

The civil society between freedom and democracy

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Abstract: In view of a rapid succession of events in the contemporary world, on both the political and the scientific levels, it is indeed essential to say more about the subject of democracy in the civil society. If by democracy we mean not only a form of government but also a system of living, then indeed a unanimous judgment and also a general conception cannot be expected, but nevertheless the concept need not to be debased to the stage of complete meaninglessness.

1. Europe and its notion of democracy

The European countries had obviously had enough of dictatorships and totalitarian forms of governments. The Berlin-wall broke down in 1989. Europe became new. To discuss the admittedly special circumstances obtaining in Europe would obscure the actual issues, since it is now no longer possible to set geographical limits in the treatment of this subject. Doubts about the value of democracy have not come upon us from heaven or hell, but must have deeper roots in spite of all the defects which cannot be denied and in spite of justified criticism; for this reason it is not possible to take

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the easy way out and attribute them to some „spirit of times“. All the more so because other conceivable forms of society are much less in tune with human nature, man's desire for liberty and the free expression of the personality than the system under which we live. However, a period of one generation(end of the cold war) is too short to be able to discern in the flood of events a „secular process“ which has led to the increasing erosion and indeed to the break-up of traditional values.

In actual fact, if the principles of democracy – that is, freedom, law and order – are being questioned more and more insistently and more and more often, this is certainly due more to the conscious and deliberate activity of (more or less radical) minorities. But it is these groups who as a rule fight not with the intellect but with the weapons of force – ranging from the condemnation of those who do not share their opinions to anarchistic excesses. They presume to be able to construct a new society only on the ruins of the destruction of the old; in any case this society is not at all „new“, but can be observed in the flesh in existing dictatorships and totalitarian forms of government, which above all enable us to make comparisons. If the opinions of the majority are alleged to be rubbish and sense is the prerogative of the few, it does not follow that the converse is true, i.e. that only minorities possess sense. In particular, however, the aggressive minorities with whom we are here concerned cannot then feel justified in exercising power by the way of coercion. No, their intellectual intolerance makes them incapable of a considered judgment; their

argumentativeness, generally flaunted with noise and commotion, serves more for the intimidation of the sensible than any desire to enhance their own awareness.

2. The function of democracy and fundamental ethical decisions

It may, I believe, be asserted without prejudging the issue that on the whole it is a decided minority that would wish to „refunction“ the democratic will of the majority, in spite of many objections to this principle, into the rule of the minority. This new vogue word is a fashionable neologism. Such neologisms of this kind are in fact intended to convey the impression that the thing in itself needs to be incarnated in a form of activity before it can take on meaning and essence. This stimulated activity represents a new way of thinking, which is prepared to condemn everything that is not in a state of continuous motion or is not being moved and changed as stagnation.

If therefore the unchanging, the established, no longer signifies anything, it is only logical to set store by practical experience and rational knowledge alone, and hence to reject ethical, moral and religious values as measures of human action and striving. A man who cannot comprehend Immanuel Kant's „the starry heavens above me and the moral law within me“ as a philosophical creed but only perhaps as a poetic piece of literature has certainly not contradicted Kant if his

intention was thereby to obtain „carte blanche” for a philosophy without values or even antagonistic to them. However, the man who thinks of the „starry heavens” only in terms of astronauts and conceives of the moral law only from the standpoint of the penal code has no understanding of this great philosopher.

Making value judgments is certainly not always the expression of objectivity and justice, but this activity must in all logic be purely arbitrary if a shallow, merely expedient pragmatism predominates over higher values. No human conscience can be so stunted as to be unable in the last analysis to distinguish between more good and more evil – unless one denies altogether that anything like the conscience exists. But the conscience cannot convincingly be branded as a backward, bourgeois notion! For that is the hope of sensible people of all nations, that this arrogantly and presumptuously flaunted „thoughtlessness” must perish through its own spiritual emptiness. This is not by any means to say that everything in the garden of the Western democracies is lovely and that no criticism is justified. But the lever of criticism requires a fulcrum, which cannot be sought in intellectual vagueness.

