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The Normative Foundation of the Polity

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CONTENTS

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INTRODUCTION

I.   The Conceptual Indeterminacy of Basic Normative Concepts – and their Relevance

The establishing of basic legal, political, economic and socio-political institutions in the post-communist societies of Central and Eastern Europe is to a large extent completed. Not in all countries concerned the simultaneous transition to a democratic political system and a capitalist market economy has been able to satisfactorily resolve the extraordinarily difficult problems of social integration and consolidation. However, all developments seem to indicate that they are taking a foothold and that a return to a communist system is highly unlikely. Also Romania, where the perpetuation of semi-authoritative or semi-democratic conditions seemed possible, has made the step towards a full-fledged democratic system in the presidential and the parliamentary elections of November 1996.

In order to better assess the durability and stability of this stage of developments, the situation of "inner transformation" requires closer scrutiny. This calls for the study of the conditions under which the populations of the post-communist countries of East and Central Europe are familiarized with and integrated into the emerging political, economic, social and cultural institutions. Have the democratic, constitutional and market institutions established after 1989/1990 been accepted or, rather, are they felt as being superimposed "from above" or "from outside"? Are they alien to the individuals' experiences and expectations of a free society to which they aspired in 1989/1990? Can they identify themselves with these institutions? If not, this would certainly constrain these institutions' capacities to fulfil their regulatory and transformative roles.

One of the basic premises of the institutions of democratic polities is the

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requirement of public justification of policies. This applies particularly to those policies (such as social, economic, tax policies) which have major distributive effects and produce winners and losers. This is likely to trigger a competition of public arguments and justifications among the several interest groups which struggle for the political realization of their respective distributional pattern of the society. It is a truism that polities which lack legitimacy cannot survive in the long run. We suggest a more specific version of this insight: Polities that do not meet the standards of normative justification of their policies which their institutions require are inherently instable. Thus, there is an inherent connection between the establishment of the institution of a liberal-democratic polity cum market economy and the quality of the discourse about normative principles.

This assumption was the starting point of a conference on normative foundations of post-communist polities in Central and Eastern Europe organzied by the ZERP in January 1995. Most of the participants came from CEE countries, but a sociologist from Istanbul enlarged the view on the topic of justice, solidarity and citizenship by his perspective from the geographical and cultural borderline of Europe. Philosophical and sociological inquiries about both principles of justice and ideas of solidarity in the framework of modern Western industrialized societies are quite numerous (philosophical works: Rawls 1974; Rawls 1993 [Liberalism]; Barry 1995; Habermas 1994; sociological inquiries: Uusitalo 1985; Müller/Wegener 1995; Haller/Mach/Zwicky 1995). Next to the structural property of democratic pluralist societies to engage in a permanent process of self-reflection about their institutional and normative foundations, probably a more critical reason for these normative discourses is the challenge of their basic ideas of justice and solidarity by two consequential instances, namely the obvious crisis of the welfare state and the supra- and transnational challenge of the nation-state and its established ways of policy-making. Both conditions are of lesser relevance for the CEE countries, and yet, the economically most advanced Member States of the EU have served more or less explicitly as models for the social reorganization of the post-communist countries, even though the West European welfare state is rightly considered to be a remote future target. But also in many other respects the conditions of the post-communist countries of East and Central Europe are extremely different from those of their Western patterns. Not only the far less developed material or physical state of the East and Central European societies makes the reception of the normative principles from Western Europe difficult. The differences are further deepened by the moral infrastructure which the Central and East European countries inherited from communism, namely the combination of the normative ideas of egalitarianism and solidarity with the

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thoroughly autocratic structure of the communist regime. However, to a certain degree this imposed communist ideology of egalitarianism and "solidarism" corresponded with the pre-communist authoritarian traditions of the most backward, formerly agrarian countries for which communism had become the industrializing (albeit not necessarily modernizing) force (Dahrendorf 1990: 108; Elster/Offe/Preuß 1997).

Hence, it is a promising project to examine the question whether these societies, having adopted the liberal societies' constitutional framework of a market economy, also embraced their underlying normative principles about the just distribution of resources and life chances, or whether they modified them according to their special conditions. The often noted fact that, e.g., in the post-communist constitutions of Central and East European states economic and social rights play an important role (Sunstein 1993; Elster/Offe/Preuß 1997), whereas they are turned down for the most part in Western Europe and the United States, could be an indication of the existence of distinct normative ideas on justice, solidarity and citizenship in post-communist societies.

Obviously the concepts of justice, solidarity and citizenship cover a broad range of possible meanings, and this semantic indeterminacy is an inherent element of the analytical problem. Depending upon the historical, cultural, political and economic context, the same word may cover very divergent, perhaps even opposite meanings. Still, in order to find a common ground for discussion we agreed on some minimal definitions:

1. The concept *justice* which we discussed in the context of the conference was restricted to commutative and distributive justice. We set aside retributive justice although this issue is clearly a core problem of the post-communist societies which have to cope with the question of how to treat the old elites and to rehabilitate and compensate the victims of past injustice. In order to avoid an overload of the conference, we decided to dismiss this very special and at the same time rather extensive topic.

2. Commutative justice embodies the principles of exchange between individuals or groups. The principles of what is accepted as a "just" exchange differ considerably, ranging from purely procedural rules of voluntary transactions (Nozick 1974) to the substantive principle of equivalence. The justice of market transactions is normally measured by the criteria of commutative justice. Thus, part of the smooth operation of the market institutions is a basic congruence between the institutional equipment and the concomitant concepts of (commutative) justice.

3. Distributive justice includes the principles which determine the distribution of rights, duties, resources and benefits of the society among individuals and groups. Here, too, we can distinguish procedural from substantive concepts. For instance, according to some authors distributive justice requires a distribution upon which persons in a procedure guaranteeing impartiality under mutual respect of their rights of freedom and equality would agree (cf. Frankenberg 1996: 20). According to this modern understanding, justice is not an objective condition, but the result of a discursive process, in which a great number of more or less rationalized normative premises of the participants enter the discourse. Therefore, an analysis of conceptions of justice carried out as an analysis of the discourse on justice, provides insight into the variety and dynamics of normative notions of justice in the society under study. A substantive version of distributive justice is the famous difference principle in Rawls' concept of justice.

4. Even more complex than the idea of justice is the concept of solidarity (cf. the contributions in the volume of Bayertz forthcoming; Bayertz 1995; the historical dimension is unfolded with Schmelter 1991). For the orientation of the conference the following basic understanding sufficed. The term *solidarity* embodies the entirety of duties which individuals acknowledge towards other persons or groups due to human attachment. Solidarity includes first and foremost moral, not legal duties; of course, moral duties can be transformed into legal obligations, but their fulfilment is no longer the performance of a moral obligation.

5. Solidarity defines the groups and individuals whose needs are acknowledged as requiring consideration in connection with decisions on the distribution of goods and life chances because they "belong" to the society; they are members, not merely a physical unit of the society. Solidarity refers to underlying criteria of social inclusion/exclusion. These criteria define the social conditions and interests which a society views as worthy of consideration. We hypothesize that conceptions of "belonging" determine both the beneficiaries and the basic contents of duties of solidarity, while justice as a universalist concept is not amenable to this in/out-distinction.

6. Finally, citizenship denotes membership in a polity. This, again, may have very divergent implications, reaching from meaning mere passive subjecthood to an almost omnipotent state authority to a rich status of active participation in the shaping of the polity. Or, to mention another dimension, it can be based on ideas of narrow civic nationalism to universalist-cosmo-

politan globalism, depending on the underlying ideas of social belonging and political inclusion.

As we stated above, the concepts of justice, solidarity and citizenship have significant impacts on the character of policies and the functioning of basic societal institutions. Obviously the topic of distributive *justice* plays a particularly important role in the area of social policy. For the great bulk, social transfers are based on redistributive policies that need to be justified. Who obtains which payment under which conditions is decided to a large extent by the predominating standards of justice. Whereas it is conceivable that these standards are not very different from those prevailing in Western welfare states since they largely follow the logic of capitalist economies, it is also conceivable that both the material underdevelopment of Central and East European States and the legacy of communist egalitarianism give rise to very specific discourses on justice.

The problem of *solidarity,* i.e. the understanding of the limits of human attachment and of the resulting boundaries of moral obligations, may occur in all areas of life. Similarly to the case for distributive justice, solidarity also plays an important role in the area of redistribution. Moreover, it can become crucial in decisions about granting or withholding civil rights to certain persons or groups of persons, or, in the domain of international affairs, in decisions about the use of military force for the protection of human rights of suppressed minorities or peoples in other countries. What is more, even in the field of domestic policies the delineation of boundaries of solidarity can become a matter of life and death when, for instance, the allocation of expensive lifesaving medical equipment, goods or services is at stake.

Citizenship is the core category for the demarcation of the people who matter in a polity. Ideally, the basic concepts and institutions of the constitutional state are based on the assumption that those who are subject to public authority have to be its authors; due to their democratic rationale their inherent telos is directed towards inclusivity, while citizenship is prone to a tendency of exclusivity (Preuß 1996). Thus, the tension between the democratic tendency towards inclusivity and the inclination towards inclusivity which is characteristic of the concept of citizenship is likely to affect the legitimacy and the efficiency of pivotal institutions, including the law or the market.

II.   Internal Discourses and External Agenda Setting –
the Role of the European Union

The debates *within* the post-communist societies on the normative implications of the transformation have to be complemented by a set of external conditions. These are due to global and, more specifically, European co-determinants of the transition processes in Central and East Europe (cf. Bönker 1994). Especially, as regards the economic and social dimension of the vast remoulding of post-communist societies into democratic market societies there seems to be much less autonomy than one would expect from freshly (recently) independent States. In order to understand this, one has to take into account a third element of simultaneity besides those of economic and political transformation, that is the institutional and legislative preparation for closer association with the European Union and – in some cases – for the envisaged accession to the EU. This perspective has meanwhile been given a concrete legal framework for ten Central and Eastern European States which have concluded comprehensive so-called Europe Agreements establishing associations with the European Communities and their Member States (Brzezinski 1993; Dauses 1996; Kennedy and Webb 1993; Peers 1995; Maresceau/Montaguti 1995; see also the EU Commission's "White Paper on Approximation to Internal Market by CEECS" (COM(95)) 163 final of 10 May 1995).

Beyond these negotiated and contractualized economic approaches, the legal and economic standards of the European Union serve as a general reference system for the reconstructing of States and societies in Central and East Europe. The dynamics of association between the EC and the Central and Eastern European States seems to unfold in two directions. It is not only that the CEE-States are "ante portas" (Dauses 1996); for them it is, on the contrary, Western European institutions, legislations and political culture which have begun to pass through various "portas" and to have an effect on domestic discourses and political action.

Apart from the economic attractiveness of a highly integrated Single European Market, one will also have to allude to the salient importance for the Central and East European societies of the Human Rights dimension, as being enshrined in the European Convention on Human Rights and being controlled by the ECHR Commission and the European Court of Human Rights in Strasbourg (Gross 1996).

These double effects of the EU serving as a referential system and as a supplier of "models" (for the adoption of foreign models see Bönker 1994: 37

et seq.) for the discourses on justice and solidarity in the Central and East European States on one hand and of the purposeful "importation" of legal and technical standards by means of the Europe Agreements on the other hand are expected to have a great impact upon the "domestic" conceptualization of justice and solidarity. The interesting question is then to what extent and in which areas and with respect to which subjects the aspired political and legal order of the EU sets limits to the autonomy of discourses on justice, solidarity and citizenship and of legislation and institutionalization with regard to these two basic modes of social integration.

Starting from the evident fact of transfer effects of the EU politics, laws and institutional models on the transforming States in Central and East Europe, one can resume the most possible patterns of impact on domestic discourses on justice, solidarity and citizenship in three hypotheses:

1. The first assumption is that of a strong and consistent extension of the EU model towards Central and East Europe, orienting and modelling not only the detailed work of legislation and institution-building but also conceptual debates on justice, solidarity, and citizenship. Certainly not by simple blueprinting, but by "creeping Europeanization" (Laffan 1996: 20) as well as by the overt Europeanization channelled by the Europe Agreements and by various cooperation programmes, most of the CEE-States have begun to transform themselves not only in a post-totalitarian, but also in a "pre-EU" sense. They are, at least in political and legal areas which are relevant for the further approaching to the EU, growingly emulating institutional techniques and legislative policies prevailing in the EU.

