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14

DISCOURSES ON SOCIAL RIGHTS IN THE CZECH REPUBLIC¹

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CONCEPTUAL CONSIDERATIONS

Public discourses and social rights (within the broader concept of citizenship rights) are the two core concepts I would like to apply in my attempt to analyze the nature of social policymaking in the Czech Republic. I have been inspired here both by the more general concepts of the sociology of knowledge (Mannheim, 1936), by how Habermas understood the role of communicative mediation in contemporary societies, and by the discursive branch of institutionalism (Novotna, 2008; Schmidt, 2006, 2008).

Public Discourses

The sociology of knowledge studies how actors use ideas and ideologies in political battles. Schmidt, inspired by Habermas, developed the notion of discursive institutionalism and argued that discourse "encompasses not only the substantive content of ideas but also the interactive processes through which ideas are conveyed. Discourse, in other words, refers not just to what is said (ideas), but also to who said what to whom, where, when, how, and why (discursive interaction)" (Schmidt, 2008, 2, quoted in Novotna, 2008, 78).

Kusá (2008) made a comprehensive attempt to apply this perspective to the development of Slovak social policymaking—namely the political processes of retrenching social citizenship rights. Inspired by Foucault and others, she applied her critical discourse analysis to show how the Slovak welfare reforms were backed up by borrowed phrasal idioms and exploited metaphors. "Certain

interpretation of societal phenomena can become influential only as a part of discourse and through it. It takes the form of prioritization of words and meanings" (Kusá, 2008, 11). According to Fairclough (1989), discourse is a component of social process, a social activity, and as such, on one hand, it is conditioned by social structures, and, on the other, it contributes to the reproduction of power relations; it can support, challenge, change, or even destroy them. Fairclough respects the parallel existence of divergent and relatively autonomous discourses, which, to some extent, interfere with one other. Public discourses unfold in concrete settings, they have a processual character, they involve identifiable actors, and they eventually result in decisions being taken. The term *discourse failure* refers to situations where attempts to find a common language and explanation for a given situation fail (Pincione-Tesón, 2006). I will use the term *public discourse* as a core term for the empirical part of this chapter.

Social Rights

I do not intend to dwell too long on the concept of social rights. Rather, I will limit myself to an overview of documents that provide the legal and political foundation for the usage of social citizenship rights as a criterion for policymaking in the life of European societies. I would like to characterize recent developments that have affected and sometimes endangered this process—as extensively discussed in Chapter 1.

The precursors of the EU's activities in the field of human rights were the United Nations (with its Declaration of Universal Human Rights, passed in 1948) and the Council of Europe (with its European Convention on Human Rights, adopted in 1950). In both cases, social rights were defined in a universal manner; all human beings should enjoy the same rights—the right to live in dignity and the right to develop their human potential to the full.

The milestone EU documents are listed in Table 14.1.

Evers and Guillemard in Chapter 1 sum up the recent societal trends, which demonstrate that universal social rights, as envisaged by international as well as EU documents, are under threat. At the center of such changes is a shift in the definition of predominantly public and private affairs, influenced by the neoliberal discourse of the period from the 1980s until the beginning of the 21st century. We have witnessed a process of re-commodification of previously universally delivered public social services in most EU member-states (with exceptions in specific policy fields in particular countries). In most of the affluent Western democracies, this is a long-term, incremental process. In all the postcommunist member-states, this process has been in some cases been incremental, but in all cases more rapid than in the West, and sometimes even abrupt. In some instances, especially in the 1990s, this process was even referred to as "shock therapy," embodied in the large-scale privatization of the national economy, including an increasing share of public services (Potůček, 2008). At the end of this chapter, I will illustrate this political shift by referring to the fact that the

Table 14.1. Core EU Agreements Concerning Social Rights

Year	Document
1989	Community Charter of the Fundamental Social Rights of Workers
1992	Maastricht Treaty with its Annex—Agreement on Social Policy
1997	Amsterdam Treaty incorporated Agreement on Social Policy into its main body
2000	Lisbon Strategy
2005	Recalibrated Lisbon Strategy
2009	Treaty of Lisbon with the Charter of Fundamental Rights and Basic Freedoms

Source: Author.

Czech President, Václav Klaus, demanded and achieved an exemption from the Chapter on Fundamental Rights and Basic Freedoms of the Lisbon Treaty as the precondition for its ratification by the Czech Republic at the end of 2009.

METHODOLOGICAL CONSIDERATIONS

Inspired by Kusá's (2008) approach associating the nature of the public discourses in Slovakia with the social policy reforms implemented since 1989, I will apply critical discourse analysis, which "analyzes the ways, by which the political power, dominance and inequalities are created, reproduced and misused by means of texts and speeches in social and political context—and how they are opposed" (van Dijk, 2003, quoted by Kusá, 2008, 12). I will focus this analysis predominantly on the content of political and programmatic documents and the way they are prepared, discussed, and, eventually, implemented.

