

**DEMOCRACY AND CIVIL SOCIETY:  
OUTLINES OF A NEW PARADIGM  
BY FERENC MISZLIVETZ**

Evaluating 1989 has divided analysts from the outset. The majority of political scientists and sociologists saw the events as the victory of liberal democracy in Central and Eastern Europe. Thus, Jürgen Habermas or Timothy Garton Ash did not see the ‘velvety revolutions’ as offering anything new, they did not believe that any original or innovative idea appeared or even became institutionalized during the ‘velvety revolutions’. According to this view, 1989 simply set things right and if we can talk of revolutions at all, even in the best of cases this is the process they served („nachholende Revolution”, or „rectifying revolution”)<sup>1</sup>

Others, like Andrew Arato, hold a sharply divergent opinion. They believe that 1989 had a radically new message within the field of democracy and civil society.<sup>2</sup> I myself share the view that the meaning and message of ’89 places the previous history of Central European and European democracies in a very new framework and sheds a new light on them, and also opens new perspectives for the future on the global level. This is true even if the results which the transition processes of the Eastern and Central European countries have produced over the past two decades have not met with the expectations and plans of the supporters and activists of the democratic transformation. The contrast is particularly sharp if we compare results to the opportunities which arose on the regional, the European and the global level when the Berlin wall went down and the iron curtain ceased to exist.

Two decades grant us sufficient distance to compare and re-evaluate once more the sharply diverging views which were voiced at the time. More accurately, in the light of the past two decades we can weigh from a practical point of view the ideas and ideologies which served as guidelines for political action, or inaction, as the case may be. The more so, as analyses regarding 1989 and the subsequent ‘transition’ are still forthcoming – the most recent achievements include some more nuanced and subtle pieces which are occasionally self-critical or offer a new, refined variant on some previously

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<sup>1</sup> Jürgen Habermas, *Die nachholende Revolution*. Suhrkamp, 1990. (Kleine politische Schriften, 7.)

<sup>2</sup> Andrew Arato, Civil Society against the State: Poland 1980-81. In: *Telos* 47 (Spring), 1981, pp. 23-47.

rather extreme view.<sup>3</sup> In a new, synthetic and comprehensive paper Paul Blokker argues that 1989 has several important implications which political theory neglects or entirely ignores.<sup>4</sup> Similarly to the present author he proposes a full re-evaluation of 1989, particularly as regards the current views and theories regarding democracy and civil society.

### *The intellectual fermentation of the 1980's*

The 1980's were a fertile and highly creative period both intellectually and in the sense that alternative movements and civil initiatives organized to promote change in the society were flourishing and co-operating. A whole line of critical ideas, strategic, long term concepts and developmental alternatives emerged and became popular and broadly debated – only to sink in the turbulence of the early phase of the transition in the first half of the 90's. Looking back it seems obvious that in the whirl of transformation and adjusting to a new forced orbit and in the resulting intellectual milieu it was inevitable that a whole line of concepts should fall by the wayside such as István Bibó's 'self-restricting revolution' or the self-correcting capability<sup>5</sup> or self-therapy<sup>6</sup> (Miszlivetz, 1989) of civil society as criteria of the process of democratization. The same happened to a number of long-term programs such as the project of a network of regional cells of civil society overarching national boundaries as a manifestation of *European and global civil society*.<sup>7</sup> The idea of Central European co-operation was also placed out of use as a naïve illusion, even though both civil society and Central Europe stood in the centre of intellectual effervescence from the early 1980's onwards as normative concepts.<sup>8</sup>

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<sup>3</sup> See e. g. Kornai, János (2007), Mit jelent a „rendszer váltás”? Kísérlet a fogalom tisztázására [The meaning of 'Post-Communist Transition'? An Attempt to Clarify the Meaning of the Phrase]. In: *Közgazdasági Szemle*, year LIV, April, 303-321.

<sup>4</sup> Paul Blokker, Democracy Through the Lenses of 1989: Liberal Triumph or Radical Turn? *International Journal of Politics, Culture, and Society*, 2009.

<sup>5</sup> See footnote No. 2.

<sup>6</sup> Miszlivetz Ferenc, Látélet: Kelet-Európa sérülései - Lehetséges-e a civil társadalom önterápiája? In: Miszlivetz Ferenc, *Békák a szárazon*, Múzsák, 1989.

