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Špatná občanská společnost
Bad civil society
Veronika Susedková

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Prohlašuji, že jsem práci zpracoval(a) samostatně a použil(a) jen uvedených pramenů a literatury.

Plzeň, duben 2012   ………………………

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stále za všechno, i když se nesměje vtipu o Rawlsovi.

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1 INTRODUCTION[1]

"The birth or rebirth of civil society is always riddled with dangers, for it gives freedom to despots and democrats alike" (Keane, 1998: 45).

Thinkers have been musing about civil society since discussions about possibilities of understanding our world, human beings and essence of living appeared. Nowadays, political theorists and philosophers still have many questions to answer as new topics are still arising together with new challenges societies have to face – whether they are modern or post-modern, developed or developing, northern or southern. The amount of writings which have been addressing variety of features of civil society show how attractive the research in the area of civil society is – vast diversity of actors, forms, goals as well as values. Both the protesters in Spain (Tremlett, 2011) and the members of the Guerrilla Gardening movement[2] constitute civil society – from local community groups to internationally established non-governmental organisations (thereinafter NGOs). Is it that all the groups fit into civil society? Is it that all of them are somehow beneficial for the society? Or can they also be totally different, alien and dissociated from the society´s core values?

My work will present ideas which are intertwined with civil society as well as basic notions which are connected to it. The main focus of my research will be aimed at a specific form of civil society – bad civil society. Introducing briefly this phenomenon – bad civil society is hostile to respect and protection of liberal democratic values and to respect and protection of basic human rights and freedoms. A precise definition is one of the aims of this work but, before this will be established, the reader should be aware that bad civil society incites and encourages hate and intolerance

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[1] Parts of this thesis are taken from the master thesis I have written for the European Master´s in Human Rights and Democratisation in 2011. Titled "Bad Civil Society and the State: A Complicated Relationship" it has dealt with a specific aspect of the possibility of regulation of bad civil society in the western democratic state. Therefore the research for my current thesis builds extensively on the knowledge and data acquired previously. Undoubtedly, though, as it concentrates on a different issue, this work develops an analysis of bad civil society further and deals with different aspects of the problem.

[2] Guerrilla Gardening, at http://www.guerrillagardening.org/index.html, (consulted on 20. 5. 2011).

towards "different" people on many diverse grounds. It has been recognised by some authors, that such a phenomenon occurs, but I believe it is still rather unexplored topic in the area of the "western world". My attempt is to identify what bad civil society is and analyse some of its features as thoroughly as possible within the framework of a master thesis. I have set forth several research questions which I will attempt to answer throughout my paper.

The main research question – What is bad civil society? – will be answered on two levels – theoretical and empirical. The theoretical account should provide with a definition of bad civil society and will attempt to explain why more authors do not recognise the bad civil society issue. On the empirical level, which will enhance the definition, the "on the ground" occurrence of bad civil society will be presented and an attempt will be made to answer the question whether bad civil society can be limited or even diminished. Further, I will briefly present some notions about why bad civil society develops and what nurtures it which will shed some more light on this problem. Although I will not be able to address completely all the issues, problems and consequences attached to the occurrence of bad civil society, I believe that answering these questions will provide quite a comprehensive picture.

My general account about bad civil society will be illustrated by a deeper analysis of the Czech bad civil society environment. This example will provide a better insight into a specific case – I will identify specific features of the Czech bad civil society, what are the reasons for its establishment, what is its dialectic and practical impact and whether there are any measures implemented by the Czech authorities and civil society to diminish impact of its activities.

Another aim of my analysis, which constitutes a relevant academic contribution, is drawing broader attention to this topic not only within Czech academic discourse, which seems to ignore it completely, but also more widely. Although there has been an acknowledgement of its

existence, this has not yet led to a proper and comprehensive move to address and attempt to tackle the issue theoretically. I will not boast with a "messianic" aim to unearth a perfect solution. I will rather develop a critical reflection of current thinking about bad civil society concentrating both on the thinkers refusing to admit a possibility of thread posed by bad civil society and on those acknowledging (even if only to a limited extend) the source of danger which bad civil society constitutes. An empirical "part of the story" should contribute to the completeness of the picture painted.

I am prepared to admit I have established several boundaries for my research, which should help me not to be led astray by too many aims and conceptions which all can (and also should) be explored while dealing with this issue. To explain specific approaches I have opted for, first of all, there are many cultural differences in both apprehension and realisation of civil society outside the western world. Because I aim to provide a deeper analysis of the issue I am not capable of reflecting the sheer range of diverse approaches and concepts and therefore I will concentrate on the perception of civil society as it is present within the (post-)modern western liberal democratic states.[3]

Before proceeding to an explanation of methodological approaches I have to emphasise that the aim of this work is not to doubt positive values and benefits in which activities of civil society result in many areas – whether it is associational life, activism or provision of the services. These are undeniable. I would like to develop an analysis of a worrisome form of civil society which, should it remain unnoticed any further, could prove to be a source of troubles not only for theoretical thinkers.

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[3] The whole discussion about the features of contemporary states cannot be fully developed here. I would like to acknowledge that I understand "the state" within the traditional (realistic) conception but I am aware of the changes which states have gone through and which I believe have had a great influence on them. Some would call contemporary states post-modern, some argue that this label is premature. An interesting discussion about the differences between the (current) states as well as their characteristic features can be found in Sørensen, 1998.

1.1 Methodology

I will set off with an explanation of my epistemological stance where I find myself "unattached firmly" to any point on the "objectivist-relativist axe". I have never accepted an idea that research in social science is something clear-cut. Social scientists as well as the objects of their research are inherently imperfect. Therefore, in my opinion, any of the "ideal-types" applied in the research can (and in some cases actually should) serve as means of comparison for real-life categories. We should either aim at avoiding them or achieving them – which could be the case of an ideal, friendly, cohesive and mutually supportive civil society. Consequently, being aware of the limits, I do not consider myself neither a structuralist/ objectivist, who would believe that her view is the only perfect one grasping all the possible knowledge about the subject, neither do I wish to claim being an absolute relativist as this would strip me off a proper normative and moral ground which provides me with the support for criticism. Should I add here a clarification of my ontological grounds, I would rely on Tilly´s and Goodin´s (2006: 10 – 14) approach and classify my attitude as holistic, because I believe that any social phenomenon arises within a certain "cycle" being preceded by an impetus and followed by consequences. In this work, I will not achieve a complex explanation of all imaginable matters connected to bad civil society, thus, as I have mentioned, I will rather concentrate on specific features.

The problem I face can be identified as a "puzzle", which is usually a research question, identifying a problem which should have been answered by existing theories, but has not been yet. Puzzles should "allow for and often lead to a new understanding of the world." (Hancké, 2010: 234) I do not expect to change the flow of the discourse as this definition might suggest. I will more humbly aim at an attempt to solve my puzzle by applying theories drawn from the research, which will be based on the analysis of literature mainly in the field of civil society. The method I will use could be labelled as content analysis. Holsti characterises it as "any technique for making inferences by systematically and *objectively*

identifying special characteristics of messages" (Holsti as in Berg, 2001: 240, emphasis in original). Although I consider objectivity a relative matter, the definition captures a necessary merge of structured critical reading and analytical thinking which should be applied while reading for the purpose of obtaining data for research.

Regarding the sources I have used, those were predominantly written texts of diverse origin. Academic books and journals, web pages of international institutions and other trustworthy sources provided me with professional informational background. Additionally, because of the nature of the issue, I have also opted for use of other, non-academic and in some cases biased sources. Firstly because some of the topics or examples mentioned are very recent and have not been reflected by the academic discourse yet and secondly, the latter part of literature and other sources should reflect not only theoretical notions about bad civil society but also incorporate at least "hints" of real life affairs – thus at least partially substituting the lack of the "on the ground" research.

Finally, before proceeding to the presentation of the academic discussion, I must not omit to explain my "value" point of departure which establishes the ground for my analysis. My approach is based on a set of values which I consider inherent to my perception of the world and thus creates borders of my ability to be objective. Specifically, I consider necessary equality of human beings, non-discrimination and liberal rights and freedoms intertwined with egalitarian principles. Therefore, possession of and respect to these values are also at the heart of my notion of civil society. Consequently, the acceptance of this normative requirement facilitates my recognition of existence of bad civil society which lacks these determining features. Thus, any reader of this thesis should acknowledge my position, which is open to critical evaluation, as well as the fact that the possibilities of this research are limited in many ways and thus the conclusions made will be far from exhaustive and unconditionally valid.

1.2 What has been discussed

To assess the contemporary academic discussion related to the issue of bad civil society it is useful to start with an account which is available from the separate spheres of research dealing with specific features of occurrence of bad civil society. Although theorists addressing, from my point of view, partial phenomena do contribute substantially to their clarification, they do not offer a coherent overview and therefore I do not consider the overall approach sufficient. This constitutes another supportive argument for a beneficial value of my thesis as my attempt to present a complex analysis of bad civil society should contribute to different, hopefully more coherent and well-arranged, overview of otherwise "scattered" topic. Nevertheless I shall make use of the findings identified by theorists dealing with racism and xenophobia, hate speech and hate crime as well as terrorism to build up as comprehensive picture as possible.

It would be imprecise to claim that there is not a single person to address the topic I have decided to deal with. Although an encounter with a direct addressing of bad civil society in the political science/ theory literature is not very common, there are several authors who served as a main source of my inspiration. Their attempt to raise the awareness challenges many ideas settled in mainstream thinking about civil society as they offer critical opinions on present perception of civil society as a panacea for "civilisation illnesses". On the other hand, authors refusing to acknowledge this problem serve as a "negative" source of views as they (in some cases) admit the possibility of occurrence of bad civil society, but they either chose to ignore it or do not find it significant to deal with.

In overall, there is plenty of data available to analysis. What makes the analysis more challenging and therefore also more interesting is the fact that one needs to find a way to grasp the concepts and the ideas to be able to conclude reasonably. A kind of "mix and match" attitude, borrowing useful parts of theoretical approaches, should contribute to the

creation of a sturdy theoretical base serving as a ground for the identification of the answers for my research questions.

1.3 Outline of the thesis

Following the introduction of the aims of my work, overview of methodology which should be leading my steps during the research, and presentation of the discussion about the issue, the specific topics mentioned above will be analysed and researched separately.

In the second chapter an attempt to grasp the perceptions of civil society within the relevant sphere of thinkers will be made – concentrating mainly on the identification of the main influential streams of thinking and their general approaches to associations and other civil society features. I will provide my own definition of civil society which is suitable for the bad civil society analysis, identify what roles civil society plays, mention the important relationship with the state and briefly comment on some controversial issues which influence common perception of the role of civil society in everyday lives of ordinary citizens.

The third, and the most important, part of my thesis will follow discussing the issue of bad civil society. Gradually, a definition of bad civil society should be established, combining together approaches of several theorists and my own ideas about this phenomenon. Possible sources of bad civil society will be mentioned too. A discussion about bad civil society from the position of several thinkers will follow with the aim to identify their common perceptions and thus a reason for negligence of this phenomenon. A practical part of bad civil society analysis will be presented firstly by empirical examples from around the world and then by policy suggestions which shall be implemented to prevent its growth – both on pre-emptive and "reactive" levels.

The fourth empirical – analytical part of my thesis will provide further illustration of bad civil society influence and impact and thus support my argument about necessity to address this issue. I will pursue a

descriptive analysis of the Czech bad civil society environment trying to identify some of its sources, prospects and dangers. I will concentrate on "the most burning" issues within the Czech context, trying to grasp why the Roma are the main target, present the main perpetrator embodied in the right-wing extremists, and introduce the means through which both the Czech authorities and "good" civil society attempt to diminish bad civil society influence.

Lastly, a summary of my findings and conclusion will close my paper. I will suggest some ideas for further research as I am aware, already at this point, that there are several other ways how to analyse the topic – more specifically, more widely or from a different angle. Shall we proceed to the first part of my analysis? I will set off with the conceptualisation of civil society and discuss some of the issues attached to it.

2 CIVIL SOCIETY PERSPECTIVES

"Because illiberal forces cannot destabilize the state does not mean that they cannot contribute to an insidious erosion of values that leaves liberalism vulnerable to all sorts of threats" (Chambers – Kopfstein, 2001: 843).

Civil society is an enormously vast concept. Interest in this issue has already led (and will definitely continue to do so) to a creation of a number of studies adopting several positions and concentrating on different and specific aspects. Because the primary aim of this thesis is to address bad civil society as a specific part of the whole civil society, I have to set off with an "operationalisation" of civil society, its classification and conceptualisation. Although I will definitely not be able to grasp all of the diverse points of view exhaustively, I will attempt to reflect contemporarily influential streams of thinking.

Because of the vastness of the scope of large amount of approaches towards civil society I have developed a framework which should help me with addressing the quantity of ideas in orderly fashion, gradually analysing them, and creating a base for the following analysis of bad civil society. This framework constitutes of two steps, which are also reflected in the structure of this chapter. These steps shall answer two questions which are (at least) implicitly present in any coherent set of thinking about civil society: Which actors constitute civil society?, and What roles does civil society play?

Obviously, there could be a whole thesis written dealing with each of the questions, should the answers reflect the real depth of these topics. But dealing with them bearing in mind the purpose of this paper will eventually provide the reader with my own notion of civil society, which will be used for the analysis of bad civil society.

To achieve reasonable, but not confusing, complexity I had to make choices about the scope of the literature I would use. Although I will attempt to include a broad spectrum of ideas from variety of authors, I

have opted for two publications to provide me with background overview of the contemporary views on civil society. What distinguishes these two pieces of academic writings from the rest is their thoroughness, critical approach and a certain kind of lightness which not only presents the key ideas but also exposes their weaknesses providing the reader with space to find his or her own way of grasping them.

Firstly, Michael Edwards (2010) presents his perception of civil society concentrating on several features and drawing attention to controversial issues such as overestimation and over-reliance on the civil society in too many areas, which I will briefly address as well. Secondly, Lenka Strnadová (2008) provides critical perspectives of the wide range of approaches towards civil society and although her work is aimed at students of civil society, her analysis goes far beyond the requirements of exam commissions providing a great source of ideas. Both of these authors inspired my own critical stances, thus I will build on their approaches as they have helped to make my own analysis more comprehensive.

2.1 Three theoretical perspectives

As every idea and concept is grounded in an ideological perspective of affairs I find it appropriate to reflect the most influential conceptions forming civil society discussion. Each of them believes there are different actors involved in civil society, and each of the streams of thinking ascribes them different roles and qualities. I will divide the approaches very broadly into liberal, republican and public sphere "boxes" attempting to reflect both the main common attitudes towards civil society and important nuances occurring within them. I am aware of the complexity and variability within these approaches therefore I have to emphasise I do not see them as coherent and united "schools of thinking" but rather as well-ordered and understandable categories which will help to highlight the main differences in the approaches towards civil society. Also, it is important to bear in mind that I do not intend to analyse the

approaches towards civil society in depth per se. The overview serves as a facilitating tool for further unearthing of the issue of bad civil society.

Bearing in mind the aim of a conceptualisation I will develop here predominantly main features of the theoretical approaches. In the following chapter, I will address specific features connected to bad civil society in the regard to the ideological background of the theorists but their own specificities will overweigh the theoretical "boxes". This will reflect the variety of opinions more precisely as the categorisation of the authors can sometimes erase features of their attitudes which do not correspond with the main line of their school of thought.

Eventually, before proceeding to the analysis, I would like to add that every attempt to create a classification or divide ideas into "boxes" results in (to a certain extent) an artificial categorisation. In reality, conceptions influence each other, might overlap or even merge. (Edwards, 2010: IX)

2.2 What constitutes civil society? A conceptualisation. [4]

Concentrating firstly on the "content" of civil society it is, I believe, obvious there are many opinions on what should be in and what should be out. Each ideological point of departure includes different spheres and actors into civil society as well as associates them with variety of values and roles. The latter variables will be developed in more depth later but they are inseparable to the muse about main actors as well.

2.2.1 Liberal and libertarian approaches – market and associations realising plural individual interests

Although it is repeatedly necessary to emphasise that there is a huge variety of opinions present in all of the streams of thinking there are

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[4] It is beyond the possibilities of this work to address all important authors within every stream of every school of thinking. Some of the authors will be mentioned briefly, some will be left out completely, which is not to say that their influence on civil society theory is irrelevant. At this stage I am attempting to grasp general characteristics of each of the approaches and predominantly name authors who are in some way connected to my analysis of bad civil society.

still points and features which allow me, and consequently the reader, to match them together for the purposes of categorisation.

John Locke´s thinking serves as a source of inspiration to both neo- and liberal approaches towards civil society. While neo- attitude relies on his ideas substantially, liberalism also draws from Tocqueville or Montesquieu. For Locke, the existence of civil society is conditioned by the existence of rule of law as well as limited political authority. He also pursued a notion of civil society as politically neutral sphere which also (to a different extent) remained present in the liberal approaches. (Strnadová, 2006: 141 – 143)

Although there is a varied emphasis on the importance of roles of market and civil society, Adam Smith´s conception of merging the market (= civil society) with a sphere for realisation and fulfilment of individual needs with prosperity of the whole society is one of the basic presuppositions. (Cohen – Arato, 1992: 98; Strnadová, 2006: 144).

The argument reads that market produces public goods: "i.e. goods that are available to all whether or not they pay for them" (Salamon – Anheier, 1996: 11). Hayek, another important liberal thinker, believed that market rules also teach the citizens to be responsible and reasonable.[5] Similar belief, this time in the democratic order in general, was presented by John Stuart Mill. (Strnadová, 2006: 154, 183).

2.2.1.1 Libertarians

While considering civil society being a sphere of market and realisation of one´s potential libertarians go even further as they

"defend market freedoms, and oppose the use of redistributive taxation schemes to implement a liberal theory of equality. But not

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[5] On the other hand, Müller worries that when realising their goals in the sphere of the market, citizens can gradually become consumers who are dependent on their welfare into which this success results. Consequently, they perceive the political competition in terms of their own market success with political parties being a tool for future reassurance of their welfare. (Müller, 2002: 97 – 99)

everyone who favours the free market is a libertarian, for they do not all share the libertarian view that the free market is *inherently* just" (Kymlicka, 2002: 102; emphasis in original).

The base line of their idea of cohabitation of the state and society is a modus vivendi, a principle emphasising clear and strict division of both actors. The neutral and minimal state is run by a representative government. Libertarians have individualistic and atomised notion of an individual without social grounds and believe in presence of deep pluralism in society, therefore any idea of common purpose for the individuals is absolutely unacceptable. (Strnadová, 2006: 141, 146) Further, their attitude towards both the state and associations is best captured by the heterogeneity theory. The state is allowed to step into the market in case there are some needs of society which market is not capable of satisfying. Consequently, shall the state fail to fulfil such needs, non-governmental organisations substitute the lack of such provision. (Salamon – Anheier, 1996: 11, 12)

This attitude demonstrates that from the libertarian position the state is only a necessary evil to bear with in case a failure occurs. It is similar in the case of civil society which libertarians do not distinguish from the market. All of the actors in the market sphere (= civil society sphere) follow same rules; there are no specific definitional features for the non-profit associations, which are understood as constituting civil society in general. This provides the reader with a preliminary clue about notion of bad civil society from the neoliberal perspective – there is none because this approach concentrates on the market forces, and as far as these are running properly, if I put it boldly, nothing else matters.

2.2.1.2 Liberals

Compared to libertarian approach, liberalism pays more attention to civil society, distinguishes it from the market sphere, and recognises its importance from the utilitarian perspective, as a tool for the prosperity of the whole society. Market is not considered "divine" any more. Main

definitional features of civil society from the liberal point of view can be found, inter alia, in Müller´s thinking. He believes that civil society should provide citizens with space for independent cooperation and association, which then forms a protective "rampart" against intrusion and expansion of the state. (Müller, 2002: 28)

Thinkers like John Stuart Mill, Louis de Montesquieu or Alexis de Tocqueville serve as an inspiration. Mill, being a classical liberal, saw civil society as a space for the citizens to make use of negative freedom as well as participate in political matters. He valued individualism and variety of opinions about which he also wisely required not to cause harm. This notion of freedom being restrained by reasonable boundaries is common to liberal thinking. (Strnadová, 2006: 181 – 185) Could this lead us to an assumption that liberals would limit bad civil society as it exploits the freedoms beyond acceptable borders? Such a question is probably too broad and premature as it cannot be applied indiscriminately on the "whole liberal thinking". At this point it could be only suggested and noted that liberals do favour respect and protection of freedom(s), although these shall not be mistaken for acts of arbitrary mischief let alone intentional harm.

At this point, I shall have a closer look at Tocqueville as at one of the "founding fathers" of liberal, pluralist approach.[6] He, as well as Montesquieu who will be addressed in chapter on republicanism, sees the role of groups and associations not only as actors who are independent from the state but who also facilitate decentralisation and possibility of representation of different interests. (Strnadová, 2006: 187)

He also inspired contemporarily influential social capital school whose ideas stand in the heart of my critique towards idealisation of civil society resulting in ignorance of the phenomenon of bad civil society. While researching civil society in America Tocqueville was trying to

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[6] I will also not omit John Rawls, as because of his influential ideas, he simply cannot be left out. As his work is so vast I have decided to reflect on couple of ideas in which I find connection to bad civil society issue – thus I will present them in the chapter dedicated to bad civil society.

answer the question how to keep democracy intact. His answer was based on the rotation of the power holders, people´s participation in the institutions of the state but mainly and most importantly on the associations. They should be as numerous as possible, as diverse as possible and as plural as possible. Associations represent the "glue" of civil society, a sphere where people meet, cooperate and build relations full of trust and mutuality. The dialectic of the associations starts while dealing with smaller issues and gradually, as citizens are gaining abilities necessary for effective management of their own affairs, they shift towards sphere of politics where they eventually present their interests and needs. (Strnadová, 2006: 189 – 191)

Tocqueville thus favours political involvement of associations. In the line with liberal approach, though, he does not believe that activism would be grounded in some kind of common purpose. He talks about enlightened self-interest in the sense that most of the individual needs and wishes go beyond the needs of one person and affect (positively) the whole society. Plurality within society remains a key variable, for both Tocqueville as well as Mill, without diversity of opinions a threat of dictatorship of majority is persistent and threatens democratic order.[7] (Strnadová, 2006: 192, 193)

2.2.1.3   A brief liberal sum-up

After presenting the specific diverges on "the liberal axis" it can be shortly concluded that (neo)liberal approaches in general associate civil society with market and the arena of associative life, which have a positive impact on the liberal democratic order. The associations in the civil society sphere facilitate realisation of diverse aims and goals and as these are pursued by individuals, the state does not get engaged which limits its further expansion. Some liberals see associations even as an

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[7] A specific feature of Tocqueville´s thinking is a hint of conservatism where he perceives democracy as a matter of culture which could be interpreted as a disbelief in a possibility of establishment of liberal civil societies in the areas where democracy is not firmly rooted (e.g. Middle East, southern Italy). (Strnadová, 2006: 193, 194)

instrument for (political) participation. The emphasis is put on negative freedoms of the actors and pluralism within civil society is considered an ultimate value which should be protected.

Therefore, to keep my analysis bound to the aim of my research, I would like to briefly suggest that the authors building on the legacy of liberal thinking perceive associations instrumentally as well as morally and normatively neutrally. They would have to look at them critically to become able to see that not all the groups play the expected roles and therefore they do not contribute to positive development of the society. Some can do quite the opposite.

2.2.2 Republican approach – common good and community setting

Republican notion of civil society does not consider civil society an apolitical sphere in pursuance of one´s goals – as we have defined it in the (neo)liberal case. Participation is regarded as a virtue and constitutes a tool for engagement in democratic decision making procedures on several levels. Republican approach towards civil society is connected to Aristotelian tradition as well as to Rousseau´s or Montesquieu´s thinking. Both, ideas about public sphere and communitarian approaches draw their inspiration from them. The idea of pursuance of common good which is developed by the society is very often present in this concept. It is necessary to mention that both the emphasis placed on the importance of common good goal and the way how to achieve agreement on it within the society vary greatly from one particular tradition to another. (Strnadová, 2006: 75 – 77, 118)

Starting with Charles Louis de Montesquieu, he believed that the state has an important balancing role in the political sphere and is connected to civil society as both spheres are converging following same values and interests. (Strnadová, 2006: 222, 223) Montesquieu separated the arena of governing and the area of society. Although he did not explicitly say what society meant to him, he identified that there is an

intermediary level between individuals and the state and he "anticipated, however inconsistently, the differentiation..., of state and society" (Cohen – Arato, 1992: 88). Civil society, as Montesquieu perceived it, is politically active and nurtures civic values (Strnadová, 2006: 224).

