CIVIL SOCIETY, TRANSITION AND CONSOLIDATION OF DEMOCRACY

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It is almost beyond dispute that the concept of civil society has played a major role in recent transitions to democracy, both in the formulation of strategies of democratization and in the social scientific analysis of the relevant processes. Nevertheless, according to the reigning hypothesis of the literature on transitions, the concept loses its relevance in the actual negotiations that lead to transitional pacts. Because of the turn to "political society" moreover, and the corresponding demobilization of the civil sphere, it is further implied (though rarely argued) that the politics of civil society has little to do with the consolidation of democracy.

I agree with the demobilization thesis on both theoretical and empirical grounds, but only in part. But I do not think that from this one can argue the irrelevance of the civil society problem for the consolidation of democracy. On the contrary I believe there is a mutual dependence between institutionalization of civil society and consolodation of democracy.

a- A new strategy of democratization

In the following I concentrate en East and Central Europe, although as the works of several of my students (Leo Avritzer, Enrique Peruzzotti and Alberto Olvera) show similar considerations probably apply to Latin America transition as well.

It is worthwhile to reread Robert Dahl's early argument, according to which transition to poliarchies would be most difficult in the case of "inclusive hegemonies" where democratic institutions would have to be created all at once for a complex society, with potentially sharp and multi dimensional lines of cleavage. Thecontrast here is with "exclusionary liberal" regimes where the institutions of representation and rule of law can be consolidated well before the main groups of modern society would have full access to them. The stress in this argument is winning time for institution building, and possibly on the building of the requisite political culture. Leaving to the side the important issue that the creation or long term stabilization of poliarchies or near-pliarchies where there were originally liberal oligarchies has also not proven easy in Latin America for example, Dahl's argument seens valid enough for East and Central Europe. How then can we esplain that the "tansitions to democracy" occured relatively smoothly in so many East and Central European sttings ?

It would be tempting to find the answer in processes of negotiation learding to pacts of transition, and in the institutional innovation of formalized Round Tables.

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This transitional institution evidently allowed elites to set up the major institutional framework of representative democracy which subsequently can be assumed as a framework within which the conflicts of the larger society can be processed. Beyond the formal arguments of Przeworski e.g. it needs to be abbed that successful pacts presuppose radical change within a model of legal continuity, the non-economic element of the contract as it were. Even with this addition however, I do not find this line of reasoning fully adequate. What is missing from it is precisely the element of time (stressed by Dahl) needed to establish a culture of interaction binding the elites themselves to their agreement concerning institutional structures, learding to a politics of self-limitation even when it is very likely result of democratic elections that the balance of forces dramatically changes. Even law to which the actors cannot yet have an "internal" relation cannot supply what is missing. I believe the needed time and pattern of self limitation are desiderata which are won by the emergence of a civil society well before the transitions. I believe moreover that the first Round Tables in Poland and Hungary which were subsequently but imperfectly imitated elsewhere were themselves possible because of a long period of civil society based politics in the two countries. Where such a prehistory is absent, pacts and round tables playerd either no role (being displaced by to down electoral strategies) or a merely formal one. This is not to say that civil society based movements were sufficient conditions for genuine negotiated transitions ; a rough balance of forces was aqually imporant.

Accordingly my first hypothesis would be that self limiting politics of civil society, even if originally developed primarily for geo-political reasons, is a crucial prerequisite for successful transitions. Under weakening but intact Communist regimes only this politics allowed for democratic institution building outside of the framewor of state power, training above all future elites ans molding elements of a democratic political culture based on discussion, negatiation and compromise. The viability of both processes of formalized negotiations, and of its operative legal assumptions presupposes such a learning experience.[1] .

b- The implosion of civil society

Granted the transition literature (O'Donnell & Schmitter, Stephan and even Przeworski) recognizes the important role of civil society in the historical phase under consideration. But the interpretation of this phase merely as liberalization as against democratization misrepresents the state of affairs that on a microlevel it is democratic institutions and culture that are being built. A result of this conception, and of intellectual strategies concerned only with rational actors, is that the phase of "liberalization" has only the role pf provoking the choice of either repression, or a political bargaining process. Civil society accordingly would be either repressed or must be demobilized. Demobilization is necessary if a barnaining process is to be successful. POlitical radicals or maximalists can be brought under the control of the moderates and continue to play a role in the negotiations, but the movements of civil society must be demobilized and reatomized.

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[1] That in Latin America and southern Europe, where the devastation of the civil sphere never equalled that under Communist regimes civil society did not to the same extent have to be created before the transitions.

