1. Some Conceptual Considerations

1. The concept of civil society is part of that tradition of modern political theory and practice that are based on the spirit of division, control, and limitation of political power which are not centered exclusively on the state, but are an important segment of a politics based on interdependent processes of state democratization and social participation, i.e. civil activism. The ideal-typical model of constitutional democracy, or the rule of law, is inseparable from the idea and practice of civil society. In other words, the ideal-typical model of constitutional democracy is inseparable from the ideal-typical model of civil society. We could speak of a bipolar paradigm of constitutional democracy (the liberal-democratic order, the rule of law) and civil society.

The basic meaning of this bipolarity is the following: the preconditions for the functioning of limited power should not be reduced to institutional political and legal regulation. Constitutions and constitutional guarantees of human rights, constitutional judiciary, party pluralism and active opposition, division and mutual control of the three branches of power, free elections, ombudsman and other institutional arrangements, though necessary preconditions, are not in and by themselves a sufficient ground or guarantee for the functioning of constitutional democracy. Additional factor for getting that sufficient ground is the civil society.

In current liberal-democratic literature, which insists on the spirit and practice of the division of social power, the focus is on an interactive and complementary relation between the field of state power and civil society: political power actors are under constant pressure and obligation to respect legal and institutional arrangements, to protect rights and liberties of
citizens, while on the other side civil actors – acting within the framework of protection of human rights and legal guarantees for their associative action – equally have an obligation to respect the law, i.e. the obligation of loyalty to the power which has passed the test of legitimacy. More simply put, the partnership is assumed between state power and civil society. This partnership may mean taking over certain services and social affairs by civil actors; it means control and counterbalance to power; it may also mean manifestations of civil disobedience. Within this understanding, civil society is a counterbalance to the state power and the political field: with respect to the state – to keep it from turning into a dominant force, from encroaching upon the autonomy of society; with respect to the political field – to prevent it from breaking free from citizenry, from closing unto itself and instituting the relation between (political) elites and masses as the basic one. Civil society is also a counterbalance to its own corruption: to a degeneration of the autonomous personality into a depersonalized particle of a mass, of the free public into a manipulated one, of civic associations into associations and movements that are retrograde in civilizational terms.

The relation between state and civil society assumes that without a well-ordered state there are no guaranteed rights that enable the functioning of civil society. On the other hand, civil society is a continuous potential critique of any possible attempt on the part of the state (in line with the intrinsic logic of any power, i.e. the logic of expansion) to turn into a dominant force. Civil society is the social basis of a democratic order.

2. As above mentioned, the concept of civil society is an ideal-typical notion, involving both empirical elements recognizable in social practice, and evaluative and utopian elements referring to an ideal (a demand, an 'ought to', a criterion of evaluating what is, as well as a guide and motive for improving it).

John Keane defines civil society most explicitly as an ideal-typical category: 'Civil society, as I used the term and still do, is an ideal-typical category (an Idealtyp in the sense of Max Weber) that both describes and envisages a complex and dynamic ensemble of legally protected non-governmental institutions that tend to be non-violent, self-organizing, self-reflexive. And permanently in tension with each other and with the state institutions that 'frame', confine and enable their activities' (Keane, 1998: 6).

Lewis also speaks of the bipolar nature of the concept, of the civil society as an analytical construct and a policy instrument, i.e. a prescriptive instrument for policy makers. He argues that this concept is fruitful in both dimensions for the promotion of democratic institutions and autonomy of society in the West. Also, it is increasingly becoming fruitful for policy making in the Third World (especially in Africa), in the sense of encouraging the development of an active
Generally speaking, civil society is the active and communicable field (public field) where discontent stemming from the private (individual and family) and collective life (concerning education, health, housing, environmental protection, work...) is articulated according to the main liberal-democratic values and human rights standards. In other words, the autonomous personality responds to the dissatisfaction with an existing state of affairs through its individual behavior (“the private is political”) and through collective action based on the principle of publicity and associativity (in new social movements, local self-governments, various forms of civil disobedience...). This is the field of non-institutional politics, or the intermediary field standing between the individual, family, society in general, on the one hand, and the state and institutional politics, on the other (Pavlović ed. 1996; Vujadinović 306).

Analytically and descriptively speaking, civil society connects civil rights, civic associations and the public sphere into a single field. Civil society acts as a horizontal network of human relations characterized by: direct communication, neighborly and local solidarity, spontaneous and/or voluntary self-organization, non-political, non-class, and non-profit collective action.

In a normative-mobilizing sense, civil society has the function of mobilizing citizens to the defense of personal, political or social rights, guided by the values of freedom, equality, justice, and accompanied by the development of a democratic political culture of solidarity, cosmopolitanism, pluralism, tolerance, non-violence and humanitarianism.

The ideal-typical category of civil society so far is, in one of its aspects, a normative positive concept oriented towards an affirming the liberal-democratic project, or constitutional democracy. The normative concept is important – even in the developed liberal democracies – as a criterion and guide for controlling/counterbalancing power, on one side, and as a self-corrective for civil society itself (as a counterforce to populism, deviations within civic action, retrograde simulations of civic action), on the other.

In this paper, the view is defended that the normative dimension of the ideal-typical category of civil society is especially significant for those countries which fight against authoritarian and totalitarian regimes as well as for the countries in transition – in which the rule of law (consolidation and institutionalization of democratic order) has not been established yet. This refers to the Central and East European region as well (including Serbia, Montenegro and Croatia).

public sphere, voluntary associations (predominantly for fighting famine, illnesses, draughts...), the establishment of media institutions, market economy and the formation of “good governance” (Lewis, 2002).

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3. The achieved level of civil society is always – within its original formation in the West as well – a process, continuously being tested and perfected. Civil society is an open concept and practice, a task never completed and never safeguarded against steps backwards, a contradictory process and potentially a continuous struggle within itself and with the political power.