Jean Jacques Rousseau´s thinking is more ambivalent. His approach is inherently connected to the idea of common good and the dialectic of the society which is heading towards it, which has been accepted only by some. According to Rousseau, equality, solidarity and mutuality are the ultimately important values which also serve as a source for the community and thus for an individual who is embedded within. He also emphasises importance of duties of citizens and necessity to take part in the political life. Altogether such setting will ensure that there will not be any intense conflicts between members of the community. (Strnadová, 2006: 224 – 226) At this place, I would like to shortly suggest that thinkers following Rousseau´s lead will have problems with admitting the existence of bad civil society – which can be characterised as in a deep conflict with generally accepted values. Authors ascribing important role to participation (Robert Putnam) or public dialog (Jürgen Habermas) will be among them.[8]

After the presentation of the main inspirers of the republican tradition it can be outlined that mainly authors contemporarily writing within communitarian streams of thinking and school of social capital can be considered as main followers of republican ideas.[9] I shall not leave out

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[8] Very briefly, I would also like to mention Georg Wilhelm Fridrich Hegel, whose thinking has also served as an inspiration for many. He talks about system of needs which people have and want them to be fulfilled. While doing so people also contribute to the development of the whole society – an argument built on the connection to Smith´s invisible hand theory with growing welfare. (Cohen – Arato, 1992: 98) Further, Hegel does not see civil society as inherently harmonic, because of the liberal competitiveness, or as a sphere of morality, but the general recognition of mutual respect of rights is present. Hegel places groups and institutions (also called corporations) into civil society but he does not accept plurality of "goods", which liberals stand for. Neither does he believe that any opinion, let alone critique, can be created out of the social context – this is one of the most important features which communitarians taken from his philosophy. (Strnadová, 2006: 227 – 229)

[9] I would like to repeat that I will only outline the main conceptions of civil society these two broad schools of thought involve. I have decided that will not analyse communitarianism in much of the depth because it is indeed a very complicated issue. At this point I will set another limit to my writing and I will further concentrate mainly on political communitarians and social capital

that also thinkers who have been developing theories of public sphere have incorporated republican ideas into their concepts; I will pay more attention to them later.

2.2.2.1 Communitarianism

The single and most important variable for any of the branches of communitarian thinking is the community. Communitarians

"believe that the value of community is not sufficiently recognized in liberal theories of justice, or in the public culture of liberal societies" (Kymlicka, 2002: 208).

It can be said that reflection on the role community plays in the (post-)modern society was quite lacking in the second half of the 20th century as this period was predominantly occupied by liberal thinkers, such as Rawls, who did not address the issue. Although conceptions within communitarian "box" vary significantly, there are some common features which can be confidently connected to any stream within this school – mainly it is the opposition against individualism of liberal approaches and requirement of "more contextual and community-sensitive approach" (Kymlicka, 2002: 209). Consequently, more attention should be paid to practices and inner processes inside the societies and liberal conceptions of justice and rights should be modified. (Kymlicka, 2002: 209) What are other main features of communitarianism this time reflecting the division on political and philosophical approaches?

Political communitarians prefer decentralisation and management of the affairs on the level of local associations, emphasising the importance of positive rights. Activism and participation in the combination with the values of solidarity and mutuality shall help to overcome indifference and alienation in the liberal societies – the ultimate aim of political communitarianism is to revive civic virtues and cooperation.

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school, as these constitute important streams of thinking for my analysis, and then only briefly mention philosophical branch of communitarian approach.

Realisation of an individual being does not stand in the opposition to the community, quite the opposite, an individual is not "unanchored" and these two actors mutually reinforce each other. (Strnadová, 2006: 240, 243) This approach also inspired the "third way" politics. Amitai Etzioni

"with [his] emphasis on responsibility rather than rights and entitlements... [and] much needed moral and social revival, struck a chord among the general body of politicians" (O´Rourke, 2009: 70).

Regarding philosophical communitarianism Strnadová defines it as

"an attempt at a philosophical critique of basic ontological and ethical concepts such as an individual, freedom, equality or community...[and] postmodern critical reflection of liberal claims" (Strnadová, 2006: 262).

Another important feature of this school of thinking, cultural and value particularism, should not be omitted, I will further comment on its "side effects" while debating specific ideas of communitarian thinkers is the chapter about bad civil society per se. For now, the definition of civil society according to this stream of thinking shall be established.[10] The individuals do pursue their own causes in this case as well, but in the opposition the liberal "higgledy-piggledy" mixture of aims there is a concentrated effort to achieve common good goal which the whole society has set up. Consequently, regarding the position of individuals within the society, they are an inherent particle of it. (Strnadová, 2006: 270, 282)

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[10] Strnadová (2006) further divides philosophical communitarianism into substantial and republican branches. The following characterisation is developed building on the first one. I have decided not to deal with the latter as the authors whom Strnadová associates with the republican communitarianism are quite diverse and thus an attempt to grasp the differences would not contribute to the clarity of my work. Nevertheless, Michael Walzer who fits into this group (together with Charles Taylor) will be dealt with separately as he is an author importantly reflecting on bad civil society issue.

2.2.2.2   A brief communitarian sum-up

When shortly summarising the communitarian notions, the most important feature of civil society, which consequently influences the whole approach, is the power and importance of the community. An individual (having diverse scope of individuality) is embedded in the community which inherently forms his or her opinions and ideas about the world. There are associations present in this conception as well, but they (as a tool for an individual) pursue their activities in accordance with the common goal/ good of the society. Because the community sees the values it honours as moral and "good" the question in the connection to the bad civil society issue is where do the "bad" values come from? I can then preliminary suggest that communitarian thinkers generally do not see a possibility of an emergence of bad civil society as their conception relies on the stable and moral community "embeddedness".

2.2.3   Social capital school – the goodness of participation and social capital

Considering the aim of this work I believe that the school of social capital deserves a separate heading since it constitutes one of the most important points of reference for my critique of negligence of bad civil society issue. However, as was the case with the previous sub-chapters, only main features will be tackled here as further attention to the backslashes of this conception will be addressed later.

Thinkers pursuing this notion, represented best by both the admired and denounced Robert Putnam, believe that associations positively influence their members by improving their cooperative skills as well as enhancing their solidarity and public spirit. Further on, the network of associations empowers people to articulate and aggregate their interests and contributes to effective functioning and stability of democratic government. (Putnam, 1993: 89, 90) Neo-Tocquevilleans, as they are often called, concentrate on associations as the most important part of

civil society. They perceive associations uncritically emphasising their abilities to re-produce positive values by their mere existence. Positive values and the goodness of associational life form social capital facilitating the proper functioning of the society.[11] More types of social capital have been identified and labelled as "bonding" and "bridging".

Bonding generates reciprocity and solidarity and plays an important role in creating a network within close groups of people helping their members in difficult life situations. Bridging on the other hand reaches across traditional cleavages and creates "bridges" between communities. Edwards adds another level of relations which he calls "linking" – this activity should help to improve connections across the whole society between the state, market and civil society. (Edwards, 2010: 30) Although the forms of associations as well as relations inside and in-between should be well-balanced, it is probably apparent already from this description that because of their nature, bonding social capital occurs more often and is created much more easily than the bridging or linking capitals. This is also mirrored in the academic literature in the discussion about social capital which generally revolves around the issue of bonding. Furthermore, as a short connection to the issue of bad civil society, bonding is the type of capital which occurs even within "bad" groups, as it will be shown later. Nevertheless it is the bridging capital which is much needed in our contemporary multicultural societies as it would help us to reach out of our stereotypes and ease the communication across our cultural borders. Also Putnam realises that

> "bridging social capital can generate broader identities and reciprocity, whereas...Bonding social capital, by creating strong in-group loyalty, may also create strong out-group antagonism" (Putnam, 2000: 23).

But neither he nor most of his colleagues are willing to see possible problems which arise.

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[11] The original account on this idea is connected to and can be read in Coleman, 1988.

2.2.3.1 A brief social capital summary

Drawing on this basic but, I believe, pertinent description we can already identify deficiencies which will become a target of the critique in this work. Far too idealised perception of associations in the connection with unwillingness to develop a discussion about recognised potential dangers – as indeed some authors building on this approach do admit occurrence of bad civil society – can, I am afraid, lead to the creation of space which allows bad civil society grow bigger, more influential and thus more dangerous.

2.2.4 Public sphere – rational, critical and informed public

Taking the nature of my work and the aims of my research into consideration, I would like to establish here that the conception of civil society as public sphere will not be used much for my analysis but I feel obliged to mention and shortly characterise this approach as it constitutes contemporarily (one of) the most influential theoretical and normative approaches.

This conception of civil society is understood as an arena for arguments and deliberation, should serve as a tool for the enhancement and improvement of democracy. In this view, civil society plays a role of

"non-legislative, extra-judicial, public space in which societal differences, social problems, public policy, government action and matters of community and cultural identity are developed and debated" (McClain – Flemming, 2000 as in Edwards, 2010: 64).[12]

Ideas about the public sphere date back to Aristotle, though, as it is now well known, "public" of that time was not really public. Since then the practical examples of realisation of this idea can be found in

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[12] McClain, Linda – Fleming, James: 2000. Some Questions for Civil Society Revivalists. In: *Chicago-Kent Law Review*, Vol. 75, Iss. 2, pp. 301 – 354.

"coffee-houses of eighteenth-century London and Edinburgh, the fabled town-hall meetings of revolutionary New England, and the debates that animated the public squares of all historic cities" (Edwards, 2010: 66).

Public newspapers and radios, book clubs or internet forums represent contemporary examples. Every society possesses a public sphere in a different form. The best and most elaborated concept of a public sphere, so far, was developed by Jürgen Habermas.

According to him, it should be a space where discussions take place and where it is the best and not "the loudest" argument which "wins". All voices should be heard, none ignored. Exact rules and limits have been established for the spheres of deliberation and both diffusion of the state power and a free flow of information are required. One of the aims is to moderate radical views, as through the discussion and exchange of opinions people´s views might shift if other arguments appear better. This conception of civil society aims at the enhancement of participation and wants to make people decide rationally themselves what is best for their communities – public sphere should enable people to make a reasonable engagement. Even if they, after all, cannot agree on the common goals or on the ways to reach them, it is crucial to make them try to understand each other, learn tolerate and possibly even embrace differences between themselves. It is also the best way to innovate – a Czech proverb reads "more heads know more" – as deliberation can help to discover new answers for old questions. (Habermas, 2006; Edwards, 2010: 66 – 72)

Civil society as perceived within this tradition, similarly as in the republican approach, is not a neutral indifferent sum attempting to satisfy needs and achieve personal success. This civil society should be not only political, but also critical. Therefore the boundary between activities performed in public sphere are not as sharply divided from the sphere of the state as in the case of liberal notion of civil society. There is a zone

formed by a part of civil society representing critical and informed public which serves the purpose of interaction and exchange between two actors. (Strnadová, 2006: 188) O´Rourke believes that Habermas´ conception of active citizenship combines "the liberal ideal of individual autonomy with the republican ideal of popular sovereignty and collective self-rule" (O´Rourke, 2009: 133).

Altogether, it does sound very well constructed, but there are flaws to be found even in this conception. Firstly, Habermas is criticised for ethnocentrism and too strict rationalism which result in the exclusiveness of the public sphere. Secondly, this conception describes deliberative public very optimistically – as caring about common good and deliberating about it democratically. There is a belief that scrutiny of civic-minded public can eliminate injustices present in society. High expectations are placed on the role of new social movements which are pictured as encouraging grass-roots participation and empowering citizens with new forms and possibilities of engagement. (Chambers, 2002: 97, 98; Edwards, 2010: 63 – 73)

Drawing on this, instead of a summary, I will allow myself to slide to a short excursion from the theoretical level of normative ideas to the empirical facts. I worry that the whole idea of public cannot adequately reflect "real life" conditions. I do appreciate normative and aspirational value of this theory but I feel a need to comment briefly on its "practical side". While there definitely is an attempt to implement effective and proper public discussion, there are many obstacles which make it merely impossible. We also have to consider particular interests the actors might attempt to pursue – thus activity in the public sphere has to be perceived from a critical stance as the outcomes might not be those anticipated.[13] Additionally, from another perspective, there is not a real process of

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[13] Developing the critique about the possibilities of the realisation further, although we now have great possibilities of spreading our ideas, having discussions or even initiating protests via internet, commercialisation and "corporate" ownership of the media or such interpretation of property rights, which prefers business yields rather than open resourcing of knowledge, form the another group of obstacles. (Edwards, 2010: 74 – 81)

enabling people to take part in deliberation. Some people can be prevented from realisation of their engagement due to need to work long hours because of their economic situation or lack of assistance with childcare. (Edwards, 2010: 74 – 81) As a result "a quick browse" through news and blogs on-line is more probable that a real in-depth discussion about urgent social issues. People need to get an opportunity to play their part and also to meet people from different environments – the presence of bridging social capital is required again – as the understanding and respect for each other are not going to come up on their own, some incentives should be offered.

2.3 Civil society suitable for bad civil society analysis

Observing several categorisations done by contemporary thinkers and leaders in theoretical musing about civil society I have identified an interesting uniting feature in their approaches. All of them somehow construct the categories in such fashion (whether on the time scale or according to spectrum of opinions) that at least one point in the structure, thus one possible type of civil society, bears positive normative values. Activist civil society of Mary Kaldor, Karel Müller´s minimalistic civil society, Michael Edwards´ civil society as an ideal sphere or Jeffrey Alexander´s civil society I and III. (Strnadová, 2006: 122 – 139) It leads me to an assumption that all of them believe, to a different extent, in positive impact of civil society – making people better citizens, teaching them responsibility, reciprocity and toleration. So do I. On the other hand, I am also aware that there is part of civil society which rather aims at jeopardy of these values and does not seem to care about positive norms. Edwards reflects this in his writings, but it does not seem to be the case of the rest of the authors, in fact majority of them from the overall perspective.

Finding a reassuring support in this brief conclusion, I shall proceed to the establishment of such a perception of civil society which will allow me to value its positive impact but in the same time will not blind me with

enthusiasm and will offer a steady point of departure for my analysis of bad civil society.

Initially, I will draw my own analysis on notion of sectors where the state forms the first sector, family forms the second and civil society establishes the third sector – the civic one, also called non-profit. I am going to use these terms in this paper as equivalents.[14] (Edwards, 2010: 4) I will apply associational approach; it is currently the most common approach which considers civil society a part of society as a whole. Famously described as "space of uncoerced human association" (Walzer, 2006: 64), it is understood as formed by all forms of associations – from formally registered non-governmental organisations (NGOs) to political parties and self-help groups. (Edwards, 2010: 18 – 20) Because bad civil society operates mainly in the form of associations (however organised, however loose) the associational perspective is the most suitable one for the intended analysis. Matching this to the previous theoretical approaches I will leave the notion of civil society as a public sphere aside and will build on both liberal and republican approaches. As these schools are either to some extent indifferent to the aims of the groups or are even idealising them, the critical standpoint will be applied thoroughly.

Such model does not allow me to exclude of any non-state or non-market groups – although it might sound as a negative feature it is beneficial for the aim of this work. Nevertheless, the family and market will not be considered as parts of civil society.[15] Although I recognise the importance of family as a main link in the process of socialisation of an individual as well as an indispensable value bearer (Chambers, 2002: 90, 91), the level of my analysis concentrates on other issues and therefore only minor attention will be paid to this issue. Similarly, regarding the

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[14] Anheier and Siebel (1990), among others, use the terms in a similar fashion, thus I believe that although there could be some objections about using these terms alternatively, there is a support of the experts in the field.

[15] It is suitable to mention again that liberals do not in fact see difference between the spheres of market and civil society as both of them are spheres of private activities.

sphere of market,[16] although economic relations play an important role in identity formation and social interaction, I will not deal with them in depth in this paper. (Chambers, 2002: 90, 91)[17] This decision also leads me to abandoning the application of libertarian perspective – as I have "unmerged" the spheres of market and civil society I have to admit that neoliberal approach is not suitable for my analysis.

However, although some authors would not agree,[18] I will include political parties (representing so-called political society) as I agree with Foley and Edwards who believe that political groups cannot and shall not be excluded from civil society, as inter alia Gramsci suggested, because as one of the roles of civil society towards the state is its control. How can it be possibly exercised without political engagement? (Foley; Edwards, 1996: 38, 39) This will also allow me for presenting political parties in the empirical parts of my thesis as examples of bad civil society. The possible dispute about the border between the state and civil society can be solved by answer suggested by Edwards who finds a reasonable way out of this argument saying that such groups are no longer members of civil society when they become a part of state structures – e.g. members of legislative or executive organs. (Edwards, 2010: 25 – 28)

To emphasise again, all types of groups have to be admitted as if only "the good ones" count, then the reflection of any troublesome issues within civil society is not going to be possible. Also, regarding the structure, it is obvious that there are big differences between ad hoc gatherings, social movements or political parties – all of them should be

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[16] Additionally to this issue – one has to judge the form of the economic entity to evaluate whether its involvement in civil society would be relevant, because there are societies, such as Cuban, where small private businesses form a rare space of relative freedom from the oppressive regime and thus can definitely be considered a part of civil society. On the other hand, gigantic transnational corporations do not fit into this definition. (Edwards, 2004: 28)
[17] I also cannot omit a role which can be played by unions as they are on the verge between sectors. As we have seen from history, Polish Solidarity can serve as the best example, and as they nowadays advocate social welfare of citizens, and can definitely be considered being a part of civil society. However, regarding the issue this work attempts to address, I will not include them in the analysis.
[18] Putnam is reluctant to admit into civil society any groups that have gone "too far" in pursuing their goals and approximated the political arena (Foley; Edwards, 1996: 46).

considered in my analysis.[19] Similarly, if we do not pay attention to grassroots organisations and only deal with bigger and more developed structures our view is limited again (Foley; Edwards, 1996: 43).

I would like to add that I am aware that the above mentioned definitional criteria might seem arbitrary. I would like to ask the reader to consider the volume of this work and perceive these limitations as "tools" – I believe they are indeed necessary should I attempt to provide a meaningful insight into the main research topic.

Before proceeding to the presentation of the roles of civil society with the consideration of role of the state[20] I would repeatedly like to express my belief in normative ideals which are connected to civil society. Therefore I would like to acknowledge that the positive features of the conceptions and approaches serve as an ideal and thus as a drive for my critique. I believe that if we understand the issue of bad civil society properly, we will be able to address it and possibly eliminate or at least diminish its impact. We must remain realistic as well and consider the fact that the values and goals differ with each of the associations and that we have to attempt to evaluate their behaviour to be able to figure out the most adequate approach.[21] While pursuing this cause we have to bear in mind where we are heading – thus civil society which is full of positive diversity and associations and movements which help to nurture values of mutuality and reciprocity and play important parts in connecting and supporting people in the contemporary complicated world should be an ultimate (though for now unforeseeable) goal.

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[19] I argue that ad hoc gatherings compound of angry citizens can do the same harm as a structured and organised political party. Also, considering the recent incidents in Norway or France, I would even consider to include an individual who draws his or her ideas from school of thought or inspires his or her own acts by the acts of some movement. I consider myself being a part of civil society organising (by myself) an exhibition backed by an NGO. Why could a lonely (and insane) shooter not be a part of civil society if his or her acts are inspired by ideas of right-wing extremists?

[20] Inspired, inter alia, by Chambers´s relational concept in Chambers, 2002: 90.

[21] Although this is my own idea its formulation has been definitely influenced by critical views of other scholars including Chambers, 2002; Chambers – Kopfstein, 2001; Foley – Edwards, 1996; Edwards, 2010.

2.4 What roles does civil society play?

To answer this question a point of reference has to be established. Civil society fulfils a large amount of tasks and performs a vast quantity of activities, thus, should this chapter not overwhelm the reader, a perspective of perception should be chosen. As I have already suggested, the relationship between the state and civil society has been a defining one and thus the choice of this perspective comes to me as obvious.

The categories of the relationship I will use will be drawn (mainly) from Chambers and Kopfstein (2006) as they managed to reflect on several important aspects of this complicated relationship. The perspective of above used ideological approaches will add another angle of reflection. Before realising this categorisation, which again does not have the ambition to claim that it is the only applicable and available, allow me a very short excursion to the relationship between civil society and the state.

2.4.1 Civil society and the state – a short note

The state has been, and I believe that it still remains the main "counter-part" of civil society – setting boundaries, delegating tasks, cooperating, banning.

Civil society and the state have always been addressed in the relation to each other. It was only during the period of 1980s and early 1990s when civil society was, for the first time, considered as constituting an alternative to the state. We have seen the examples of this "wave" in the developing countries whose governments are considered feckless and thus donor agencies bypass them by supporting NGOs in pursuing their activities straightaway. On the other hand, in the case of countries under a non-democratic rule, a strong civil society was envisioned as the only way out of the tyranny and for that reason also could have been seen as a durable alternative to the state (Chandhoke, 2007: 608, 609).

My intention is to emphasise non-viability of this approach. I believe that thinking about civil society in such a way had flown away with the disillusionment which followed – civil societies in former communist countries got their chance to perform freely and now suffer from similar problems as the western ones. It is also believed that lessons have been learnt from the development engagement and some substantial shifts have occurred.

Edwards supports my view claiming that strong and clear relations between the state and civil society are necessary, because valuable cooperation can only develop and bear fruit if civil society acts from the position of an informed and capable counterpart. Vivid associational live does not substitute political participation and does not have to result into trust into the state institutions. All of these elements have to be present in a "healthy" society. (Edwards, 2004: 13; Edwards, 2010: 52)

2.5 Diverse roles, diverse perspectives[22]

Although this chapter might appear as reaching too far out of area I analyse, I would like to show that the roles which are generally ascribed to civil society (building on how civil society is mainly perceived) are not fulfilled by the whole civil society. This chapter constitutes another piece of puzzle through which I am attempting to show that the presence of bad civil society is not generally recognised. On the other hand, Chambers and Kopfstein (2006) do acknowledge this fact and thus, among few, develop the discussion about bad civil society.

They present six positions of civil society in the relation to the state to which different roles are connected. These six perspectives are not mutually exclusive, can be combined and also (at least some) reflect theoretical approaches introduced above. The perspectives are following: 1) civil society *apart from* the state, 2) civil society *against* the state, 3) civil society *in support of* the state, 4) civil society *in dialogue with* the

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[22] This chapter builds substantially on Chambers – Kopfstein, 2006, both my own conceptions and all other resources will be clearly marked.

state, 5) civil society *in partnership with* the state, and 6) civil society *beyond* the state. Step by step I will now shortly discuss each of the approach, link it to what has already been discussed and suggest its potential use for my research.

Civil society apart from the state places emphasis on freedom of association and is an area for the fulfilment of one´s uncoerced aims and activities. It is a very western liberal conception, as such substantially important for my analysis. The main features are voluntariness of association, plurality of activities occurring within this zone, and clearly defined boundaries for the state. Such civil society plays a social role which should be expressing itself in production of social capital mainly through elements of associations (Edwards, 2004: 14, 15). As I have already emphasised while dealing with the liberal perspective of what civil society is, the positive output of this sphere – therefore a fulfilment of its role – cannot be taken for granted as neither social capital nor civic virtues are always results of the activities of associational life.

Civil society against the state plays a role of the opposition of the regime – it is officially illegal as it is not recognised by the state. This concept characterises civil society as it functioned under the communist regime – creating underground sphere of mutuality and socialisation which eventually contributed to the overthrow of the totalitarianism.

"But the question remains: Is what is good for bringing down dictatorships also good for sustaining a democracy?" (Chambers – Kopfstein, 2006: 368)

My response is: it depends, mainly on the aim. If I understand this role of civil society as a role of creator of the space of freedoms and rights in the opposition to the oppression performed by the state, then it is good. Such an ideal, which served as an inspiration for people oppressed under communist regimes or in "after-Franco" Spain, is now an aspiration for global justice movement and all thinkers who believe that "another world

is possible"[23]. Tolerance, non-discrimination, trust and non-violence accompanied by democracy and freedom constitute underlying values. (Edwards, 2010) On the other hand, should this role be understood as an opposition to the contemporary (liberal) democracy – which can be the case of bad civil society – then such a role of civil society should not be allowed to excess certain boundaries.