DISCOURSES ON SOCIAL RIGHTS IN THE CZECH REPUBLIC

Esmark (2006, 14) believes that "a substantial part of the political communication within public spheres is devoted to questions about the formal organization of the political system, institutional competencies, basic rights of citizens etc." In this section, I intend to analyze the various discourses on social rights, and the effect that these discourses have had in the Czech Republic. The reason for making this choice is simple: respect for social rights is the prerequisite for taking seriously the concept of social citizenship as a component of the European political tradition and its main instrument, the European social model (Golinowska, Hengstenberg, & Zukowski, 2009).

Kusá (2008) identifies two public discourses in Slovakia: academic and political. I believe that it may be useful to elaborate on this division by including the administrative and civic discourses. For the sake of this analysis, four main arenas (sectors) have been defined in which discourses take place at the national

level: academic, administrative, political, and civic. They overlap in the public sphere. At the same time, they connect and overlap with the discourses of leading political ideologies in contemporary European societies, including the traditional ones (liberalism, socialism, and conservatism) and the more recent ideology of environmentalism (Potůček, Musil, & Mašková, 2008). All of them are influenced by the EU level of decision making. The media also plays a role, generating stimuli for discourse, and sometimes raising specific agendas.²

The legal framework for these discourses at the national level was created by the Constitution of the Czech Republic, comprising the List of Basic Rights and Liberties, as passed at the end of 1992, a few days before the final breakup of Czechoslovakia (Table 14.2).

The Academic Discourse

In the Czech Republic, as in other postcommunist countries, the academic world was widely politicized by the breakdown of the communist regime and subsequent events. In this context, *The Social Doctrine of the Czech Republic* (Sociální, 2002; Social Doctrine, 2002) was an interesting example of an original "national initiative." Its original aim was to build a broad academic, and later presumably also national, consensus on the orientation, goals, priorities, and corresponding instruments of Czech social policy. Five preparatory conferences in 1998–2000 constituted a "joint venture" involving the academic, epistemic community gathered around the Socioklub nonprofit advisory association. This group of experts from various social policy fields, disciplines, and political affiliations had decided to seek to develop a common long-term vision, based on a discourse on the future orientation of Czech social policy, in order to make this more programmatic and sensitive to the long-term consequences of the decisions made:

The work on this program document lasted for almost three years and dozens of specialists representing different institutions, scientific disciplines and schools of thought took part in it. All of them shared a unifying conviction that the current social and political practice was suffering considerably from the absence of a guideline of a long-range orientation. We suppose that this document may serve as a minimum common program basis for the makers and the executors of social policy of the Czech State in the period to come. So we submit it [for] discussion, critical consideration and maybe adoption by the whole political and administrative representation of the Czech Republic regardless of this or that party affiliation, the Ministry of the Government, the level of State administration or membership in any association. We believe that the document will become a starting point for long-range conceptual efforts aimed at the future Czech social policy being able to cope with the changing demands of the time and, also, the expectations of the citizens. (Social Doctrine, 2002, 1)

Table 14.2. Characteristics of Fundamental Social Rights, as Guaranteed by the Charter of Fundamental Rights and Basic Freedoms, Part of the Constitution of the Czech Republic³

Article (paragraph) of Part 4	Characteristics of the Social Right
26(3)	Everybody has the right to acquire the means of his or her livelihood by work. The state shall provide an adequate level of material security to those citizens who are unable, through no fault of their own, to exercise this right; conditions shall be provided for by law.
27(1)	Everyone has the right to associate freely with others for the protection of his economic and social interests.
27(4)	The right to strike is guaranteed.
28	Employees have the right to fair remuneration for their work and to satisfactory work conditions. Detailed provisions shall be set by law.
29(1)	Women, adolescents, and persons with health problems have the right to increased protection of their health at work and to special work conditions.
29(2)	Adolescents and persons with health problems have the right to special protection in labor relations and to assistance in vocational training.
30(1)	Citizens have the right to adequate material security in old age and during periods of work incapacity, as well as in the case of the loss of their provider.
30(2)	Everyone who suffers from material need has the right to such assistance as is necessary to ensure a basic living standard.
31	Everyone has the right to the protection of his or her health. Citizens shall have the right, on the basis of public insurance, to free medical care and to medical aids under conditions provided for by law.
32(1)	Parenthood and the family are under the protection of the law. Special protection is guaranteed to children and adolescents.
32(2)	Pregnant women are guaranteed special care, protection in labor relations, and suitable work conditions.
32(3)	Children, whether born in or out of wedlock, enjoy equal rights.
32(4)	It is the parents' right to care for and raise their children; children have the right to upbringing and care from their parents.
32(5)	Parents who are raising children have the right to assistance from the state.
33(1)	Everyone has the right to education.

Source: Charter (1993).

After difficult and protracted discussions, the scholars were able to agree on a single document. This envisaged five functions: an orientation function, the function of building and maintaining a national consensus, a stabilization function, the function of social mobilization, and the function of a guarantee to maintain a permanent orientation towards alleviating social injustice.

The Czech social doctrine proceeds from the civil rights as declared in the Charter of Fundamental Rights and Basic Freedoms of citizens. The inalienable human rights include, for example, the right to life, human dignity, equal treatment without discrimination, and freedom. These rights, formulated in such a general way, are a kind of a social minimum of any social doctrine.

