

Civil Society at Issue in the Czech Republic

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Over the past six months, Czech President Vaclav Havel and Prime Minister Vaclav Klaus have been publicly at odds over the concept of civil society. Havel argues that such a society is a necessary intervening layer between the citizen and the state and that a democratic political system cannot properly function without it. Klaus sees free individuals as the cornerstone of democracy and argues that the concept of civil society is redundant. In this context, the two politicians have espoused different views on the role of nonprofit organizations, the need for regional decentralization, and the desirability of various forms of direct, nonrepresentative democracy. Their clash reflects the broader political and philosophical struggle over the concept of a democratic state currently taking place in the Czech Republic and the postcommunist world in general.

In the late spring of 1994, the Czech Republic was treated to an unusual spectacle: a television debate between President Vaclav Havel and Prime Minister Vaclav Klaus on the role of nonprofit organizations.¹ Most television viewers considered the debate to be merely a contest between two politicians who are popular but often seen as politically at odds with each other. The debate was, however, much more than a contest over a seemingly minor issue; it revealed the sharply differing views of two top Czech politicians on the role of civil society in modern democratic systems and, thus, on the very concept of democracy. The future of the democratic system in the Czech Republic may depend to a large extent on which of these two views ultimately prevails.²

Havel versus Klaus

In the television debate, Havel characterized the forging of civil society as the main "task of our time." He argued that such a society "gives people social space to assume their share of responsibility for social developments, cultivates the feeling of solidarity between people and love for one's community, and makes it possible to live a full, varied life."³ He also maintained that active social engagement improved the citizen's attitude toward the state because civil society constituted "an important intervening layer between the citizen's private microcosm and top state agencies." Klaus retorted that the only basic element of a democratic society was the citizen and that "everything

that is above the citizen is derived from him."

Prior to the debate, the prime minister had repeatedly expressed his reservations about the concept of civil society, arguing that its proponents were trying to create new bureaucratic layers between the citizen and the state and were searching for "third ways" to organize a democratic society. "History has repeatedly shown us that freedom, political pluralism, and a market suffice and that they are the best [means of] creating a just and decent society," Klaus wrote in a Czech daily in March 1994.⁴ He added: "We are interested in a market without attributes, in a standard system of political parties without national fronts and civic movements." This, he said, was where "free citizens' polemic on the aberrant idea of civil society must start."⁵

The prime minister stressed in the same article that if he himself had ever used the term "civil society," it had signified one of only two things: the opposite of societies whose members did not enjoy standard civil rights or the antithesis of societies based on national or nationalist principles (he noted that the latter meaning had applied, for example, in arguments against Slovak politicians' efforts to divide Czechoslovakia). "What is this civil society?" Klaus asked. "I am afraid that civil society is supposed to be something more than just a society of free citizens. A certain type of collectivism, regarded as an improve-

Hopes and Shadows: Eastern Europe after Communism (Durham: Duke University Press, 1994), pp. 26–29.

³ *Ibid.*; and CTK, 25 May 1994.

⁴ *Lidove noviny*, 7 March 1994.

⁵ *Ibid.*

¹ Czech Television, 25 May 1994.

² On the importance of civil society to East European countries, see J. F. Brown,

ment, is added to individualism." He also commented that "no social reforms to introduce civil society are necessary, and neither are novel ideas that the value of association should be put above the value of freedom."

When referring to civil society, Havel and Klaus use the term "citizen" somewhat differently. Klaus essentially means free individuals who have certain universal rights. Havel's concept is broader: the citizen not only enjoys individual rights but should also be actively involved in communal life. According to the president, responsibility toward the community, active participation in public affairs, and other civic involvement are as important for the functioning of a democratic system as is freedom.