Civil society in the dialogue with the state takes us back to the public sphere and to Habermas. Civil society in this notion plays a role of a critic and a controller of the activities of the state. It should be mentioned that civil society can both support the state and make the government topple. The new social movements embody new possibilities and realise the facilitation of people´s involvement. As I have already mentioned Chambers and Kopfstein recognise the potential threat of bad civil society, which is reflected also in their notions about the roles civil society can play, because they ask

"[w]hen do contentious civic groups acting against the state [instil] civic virtues in people that help sustain democracy and when do they lead people to overthrow democracies as enthusiastically as they overthrow dictatorships" (Chambers – Kopfstein, 2006: 371)?

That is an excellent point supporting my cautiousness about the uncritical optimism about behaviour of civil society.

Civil society in support of the state combines the roles as shown in the cases of "apart from" and "in dialog with" playing the role of school of citizenship. This category can be connected with school of social capital and a belief that democracy cannot operate properly unless its values are reinforced and promoted in the sphere of civil society. Chambers and Kopfstein call it "an invisible hand argument applied to associational life" (Chambers – Kopfstein, 2006: 372), which expresses a "panacea-like"

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[23] This phrase is "borrowed" from World Social Forum which uses it as its motto. World Social Forum is also a representative struggling for better, fairer world, at http://www.forumsocialmun dial.org.br/quadro_frc.php?cd_forum=9,(consulted on 25. 3. 2012).

perception of civil society. The connection to the bad civil society is obvious here – shall we uncritically perceive civil society as a sphere of positive values it might cause more damage and allow more space for those disregarding human rights, respect and toleration and democracy in general.

Next role performed by civil society understood as in partnership with the state is a role of partner and potential substitution of the state in certain areas. I will develop this issue further in a short part dealing with reliance on civil society but it can be already emphasised here that some authors (e.g. Foley – Edwards, 1996) warn against the threat of cooptation. In this (not only) relationship the state secures certain goods and services for the third sector – those should at least amount to the provision of civil peace and distribution of rights. On the "generous end" it can be embodied in public funding, general support or even recognition of group identity. Thus dangers of penetration of the state in the life of associations via public subsidising should be reminded as this can lead to the loss of their independence and adjustment of their behaviour in the way "suitable" for donors. (Post – Rosenblum, 2002: 8 – 17) A remark about the fact that not all the associations will perform as expected can be (repeatedly) made.

The final role of a global actor in the position beyond the state goes far beyond the intentions of this work. Wearing rose-tinted glasses one imagines global advocacy networks and NGOs attempting to solve global issues of human rights and social justice – and there is no doubt this has been happening.[24] Without those glasses, on the other hand, one can also see networks of crime and terrorism, human trafficking and other horrific issues. Whatever the global civil society does it definitely has an impact on a large scale, either positive or negative, and there are still

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[24] Although I talk here about INGOs in a positive way I am also aware that not all the activities which have been happening have a positive impact. I would like to draw attention to the campaign called KONY 2012 launched by the NGO Invisible Children and I would like to ask the reader to follow the discussion about the impact of the campaign from different perspectives. It shows that although there are positive values and results occurring the backslashes could be of a same intensity. (Available at http://www.kony2012.com/, consulted on 25. 3. 2012)

many issues to be resolved as regards the accountability of the global "un-elected" actors.

2.6 Too much and too far

At this point, as I have established the definition and presented the variety of roles civil society can play from different points of view with the reference to the state, I would like to comment further, only briefly, on the accountability issue which is connected to the role of civil society in the partnership with the state. I find it important to remark that too much hope and too many tasks have been put on the shoulders of civil society.

Civil society used to be a controversial issue about which lively debates not only in academic circles were carried on. As we have seen many theorists and philosophers keep contributing with new perspectives on issues of civil society, its virtues and vices, but in many areas the debate has diminished. As time developed, academics and predominantly more and more actors in public space started to perceive civil society in simplified terms of associations, specifically NGOs, and acted as if it was a magical panacea for all diseases which modern societies suffer from.

One of the reasons for such admiration could be a victory over authoritarian regimes for which civil society received (most of) the credit. Unprecedented success of non-violent revolutions within Central and Eastern Europe has revived enthusiasm about civil society and has reinforced its image of player demanding rights and freedoms for all equally and justly. The intensity of this notion made some scholars claim the end of history and ideology had come. On the other hand, in the western countries, the tiredness of growing ineffectiveness and bureaucratisation of political parties and other bodies, which are supposed to represent public opinion, together with indifference of state bureaucracy, had a similar effect. Additionally, the hope for more involvement of civil society in the global affairs in the post-Washington consensus era certainly raised more expectations in the connection with civil society than ever before. (Chandhoke, 2007: 608, 611, 612) Together

with Chandhoke (2007), I believe that on the practical level this has led to "flattening" of the concept of civil society. Because international organisations as well as the states have shrunk the term civil society within the discourse they use into simplified and comfortable category of non-governmental organisations.[25] Although I myself use the associational approach as it helpfully supports the purpose of my research, its usage without contextualisation definitely impoverishes the variety of features and roles civil society can offer.

Why should we worry about the consensus and contentment with the development of the third sector expressed by both international organisations and the states? It has apparently led to an extensive tendency to delegate tasks onto the shoulders of this sphere. Examples can be found not only in development where NGOs are granted full liberty and support to pursue their activities in areas which used to be (and according to my view should remain) in the domain of the state.[26] With no need to search for examples that far, the issues of privatisation of prisons and detention or custody facilities present sufficient examples matching geographically with the areas this thesis addresses.[27]

In the academic discussion this opinion can be very well illustrated by the idea of associative democracy. Associationalism originated in the early 19th century as an original "third way" approach, it "re-emerged" in late 20th century asking for social reform and democratic renewal. Associationalism attempts to expand democratic governance within civil society and wants to see

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[25] Official documents of World Bank talk about civil society and its features meaning merely NGOs – civil society organisations (CSOs) is the term they use (The World Bank, 2009). Similarly, the a study paper on civil society and its role in improving cooperation between Croatia and the European Union talks about civil society mainly in the terms of associations. (Vidacak, 2002)

[26] Description and explanation of one of many examples of such development can be found in Haque, 2002.

[27] This example illustrates well how the states give up responsibility in this area. The third sector (if we exclude business according to our definition) is in these cases only partly the final provider of the services. (Public Services International Research Unit, 2005)

"as many social activities as possible... devolved to self-governing voluntary associations... [which should] give the affected interests voice and thus promote government by consent throughout society and not merely formally in the state" (Hirst, 2011, without pagination).

This idea cannot be labelled as completely wrong as it can result into a "win-win" scenario where NGOs have better capacities and are willing to help relieve the state of its overload of responsibilities and provide desired services for public benefit.[28] Nevertheless, and here the connection to the idealised republican notion of associations can be brought back, such success should not be taken for granted and I would simply like to draw attention to the fact, that such perception is not as straightforward as it might appear. Not all the associations will "play the ball" the way it might be expected from them.

Furthermore, the issue of accountability constitutes another major drawback. While the states have certain responsibilities towards their citizens, NGOs do not.[29] Although there have been many power-sharing shifts going on, the states still remain

"central agents in achieving distributive justice, enforcing rights, providing security, and carrying out many other functions necessary to democracy" (Warren, 2001: 4).

It is obvious that NGOs can be held accountable for deficient provision of goods or services with the help of the judicial system of the given state. As a result, though, there is effectively no relief for the state as it has to deal with possible insufficiencies and complaints. To support my argument, I can present that I see more avenues for enforcement of

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[28] Work on Roma issue constitutes according to my opinion one of the areas where NGOs support and enhance the work of the state adequately and very successfully, because they are usually locally situated and understand the situation better, they do not substitute the state and the institutions but they work to empower excluded communities. (Partners for Democratic Change, 2006) I will also illustrate this in the empirical part of this thesis.
[29] Pierre and Peters (2000: 20) talk about separation of effective control over the policy sector and responsibility for the results, where the bodies performing are not those which can be held accountable in case of insufficiency.

the accountability of the state – constitutions of the states (promising to secure certain rights and some even refer to adequate level of standard of living); international obligations and the necessity to comply with accessed treaties or conventions (these international treaties offer mechanisms allowing the enforcement of the state´s obligations). In overall, too much reliance on civil society embodied in NGOs and also reluctance to safeguard some areas of services for its citizens or maybe even willing delegation of such services without a real need for it can lead the situation when the states wash their hands clean of the responsibility for issues they certainly should be responsible for.

Another level of the above mentioned "over-reliance" is connected directly to the issue of bad civil society, which emphasises the relevance of this remark for my thesis. I have previously worried that this kind of reliance on civil society is connected to further simplified perception and idealisation from the stance of the state and I assumed that the uncritical attitude of the state towards general civil society can imply similarly simplified and flattened view of bad civil society specifically. Consequently, I was concerned this can result into incapability of the state to recognise or admit occurrence of bad civil society and thus failure to apply adequate measures to prevent any harm both to citizens´ rights and freedoms and democratic order. I will show further later that although the theoretical discussions do not pay sufficient attention to bad civil society, the practical policies do.[30] My worry was, on the practical ground, proved to be unsubstantiated, but I will come to this conception briefly again while addressing impartiality in the work of Nancy Rosenblum.[31]

Before closing up, the issue of cooptation shall be swiftly mentioned as while performing the roles of the state civil society can become more resembling the state, intertwined with it and with hardly identifiable

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[30] It has to be said that the states rather than recognising bad civil society per se concentrate on specific forms in which bad civil society present itself – thus taking measures concentrated on terrorism, extremism or hate speech separately. As I will illustrate, though, such measures have similar features, therefore I believe that a creation of the unified category (to which thesis would like to contribute) could help the coherence of the policies addressing these phenomena.

[31] See chapter 3. 2. 4., pp 56 – 60.

boundaries. (Soroko, 2003 as in Chamber – Kopfstein, 2006: 375)[32] Additionally, it might seem quite smooth to transfer the responsibilities on the third sector and somehow issues like NIMBY (not-in-my-back-yard), non-transparent privatisation or bureaucratisation of the third sector are not often mentioned as potential source of complications. (Soroko, 2003 as in Chamber – Kopfstein, 2006: 375) To sum up, loss of accountability in the combination with other factors could, from my point of view, eventually lead to the loss of the positive features of civil society which all society benefits from.

2.7 Partial summary

To sum up this chapter I would like to present ideas which resulted from the analysis sketched above. Before developing my critique towards approaches of different authors and attempting to identify their common deficiencies in the following chapter I believe some of the points shall be already mentioned here.

Firstly, I have established my own notion of civil society for the purpose of this analysis which emphasises associations. To draw a connection with the theoretical schools of liberalism and republicanism it can be said that (although to a different extent) the associational approach is common to both of the schools.

Secondly, as regards the notion of an individual, I would like to place "my own" somewhere "in the middle". Because neither alienated and "pre-socially" formed liberal individual nor the totally contextually embedded communitarian individual are real. As I am dealing not only with the theoretical perspective but also build on the empirical facts I would describe "my" individual as strongly influenced by the patterns of society he or she lives and socialises in but, at the same time, being strong enough to refuse some of the most basic values of such society

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[32] Soroko, L.: 2003. *Between Liberal and Democratic Theory: The Transformation of the Concept of Civil Society.* MA thesis, Hebrew University of Jerusalem, Department of Political Science.

and pursue their own aims. Only such individual is able to adhere to hate group or right-wing extremists in spite of the fact the official society doctrines are those of tolerance and respect.

Thirdly, that is one of the very important findings, the roles and qualities mentioned above generally refer to civil society as it is commonly perceived. But, what if it is a bad civil society on the other end of an "imaginary rope of cooperation"? One can argue that bad civil society will not be able to pursue the above noted roles. But what if it wants to join civil society and get the attention of the citizens to spread its message. Then, if an established framework does not set adequate and quality rules it can be evaded and bad civil society can use such deficiencies to undermine democracy and trust. As Berman puts it,

"associationism should be considered a politically neutral multiplier – neither inherently good nor inherently bad, but rather dependent for its effects on the wider political context" (Berman, 1997: 427).

The following chapter will concentrate on bad civil society issue per se attempting to reflect the questions which have been asked and will definitely raise some more.

3 BAD CIVIL SOCIETY

"If civil society is a beachhead secure enough to be of use in thwarting tyrannical regimes, what prevents it from being used to undermine democratic governments" (Foley – Edwards, 1996: 46).

In the introduction, I have very briefly suggested how bad civil society might look like, so that any reader of this work is familiar with the basic features and is thus able to understand where my writing is heading. This chapter then should provide a full account of what bad civil society is and should illustrate how the bad values embody themselves in discrimination, intolerance and hate. We shall see why many of the civil society theorists do not recognise this problem and why I think it is important to address this topic.

Before setting off with the conceptualisation I have to acknowledge that, similarly to the whole civil society, there are many forms of bad civil society. I am aware they can form small or big, loosely organised or very well-structured groups, movements or political parties; bad civil society can be present locally, regionally, nationally or even (partly) globally. Although I realise it would be beneficial to pay attention to all forms and levels, my overview will be inevitably limited. In case of examples presenting occurrence in the countries in Europe and in the United States I was not able to deal with small subjects operating on the local level as much as it might be desired. Also, concerning the scope of the "content of activities" of bad civil society, I will only present a limited number of examples (small N),[33] which is to suggest that my listing of the empirical embodiments of bad civil society is not final and provides the space for the reader´s critical muse about other phenomena which could be included.

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[33] Haubrich talks about "focused comparison" which concentrates on a specific issue in the limited number of cases (Haubrich, 2003: 4).

3.1 The definition

I have eventually reached the point of establishment of the definition of bad civil society. How do we identify it and what are its main features? The following sub-chapter should offer an impertinent conceptualisation building on a few writings which address bad civil society directly but also inferring from less explicit sources. An explanation with an emphasis on worrying characteristics bad civil society possesses aims at raising awareness about necessity for further research on both theoretical and practical levels. I will show that in practical policies some measures have been put in place to limit activities of at least certain sections of bad civil society. As regards the theoretical approach, this area of research has been seriously underdeveloped in the western world and thus I hope to shed more light on this controversial issue, which remains unrecognised or seems to be regarded by many researchers as unimportant.[34]

Firstly, to operationalise bad civil society it has to be said why this term has been selected. Quite commonly, a phrase "uncivil society" is used for the phenomena which are close to those I intend to examine here. I have decided not to opt for this phrase mainly because it carries multiple meanings. Although some authors generally use this (or similar) expression in the sense which resembles my understanding of bad civil society, there is an influential group of authors, represented inter alia by John Keane, who describe the uncivil society as a predecessor or a counterpart of civil society. Keane talks about teleological development from barbarism towards civil society and warns that even after society becomes civil there is still danger of slipping back to incivility. Interestingly

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[34] Herein it should be mentioned that whilst carrying out the research I have encountered number of studies (mainly of Anglo-Saxon provenience) specifically addressing bad civil society in "other than" western areas. They were tackling the problems of the regimes of either the post-colonial states in Africa or Asia or the countries in the recently (though not completely) democratised region of former Soviet Union. Can we say that this shows how arrogant "we – Westerners" are regarding "our" western liberal democratic countries? Because we seriously think there is nothing to worry about and that civil societies in stable developed democracies do not face the issue of bad civil society. I consider that an additional reason for necessity of deeper research in this area.

enough, the state is considered to be one of the sources of such a danger because of its capacity to use an excessive force against society. Thus Keane considers it safer when the state is under control of other (specifically supranational) body. (Keane, 1998) The notion of civil society representing civility is also recognised by Müller in his categorisation. According to Müller, Ernst Gellner, among others, could be placed in the category he calls "generalists" who

> "consider the term civil society in some sense rival to the term democracy claiming that it reflects better and specifies more realistically the conditions needed for its existence" (Müller, 2003: 69).

Deducing from this description, it can be said that the idea of "uncivil society" can be implicitly understood in the same way as Keane suggested. There is an important conclusion made upon this terminological "game" – Keane, and others, grasp civil society as "the whole unit". They do not recognise particular segments within – either the society is civil or it is uncivil. My approach, on the other hand, does not see civil society as an indivisible complex, which facilitates my recognition of bad civil society as being a part of the whole civil society. My conception, and therefore terminology, is inspired by the authors influenced by the critical theory.[35]

To make a clear distinction between good and bad civil society there is one key value which is essential for a proper functioning of civil society and democracy – a value of reciprocity. Good civil society enhances it, bad civil society destroys it.

> "Reciprocity involves the recognition of other citizens, even those with whom one has deep disagreement, as moral agents deserving civility. Bad civil society challenges this value through the promotion

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[35] As it has been already mentioned, Simone Chambers and Jeffrey Kopfstein are the only authors who address the issue directly and use the term bad civil society. (Chambers – Kopfstein, 2001; Chambers – Kopfstein, 2006; Chambers, 2002)

of hate, bigotry, and the negative empathy inherent in such acts as ethnic cleansing and spectacles of civic violence" (Chambers – Kopfstein, 2006: 371).

Bad civil society issue can be further described as a problem of particularist civility. Democratic civility, which should be ideally inherent to civil society groups, contains all positive features associational life can offer, does not limit their distribution and "offers the goodness" to all members of society. Particularist civility, on the other hand, is not meant to be enjoyed by any-one outside the "privileged" circles. (Chambers – Kopfstein, 2001: 838 – 841) Internally, members of such groups

"acquire a sense of belonging and meaning in their lives. They may even develop the virtues of civility and sacrifice, at least among themselves. They are asked to rise above narrow self-interest and take on a perspective of the group" (Chambers – Kopfstein 2006: 371).

This brings us back to the social capital theory as it has been discussed above. Linking these two conceptions together it can be said that bad civil society is a result of the lack of bridging social capital. (Putnam, 2000) Bonding is obviously present even within the groups spreading evil, what is missing is the exchange of values within outer spheres of civil society.

To identify bad civil society actors requires evaluation of their interaction with other groups as well as examination of values they develop and respect and the methods they use to promote them. To clarify the definition, I will use a "practical insertion" when looking at the areas where bad civil society generally "performs". According to my understanding, most of the bad civil society activities can be included under the "label of hate" which is characterised by activities ranging from verbal assaults to violence "directed at a wide range of individuals because of their particular identity" (Bleich, 2006, 2007: 9). Such hate can be expressed in many forms of extremism and radicalism, namely e.g.

through racism – generally aimed at minorities within the state (e.g. Roma population or immigrants) – or hate speech or hate crime which could be directed towards literary any distinct groups within society – sexual orientation or religion can be named as representative "grounds for attack".

To summarise in my own words, bad civil society constitutes a part of civil society, and it is mainly embodied in the form of groups which function basically on the same principles as any other groups within civil society. What distinguishes bad civil society is its hateful approach to "any outsider", on whatever grounds is this category constructed. I believe that bad civil society does not have to be violent because spreading or incitement of intolerance or hate are, from my point of view, sufficient grounds for labelling a group as "bad".

I will support the definitional criteria I have established in the practical part using some of the contemporary examples. For now, to illustrate possible impacts of "faulty" bonds in society we can have a look at the events from recent history. For example, we cannot say that the civil society of the Weimar republic was completely bad because it flourished and engaged citizens helping them distract themselves from the complicated issues they had to tackle every day. Nevertheless, this activism and probably the desire for change facilitated the rise to power to one of the most horrendous regimes of human history. (Berman, 1997) Similarly, societies in Lebanon or Rwanda were very vivid and active ahead of outbreak of civil wars. Here, the issue was connected to the way associations were established, because local groups were divided according to religious and ethnical cleavages which sharpened divisions between them. Edwards suggests that

"the problem here is not collective action per se, but collective action allied to other factors that turn it in particular directions for good or for ill" (Edwards, 2010: 54).

I do not intend to claim that contemporary bad civil society is influential to such a large extent. Still, I would like to persistently emphasise that contemporary bad civil society reflects such values and tendencies present in society which should not leave, at least, social scientists undisturbed. The reasons why they remain indifferent to its potential threats will imply from the discussion in the chapter following brief presentation of possible sources of bad civil society.

3.1.1 The "sources" of bad civil society

There are countless possible ways to approach identification of the sources of establishment and further development of bad civil society. Addressing this feature in an adequate depth would require a thesis on its own therefore my following presentation should be considered only being a short excursion. I will cover two levels from which the influence can be looked at: structural and individual. The structural aspects influencing the establishment of bad civil society are all intertwined and reinforcing each other and they reflect 1) unresponsiveness of the state, 2) agile participation of radical individuals, and 3) economic and social circumstances, inequality, exclusion. The view from the individual perspective will muse about personal approaches towards certain societal issues.

Foley and Edwards approach the issue from an institutional point of view which also refers to the relationship between the state and (bad) civil society. They conclude that

"where the state is unresponsive, its institutions are undemocratic, or its democracy is ill designed to recognize and respond to citizen demands, the character of collective action will be decidedly different than under a strong and democratic system. Citizens will find their efforts to organize for civil ends frustrated by state policy – at some times actively repressed, at others simply ignored. Increasingly aggressive forms of civil association will spring up, and more and more ordinary citizens will be driven into either active militancy

against the state or self-protective apathy" (Foley – Edwards, 1996: 48).

To illustrate this worry, I will use an example of my recent personal experience. In the United Kingdom, it is known that there are areas in which Sharia law is practised – this causes disparities, putting it politically correctly, in certain issues as this Islamic set of measures does not correspond with the secular legal code of the Great Britain. "Good" civil society has been attempting to draw attention to this issue and has been campaigning against "double legality".[36] On the other hand, British National Party (BNP) has been taking advantage of this situation and trying to "frame" this issue in their rhetoric of "islamophobia".[37] I believe that there is a threat of the rise of popularity of this far-right-wing political party not only grounding it in public discussion about the topic but also in my personal experience with people who consider such option as viable. Because BNP offers radical, "silver bullet" solution and can get (at least in theory) to power to implement it, it can be appealing to those who feel their government does not do a proper job.

Regarding the next possible source of bad civil society, Fiorina looks specifically at political participation. Although he concentrates on the United States, I believe that this assumption could be generalised in the environment of western democracies. Following his research he assumes that political groups radicalise because "unrepresentative people" get involved in larger proportion. Radical citizens tend to have the strongest interest in successful advocacy of their views. Their views and opinions are at the same time the most radical ones present in the society. "Mainstream" society is rather passive as it is generally willing to accept reasonable compromises, which renders the activism in the hands of radicals. Fiorina concludes that larger proportion of people is more

[36] Organisation One Law For All is an example, more information is available in Namazie, 2011, at http://www.onelawforall.org.uk/new-report-enemies-not-allies-the-far-right/, (consulted on 27. 3. 2012).
[37] Palmer, 2012, at http://www.bnp.org.uk/news/national/widespread-sharia-law-britain, (consulted on 27. 3. 2012).

actively engaged in their local community affairs but loses interest in politics generally (Fiorina, 1999). As I have already mentioned above, such a situation is not beneficial either for civil society or for democratic order.

Moving on, the issue of inequality and economic frustration is addressed in the literature more often. Chambers and Kopfstein describe the reasons for people´s tendency to support bad civil society most appositely saying that "economic insecurities weaken commitment to core liberal democratic values by giving people reasons to distrust the promises of liberal democracy" (Chambers – Kopfstein, 2001: 856). Edwards believes that elimination, or at least reduction, of inequalities in the society is the key element for possible limitation of surge of bad civil society. Both education and economic differences result into inequality which disadvantages poorer and less educated citizens, who, also according to my opinion, have consequently less opportunities and literary less energy to take part in public affairs or to pursue their own aims. These differences are also visible in the power of associations to make their voices heard, because community of educated or better off people has more potential to form capable, informed a more resourceful group and create enough pressure to push their interests through – working class neighbourhoods are in less favourable position. (Edwards, 2010: 56)

Proceeding to the individual level tendencies, I believe that (not only) literature on psychology of an individual would provide an extensive overview from the psychological perspective. I will not attempt to present here any kind of a psychological analysis I would only like to suggest other than "largely intertwined reasons" for which people become acquainted with radicals or extremists. Drawing on the definition of bad civil society, I conclude that it can be said that "simply human" rivalry of value systems of individuals, lack of tolerance, different perceptions and opinions on controversial issues or feeling of exclusivism within group can, in some cases, lead certain people to expressing their frustrations or discontent in antisocial or even violent ways.

Connected to this, Neuman presents an interesting finding about people´s "loyalty" to the ideas of democracy and tolerance. Although people generally approve of them on the theoretical level, their support for such values decreases when they experience troubles or controversies which result from them. Level of tolerance also correlates with the "mood" of society – e.g. during historical periods when tolerance of certain groups is not considered adequate (e.g. expulsion of Germans from some of the European countries after the WWII). Further, Neuman also provides a specific example which can help to illustrate the psychological aspect of tendency to align to radical groups – the concept of social dominance orientation (SDO). The conception describes a need of some people to exercise dominance over others, preference of hierarchy and tendency to exclude those they dislike from "their group". (Neuman, 2005: 367 – 382)

As I believe I have already proved (at least partly) on both theoretical and practical levels that bad civil society is an issue which should be acknowledged properly. I will later show that there are already policies and practical measures put in place to prevent some problems. Nevertheless the reluctance to tackle this issue adequately in the sphere of academic discussion remains. I shall therefore deal with it in the next chapter.

