lead to “overcoming” by direct agreement among partners, which in practicality led to quasi-oligopolist (but still politically controlled) arrangements. Republics were recognized by constitutions as “*states* based on sovereignty of the people and on the governance and self-management of the working class and all working people.”<sup>141</sup> The federation acquired significant confederative traits: all federal state bodies except the Yugoslav People’s Army were (YPA) composed of representatives of the republics and provinces and thereby *politically* (although not formally, because they were not legally allowed to advocate particular interests of their respective federal units<sup>142</sup>) stripped of their original “sovereignty.” During Tito’s life his charismatic authority dominated all differences among the parts of the (con)federation; moreover, the arbitration among them made his authority even stronger. After his death the regime surprisingly survived for a whole decade, but by no means in harmony. That decade of the regime’s survival, despite its almost complete dysfunction, makes an extraordinary example of a turn in the legitimacy of a communist regime. It was in that period that all political differences were interpreted as “national,” and communist leaders presented themselves as the champions of the “national cause.”

Before we look into the context that such a system created for the transition to democracy, we should dwell on the question of how it was possible to connect

141 The Constitution of SFRY (1974), art. 3, italics S. D. Typical of the “socialist” legal norms, there is an addition to this provision, which further defines a republic as a “socialist self-managing democratic community of the working people and citizens and equal nations and nationalities,” so that all the sacred ideological tenets may be expressed at the expense of the last remnants of clarity.

142 Peter Radan, *The Break-up of Yugoslavia and International Law* (London and New York: Routledge, 2002), p. 209. Radan points out this provision in the specific context of international law, i.e., within his criticism of the opinion of the “Badinter Commission,” so he tends to take the formal norms more seriously than they deserved to be in the political reality wherein they were enacted.

certain kinds of communist politics and nationalism so closely, first in the early 1970s and then again in the late 1980s. What is relevant here is, first of all, the phenomenon that was already mentioned: In the regimes that deny the right to publicly express political differences, ethnic affiliation is the most convenient, almost “natural” (in both senses) expression of the need to state the belonging to a particular group that a person finds close in an inner, immediate way,<sup>143</sup> as well as to determine who the “others” are. The need for clarity and certainty is projected onto the delimitation between one’s “own” group and others. It is typically expressed by popular, commonsensical wisdoms like “we want to be on our own,” or “everybody should stay where they belong and there will be peace” and the like. Against this kind of background, possible political action outside the regime can be based virtually exclusively on a common ethno-national affiliation or antagonism.<sup>144</sup> In multiethnic states like Yugoslavia, such a position is even more plausible.

Furthermore, it corresponded surprisingly well with the communist ideology.<sup>145</sup> Namely, that ideology expresses the dominance of the regime over the society in the form of a paternalistic position of the state and denying freedom as an original individual right. Moreover, it treats the individual as a derivative of a collectivity. At the same time, ever since Stalin officially abandoned world revolution and endorsed “the building of socialism” in one country (later expanded to the circle of satellite states), the ideology of socialist regimes rested on the constant tension with the outer and inner “enemy.” These three key tenets – *paternalism* as the protective role of the polity in relation to its members treated as minors, that is, below adulthood; *collectivism* as the primacy of the community affiliation; and *antagonism* against all outsiders, who do not share the affiliation to the community – are all the key elements of nationalism. For it cannot be reduced only to the common objective features like tradition, language, culture, and common territory. Some of them, like common origin, cannot even be confirmed by facts, and many others, like language, culture, and tradition are, to say the very least, equally the product and the prerequisite of national unity. The decisive element, in the classical wording by Ernest Renan, is the *will* to belong

<sup>143</sup> See Hale, “Explaining Ethnicity.”

<sup>144</sup> “[...] In such a situation all the attempts to act politically or socially without the omnipresent control of the dominant ‘ideological apparatus of the state’ had to rely upon the constitution of a group of independent actors that was not subject to ideological mediation by such an apparatus. [...] Such a belonging was indeed the ethnic one which can be shown simply by speaking one’s language (or dialect) or by pronouncing one’s name (or family name), in a way, that is, which could not be easily stopped or mediated.” – Ž. Puhovski, “Hate Silence,” in *Media and War*, ed. N. Skopljanac-Brunner, A. Hodžić, and B. Krištofić (Zagreb: Centre for Transition and Civil Society Research; Belgrade: Agency Argument, 2000), p. 42.

<sup>145</sup> *Ibid.*, pp. 41–2. See also Nenad Dimitrijević, *Služaj Jugoslavija* [The Case of Yugoslavia] (Belgrade: Samizdat b92, 2001), pp. 74 ff.

to the community.<sup>146</sup> The individual as a “child” of the nation, belonging to the community as the basis of security and the supreme duty, and delimitation from others who are considered to be sources of threats – all those elements are the constituents of a nation as a polity, no matter how “imagined.” Without common will to belong to the same community, without a worldview, according to which belonging is of utmost importance, a population that shares some, or even all of those traits, does not a nation make.

Finally, what gave additional strength to the ethno-national alignment in SFR Yugoslavia was the suppressed memory of grave ethno-political violence in World War Two and the immediate aftermath.<sup>147</sup> The suppression imposed by the regime meant that these memories were “spared” from any processing in the form of discussion, historical analysis, and rational mastery, and left to the myths and legends about collective victimization of such range of magnitude that threatened the whole ethno-national communities.

The SFRY passed in maintaining the status quo in the 1980s without a charismatic leader and his authority. One against another, the leaderships of the republics and provinces advocated the “interests” of their respective federal units, indeed their own power of control over social goods, presenting themselves to the populations of “their” territories as the advocates of the common national interests. At the same time, all those leaderships were collectively protecting the regime in which they enjoyed power without democratic control and without necessity to check the consent of the population. That is how it could happen that typically nationalist rhetoric was used in the official discourse, without mass antagonism,<sup>148</sup> but at the same time nationalist statements of “unauthorized speakers” were criminally persecuted. Furthermore, while the rhetoric stressed the opposition of interests between different federal units, the ruling groups also needed a mutual solidarity in maintaining the regime as a whole. Thus, even without Tito’s authority, the whole decade passed by with the system working somehow, although no decision could be made on the federal level without consensus of the federal units, which required constant negotiations. Thus, even

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146 Ernest Renan, “What is Nation,” Croatian translation “Što je nacija,” *Kulturni radnik* no. 6 (1981), Zagreb.

147 This is what Puhovski’s title “Tišina mržnje” [Hate Silence] alludes to – the silence that preceded the eruption of hate *speech*. Compare also D. Vojnić and Ž. Puhovski, “The Economic and Political Dimensions of the Transition,” in Puhovski et al., *Politics and Economics of Transition*, p. 44.

148 Just as an example, in the book by Dušan Dragosavac, in a context of arguments about the “national economies”, there is a statement that communists believe that a nation must not be limited in any respect, which means that the “national economies” are justified as de facto exclusive domains of influence of political leaders of the federal units; see Dragosavac, *Aktualni aspekti nacionalnog pitanja u Jugoslaviji* [The Contemporary Aspects of the National Issue in Yugoslavia] (Zagreb: Globus, 1984). (For a reader not familiar with the local circumstances of the former Yugoslavia, it may be interesting that the quoted author, a member of the leadership of the League of Communists of Croatia for decades, was an ethnic Serb, which by no means contradicted his advocacy of the separate control of the Croatian political leadership over its national space.)

the body that was supposed to be the federal government (nominally, the Federal Executive Council) was only able to govern by temporary measures.

We should also be reminded that the 1980s were a period of economic deterioration, growing burden of foreign debt, several waves of high inflation, frequent shortages even of basic consumer goods, etc. As the legitimacy of the Yugoslav regime was more sensitive to economic performance and material standard of living than the “real socialism” under Soviet domination, the whole system barely maintained an unstable balance, and was on the edge of crisis throughout the last decade.

### “Narod” instead of demos

However, the crisis did not arrive because of things like inflation, falling production or shortages, although media and economists were proclaiming it in the field of economy. It came because one of the “players” disturbed the unstable political balance. It is, of course, the Serbian political leadership, with Slobodan Milošević on the top. In a nutshell, the politics that Milošević personified relied on mass mobilization based on Serb nationalism, in a way that makes it a kind of rerun of the Croatian “mass movement” from 1970–71, or perhaps, if we exploit the metaphor a bit further, the first-night show after the aborted dress rehearsal. Huge differences between the two events are clearly visible: the mass support in Croatia in 1970/71 was not manifested in so many mass meetings and it was always expressed as a support to the communist leaders (even when it was given to radicalize their position, as in the case of the students’ strike), and not as a direct aggressive threat to adversaries. Secondly, and related, there was no longer anybody with a higher authority above the charismatic leader of the Serbian nationalist movement in the late 1980s; Tito was dead, and the federal state and political bodies simply did not exist as authorities in their own right, independent from consensus of federal units.<sup>149</sup>

But, although it will probably sound like blasphemy to anyone who feels nostalgic about the “Croatian spring” of 1970–71 and who believes the romanticized legend about that event as the first, suppressed flame of democracy and pluralism, formally it is the same kind of process: legitimizing undemocratic rule of the communist elite by support of a mass movement mobilized by nationalism. Moreover, the evolution of Serb nationalism in the meantime led to another

<sup>149</sup> As the only functional institution on the federal level, YPA was an exception. However, it was not an instance of political authority. It interfered in political developments much later, and even if it tried to do so in the period in question, i.e., before 1990 and the first multiparty elections, it was not likely that it would oppose Milošević’s politics, which strategically included lip service to the preservation of Yugoslavia even when it did the opposite. (Namely, it was Milošević’s Serbia that proclaimed independence from Yugoslavia in its new constitution promulgated in September 1990, before any other federal unit, even before the first pluralist elections. – Srđa Popović, *Raspad Jugoslavije, The Break-up of Yugoslavia* (2 parts), Sep. 23, 2008, *Peškanik*, at <http://www.pescanik.net/content/view/2160/66/> and <http://www.pescanik.net/content/view/2161/66/>

congruence. While the typical pattern of Serb nationalism, as far as one could infer from anecdotal observations, was characterized by neglecting and ignoring national differences within Yugoslavia, the nationalist patterns in Croatia and Slovenia were marked by underlining differences and valuing separate decentralized domains; throughout the 1970s and 1980s, the dominant pattern of Serb nationalism changed and became similar to the latter, that is, the “minority” pattern. Two problem areas contributed to such development: Kosovo and the constitutional position of Serbia and the autonomous provinces.

Regarding Kosovo, the position of the Serb and Montenegrin minority in the province was more relevant than Kosovo’s demands that it be granted the status of republic. Media in Serbia continuously reported on the pressures those people were exposed to (however, never describing them as a minority), about diffuse acts of violence, acts of symbolic aggression like damaged graves or religious objects and symbols, occasional rapes, etc. The focus was also on the constant emigration of non-Albanians and on the changing ethnic composition of the province, where ethnic Albanians already were a large majority. Of course, it cannot be discussed here how accurate those reports were and how much they were corroborated by facts, but it is certain that such pressures and emigration could not be ruled out. What is typical of the political framing of the reports, however, was the *collectivization*, both of victimization and aggression. Although the media discourse of those days did not leave room for overt hate speech yet, the overall implicit message suggested that the pressures on Serbs and Montenegrins were exercised with a tacit or active consent of the Albanian ethnic majority and that the provincial authorities tolerated them. Furthermore, the suffering was not just that of specific individuals and families, but something by which the whole Serbian national community was victimized. This was reinforced by the symbolic significance of the presence of the Serb ethnic population, as well as of the religious objects, churches, and monasteries, which testified to the historical ties between the Serbian nation and Kosovo as its “cradle.” As expressed in a polemic in the newspapers (in the days when people still argued about the issue), the emigration of Serbs was tacitly “translated” into emigration of *Serbhood*.

The second key factor in this transition from the majority to minority pattern of nationalist attitudes was the constitutional position of Serbia. The autonomous provinces of Vojvodina and Kosovo were parts of Serbia, but at the same time they were independently represented in all federal bodies, and their representatives had no obligation to coordinate with representatives of Serbia. Moreover, the provinces had their delegations in the Assembly of the Socialist Republic of Serbia, and Serbia in turn had no part in the assemblies of the provinces. That is how Serbia also as a formal polity could be presented as a victim of the political arrangement aimed at its weakening. Again, it cannot be denied that this constitutional arrangement was an incoherent result of an attempt of the strategy of decentralization instead of democratization to allocate a bit to everybody, leaving open the question of the difference between republics and provinces, and of their legal relationship. Like in the previous point, however, the political

significance of the issue was not of a constitutional-legal nature; it just served as a trigger for the mobilization of the nationalist movement in support of the leadership of Milošević.

This created the basis for mass frustration with the regime and readiness to follow the strong leader, whose resolute action was to blaze a trail through the illegitimate institutions, which do not provide a legal way to the “solution” – partly because the “problem” was set in a way for which there was no rational solution, like a recognition of collective identity, and partly because the Yugoslavian legal system was not designed to provide functional institutional mechanisms for changes.

It is well-known how the movement was used to remove the leaders in the federal units, where it was possible to count on a mass Serbian ethno-nationalist mobilization – in Vojvodina and Montenegro. In the rhetoric employed in these actions, the movement was identified not as ethno-national (although that was the basis of mobilization) but as the “anti-bureaucratic revolution.” Thereby, the democratic deficit from which all institutions of the regime suffered chronically was used, and the alternative was not democracy, but the populist “option.” Since they did not have democratic legitimacy, the leaders in Vojvodina and Montenegro did not have any means to fight the street mob except through police force, which they tried to use once (in the first attempt to fell the Montenegrin leaders), but which was clearly insufficient to maintain power. The pressure of the mass in the streets, politically organized, was presented as the pressure of “the people,” without having to prove whether it represented the majority – simply, there was no other organized public action from below. Furthermore, the “people” was “representative” – in the very sense of the nationalist ideology – as the dominant ethnic group; namely, in the Serbian (and Bosnian, Croatian, Montenegrin) language, the noun “narod” can mean both “people” and “nation” in the sense of a body politic constituted by birth. Thus, the “real Serbs” naturally spoke for all the people that mattered. In the final outcome, the incumbent leader had his own anticommunist revolution: Unlike the mass manifestations of discontent in Poland, East Germany, Czechoslovakia, or Hungary, where a bunch of civil actors confronted the discredited authorities on behalf of the rebellious masses, here the mass was already shaped and directed by the authoritarian leadership, which in the meantime discretely cast off its communist identity.

## **(Re)active nationalism**

Milošević’s politics of reliance on the mass nationalist movement provoked the crisis of the whole order of SFRY, but not because there were a real threat that would hit other parts of the federation like an avalanche, as the recent past is almost unanimously interpreted in other post-Yugoslav countries. There were no ethno-national conditions for something like that; as for other methods, including military force, many changes still had to take place. For other communist ruling “elites,” it appeared as a threat for another reason: Having created a

new kind of support, Milošević's regime sprang out from the general "pact" on mutual support against possible mass discontent caused by the dismal state of the economy. He created a basis of legitimacy independent from the leaders of other republics, which disturbed their unstable balance. There were two ways out from that situation, apart from the status quo, on which nobody could have bet: to use the same method (of the populist nationalist legitimacy), or to change the whole system into a democracy.

Proposals for the latter solution were publicly presented, as well as warnings on the dangers of limiting democracy to the ethnicized federal units. It was done in 1989 by the Association for Yugoslav Democratic Initiative (UJDI), the first independent civic organization devoted to political issues.<sup>150</sup> However, this organization was practically the only one that raised such issues; as a purely voluntary association, it did not have the resources for any kind of campaign, but acted through its members' public activities, through panel debates and public statements; so its voice was soon suppressed by new emerging parties, which typically adjusted to the dominant nationalist attitude, thereby reinforcing it. It seems, however, judging by the comments of those who did not share this attitude – like some liberal and democratic journalists, activists, or simply citizens – that it was an almost generally accepted opinion that the democratic solution, based on the fundamental principle of "one man/woman = one vote," was not acceptable, because it would work for Milošević and help him to win power over the whole of Yugoslavia. The rejection of the basic democratic principle, and thereby the democratic solution in general, was not founded in facts, but in fear; there was no way for Milošević to win a majority in Yugoslavia, but the ethnification of the political space was so deep that hardly anybody, not only the nationalists, was able to think outside of the ethnic collective terms.<sup>151</sup>

But all those attitudes had no real significance anyway, because the key players – the communist elites ruling in the federal units – had no interest in allowing the federal institutions to acquire democratic legitimacy, because that would limit their power. On the other hand, it was the rise of Milošević's mass politics that came as a welcome occasion for the allegedly "defensive" nationalist mobilization in Slovenia and Croatia. The new nationalist parties also found a welcome image of the enemy in this "threat," that is, the confirmation of the antagonist element of the ideology, by which the collective national identification was necessary as a defense against the threats from outside. Thus, a third, combined option was born out of the two mentioned: democratization (limited to the electoral minimum) but only within the ethno-national borders. Here,

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150 Unfortunately, although I took part in the activities of UJDI from its founding, I have no documentation in my possession.

151 On different concepts of the federal arrangement as an expressions of different political interests, see Mirjana Kasapović, "Strukturna i dinamička obilježja političkog prostora i izbori" [Structural and Dynamic Traits of the Political Space and Elections], in I. Grdešić, M. Kasapović, I. Šiber, and N. Zakošek, *Hrvatska u izborima '90* [Croatia in Elections '90] (Zagreb: Naprijed, 1991), pp. 17 ff.

the newly emerged parties got a chance to present themselves as defenders of the “national cause,” more resolute than the communists, who were not able to compete with them on such ground. In Croatia they were additionally handicapped by the memory that they got into the ruling positions after the removal of the leaders of the “Croatian spring” in 1971.

The elections that took place in 1990 confirmed the primacy of the ethno-nationalist alignment. The winning party in Croatia was the one that tied its “profile” to Croathood in the most simple way, without any particular political attributes, even without identifying itself as a party: the Croatian Democratic Community.<sup>152</sup> Its main electoral slogan – “Our name is our program” – testifies that the option in question was quite rudimentary. Analyses after the elections confirmed that the dominant cleavage in voters’ orientation was precisely the “traditional” one, related to the positioning of the nation-state.<sup>153</sup> At the same time, it was found that the “electorate was not profiled with regard to a concrete interest structure which would follow from the specific social conditions [...], but that it rather reacted with regard to its national affiliation and the perception of ‘its own national interest.’”<sup>154</sup>

The results of the first competitive elections in Bosnia-Herzegovina provided an even more evident confirmation, as in that multiethnic country the percentages won by the major nationalist parties approximately corresponded to the respective shares of the ethnic groups in the population of Bosnia-Herzegovina. In Serbia, the strong victory of Slobodan Milošević in the presidential elections and the subsequent victory of his party in the parliamentary elections showed that ethno-nationalist identification was even stronger than the widespread rejection of the former communist parties.<sup>155</sup> The findings from different postcommunist

152 This is the proper translation of the Croatian name *Hrvatska demokratska zajednica* (HDZ). The official English name of the party is Croatian Democratic Union. The choice of the name certainly betrays the ambition to act not just as a party among other parties, but as a political force dominant in the whole nation. It should not be forgotten that the first proclamation of the founding of HDZ after the meeting of the initial committee in the Writers’ Club in Zagreb in January 1989 announced the establishment of a party bearing the name with clear militarist undertones: *Hrvatski demokratski zbor – zbor* meaning “choir,” “assembly,” “corps,” but also the military command “fall in!” In 1991 the first Croatian (para)military units were called *Zbor narodne garde* (peoples’/national guard).