From a Historical Perspective

The clash between the two schools of thought represented by Klaus and Havel can be traced as far back as the sixteenth and seventeenth centuries. The political scientist Robert Putnam, for example, writes that the sixteenth-century Italian philosopher Niccolò Machiavelli and several of his contemporaries concluded that the success or failure of free institutions depended on the character of the citizens or on what was called their "civic virtue." This republican school of civic humanists was superseded by the English philosophers Thomas Hobbes, John Locke, and their liberal successors. Whereas the republicans had emphasized the community and the obligations of citizenship, the liberals stressed individualism and individual rights.⁶ Putnam notes that in recent years, however, a revisionist wave has swept Anglo-American political philosophy. The revisionists argue that an important republican or

communitarian tradition can be traced back to the Greeks through Machiavelli and seventeenth-century England to the founders of the United States. Alarmed by the revisionist wave, some defenders of classical liberal individualism argue that the concept of the community is a dangerous and anachronistic ideal.⁷

Rejecting either of the two schools of thought seems to be merely a theoretical exercise, because virtually all modern democratic societies practice elements of both. As Putnam stresses, the dichotomy between self-interest and altruism can easily be overdrawn, since no individual and no successful society can renounce the powerful motivation of self-interest. Citizens in a civic community are not required to be altruists but are to pursue what Alexis de Tocqueville termed "self-interest properly understood"; namely, self-interest that is defined in the context of broader public needs, is "enlightened" rather than "myopic," and is "alive to the interests of others."⁸ In the Havel-Klaus polemic, it is the former who realizes that a modern democratic society requires self-interest, public engagement, and emphasis on both the individual and the community, whereas the latter sees the issue almost entirely through the prism of classical liberalism, with its emphasis on the individual only.

Klaus dismisses the proponents of civil society as advocates of the Hegelian concept of Reason and, ultimately, as advocates of social engineering. In his opinion, the "forgotten and failed" concept of civil society was embraced by East European dissidents in the 1970s, most notably by leaders of Poland's Solidarity, who "were seeking to divide power into as

large a number of autonomous institutions as possible" to prevent one institution from usurping all power and creating "a noncivil society."⁹

Bones of Contention

Differences between Klaus and Havel over the concept of civil society have revealed opposing views on a number of issues of immediate political importance to the Czech Republic. Most notably, Havel and Klaus have differed over the need for a law on nonprofit organizations, the need to introduce regional decentralization, and the desirability of various forms of direct, nonrepresentative democracy. While Klaus is supported by his Civic Democratic Party (CDP, the strongest party in the Czech Republic), the CDP's coalition partners—the Civic Democratic Alliance (CDA), the Christian Democratic Union, and the Christian Democratic Party—have generally espoused views similar to or identical with those of Havel. The CDA, in particular, has argued that the Czech Republic needs a strong civil society and has criticized the CDP for what it sees as centralist tendencies.

Regional administrative reform has been the most sensitive of the three contentious issues. Although the discussion on the need for decentralizing the Czech Republic started almost immediately after the "velvet" revolution of November 1989, the decentralization process was hampered by the disintegration of Czechoslovakia. Both Klaus and Havel warned at the time against the introduction in the Czech Republic of the kind of administrative dualism that appeared to be fueling Czechoslovakia's disintegration (for example, a federation consisting of two states—Moravia and Bohemia). Eventually, after the elections in 1992 and the subsequent split of the federation, a consensus emerged among Czech political parties that the Czech Republic should be subdivided into sev-

⁶ See Robert D. Putnam, *Making Democracy Work* (Princeton: Princeton University Press, 1993), pp. 86 and 87. Putnam stresses that neither "republican" nor "liberal" has the same meaning in this historical dialogue as in contemporary US partisan politics.

⁷ See Harr N. Hirsh, "The Threnody of Liberalism: Constitutional Liberty and the Renewal of Community," *Political Theory*, no. 14, 1986, p. 441.

⁸ Alexis de Tocqueville, *Democracy in America* (Garden City, New York City: Anchor Books, 1969), pp. 525–28.

⁹ *Lidove noviny*, 7 March 1994.

eral regions that would take over some of the central government's responsibilities. However, talks among the coalition partners on how these regions would coexist and what powers they would assume have repeatedly broken down. It has become apparent that the prime minister and the CDP are not interested in rapid decentralization. The CDP has employed various tactics aimed at either delaying or stopping regional administrative reform, thereby alienating its coalition partners.

