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"Historical Legacies and Civil Societies:
Alternative Nations in Eastern Europe"

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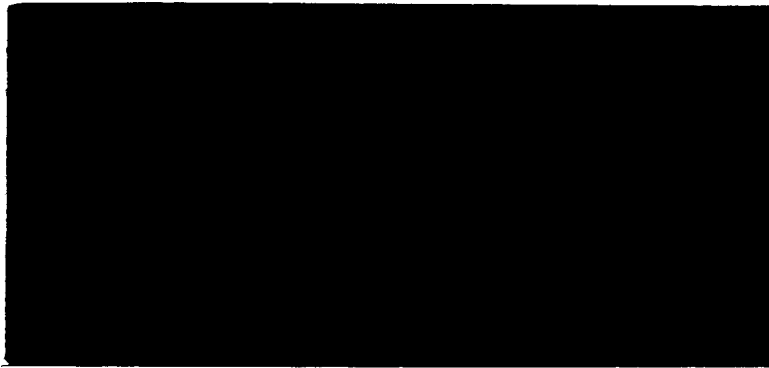
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A sense of alternativity is profound in Eastern Europe today. Communism's collapse has ushered in a new societal consciousness among both intelligentsia and wider public in which the future refuses to be understood as a smooth extension of the present. Nobody thinks, much less says, that the present is "stable". Instead, the present is seen as intermediary, demanding a "resolution" that lies in the more or less distant future, but whose solution already can be found in a couple more or less clear locations.

In East Central Europe, those locations are typically found in posing an "opposition" between, on the one hand, civil society, liberalism and Europe, and on the other hand, nationalism, fundamentalism, and xenophobia.[1] Although East Central European nations contend with these alternatives, the liberal option is more likely there than further to the east, liberal historians and sociologists contend, because of the historical legacy of this region.[2] East Central European liberals, thus, tend to augment their own liberal tendency through an unfortunate comparison with

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[1] Adam Michnik, one of Poland's greatest public intellectuals for both domestic and international readerships, has set up the opposition in these terms in many places, including The New York Times Magazine. Of course such a framing of the alternative facing post-communist societies comes from the advocates of liberalism. A frame more suitable to the sympathies of the latter group might pose the opposition thus: imperialism, cosmopolitanism, and immorality vs. national interest, culture and morality. In Poland, members of the Christian National Union, among others, are more inclined to view the opposition thus. Even Pope John Paul II is a bit skeptical of the "liberal" portrait, especially when he ridicules the idea of Poland "returning" to Europe; in terms of faith and morality, he argues, Poland has retained better European values than Western Europe.

[2] Jeno Szucs "Three Historical Regions of Europe" in John Keane (ed.) Civil Society and the State London: Verso, 1988, exemplifies this argument. The character of the more recent past and the consequently greater strength of the old nomenklatura in post-Soviet regimes and economies turns the vision of alternatives from a dichotomy into a trichotomy of sorts. A "neo-communist" future is not beyond the imagination of Russians, and Russian occupation is not out of the imagination of most former republics of the USSR. Nevertheless, this neo-communist future is hard to imagine without its being fused with some kind of nationalist ideology, either for Russian consumption or foreign occupation.

their eastern neighbors: Croatia and Slovenia with Serbia, Hungary with Romania, Poland with

Russia. But what of Ukraine?

The bulk of this paper draws upon my greater familiarity with East Central European and

Balkan countries, but I should like to turn in the conclusion of this paper to Ukraine. I do this not

only to show you how much I don't know about your country. I also hope that by raising these

questions and issues for your response it will help me understand better the alternatives facing

Ukraine. I think this is useful especially if we can take the discourse about alternatives partly

outside the Ukrainian context, and put it into a theoretical realm where the unity that enables

"oppositions" in practical politics might be found. In that way we could possibly discover new

options. But before I do that, I should like to work through a couple key concepts that enable these

oppositions to work. Those key concepts are civil society, nationalism and historical legacy.

THE SITE AND PROJECT OF CIVIL SOCIETY

Jean Cohen and Andrew Arato have recently published the most important theoretical

work on civil society since John Keane introduced his work before communism's collapse.[3] They

begin with a working definition. Civil society is

> a sphere of social interaction between economy and state, composed above all of the intimate
> sphere (especially the family), the sphere of associations (especially voluntary associations),
> social movements and forms of public communication. Modern civil society is created through
> forms of self-constitution and self-mobilization. It is institutionalized and generalized through
> laws, and especially subjective rights, that stabilize social differentiation. While the self-
> creative and institutionalized dimensions can exist separately, in the long term both
> independent action and institutionalization are necessary for the reproduction of civil society.[4]

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3 Jean Cohen and Andrew Arato, Civil Society and Political Theory Cambridge: The MIT Press,
1992. John Keane (ed.) Civil Society and the State London: Verso, 1988. One additional virtue of
the Cohen and Arato book is that, while not developed extensively in this very abstract text on
political theory, much of Arato's theory is based on his analysis of the Hungarian experience. His
most empirical and best developed application of civil society theory to post-communist society is
in "Revolution, Restoration and Legitimation: Ideological Problems of the Transition from State
Socialism", a revised version of which is forthcoming in Michael D. Kennedy (ed.) Envisioning
Eastern Europe after Communism: Ideology and Identity in Transformation (University of
Michigan Press).