153 Nenad Zakošek, “Polarizacijske strukture, obrasci političkih uvjerenja i hrvatski izbori 1990” [Structures of Cleavage, Patterns of Political Convictions, and the Croatian Elections in 1990], in Grdešić et al., *Hrvatska u izborima ’90*, p. 182: “The analysis showed that the traditional cleavage had the dominant impact; on the double axis of periphery-centre it juxtaposes a) Croatian-autonomist and Yugoslav-integralist, as well as b) Croatian-integralist and Serb-autonomist (or, more generally, regionalist) political processes and interests.”

154 Ivan Šiber, “Nacionalna, vrijednosna i ideologijska uvjetovanost stranaškog izbora” [National, Value and Ideological Determination of the Party Choice], in Grdešić et al., *Hrvatska u izborima ’90*, p. 127.

155 In the case of the party leader, this also applies to Slovenia, despite considerable differences. Although his party did not win, the communist leader Milan Kučan won the presidential elections on the same basis: again, as the advocate of the “national cause.”

changes were thus confirmed for this region too: Instead of autonomously formed social interests, the basis of political mobilization was the primordial belonging to the community defined in ethnic terms.<sup>156</sup> Moreover, in other postcommunist countries the regime fell more easily if the country in question was not a well-established nation-state (like East Germany or Czechoslovakia).<sup>157</sup>

## Democratic nationalism?

It seems that the repeated pointing at the nationalist basis of the political support that the old and the new leaders managed to mobilize is not unambiguous regarding the character of this kind of politics. In the literature on the post-Yugoslav transformation, some authors argue that nationalism is an expression of polities being formed anew, which enables their democratic constitution.<sup>158</sup> In the decay of states and societies that emerge from the fall of the communist regimes, nation is a specific substitute “fundamental source of authority.”<sup>159</sup> By its very origin, a nation is a “product” of the modern epoch; its emergence is connected with the absolutist monarchy, or with a centralized administrative state, and in a revolutionary turn it becomes the source of sovereignty. A “people” becomes a nation when, speaking in Rousseau’s terms, it establishes a general will and a new, moral collective body – “That is where a ‘people’ becomes a ‘nation.’”<sup>160</sup> Therefore, “nationalism is not an ideological deviation from modernity, but, on the contrary, a distinctively modern theory of state and political authority”; the nation has “become a medium whereby the political authority was transferred to the entire population, and in that sense it is substantially *democratic*.”<sup>161</sup> Furthermore, it is not a mere product of social construction: “In order for a national

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156 “As long as the economic foundations for a genuine civil society do not exist, the massive political mobilization of the population is only possible along nationalist or fundamentalist lines” – Jadwiga Staniskis, “Dilemmata der Demokratie in Osteuropa,” in *Demokratischer Umbruch in Osteuropa*, ed. R. Deppe et al. (Frankfurt am Main: Suhrkamp, 1991), p. 326; quoted in Offe, “Capitalism by Democratic Design,” p. 511.

157 Elster, Offe, and Preuß came to the conclusion that there is an obvious interdependence between the fall of a regime and dissolution of a country; See Offe et al. *Institutional Design*, pp. 56–7.

158 For instance, Davorka Matić, “Je li nacionalizam stvarno toliko loš: slušaj Hrvatske” [Is Nationalism Really So Bad? The Case of Croatia], in *Demokratska tranzicija u Hrvatskoj* [Democratic transition in Croatia], ed. Sabrina P. Ramet and Davorka Matić (Zagreb: Alineja, 2006).

159 *Ibid.*, p. 269; reference to David Miller, *On Nationality* (Oxford: Clarendon Press, 1995), p. 28; actually, the argument reads: “where structures of authority can no longer be taken for granted, the source of authority has to be found in something more fundamental, and the nation provides such a source.” This is stated in the context of opposition to European monarchies, notably in England and France, and the “nation” is understood as the people.

160 Matić, *Demokratska tranzicija*, p. 270.

161 *Ibid.*, p. 272, italics S. D.

movement to be successful, it has to appeal to *already existing communities*.<sup>162</sup> Moreover, nation is an integral part of the development wherein liberal democracy was also won. According to M. Mann: “Whatever atrocities were later committed in the name of the nation, its emergence lay with those democratic ideals of this period that we most value today.”<sup>163</sup>

It is not disputable that nation-states were constituted as (substitutional – state-mediated<sup>164</sup>) communities united by an integrated institutional framework and submitted to an integrated legal system. Out of local communities, by the agency of both the market and the integrated administration and legal regulation, the modern civic society was established, as was the public as the field of communication and forming of political will. This unity of the integrated society and the state as its political organization is usually called nation. However, that does not tell us anything about that *by which* people “recognize” each other as members of the same community. Some states were “prepared” by cultural mobilization, by ideological processing and interpretation of the common origin, and by integrating different regions; some others acted as “nationalizing” states on the basis of an already existing reign over a territory with various ethnically and culturally heterogeneous communities. By means of the state and public institutions – general education, state administration, general compulsory military service (for men) – they homogenized the language, imposed behavioral patterns that overcame the incompatibilities of local customs, etc.<sup>165</sup> That the modern state, even when/if it is not (yet) democratic, presupposes or sets an integrated and, to a certain extent, homogenized society as “nation” is a historical fact, but there is not necessarily anything democratic in the nature of that integration.<sup>166</sup>

It is not a question of the reality of community, but of its basis. This is true whether it is at least to some extent a connection on the basis of individual freedom and equality (which, without delusion, works as a regulatory principle, even if it is not entirely actualized), or a regression into a communality as collectivism. This is because in uncompleted modernization, notwithstanding the

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162 Ibid., p. 273, italics S. D.

163 M. Mann, “A Political Theory of Nationalism and Its Excesses,” in *Notions of Nationalism*, ed. Sukumar Periwal (Budapest and London: Central European University Press, 1995), p. 48 (the last part of the sentence quoted in Matić, *Demokratska tranzicija*, p. 273).

164 Puhovski, *Interes i zajednica*.

165 A telling example is presented in Ivan Illich, *Vom Recht auf Gemeinheit* (Serbian translation, *Pravo na zajedništvo*, translation by G. Ernjaković, Rad [Belgrade, 1985], p. 39). He draws a parallel between the petition by Christopher Columbus to Queen Isabel of Spain, to support his expedition to discover a new path for overseas conquests, and the proposal to norm the grammar of the Castilian language as the compulsory language for the whole of Spain. The latter proposal was presented as a suggestion to the “conqueror of Granada” to “conquer a new empire in her own country.”

166 Compare a similar critical discussion of a thesis on an intrinsic connection between democracy and nationalism in Vesna Pusić, *Demokracije i diktature* [Democracies and Dictatorships] (Zagreb: Durieux, 1999), pp. 71 ff.

industrialization and urbanization, the society has neither reached the stage of individual emancipation, nor reached the stage of the emancipation of the very society from the ascribed primordial communality. In communities based on the ascribed belonging, neither individual freedom nor equality are recognized as the points of origin that set limits to the political order, and are not at the disposal of that order. As shown by the systematic ethnic discrimination, let alone violence, in the societies of nationalist revolutions, the answer to the question if nationalism is really so bad is, unfortunately, affirmative.

## Defective democracies with nationalist legitimacy

It is thanks to such communality as the basis of legitimacy that the formally democratic governments established after the first competitive elections have some features that cannot be reduced just to liberal democracy. Like in the other countries that experienced and survived the implosion of the communist regimes, democracy in the post-Yugoslav countries was not won by independent, powerful social groups that could act as a counterbalance to the state structure, with their formed interests that act as “transformative,” that is, influence the direction of political changes and make a basis of political pluralism that is expressed through different political parties. Since postcommunist “revolutions” did not bring to the fore a new socioeconomic system, already independently formed, with corresponding bearers of the transformative interests and competing “projects” of a new order, it is possible to talk of a sort of empty space (which was, on the formal level, filled by a more or less ideological transferral of models from developed democracies), but also of an impact of traditions specific to each society.<sup>167</sup> In the case of Yugoslavia this space was predetermined by the high degree of decentralization on the formal institutional level, by the fact that social integration was never accomplished, and by the nationalist politics both in the institutional constitution of the federal units and on the informal level of political mobilization of support to the competitors for the postcommunist government. Therefore, although the breakup of Yugoslavia was so dramatic and violent, one could have talked of Yugoslavia as a former state (if ever completed at all) a long time before that.

In this context the winners of the first elections acted as though they won not just a majority, but a *plebiscite* support<sup>168</sup> that gave them legitimacy as total

167 “And if the new construction seems to begin with the abstract notion of democracy and market economy, it is only logical that traditional values – especially nationalistic ones – tend to fulfil the new constituted political space.” Puhovski, “The Wizard of Oz,” p. 18.

See also Offe et al., *Institutional Design*, p. 50.

168 Eugen Pusić, “Pogovor” [Afterword], in Grdešić et al., *Hrvatska u izborima '90*, p. 249. The unfounded invocations of an alleged plebiscite support to Franjo Tuđman at the presidential elections of 1997 is critically commented in Srđan Vrcan, “Izbori 1995. i 1997. Od vladavine uz isfarbicirani pristanak većine ka vladavini bez pristanka većine” [Elections 1995 and 1997: From the Rule with a Fabricated Majority Consent to the Rule without Majority Consent], in Vrcan et al., *Pakiranje vlasti*, pp. 95–6.

masters of their respective polities. The figures that show the electoral score are of a second-rate importance in that respect; what does matter is that the political context characterized by the collectivist politics is favorable to the strong role of the leader and to the markedly dominant position of a ruling organization / party, which – even when it does not win the absolute majority – can aspire to representing the whole national community and suppress divisions expressed in the formal presence of opposition. So the structures were established, which are aptly captured by the expressions like “pluralist monism,” “pluralism in the singular,” and the like.<sup>169</sup>

In this framework, Bosnia-Herzegovina was, of course, a peculiar case, because in that country the state structure encompasses three virtual communities, represented by the corresponding parties, each of them not just aspiring to the role of the only legitimate representative of its respective ethno-national group, but having such a role confirmed in the free elections.<sup>170</sup> Of course, none of these parties were able to turn such legitimacy into a total domination over the whole of the state and society, and the “service” of the violent dismemberment of the territory and of the social life (which was traditionally not very sensitive to ethnic divisions) – by the joint efforts of the neighboring countries, the local nationalist organizations, and the so-called international community – was not yet delivered. Although at the beginning the three “national” parties ruled in a coalition, the division over the question of independence of the state – wherein the positions were polarized along the line between Serbs and non-Serbs – showed that, in an ethnically divided society, democratic techniques of using referenda to make decisions (just like the elections themselves, for that matter) do not help

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169 See the presentation by Jovica Trkulja in the collection *Slaba društva i nevolje s pluralizmom* [The Weak Societies and the Trouble with Pluralism], ed. S. Dvornik and V. Horvat (Zagreb: Heinrich-Böll-Stiftung, 2005), p. 67.

170 Vesna Pešić interprets the mass voting for the dominantly nationalist parties as a sort of “prisoner’s dilemma.” Voting for “their own” not only out of nationalist sentiments but also out of fear that the others would do the same, the voters of Bosnia-Herzegovina confirmed the conclusion of the “dilemma”: Where there is no trust and cooperation, everybody selects the solution that gives the worst total sum. See the chapter by Pešić, “Rat za nacionalne države” [The War for Nation-States], in *Srpska strana rata* [The Serbian Side of the War], 2d. edition (Belgrade: Samizdat B92, 2002).

against the disastrous combination of ethnic division and violent politics.<sup>171</sup> The war that was launched by Serbia, YPA, and the Serb nationalist (soon also paramilitary) organizations in Bosnia-Herzegovina (and later also the aggressive Croat troops both from Croatia and from Bosnia-Herzegovina) rendered meaningless any analysis of the political and socioeconomic transformation of Bosnia-Herzegovina.

In Serbia, the unquestionable domination of Milošević's Socialist Party of Serbia (SPS), together with the weakness of the social actors, caused a blockade of transformation.<sup>172</sup> The regime did not need privatization, as it was in full control over all resources of the society. Given the weakness of the opposition and the fact that it tried to compete with intense nationalism, that is, to play on the regime's ground, there seemed to be few obstacles to the authoritarian rule even within the formally pluralist and democratic order. Nevertheless, it should be noted that the protests that the Serbian Renewal Movement, launched on March 9, 1991 and which grew into a much greater outburst of opposition, showed that a part of the society had much higher expectations from democratization, and that there were relevant actors willing to act politically outside of the institutional framework of an evidently defective democracy. That would manifest repeatedly in the opposition to the wars in Croatia and Bosnia-Herzegovina, as well as later during the war in Kosovo, and in the refusal to accept attempts of the regime to forge the outcome of the elections in 1996 and 2000.

Although the transformation was formally blocked, Milošević's regime was neither totalitarian nor post-totalitarian. On top of the party pluralism, general suffrage and regular elections there were marked by independent media and

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171 There is a good example from another, yet to some extent similar situation, reported by Charles Ingrao, the initiator and leader of the project of Scholars' Initiative in the opening paragraphs of his introduction in the book *Confronting the Yugoslav Controversies* before he came as a visiting fellow to Cambridge University in the late 1980s, he told his English friend that was going to ask him a question about a possible solution to the "nightmare" that gripped Northern Ireland. In a conversation upon his arrival, the friend gave him a simple, depressive answer: "That's just it, Charlie. There *is* no solution!" See *Confronting the Yugoslav Controversies*, Charles Ingrao and Thomas A. Emmert, eds. (Purdue University Press, 2009), p. 1. To be sure, such conclusions – without denying their foundations in reality – are always valid under assumption of certain given circumstances, which are not immutable. So even the defeating truths are never final. It is important, however, to notice that the democratic rearrangement of the communist political order not only did not come as something natural and unavoidable, but in certain circumstances it was able to facilitate destructive conflicts.

172 See Mladen Lazić, *Promene i otpori* [Changes and Resistances] (Belgrade: Filip Višnjić, 2005), the chapter "Civilno društvo i vrednosne orijentacije u Srbiji" [Civil Society and the Value Orientations in Serbia], pp. 104–5, in relation to the "liberal deficit" in the realm of value orientations. Also, the next chapter, "Postsocijalistička transformacija u Srbiji: prepreke koje uvek iznova nižu" [The Post-socialist Transformation in Serbia: The Obstacles That Keep Re-emerging], pp. 122 ff.

freedom of association.<sup>173</sup> However, there was the center of power that was able to control all branches of the system, and thereby to effectively eliminate their mutual horizontal accountability, that is, the systemic checks and balances. That made the democracy in Serbia seriously defective; it was closest to the delegate model, wherein neither the judiciary nor the parliament exercise any real control over the executive branch of power, typically led by a charismatic presidential figure.<sup>174</sup> Furthermore, the use of violence, which apparently included contract murders of political opponents and independent journalists, puts into question even the formal categorization of such a regime as a democracy, even a defective one, and suggests that at least in a certain period it was close to an authoritarian regime.<sup>175</sup> Privatization was blocked, but for the highest-ranking officials of the regime, there were many opportunities available to convert their political power into economic gains, and moreover, into a capital.<sup>176</sup> The blocked transformation did not mean that the systemic changes were frozen,<sup>177</sup> but that the complete introduction of the market economy was postponed until the members of the ruling group made as much economic use of their political position as possible.<sup>178</sup>

The regime used other means to secure the necessary autonomy: Before the first elections, on September 28, 1990, the new Constitution of Serbia was promulgated, which proclaimed Serbia an independent state. Its authorities were authorized not to implement federal regulations if they were not in the Serbian interest, which seems absurd if Serbia was already independent. However, with a peculiar wording,<sup>179</sup> it simultaneously retained its position in the Yugoslav federation, keeping the possibility to influence political decisions and building the alliance with the heads of the YPA, which was left without any

173 Typically of the attitude toward law in the post-Yugoslav countries – the Act on Associations was passed in the parliament as late as July 22, 2009, after almost 10 years of preparations, advocacy, and lobbying of a broad coalition of civic organizations.

174 See Merkel, “Embedded and Defective Democracies,” p. 50.

175 That is how Slobodan Antić categorizes it without any doubts in the chapter “Politički sistem i elite u Srbiji pre i posle 5. oktobra” [The Political System and the Elites in Serbia before and after the 5th of October] [i.e., 2000], in Vujadinović et al., *Između autoritarizma i demokratije*, pp. 119 ff.

176 Lazić, *Promene i otpori*, pp. 122 ff.; Antić, *Politički sistem i elite u Srbiji*, pp. 121–2; Antić designates it as “political capitalism.”

177 Lazić, *ibid.*, p. 122.

178 This is in accordance with the warning by Thomas Carothers (“Western Civil Society Aid,” p. 56). It is not only that the transition is not a fast, one-direction process; the reforms are often blocked by their very agents, and not those who lose, but those who gain on a certain stage and try to freeze the situation in order to maximize their profits.

179 Article 135, paragraph 1 of the Constitution of the Republic of Serbia reads: “The rights and duties which the Republic of Serbia, which is a part of the Socialist Federative Republic of Yugoslavia, has by this Constitution, and which are, by the federal constitution, realised in the federation, shall be realised in accordance with the federal constitution.” – Quoted in Srđa Popović, “Raspad Jugoslavije” [The Break-up of Yugoslavia], *Peščanik*, Sep. 23, 2008, p. 28, <http://www.pescanik.net/content/view/2160/66/> and <http://www.pescanik.net/content/view/2161/66/>

civilian control. The alliance supplemented the aggressive nationalist rhetoric with more substantial means of armed aggression.

It is significant that in the system of power built by means of mass nationalist mobilization, in Serbia – as one of the ethnically most heterogeneous post-Yugoslav countries after the consolidation of power – there were no mass pressures on ethnic minorities, except directly tied to the wars in which Serbia “informally” took part. However, those were not only wars waged to conquer territory, but to unite the entire Serb ethnic body. Therefore, a necessary, planned consequence of the wars was in the ethnic persecutions of others and ravages in the conquered (“liberated”) territories. The continuity of presenting the Serb people as a collective victim – exposed to persecutions especially in the areas where Serbs were in a minority position – secured even an “ethical” justification for the aggression.

In Croatia, F. Tuđman and the *Hrvatska demokratska zajednica* (HDZ; Croatian Democratic Union) also enjoyed (and exploited) the wide space for an arbitrary rule. Having imposed the establishment of Croatia’s statehood and its secession from Yugoslavia as an almost exclusive political issue, the postcommunist ruling group obtained an open space for almost unlimited mastery over all areas of social life. Only a small share of media managed to remain independent, but they remained under constant pressures and without real legal guarantees.<sup>180</sup> The state took over the hitherto social ownership over business companies and started the privatization. Although its protégées had neither the capital nor the entrepreneurial skills to play an exclusive or main role in that process,<sup>181</sup> the lack of a sound legal framework, both regarding the privatization and the relationship between the state and private firms, left plenty of room for the impact of the state on the economic sphere, including systemic corruption. The judiciary was

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**180** Thus, for instance, one of the two independent dailies, *Slobodna Dalmacija*, was soon, by means of banking tricks, delivered to a “private” owner, indeed one of the biggest clients of the ruling party. Only the *Novi list* managed to stay independent, but only owing to considerable assistance from outside (the Soros Media Loan and Development Fund). At the same time, the control over *Glas Slavonije* (the regional Osijek-based daily) was taken by sheer armed force.

