

Activating civil society

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Executive summary

This first deliverable from Austria is exploring and setting up the first theoretical cornerstones of the ALTERNATIVE project, following a discourse analytical approach. We centre our efforts on the concepts of **active participation**, **citizenship** and **civil society**, and their relations and intersections. Interspersed we present several short chapters, focussing on concepts that approach the theoretical field unfolding between the chosen key concepts from a different angle, namely **community**, **dominion** and **solidarity**. The signposts concluding the main parts of this report are meant to provide guidance – and sometimes warnings as to the usage of the discussed concepts in our empirical research.

The part on **‘active participation’** starts from a point of departure, constantly being referred to already over decades, as we take a closer look at Nils Christie’s seminal article ‘Conflicts as Property’ and more specifically at how the concept of ‘active participation’ appears therein and in his thoughts. We then deal with several authors’ treatment of the concept, adopting a critical stance as to the policy implications of these positions. Most explicitly we do so in our discussion of the work of the Committee of Experts on Mediation in Penal Matters, taking place at the Council of Europe in Strasbourg from 1995 to 1999, which resulted in the Recommendation No. R(99) 19 that firmly establishes active participation of victims,

offenders and of the community as one of the core elements of RJ.

In the **signpost** we state that the demand for active participation of the people has been projected as the dream of a society where alienation can be overcome. Applied and restricted to the field of criminal law ‘active participation’ refers to a more satisfactory, more sustainable and humane way of going about conflict regulation. Beyond that, the wider political implications of active participation of those concerned was expected to both promote democratic values and serve as an exercise ground for democratic practice. As we point out though, the inclusion of wider circles of affected persons, the community, can result in a kind of community control and in the exclusion of those not belonging, those who are not regarded as ‘one of us.’ ‘The community’ may act as a social entity that informally enforces conformity and suppresses diversity.

There the concept of dominion can provide guidance. It stresses an area of freedom as non-domination that is realised through the active participation of citizens, especially regarding the handling of conflicts, including incidents of wrongdoing.

We have further introduced the concept of 'citizenship' as the experience of people as members of a state's society, entitled to their citizens' rights. As we have pointed out, this experience has increasingly become one of fragmentations or disjunctions. Who is regarded a member of society, or who regards oneself as belonging to society does not necessarily depend on one's legal status as a citizen or resident of a given state. Nor is the possession of documents a guarantor for the realisation of the substantive rights associated with citizenship (or legal residency).

The respective **signpost** acknowledges that the lens of citizenship can turn into a blinding one, if we fail to see those, whose discrimination lies at the very heart of the concept of national citizenship. Non-citizens, those who do not possess citizen status at all, are legally excluded from participating as full members of society and are highly vulnerable to social exclusion. Social infrastructure enabling people to participate in all realms of society is the major strategy provided by state agencies to contribute to the realisation of citizenship and thus to prevent social exclusion.

Finally, 'civil society' in its various manifestations is firstly set against the forces of the economy, more precisely those of the market and those of the (neoliberal) state. It is secondly conceptualised as a societal entity in-between state and market, or in-between hierarchy and competition. Finally, we introduce the concept of solidarity as it figures in Habermas' work. There it is used to characterise the republican model of democracy, which he contrasts with the liberal mode – proposing a third path, namely a deliberative model of democratic politics. Applying the dialogic, the deliberative principle to the handling of conflicts could indeed be called the alternative 'restorative justice' way of providing the 'good life', where 'solidarity' and 'justice', 'identity' and 'life-world' are brought together.

Intermediary concepts and bridge-building practices are what we look out for in our research sites and what we strive to establish. Therefore, our research is less about the search for specific manifestations of civil society, or community and dominion, but for the spaces, for the arrangements and for the ecological conditions for dialogue and **dialogical approaches to conflicts**.

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