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Foreword

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FOREWORD

THE DELAYED RETURN OF PRODIGAL SONS: REFLECTIONS ON THE EMERGING DEMOCRACIES IN CENTRAL AND EASTERN EUROPE

Martin Butora*

Over the past two years, hundreds of people have come through my office, the Human Rights Section of the Office of the President of the Czech and Slovak Federal Republic (CSFR), to report human rights abuses perpetrated by the previous regimes. Notice that I say regimes, not regime. The victims have approached us with matters connected not only to the communist system, but also to the Nazi occupation period, and the immediate post-war years as well. They come with a deep feeling that the powers of the time committed a great injustice upon them or their families; all of them present indisputable claims that justice must now be done. Many of them demand restitution of property or financial compensation in addition to moral or personal vindication. Some of them bring contemporary complaints: the rate of change is too slow and the old power structures and mafias continue to exist, or newly adopted legislation discriminates against them. Still others have come only to share their feelings of despair and injustice: to relate the traumas of lost years of their lives and wasted opportunities.

Unfortunately, many of these people leave my office unsatisfied or disappointed. Sometimes they walk away empty handed because their

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concerns simply were not within the jurisdiction of the President. More often, however, these people are discouraged because it is extremely difficult to remedy their grievances. The totalitarian or authoritarian systems produced mountains of suffering and injustice but to right these wrongs today could have harmful effects. How far back should we go to correct the wrongs of the past, notwithstanding the despairingly limited resources of the state to meet the demands of "the humble and the offended?"

The investigation into the facts of these claims is the study of the collisions between human lives. Human fates collide with each other in much the same way that the fates of nations have collided and intermingled to create the firestorm which is the history of Central and Eastern Europe. If it is true, as someone once said, that Europe has produced more history than it can bear, then here, in this corner of Europe, that is doubly true.

Indeed, this territory presents a mosaic of so many mutually interlocked nations, that political formations arise only with difficulty, and very often, as obstacles to each other. One event strikes a second; the victory of one is a defeat or a detriment to the other, even though it should have been clear long ago that victory or defeat can never be definitive here. This region cannot tolerate victory in the manner of the North over the South in the American Civil War. It is certainly no coincidence that today's freely elected Hungarian parliament consists of not only authors and philosophers but also about forty historians. Moreover, the Hungarian Prime Minister, Foreign Minister, and Defense Minister are also historians.

The generation whose representatives or descendants present themselves at the doors of our office, what has this generation has lived through?

- * The expulsion of the Czechs and the Slovaks from their homes after the Munich and Vienna accords;
- * The Nazi terror after the occupation of the land in 1939, forced labor in Germany;
- * The Aryanization of Jewish property and the deportation of the Jews;
- * The concentration camps;
- * The participation in the war of the Slovak State on the German side;
- * The Nazi brutality during the suppression of the Slovak National Uprising;
- * The activity of domestic quislings.

Furthermore, especially when the fronts changed, this generation experienced other excesses:

- * The forced dragging away to the Soviet Union of individuals who were not necessarily traitors or collaborators with Nazism;

- * The "wild transfer" of Germans after the war;
- * The application of the principle of collective guilt on the German as well as the Hungarian minorities and the evacuation of Germans from their homes;
- * The transfer of Hungarians;
- * The Communist takeover in 1948;
- * The Stalinist terror under Gottwald, camps, trials and executions;
- * The suppression of Slovak "bourgeois nationalism";
- * The forced collectivization of agriculture;
- * The expropriation of property;
- * Political screening and expelling people from work;
- * The Soviet occupation and the subsequent period of "normalization";
- * The persecution of the Charter 77 signatories and other dissidents;
- * The suppression of religious life;
- * The corruption of high party officials and state officials, thievery of the state;
- * The "Truncheon Law" of 1988, which gave police the right to strike protesters;
- * The break up of demonstrations in 1988 and 1989 in Bratislava and Prague;
- * The all encompassing power of State Security hunting for collaborators among tens of thousands of acquiescent and accommodating, but also broken and blackmailed.

Against this backdrop were continuous emigrations and escapes, first from the Nazis and then from the Communists.

For the past two years we have been living in the new era of history which many had given up hope of ever seeing: the era of post-communism. Political scientists, sociologists, and sovietologists have been debating for a long time which type of regime should replace Stalinism. Suggestions have included post-totalitarian, post-totalitarian authoritarianism, post-revolutionary totalitarianism, welfare authoritarianism, welfare authoritarianism, neo-traditionalism, and so on. Experts are discussing what frame of reference would be the best from which to understand and study the departure of communism from history. At the same time, politicians from the new governments are facing an urgent practical task: What is the best and most expedient way in which to build fashion a new political, economic and legislative order? This leaves for the lawyers and legislators such important questions as:

- * Should the passage to a new regime be understood in the context of modernization or in the frame of theories of devolution?
- * Was the collapse of the communist system a result of a crisis of legitimacy?
- * Is this a transition through transaction or is it a transition through withdrawal?
- * Is this a a case of revolution or only of restoration?