The inalienable social rights were the backbone of this document. They involved the following rights (including the principles and methods of fulfillment):

- to work
- to satisfactory working conditions
- to a reasonable subsistence level
- to health
- to family
- to social security
- to free association
- to education

The document clustered the social rights enlisted by the constitutional Charter of Fundamental Rights and Basic Liberties in a way that could smooth their political implementation.⁴

However, quite different voices came to be heard much more clearly in the academic debate surrounding the formation and implementation of Czech social policy after 1989. Inspired above all by the neoliberal orthodoxy of the Washington Consensus and mainstream economics, they accused the Czech social state of excessive spending, jeopardizing the public finances, following in the steps of the communist heritage, and undermining the responsibility of the individual for his or her own fate. They also attacked the state itself and, in accordance with Milton Friedman's principles, called for minimal government and, in turn, maximum use of the market's regulatory functions.

While the EU interfered little with the academic discourse, other international actors had more influence. In particular, the World Bank and the International Monetary Fund played important roles during this period (not only in the Czech Republic but in all the postcommunist countries that were aspiring to EU membership).

The Administrative Discourse

The Czech civil servants typically did not act independently in the development of the public discourse on social rights. Civil servants in the area under investigation were primarily officials from the Ministry of Labor and Social Affairs. Following the new millennium, the policy area of human rights was, after many years of setbacks, finally acknowledged at the level of central public administration by the establishment of the Ombudsman's Office. However, the ombudsman was given no executive competences.

Generally speaking, civil servants obeyed the instructions of Czech politicians with little resistance. However, politicians were anxious to finalize the pre-accession preparations successfully and subsequently join the EU. This was a path that led the country to apply some previously unknown and unused discursive procedures, even at the national level. Most notably, those included implementing the goals of the Lisbon Strategy and the ensuing documents, and procedures such as the Open Method of Coordination.

Adopted by the then 15 member-states of the EU in 2000, the Lisbon Strategy formulated several ambitious goals that were to be attained by 2010. These goals included transforming the European economy into the most competitive and dynamic in the world, able to create more and better jobs by supporting education, research, and development and, at the same time, strengthening the social cohesion of European societies.⁵ The main documents drafted within the framework of the Lisbon Strategy and applied in order to fulfill its social goals included National Action Plans on Social Inclusion and National Reports on Strategies for Social Protection and Social Inclusion.

The first National Action Plan on Social Inclusion 2004–2006 (National, 2005a) followed from the Joint Memorandum on Social Inclusion of the Czech Republic (2004), which was authored jointly by the Czech government and the European Commission and adopted in December 2003. In accordance with this Memorandum, the National Action Plan on Social Inclusion would translate the common goals in fighting poverty and social exclusion into national policies and programs. The document sums up other valid and prepared policies, action plans, strategies, programs, and governmental decrees that have some relevance to the issue of social inclusion. The document's weak point is its lack of explicit goals, its poor definition of responsibility for implementation, and missing links in the budgetary process. Significantly, the Ministry of Finance did not participate in the preparation of this document.

The document posed as a national strategy, "the aim of which [...] is to canvass due publicity to the problems of social exclusion and to help solve them" (National, 2005a, 8). The only explicit, and very significant, reference to the other development goals was: "The important condition of the success of the strategy of social inclusion is its close relationship with the economic policy of the state. The economic situation is characterized, on one hand, by economic growth and virtually zero inflation but, on the other, by a growing public finance deficit. Improvement is therefore perceived as the main political priority" (ibid.).

The EU's Lisbon Strategy was recalibrated in 2005. This recalibration was due to the inadequate implementation in most member-states and also due to the new composition of the European Commission, which reflected the outcome of the 2005 European Parliament elections and the stronger position of the right. Economic priorities came to the fore. This shift coincided, in the Czech Republic, with the appointment of a new Deputy Prime Minister for

Economic Affairs in 2004, who was charged with formulating comprehensive strategic documents—a Strategy for Economic Growth (Strategy, 2005), and the National Lisbon Program 2008 (National, 2005b). The latter document, a basic guide for the country's strategic orientation over the coming few years, came in three parts: macroeconomic (with an emphasis on continued public finance reform equal to squeezing social expenditure associated with the continued relative decrease in tax revenues), microeconomic (with measures to further increase economic competitiveness), and employment (flexibility and openness of labor market and education). Although the Czech Republic's Strategy for Sustainable Development (2004) was approved as the umbrella strategic document that would become the binding basis for all subsequent action, the Strategy for Economic Growth, which was passed a couple of months later, paid only lip service to this document and presented itself as the core strategic document that was to be respected in other strategic endeavors. It did not associate itself with the National Action Plan on Social Inclusion 2004–2006 mentioned earlier. This further weakened the actual status of the Czech government's endeavors in the field of sustainable development in general, and one of its three core elements—the goal to strengthen social inclusion by respecting social rights—in particular.

The following national policy documents, required by the European Commission, namely the National Report on Social Strategies for Social Protection and Social Inclusion for 2006–2008 (National, 2006) and the National Report on Social Strategies for Social Protection and Social Inclusion 2008–2010 (National, 2008), did not deviate substantially from the course set out in the previous document. They were characterized primarily by their resignation to the use of the concept of social rights as a key prioritizing criterion; focus on partial and in particular technical aspects of the fight against social exclusion; and the difficulty of measuring the anticipated outcomes. On the other hand, the practice of public consultation with members of the professional public and civil society continued during the preparation, implementation, and evaluation of the documents.