3.2 Theoretical approaches – why do they not see it?

Before proceeding to the theoretical discussion I would like to provide the reader with the justification for my limited approach as I keep emphasising throughout this paper that I do not wish to attach unlimited validity to my conclusions. Although I believe that the definition provided above is quite comprehensive the same cannot be said about the discussion I am about to present. I have made choices about literature and resources I consider important for my work and there is no need to conceal that my choices indeed limit the applicability of the output of my work. I do not wish to undermine my performance as I believe I nevertheless contribute to the discussion about bad civil society but I have

to openly admit that I have left certain approaches without a reflection. Therefore e.g. multiculturalism, environmentalism or feminism in either modern or postmodern forms have not been discussed. This, again, might be considered as a backslash of this thesis, but I would like to draw attention to the silver lining of this limit, which is the identification of the reason of ignorance of bad civil society from certain authors – this can serve as a platform and inspiration for my followers who can build on my findings while concentrating on further perspectives of the problem.

Proceeding eventually to the analysis of theoretical approaches, the apt question to start with seems to be whether the thinkers, writers or philosophers perceive civil society, the roles it plays, and values it bears as inherently good? I am going to present ideas and notions of (mainly) modern/ contemporary thinkers to see whether my hypothesis can work. Following the theoretical analysis of bad civil society I have made up a tool which should enhance my further conceptualisation. I would like to ask the reader to imagine two "ideal-ends" of an axis where on the first end there is a "realist-recogniser" who distinguishes between diverse "content" of groups, acknowledges bad civil society and identifies further problems connected to it. An "idealist-denier" on the other end of the axis praises civil society and associational life without any reflection and believes in the unalienable positive values it reinforces. I do not expect the thinkers to take a stable place on this imaginary line. Rather I believe that some authors will be shifting following different ideas they present. Preliminary, I am quite pessimistic about the acknowledgement from the side of the authors, but there are already a few authors who can be situated – Simone Chambers, Jeffrey Kopfstein or Michael Edwards can be already identified as quite clear "realists-recognisers". At the end of the chapter I hope to come up with a summarising conclusion mainly reflecting selected authors, but possibly applicable beyond their work.

3.2.1 Amitai Etzioni and Benjamin Barber with a "hint" of Rousseau

Starting with Amitai Etzioni, representing political communitarians, who addresses the question of values which are acceptable for the community to follow and believes that any value setting is appropriate unless it goes beyond set of "overarching values" (Etzioni, 1996: 163) He rightly recognises that not all sets of values might be universally accepted and there might be societies which honour values which can lead to causing harm to others – such would be the case of bad civil society. In searching the ground for the "right values" Etzioni notes that neither religion nor natural law are satisfactory and reaches for the principle of deontological ethics which establishes such "notion that actions are morally right when they reflect principles that appear to us as morally binding" (Etzioni, 1996: 163). Analysing his position towards bad civil society I am tempted to say that he definitely recognises the threat it could possibly pose and that he definitely does not wish such situation. On the other hand, thinking about the intentions and aims of people hating minorities or immigrants in the combination with particularism which is specific for communitarians – what if they believe that it is right to "kill a gay" grounding their attitude in particularist values and tradition of the society which has formed them. What if "being a gay" disturbs this tradition and therefore they believe they are pursuing a good cause by killing somebody who undermines the values of society?[38]

Seeking for the answer I have turned to other republican thinkers. Rousseau´s legacy has served as a source of inspiration (not only) to republicans. His well-known conception of common goal could be presented as inherent to the individuals because they form their values, opinions and aims within the community they belong to. He believed that the mutual interaction should prevent development into atomised and

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[38] After my recent encounter with issue of homosexuality in Ghana where some people honestly believe that it is not right to be homosexual I am very much persuaded that such believe might occur in other cases as well.

fragmented society and would nurture and support the ideal of common good. (Strnadová, 2006: 74, 75) Further, Benjamin Barber also believes, in line with republican thinking, in the common good dialectic and that participation is valuable per se. He differs from Rousseau as regards the unity of the society. Barber thinks it is reinforced and enhanced by the education and by positive influence of participation. He claims that coherent society can be only achieved through "civic indoctrination" and education. (Strnadová, 2006: 82 – 84)

If my interpretation of these ideas is right and I use them to answer the question I have raised in the paragraph above, I shall conclude that, from the communitarian perspective, no bad civil society can be established. All individuals educated and socialised according to republican ideals would be "indoctrinated", as Barber would put it, in such a way which would not allow them to acquire any intolerant or inhumane aims. Members of such society should share the idea of common good which would not leave any space for ideas which bad civil society reproduces. This seems very close to the "idealist-denier" position of my axis.[39]

3.2.2 A muse on deliberation

Although I have mentioned that the public sphere approach will not be much considered in my work, I still find a couple of ideas which are connected to the muse about bad civil society too interesting to omit. When looking at the main grounds for successful deliberation principles of responsibility, civic reciprocity and mutual respect are named as key. In

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[39] I would like to acknowledge here that I realise a possibility of disagreement with my argument as particularism can play its part I believe that one can argue that there is a possibility that an individual, who follows a common goal of the community, can consider his or her community superior to another as he or she is educated and socialised in such way that he or she honours and respects the principles of the community and does not doubt their righteousness. Acknowledging this, I would theoretically have to accept a possibility of "killing of a gay" as an act of the protection of certain set of values and believes. This issue is both morally and philosophically very controversial from my point of view and I feel lucky I do not have to "square this circle". It can be additionally mentioned that the issue of particularism also reflects in the area of human rights protection.

deliberation they are realised through readiness to support and justify one´s arguments as well as requirements placed on institutions of public sphere and political representation. (Gutmann – Thompson, 2000: 167)

I simply ask: what if the basic value needed for the deliberation is not present? One of the definitional features of bad civil society is that it lacks reciprocity. How would thinkers pursuing the idea of public sphere explain an occurrence of something which they do not even consider in their approach? Or more important still, where would such actors perform their activities if they are not allowed to do so in the public sphere? Would it mean that they would be left in the private sphere without control and allow to maintaining their particularist – private – ideas?

Festenstein (as in Strnadová, 2006: 91) talks about deliberation with a constructively critical hint questioning the undoubted non-conflict results of deliberation. He believes that deliberation does not necessarily need to lead to agreement but also can result into rise of a conflict potential as the opinions and positions are more clearly explained and one´s stances can be more clearly articulated – not only in the positive matter. This approach sounds more promising for the possibility of recognition. Could we interpret Festenstein´s approach in the way that he implicitly admits that not all the positions and opinions present in the deliberation procedure correspond to the ideal requirements presented above? And therefore, he would recognise that some groups in the civil society are uncivil or bad?

It appears that most of the followers of the idea of public sphere tend to be uncritical and idealise the actors. This has already been mentioned and the "symptoms" of the public deliberative theorists seem to be same as of other authors who simply do not realise the possibility of the occurrence of wilful villains.

3.2.3 John Rawls´ liberal deficiencies

John Rawls, rightly liberally, perceives the state as neutral towards diverse actors in the civil society – consequently, the state does not prefer or discriminate any of the groups representing any of the opinions. To achieve this neutrality Rawls uses a tool of the "veil of ignorance" which is supposed to keep beliefs, values and opinions in the private sphere which is then separated from the public sphere (politics) where only reasonable and just attitudes could be presented.[40] Freedom constitutes a main value for Rawls and the state should aim at protection of negative freedoms of its citizens and at the same time

> "[a]ny attempt to regulate... the private domain... would entail simultaneously a violation of public reason and a violation of the basic principles of the liberal democratic state" (Charney, 1998: 99).[41]

Not going into further details about main principles of Rawls´ theory I will now pin up main ideas which attached his thinking to my analysis – rationality and reasonability. Rawls believes that his conception of overlapping consensus is universal and very well designed (Rawls, 1993: 39, 40) and thus, I think, should solve a problem of the functioning of the society where the private sphere is full of plurality without any common values. Rawls establishes a notion of the overlapping consensus which is a merge of the ideologies and opinions present in the private sphere. He claims that only reasonable ideas could be admitted into this zone. These are, logically, presented only by reasonable people, who can conform to all of the rules and principles Rawls establishes. (Strnadová, 2006: 210, 211) As a result of such procedure the society is actually quite coherent

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[40] Rawls (as well as other liberal thinkers, e.g. Charles Larmore or Bruce Ackerman) forces individuals to split their lives into two spheres and to act in the public space regardless what their essential beliefs are (Strnadová, 2006: 197 – 199).
[41] Concluding on this point, I believe this situation can be perceived as offering a total freedom for undemocratic associations.

as undesired ideas and approaches do not have space in Rawls´ civil society.

Taking a short diversion, Ivison formulates an idea that pluralism, which is at the very base of liberal perception of civil society, does not allow liberals to realise there can be controversial and diverging opinions (Ivison, 2000: 123 as in Strnadová, 2006:146).[42] Building on both notions, it seems as if liberals assumed that society will somehow (in Rawls´ case through overlapping consensus) reflect only non-controversial and converging ideas. This leads me to a provoking question whether they implicitly deny existence of opinions and values which do not correspond with liberal (democratic) doctrine?

It does not mean that, according to Rawls, unreasonable and irrational opinions do not exist. Rawls categorises opinions and ideologies and pushes the "wrong" ones away and isolates them. He is judging, implicitly, unable to admit that. He believes that civil society plays an important role in the liberal democratic system, but while setting up the limits of reasonability he pushes away many actors. (Strnadová, 2006: 216, 221) There is another catch – he believes that people are able to act rationally in the public sphere regardless their background. Ascribing irrationality to them in the private sphere then does not make sense – because if one can act rationally there why do we need to ostracise him or her in the private sphere (Charney, 1998: 108)?

Developing the idea of exclusion even further, if I look at the rules and construction of liberal society I cannot but agree that the requirement of reasonability leads to an exclusion of certain parts of society which either do not possess it or do not accept it. Specifically, I refer to the female part of population and the feminist critique which has developed around Rawls' approach. Putting rationality ahead of other "abilities" makes Rawls's theory in the certain way unjust from the very beginning.

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[42] Ivison, Duncan: 2000. Modus Vivendi Citizenship. In: McKinnon, Catriona; Hampsher-Monk, Ian: *Demands of Citizenship.* Continuum: London, New York, pp. 123 – 143.

Okin emphasises that he anchors socialisation of the rational and reasonable individuals in the family, but he does not address, among others, the fact that, as feminists say, family itself carries gendered inequality. (Okin, 1989: 231)[43] This, also from my point of view, results in the "unconsciously biased" (liberal-individualistic-masculine) view of affairs and influences selection of values. I am convinced that the whole setting ostracises marginalised groups and dissenting individuals who cannot express themselves.

From the perspective of bad civil society a result of the neutral approach towards civil society is a key finding, because it allows bad civil society operate to a large extent freely within the civil society pool. Following the logic of the overlapping consensus, representative approaches of bad civil society such as racism, xenophobia or homophobia, which definitely cannot be considered reasonable, are not allowed to be "overlapping" values. Where are they then? Rawls does not tolerate such "ideas" in the public sphere but they do not disappear because he does not want them. Is it that they stand on the edge of the society as a form or irrational dissent? Neera Chandhoke uses a catchy phrase "utter darkness that constitutes the periphery of civil society" (Chandhoke, 2006: 244). They stay completely out of the system of officially recognised and embraced society. Could this not in some cases lead to frustration and angriness at society and the whole structure in general resulting in the search for scapegoats to outlet the anger or a cooperation with (other) individuals (in the same position), groups or movements striving for (violent and possibly similarly unjust) overthrow of the ruling force? Rawls (or rather what I have discussed about Rawls) seems very near to the idealist-denier edge.

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[43] Here I would like to only point out that personally I do not think it is family itself which has created this inequality but the sways in the development of societies which have burden (not only) family with aspects of male dominance.

3.2.4 Nancy Rosenblum´s non-intervention and containment

Libertarian position as regards the state´s intervention towards civil society sphere sends a clear "no entry" signal. Liberals do not open the gates of civil society zone to the state´s action but their attitude is shifted towards interaction. Still, attempts of the state to control or limit associations and their inner structures are unacceptable. This brings me to Nancy Rosenblum and her, from the point of view of bad civil society, very specific suggestions.

Rosenblum (together with Robert Post) believe that on one hand the state should help to enhance cooperation within civil society and, on the other hand, it should also control that society is not violent and oppressive. If there are no limits to the pluralism within the society there will be anarchy and chaos.[44] This could lead to the infringement of both collective and individual rights which would have no meaning if law was not enforced.[45] Next, they mention that the state should not pursue particularist interests and should act independently and impartially (Rosenblum – Post, 2002: 8 – 11), thus

"...associations must be free from intervention that undermines their singular purposes and activities, inhibits self-definition, chills expression, or threatens viability" (Rosenblum – Post, 2002: 12).

Now, let me develop my grasp of this a bit further as this was already mentioned when Rawls´ writing was discussed.

Impartiality of the state could constitute, from my point of view, a threat of looking at civil society groups as if they are all the same, which I am trying to show they are not. A scrutiny of civil society which would

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[44] They also mention the difference between the weak and the limited state. The limited state does not provide assistance or goods or measures because it does not consider it necessary. The weak state is not capable of providing such framework. (Post – Rosenblum, 2002: 8)

[45] I can endorse this conception without problems. Further, I do agree with their observation regarding the boundary between the state and civil society as they claim it is in a way flexible depending on political culture or historical experience. I do not object either when they argue government has to be able to address inequalities which are within civil society.

realised with the "rose-tinted glasses" would lead to an uncritical perception which can result into ignorance of bad civil society problem and would not allow for critical reflection of the possibility of occurrence of uncivil behaviour. On the other hand, on the flip side of the "coin of impartiality" another stance is offered – impartiality is, again according to my opinion, hardly possible, as there is always some dominant ideology of the state present, although (nearly) every ideology claims to be neutral, universal and impartial. If we endorse this, a new window of opportunity is opened offering an alternative approach towards bad civil society – if democracy and respect of human rights constitute the dominating ideology, it should implicitly mean that the state should act in line with this ideology. Therefore should treat those who do not comply with it accordingly. Well, on the theoretical level, this might be a way to go. Unfortunately, in reality economic policies and other interests influence policy outputs more than the human rights or equality discourse and preferences are given to the economic advancement at the expense of protection of rights and freedoms of individuals.[46]

Coming back to Rosenblum´s conceptions, she makes two very interesting points, which I would like to mention. Firstly, although she admits that discriminative associations can appear, yet she maintains her idea of "logic of congruence" which is based on the notion that civil society groups reflect public values and practices – she emphasises principles of justice and non-discrimination. (Rosenblum – Post, 2002: 12, 13) This does not reflect her acknowledgement of bad civil society occurrence, because it is not only these values which are produced by civil society. Looking at the "logic of congruence" from neutral stance, it could be said that civil society reflects any values and practices present in the public sphere, thus bad civil society reflects those which are uncivil and

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[46] An example from international sphere comes up my mind – Gaddafi´s regime in Libya was, until recently, widely tolerated in the western (human rights protective) world because of oil resources he, or the state, possessed and because he was willing to cooperate the way which was profitable for some western countries. The attitude has only changed recently in the light of events in the Middle East.

intolerant. It consequently leads to the assumption that relates back to the reasons for the emergence of bad civil society – bad civil society represents opinions and values of certain part of the society which feels need to express them. I ask whether we make any difference between good and bad groups.

"Should we only value associations that promote democratic citizenship or would such a bias undermine values of pluralism and associational freedom" (Chambers – Kopfstein, 2006: 372)?

The probable answer "absolutely not" is followed by a second conception Rosenblum presents, which I find even more peculiar. I have mentioned that she recognises the existence of bad groups (this places her so far closest to the realist-recogniser end). Further, she believes that their occurrence can be beneficial for the society emphasising the importance of what Putnam would call bonding. Because even within anti-democratic groups people can learn reciprocity and activism and additionally these groups might assist them with articulation of their unheard voices. (Edwards, 2010: 93, 94) Further, she pursues the idea of "containment" claiming that it is actually safer that the bad ideas are gathered (and thus under control) within a group (Rosenblum, 1998: 22). She quotes Robert DePugh, late leader of Minutemen,[47] who claimed that it is better to have "kooks and nuts" concentrated within the organisation because

"[i]f they decide they want to go out and blow somebody up, they go and blow somebody up. But if they´re part of a group... well, then there´s a good chance someone in the organization will know about it and they´re going to take steps to bring this person under control" (Rosenblum, 1998: 272).

For me, this approach is very unusual and although this point might hold some water in some cases, I can only acknowledge that with further

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[47] Who was an "insider" as regards bad civil society as Minutemen was an extremist paramilitary anti-communist organisation established in 1960 (Rosenblum, 1998: 244, 271).

critical comments. Firstly, if such a group as Minutemen is to enhance the bonds between the members, as Rosenblum claims, then I believe that there is also a fair chance that fellow members of an above mentioned individual would help him or her to cover the problem up. Secondly, Rosenblum seems to consider only violent and generally law breaching groups. But groups which are inciting intolerance in a sophisticated way do not use violence and rather turn to populism and scapegoatisation – would her opinion be still valid then? Is it better to have an "up and running" group of people who despise immigrants which spread the message further or would it be better if people just "mumble" their disapproval while watching the news in the evening? Does not such a group facilitate deeper discontent within the society? I believe it does and I have to refuse the containment approach as I am persuaded it is not applicable in a substantial number of cases. Although I find the ideas Rosenblum presents interesting in some way, as they made me, and hopefully the reader as well, think about the issue from a different perspective, I do not approve her approach of being content with the situation. She has the capacity to go further, but her position remains plainly "analytical" and without necessary realisation of the possible threat. Consequently I would fit her much nearer to the idealist-denier end as it seems she is "incorrigible".

3.2.5 Neera Chandhoke – an Indian perspective

Chandhoke researches specifically in different geographical areas than to which my thesis is situated but as she also commented on the development in the former communist countries where she identified examples of bad civil society and additionally she acknowledged that there are many ways in which civil society can perform incivility (Chandhoke, 2007) I believe that adding her perspective on the issue will broaden the scope of the reflection.

She criticises an "erroneous picture of civil society" which has been presented by the theories seeing associations idealistically (Chandhoke, 2006: 251). Her critique, which relates to my research, concentrates on

Putnam´s conception of social capital. She says he has taken social capital out of the context and attached a positive value to it. According to Coleman´s (1988) original idea, this was not meant to be, because it was exactly the step which made this notion idealised and transformed into the uncritical approach. (Chandhoke, 2006: 252, 253) The way Putnam interpreted Coleman´s writing cannot be criticised per se, as every author interprets in his or her own way, what can be pinned up, though, is her further critique based on her interpretation. Because Putnam attached social capital to individuals and their activity within associational sphere, he relies on density of associations and activity among them. Chandhoke wants to emphasise that individuals cannot operate without context as much as Putnam would probably wish, because as soon as the state started to oppress, a natural disaster struck or any other major change occurred the bonds and bridges would be torn apart. (Chandhoke, 2006: 253, 254)

Chandhoke supports her critical stance towards civil society by the recognition of the presence of power relations within civil society. She believes that civil society is not separated from the politics and that power relations present in there penetrate to a certain extent to civil society. "Therefore, civil society emerges as a deeply fractured and hierarchically structured domain of social associations" (Chandhoke, 2006: 260).

Considering her awareness and critical approach, Chandhoke can be matched with other critics of contemporary mainstream conceptions of civil society.

3.2.6 Andrew Green´s and Michael Meyer´s short interplays

Andrew Green is one of the authors addressing possibilities of undemocratic development of civil society in the area of former Soviet bloc. He looks critically at current approaches towards civil society claiming that we should be aware of the possibility of development of rather anti-democratic values and norms in civil society. (Green, 2002) He does not address bad civil society in stable liberal western democracies

as they are not at the centre of his attention, but, putting it boldly, if Chandhoke can comment on both Indian and post-communist development I do not see why Green would not apply his critical perspective in other spatial zone.

Michael Meyer recognises a phenomenon of incivility which is I believe similar to what I talk about. He describes it as

"a kind of rudeness; and in community of citizens this is perhaps epitomized by an unwillingness to meet other citizens on reciprocal terms. A disposition to civic incivility suggests an unwillingness to strive for mutual understanding and compromise" (Meyer, 2000: 77).

He also connects civility with non-violence with which I would like to disagree as I have already identified, and will confirm that using practical examples, that bad civil society does not necessarily have to be violent as there are many other "tools" available to causing harm to others.

Both of the above mentioned thinkers seem to be oscillating towards the realist-recogniser part of my axis.

3.2.7 Michael Walzer[48]

Walzer describes himself as liberal egalitarian. There are two interesting ideas he addresses which match greatly with my concerns. In general, he talks about necessity to include all varieties of groups in civil society – those for which one sings up or those into which one is born. When talking about groups he recognises that not all of them are democratic or liberal.

The first feature of his thinking I would like to shortly present is his emphasis on problem of exclusion of poor and disadvantaged groups. The way Walzer describes the position of poor and ostracised groups recalls the idea of groups as I picture them after Rawls "throws them

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[48] This analysis is based on Walzer, 2002 and Walzer, 2006, any other sources as well as my own ideas will be clearly marked.

overboard" his consensus. They often have unprivileged position within civil society structures and do not get support from the state and it all leads to their radicalisation. Walzer does not say this explicitly, he talks about identity politics which he attaches mainly to those (e.g. immigrants) who are estranged from the majority of society, helpless and frustrated. In such a situation, I believe, identity often comes to them as the only certainty. Walzer thinks that identity politics enhances the conflicts which are generally present in civil society and the only solution, with which I completely agree, is the empowerment of these groups. Because the "identity" cleavage often matches the "socio-economic" one – this links to the sources of bad civil society as I have discussed them. The ideas of support of the poorest in the society, as Walzer presents them, which should lead to "softening of edges" and better cooperation within civil society correspond with my requirement of the responsiveness of the state.

The other issue is connected to his discussion of nationalistic approach towards civil society which he briefly develops (Walzer, 2006). A possible threat of nationalistic attitude towards civil society in the times of crisis seems to worry Walzer, and rightly so. Looking at the contemporary radicalisation of nationalist and populist parties and movements within the context of economic crisis, his notion seems to hold water. I would more generally link this comment to the already sketched grounds for establishment of bad civil society and to the concept of scapegoatisation which I will, together with other examples, show in the empirical part. To sum up, Walzer appears to be aware of incivility of some civil society actors as well as deals with (even if unconsciously) one of the source of bad civil society.

3.2.8 Robert Putnam, my "discoveries" and summary

Robert Putnam´s approach has been my "bête noir" since my interest in the issue of bad civil society arose. I have implicitly considered his work being an embodiment of the idealisation of civil society which closes eyes before hate, intolerance or even violence emphasising it is

good to be active and engaged. Although admitting that bonding social capital can society rather divide than connect, Putnam indomitably claims that it is always better to be a joiner than not to be. He believes, that passivity and non-participation are definitely bad for social capital a thus for society (Putnam, 2000: 350 – 363). The question: "But Bob, what is the choir *singing?"* (Edwards, 2010: 51, emphasis in original) has been a source of both a smile and irritation for me. I am about to unfold a first conclusion I have made after presenting the theoretical discussion about bad civil society. Although it might appear early for the reader, I believe that this is a right place to acknowledge this finding.

The problem with the recognition of bad civil society lies in the fact that most of the authors would actually have to start to question some of the basic presuppositions which have been established.

"Much of the literature assumes that participation in civil society is a good thing. The enemy of democracy is apathy and self-absorbed individualism. Thus the stress is on participation and not on what sort of groups citizens are joining" (Chambers – Kopfstein, 2006: 371).