<sup>7</sup> *Democratization in Central and Eastern Europe: An Overview*, ed. by Mary Kaldor and Ivan Vejvoda. London, Pinter, 2002.

<sup>8</sup> See Borsody, István, Az új Közép-Európa (1998) [New Central Europe], Savaria University Press, Szombathely 1998, and Ferenc Miszlivetz (1993) *A lehetséges határainak újrafogalmazása* [Re-stating the Boundaries of what is Possible], Pesti Szalon - Savaria University Press.

## *Civil society as the guarantee of the self-correcting capability of democracy*

The question we need to explore is, if we wish to formulate it quite sharply, whether 1989 opened a new chapter in the history of liberal democracies, whether it brought anything radically new or simply joined the line of one of the formerly existing traditions and thus, as it were, rectified the course of the history of Central and Eastern European countries after a temporarily derailment.

Following in the wake of Habermas, Claus Offe is of the opinion<sup>9</sup> that since there existed no 'ex ante' revolutionary theory, we cannot expect any new, revolutionary social or political development which would demand to be institutionalized, nor any new concept of social organization. Ralf Dahrendorf explicitly states that 1989 is 'but an end to a long and painful detour'.<sup>10</sup>

Bruce Ackerman is slightly more permissive regarding the innovative character of 1989. He speaks of a 'second wave of liberal revolutions' which 'will change the face of Europe and the world'.<sup>11</sup>

He believes that it is likely that a self-correcting liberal system will emerge which will be capable of radical transformation from within, through political means without relapsing into the world of violent revolutions. For him, the 'peaceful, democratic revolutions of 1989' mean the revival of the traditions of liberal revolution. In his view, the cyclic regeneration of the new political systems becomes possible in the spirit of the American tradition. Accordingly, what happened in 1989 is nothing other than the revival of the American constitutional tradition. In this case, again, we are speaking of a return to a particular tradition rather than a completely new phenomenon.

There is much in these analyses that deserves to be considered and accepted. Yet, the question remains open whether we can interpret 1989 (and all that we mean by this date) as merely taking recourse to a European or American tradition or whether we are witnessing something that is different and points beyond this. Perhaps the case is that the new and innovative concepts and efforts for social and institutional reform which emerged from 1956 onwards and were in some cases successfully implemented, as well as the innovative institutional developments or the traditions of civil society and opposition activity, some of which gained ground while others were sidelined and banned, also played a significant part in preparing and carrying through the turn which came in 1989-91.

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<sup>9</sup> Claus Offe, *Varieties of Transition: the East European and East German Experience*, The MIT Press, 1996

<sup>10</sup> Ralf Dahrendorf, *After 1989: Morals, Revolution and Civil Society*. – Basingstoke, London: Macmillan & Co. ; Oxford, St Antony's College, 1997.

<sup>11</sup> Bruce Ackerman, *The Future of Liberal Revolution*. New Haven University Press, 1992.

I first formulated this idea in a paper written in 1988, *Láttelelet: Kelet-Európa sérülései*, and now, from the perspective of two decades my view remains unchanged.

*The appearance and influence of civil society and the attempt to 'tame' it*

The 'new evolutionism' formulated by Adam Michnik, the maneuvers of civil society which, though not violent, regularly provoke the increasingly insecure communist state and force it into dialogue, growing emancipation in an intellectual and psychological sense and ever more explicit opposition to the existing regime, in short, 'anti-politics' is usually evaluated in the literature of political science as an acceptable method within Soviet type totalitarian systems. At the same time, the critical attitude and activity of civil society within the post-1989 process of building democracy is heavily questioned.

According to the view which was dominant from 1990 onwards, the time when civil society could engage in political is over, its place has been taken over by the struggles of political parties in parliament in a 'clearly articulated political field'. 'Politics belongs in Parliament' – this was the creed of political parties and continues to be so today. Unruly, self-organized and forever inclined to meddle with the affairs of politicians, civil society must therefore be 'tamed', to use Blokker's phrase. We must find its right place, since there are certain areas where it is needed (where the state and political parties, which otherwise see themselves as the primary, if not sole, guarantee of democracy, cannot and will not perform adequately). This commonly held attitude is based on a narrow and one-dimensional, conventional 'liberal model' view of democracy. By employing and hammering this notion in a wide sphere it may be possible to paralyze or at least restrict imagination, social creativity and determination for a limited period of time. In the spirit of the above view, which is voiced in considerable consensus by different parliamentary parties, civil society becomes degraded to a mere prop of liberal democracy, which may be pulled out of the hat when needed. Thus conceived, civil society may act as a kind of supporter or supplementary to political democracy but can no way take its place as a factor capable of shaping or even further developing it through independent initiatives.