Civil society is always threatened when a democratic public sphere turns into a manipulated one, when the civil society-state paradigm is replaced with the (leader)elite-mass paradigm, or when the competition among interest groups, more or less democratic movements, parties and ideas is replaced with a cleavage between democratic and national ideas and movements, when the order regresses into an undemocratic one, when the institutions of the system get criminalized and corrupt, with para-state 'institutions' of violence acting in parallel with them, or above them.

4. The concept of civil society has experienced the well known historical genesis inside the Western culture but also the important modifications and widening of its usage in a contemporary world.

The definition of civil society in the framework of the bipolar paradigm is part of the process of revival of theory and practice of civil society in the Western liberal-democratic countries, starting with the 1970s, related to the crisis of the welfare state (or the neo-liberal state in Japan), to the legitimacy crisis caused by the Vietnam War, oil and economic crises, emergence of anti-war, feminist, and environmentalist social movements,... At the same time, the definition of the bipolar paradigm was doomed to a necessary relativization and modification, in accordance with the fact that the concept of civil society over the past decades has been simultaneously revived and has flourished in parts of the world which do not fit in the ideal-typical model of constitutional democracy. It happened in marginal spaces of the Western civilization (taken in its broader or maybe even conditional sense) – in the countries dominated by the Soviet power; and also happened in some countries of West Europe (Spain,...), and of Latin America (Argentina, Brazil,...) which fought dictatorial regimes, as well as in neo-colonial countries where institutional liberal arrangements, adopted under the dictate of colonial powers, had taken somewhat firmer hold (India,...).

However, the concept of civil society becomes attractive for political discourse also in parts of the world that are in every respect far removed from the implementation of the liberal tradition. In addition, the concept of the global civil society is increasingly prominent in political theory. The ideal-typical category of global civil society has been related to the processes of widening and deepening interconnections, associations among individual and group actors in the world context, while it also contains normative-
mobilizing elements referring to what-ought-to-be the life of the global community in accordance with the democratic principles.

1.1. Civil Society and Everyday Life

Everyday life, where private and public experience, family life and different aspects of social life intersect, represents at a pre-political level – if functioning as the field of socialization of an autonomous personality type – the prerequisites for the establishment and development of civil society.

For the emancipatory potential of civil society and for its permanent democratic reconstruction it is of the utmost importance that the individual is formed as the autonomous personality, above all in the family and in everyday life. On the other hand, since within everyday life of each individual, through his/her personal experience, the influences of all spheres of social life are reflected, civil society resonates with all spheres of social life – family, everyday, economy, education, science, culture, media... – insofar as these are autonomous from the sphere of institutional politics, insofar as they encourage the development of free personality, and insofar as they promote universal human values and the democratic principles of solidarity, tolerance, humanitarism, etc.

Like everyday life, in modern society family and gender relations are structurally contradictory, and specifically determined by the conflict between the patriarchal tradition and the tendencies of its destruction. The growth of the emancipatory aspect of family life and gender relations is essential for the establishment and development of civil society. For, if up-bringing and the value system promoted in the family are based on universal human values, on anti-authoritarianism, anti-collectivism, anti-nationalism, etc, the road is open to the formation of autonomous personalities, of equal gender and parent-child relations, and therefore also to civil society development. And vice-versa.

In this paper, the view is defended that the emancipatory potential of everyday and family life is of an utmost importance for the prospects of civil society development in the countries without established liberal-democratic order, including the Former Yugoslavia.\(^3\) There is also supposed that the

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\(^3\) In former Yugoslavia, after the World War II, and particularly since the 1960s and 1970s, a peculiar intertwining of elements of the Western and the Eastern models of modern society was going on. In the sphere of family life and in the development of needs and capacities within everyday life, i.e. in the sphere of education, culture, communications, etc, there were some emancipatory shifts and stimulations to the development of individuals as free personalities. Everyday and family life acquired relative autonomy from the prevailing communist worldview and order, and thanks
distruction of already achieved standards of living (destruction of the society) during the bloody break-up of the Former Yugoslavia was extremely counterproductive for the future prospects of civil society development in most of the countries formed after the break-up of the common country.\(^4\)

2. Civil Society in Central and South-Eastern Europe

In this part of the paper, five theses will be elaborated. They are considered as relevant for the main argument presented in the last section of the paper.

1. In countries of ‘real-existing socialism’ the rudimentary elements of civil society existed prior to the transition towards liberal-democratic orders, to the significant rise in social standards between the 1970s and 1990s they achieved relatively high level of civilizational and qualitative development.

Thus, the spheres of non-political and pre-political life opened a certain space to individuals for the development of their autonomy, creativity, initiative, forming thereby the basis for the possible future civil society and genuine democratization. Emancipatory shifts have been particularly evident in urban settings, among better educated and younger people.

The beginnings of civil society were evident in the form of new social movements, expressing civil resistance and disobedience, although considerable political-legal obstacles were blocking the full promotion of civil action and the identity of the citizen.

With further straining of the crisis in economic, political, interethnic and interrepublican relations, and especially with the growth of nationalisms and the disintegration of the country, the characteristics of local communities shifted considerably in the direction of suppressing and annihilating the already embraced democratic influences of the West, with the corresponding radical ethnicizing of politics and politicizing of ethnicity. The communist-type political voluntarism (imposed cosmopolitanism), which deliberately neglected and suppressed democratic solution of problems of ethnic plurality now turns into the political voluntarism of the national (republican) elites which abuse the frustration of the nations and instigate mass irrational behavior of ethnic entities and hostile confrontation of different nationalisms.