**181** “[...] no such powerful, knowledgeable small homogenous group existed in Croatia. It is far more likely the transformation winners are a heterogeneous group of individuals. [...] Some of them were excluded from making their mark under socialism (excluded from politics and business, often for nationalist reasons). Others were first generation entrepreneurs spawned by the last days of socialism (a period of low rule of law that opened room for many business opportunities often linked to the unofficial economy). There were also first transformation winners (the first transformation started two years before the national one and created some very powerful entrepreneurs as well as providing many with a formative entrepreneurial experience). There was also the socialist nomenklatura entrepreneurs who changed their colours (their full development was constrained by the socialist regime but their ambitions rose with its demise). There were also imported entrepreneurs (from the Diaspora and foreigners).” – Ivo Bičanić, “Croatia’s Economic Challenges” in *Next Steps in Croatia’s Transition Process*, ed. Dvornik and Solioz, p. 124.

subject to an officially unrecognized purge,<sup>182</sup> executed not only by criteria of political obedience, but also by ethnic (Serb) affiliation.<sup>183</sup>

Neither the army, created during the war, nor the police, inherited from the old regime and “purified,” were organized on the basis of professional standards, which would assure separation of the state functions from the political impact of the ruling party, which stood in power for the whole first decade when the system was formed.<sup>184</sup> Judging from the qualities of the political system, it was not an authoritarian regime,<sup>185</sup> but in the kind of politics that were practiced in the defective democracy, it was very close.

As Croatia spent the greater part of the 1990s in a state of war or in war-like conditions, many tend to interpret the transformation during that period as determined by war. Indeed, from summer of 1990, Croatia was in a state of internal ethnic cleft; from the summer till the end of 1991 in an overt state of war (although, surprisingly, it was never officially proclaimed); from then till May–August 1995 in a state of smoldering military conflict, with 30 percent of the territory under occupation; and only in 1998 was the procedure of the peaceful reintegration of the eastern parts of the occupied territories completed. Still, the substantial determining factors of the transformation were set when the HDZ came to power, that is, before the conflicts and war broke out. And even during

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**182** Alan Uzelac, “Hrvatsko pravosuđe u devedesetima: od državne nezavisnosti do institucionalne krize” [The Croatian Judiciary in the Nineties: From State Independence to Institutional Crisis], *Politička misao* XXXVIII:2 (2001): pp. 3–41.

**183** Nikola Visković, “Pravosuđe nacionalističke revolucije” [The Judiciary of the Nationalist Revolution], in *Sumorne godine* [Gloomy Years] (Split: Kultura&Rasvjeta, 2003), pp. 151–60.

**184** “HDZ established the party-controlled military, police, and judiciary,” wrote Ivan Prpić about the situation found by the new ruling coalition after the elections of Jan. 1, 2000. See I. Prpić, “Dječje bolesti hrvatskog parlamentarizma” [The Infant Diseases of the Croatian Parliamentarism], in *Hrvatska, godinu dana nakon promjene – prva bilanca*, ed. B. Weber, S. Dvornik (Zagreb: Heinrich-Böll-Stiftung, 2001), p. 61. German version: “Die Kinderkrankheiten des kroatischen Parlamentarismus,” *Kroatien ein Jahr nach dem Umbruch – erste Bilanz*, (Zagreb: Heinrich-Böll-Stiftung, 2001), p. 71.

**185** In the chapter “Demokratska konsolidacija i izborna politika u Hrvatskoj 1990.-2000” [The Democratic Consolidation and Electoral Policies in Croatia 1990-2000], in *Hrvatska politika 1990.-2000. Izbori, stranke i parlament u Hrvatskoj* [Croatian Politics 1990-2000. Elections, Parties and the Parliament in Croatia] ed. M. Kasapović (Zagreb: Fakultet političkih znanosti Sveučilišta u Zagrebu, “Politička misao” series, 2001). Mirjana Kasapović contests the use of the term “authoritarian regime” as a loosely defined mixture of totalitarian and democratic regimes, and insists on three essential determinants of this “*sui generis* type of system,” as posited by Juan Linz: “1. limited pluralism (in contrast to the in principle unlimited pluralism of democratic and monism of totalitarian systems); 2. legitimation of authorities through mentality (in contrast to the principle of people’s sovereignty as the basis of legitimation for democratic systems, and a closed, comprehensive worldview as the basis of legitimation of totalitarian systems); 3. limited political participation and demobilisation of the society (in contrast to the induced mass mobilisation of totalitarian systems)” (p. 17).

the pre-war and war conflicts, the impact between the war and politics was mutual and two-way.

The determination of the identity of the state was in the source of the conflict from the Croatian side; according to the ideology of the HDZ and the prevailing collectivist-authoritarian type of widespread nationalism, it was set in ethno-national terms. Not only for the ruling party, but also for the whole spectrum of opposition parties, it was an axiom that Croatia was a state of (ethnic) Croats. This attitude dominated politically in all public debates and in the parliament; it found its expression in the choice of the state symbols (such as the red and white 25-field checkered board that was put on the national flag) and was finally sealed by the constitutional wording that proclaimed Croatia was “established as the national state of the Croatian people” – the word “people” standing for “narod,” which was clearly meant in ethnic terms. The entire public discourse was marked by asserting the “natural” right to express the national identity and gratifying the long-suppressed need for the recognition of such identity.<sup>186</sup> Such choice had two ominous implications. The failure to establish the state as a republican and civic entity, rather than as an ethno-collectivist entity, meant that personal, civil, political, and other rights were left as something yet to be derived from such a fundamental setting. Furthermore, the very sovereignty was defined inconsistently, on one hand as a sovereignty of the people (“narod”), on the other as a sovereignty of the state.<sup>187</sup> Secondly, by such constitutional foundation the state was actually privatized, that is, tied to one particular group (however large a majority it comprised). As Nenad Dimitrijević wrote,<sup>188</sup> such constitutions constitute and legitimize the state “as a home of the majority national group.”<sup>189</sup> That does not come even close to the disputable concept of the “nation-state,” because the “*ethno-nationalistically privatised states* are not even formally founded as legally and politically neutral polities.” Instead, they are “explicitly founded on the illiberal ethnic primacy of a particular collective good of a particular (majority) national group, which results in an official differentiation between citizens along the line of their ethnic affiliation.” By such definition, the

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186 The myth of “suppression” was generally accepted, although there was almost continuous debate about “Croathood” and “Serbhood” going on throughout the 1970s and 80s. Such attitude is an example that confirms how the demands for free democratic expression, once they are realized, result in postcommunist societies in something so poor as a mere stating of a collective identity. The myth of suppression served a purpose of giving a bit more significance to such empty talk.

187 See the precise critical analysis in Prpić, “Dječje bolesti,” pp. 55 ff., and “Kinderkrankheiten,” pp. 64 ff.

188 He made a comparative analysis of the constitutions of all postcommunist countries of Southeastern Europe, and found similar provisions in all of them (except the Constitution of Bulgaria, which in turn includes collectivist provisions in some articles in the normative part). – Dimitrijević, *Ustavna demokratija*, pp. 163–4.

189 *Ibid.*, p. 165. In the political debates in Croatia, there really were references to the state as a “home,” and to ethnic Croats as masters of the house, while ethnic minorities were presented as kinds of beneficiaries of the hospitality.

value of the elements of liberal constitutionalism, present in the normative parts of all analyzed constitutions, is discredited from the outset.<sup>190</sup>

A reader familiar with how little the written norms mean in this part of the world will probably get an impression that the argument above is too hair-splitting. It is true that even the most perfectly composed system would not make a significant difference, but the existing wording of the constitution testifies as to which concept of the polity the decision-makers had in mind when they set the fundamental (and other) norms. For that matter, understanding the community as a particular public good of a certain ethnic group soon showed some practical political consequences. On one hand, it divided the society wherein one-quarter of the population did not belong to the privileged majority “people,” and one-half of that quarter were ethnic Serbs. This, in fact, confirmed the position of Milošević’s politics that Serbs did not belong to the Croatian body politic<sup>191</sup> and facilitated the rebellion and the civil war, aggression of the YPA, and several years of occupation of a part of the state territory. On the other hand, it legitimized the real – no longer just symbolic – positioning of the “Croatian people,” indeed those who appeared as its representatives, as the *hegemon*. When the context of war made it easier to push aside even those still weak civilized inhibitions and facilitated the militarization of the society from within, and when the logic of war was transferred to interethnic relationships within the Croatian society, the ethnic definition of the state acquired a very palpable meaning. In the name of the “main” nation, the *national revolution* was carried out: in which rights to work, home, or personal security were denied to many members of the Serb minority; in which the “Serb” property (primarily urban apartments, and later also houses and land of farmers-refugees) was treated like legitimate spoils of war; and in which nothing that was done as a part of the “legitimate defense” was to be treated as a war crime, while the legal and moral values were reevaluated in the name of ethno-ethics.

No, of course all of this could not have resulted unambiguously from the “mere” constitutional provisions. They were, however, one of the symptoms of what enabled ethnic discrimination, hatred, and violence.

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<sup>190</sup> Ibid., p. 166.

<sup>191</sup> Mark Thompson pointed out this congruence in his book *Forging War. Media in Serbia, Croatia and Bosnia-Herzegovina* (London: Article XIX, 1994).

## **Part 3**

# **Civil society and the self-established actors**

### 3.1 CIVIC/CIVIL SOCIETY – FROM AUTONOMY TO POLITICAL ACTIVISM

Something that has been considered a central phenomenon of the historical break opened by the collapse of the communist regimes, namely, the “civil society,” has played a remarkably marginal role in the developments we have been following on these pages so far. Such a marginal position stands in striking contrast to the almost generally accepted notion. By widespread conviction, it was the civil society, awoken at the beginning of the end of those regimes, which brought about the renaissance of democracy. This beakup also returned the concept of civil society into the focus of public, political, and scholarly interest.

The reasons for this discrepancy will become apparent when the situation of society that ensued from the postcommunist changes is compared with what makes the background of the concepts “civic”<sup>192</sup> and “civil” society.

#### **The late-communist “awakening” and the postcommunist “disappearance” of civil society**

The interest in civil society, as well as the heavy weight ascribed to it, are closely connected with the unexpected, paradoxical character of the change: The regime that appeared immutable for decades imploded not only in a short time, but also completely unexpectedly. The Western “sovietologists” and “cremlinologists” were caught unprepared, as well as politicians and the media. In line with the deeply rooted revolutionary paradigm that successfully explained all previous revolutions, there had to be an inner force that substantially contributed to the change, undermining the old regime and acting as a prime mover of the new. One particular feature made the civil society an especially attractive candidate for the role: It emerged practically from nowhere, just by virtue of a voluntary action of some groups that did not act for the usual reasons of social and economic interests. Therefore, invoking “civil society” as the key agent of change did not require that its emergence be explained by an inference from the socioeconomic conditions. It was not a new class, or stratum, or an interest group.

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<sup>192</sup> Although unusual in the English usage, this distinction is consistently applied throughout this study. As explained below, the contemporary meaning of what we call “civil society” is entirely different from the meaning it used to have in the 17th and 18th centuries. Therefore, the older meaning, which corresponds to the German concept of “bürgerliche Gesellschaft,” is designated as “civic society.” This distinction was already applied in my paper “Politics from Below and ‘Civil’ Depoliticisation,” in *Next Steps in Croatia’s Transition Process*, ed. Dvornik and Solioz.

The revival of “civil society” in the socialist regimes in the decade before their fall relied on illegal organizing during the 1970s and 80s. The dissidents built groups, networks, and communication channels not primarily in order to directly resist the Stalinist regime – for which there was obviously no real possibility, as proven through experience of repression against rebellions in Poland, East Germany, and Hungary in the 1950s and against the attempted liberalization of the socialist regime in Czechoslovakia in the 1960s. The resistance was prepared indirectly by maintaining a social circle in which it was possible to articulate and exchange ideas of the alternative and maintain spaces of communication uncontaminated by the regime ideology, which was permeating everything, driven by fear – if not as an adopted way of thinking, then certainly as self-censorship.<sup>193</sup> It was small groups, which nourished critical thinking and critical attitudes toward the regime. But, being aware that it was totally closed, they strategically chose the path of creating and maintaining isolated, clandestine “islands” of free thinking, of theoretical and artistic creation, instead of a suicidal political confrontation.<sup>194</sup> The exception was the connection between the Committee for Defense of Workers with a much bigger organization, the only non-regime trade union, Solidarity, which grew into a political movement. When the regimes showed the first signs of weakness and the lack of willingness to maintain themselves, those groups – which united into “forums” for the occasion – were the first, in most case the only ones, to have an idea of what the alternative should be like, at least on the level of basic principles. So they played the role of public articulation and expression of mass discontent, without having to organize mass movements. They found themselves in a position to be collocutors to the representatives of the regime at the so-called roundtables, where terms of the change of the regime were negotiated: the changes in the constitution, organization of the first free and pluralist elections, and establishment of the legal basis for recognition of

**193** Such form of silent resistance was less developed in Yugoslavia, where there was more space for expression of views that diverged from the regime ideology, although limited and controlled. The regime applied heavy repression only against the positions that it feared could develop into an organized political movement (primarily nationalist, but also the left-wing, in connection to the student rebellion in 1968). There is no doubt that it brought many advantages, first of all in the development of ideas that goes hand in hand with open communication, but on the other hand it did not stimulate social self-organizing. “Stalinism cannot be understood simply as an obstacle to capitalism and democracy. Paradoxically ... Stalinism made some contributions to at least the democratic side of the equation ... What Stalinism did, in particular, was to create ... a resourceful and autonomous society – a necessary, but by no means sufficient, condition for liberal democracy.” – Valerie Bunce, “Two-Tiered Stalinism: A Case of Self-Destruction,” u *Constructing Capitalism: The Reemergence of Civil Society and Liberal Economy in the Post-Communist World*, ed. Pozna ski, Z. Kazimierz (Boulder, CO: Westview Press, 1992), pp. 37–8; quoted from Sabrina P. Ramet, *Thinking about Yugoslavia: Scholarly Debates about the Yugoslav Breakup and the Wars in Bosnia and Kosovo* (Cambridge: Cambridge University Press, 2005), p. 44.

**194** See the first part, “The Parallel Polis. Central–East European Models of Civil Society,” in Baker, *Civil Society and Democratic Theory*, pp. 13 ff.

civil and political rights as the necessary provisions for political participation and public communication.

But just a few years after the big break, many wondered where this civil society disappeared. It seemed to have withdrawn the same way it emerged. However, it is no wonder that the civic actors “strangely withered away”<sup>195</sup> soon after the establishment of the new political and legal system in the societies where there were no heavy conflicts – the external ones (about the statehood) and the internal ones (discrimination, grave and systematic violation of human rights), which would create substantial obstacles to the implementation of ideas of democracy and human rights. Since they were not exponents of particular interests, the civil actors primarily advocated general, mostly liberal and democratic principles, which, one way or another, were in the process of implementation. Furthermore, the experience of nourishing social, cultural, and political alternatives in a recon-dite milieu, which was necessary for protection against the regime surveillance, was not the best preparation for political action in an open, pluralist arena of the liberated “political society.”<sup>196</sup> The public is necessary for civil action,<sup>197</sup> and that is where more resourceful and ambitious players soon emerged.<sup>198</sup>

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**195** “Expectations that associational activity and group politics would play a central role in democratic transitions through a ‘rebirth of civil society’ have proved largely illusory. Having completed their historic mission, the popular opposition movements which accompanied the collapse of communist regimes quickly evaporated.” –Padgett, “Organizing Democracy,” p. 1.

See also Lomax, “The Strange Death of ‘Civil Society,’” pp. 41–63. Lomax argues that the movements that culminated in the “popular revolutions” in 1989 were subsequently demobilized by the agency of intellectual elites, which got involved in the establishment of the new power. In the efforts to leave the development to the unlimited free market as soon as possible, in accordance with the liberal ideology, those elites even assumed a hostile attitude toward autonomous social activism, and particularly against collective organizing or social solidarity (p. 42).

**196** As this “arena,” together with the four others (the active civil society, the rule of law, the efficient functioning state, and the economic society), was termed by Linz and Stepan, *Problems of Democratic Transition*.

**197** “The rules of clandestine work breed trust, but it is always limited to a few insiders, and accompanied by as much mistrust of (numerous) outsiders. So conspiracy by no means promotes greater civility than does private life; in fact, it can resemble it and occasionally be a substitute for it. Even if people trust one another and collaborate on a non-profit basis, there is no civility without a public sphere; this was the case in the Poland of 1982-1989.” – Andrzej Waśkiewicz, “Civil Society in Poland. Some Remarks of a Historian of Ideas,” presentation at the Civil Society Forum 2008, organized by Trust for Civil Society in Central and Eastern Europe (CEE Trust), <http://www.csf.ceetrust.org/paper/17/> (last accessed on Aug. 13, 2009).

**198** This shift is well-symbolized by the political careers of the two most famous Czechoslovaks/Czechs – Václav Havel and Václav Klaus; the latter, who played a second-rate role in the dissident circles, turned out to be much more resourceful in the struggle for political positions. See, for example, James F. Pontuso, “Transformation Politics: The Debate between Václav Havel and Václav Klaus on the Free Market and Civil Society,” *Studies in East European Thought* 54 (2002): pp. 153–77.

## A genesis, rather than a definition

Simultaneously with the interest for the movements that preceded the collapse of the communist regimes, there appeared a broad quest for the definition of civil society. So it is no longer sufficient to start a discussion about civil society with the already ubiquitous statement about the inflation of definitions in the literature, let alone media. Now there is already an inflation of discussions starting with the statement about the inflation of definitions.<sup>199</sup> The large number of definitions shows not only different approaches, criteria, and interests, but also difficulties stemming from the circumstance that it is not a phenomenon that could be entirely defined by objective conditions and factors. In other words, civil society is ambiguous and – if such wording is adequate at all – posited by itself. The notion of civil society includes all of the following: dispositions of its actors; expectations partly determined by a real or desired democratic context. But reach beyond these, and it leads even to “retrojections” (projections backward) of the desired to the description of the social reality.<sup>200</sup>

Therefore, instead of constructing or repeating another definition, I am going to follow a path that will show why we need such a concept at all, and how we reached it. Its beginning is laid in the establishment of a society based on exchange in the modern era. When production for exchange becomes more significant than the production for people’s own needs in their families, the network of the relations of exchange – the market – integrates families and local communities into a whole on the basis of anonymous relationships on one hand, and works by its own regularities, which require external legal guarantees. In the tense relationship of mutual complementarity and opposition, the class of market entrepreneurs expects the absolutist monarchies to provide monetary safety and security of borders and mercantile roads, but requires (in more contemporary words) “deregulation” of the old guild limits and autonomy of running business in order to freely adjust to the oscillations of supply and demand. For the first time in human history, political and economic functions become distinctive to the extent that the latter are separated as a *civic society*, as a self-regulating whole of private affairs, with the *political state* as its opposite part, which performs the public function of security and external regulation.

