

# After the Soviet Empire

*Communism was unprecedented in the history of political regimes, so it is not surprising that what is called "post-communism" should be disconcerting. The study of "post-Communist" states may fill whole libraries, as did the study of communism, with, perhaps, the same effect on the democracies' ability to confront, aid or ignore them. At any rate, the reports in the pages that follow demonstrate that we ought to avoid generalizations, seek out those who are friendly to liberty and democratic government and be prepared, without undue alarm, for trouble. And we might keep in mind, too, Napoleon Bonaparte's dictum, "Geography is destiny," precisely so that we may know when it is not.*

## What is "Post-Communism"?

Jiri Pehe

**W**hat is "post-communism"? Post-communism refers to the period since 1989 which saw the collapse of the Soviet Union and its associated

Communist regimes in eastern Europe. But the term is not synonymous with the transformation of Communist totalitarian societies into democratic ones.

Historic traditions, religion and ethnic questions play a role in the post-Communist transition. Political institutions and mechanisms that have emerged in various countries thus reflect more—and less—than the often proclaimed desire to build democracy. As a result, democratic mechanisms, such as freely elected parliaments and free elections, have produced widely divergent political and social results. While some countries have evolved toward Western-style parliamentary democracy, established stable political parties and lay the foundations of the rule of law, other countries have introduced semi-authoritarian systems and their political systems have been dominated by populist movements often relying on nationalist programs.

It is often argued that the West should respect these kinds of approaches, which include illiberal elements. The West has been rather firm and united in measuring progress toward democracy—at least at the institutional level. The

Council of Europe, for example, has set a number of specific criteria that the emerging democracies have to meet if they want to qualify for membership in the organization. One is that every member of the Council "must accept principles of the rule of law and of the enjoyment of all persons within its jurisdiction of human rights and fundamental freedoms." Most of these freedoms and rights are listed in international human rights covenants, such as the European Convention on Human Rights and its Additional Protocols. One specific set of rights that each member has to observe are the rights of ethnic minorities, including the right to education in one's own

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language. In general, no country can become a member of the Council until it adopts a constitution guaranteeing human rights and establishing democratic mechanisms, such as checks and balances between the executive, the legislative and the judiciary.

**Striving for the "democratic spirit"**

Some post-Communist countries have been able to meet the criteria; more are trying to do so. However, even the countries that have made the most significant strides toward democracy still occasionally suffer from a lack of both true respect for the rule of law and what some politicians have called a "democratic spirit." Although the constitutions of countries such as the Czech Republic, Poland and Hungary—that, arguably, have traveled the furthest on the road toward democracy—have guaranteed fundamental human rights and formally enshrined basic principles of the rule of law, their citizens and politicians still often either misunderstand such principles or bypass them.

In the Czech Republic, for example, the lower chamber of the parliament for three years repeatedly failed to establish the constitutionally-mandated Senate (the upper chamber of the parliament). The main reason was the unwillingness of deputies to set up a body that would not only act as a check on their activities but whose members would become political competitors of the deputies. Prime Minister Vaclav Klaus repeatedly cast doubt on the need to establish the Senate, despite the fact that without it the country could have found itself in a serious constitutional crisis. (Under the Czech constitution, the lower chamber substitutes for the Senate in its absence, which means the lower chamber cannot currently be dissolved and early elections cannot be called, should the current ruling coalition fall apart.) The Czech parliament has so far also failed to subdivide the country into regions—a measure that the constitution also requires. The issue here is not (as some

deputies and the prime minister have argued) that the country can function without the regions or the Senate, but displaying a degree of contempt for the constitution and, therefore, for the rule of law.