With the outbreak of the war – in Serbia in one way, in Croatia in another – a much more drastic and civilizational destructive variant of the “dictatorship over needs” comes onto the scene than was the one present in East-European “real-socialist” societies. It is a paradox that this new, extremely retrograde and pathological variant of the “dictatorship over needs” – ethnicizing of everyday life – has happened precisely in the area of former Yugoslavia, where this Eastern model was the least obvious and the least rigid.
i.e. they represented an important factor in toppling communist governments as ‘extended hands’ of the Soviet empire. 2. Civil society was developed in a rudimentary form in the former SFRY as well. But in spite of the greater openness of this country to the West, there was, paradoxically, a greater democratic deficit compared with other countries of ‘real-existing socialism’, with brutal consequences of a bloody disintegration. 3. In analyzing the development of civil society in transitional countries it is methodologically fruitful to distinguish between the process of transition to, consolidation of, and institutionalization of the new regime. 4. Civil disobedience is a significant component of the struggle of the civil sector for ousting authoritarian regimes in countries of the former ‘real-existing socialism’. 5. Where democratic regimes have not yet been fully established, the normative dimension of the ideal-typical category of civil society necessarily prevails over its empirical/descriptive dimension. Hence its importance for processes of transition to, consolidation, and institutionalization of a liberal-democratic order in Central and South-East European countries.

1. In the countries of former “real-existing socialism”, which pertained to modern society in a perverted fashion, the eminently modern paradigm ‘legal state – civil society’ did not function. Or, more precisely, there was neither the legal state nor civil society. Unlike liberal-democratic Western countries, where the legal state and civil society act (more or less successfully) so as to complement each other, in states of former ‘real-existing socialism’ the elements of civil society had been established before the legal state, albeit in a reduced and inchoate form. In a way, they were a precursor of and encouragement (as a social base formed in spite of and against repressive regimes) to the transition of these states to liberal-democratic orders. This applies, first of all, to some Eastern Bloc countries – Poland, Hungary and Czechoslovakia – where ‘real-existing socialism’ was overcome thanks, among other things, to a well-formed liberal movement (the initial elements of civil society), that is, where ‘real-existing socialism’ did not just implose due to a given concrete-historical constellation (the Fall of the Berlin Wall and the lack of readiness on the part of the Soviet leadership to use military means to prevent either the ‘implosion’ or the ‘overcoming’ of ‘real-existing socialism’ (Zbornik Instituta za filozofiju ed. 2001, Vujadinović, 335).

The peculiarity of the revival of civil society in the countries of former ‘real-existing socialism’ concerns the attempts to reconstruct society from below, through (dissident) social movements which preceded political pluralization and the emergence of many parties. On the other hand, soon after the change of political regimes political parties pushed these social
movements completely away from the political scene, while the non-governmental sector underwent significant development (with both negative and positive features, measured from the perspective of building civil society in transition countries in the globalizing context). The dilemmas and challenges of the first steps of pluralist democracy – where issues such as reprivatization of property, freedoms and rights of citizens, free political and interest association, independent press and the mass media, autonomous trade unions, autonomy of the university, status of the churches, etc. are in the forefront – are most intimately connected with the complex of civil society and its genuine establishment. Insofar they are a permanent potential for theoretical and practical revival of the ‘civil society-rule of law’ paradigm in Central and Eastern Europe.

2. ‘A brief comparison between Yugoslavia and other socialist countries may help us understand the paradox mentioned above. Starting from the question of character and autonomous capacities of civil society in the socialist countries of Central and Eastern Europe, we may identify a fundamental difference between ‘real-existing socialism’, on one hand, and Yugoslavia, on the other. Following the insights of some of the most prominent Central-Eastern European dissidents (e.g. Jacek Kuron, Adam Michnik, Vaclav Havel, Janos Kis, Gyorgy Konrad), we can argue that in the Soviet-type societies, especially in Central Europe of 1970s and 1980s, there existed a kind of tacit social contract between the regime and its subjects. The regime did not demand that subjects really subscribe to the official ideology – the demand was only that subjects pretend to have accepted this ideology. Such conditions of collective, state-controlled schizophrenia, in which appearances served as the main pillar of living together, are arguably best analyzed through Havel’s famous phrase of “living in a lie”. Since most subjects entertained no illusion as to the true nature of the regime, it was possible to start developing alternative forms of social life, known as a parallel polis, or simply as ‘living in truth’. In academic terms, what we have here is a re-conceptualization of the old, almost forgotten Western concept of civil society. Consequently, when the subjects’ obligation to pretend to take the official ideology seriously disappeared, that is, when the tacit contract was breached, a developed alternative was already there. The experiences of the change of regime in 1989 show that the relevance of this alternative must not be underestimated, although its reach in times of communism had been quite limited. A somewhat paradoxical conclusion might follow: the regime that had originally aimed at being as complete a suppression of individual autonomy as possible, fell victim not only to a particular historical constellation, but also to the autonomous capacity of its subjects to preserve an alternative form of social life.
On the other hand, as already said, Yugoslavia was really more exposed to values of ‘open society’ owing to the character of its political order. So, the first intuition is that political culture in this country was much closer to civilized standards than in other socialist countries. What went wrong then? How can we explain the tragic fact that the vast majority of people in what used to be Yugoslavia so easily accepted anti-civilized, retrograde values of extreme nationalism, instead of turning to those civilized values that already existed? The answer might be based on two insights. Firstly, the non-negligent attitude of Yugoslav subjects meant that many of them did genuinely accept the official version of socialism they were offered. The social contract was therefore different: the regime was predominantly successful in commanding uncoerced loyalty. Hence it asked its subjects to sincerely accept its ideology, guaranteeing in exchange a wide range of privileges. But, in turn, these privileges were widely perceived as products of the regime itself, and not as abstract universal values. Secondly, it must be kept in mind that nationalism was a systemic part of Yugoslav socialist ideology, meaning that nationalist ideology was carefully prepared and structured by the Communist Party throughout its uncontested rule. The peculiar blend of socialist and nationalist ideologies was more evidently formalized in the last (1974) Constitution of socialist Yugoslavia.

As a result, nationalism was given free reign to permeate value orientations and political culture. So, a tentative conclusion may be that the civilized values we had been exposed to failed to take root in social and political life and to change essentially the existing authoritarian political culture. This failure was due to: 1) the appropriation of these values by the regime, and their presentation as socialist values, and 2) the development of nationalism, which by the time of the crisis and state break-up had already imposed its de-personalizing, collectivist values (compatible with the dominant authoritarian political culture) on a substantial portion of the population.