In any case, it is obvious that rebuilding, or in some cases establishing, a law-abiding state and more generally, the rule of law, is a monumen-

tal challenge. As President Vaclav Havel said in his 1992 New Year's speech,

History has confronted us with a completely unprecedented task: to find ourselves anew, at a time when no foreign power threatens us, when no one interferes in our affairs, when for the first time in centuries we truly hold our future in our own hands. At the moment, we are in the middle of this search. We do not want to go back, we cannot go back and in any case we have nowhere to go back to. No wonder that society is spread with unrest, anxiety, fears, doubts, and, at times, even despondency. This is more than natural. After all, even Christ himself on the cross had doubts about the meaning of his path.

Even though some observers warn that the current transition is occurring in the midst of a severe worldwide recession, no one doubts the basic political orientation of the worldwide transition processes: democratization in the late 20th century includes dozens of countries on four continents (Europe, Latin America, Africa and Asia). Ervin Krauze pointed out that we are witnessing "the highest degree of maturity that Latin America has attained in this century," with the lapse of four "classical" paradigms that dominated Latin American history — militarism, revolutionary and academic Marxism, demagogic populism and the closed economy. We have observed the decline of dictatorships in Africa, as well as the search for a post-civil war consensus in Asia. The collapse of communism calls for a rebirth of Charles de Gaulle's vision of "Europe to the Urals." It paves the way for what Zbigniew Brzezinski prophesied as "a community that would circle the globe eastward from Vancouver to Vladivostok."

Data assembled by Freedom House clearly confirms this global trend over the last 15 years: the proportion of "free" and "partially free" states has been steadily increasing. In 1974, just over one-half of the one-hundred sixty-two states regularly surveyed could be considered free or partially free. By 1987, the figure had moved to two-thirds. The events of 1989 and 1990 only improved these proportions in accordance with a "democratic domino effect" (Hubert Starr), including the process of emulation, demonstration or modelling that has been occurring.

A special risk, however, is connected to the vastness of the region as well as the greatness of the task. Central and Eastern Europe reaches so far that it touches practically all of the "burning topics" of present world politics: the role of Islam; the role of unified Germany; the position of the emerging nation states; the question of hunger, or broadly, the confrontation between the rich and the poor; and the global environmental and resource crisis. The space of disintegration in the neighborhood of Western Europe until now does not have its face, does not have its clearly formulated ideology, a unifying principle: democracy is

often more a wishful vision or a proclamation than a reality. Also, there is no evident power center that would coordinate, and in certain measures, control the others.

Nevertheless, as President Havel says, "we are on the way." The following is a brief summary of some obstacles and snares that may be encountered on this complicated path towards democracy.

There are many levels of the democratization process that one can study: political democracy; democracy and the market economy; external environment and security guarantees; and the building of civic society. This foreword just briefly touches the first level.

At first glance, the governments have achieved a great deal. The new democratically elected parliaments are working toward political pluralism, free and independent medias are exercising their "watchdog" role over governments, and constitutional courts are already active in some countries. Nevertheless, a post-communist period of chaos is more typical than a smoothly functioning system. So we also see an erosion of state authority, parliamentary obstructionism, popular hostility to politicians of all types and to politics in general, signs of anomie illustrated by increasing criminality, and low voter turnout in elections.

There are many factors, some typical of the transition from totalitarian rule to democracy, that make the transition period more complex.

1. Fragility of New Democracies

First, the general fragility of the new democracies still exists. This does not necessarily mean that there is an acute threat of overthrowing the democracies, but rather, that the democracies could be determined to be ineffective and even unjust. I mention here only one, seemingly marginal phenomenon: the broadcasting of parliamentary sessions on national television. Many citizens are simply disgusted with the discussions and quarrels. This is what we wanted? — they ask themselves. After the outpouring of revolutionary euphoria, people are now seeing that the normal political struggle encompasses unfairness and routine. Others find the parliament a "national theater" (Gyorgy Konrad), like watching a play more than watching people at work. And, by the way, in the Hungarian as well as in the Slovak parliament, there has been on display a situation that belongs more to farce than to the democratic process: a member of parliament has not only placed his vote, but leaned over and pushed the voting button of his absent neighbor, with the helpful explanation that he knows the MP's opinions anyway.