The conflict came to a head in June 1994, when CDA Chairman and Deputy Prime Minister Jan Kalvoda prepared a draft law on regional administrative reform providing for the creation of thirteen regions. The bill was rejected by the government, in which the CDP holds a majority of ministerial posts. Instead, the CDP proposed devolving power to the districts, which are currently the only units of state administration; in other words, the districts were to function as both units of state administration and units of self-government. This proposal was rejected by the CDP's coalition partners, which saw it as yet another attempt to stall regional administrative reform. As a government crisis loomed, Havel urged the coalition parties to agree on a compromise solution; at the same time, he expressed his disappointment with the repeated postponement of the regional reform process. In the end, the government approved a draft law stipulating that the Czech Republic be subdivided into seventeen regions; however, both the opposition and some coalition parties have since warned that the law has almost no chance of being approved by the parliament¹⁰ and that it is

¹⁰ The critics of this proposal argued that subdividing such a small country as the Czech Republic into so many regions was impractical and that such small units would not have enough muscle to stand up to the central government.

thus yet another of the CDP's delaying tactics.

A number of explanations have been offered by politicians and analysts as to why the prime minister and his party oppose decentralization. Most have argued that Klaus wants to maintain the current highly centralized model because he sees it as necessary during the transformation to a market economy; any devolution of power may be regarded as a possible threat to central government control over the reform process. The prime minister, for his part, has said

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that the creation of regions could lead to additional bureaucracy and "layers of power" that are unnecessary. He has also warned against what he termed "loosening up" (*rozvolnovani*) at various levels of the state administration. More important, he has dismissed calls to establish the regions quickly as counterproductive attempts by the proponents of civil society to give more power to the people at the local level. "It looks as if those who want to create regions are in favor of civil society, whereas those who have questions about the need for regions are [branded as being] against civil society (and are 'merely' in favor of a society of free citizens)," wrote Klaus in early 1994.¹¹

This was an indirect reply to Havel, who has argued that the regions are necessary not only because the ruling coalition promised to create them after it took over the government in 1992 and because their introduction would rationalize the state administration system but also because decentralization gives citizens more opportunities to partici-

¹¹ *Lidove noviny*, 7 March 1994.

pate in local public affairs. In other words, Havel sees regional administrative reform as a means of strengthening civil society.

Another contentious issue is that of nonprofit organizations. Havel and other politicians, in particular CDA leaders, have repeatedly called for the adoption of a law on nonprofit organizations that would lay down the rules on how such organizations function and free them from paying taxes. Havel has argued that nonprofit organizations are an important building block in civil society and has

repeatedly prodded the government to act on the issue. In his New Year's speech on 1 January 1994, Havel made it clear that he considered the decentralization of state administration and the adoption of a law on nonprofit organizations to be the two most important steps the Czech Republic should take in creating the social and legal conditions for civil society.¹²

In the recent television debate, Havel argued that nonprofit organizations filled "the space between the state and the citizen and their existence motivates citizens to take an interest in public affairs."¹³ He pointed out that nonprofit organizations could play an important role especially in health care, education, and social affairs. Klaus, for his part, said that a law was being drafted but that it was difficult to come up with a definition of such organizations and their activities. Klaus argued that it was a mistake to think that nonprofit organizations were "something better than

¹² Czech Radio, 1 January 1994.

¹³ Czech Television and CTK, 25 May 1994.

organizations that make a profit." In fact, the prime minister had made public his view of nonprofit organizations in a long article published in *Lidove noviny* just prior to the television debate. Among other things, Klaus wrote that "the defenders of nonprofit organizations think they know best what is good for public welfare and they want to impose their views on us."¹⁴ He also commented that the proponents of nonprofit organizations "are trying to tell us that things done for profit are the devil's business, whereas the behavior that is not motivated by profit is a priori better."¹⁵

The third main bone of contention between Havel and Klaus is the desirability of introducing forms of direct democracy. The Czech Constitution does not provide for holding referendums at the national level, although referendums can be held at the local level if certain conditions are met. In the Klaus-Havel television debate, Havel advocated the expansion of direct democracy, arguing that "representative democracy is not enough." The prime minister said that when asked whether the citizen should participate in public administration directly or indirectly, his reaction was that "most of us are proponents of indirect [representative] democracy." He added he could not agree with proponents of direct democracy because "such an idea is unrealistic and cannot be implemented."¹⁶