The constitutional framework of nationalist socialism established the basis for the future radical ethnification of politics and politicization of ethnicity, the ultimate consequence of which was the break-up of SFRY. Fully liberated by the break-up of Yugoslavia, the ideology of exclusivist ethnic nationalism, based on the ‘one nation, one culture, one state’ triad (Gellner), resulted in national and cultural differences growing into hostilities. Thus, in the post-Yugoslav context, nationalism acted as an instrument for activating and mobilizing the relics of tribalism for political needs and purposes. Hence it revived the simulacrum of the alleged eternal animosities and hatred, lending it certain legitimacy. This is the background
of the so-called tribal nationalism and of the brutality exposed in the wars in the territory of what had been socialist Yugoslavia. It is in this context that one has to look for an answer (which, of course, would demand a more detailed elaboration) to the question of why, in the former Yugoslavia as well as during its break-up, emancipatory potentials of social and political life actually failed to develop and anti-civilizational, extreme nationalism prevailed, the destructiveness of which was expressed in the cruel wars from 1991 to 1999.’ (Vujadinović et al ed. 2003, pp. 13–16)

3. Speaking of our third thesis, we follow Victor Perez-Diaz who writes about the necessity for considering and accommodating the concept of civil society within its specific context. In other words, he distinguishes between the original meaning and its origins in the Anglo-Saxon liberal word, in “civil” or “republican” traditions, and the meaning of civil society in countries in transition. The author distinguishes a broader, or original, concept of civil society, applicable to advanced liberal democracies (civil society sensu lato), from the same concept taken in its more restrictive sense and related to countries seeking to move from totalitarian and authoritarian regimes into a democratic order. On civil society in countries in transition, Perez-Diaz writes: “It may be argued that the development or emergence of civil society in the second sense within an authoritarian or totalitarian regime prepares the way for its transition to a liberal democracy and a full-fledged economy, and thereby to the full establishment of civil society in the first sense’ (1998, p. 56). Further on, drawing on Linz, the author speaks of making a distinction between the processes of transition to, consolidation of, and institutionalization of the new regime in the context of changing an authoritarian or totalitarian regime into a democratic one. These distinctions have had a distinct importance from the perspective of the development of sensu lato civil society: “Empirically, the three processes are interrelated: they are not consecutive phases of a temporal order, but rather they overlap one another. In the process of transition, the basic rules of the game (and this is what a political regime is all about) are established, both within the political class and society at large. These rules concern chiefly the limits of state power, the means of access of both politicians and society to that power, and the modalities for the exercise of such power.... This process should be distinguished from that of consolidation of the new regime, at the end of which there is a widespread expectation that the regime is going to stay, and its basic rules will be respected, since there is no credible threat to its existence, whether from a foreign invader, the army, guerilla movement, a social revolution, or opposition parties.... The process should also be distinguished from institutionalization of the regime, at the end of which it is
recognized as legitimate in the eyes of most of the population most of the time, and the basic rules of the political game not only prevail de facto but have been internalized by both politicians and society” (Ibid., pp. 3–4).

4. Civil disobedience is an extreme manifestation of civil society. It shakes the state and society thoroughly, for the sake of reexamining and reestablishing relative stability at a higher level. Its general meaning lies in the legitimacy of public mass protests and movements, non-institutional pressure within the liberal-democratic order, so that certain inadequate legal solutions or misplaced law enforcement may be questioned from the perspective of the constitutional guarantees of human rights, and brought into line with the constitution. This is a corrective role of mass pressure on the bearers of legislative and executive powers, so as to prevent them from breaking the constitution. However, civil disobedience in the case of undemocratic regimes has a specific role of opposing the existing legal-political ‘order’ from the perspective of the (desirable) constitutional democracy.

The case of Serbia before 2000, an example of unconstitutional regime, shows that civil disobedience as an extreme expression of civil action is a most powerful source of shaping a political culture of resistance, based on non-violence and the principles of the rule of law, constitutional rights and democratic legitimacy. This culture of resistance involves a refusal to accept the existing ruling order and ethnic nationalism, as well as resistance to war, militarization of society, and the militant frame of mind. This political culture of resistance represented the main field of shaping civil society, i.e. of delegitimating both the given order and the destroyed community.

Civil protests in Serbia, particularly the one taking place in 1996/97, were by their immediate motives an eminent expression of civil disobedience – a revolt against the violation of electoral will and electoral rights regulated by the constitution. However, by its genesis and substance, i.e. contextually, this protest (like all forms of expressing civil disobedience during the past decade in Serbia) was much more than that: it was a demand to reconstruct both the state and society, to change the order and regime, to modify radically the type of public and political culture.

5. Concerning the fifth thesis about the prevalence of the normative-mobilizing aspect of civil society in the transitional countries, there is a possible objection that the dominantly normative approach is ‘too demanding’, or even ideologically coloured. We may respond that this feature – rightly or not – stems from the democratic deficit characterizing societies in transition. Here the concept and practice of civil society are posited primarily as a paragon, a standard, a task, an ‘ought-to’, oriented
towards building democratic political culture, towards forming autonomous, conscious citizens ready to self-organize in order to defend human rights in a situation when they are objectively threatened, and to exert pressure on the institutions to transform themselves into democratic ones in accordance with the ideal-typical category of constitutional democracy. The normatively-mobilizing accent within the ideal-typical category of civil society helps to make the necessary steps from transition to, to consolidation and institutionalization of the new order.

4. Obstacles and Prospects for the Development of Civil Society in Croatia, Serbia, and Montenegro

4.1. Political culture

The patriarchal political culture, traditionalism and orientation to the past – with significant potentials for mystification and abuse of historical memory – are the chief obstacles, or the basis for all obstacles, to the development of civil society in Serbia, Montenegro and Croatia. This comparability or similarity of relevant phenomena and obstacles to the development of civil society has the roots in the common history during the First and the Second Yugoslavias, as well as in the weak forms in which the modernizing processes have been embodied in the dominant patriarchal heredity of the region.