2. *Fragmentation*

A very high rate of fragmentation is endemic in this period, at all levels of social and political life. An excessive desire to exercise autonomy is prevalent. Many lower levels of governments, whether they are municipalities, districts, communities, towns, regions, or republics, are grasping for greater powers and looking to increase their range of control. Often, they act without regard for the public good and the interests, functions, welfare and prosperity of society as a whole. The "vertical dimension" is overrated and the associating mechanisms on the horizontal level are missing or are insufficient. Obviously, this does not encourage people to cooperate or teach the representatives and administrators how to concentrate and accumulate resources. In Budapest, the twenty-two districts of the city tried to be autonomous that the Mayor's jurisdiction would have been drastically limited. Prague and Bratislava are undergoing similar changes.

3. *Political Atomization*

An even more unpleasant side of this development is the atomization of the political life scene. As De Gaulle once said, it is difficult to govern the nation that knows some three-hundred varieties of cheese. It is at least as troublesome to rule in a country that moved from a one party system to a country having more than one-hundred political parties and movements. Such is the case in Czechoslovakia before the June 1992 parliamentary elections; forty parties are running in the June elections. It is well-known that the most recent elections in Poland brought twenty-nine parties to the parliament, but it is probably not so widely known that further ruptures and divisions are underway. The social base of many parties is rather unclear and it is all too typical that soon after the elections, many so-called "independent" representatives and new parties emerge.

A recent example of this occurred in Czechoslovakia, where in the spring of 1992, both the Chairman and the Vice-Chairman of the Federal Parliament changed their political garb and joined the Social Democrats, a party which was not able to enter the parliament in the June 1990 elections. Similarly, the Movement for Democratic Slovakia (HZDS), the party with the highest public opinion ratings in the current pre-election polls, is only another attempt to repeat an "umbrella organization" principle on an even wider and more inconsistent basis than in the previous elections. But what counts, above all, is the opportunity to become a part of the parliament.

Needless to say, it is extremely complicated under these circumstances to create coalitions, to appoint the government, and, more generally, to reach the consensus that is vitally important for the continuation of the reforms. Indeed the Spanish model, based on the Moncloa Palace Pact of 1977, signed by Prime Minister Gonzales, the parliamentary parties, the left-wing opposition, and the trade unions, was an unrealistic dream, despite the fact that some remarkable progress has been made in developing tripartite parties in countries such as Czechoslovakia.

4. *New Social Actors*

Unlike southern Europe or Latin America, most of the post-communist countries face an incredibly demanding task: to create new social actors for the current changes, new protagonists for the reforms, and a new middle-class of owners. In the past, the political forms and institutions that have been created in the course of revolutions have only been reflections of the already existing economic processes and relations. As a rule, these political configurations have corresponded to the interests of the existing social classes and stratas. Currently, we see the contrary: the revolution and especially the post-revolution legislature comes as a spiritual agent, and ascends to the throne not only as a lawmaker but also, to a certain extent, as a procreator of new social classes.

5. *Coping with the Past*

All post-authoritarian or post-totalitarian regimes experience, in one way or another, the problem of coping with the past. It is like sailing between Scylla and Charybdis — it is simply impossible to satisfy everyone. Coping with the past consumes a great deal of personal energy and resources. The preoccupation with the past can prevent coping with the present and the future.

In general, the character of the transformation influences the balancing of ethical needs and political constraints. The greater the frequency of negotiations concerning the transition to democracy, the greater the prospects for reconciliation. In cases where the collapse of a system leaves a divided society, the discussions are more ardent, the “persecution syndrome” is more highly developed, and the resistance of the “old structures” is more stubborn.

The Czechoslovak law known as “lustration,” screening public servants for possible connections to the State Security force, the malevo-

lent power structure of the former regime, has had its passionate supporters as well as its embittered opponents. The law applies to elected, appointed or assigned officials in high-level positions in the state administration, and members of the army, police, and other such institutions. Some people criticize the reliability of the State Security data. They feel that lustration is harmful to them and they claim their innocence. Other people state that they were not aware of being registered as collaborators. They request court procedures to deal individually with each case of involuntary cooperation, such as in the case of blackmail or other types of forced compliance. The law is also problematic because it holds former high-ranking functionaries of the Communist Party accountable for their actions. Among them are individuals who later changed their opinions, having been engaged themselves in dissent, or as active participants in the "Prague Spring" reform movement of 1968.