Supporters of the opposite view, of a broader and more complex view of civil society believe that civil society is precisely the dynamic factor which, through its capability of self-reflection and self-correction, can rejuvenate and, if necessary, re-interpret democracy.

According to this approach there is no rigid, clear boundary line between the political class and civil society. At the time of complex crises such as the present

one, it is particularly important just how rigid and impermeable these boundary lines are perceived. This determines how open the political society will be to messages, invitations for dialogue, criticisms and proposals coming from civil society. Whether it locks itself up inside the bastions of power or proves capable of self-reflection and self-correction.

Rigidity can lead to fracture, to an increasingly poisonous and incurable conflict, while openness carries the opportunity for consensual transformation.

While the post-communist political elite has done much in the line of marginalizing civil society, keeping it in financial dependency, co-opting it and in other ways preventing its emancipation, it remains impossible to prescribe a depoliticized existence for civil society for any extended period of time. The activity and autonomous movements of civil society are unpredictable over the long run and cannot be forced to follow the track prescribed by the political and economic classes. Quite to the contrary. In cases similar to the complex crisis presently prevailing in Hungary, there is a broad societal need for the political self-organization of civil society. New political actors, just like in 1989, come from the arena of civil society. The political class is fed by the civil society and, in the ideal case, it is from the civil milieu that it becomes recharged with creative energies, activity and stamina. According to the most undesirable scenario, the failed attempts of the political society to demarcate and isolate itself will cause it to fall in the trap of civil society and from there to the depth of political oblivion.

The conventional theory of democracy is unable to handle the incredible richness which the societies of Europe, but particularly of post-communist Eastern and Central Europe have produced in the field of democratization. Manifestations of direct democracy are foreign to it, it knows not what to make of the idea that civil organizations may take an active role in the public or even the parliamentary arena, it does not encourage network formation overarching national boundaries or even the institutionalization of already existing forms of co-operation. This kind of rigidity and, what is in its background, the concern to hang on to their own positions cause this class to waste chances of launching initiatives and implementing change in a credit-worthy fashion, in other words of introducing comprehensive social change on consensual grounds and carrying it through successfully. This view is unable to accommodate and to handle the massive, landslide scale loss of credit which democratic institutions have suffered in the past years, particularly as regards parliament, parliamentary parties and politicians.<sup>12</sup> One characteristic symptom of this moral and mental deterioration is when leading politicians marvel like outsiders at the ‘crisis’ and

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<sup>12</sup> See Kis, János, *A köztársaság válsága [The Crisis of the Republic]* in: *Heti Világgazdaság*, 2009, No. 52.

make statements about the problems that tower up in front of us as though they had played no part in their accumulation.

This frame of reference offers room for but one ‘solution’ – a total rejection of responsibility and the resulting tendency to find scapegoats. All responsibility is shifted onto the political opponents and their supporters. This kind of logic lead to nothing else but further worsening the credit of parliamentary political parties and the elected representatives and, ultimately to a dangerous erosion of democracy. A closed logic leads to the emergence of a negative spiral and restricts new democracies from understanding and resolving their problems of legitimacy, from placing the relationship of state and civil society on new foundations and settling them in a reassuring fashion. Denying reality on such a scale can lead to losing touch with reality, which can easily lead on to a genuine disappearance or self-eradication, as is shown by a number of instances that caused the Hungarian political spectrum to become considerably rearranged over the years.

### *The birth of the paradigm of civil society*

A line of inspiring essays by Andrew Arato have contributed in a number of respects to interpreting the process, agents and continuation of democratization from an entirely new perspective. 1989 has raised this approach to be of paradigmatic value. At the centre of the new paradigm we find civil society.

The lesson we learn is that whether democracy is able to make up for its deficit in legitimization and unfold its ability for rejuvenation and self-reflection mainly depends on the creativity, innovative potential and mobilizing force of the civil society.