Sirovátka (Chapter 11) offers persuasive empirical evidence about the way the Czech government has steered the country's social administration in the field of social policy:

The principal focus is on reducing the social right to income protection (lower social benefits, either in general or in special cases; the delayed indexation of the living and existence minimum; the exclusion of the young people from entitlements to unemployment benefits and social assistance) in combination with an increase in the conditionality of social rights (a stricter definition of "suitable employment"). On the other hand, the support provided to the most disadvantaged people to enhance their capabilities and employability has not increased in its scope, targeting or intensity.

The Political Discourse

The tone and content of the political discourse were, to a large extent, determined by the fortunes of the key political forces in the country. The period between 1992 and 1997 was dominated by the conservative and liberal political ideologies. After the collapse of Václav Klaus's government in 1997, an era of governments dominated by the Social Democrats started. During this period, the country's preparations for EU membership culminated with accession on May 1, 2004. As early as 2002, the country agreed to implement the objectives of the Lisbon Strategy in its policies, including the creation of more and better jobs and fighting against social exclusion. Throughout this era, the goals of Czech elected representatives generally coincided with those stated in the Lisbon Strategy.

An important shift in the country's political orientation occurred after the elections to the lower chamber of 2006. After many months of difficult political negotiations, a new center-right government was formed and took office in January 2007.

Its two orientating political documents, the coalition agreement between the Civic Democrats, the Christian Democrats, and the Green Party, and the Programme Declaration of the Government, were presented to Parliament. These documents:

- failed to mention social rights, social justice, social cohesion, the welfare state, or even the EU Lisbon Strategy
- included formulations such as the unbelievable increase (even "an explosion") in social expenditure in the past, excessive tax burden, abundant bureaucratic burden, inappropriately high level of regulation, the firm intention to lower or even cancel some social benefits, and reduce social and health insurance contributions (explicitly for employers and entrepreneurs)
- did mention respect for human rights, including those of minorities and vulnerable groups, and the plan to establish "an agency that will secure complex services to prevent social exclusion and its eradication and make the use of social support more effective and free from misuse."

These political documents neglected the relevance of social rights. They emphasized freedom and the responsibility of individuals for their own fate, as well as their civil and political rights. In this sense, it seemed that Marshall's triad describing the development of citizenship rights in Europe (from 18th-century civic rights to 19th-century political rights to 20th-century social rights) had been reversed by 100 years in those documents (Marshall, 1963). There is an apparent paradigmatic proximity with neoliberal ideology.

Czech Social Democracy was narrowly defeated in the 2006 general election and subsequently decided to emphasize the social aspects of its politics to

a greater extent, both in its programmatic documents and in political practice. This, together with some controversial measures taken by the new government (such as the introduction of co-payments for healthcare services and drugs, and significant cuts in spending on some social welfare benefits and the narrowing of eligibility criteria), resulted in an overwhelming victory for Social Democratic candidates in the 2008 regional elections. A few months later, in the spring of 2009, the center-right government lost a vote of confidence in the lower chamber of the Czech parliament. The country was led by a government of bureaucrats nominated in line with an agreement between three parliamentary political parties: the Civic Democrats, the Social Democrats, and the Green Party. After the general election of May 2010, there was another right-wing coalition government established, composed of the Civic Democrats and the two newly emerging political parties, TOP 09 and Public Affairs. In the meantime, the global crisis began to affect the small, open Czech economy. Huge rises in unemployment and government deficits occurred, and the political discourse focused on the questions of who should bear the costs of the crisis, and why. The new government started to curtail the Czech welfare state (and, consequently, accessibility of social rights) even more vigorously than the previous ones.

The Civic Discourse

Czechs tend to be unhappy with the state's attitude to their rights, as Table 14.3 shows.

Civic sector organizations are the main, but not the exclusive, initiators of discourse at the level of civil society. After 1989, Czech civil society was able to re-establish historic traditions that can be traced back to the beginnings of the National Revival in the late 1700s. Financial and institutional support from the countries of western Europe and the United States was another important factor, especially at the start of the transformation process. Today, the Czech civic sector runs a vast array of activities in both service provision and advocacy. The voices of environmental groups, human rights organizations, and organizations advocating specific social groups can be heard particularly loudly in the public arena. On the other hand, social rights as such have not been the focus of attention for these groups.

Table 14.4 follows chronologically five attempts to assert the specific agenda of social rights in Czech public discourse.

Table 14.3. Do You Agree that the Czech State Cares About the Rights and Dignity of Every Citizen? (% of responses, May/June 2008)

	Strongly Agree	Somewhat Agree	Somewhat Disagree	Strongly Disagree	Don't Know	No Response
7	32	36	20	4	1	

Source: Governance and Modernization in the Czech Republic. Public opinion research CESES/Factum Invenio, Prague 2008.