Chambers and Kopfstein attribute this dismissing attitude to the fact that authors still think in a rather outlived dichotomy of associational life to apathy and isolation of totalitarian regimes which is not valid in contemporary liberal-democratic societies. The attention should be rather paid to the forms of associations which arise and function in our societies. (Chambers – Kopfstein, 2001: 842) Because I have been addressing liberal democratic states and dealing with western literature it is obvious that the authors write and think within the tradition they have experienced and which they consider the most appropriate. Thus they have general confidence in these regimes and do not consider such groups a potential threat to the systems. Although communitarians criticise liberalism as leading to the atomisation of the society, their notion of common good which is pursued by the whole society does not establish such

environment which would allow addressing bad civil society. Communitarian approach should (more broadly) acknowledge that there are parts of civil society which do not participate in this teleology. On the other hand, liberals see pluralism of associations as a key variable and attach positive values to it. I am a bit more cautious. I do recognise pluralism within the civil society in the liberal democratic states but I do not accept the notion of its "goodness" – because if I would I could not be writing this work. All this makes me realise it is not only Putnam who turns his "blind eye" to the incivility some groups perform.

Another discovery relates to the amount of authors who mention incivility or uncivil tendencies of civil society. Some do so in a very limited way, some suggest further action, some only comment on the issue, or even, as in the case of Rosenblum, find a silver lining on groups of intolerant and close-minded people. Putnam is also a great example of an oscillation on my imagined axis. He admits the bonding social capital can create intolerance towards outsiders of the group, which moves him closer to the "realist-recogniser" end, on the other hand, he still believes that it is better to be joiner, which shifts him closer to the "idealist-denier" end.

My positive conclusion matched to this outline is that more authors than I have anticipated would, because of certain ideas, move towards the "realist-recogniser" pole. Still though, some thinkers remain untouched by this idea a I would attach this mainly to the idealised perception of actors within civil society or to the establishment of such rules within the public sphere which actually does not count on anything else than mature and reasonable citizens. Thus I believe that my hypothesis has been proved. This conclusion can be also (slightly) extended beyond the authors presented here – to the limited extent obviously. Other writers who are inspired by, inter alia, Rousseau or Rawls, will probably construct similar settings and establish similar rules for "their" civil societies.

Finally, I would like to emphasise again that I do not want to disregard the positive output of civil society activities because

"[a] dense network of civic life may promote the quality of democracy when the content of the associations is supportive of democracy... [a]s choral societies can be important pillars of a vibrant civil society, but... [i]t matters a great deal whether they are singing the Marseillaise or the Horst Wessel Lied" (Chambers, Kopfstein, 2006: 371).

After the theoretical presentation I will now concentrate on empirical features of bad civil society. I will demonstrate that on the policy level a lot more awareness is present about the practical problems which result from the activities of bad civil society. On the other hand, not all the measures taken are adequate and effective and the approach of the state (the empirical actor) should be perceived with the same critical eye as "the theoretical actors" were.

3.3 Practical occurrence

The following part of this thesis, based on my empirical research, will present selected examples of bad civil society activism and will match them with reactions of the respective states. There are two underlying reasons for that – firstly I would like to prove the earlier claim about higher awareness about bad civil society in the sphere of practical policies, and secondly to prepare the ground for the following analytical summary of the possibilities of limitation of bad civil society.

Firstly, issue of hate speech from the United States will be presented, secondly an example of terrorism from Spain will follow and thirdly right-wing extremism not only in Germany but also from the broader perspective will close the enumeration. The cases have been selected deliberately to show both the diversity of the occurrence of bad civil society and to illustrate diverse reactions of the states.[49]

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[49] Before proceeding to the presentation of the practical issue I have acknowledge that some the examples of political parties have been selected for the illustration, which has resulted from my research concentrating on above mentioned topics. I would like to emphasise that I am aware of the fact that political parties are not the only formations from bad civil society environment. I

3.3.1 Hate speech in the United States

I have chosen cases of hate speech which are related to the freedom of expression. Much more could be presented on the issue of anti-Semitism or racist ideas in the US as many groups pursue them relentlessly. Southern Poverty Law Centre (SPLC)[50] is a civil society organisation fighting hate and other features which characterise bad civil society. In their report they address the rise of so-called "patriotic movements" classifying the Tea Party as one of the examples (Potok, 2010).[51] Defenders from the side of experts on the American Constitution and political behaviour say that anger has to be let out and that if dissent was kept underground the situation would worsen. Some argue that comparing the Tea Party to the neo-Nazis is an over-exaggeration. (McLaughlin, 2010) I believe we cannot say the Tea Party in general constitutes an example of bad civil society, as it mainly represents radical dissent. Nevertheless, the fringe groups which support the rallies and whose language amounts to threats of violence or even killing definitely do (Potok, 2010). In my opinion the Tea Party having such a broad influence, should condemn such expressions of hate. While not doing so it implicitly supports such behaviour which can lead to further incitement of hate or even violence within society.

Westboro Baptist Church represents a completely different example. It is a very small, "extended family" group which spreads a message of hate towards, inter alia, gays and Jews and protests on funerals of the fallen soldiers.(McBryde, 2010) This group, according to my definition, undoubtedly fits into the bad civil society "box". Sadly

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approach them not as political parties per se but as specific forms of bad civil society embodied in political parties. My cases comply with the definition of civil society I have established above – these parties are not present in the organs of the state – and at the same time, the cases very well illustrate limited possibilities the states have in addressing bad civil society. It might seem that I have concentrated my analysis on the political parties too much, but I argue that the approach the states apply in these cases can be used to tackle bad civil society groups in general.

[50]Southern Poverty Law Centre, at http://www.splcenter.org/?ref=logo, (consulted on 20. 3. 2012).

[51] The Tea Party is also addressed in an interesting article about rise of religious presence in the American party politics in Foreign Affairs (Campbell – Putnam, 2012).

enough, the US Supreme Court does not think so. In its ruling in Snyder v. Phelps it gave the Westboro Baptist Church the right to express their opinions related to "public matters" regardless of the way they have realised it previously and dismissing the distress they had caused the family of the deceased. (Gregory, 2011) This seems to be one of the side effects of the intensive protection of associations and their freedoms which is grounded in the respect and adoration of the American Constitution and its Amendments.[52]

I believe the American authorities should strive for better balance between the defence of freedom of expression and rights which might be "offended" by that – as maintenance of this situation could be paid by the high price of resignation and mistrust of justice among the citizens.

It can be summaries that the level of influence of the Westboro Baptist Church is not extensive and an informal pressure of "good" civil society seems to maintain this situation. In the Tea Party case, as I have noted, the mainstream behaviour is neither aggressive nor offensive and mainly represents dissent to the contemporary political establishment. I believe that the pluralism and diversity present in the American society will not allow further development of radical fringe groups but should their ill-conceived ideas extensively infringe on other people´s rights, I think that then it is the responsibility of the state to pursue policies to address this.

3.3.2 Terrorism in Spain

The most visible battle with bad civil society Spain has to fight is attached to the issue of separatism and consequently terrorism through which separatists express their dissatisfaction with politics, disregard of human lives and hate towards others.

Terrorist organisations could definitely be regarded as being a part of bad civil society as they satisfy the definitional criteria of a voluntary

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[52] Here a link can be made to the issue of protection of associations as mentioned in the previous chapter while dealing with an approach of Nancy Rosenblum.

association whose acts are driven by discontent are expressed in extremist ways which are fed by intolerance and motivated by hate. Results of such acts are especially distressful. It is common that innocent people are severely injured or killed and the whole of society is petrified and full of anger. The terrorists in the Spanish case are "represented" by the political party(ies) whose opinion on violence and terrorism in not clearly refusing, thus allowing to assume inclination or silent support. Going back to the source, ETA (Euskadi Ta Askatasuna, in English Basque Homeland and Freedom) is an embodiment of "pure" Spanish bad civil society which has attempted to pursue its goals by means of violence and suffering of others. The seriousness of the threat has been recognised in this case and ETA is officially labelled as a terrorist group and has been made illegal.[53] The issue I will mainly discuss, trying the show pitfalls of the attempts to tackle bad civil society, was the action taken by the Spanish government against Batasuna. This political party is widely perceived as a political branch of ETA, but itself denying any connections with ETA and claiming it "fights" for liberty politically. The whole issue started in 2002 when for the first time a political party was banned under the law on political parties – Ley Orgánica de Partidos Políticos.[54] This law was in fact established as a consequence of the occurrence of the problems which were caused by Basque separatist activism and Batasuna.

Analyses dealing with the issue say no better solution has been created and established so far. Many steps allowing the region for the administration of their own matters have been taken – the region got an immense scope of autonomy and has been allowed to make its own policies regarding many issues. According to the Spanish constitution, the secession is not allowed, thus nothing more can be done. Additionally,

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[53]EU list of terrorist organisations available at Europa, at http://europa.eu/legislation_summaries /justice_freedom_security/fight_against_terrorism/l33208_en.htm, (consulted on 21. 3. 2012).
[54] Final judgement was pronounced by the Supreme Court in March 2003, the law was additionally checked by Spanish Constitutional Court which has declared it in line with Spanish Constitution. (Turano, 2003: 739, 740)

only slightly more than a third of Basques would actually welcome the separation. (Turano, 2003; Dobson, 2003) Dobson concludes that although there is a possibility of an infringement on the rights of citizens associated with Batasuna, there seems to be more benefits than risks. He believes that because of diversity of languages and cultures in Spain, freedom of expression is much valued and the government itself aims at high level of its protection. (Dobson, 2003: 650) Therefore these steps seem to me really as an attempt to prevent rise of bad civil society rather than as a suppression of dissent. Although the ban itself did not have any immediate impact on ETA activities (Wilkinson, 2002), it definitely influenced the possibility of political activism (standing for the election) and made the Basque government to take the matter to the European Court of Human Rights (ECtHR) and to search for support of its freedoms of association and expression (articles 10 and 11 ECHR). ECtHR backed the decision of the Spanish government in the ruling from June 2009 and did not find a violation of the rights of the party.[55] A dispute can arise on the ground of the fact that Batasuna per se did not commit any violence but its refusal to condemn acts of violence committed by ETA, together with refusal to sign a declaration regarding respect of human rights (Turano, 2003: 738), do not provide, from my point view, a sufficient ground for the trust into such association either.

Nevertheless, there is no clear-cut solution in cases like this as we are indeed dealing with conflict between the state´s power, and her will to protect law and order, and rights of association which claims to be innocent. There have been voices, mainly from the international human rights community, which say that further banning of the Basque parties in 2009 and a vague definition of terrorism, which can lead to misuse or "overuse" of this law, seem worrying.[56] Building on the knowledge I have

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[55]ECtHR´s Terrorism Case Law Factsheet, at http://www.echr.coe.int/NR/rdonlyres/13BF0C6A-F463-4CE9-B79F-9E9F3EF67B8F/0/FICHES_Terrorism_EN.pdf (consulted on 21. 3. 2012). I could only use secondary sources as the decision of the ECtHR was published only in French and my command of this language is not sufficient for its interpretation.
[56]International Association of Democratic Lawyers, at http://www.iadllaw.org/en/node/376 (consulted on 21. 3. 2012). Also Sortu was banned as it was accused of being just reshaped Batasuna (Govan, 2011).

acquired about the issue as I have introduced it so far, I have to say that a proportionality of this measure appears relevant – Spanish authorities definitely restrict their citizens´ rights to a certain extent, but Basque political representation did not prove to be resourceful, did not actively seek better solutions and was not cooperating as desired.

More contemporary development shed a slightly different light on the issue. A new group had arisen shortly before the regional election in May 2011 asking for "permission" to take part (Burgen, 2011). At first, bans had arisen preventing Bildu taking part in the election.[57] Eventually, though, those have been moved away and the new formation was allowed to participate (Hedgecoe, 2011).

Looking at the contemporary context holistically, I conclude that Spanish courts have proved certain reasonability. ETA declared a ceasefire and Bildu had been claiming they do not support any violent means (Burgen, 2011) thus they were given a chance to prove their attitude. In light of this analysis, the Spanish authorities succeeded, from my point of view, in finding the right balance when limiting the rights of the group. In the situation when ETA did not want to give up violence and Batasuna refused to condemn violence, it seemed, that the ban would help to improve situation sending the signal, that such attitude is not tolerable. On the other hand, the government opted for giving an opportunity to Bildu in a much more peaceful climate when ETA declared ceasefire and the new party denounced violent practices.

3.3.3 Right-wing radicalism and racism in Germany

I have chosen this type of bad civil society in Germany because it is one of the leading countries within the European Union, which often becomes a final destination for all kinds of migration and thus has a diverse society with all the pros and cons.

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[57]Newsnet Scotland, at http://newsnetscotland.com/index.php/scottish-news/2319-basque-party-bildu-illegalised-in-spanish-election (consulted on 21. 3. 2012).

Since the fall of the Berlin Wall the popularity of extreme-right ideology has grown. The National Democratic Party of Germany (NPD), which is the major representative of extreme right in the political area, has been taking part in election – their gains amounting to couple of seats held in two regional assemblies in the formerly East Germany. (Der Spiegel, 2011) NPD slightly lost in the last general election in 2009 (Der Spiegel, 2009) and according to recent investigations there have been drops in NPD membership as well as certain loss of general support. But this should not be "calming down" information – domestic intelligence says that numbers of violent neo-Nazis have been steadily growing. (Der Spiegel, 2011a)

Sending false deportation orders to politicians of immigrant origin as a part of the pre-election campaign was one of the NPD´s extempore, but a recent incident when a "Nazi crossword" was published in a party bulletin shows another aspect of policies of German neo-Nazis – they do not want to be perceived as being too nostalgic for the Third Reich period. This strategy should help them to gain more voters. (Der Spiegel, 2011c) Giving this idea a little thought it leaves we with two conclusions – either policies of such radicals will really soften because the attempt to draw new supporters will be followed by an attempt to keep them, and therefore a necessity to stick to the moderated policies; or it will work as a cocoon of the extremist ideas which will burst once the party gains influence.

I believe that both scenarios are possible – the first one would be obviously desirable, the latter, I do believe, though it is possible, would not have a huge impact. I think that the part of the population supportive of such ideas will not ever grow big enough to be able to overthrow the democratic rule of law.

Regarding Germany´s capability to fight extremism, there is a tool available in the German Constitution (Grundgesetz). The second part of article 21 declares such parties unconstitutional, which behave or act in a way to affect, impair or abolish free democratic order or even threaten the

existence of the state. This clearly leads to a possibility to outlaw any (neo-)Nazi or communist parties.[58] There have been several attempts made to dissolve NPD. They did not succeed for several reasons. When a "second wave" of attempts was made in 2008, Chancellor Merkel argued that dissolution of NPD would lead its members underground and thus making it less controllable and more dangerous. (Der Spiegel, 2008) This sounds familiar – could it be that Merkel is reading Rosenblum?

As regards the policies of the state towards right-wing extremism Germany has not been simply standing by and has attempted to tackle the issue from the early stage. Seeing the above results it is tempting to denounce its failure straight away, but the notion of the complexity of the issue should not allow us to do so. Extremist ideologies of whatever origin draw the attention of, among others, alienated people from the troubled neighbourhood or poor family environment[59] for many reasons – strong bonds within the group, putative protection and respect between members. Thus Germany set on the route of "granting the grassroots" in an attempt to divert youngsters from becoming members of such movements.

It has indeed been an innovative approach. It started in the early 1990s by supporting local projects for problematic youngsters and was followed later on by financial injections for projects which should have specifically concentrate on fighting right-wing extremism, fostering democratic education, promoting diversity or helping victims of violence. (Bleich, 2006, 2007: 11, 12) There has obviously been much criticism towards this policy, but from the perspective of my work, Germany actually is a relevant example of the "persuasion approach" I will present in the next chapter – unfortunately not a very successful one.

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[58] This conclusion although made independently builds on note from Turano, 2003:731.
[59] The case of Daniel can serve as an example (Berg, 2010).

3.3.4 General note on right-wing extremism[60]

I feel obliged to mention that I consider it quite worrying that this kind of bad civil society (often hiding behind the veil of populism) is currently increasingly "spilling over" the civil society sphere infiltrating official state structures all over the Europe – True Finns, Geerts Wilders, Marine Le Pen, Jobbik. And they indeed have certain level of popular support. They appeal on nationalism, blame the European Union for its bailouts and identify Muslim immigrants as scapegoats guilty of everything. (Der Spiegel, 2010; Der Spiegel, 2011b) These events show how thin is the line which divides civil society groups and the official structures. It also supports my worries about the negligence of the issue of bad civil society. The states have been turning their "blind eyes" to the problems which must have been "bubbling" within the European society for some time already. The rise of radicalism has come as an answer for this indifference.

It is merely impossible to address this issue as bad civil society because it has actually ceased to be bad civil society and represents state´s authority. I think that both "good" civil society and responsible authorities can fight this because still it is not a majority of society which believes that racism and "islamophobia" are the right paths to follow. Civil society should mobilise in the sense of participation as free election allow not only for further rise of these groups as critics might say, but also for overthrow of such ideas. The state authorities could firstly attempt to ostracise these parties and secondly, if they depend on their support, they can eliminate their influence by reasonable coalition agreements. Additionally, as I have said above, the participation of these radical groups in the governments could actually lead to "softening" of their approach. They would not be able to put through all the ideas they have and thus will

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[60] Suitable only as a footnote I would like to mention here again two cases which happened recently and which had a connection to right-wing extremism. I used them as an illustration of individuals who can play a role in civil society under the influence of certain ideology and do not necessarily have to be involved in any group or association directly. I am talking about horrendous cases of Andreas Breivik in Norway and Mohamed Merah in Toulouse, France, who are both claimed to incline to extreme-right ideology.

lose some support and could in fact slowly shift towards the "centre" of the ideological axis.

I will not abandon this worrisome issue in the analysis of the Czech bad civil society either, but now I proceed to the summary of what the state can do address bad civil society more effectively.

3.4 Possibilities of limitation

In the previous chapter I have hopefully proved that there is a variety of civil society embodiments present in our contemporary societies as well as there are many approaches towards bad civil society implemented. What are the possibilities of limitation of bad civil society in the liberal democratic countries? Let´s take an example of Guerrilla Gardening movement which I mentioned in the introduction. People all around the world arrange meetings with the aim to plant flowers in the public places which are abandoned. They, in fact, act illegally because they operate without official permission on the public space and thus have no rights do so. Nevertheless, the results of their "interference" are beneficial and pleasant. What should the state do in such a situation? Should any measures be taken to prevent civil society to take illegal action which causes no harm and creates public good? On the other hand, there are groups or movements whose actions are perfectly legal, but the impact of their behaviour negatively affects the whole society, interferes in rights and freedoms of fellow citizens and generates intolerance and hate within society. In this part I will have a look at possibilities of the state to regulate bad civil society so that such regulations do not interfere with the rights to which bad civil society (and groups or individuals which constitute it) is entitled. Jim Crow´s laws were presented as being aimed at improving the situation of African Americans in the United States. In fact, they were limiting freedom of movement on the grounds of a protection of their well-being. (Palmer, 2002: 68) On the other hand, bad civil society groups often veil their hate into phrases about protection of nation, traditions and community.

3.4.1 The state and its approaches towards (bad) civil society[61]

I have already mentioned that the state as I understand it fulfils traditional "Westphalian" criteria with the notion about the changes connected to the processes of globalisation, decentralisation and other which currently, allegedly, cause "withering" of the state. I am aware of the changes and of the emergence of new actors involved in governance, but I believe that the state remains in the "centre of happening" – it forges new partnerships and adopts wider range of strategies. I agree with Bell and Hindmoor who say that

> "...even when governments *choose* to govern in alternative ways, the state remains the pivotal player in establishing and operating governance strategies and partnerships" (Bell – Hindmoor, 2009: 2, 3, emphasis in original).

I will briefly present here the possible governance approaches of the state towards civil society.[62] Not all five of following governance models bear same validity for the problem I analyse in this work, some of them are more relevant than others, but I have decided to present all of them to offer a coherent theoretical picture.

3.4.1.1 Communities and associations

I will start with two modes of governance which, although generally representing the changes in the area of governance, do not constitute a relevant method to approach bad civil society – governance via community engagement and governance via associations. The first mode is mainly realised through involvement of the local communities in the

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[61] I would like to draw attention to the fact that literature dealing with the state´s approaches or policies towards civil society does not mention bad civil society at all. Neither have any of the authors make even any impression they count on possibility of appearance of such a phenomenon. I will try to formulate and suggest possibly relevant attitudes towards bad civil society building on my acquired knowledge.

[62] I am mainly relying on the classification done by Bell and Hindmoor (2009). There are several other options available in the academic literature (e.g. Pierre – Peters, 2000) but this one is substantially brief as well as informative.

processes of decentralisation, the latter then through cooperation of the state with groups in the area of implementation of policies, information exchange and mutual assistance. Both of these modes require certain level of power-sharing, though, as I have argued, the state still remains the main coordinator and in fact decides when and how other actors will be allowed to take part. In the relationship of the state and associations, the state searches support and help in certain areas, where it lacks capacities. The state can become heavily dependent on such relationship which can lead to a necessity to provide further incentives to motivate the cooperation with associations so that it remains attractive for them. (Bell – Hindmoor, 2009: 17, 18, 160, 191, 184, 185) This is an additional theoretical note coming back the issue of reliance of the state on non-state actors.

3.4.1.2 Markets

Next mode shows possibilities of governance via markets presenting growing use of business in governing. Probably the best proof of such development is an increasing cooperation via public-private partnership (PPP).[63] Markets can also help the state in areas where it does not have its own capacities. The state then has power to provide safe environment for such activities and, similarly to the cases above retains control and power to "manage" the market. (Bell – Hindmoor, 2009: 17, 135, 136) As I will show in short summary of this chapter this mode does not seem adequate for addressing bad civil society either.

3.4.1.3 Persuasion and hierarchy

Finally, I have proceeded to the two most suitable modes of governance regarding bad civil society – governance via hierarchy and governance via persuasion. Starting with the latter, this form of governance has not been explored as much as others, but it has definitely

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[63] More on this in e.g. Wettenhall, Roger: 2003. The Rhetoric and Reality of Public-Private Partnership. In: *Public Organization Review: A Global Journal,* Iss. 3, pp. 77 – 107.

become a relevant way of the broadening of the influence of the state upon its citizens. Although this way of governing needs to rely on willingness of the "targets" to comply, which is not always effortless, it constitutes a powerful non-coercive way of achieving common good goals and definitely deserves further examination. Coming back to the first category of hierarchy, this is probably the most common and most familiar way the state addresses and deals with its citizens – through authoritative imposition of direct orders and legal or other measures. A growth of range of forms of authoritative governance has been documented and the issue of excessiveness of some of the measures has been (and I believe it should be) questioned. (Bell – Hindmoor, 2009: 16, 17, 95, 96, 113, 114) This form of governance is far from disappearing or being replaced, it is just increasingly supplemented by other modes of governance (Pierre – Peters, 2000: 18).

3.4.1.4   Relevance regarding bad civil society

Should I summarise the relevance of the categories I can start with the first two mentioned. Neither governance through associations nor governance through community action provide adequate framework for tackling the issue of bad civil society associations. Drawing from the definition of bad civil society I consider it rare that bad civil society groups would get engaged with local issues in reasonable way or that they would be considered a welcomed part of local communities.[64] As regards the governance through the markets, I do not see many chances that bad civil society organisations could be firstly able and secondly allowed to become a part of any form of public-private partnership.

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[64] But the examples are known. Chambers and Kopfstein talk about Nation of Islam, an association promoting hate and racism, which is in the same time very popular among African-Americans in certain areas, because it produces many "goods" – such as fighting crime and addressing security in the areas where the government has failed to do so. (Chambers – Kopfstein, 2001: 844, 845) The message of this note is, I believe, obvious – the state should definitely not engage anyhow with such groups, needless to say to provide them with any form of support. The state should rather aim at improvement of the provision of the services it is responsible for, so that it can prevent increase of popularity of such movements.

Eventually reaching two modes of governance I find relevant and possibly sufficient for addressing the problems bad civil society groups can cause. Starting with the mode of persuasion, it might seem impossible and I do admit this idea is a bit idealistic, but still it might hold some water. Persuasion can be, from my point of view, used as a "preventive measure" in regulating bad civil society and I have illustrated that in the empirical case of Germany. I believe that the state can influence (e.g. through informative campaigns) opinions of the citizens regarding e.g. minorities or immigrants and thus reduce their tendency to trust radical or extreme movements. This can potentially reduce numbers of people joining such groupings. I am aware, though, that such activities cannot gain results easily on their own and should ideally be accompanied by other measures. Lastly, I think that governance via hierarchy is an obvious mode which can effectively tackle bad civil society. If some of its actors infringe the law, they can be punished. As I will show, the balance has to be found so that the limitations set forth by the state are not too extensive.

3.4.2 Regulative framework

By and large, I will further explore the issue mainly within two modes of governance. I have opted for governance via hierarchy as the main (and only) model which can deal with bad civil society, but governance via persuasion will be embraced as possibly preventive way to address bad civil society issues. I have decided to opt for a two-part model which addresses at least some of the causes of development of bad civil society and offers legal framework which can provide reasonable protection of dissent as well as just punishment when the line is crossed. Therefore I will present my suggestions in two separate parts – firstly the pre-emptive measures and secondly the legal framework.