Paul Blokker rightly points out in his above quoted essay that the two most crucial elements of this new paradigm are *self-restriction and civil participation*.<sup>13</sup> If it was possible before 1989 and in 1989-91 for the civil society to exercise pressure with a positive outcome on the political class, why should the case be different in 2010? The existence of orthodox liberal views and their deep-rooted global popularity cannot be sufficient cause, even despite the intransigence of their representatives. The economic crisis which broke out in 2008 has undermined on a world scale the once unquestionable dominance of this ideology.

At the same time, civil society has undergone a long maturation process in Hungary and the entire former Eastern Block over the past two decades. Despite a number of obstacles, crises, co-opting tendencies, attempts by political parties

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<sup>13</sup>See Blokker, op. cit, 6.

to colonize, marginalizing mechanisms, the indifference of the media which functions in dependency and without social control, civil society still exists and flourishes and its organizations and movements have serious successes to boast of. It is an inevitable part of civil society that it is fragmented, consists of small entities and is in many cases dependent upon local or national centers of power. In spite of all of this, several of its organizations have stood the test of time and often play a decisive role in the self-managed organization, self-defense and representation of local societies. If social cohesion still exists, this is largely owing to the sustaining and organizing power of civil society rather than the power and prestige struggles of the political and economic class. In line with the interests of the economic, political and media elite, little or nothing is known about instances of such fantastic social achievement. Hopefully, with the spreading of the alternative media this situation is already changing.<sup>14</sup>

Organizations which work for their village, district, town, region, the sustenance of their job, for satisfactory education and further training, for a clean environment and clean air, for human and minority rights or the preservation of our cultural heritage etc. enjoy a far higher degree of legitimacy than political parties which do not even take their own campaign promises seriously. It is understandable that they do all in their power to keep as great a distance as possible from active civil society which is able to influence decision-making. Clearly, the guideline followed by this desperate tendency is 'civil society should not meddle with politics'. However, there is not one sober and convincing argument as to why not. The idea that a supposedly universal variant of the theory of liberal democracy, more precisely 'its logic' so demands, can only be convincing for adherents of that particular theory. One great gain from 1989 is the twilight of 'grand narratives'. In pluralistic democracies, in the constantly expanding world of difference, no ideology, philosophy or political theorem can claim a monopoly on offering universalistic explanations of the world. Gathering an adequate number of experts, academics or politicians who proclaim them to be scientific and indisputable truths is not sufficient to sustain their legitimacy. This method may have been effective at moments of the political transition and the brief subsequent period characterized by an attitude of 'waiting for the miracle to happen'. However, reality burst in rather drastically on the world of theory when global and local crises set in, multiplying each other's negative effects, institutions began to deteriorate and political classes lost almost all of its former credit. Those representatives of mainstream political theory and economics who are more widely informed and have a shorter reaction time have already begun to retune their theoretical foundations; some are returning to the critical approaches they had believed

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<sup>14</sup> Hankiss Elemér: Igazságtalan ország? - Reménytelenség és remény [An Unfair Country? Hope and Hopelessness] <http://www.ujreformkor.hu/hankiss-elemer-igazsag-talan-orszag-remenytelenseg-es-remeny-0>

hardly presentable before, while others, captive to their own system of views and beliefs, are defending the indefensible with their sword drawn. These attempts are doomed to failure both in political practice and in the arena of political and economic theory. Conventional, narrowly interpreted liberalism and its neo-liberal correlative in economics are only one strand amongst a multiplicity of discourses. This clearly seemed a satisfactory explanation of the world with easy popular appeal amidst the insecure and disorientated atmosphere of the late 1980's, early 90's. Its present large scale loss of popularity is due to the rigidity of those who apply it and their weakening hold on reality. At the same time, we do find examples in the theory where the dilemma between political society and civil society has been resolved. The kind of thinking which looks for alternatives in this way has its roots in the early 1980's. Andrew Arato, while accepting the separation of political and civil society, finds it necessary that the political sphere should be open and receptive to civil society. In fact the constant and partially institutionalized interaction between the two spheres can carry the ability for self-reflection and self-correction demanded by a 21<sup>st</sup> century democracy. This kind of openness is particularly inevitable in the case of complex and extended crises. At times like this, and this is true in the current case, civil society is the guarantee of the healthy circulation and rejuvenation of democracy. In fact, it is able to democratize not only itself but also the political class, and thus the whole of the society.