2. The second hypothesis refers to the evidence of clashes between the Western model and the Eastern transition reality which foster more or less strong rejection or at least critical questioning of the EU system in its presumed opposition to "autochthonous" traditions and concepts of justice. To comprehend the background of this questioning one has to take into consideration the trade-off which exists in Central and East European societies between the aforementioned ideological legacy and the renewed interest in fundamental rights and values on the one hand, the mainly technocratic and "ideologically neutral" (cf. Weiler 1991) integration programme of the EU on the other hand. As political sciences have observed for the integration processes within the European Union, the emphasis in EU bargaining on *interests*, be they national or sectoral, tends to obscure deeper questions about the *values* that must underpin integration (Laffan 1996: 25). The lack of explicit values makes itself felt even more by the value-searching public opinions in the recent democracies in Central

and East Europe. Vaclav *Havel* has given this uneasiness a concise philosophical voice by describing the Treaty on European Union:

> "I felt that I was looking into the inner workings of an absolutely perfect and immensely ingenious modern machine. To study such a machine must be a great joy, to an admirer of technical components. But for me, a human whose interest in the world is not satisfied by admiration for well- oiled machines, something was seriously missing, perhaps it could be called, in a rather simplified way, a spiritual or moral or emotional dimension. My reason had be spoken to but not my heart." (Havel 1994)

By the way, consciousness has risen in a very similar way among observers in the Community institutions and in the Member States faced with weakening public support of the project of Europe at the beginning of the 90's. Notably the Maastricht ratification crisis has revealed that the absence of value discourses is not only a possible obstacle to the extension of the EU order towards Central and East Europe but also a problem of acceptance within the EU itself. Apparently, the European Union must address the issue of "values" because shared objectives have been of immense importance in the history of integration (Laffan 1996: 25).

3. The third hypothesis offers a middle path of reception of laws and models between full compliance and strong rejection. Its idea is that of an impact situation split between the market issues which tend to become legally and politically developed in line with the Europe Agreements, and the non-market dimension of justice, solidarity, and citizenship which tends to re-sist the rationalities of market and privatization. Nevertheless, the distinction may seem somewhat artificial. Because of undeniable interlinks it might well be proved that political and legal discourses and paradigms in the CEE-States do develop in significantly distinct ways depending on whether they are primarily concerned with economic privatization and organization of markets or with issues of justice, solidarity and citizenship.

These introductory remarks do not claim to summarize or to represent the ideas which were discussed on the conference. Rather, they are intended to sketch the analytical framework which inspired our decisions about what should be discussed and who should be invited. In what follows we present a selection of the papers which were presented at the conference and which, we think, merit the attention of academic and political circles far beyond the group of the participants of the conference.

We want to thank the authors for allowing us to publish the papers, and for having been so responsive to our suggestions to make a few revisions of their papers. Finally, we want to thank the European Commission for sponsoring the conference.

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NORMATIVE SELF-UNDERSTANDING OF POST-COMMUNIST SOCIETIES:

SOLIDARITY WITHOUT LIBERAL RIGHTS

OR LIBERALISM WITHOUT COMMUNITARIAN GROUNDS

OR FROM CHAOS TO UNCERTAINTY[1]

Introduction

Controversies which characterize the transformation taking place in East Central Europe – the process of formation of constitutions, legal reform, transformation of the economy – may be illustrated by two standpoints regarding the fundamental principles of social organization, and fundamental ideas importing normative meaning into it. These are ideas of solidarity and communitarian values and of the classical liberal ideas of individual freedom and liberty. In the political discourse the first ideas, which stress the primacy of solidarity and communitarianism over individual freedoms and liberties, have been clearly emphasized in declarations stressing the community of workers, the value of national or religious bonds expressed in the collective pronoun "we", and ideals of some "organic" unity which seem to overshadow the classical universalist, "leftist" social democratic ideals of social justice.[2]

Reading then once more a book devoted to the analysis of discourse of "Solidarity" in Poland, one meets statements regarding work as a "...mutuality, a consensus, a multilateral belongingness. Work that makes a community" (Tischner, 1981).

Ideas of Communitarian values and solidarity are repeatedly expressed by the Polish Catholic Church, in letters of its bishops, and in proclamations of its particular representatives.[3]

Contrary to such ideals of community and comradeship, the famous

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proponent of the primacy of individual freedoms and liberties expresses his creed in the following way:

> "Some people want to use the end of communism to form something more than 'only' a free society. (...) For them, it is not enough that we have here free citizens, because they would like to have better citizens. They pretend to know how to improve us; to know what is wrong within us and why. We are too materialistic, too egoistic, too short-sighted, too bound to our own interests. They do not think that unfettering the man from different fetters was enough. They would like to transform not only how social institutions and principles function but they would like to change the people themselves." (Klaus, 1995)

These two distinct ideas of worker solidarity and of liberal individualism have a considerable motivational and normative potential. Both of them potentially form an ethical paradigm of transformation. To use Zygmunt Bauman's apt concept, both of them also have a potential to provide the activities of societies undergoing transformation with a moral impulse, in this way motivating personal efforts and sacrifices (Bauman, 1993).

However, according to the main arguments of this paper, initial faults inherent in the popular understanding of both ideas lead to normative and moral uncertainty. Here special attention is paid to the often underdeveloped, sometimes idealistic, and usually one-sided nature of reasons and arguments. This is notably visible in the "romantic" character of collectivism and communitarianism, when it is not supplemented by clear and well-protected individual rights in the modern, complex society. Another point of concern is reductionism of individualism and its incompatibility with the complexity of economic transformation, when it is not accompanied by arguments defending institutions and networks of the modern civil society.

This paper is then mainly about ideas, metaphors and discourses, and the emerging institutional reality after the collapse of communism. In other words, this paper is about ways in which the new order – above all the economic order – is constructed.

How these things are done depends on three types of factors: (1) on the interests of the main actors of social processes, (2) on their respective inherited behavioural patterns, non-questionable ways of thinking and patterns of action, and (3) on ideas which supply social processes and human action with reasons and values. The paper is focused on the relation between ideas and action, reflected in the institution-building processes, without neglecting the interests and inherited ways of life and tacit mundane knowledge possessed by societies undergoing transformation. Especially at a time of transformation, at a time of growing chaos and uncertainty, it is the ideas and reasons which enable social actors to define their interests, to import new meanings and to revise traditions,

to deal with the personal effects of transformation, and to translate goals and aims into rights and mechanisms of conflict resolution. The ideas help to form the constitutions of the emerging democracies: to construct an ethical paradigm of transformation and to enable the society to order and to understand the transformation.

In the first section of this paper some of the most common contradictions and ambiguities concerning the main ideas, especially with regard to economic transformation, will be presented. In the second section the normative aspects of the emerging institutional frameworks of economic transformation will be analyzed in order to touch upon some explanations of the disappointment with the main ideas of transformation and their institutional incorporations; in the third section some conclusions concerning the idea of liberalism in post-communist reality will be drawn.

1.   Transformation without Public Morality?

Current political debate taking place in Poland as well as, for instance, in the Czech Republic, focuses on the social disintegration, the disintegration of values, ideas and mechanisms responsible for the formation of the modern moral community as a synonym of the modern polity.

In Poland these debates focus on the fact that in the first five years of democratic rule the Poles have not been capable of reaching a basic consensus in relation to creating and passing a new constitution, to finding a consensus regarding reprivatization[4] and privatization, as well as to lustration and decommunization. With respect to the last matter, it is supposed, there is the "tacit conspiracy" of the former communist officials. This conspiracy is facilitated by an incomprehensible social indifference and a general attitude of forgiveness of the past by main members of the democratic opposition.[5]

In the Czech Republic, the key figures in political life, President Vaclav Havel and Prime Minister Vaclav Klaus, also act as the key participants of the dominating current political debate. This debate concerns public morality, the lack of ideas promoting the development of civil society, and the social indifference to values and goals outside of those related to economic freedom and personal profits.[6]

Generally, such a debate is focused on the main social costs of transformation processes: a growing level of social insecurity on the one hand, and alleged widespread greed and egoism, especially, but not uniquely, the

greed and egoism of the public functionaries and other beneficiaries of transformation, on the other.

The emerging institutional reality as well as social praxis is axiologically uncertain, and even contradictory. The main ideas being discussed do not reflect and do not resolve the main problems and growing contingencies and ambiguities with which the societies undergoing transformation have to cope. They also do not resolve and do not respond to questions dealing with an important legacy and which are relevant to tradition of the societies in East Central Europe. Moreover these ideas are not at all compatible with the main notions of solidarity and individualistic liberalism. Such an argument concerns the very nature of the leading ideas of liberalism and communitarianism, the role of the state in the transformation process, the law as a main vehicle for the changes, and the rights of participants of transformation.

It is argued that the system introduced by communists after the Bolshevik revolution was modelled against the ideology of liberalism: That which Marx himself despised and that Lenin liked to call "rotten liberalism", with all its core value of negative freedoms and liberties, rule of law, independent judiciary, free market and tolerance, was a prime target of the communists (Krygier, 1994, p. 151).

Hence, not astonishingly, after the collapse of communism the liberal ideas formed a paradigm of transformation, modelled this time as antidote to the Bolshevik totalitarianism and also in accord with the *Zeitgeist* of the Eighties (Adam Michnik, 1991, p. 70; Jacques Rupnik, Pierre Kende, 1988, p. 3-12). However, in response to the imposed anti-liberalism emerges what a historian of social thought, Jerzy Szacki, calls a broad negative concept of liberalism. This concept maintains rather vaguely conceptualized minimal liberal principles (Szacki, 1990, p. 463-91, 1994, p. 6 -21). These principles are, first and foremost, the freedom of speech, of movement and of association and also, but not at all self-evident, the freedoms and liberties related to individual economic activity; all formed an important intellectual and ethical framework of post-communist transformation.

Institutionalized as rights and incorporated in constitutions, these fundamental principles had a dominant normative character in post-communist society. These were expressed in the constitutions which usually stipulate all liberal freedoms and liberties, from the freedom of speech to the protection of private property. However, they represented only a basic foundation. As such, they had to be developed and interpreted in societies which had not been able to cultivate this over the centuries as other Western societies had developed modern liberalism. By cultivation I refer to, on the one hand, the development

of ideas, and, on the other, the slow process of institution building compatible with the ever more complex, demanding and contingent markets and democracies, as well as with growing social pluralism.

Moreover, this minimal concept of liberalism had to be interpreted in societies which displayed a chaos of normative expectations, in societies in which the private citizen showed distrust of the public sphere and the state, but who at the at the same time was largely dependent on the state as a political organization of civil society. The rudiments of liberalism had to be developed in societies characterized by their instrumental and a narrowly positivistic concept of law. In these societies the rule of law (or rather the *Rechtsstaat*) was used more often than not as a means of economic transformation. The liberal rudiments will be applied in societies rebuilding their economy in accord with a free market model, while at the same time trying to cope with the legacy of the communist economy with its inefficient enterprises with the ideology of jobs for everybody and a completely dysfunctional social welfare system. Finally, the liberal minima are to be implemented in a normative environment characterized by the vast range of clearly defined social welfare privileges stipulated in constitutions (Sunstein, 1992). The normative chaos is clearly visible in promises made by political parties, which are accused of being "syncretic and opportunistic" so that the whole debate over their programs turns into a "hollow exercise" (Kabele, 1995, p. 77).

The leading paradigm of transformation is based not only on the incoherent concept of rights and of the law, but also on the incoherent and even contradictory concept of the state and its functions, which makes the role of the state as a main agent of transformation all the more difficult to fulfil. Here the *laissez-faire* ideals of the minimal state are juxtaposed with the vivid traditions of an authoritarian protective state, with the historical influence of the model of the German *Sozialstaat*, and with the legacy of the socialist welfare state, a source of the still valid and socially supported socialistic privileges (Narojek, 1991).

Further, such traditions overlap with the confused legacy of distrust toward the state – especially characteristic of Poland – and simultaneous dependence on it.

