

Discussion of the paper by K. von Beyme

VILLACORTA

I would like to address this question to both Professor von Beyme and Professor Elshtain. There seems to be a mystification of the concept of civil society, as if civil society can do no wrong, and I've some questions to raise. What if civil society abuses, and who defines the moral standards of unaccountability of civil societies? What if it becomes too powerful at the expense of its own good? What if civil society breeds anarchy, for example, if civil society is divided along ideological and ethnic lines which sometimes happens, and becomes self-destructive? What if certain people's organizations or associations composing the majority or winning over the majority ride roughshod over the minority? I don't know if we can cite here the experience of Germany in the thirties. What if some sectors, which happen to represent the majority, are manipulated, or worse, turn out to be fronts of vested sectors or of the state itself? Are we veering towards the postmodern way of life, which is iconoclastic towards all forms of traditional authority? Is there no longer a role for organized cultures, religions or value systems that are not necessarily sanctioned by civil society? Must traditional authority be always challenged or eroded? What if civil society comes up with certain value standards that conflict with those of the Church?

VON BEYME

This is a very pertinent question: whether even a civil society can do wrong. Unfortunately the answer is: yes, it can. Civil society in the tradition of Habermas and others is frequently defined as a society in which "new social movements" dominate society. We were accustomed to evaluate "new social movements" as progressive, such as the Catholic or the working-class movements in the nineteenth century. Heberle, the son-in-law of Tönnies, was the first to demonstrate that the Nazis, too, were a "social movement" of their time.

Normally we think no such detrimental new social movement can happen again because no organised mass movement terrorises the people in the streets. But small mobile groups of extremists frighten foreigners in some countries. The left-wing Jewish scholar Hobsbawm recently said: "I

am more frightened by the daily accidents with right-wing extremism than I was as a student in Berlin in the early 1930s. ... In 1932 we knew when a pogrom was planned because the SA organised it. Now it can happen every moment in an anomic and unexpected way". This statement is certainly an exaggeration. But it hints at the serious problem that violence without organised parties and movements is common even in more civilized "civil societies".

A second danger is the fragmentation of the groups in modern society. No "*verzuiling*" (pillarisation) of great groups takes place any more which patronises the individuals from the Kindergarten to the last unction or a socialist burial in a crematory. "*Liberal corporatism*" which still controlled the sub-systems is withering away. Modern societies are facing a post-modern variety of minorities. How far can the community go in controlling them? Black Africans in Europe are normally not punished when they mutilate their children by tribal scars. Only circumcision of girls is normally outlawed. Most civil societies at the end of the twentieth century are tolerant towards the symbols of ethnic or religious minorities. They face, however, the problem that the majority feels abandoned in the use of their symbols and values.

ZIOLKOWSKI

Professor von Beyme, as much as I like your paper very much indeed, I think on page 3 what you say about Eastern Europe is both cryptic and full of rather sweeping statements. I quote: "To develop a reasonable concept of civil society in Eastern Europe the intelligentsia needed to escape from being integrated into the state apparatus". This is true and rather obvious. You also say: "Moreover, the Eastern intelligentsia had to accept rigorous self-criticism in the time of Communist rule". This is only partially true. In Eastern Central Europe there were many activities in the 70s and 80s carried out by the intelligentsia – for example Czechoslovakia, Hungary and Poland. But then comes the most surprising statement. "The problem, however, was that dissenters among the Eastern intelligentsia, who had to accept rigorous self-criticism in the time of erosion of socialism, were devoted to the concept of anti-politics". Just the contrary. The main event at this time in Eastern Central Europe was the birth of "Solidarnosc" in Danzig in August 1980. It was the first independent trade union in the Soviet sphere of dominance, with eventually ten million members. The leader, Lech Walesa, was a worker, but from the very beginning he was surrounded by a host of members of the intelligentsia acting as advisers. The example of "Solidarnosc" was seminal. It pioneered a new kind of

politics in Eastern Central Europe – the politics of social self-organization aimed at negotiating the transition from Communism. The parliamentary election of June 1989 was partially democratic for the lower house (the Seym) and fully democratic for the Senate. Here the principle was very simple: the winner took all, and we took 99% of the vote. Parliament (particularly the Senate) was packed with eminent personalities – academics, writers, artists, journalists, physicians. The same was true of the three elections which followed. This is also true nowadays. A characteristic feature is that people in post-Communist countries have a good idea of how to run a democracy, even without first-hand knowledge and experience. Somehow, the knowledge is just there, as if innate.

VON BEYME

I was accused of being cryptic, so I'll try to make myself clear. The concept of civil society, developed by the critical dialectic Frankfurt school with its a political connotations was widely accepted amongst the anti-Communist intelligentsia of Eastern Europe. Many intellectuals entered politics after the peaceful revolutions, from Havel in Czechia to Plesu in Romania. In Romania the Communists, facing so many democratic artists and scientists, shouted in parliament: "Do you want to transform parliament into a theatre or an Academy?" Most of these democratic élites left politics after one legislature. Even Havel had a difficult job against the technocrats around Václav Klaus. The reason for this failure was that most torchbearers of civil society were apolitical and not used to political conflict. Moreover they were anti-economic. Sometimes in their latent anti-capitalism these new élites were still carrying on the values of former Communist propaganda.