To be sure empirically the full demobilization of civil society did not always occur during negotiation processes. But even more importantly, the new and increasingly strong actors on the democratic side were capable of making ans keeping bargains because of their previous political experience and socialization. Regime moderates who often had a great deal of voice in deciding whom to bargain with implicitly knew what I am talking about. They needed partners capable not only of social support but also self-limitation. Only elites emerging from civil society, whose party names usually testified to their origins, were capable of both [1].

Of course as the first Solidarity period 1980-1981 showed (though not conclusively) negotiations were impossible to organize without an adequate differentiation of political and civil society as Stepan first argued. And this differentiation meant also that elites and militants were pulled away from civil organizations ans into fledgling parties, thereby promoting an implosion of many of the movements that previously occupied the center stage. Moreover there were also conscious efforts at demobilization, which were very much intensified when the new elites took charge of economic policies of stabilization that they saw potentially threatened by access organized societal demands. Finally, with the upsurge of new ideologies, the new and specifically East European ideology of civil society had to compete with old ideologies revived from the past or imported from the West. The discourse thus followed the sociological regression : the elites that originally saw their action in terms of civil society stopped using the whole conception. I sould however note however that in Hungary at least the implosion of the old civil society organizations happened at a time when association building ans participation on the local level, stimulated among other things by the creation of democratic local government and small scale economic enterprise, reached new heights. The discourse too now spread to groups and strata who never saw themselves in these terms before.

c- Civil society as movement and as institution

It should be noticed that the concept of civil society has been recently used in two distinct senses ; to indicate a set of societal movements, initiatives, forms of mobilization and to refer to a framework of settled institutions (rights, associations, publics). One could use different terms altogether to avoid confusion. In <u>Civil Society and Political Theory</u> we chose however only a relative distinction to deal with the difference involved : civil society as movement and civil society as institution. We do this because the differentiation is a fluid one : mobilization always seeks at least some institutionalization as e.g. in the August 31, 1980 Gdansk accords and institutionalization is the precondition for new movements ans initiatives. Alain Touraine nicely captured this relationship in his distinction between historical ans social movements.

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[1] That in Latin America parties inherited from the past were often in place, and could play the requisite role.

For my present purposes it is important to stress this distinction, because it follows from it that demobilization is not automatically equal to atomization, to the obliteration of o politically significant civil society. Beyond reasons already mentioned demobilization of course follows from the life cycles of movements, from the relative achievement of their goals ans we should not lament this fact unless we long for permanent revolution or permanent mobilization. But the choice is ultimately not between permanent mobilization ans atomization (both are impossible) but levels and degrees of stability of institutionalization.

Institutionalization of civil society in the sense of politically relevant and relatively stable associations and publics is achieved by the following institutions and practices :
   a. guarantee of fundamental rights of association, assembly, speech, press, and coalistion, which in turn presuppose ;
   b. establishment of a legally operative constitution supported by the separation of powers especially independent courts ;
   c. institutionalization of a politically accessible and also relatively decentralized media of communication, relatively independent from both government and market ;
   d. political and economic decentralization, involving i. independent local and regional self-government and ii. possibility and facilitation of local ans small scale forms of enterprise ;
   e. acceptance and recognition of the operation of national ans international organizations (NGO's) and institutions dedicated to the monitoring and defenses of rights (ombudsman, transnational courts) ;
   f. the existence of channels of political consultation, and the creation and financing of specific political roles for civil society associations ;
   g. the constitutionalization of demacratic role for associations of civil society.

I cannot now discuss what should be relatived obvious, namely how these interrelated levels of instituuions and practices promote the institutionalization of civil society difined in terms of associations and publics. While I am convinced that some relevant fulfillment of criteria a. and b. leads to some level of institutionalization, only the fulfillment of most of the other criteria can lead to a high level of institutionalization.

On the other hand I also disregard the equally obvious point that associations and publics when established can promote further institutionalization, and thus the expansion of their own political role and influence. I strongly disagree with Dahrendorf's thesis, that the institutionalization of civil society will take incomparably longer than those of competitive political institutions ans market economy.

On the base of my study of the East and Central European cases, a relatively high level of institutionalization of civil society in the period of transition depends on several factors. One is again the politics of civil society before the transition since a pattern of participation establishes political norms ans organizational competence that can be called upon by an expanding circle of new organizations. Instituionalization depends in important part on the demands made, and expected to be made from below. But the relevant parts of the institutional design are

affected also by the power relations at the site of negotiation, and the ideologies shared by the participants. The more balanced the relations, the more actors will seek in context of future uncertainty a larger variety of channels of social participation ans delf-protection. But as Janos Kis rightly stresses, successful negotiations also presuppose relative consensus about the political framework of the future. This consensus can have various contents with respect to the level of institutionalization of civil society.