The power of the civic society is founded in the economy: It is the location of production and source of the tax income of the state. The “discovery” of the

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199 See a comprehensive and thoroughly analytical presentation Srđan Vrcan, “Contemporary Controversies about Civil Society,” in *Next Steps in Croatia’s Transition Process*, ed. Dvornik and Solioz, pp. 33–61.

200 A good example is presented in the precise analysis that shows how inadequate the concept of “civic society” is as a description of both the capitalist and the (post)socialist social reality in Ivan Prpić, “Građansko društvo – zbiljnost ili program postsocijalističkih poredaka?” [Civic Society – A Reality or a Programme of Post-socialist Orders?] in *Građansko društvo i država. Povijest razlike i nove rasprave* [Civic Society and the State. History of the Difference and the New Discussions], ed. Z. Pokrovac (Zagreb: Naprijed, 1991).

regularity of the market, which governs the whole (incomprehensible to a single mind) like an “invisible hand,” gives legitimacy to the demands for autonomy. Already separate in terms of economy, and autonomous in the functional sense, the civic society won through the bourgeois revolutions a political confirmation of its status and put the state into the function of its maintenance. Such a society cannot be appropriately governed by individual decrees nor by interventions into the market process, but by general rules that secure individual freedom, protect ownership, and guarantee that contracts be honored as private arrangements between free partners. Such legal norms not only bind private agents but also the power of the state, which is thereby made predictable to the private agents.<sup>201</sup>

The enactment of legal norms was put under democratic control by means of free elections of deputies to the parliament. This, however, does not exhaust the political function of the civic society. Its actors exchange information and opinions, and form the political will in the public. On the basis of closeness of interests and agreement in the publicly expressed opinions, interest grouping takes place, and organizations and parties are formed to advocate the interests within the state structure. The public is not a sphere in its own right<sup>202</sup>; the same persons appear in it who are by their main preoccupation economic actors. According to Jürgen Habermas,<sup>203</sup> for those who made the public, or who acted as the public, the members of the classes of owners and educated people, “it was not necessary ... in any way to leave their private existence behind to exercise their public role. For the private person, there was no break between *homme* and *citoyen*, as long as the *homme* was simultaneously an owner of private property who as *citoyen* was to protect the stability of the property order as a private one.” The public is, at the same time, a duty of state institutions, which must be open to surveillance and criticism of the public (in Habermas’ words, publicity is their “organisational principle”).

When the civic society emancipated itself from traditional communities on one hand, and from the absolute monarchy on the other, the need disappeared to point out its “civic” attribute<sup>204</sup>; it was simply *the society*. The relationship

201 For this function of law, as well as the further development, see Franz Neumann, “Promjena funkcije zakona u pravu građanskog društva” [The Change in the Function of Law], in Neumann, *Demokratska i autoritarna država*.

202 I consciously disregard the fact that the German noun *Öffentlichkeit* does not translate well in English, which is the reason why it is usually translated as “public sphere.” Instead of using the misleading wording, I prefer to call it simply “the public.” “The public” includes: the communication space that reaches beyond personal contacts; the actors of such communication; and the requirement of openness of state and public institutions to public scrutiny. Only the first aspect might resemble something that could be called “sphere.”

203 Jürgen Habermas, *Strukturwandel der Öffentlichkeit*; English translation, *The Structural Transformation of the Public Sphere*, translated by Th. Burger (Cambridge, Mass.: MIT Press, 1991), p. 87. Serbian translation: *Javno mnjenje*, translated by G. Ernjaković, (Belgrade: Kultura, 1969), p. 113.

204 Prpić, “Građansko društvo,” p. 176.

between state and society changed profoundly by the middle of the twentieth century. The society lost the homogeneity of interests, and the economic crises imposed a change in the role of the state. A new agent with a particular interest appeared in the society – the organized working class, which does not share the abstract “civic” interest in the liberal autonomy of private business. The abstract term “civic” was thereby reduced to a particular, bourgeois, or capitalist interest group, and the attribute “civic” itself was denounced as an ideological cover for a privileged position of a particular, bourgeois interest. The workers’ movement raises entirely different kind of demands to this class and to the state. While it consummates the general, abstract civic principle by demanding the general suffrage, on the other hand it demands a right of the employees to form coalitions and to negotiate collective contracts (something that would be scandalous in the free market entrepreneurship, where monopolies are forbidden) and institutional guarantees of a new “generation” of economic and social rights.

At the same time, interference of the state in economic relations became necessary for the very sustenance of the market economy, whose circles of crises showed the limits of the “invisible hand” of the unrestrained play of supply and demand. The social rights and the corresponding redistributive function of the state were successfully connected with the anti-cyclic economic policies of balance. Here the state provides public services like education, health, and social care on one hand, and maintains stability of the economy on the other, by making sure that the lower strata stay in the market game as consumers with purchasing power sufficient to provide the steady economic growth with the appropriate effective demand. The consumption of the state has the same function, which directs considerable parts of the budgets into welfare programs, funding research and development, etc., in western and northern Europe, and into the “defense” budget in the United States of America, which is often a channel for funding not necessarily military activities like science and research. The state in this new function, of course, must abandon the “principle of non-interference”; it rules not only by general laws but also by special and individual economic measures, serving either to neutralize the power of business corporations that have grown to huge dimension, often acting as oligopolies, or to stimulate the weak but necessary branches. However, these functions do not have any intrinsic, built-in limitation; there is no “natural” boundary between economic and political interests that influence the policies of economic intervention of the state. They are adopted both for the sake of maintaining the economic balance and in order to secure political support of the social groups – beneficiaries of the economic or social support.

That is how the policies of state intervention in the economy and the redistribution of income – determined by economic, social, and political factors – grew by the 1960s to the proportions where the complexity of steering and mutual permeation of politics and particular interests overgrew the coordinating, let alone administrative, capacities of the governments, which – at least according to neoliberal accusations – found themselves in the state of ingovernability. By

the same token, the complexity overgrew by far the capacity of the representative parliamentary democracy as a mechanism of control over the executive power. This undermined the legitimizing function of democracy,<sup>205</sup> which no longer provided sufficient assurance that the governments acted in the general interest.

## The new social responses

The last third of the last century saw two different responses to that, both coming from the advanced societies. One of them was manifest in the growing movements of contestation from the 1960s (which reached the symbolic peak in 1968). They were provoked by the events like the war the United States waged in Vietnam, but they questioned much bigger things: the absurdity of existence in an affluent society wherein the time free from work was entirely colonized by consumerism; the shift of the deep social inequalities and injustices to the planetary scale, where the affluence of the advanced West was paid by economic backwardness, poverty, famine, and diseases of the “third world”; keeping women in the subordinated position despite the riches of opportunities of the developed societies; the colonization of nature, which produced obvious signs of exhaustion and grave disturbances in the balance of the biosphere.

The rebellion of the late 1960s did not bring about any upheaval in political structures, but it set a new sensitivity based on post-materialist or expressive values. Therefore, the contestation continued in the form of the new social movements. They expanded the field to include the opposition to spiraling nuclear armament, as well as non-military use of nuclear power because of the grave damages possible in cases of serious accidents and unpredictable long-term consequences, because the solution for a safe disposal of the waste that remains radioactive for a very long time has not been found yet. The repertory of the environmental concerns grew to encompass biodiversity, climate changes, waste disposal, and many more problems. The struggle for gender equality also recognized the rights of sexual minorities. The issue of global economic relations was broadened to include fair international trade, development as a right, solidarity with the poor, etc. It is impossible even in a summary glimpse, to include all fields of the new social commitment.

What is substantial, however, and what was most compellingly demonstrated in the case of nuclear armament and the threatening environmental risks, was that the dangers do not come from outside of the complex political-administrative-business systems, but from within: Those very systems are the main genera-

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205 Jürgen Habermas, *Legitimationsprobleme im Spätkapitalismus* (Frankfurt am Main: Suhrkamp, 1973), translation *Legitimation Crisis*, translation by Th. McCarthy (London: Heinemann, 1976). There is also the Croatian translation by M. Bobinac, *Problemi legitimacije u kasnom kapitalizmu* (Zagreb: Naprijed, 1982).

tors of risks.<sup>206</sup> In this context, the traditional mechanisms of control – like parliamentary democracy and the division into three branches of power, wherein the executive should be controlled by the other two – were no longer a sufficient guarantee of human security and preservation of quality of life. The new social movements demonstrated that significant portions of the advanced societies should take the issues that reach beyond immediate private or particular interests as their own problems and be ready for intensive engagement in tackling them politically. True, the mass mobilization is always short-lived and tied to ad hoc occasions, but even when it subsides, it does not die out, and reemerges at later occasions. However, it leaves behind a continuous active presence of smaller groups, associations, and other organizations, and in the course of time independent institutions develop that provide expertise or education, as well as non-profit media, etc. In some countries new political parties were formed (mostly under the name of “greens”) that try to represent and advocate all those concerns and demands within the political structures. New international networks and organizations have been established that often cooperate with the international institutions and agencies better than the national governments do, which are led by particular interests.

The rebirth of the “civil” society in the new meaning could therefore be interpreted as a response to what would be called by the phrase “democratic deficit,” which was coined later (mainly in relation to the European Union), or more precisely – a deficit of democratic control over a very complex structure of the governmental institutions and agencies. The society, or at least a part of it, but a significant one, wants to reclaim the political function similar to the one once performed by the liberal civic public. The political field is restored as a place of critical confrontation and expression of alternative options. New social movements, however, do not do that in a form of elaborate and applicable alternative options, but primarily by confronting the political-business-military complex of the late capitalism with certain basic values of life, ranging from security from nuclear annihilation and destruction of conditions of human life, through to equality in rights and also being sensitive to differences, to quality of living. They set something like regulatory principles beyond the ruling principle of profit and political dominance. Thus, they unite the virtues of active citizenship with utopian elements<sup>207</sup>; these have been more and more “operational-

206 A comprehensive discussion in Ulrich Beck, *Risikogesellschaft* (Frankfurt am Main: Suhrkamp, 1986). Serbian translation *Rizižno društvo*, translation by Lj. Glišović (Belgrade: Filip Višnjić, 2001).

207 Under the well-chosen title of *Renewal of Utopian Energies (Obnova utopijskih energija)*, Vukašin Pavlović published a selection of articles and chapters about the new social movements (published by Istraživačko-izdavački centar SSO Srbije and Centar za istraživačku, dokumentacionu i izdavačku delatnost PK SSO Jugoslavije, Belgrade, 1987). A *Social Research* journal issue (vol. 52, no. 4, 1985) was dedicated to this topic; Pavlović's collection includes several articles from this issue.

ized” as normative demands through the untiring actions of civil organizations over the last 20 to 30 years.

The other response to the expansion of the interventionist state was by far more influential and had a much deeper impact. It was the neoliberal pressure directed at the reduction of “regulation” (i.e., the multitude of particular policies of redistribution and control over particular interests, particularly in protection of rights of workers and other employees, consumers, etc.), reduction of the redistributing role of the state, and the tax burden of the business corporations and rich classes, as well as privatization of a part of the social services and their regulation by quasi-market mechanisms. This response was not motivated by the “democratic deficit” (although that was often used as a justification), but by a new redistribution of incomes and power. The extreme expression found in the well-known statement by Margaret Thatcher (uttered in 1987) that society does not exist as something in its own right, but that there were only individuals and families (and probably also the market and the state),<sup>208</sup> which was supposed to dismiss social solidarity as well.

## Two approaches to civil society

The effects of the deregulation and partial dismantling of the welfare state, including the current economic crisis, are beyond the scope of this study. What is significant for the topic of the role of civil actors in the postcommunist changes, however, is to keep in mind that both the engagement of the new social movements and the neoliberal disengagement of the welfare state engendered certain concepts of civil society.

The essential terms of the latter perspective are evident in a paper with the promising title of *To Empower People* (with the subtitle *From State to Civil Society*), which Peter L. Berger and Richard John Neuhaus published in 1977.<sup>209</sup> In a nutshell, this approach focuses on the institutions of civil society as intermediary structures formed from below, by the subsidiarity principle, by which the government in general, and its higher instances in particular, should only take care of the matters that cannot be dealt with on lower levels; the rest, if possible, should be taken care of outside of political structures – in the society itself. In relation to the hypertrophied interventionist welfare state, this approach appears as a huge “outsourcing,” whereby many social services are transferred to private non-profit organizations and institutions. Through a system of vouchers and similar means, the remaining social institutions are also subject to a sort of

<sup>208</sup> Navode je Dahrendorf, *Betrachtungen*; i A. Hodžić u *Tragovi pored puta* (Zagreb: Institut za društvena istraživanja, 2008), str. 11.

<sup>209</sup> Drugo izdanje objavljeno je 1996. u proširenom obliku, u kojemu izvornome tekstu prethodi još jedanaest novih eseja različitih autora, koji pišu o promjenama tokom gotovo dvaju decenija od objavljivanja izvornog spisa. V. Peter L. Berger i Richard John Neuhaus, *To Empower People. From State to Civil Society* (Washington, DC: The AEI Press – Publisher for the American Enterprise Institute, 1996).

quasi-market regime in which the users receive state support but can decide on the choice of service providers (and still cannot spend it on any other purpose). The civil society itself is defined as a network of all non-state forms of social life, rooted in the human social nature under the influence of reason.<sup>210</sup> The new discovery of the “civil society” among those who opposed the rule of the communist parties in Central Europe is interpreted as a confirmation of the notion that a healthy social life cannot exist only by means of the state; moreover, the field of such life extends far beyond the boundaries of the state.<sup>211</sup>

A condensed statement of the meaning of civil society in the tracts of the new social movements can be found – among many others – in an early article by Marc Nerfin from 1986,<sup>212</sup> which does not even mention the term “civil society.” This makes that article exemplary for two reasons: Not only is it one of the earliest attempts to establish what remains continuously at work “below” all amplitudes of the new social movements; first of all, it does not start from an already existing construct of “civil society.” It constructs the meaning of the new social action and of relating to the vital problems of the society starting from an urgent need, which the two dominant forces (the political and the economic ones) are not able to satisfy, and from the question whether there is a third force that could do it. The urgent need is the huge international gap between the developed and undeveloped worlds, which is the cause of 40,000 deaths every day – a Hiroshima every week. A solution to this problem requires a different concept of development, which cannot be expected of the governments and corporate capital, but should be found and developed in the society itself. “Contrasting with governmental power – the Prince – and economic power – the Merchant – there is an immediate and autonomous power, sometimes patent, always latent: people’s power.”<sup>213</sup> Those who become aware of that power and associate with others and act, become citizens.<sup>214</sup> People’s reasons to act may be determined by their particular interests and positions in the society, like the trade-union struggle of workers or struggle for gender equality in the feminist movement, but not everybody does that. People do not act *en masse*; what is essential is personal motivation, although it is possible and it happens that a broader circle of people recognize their interest in “projects” of a few; their numbers may reach a sky-high

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**210** The chapter by Michael Novak, “Seven Tangled Questions,” in Berger and Neuhaus, *To Empower People: From State to Civil Society*, 2d edition (Washington, DC: American Enterprise Institute Press, 1996), p. 138.

**211** Ibid.

**212** Marc Nerfin, “Neither Prince Nor Merchant: The Citizen. An Introduction to the Third System,” *IFDA Dossier* 56 (1986), [http://www.dhf.uu.se/ifda/readerdocs/pdf/doss\\_56.pdf](http://www.dhf.uu.se/ifda/readerdocs/pdf/doss_56.pdf). I found this reference thanks to the study by Jody Jensen and Ferencza Miszlivetza, *The Languages of Civil Society – Europe and Beyond* (San Domenico (FI): European University Institute, Badia Fiesolana, EUI Working Paper SPS 2005/2), p. 1, available at <http://cadmus.iue.it/dspace/bitstream/1814/3335/1/sps2005-02.pdf>

**213** Nerfin, “Neither Prince Nor Merchant,” p. 4.

**214** Ibid., pp. 4–5. Nerfin uses the word “citizen” with a reservation about its ethnocentric sense, because it is meaningful only in the Western world.

level, like for instance in the peace movement in the early 1980s, to which Nerfin refers as an example. The “third system,” as Nerfin calls this power from below, is not a neutral supplement to the corporative and state powers, but a critique thereof. The major systems of power, both the governmental-administrative and economic, are either impotent or unwilling when facing phenomena like global inequality and poverty, or they are active originators of damage (the pollution of nature) and danger (the armament growth and the risk of nuclear war).

Both in the “radical” and the “tamed” notions,<sup>215</sup> it is something substantially different from a society set as a private sphere versus the absolutist state. Even from the neoliberal viewpoint, “civil society” surpasses the sphere of private affairs and includes activities guided by social solidarity or common functions, although it does not bring into question the major established structures. In the more radical set-up, civil society would aim at a change in the state politics,<sup>216</sup> a change in international relations of distribution of wealth, and could potentially put into question some fundamental relationships. But in any case, now it includes political functions that the social actors take over by themselves.

Thus, it means that social actors – at least some of them – not only follow the pattern of economic rationality in their public actions, that is, they not only advocate their own socioeconomic interests, but may be, and are, motivated by *values* such as peace, human rights, tolerance, and recognition of differences, solidarity with the weaker and the victimized, or concerns about the environment. Although it might be argued, especially with regard to the environment, that the concerns about the planet as a whole, or about the long-term future, is indeed a matter of motivation by rational interests – just in a range of magnitude that is a few degrees higher than the concerns of a self-interested individual – the relation between individual action and a practical effect for the individual is so stretched and indirect, and the part of others (which is no less important)

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215 That is how they are termed in Baker, *Civil Society and Democratic Theory*, vol. III, “The Taming of the Idea of Civil Society since 1989,” pp. 89 ff. See also Baker’s contribution under the same title, “The Taming of the Idea of Civil Society,” in *Civil Society in Democratization*, ed. Peter Burnell and Peter Calvert (London and Portland: Frank Cass, 2005). Both the Baker’s interpretation and the latter collection on civil society and democratization are significant because they critically question the generally adopted assumption on civil society and democracy in the postcommunist transformation, by which the civil society is a value-neutral means to introduce and consolidate liberal democracy.

216 In the meaning of the third, highest of the three meanings of civil society as interpreted by Charles Taylor. Apart from the minimal meaning, which only includes autonomous association, and the “classical” civic meaning, by which a society is able to structure itself and to coordinate its action by means of free association, there is also a possibility that associations, acting together [that is, as a movement – S. D.] exercise a significant impact on the state politics. – Charles Taylor, *Prizivanje građanskog društva* [Invoking Civil Society], a collection of essays edited by Obrad Savić (Belgrade: Beogradski krug, 2000); the first essay, “Invoking Civil Society,” Serbian translation “Prizivanje građanskog društva” (translated from Ch. Taylor, *Philosophical Arguments*) by E. Bahar, p. 15.

so unpredictable, that it really cannot be called a mere interest rationality.<sup>217</sup> Be it a critical engagement in altering the unjust social relations, or action to secure shelter and support for the homeless, those committed to such issues are not primarily motivated by their own interests and the success of their civil commitment is not measured by how much their own life circumstances have improved.