ELSHTAIN

I want to respond briefly to the previous question and then to put a question. It has to do with a worry about whether, in fact, "civil society" is a term open to forms of misuse or abuse. Any powerful term is such that people will want to appropriate it to a variety of ends and purpose. It would be quite surprising if there weren't some problems with "civil society". We have to evaluate critically groups that claim the civil society mantle for themselves. Drawing upon Catholic social thought, subsidiarity, and the encyclicals of Pope John Paul II, one embeds in the hearth of one's analysis of civil society an ethical grammar that helps to constitute the idea of civil society itself. This means when you think of civil society you think of whether or not it promotes an ethical solidarity. Does this or does this not promote the dignity of persons? Immediately you can begin to sift out

those groups whose internal solidarity is based on hatred and animosity toward other groups and those whose is not. That leads to my question, Professor von Beyme: you argue that new social movements become good interest groups, and that what might start out as something rather amorphous or slightly chaotic and perhaps somewhat dangerous, if it persists over time experiences pressures that congeal it into an interest group form. One can certainly point out instances in which that is true. But that's not necessarily always the case. In the case of labour movements, for example, it's very clear that what they wanted was fair wages, social justice, other kinds of very specific goals, very specific ends. But contrast that to some of the contemporary so-called identity groups who don't have any specific political goals in mind. Some identity groups claim for themselves a certain standing in a way that precludes making common cause with other groups because that would dilute their own identity. Perhaps they are not candidates for the transition that you talk about.

VON BEYME

Most new social movements after a while turn out not to be so "new" after all. In the long run they behave like traditional organized interest groups. Even among those there were "promotional groups" without material goals such as the temperance movement in the United States or in Scandinavia.

New social movements are successful only with a capable leadership. Sociological theory speaks even of "*entrepreneurs*" who are needed as much as money and communication channels in order to organise a durable organization. These movements, moreover, are successful only in alliance with traditional groups, such as churches or trade unions.

ZACHER

I'm coming back to your remarks on governmental leadership. You described governmental leadership as diminishing, and I would like to ask whether that is a normative standpoint or a describing standpoint. I think what we have to want is a balance between the governmental leadership and the network of intermediary structures. I agree that the stronger and the more comprehensive the network of intermediary structures is, the more difficult is governmental leadership. But there is no replacement for governmental leadership for the whole of the commonwealth.

VON BEYME

As an empirical scholar I do not trust the generalisations to the effect that the media set the *political agenda*. They only reinforce attention on certain issues and movements. In a modern democracy – as I have tried to

show in a study on the key decisions in Germany since Adenauer – the agenda is normally set by the coalition parties.

In the second decision-making phase a network of different actors is prevalent. The American “*cosy triangle*” (deputies, interest group leaders and bureaucrats) in Europe is frequently enlarged to an “*uncosy pentangle*” (including party élites and territorial units). The agendas are treated differently if the issue at stake is “*recognition*” of “*distribution*”. In the latter case *log-rolling* and compromises are possible. In the first case “*tutto e subito*” is frequently demanded. This is one reason why so many symbolic laws are passed, as in the field of environmental protection. The famous German law on “emissions” of 1974 proved to be meaningless. Only decrees, substantiating the symbolic formula, made it possible for such a key decision to be partly implemented. Many organised groups did not boycott these laws in the stage of making because they thought they were mere “bla bla”. But the same groups became very active at the moment when the details were regulated in government decrees.

SCHAMBECK

Wir müssen uns einigen und von einem Staatsbegriff ausgehen. Für mich ist der Staat der dem Einzelmenschen und der Gesellschaft übergeordnete Herrschaftsverband, der Höchstfunktionen erfüllt. Deutlich können wir sehen, daß es im intermediären Bereich über die klassischen Interessenverbände und die politischen Parteien, die vor allem ideologisch und weltanschaulich orientiert sind, hinaus in den letzten Jahren neue Gruppierungen gibt, die bis zu Alternativszenarien reichen. Mit der klassischen Vorstellung der Repräsentanten organisierter Interessen alleine kommen wir nicht aus!

Es gibt neue Kräfte, die im vorparlamentarischen und im präkonstitutionellen Raum Fakten gesetzt haben, von denen man sagen kann, daß die normative Kraft des Faktischen hier wirkkräftig geworden ist. Wir fragen uns: Welche Konsequenzen ergeben sich daraus für Mittel- und Osteuropa in der neuen Ordnung Europas, die ohne das Wirken von Papst Johannes Paul II. nicht möglich geworden wäre?

Bei diesem politischen Wandel möge man aber nicht übersehen, daß vielfach das politische System geändert wurde, aber die Beamten in der Verwaltung und die Richter in der Justiz die Gleichen geblieben sind und es daher oft nicht leicht ist, die Glaubwürdigkeit des Staates mit diesen Personen zu begründen.