3.4.2.1 Pre-emptive measures

In cases of racism and xenophobia it is obvious that their embodiments[65] are only "outputs" of the sentiment of a part of population which feels threatened by e.g. foreign workers, Roma population or Muslim immigration. "They" allegedly either "steal" jobs or money in the forms of state subsidies and allowances or threaten "our European values and culture". The popularity of such ideas stems in the problems which are present in the society and for which no satisfying solutions have yet been found. These radical ideas offer solutions or identify "the perpetrators" who can be blamed for all the worst which is happening to us. A case of terrorism could be more complicated but the sources of bad civil society earlier in this work – poverty, increased activism of radicalised individuals, unresponsiveness of the state – could very well work in this case too.

I believe the states have many avenues at their disposal to tackle a wide range of problems and their "traditional" monopoly over the use of means of violence can really be a last resort. I agree with Elias who says that people are not violent by their nature but they turn to violent acts in the situation of conflict and when they are threatened. (Elias, 1988) Although Elias talks about war, I think we can transfer a situation of conflict to setting of suburbs, or rural areas, where diverse people live together, or minorities are settled, where there is lack of jobs. I believe that many aspects of the modern world result in feelings of insecurity and fear of the unknown which seem to threaten our daily lives. And thus people try to find protection against these mainly unsubstantiated fears as well as solutions for their problems. Such solutions are often offered to them by radical populists or fundamentalist movements and ideas.

Dearlove makes another interesting point about behaviour of groups which try to draw attention to their problems. He addresses issues

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[65] The Workers´ Party or any of its "successors" in the Czech Republic (which will be introduced in the next chapter) or German NPD can serve examples.

of poor people who usually lack voice and representation in the public sphere and he literally talks about groups getting "louder" to be heard and listened to by the state officials. (Dearlove, 1974: 29, 30) I think this issue can also be metaphorically transferred to the bad civil society sphere – it was said, that economic frustration is one of the "sources" of bad civil society, we can identify the radicalisation as a "louder voice" asking for solutions – because the state is not able or willing to act, people turn their attention to the "louder" (more radical) groups.

"Avenue of education" is another way, I suggest, the state can go in an attempt to prevent or at least diminish (further) development of bad civil society. We can see how powerful state education systems were and somewhere still are in the totalitarian regimes. Luckily, pluralism within democracies offers individuals freedom to choose their ideals and respects variety of thoughts and beliefs. Still, the state has the power to influence the "main message" which is given to young people – and I think it should be a message of non-discrimination and equality. These are the most important values which lie behind respect and protection of human rights and if they are constantly promoted and omnipresent, I think they can "win the minds" of many.[66]

To finish this section of suggestions, I have to emphasise that I do not want to blame the state for everything. People cannot be prevented to pursue their goals at all costs and I am aware, that the propositions I have made, are demanding. I have also mentioned that some people get involve with bad civil society because they simply wish to, they cannot and should not be prevented in doing so. On the other hand, in some cases people live in conditions from which they cannot get out of, which lead

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[66] Special education of the state officials is one of the specific preventive solutions I would like to suggest. I am aware that it means a lot of investment both money- and time-wise and with rather blurred results, but I think that innovative approaches can bear fruits. Anti-Semitic marches in the Czech Republic can serve as an example, when far-right extremists choose to organise their event on the day when transportation of Jews to concentration camps started (iDnes.cz, 2009b). From the American environment, 19th April was the day chosen by "patriotic" group to march on protest, which is the day when a Revolutionary War started and the Oklahoma City bombing happened (Potok, 2010). If bad civil society can at least be prevented to act such way on the days which are so emotional for certain groups of citizens, then, I think, it might be worth.

them astray and "push" them into difficult situations – in such cases they should be offered reasonable help and assistance.

3.4.2.2 Framework of protection – punishment

It is obvious that persuasion can hardly make some change by itself. I have already noted that it only forms a (rather smaller) part of the set of instruments which can be used to tackle bad civil society – hierarchical approach offers more options firstly to regulate and secondly to punish. The basic tool to tackle bad civil society should be sufficient legislation which involves measures which can secure rights and freedoms of all citizens and is equipped with measures dealing with protection against discrimination. Minorities or other vulnerable groups are the easiest targets of bad civil society activities and thus their protection should be enhanced.[67]

The authorities of the state should be responsive and, as Robson says, the action of the state should not only be adequate, but also justified and just and, needless to say, should be transparent. (Robson, 2000)

Regarding the practical possibilities to limit the action of bad civil society, there should be clear guidelines to that. It happens quite often that bad civil society organisations fulfil requirements for their founding and running and they are not identified as an issue until problems appear. When this happens within the legal limits the state has established, there could be some limitation of bad civil society realised. To suggest the rules which should be followed, I will use guidelines set by ECHR,[68] which say that measures taken by the state to limit citizens´ rights and freedoms have to fulfil three conditions.

Firstly, they have to be prescribed by law. Such law has to have certain qualities. It should be sufficiently precise so that citizens can

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[67] The empirical case of the Czech bad civil society will prove this point even further.
[68] European Court of Human Rights, Convention for Protection of Human Rights and Fundamental Freedoms, at http://www.echr.coe.int/NR/rdonlyres/D5CC24A7-DC13-4318-B457-5C9014916D7A/0/ ENG_CONV.pdf, (consulted on 25. 3. 2012).

adjust their conduct to the limits and be aware of the consequences.[69] Secondly, the state should only be pursuing a legitimate aim which differs with each of the rights.[70] The third requirement says that any restriction should be "necessary in democratic society", which means that there is a pressing social need for that and limitations ordered by the state have to be relevant and sufficient.[71]

Building on these requirements, it might seem that quite clear limits are set to the action of the state, but the realities are much more complex and often it is difficult to assess the situation.

Giving a little space to the theorists, Chambers and Kopfstein, building on the American tradition of respect of freedoms of expression and association, believe there could not be any limitations put in place by the state as it would violate values of toleration and respect (Chambers – Kopfstein, 2001: 844, 845). Nancy Rosenblum´s approach regarding the freedom of association has been presented above. Putnam recognises that freedom of association can be hard to sustain because some political associations do not really contribute to "effective governance" and are able to develop pressure to threaten democratic rule (Foley – Edwards, 1996: 44). Sidel, talking about terrorism, says it does not have to be a core reason for growing regulation of the third sector, but there might be other issues present and anti-terrorism measures can serve as an excuse for enhanced regulation (Sidel, 2008: 9, 10). All these authors "stem out of" western liberal tradition and whether they recognise the issue of bad civil society or not their general approach (as well as mine) will always be influenced by the "liberal problem" – optimism and tendency not to be

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[69] ECtHR, The Sunday Times v. United Kingdom, para.49.
[70] For example, Art. 2 protecting right to life says this can be limited when "absolutely necessary", inter alia, while protecting others from unlawful killing. Article 5 (right to liberty and security) could be limited when a person should be subject to lawful arrest or detention. Finishing with Articles 9, 10 and 11 protecting freedoms of thought, expression and assembly, similar legitimate aims are mentioned – the state´s conduct is only legitimate "in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others" (see ECHR, at http://www.echr.coe.int/NR/rdonlyres/D5CC24A7-DC13-4318-B457-5C9014916D7A/0/ ENG_CONV.pdf, (consulted on 25. 3. 2012).
[71] See Handyside v. the United Kingdom, paras. 47, 48 and Lingens v. Austria, paras. 39, 40.

critical towards civil society. Nevertheless the liberal approach of the state (and of the theorists) bears and emphasises value of respect to liberties and freedoms without which even this piece of work might not have been allowed to be written. These ideas illustrate how contradictory this issue could be and that finding adequate solutions can equal squaring a circle.

Summarising on this, I can answer a question: how can the state regulate bad civil society? The state can regulate bad civil society by using reasonable and appropriate legal measures which show proportionality between the protection of interests of the state – such as security or order – and protection of rights and freedoms of citizens or groups. The extent of limitations of bad civil society which are acceptable should not be (and could not be) assessed in overall as cases have to be assessed individually. Put boldly, unless bad civil society is out of the legal framework, the state can only regulate it in a way so that it does not infringe on its rights. This has to be judged case by case.[72]

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[72] Adding a short note – no issue can ever be generalised. Whatever specific problem I have been talking about, should be approached as a specific case. Of course, it has to be built on the knowledge which was gained about the issue and we need to implement general measures and rules to prevent or limit occurrence of problems. I believe that, similarly with issues which we address in our everyday lives, every single case of bad civil society bears specific features which need to be dealt with properly if the problem is to be addressed successfully.

4 THE CZECH CASE – AN EXAMPLE OF BAD CIVIL SOCIETY WITHIN A PARTICULAR CONTEXT

"In a democracy, the government should make use of all available legal measures to protect the liberal democratic basic order."[73]

and

"While States must act to protect their citizens from public order and terrorist threats, their actions must be appropriate and without excess" (Article 19, 2006*).[74]*

As the theoretical definitions have been established and some of the practical features have been reflected on the general level, I would like to proceed to the analysis of the specific context of Czech bad civil society. The choice is, I believe, obvious as the culture, environment, and general attitudes are well known to me. Still, there will be some limits again – I have decided to reflect only upon main and probably most troubling topics which occur in the Czech context potentially leaving out regional specificities. Further, from the perspective of the reflection of the development within a certain time span, it would be very helpful if the whole trajectory of the establishment of bad civil society after separation of the Czech and Slovak Federation in 1992 could be captured and I consider it a relevant topic for a further research. This would be suitable for a more empirically concentrated work, as the aim of my thesis lies elsewhere and the space I can devote to this issue is limited. Therefore I have opted for an analysis of very recent and contemporary phenomena and I believe that my short overview will be insightful and informative despite its limited scope.

To maintain the coherence of my approach I will structure this chapter in the same fashion as the theoretical section, also building on the conclusions I have made. Firstly, I will attempt to identify the sources of the Czech bad civil society and analyse whether they converge with my general theory. Secondly, in the light of such specification a reflection of a practical occurrence and activities of bad civil society will follow. And

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[73] Manfred Kanther as in Wise (1998: 301).
[74] They conclude from Incal v. Turkey, application no. 22678/93, 18. 5. 1998, para. 54.

thirdly, I will discuss the approach of the state authorities as well as "good" civil society attempting to limit the impact of bad civil society activism.

4.1 What constitutes the background for the "bad"?

When closing the case of banning the Workers´ Party, which I will further address below, the Supreme Administrative Court, inter alia, concluded that the party

> "has as its objective inciting national, racial, ethnic and social intolerance and, as a consequence, an attempt to limit the basic rights and freedoms of certain groups of Czech Republic's inhabitants, especially minorities (typically Roma, but also Vietnamese and Jewish, plus immigrants more generally and individuals of different origins, skin colour or sexuality)."[75]

In my opinion, this summary speaks for itself presenting the main features of Czech bad civil society in its sheer "badness". And it also contributes to the identification of the sources of the local bad civil society: the aggressive and offensive fear of the unknown – whether foreign (immigration) or just generally different and not being "us" (minorities). Racist and xenophobic attitudes are, I believe, the main drive of the hatred produced in the Czech environment. There are several sources of data which further develop my assumptions.

4.1.1 Not embraced foreigners

Starting with the "foreign elements" overview, the immigration flows which influence the demographics in the Czech Republic cannot be compared to other western countries, because numbers of immigrants are much lower. (Herm, 2008) Expressed in numbers, the average proportion

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[75]Supreme Administrative Court, Judgement Pst1/ 2009 – 348 (Dissolution of the Worker´s Party), at http://www.nssoud.cz/docs/Delnicka_strana_original.pdf (consulted on 22. 2. 2012); used wording from Mareš, 2011, pp. 11, 12.

of foreigners in the EU is 6. 4 per cent – states such as Germany[76], United Kingdom or Spain accommodating roughly 75 per cent of all foreigners in the EU (Vasileva, 2010). Still, mainly because of the similarity of Slavic languages and former ties from the communist period, the Czech Republic becomes a final destination for people coming from further Eastern Europe and Asia. According to latest available data from the Czech Statistical Office foreigners constitute roughly 4 per cent of Czech population where the largest proportion comes from Ukraine, followed by Slovakians and Vietnamese. Further, citizens of the former Yugoslavia are mentioned together with Russians. (Czech Statistical Office, 2012)

According to surveys, the general approach towards foreigners is not positive. Although people tend to underestimate the number of foreigners living in the country, a majority of people consider their presence in the country as a problem. (Chludilová, 2003)[77] Considering the approach towards different nationalities, there is a trend in "liking" those who are familiar – people in the northern areas do not have a problem with co-existence with Poles, similarly those from border areas with Germany tend to be in content with their cohabitation. Slovaks, being our former fellow citizens, are generally embraced as well. (Chludilová, 2003) More recent survey shows that when people are asked "How would you feel if your neighbour was...?" Czechs seem to also like the western nationals rather than people coming from East. (STEM, 2011)[78]

These numbers and statistics might altogether suggest a conflict potential, but foreigners become victims of verbal or even physical

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[76] Especially Germany can serve as a point of comparison in this issue as the country also has troubling issue with the rise of the extreme-right movement, as I have shown in the previous part of my work.

[77] Although the analysis builds on data from 2001 in the comparison to other sources we can see that the notions have not shifted. The exact figures might have shifted slightly but the overall trends have definitely persisted.

[78] Chludilová (2003) comments on what seems to be interesting for me. I wonder how people actually distinguish between an Afghan and an Arab in general, what attributes they associate with Jews or Chechens? She says that people have not met people from such countries and that mainly the factors of development and the distance play an important role.

assaults quite sporadically (Mareš, 2000), which could be taken as a positive sign. They are not accepted, let alone embraced, by some parts of population. But I would like to emphasise my belief that a certain level of "disapproval" is present in any country. Although a negative attitude towards foreigners is not a desired one from my point of view, it does not mean that hate or violent tendencies are always present in the general society.

Aggressively negative approach accompanied by the incitement of hate and violence is one of the features of bad civil society which can create or enhance a negative perception of foreigners presenting them as "job-stealers", thieves or generally trouble-makers. Such activity supports rather unsure and often unsubstantiated worrying view of general public in the negative sense. This effect is also often enhanced by media where mainly the negative issues connected to activities of foreign nationals are presented. (Chludilová, 2003)

4.1.2 Disliked Roma[79]

A group which constitutes the most common target of both general public dislike and bad civil society victim and main scapegoat is the Roma population. Romani people have increasingly become the target of extremist and racist groups. (Mareš, 2000) They are also the "negative" leaders of charts, graphs and statistics which have been dealing with the attitudes of society towards them. People not only claim that they have negative experience with them (Chludilová, 2003) but when asked about a possibility of being a neighbour of a Roma more than 80 per would not like such situation with 30 per cent directly saying it would not be acceptable for them (STEM, 2011).

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[79] A note has to be mentioned regarding the resources I have used for the analysis of Roma situation in the Czech environment as two brilliant and contemporary analyses served as sources of my conclusions and ideas. I would like to recommend the reader to seek further explanations connected to Roma identity formation, social housing issue and other topics in Lippai – Strnadová – Toušek, 2011 and Strnadová, 2011.

Recently 13 150 people in the Czech Republic claimed their nationality was Roma (Czech Statistical Office, 2011). This figure does not actually reflect the number of the Romani population as the estimates done by the Czech government in 2006 say that there are between 150 000 and 300 000 Roma people mainly settled in the areas of northern Moravia, northern Bohemia and in the cities[80] (Government of the Czech Republic, 2006). A simple math exercise shows that Romani people form no more 3 % of the whole population of the country.[81] This minority is even smaller than the number of foreigners living in the Czech Republic, has been cohabitating with locals in the same areas at least for decades – yet they are so unwanted and often despised.

It would be worthy to give a short thought to the disproportion of the people who actually claim to be of Romani origin and those who do not openly admit that. Contemporary analyses dealing with issue of spatial and social exclusion of Roma people draw attention to the fact that Roma identity is not as coherent and united as it is often perceived and interpreted not only by majority society but also by the state institutions. (Lippai – Strnadová – Toušek, 2011; Strnadová, 2011) A simplified perception attributing Romani people "a status" of a coherent group has important implications on which I will comment later.

Animosity towards this minority could be traced well back to the Middle Ages, throughout the periods of the so called First Republic and the Protectorate of Bohemia and Moravia. Roma have been a culturally different community exposed to restrictions and limitations of their traditional way of life. Through historical periods of "ups and downs" the latest period which has left its impact on the perception of Roma from the side of majority society is the period of communism. In the Czech lands, about 10 per cent of original Roma population survived the genocide and

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[80] The number of the people who claimed their nationality was Roma in 2001 census (on which the government´s estimates are built) was 11 746 (Government of the Czech Republic, 2006). Thus a current estimate of the size of the Roma minority overall might be slightly higher as well.
[81] Based on the population size from 2011 census (10 562 214 people) and counting with the estimates of 150 000 to 300 000, the result is 1.4 % to 2.8 %, provided that the estimated might have grown slightly in accordance with the overall growth of the population.

the World War II and among the newcomers who started to fill the Sudeten after the expulsion of Germans were mainly Roma people from Slovakia, but also from Hungary. (Lippai – Strnadová – Toušek, 2011: 10 – 13) They were coming from

> "a culturally distinct environment of isolated Romani settlements into the Czech towns. This transition was connected to the distortion of the traditional kin bonds within Romani community" (Museum of Roma Culture, 2010).

As communism became the main doctrine other than a working class identity was not allowed.[82] The approach of communists led Roma people to complete cultural and social disarray as they were denied a status of minority, were forced to live in allocated areas – according to the Marxist approach Roma needed to be "re-educated" as their notions and way of live were considered "backwards". This led to an intensive process of assimilation realised through the policy of dispersion. The authorities wanted to prevent spatial concentration of Romani population thus "redistributing" people into diverse areas mainly settling them in the older housing facilities as the original inhabitants were moving into the newly-built blocks of flats. Although the policy was accompanied by the unwillingness of the local governments to accept "the disseminated", it was realised quite successfully resulting in the infrequent pattern of living and quite a low level of spatial segregation at the beginning of the 1990s. (Lippai – Strnadová – Toušek, 2011: 11 – 13) Much has changed, though, a lot remained unchanged.

> "Currently, the Roma make up the core of so-called socially-excluded communities. Their social and spatial segregation, often called ghettoisation, constitutes the largest problem for the majority of Roma" (Strnadová, 2011: 19).

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[82] Two important points are to be made: firstly, the policies communists pursued were connected to the attitudes towards Roma which stemmed in the period of Austro-Hungarian monarchy and resembled those applied during WWII – they built on discriminatory legacies of these periods; secondly, the Roma people who were coming to nowadays Czech Republic had already lived sedentary lives. (Lippai – Strnadová – Toušek, 2011: 11, 12)

The transition was supposed to redress all the (mainly economical) deficiencies of the previous regime by giving everybody freedoms and rights. As regards the Roma, there were no specific policies implemented to assist them during the transition and because they generally lacked civic experience and their level of education was low, they could not make much use of the opportunities at hand. Further, sudden changes in the market structures, housing, and social system had a disproportionally severe impact on the Roma communities who experienced rapidly increasing unemployment and growing disparities in the comparison to the majority society. (Lippai – Strnadová – Toušek, 2011: 21 – 23) Consequently as many of the features of the transition accumulated together they created a ground for the social exclusion of Roma. These, I argue, persisted and were further aggravated by implementation of "edge" policies.

Firstly, neoliberal approach which disregarded groups completely and let them without any attention, let alone assistance, burdening them with their inescapable situation. Secondly, starting 1997, rather communitarian attitude which emphasised Romani identity and approached Roma people as an ethnic group not taking into the account heterogeneity and individuality of the "members". (Lippai – Strnadová – Toušek, 2011: 21 – 23) Emphasising cultural differences (while supporting Romani culture, language and traditions) the state creates a notion that they are the source of the problems Romani people have. A sufficient link was not created with the real source of exclusion – the social-economic structures. (Lippai – Strnadová – Toušek, 2011: 24) This, I believe, serves as a source of disdain of majority society as it reinforces the stereotypes and the idea that Roma are to be blamed for their own situation and, additionally, for the troubles they cause to the majority society by requiring resources and assistance because of their situation. The hate towards Roma is fed from many sources. The most common are the accusations of an exploitation of the Czech welfare system, as Roma people are depicted as deliberately living off the state, exploiting the system of

subsidies. Such perception is common not only among the general public but is, increasingly more often, mentioned also by the politicians – starting with leaders of villages and smaller towns (who could be considered community – and also opinion – leaders) and ending with the highest representatives of the country.[83] I will attempt to illustrate this further in the empirical section.

Since 2002, more desired route has been taken and the right problems have been addressed as the policies shifted towards addressing the issue of socially excluded communities.[84] This allows tackling the problem more efficiently while abandoning the emphasis on ethnicity. Although the support for the development of culture continues, the attention is paid to the empowerment of the Romani communities (e.g. through educational programmes – examples of which will be demonstrated) so that future activities can build on their ability and will enhance the development further. Concluding on the policies performed by the state in the connection to the Romani minority, analysts think that mainly two factors aggravated the situation of the Roma community in the Czech Republic – firstly a lack of emphasis on the socio-economic aspects of the Roma exclusion, which I think has been recently at least partly redressed, secondly, the failure to implement central policies on the local level. (Lippai – Strnadová – Toušek, 2011: 24) I will briefly address the latter point as this stage illustrating it with the issue of housing.

Although there is a programme for developing housing facilities for socially excluded people, the government does not have this programme under the control as the realisation is in hands of municipalities/ local

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[83] Comment by blogger (Baťa, 2010) and an article about leading Czech party who wanted to address abuse of allowance mainly addressing the "Roma issue" (Holub, 2010).

[84] Currently, several bodies concentrate on Romani issues. The Government Council for National Minorities is a body aligned to the Czech government, which is supposed to address issues connected to (among others) Romani minority. There is also a Human Rights Representative, currently Monika Šimůnková, who also plays her in these matters. Additionally, the Czech Republic also has to fulfil her duties as a contracting party to several international conventions addressing minorities and their rights (e.g. Framework Convention for the Protection of National Minorities – text available at http://conventions.coe.int/Treaty/en/ Treaties/Html/157.htm, (consulted on 1. 3. 2011).

government. The contemporarily very problematic situation in some areas is often a consequence of the ineffective policies of local governments which did not develop enough space for socially excluded citizens or were creating separated areas for them. Local governments actually found several ways how to "ghettoised" Roma people – developing points system for applicants for municipal housing with direct or indirect discriminatory features or placing only Roma applicants in certain areas. The exclusion of Roma people and the chronic underdevelopment of the areas where they were situated have been enhancing resilience of the stereotypes about the way Romani people live and further exacerbate the situation. (Lippai – Strnadová – Toušek, 2011: 24 – 28, 34) I see the consequences of this problem directly in the practical examples I have made (or will make) as many of the social and economic tense area were actually places where violent conflicts have happened.[85]

4.1.3 Bad civil society sources: Why are they hated?

Concluding on the above findings I would like to contextualise the grounds of the establishment of Czech bad civil society. I have identified minorities as its main target. Although there is a rather unfriendly approach towards foreign nationals, Roma people are predominantly the object of hate. What leads to such a dislike of a certain community?

I conclude simply: the combination of aspects mentioned as a source of bad civil society in the theoretical muse and, additionally, plain and simple human animosities. Building on my own experience and encounters with general society in the Czech Republic I have started to call this phenomenon "scapegoatisation". It characterises a situation when one (minority/distinct/non-mainstream) group within society is blamed for/ accused of (without a proper ground) many (if not all) troubles the general society has been or is currently suffering from. I do not assume I have discovered some area unknown to social sciences and do not attempt to

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[85] This supports my assumption (which I will present belowe) about local representatives (as leaders of local civil society) who play in hands of bad civil society by their dismissive approach.

present this description with unconditional validity. It nevertheless seems to describe suitably several situations (in a different diverse extent) humankind has experienced[86] – current economic crisis can serve as one of many examples. Contemporarily, I can observe similar approaches within mainstream British (specifically English) society towards Pakistanis or (possibly more surprisingly) towards members of white working class, who are now commonly labelled as "chavs"[87]. Similarly, building on the experience from the contact with Italian citizens, people coming to Italy from African countries are a priori identified as illegal immigrants and "fake bags sellers".[88] This kind of marginalised people, who often live on the edge of society and experience disadvantages for several reasons, easily becomes a target of blame for lack of job opportunities, because they "steal the jobs from locals", exploitation of welfare system, or even spreading of diseases.