According to a Polish sociologist then, "Nowhere and never before was the opposition of civil society and the state, the people and the rulers, 'we' and 'them', so clear-cut and radical. In the case of Poland the polarization was enhanced by a sequence of historical circumstances; (...) producing a strong stereotype of the state as something entirely alien, imposed and hostile" (Sztompka, 1995, p.6).

Certainly such an observation is true, but it needs to be supplemented by the quite contradictory arguments concerning the strong nationalistic traditions characteristic of the region, where the concept of state functions as a synonym for that of nation, and in which even the economic reform had decisively nationalistic motivations.[7]

Moreover, transformation of the whole system which is taking place in East Central Europe depends on the strong state as a leading agent of transformation, and it is actually implemented "from above" by governmental agencies.[8]

Finally, the minimal liberal principles had to be implemented mostly by members of the former democratic opposition, who themselves have been strongly disposed to fight for and protect such freedoms and liberties as freedom of speech and of association. However, the former democratic opposition had little understanding of economic freedoms and liberties. Also, support found in economists who understood only the utilitarian and consequentialist arguments for the implementation of a free market, especially of austerity measures, did not help to promote individual rights (Skapska, 1993).

2.   The Idea of "Citizenship-Based Privatization"

With regard to the post-communist societies, the argument concerning their emerging normative and institutional framework is twofold. It is maintained that if the emerging institutions lack well grounded guarantees of individual negative freedoms and liberties, then the space for unchecked fight of collective vested interests would be open. On the other hand, however, protection of negative individual rights, freedoms and liberties in the context of the modern, highly complex, globalizing societies requires the reconceptualization of the relation between the individual and the community. Otherwise the society runs the risk of growing disembeddedness of institutions, of "privatization" of public life, and of unchecked egoisms and further disintegration of social norms.

This argument will be illustrated by the example of the institutional framework of privatization of the state-owned economy as a process focusing not only on the economic, but also on the political and social normative dilemmas of transformation. Special regard will be paid to rights of participants of privatization, sources of law, mechanisms of conflict regulation, and the social and political context of privatization.

In that respect, the ideology of universal individual rights is juxtaposed with the ideology of collective benefits, the individual interests are contrasted with the collective interests, and the mechanism of conflict regulation linked with democratic procedures based on the rule of law may be opposed to the system of collective agreements based on the representation of interests of powerful social groups.

The echo of the classical quest for universal individual rights and liberties of rights valid across class, gender and nationality boundaries could be traced also in the ideology of movements initiating democratic transformations in East Central Europe. However, a closer look into the documentation of those movements, notably the documents of the Polish "Solidarnosc", prompts one to observe that the ideology of the biggest social movement consisted of conflicting ideas regarding rights, reflecting basic contradictions inherited from the past, but also characteristic of the modern, complex society. Generally, those documents reflect the general moral and intellectual disposition of the democratic opposition not to question the social welfare rights, but they also reflect the lack of understanding of the spontaneous mechanisms of allocation whose development could be fostered by negative, individual freedoms and liberties. Further, in those documents and announcements, the open-ended concepts of universal rights and liberties have been juxtaposed with the clear-cut substantive, collective and particularistic privileges, predominantly privileges of professional groups, teachers, miners, workers of the heavy industry, etc., inherited from the past and re-emerging in the present (Osiatynski, 1990; Mokrzycki, 1994; Skapska,1993).

Contradictions between the universalistic concepts of individual rights and particularistic ideas of collective privileges are most characteristic of the economic reform. These contradictions stem from a specific legacy of the past. They are linked with the emerging institutional arrangements regulating the reform, predominantly the privatization of state-owned enterprises.

The practical expression and operationalization of classical liberal ideas in connection with the rights of participation in the privatization of the state-owned economies was posed by the project on "citizenship-based privatization" (Szomburg, Lewandowski, 1989). This concept had two features worth mentioning: first the right to unconditional reprivatization for everybody who had been unlawfully deprived of property, next to, second, the equal right to take part in the mass privatization programs. Needless to say the project intended the standard liberal rights to take part in public auctions and direct sales. All of them were considered the most efficient rights enabling an effective allocation and productivity of invested capital.

The aim of "citizenship-based privatization" is manifold. It consists of granting every citizen a positive equal right to participate in the privatization program, that is, it is directed at fulfilling the social claims of justice. It seeks to resolve the question of how to privatize the huge socialist enterprises in a relatively quick and efficient way and finally, it creates new share owners who, using the opportunities of the newly created capital markets, could form a new class of investors.

Citizenship-based privatization has largely not yet been realized in Poland, where the late and extremely modest version of it gives a limited chance to all citizens to participate in privatization. With such a situation in Poland, quite different from that in the former Czechoslovakia, all efforts to implement broadly some very cheap coupon privatization have failed until now. One can say that one main rationale for the implementation of this modest project of coupon privatization was to fulfil particularistic and collective claims and not to appease individual and universal citizens' rights. Presumably then the mass privatization was chiefly to enable the fulfilment of claims of pensioners and public servants for compensation of their salaries and pensions.[9] Moreover, there were decisions by the Constitutional Tribunal which would legitimate such measures. It became clear very soon, however, that state property had been privatized in such a way that the actions would not be enough to satisfy legal claims of public servants and pensioners.

In contrast to the failure of the mass privatization program, employment based privatization proved to be a very popular "privatization path" in Poland.[10] This form of privatization follows the principle of granting privileges to employees of a given company. Each employee may buy a limited number of shares (up to 20% of the whole stock) at a privileged price (20% of the nominal price) or, according to the new privatization law, may obtain up to 15% of the whole stock free of charge.[11] Generally such privileges do not arouse public interest, although they sometimes incite public outrage when it becomes clear that employees of a particularly lucrative company (e.g., a bank) become millionaires overnight.

In order to explain such a turn from universalistic ideas stressing universal citizen and human rights and the value of civil society into particularistic privileges, one has to analyze the ideology of "Solidarnosc" and its social dimension more deeply. Henceforth, one has to stress the strongly communitarian ideology of "Solidarnosc" which was inspired by the social teaching of the Catholic Church (predominantly the Encyclical "Laborem Exercens") and grew out of an environment of a community of workers or employees of a given company. Therefore, studies of this movement indicate that even though it stressed an open-ended concept of human rights of "life in

dignity", it also argued for the subordination, or even substitution, of formal and abstract universal individual rights for collective rights and privileges of the working communities. Moreover, instead of delegated democracy as a way of conflict resolution and of law making, it supported a system of collective agreements which further points to a collective interests-oriented form of economic reform. Such orientations have served to hinder and foil attempts at reprivatization.

Postulates referring to participatory democracy have found their institutional framework in the form of pacts and negotiations between powerful social groups, of which the "Pact on the State-Owned Enterprise under Transition" presented a notable example.[12] Pacts and negotiations currently also function as important sources of law, indirect and external to the Parliament. They enable social groups to communicate. Therefore their institutionalization as mechanisms of conflict regulation and also as the source of law contributes to the broadening of public discourse in Poland. Pacts and negotiations enable social groups to transform interests into rights, in such a way contributing to the reflexivity of law as well.

By the same token, however, institutionalization of extraparliamentary law-making procedures not only serves to strengthen the collective, a working community-based understanding of rights; but creates opportunities for particular interests, i.e. for privileges and benefits to be granted to those who represent substantial economic and political power.

One also has to stress that those who came out of the process of economic changes as winners were not only the official and legally protected, but also the unofficial social groups fighting for their vested interests, such as the members of the former nomenclature. This was made possible by the changes in law before 1989 as well as the networks and connections of these groups (Skapska, 1993). Here, paradoxically, the interests of the working communities and those of the former nomenclature converge.

Consequently there is a danger of public distrust towards democratic institutions, parliamentary procedures and delegated representation. Moreover, institutionalization of negotiations between powerful, organized social groups as *sui-generis* law-making procedures excludes from this process those citizens who are not organized and powerful enough to pursue their particular interests. At another level, institutionalization of collective privileges, won in the struggles between powerful social groups, distorts economic processes of allocation of resources, and possibly hinders the potential efficiency of economic reform. Against this background, one can conclude that in the situation of far-reaching economic transformation of the former communist

societies, the institutionalization of collective privileges based on the ideology of the solidarity of the workers' community may create new divisions in society, if individual rights are not protected. It is a division into "winners" – either people working in the privatized enterprises who have a right to privileged shares, or powerful social groups who are very efficient in protecting or broadening their own privileges – and "losers" – those who have limited hope to gain such privileges. This sheds another light on reprivatization, especially that which is opposed by the working communities, tenants, and those who used their privileged position to appropriate or to buy very cheaply property which had been unlawfully nationalized; the viewing of such policy as being unfair is dangerous to the democratic character of reform. Such dissatisfaction can harvest doubt about the efficiency of reform, subjecting it to the opposition of powerful social groups. As a result, in government, one can observe the growing centralist moods, and in society at large the deepening disappointment with transformation. To conclude what has been already said, one has to stress that community-based rights, if not accompanied by very clear and unquestionably protected individual and universal rights, all too easily become equivalent to privileges won in the struggles between the powerful social groups or sometimes acquired due to pure chance (e.g. one just happens to work in the privatized enterprise as one happens to be a woman or a Pole), or to powerful and skilfully applied rhetoric.

Privatization based on individual, equal rights presents a very different scenario. It enables every citizen to participate in the process of economic transformation. This is captured in the classical liberal scenario of selling all state property to the general public under free market conditions. It is also believed that independent of capital, a quick and efficient sell-out of state-owned property would contribute to improving the building of democratic institutions. It is argued that the new owners will eventually be interested in the control of political power and will tame tendencies of authoritarian excesses. With regard to the mass "coupon" privatization it is maintained that it fulfils expectations of a society which believed in the "national" or "social" character of state-owned companies, and therefore has a great legitimating potential. It is also claimed that mass privatization in particular is compatible with some of the core values of the post-communist societies, predominantly with egalitarianism, and with the popular understanding of democracy as based on equal rights to participate. In such a way, an efficient sell-out of state-owned property, supplemented by mass privatization, shall, according to its proponents, contribute also to the formation of a modern community based on democratic and equal rights of every citizen to participate in privatization.

Both of the aforementioned scenarios based on individual rights raise doubts if they are not accompanied by arrangements protecting mutual responsibilities and mutual social obligations. These doubts are based on the reconsideration of axiological components of both scenarios of modified neo-classical liberalism which are implemented under conditions created by the communist legacy and post-communist transformation. In the emerging post-communist reality, individual greed is visible, for instance, in conspicuous consumption or in business practices that are not very respected, not always legal, but very profitable. Such behaviour is only to a very limited degree deterred by law. Laws are rather weak and inefficient and undergo constant change. In this sense, they do not provide relatively stable and clear rules of the game. The law thus enables, so to speak, illicit deals and does not protect against them.

What is, however, even more important, is that the law does not create conditions which work to limit consumption and promote investments, so as to contribute to employment growth. Business needs have also not been fulfilled, in particular the need for prestige. Such needs form a social basis for the functioning of the free market and contribute morally to the formation of a civil society.

In particular, in post-communist economic transformation, an acute problem of indirect redistribution of wealth appears: i.e., the problem of formation of mechanisms which in liberal economies would promote individual voluntary spending on education, science, art or charity. This becomes a vicious circle, on the one hand, of the ever growing demands of the state budget which fully finances, among other things, health care, education, pensions, unemployment, civil servants wages, and on the other, of the pressures to implement the ever higher direct and indirect taxes. Those demands pose in turn a serious obstacle to the development of legal instruments enabling voluntary contributions to society and to the state's well being, and to the fulfilment of individual needs of respect and recognition.

A factor of at least equal importance in post-communist societies is the disappearance – after fifty years of imposed official ideology of a "socialist morality" – of the customary norms and rules, values, and practices which had made the functioning of a free market society possible. Accordingly, there was a disappearance of the legal and social sanctions which accompanied non-compliance. The weak post-communist state and inefficient law are then not supported by the informal norms and values which are emphasized in a neo-classical liberal model. In this respect the foundation of a market society based on co-operation is lacking integral elements.

Unchecked individual greed is then neither sublimated by law, nor is it subjected or channelled by social norms and customs of public service, voluntary charity, nor is it tamed by ethical or religious principles.