The Institutionalization of Civil Society and the Consolidation of Democracy

This relationship is difficult to examine because some the institutions that establish civil society are shared with those of democratic government itself. The minimal criteria a. rights ans b. constitutinalism are of course also the minimal criteria required for a transition to a constitutional demacracy or poliarchy (Dahl might insist on e. as well, namely relatively open and accessible media, but in light of international experience with both governmental ans commercialized that would be too demanding as a minimum condition). At the same time the latter has two additional conditions that are less directly related to the institutionalization of civil society : 1- the organization of competitive elections and 2- the design ans plausible operation of a machinery of government in the narrow sense quaranteeing some accountability ans responsiveness, as well as space for the functioning of a viable opposition.

My second thesis then is the following : under East and Central European conditions, the more developed the additional levels of the institutionalization (c. to g.), the more secure will be the democratic design of free and competitive elections and accountable government both in terms of stability and a given (hopefully) improving) quality of demacracy.

I would like to demonstrate (though not "prove") this thesis in relation to Hungarian experience :

1- legitimacy, channels of consultation, decentralization

Advocates of parliamentary sovereignty and radical economic stabilization agree in seeing societal demands as illegitimate, and as sources of fiscale strain. In Hungary the picture is relatively clear ; lack of consultation and political centralism can severely shake the legitimacy of governments in the sociological sense. In Hungary, during the first year of the first freely elected government disregard of interest groups and attacks on local autonomy led to a sever legitimacy deficit in the sociological sense. A culture of consultation and decentralization leads establishes political incentives for association building, but this is potentially a positive sum game in relation to governmental power.

2- unions and the problem of waiting

It is often assumed that the more the economic interests of the population are organized, the less capable the population is of waiting during inevitable economic contraction. The opposite is true. Hostile government action (based on the stated assumption) can lead to the weakening and fragmentation of unions, while it is precisely strong and unified interest representations that are capable of inducing their constituents to delay economic demands (A similar argument applies in the case of strong local government).

3- welfare and reconstruction of social services

It is erroneously assumed that full marketization is the only alternative to bloated, paternalistic centralized social welfare. Each of these options are now more or less untenable however, the first for political and the second for economic reasons. It might be extremely worthwhile to experiment with decentralized forms of solidarity and self help that may be able to utilize state funding in a more efficient manner than the traditional bureaucratic structures. Of course central funding must be coupled with national quidelines to avoid new inequalities.

4- public sphere and a culture of openness and criticism

The governmentalization of media not only blocks access to alternative forms of opinion, it also deprives government of needed criticism. Moreover, under formerly state socialist conditions only independent media can present the point of view of government in a believable manner. The victory of the Antall-Boross government in the electronic media war, contributed a great deal to its almost total political defeat in the elections of 1994. Open media are the precondition for the expansion of societal publics ; but as associational participation, these too strengthen rather than weaken government.

5- movements, civil initiatives, national ans international NGOs

Toleration of movements, civils inititatives ans NGOs acting wu-ithin the framwork of the rule of law is especially important because these can play an important role in the defense of and the struggle for all the components of the institutionalization of civil society. Indeed there are possible reversals in the area of democratic institutions (free elections ans accountable govenment) as well as recent events in Croatia ans Slovakia e. g. show. The importance of monitoring agencies like the Publicity Club ans civic movements like the democratic charter cannot be underestimated. Starting out in defense of free media, these institutions played a major role in blocking trends in Hungary toward authoritarianism, significant not because of popular support but because of the politics of the governmùent itself.

Finally an area needs to be mentioned where orientation to civil society can endanger democratic consolidation. Many (though not all) of the civic movements share an anti-political tradition and a hostility to parties that has now been often exacerbated because of the unenlightened policies of parliaments and governments. Nevertheless party systems in the very few countries where they are

now in place have played a very important role in the consolidation of democracy, specifically by making democratic compatible with the continuation of market oriented reform. This role actual or potential, can be endangered by fundamentalist or antipolitical versions of the politics of civil society. The answer however lies not in seeking to minimize this politics, but in creating incentives for its self-limiting versions. From the side of civil society the development of a culture and discourse of self-limitation will be needed to struggle for such incentives, and to take adventage of them when the opportunity presents itself.