In the case of Czech Roma it has actually been the state which has "helped" to deepen the perception of distinction from the majority of society while pursuing the above-mentioned policies placing emphasis on Romani cultural legacy. Lippai, Strnadová and Toušek (2011: 21) believe that any approach perceiving Roma people as a group and consequently implying policies in the similar fashion can actually result in jeopardy of integration.

I do not want to portrait disadvantaged people and communities they form as all of them "being lambs sacrificed" unjustly, claiming all the accusations ever raised against them are a pure lie. That it obviously not

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[86] I believe it could be associated with the social position of Jews or Roma in Europe throughout the centuries, culminating in the 20th century with till then unimaginable results. While dealing with the situation of Roma, the comparison with the situation of Jews has quite caught me. The development of civil society in Nazi Germany is captured in social science literature (e.g. Berman, 1997) and a lot attention is (justly) paid to Jews and their suffering. Roma, on the other hand, although they are now increasingly mentioned in this context as well, have kept generally very unprivileged positions within societies throughout the world.

[87] I am very interested in the issue of British lower working class, sometimes even called underclass, therefore I would recommend further reading in Jones, 2011.

[88] For illustration and possible consequences see Irishtime.com, 2011, at http://www.irishtimes.com/newspaper/breaking/2011/1213/breaking47.html, (consulted on 3. 3. 2012)

true and from the position of a liberal egalitarian such a misinterpretation is not acceptable as there definitely have been crimes committed and, as laws of the country are established for every individual, every individual should pay accordingly. But it should be only the state which has the power to punish people and no individuals or groups or movements have any right to pursue "their kind of justice".

From my point of view it should also be the state implementing measures to (at least to some extent) prevent such situations – efficient welfare legislation, assistance for asylum seekers, conflict management and resolution, public raising-awareness campaigns. Also, policies of the state which operate with identity matters should be carefully designed and avoid generalisations which can lead to further deepening of stereotypical perception of minorities.

Illustrating this on the case of Roma again, it has to be acknowledged that not all the Romani people wish to be educated in their language or are interested in the cultural roots of "their" ethnic group. (Strnadová, 2011: 24) The emphasis on the ethnic identity shall not – especially when we are talking about liberal democratic states – overweigh individual rights to choose the "way of life".

I am convinced that abandoning the conception of "scapegoatisation" (and generalisation which is connected to it) would alleviate the situation significantly. Disadvantaged people (in our case Roma) should be perceived as individuals, as it is quite common for the liberal democratic societies, and not a priori as members of (unsocial or dangerous) communities. "Culture is not a fate" (Strnadová, 2011:16). More relaxed approach towards traditional dichotomy of "us" versus "them" would allow for an easier cohabitation of the minority with the majority society and for dismantling of the stereotypes. Should such a shift happen within general society this, I believe, would also disarm those, who incite hate and violence. Who they are within the Czech context will be shown in the following chapter.

4.2 The empirical excursion[89]

How has the bad civil society embodied in the Czech environment? What are the main ways it presents itself? I have selected examples of real-life occurrence and activities of Czech bad civil society to illustrate my theoretical analysis. It is necessary to mention that the following presentation will be far from exhaustive as I will only deal with one (or a few) actors within three groups I have established for the purpose of my analysis. They reflect level of the institutionalisation of the actors starting with the most structured of the organisations, a political party, further mentioning some of what could be called "standard" civil society organisations and finalising my overview with an example of ad hoc gathering or social movement. Although there is obviously a different level of impact of an activity of such diverse actors, there is an important common message sent by their activities which makes them, from my point of view, all harmful and consequently dangerous.

4.2.1 Workers´ Party (of Social Justice)

Setting off with probably the most blatantly xenophobic actor, the Workers´ Party of Social Justice (DSSS) currently represents the most appalling association/ political party present in the Czech civil society pool. Being a "descendant" of recently banned Workers´ Party, it has been pursuing activities and spreading ideas which are literally undistinguishable from those of their "mothering organisation". While attempting to grasp these two parties and their features, I see no difference between DSSS and her predecessor, the Workers´ Party (DS), apart from the "number of Ss" and slightly changed logo.

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[89] I would like to repeatedly emphasise that I am aware of the incompleteness of my list. Because the aim of my thesis lies in the theoretical discussion this practical part should only serve as an illustration and as a proof I am aware of real-life situation. To offer a reader a longer list of the political parties which do, to the certain extent, support bad civil society ideas one can further have a look at Law and Justice (Právo a Spravedlnost), National Party (Národní strana) or Czech Movement for National Unity (České Hnutí za národní jednotu). As regards the other groups spreading the intolerance and hate, there could definitely be found more of them as well, yet again, I do not aim at an exhaustive overview.

Presenting the development of this actor in a timely manner, I will start with the Workers´ Party which has been established in 2002 as the New Force (Nová Síla, NS) – dissatisfaction with political establishment being an impetus for this step. Around the middle of the first decade of the new millennium, Workers´ Party was actively engaged with similar extreme-right groups as well as with neo-Nazi militant groups such as Autonomous Nationalists (Autonomoní nacionalisté, AN) or National Resistance (Národní odpor, NO). It has also established paramilitary (though unarmed) Protective Corps of Workers´ Party (Ochranné sbory dělnické strany, OS-DS), whose main task was to monitor criminality in areas where Roma live. (Mareš, 2011: 5, 6)

From the very beginning, the Workers´ Party presented itself as a defender of working class citizens for whom adequate conditions were not established after the transition to democracy, which led to growing numbers of unemployed.[90] But from the same very beginning many clues suggested that it was not the rebellion against establishment, with the aim to gain better position for the working class, which mattered. The rhetoric (such as the anthem[91]), the symbols, the aims and the acts spoke for themselves.

The so called "Battle of Janov" can serve as one of many examples of violent clashes (not only between) the extremists, Roma people and police when members of the Workers´ Party attempted to "conquer" an area where the so called "inadaptable" Romani people live. This resulted in a violent clash and injuries of dozens of people. (Černý – Eichler – Raušová – Jeřábková, 2008) Such events have been accompanied by emotions of very diverse qualities, mainly of hate and disgust.

Eventually, the question must have been asked, whether this is acceptable in the democratic society and the Workers´ Party must have

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[90] Workers´ Party, at http://www.delnicka-strana.cz/index.php?option=com_content&task= view&id=73&Itemid=102, (consulted on 4. 3. 2012).
[91] Workers´ Party, at http://www.delnicka-strana.cz/index.php?option=com_content&task= view&id=132&Itemid=166, (consulted on 4. 3. 2012).

formally paid price for openly using symbols and posters directly referring to the Hitler´s regime (Eichler, 2007), inciting hate and using violence in pursuance of its racist ideas. As I will further develop later, the limits of the democratic liberal order cannot a priori forbid an establishment of formally new political party which fulfils legal requirements. Thus we witnessed a transformation of one evil into another. Unashamedly, claiming that the process against the Workers´ Party is politically biased, a new party emerged with the same leadership and same crooked values and principles.[92]

The development which followed the legal ban of the Workers´ Party truly resembles the "pre-judgement" period, when the Workers´ Party of Social Justice organises rallies in the towns where citizens "have troubles" with Romani people and where there is "a need for action" and it again results in the violent conflicts.[93] I believe that it is only a matter of time when the contemporary representative of the Czech extreme right movement will move too far and will cross the legal boundaries once again. I remain hopeful that such development will not result in any kind of tragedy and that attention paid to this issue as well as the earlier experience will work as an "emergency break" and both the civil society and (mainly) the state will not allow that to happen.

4.2.2 Other groups

It is not only the political party which can be identified as a representative of bad civil society in the Czech Republic, though the Workers´ Party and its follower have definitely been the most "prominent" ones. In an attempt to make the list of the representatives of bad civil society at least a bit more comprehensive I will add several groups which express different types of hate towards different people with a different

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[92] Workers´ Party, Statement (Prohlášení), at http://delnicka-strana.cz/, (consulted on 4. 3. 2012).

[93] Examples of such incidents as they were reported by the Czech television. (CT24: 2011a, at http://www.ceskatelevize.cz/ct24/domaci/117998-po-pochodu-extremistu-v-bydzove-doslo-k-potyckam/, (consulted on 4. 3. 2012) and CT24: 2011b, at http://www.ceskatelevize.cz/ct24/domaci/135815-severu-cech-vladnou-emoce-uz-vice-nez-mesic, (consulted on 4. 3. 2012)).

intensity and level of coordination and institutionalisation. All of them fulfil the definition of bad civil society as I have established it, and I consider activities of all of these groups very disturbing and sometimes on the edge (if not beyond) of legality.

An overwhelming majority of the groups or associations I have identified (and yet again, my enumeration is not exhaustive) align themselves to the ideas of racism, race superiority or generally incline to the right-wing extremism.[94] I consider it very unfortunate – mildly put – and also very dangerous that one can identify the presence of these ideas in some many spheres of contemporary social life. Starting with a group whose activities are connected to those of above Workers´ Party (of Social Justice) – National Resistance (Národní Odpor).[95] This group has a very comprehensive grasp addressing issues of social importance, explaining complexities of the contemporary world or phenomena related to activism of this kind. Their web page informs about events which have taken place and how successful they were, also recommendation in "What´s On" style can be found here together with comments on "what lies have leftists written about us". What has struck me was the scope of audience National Resistance aims at presenting a cartoon for the children of possibly "pre-teen" age.[96] It seems frightening to me when I consider in what a broader influence of such a group can result.

Further, as the internet provides with unlimited opportunities for people to present their opinion, why those denying Holocaust or opposing building of mosques in the Czech towns could not be online? The authors of the web page named Civil Disobedience (Občanská neposlušnost)[97]

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[94] Antifa (AFA, Anti-fascist Action) can be mentioned as a representative of the order side – extreme-left movement. Although they protest against neo-Nazism and right-wing extremism, they do not really offer viable solutions, refuse to engage either with the state officials or with the NGOs and are not hesitant to use violence while defending their values, at http://www.antifa.cz/content/nase-postoje, (consulted on 5. 4. 2012).

[95] National Resistance, at http://odpor.org/index.php?page=clanky&kat=&clanek=898, (consulted on 5. 4. 2012).

[96] Cartoon The Friends, 1/07, at http://www.odpor.org/download.php?odk=/files/COMICS_01.zip&nazev=Komiks%20KAMAR%C3%81DI%20%C4%8D.%201/07&vel=3.38%20MB&for=ZIP&id=100, (consulted on 5. 4. 2012).

[97] Civil Disobedience, at http://poslusnost.wordpress.com/, (consulted on 5. 4. 2012).

deny Holocaust, present stories and articles "correcting errors" about ritual murder of Anežka Hrůzová or explain what threats are posed to our societies by the overwhelming presence of Jews in public or generally influential offices. I will add here the initiative of the Czech Movement for National Unity (České hnutí za národní jednotu)[98] which has launched the campaign against mosque building in several Czech towns. Although it might appear contradictory to match these two activities together – as the Czech Movement for National Unity uses a standard, non-aggressive rhetoric of a movement attempting for gaining attention and making change in line with its principles. There is a common feature to them. It is the irrational fear and consequent hate towards a vague threat coming from an enemy with "hegemonic power" which would ultimately result in total destruction of the Czech nation, culture and identity.

The web page Czechkid, which provides information for pedagogues about the issues connected to hate, draws attention to the spheres of music and sport where the extremists also find outlet for their crooked ideas. Firstly, the online music store Hate Core Shop[99] which has been connected and helped to maintain the scene of the so-called white power music. The Czech bands draw their inspiration mainly in Germany – there have been estimates about ten active neo-Nazi bands currently functioning in the Czech Republic and also taking part in activities abroad. This shop also distributes clothes with neo-Nazi themes.[100]

As regards the area of sport, it is probably well-known that the so-called "hard core" fans, or hooligans,[101] often identify with very radical ideas and rather seek engagement in violence and conflict.

"Although the forum was not intentionally established as neo-Nazi one, the provider of the web page does not seem to be bothered with the content of the comments and tolerates racist and

[98] Czech Movement for National Unity, at http://www.nemesitam.cz/, (consulted on 5. 4. 2012).
[99] Hate Core Shop, at http://www.hatecore-shop.com, (consulted on 5. 4. 2012).
[100] Czechkid, Pro pedagogy, at http://www.czechkid.cz/si1500.html, (consulted on 5. 4. 2012).
[101] Hooligans, at http://hooligans.cz, (consulted on 5. 4. 2012).

xenophobic texts... Partly, the forum serves to intimidate political opponents and representatives of the state and local authorities."[102]

The last note before proceeding to the ad-hoc bad civil society description considers a "pretend-to-be" real news server[103] "informing about" and "shedding a proper light" on events which have been happening. The authors want to address broader audience, thus it could be that the message is not apparent straight away. They offer a wide variety of (neo)Nazi literature and they attempt to present the extremist point of view as something inherent to mainstream society.[104] This method can be particularly dangerous as it actually might seem that the information they provide is "eye-opening" or dissent to the mainstream media, which can possibly draw attention of young or discontent people looking for an alternative source of information.

4.2.3   Ad hoc bad civil society

One would be tempted to conclude that the picture painted is already worrying enough. From my point of view, there has been a more troubling phenomenon occurring recently – an increased involvement of something I would call an "ad hoc social movement". Local people influenced by their personally negative experience with their Romani neighbours get active and join and support radicals while pursuing "their own way of justice" implicitly accepting all the harmfulness of their approach.[105] Additionally, and that constitutes a troubling precedence, such activity is often supported (if not incited) by local government representatives who, seeking an election profit, interpret the situation for media from the position of local community leaders, often in the biased manner. This is illustrated by Mareš (2004: 4) where he presents an example of a councillor in the town of Ostrava, who believes, and is proud

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[102] Czechkid, Pro pedagogy, at http://www.czechkid.cz/si1500.html, (consulted on 5. 4. 2012).
[103] Altermedia, at http://cz.altermedia.info/, (consulted on 5. 4. 2012).
[104] Czechkid, Pro pedagogy, at http://www.czechkid.cz/si1500.html, (consulted on 5. 4. 2012).
[105] Further, the ENAR report also talks about "situational violence" carried out by "unorganised racists". (Mareš, 2000: 4)

to publicly admit, that he would solve the trouble of the "inadaptable fellow citizens" by using a gun. The report of ECRI from 2009 reads that:

> "high-ranking politicians at national and local level have made widely publicised anti-Roma statements. Anti-Roma slogans have been used as part of local election campaigns, and inflammatory statements by politicians appear to have been rewarded" (ECRI, 2009).

Lately, a sort of hysteria suggesting that the Czechs[106] are being terrorised by the Roma minority, has been spreading yet again with vocal support of the local representatives. Message sent by the representative of the town of Rumburk resulted in the growth of violence. He interpreted a conflict between Romani and Czech people as unfair and unsubstantiated attack of a large group of Roma towards Czechs coming back from the party, which was proved to be a biased version only later. Such news are very attractive from the media point of view as well, thus they get sufficient time span to get enough attention of general public. In case of Rumburk, this incitement led to violent clashes in the whole are of Šluknov.[107] (Čápová, 2012)

General acceptance of such behaviour worries me. I am aware that the local politicians are representatives of the state apparatus, but I also see them as representatives of local communities (thus local civil society) who chose them to cooperate with them and address the local issues with them. What does such choice of representatives say about the civil society in general? Are Czechs mainly hostile to other minorities and do they not feel it necessary to punish such expressions of hate and intolerance? Any generalisation is not acceptable from my point of view

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[106] It is probably suitable to mention that I am aware of the imprecision of this expression as it is largely possible that all citizens involved in the conflict are Czech nationals.

[107] Except for further false accusations of crimes which have not been committed I believe it is important to mention that I am also aware of the violence from the side of Roma people towards "the whites". And with this note, I would like to emphasise my liberal approach again, as I have mentioned in the text above that the perpetrators should be judged according to their crimes and not according to their origin. On the other hand, I believe that racist, discriminatory or similar motivation for a crime should be considered an aggravating factor.

thus I shall not slip to them – and the next chapter proves that not all the actors are "bystanders".

Still, I do not want to leave out the note about general toleration of degrading behaviour towards "the others". It seems to me that until we become targets of unjust accusations or stereotyped discrimination ourselves, we will heartily laugh at jokes about others, not realising they actually reflect our attitudes more than we wish.

4.3 The Czech Republic versus racism and hatred

While discussing the possibilities of limitation of bad civil society in the Czech environment I will attempt to reflect two features of my theoretical analysis above. At first, the two-level framework I have introduced in the theoretical chapter with one level being pre-emptive measures which can be developed either by the official state institutions, or, as I have briefly mentioned, by "good" civil society from the position of "peers"; the other level represented by the protection-punishment framework which can only be fulfilled by the state actors as it is solely their power which can set laws and demand order. Secondly, I will mention some of the theoretical ideas I have discussed to connect and intertwine the theoretical and practical parts. Gradually, I will have a look at each of the ways of limitation in turns with an attempt to provide at least a limited overview and I will close up with an example of a successful "intrusion" by the state in the case of the Workers´ Party.[108]

4.3.1 Informal limitations – preventive framework

The two actors realising activities within this imaginary framework are the state and the "good" civil society both aiming at limitation of bad civil society via informal means of raising awareness, campaigning, education and other projects which challenge stereotypes, which often

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[108] Before setting off, I shall again inform the reader that the list of the actors will not be exhaustive, shall only provide limited number of illustrative examples and at the same time motivate the reader to seek for further information should he or she be interested in the issue.

drive our behaviour, and try to address problems which can serve to nurture intolerance or fear.

I will start with the activities of the state which I do not consider very visible – there is no direct campaign or activity connected to this issue. Although the campaign fighting racism and xenophobia has been planned by the current government (Jiřička, 2011) there seem to be other issues occupying the minds of the Czech representatives as several scandals and issues of viability of future functioning have occurred during the time of writing of this thesis. Therefore only the indirect support of the state institutions via financial means can be noted as it definitely constitutes a noticeable contribution. Considering the realisation, civil society seems to substitute the state nearly completely in this matter. The institutions of the state participate in sponsoring of non-governmental sector (the backslashes of which I have already discussed) and, as this is a vast issue, I will not dig deeper as regards the general financial support. I would like to mention specific projects realised with the support of the state institutions addressing the topic of bad civil society.[109]

The first and very comprehensive example is the educational programme which aimed at prevention of racist behaviour, elimination of the prejudices and enhancing of the active citizenship attitudes with the target group being pupils on the second level of compulsory education as well as teachers.[110] Such activity can be matched with Barber´s high hopes for the positive impact of education (Strnadová, 2006: 82 – 84) only

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[109] Here, I would briefly like to refer a critical account raised in the connection to the activities of the third sector. Neera Chandhoke (2006) emphasises necessity to realise the presence of the power relations within civil society which penetrate here from the sphere of the state. The following cases will show that the non-governmental and the state institutions are actively interacting (not only) in the matter of Roma integration. Thus the border between the spheres becomes blurred as the aim of both of the actors is the same. How this relates to the power relationships? The NGOs will have to "follow the lead" of the state if they want to acquire support for their projects – this means that they would have to pursue their aims within the framework of the policies as designed by the state. Consequently, if the policies are deficient, paternalistic or biased so could be the assistance provided by the NGOs. Strnadová (2011) emphasises that unless the policies of the state are proper and efficient their faults are reproduced on the level of the third sector. Still, I believe that the examples presented here prove that some "good" has been done, even if this worry is substantiated.

[110] In IUSTITIA. Já a oni jsme my, at http://www.in-ius.cz/projekty/2011/ja-a-oni-jsme-my-podporeno-msmt-cr-a-cnfb.html, (consulted on 5. 4. 2012).

in this case realised as extracurricular and by an actor of civil society. The project was realised by the NGO In IUSTITIA[111] which assists victims of hate crime with practical matters, monitors Czech legislation connected to the issue and aims at improving the situation of people who (can) suffer from hate crime while cooperating internationally with other organisations as well.

At this place I shall probably mention a distinction which I recognise in the activities realised by civil society or by the state. The example above shows both of the aspects: firstly, the aim of addressing "a source" of bad civil society and, secondly, activities dealing with the results of bad civil society occurrence. I have identified that several phenomena can nurture the establishment and occurrence of bad civil society thus tackling them can alleviate the situation within society and possibly prevent further development of bad civil society – educational programmes or activities attempting at inclusion of ostracised communities can be placed under this heading. Legal aid for the victims of hate crime, monitoring of bad civil society and analysing its activities can help with improvement of the situation of the people or groups directly affected by bad civil society activities or, in longer run, "push" the legislators and the authorities to establishment of more efficient framework for both prevention and punishment – as I will show in the next section, the activities of the state in this area are not completely satisfactory.

Providing further examples I will start with those addressing the sources of bad civil society, firstly regarding to exclusion and poor socio-economic conditions. The non-governmental organisation Bohemian West (Český západ) concentrates on assistance for a specific Roma community in the area of western Bohemia. They tackle exclusion and empower local Roma through creation of working opportunities, provision of social services and child-minding facilities, and educational programmes.[112]

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[111] In IUSTITIA. O nás, at http://www.in-ius.cz/o-nas/, (consulted on 5. 4. 2012).

[112] Český západ, Poslání, at http://www.cesky-zapad.cz/o-sdruzeni/poslani, (consulted on 5. 4. 2012).

Their broad approach and resourceful attitude[113] have bore fruit and improvements both in the living conditions of the Roma community and in the social interaction with the majority society have been made. This example is probably the most explicit one referring to the issues Walzer (2002, 2006) discusses in his writing where he emphasised that no groups should be "left unattended" and without support on the fringe of civil society zone.

Another interesting project, "Next Door Family", inspired by similar activities abroad, this time concentrating on the integration of the foreigners living in the Czech Republic and thus contributing to broadening of horizons of people, tearing down the walls of fear of unknown and – as an icing on the cake – making the culinary aspects of the Czech cuisine open to other influences, has been realised by the organisation Word 21 (Slovo 21). The main aim is to facilitate social interaction between people of different origin and thus make the communication easy, informal and comfortable and therefore prove that people can understand each other, learn from each other and find both commonalities and intriguing-to-food-connected diversities.[114]

Proceeding to the second group of activities which I have labelled as addressing the consequences of bad civil society presence we should set off with naming the last, and probably one of the most important, NGO in the Czech environment – People in Need (Člověk v tísni). The scope of the activities of this NGO is really vast and thus I will only mention a couple of examples which demonstrate the contribution of Člověk v tísni in the area I am addressing. The first one, Project RAXEN, concentrates on the monitoring of racism, anti-Semitism, "islamophobia", (and etc.), and reports the results of this observation (which is realised in the cooperation

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[113] They seek alternative sources of income by e.g. establishing a local charity shop Buťi in Pilsen, which sells, among others, products of the sowing and ceramics making activities of Roma from Toužim and Teplá areas, (Buťi, Charity shop of Český západ, at http://www.cesky-zapad.cz/buti, (consulted on 5. 4. 2012)).
[114] Slovo 21, Next Door Family, at http://www.slovo21.cz/nove/index.php?option=com_content &view=article&id=85%3Anext-door-family&catid=36%3Aintegrace-cizinc&Itemid=41&lang=cs, (consulted on 5. 4. 2012).

with other NGOs) to the Fundamental Rights Agency, an EU body seated in Vienna, which then formulates recommendations for addressing these problems.[115] I believe that this can substantially help with the understanding of these phenomena, as the comparative perspective is acquired thanks to a large amount of data collected, and will hopefully enhance their successful elimination.

The second activity, Project POLIS,[116] comes back to the tackling the social exclusion. Currently running in three towns in the Czech Republic the main aims of this project are efficient communication among municipal and state institutions, the NGOs, and people who are under threat of social exclusion so that their situation can be effectively addressed and solved. Consequently, the number of people who are socially excluded and not sufficiently supported while attempting to "get back to normal" should eventually be reduced.

4.3.2 The state´s "weapons" of limits setting and punishment

The formal limits set forth by the Czech constitutional and legal framework[117] are represented first of all by the Charter of Fundamental Rights and Freedoms which forms an integral part of the Czech constitutional order.[118] This Charter establishes protection of sets of civil, political, economic, social and cultural rights as well as rights of minorities[119] and perceiving this document from the perspective of bad civil society issue it should serve as an instrument for the prevention of its establishment. I believe that the Czech Charter resembles provisions which are embedded in the legal systems of many liberal democratic

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[115] Člověk v tísni, Projekt RAXEN, at http://www.clovekvtisni.cz/index2.php?id=399, (consulted on 5. 4. 2012).