Table 14.4. Attempts to Assert the Social Rights Agenda in Public Discourse by Informal Civic Initiatives

Time Period	Name of Initiative	Description
1992–94	The OMEGA Project—human belonging, civic solidarity	About 60 activists from academia, NGOs, public administration, and politics attempted to put an end to uncritical adoration of the market's regulatory functions in the transformation of the Czech society, and emphasize the protection of citizens' social rights. Several seminars were organized and several documents were published. The initiative had practically no effect on the broader civic community.
1999–2002	Social Doctrine of the Czech Republic	See section on "Academic Discourse" for more details. The civic initiative by ten academics sparked some interest in civil society and among some politicians, but it had little to no effect on political practice.
2007–2008	<i>Jsmé občané</i> (We are the citizens)	This initiative was unveiled in January 2007 (symbolically exactly 30 years after the release of the first Charter 77 document). It called attention to discrepancies between the democratic ideals of the Czech Constitution and practices that are ever more frequently shaped by neoliberal doctrines. Some of the most striking gaps in the social conditions of the citizen versus the criterion of social rights and entitlements: <ul style="list-style-type: none"> • The human rights of ethnic minorities and migrants are neglected. • The Czech Republic is the only EU member-state that has not yet incorporated EU Anti-discriminatory Regulation 78/2000 in its labor law. • Women, young and handicapped people, and people above 50 suffer discrimination. • Many people (e.g., the homeless) live in material deprivation that is beyond the conditions of human dignity secured by the Czech Constitution, and are deprived of appropriate support. • There is ever less space for public discourse concerning key societal problems. 693 citizens signed the document between January 1, 2007, and November 24, 2008. Some information appeared in the print media, but none of it reached the "media highway." The website of the initiative was not in operation in the beginning of 2009. No significant influence of this initiative upon public policy has been observed.
2010	Call for Permanent Force and Effect of the EU Charter of Fundamental Rights in the Czech Republic	The Czech Republic was the last EU member-state to ratify the Lisbon Treaty in November 2009. Czech President Václav Klaus achieved an exemption from the application of the EU Charter of Fundamental Rights for Czech citizens, yet this Charter had been passed by both chambers of the Czech Parliament as part of the Lisbon Treaty. The authors of the Call, primarily civic sector organizations advocating human rights, demanded that the government make sure the exemption was repealed because the President's steps were not in line with the principles of parliamentary democracy and made Czechs second-class citizens in the EU. ⁷ The Call was signed by the leaders of dozens of organizations.
2010	ProAlt ("For Alternatives")	ProAlt is the civic initiative criticizing the governmental reforms and promoting alternatives. It brings together people of all professions, generations, and opinions who refuse insensitive cuts and reforms in pensions, health, social and family policy, employment law, education, science and culture, as prepared by the current government coalition, and want to actively refuse them. Its short-term goal is to stop or at least mitigate the reforms in these areas. Its long-term goal is to create confident, active, inclusive, and sustainable society.

Source: Author.

Even though one often speaks of civil society in the singular, it is in fact all about plurality, a multitude of voices and orientations that have to learn to live with each other. Initiatives whose activities are rooted in different ideologies have usually relied on their own institutional platforms. Among the most influential were the Civic Institute, which advocated a conservative stance on the country's development priorities, and the CEVRO/Liberal Conservative Academy, which identified with conservatism and liberalism. In contrast, the Masaryk Democratic Academy was located on the left of the political spectrum.⁸

However, the civic discourses initiated and developed by those institutions rarely exceeded the boundaries of their respective ideological frameworks.

Attempts to Overcome Discourse Failures

It became increasingly clear to stakeholders that attempting to develop a democratic dialogue about human rights in general, and social rights in particular, is no trivial matter. Slowly, they ceased focusing exclusively on the dialogue's content and started to pay more attention to the means of conducting this dialogue.

Public Discourses Initiated by Academia and Citizens

The Social Doctrine of the Czech Republic (see above) was presented at two public discussions co-organized by the Ministry of Labor and Social Affairs and the Upper House of the Czech Parliament, the Senate, in 2001–2002. After the 2002 general election, the document was explicitly mentioned—as the starting point for the further development of government social policy and its priorities and approaches until 2006—in the coalition agreement statement between the Social Democrats, Christian Democrats, and a small liberal party (Union of Freedom) as one of the government's programmatic guidelines, and further discussion among coalition parties about it was envisaged. Nevertheless, despite urgent calls from academic circles, this government failed to make any steps forward before its resignation in 2004: its social policy decisions were taken mainly in response to urgent problems or the demands of various pressure groups. Hitherto, three consecutive governments have failed to take the Social Doctrine as a serious offer by the academic community for a more intensive collaboration in the field of strategic social policymaking. No government office or official took the other three informal civic initiatives (see Table 14.3) as serious partners for further discussion. Pincione-Tesón (2006) would call all cases a cross-border discourse failure.