A special concern relates to the mass privatization scenario. Three aspects are of particular importance here: (1) its consequences for the development of property rights, (2) its contributions to the transformation of the state-owned economy, and (3) to the reconstruction of social normativity.

This form of privatization has at least two strong potentials. The first consists in its legitimizing potential: Following John Locke's concept of property rights as legitimate rights, mass privatization based on the principle of equal rights to participate in privatization of property, which has been believed to be "social", contributes visibly to the legitimation of the emerging order and animates the popular conception of "just and fair" privatization. Moreover, mass privatization allows for a relatively quick way of transformation of a state-owned economy (e.g. as in the Czech example of coupon privatization).

A different picture emerges, however, after the closer scrutiny of the normative content of the emerging property rights of the owners of coupons transformed into shares. In that respect, mass privatization represents an example of diminishing property rights whose owners have neither responsibilities nor a "voice". The responsibilities and risks are taken over by the professional and specialized investment funds, and the decisions rest in the expert hands of their managers. So the property rights created by implementation of mass privatization neither resemble the classic property rights, based on the principle of personal risk and responsibility, nor do they introduce some new form of a "civic property" and shared responsibilities of communities involved in the management of property (Alexander, 1994, 1995).

Hence, the mass privatization scenario, although contributing to the fulfilment of important claims of justice, eventually aggravates social divisions into active experts and passive recipients. It does not create social norms of responsibility and active participation. There emerges a danger that the idea of mass privatization fosters the formation of mass, passive, and irresponsible citizens.

Finally, inherited law poses important problems based in legal positivist ideology. These have been left unquestioned by the new governments. This law is based on standards of social justice incompatible with those of a modern market, and with the concept of modern citizenship. Those standards and principles of social justice (declared for instance in Art. 1 of the amended Polish Constitution) still preserve old inequalities, protecting privileges

inherited from the past: They make citizens dependent on the state and do not create conditions for the more active contribution of its communities, free associations or NGOs to the well being of society.

A closer look at the societies undergoing transformation prompts one then to formulate a critical evaluation of the current implementation of projects which are modelled exclusively on the – sometimes naive and, in the described situation, even misleading – concepts of classical liberalism. Firstly, the narrow utilitarianism, the "economism" of such projects shall be stressed, their limitation to the economic freedoms and liberties resulting in the limitations of public discourse and "pecuniarisation of social consciousness". Secondly, the unidimensionality of the concept of freedoms and liberties shall be emphasized, often accompanied by the quite unliberal social stereotypes and ideologies (concerning, for instance, ethnic minorities). Thirdly, these projects neglect the problem of intersubjectivity, of social bonds and their reasons, neglect the fact that post-communist societies lack ethical commitments, moral obligations, responsibilities, or concepts of common or public good, which form the social tissue of free societies: they lack as well a developed legal culture.

3.   The Limits of Classic Economic Liberation in the Face of the Complexity of the Modern World

The argument developed in this paper considers phenomena and processes occurring in societies which generally lack liberal and democratic traditions, but which currently aim at formation of a democratic political system and a free economy. On the one hand, one observes the growing disappointment with the idea of solidarity. The idea of solidarity loses its moral and legitimatory potential. According to the argument of this paper, this occurs because of the lack of protection of individual rights and their subordination to collective interests which seek to legitimize themselves in the rhetoric of solidarity and communitarianism, and which influence the institutional arrangements. Therefore, the source of disappointment with the idea of solidarity and its political and legal institutional incorporations poses an inefficient and, at best, half-hearted protection of universal individual rights.

On the other hand, however, one observes the growing criticism of neo-classical liberalism as, firstly, expedient to the legalization of illegal sources of capital and protecting exclusively the individual, egoist interests, abandoning the problem of social bonds and public interests, and, secondly, as unrealistic

and misleading in the situation created by the post-communist transformation, especially where mass or coupon privatization is concerned. In the second case, the limited content of property rights created in the process of mass privatization is indicated as a serious impediment on the way to the forming of responsible economic agents and citizens. Liberal ideology and the politics of liberal parties are quite often held responsible for the general decline of public ethos, and the growing greed and egoism. Being liberal, in statements made by some officials of the Polish Catholic Church, is simply set equal to being egoist, materialistic, insensitive to the teachings of the Church, and to the Polish tradition of solidarity with the poor, and being generally morally wrong.

In my opinion, the social criticism, independent of the specific interest-motivated rhetoric, reflects, for one, the observable disfiguration of liberal ideas in the emerging institutional frameworks. Relevant institutions are mostly those regulating economic transformation. For another, it reflects the rather poor public liberal discourse which shapes general informal social knowledge of liberalism and which poses a leading paradigm of the institution building process.

In the best case, this discourse is limited to neo-classic economic liberalism and is focused on liberal capitalism. It takes, however, no account of the important moral and social issues concerning the social cohesion and social bonds. It is then a "lame" version of the economic classic liberalism of Adam Smith without his theory of moral sentiments; it is a classical liberalism without the Scottish Enlightenment and the theory of civil society; it is a liberalism without the Kantian categoric imperative and moral arguments for the rule of law; it is without the Alexis de Tocqueville criticism of democracy in a mass society; and finally it is a liberalism without a theory of the public good and of the state.

It is, then, not astonishing that such a limited and "lame" version of classic economic liberalism (it is even called "Darwinian") has been welcomed by the former communist party nomenclature, by the "apparatchiks turned into entrepreneurchiks" who instead of ideology develop their own businesses (Tarkowski, 1989; Staniszkis, 1990).

The discourse on liberalism is furthermore limited with reference to the time dimension. Rhetoric used by its representatives regards predominantly eighteenth century European and American liberalism. This version of liberalis m does not take into account the complexity of the modern world, the disembeddedness of modern social institutions, and the process of globalization. It is a liberalism without consideration of modern conditions for an open society, of the place and concept of individuals facing the complexity

of the modern institutions and risks characteristic of late modernity.

Again, one should not be astonished that such a historically limited version of liberalism has been met with social recourse to communitarian values, predominantly those concerning ethnic and national bonds, group interests, and collective values, with a central purpose of lessening the risks and responsibilities faced by the individual, especially at a time of a deep and overwhelming transformation.

That, however, could result in uncertainty especially where individual rights are concerned, as the analysis of Polish privatization has shown.

No one promised that the process of crafting a free economy and the free society would be quick and easy, especially in societies which have rather limited democratic and liberal traditions. As this paper has been trying to show, for the success of such a process the careful analysis of the content of ideas presented in the political and public discourse and the resulting institutional arrangements are of great importance. Hope relies on clear and impartial analyses of reasons, supporting particular institutional arrangements, and the will to protect individual rights and support the modern civil society.

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1   The paper discusses mostly problems appearing during the transformation taking place in Poland; it has, however, important comparative references, predominantly in contrasting the Polish transformation with the one going on in the Czech Republic.

2   Therefore, a discussion under a typical title such as "Myths of Democratic Capitalism" in the Polish weekly "Polityka" seems to miss the point especially with regard to the current Polish situation. What is important in the Polish consciousness seems not to be democracy or capitalism, but much rather the dreams about unity, cooperation, and a lack of conflicts.

3   Most characteristically the idea and the value of solidarity of workers is stressed by the Church representatives who are close to the working communities of large industrial sectors, for instance of mining. In the sermon given on the occasion of the celebration of the patron saint of miners, Saint Barbara, the notion of a miners' community was emphasized together with the priority of production over consumption. ("Tygodnik Powszechny" of 6.12.1994).

4   The efforts to restitute property rights of persons who were unlawfully deprived of their property, owners of small enterprises or real property evidently failed on November 12, 1994 when the Polish Parliament rejected the governmental project of the bill on reprivatization. The new project limits reprivatization so narrowly that no real claims for restitution of the unlawfully nationalized property could be fulfilled. Reprivatization poses also a difficult problem in Hungary, whereas in the Czech Republic the transformation has the most democratic character, as well as laws of restitution, and the verdicts of the Constitutional Tribunal granting the fulfilment of a broad spectrum of claims.

5   Interviews with the President of the Supreme Court, Adam Strzembosz, "Gazeta Wyborcza", no. 7 of 9.1.1995, and with the Minister of Justice, Vice Prime Minister Wlodzimierz Cimoszewicz, "Gazeta Wyborcza" no. 8 of 10.1.1995, illustrate the helplessness and the impossibility of a reasonable explanation for public disinterest even with Stalinist political crimes. However, the Polish Parliament recently (on 30.6.1995) amended the Polish Penal Code, deciding to prolong limits for the prosecution of crimes committed by the Stalinist political police.

6   Such a debate was especially important in the last months of 1994, as linked with the fifth anniversary of the "velvet revolution". See the extracts of speeches and papers given on this occasion by Vaclav Havel and Vaclav Klaus, in the Polish daily "Gazeta Wyborcza" no. 11, 14.1.1995.

7   As it is stressed with regard to economy, nationalistically motivated protectionism has been especially characteristic of the countries which emerged after the collapse of the Austro-Hungarian Monarchy, and also of the Baltic countries. (Kofman, 1992, p. 15-25).

8   According to Lucja Kwiatkowski Cannon, who has been involved as an adviser to the Polish government on Polish privatization since 1989, especially but not uniquely, Polish privatization poses a top-down process, directed at increasing efficiency and at raising funds for the state. According to this author, the Polish privatization law reestablishes state-interventionism. Similar arguments have been made with regard to Hungary, and also to the former Czechoslovakia (Kwiatkowski Cannon, 1995, p. 7, Sajo, 1994, p. 198 ff).

9   According to the verdicts of the Polish Constitutional Tribunal regarding the indexation of wages of civil servants and indexations of pensions, the budget shall pay back compensation for relinquished indexation to millions of public servants and pensioners. As that would lead to the breaking of the budget, the idea emerged to compensate the debt of the state to the public servants and pensioners in the form of shares in the process of limited mass privatization. Currently the compensation of public servants' and pensioners' claims in the form of shares of privatized banks is being discussed.

10   According to the Polish privatization law, employment based privatization can take a form of leasing, liquidation, and some spontaneously emerging forms of privatization developing because of the lack in Polish law of a leverage buy-out.

11   In light of the amendment of the Polish privatization law accepted by the Parliament on June 30, 1995, as a result of the Pact of the State-Owned Enterprise Under Transition, free of charge shares, up to 15% of the stock, shall be granted to the employees of the privatized company, also if it is privatized by leasing.

12   The Pact of the State-Owned Enterprise Under Transition has been concluded in Poland in tripartite negotiations between representatives of the government, of the association of employers, and of labour unions. The Pact imposes on the Parliament the legislatory obligations with regard to labor law and to privatization programs.

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Mikk Titma *

NEW DEMOCRACIES IN THE POST-SOVIET WORLD: HISTORICAL, POLITICAL AND SOCIAL FRAMEWORKS

Six years after the collapse of the Communist world and the Soviet Union we have enough evidence to analyze the process of transition from the Socialist party-state to democracy. As an antipode to democracy, the party-state monopolized political life and abolished political institutions. If in the early period much of scholarly interest was turned toward the role of the Communist party, then now it is clear that the build up of new state-institutions providing the institutional, legal framework for democracy, and the re-emergence of party policy are the more interesting phenomena. Even more promising from a theoretical point of view is the analysis of the social and economic premises of democracy.

The tendency to overestimate the role of the party system and elections in democracy can be frequently observed. As an inseparable part of a functioning democracy, the party system and elections cannot be left out. In a new and emerging democracy, however, existing social conditions should be given priority. Important actors like social movements (in the case of the Baltics, nations liberating themselves from the empire of the Soviet Union) can have a huge impact on the process of the emergence of a political democracy. Those political actors are represented in the arena of political contestation by certain elite groups. With the emergence of a multi-party situation all actors have loose party affiliations. A stable political democracy can emerge only through multiple elections and stabilization of the socio-economic situation.

In this paper I will try to observe the Baltic republics and analyze:

(1) the role of social movements in the collapse of the old party-state and the build-up of a new state;

(2) elections as mechanisms that promote democracy;

(3) the role of elites in democratization;

(4) nationalism as a social factor in the democratization process.