This wider approach has managed to retain the political aspect of civil society and in this sense 'civil society is an aim in its own right'.<sup>15</sup> If we view democracy not only as a phenomenon reduced to the political sphere or a part in the overall political machinery, then, within a broader and more complex concept, civil society can be a natural part and active component of the concept of democracy. There is nothing to justify why the spirit of self-rejuvenation should necessarily vanish as democracy becomes institutionalized. An organized society has the right to participate continually in shaping its own fundamental laws and operative rules.<sup>16</sup> In fact, this is its vested interest.

Despite all appearances, this spirit has not entirely vanished during the decades of transition. Petitions, referenda, civil disobedience, internet portals, blogs, civil networks and other individual and collective initiatives are intervening in growing numbers and with increasing effectiveness with political decision-making and are influencing the decisions of the political class. This is sometimes an indirect but, even more often, a direct influence. Ironically, they often provoke the outrage of politicians who otherwise call themselves liberals and once themselves fought in the arena of civil society. When István Bibó used the metaphor of 'little circles of freedom', he was presaging the concept of *civil*

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<sup>15</sup> See Blokker op. cit.

<sup>16</sup> See essays quoted by András Arató and Ferenc Mészlivetz.

*autonomy*. Civil autonomy is nothing other than the alternative to becoming disillusioned with rigid and formally interpreted representative democracy (Castoriadis, 1987).<sup>17</sup> It requires a reflexive strategy. The components of this are:

- *Civil self-restriction* which includes rejecting fundamentalist projects;
- *A pluralist understanding of sovereignty*, a broad-scale acceptance of democratic practice, the use of persuasion;
- The ‘ethics of disagreement’, as opposed to merciless struggle for political power and party discipline at the cost of stifling individual views.

*Permanent civil politics as a new form of democracy:*

*Toward a deliberative democracy?*

The pluralistic understanding of sovereignty, as opposed to the classic and closed concept of liberal democracy, entails the notion of an extended, ‘high quality’ democracy based on civil participation, and a methodology of democratic self-correction coupled with self-restriction.

In the case of earlier models, the emphasis was on the durability and stability of democratic institutions, while today the stress is increasingly on the depth of the democratic process, on the quality of democracy, on the sustainability of society and on preserving its cohesion. Instead of formal traits, those of content are coming increasingly into the foreground. This has led to a significant advance in the theories of democracy and to a continued refinement of the components, characteristic traits and criteria of democracy.

Of the latest, the Diamond-Morlino model proposes the use of 8 dimensions of democracy for comparative analysis:

- The rule of law (guaranteed by independent courts/legislative);
- The participation of the common citizen (a strong and vibrant civil society);
- Competition – intense political pluralism;
- Vertical accountability;
- Horizontal accountability.

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<sup>17</sup> Cornelius Castoriadis, Democracy as Procedure and Democracy as Regime. In: *Constellations*, 1997, Vol. 4:1, April, pp. 1-18.

The three 'substantive dimensions' are:

- liberty (political, social, economic);
- equality (its *de facto* appearance)
- responsiveness on the part of the government and the authorities.

*'Responsiveness' comes into the foreground;*

*The willingness of governments to co-operate*

This is a cumulative dimension which is closely related to accountability and participation, competition and the idea of mutual dependency.

This criterion shows how satisfied people are with the democracy.

The cultural dimension enjoys priority in the model of quality democracy: every democracy prefers certain dimensions to others, in accordance with the cultural legacy, customs and value systems of different cultures.

The question of reforms is a good example: a democracy is capable of increasing its legitimacy through reforms if they improve the quality of democracy and strengthen the sense of sustainability. In Hungary, just as in most societies of the Central and Eastern Europe, what has been happening recently is precisely the opposite.

*A self-democratizing civil society:*

*The token of social democratization*

Despite all of this, or precisely as a consequence of the crises the initiatives, actions, collectives, critical and protesting potential and forms of institutionalization of civil society are testifying both in Hungary and throughout the region to an impressive formal variety, social creativity, desire for autonomy and the new spirit of voluntary participation. This means that the social and political innovative potential which rendered the 1980's so unique (this is what became condensed in the concept of 1989) has not ceased to exist. Whenever we say 1989, we actually think of all those attempts at innovation in the intellectual and social field, in the organization of movements, in co-operation and solidarity which came under the umbrella term of civil society, experiencing its renaissance in the 1980's.