But it was always like that in certain charitable activities such as the care of the poor, the sick, the old and helpless. What has change is that in the twentieth century, the elaborate institutional system of public services was established to provide health and pension insurance, education, social insurance against disability caused by illness, etc. Another change is that the neoliberal trend of re-privatizing some of those functions also counts on the “civil society” as a source of voluntary labor and of non-profit institutions to provide the services with equal, or at least acceptable, quality and expertise, but for much less money. The more important news is that a part of the civil society giving “something for nothing” is ready to continuously act to provoke systemic changes, such as a recognition of a broader spectrum of human rights (including rights of the beneficiaries of the aforementioned social services), a change in the general relation to the environment, or relations to the others on the international scale.

In relation to politics, these two areas of civil commitment display entirely different attitudes. Admittedly, the focus on social services in the advanced capitalist countries does not necessarily mean a neutral political attitude (indeed, an absence of an attitude), but the attitudes are mostly related to claims for favorable conditions for private non-profit activities. The claims aim at tax alleviation for grants and donations, for non-profit organizations engaged in social services, recognition of voluntary work, etc. Such claims can also motivate political actions to convince legislators to make the desired changes in regulations. On the other hand, the engagement for substantial changes of the state’s politics or legal and institutional system includes the political component of an entirely different kind. It does not concern things like alleviation and support (although a part of the activities may fall into a category that brings such favorable terms), but sets new problems on the public agenda, namely public denouncement of bad politics, both verbally and by provocative actions and non-violent confrontation, and by other means whose common denominator is a militant but non-violent

<sup>217</sup> Namely, if it were primarily motivated by self-interest, the engagement in the protection of environment and sustainable development would fall under the description of the situation given in *The Logic of Collective Action* by Mancur Olson (Cambridge, Mass., and London: Harvard University Press, 2001, 19th edition). It is the pattern in which an individual actor in a competitive situation not only is not motivated to do what would be good for the whole (for example, reduce production or price when the market supply of the commodity he produces is too “hot”); on the contrary, if she did not follow the majority pattern (because she knew that the crisis would hit the whole branch of industry) and tried to act “rationally” in the reference framework of the whole, she would suffer extra damage: Not only would she be affected by the crisis the same way as others, who continued to produce too much and keep things too expensive, she would even miss a part of the gains.

contestation of the current politics. Objects of attack may include basic values that should be stripped of their hegemonic power, governmental practices that stand in obvious (or easily demonstrable) discrepancy with general moral principles, long-term policies that benefit particular interests rather than principles that can be generalized, etc.

## A “definition,” anyway

Taking into account this background, and despite all reservations for definitions, it is useful to state a working definition of what is understood by the name “civil society” at this point: It is civil action, that is, action of actors without particularly significant resources of political or economic power (like capitalist corporations, political parties, control over state administration, agencies and other institutions), action that concerns functions beyond private interests, including intended impacts on national and international politics. However, it is not only significant what the areas of commitment are, but also what *kind* of activities are in question. There is a civil *relation* at work when social relations are not taken like “business as usual,” as patterns of good life sanctioned by routine and tradition, but as something to be changed. Even if the change is just a small addition that makes society more considerate of the weak and the excluded, or a change in the whole social awareness by effective denunciation of “systemic mistakes” that systematically produce injustice and harm, it is always about action stemming from the discrepancy between legitimate values and social reality. Such a normative framework of reference may be almost congruent with current legal norms and the ethical mainstream of a given society, like the one that guides humanitarian activists and others who try to mitigate the consequences of social injustice. And it could also be an expression of a radical critique of the established order of things that denounces capitalism itself as the key originator of the misery in the world that also threatens environmental catastrophe. But in either of these approaches, it would not make sense to talk about a civil attitude if it were simply assumed (either tacitly or ideologically) that everything is in order with the existing relations.

The notion that something significant should be altered in the social reality is a potential point of departure for a whole spectrum of various activities: from intellectual to political ones; from constructive contributions to passionate provocative contestation; from a higher degree of civic conscience to demonstrative disobedience regarding the current rules and authorities. In any of these cases, there is an underlying attitude of civil *responsibility* that is not reduced to abiding by laws, regulations, and established moral norms. We got used to such *heteronomous* notions of responsibility during the long authoritarian tradition, which has survived the formal democratic changes, and even acquired a new legitimacy in the nationalist key. The autonomous civil responsibility, on the other hand, implies critical questioning of the existing relations and an imperative to act to change them.

A change in the meaning of the civil attitude can then be noticed in such understanding. The word no longer designates what used to be expressed by the old concept of civic society, which basically consisted of a simple message to the “community,” first of all to the state as its political substitute: Take care of security and protection of rights, and leave us alone to take care of all the rest. The emancipative meaning of this notion should never be forgotten, nor the historical meaning of the social and political reality that it expressed. The emancipation of (civic) society from political power, as well as from traditional forms of communality, brought about for the first time a public normative recognition of personal freedom and of equality of all before the law. This is not a small achievement, and it has not been legitimately put into question till this very day. However, the normative recognition is still very far from an actualization in real social relations, for – despite the recognition of equality – the question remains as to who would be recognized as a rightful member of the category of “humans,” capable of using the rights in a responsible manner. Thus, it was only men who had enjoyed personal freedom in relation to property, only men above a property census enjoyed the right to vote and to be elected, etc.<sup>218</sup> But even a perfectly elaborated principle of freedom and legal equality remains equally blind or indifferent to material, psychic, cultural, or other *conditions* for actualization of the freedom guaranteed formally by law. Thus, entirely in accordance with the law, people without their own capital assets were exposed to exploitation in manufactures, factories, and agricultural estates; women were subjugated to oppression in families; children were subjugated to the same both in families and in educational institutions; and the mentally disabled or sick underwent a similar treatment in the “lunatic asylums.” It is exactly those conditions of freedom and equality, which were not captured by the law, that will make a field of struggles either for recognition – by introducing special rights – or for social compensation of indirect discrimination.

But the “old” civic society had already brought another civilized accomplishment whose value does not expire: de-monopolization of power. Its meaning is not limited to the trivial sense of prohibition of commercial monopolies on behalf of free market competition; it matters first and foremost as a partition

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**218** This should not be categorized as a simple prejudice of the not yet civilized past. The issue of recognition of the full-fledged status of a human person as autonomous moral subject capable to act responsibly is continuously open. Not even today is such status recognized to persons younger than a certain age, which is always set somewhat arbitrarily; it can be taken away from people of age if they lack mental ability for accountable conduct, by standards that are again set with a dose of arbitrariness. While it is plausible that certain levels of personal development and mental ability are certainly below a threshold necessary for autonomous decision-making and responsible conduct, as soon as we depart from extreme cases, it is by no means clear where the threshold should be, nor is it “naturally” determined. When it is legally set, individual differences are ignored, and the criteria applied are not just those that could be exactly verified, but also include a dose of prejudice. A century or two ago, the same attitude prevailed in relation to the uneducated, the poor, or women.

of *social* power. The state has a recognized *administrative* power, confirmed in the ultimate instance by the power that relies on its monopoly of legitimate use of *force* (police as “armed bureaucracy”). The economic (civic) society has *economic* power, which, unlike the administrative power, is not exercised in a recognizable location where deliberate decisions are made for the whole of society, but is clearly felt as an aggregate resultant of an immense number of decentralized, autonomous business decisions on investing in this or that branch, firing or hiring, import or export, on prices, etc. The society, however, is not only economic society, organized around a for-profit market economy. With sufficient organization and coordination, interests of the opposite party in the capitalist economy (workers’ movement and trade unions) can also have an impact, as well as various interests unrelated to economy, like the aforementioned movements for promoting expressive values, quality of living, etc. Their power can be described as cultural, based on the mobilization of value-driven motives, worldviews, and other “non-material” resources. In that respect, society is a complex of relatively small centers of power, quite strong if taken together, which are able to offer a strong resistance to an arbitrary or unrestrained exercise of administrative power. While we tend in everyday communication to call the latter political, political power as that which determines norms and actions of the community as a whole is by no means reducible to the power of administration and executive branch of government. *Political* power is founded on, and determined by, all three – administrative power of government, as well as economic and cultural power of society and state, in a struggle for symbolic domination through an interplay of exchange and denial of information, forming interest coalitions, pressures and counter-pressures, forming the prevailing political will based on public opinion, changing the opinion and the will, etc.

This division of power is ultimately responsible for subjugation of the executive power – that is, in fact, the whole “state” as experienced by a common citizen in everyday affairs – to the minimum control of the regular electoral shift of the representative-legislative part of the state, whereby the government undergoes the check of societal consent. The division of might is the ultimate reason why norms passed by the legislative body really work as a means of disciplining the administrative might of the state and an instrument against arbitrary exercise of power, and not only as a limitation to the freedom of citizens. Owing to the fact that society has its own power, outside political structures – a power that is not conditioned by the power of administration, although they control and limit each other – the norms that the state makes are not just empty declarations for the sake of state legitimation, but work as a mutual obligation. Only under the threat of denial of consent, that is, legitimacy, are the democratic institutions filled with the content of control of society over state, and norms are really legal.<sup>219</sup>

219 In the sense of law as an expression of normative guarantees of the primacy of human freedom, not merely as a set of regulations imposed by political power to limit or deny freedom. For when coercion prevails, norms are not legal. – Ljubomir Tadić, “Pravo, priroda i historija” [Law, Nature and History], *Filozofske studije* VII, 1975.

All of this requires a vivid political field of the public and civil commitment, which does not leave decision-making only to established centers of economic, administrative, but also cultural power, concentrated in big media corporations. The recent economic crises – both the breakdown of the financial markets with their inflated values, and the compromised control exemplified by the scandal involving the Enron corporation and the Arthur Andersen auditors – have demonstrated what happens when the pluralism is reduced to the game of major interests that are allegedly supposed to control and limit each other.

Therefore, the concept of *civil society* has acquired a new meaning and sense as something caring for that “residue” of values that remains when everything is said and done in the game of interests. It is not a metaphysical given nor does it originate from an idea of a fundamental good; it is not secured by a panhuman consensus. It is always determined anew, through differences and conflicts. It is civil society conceived so that maintains the public as a political field and does not completely leave it to the commercial cultural industry. Although there were critical interpretations in the 1960s that already expressed compelling warnings about the colonization of the public by the for-profit media, which reduced it almost completely to the hunting ground of the consumerist culture, it was the movements of contestation that renewed the public as a field of high-tension, wherein the relevant options of the social development are expressed.

At the same time, however, the residual civil “factor” cannot be objectively captured as a social category at all, because it is not a “something,” a particular group, or a special kind of human being, least of all a “sector” or a branch of social activity. Instead, it is a *way of relating* that any individual or social group may or may not practice toward the social reality. Hence also the aforementioned troubles with defining civil society (and the constant temptation to place the term in quotes), as well as the proliferation of definitions. It is not a “society” but a mode of action; it is not an objective trait of a part of a population but its attitude, a way of relating to matters of the society, and a type of motivation. Nor is it a constant component of societal reality; it emerges in periods of historical break, when established political, economic, cultural, or social patterns are disputed. This is why the civic/civil society was discussed intensively before the bourgeois revolutions of the seventeenth and eighteenth centuries, and the new debates emerged after the concept was dormant for almost two centuries, when finally the late or state-capitalism experienced the crisis of legitimacy (as well as other kinds of crises) in the last third of the twentieth century. These new debates were continued, driven by the awareness of capitalist development in the form of compulsive growth (accompanied by the predatory consumption of resources). They also surfaced behind the “iron curtain,” when the totalitarian regimes began to crumble there. This indicates another difficulty in defining “civil society.” Not only is it a hard-to-capture matter of will and active relating, often value-motivated and even “idealist,” not substantially conditioned by objective social

factors;<sup>220</sup> it is also, in accordance with the above, a normative relation that has a practical or even ideological meaning in certain circumstances.<sup>221</sup>

From such a perspective, the phenomenon that should be designated as “civil society” requires some additional clarifications.

First of all, an explanation about words. By a mere accident of historical circumstances (in this case, luckily), the idea of civic / civil society reached the former Yugoslavia in two “waves,” mediated by two different languages. These cultures learned about the society as it emerged by the nineteenth century through the tradition of German theory, where the concept of *bürgerliche Gesellschaft* played a prominent role both in Hegel’s philosophy of law and in Marx’s early critiques.<sup>222</sup> In the Croatian, Serbian, Bosnian, and Montenegrin language, the well-established translation of this concept is *građansko društvo* (“civic society”). In the conceptual system of the communist ideology, this concept was equalized with “bourgeois” or capitalist society; so, it was only scholars and students of philosophy for whom the concept of civic society meant the “system of needs,”<sup>223</sup> private production and exchange, the “sphere” relatively autonomous from the (political) state.

The interpretations of the new movements came mostly from the English-speaking cultures (the best known authors include John Keane, Andrew Arato, Jean Cohen), so the concept saw its new edition in another language, as *civilno društvo* (“civil society”). Since this version, apart from being “trendy,” was free from the ideological ambiguity of “civic”–“bourgeois,” it was readily adopted. Its meaning spread broadly, from the new social movements to dissident groups in the late communist regimes and to a variety of civil initiatives in Yugoslavia (mostly, though not exclusively, in Slovenia), for which even a new legitimizing term of “socialist civil society” was coined, to the whole spectrum of civil, nongovernmental, and non-profit initiatives, organizations, and institutions in the postcommunist (defective) democracies.

While no substantial difference could be founded in the difference between the two words, the words “civic” (*građansko*) and “civil” (*civilno*) serve well to

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220 Efforts to capture this way of relating as a certain “identity” is no less unjustified than an attempt to reduce it to “objective” socioeconomic or cultural factors. If it is not meant as identification with some cultural symbol, collective feature, or something else, the interpretation by “identity” boils down to a banal statement that people autonomously chose their orientations and attitudes toward life.

221 Regarding the meaning of civic/civil society for the postcommunist change, see the interpretations from various standpoints in the contributions by Ivan Prpić, Tine Hribar, Žarko Puhovski, Frane Adam, and Darka Podmenik, Mojmir Križan, and Tomaž Mastnak in the collection selected and edited by Zoran Pokrovac, *Građansko društvo*.

222 The detailed study of the history of the concept by Manfred Riedel, “Gesellschaft, bürgerliche,” in *Geschichtliche Grundbegriffe*, Hg. O. Brunner, W. Conze, R. Koselleck (Stuttgart: Bd. 2, 1975), pp. 719–800, translated as “Društvo, građansko” in Pokrovac, *Građansko društvo*.

223 G. W. F. Hegel, *Grundlinien der Philosophie des Rechts*, Croatian translation *Osnovne crte filozofije prava*, translated by Danko Grlić (Sarajevo: Veselin masleša, 1964), § 189, pp. 168 ff.

designate two different “things.” The “civic” refers to the autonomous sphere of private affairs and to the position opposite to the state typical of the capitalism of the laissez-faire stage; it includes economic agents, voluntary associations, the public, and media. The “civil,” on the other hand, refers to the active relating to the existing configuration of economic, cultural, administrative, and political power, apart from and beyond the struggle for economic (profit) and political (power) gains, so consequently it does not include activities and actors of this struggle – business companies and political parties.<sup>224</sup>

The second point is that “civil society” does not refer to any “sector” (although civil society is often referred to as a “sphere,”<sup>225</sup> with all the freedom of interpretation allowed by metaphoric usage); instead, it means that people from whatever sector or branch of activity, from any social stratum / class or area of social life can, if they chose to do so, engage in public promotion of their interests or in advocacy of broader values. The reason why we use the word “society” and not a word referring to the way of action is partly given by the context – the continuity with the concept used all the way back by Locke<sup>226</sup>, Ferguson,<sup>227</sup> and other contemporaries and heirs – and partly related to the content: Large portions of society are mobilized on certain occasions, and civil actors are continuously present and are connected into widespread networks; the public adopt their way of raising social issues whose solutions are no longer left to political and scientific authorities and that are without the insight and participation of the public.

To put it in a trivial way, in advanced societies there are simply many more people who think that seemingly distant and abstract matters of political deliberations are their concern, too, and that there is such a high concentration of power in the private sphere that the corporations also have to be made socially respon-

<sup>224</sup> This distinction is simply given by the language usage. However, Zygmunt Bauman draws attention to an advantage of the German term *bürgerliche Gesellschaft*, which “in translation cannot but lose its semantic load: only in German the ‘Bürger’ stands *simultaneously* for the bourgeois *and* citizen, stating matter-of-factly the intimate bond between social and political characteristics. This bond is lost in the ‘civil society’ rendition of the term; it has been lost even more in recent east European faulty translations, which – having had pared the concept to the bare bones of political rights – induced a dangerous tendency to overlook the mutual dependency between political democracy and the presence of ‘Bürgertum’ [...]” – “A Post-Modern Revolution?” in Frenzel-Zagorska, *From a One-Party State to Democracy*, p. 4, note 1.

<sup>225</sup> For instance, Peter Thiery in the article “Zivilgesellschaft” in the *Lexikon der Politikwissenschaft*, edited by Nohlen and Schultze (München: Verlag C. H. Beck, 2005, 3. ed., p. 1175), where civil society is defined as a “sphere of collective action and public discourse which take place between the private area and the state.” Besides, it is worth noting that the entry of *bürgerliche Gesellschaft* does not exist in this lexicon, and the entry *Bürgergesellschaft* only refers to the *Zivilgesellschaft*.

<sup>226</sup> John Locke, *Two Treatises on Civil Government*, Serbian translation *Dve rasprave o vladi*, translation by K. Ćavoški and N. Savčić (Belgrade: Mladost, 1978), vol. II, chapter 7, “O političkom ili građanskom društvu” [Of Political or Civil Society], pp. 47 ff.

<sup>227</sup> Adam Ferguson, *An Essay on the History of Civil Society*, Serbian translation *Esej o istoriji građanskog društva*, translated by Lj. Nikolić (Belgrade: Službeni glasnik, 2007), passim.

sible. The people connect these concerns with values of life, such as quality of life, (human) security, equality in rights, solidarity, and are ready to deal with them in the public. The attitude about politics as something too serious to be left only to politicians is more widespread. Thus, civil society implies a constant interference of citizens into “internal affairs” of governmental bodies, in the ways available to those who are not directly included: demanding information, questioning political decisions and policies in public debates, assertion of criteria based on values instead of power and profit.

## 3.2 THE SPACE FOR CIVIL ATTITUDE IN THE POST-YUGOSLAV COUNTRIES

Why has the role of civil society in the interpretation of postcommunist transformations in this study remained marginal in spite of the generally accepted conviction that it was the initiator of changes and their constant, indispensable part? And why, if this is not the case, talk about civil society at all?