The reader may enquire whether this long discussion about the preconditions of democracy was necessary before embarking upon our actual subject. However, the treatment of this subject is virtually inconceivable without a statement of one’s own values and credo. For instance, anyone who does not conceive freedom as an innate right of man but thinks he can interpret it according to his own subjective feeling has

forfeited his entitlement to join in the conversation because he is only a fickle being. The ultimate essence of every community in the civil society is based on the integration of the individual in the whole, and not on the right arrogated to himself by each individual of being able to shape the world around him or her for „everyone” according to his/her conception.

3. Importance of law in the view of freedom, democracy and civil society

Not only the system in itself must certainly be protected by the law but also the freedom. This cannot mean that everyone can claim – i.e. „his/her” right to make use of freedom as he sees fit and- as increasing public insecurity shows – for example to destroy other people’s property or steal it by force. Whilst private law, as a system of rights, exists, consecrated by legislation, there is no „private” right of the type attacked. This thesis is not in dispute, but unfortunately it is also not always respected. Freedom thus requires a foundation in law, but in addition it must likewise be integrated in a social order. In this sense law and order combine to protect, but also to define, the sphere of freedom of the individual and of the civil society.

However, since the changes are continuously taking place in politics and in the society, and since these are not always accompanied by changes in the law, it cannot be denied that these have formative power, which also extends to their practical effects. Thus, from a more

philosophical standpoint, the question arises whether the state, which is supposed to guarantee law and freedom, by its perhaps involuntary increase in influence and power might not ultimately be in danger of further and further restricting the rights and liberties of its citizens, contrary to this fundamental moral law. The case is in no way altered if these citizens are prepared, or even wish, to subordinate themselves to the collectivity and even pay the price of renouncing the expression of their freedom. At this point we are bound to mention inflation, which is just one of the factors tending to bind the citizen even against his/her will. The state cannot escape responsibility and blame, particularly if it nurtures ideologies in its industrial, financial and economic policies which according not only to theory but also to world-wide practical experience cannot fail to result in a constant decline in the value of money – but must then virtually of their essence also lead to the break-up of a free and civil society.

4. The tension between the influence of the state and individual freedom

Master or slave, subject or citizen – that is here the question!?! Tempting as it is to go on arguing this point, we must discipline our ideas and return to our subject. It will now be clear that the democratic system as presupposition for a civil society – democracy of course being understood in a genuine and free sense – constantly runs the risk of causing the state to be either too

little or too much in evidence and not palpable enough or too palpable. Such scruples are foreign to totalitarian states. Perhaps, however, this comparison will show that when we speak of democracy we can only mean the form of government, society and life which stands above all the partial spheres and aspects. Let the groups in our countries who are infected by communist ideologies once and for all honestly answer the question what they think would happen if every individual group in a totalitarian state – of whatever configuration – dared to set norms and standards of its own in and for itself.

The question arises, what is then meant by democracy, and what social-political system is to exist with democratization, and how can be built up a civil society, when the break-up of the state is complete? Could it be the crippling and suppression of the parties legitimized by the people in free, equal and secret elections? Already today, these parties are tending to be undermined everywhere by minorities in their own camps, so that their capability of action is constantly diminished. Is it for example conceivable for an individual person to be subjected to different maxims in different areas of his/her life? Is the citizen a different person in the family, at work, in society, in the state or as a member of his/her church or religious community, and can his/her life be subordinated in each case to completely different set of moral standards? Is what we call good faith, whether individual or in the group, open in each case to different interpretations, if democracy is not to be just an outline system but is instead to be imbued with the spirit of

unity? And are this not the presuppositions for a real well working civil society?

As it is in private life the members of a club lay down a set of rules binding upon them, the citizens of a state, too, are bound to their set of rules, called the constitution. Apart from the purely juridical significance of this statement, it incorporates the prevailing norms of human and moral attitudes. In this wider framework, there is such infinite scope for the unfolding of human freedom that everyone can find his own station. If a person cannot make anything of this freedom, he/she cannot blame his/her failure on the democratic organization of the (civil) society. But this is a measure of the intellectual confusion which threatens to engulf more and more the people in the European countries.