The fate of lustration is unclear. A number of cases under this law have occupied the attention of the public and media, and one can expect that the impact of the law will be exaggerated, used, and misused in the election campaign. President Havel, while deeply aware of the necessity to cope with the past and to conduct some moral accounting, is rather reluctant to support the current version of the law and has proposed several amendments. Also, ninety-nine deputies of the Federal Assembly petitioned the newly formed Constitutional Court requesting the invalidation of the lustration law. This controversial dispute will not be resolved by the Constitutional Court before the June 1992 elections.

6. *Frustrated Expectations*

Predictably, two or three years after the revolution, the feelings of disillusionment, dissatisfaction, apathy and distrust are widespread. To a certain extent, the radical appearance of some proponents of lustration is a result of their frustrated expectations. Many of the disillusioned believe that the removal of the members of the old structures from their positions of power is slow or is not taking place at all. They claim that the former "mafias" are raising their heads again, now having legalized their stolen capital. The starting line, they say, has not been equal for all: the former aparatchiks and other obscure, morally dubious persons devoted to the previous regime have had advantages. For example, in the small privatization program underway, they argue, one can hardly speak of an "equal opportunity" principle.

This is only one source of apathy. The disenchantment, similar to the phenomenon of "el desencanto" (disillusionment) in Latin America in

its first years of democratization, is also connected to rising unemployment and diminishing buying power. Regardless of the fact that the new leaders were elected through democratic procedures, many of their former voters today do not believe in them and consider them egoistic, arrogant, incompetent or corrupt. The old unhappy controversy between "WE" and "THEM" surfaces again. All this creates, as Samuel Huntington convincingly described, an "*authoritarian nostalgia*" where people lead themselves to believe that the previous era was perhaps better after all.

Even if the political mood in Poland, Czechoslovakia and Hungary is far from ecstatic, public opinion polls show that the majority of the population does not dream of restoring the non-functioning communist system. The daily television reports from other East European countries and states, especially those from the former Soviet Union and from the Yugoslavian states, contribute to the "raising of consciousness" of the inhabitants. This may come as a surprise to some, but the majority of the population in each of these three countries believes that the conditions over the past two years are "getting better."

One of the inevitable consequences of authoritarian nostalgia is a popular demand for "real" leaders. The citizens hunger for men and women who would reduce their stress, their feelings of uncertainty and their cognitive dissonance. This hunger for order opens the door to populism. Populist proposals always sound attractive, but the important question is, how will the so-called "Silent Majority" react to them? If the populist vectors move the majority of the voters to the populist politicians, then this silent majority becomes dead weight on the changing society. This is especially dangerous where populism leads to nationalism.

7. *Nationalism*

The phenomenon of nationalism is undoubtedly a serious threat to the establishment of a healthy and stable political democracy. This danger has already been widely analyzed, so that today we know plenty about the possible Lebanonization of the Balkans and the Balkanization of East Central Europe. Nationalism has led to Vietnam-style conflicts and Afghan-like wars in some states of the former Soviet Union; it may lead to the possible Quebecization or Belgium-like hyphenating processes in parts of the post-communist world. Most importantly, from nationalism we have seen war and violence with all its cruelty, irrationality, and hatred.

From a global perspective, it is useful to consider the current trend as the final stage of swollen nationalism that has emerged after the crash of the great empires, especially following World War I. Thirty-two new nation-states and eighteen autonomous regimes have been established in the last ten years. Just since 1989, these acts of self-determination have improved the "nationality status" of over one-hundred ninety million people, while some one million have been expelled or forced into exile.

Recognizing this trend, it is crucial to learn how to cope with it. Czech and Slovak politicians, for example, are criticized for participating in endless and tiresome negotiations about the future of their coexistence. I would prefer tiresome bargaining, any day, to the several thousand deaths in Northern Ireland over the past twenty-two years, or the hundreds of victims of attacks from Basque separatists in Spain.

We should keep in mind that some newly created states not only face renewal but also a complete restatement of identity: they suddenly have become the subjects of history, not the mere objects of their more powerful neighbors. Some of them are not sufficiently prepared to operate within this new identity. The violence evidenced in Serbo-Croatian and Armenia-Azerbaijani interaction is certainly not the only possible form of dialogue. The democratic development of an independent Ukraine as well as the positive engagement of unified Germany are among many precursors to the future stability of post-communist Europe.

International engagement at every possible level, such as in the United Nations, the European Community, and the Conference on Security and Cooperation in Europe, is absolutely crucial. International bodies should not only be utilized during times of war, but should also be active parties to the resolution of peace-time problems, such as refugee and other immigration issues. Even more vital is the re-evaluation of the role of NATO. Its new role could be not only to provide defense from outside dangers but also to provide security guarantees among its member states. The Central and Eastern European states, which could be integrated into NATO over time, would greatly appreciate this new role for NATO.