Basically, the answers are simple. In terms explained in the previous chapter, civil society is not possible without civic society. But precisely because the (civic) society is not emancipated from the state, which in turn is not completed in the modern sense (as a liberal representative democracy, with horizontal accountability between the three branches of the division of power, with sufficient guarantees of civil rights, etc.),<sup>228</sup> civil society is necessary. Without civil commitment, the postcommunist “revolutions” – or formal changes made by installing multiparty elections and instituting democratic constitutions – remain an unfinished job. As “systemic” revolutions – political changes after which the basic economic structures and social relations had yet to be changed<sup>229</sup> – they create a paradoxical situation in which democracy and rule of law should be established without the counter-power of society, which gives them the meaning and substance. Moreover, the basic elements for constitution of civic society – from civic and political rights to private property and legal guarantees of market business – are expected to come from the state!<sup>230</sup> This closes the circle in which

**228** On the meaning and forms of defective democracy, see Merkel, “Embedded and Defective Democracies,” pp. 33–58. Merkel also refers to interpretations of Guillermo O’Donnell. See O’Donnell, “Horizontal Accountability in New Democracies,” *Journal of Democracy* 3:9 (1998). On insufficiency of the minimalist notion of democracy and of its interpretation limited to political and legal system, see O’Donnell, “Democracy, Law, and Comparative Politics,” *Studies in Comparative International Development* 36:1 (Spring 2001): p. 7.

**229** See here, first part, chapter 1.2, “The Retroactive Creation of Own Foundation.”

**230** “[...] In these countries the separate and often mutually opposing processes of state building, establishing constitutional democracy, creating market economy and protection of social justice must be simultaneously set in motion and shaped. Since actors of those processes have not taken their shape yet, what follows is a paradoxical insight that open society is to be implemented as a *model*, and that the principal agent of its creation and implementation of the model should be the state.” Dimitrijević, *Ustavna demokratija*, p. 75.

In another place (p. 130) Dimitrijević (referring to Preuß, whose paper “Constitutional Aspects” was not available) cites the paradox of separation of political pluralism from individual right to association: Political pluralism is “introduced into the text of the constitution as a normative demand to the state to guarantee the requirements of the democratic political system. [...] [T]he state formulates as a constitutional guarantee an element of civic society, in order to prevent penetration of the state into the civic society” (italics S. D.).

a political regime with a formal democratic constitution controls the establishment of political and non-political instances that are supposed to control it.

Without an incentive from outside the system, it is hard to expect them to do it, particularly in the post-Yugoslav context, where the permeation of politics with ethnic identifications and antagonisms – and the conflict breakup of the already dead federation through wars – secured a strong, not just non-democratic but also pre-political consensus in each of the ethno-national communities. For the countries of Central and Eastern Europe, significant incentives were coming from the Western neighbors – the European Union – but there are no such incentives from outside that would be able to complete the job of emancipation aside from the society itself. It was particularly critical in the post-Yugoslav countries because two of them – Serbia and Croatia – spent the whole last decade of the twentieth century in relative isolation; Bosnia-Herzegovina was admittedly under international administration in the second half of that decade, but it was also under the “democratically” elected nationalist leaders that the international factors recognized as partners.

Two relations are at stake here, which seriously tests everything we know about civil society from the experience of more advanced Western democracies. Firstly, instead of civil society emerging against the backdrop of a developed civic society, asserting different values in relation to its power, civil commitment in these countries appears to win, among other things, a free space for development of civic relations. Also, regarding the state, instead of going beyond formal procedures and institutions of representative democracy in the direction of a more intensive public political participation, civil engagement in these countries – often from a marginal position – tries just to accomplish a coherent development of those procedures, and to make authorities take them seriously and responsibly in their practices.

## **Out of a swamp by their own hair**

These two paradoxes just describe, from the viewpoint of civil actors, the closed circle of the expected “self-establishment” of democracy from the non-democratic starting situation. These actors do not have a sword, that is, the power to cut the Gordian knot nor the strength to break the vicious circle. They do not have a basis in socioeconomic divisions of society,<sup>231</sup> where there are no active interest groups of any considerable strength. For observers from the West, as well as for supporters in establishing democracy, there are virtually no assumptions

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231 Žarko Puhovski, “Politički pluralizam bez socijalnog utemeljenja” [Political Pluralism without Social Foundations], in Dvornik and Horvat, *Slaba društva i nevolje s pluralizmom*, pp. 15–9.

implicit in countries of their origin that could be applied here.<sup>232</sup> Nevertheless, activities and actions of many civil actors have made a significant difference in changes that took place in the last two decades.

Before we take a closer look at the ways in which they did it and the challenges ahead of them, let us consider the conditions and the context of their activities. Here we find another paradox: In the huge body of literature about “transition to democracy,” it is commonplace that building, consolidation, and functioning of democracy require a vibrant, active civil society, and that the development of democracy provides conditions for such society. In the body of literature about civil society in postcommunist transformation, which is not much smaller, it is also assumed as something that goes without saying that the development of civil society and its actors requires a framework of democracy and human rights, but if it is deficient, civil society can play a decisive role in its development. However, in this mutual love between democracy and civil society, where a lot is implied, there is very little concrete research on how these two phenomena specifically help in establishing each other.

However, keeping in mind how demanding a considerable social change is. Regardless of whether we call it revolution or not, it is clear that in the implosion of the old regime, in the general deterioration in satisfying the needs, and in decadence of all social strata (except organized crime), what worked for the malcontent citizens was a principle of Baron Münchhausen: the change by way of pulling out of the bad conditions by pure will, like pulling oneself out of a swamp by one’s own hair, because there is not any firm footing. The unveiled “Wizard of Oz” of the former omnipotent regime was replaced by a still not unveiled phantom of “civil society.” The handicap of activity in a society that is neither

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**232** A case from my personal experience testifies how difficult it is to see that the “society” emerging after the collapse of the communist regime does not contain some of the major elements of modern western societies: In early 1990s (probably in the first half of 1992) an embassy in Zagreb invited a group of civil activists to meet a delegation in a fact-finding mission about the state of democracy and human rights in Croatia. After a series of questions about the situation, which the activists frankly answered, disclosing grave and systematic violations of human rights, as well as the authoritarian politics of F. Tudman and the HDZ, a frank question was asked: “What can our country do to support the development of democracy and protection of human rights in Croatia?” The participants spoke about various kinds of support to our organizations and activities of the civil actors. When it was my turn, I caused a surprise when I replied that they should support entrepreneurs and trade unions as political actors. I believed it was obvious that the government that was nearly authoritarian should have been opposed by independent forces of the society, but the proposal, as it is, was a total failure. The foreigners were not able to imagine how fictitious the strength of the society in Croatia was, how weak the seemingly existing interest groups were, and how dependent they were on the political elite. Regarding reaction of the civil activists, the interest groups did not exist at all in their field of vision, either because they thought that their existence and activities are a matter of particular interests, important for their membership but without implications for a common good, or because they took their weakness as a mere fact, as something that is just so and does not call for an additional engagement.

autonomous not differentiated really is an aggravating circumstance, but not fatal. As activities of people engaged in civil society may go far beyond advocating their particular interests, their activism, consequently, cannot be reduced to their particular socioeconomic position. As we have seen already, such activism can, and often does, follow from a motivation by values and a practical idealism. How it is that specific individuals found themselves among civil activists in the postcommunist context cannot be “calculated” from any set of objective social factors, although in most cases they come from the middle strata.<sup>233</sup> It is an autonomously responsible attitude that individuals take in relation to social problems; in parallel with the kind of responsibility expected from business corporations in advanced countries, it might be called *social responsibility*: There are people who are willing to engage and use their free time and resources to deal with something that surpasses their individual or particular interests.

Furthermore, in the postcommunist conditions where political elites still dominate other areas of social life, the civil commitment, if taken seriously, soon acquires a *political* dimension. There are very few social problems (be it on the level of the whole society or on a regional or local level) that can be solved without a change in regulations, in some policy steps, in a practice of public administration, or at least – or perhaps most difficult – a change in public awareness. A commitment with a serious intention of solving a problem, even if it is primarily focused on social services, has not done its job until it has effected some changes on the political level.

Given that the actors in question are not in positions of power (although they are by no means powerless), the way of their acting, almost without exception, must go through the *public*: by provoking debates that would open the disputed topics, convincing the public of the general value of a goal they advocate, winning support for an action to realize the goal, denouncing opposite views, etc. This all means that civil actors have to function as agents of social responsibility of professional political actors – parties and elected officials. An atomized society is not a political factor except, periodically, on the occasion of elections. Organized civil actors, on the contrary, can play a part in the game between such periodic occasions. They can influence the political agenda of a given society, provoking and opening issues neglected or suppressed by politicians or the state; they can critically assess policies adopted and implemented; they can initiate and co-define such policies by pressures or constructive initiatives – depending on how ready political professionals are to listen. In short, they can disrupt the situation in which the political “people” are gathered only when parliament is dismissed (and a new one is to be elected), and then, as soon as the parliament is elected, the people are dismissed for the next four years.

The representative, parliamentary democracy, wherein the sovereignty of the people is effectuated by setting legal norms, which are general, equal for

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<sup>233</sup> In the case of Serbia, see Lazić, *Promene i otpori*, pp. 82 ff.

all, and valid under conditions acceptable for everybody,<sup>234</sup> is not compatible with a direct impact of particular interests on the executive power, and therefore excludes an imperative mandate and repeal of elected parliamentary deputies. Active civil society gives people back a part of such imperative control, but on the level of claims that can be generalized. This concept reminds us at the same time that democratic institutions work democratically only if active and responsible citizenship opposes exploiting legal forms for particular interests (be it interests of social groups or people in power). Civil society, even if something just potential, remains an indispensable component of any serious effort in democratization, because experiences of building institutions of democratic political and legal systems “from above” show that structures and procedures without active citizens’ participation remain empty and, from the standpoint of the set goal of democratization, ineffective. Paradoxically, the formal standards of human rights or electoral law in the emerging postcommunist democracies, having been copied from international documents and other foreign sources, often seem to be of higher quality than those in established democracies with a long tradition, but their real effects are much weaker precisely because they are not supported by a society that resists arbitrary practices of authorities, with the appropriate culture of rights and civil responsibility.

The political responsibility in this setting is not a responsibility to somebody else, to any outer instance, but consists in insisting on honoring the tacit social contract as a consent to a democratic and legally limited rule.

### **The social reality of civil society**

Simply put, there are two key *endogenous* conditions of active civil society that are necessary (but not sufficient) for a continuous civil engagement. One is socioeconomic, and the other cultural. Firstly, it is necessary that members of the society, who are without direct access to centers of power and decision-making, have sufficient resources of their own, that is “discretionary money” and free time, so they can dedicate a part thereof to their voluntary activities and commitments. The second condition is a *participative political culture*: a sense of (co)responsibility of citizens for consequences of political decisions and measures taken and implemented by authorized political and public institutions, co-responsibility followed by readiness to engage in public debate, oversee, control, correction (by constructive initiatives and pressures) of policies and actions of authorities, and participation in forming attitudes of the public toward them.

In societies like those in post-Yugoslavia, where many people, even if they have paid jobs, are forced to do additional jobs to cover modest needs of their families, it is hard to talk about free time and discretionary money available for civil commitments. Furthermore, the tradition that should be significant

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**234** This last point summarizes the necessary corrective of the majority rule, as formulated by Ž. Puhovski.

for development of commitment guided by civil responsibility was decisively determined by the prevalence of deeply apolitical attitudes in the society of the former Yugoslavia. The relative openness of Yugoslavia, even under communist rule, offered plenty of opportunities for people to solve their problems by private “projects,” on one condition – to stay away from politics, which was the monopoly of the communist nomenclature. People were allowed to travel abroad, to run private entrepreneurship, to work abroad and bring the earnings back home.... The inhabitants had enjoyed not only greater latitude in economy and culture, but also higher standards of living in comparison with countries under Soviet domination. As long as enough space was allowed to improve one’s life as a private project, it was not noticed that the relative freedom was not guaranteed as a right. Even less was it felt, however, that there was no political freedom, as a basis of choice and at least indirect control over government, the government which should ultimately rest on the consent of citizens and be accountable to them.

This is in accordance with the fact that the transition from the communist regime in Yugoslavia did not begin as a result of a democratic movement. With the exception of a few groups and organizations, like the Association for the Yugoslav Democratic Initiative, there were no attempts to influence the changes “from below.” They came all the same, as a result of decisions of leaders of some federal units (Slovenia, Croatia, and then the others) that it was the best for them to relinquish the power peacefully, or at least to put it to the test of elections. The fact that the beginning of the postcommunist transformation was at the same time the beginning of the breakup of Yugoslavia, it was soon followed by the wars, which brought grave suffering of civilians and split societies along ethnic lines and certainly did not contribute to growth of a politically active civil society.

As “transitologists” have pointed out many times, as long as the status of nation and statehood is in question, there is not much space for emancipation of society from state nor for development and recognition of pluralist options, interests, and attitudes, which comprise the content of the “civil horizontality.”<sup>235</sup> Every war brings the existence of states into question, and in the war that was allegedly about *creating* the homeland (hence the ideological title in Croatia<sup>236</sup>), or (from the Serbian side) about defense of the allegedly endangered people, it came almost as a “natural” thing to suspend all principles that make the substance of liberal, pluralist democracy and rule of law and to suspend all principles that are opposed to unity of state power and to a compulsory loyalty to those in power. In such a context, the paradox of totalitarianism appeared again: although all social life was politicized because it was completely caught by the regime mobilization, the society itself is *depoliticized* because it did not set a political field of deliberation and a forming of political will. Politics were again considered a matter for

235 Žarko Puhovski, “Civilna politička kultura” [Civil Political Culture] in *Kako surađivati s vlastima i kad to ne žele* [How to Cooperate with Authorities Even When They Don’t Want To], ed. M. Gogić (Zagreb: Hrvatski helsinški odbor, 2004), p. 6.

236 “Homeland War.”

leaders and saviors of the nation, authorized interpreters of “national interests” beyond the reach and comprehension of common citizens.

Civil initiatives, and later institutionalized NGOs, emerged to a great extent as a response to the crisis caused by war. Struggling against the immediate consequences of war and the war regime (the pains of refugees and displaced persons; the growing ethnic intolerance, which brought the widespread violation of rights of ethnic minorities; discrimination even for the most basic rights such as status of citizenship, home, employment, etc., and, as a consequence, ethnic “cleansing”; suppressing freedom of expression; renewal of patriarchy in gender relations; etc.), they implicitly advocated the essential values of freedom, democracy, non-violence, tolerance, and solidarity, and tried to play a constructive critical role in building the rule of law in their countries.

With the example of Croatia, it is possible to see clearly the difficulties in taking civil commitment to its logical political consequences. Only a small number of civil actors (including – with the unavoidable risk of unjustified omissions – the Civic Committee for Human Rights, Croatian Helsinki Committee, Dalmatian Committee for Human Rights, the *Arkzin* fortnightly, etc.) opposed explicitly the hegemony of the ethno-national identification of the state and drew a clear line connecting it with mass violations of human rights by ethnic discrimination. Moreover, it seemed that even those who honestly and courageously tried to help victims in individual cases or at least to show solidarity tended to avoid political confrontation. This is indirectly confirmed by all those things that much later painfully made their way to the public: information on war crimes also committed from the Croatian side, aggression on Bosnia-Herzegovina, harassment of refugees, violent eviction from apartments, and other acts of grave violation of human rights. A lot of that was already known in 1991 and in the following years, but there were very few of those who tried to put it on the public agenda, at least as a provocation.

At the same time, from the beginning of the war in Slovenia and Croatia, and the next year in Bosnia-Herzegovina, civil organizations in Serbia organized a series of anti-war actions, by which they directly confronted the regime. Among others, they succeeded in collecting more than 100,000 signatures to the petition against military mobilization for the aggressive war, organized public protests with candles for the victims of war (it was clear that the victims were from the “other side”), and in 1992 brought together 50,000 participants to the public rally against the war, titled “Don’t count on us.”<sup>237</sup>

It would be entirely out of place to infer differences between the Croatian and Serbian societies from this experience, or between the qualities of civil actors in the two countries. Moreover, many activists from the two countries – as far as it was possible given the cut telephone and postal connections – communi-

<sup>237</sup> For a presentation of anti-war activities and advocacy efforts for political alternatives, see Bojana Šušak, “Alternativa ratu” [Alternative to the War], in *Srpska strana rata* [The Serbian Side of the War], ed. Nebojša Popov (Belgrade: Samizdat B92, 2002), 2d edition, vol. II, especially pp. 100 ff.

cated, exchanged information, supported each others, and tried to coordinate at least some actions.<sup>238</sup> There was a significant and obvious difference in the meaning of war for each of the two countries. From the viewpoint of citizens of Serbia, for those that identified with the nationalist view the war probably had a defensive meaning (for protection of allegedly threatened Serbs in Croatia and later also in Bosnia-Herzegovina), but for many others it was an aggressive war. It was formally waged by the YPA, but it was backed by Milošević's regime. This regime, in turn, did not enjoy an undisputed democratic legitimacy, as demonstrated by the mass protests as early as March 1991, in spite of the clear victories of Milošević and his party in the 1990 elections; one of the factors that limited the legitimacy of his government was the evident continuity with the previous communist regime.

In contrast, for virtually the whole population in Croatia (except for those in the rebellious areas under Serb control, of course), the war meant an attack on their country, which existentially threatened many, and symbolically the whole nation. Even those who did not support F. Tuđman and his party thought that it was not the time for public criticism of the authorities, let alone even a symbolic civil disobedience. This can partly explain the domination of the nationalist ideology, which always tends to become hegemonic (since it does not tolerate divisions in the national community and penetrates all areas of social life). It was only reinforced by the war, which not only "confirmed" the ideology of ethnic antagonism, but also severely reduced the freedom of public communication, which was hardly developed in the late 1980s. It was replaced by mass identification with the national state and blockade of any critical discourse. Nationalism became a "natural" state of mind of the whole population, like the air being breathed. Without practical experience in political action, most activists were simply helpless and unable even to think of confronting that ideology and politics, which even looked legitimate in a democratic way, owing to the support of the majority and to the practical disappearance of political opposition.<sup>239</sup>

Therefore, it was necessary to develop not only skills and methods, but also the very sense of public action from a minority position. Lacking that, efforts were concentrated on direct aid to threatened people, relying on international assistance, but that kept civil actors in a position from which they were not able to reach a broader public, so were not able to develop a broader base of volun-

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**238** That is, among other things, how the ZaMir electronic communications network was born. The international volunteers project of Pakrac was also one of the activities with coordinated two-sided support.

**239** What also "helped" in that respect was many activist groups got the first international support from the peace movement, which was focused on the "capacity building" in terms of non-violent communication, conflict resolution (later redefined as transformation), local mediation, that is, dealing with the conflict on the level of interpersonal relations, small groups, or local communities. A public, political advocacy of values, attitudes, and programs came much later and was mostly reduced to techniques of performance in public campaigns, work with media, etc. As a rule, the "educational" support from abroad does not include incentives to engage in political conflicts and handle them successfully.

teers.<sup>240</sup> Instead, they existed mostly as exotic islands in the society, existentially directed to seek support of international organizations and donors. They could only hope that the general human values they stood for would eventually – sometime, somehow – reach more people.

Thereby a process, which was in itself fragile, was hampered from many sides – the development of a sense of social responsibility (a sense of taking problems of the society or a smaller community as one's own) and political responsibility (the sense and ability for taking active part in dealing with such problems, if necessary by taking them over from the forces that dominate the public and policymaking institutions). This process can only proceed as a wandering and winding process of social learning, in practice, in action, with constant reality-checks and feedback from reactions of the social and political environment, in finding new answers to those reactions. In short, in interaction wherein the will, readiness, and abilities of civil actors, as well as the social, cultural, and political context in which they act, play the decisive role. When this environment is entirely hostile to the civil initiative, and the interaction is seriously reduced, a transplantation of methods and ideas from a very different context – especially if it appears as a precious and welcome assistance, supported even financially – might as a consequence help to sever even the last tiny links with the local social environment.