The Czech citizenship law, on the other hand, is an example of what President Vaclav Havel has called an occasional lack of democratic spirit. The law, which went into effect when Czechoslovakia split, has rendered stateless thousands of Roma from Slovakia who, prior to the split of Czechoslovakia, had resided in the Czech lands for many years but failed to register as residents in the Czech part of Czechoslovakia. The law also requires that anyone who applies for Czech citizenship must have a clean criminal record in the five years preceding his/her application. Many Roma, who, under the Communist regime were frequently punished for so-called "parasitism" (unemployment) and other offenses that are no longer seen as criminal behavior, have thus failed to qualify for Czech citizenship.

This retroactive application of the citizenship law has been criticized by various international organizations. Czech politicians have argued that conditions set by the Czech citizenship law do not violate international agreements. At the same time, it is clear that a larger degree of tolerance and democratic feeling on the part of Czech lawmakers could have spared the Roma their predicament. In fact, it seems that the specific conditions were built into the law with the intention of making it impossible for thousands of Roma to obtain Czech citizenship. Various opinion polls show that most Czechs approve of such harsh treatment of Roma. Some opinion polls even indicate that a majority of Czechs think the country should have two sets of criminal laws: a milder one for non-Roma and harsher one for Roma.

These examples suggest that democracy is not merely a set of mechanisms and institutions but that such institutions and mechanisms must be supported by tolerance, openness and other forms of democratic behavior that can be neither decreed nor learned overnight. The existence of a well-written democratic constitution and basic respect for democratic mechanisms do not necessarily mean that basic rules of democracy have been sufficiently internalized by the citizens and politicians of emerging democracies.

Currently, we can see three groups of post-Communist societies: those that have abandoned the Communist ideology but not necessarily authoritarian (or even totalitarian) practices (for example, some Central Asian countries and Serbia); those that are truly or ostensibly trying to build democratic institutions but, for a variety of reasons, do not meet Western criteria of democracy (for example, Albania and Russia); and those that have met the basic institutional criteria set by Western countries but have not fully managed to "populate" the new democratic institutions with a true respect for the rule of law and basic principles of democratic behavior (for example, the Czech Republic, Hungary and Poland). It is possible that attaining such a democratic spirit is tied to a generational change, as it has to

do with "internalizing" democratic values through long-term exposure and education.

## What is "civil society"?

The process of identification with democratic values, however, has yet another dimension: It is contingent not only on the attainment of "passive" democratic qualities, such as tolerance, but also on active engagement in political and communal life. Active political participation is an important engine of every democratic system. Some post-Communist countries have been able to generate a high level of such participation. None of the emerging democracies, however, has yet attained the level of active participation of individuals in communal, nonpolitical activities comparable to Western societies. This phenomenon is tied to the concept of civil society—a concept that has been hotly debated both in the West and in the East.

In the most general terms, civil society stands for the structures that mediate between the citizen and the state. They include churches, labor unions, business organizations, human rights groups, NGOs, Boy Scouts, etc. Some political scientists argue that a modern democracy cannot function well without a vigorous civil society. Such a 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 modern democratic society requires self-interest and public engagement as well as emphasis on the individual and the community. At the same time, active engagement in communal life is an important "school" for learning democratic values.

Critics of the concept of civil society have sometimes argued that it is a leftist, collectivist concept—an attempt to introduce something more than just a society of free individuals. At the same time, it is clear that no matter what we call the web of civic organizations and initiatives that exist in every developed democratic society, all developed democratic states depend heavily on such a network of grass-root activities and civic organizations.

In post-Communist countries, the concept of civil society has caused a degree of confusion. The debate that has been taking place between Czech President Havel and Prime Minister Klaus perhaps best epitomizes that confusion. While Havel has argued that a democratic system cannot properly function without a civil society, Klaus has argued that the proponents of the concept are trying to create new bureaucratic lawyers between the citizen and the state and are 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 March 1994. "We are interested in a market without attributes, in a standard system of political parties without national fronts and civic movements," argued the prime minister.

Klaus, in essence, identifies democracy with free citizens 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. Accord-

ing to Havel, 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. Havel has argued that the forging of civil society is "the main task of our time." In his view, 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 and varied life."