Along with organizing local societies and sustaining social cohesion, its functions include ‘making politics’ or at least participating in it, preventing bad decisions, negotiating for reasonable compromise, creating the framework and new forms of participation, ‘producing’ new political parties should the need arise and influencing the operation or possibly the eradication of existing ones through rational dialogue or discourse. This innovative potential, both in the social and the political sense, connects ‘the social’ with ‘the political’ through a thousand threads or assumes the emergence at least of political interfaces.

The broad democratization potential which showed itself in the 1980’s is what seemed to get lost over the past two decades. In fact, however, the civil societies of Central and Eastern Europe went through a long and controversial learning process, the results of which can only just be suspected today and are only partially visible, owing to the causes described above. As the political classes became massively eroded and corrupted and consequently lost a great deal of their credit, after two decades the pendulum has once again swung over to the side of civil society. We could quote a number of positive and negative examples to confirm or to question this statement. On the positive side of the balance we find a rich formal variety, a multicolored spectrum, increasing professionalism and considerable network-building, while on the other side there is still an over-practiced, fixed dependency on politics, the operation of mechanisms of fear in both justified and unjustified cases and an inclination to become isolated - in other words Eastern type feudalistic behavior-patterns are being preserved. On the whole, the balance seems to tip toward the positive – increased social responsibility and the ambition to become more and more independent of politics and, on some occasions, intense self-articulation and responsible participation are clearly palpable upward tendencies.

Just as 1989 can no way be seen as a revolution in the classic sense, neither could the waves and processes of democratization which it launched be squeezed into any of the existing ideological or philosophical categories – the clichés of conventional theories of liberalism are ill fitted to describe them. This is particularly true of the new agents, initiatives and networks which we summarily term civil society.

Universalistic concepts which claim to explain all and in fact cast uniformity over highly divergent ‘realities’ are increasingly replaced by theories which allow for more accurate and life-like distinctions and are able to distinguish cultural difference.

The Diamond-Morlino model or Philippe C. Schmitter’s achievements regarding European democracy are good examples of this new mode of thinking.

## *The significance of '89 from the point of view of democratization*

The *normative program of self-restriction* as the internal brake mechanism preventing violence and Jacobean revolutionary spirit worked successfully throughout the 1980's. Fundamentalist projects were successfully avoided, but facing up to the past has not yet happened. The particular merit of 1989 is that the country managed to avoid giving 'one great and final answer' to the flaws, sins and failures of the past. Instead, a dynamic, vibrant and oscillating civil society is engaging in constant self-reflection and self-correction in an effort to prevent the democratization process from becoming foundered. On the theoretical level this is substantiated, among others, by the concept of autonomy proposed by Castoriadis, which we referred to earlier. This notion is based on the freedom of different forms of thinking and political action, keeping alive the possibility of questioning and of breaking out of the frames provided by the existing institutional frames.

The lesson we need to learn from 1989 is that no single discourse can claim any more to convey an exclusive truth – today it is hard to question the fact that democracy has many different voices.

We can safely declare that one of the most important goals of 1989 has been met. Instead of a uniform frame of discourse regarding liberal democracy it has become possible to guarantee heterogeneity. Structural conditions of political plurality are in place.

The other great achievement of 1989 was that it did not follow the classical logic of revolutions in so far as it did not invest a mythological 'people' with the right to create the constitutional order of the new political regime<sup>18</sup>, in other words the homogenous 'will of the people' and the fiction of the 'sovereignty of the people' did not gain dominance. However, as democracy becomes further eroded, this danger may surface once more.

The 'velvety revolutions' expressed a negative consensus – what they were rejecting was clear, but what they wished to create was not. This is often interpreted as a lack of revolutionary ideas.<sup>19</sup> The lack of a guiding revolutionary idea does not prevent us from claiming that this was a time when a great number of novel ideas, programs and thoughts surfaced. (The chief aim of the present paper is precisely to point out that these are returning in new forms.)

Ulrich Preuss offers an excellent summary of the main achievements of 1989. Accordingly, these self-restricting revolutions meant a considerable shift from

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<sup>18</sup> See Blokker, p. 17.