Efforts have been made to draft international guarantees protecting the position of national and ethnic minorities. Specifically, there are attempts to guarantee minorities their free cultural and civic rights, and good relations with their mother country, as well as to encourage their loyalty to the state where they live and where they want to feel at home. Here again, the internationalization of existing or prospective disagreements is the most suitable tool for stability.

8. *Professional Administrators*

Another critical problem is the severe shortage of professional senior administrators in public service. The post-communist countries have difficulty providing adequate responses to offers of assistance. Those in public service are often incompetent, corrupt and undereducated. These weaknesses pervade vital professions such as law, finance, and economics. While the average qualification potential is, at least in Czechoslovakia, rather high, there are not enough managerial incentives to attract and motivate sufficient numbers of qualified employees.

9. *Political Culture*

The political culture of the new leaders, parties, and decision-makers must still be developed. A sense of balance is often missing. Among other problems, the new leadership faces a number of dichotomies.

(a) The desired rapid rate of change and the necessary gradualism of the transformation

Some issues simply cannot be solved immediately. Step-by-step procedures must be followed, and if an adequate solution is unavailable, then the issue may have to be put aside for awhile. Desires for rapid change are reflected in the colossal amount of parliamentary work which has been accomplished. For example, the Hungarian parliament has passed an average of one law each week and the Czechoslovak Federal Assembly has passed almost 170 laws during its first two years.

(b) Hesitancy in solving problems and impulsive changes

Another typical dilemma is hesitancy in solving problems. The helplessness and confusion of the Russian leadership on economic reform so often mentioned by Bogomolov inhibits the progressive, pro-democratic forces. In opposition to this hesitancy is the tendency to adopt sudden radical measures (e.g., liberalization of prices) without the necessary support mechanisms, implementation of which would take much more time and effort.

(c) Instant liquidation of problems and bargaining over changes

Another controversy lies in the "syndrome of purification," the tendency to liquidate a problem with a quick fix and then to follow liquidation with a search for a definite solution. On the opposite end of the spectrum are those solutions which call for negotiation and bargaining.

Because of the time involved in negotiation, many politicians are eager to adopt "purification" policies. Too many politicians are still unaware that there are no definitive winners or losers in this region; and that any "purification act" can, in the long run, prove to be counterproductive. On the contrary, the ability to work together with others, to find a political consensus is a condition *sine qua non* for the future of democracy.

(d) Balancing economic reform with social responsibility

The social dimension of reform is a problem in those nations where the legislature focusses exclusively on economic reform. With the horrible heritage of state paternalism, it is understandable that many authorities stress the importance of the market, free trade and radical economic reform. On the other hand, underestimating the social side of reform can create a political atmosphere in which the population becomes critical not only of economic reform, but also of democracy as such. The rebirth of social responsibility, the restoration of some basic discipline in social life, the protection against the misuse of freedom — these should all be priority items on each politician's agenda.

(e) Differentiating the government from the leaders

Finally, the determining factor as to whether a new democracy survives or not, as Huntington points out, is "not primarily the severity of the problems [the leaders] face or their ability to solve these problems. It is the way in which political leaders respond to their [own] inability to solve the problems." For the public, it means the ability to "distinguish between the regime and the government of rulers." It logically follows that the public is responsible for changing the leaders if its discontent is broad and general. The political leaders, on the other hand, must be responsible for maintaining a steady and continuous dialogue with the public. The leaders must also express ideas and policies clearly and convincingly. Seemingly self-evident, it is unfortunately far from obvious to many of the intellectual elite of the first generation of leaders.

10. Positive Images of Democratization

What is urgently needed in politics are positive social patterns and positive examples of the democratic transformation. The population needs to see and believe that democratization is possible. I think Brzezinski is correct when he considers it a central strategic priority

“to ensure that Hungary, Poland and Czechoslovakia consummate a successful, model transition to pluralistic democracy.” As soon as these countries join the ranks of the stable nations of Europe, they will serve as positive role models for those still working toward stable democracy.

The ten points above, discussing the obstacles and problems in the period of transition, deal more with mechanisms and principles than with persons and human beings. It is not upon the principles alone, though, that democracy is built. Democracy is not some Hegelian-like fulfillment of an abstract thesis. Democracy is built for people, like those who come to our Human Rights section seeking advice, empathy and help. To minimize possible negative impact of well-intended democratic ideas and procedures, the policy makers must occasionally reflect upon the goals of democracy. Those who govern must never forget that politics and laws serve the people.