Havel on Partisanship

Disquieted by the repeated postponement of regional administrative reform and the failure of the lower

house of the Czech parliament to establish the Senate (the existence of which is stipulated in the constitution), Havel sounded the alarm in June over what he called excessive partisanship in Czech politics. He said that political parties are "good and well-established instruments in the functioning of [democratic] political systems." But at the same time he cautioned that in the light of recent political battles in the Czech Republic, fought strictly along party lines, the country might be in danger of sliding back into the state of affairs that had existed during the First Republic (1918–1938), "when our life was horribly influenced by partisanship, when everything was in the hands of political parties, when every solution was marked by party viewpoints." According to the president, "parties were not mere instruments of politics but, on the contrary, the state was run by political parties."

Havel argued that parties, as instruments in the struggle for power, could not act as substitutes for civil society. He suggested that excessive partisanship in the Czech Republic had been caused by the absence of a developed civil society. Under such conditions, Havel said, parties became the only forum where citizens could exercise their right of association. But "parties should be merely the extreme tip of a colorful social life, [that is] civic associations . . . they should draw their energy and inspiration from the fertile soil and multilayered environment of civil society." According to Havel, if political parties are not permanently "confronted with this environment, they pay a heavy price—they wither away internally." In the Czech Republic, this withering away manifests itself as excessive partisanship, rather than acting in the public's interest, and as politicking, rather than conducting politics.¹⁷

This and other statements by Havel suggest that he sees civil society not only as an intervening layer

between the citizen and the state but also as a connecting link between the citizen and the state as well as between the citizen and state institutions, including political parties. Civil society acts as a check on the activities of the state and political parties and also provides feedback; without it, political institutions are in danger of stagnating and becoming complacent.

A Strong Tradition

In some respects, the debate about the need to establish civil society is an artificial one, because such a society already exists in the Czech Republic and has a strong tradition there. Havel and his followers are not striving to implement "social reforms" aimed at establishing civil society, although Klaus has indirectly accused them of such intentions. What they are striving for is to establish the legal and social conditions that would promote, rather than retard, the development of civil society. The state and its legal system can hamper civic activities as much as it can encourage them. In the Czech Republic, the CDP, with its emphasis on economic efficiency and political expediency, has blocked the development of civil society for fear that the existence of too many autonomous civic initiatives and too much decentralization could hamper its centrally directed reforms. Referring to this phenomenon, Havel has argued that self-government and autonomous activities "should not be seen [by the state] as something that complicates government from the center."¹⁸

Political scientists have listed a number of preconditions that are deemed conducive to the development of civil society, including historical traditions, favorable economic conditions, and high educational standards.¹⁹ The Czech Lands have a

¹⁸ *Ibid.*

¹⁹ See, for example, John Keane, ed., *Civil Society and the State* (London: Verso, 1988).

¹⁷ Czech Radio, 19 June 1994.

¹⁴ *Lidove noviny*, 16 May 1994.

¹⁵ A draft law on nonprofit organizations was submitted to the government by Finance Minister Ivan Kocarnik at the end of June, but the executive rejected it. On 3 August the amended bill was approved by the government, but it still has to be passed by the parliament.

¹⁶ Czech Television, 25 May 1994.

relatively strong tradition of active civic engagement dating back to the eighteenth century. In the second half of the nineteenth century and at the beginning of the twentieth, when the Czech Lands were swept by a wave of nationalism, the national rather than the civic principle was the main identification factor; however, after the establishment of Czechoslovakia in 1918, the wave of nationalism and national romanticism subsided, allowing for the development of a relatively strong civil society. This society was suppressed under the Nazis and the Communists, but after the 1989 revolution the Czech half of Czechoslovakia appeared to be in a better position than most other postcommunist countries to build a relatively healthy political system.

The revival of civil society might also benefit from favorable economic conditions, high educational standards, and such factors as the absence of a militant nationalism or an intolerant religious doctrine. The rise in 1989 of the powerful but tolerant Civic Forum, which was both a civic movement and a political party cutting across the political spectrum, was made at least partly possible by these preconditions. Two years later, the disintegration of the Civic Forum into a number of political parties with clearly defined programs and structures was an inevitable consequence of what some called "political normalization," that is, Czechoslovakia's gradual transformation into a democratic country with a system of leftist, centrist, and right-of-center political parties vying for power.