Letztlich müssen wir uns fragen: Was bietet diese politische Entwicklung dem einzelnen Menschen, der sich in dieser repräsentierten Gesellschaft oft nicht eingebunden, sondern ausgeschlossen fühlt?

Und hier müßte man sich fragen: Welche Möglichkeiten haben wir, die Menschen mit einzubinden, daß die Demokratie so erfüllt werden kann, wie es im österreichischen Bundes-Verfassungsgesetz steht, wo es im Art. 1 heißt: "Österreich ist eine demokratische Republik. Ihr Recht geht vom Volk aus"? Und was kann getan werden, damit man in keinem der Völker, die wir hier vertreten, den Eindruck haben muß, es wäre das Recht am Volk ausgegangen?

BETANCUR

There's still a sort of a gap between what Professor von Beyme has said and what has been mentioned by others. We reach a point where the void in leadership leads us to try to find some type of intermediary position between the state and civil society, but what happens is, and if we look at Latin America, Professor, we don't want that intermediate space, because the state is contaminated, sort of polluted, and you have a civil society which is innocent, and if we were in the intermediate area, if we were in the middle, then we would be contaminated or polluted by nearness to the state. Now, this is something which happened many years ago.

Now, after this visit we went back to Latin America and, since we didn't want to go along with this intermediary solution because we felt as if we were walking along a precipice, on the blade of a knife, we thought it would be a good idea to set up schools where we could train leaders, and between these various schools we tried to set up an Institute of Leadership, and I am the President of that Institute of Leadership. Now, obviously this is not something that is decided by decree or resolution, but as of the 1st of May the leaders of a given country will become leaders, just like that. That's not easy, it takes a long time, it's a very progressive type of maturing process, and the Institute is working and we are preparing and training people, but since these leaders are not ready yet, or trained, yet, in the election for mayors and governors that was held under my Government we began to follow the work of these governors and mayors who were elected according to the popular vote and we established prizes for, for example, the best mayor after three years in office, or the best governor, and those who were chosen to receive the prizes were chosen as politically important figures, to attract the attention of people to them.

NOJIRI

Thank you. Yes, in connection with the discussion, now I have two problems. Firstly I would like to know the difference more exactly between the conception of civil society in the Anglo-Saxon world and that of

bürgerliche gesellschaft in the German-speaking world. Has *bürgerliche gesellschaft* in Germany not always been positively viewed, as was so in Hegel. Is *bürgerliche gesellschaft* not a society to be overcome? In fact, a democratic civil society does not always function effectively. For example, under the pressure of strong pressure groups, the task of the state or governments is forced to increase more and more, eventually resulting in financial bankruptcy, and in other harms. The social strata who cannot assert themselves encounter various difficulties. Here emerges the so-called “new poverty” (*neue Armut*).

And, secondly, I would like to know more exactly what is it that you call the new movement in the intermediate society. I think the new movement is to be seen above all in the rapid increase of NPOs, non-profit organizations. What do you think about this?

VON BEYME

A new social movement is normally defined as “non-economic”. But this is only part of the truth. It is normally unideological, restricted in the issues it deals with, and has a floating group of supporters but no membership and membership fees.

The first question you asked hints at the fact that there are two concepts of civil society. The more statist and corporative Hegelian tradition of civil society in the sense of Locke and the American founding fathers was more society-oriented and remote from the étatist absolutism of Continental Europe. The Church unfortunately, in the phases of corporatist thought, was close to the semi-étatist models.

A modern balanced view would stick to a triangle in which three values “*l’homme*” (individual rights), “*citoyen*” (civil rights) and the “*bourgeois*” (rights of the economic and selfish individual) are in a certain balance. The East European peaceful revolutionary movements underrated the “*citoyen*” in their political thinking and mostly disliked the “*bourgeois*”, which proved to be a mistake in building a market-society.

In many developing countries there was an imbalance between the three pillars of civil society – from the Peronist movement in Argentina to the Solidarity movement in Poland.

Germany as the major example of statal discontinuity has shown how stable the organizational patterns in history can be. Five regimes in the twentieth century, but the centralized big machines – as a counter-reaction against the political fragmentation of the political arena – have been preserved throughout these systems. This makes it likely that the torchbearers of the new social movements and their political branch in the Green parliamentary

group will not be able to change the rules of the game. The Green leaders – initially wearing gym shoes – in 1998 took their oath in parliament wearing proper dark suits and a ties. The Socialists in Germany or the Irish party in Britain organised for half a century filibustering and obstruction. Today new social movements are integrated into the rules of the game after a decade.

The last point Professor Schambeck made, when he put blame on administrators and judges, I will challenge. It is not a *captatio benevolentiae*, because a judge is chairing this meeting, when I contradict this point. Judges no longer represent a blind “*justitia*”, but predominantly perceive their role as social mediators. The same applies to modern bureaucrats who no longer stick to mere “rule application” but act in a kind of “*social engineering*” way because otherwise the “implementation” of many laws with good intentions would be impossible.