4 Cohen and Arato, p. ix.

This of course is not the only definition, and their own definition is developed further in their book. Nevertheless, it is clear from this account why civil society is an "alternative" to both socialism and nationalism. It is different both in terms of its identification of utopian alternatives (emphasizing the importance of "differentiation") and of the means to realize them (emphasizing the importance of self limitation and self reflection). While I am quite sympathetic to their book, I think it is important to break down civil society into three different aspects: as a site of action, as a vehicle of transformation and as a set of normative guidelines.[5]

I. Civil Society is a site of social action

Civil society is the terrain of identity formation relatively autonomous from the state. Some like only to include public activities, and say that the private sphere is not part of it; the logic of modern societies, however, suggests that the ideology of the sacred private/public distinction is just that, for the state and economy continually "invade" or "colonize" the private sphere with regulations about sex, consumption and so on. Thus the family, as much as debates about the meaning of the nation, is a "contested site" in civil society. It also was clearly part of civil society in the struggle against communism, as a site for the socialization of alternative identities in an otherwise colonized civil society.

Although civil society was conflated with political and economic societies under communism, some like to distinguish civil society from the world of parliaments and political parties and from the world of firms, corporations, and other economic associations.[6] It was easy to see the distinction of political from civil society under communism when civil society struggled against communism's political society, when a "political society" representative of civil society existed only embryonically within the domains of social movements like *Rukh* or *Solidarnosc*. The

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5 John Keane ("Introduction" to Civil Society and the State, London: Verso, 1988) makes three similar distinctions: civil society as analytical approach, as a tool in political calculation, and as an idea that helps to reconstruct the normative dimension of politics and social analysis.

6 Cohen and Arato make this distinction which, I believe, works better for the political than for the economic.

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distinction between political society and civil society is also vivid after communism's collapse, especially when parliaments become increasingly focused on their own conflicts and civil society becomes increasingly disenchanted with parliamentary activities.[7]

Under communism, the state's domination of the economy also tended to identify any "independent" economic activity, whether of private artisans, illegal currency exchangers or black marketeers as the economic basis upon which civil society rests.[8] While the culture of this work hardly coincided with the normative groundings of most civil society discourses, given that crude self interest and illegal activities are not the seedbeds of the civic consciousness and respect for the rule of law that civil society discourse typically celebrates, it could be considered part of the "site" of civil society's activities given that it too was "relatively autonomous" from the state and contributed to the differentiation and pluralization of social life.

This final point leads me to the next "characterization" of civil society, as a vehicle of transformation against communism, for as a vehicle, it incorporates an extraordinarily wide variety of actors.

II. Civil Society as a vehicle of transformation

Civil society was a "hegemonic" cultural project in the struggle against communism, in which all those who wished to extend differentiation might become part of a common project

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7 See Arato on Hungary; for Poland, see Ireneusz Bialecki and Bogdan Mach, "Orientacje spoleczno-ekonomiczne poslow na tle pogladow spoleczenstwa" in Jacek Wasilewski and Wlodzimierz Wesolowski (eds.) Poczatki Parlamentarnej Elity (Warszawa: PAN IFiS, 1992) or Michael D. Kennedy, "Transformations of Normative Foundations and Empirical Sociologies: Class, Stratification and Democracy in Poland" in Walter D. Connor and Piotr Ploszajski (eds.) The Polish Road from Socialisms: The Economics, Sociology and Politics of Transition. Armonk: ME Sharpe, 1992.

8 For an excellent analysis of how the proliferation of second economy activities undermined the communist state in Hungary, see Akos Rona-Tas, "The Second Economy in Hungary: The Social Origins of the End of State Socialism" unpublished doctoral dissertation, University of Michigan, 1990.

against communism's "homogenizing" tendencies.[9] Hence, while associations of civic-minded

intellectuals are the most frequently associated with the civil society project,[10] most intellectual

groupings nevertheless have voiced some kind of support for the civil society project.[11] Public or

mass demonstrations, as in Leipzig or Prague in the fall of 1989, or earlier in Hungary and

Poland, were argued by these democratic intellectuals to be evidence of the mass character of the

civil society project. Certainly when social movements were developed, as in Poland 1980-81, the

movement's character as a national and labor movement was always wedded, by its interpreters,

as simultaneously a movement for civil society and democracy. The hegemony of civil society over

these social movements and demonstrations in protest against communism is not so difficult. It is

more difficult to establish the hegemony of civil society over nationalist movements, labor

movements and the activities of private entrepreneurs, however.

Private entrepreneurs don't necessarily stand for civil society very well if civil society is

understood primarily in the sense with which Montesquieu imbued the notion. In the legacy of his

vision, civil society is to be understood as above all a public sphere in which various actors came to

discuss alternative viewpoints in order to reach a reasoned consensus, a truly public opinion. The

entrepreneur might be publically minded, but need not be. As Ivan Szelenyi[12] has argued,

> Socialist embourgeoisment also produces entrepreneurs who, contrary to the expectations of
> dissident ideologues are more 'bourgeois' and less 'citoyen' than petty commodity producers in
> Western societies. These socialist entrepreneurs have much more of the greediness of the
> capitalists and little of the civic consciousness of the burgher.

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9 Gail Kligman is working specifically on this homogenizing tendency in Romania. See "The
Politics of Reproduction in Ceausescu's Romania: A Case Study in Political Culture" East
European Politics and Societies 6:3(1992):364-418.

10 The most obvious of these are Czechoslovakia's Charter 77, Poland's Komitet Obrony
Robotnikow-Komitet Obrony Spoleczenstwa, (KOR-KOS), and Hungary's Beszelo group.

11 Notice how Hungarian Democratic Forum, while described by its critics as nationalist,
nevertheless embraced much of the liberal rhetoric while in opposition.

12 Ivan Szelenyi, in collaboration with Robert Manchin, Pal Juhasz, Balint Magyar and Bill
Martin, Socialist Entrepreneurs: Embourgeoisment in Rural Hungary, Madison: University of
Wisconsin Press, 1988, p. 213.