The rapid ascent of Klaus's forward-looking CDP, with its clearly stated objective of rapid privatization and its emphasis on political expediency, helped accelerate economic reform and made the Czech Republic an East European success story—despite the fact that such developments took place partly as a result of Klaus's resolute shedding of Slovakia, which was not appreci-

ated by all Czechs and Slovaks. At the same time, the party's name is somewhat misleading, since the CDP has never been a truly "civic" party but rather has combined liberal and conservative currents, while remaining disinclined to promote nonpolitical, civic activities. As mentioned above, the party that has made civil

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society its main focus is another direct descendant of the Civic Forum—the CDA. Yet another political group supporting measures aimed at expediting the development of civil society is the Free Democratic Party (formerly, the Civic Movement) of Jiri Dienstbier; however, this party is not represented in the Czech parliament.

Conclusions

Havel and his supporters fear that a democratic political process reduced to mere democratic mechanisms and institutions is in permanent danger of degeneration. Some proponents of civil society argue that the centralist model practiced by Klaus's party may have been justified during the transformation period, when virtually all society's efforts were directed toward improving the economy and overcoming social hardships. But the prime minister has repeatedly emphasized that the Czech Republic is the first postcommunist country to have emerged from the period of transformation and to have begun its economic and political convalescence. Critics argue that the "black-and-white vision" of reality during the transformation period, which was not conducive to the development of civil society, should be gradually replaced by "color vision," especially as the Czech Republic completes its transformation.

Civil society is a complicated social organism that can be neither decreed nor copied. The state, however, can create conditions conducive to the development of such a society. Havel, warning against the possible degeneration of the young democratic system, has demanded that the state create such conditions. In his opinion, the centralist approach, combined with a lack of attention to the needs of civil society, has already resulted in growing political apathy at the local level. "The local government elections are approaching," he said recently, "and we can observe a certain decrease in interest in these elections not so much on the part of voters as on the part of potential candidates."²⁰ He went on to say that "there were times when being a member of a municipal government was an immensely important matter from social and political points of view. Today there is no great interest in these posts; people see them as something that is unappreciated."

It appears—as Havel is arguing—that much could be done to strengthen Czech civil society and thus remedy some of these problems. Steps toward achieving these goals include rapid regional administrative reform, the adoption of a law on nonprofit organizations, and the introduction of some forms of direct democracy in addition to the existing forms of representative democracy. Another possibility is a change in the system used to elect members of the Czech parliament's lower house, which is strictly based on proportional representation. Under this system, deputies are elected on party tickets in large electoral districts, where they have almost no links to a specific constituency. In practice, this means that deputies feel more responsible to their parties, particularly the party Secretariats, than toward "their" constituencies.²¹

²⁰ Czech Radio, 19 June 1994.

²¹ See Jiri Pehe, "The Waning Popularity of the Czech Parliament," *RFE/RL*

The Czech Constitution provides for the creation of an upper house—the Senate; but the lower house has repeatedly failed to establish this second chamber.²² Since the constitution also stipulates that senators be elected on the basis of a simple majority system (with each senator

Research Report, no. 45, 12 November 1993.

²² See Jiri Pehe, "Czech Senate Election Stirs Controversy," *ibid.*, no. 14, 18 April 1994.

representing one relatively small district), the establishment of the Senate could realign the political system, which currently appears to be tipped heavily in favor of political parties.

In general, the Czech political system appears to be lacking a strong connecting link between politics at the central level and the country's citizens. Civil society can help forge such a link, acting as a kind of political transmission that could provide Czech political institutions with the necessary feedback.

To some degree, it is irrelevant whether this intervening layer is called a civil society (Havel's preferred term) or is seen as comprising associations of free individuals (as the prime minister may like to view it). In any case, the Czech Republic, just like other postcommunist states, needs to promote autonomous civic initiatives if its democratic system is not to be permanently in danger of atrophy.

CZ94256.RIR

4 August 1994