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During the ideological confrontation it was essential to have a highly ideological understanding of all Communist governments and states as well. This created a huge ideological negation of Communism and all parties linked with it. Now observers are counting countries where the previous party-state elite formed parties that are coming back to government by setting themselves up as candidates in free elections. The same people who took to the streets in the process of social movement activism, and who forced out the last Communist governments, are voting back to power politicians clearly linked with the party-states. One explanation for this is that people are uneducated, politically blind, etc., and that there is nostalgia for the extensive social security provided by the socialist party-states. I raise another hypothesis: It is typical for a democracy to vote out of power those who are not successful and to turn to a previously known alternative political force.

1. Social Movements: Forces Crashing Party-States in the Baltics

With the exception of Solidarity, the most powerful social movements in Eastern Europe grew in the Baltic republics.[1] The Popular Front of Estonia[2] was the first, and the culmination of its activity was a joint huge human chain through the Baltics on August 23, 1989.[3] From Tallinn, Estonia, to Vilnius, Lithuania, people had joined their hands together to form a common chain.

In Estonia, the Popular Front was never organized on an individual basis, yet it practically touched the whole nation. In Lithuania, Sajudis had such strength of support that during the elections to the People's Congress of USSR in March, 1989, there were only two seats left by Sajudis for other leaders of the Republic. In the Latvian elections to the republic's Supreme Soviet in March, 1990, the Popular Front won 65% of the seats.

To explain how the Popular Front lost its momentum and produced no strong parties, we need to go beyond trivialities such as the putative natural progression to internal fragmentation of popular movements after gaining power. First of all, popular movements were not invented, but manifested feelings and desires of people who had been liberated from fear under the conditions of perestroika, and who recognized the unique opportunity to liberate their nations from the Soviet empire. This main issue united people, and intellectuals, mainly from the liberal arts and humanities, expressed the people's aims. As usual, mass movements accept powerful personae as their leaders (Dainis Ivans, Vytautas Landsbergis, Edgar Savisaar) and give them

tremendous power.

In the wake of the collapse of the former anti-democratic government, a popular dissident movement arises and manifests itself. The key question is what particular organizational form the anti-regime movement took in the Soviet Union. As we glance at the Soviet experience in general, we see that in some places, such as the Baltics, Georgia, Armenia, Moldova and West Ukraine, the popular movements arose quickly. In other locales, such as Russia, Belorus, Kazahstan, and Central Asia, popular fronts initially fell on infertile terrain. Nevertheless, once they were rooted in Estonia after the huge demonstrations during the summer of 1988, people throughout the Soviet Union were making attempts to use the same organizational form. We can infer that for the organization of popular fronts to occur, the readiness among native peoples must have been a pre-existing condition; throughout the empire, they must have been waiting for the opportunity to join together against the existing regime. The success of popular fronts in the Baltic republics emanated directly from the political protest against the Soviet Union as an empire. Certainly, the leaders of various popular fronts throughout the Union placed their individual stamps upon their respective movements; however, success in general was clearly foreshadowed by the mental preparedness of nationalities wanting to move against Moscow's hegemony. Particularly in the Baltics, memories of independence were fresh, and the danger to Latvian, Estonian and Lithuanian existence made these people ready to act at the opportune moment.

In all of the Baltic countries, popular front leaders headed their countries after the first free elections: in March, 1990, Vytautas Landsbergis in Lithuania; in April, 1990, Edgar Savisaar in Estonia; in May, 1990, Ivars Godmanis in Latvia.

After this moment, with independence a visible fact, mass politization ended, and so the popular fronts' leaderships needed to implement organizations to use their political momentum. Being populist and charismatic leaders, they missed the opportunity and appealed to their nation as a whole, in a situation in which the political process started to produce groups of politicians organized in weak proto-parties. Moreover, charismatic leaders often overestimate the power of their own personality, and few of them are able to build up a political party behind them. Contrary to this, mass movements are often dangerous for democracy, questioning political plurality, and tend to facilitate populist politics. Popular front governments neglected opposition and internally, leaders attacked others with different opinions. Popular fronts acted in accordance with the people's activity. Taking over governments, these popular fronts lacked experience and skills to consolidate their power base and manage transformation from party-state to nation-state

successfully, in terms of satisfying basic needs of the people. The deteriorating living standard wiped out unconditional public support, and the leaders' inability to cope democratically with opposition effectively eroded their power base.

In short, as independence was achieved, the issue that had politicized the nations vanished, and the survival or transformation of movements into a party or parties depended on leaders. As we see, very few leaders of social movements (V. Havel, L. Walesa) succeeded in securing their positions. The Baltic republics proved that populist leaders are not good democracy builders. As usual, most of the popular fronts' core group turned out not to be good politicians. In the last parliamentary elections they were elected to: 15 seats out of 101 in Estonia, 24 seats out of 141 in Lithuania, and no seats in Latvia. All Governments have leaders who did not belong to the popular front. Now popular fronts are in history books and democracy is built further by other forces. We can say that popular fronts crushed the party-state in the Baltic and produced the first independent governments. Yet, they failed to stay in power as strong forces in the emerging political arena.

2.   Elections in the Process of Promotion of Democracy

As domestic politics[4] became the main preoccupation in the Baltic states, the Baltic representatives began to play a less active role in the political institutions of the USSR and instead influenced the democratization process as independent actors outside the Soviet bodies. Political efforts turned to the fight for independence and the state building process started. The Baltics followed a typical pattern of nation states. I find it interesting to note how power was transferred in this process via as well as beyond elections. The general perception of this process in the West was that fighting between the Communist party nomenclatura and newly born democratic forces was taking place. In many ways this struggle was portrayed as a revolutionary process, in which compromises were rare and open political hostilities dominated. An alternative hypothesis, advanced by P. Schmitter, explains the transfer of power from dictatorship to multi-party democracy as a process that takes place through pre-arranged agreements between elites, who share power in the transition process. Indeed, this was obviously the case during the Polish transition, and, in some respects, also during the initial stages in Hungary.

The second hypothesis is linked with the population's voting behavior: In democracies, the voters typically give their votes to known alternative political

forces when those who govern perform poorly.

Next, the major electoral contests in the Baltics will be reviewed. The first de facto multi-party elections took place in the 1989 election to the People's Congress of the USSR. It was a contest between Communist Party leaderships and Popular Fronts. In Estonia, the first national Communist Party leadership had enormous support, and its candidates won the same number of seats as did those representing the Popular Front. In Lithuania, Sajudis won practically all seats, but allowed two progressive leaders of the Communist party to be elected to the People's Congress of the USSR. In Latvia, about 30% of the seats were won by supporters of the Popular Front.

However, these electoral contests were limited, since a non-communist or non-Soviet campaign was impossible at this time. Thus, these elections took place in the context of perestroika - in other words, under the assumption of improvement of the Soviet Union as Empire and Communist state. Nevertheless, the contests were real and the Communist parties were loosing power through popular vote.

The next authentic multi-party elections to the Supreme Soviets of the three Baltic Republics were held in February and March of 1990. The situation was very different from that of the previous elections, as the Soviet Empire was now publicly challenged and socialism as a system was openly questioned. The deteriorating economic and social situation raised questions about the legitimacy of the Communist system as such. The Popular Fronts were the winners and local Communist parties the losers. However, the contests were real, with the most one-sided results in Lithuania and Latvia. Candidates supported by Sajudis gained 99 of 141 seats, and the Latvian Popular Front gained 132 of 201 seats. The Estonian Popular Front fell short of gaining an absolute majority (42 of 101 seats). In Lithuania, Vytautas Landsbergis was elected Chairman of the Supreme Soviet. In Latvia, Anatolijs Gorbunovs was elected Chairman of the Supreme Soviet and Ivars Godmanis head of government. In Estonia, Arnold Ruutel stayed as head of the Supreme Soviet, and the leader of the Popular Front, Edgar Savisaar, was nominated head of the Government. These elections represented a dramatic change in the context of the USSR: non-communist Governments were installed in the Baltics. The Estonian Communist Party leadership transferred power from the Central Committee to the Council of Ministers and partially to the Supreme Soviet before the elections, thus beforehand accepting loss of political power.

From this moment democracy was the dominant philosophy in the Baltics, and the attempt of improvement of the communist system under perestroika was abandoned. This time also marked the individualization of the political

processes in the three Baltic countries. The only common feature was their pursuit of independence as the basis for democratization of their future political life. Lithuania, with the largest national constituency (80% Lithuanians) and with a Communist Party dominated by Lithuanians, declared independence from the USSR on March 11, 1990. In January, 1991, the Soviet leadership tried to re-establish control over Lithuania by force. After this attempt failed, practical steps to rebuild the Lithuanian state went ahead rapidly. Lithuania did not attempt to restore the pre-war state as this could have had unfavorable consequences: Lithuanian borders can be questioned, since Vilnius and the surrounding region were included into Lithuania only in 1939. The predominantly Lithuanian new state easily accepted the normal procedure of creation of citizenship for a new born state: Every person living within state borders has the right to become a citizen of the new state.

The Estonian and Latvian national populations, in contrast, were demographically threatened by the huge immigration of non-natives during the Soviet period, and followed the principle of the nation-state; national citizenship was re-established according to the descendants or citizens of the pre-war state[5]. Furthermore, it has been proven that the immigration policy of the Soviet government was intentionally organized to Russianize and Sovietize the Baltic states. As a reaction to this policy and to the demographically vulnerable situation in Estonia and Latvia, the anti-Soviet movement in these republics lead to the formation of citizen committees. An Estonian Congress was elected on February 24, 1990 (for which 90% of citizens voted), and a Latvian Congress was elected on April 8, 1990. Persons eligible to vote for these Congresses were essentially only persons or direct descendants of persons who had been citizens of Estonia and Latvia before the annexation of the Baltic states by the Soviet Union in 1940. For a period during 1990 and 1991, there was almost a dual system of government, with the Congresses claiming to represent the authentic national interests and the Supreme Soviet claiming to play a "transitional" role between Soviet rule and renewed independence. In this case, the first of the above stated hypotheses is clearly supported: Nationalist forces had no intention of compromising and were seeking to control political power.

It is clear, however, that there were no major cleavages between national forces in three Baltic countries in the process of gaining independence. All of them, whoever governed, tried to achieve independence and the institutional transition of power from Central Committees of the Communist parties to independent governments after the March, 1990, elections, was smooth. Communist parties actively facilitated this transition from Bureaus of Central Committees to the rule by state organs: Supreme Soviets and Governments

before their electoral defeats. As a result only in Lithuania was the transition of power after the 1990 elections by personalities radical. In the other two countries, transition took place step by step, and the previous leadership was ousted only partially. The gradual exchange of ruling groups and persons created from the very beginning fertile ground for the basic rule of democracy in Parliaments via dialogue between opposition and ruling Government. After years of one-party rule, this was a very new phenomenon and not easily accepted by the new wave of politicians. Because of their experience of a totalitarian party-state, all of the Baltic countries ruling governments started to struggle with their past. Political habits formed under the party-state were hard to change even for its opponents.

Until the second round of elections in the newly independent Baltic countries, politics basically took place in the Supreme Soviets, and different political actors used power they had obtained in previous elections. The only exception was Estonia, where the Estonian Citizen Committee challenged the rights of the Supreme Soviet and was a serious political institution outside of the Supreme Soviet. The Citizen Committee and Estonian Congress were one factor that really destabilized the Popular Front Government, and in the end caused the formation of a new non-popular front Government lead by Vahi. The Vahi caretaker Government significantly contributed to bringing Estonia to elections in 1992.

The pre-election situation was very different in the three countries. The easiest one to explain was clearly the situation in Lithuania. Landsbergis's fierce anti-communist rhetoric and harsh treatment of any opposition had little effect on the voters. The crucial factor, rather, was the economic decline experienced by ordinary people. In practice, the LDP (successor of Lithuanian Communist Party) - opposition to Sajudis - was not ready to win the elections. They did not have enough candidates to occupy all the seats given to them by the voters. The landslide victory was in reality a loss of confidence in Sajudis, and especially in Landsbergis. People turned to the party leadership of Brazauskas as it was a known alternative to Sajudis.