The entrepreneur can become civil society's foundation, however, if civil society rests with a Lockean notion that the private contract and autonomy *from the state* is the foundation for liberalism and democracy. Under such a notion, it matters less what the entrepreneur does for the public or the community, and matters more that he operates with autonomy from the state. Under such a notion of civil society, the entrepreneur is *intrinsically* a foundation for building civil society. Both this Lockean notion and the social role of the entrepreneur in building civil society and democracy have become increasingly dominant within the discourse of *post-communist* civil society.[13]

The labor movement's relationship to civil society is awkward when civil society is understood in its Lockean form, on the one hand, and when the labor movement is cast as having ideological affinities or network ties with communists, on the other. It is hard to deny that labor movements tend to stand against most ideologically driven schemes of privatization of large industries. It is also hard to deny that labor movements will typically struggle to preserve socialist forms of economic association like self management or workers councils. The labor movement can, however, be incorporated within the civil society vision, and has most demonstrably in Poland with *NSZZ Solidarnosc* in 1980-81, as well as in the subsequent post-communist period.

In 1980-81, *Solidarnosc* did not have to distinguish between its struggle for the nation, for labor rights, and for democracy and civil society.[14] Indeed, in the struggle against communism, *independent* workers' actions, much as independent entrepreneurial activity, are forces for extending civil society at the expense of the state. But even after the collapse of communism, the fact that a labor movement grew up around the notion of civil society, rather than having to grow

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13 For a brilliant discussion of civil society and the distinction between "L(ocke)-streams" and M(ontesquieu)-streams, see Charles Taylor, "The Uses of Civil Society".

14 See Alain Touraine, et al. <u>Solidarity: The Analysis of a Social Movement</u>, Cambridge University Press, 1983. For my interpretation of the movement, see <u>Professionals, Power and Solidarity in Poland: A Critical Sociology of Soviet-type Society</u>, Cambridge University Press, 1991.

out of communist dominated trade unions, means that this movement is better prepared to

negotiate the process of privatization, much as the recent Pact on Industrial Association in Poland

demonstrates. But this means, then, that civil society, for labor to remain included, cannot be

understood in its Lockean form alone. If civil society is so understood, labor becomes only another

"stakeholder" (and a problematic one at that) in the negotiation of civil society's privatized social

foundation. By contrast, in the Montesquieuian form of civil society, the labor movement is not an

intrinsic problem; instead, it can become only another "voice" in the search for a reasoned

consensus. A strong labor movement thus could contribute to the broadening of the public sphere

and the development of pluralism, which is another "foundation" of civil society.

Nationalist movements, by contrast, are typically not advocates of pluralism. They are

most obviously not movements normatively compatible with civil society's embrace of pluralism

when they are proponents of some form of integral nationalism.[15] But even more, nationalism's

focus on the state as the "culmination" of the nation's process of maturation, and as the guarantor

of the nation's survival, suggest a deep incompatibility between ideologies, and hence, suggests an

epistemological antagonism at the root of most political conflicts in East Central Europe. *This, it*

seems to me, need not be. In fact, if civil society projects want to survive, they must have a more

sophisticated treatment of the "nation" in their ideology.[16] In the following section, I would like

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15 The archetypical "integral nationalist" is the Frenchman Maurice Barres. Although this form
of nationalism was most developed in the 1920's and 1930's in Europe (inspiring among others
the Ukrainian theorist Dmytro Dontsov), it has had its proponents in later times, especially when
synthesized with communism. Ivan L. Rudnycky argues, for instance, that both communism and
nationalism are "totalitarian" political ideologies (see his "Trends in Ukrainian Political Thought"
in Essays in Modern Ukrainian History Harvard University Press, 1987). Ceausescu's Romania
is certainly justification for this association: see Katherine Verdery, National Ideology Under
Socialism: Identity and Cultural Politics in Ceausescu's Romania Berkeley: U of California Press,
1991. For the continuing influence of this totalizing nation on civil society discourse, see her
unpublished manuscript, "Civil Society or Nation? 'Europe' in Romania's Post-Socialist Politics",
presented to the Ethnopolitics Colloquium, the University of Michigan, March 1993.

16 Verdery comes to the same conclusion for Romania, as does Renata Salecl for Slovenia. See
"The Ideology of the Mother-Nation in the Yugoslav Conflict" a revised version of which is
forthcoming in Michael D. Kennedy (ed.) Envisioning Eastern Europe after Communism: Ideology
and Identity in Transformation (University of Michigan Press).

to suggest several reasons why some form of "nationalism" is essential for the survival of civil society discourse.

THE INEVITABILITY OF NATIONALISM

Civil society activists in Romania made a mistake, Katherine Verdery argues. People from the Group for Social Dialogue, Civic Alliance and others downplayed discourse around "the national interest" in favor of discourse on "civic" values, the rights of minorities and European identity. They believed that nationalism would have been so contaminated by its association with Ceausescu's regime that the public would be eager to embrace an alternative discourse of Europe and democracy. While certainly there is more discourse on civil society today than before 1990, the civil society activists were wrong. Nationalist groups have returned to center stage, and in alliance with old communists, dominate the national government. Even the civil society groups are obliged to speak less about "minority rights" and more about national values, including unification with Moldova, than their original civic charter would have suggested. One would expect that where the nation was opposed to communism, as in Poland, nationalist values would thrive. But even in Romania, where nationalism was in association with the most totalitarian form of communist rule in Eastern Europe, nationalism is alive, even in its ugly integral form.