International donors got involved in overcoming the war conflict and its consequences, as well as in supporting democratization. Of course, they approached this engagement with their own ideas on the nature of the problems, and consequently also on the appropriate solutions.<sup>241</sup> Some of them did not even engage in a dialogue with local actors, some were not aware of how different their societies were, and some did not find competent partners for discussions. Only a few among them (like George Soros' Open Society Institute) delegated both the program design and decisions for grants to local boards and committees. Furthermore, the very dynamics of the foundations' work, which imposes control of the purposeful use of funds, combined with the inability to assess the relevance of projects and their results on a basis of comprehensive and long-term analyses, contributed to the priority being given to applicants with professional competence who are not necessarily involved in the most relevant activities. In

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240 Occasionally, this word was even used to refer to paid "activists."

241 Usp. Carothers, "Western Civil Society Aid." On upozorava kako su velike agencije za međunarodnu pomoć u početku 1990-ih godina imale iskustva gotovo samo sa zemljama "trećeg svijeta" te su se u postkomunističkom miljeu isprva našle na posve nepoznatu terenu. Postupajući u skladu s dotadašnjim navadama, činili su i mnoge standardne greške: rad posredstvom neke vanjske donatorske organizacije, omalovažavanje domaćeg znanja i 'ljudskih resursa', prepuštanje posredničkim organizacijama da obave sve, od ocjene potreba ciljanog društva, preko provedbe projekata, do ocjenjivanja (uz sporednu ulogu "lokalnih partnera").

O tim ugrađenim greškama u našim pomoćima "trećem svijetu" usp. B. (Barbara) E. Harrell-Bond, *Imposing Aid* (Oxford – New York – Nairobi: Oxford University Press, 1989) (2).

this line one could say that in many cases we wanted civil society and got NGOs. Such statements could have been uttered as early as in the mid-1990s, when the initial civil organizations already began to institutionalize and, in some aspects of their activities, adjust to the donors' institutions. What is interesting is that statements of the same kind appear to this very day.<sup>242</sup> In a way, the institutionalization has preceded and outlived its own substance – civil commitment.

In such a context, the question is where the responsibility of civil actors lies and what is its direction: toward their own society or toward organizations that help them financially, through knowledge, etc., but which do not share, and often do not even know, the problems of their society? Before we proceed, it is important to clarify the attitude toward two reproaches that are often connected with “aiding democracy”: the “interventionism” and the “social engineering.” In my view, neither is in itself a bad thing. *Any* organized social activity is an intervention into society, provided it manages to mobilize sufficient resources, and can be considered social engineering if it intends social change. What should be evaluated is the goals and means, that is, it should be questioned whether the “assistance to democracy” really contributes to democracy, regardless of where the assistance comes from. Means are no less important than goals: The key question is whether they perpetuate dependency of the local civil actors on assistance from outside.

This is related to the meaning of “responsibility to one’s own society.” Set in the context that prevails in the post-Yugoslav societies, with the still strong impact of authoritarian collectivism, this question could be understood as an implicit obligation of civil actors to fit into prevailing notions of the social benefit, or even worse, to be accountable to the current majority. In the matters of commitment to social change (political, economic, or cultural), the instance of responsibility is certainly not the “society” as represented by the prevailing public opinion or the elected political bodies. To be engaged for change is by the same token to challenge many existing patterns of thinking and practice. Therefore, responsibility of such commitment can only mean responsibility to the public good as seen by actors themselves. Of course, that means that the game will include many different notions of the good, which would compete for public support, or simply be implemented independently, with whatever comes as a result. What matters, however, is that the actors, even if they make heavy blunders, should be able to set their goals and projects independently. In a struggle with problems of the society, as well as in relation to the donor institutions (both local and international), many of them are not on equal footing.

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242 “We wanted a vibrant civil society, and all we got were NGOs.’ I have heard this quote several times, sometimes attributed to an anonymous social activist in Hungary, and other times to someone in the Czech Republic. Yet whoever said it first, it captures an important feeling haunting the region, which I would describe as disillusionment mixed with nostalgia and bitterness.” – Agnieszka Graff, “What Ails Civil Society?” Trust for Civil Society in Central and Eastern Europe (CEE Trust), Civil Society Forum 2008, <http://www.csf.ceetrust.org/paper/3/>

Unlike the primitive ideological accusations about foreign foundations using local NGOs as instruments in their conspiracies, which are not even worth discussing, what is really at stake here is a *shift of responsibility*: Instead of painstaking detecting and tackling real problems of a society, activists partly get well-intended training in what to do and how, and mostly they have to accommodate predetermined “priorities” and programmed “strategies” of their international supporters. How it affects the process of learning is much more complex than any model of “manipulation” or “instrumentalization,” and would require a whole separate research (perhaps in the framework of the recently established discipline of anthropology of foundations and NGOs).

The civil response to the war, crisis of refugees, and other grave consequences was genuine and spontaneous. When donors came in, it opened possibilities of more ambitious projects. However, having yet to learn how to master the problems they dealt with, to see them within the total of the relevant context, and to achieve more, activist organizations found themselves under the impact of donors who not only brought financial support, but also know-how and skills, while notions of the nature of social problems, the priorities, and the best solutions were implicitly built into the basic terms of support programs. As it is, those ideas were marked not only by ideas of what is relevant, formed in different contexts, but also by certain “fashionable” issues in the world of the “third sector”: In a certain period, there was a trend of psycho-social aid projects, in another period “capacity building,” in yet another the “community initiatives,” and then “trafficking in women,” “corruption,” etc.<sup>243</sup>

Since there is no aid for democratization, which could compensate for a lack of autonomous power of society, what can be accomplished by such aid is mostly focused on political culture. This is probably the reason for obsession with educa-

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**243** During talks in the headquarters of one of the major state agencies for international aid, I asked a question about making long-term strategies of action and selection of areas and problems of priority for specific countries or regions. They said that they used the network of contact of their embassy in the country in question to get the picture of the problems and needs. They did not agree that such contacts may be limited, which would lead to a one-sided picture and biased assessment. My further question was whether they commissioned a research to get a more complete and reliable picture; the question was first misunderstood, because the very idea obviously seemed so odd that they thought I was asking about funding of research projects. As they insisted that their strategies and programs were based on sound assessments of problems and specific conditions in each recipient country, I finally asked how come then that some “trendy” issues are present throughout the world in a given period, despite obvious differences between countries and regions. Our hosts finally admitted with some uneasiness that there is a parliamentary committee, which sets general priorities; they are not necessarily limited to the priorities of the national political interest, but they are certainly seen through the eyes of the donor. The question about research was not without a specific motive: Those familiar with the book by Thomas Carothers, *Aiding Democracy Abroad* (Washington, DC: Carnegie Endowment for International Peace, 1999), probably noticed that research was commissioned from time to time, but only when it turned out that things did not develop as expected after a few years of implementation of a program or strategy.

tion and training for all kinds of purposes, to the extent that the whole phenomenon of postcommunist transformation – in its substance and as a whole – was conceived in programs of aid and in political criteria as a gigantic operation of teaching whole states and societies. It is neither wrong nor disputable to attach an important role to learning. As explained above, even without favorable social conditions, a *will* to do something – accompanied with knowledge, skill, and some material resources – could significantly contribute to social change. What is disputable is that this part is taken as a whole; there is a tendency to overlook the fact that even the best knowledge and perfect formal arrangements will not produce a change in social relations unless the final result is a society that – to say it once more – has developed a relative autonomy and its own power.

The definitions of frameworks and priority areas<sup>244</sup> for allocation of financial support, as well as the widespread “training and education” (via NGOs from the donor countries) exercised both political and cultural impacts. The content of education varied from technical and organizational know-how (how to run an organization, manage projects, raise funds, etc.) to a kind of acculturation. The latter varied, depending on the source of support, from non-violent communication, conflict resolution (later termed “transformation” of conflict, conflict-management, etc.), mediation, and the like, to promoting “partnership” between civil actors and state institutions, local communities, etc. A more detailed analysis of specific cases of this kind of transfer of knowledge, which is at the same time also a transfer of political-cultural patterns, would probably find that those patterns also imply specific notions on the nature of social relations and the meaning of the political. As a result, for many activists who had to confront the problems of the postcommunist transformation and, without previous education or experience, had to analyze and understand the relations in question, the simplified schemes by which the providers of international aid operated, acquired a meaning of fundamental cognition. So a whole collection of ideological “notions” was formed, which were almost never subjected to critical analysis.

Thus, for groups that cooperated with pacifist organizations – probably owing to the inveterate notion that “conflicts emerge in human minds” so that is where they should be “resolved,” for example – the political and military conflicts that implicated whole societies, together with political and military apparatuses, were reduced to interpersonal relations or relations within small groups that could be pacified by reconciliation or mediation. The tendency to distinguish the field and

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**244** As an interesting parallel, when several Croatian NGOs protested against the decision on grants by the National Foundation for Development of Civil Society at the beginning of the year 2005, one of the complaint was that the announcement of the competition for institutional grants did not include specification of “priority areas” of support. “Otvoreno pismo Foruma organizacija civilnog društva Nacionalnoj zakladi” [Open Letter of the Forum of Organizations of Civil Society to the National Foundation], [http://www.zamirzine.net/spip.php?article1753&var\\_recherche=nacionalna%20zaklada%202005](http://www.zamirzine.net/spip.php?article1753&var_recherche=nacionalna%20zaklada%202005) (Note: since the author of this study was involved in the disputed procedure, the case cannot be commented on here.)

the type of action of civil actors in relation to the market economy and politics, resulted in the situation wherein many activists – and especially professionals in their “sector” – saw the whole “theory” of political and social relations as a scheme in which society consists of the three “sectors”: the private for-profit sector, the public non-profit sector, and the “civil” sector. When asked about the dynamics of relations between those “sectors,” the typical laconic answer was that the sectors should be in the relation of “partnership.”<sup>245</sup> From the perspective in which civil organizations mainly appear as providers of additional activities (mostly “social services”), some instructors from the United States and Western Europe tend to present the relations between different socioeconomic groups and public- and state institutions as a sort of “social contract,”<sup>246</sup> by which all those different positions fit into a harmonious whole. Unexpected as it was from persons that represent Western civil culture, the social contract as a key concept of relations founded on freedom and equality is thereby transformed into its opposite – legitimizing inequality and its sanctioning in a form of an organic community. Of course, there is no room in such a “concept” for conflict as something that necessarily stems from deep contrasts of positions and interests; in such a view, conflicts originate merely from inadequate understanding of the situation and can be resolved by additional education and communication skills that take into account the viewpoints of others. And if there are no substantial, structurally built-in conflicts, there is no field of tension either, where they are manifested politically.

The contents, methods, and techniques transferred from “normal” societies never included political education and training for confronting the mainstream paradigm of authoritarian political culture or dominant ideology and its proponents – education that would be really useful given the legacy of apolitical attitudes. Finally, the implicit notion that the market economy and liberal democracy “naturally” follow the fall of communist regimes – combined with the ideological concept of societies with a market and democracy as harmonious wholes – resulted in equally conformist suggestions about responsibility of civil actors to their communities. In the milieu where many civil actors were committed precisely to goals and values that the “community” saw as alien and hostile – interethnic tolerance, universality of human rights, positive discrimination of minorities and prosecution of all crimes, opposite to the prevailing ethnics – civic actors were expected to adopt manners of a charitable organization

**245** It is not only the summary impression from many contacts, but also a real case. In job interviews for a position of program coordinator in a non-profit organization, one of the applicants, a very good and experienced field activist, used exactly those words as an answer to the question on his views on the situation in the society and possible focuses of activities of the organization. The poverty of conceptual apparatus of often bureaucratic organizations, for whom such schemes are sufficient for their technical purposes to describe their activities and plans in a well-defined environment, obviously worked as the highest level of analysis for a young person without previous education on society, economy, and politics, so much so that the person believed it was good enough to be used on the occasion when applicants strive to present their knowledge in the best light.

**246** Again a wording that was used in a real situation.

that is recognized and accepted, and to seek support in an ideal, benevolent, and civilized social environment.

The second consequence of acculturation concerns the very forms of organization and action: Of course, donors prefer those whose organizational structures and skills are compatible with their methods, selection of problem areas, and modes of operation, as well as with expectations of reliable handling of resources, monitoring, and reporting. Those who speak the same language (not only in the linguistic sense – although the command of English was often more important than the content and meaning of the activities – but as the “language” of projects, logical frameworks, etc.), those with professional staff capable of writing project proposals, providing reliable management in their implementation, compose credible reports and keep good financial records. Organizations as means of civic commitment – having emerged in the social environment that does not provide conditions for civil commitment – are turned into an “alternative establishment” of *nongovernmental organizations*.<sup>247</sup>

It should not come as a surprise that organizations directly active in supporting democratization tacitly adopted certain assumptions that may be valid in the societies of origin, but were wrong in most cases in the receiving society. As we have seen in the previous parts of the study, sociologists and political scientist did the same, uncritically assuming that the paradigm of “transition” was a good starting point, by which the fall of communist regimes was basically just a liberation of a suppressed and incomplete democratic capitalism, which would now “naturally” develop and establish itself as a historically necessary, universal global order – or at least the order pertaining to the “Western civilization.” Basically, such assumptions boil down to a notion that civil society exists and works as a part of society in which conditions are met for that kind of engagement, that at least the basic framework exists for the rule of law, of democracy, and of state in the modern sense. Social content of those legal and institutional forms was taken for granted, but in reality remained elusive, because it was forgotten that social fabric cannot be reduced to interpersonal networks and normative integration. The societies of the advanced West, no matter how dependent on regulation by the state and intervention into the sphere of economy, still have powers of their own because they were not subjected to the totalitarian, and after that authoritarian, political control over the economy. That is why the society includes a footing for its own counter-power versus the state, which makes the state abide by legal limits and democratic control.

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<sup>247</sup> In a comment from the neighborhood about the “western Balkan,” it is noted: “A perfect command of English, communication and teamwork skills, the ability to manage projects and fundraise effectively: there are no visible differences between the requirements of the civil sector and that of private business. Competent, dynamic and efficient – this is the profile of a successful NGO activist.” – Anna Krasteva, “Being a Citizen: Not a Profession, but a Commitment,” a contribution to the discussion, Trust for Civil Society in Central and Eastern Europe (CEE Trust) Civil Society Forum 2008, <http://www.csf.ceetrust.org/paper/9/>  
See also Lazić, *Promene i otpori*, especially pp. 76 ff.

### 3.3 ACTORS WITHOUT SOCIETY

In the previous parts, we have said much about how postcommunist countries, including the post-Yugoslav ones, entered their new state with societies still needing to develop an autonomy of horizontal relations and individual liberty unsecured by civic rights (including the right of private ownership). This created a paradoxical situation wherein – according to the expectations of the democratic “transition” – the state itself ought to have created and provided the forces and conditions of their own democratic control and legal restriction, freeing up the economy from political control, granting independence to the judiciary and the media, de-ideologizing education, etc.

It is well known how the authorities in Croatia and Serbia – and in Bosnia-Herzegovina, too, in the short period preceding the war (and with modifications imposed by the division between three nationalist leaderships) – “solved” this problem following the first competitive elections: by relying on the support stemming from mass ethno-nationalistic identification, which had for so long removed from the agenda the issues of making economy independent from political control, real guarantees of civic rights through an independent and efficient judiciary, etc. Such political mobilization drowned all political differences in the attachment to a primordial community, and all needs in the society – still not developed into conscious interests – were subordinated in advance to the establishment of the ethnic nation as a state.

It is also specific about the three aforementioned post-Yugoslav countries that ethnic tensions, which had been politically instigated during the entire decade running up to the breakdown of Yugoslavia, made it possible for the first parties that won the free elections to take over or retain hold of government in conditions wherein not only was there no resistance from independent social interests, but large parts of the population identified both with the nation-state and with the “state-building” leader and party. Possible gradual changes toward pluralism, setting up an autonomous economic society and legal regulation of relations – which in other postcommunist countries of Central Europe occurred notwithstanding the similar starting points in dysfunctional societies and significant doses of nationalism – were blocked by wars and their aftermaths, which brought the ethno-nationalist identification with their “own” nation and state and the exclusion of all others to their apex.

In these circumstances, and besides the political consequences, a whole array of conditions for civic agency from below was missing. If we begin with the most difficult case, in Bosnia-Herzegovina on the eve of the war, for its duration and in the years that followed, there did not even exist the basic human security

that would enable some sort of civic engagement. The basic living conditions of the largest part of the population were endangered, from bare life to home and basic incomes. In the parts of Croatia that were directly affected by the war (not only the occupied areas, but on the other side of the battlefield as well) the situation was similar. The remainder of the country suffered severe economic consequences, both from the war and the transformation and privatization of the economy, which was partly criminal (with an efflux of capital to unknown places abroad), and partly due to economic exigencies, but also to bad economic policies and led to the closing of many companies, rising unemployment, etc. In Serbia, whose territory did not see any war until the end of the 1990s (and when, at the end of that decade, it did break out in Kosovo, the territorial attachment of this province to Serbia came into question), human safety was heavily eroded by the difficult economic situation, which was a direct consequence of the war, crony privatization (also involving an efflux of capital) and international economic sanctions. In addition to this, in all three countries, legal insecurity should also be mentioned, as should the virtually unlimited space for the arbitrary actions of the authorities, and the general climate of intolerance in the society.

Civic organizing and independent action began in the decades preceding the introduction of democracy. The most significant was the critical thinking that reached the public through philosophy and social science magazines and societies. Beside their intellectual functions, philosophic and sociological societies served as the linchpin of assembling around political causes such as defending certain rights. These organizational forms provided the way that partially avoided the obstacles that the Yugoslavian regime set for the freedom of association,<sup>248</sup> and a platform for the expression of certain critical opinions or organization of solidarity actions such as signing the petitions against persecutions for offences of opinion. Thus by the end of the 1970s, in the framework of the Sociologists' Society of Croatia, the section "Woman and Society" was founded, which was the first organized form not only of theoretical and scientific discussion of the problems of gender equality, but also of practical advocacy of equality. One of the earliest civil groups that were organized entirely independent from the frameworks of the regime was the peace and ecology group "Svarun," which in the second half of the 1980s also organized several public actions.

Of course, here we cannot lay out the history of independent civic organizing in Bosnia-Herzegovina, Croatia and Serbia, nor pinpoint where exactly what had

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**248** It was legally "allowed" to assemble in "social organisations and citizens' associations," but the condition for registration (effectively: for a license) was necessarily to acquire the opinion of the Socialist Union (one of the satellite organizations of the ruling party, formed so as to function as a compulsory "umbrella" organization for all others) on the "existence of social need" for the organization that was to be founded. This filter eliminated all attempts, if there even were any, to establish organizations with political significance that were not close to the regime, while allowing sports, hobby, occupational organizations, etc.

begun. What is significant to the understanding of the role of civic actors in the postcommunist transformation are the most significant problems on which they acted, the methods with which they did so, and the way in which they influenced social and political reality.