[116] Člověk v tísni, Projekt POLIS, at http://www.clovekvtisni.cz/index2.php?id=323, (consulted on 5. 4. 2012).

[117] I will leave out the international level of the state´s obligations and I will assume that the legislation which is created on the level of the national state complies and reflects the international obligations.

[118] Chamber of Deputies of the Parliament of the Czech Republic, The Constitution, at http://www.psp.cz/docs/laws/constitution.html, (consulted on 22. 2. 2012).

[119] Chamber of Deputies of the Parliament of the Czech Republic, The Charter of Fundamental Rights and Basic Freedoms, at http://www.psp.cz/docs/laws/listina.html, (consulted on 22. 2. 2012).

countries, and (together with the Constitution) establishes sufficiently the framework of freedoms which allow an individual (or a group) to engage and be active, i.e. to vote, express and associate freely, move freely. There is obviously no need to emphasise this requirement which is inherent to the liberal democratic establishment and all the authors I have addressed in the theoretical chapter mention this in their writing.

A problem seems to be in an adequacy of the structure for the protection of rights and freedoms. I build my assumption on the opinion held by the European Commission against Racism and Intolerance (ECRI), which is an independent expert body affiliated to the Council of Europe and whose aims are to monitor problems connected to racism, xenophobia and many other symptoms of bad civil society, issue reports on and recommendations to the member states.[120] In the report from 2009 addressed to the Czech Republic ECRI stated that some progress has been done but

> "there is still no comprehensive anti-discrimination legislation in force in the Czech Republic. At the same time, the Czech Charter of Fundamental Rights and Freedoms does not appear to provide effective protection in practice against cases of racial discrimination. Legal aid is, in practice, only available in criminal cases."[121]

Provided that we accept this critique, it opens a space for questioning actual sufficiency of measures in place which should prevent firstly the establishment of bad civil society and secondly harm which is caused by its activities to others. This might also illuminate why the behaviour of the representatives of the local governments, which I have presented above, is not considered unacceptable. It is also worthy to give a thought to the indirect harm this state of affairs can cause not only to the state but to the whole society. Could the inaction of authorities in cases of (not only) Roma discrimination, and "silent" or even open support of such

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[120] ECRI, at http://www.coe.int/t/dghl/monitoring/ecri/default_en.asp, (consulted on 22.2. 2012).
[121] ECRI, 2009, Report on the Czech Republic.

behaviour from the authorities undermine trust in the rule of law and in democratic order in general? I believe it can. In the words of Simone Chambers, we can only disregard such option

"if we knew for certain that movements that are bound together by hate or advocate antidemocratic principles would always remain marginal and few in number...But we do not know that" (Chambers, 2002: 103).

Therefore, if I now swiftly and briefly move to the level of practical policy creation, my recommendation in the light of the above analysis would be to adjust the main framework of protective and supportive measures so that it can be used in all cases which require that.

Proceeding further to the specific measures, which should interest us, are laws regulating forming of associations and of political parties. These measures can further establish more specific boundaries and limitations for promotion or even realisation of such ideas which can be harmful both for individuals and for society. Considering the theoretical approach to this issue all liberal authors agree on neutral approach of the state towards diverse ideas (Rawls) and believe that no limits should be placed on freedoms of association and expression (Rosenblum, Post). As regards the establishment of political parties the Czech legal system seems quite benevolent regarding the rules which have to be fulfilled – at least three people have to form a preparatory committee, at least one thousand citizens have to support the formation with their signature and the future party has to have democratic statues and aims.[122] Again, I believe that similar measures are present in most of the democratically ruled countries. In the Czech case, the importance of protection of civil and political rights has been emphasised by the legacy of the former communist dictatorship. During that period no political parties were permitted to function outside the National Front, the "umbrella

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[122] The Law on Assembling in Political Parties and Political Movements from October 1992 with its later amendments at the web page of Supreme Administrative Court, at http://www.nssoud.cz/zakony/424 _1991.pdf – 22. 6. 2011

organisation" gathering political parties and other movements which officially supported the communist doctrine. Other politically active groups were "underground".[123] Consequently, after the transition to democracy, freedoms to associate and assemble were on the forefront of protection and promotion. That might be the reason why the legislators, very much in line with strong liberal requests, did not restrain the pursuance of these freedoms by setting more specific rules for establishment of political parties.

To my own surprise, they have done so in the case of associations and groups of "non-political" matter – very reasonably though. The law established for their regulation was sketched more thoroughly, even though these groups were under similar pressure from the former undemocratic regime. In the § 4 the law reads that establishment of such groups is prohibited whose aims would include

"denying or limiting personal, political or other rights of citizens on the grounds of nationality, gender, race, origin, political or other opinions, religion and social status; to incite hate or intolerance on such grounds, support violence or breach the law or the Constitution in other ways."[124]

I also think that not many restrictions can be included in laws establishing the rules for the formation of groups or associations, because it could indirectly prevent formation of democratic subjects as well. On the other hand, properly functioning liberal democratic order should be capable of setting such limits which will not restrict any possible dissent a priori, will be in line with respect to human rights and might help to enhance their protection.

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[123] More information about the structures in communist Czechoslovakia could be found, among other, in Lewis (ed.): 1996.
[124]Portal of the Public Administration of the Czech Republic, Law on Association, at http://portal .gov.cz/wps/portal/_s.155/701/.cmd/ad/.c/313/.ce/10821/.p/8411/_s.155/701?PC_8411_number 1=83/1990&PC_8411_l=83/1990&PC_8411_ps=10#10821, (consulted on 22. 2. 2012).

Chandhoke (2006) emphasises that civil society must not be perceived from the idealised perspective. It is important to acknowledge that although presence of responsibility, mutual respect and civic reciprocity (Gutmann – Thompson, 2000: 167) is required for proper functioning of the public sphere, not all the actors are willing or capable of fulfilment of this requirement.

A helpful example of a reasonable limitation can be found in the German Constitution (Grundgesetz), in article 21 (as I have already noted in the example in the previous chapter) which effectively provides ground for a ban of party (thus also a group) that would be based on undemocratic or illiberal principles or that would attempt to overthrow the democratic liberal order. Consequently, I do not see a reason why there could not be a similar requirement implemented in the Czech case. In line with such a condition, certain ideologies or expressions denying e.g. equality of people or democratic order could be labelled as unacceptable before getting a formal structure as a support for their activities.

On the other hand, it also places a twofold burden on the state – firstly, to establish a proper non-discriminatory framework; secondly, to oversee whether the rights and freedoms are not misused. If so, as it was in the case of the Workers´ Party, which will follow as an example, a clear signal should be sent, that rights and freedoms given by the liberal states are protected and cannot be exploited. This argument reinforces the necessity of hierarchical mode of governance, I have identified as key for addressing bad civil society, because, as we can see in this case, any informal or persuasive attempts to eliminate negative impact of bad civil society group was not sufficient.

4.3.2.1 Dismantling the Workers´ Party – applying limitations

Although the analysis presented above does not provide us with a flattering picture of legal abilities of the state to prevent injustice on "different" groups, there has been an important judicial decision made which has suggested that boundaries have been put in place even for

racist and xenophobic villains. But a journey to, what I consider, a successful and just conclusion was full of obstacles.

The attempt to disband the Workers´ Party started in 2008 as the initiative of the then Minister of Interior, Ivan Langer, who claimed that the party abused democratic rule of the Czech system and defended ideas which contradict the respect to and protection of basic human rights and freedoms (iDnes.cz, 2008). In spite of such strong claims the first attempt to ban the party was not successful. The Supreme Administrative Court concluded that the government, who was in the position to provide proofs allowing the Court to pursue the ban, was not capable to do so. Thus a sufficient ground for the ban of the party was not established. Putting it boldly – the state administration acted feebly.[125] (iDnes.cz, 2009a) There were voices which said, that the decision of the Court was in fact righteous, because the advocacy performed by the Czech government was very poor. If the Court had ruled in favour of the government, the impartiality of such a decision could have been doubted.[126] In my opinion, this "stumble" reflects again how society perceives radical, and especially anti-Roma, tendencies and additionally supports my above remarks about tolerance, if not support, of (not only) anti-Romani demonstrations.

This lack of preparation not only wasted public resources – the "crime" many of the people using the welfare system are accused of – but also played into the hands of the Workers´ Party as it received an increased level of public attention.[127]

The second round of this fight proceeded in January 2010 with the Czech government hiring an established lawyer, Tomáš Sokol, who was

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[125] Just to add a little note, no consequences implied for any of the state representatives after this attempt failed – which is the expression of "culture of impunity" which has been developing the Czech Republic for some time. I would like to use this short comment to suggest further research of this phenomenon.

[126] Klara Kalibova, human rights lawyer was quoted for Romea (Romea, 2009).

[127] One of the judges of the Supreme Administrative Court commented on the publicity of the Workers´ Party after the judgment ordering a ban of the party saying that both the possibility of enhancing their influence (because they presented government action as oppression of their rights) and getting weaker (because of the accusations which were risen against them) are relevant. (Sotonová, 2010)

renowned for his successes. (iDnes.cz, 2010c) The argumentation presented by the state was better prepared, there were new witnesses and specialists who were asked to present their opinions. Consequently, the ruling resulted in the first dissolution of the political party on the grounds of an incompatibility with the Constitution of the state.[128] The decision of the Supreme Administrative Court was later confirmed by the Constitutional Court – serving as the highest appeal court in the Czech jurisdictional system – which dismissed the Workers´ Party´s complaint (iDnes.cz, 2010a). Furthermore the Workers´ Party filed a complaint to the European Court of Human Rights. (Mareš, 2011: 9, 14)

I believe that this case and its resolution constitute a very significant decision for the Czech political and jurisdictional systems and, from my point of view, was successfully resolved. Although it has not drawn much of the attention of the foreign media,[129] it has shown that if any of the democratic governments want to fight dangerous extremism it can be a hard work and the "enemy" should not be underestimated. From the theoretical perspective, although there might be formally different aims of political parties in the comparison to other associations (as political parties usually aim at the seizure of power) the message they spread – such as hate or intolerance – could be very much the same. Therefore, I argue that when the state concludes that a group, should it appear in any form, has crossed the border of legality in any way, there ought to be attempt made to make such group illegal formally with all the consequences which might follow.

Another lesson, which could be learnt from this case, considers the limits of the "armoury" of the democratic state, which is available for tackling bad civil society. Despite the fact that the Workers´ Party was

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[128] In past, several parties were dissolved and the case of the Workers´ Party it is not the first case at all. Previously, the dissolution was realised on the grounds of incapability to present required documentation related to their financial situation. (iDnes.cz, 2010b)
[129] BBC (Cameron, 2010) and The New York Times (Bilefsky, 2010) reported about the issue. Using the perspective of a larger context of Europe, where the Workers´ Party was only a fringe group with no real chances to get any influence beyond couple of areas, might serve as an explanation.

abolished, the authorities of the state could not prevent the immediate establishment of the successive party – the Workers´ Party of Social Justice, which I have already mentioned above.[130]

I would like to sum up this analysis of the dissolution of the political party by reminding that it has to be borne in mind that a legal framework established by the state should be sufficiently robust to protect rights and freedoms of the citizens, nevertheless, on the other hand, cannot be so extensive as to infringe on them. The magic word in this case is proportionality – between protection and limitations. I do not see any conflict between having a liberal and tolerant approach, and, at the same time, demand banning of the racist, offensive and intolerant association.

Because living within the democratic liberal society does not only bring rights and freedoms but also requires using them responsibly. Any form of abuse of rights with the aim to offend and humiliate others, from my point of view, does not correspond with such a requirement. Therefore I see the ban of the Workers´ Party as a signal to any group or movement which would be tempted to misuse the liberal democratic order. Not everything will be tolerated. Although there are, and should be, freedoms of expression and association largely protected within western democracies, expressions of hate towards minorities, immigrants or any other vulnerable group will be punished.

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[130] Their contemporary website flourishes with innovative agenda. One of the banners on the home page of the internet presentation earlier read: Let´s stop the invasion of foreign workers. Work first for Czechs and Moravians!, (consulted on 17. 6. 2011). Currently the prominent places are occupied by information about support which DSSS provides for the Serbian nationalists who refuse to recognise the independence of Kosovo, (consulted on 28. 2. 2012); both at http://www.dsss.cz/.

5 CONCLUSION

"Democratic movements have to constantly widen the spaces from where undemocratic practices can be criticized, and for this purpose they have to exercise both vigilance and criticality. They have to be Janus-faced, looking to the state and the market as well as inwards. In the process civil society constantly reinvents itself, constantly discovers new projects, discerns new enemies, and makes new friends"
(Chandhoke, 2006: 261).

The demonstration of the limits of the liberal democratic state in regard to the possibilities of limitations of the civil society groups brought me to the final part of my thesis. Although I have already made several partial conclusions throughout my writing I would like to finally muse about some of the issues I have encountered while writing my paper. I hope that I can conclude that I have accomplished the main challenge I have established for myself – raising-awareness about bad civil society issue and bringing this topic into discussion trying to repeatedly emphasise, illustrate and support my claim that it is quite an urgent one and needs to be addressed, analysed, scrutinised and tackled.

I wanted to achieve this through several steps represented by both theoretical and practical analyses. At my point of departure I demonstrated that thinkers actually address separate problems which can be labelled as bad civil society. I believe that analysing and tackling several issues which have common features and constitute similar threat together, while sharing knowledge from diverse areas, could contribute to the efficiency of dealing with the "perpetrators". It appears that idealisation of the actors in the civil society sphere proved to be the main stumbling block to acknowledging bad civil society phenomenon adequately.

Common critical approach towards groups, associations and movements in the combination with the inter-connection in the spheres of knowledge and experience can constitute a possible "recipe". Such a critical stance can have several positive side-effects on different levels as well, because if we perceive all the actors within civil society pool critically, not only we do identify the "bad guys" in the sense I have been

talking about them, but also we might start to scrutinise the accountability, efficiency and "sincerity" of the "good guys". Although I honestly believe in charitable organisations and I do honour the positive impact they are able to achieve through their devotion, there are always "bad apples" which might get away with frauds or other excesses because they are not being scrutinised. Critical approach will not cause harm to the "fair players" but possibly might spot those who do not play that fair.

Generalisation is another side of the coin – and it is to be avoided too. The indiscriminate approach is very undesirable because it can both enhance the effects of idealisation and harm the actors who oblige the rules and perform as active and beneficial civil society members. I have kept emphasising that this work does not want to doubt the benefits and "goods" the good civil society endows the whole system with. I have even shown it can play an important role while diminishing the impact of bad civil society. Therefore, to get the best out of the goodness civil society can offer, critical and non-generalising eyes should be wide opened.

I have set many limitations throughout my writing which, looking back at the amount of pages I have produced, have not proved to be sufficient – so many issues could have been involved and many ideas could have been developed much deeper. As I have never attempted to create a comprehensive theory, thus validity of my work limited, inter alia, in time and space as well as by data sources cannot be perceived as a failure. I believe I have provided a comprehensive both theoretical and empirical accounts within the established boundaries. The fact that I am aware of these limits raises a challenge both for me, as well as for my colleagues and fellow researchers, as many of the concepts and ideas I have barely touched upon here could be explored in many other ways, and from several different perspectives. In my opinion, my work can serve as a starting point for a more advanced research in this area as I think that mainly the theoretical grasp of the topic not only creates space for further questions but also forms a coherent analytical perspective in liberal democratic context.

I started my analytical journey with the identification of the adequate concept of what civil society is discussing this from traditional perspectives and achieving a definition which was the most suitable for the analysis of bad civil society – I have opted for a very common associational approach, have acknowledged its deficiencies and remained critical to make the most out of it. When I return back to this general overview and think about the conceptions further, I realise how important the ideal-types are. Although I still underline we have to remain critical, the ideal constructs the philosophers and thinkers present to us constitute, at least for me, the aims we should strive for.

On the other hand, and here comes back my critical self, many of the ideas which should lead to a creations of an ideal space for social interaction, deliberation and critique of the state or other social phenomena should be designed more carefully taking into consideration possible backlashes and side effects – as they might result in ostracism and exclusion. As these theoretical models inspire us and can lead to the creation of either real or sub-conscious categories which influence society to a large extent, they should not incline to or prefer patterns of behaviour which lead to implicit exclusion of potential participants in civil society activities. Furthermore the overall participation should be facilitated and members of society who might be in a disadvantaged position for taking part in this participation should be empowered. If there is to be good civil society which has positive impact on the whole system and helps diminish the effects of bad civil society, people have to be able to take part and have to feel passionate about that, don´t they?

I have briefly discussed the relationship of the state and civil society (together with a note on "over-reliance" on the non-governmental sector which added another perspective on the issue). It can be concluded here – taking into the consideration also the whole chapter about possibilities of limitations of bad civil society – that the state indeed remains a key figure, e.g. facilitator, regulator, and her assistance is necessary should we be able to tackle bad civil society as well as to address its sources.

It is also the only actor which can bring the villains to justice should they commit a crime. It is important to remember that bad civil society constitutes not only a threatening theoretical category which undermines values of the society and liberal democratic order, but it can also cause very real, painful physical and mental suffering to real people. The theoretical grasp of this problem should ultimately serve as a tool for tackling the real-life phenomena. The empirical perspective of bad civil society has hopefully not only deepened the grasp of the topic, as it has supported my definition with the "on the ground" facts, but also illustrated, using examples of terrorism, right-wing extremism and hate speech and hate crime, what can be the "real life" results of bad civil society activities.

The empirical perspective was further developed in the chapter dealing specifically with the Czech bad civil society. The Roma population was identified as a "main scapegoat" of the society while the right-wing extremism has proved to be the main "source of inspiration" of the perpetrators. A specific attention was paid to the court case of the Workers´ Party as I personally consider the ruling being a groundbreaking example of how bad civil society should be treated in the situation it has crossed the border of legality. I have, hopefully at least partly, explained what are both the main causes and consequences of this situation and it has brought me back to the issue of exclusion which has been reflected in this work several times. I have identified that poverty and exclusion are sources of bad civil society but the case of Romani minority shows that these problems generate, cause and enhance conflict situations and social tensions and seem to be more than a "double-edged" sword.

Currently, the effects of the economic crisis are very much present in the society, reforms are needed to alleviate poor situation of some people, but also empowerment of excluded people should be realised to prevent firstly their radicalisation – as in the case of people who turn to (or into) bad civil society – and then their "scapegoatisation" – as in the case of Roma, who often have no option of exit out of their situation.

Extending further the point about people who might turn to bad civil society in a search for a solution of their frustrating situation I would like to briefly come back to the notion of positive side effects of what Putnam would call bonding social capital. Several theorists suggest that bad civil society actually provides its members with many possible benefits in the forms of self-esteem, confidence and mutual personal relationships. I believe this is a specific topic which would be worthy looking at. I wonder how the "better-ness" of a more self-confident individual who has support of his or her fellows would look like. Would he or she be more successful, get a better job, earn more money, study longer, found a NGO, spread acquired ideas further or even realise some of the aims? I wonder what would have to be done to make such an individual to go to a "good" civil society group, gain the same confidence, support and knowledge and then realise his or her potential spreading not a message of hate but a message of respect and toleration. Yet another question arose from this writing.

When I proceeded to the main point of reference of my thesis I moved closer to the answering of my research questions. Not only have I provided a definition of bad civil society but I have also unfolded a discussion from the position of several authors aligned to different streams of thinking – and this provided me with several discoveries.

Firstly, there is a thrill – the thrill of realising how sheer range of different positions and opinions and notions about (bad) civil society is out there, how peculiar some of the authors are in their selectiveness and how sophisticated reasons they provide to support their position. This is what social sciences are about. This is what makes me "staying hungry" for new information and for different angles of the perspective. I hope it is not only me, and I believe that some of the suggestions I have made myself will inspire the readers and make them not only to pay more attention to the problems I have discussed here, but also take their own initiatives and actions – and it does not necessarily have to be in the form of writing.

Secondly, this time more related to my research, this discussion helped me to find out (or rather confirm) why so many authors do not recognise the threat of bad civil society or choose to ignore it. The idealisation. This point has been confirmed throughout my work – by the categories authors create and ascribe them positive values but not creating a "counter-point" with evil attributes or by the reliance on civil society actors in delegating tasks on their shoulders. I have realised, which has been an unintentional discovery of this thesis, that not only social capital thinkers idealise civil society. The discussion has showed that many authors want to see civil society ideally. What does it say about them? Almost pathetically, I would like to say that they are "simply human". People like when things are going according to a plan and fit within established categories. Well, I want a nice civil society. I would like people to defend the rights of others, to fight for global justice as well as to behave responsibly towards environment and society. But, we have to realise it is not true in all cases.

Nevertheless, we still have to strive for the best! We must not be let down by the idea that the situation is as it stands, we have the power to make the difference. Individuals, "good" civil society organisations, politicians or other state authorities should attempt to identify bad civil society actors and try to diminish their influence while addressing them as bad, not cooperating with them and acknowledging that there is not room for them. The states should form a proper, responsive and balanced legal order which should be implemented while bearing in mind both the need for protection of their citizens and the democratic principles and the threat of the intrusiveness which too much involvement can cause.

To sum up, I do believe that if we do not pay enough attention to the issue of bad civil society, it can undermine our democracies and cause a loss of trust of citizens into it. Because bad civil society, as I see it, not only undermines democratic governance but also – and that is also very important – infringes on others people´s rights and freedoms. I consider that an important challenge posed towards both the state and

active and "good" part of civil society. I cannot and do not wish to claim, that bad groups shall be prohibited and full stop, as that would bear too many risks for the freedom and justice within the society. Because we live in free and democratic societies people have to be allowed to express their opinions and fears – although they might not think what they really express is fear. But, if the state cannot prevent peoples´ opinions to be extreme, radical or offensive it has to take action and establish just punishment for those who have crossed the line and just redress for those attacked.

One "statement of week" in my diary expressed by an American writer David Grayson reads: "Commandment Number One of any truly civilized society is this: let people be different," with which I can identify, only that I would finish the sentence with several "buts", "maybies", and "only ifs".

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7 RESUMÉ

Cílem mojí diplomové práce zabývající se špatnou občanskou společností je nejen analýza tohoto fenoménu z teoretického a empirického úhlu pohledů, ale zároveň také snaha zvýšit povědomí a zájem o toto téma, které je v akademické literatuře do značné míry opomíjeno. Současně se snažím upozornit, že je třeba mít na paměti, že „dobrá" občanská společnost přináší mnoho pozitivních prvků. (Nejen) analytický přístup k občanské společnosti by se měl vyhnout zevšeobecňování, ale také idealizaci.

Záměry práce jsou naplněny s pomocí analýzy, která je realizována z teoretické i praktické perspektivy. Text nejprve rozebírá občanskou společnost obecně – různé ideologické a teoretické přístupy přispívají k identifikaci vhodného pojetí občanské společnosti, které jsem vytvořila a použila pro rozbor špatné občanské společnosti jako takové.

Stěžejní částí práce je analýza špatné občanské společnosti. Vytvořením definice zodpovídám otázku co vlastně špatná občanská společnost je, dále identifikuji některé z možných příčin vzniku a rozvoje špatné občanské společnosti. Empirická analýza představuje konkrétní projevy špatné občanské společnosti – „hate speech", terorismus a pravicový extremismus – zasazené do kontextu různých politických systémů, což dokresluje specifické reakce jednotlivých států na projevy špatné občanské společnosti. Dále jsou představeny možnosti jak limitovat špatnou občanskou společnost pomocí preventivních i legislativních opatření.

Všeobecnou analýzu rozšiřuje případová studie z prostředí české špatné občanské společnosti, kdy se soustřeďuji především na dva hlavní „prvky/aktéry" společenského konfliktu – pravicový extremismus (především reprezentovaný Dělnickou stranou) a Romskou menšinu. Případová studie rozšiřuje záběr teoretické analýzy, rozebírá hlouběji specifické příčiny vzniku a rozvoje špatné občanské společnosti v České republice a zabývá se nejčastější obětí jejích aktivit.

Tato diplomová práce si neklade za cíl vytvoření všeobecně platného teoretického konceptu. Objasňuje fenomén špatné občanské společnosti v jasně vymezených podmínkách konkrétních liberálně demokratických západních států. Teoretická analýza je vhodným nástrojem pro analýzu špatné občanské společnosti v liberálně demokratickém prostředí a zároveň má sloužit jako odrazový můstek pro další pojednání o tomto fenoménu, která se mohou soustředit na jednotlivé prvky či rysy špatné občanské společnosti v jiném prostředí či jiném časovém horizontu.