The ‘...years of separate post-Yugoslav histories have created many special political, social and cultural features in each state, but obvious similarities related to the democratic deficit in each of these countries (particularly in Croatia, Serbia and Montenegro) have also demonstrated how important their shared political heritage is, especially concerning political culture. Living together in the first Yugoslavia (1918–1941) and especially the homogenizing role of the communist ideology and regime in

the second Yugoslavia (1945–1991), resulted in relatively similar starting positions for the five new states that emerged in 1991–1992. During more than seven decades of common life, all the Yugoslav nations, cultures and regions underwent certain processes that, to some extent, generated similar experiences. (The short but traumatic experience of the breakdown of the Yugoslav state during Second World War should also be kept in mind). In the 1950s an 1960s, communist nationalization of the means of production, anti-democratic institutional and political innovations (including significant “legal nihilism” that was constantly giving priority to “socialist revolutionary principles” over the principle of legality) and permanent ideological mobilization resulted in the creation of a specific communist authoritarian political culture, which relied on – but at the same time reshaped, strengthened and developed further – the pre-modern, authoritarian-patriarchal heritage. This new political culture was characterized by non-democratic and even latently nationalist value orientations and attitudes, combining them in a contradictory manner with modern cosmopolitan value orientations and attitudes.

What does reference to the internal contradictions of the socialist political culture in the former Yugoslavia indicate? We have to bear in mind that during the 1970s and 1980s some important social changes produced at least the seeds of a new “world-open” political culture, a somewhat modernized everyday life and market-oriented attitudes, as well as a modest but not irrelevant subculture oriented to human rights. Nevertheless, the aforementioned cultural steps toward modernity and the promotion of liberal-democratic values were reluctant and half-hearted, failing to crystallize into a serious opposition to the regime. The bloody break-up of socialist Yugoslavia could be read as the ultimate proof of the impotence of these liberal and modernizing trends and their actors (of course, this is not to deny the decisive role of the communist regime in the break-up). A country regarded as the least undemocratic in the socialist world went to war, instead of moving towards a peaceful resolution of the strained relations between the federal units and their citizens.’ (Vujadinović et. al ed. 2003, Vujadinović p. 14)

The former Yugoslavia was marked by the authoritarian character of the communist nomenclature’s rule and political culture, but also by elements of the autonomy of certain social spheres. This autonomy could not generate a socially and politically relevant civil society because various forms of “metaphysics of the nation” (generally, nationalism or ethnocentrism) prevailed even in autonomous spheres of social life (literature, art, science, culture, partly commerce), which acted as important generators of a negative synthesis between traditional nationalism and conservative Bolshevism. This
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On the relation between political culture, authoritarianism, and democracy in Croatia Ivan Šiber writes: ‘Faced in the near past with the tragic events in the process of establishment of new nation states in the territory of the Former Yugoslavia, as well as with the fact that many democratic institutions (regardless of the quality of certain formal legislative solutions) simply function poorly, we often look for an explanation in the human factor, in the lack of democratic tradition, and consequently of democratic political culture, as well as in the dominant authoritarian personality structure in the population... The fact is that in times of immediate change of the political order people were seeking security in black-and-white judgments, in group identity, in a powerful leader. At the same time, they were looking for a socially approved object to transfer their aggression of accumulated frustration. In various countries the former, communist governments were being replaced by social movements based on nationalism, religion, or simply anticommunism... Empirical studies indicate that authoritarian evaluations, involving the same features as in research done in other countries, were clearly present in the territory of former Yugoslavia until 1990 and in Croatia after 1990: the greater the authoritarianism, the greater intolerance towards others, the wider the selection of rightist (nationalist) parties, the greater religiousness, inclination towards tradition etc. One could primarily speak of the so-called perceptive authoritarianism, i.e. the form of evaluation and behavior adopted through the process of socialization in a traditional environment dominated by parochial political culture... The development of democratic political culture as well as the change of authoritarian conscience requires time and a process of political resocialization (Vujadinović et al. 2004, Šiber).

This is how Zagorka Golubović discusses the issue of political culture in Serbia: “‘Ruralization of cities', 'folklorization of urban culture', as well as paternalization of social institutions took place in the process of industrialization, in the course of the transition from traditional, peasant society to totalitarian order in Serbia after World War II. The authoritarian principle of subordination of individuals to the political elite was dominant, excluding the possibility for the constitution of citizens as social subjects. The predominant political socialization choked the ‘ego’ and enhanced the role of the ‘super-ego’ (of a leader, party, parents), failing to enable individuals to struggle for their human and civil rights... After the change of October 5, 2000 in Serbia, ‘the awakened citizen’ has made only the first step in the direction of
his/her liberation. However, individuals no longer accept the status of a mere subject. It is also noticeable that the authoritarian political culture of the previous period has not changed significantly, especially in behavior of the political elite towards 'common people', in the field of education (where history of the recent past still needs to be rewritten), and in the character of the political elites (which still tend to give priority to party interests and to building the 'party state'). With respect to the development of civil society, the conclusion is: proper conditions have not yet been created for the society to be freed from the influence of the state and to become an independent subject, as a field for the functioning of numerous NGOs, trade unions and other organizations which are to become partners to the state.' (Vujadinović et al. 2004, Golubović)

4.2. Institutional transformation and civil society

As has already been said, nuclei of civil society existed in the Second Yugoslavia (SFRY) before the introduction of the multiparty system, but they were far from being sufficiently strong and massive to prevent the bloody break-up of the country.

Let us make a comparative overview of the scope and quality of institutional transformations and their interconnections with civil society development in Croatia, Serbia, and Montenegro.