One might conclude from this that where nationalism is an important part of a society's historical legacy and cultural heritage, and despite its distance or association with communist rule, nationalism will be an important part of the post-communist political discourse. And given that nationalism is central to East European history in general, we should expect nationalism to be revived and strengthened in post-communist times. This seems obvious, but it is striking that it was not obvious to Slovenian and Romanian civil society activists.

At this moment I should say that I am not using the word "nationalism" in its narrow East European sense, to denote only its integral form. Rather, I am using nationalism to refer to any discourse which puts the fate of the collectivity known as the nation at the top of "sacred"

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objects. In this, I include all variants of nationalism, from integral to romantic to constitutional to cultural. They are all similar in that they elevate the nation to a sacred status.

It is not just the "real past of Eastern Europe" which makes nationalism important. There are a variety of other reasons why national identity appears to be the "trump card of identities"[17] in contemporary politics. Ernest Gellner argues that nationalism is the ideology which provides the glue to the increasingly complex and mobile societies of the industrial era.[18] Of course these ideologies must draw upon older elements of an ethnie which are embedded in the folk cultures of pre-modern peoples, as Anthony Smith argues.[19] Craig Calhoun[20] offers a synthetic account of nationalism's power in the modern era which builds on these and other previous accounts, and which I use to develop the following list of why "nationalism is inevitable":

1) for full participation, the world system demands clearly bounded, territorial and sovereign states;

2) nationalism is an ideology easily transplanted (Benedict Anderson's "modularity"[21]) and can be filled with new meanings that give it the appearance of being an indigenous product;

3) the apparent individuality of each nationalism seems to solve the crisis of meaning which is itself derived from modernity's erosion of the community;

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17 The phrase belongs to Craig Calhoun, "Why Nationalism? Sovereignty, Self Determination and Identity in a World System of States" forthcoming in American Journal of Sociology.

18 Nations and Nationalism Oxford: Blackwell, 1983; also "Nationalism in a Vacuum" in Alexander Motyl (ed.) Thinking Theoretically About Soviet Nationalities, New York: Columbia University Press, 1992.

19 Anthony Smith, The Ethnic Origins of Nations, Oxford: Blackwell, 1986 and "Ethnic Identity and Territorial Nationalism in Comparative Perspective" in Alexander Motyl (ed.) Thinking Theoretically About Soviet Nationalities, New York: Columbia University Press, 1992.

20 Craig Calhoun, "Why Nationalism? Sovereignty, Self Determination and Identity in a World System of States" forthcoming in American Journal of Sociology.

21 Benedict Anderson, Imagined Communities, London: Verso, 1991.

4) while this identity appears "thick" with culture,[22] it is not thick in the same way that community-based identities are thick; national identity is not derived from interaction, as community based identities are, but is instead a "category" in which one fits, or does not.

In terms of citizenship, national identity is indisputably a category. But to think of national identity as a category misses one of the central features which helps to give nationalism its power. National identity is also a relational identity, but an identity based on relations constructed in symbolic mediations more than in social relations. Moreover, these symbolic mediations typically address notions of the "sacred", the essence for which the individual might be sacrificed whether in integral nationalism of the OUN or the constitutional nationalism of the USA. Nationalist discourse, of whatever variety, establishes through the construction of a past of sacred acts and profane deeds the moral lens through which individuals evaluate the appropriateness of contemporary acts. This is where nationalism really outdoes civil society. Nationalism has an appearance of moral depth that civil society does not because nationalism has a rich complex history or mythology which justifies its moral superiority. Civil society can only appeal to a universality that resonates almost as poorly with everyday life as communism once did.

MORALITY, HISTORICAL LEGACY AND CIVIL SOCIETY

Not only do nationalisms appear thick with culture and civil society discourses appear thin, but they also tend to have different "biases" that put them at odds with each other.[23] Most seem

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22 Kenneth Minogue and Beryl Williams, "Ethnic Conflict in the Soviet Union: The Revenge of Particularism" in Alexander Motyl (ed.) Thinking Theoretically About Soviet Nationalities, New York: Columbia University Press, 1992.

23 Of course there are many different approaches to the idea of civil society, but it does seem that it has fewer variations than nationalist discourses if only because civil society claims to be universal in its celebration of procedural rationality while nationalism's universality rests only in the claim that nations are the main actors of history. Because each nationalism has a different "substance", it is therefore risky if not impossible to describe how the normative discourse of civil society might be different from the normative discourse of the "nation". I try, nonetheless.

to think that nationalist discourse celebrates the collective, and civil society discourse the individual. It goes beyond that, however:

1) In most nationalist discourses, the nation tends to be portrayed as a coherent organic unity more or less sovereign in its claims to needs and power, while in most civil society discourses, the individual tends to be portrayed as the bearer of sovereignty.

2) In most nationalist discourses, the sovereign state tends to be the celebrated aim of what the nation needs to "realize itself", while in most civil society discourses, the state (and the economy) must be limited so as not to threaten the integrity and sovereignty of the individual.

3) In most nationalist discourses, internal difference is often seen as a potential weakness before a growing number of national enemies, while in civil society discourse, difference is celebrated because no enemies are "theorized" that cannot be dealt with in a rational and legal way.

4) In most nationalist discourses, collective rights are as important if not more important than individual rights, while in most civil society discourses, individual rights are assumed to guarantee the rights of collectives.

5) In most nationalist discourses, past grievances are the fuel for contemporary conflict, while in most civil society discourses, conflict should be based on present wrongs and future hope.

These are just a few of the areas in which one finds some difficulty linking the normative foundations of nationalism with those of civil society. But it is important to recognize that these difficulties are not intrinsic but might be mediated with theorizing alternative nationalisms and studying more sophisticated portraits of civil society's normative grounding. At least that is my hope.