<sup>19</sup> See Offe, 1996.

the monistic model of political sovereignty toward a pluralist model which prioritizes civil society and guarantees a wide arena for its development.<sup>20</sup>

Carrying the idea further, Paul Blokker juxtaposes legality with legitimacy. Consequently, 'democracy can never be reduced to a single justification of proceduralism or legalism'. However, if we wish to speak in terms of legitimacy instead of mere legality, we need constant endorsement of the society and the permanent re-evaluation of civil society.

Consequently, the rule of law cannot be a sufficient condition of democracy. 'Modern democracy cannot be reduced to the rule of law. Legal systems need permanent correction by 'dissenting' citizens so that the rule of law does not become a "herbal cure-all remedy"', say Blokker, with reference to Priban.

Thus, there are several problems with a view which wishes to interpret 1989 (and by this we mean an entire collection of radical changes, transformations of political systems, in other words all that these 'velvety revolutions' entailed), as merely a confirmation and endorsement of liberal democracy. Of the authors we quoted, Arato, Ackermann, Castoriadis, Blokker, Preuss and Priban have convincingly shown, along with a number of other thinkers, that the contribution of '89 is more than a 'correlation' of liberal democracies.

### *The new language of civil society*

The activities and thinking of the opposition and independent factors have created a new language which is now, after two decades, able to convey critical thinking even in opposition to those who were the first to use this language. This language use and the new discourse of civil society simultaneously represent the idea of legality and the rule of law and the position of radical self-restriction and disagreement. The new language of civil society is the self-expression of a new paradigm.

This second aspect is perhaps the most innovative and most original product of 1989 which can raise the year 2010 or any of its successors to be a time of great political transformations and regeneration. This process is none other, no less and no more, than the 'democratization of democracy'.<sup>21</sup>

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<sup>20</sup> Ulrich Preuss, *The Rulemaking and Policy Actors in the Transition and the Issue of the Strategy of Transformation*. In: *Studies in East European Thought*, Vol. 53. 2001, 183-195.

<sup>21</sup> Bruce Ackermann, Juan Linz, Alfred Stepan as acknowledged and influential experts of transitology are, in my judgement, wrong at this point. By contrast, I believe that civil society as the guarantee of the self-correcting capability of democracy is a new definition which goes beyond the criticism of totalitarian regimes and the attempt to overcome this which was characteristic in the 1980's and can become organic part of a new theory of democracy.

This can give us some theoretical grips as well – it may offer a way out for people who have become disillusioned with democracy, it may help find new forms of action within the rejuvenation processes of democracies and overcome the present crisis which, at least in the case of the ‘new democracies’, has a lot to do precisely with disillusionment with democracy.

Thus interpreted, the concept of civil society will open up the ‘democratic space’ and leave it open, it will contribute to the intelligent plurality of democratic practice and at the same time enhance the democratic legitimacy of democracies.

The pluralistic character and increasing fragmentation of modern societies demand new forms of social imagination which is self-reflexive and at the same time self-restricting<sup>22</sup>. Most importantly, it needs to view all forms of the institutionalization of democracy as by nature transitory and knows that these must always be open to transformation in the future.

This approach radically points beyond the way in which democracy is interpreted today, which is essentially elitist and is reduced mostly to questions of the rule of law and legality. It is based on the assumption that legality and legal, procedural stability in themselves do not constitute a democratic regime.

The ‘post-democracies’ of the 21<sup>st</sup> century cannot be reduced to an institutional order interpreted in an a priori sense. What we need now, to use a term by Castoriadis, is ‘a radical institutionalising discourse’. The most innovative achievement of 1989 was perhaps the legitimization of the ‘ethics of disagreement’. Any self-respecting democratic system which accepts and supports autonomy and a broad, emancipatory concept of politics must be open to civil disobedience and must at all times respect dissent. It should also reckon with the idea that civil movements, initiatives and tendencies starting up from the peripheries of the political community are the most promising resource for reviving democracies which are in crisis or show symptoms of burn-out in terms of content: they are our best chance for democratizing democracy.

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<sup>22</sup> See works quoted earlier by Ferenc Mészlivetz, as well as Jody Jensen, Ferenc Mészlivetz, *The Languages of Civil Society. Europe and Beyond*, Florence, European University Institute, 2005.

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