After the elections to the Seimas real party politics began, and now the preparation of the election of the Lithuanian President went ahead as a real political fight in which all independent political forces in Lithuania emerged. These independent forces united behind Lozoraitis as the only realistic alternative to Brazauskas. Even the arrogant Landsbergis understood that he didn't have a chance against Brazauskas. It was hard to stop Brazauskas, and he indeed won a landslide victory. In the Lithuanian case, then, we see the typical voter behavior of looking for a known alternative to a government that was perceived as performing poorly.

Estonia is a very different case. It has in common with Lithuania the justified loss of confidence in the Popular Front. Another common feature with Lithuania is the arrogant behavior of the Popular Front leader, E. Savissar. His behavior mobilized all of the alternative political forces against the Popular Front, and as the Popular Front lead government was not very successful, especially in the economic sphere, its opportunities to regain voter support were really minimal. In the elections, it became clear that the Estonian Popular Front had lost a lot of its credibility, and it was a major loser.

At the same time, small right-wing groups, advised from abroad, launched very effective electoral campaigns, begun around the fight over electoral law. Copying the German law of establishing party lists, these right-wing groups effectively nullified contests between individual candidates. If nobody had an absolute (or in multi-mandate constituencies, relative) majority in the constituency - which is not easy - a seat was automatically added to those already distributed between parties. This single electoral rule effectively destroyed any contest between individual candidates, and made it into a party contest with still emerging parties.

Electoral law allowed the formation of election alliances, and in actuality the political contest took place between those alliances. The real winner turned out to be the Pro Patria, which is a party with mainly young politicians organized by Laar and Hallaste. Pro Patria won 31 mandates. Their main campaign was nationally oriented, anti-communist and anti-Popular Front. The dissident National Independence Party also did relatively well, winning 10 mandates. Effective campaigns against the Popular Front that focussed on the economic difficulties of this government convinced the voters that the alternative of a more right-wing and nationalistic government is preferrable. Despite the advantage the right-wing gained from certain electoral rules, it would be wrong to say that Pro Patria won the elections only by manipulating electoral law. There was indeed clear support for nationalistic forces in the electorate, and together with the so-called moderates, these forces really dominated the Estonian Parliament in 1992.

The presidential elections that followed the parliamentary elections confirmed the broad support enjoyed by the nationalistic right wing. A. Ruutel, the most popular politician in Estonia, won 44% of the popular vote. This meant that the Riigikogu was now the arbiter between two candidates: Meri won 59 votes, against Ruutel's 39, and was confirmed as the second Estonian President in history.

In practice, the leftist force in the Riigikogu was the Popular Front successor Center Party, with 15 deputies. Another strong force was "Safe

Home", which primarily represented the previous managerial elite and local leaders. The successor of the Estonian Communist Party was again out of the contest. A very important event was that none of the candidates from Russia were elected to the Riigikogu, and in practice only descendants of those who were Estonian citizens before 1940 voted. This effectively eliminated one third of the population from the elections, and is a politically dangerous situation that has so far defined the norm of Estonian electoral politics.

Latvia had its first elections as late as 1993. These elections singled out one of the best performing governments in the Baltic as the biggest loser. I. Godmanis and his Popular Front did not win a single seat in parliament. The entire burden of responsiblity for economic difficulties was laid on him personally and on the Popular Front as a movement. In practice, opponents and yesterday's allies effectively used the Estonian experience as a model for winning support. Electoral alliances similar to those in Estonia were formed, and the contest between them brought the expected results. Moderate Latvia's Way won 36 mandates, and is the strongest single force that cannot be broken up into factions. The electoral performance of Latvia's Way was predictable, since one part of this political force consists of emigree community leaders and another of previous nomenclatura. Another winner was the Farmers Union with 12 mandates. These two forces formed the government and worked together.

Right-wing nationalistic forces are represented in parliament through the National Independence Movement, with 15 seats, and "Fatherland and Freedom", with 6 seats. The right wing gained power after the elections, but it does not seem likely that it will hold on to its support in the next elections.

A crucial issue in Latvia is the citizenship question. Latvia has the most multi-ethnic population in the Baltics, and 72% of the population has citizenship (in Estonia, 68% are citizens). Latvia was more liberal than Estonia in its provision of citizenship to Russians. This is the main issue on account of which nationalist forces are increasing their popularity. Playing the "Russian card" in internal Latvian politics is a complicated strategy, and till now it has not created a situation analogous to that in Estonia, where provision of citizenship to non-Estonians is effectively blocked.

Russians are not only represented in the Latvian parliament, but the pro-Russian block "Equality" also has 7 seats. The existence of this block makes compromises and political solutions of problems easier.

3.   Elites in the Process of Democratization

Elections are the tools of democracy. But society's elite can be seen as a major actor who uses this tool and so contests the popular will in order to give preference to one or another group of elites to rule the country.

3.1.   Previous elite

In post-communist societies, the major question revolves around the legacy of the previous "socialist" elite, especially that of the political-managerial elite which strives to rule in a market-based democracy. Furthermore, many politicians and political scientists in the West are of the opinion that the old elite must be ousted, since it is still perceived as having a legitimate claim to govern. I question this position and raise two different hypotheses instead:

a)   Even a radical change of the macro-societal system cannot interrupt the reproduction of the elite on the previous basis.

b)   Under democracy, the previous elite has tremendous advantages in skill and experience, and also has a privileged position in the power-base that allows it more easily to adopt to macro-societal changes.

Historically, it is well known that even a radical change of power does not push the previous elite out of power. Usually, the Communist takeover of power is viewed as a total annihilation of the previous elite. This assumption needs to be more conclusively established, and I think I. Szeleny's study of elites provides new insight into this matter. Our study of Estonia showed suprising results. Indeed, the top pre-Soviet political elite was eliminated by Soviets and, to a large extent, emigrated. But a more general elite adapted to the Soviet system and was over-represented in the second generation of the ruling elite among managers and broad nomenclatura of the Party. We find, then, that even very harsh and unimaginable measures for a democracy did not stop the reproduction of the pre-Soviet takeover Estonian elite under the Soviet regime.

Certainly, "elite" can be defined in several different ways. If only the top political figures are meant, it is clear that they cannot survive a regime change. But, of course, hardly anybody defines "elite" so narrowly. If "elite" refers to the members of the Communist party, then even in parliament, they are significantly over-represented (see Table below) and, as is commonly known, they remain even more entrenched in other, less authoritative positions in society.

Table: *Composition of parliament members of the Baltic States elected 1992-1993 by their roads to elite*

	Estonian Riigikou	**Latvian Saeima**	**Lithuanian Seimas**
From former Communist Party	4	11	19
From the Popular Fronts	34	40	58
From Dissident Movements	15	1	1
From exile	2	17	1
Newcomers in politics	46	31	62
Total	**101**	**100**	**141**

In order to approach the problem more thoroughly, I need to make some remarks about Communist Party membership. Even in the Baltics, people born under the Soviet regime were 50 or younger in 1990 (in most other parts of the USSR, practically the entire populations were born under the Soviet system). These people do not have many other choices than to adapt to the existing societal system. In recent years, this system has not been as brutal as before, and the Party membership was having a soft controlling influence over the elite. To reach an average position in the field of the arts, humanities, science, and medicine was hard without being a member of the Communist Party, and for top positions, party affiliation proved to be crucial. Party membership comprised about every eleventh or twelfth Baltic adult.

The collapse of the Communist parties makes one aspect of the membership clear: It was forced, not voluntary. The belief that all those who quit the party were cynical personalities is very naive. Rather, the choice to quit was very much a natural response to the circumstances. So, when speaking about the political elite, we must obviously define it more narrowly than in terms of "party membership". The definition of nomenclatura in a broad sense is also flawed, as all Baltic presidents were also part of the nomenclatura in the past. Again, the leadership of writers' and musicians' unions were all members of the nomenclatura. We can, however, definitely speak about the political elite as those persons making up the professional party-state apparatus of people. They were obviously members of the Soviet political elite. Their participation in

Baltic politics was narrow but still substantial. Among other examples, especially that of the managerial elite, we find the Soviet elite in positional domination. Before moving to an analysis of political elites, I would like to summarize the reasons for my conclusion.

It would be unnatural to view Communist society as a society in which competition between and promotion of talented people was totally abolished. In reality, many elite groups performed amazingly well internationally, which is possible only if a society has the selection mechanisms that promote talented people. This was not only true in sports or in the humanities and arts, but also in many areas of science and technology. To a large extent, in all societies, whatever the macro-social system, most of the people at the top are above average. If we take into account the top political elite, then the party apparatus is in control and the quality of the elite is impaired. Yet it still needs to be proved that it was lower than average. In the case of the Soviet elite, the members' talent was, in general, above average and it incorporated the more talented part of society.

The second aspect of elite membership is education and professional skills. Soviet education was certainly not the best in the world, but it was still providing substantial qualification (in all our data, taking education as an independent variable shows a major input to career, and its significance as predictor of outcomes cannot be compared in any way with Communist party membership).

The third advantage held by the previous elite - amazingly enough, neglected by Western observers - is social and economic power. Nobody in former socialist societies has better social connections and more real command of material resources than the previous economic elite. All economic structures of a command economy are being transferred from the command system to the market economy. If in a market economy a huge effort is needed to monopolize the market and it is everybody's ultimate goal to do so, then most of the Soviet economic monopolies are transferred to the market situation prior to the competition to emerge, and the former economic elite is doing everything to avoid it. In reality, this is the major reason why the market is still not working in large former socialist economies.

The Baltic Republics have small economies and the advantage of the previous state economic structures is limited, but it is still there. It is inevitable that most new owners of capital are emerging from this old economic elite, and not from other segments of society. The only competitors, as empirical data show, are those who worked in the service and trade sectors in the past.

It looks like the transition to market societies can be accomplished by the

previous Soviet elite. Its political power, however, can be limited in the transition process. An enormous advantage for this elite is the absolute abandonment of Communist ideology and the acceptance of market-based democracy as the normal basis of political life. The new legitimacy of market democracy makes the old elite vulnerable only insofar as their past can be used against them in a political sense. This situation restricts the top political elite's participation in the political process. In fact, all of the Baltic countries' leaders who belonged to the previous elite, made the first step to multi-party democracy intentionally.

The fates of the Communist parties, in their capacity as tools of power for the previous political elite, differed from country to country. The Communist Party's future in the Baltics depended not only on leadership intentions but also on the legacy of the parties in each country. Only Lithuania had a home-born First Secretary of the Communist Party from the beginning, Antanas Snieckus. This party was a real political force before 1939, and was a real national force during Soviet times as well. [6]

Latvia had a substantial diaspora in the Soviet Union and was regarded as the most socialist of the Baltic nations by heritage. [7] In 1940, there were fewer than a hundred Communists in Estonia, and initially, the Soviets did not install them into government. [8]

With its weak legacy in Estonia and Latvia, and the clearly anti-national policy of the last leadership, these parties had no future in the newly independent countries. In practice, the Estonian Communist Party was effectively dissolved at its 20th Congress through a decision to allow all previous members to leave the party and ask those who wanted to remain in the party to re-apply (one in 40 did). Considering the fate of the renamed East European Communist Parties, the leadership understood that mere renaming would not suffice for attaining legitimacy. In practice, even in the Estonian Supreme Soviet elections the Communist Party was out of the political running. The Latvian Communist Party followed the typical East European pattern of renaming the party.

It is well established that functioning democracy operates through a stable political party system. Classical examples hereof are Great Britain and the United States. To achieve such stability, societies need a lot of experience. By now, it is obvious that in the Baltics, historically rooted parties have not, with a few exceptions, re-emerged. The exceptions are: the Lithuanian Nationalist Party (Tautinkai), Social Democratic parties, and the rural parties of the three Baltic states. The Soviet period destroyed the linkages of the past and a new party system must now be created. This will take time, and it is therefore still

too early to speak about well-established political parties with central party organizations and local branches. The most recent elections were predominantly contests between electoral alliances linking together groups who were in the process of organization into political parties.

The process of legalization of a multi-party system started first in Estonia. In practice, even in the election to the People's Congress of USSR in 1989, the local Communist Party leadership accepted other political forces and did not run a political campaign against alternative forces (these elections were personalized). Elections to the Supreme Soviet in March 1990 went ahead with legally accepted political associations running for office. The Estonian Communist Party leadership accepted its role as a transitional force from the party-state to a normal, democratic state.