Such critical remarks certainly do not justify the assertion that every democracy is already perfect in itself and on the best way to become a civil society. Democracy according to the civil society is to be seen as an institution which affords a foundation and a framework for even the fiercest arguments, which nevertheless allow of at least politically optimum solutions. If the demand for a better society, a civil society, and the democratization is not to carry the implicit aim of an intentional weakening of democracy, then the notion of the „democratized democracy” can in fact only be regarded as a pleonasm. We could then equally well speak of „capitalized capitalism”, „socialized socialism” or „liberalized liberalism”. The ambiguity or multiplicity or possible interpretations of such neologisms should be proof enough, with a little reflection, that this method is

simply useless. A fragmented and atomized democracy is in fact no longer a democracy, unless the word is to be given an entirely new connotation. Everyone knows that one can argue splendidly with words, and that a system can also be constructed with words, but what has been constructed is then a different social system, a different form of government, and in this sense also a quite different theory of the civil society.

5. Difficulties with the democracy

Also, if the critics of a free democracy were manifestly impelled by the desire to improve that which is inadequate and to perfect the existing order, they could be sure of a wide measure of agreement from many who felt the same way. However, the noisiest protagonists of civil society and democratization make it all too clear from their behaviour and activities that they want to alienate the citizen from democracy. That, as already stated, they are intend not on evolution but on revolution, and in addition even heap abuse on the state, which is bound by law and justice to maintain this free organization of life. A person who really wants to protect democracy and wants to install the civil society reinforce it from within should think of something better than mindless repetition of the word „democratization” or the word „civil society” as the assumed way to salvation. It is fundamental that the concepts of democracy and civil society will admit of no multiplications. As a nation, we always live in just one democracy and one

society, in one system of justice, and not in a number separate institutions each with completely different structures. Even if we live in a global world we live only according to one dimension, in one place in a special time (*hic et nunc*). And when one considers the methods by which minorities often come to power, the resistance of freedom-loving citizens must be raised in opposition to this distortion of the will of the majority, for the sake of democracy and civil society.

Basically it is almost always minorities which wish to oppress majorities today. For example, it can scarcely be denied that the democratization of the churches has not contributed to the strengthening or spiritualization of Christianity. And democratization in schools of all kinds has not really manifested itself in improved education and additions to the store of knowledge. In fact it has led to a refunctioning of truth and suppression of the free exercise of the intellect. Not least among the factors contributing to the failures and symptoms of degeneration of democracy is that it has been forgotten that democracy not only gives the citizens rights but also imposes obligations in him or her. From the moral standpoint of view, forbearance and understanding are inherent in democracy, whereas the democratized democracy can only accentuate antagonisms. Another point: when majorities are formed from free democratic elections, it cannot at the same time be democratic to support the principle of „parity” in other institutions – e.g. in the idea of an „economic and social council” – in contradiction to this vote. Indeed, this could even result

in fundamental falsification of the genuine process of formation of the democratic and the „civil” will.

Of course, the logical culmination of democracy is the rule of the official, the free election and the active participation of the human person. For whose calling is then democratization? The silent citizen and ordinary political consumer at any rate would not aspire to it, and it is unlikely that his/her voice would be heard even if he/she did. No, it scarcely be gainsaid that democratized democracy on all levels justifies a new form of regime which is fundamentally at variance with the inner law of a genuine democracy and a civil society. For why should the citizen in a democracy guaranteed by constitutional law bother to vote if his/her declared will is disregarded by pseudo-democratic institutions? No parliament, moreover, should show itself to be so bankrupt that – assembling as it does the elite of a nation – it is incapable of objective appreciation of an issue, and requires an institutionally consecrated council of experts, who could in any case if necessary be called in to advise on specific issues. There can be no middle path between acceptance and rejection of democratic forms of life. In a democracy as we understand it, human freedom is sacrosanct. In the civil society, it is, at the least, questionable. It is in any case clear that under a democratic system the citizen is also free to make his/her will known, whereas with democratization he/she is subject to a greater or lesser degree of obligation imposed upon him/her and thus is fettered in new respects. This means that this misunderstood democracy creates a perfection of power from which it is no longer possible for

the citizen to escape and which he/she cannot ward off. Opinions on this issue are not divided into bourgeois and socialist schools of thought. The tearing-up, and likewise the arbitrary mixing, of all values is bound to lead to egalitarianism, because if everyone thinks he/she can aspire to the same, the status of the personality is diminished and a fair appreciation of individual achievement is prevented. In this sense is the civil society in danger to become an egalitarian community without performance.