In Croatia, institutional changes and the constitutional and legal transition processes are much more advanced than in Serbia and Montenegro. This is partly due to the fact that processes of political transformation started earlier, to the solved question of the nation-state, and to a more pronounced consensual readiness– at least declarative – of the political elites to promote European integrations and a faster harmonization of legislation with the standards of the European Union. On the other hand, in Croatia civil society did not play a decisive role in initiating and implementing institutional change and changes of the political order (see: Vujadinović et al. 2004, Vejjak). What happened with that weak civil society in Croatia was similar to what happened in Slovenia and the newly-established states of Central and Eastern Europe: the civil society actors either became passive in civil sector (and often active in political field instead), or joined the trends of affirming the nation-state, or got reduced to the NGO sector serving rather as a substitute for the service sector, or as humanitarian organizations, than as a control and counterbalance of the state.
power. There is a gap between, on one side, the established institutional arrangements of the democratic order and, on the other, an insufficiently developed civil society and insufficient readiness of the leading political actors for facing the experience of wars in the region between 1991 and 1995 (wars that were not just defensive), crime and corruption, as well as for making the newly established institutional arrangements really work in practice, for affirming a democratic political culture and accountable government.

In Serbia and Montenegro, the socialist order, first with minor and then with more substantial modifications, survived for a decade longer, and the delayed transition was taking place – especially in Serbia – under the legacy of sanctions, bombing, military policy of the government, ill-defined state borders, but also in the shadow of an increasingly strong social opposition to the regime, to the war, to social and spiritual poverty. In other words, civil society was being formed here more slowly (than in, say, Slovenia), but more massively and powerfully (than in Croatia), and turned into a decisive social force that exerted pressure on the regime (and on the disunited political opposition as well), and proved capable of toppling the regime through electoral procedures and non-violent, typically civil methods. On the other hand, after the democratic change of 2000, the new government in Serbia – arising out of the huge support of civil, student and trade union protests, of civil initiatives and non-governmental organizations – has turned out essentially unable to meet the challenges it has been facing. These challenges are of three sorts: the demands of the logic of change of order (referring to institutional arrangements, primarily the adoption of a new constitution, and changes in legislation), demands of the modernity (referring to European integrations, confronting guilt and responsibility for wars in the region in the last decade of the 20th century), and the expectations of the awakened citizenry (referring to life in an ordered political community, fighting crime and corruption, government accountability, affirming democratic political culture in inter-party and intra-party arenas, as well as in the political field as a whole). What we find is a gap between a more or less developed civil society and the absence of institutional arrangements of a democratic order.

4.3. Democratic deficit and a general overview of the limiting factors

Democratic deficit at the level of political and state-legal institutions, as well as in the area of civil society, is characteristic of all three countries –
Croatia, Serbia, and Montenegro, albeit in specific forms typical of each. Consequently, the ideal-typical bipolar paradigm ‘constitutional democracy-civil society’ necessarily has strong normative-mobilizing charge in this region. In other words, since the processes of transition to, consolidation of, and institutionalization of democracy in Serbia, Montenegro and Croatia are far from being fully accomplished, the normative-mobilizing dimension of the concept of civil society continues to be extremely fruitful in this region.

Since the states and societies we are dealing with here are countries of ‘delayed transition’, the normative approach related to civil society and democratic political culture is strongly recommended from the perspective of necessity for pacification of the region and its European integration. Furthermore, since the region and the countries are marked by grave violence and war destruction during the last decade of the ‘long century of violence’ (Keane), and in addition, this region after these wars has remained burdened by the difficult legacy of the lack of respect for human rights, nationalisms, criminalization, violence, repatriarchalization, retraditionalization, clericalization, it is necessary to look at the negative consequences of all such phenomena on the development of civil society.

If civil society in Serbia, Montenegro and Croatia is to develop further or, better, to get firmly established at all, it is necessary, first of all, to institute the legal state and the rule of law, and in parallel to establish the autonomy of the media, autonomy of educational and cultural institutions etc., and particularly to develop civil self-awareness which results in an expanding critical public, including civil disobedience whenever forms of threatening of constitutional guarantees of human rights, or elements of ethnocentric and/or militant option reappear on the political and social scene.

The limiting factors of the democratic transformation both in the legal order and in civil society are multiple: 1. the inherited destroyed and corrupt state, more or less slow reform of political institutions and their harmonization with European legislation, non-autonomous judiciary, dominance of the executive power over the parliament, democratic deficit in the conduct of all political actors reflected, among others, in the absence of political responsibility of parties in power and of the opposition towards the social community and the state interests, as well as in the absence of self-awareness of each politician individually as to the significance of a responsible and politically correct behavior, undemocratic internal organization of democratic political parties, reflected in centralistic decision-making and prevalence of the leader principle, failure to establish civilian control over the army and the police, the inherited and continued use of force beyond the law in police and prison systems, poor electoral legislation, etc;
2. society that was being destroyed more or less in all vital segments – economy, social policy, culture, media, health care, education, research, university,

3. insufficient distinctness of the civil option (as opposed to the nationalist one) within the reform government and among civil society actors. (See: Institut za filozofiju i društvenu teoriju ed. Vujadinović, 339–345.)

When considering the aspects of the political field that are constraining the development of civil society it is necessary to mention the character of the new opposition in all three states. The establishment of the rule of law and the development of civil society require a responsible opposition, which is guided by democratic values, and whose individual and collective action is controlled and sanctioned by the law and by public criticism, i.e. by the democratic public. Let us have a look at the Serbian situation as an example. The new opposition, emerging after the 5th October 2000, is marked by its political and criminal legacy, it is authoritarian and completely devoid of democratic political culture, corrupt, unaware of its own sins, aggressive and frightened. It continues to contaminate political and social space and tries to mobilize public opinion by claims that the new government is traitorous and incompetent, that it produces social and economic chaos, that it is not capable of solving acute problems, that in treating the opposition it is revengeful rather than democratic, etc. The so-called ‘patriotic front’ in Serbia, seeking to present itself as victims rather

7 In Serbia (and not much differently in Montenegro and Croatia), then, the negative trends that began at the time of the disintegration of the country, related to the civil war in former Yugoslavia, have continued and, of course, intensified up to the end of 20th century. We may speak of a visible reduction in general development and satisfaction of needs, caused by mass and rapid pauperization of a great majority of the population. People are forced to give up more or less the already adopted standards of living, the qualitative criteria in food, clothing, education, using leisure time, cultural and esthetic habits, health and hygiene, etc. Because of the imposed impossibility to satisfy even the most elementary existential needs, the everyday of most people was reduced to the struggle for mere survival. The destruction of society, the sociocide at work in education, economy, culture, health care, social services went on more and more deeply.