Its main effort was to stop the Popular Front from gaining an absolute majority in the Supreme Soviet in the 1990 election, and it helped to force the emerging political forces to learn how to make compromises and participate in multi-party politics. The Estonian political elite from the socialist period did not try to use its old party machine to stay in power. However, individual members of the previous Estonian elite remained active in political life. In the present parliament, elected in 1992, there are 35 members (out of 101) who were former members of the Communist Party, but none of them come from the top elite.

In Lithuania and Latvia, the previous political elite behaved differently. The Lithuanian Communist Party commanded much more popular support from the people as a national force, and fought to hold on to the power it had had before. The heavily polarized society and the emerging new political groupings were confronted by the previous political elite. Although we know that the previous elite has now regained power in Lithuania, this does not mean that they support communist ideology.

The Latvian Party elite survived individually, but the reformed party lost all its positions in the government. In the Latvian Saeima, there are currently 41 previous Communist Party members out of 100. Lithuania, with the largest national constituency (80% Lithuanians), and with a Communist party dominated by Lithuanians, was best suited to push ahead with the struggle for independence. Algirdas Brazauskas, as leader, first contested the legacy of Moscow, and declared the Lithuanian Communist Party independent from the CPSU. On March 11, 1990, the Lithuanian Supreme Soviet declared its independence from the USSR.

3.2. Anti-Soviet right-wing forces

In the West, dissidents and opposition outside of the old regime were usually looked upon as a major source of a new political elite. Nowhere was this source stronger than in Estonia. The Estonian National Independence Party first declared its existence on January 29, 1988, when it sent its first manifesto to the newspapers, radio and TV. Given the circumstances of the time, this manifesto remained unpublished. The predecessor of the ENIP was the Estonian Group for the Disclosing of the Molotov-Ribbentrop Pact. It brought together former political prisoners, dissidents, and other people pursuing the restoration of the pre-war Estonian Republic on the basis of legal precedent. The chairman of the movement was Lagle Parek, former political prisoner. Not a single member of the party was elected to the Supreme Soviet, as the ENIP called for a boycott of the elections. It now has ten seats in the Riigikogu (Parliament) elected in 1992, and is a member of the government coalition. But the party is split and previous dissidents lost their limited influence and created only one significant political figure in Estonia (T. Kelam).

The Latvian National Independence Movement was founded on June 25, 1988. The chairman of the movement was E. Berklavs, former deputy prime minister of the Latvian SSR. He was the most prominent among the national communists in the late 1950s, but was then accused of nationalism and expelled from the CPSU in 1974. The predecessor of the LNIM is the Latvian Helsinki Watch Group. 20 members of the LNIM were elected to the Supreme Soviet and 15 to the Saeima (Parliament) in 1993.

In Lithuania, Sajudis practically covered the political space of the right wing and no significant right-wing movement or party developed from Lithuanian dissident sources.

We can definitely conclude that the right wing was not developed by politicians with roots in the dissident movement. Not suprisingly, the right wing was, rather, occupied by late newcomers to the political arena. The Communist party elites at first played a limited role in the transformation of the Soviet party state; they had no opportunity to challenge the integrity of the USSR or the legitimacy of the socialist system. The popular fronts' core groups did have this opportunity to question the integrity of the Soviet Union, but as an opposition force inside the system, they accepted the socialist system. After the local Communist party leadership and Popular fronts made it possible to raise the questions of independence and of the legitimacy of the Socialist system, a new wave of a younger generation entered politics. These newcomers had no previous political allegiances, and many of them occupied the nationalistic right

wing of the political arena.

The most brilliant example of these young right-wing nationalists is the Estonian block "Isamaa", which had many ministers in the previous government who were only in their twenties. In Latvia as well, these late newcomers were extending their power bases. The Latvian right wing is consolidated into the National Bloc - the National Independence Movement, the Christian Democratic Union, and Fatherland and Freedom. This bloc currently is the main opposition in the Saeima. The National Bloc is even gaining in popularity, as the Latvia's Way/Farmers' Union coalition lost the last elections.

In Lithuania, the right wing is represented by a new party, "Tevines Sajunga" (Fatherland Union), which represents the conservatives of Lithuania. Founded on May 1, 1993, it became a successor of "Sajudis". Its first congress was held in December, 1993, with 1,000 delegates participating. Vytautas Landsbergis was elected leader of the party. The chairman of the board is former prime minister Gediminas Vagnorius. This is Lithuania's second largest party after the Democratic Labour Party, with over 10,000 active members.

If these young newcomers to Baltic politics are able to stay in the political arena, they might make an age-cohort breakthrough in politics and have as big an impact on politics as the founding fathers of the independent Baltic states had. But elections in 1995 to the parliaments of Estonia and Latvia showed that radical nationalism is losing ground and with it most of the young politicians who built up their political career on nationalistic terms. They performed especially poorly in the elections for Isamaa Estonia, where they passed the 5% barrier with difficulties.

The political organization of a national elite by political parties is an ongoing process, in which the emerging business and industrial elite has a major say. Until now, these people have by and large ignored politics and concentrated on business. They are learning, however, that economics is only relatively independent from politics, and sooner or later they must choose their political preferences and become affiliated with one party or another.

We can conclude that among the present political elite, we see a clear pattern of participation in the democratization process by the previous elite. In addition, there is a substantial number of politicians from popular fronts trying to form political parties, and this encourages the influx of right-wing, usually younger, politicians, who are the last to enter the political arena. Very few active dissidents have established themselves permanently in the political arena, and it looks like they are losing further ground. Emerging party politics can obviously switch from this division to a more ideologically oriented one, but this depends very much on the socio-economic premises of democracy.

4.   Social Premises of Democracy in the Baltic Countries

Extreme social inequality (our data from 1993 showed that among young adults in Lithuania and Latvia less than 5% had income comparable to the rest of their age cohort, and in Estonia it was 10% versus all others) is not the best basis for democracy. The transition from the Soviet Empire to the nation state, and from a command to a market economy, has created both poverty and social cleavages. Important strengths, however, are found in the high levels of everyday culture and education in the Baltics. According to the 1989 census data, 14.6% of Latvians, 15.0% of Estonians and 14.5% of Lithuanians have a university education. The corresponding percentages for secondary education are: 56.4% in Estonia, 58.4% in Latvia and 58.8% in Lithuania.

The Estonian economy currently performs best among the three Baltic economies, though historically Latvia has had the highest standard of living and cross-national output per capita. The Estonian economy is less vulnerable to the enormous Russian market, and is now clearly oriented toward the Western European market. The Latvian and Lithuanian economies are more vulnerable since they lack their own energy resources and therefore depend more on the Russian market. The economies of these two countries are most likely to face more trouble ahead. Nevertheless, it appears highly unlikely that present and future economic difficulties will destabilize the political situation or deepen the social divisions caused by social inequality, potentially halting the democratization process. Only Lithuania experienced such destabilization in the period before World War II.

Post-socialist societies face a tremendous problem: instability caused by multiple political divisions among the various constituencies vying for power. In this regard, the Baltic nations more closely resemble the United States than the traditional European societies with their distinct class divisions. At the same time, another crude social division already used by the Soviets to Sovietize the Baltics and assimilate those nations has potential to damage the democratization process. My hypothesis is that the national division, if politically fixed in the form of sovereign nation states, can produce social and political conflict as powerful as class conflict.

In the Baltics, during Perestroika, there were initially two political divisions: pro-independence and pro-empire. They formed a cleavage between the indigenous populations and the major part of the nations' Russian-born population (It is important at this point to clarify that some Russians living in the Baltic did join the independence movement). Within the pro-independence groups, namely the Popular Front and the national fundamentalist forces, the

difference stemmed from the question of how aggressively the leading party should declare independence. The easiest way for any of these forces to engage in political manœuvering was to appeal to the nation as a single constituency. And the only means to take this constituency from a rival force was to assume a more radical posture. This strategy, as we see in present-day Eastern Europe, has been repeated again and again, as Slovakia and Serbia have most recently shown. This process of radicalization of appeal to nationalism is rapidly spreading in Russia nowadays.

When independence and nation-statehood are achieved, increasing political radicalism in the direction of national interests usually quickly becomes a less effective means to campaign for power. However, this is not the case in Latvia and Estonia, where a substantial part of the population is Russian-speaking. The most vigorous nationalist policy still has room to question Russian speakers brought in by the Soviet authorities.

In the Baltics, nationalist political parties, which came into being in 1989, took the form of citizen committees. By March 1990, the official Estonian Congress elections were being held. In Latvia, the citizen-committee movement began later and was not as powerful as the group in Estonia. In both countries, the leadership of these groups certainly included dissidents, but only very few former communists. In the minds of the Baltic nationalists who composed these committees, the concepts of federation within the Soviet Union or confederation had been moribund since the second half of 1989. By the beginning of 1990, pro-independence committees perceived that the legal argument for independence could indeed operate to muster international support for the Baltic cause. That argument no longer seemed like just another potential means to assert national identity; instead, it was viewed as the actual means to achieve independence. Drawing upon this idea, the notion ensured that the duly elected Estonian and Latvian congresses, rather than the Supreme Soviets, were the legal representatives of all citizens of the pre-war countries.

Thus, a dangerous social cleavage was created in Latvia and Estonia: citizens versus non-citizens. All people living in those countries without blood ties to pre-war citizens are left without citizenship. In my view, it is not important how political manœuvering around this question goes ahead. Certainly, nationalism never was or is a good premise of democracy, whatever the reasons. Now, as Russia is moving toward a more nationalistic foreign and internal policy, one destabilizing moment for the Baltic states is the inevitable confrontation with Russia. This certainly would not only be a politically and economically bad outcome. Under pressure from Russia, internal politics of the Baltic countries can be clearly restricted, and the repression of democracy (civil society) can be easily justified in the name of national interest.

Under such external conditions it is hard to imagine any loyalty of non-citizens to Latvia or Estonia. In some areas and cities non-citizens (in some places even Russian citizens) constitute the majority and can thus easily destabilize the situation. Moreover, as the pressure to repatriate non-citizens is heavy, and very few are given citizenship (especially in Estonia, where since independence till now only 50,000 Russian-speaking non-citizens have been granted citizenship), the cleavage between Estonians and Russians is deepening. This cleavage has the potential to develop into a permanent political division, with separate political parties for Russian speakers. There is no doubt that Russia as a major power is interested in promoting such a political split in Estonia and Latvia. This would give Russia many advantages in the "near abroad". Political forces now in power in Estonia, and to a lesser extent in Latvia, are underestimating the consequences for their future if such a political cleavage becomes a permanent phenomenon in their internal political life. Russia no doubt has many means available to it to facilitate such a development and to use it in the future. For democracy, this scenario has ambiguous implications. In theory, it may produce even more democratic slogans and laws, but in practice suspicion and force may well become constant features of life.

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1   The Baltic states - Estonia, Latvia, and Lithuania, lie at the rim of the Baltic Sea and were part of the former Soviet Union. The Baltic people obtained independence, in modern time, during the Russian Civil War in 1918-1920. As the old geopolitical rivalry between Russia (the Soviet Union) and Germany (under Nazi rule) re-emerged in the 1930s, all three of the Baltic states were exposed to this rivalry. It destabilized their internal political situations and all three ended up with some kind of dictatorship. In Lithuania, the Nationalist (Tautinku) Union had ruled, with Antanas Smetonaas president since 1926. Latvia, initially, had a very democratic state with a stable multi-party system, but ended up under the dictatorship of Karlis Ulmanis in 1934. Estonia had electoral democracy till 1934, when president Konstantin Pats established personal rule. Based on agriculturally dominated societies, the Baltic states were remarkably democratic countries in the Eastern European context for that era, with democratic electoral systems and low levels of violence. National statehood proved too brief to ensure the formation of stable multi-party systems. However, law and order was based on strong obedience to rules; civil society was emerging in this period in all three countries.

2   The Popular Front of Estonia was the first mass movement in the former USSR that supported Perestroika. Very quickly, however, the political process in the Baltics turned into a major issue for the Baltic nations themselves: The demand for the re-establishment of national independence emerged and would not be quelled. This political aim clearly confronted Gorbachev with the consequences of his Perestroika, for he had not planned on the disintegration of the Soviet Union. Under pressure from mass movements in all three republics, nationally oriented new leaderships were established: Vaino Valjas in June, 1988, in Estonia; Anatolijs Gorbunovs in Latvia, and Algirdas Brazauskas in Lithuania, both in October, 1988. These leaders accepted political pluralism from the very beginning and worked for the re-establishment of independence.