Public Discourse on Social Inclusion Mediated by the Government, Initiated by the EU

The Czech government adopted the decision to establish a Committee for the Preparation of a Joint Memorandum on Social Inclusion and a National Action Program on Social Inclusion (NAPSI 2004–2006—see above). The

appropriate committee was established by the Ministry of Labor and Social Affairs in September 2003. Its 40 members represented:

- selected government ministries (labor and social affairs; education, youth and physical education; health, regional development; the interior; transport; industry and trade; information; the environment; and agriculture)
- other public administration institutions (Government Committee for the Handicapped; Government Council for Roma Affairs; Czech Statistical Office; Ombudsman's Office; Association of Regions of the Czech Republic; and the Association of Cities and Municipalities of the Czech Republic)
- civic sector organizations including social partners (Czech-Moravian Confederation of Trade Unions; Industry and Transport Union; Czech and Moravian Production Cooperative Union; Czech Catholic Charity Association; People in Need; National Council of Handicapped Persons)
- academic community (Charles University Faculty of Social Sciences; Sociological Institute of the Academy of Sciences of the Czech Republic)

This committee was given the task of supervising coordination between the various ministries and ensuring that all the relevant institutions share in inter-ministerial coordination in processing the Joint Inclusion Memorandum (2004) and NAPSI 2004–2006 (National, 2005a). This committee was also asked to implement a comprehensive policy to fight poverty and social exclusion.

As indicated by the list of actors directly involved in the preparation of the NAPSI 2004–2006, due respect was given to the traditional position of social partners in the social dialogue, the representatives of employees and employers as partners to the government, in the regular meetings of the tripartite body—the Council of Economic and Social Agreement. The National Council of Disabled Persons had retained its traditionally strong status *vis-à-vis* the Ministry of Labour and Social Affairs even on this agenda. As indicated by the authors of the NAPSI 2004–2006, its preparation involved also the participation of other partners, notably representatives of the nongovernmental not-for-profit organizations focusing on homeless people and seniors (National, 2005a, 62). There was thus a balanced representation of civic organizations representing various group interests.

The fourth chapter of the NAPSI 2004–2006, entitled “Institutional Support,” states that structures for participation in the field of social inclusion have been established not only at the central level (e.g., the Council of Economic and Social Agreement, the Government Council for Non-State Non-Profit Organizations, the Government Council for Roma Affairs, the Government Committee for

Disabled Citizens, the Government Council for Ethnic Minorities, and cooperation with the Association of Cities and Municipalities and the Association of Czech Regions), but also at the regional and municipal level (namely social committees and committees for disabled citizens).

In an effort to involve the wider public in the preparation of the National Action Plan of Social Inclusion, its various chapters have been posted on the Ministry of Labor and Social Affairs' website and other associated websites (National, 2005a, 62). Several conferences have also been organized for the actors involved.

The document NAPS I 2004–2006 encapsulated fundamental citizenship rights and displayed compliance with the general principles of the European social model and social inclusion agenda. The subsequent document, the National Report on Social Strategies for Social Protection and Social Inclusion for 2006–2008 (National, 2006), deviated from this orientation by curtailing social citizenship rights (see Chapter 11). This was also true of the third document, the National Report on Social Strategies for Social Protection and Social Inclusion 2008–2010 (National, 2008). This development reflected the political shift from the government dominated by Social Democrats (2002–2006) to the center-right government dominated by the Civic Democratic Party (2007–2009).

EUROPEANIZING THE CONTENTS AND METHODS OF PUBLIC DISCOURSES

In all European countries, national discourses have had to accommodate the EU and its programs and actions. While this may play a minor role in larger countries with a long history of EU membership (such as Germany), the situation is different for the new EU member-states. EU doctrines and recommendations are a very important point of reference within the national discourses described here.

Many people expect the public dissemination of the EU social inclusion's core ideas, principles, and policies to have a positive effect, but mainly as a sort of public enlightenment whose benefits are diffuse and long term. With respect to the systematic collaboration between the government and NGOs, a more reserved view is appropriate. There is overarching EU-wide empirical evidence that the open method of coordination is a "potentially valuable, but weak instrument" since it will always be dependent on the political will of the national government (*Back to the Future?* 2005) "Without a connection to Brussels, national NGOs struggle to get involved in the OMC" (Fazi & Smith, 2006, 61). The negligible impact of all the endeavors of Czech NGOs to influence government policies in the Czech Republic confirms this general experience. Consulting with NGOs is still felt to be "not in the culture" (Fazi & Smith, 2006, 73). Recently, EU structural funds (and particularly the European Social Fund) have been increasingly tapped to support this public discourse that transcends sectoral as well as—to

some extent—ideological boundaries. One may expect this to bring about positive effects in terms of coping better with various technical, organizational, and substantial issues that arise while preparing and realizing such a discourse.

There is one important stream in Europeanization studies that interprets discourse as an instrument or vector of Europeanization (Schmidt, 2002). Domestic actors use the EU instrumentally to support domestic policies by creating a discourse—and, consequently, strengthening their position in the power structure (Hay, 2002; Kallestrup, 2002; Roe, 1994; Saurugger & Radaelli, 2008).