I. The Normative Grounding of Civil Society

One of the great virtues of some civil society discourse over other discourses in the social sciences is that it reintroduces the "normative" or the "ethical" from its unfortunate displacement

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to philosophy.[24] But not all civil society discourses reintroduce the normative in any serious way. Indeed, many L-stream interpreters of the civil society project seem to treat privatization in much the same way as communists treated state ownership of the means of production or nationalists treated ethnic control over a sovereign state. All of these approaches find a *substantive* "base" for assuring a superior form of civilization.

The civil society project in its "M-stream" form is more distinct from both socialist and nationalist projects not only for its embrace of a diversity of social actors but also for its denial of any particular substantive content to its normative vision. Rather than focus on the kind of ownership of the means of production, or the particular qualities of the nation one wishes to celebrate, the civil society project typically emphasizes certain *procedures* which produce the normative end they value. The civil society project typically elevates the sanctity of "law" or of "human rights", principles which limit not only their opponents but also themselves from exacting "substantive justice". One might say, then, that the normative grounding of civil society rests in certain procedural rationalities, rather than the substantive rationalities associated with both socialism and nationalism. A good deal of Cohen and Arato's work focuses on this dimension of social analysis, and provides a specific, but well elaborated version of what I mean.

Cohen and Arato[25] write that the normative vision of civil society is "self limiting and self reflective". It celebrates "differentiation" as one of these means of limitation, by arguing that different spheres of social life should have different logics by which they operate, and should be allowed to operate by them. State and economy operate by different rules than does civil society. Civil society should become increasingly regulated by post-conventional cultural forms that are based less on unexamined tradition and more on self reflection. This self reflection should not only discover the limits on both market and government in determining overall social organization, but

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24 For a marvelous discussion of this displacement, and an argument for its reincorporation to social science through a transformed Habermasian discourse, see Seyla Benhabib, Critique, Norm, Utopia. Columbia University Press, 1988.

25 pp. 451-56.

also its own limits by respecting the distinctive logics of these subsystems social formations require. Civil society is also differentiated internally, as multiple public spheres interact with each other to form a larger public opinion, rather than assume a single public sphere can adequately incorporate all voices. Civil society nonetheless retains its leading role because it serves to "mediate" among these various subsystems.

These normative regulations provide specific guidelines for the institutionalization of the civil society project. "Rights" become the "organizing principle" for this normative project embracing differentiation. Rights of communication in the public sphere and of intimacy in the private sphere are especially important for this, given that they are the prerequisites for political, economic and social rights, the rights normally associated with citizenship, to have communicative rationality.[26]

Thus, while this vision of civil society does privilege a series of "rights", it does so not in the abstract realm of the sovereign individual, but rather to enable democratic coordination of the collective. This requires that civil society be understood as a relational product and not a "category" in which groups fit. It also demands that civil society have a communicatively rational base. In this, communicative rationality means the maximization of open and free discussion among maximally autonomous individuals. The rationality of communication, not the freedom of the individual itself, becomes the regulative goal.

One key problem for such a normative grounding, of course, is in its appeal to those beyond the academic and legal community. As Cohen and Arato write, "the utopia of civil society developed here may appear, because of its remoteness from substantive cultural objectives and

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26 As Cohen and Arato write, "civil society as the institutional framework of a modern lifeworld *stabilized by fundamental rights,* which will include within their scope the spheres of the public and the private, this time from a lifeworld point of view" (p. 440). There are "three complexes of rights: those concerning cultural reproduction (freedoms of thought, press, speech and communication); those ensuring social integration (freedom of association and assembly); and those securing socialization (protection of privacy, intimacy, and the inviolability of the person)..." mediating between "civil society and either the market economy (rights of property, contract and labor) or the modern bureaucratic state (political rights of citizens and welfare rights of clients)" (p. 441).

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concrete forms of life, to be deficient in motivational ability."[27] Many civil society activists, too,

fail to recognize that appeals to civil rights, respecting people as people and celebrating the rule of

law, don't have any intrinsic appeal to people who have not had an ideology of civil society built

directly into their struggle for social justice, as the early civil rights movement in the USA did. For

civil society to "work" as a project, its language of rights and the rule of law must be deeply

articulated with the cultural projects most salient to communities in struggle. In the case of

Eastern Europe, it must be linked to the nation.

Nationalisms filled with Civil Society

It is relatively easy to see what kinds of nationalisms don't fit very well with the civil

society project. Integral nationalism or national communism, in Rudnycky's terms, are

"totalitarian" visions with little tolerance for pluralism.[28] By contrast, he maintains that the

"democratic populism" of a Drahomanov, Franko and Hrushevsky, or the conservatism of a Pavlo

Skoropadsky and Viacheslav Lypynsky, are based on "pluralisms". In our terminology they

would thus be rich national traditions upon which to construct a nationalism filled with civil

society.   But even Rudnycky found these traditions to be weak in one of those dimensions

essential to civil society's flourish: the rule of law.[29]

Across nations, too, one might argue that those national ideologies which developed most in

the romantic period during which the rights of other nations were *theoretically* revered as much as

one's own are more compatible with the discourse of civil society. These nationalisms are, after

all, more pluralistic than the self-centered nationalisms of the integral variety. Polish nationalism,

in this regard, would appear to fit.

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27 p. 455.

28 Rudnycky, "Trends in Ukrainian Political Thought".

29 On p. 98 he makes this criticism of the Democratic Populists but not specifically of the
Conservatives. He does say that the Conservatives favored "law and order" but this is far from
favoring the rule of law.