While the essence of the problems remained even after the liberalization of the political space, competitive multiparty elections, and adopting of democratic constitutions, the control of the political sphere over the society was not really cancelled, although the formal, institutionalized markings of ideological and party monopoly were lost – nobody tackled this “problem” as such, in abstracto. However, two of its main symptoms were immediately visible and have had a practical, tangible influence on social life: that human rights were unprotected, and that war was looming.

The transition to democracy as a human rights issue was first brought to the political scene by the Association for Yugoslav Democratic Initiative, founded in Zagreb in the beginning of 1989. It was the first non-regime organization with an explicitly political program, and as such, of course, could not break through the regime’s obstacles to registration until the end of 1989. However, even before it had finally succeeded in Podgorica (according to the rules from that time, the registration was valid for all of Yugoslavia), the organization could publicly act during that year – when liberalization was already “hanging in the air” – without serious impediments. UJDI stressed the right to democratic deciding and protection from “the arbitrariness of those in power” as a natural human right that can only be denied by force. Advocating fundamental tenets of democracy and human rights was what it had in common with many other initiatives that had emerged (many of which, having appeared as “alliances,” were founded with the clear intention of becoming political parties as soon as that would be possible). What was specific was that it advocated the idea that a Federal Council of the SFRY Parliament be established through democratic elections as well, in order to ensure democratic control over what had remained of the federal state, above all over the army. With this goal, UJDI had also put forward a suggestion to enable such democratic elections with a corresponding constitutional amendment. However, there was no significant support for such a proposition in the public, because all the new political organizations were focused on the national elections (since already for years the real political powers had rested precisely in the federal units), and the Yugoslav democratic initiative was even denounced by nationalists as the expression of the conspiracy to strengthen Yugoslavia to the detriment of the national proto-states. At that point, there governed a consensus among the (still) communist leaderships of Serbia, Slovenia, and Croatia: It was in nobody’s interest to allow democratic legitimacy to the federal state, which would give it a foothold in limiting their own power. Although that was the only way to stop Milošević’s concentration of power in Serbia – which was to allow the multiparty elections there to go by like an insignificant episode, as well as to prevent his “exporting revolution” in association with the highest command of the YPA – all the republic leaders obviously found their autonomy more impor-

tant. The crushing consequences are well known, and in spite of the fact that the further development of events confirmed the importance of the problem pointed out by UJDI, the association had failed in its main endeavor.<sup>249</sup>

Unlike this anticipated warning of the danger of war, when the danger finally became reality in the end of June 1991 in Slovenia and Croatia, people who opposed it were quick to organize. Only days into the YPA attacks on targets in Slovenia, the Antiwar Campaign Committee was founded in Croatia, and soon after the Centre for Antiwar Action in Belgrade. These organizations operated in different conditions (some of this was already mentioned in the previous chapter) and in different ways, but the significant common feature is that, having spontaneously gathered around a problem that shocked everyone into action, they also served as the focal point for a wider spectrum of civic initiatives and “platforms” for the development of various modes of action. Of course, in the rapid changes of context, antiwar action had to take on entirely different meanings. It was initially a protest against the application of military force in political conflicts. However, when soon after the war had shifted from Slovenia to Croatia, opposition to any war could no longer be taken for granted by the Antiwar campaign,<sup>250</sup> since war involved defense, which was legitimate to a large majority. The mainstay of acting in the face of such conditions was set to be the opposition to the internalizing of the war, that is, to the militarization of social life as a kind of conversion of the misfortunes of war into virtue. This had manifested as the domination of the chauvinist version of nationalism in public discourse, in which collective abuse (especially of Serbs) and calls to discrimination acquired legitimacy in public; in practice, this meant mass violations of human rights through ethnic discrimination, and also rising levels of “background” violence.

While in Serbia the Centre for Antiwar Action and other organizations such as Women in Black, Radio B92, etc., organized noted protest actions and expressed the attitudes of the segment of the society that was opposed to the use of military force, the society itself expressed this opposition through mass draft evasion.<sup>251</sup> At the same time, in Croatia public opinion was firmly in favor of defense, while mainly ignoring background violence. It should be admitted that there had not been all that much publicly available information about it. Some events that were particularly drastic, such as the murder of the family Zec from Zagreb (including the 12-year-old girl Aleksandra) made an impact, but had no legal consequences.

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**249** Parts of it continued with other activities, among which special mention is due to the continued publishing of the magazine, and later the journal *Republika*, which, following the first issues in Zagreb, had transferred to Belgrade, where Nebojša Popov has been its editor to this day.

**250** Soon after its founding, the organization abandoned its title of “committee,” first in practice, and then formally, because although it had begun as an assembly of various groups with a common committee, it has soon shown that the majority of people mostly participate as individuals, and not representatives of other organizations and groups.

**251** The CAA is still active today, under the name Centre for Peace and the Development of Democracy.

One form of mass violations of human rights – throwing people out of flats that used to belong to the YPA, but also from other social, and even private flats, simply because the people were Serbs, and the “conquerors” found the flats attractive – was simply thrust upon these early civil activists. During 1992, before the familiar organizations for the protection of human rights such as the Citizens’ Committee for Human Rights and the Croatian Helsinki Committee had been formally established, a group of Zagreb tenants who were exposed to these threats somehow found their way to the Antiwar campaign’s doorstep and asked for help. With no experience in these matters, the activists reached for a simple expression of solidarity and non-violent resistance by coming to such flats just as the evictions were about to begin, and refusing to leave them despite violent threats. However, such resistance could not last for very long, and in most cases it was the victims of evictions themselves who gave up in despair. The police practically provided no protection from violence (the perpetrators were mainly soldiers, either with any kind of official coverage in the shape of documents with the “order” on the takeover, or simply as a violent mob, who would usually bring along some soldier’s widow with a little child as means of legitimation), and the greatest – although mainly symbolic – protection was provided by the presence of the ECMM<sup>252</sup> observers, who at least, one could hope, would submit a report on this that could bring on external pressure on the Croatian authorities.

This example – just one in a myriad – shows how the first steps of learning civic engagement were mastered. Namely, after maybe some hundred cases of unsuccessful attempts at resistance, the activists themselves had started yielding to depression over their inability to help people. It may seem strange from today’s perspective, but it took days and days of discussions to reach an idea for a next step, even something as common as a press conference. Several newspapers ran news on this, some papers started following the subject, and the evictions stopped being a non-issue. The struggle against this heavy violation of the right to the safety of home lasted for years to come. In it, the activists themselves sometimes became victims of physical violence – like Tonči Majuč, the president of the Dalmatian Committee for Human Rights, and Zoran Pusić, the president of the Citizens’ Committee for Human Rights. Besides taking part among the others in the attempts to non-violently prevent the evictions, the Croatian Helsinki Committee organized a public gathering and published a book on this problem at the end of 1994.<sup>253</sup>

A different attempt at civic opposition to the looming conflict is also worth noting. In the autumn of 1990 and spring of 1991, the Democratic Opposition Forum, along with a number of individuals,<sup>254</sup> organized a series of public discussion panels in places with the greatest interethnic tensions in Croatia, that

252 European Community Monitoring Mission

253 Božidar Novak, ed., *Deložacije u Republici Hrvatskoj* [Evictions in the Republic of Croatia] (Zagreb: Hrvatski helsinkiški odbor, 1994).

254 Among the most engaged of whom were Zoran Pusić, Milorad Pupovac, Žarko Puhovski, Alija Hodžić, and many others.

is, the places where the majority, or a significant minority of the population, was of Serbian ethnicity. Thus, there were meetings in Knin, Obrovac, Benkovac, Korenica, Gospić, Petrinja, etc., all together some 15 locations. It was an attempt to transform the conflict into a confrontation of at least somewhat rationally articulated political options using open public debate – under the shadow of the open, but not yet armed, conflict that was symbolized by the “log revolution”<sup>255</sup> of Knin. The discussions were successful in that there really was some discussion, even in the face of the high tensions threatening violence, and in that from time to time there was success in moving beyond symbolic identity declarations, in their very nature irreconcilable, to dialogue and exchange of arguments. Of course, the attempt was completely unsuccessful in preventing the war, which in the second half of 1991 had swept nearly all those territories. Namely, it was clear that what was at play was not just the attitudes and fears of the local population.

Another kind of approach to the war, which would prove to be very significant in the long run, had had its start in the burning phase of the war in Croatia. In 1992, the Humanitarian Law Center was founded in Belgrade, helmed by Nataša Kandić. Even before its formal establishment, the Center had begun to document and register war crimes and other forms of heavy violation of human rights in the course of the post-Yugoslav wars. The activists from this organization tracked this violation through wars in Croatia, Bosnia-Herzegovina, and Kosovo. Their documentation has served in many (though in relation to the size of the violations, still relatively few) court processes since. The Center has also published a series of books on its findings, as well as those containing documents from the International Criminal Tribunal in The Hague. The Croatian Helsinki Committee has contributed to such documentation in Croatia with data on the civil victims following the military operations “Bljesak” and “Oluja,”<sup>256</sup> which it assembled in the latter half of the 1990s. An all-encompassing list of the victims of war in Bosnia-Herzegovina, the most comprehensive among all such databases from the post-Yugoslav countries, was compiled by the Research and Documentation Center from Sarajevo.<sup>257</sup>

These reports, documentation, and databases are not just contributions to the research, establishing and legal prosecution of serious crimes, but the basis for a discussion of these events that reaches beyond the ethno-ethical divisions that place all the blame collectively on one side, and all the suffering on the other side of the ethnic divide. The fact that collective stereotypes do not yield even in the face of reliable data on the severest consequences of collective antagonisms does not mean failure to those who had worked on documenting it, but points to the necessity of further advancing the public discussion. Thus the Humanitarian

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255 Started on Aug. 17, 1990, by placing wood beams as obstructions on roads, which were supposedly there to prevent the advance of the Croatian police and the occupation of police stations in “Serbian” towns.

256 The contribution by the CHC was published in the book *Vojna operacija “Oluja” i poslije* [Military Operation Storm and its Aftermath] (Zagreb: HHO, 2001).

257 See <http://www.idc.org.ba/>

Law Center, the Research and Documentation Center, and Documenta from Zagreb have initialized a series of public discussions that should – providing the (so far uncertain) cooperation of all states – lead to the creation of a regional body that would offer the victims a chance to testify and that would aid in collectively dealing with the past.<sup>258</sup> Besides this, the organizations also cooperate on following and reporting on processes on war crimes. It will only be possible to appraise all these activities' influence in due time, if affirmation of the rule of law in the post-Yugoslav countries sufficiently advances, to encompass a significant number of war crimes – crimes that are beyond the statutes of limitation.

The work that is done in times of peace to protect, affirm, and advance human rights displays two essential characteristics. On one hand, violations of human rights have – for the whole duration of the final decade of the twentieth century – long been connected to politics. Mass ethnic discrimination in Croatia – from sackings of people based on their ethnic backgrounds, similar purges of the judiciary, through violent evictions to disappearances, torture, and killings – was the expression of the politics of ethnic “privatization” of the state. Many violations of law were carried out in an organized manner, with the participation of the authorities, many with the knowledge and tacit consent of the government, and many without legal consequences, that is, with consent *post factum*. In Serbia, besides discrimination against targeted minorities, there was organized political violence and violations of social and economic rights (which also happened elsewhere, but remained in the shadow of much heavier forms of breach of rights). In Bosnia-Herzegovina, it was not until the war ended in late 1995 that there was a situation in which there could be talk of protecting rights, and working on this was encumbered by the large amount of violations (from wartime violence to breaches of ownership rights). However, in any case, action to defend human rights possessed, and still possesses, a strong political element: the need for a public critique and denouncement of politics benefiting the violations of human rights. Because of the strong ethnic dimension of the violations of rights, the organizations defending them had difficulties in succeeding to have an effect on the public, which was not sensitive to human suffering, but to the collective affiliation of victims and perpetrators. Thus, human rights organizations are, as a rule, publicly perceived as those that only care for “the others.” The only remaining possibility for them is persistence on one hand – since with time, sensitivity to breaches of human rights does develop – and on the other hand the fact that they can rely on international support. Namely, all these states, even though two of them do not fall under direct international administration, are dependent on their relations to the European Union and the United States, and are thus sensitive to pressures from that direction.

However, human rights work – in its widest spectrum – has an everyday dimension which is not particularly noticeable in the public, but nevertheless

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258 The Research and Documentation Center has since withdrawn from the coordination.

speaks loads both about the possibilities of civic action, and about the character of the states concerned. In this everyday, contrary to what may be expected, legal procedures do not hold a big portion. Among the thousands of cases that victims of violations of rights bring forward to civic organizations, there are very few that can be resolved by a court prosecution. The greatest in number are those where state administration, social services, and other bodies accountable to the public simply do not do their job, or do it slowly and shoddily. Thus, the most common interventions do not consist of initiating mechanisms following prescribed procedures, but in direct interventions with the clerks in charge. Helping the victims of such irresponsible practices is more about threatening to report to the superiors, or, in the last resort, the public, than about invoking valid rights.

This warns of another lesson from the actions of civic actors: The oft-emphasized difference between those publicly advocating systemic change and those providing “social services” is not as strong or as significant as it may usually seem. Well-known human rights organizations, which are most often politically engaged, strive in their everyday work – giving their time and all their human capacities – precisely to induce state and public institutions to do their job. Although this too contributes little by little to a more accountable functioning of the state and the social, health, and other services, it is above all the responsibility to personally help every complainant. On the other hand, organizations aiding the elderly and the disabled, preventing drug addiction or treating it outside institutions, and many other “social services” also have the chance every day to correct the behavior of employees in public institutions on individual instances.

What is missing is the link between these two “channels” of action: the gathering and analytical consolidation of data on this quotidian violation of human rights through irresponsible practices by public employees (in their whole spectrum, from a janitor in a center for social care to a supreme court judge or some minister); and initiating public actions and pressure campaigns for systemic changes. Thus, with a limited degree of success in standing up for individual victims, on the whole it still resembles a struggle against the tide.

By the end of the 1990s, this unaccountability of the authorities had accumulated to such an extent that it led to mass discontent in Croatia and Serbia, and to overthrows of governments, in which not only the opposition wins, but also the previous (in Serbia also subsequent, due to attempts to fake election results) widespread civic mobilization had a hand.<sup>259</sup> The mobilization in many ways resembles the “revolutions” of 1989: On the one hand, the regime that holds everything under control, but is no longer capable of clinging to power by force; and on the other, the mass dissatisfaction of the population; and in the “middle” around a hundred civic organizations that could never set such a multitude in motion, but are able to give organizational support to the public expression of

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**259** Compare the corresponding contributions in Joerg Forbig and Pavol Demeš, eds., *Reclaiming Democracy* (GMF and Erste Stiftung, 2007).

discontentment. It is here that one of their limitations becomes manifest as well: of course, mass mobilization does not last for long, but in its wake there were still no specific obligations thrust upon the new authorities to take care in their politics to solve substantial problems of the society. But still, a small move was made that will have a lasting impact: Even in the post-Yugoslav area, the authorities were finally given a dose of therapeutic fear of the populace.

There exist a number of areas and modes of agency that effectuate some influence on social and political changes, small and gradual as it may be. Organizations for the preservation of the environment are surely the most successful in mobilizing public support, as they deal with problems to which the majority in every society is sensitive. They are often also very creative in the staging of events that draw great attention and point to concrete problems – the Green Action from Zagreb is an excellent case in point. The Eko-Kvarner association, with a coalition of other organizations, and even temporary cooperation with church institutions, has reaped great success by having managed to stop a sizable, expensive project that many governments (including the influential Russian one) were interested in; the project was intended to link the existing Adriatic oil pipeline with a pipeline from Russia, and thus to export oil from the northern Adriatic. The lasting effect that all these organizations have on running politics is somewhat weaker, but, what with the development of their own capacities of political agency, and the further development of public sensitivity, it can be expected that long-term policies will have a hard time returning to the same old groove even once the spark of the campaign goes out.

It is also important to mention the wide networks of gender equality and women's human rights organizations, which have managed to achieve many legal and institutional solutions through persistent agency, and have had at least some success in changing the sensitivity of the wider population. The general legal protection from discrimination has been upgraded, among other things, by dint of civic actors' agency, and so the Helsinki Committee in Bosnia-Herzegovina and the Croatian Helsinki Committee have taken part in preparing draft laws in their respective countries. The organization Civic Initiatives in Serbia has been engaged for years on passing a law on associations in Serbia, while the Lawyers' Committee Yucom in Belgrade worked on passing a law on conscientious objection and civil service. One unsuccessful attempt of a civic juridical initiative actually managed to point to a serious problem and unmask the consensus among party leaderships over the protection of common "syndicalist" interests: the draft of a new law on parties in Croatia, which was intended to enforce greater democracy within parties, and was voted down in near unison.<sup>260</sup>

The influence of education and publications is unavoidable, although it cannot be precisely established through any measurements or exact indicators. The many human rights and democracy schools, many specialized educa-

<sup>260</sup> I. Prpić, ed., *Država i političke stranke* [The State and Political Parties] (Zagreb: Narodne novine, 2004); S. Dvornik, "Stranačke lole izvan kontrole," *Novi list*, Oct. 20, 2007.

tional activities for judges, prosecutors, and lawyers cannot even be numbered. In publishing, Zagreb's Ženska Infoteka should be highlighted as the largest publisher of literature on issues of gender equality, numerous editions by Belgrade human rights organizations on legal issues, but also on questions of tolerant and democratic political culture, etc.

## INSTEAD OF A CONCLUSION

In these countries, civic actors did not act as exponents of wider social movements, but they strove, often through guerrilla tactics, in different ways to crack the monolith of collectivism with democratic legitimacy. Even as they acted on the margins, they confirmed that there is an alternative, they kept the metaphorical “foot in the door,” a door that they could not pry open, but they just managed to prevent it from closing completely.<sup>261</sup> In many ways, they had to rely on foreign sources of aid, but were often able to use the political aid as an additional weight in the advocacy of human rights and values of life.

Now they face challenges in which these external helpers, who accept local authorities as partners, are no longer at their disposal. Although it cannot be precisely checked, they have probably succeeded in leaving their mark through those slow and quiet changes in sensitivity and political culture, which can be the basis for more successful mobilization of wider civic support for further advocating the rule of law and more accountable governance.

This account has attempted to wreck the illusions that the “transition” to democracy is something that arrives by necessity and advances naturally, and that formal changes are the first step toward real changes. It is not so, and so defective democracies can last for a long time, without being just in a transitory phase. Without civic engagement, there will be no changes, and the engagement of seemingly marginal actors achieves more than would be expected on the basis of their “systemic” place.

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<sup>261</sup> Žarko Puhovski's expression.

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Twenty years after the epoch-making change in 1989, which affected the post-Yugoslavian space in a way entirely different from other former "real-socialist" European countries, this study is an effort toward an analytical view on the past two decades of development of civil society in the western Balkans. The development there does not correspond to the theoretical outlines of the democratic transition or transformation. The primary reason lies in the fact that in socialist Yugoslavia, like in other societies of

the "real socialism" in the East, the relation between state and society substantially differed from this relation in free capitalist societies. This difference in the relation between state and society, as the author of this study Srđan Dvornik points out, had a decisive impact on the emerging civil societies. The study shows: Without civic engagement, there will be no changes, and the engagement of seemingly marginal actors achieves more than would be expected on the basis of their "systemic" place.

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