There are two prevailing political positions in the EU policymaking process: one that understands the European project as essentially deregulatory, and another that sees the market as the first step in the process of institution-building at the European level (Taylor-Gooby, 2004a, 184): "Pressures for both liberalism and for a stronger interventionist role exist, and whether the balance between the two will shift in the future is at present unclear" (Taylor-Gooby, 2004b). Thus, the EU does not speak to its members with one voice. As mentioned above, one of its two Janus faces speaks of the need to make the European economy the most competitive in the world, and to pursue market liberalization further (including the broadly defined services of general interest), about fiscal discipline and the flexible labor market. The EU's other Janus face declares its adherence to the principles of social justice, social rights, and the fight against poverty and social exclusion, and nurtures its own aspiration—the European social model. This programmatic schizophrenia, which creates space for a neoliberal as well as an institutional/social democratic interpretation of European polity, has been a serious puzzle for the less experienced national political classes and the public of the first prospective and now new EU member-states, such as the Czech Republic. This split is underlined by the daily experience of many people who were promised economic prosperity along with the country's EU membership, while they contend with difficult access to the labor market and low employability in everyday life, with tightening social provisions, insufficient public services, and so forth.

The EU has not developed strong, clear-cut requirements in the field of social policymaking toward its candidate countries (Horibayashi, 2006; Potůček, 2004), even though Orenstein and Haas (2003) could identify its positive effect on the postcommunist new member-states compared to the postcommunist countries with no immediate prospect of EU membership. There is an obvious discrepancy between the Copenhagen Criteria of accession, which covered a very limited part of the social welfare agenda and was installed in 1993, and the Lisbon Strategy, which was presented as an explicit and balanced public policy program for the candidate countries as late as 2002 and was politically and administratively implemented only since 2004. This discrepancy created a considerable opportunity for other, more active and influential international actors, namely the World Bank and International Monetary Fund, which were dominated at that time by the Washington Consensus' neoliberal ideology (Potůček, 2004).

SUMMARY

The following generalization of the development of social rights discourses in the Czech Republic between 1992 and 2010 can be formulated: in this time period, the attention devoted to social rights issues did not grow substantially. Discourses typically took place in isolated, parallel epistemic communities (Haas, 1992), whether defined sectorally or ideologically. An effective overcoming of barriers was rarely seen between sectors, and never between the different ideological streams. The only institutional platform that offered more systematic support to minimize discourse failures was the EU's programmatic platform, which resulted in the repeated formulation of strategic documents on social inclusion between 2004 and 2010. Recently, the EU also contributed financially to disseminate this issue and support public discourse in the national public space. The agenda of social citizenship has evolved slowly and incrementally, mainly in the civic stream of discourse, inspired by political ideologies of the center-left.

The findings of the chapter are summarized in Table 14.5.

CHALLENGES OF THE FUTURE

A serious problem for European governance is how to build and encourage the conditions for effective, cross-border public discourses about social rights (and other relevant societal issues) at both the national and EU levels—in the face of differentiated, often sharply conflicting economic, social, institutional, and national interests, as well as varying modes of communication within the academic, administrative, political, and civic discourses.

The main questions that need to be answered to overcome discourse failure can be specified as follows:

- How can the boundaries between particular discourses be transcended (e.g., between the “economic competitiveness” and the “social rights” discourse at the EU and national levels)?
- How can “twin” discourses be encouraged (i.e., political-administrative; academic-political; political-civic, academic-civic, etc.)?
- What are the appropriate languages and modes of communication for cross-border discourses?
- How can the political system at large (including the involvement of media) be made better able to facilitate the realization of the above tasks to achieve at least some degree of success?

To address these questions, one must be aware of the nature of the obstacles that lie ahead. Three serious barriers, in my view, add significantly to the difficulty of effectively engaging us, scholars, in the effort to make the European

Table 14.5. Social Rights Discourses in the Post-1989 Czech Republic

Discourses	Initiatives, Periods	Cross-Sectoral Collaboration	Impact on Social Policymaking	Influence of the EU
Academic	Social Doctrine of the Czech Republic 1999–2002	Sporadic enlightenment of political class	Extremely limited	Indirect, very limited
Administrative	National Action Plan and National reports on strategies of social inclusion 2004–10	Organized by civil servants from top to bottom; both academic elites and organizations from the civic sector have been included	Slow diffusion of concepts, norms, methods, and approaches to a socially inclusive society	Considerable direct influence of the programmatic effort of the EU applying the agenda of social inclusion
Political	Left-wing parties apply the concept of social rights in their programmatic documents; conservative and liberal parties neglect it. 1992–2010	The political discourse on social rights going across different political camps is nonexistent. Political parties are not motivated to involve other actors in such a discourse.	Limited, and only on the left of the political spectrum	Left-wing political parties make use of the concept of social rights whereas right-wing ones bet exclusively on the concept of common European market.
Civic	The OMEGA Project—human belonging, civic solidarity Social Doctrine of the Czech Republic <i>Jsmě ob ané</i> (We are the citizens) Call for Permanent Force and Effect of the EU Charter of Fundamental Rights in the Czech Republic 1992–2010 ProAlt—the civic initiative criticizing the governmental reforms and promoting alternatives	Informal civic gatherings and civic sector organizations are trying to involve the political class in the agenda of social rights. Civic activists and academics collaborate; politicians behave rather indifferently.	Very limited	Only indirect influence by setting the agenda of social rights as a legitimate issue

Source: Author.

public sphere more sensitive to dialogic discourses and voices from the civil society:

1. The coexistence of a dialogic form of communication and a nondialogic form, transmitted by the media, and independent of physical location
2. The reduction of the complex task of communicating effectively to a merely technical problem of the transmission of information ("e-Europe")
3. The ignorance, low political culture, and vested interests of actors involved in the communication processes