6. Questions of industry and work

I would like to deal, finally, with the particular problems of industrial co-determination – and especially co-determination on a parity basis – in rather more detail, as it might otherwise appear as though I were endeavouring to avoid touching on the problems of the day, in our rapid changing transition countries and the Western world. Because work and employment are key-factors also for the civil society. It is both noteworthy and characteristic that co-determination in the sense of our industrial relations legislation is rather an element of internal order and social co-operation between the employer and the employee, and for this very reason had nothing to do with any revival of the class-war. The legislators and both sides if industry realized on the basis of practical experience that it was useful and to everyone's advantage to approach problems between staff and management as far as possible on an amicable basis and

with a readiness to negotiate mutually acceptable solutions. The juridical foundations for this process were created – without eroding the entrepreneurial function by parity. This was certainly a manifestation of a democratic approach towards a civil society, yet there was no question of democratization for the institution of a new social order. This blurring of competences and responsibilities was aimed rather at areas outside that of productive industry, whence they were to permeate all layers of society and refunction them.

7. Egalitarianism as challenge of civil society

But, I myself would never attempted to hide my rejection of a democracy as egalitarianism – of a principle of parity which negates the original democratic consensus, because, to put it crudely, it leads to a system in which no one any longer knows 'who is the cook and who is the waiter'. In this sense egalitarianism is a real challenge also to the civil society, because the basis of this principle is on the concept of democracy.

Where this intellectual confusion has led in the universities is plain to all. If we apply the same principle to a national economy, it appears very unlikely indeed that the latter would be strengthened and bolstered from within. Regrettably, our age is one of many contradictions, but to draw attention to them in the free world today has virtually become tantamount to disturbing the peace. The economic failures and deficiencies of collec-

tivized economic systems in comparison to market-orientated forms of organization are now so crass that it is virtually the height of impudence and ideological delusion to recommend the peoples of the free world to relinquish this of all freedoms.

Such a conception of modernity becomes a cheap excuse for individual human failure and cowardly opting out of competition. For let there be no mistake: the democratization of democracy can only lead to more and more egalitarianism, in spite of the fact that such a process is contrary to both human nature and the purpose of creation. However, justified the achievement of a better social balance within a community may appear, an exaggerated egalitarianism which endeavours to blur and level the natural differences between industry and ability on the one hand and idleness and incapacity on the other can only be misguided. It is always the people as a whole which suffers and stands to lose from a misconceived social policy. Not even the most inventive imagination can do anything about the fact that every new endeavour to achieve a redistribution of the national income reaches a limit beyond which sense becomes nonsense and charity becomes a scourge. Without incentives and the impulse to achieve, a competitively based market economy cannot fail to be sidetracked into collectivist egalitarianism, in contrary to a civil society.

8. Ethics between society and human person

All human societies have ethical systems that define what is meant by right and wrong, fairness, justice, truthfulness, and similar ideas dealing with morality and rightness. Individuals who live in those societies learn from childhood what is considered ethical and unethical. Religious institutions, parents, teachers, and others instill a sense of fairness, justice, and general ethical behaviour. As a result, most persons develop a strong sense of ethics which then acts as one's conscience when faced with questions of right and wrong. In addition to individuals conscience as an ethical guide, societies spell out their ethics in laws, customs, and religious beliefs. When questions arise, these community standards are then used to sort out right from wrong and to define what is ethical or unethical.

The ideal civil society that is envisioned, be it the better consumer side of the society and/or a more active cultural side of the community, holds out to individuals the promise of living life as they want, irrespective of the *natura humana*, and works to fulfill that promise by transforming both social institutions and the whole of the life environment. In the process of pursuing the requisite unlimited growth for human persons, groups and nations, or even continents (like the European Union) the natural resources of our planet have been exhausted to the point of endangering the very basis for natural life, as presupposition of a working civil society. This pursuit is accompanied by a gradual de-

cline in the moral will of moderation, a recession of awareness of personal responsibility that goes hand in hand with personal freedom, and a debilitation of the sense of affinity with other communities and societies past and present. The principle of hope has driven anthropocentrism beyond the break point, and must needs give way to a principle of respect over the impending natural catastrophe that waits us.

For that reason (but not only for this), we need a civil society with well educated people, who work according to the principles of responsibility, solidarity, subsidiarity and the common good. On this basis our societies will become „more human” and „more civil” in the most positive sense we can imagine. But this needs a lot of efforts and activities of everybody, because our civil society will be as well as everybody puts his or her own energy into this project!