Andrzej Walicki notes that notions of the nation as an ethical ideal and as the subject of the collective will are relatively well developed in the traditions of Polish nationalism. But the idea of the "national interest" is relatively poorly developed.[30] This of course does not mean that Polish nationalism has historically respected and supported the nationalisms of those, like Ukrainians, who have been its victims.[31] What I would suggest, however, is that *on an ideological level*, romantic nationalisms are more compatible with the rhetoric of civil society than are the nationalisms associated with narrow interests. But because these romantic nationalisms are often based on a kind of *noblesse oblige*, in practice their attitudes and behavior toward former vassals and the oppressed must be transformed in order for the celebration of many nations to be more than a cover for those who have power and want to share it only on their own terms.

In this sense, some currents of Polish nationalism have been transformed. The liberal Polish intelligentsia has actively supported the efforts of Lithuanians and Ukrainians in particular to develop more liberal and sovereign nation states. Fortunately for the Poles, they are not only able to draw upon their historical legacy of romantic nationalism to justify why Ukrainian and Lithuanian independence aids the Polish cause. They are also able to draw upon their experience in the leadership of the social movement against communism which defends their position as "true Poles" even while true anti-Semites indict Polish leaders like Michnik, Geremek and even Mazowiecki for not having sufficiently Polish bloodlines to recognize the needs of the nation.[32] In

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30 This weakness derives from the timing of Polish nationalism's development. It developed so much while being simultaneously valorized on the European continent during the Romantic period at which time the "realist" forms of nationalism were still hidden beneath the robes of "historic" nations and denied to "non-historic" ones. See Andrzej Walicki, The Three Traditions of Polish Patriotism a paper read at Indiana University Bloomington, March 26, 1987; published by the Polish Studies Center, 1988.

31 Ivan L. Rudnycky ("Polish-Ukrainian Relations: The Burden of History" in Essays in Modern Ukrainian History Harvard University Press, 1987) in fact argues that Pilsudski's more "romantic" nationalism was more injurious to the Ukrainians than Dmowski's integral nationalism because its implied great power position "stood in the way of sincere reconciliation and cooperation between the Poles and their immediate eastern neighbors" (p. 68).

32 Konstanty Gebert, "Anti-Semitism in the 1990 Polish Presidential Election" Social Research 58:4:(1991):723-55.

sum, the legacies of Polish romantic nationalism and of Solidarity's struggle against communism can be incorporated into a current discourse that infuses civil society into the ethical ideal of the nation. I worry, however, that their days are numbered.

Along with the vaunting of civil society seems to come the embrace of free trade, unrestricted repatriation of profits and acquiescence in the advice of the International Monetary Fund and World Bank in economic restructuring. Whatever the rightness or wrongness of the advice, it must be acknowledged that the marketizing of the economy with international assistance is inevitably going to provide ammunition for the arguments of those nationalists who see little value in these supposedly universal norms of civil society and European democracy. They will see, as Rutskoi and his allies in Russia now argue, only the generation of domestic dependence on the "West".[33] Poland is fortunate for having had the more than decade long struggle of civil society against communism. Where civil society has not had the same time to be incorporated into the everyday consciousness of the public, the marketization of the economy and the internationalization of social life will make nationalism's competition, rather than cohabitation, with liberalism much more likely. Even in Poland, the liberals have had increasing difficulty holding onto the "national" card.

One reason for this, I believe, is in the unfortunate "ceding" of cultural and national issues to nationalists, while liberals decide to focus their attention on practical policy issues surrounding privatization and trade. This tradeoff is quite apparent in the Suchocka government, where in return for support of the privatization scheme, the Suchocka government more or less allowed the controversial abortion ruling to pass. And what in the end is its reward? Continued stalling on privatization, even while the "cultural" sphere increasingly becomes the home of those for whom the values of civil society and its attendant rights are less important than assuring the morality of

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33 Celestine Bohlen, "Russia Politicians Use Aid as Ammo" The New York Times April 17, 1993, p. 4.

the population.[34] It seems to me that by allowing nationalists to do the mobilizing while civil society proponents tinker with the rules of the market economy, the delicate position of civil society becomes only more fragile. This brings me to Ukraine.

CONCLUSION: SOME REFLECTIONS ON UKRAINE

I am optimistic about the prospects for the development of a kind of Ukrainian nationalism filled with civil society, for several reasons. Of course it shares with all other post-Soviet societies ethnic tensions, but so far there has been relatively little violence built up around them. Ukrainianization of intellectual and public life is not so threatening to most minorities as Lithuanization or Estonianization is, just for matters of linguistic similarity, even if in principle it poses some of the same dilemmas.

Second, Ukraine has a substantial alternative political class that has emerged from Rukh which embraces the discourse of civil society. While not quite so long lived or so numerous as *Solidarnosc*, Rukh's claim to providing a movement basis for civil society's development is as great as any other movement in the post-communist world besides *Solidarnosc*. I find its willingness to compromise with the Donbass Miners' movement in 1989 over the way in which the blue and yellow flag would be used to symbolize the movement especially indicative of the kind of tolerance in making nations that is normally so difficult to cultivate.[35]

Third, Ukraine's size and relationship to nuclear weapons and substantial naval forces means that it cannot be treated by foreign governments so dismissively as those governments have treated Bosnia-Hercegovina or will likely treat the Baltic states when push comes to shove.