After the initial forms of real democratic changes after 2000 in Croatia and Serbia (in Montenegro after 1997), we may speak of important changes in social and everyday life in the sense that ordinary people got a sense of freedom, revived hopes and rehabilitated category of future. Still, the processes of societal destruction have not and could not stop totally, because essential economic recovery has not yet taken place, although there are serious projects and intentions for reforming and improving the systems of education, health care, social services, etc.
than culprits, as possible saviors rather than destroyers, patriots opposed to
traitors, in its caricature imitations of civil protests and public appearances in
general, systematically uses slogans imbued with hate speech and intol-
erance. In addition, there are indices – unproven so far, since court trials are
yet to begin – that the “patriotic front” (the ‘red-black coalition’) under the
slogan ‘Stop the Hague’ organized and accomplished the assassination of the
late Premier Zoran Đinđić.

At the level of principle, an important requirement for the develop-
ment of civil society is the affirmation of democratic political culture of
tolerance, non-violence, respect for autonomy and difference, i.e. a non-
segregationist attitude towards the Other – in the sense of race, nation,
gender, minorities, etc. In that context, ‘malign nationalism’, ‘ethnonatio-
nalism’, ‘nationalism as political pathology’, ‘hate speech and the logic of
war’, placing churches and religion in the service of ‘hate speeches and the
logics of war’, which happened in this region to a considerable extent8 are
radically opposed to the very idea of civil society. Moreover, tolerating or
encouraging aggressive, exclusive nationalism in this region is a limiting

8 Analyzing the situation in Montenegro, Šerbo Rastoder writes: ‘…(E)ven a
superficial analysis indicates that in the process of transition from communist to
national totalitarianism the church has to a significant extent taken over the role
of ideological “yeast” in the process of national homogenization. As for
Montenegro, the Serbian Orthodox Church (SPC) thought communist legacy was
the main reason for its “drifting apart from Serbianness and the Saint Sava
tradition” and demonstrated the need of “its coming back” into national romantic
visions of the “Serbian Sparta”, which, in “the imposed, defensive” war against
“Orthodoxy” would stand in the frontline in completing the Serbian national
space and in the final correction of the “mistake” of 1918, when Yugoslavia was
created “instead of the Serbian national state”. Consequently, the process of
national polarization, which became an insurmountable limit to the
modernization of Montenegrin society, was accelerated. (Vujadinović et al. 2004,
Rastoder.)

Mirko Đorđević, Serbian intellectual and Orthodox believer, examines the role of
the religious factor in the wars waged in the territory of former Yugoslavia from
1991 to 1999, paying special attention to the Serbian Orthodox Church and the
religious war-mongering discourse dominating its rhetoric (as well as the rhetoric
of other religious communities) during those years, as well as its so-called
applied theology. According to the author, this discourse directly served the war
goals of the Serbian regime headed by Slobodan Milošević, with whom the
Church had established a sort of symphony after the archaic Byzantine model. So
the Church was in a way manipulated, but on the other hand it has paid a price for
its incapability of accomplishing spiritual restoration commanded by the Gospel.
This necessary revival was substituted by the clericalization of society launched
in this period. (Vujadinovic et al. 2004, Đorđević.)
factor in the development of civil society. Hate speech, in all its forms, must be eliminated from the media, schools, education, from political discourse, if we wish to make even a step forward in civilizing terms. In alliance with ethnonationalism (ethnonationalisms), after political changes in both Croatia and Serbia we are witnessing the attempts of the dominant churches and religions to insert themselves in all pores of social life, as well as to eliminate the principle of the secular state and the separation between church and state. The ruling political elites and the public opinion mostly accept this, or at least they are not sufficiently active in opposing these tendencies.9

The development of civil society assumes a condition of relative peace, relative social and economic security (intense pauperization and mass unemployment prevent civil action), relative economic stability (based on market economy, private entrepreneurship and social justice), as well as legal security (rule of law, autonomous judiciary, efficient sanctioning of criminal behavior of any subject or group, protection of life, property and freedom).

An acute problem in Serbia-Montenegro and Croatia, with important consequences for the prospects for development of civil society, concerns the relation to the Hague Tribunal, i.e. facing up to war crimes committed during the wars in the last decade of the 20th century. Serbia-Montenegro and Croatia – the new governments and a majority of people alike – wish unconditionally to be part of the international community. On the other hand though, in the newly established governments and among the populations there are disagreements and resistance to the Hague tribunal, which however has to be considered as an integral part of the project of obtaining full membership in the international community. At that, the extreme nationalists both in Serbia and in Croatia are, characteristically, the most radical

9 Srdan Vrcan, professor of Sociology at the University of Split, Croatia, investigates structural affinities in the relations between religion and nationalism in the former Yugoslav regions and registers the turnabout from the radical separation of the state from religion and church, i.e. from the secular state and secularized state policy, in the direction of blurring the boundaries between the state, on one side, and religion and church on the other. This process implies a gradual disassembling of the state’s secular character. The processes of ethnification of politics and politicisation of ethnicity, within which this desecularisation is taking place, reveal the connection between religious revival and intense restoration of ethnonationalism. The cultural-political consequence of these processes is reflected in the affirmation of a particular type of democracy, the so-called democracy of sameness, reconciling the political requirements of relativity with the absolutistic requirements of religion that are of cultural and ethnic character. (Vujadinović et. al ed. 2004, Vrcan.)
opponents of the Tribunal. The relativization or refusal of the obligation to extradite war criminals exists in all these milieus, under one sort of pretext in Serbia, and another in Croatia.