The first barrier is associated with the coexistence of a dialogic form with an (increasingly relevant) nondialogic form of communication, transmitted via the media, and independent of physical location (Thompson, 1995). Thompson calls the nondialogic form of communication *mediated publicness*. This indirect and mostly one-way form of communication is crucial, since it shapes the content and quality of communication in the public sphere. It is enormously relevant, but the receivers are hard to identify, and the impact on them is very difficult to evaluate. In addition, it can hardly be defined as a "discourse" as such, since it lacks any active exchange of views or channels for feedback. It is also difficult to make this form of communication equal in terms of the power of the public *vis-à-vis* the media: which interests can influence "the rules of the communication game" most? This has important implications for the ability to find the correct balance between checks between media and other political actors—and, consequently, the democratic legitimacy of the media.

The second barrier stems from the application of a narrow concept of communication, in which this is understood simply as a technical problem of transmitting information (e.g., the concept of e-government as the remedy to problems of public administration). Nevertheless, effective communication is closely associated with the interests that are pursued and compete with other interests. In other words, it is impossible to nurture communication as "art for art's sake," since governance in general, political conflicts, and especially diverse social and economic interests are battlefields in which communication is a means and a weapon at the same time (Golding, 2007a, 2007b). It is in this sense that the social rights agenda constitutes an integral part of the broader domain of human rights (let us once more recall the above-mentioned triad of civil, political, and social rights) as well as the status of citizenship itself.

The third barrier to consider is the low political culture that frames communication processes. The Czech Republic may serve as *pars pro toto*. As has been shown, scholars, civil servants, politicians, and civic activists pursue different agendas, speak different languages, and are not prepared to compare their approaches to social rights, to understand each other, and to follow them as criteria in the ongoing discourses, processes of matching partial interests, negotiating

compromises, decision making, and policy implementation. Lack of trust among the actors and inadequate communication skills adversely affect the overall efficiency of public discourses. In the Czech Republic, this is reflected particularly in the ideological gap between the political parties that represent the liberal, conservative, and social democratic worldviews.

Nevertheless, the absence of direct EU influence on welfare state transformation should not obscure the less visible streams of cultural changes associated with the processes of European integration, which have influenced domestic discourses on social policymaking and set up new notions, agendas, approaches, and policy instruments. Call it mutual learning, cognitive Europeanization, or enculturation; it has been changing the cognitive framework of social policymaking—with both EU's Janus faces influential to the extent that was acceptable and/or instrumental for different domestic policy actors. The EU has had a noticeable, and at the same time controversial, impact on the content and outcome of this stream of discourses on the social citizenship rights in the Czech Republic.

According to Dahrendorf (1985), the viability of contemporary capitalist societies at the national level depends on three pillars: market economy, political democracy, and a properly functioning welfare state. Let us try to apply this concept at the EU-wide level as well. In general, it is the common political and material experiences and arrangements encountered by citizens in their national and everyday lives that represent a necessary precondition for the emergence of a European social citizenship as an effective tool for strengthening cohesion within and between the nations and citizens of the EU. The European social model will play a similar role in creating the third pillar of European society's stability to that played by the welfare state, along with the market economy and political democracy, at the national level. Anthony Atkinson's project of a European minimum income, co-financed from the EU budget, is, among other innovative ideas, a proposal to be considered seriously in this respect. Yet with the EU budget representing only a little over 1% of the public resources, with the remaining nearly 99% in the hands of national governments, it seems reasonable to assume that such a project can be allocated to the realm of wishful thinking for the foreseeable future.

The development of public discourses will be vitally dependent on sound and socially just public policies—no matter whether they are European, national, issue-specific, regional, or municipal. And *vice versa*: sound and socially just public policies cannot be created and implemented without effective cross-border public discourses.

NOTES

- 1 This chapter was prepared as part of the Research Intent of the Faculties of Social Sciences and Philosophy and Arts, Charles University in Prague,

- research task "Visions and Strategies of the Czech Republic's Development in the EU."
- 2 Analysis of the role of the media in public discourses exceeds the extent of this paper.
 - 3 Part 4 of the Charter of Fundamental Rights and Basic Freedoms defines other rights as well (economic rights, intellectual property rights, right of access to cultural heritage, right for a favorable environment). It also specifies some of the social rights mentioned below and defines the instances where further details are prescribed by laws.
 - 4 Kusá (2008) explains why similar academic discourse was absent in Slovakia.
 - 5 Compare *Lisbon strategy* (2010) for evaluation of the Lisbon Strategy.
 - 6 Charter 77 was a Czechoslovak dissent human rights political movement. Václav Havel was one of the first leaders and spokesmen of Charter 77.
 - 7 The Charter has been valid for the Czech Republic since the Lisbon Treaty came to power in December 2009. Nevertheless, according to the protocol, it should become invalid for this country with the first amendment of the Lisbon Treaty (which is expected to happen with the next EU enlargement in 2011 or 2012).
 - 8 See <http://www.obcinst.cz/en/>, <http://www.cevro.cz/cs/>, <http://www.masarykovaakademie.cz/>.

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PART IV

CONCLUSIONS