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34 The recent controversy over ombudsman Tadeusz Zielinski is illustrative in this regard. Catholic deputies have insisted upon his dismissal because of his reputed "war" with the Catholic Church. Primate Glemp attacked in his Easter sermon Zielinski's attempts to "remove the cross from schools" and compared it to "hitlerite and communist practices". Zielinski had asked the Constitutional Tribunal to rule on the way in which religious instruction was introduced to the schools. See Jan de Weydenthal's report in the RFE-RL Daily Report on April 19, 1993.

35 See Bohdan Krawchenko, "National Memory in Ukraine: The Role of the Blue and Yellow Flag" The Journal of Ukrainian Studies 15:1(1990):1-21.

Although I hardly think the nuclear threat is compatible with the communicative rationality civil society celebrates, I only observe that its presence on Ukrainian soil means that Ukraine is a different kind of negotiating partner than most other post-communist nation-states.

These three points are relatively obvious. I'd like to finish with two more complex arguments regarding historical legacies and the role of the state in relation to civil society. First the state.

There are many reasons to be concerned, I think, about the state-centeredness of Ukrainian nationalism. Of course this state-centeredness is understandable given the character of all anti-colonial nationalisms, and especially given the particular history of the Ukrainian national movement. The results of the 1917-20 revolution and the severe limitations on state sovereignty imposed by the Soviet system are powerful reminders of the importance of a strong and independent state. More recently, some authors have pointed to the the alliance between Krawchuk and the Drach wing of Rukh[36] as an indication of the potential for statist authoritarianism and a sign of civil society's decline.[37] While I am quite ignorant of the content of the debates within *Rukh*, this and the other indications of state-centeredness do not worry me. The fate of civil society depends less on the strength of the state than it does on how the state uses its strength. In this regard, Cohen and Arato's focus on the *institutionalization of rights* becomes extremely useful.

Bureaucracy is inevitable in modern complex societies. The question is how to make it more rational and efficient, on the one hand, and on the other, to provide safeguards against its abuse, especially when that bureaucracy is the arm of the sovereign state. To the extent the state uses its legislative, executive and judicial powers to institutionalize a series of rights of the kind Cohen and Arato have indicated, it is building the foundation for civil society's subsequent resurrection. To the extent that the government builds in limitations on its own power, as

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36 Pro-Presidential Congress of National-Democratic Forces" associated with Ivan Drach, Mykhailo Horyn and Dmytro Pavlychko and the Ukrainian Republic Party.

37 Mykola Ryabchuk, "Authoritarianism with a Human Face?" unpublished manuscript, 1992.

Hungary did with its Constitutional Court,[38] or Poland has done with its Constitutional Court and omsbudsman,[39] the state is using its strength to build in its own limitations.[40]

If the post-communist state is to be restrained, I believe the state must build its own self-restraint. In the aftermath of communism's collapse, the civil society we all want and vaunt is unlikely to be up to the task. From Poland to Hungary, most civil society advocates are lamenting the decline of civil society.[41] With the unfortunately necessary focus on reconstructing the state and the energy devoted to surviving in the ever more demanding market economy, it is not surprising that civil society withers. While it is laudable to focus on mobilizing civil society to support democratic initiatives, this effort must be made compatible with elite political struggles over the character of the state. Neither the mobilization of social movements to limit the state, nor the encouragement of entrepreneurial initiative to make the state less important will ensure civil society's health by themselves. The state must be taken seriously, and its strength should be less of an issue than whether it uses its strength to build in institutional guarantees of its own subsequent self limitation, and civil society's empowerment.

But why should it? Don't states only seek to magnify their power? I think that is a general tendency, but that they can be limited by the character of the cultural tools with which the job of state building is understood. Here, historical legacy becomes crucial, but with this, I don't mean the historical legacy of civil society per se.

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38 "Whose task is to guard human rights during transformation" see Arato, "Revolution, Restoration and Legitimation".

39 For an excellent essay explaining how the importance of the ombudsman in the maintenance of democracy before the threat of bureaucracy, see Donald C. Rowat "Why Democracies Need a Legislative Ombudsman" in Ronald H. Glassman, William H. Swatos Jr., and Paul L. Rosen (eds.) Bureaucracy against Democracy and Socialism New York: Greenwood Press, 1987. .

40 The similarity with the notion of a self-limiting revolution should not be lost.

41 See for example Lena Kolarska-Bobinska, "Civil Society and Social Anomy in Poland" in Bob Deacon (ed) Social Policy, Social Justice and Citizenship in Eastern Europe Aldershot: Avebury Press, 1992 and Arato, "Revolution, Restoration and Legitimation".

Civil society's historical legacy does not come from Eastern Europe as much as it comes from the West European and North American example. Although Tocqueville celebrated the multiple associations to which Americans belonged, the legacy typically imported with civil society is the importance of the market economy and private entrepreneurship. While certainly this ideology has its place in the construction of civil society, its presently central status in determining who is a "reformer" and who is not in the discourse of the West certainly does little for anything but the "L-stream" of civil society discourse. For the "M-stream" of civil society discourse to develop, for the focus to be on the vitality, relevance and openness of the public sphere and not on the measure of privatization, the character of the nation must be central, and its articulation with the values of civil society highlighted.

One way in which this articulation is often done is to identify which national discourse "belongs" with civil society and which does not. For instance, Rudnycky identified the ideas of Drahomanov and Lypynsky as those most compatible with the pluralism of civil society, and the ideas of Shelest or Dontsov less so. Indeed, I think Ukraine is quite wealthy in the historical legacy of its democratic national tradition, and thus has a bounty of figures upon whom to draw for establishing a national tradition that is suitable to constructing a post-communist nationalism filled with civil society. What is more, because a significant number of these historical figures were struggling to combine nationalism and socialism in their definition of democratic Ukrainian destiny, the national tradition presents a healthy resource for receiving with skepticism some of the more ideological projects of privatization the West is fond of promoting.