Common sense says that all the indicted principals and the chief direct executors of war crimes will be extradited sooner or later to the Hague Tribunal. The practical reasons says that war criminals and other criminals who are the products of previous regimes must be trialed for all misdeeds, but in the first place for the gravest ones – those committed against humanity, since without that the umbilical cord between the logic of war, violence and nationalist madness, on one side, and sobering up, on the other, cannot be severed. This must be done among the populations both in Serbia-Montenegro and in Croatia, albeit in different ways.

The confrontation of the citizens of Serbia and Montenegro with the moral and political responsibility for the role they played in the bloody collapse of the SFRY is a key precondition for the crystallization of the civil option and for the development of civil society. The point is not that the population of Serbia should remove the stigma it is currently carrying by suppressing or avoiding to confront the misdeeds perpetrated in their name and by some of its members; the point is to face one's own responsibility for having lent democratic legitimacy to ethnonationalist policies and the logic of war. Experience teaches that citizens gradually change their attitudes on an issue when political and intellectual elites, as well as the media, begin to commit themselves more clearly on this point. In that sense, a clear commitment is necessary (though not visible enough) of the new government and the responsible intellectuals in Serbia to make the Serbian people face the negative “Serbian side of the war”. Media should publicize much more intensive and more often the facts on war crimes done against other peoples of the former Yugoslavia, without, of course, minimizing the crimes committed against the Serbian people. Some recent studies of the popular mood (Golubović, Spasić, Pavićević 2003, 141–158) show that most respondents now accept the fact that Serbian military forces committed war crimes, after they were confronted in the media with the facts on the corpses of Albanians found in freezer trucks taken out of the river Danube, on the events in Srebrenica with the massacre of the Muslim population, etc. At the same time though, they continually seek to relativize or defuse these facts by claiming that the ‘other side’ did the same. This suppression, mitigation, intended oblivion, are also linked to the absence of a clear official policy of condemning crimes and insufficiently loud and influential campaigns on the topic among civil society circles. Similarly, in Montenegro the readiness is not sufficiently articulated either in political circles or among the population.
to acknowledge and publicly admit the truth about the official support to Milošević's military policy during the wars (absent only in the Kosovo war in 1999), and particularly about the raids of conquest and pillage by Montenegrin troops of the former Yugoslav army in the area of Dubrovnik and its hinterlands in late 1991.

Of course, the ‘other side’ – in this case the Croatian people and powerful figures in Croatia, both before and after the democratic change of 2000 – must confront ‘their own’ crimes against the Muslim population in Bosnia and the Serbian one in Croatia. In Croatia, strong resistance (among the veterans of the ‘war for homeland’ but also among a considerable part of the population) against the Hague tribunal and against trials in national courts for war crimes committed against citizens of other nationalities or, more generally, strong resistance to confronting the responsibility of the Croatian people and the guilt of its representatives in military and civilian power, are based on the claim that the war was defensive.

The attitude to minority rights is a litmus test for a democracy, both in the institutional sense and in the sense of the quality of democratic political culture. In this context, the limiting factor for the development of civil society in Croatia, Serbia (and less in Montenegro) is the insufficient implementation of minority rights and freedoms due to the absence of a culture of tolerance, primarily among the majority nations, but also among minority ones. The formal legislation concerning human rights is, to speak the truth, at a European level (especially in Croatia and Montenegro), but, on the other hand, it diverges significantly from practical implementation of minority rights (particularly in Croatia). The assumptions for the answer to the question whether Croatia, after the change of HDZ government, will succeed in establishing liberal democracy, and the sign of that success will be the manner and scope in which human and minority rights – especially of Serbian minority – would be respected. (Vujadinović et al. ed. 2004, Tatalović)

The next limiting factor for the development of civil society, as already noted, is an extreme pauperization of the population, as well as huge unemployment. Individuals who are basically, existentially insecure and threatened are not in a position to act as civil society subjects. Actually, these people were not the bearers of the civil option over the past decade. They were predominantly preoccupied with survival, i.e. the ‘gray economy’.

The new governments in all three countries evidently need a certain period of social peace, so that they may invest energies in economic transformation and privatization. For, the danger of economic collapse and
social revolt turning into social chaos is very realistic in these countries. Additional problem is that the new governments do not show enough readiness and sensibility for the social dialogue. On the other hand, it cannot be denied that the rising socially and economically motivated revolts, however dangerous at the moment, also carry a significant potential of autonomous civil action and control of the government (in fighting corruption and criminalization among political elites). As such, they represent a potential source of social opposition and critical public, i.e. encouragements to the development of civil society.

Generally speaking, the preconditions for the development of civil society are inseparable from suppressing these limiting factors. More concretely, there can be no civil society without punishing war crimes and other criminal acts, without the decriminalization of the police, creation of independent judiciary, establishment of legal and social security, struggle against corruption and the gray economy, as well as without the development of political culture of tolerance and non-violence, active resistance to hate speech and ethnonationalism, facing crimes and responsibility, public control of the new governments (followed by an uncompromising demystification of the new ‘opposition’), and a general advance of the social opposition (in acting towards improvement, and no longer just against deterioration). The optimum result would be the process of recovery of society and state in Serbia, Montenegro, and Croatia, i.e. the establishment in all states formed after the collapse of the SFRY of the ‘constitutional democracy-civil society paradigm’, as the expression of a normal functioning of society and state and as a proof of being part of modernity, i.e. Europe and the world. Of all the former Yugoslav republics, Slovenia has so far come the closest to this ideal, while Croatia is closer than Serbia and Montenegro, though Croatia, just like Serbia and Montenegro, still has a lot more to do on the path of genuine transition to, consolidation and institutionalization of the liberal-democratic order and developed civil society.

References