Havel has also argued that political participation through political parties could not act as a substitute for civil society. In his opinion, excessive partisanship that one can observe in the Czech Republic has been caused by the absence of a developed civil society. Under such circum-

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stances, argues Havel, parties become the only forum where citizens can exercise their right of association. In his opinion, "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." If political parties are not confronted with this environment, they pay a heavy price—they wither away internally.

## What to do in emerging democracies

While in Western societies a developed civil society already exists, and discussions about its merits are more or less theoretical, the future of post-Communist states may to some degree depend on which view of civil society—and, thus, which concept of democracy—will ultimately prevail.

Supporters of civil society in post-Communist countries, such as Havel, fear that a democratic political process reduced to mere democratic mechanisms and institutions is in permanent danger of degeneration. Moreover, a civil society is also an environment in which citizens of newly emerging democracies can learn and internalize those democratic values that they do not necessarily learn when participating in politics. It seems that setting up and actively participating in an organization that, for example, defends the rights of Czech Roma adversely affected by the citizenship law may be a more important school of democracy than periodically casting one's vote or being a party member.

But civil society is an organism that cannot be decreed. Citizens become engaged in society when they believe their public activities can make a difference, or when they find institutions that represent values they deeply believe in. Small victories and successes achieved by various civic associations may encourage those who have stayed away from public activities also to become engaged—thus, the building of a civil society is a gradual and slow process. In most East European countries, citizens are becoming gradu-

ally more involved in both *ad hoc* and permanent initiatives that, for example, want to have an input in making decisions that affect the environment. A number of groups advocating anti- or pro-abortion choices have emerged in Poland in conjunction with the Catholic church's attempts to ban abortion. And throughout Eastern Europe, associations representing both the new entrepreneurs and workers have mushroomed. However, not all civic activities are benign—in Russia, for example, a number of “law and order” groups, often with fascist leanings, have sprung up in response to the government's inability to control rampant crime.

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The proliferation of civic activities has not occurred at the same pace in all countries, for such a process depends on a number of factors, including the government's behavior and traditions. In some countries, like the Czech Republic, the governments have been slow in enacting laws that would promote the growth of the nonprofit sector. 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. The presence of a militant religious or other doctrine can hamper the development of civil society, because such a doctrine often stands in a direct contradiction to it or channels social energy into noncivic activities, such as nationalist or militant religious passions. Serbia and Tajikistan are good examples of this phenomenon. The combination of militant nationalism with tribal mentality (or tribal organization of society) has retarded the growth of civic activities.

Clearly, then, the development of civil society may be a process that many of the emerging democracies cannot fully control. On the other hand, the state can create conditions conducive to the development of such a society; it can, for example, pass laws promoting the growth of nonprofit organizations, introduce some forms of direct democracy, or decentralize government where possible—to give more decision-making powers to people at the local level. However, most emerging democracies are not comfortable with the idea of decentralization; in the absence of stable democratic institutions and mechanisms, such attempts have too often resulted in secessionist movements or in the inability of the central government to implement its policies at the local level. Even the Czech prime minister, whose country is relatively ethnically cohesive and small, has warned against the “unraveling” of the state administration system through decentralization, arguing that during the

period of economic transformation the central government needs to be in control.

In other words, the state can establish the legal and social conditions that would promote, rather than retard, the development of civil society, but in emerging democracies governments often view such measures with a degree of suspicion. Although they are probably aware that creating a legal and institutional framework that would spur the growth of civic initiatives could act as a factor mitigating some serious problems, such as excessive nationalism, they are often worried about activities that they cannot directly control.

It is likely that in the end civil societies in various countries will gradually develop independently of and in spite of governments' will. But that also means that the process will take longer.

Communism was, in some ways, synonymous with the total forced suppression of civil society; post-communism is, in some ways, synonymous not only with the building of democratic institutions but also with the revival of civil society. Until such a society is well-developed and respected, the post-Communist states cannot hope to be viewed as truly democratic societies whose democratic institutions are not in danger of atrophy.

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