At the same time, it does not seem to me that a nationalism filled with civil society can simply retrieve the figures closest to its ideological disposition and expect that to provide a legitimacy for its current project or to provide much inspiration for current problems. Instead, the post-conventional disposition toward culture is essential for the national democratic tradition to be the legacy of a nationalism filled with civil society. Here, I believe, the matter of "moral responsibility" in the past becomes the ideal subject for a public discussion of the national legacy.

By this I do not mean who is guilty and who is a hero in the Ukrainian past. Rather, I mean to follow the example Vaclav Havel raised in his story of the greengrocer in communist Czechoslovakia. He argued that there was not a "we" and "they" in that time, but that the dividing line between support for and opposition to the system ran right through the middle of each individual. Each individual struggled with himself to find a "moral" course of action. "Collaboration" in the communist system becomes, therefore, a very difficult thing to define using anything but the most extrinsic standard. To return to debate the complexity of moral accountability in the communist past seems to be one of the most useful ways to help generate that cultural disposition that is both reflexive and self-limiting, the very cultural disposition at the root of a civil society based on communicative rationality.

It is not only to the recent communist past that the public debate might return, but also to the more painful periods of Ukrainian history. One of the most painful discussions I have watched over the years is the attempt by Polish and Jewish intellectuals to discuss their common history especially in the inter-war period as well as during World War II. The Polish effort to examine Polish responsibility in the Holocaust, and the effort by Jewish historians and other intellectuals to understand the Polish sensibility regarding Polish losses in World War II, seem to me to be exemplary ways of finding a new common ground that can make a nation's history more inclusive, and thus its subsequent nation more pluralist.[42] Given the pogroms that happened during the 1917-20 revolution, the subsequent tensions following it with Petliura's assassination and the subsequent acquittal of his assassin in Paris, and the comparable difficulties Ukrainians and Jews have had with an interpretation of the losses of World War II, this kind of exchange would have similar benefits for Ukrainian national consciousness as it has had for Polish and Jewish identities.

Sometimes I wonder whether this kind of self-critical historical reflection is necessary at all, however. After all, despite centuries of Polish-Ukrainian tension, the present relationship is

42 For one example of this, see Antony Polonsky (ed.) My Brother's Keeper: Recent Polish Debates on the Holocaust Routledge, 1990.

quite amazing in its mutual support. Nevertheless, this too seems like a relationship that should

be explored in a more self critical way than any national historian I have yet read has explored it.

Rudnycky,[43] for instance, comes close, but his critiques of the Ukrainians tend to focus more on

blunders than on any kind of deep cultural problem beyond the nobility's Polonization. Deep

cultural problems for the pained relationship between Poles and Ukrainians seem to rest

exclusively with the Poles. Maybe deep cultural problems are only the province of the oppressor,

and that is quite possible. Or perhaps it is inappropriate, politically and morally, to focus on the

limitations of the victim in reproducing the problem. But this raises another dialogue that those

concerned with a nation filled with civil society should have.

Feminist theory has dealt with this problem of understanding the victim in a more serious

way than any theory of nationalism I have seen. The sense of entrapment a battered woman

feels in an abusive relationship is an appropriate reflection of a real power relationship. At the

same time, however, shelters for battered women help the individual to see other possibilities and

other relationships other than that which oppress her. With those new insights, gives her an

alternative future without that abuse. She is certainly a victim, and not responsible for her

suffering. At the same time, her salvation lies first with her being able to escape the worldview

which that oppression demands her to accept. A dialogue between theories of gender and of

nations thus might help us see not only how certain frozen images of identities help to hide the

alternatives before us. They also might help us see the nation as more than a state-centered

creature.

To see the nation as a *gendered* cultural formation helps to link civil society and the nation.

Civil society is a project concerned with rights of both privacy and public communication. The

ways in which the ideology of the nation respects privacy and autonomy in control over the body

and sex, and the way in which it encourages an open public discussion about social problems

vitally linked to gender, are good indicators of just how filled with civil society the nation is. In

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43 Rudnycky, "Polish-Ukrainian Relations: The Burden of History".

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short, by asking how the ideology of the nation is gendered, one forces a rereading of most past heroic figures and ethical ideals for whom gender was much less salient than it is today. And by asking about gender, the idea of the nation is taken out of its obsession with the state, and put into the range of social activities in which everyday life is conducted. By analyzing the gendering of the nation, we will likely construct a more complex image of the nation so that its internal contradictions and exclusions can become more visible. When we do that, contemporary choices can be better informed and more reflexive. In this sense, a nationalism filled with civil society might depend on conceiving a past in which subjects are always accountable, if never free, as feminist theory reminds us.

Of course to be accountable if never free is the basis for elevating the institutionalization of rights to the center of an alternative politics of civil society.[44] To ensure the civil rights of which Cohen and Arato speak is to try to maximize the "freedom" of the individual, but that is not all. It is also designed to return responsibility and accountability for past injustices and contemporary politics to the negotiations and associations of individuals and social groups. In this civil society project of building society and interpreting the past, one refuses to "fill in" the substantive rationality of the civil society project with categories and ideologies. Instead, the accountability and responsibility can be understood only in the complexity of the conjuncture, with as many of its determinations laid bare as possible. With new multiple structures apparent, alternative nations become more possible, and a nationalism filled with civil society more likely.

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44 For one example of this effort to apply a theory of rights to a praxis base don socialist and feminist values in the USA, see Nancy Fraser, Unruly Practices: Power, Discourse and Gender in Contemporary Social Theory (Minneapolis: University of Minnesota Press, 1989).