3   The most important day for the Baltics in recent history: August 23, 1939, the day on which the Molotov-Ribbentrop Pact's secret protocol effectively decided the fate of all three states.

Formally, Lithuania became occupied by Soviet authorities on June 15, 1940, and Latvia and Estonia on June 17, 1940. Nazi occupation during World War II and the re-occupation by the Red Army gave a severe blow to the democratic elites of the three countries, leaving little, if not no sign of recent democratic practices in public life. During the repressive campaigns between 1940-1952, more than 30,000 people were deported from Estonia, more than 57,000 from Latvia, and more than 120,000 from Lithuania.

4   Gorbachev's initiative to change the Constitution and eliminate the right of the republics to leave the Soviet Union provoked a sovereignty declaration by the Estonian Supreme Soviet on November 16, 1988, which acknowledged the supremacy of Estonian laws. It initiated a legal challenge to Moscow's rule from most of the Soviet republics in the following year. The elections to the USSR Congress of Peoples' Deputies in March 1989 were the first parliamentary elections held that had a multiplicity of candidates. In the Baltics those elections were held for all seats as multi-party contests between ruling Communist parties and Popular Fronts. Outcomes were in correspondence with the peak of the popular movement (winning completely) in Lithuania, with its declining intensity in Estonia (a fifty-fifty outcome), and raising people activity in Latvia (the Communist party dominated).

5   Lithuanian statehood was declared on March 11, 1990, the Estonian state re-established itself on August 20, 1991, the Latvian state on August 21, 1991. Democracy is based on the loyalty given by the citizens to a state and its institutions. Because of their experience of a totalitarian party-state, all of the Baltic countries must struggle with their past. The most difficult of the struggles is the establishment of the supremacy of citizens and their rights vis-a-vis the state, and the establishment of the supremacy of law. These basic principles of civil society can be written into law, but to put them into long-term, stable practice, a generational change may be necessary.

All three countries followed the principle of separation of powers when constructing their constitutions. Estonia adopted its new Constitution on July 3, 1992, and Lithuania its new one on November 6, 1992. Latvia turned back to its 1923 constitution and readopted it in 1993. All three constitutions reflect the concept of the nation-state. The supremacy of human rights and of citizens is declared. Private property and the market as the basis of economic activity are among the basic principles of society.

All three countries are parliamentary democracies, with presidents elected by citizens in Lithuania, and by parliament in Latvia and Estonia. Presidents do not have executive power, which is given instead to governments. In reality only V. Brazauskas was elected directly by people to the presidency in 1993, with 60% of the vote. In Estonia, the parliament elected Lennart Meri to the presidency. The second time in 1996 it went to the special electoral board and Meri was re-elected. The Latvian Seimas elected the nephew of the late president Karlis Ulmanis, Guntis Ulmanis, to the presidency. As always in an unstable and illrouted division of power there is substantial political and power rivalry between presidents and executive and legislative powers. This rivalry is weaker in Lithuania than in the other two Baltic states, as the LDP (Lithuanian Democratic Labour Party) has a clear majority in the Seimas, and Brazauskas is a member of this party. Rivalry is clearly evident in Estonia, but is most obvious in Latvia, where the power base is politically most diversified.

6   Even so, Lithuanians were a minority in the Lithuanian Communist Party during the period of 1944 to 1958 (e.g. only 18% of the total membership in 1947). More Lithuanians began to join the Communist Party in the mid-1950s, and in 1986, they made up about 70% of the party's 197,000 strong membership. Through this increase in membership, Lithuanians managed to control much more of their domestic affairs and to protect the nation. This helps to account for the Lithuanian people's continued loyalty to the Lithuanian Communist Party even after the restoration of independence.

7   In 1957, this allowed the Latvian communist elite openly to question the legitimacy of Moscow's direct rule. This action proved to be too much for Nikita Khrushchev. The Latvian

party leadership was dismissed, and the most odious anti-national group under Augusts Voss took over the country. After this, the sovietization of Latvia proceeded rapidly and the Communist Party lost all legitimacy in the eyes of the Latvians.

8   Estonia was under direct Moscow rule until 1953, but local officials gained relatively larger say in internal affairs after that. Moscow changed the Estonian leadership in 1978, with the installation of the more pro-Soviet Karl Vaino as First Secretary of the Communist Party in Estonia. This new leadership was not able to reverse the relatively democratic everyday life in Estonia, but completely alienated Estonians from the Communist Party. This party never had the support of the intellectual elite in Estonia, and the first native born Communist leader was V. Valjas, who came into office in 1988.

*Wiktor Osiatynski**

ON POLITICS AND CIVIL SOCIETY

In my remarks, which will be loosely related to what I have heard in the past two days, I will defend primordialism, I will reflect on solidarity and I will oppose social justice.

Revolutions that took place in Eastern Europe – as all revolutions – were doomed to betray their promise. The promise and expectations of the 1989 wave of revolutions were not new. They were related to values that were shared by the masses of people in pre-communist periods and which the communists promised to fulfil. Popular revolutions took place precisely because the people felt that the communists betrayed their promise. At the outset, people believed that post-communist governments would realize their dreams, and eventually, when new governments discarded these values, the people felt betrayed, once again. These expectations were related to economic and social security, a decent standard of living, equality, justice, participation and more recently, at least for some people, to personal freedom.

These expectations had to be betrayed for a very simple reason: At the present time not enough available resources exist in the universe to fulfil expectations on such a large scale as the most recent wave of revolutions has created. The limits are physical, there is no way to fulfil the expectations of rapid economic progress and redistributive policies in a situation of bankrupt economies in the post-communist countries. Consequently, the new leadership that came to power realized that they need to produce goods first, to be able to share them later, for there was nothing to share in the first place. But the requirements of more efficient production, which could not be achieved without economic reforms, turned out to be contradictory to these very values that people hoped the revolution would fulfil. This dramatic disillusionment is directly related to the issues of justice, solidarity, and citizenship which are the main topics of this conference.

It is hard to discuss justice, solidarity and citizenship in transforming societies without analyzing the relationship between political society and civil society. The political society deals with decision-making, redistributing scarce goods and resources. Civil society, on the one hand, represents interests in the society. On the other, however, it is more sensitive to general principles and to the sense of identity of its members. Political and civil society are bound by constitutions which set the rules for the political process and protect civil society and its members from political pressures.

Historical developments in East Central Europe did not facilitate the natural

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growth of civil societies. Moreover, the distinction between political and civil societies has been blurred. Without the bourgeoisie, with a very weak and fragile middle class, with very weak liberalism, dominant ideological traditions – i.e. peasant populism, nationalism, socialism and Christian social thought – sought to use the state as the main actor of social change. Later, communism subordinated society to the state and made absolutely every aspect of life political, therefore all forms of opposition against communism also were political in character. The so-called civil society which began to emerge in Poland and in other countries in the late 1970s was primarily a set of institutions and arrangements which aimed at countervailing communist controls over the society. After 1989, the former opposition which was elevated to power assumed the difficult task of creating at the same time a strong, effective state as well as civil societies. This, once again, blurred the distinction between two realms.

There are, however, some elements which belong to civil society rather than to political society. One category of such elements is what has often been understood as primordialism. During this conference we tended to put in a bag with this label national, ethnic, and religious identities. None of these belong to politics: Societies do not assign or redistribute identity in a give-and-take process of political bargaining. They belong to a civil sphere, because national and ethnic origin as well as religious beliefs and practices form crucial elements of individual and group identity. They also belong to a constitutional framework in two senses. First, constitutions should normally protect national, ethnic, and religious identity from intrusion and discrimination. Second, claims may exist to pay tribute to these elements of primordialism in new constitutions.

The history of Europe, with its phase of a strong commitment to the idea of national state, forged the link between the very concept of statehood and national – and sometimes religious – identity.

This link between national independence, statehood, citizenship and identity was particularly strong for the people of East Central Europe who lived under foreign domination during the process of national formation in Western Europe. Eastern European nations were deprived of armies, public education, state administrations and many other public institutions which were crucial for the formation of national identity in such independent countries as France or England. Undoubtedly, in Western Europe it was the modern state which formed the sense of national identity, of statehood and of citizenship. With time, however, the civil society took over a great part of the state's creation and modern constitutions protected it from excessive intervention by the state.

For nations that were deprived of their own states the process was reversed. National identity was formed – in the stateless 'national society' – around cultural values and intangible symbols. Common historical tradition, language, ethnic origin, sometimes religion – such were core elements of identity. Thus, the nations of East Central Europe had primarily cultural symbolic character. An

additional element of this concept of a nation was the dream of having an independent national state; a state which could implement these very values which defined national identity. A state which could protect not only identity but also the very survival of dependent people who often could not learn their own languages in their own schools, had to serve in occupying armies and rarely had any due process protection against the abuse of an alien state power.

Thus, the protection of national identity has merged with the state ideal. As the result, national identity became politicizied. In practice, the politics which was to serve national identity turned to identity-related symbols for its own purposes. A government losing popular support would talk more about national interests and national pride. Communist governments in a number of East European countries turned to nationalism long before their collapse. In some places, a government in trouble would seek support of the dominant Church. After 1989, a number of former communist political leaders tried to re-establish their legitimacy and win popular support by replacing bankrupt communist ideology with nationalism. Sometimes, this resulted in the splitting up of countries along ethnic, national and/or religious lines and bloody wars between new states. Other leaders turned to religion, ethnicity and similar symbolic issues in the wake of growing social frustration about unmet expectations created in 1989.

In turn, ethnic, cultural and religious groups and organizations were approaching governments, not only for protection but also for trade-offs and favors. Some of them tried to secure such privileges in constitutions, justifying their claims by the argument that a constitution should protect national identity. Behind these claims usually were hidden demands for a special position of a dominant ethnic group, or the limitation of rights of minorities, or privileges for a dominant religion. Such claims – especially if they go beyond a general constitutional preamble which may pay a tribute to people's identity – may be dangerous for the existence of pluralistic civil societies. Constitutions should limit the sphere of the legitimate political process by putting some things above that process, limiting the state's intrusion in a society, and providing equal protection for all elements of civil society regardless of the number of citizens such elements may aggregate. However, in a society with a clear-cut majority which is making a simultaneous transition to constitutionalism and to democracy, passing such a self-restraining constitution in a democratic way may be extremely difficult if not impossible. The main reason for this is that ethnicity, nationalism and religion became politicized: i.e. they were used as instruments in the struggle for power.

This, rather than the very existence of desires for the acknowledgement and support of ethnic, national and religious elements of national identity, is the core of the problem. All those desires are legitimate in the civil society: Individuals and groups have a moral right to define the essence of their individual or group identity in 'primordial' terms. Ask a Frenchman or an Englishman for his identity

and he will mention not only citizenship but also tradition, language, belonging to a nation, often religious affiliation.

In the past few years, scared with the outbreak of national, ethnic and religious hatred that accompanied East European revolutions, the West rushed to condemn all elements of primordialism. Any mention of nation or religion was labelled suspect, primitive, populistic, dangerous to freedom. The West forgot that Western Europe was capable of transcending its national loyalties only after General Charles de Gaulle claimed national identity and pride for the French and provided that other nations could truly feel secure that transnational institutions would not jeopardize their core identity.

The nations of East Central Europe have never had a chance to really re-assure their national sentiments and independence. Forbidding them to do so means repressing, once again, natural 'primordial' elements of civil identity. Repressed emotions do not disappear, they seek a hole in the dike in order to burst out in a way which can hardly be contained, as we witnessed recently in the former Yugoslavia and in the Caucasus.

Therefore, a more promising strategy would be to acknowledge the ethnicity, nationality, religion and other symbolic values as legitimate elements of civil society, open up a possibility and mechanisms for nurturing these sentiments in society while at the same time isolating them from politics. That task is very difficult, especially in view of the fact that there are no historical examples in the West from which the East could learn. It is important to realize, in this context, that the formation of national identity and the creation of national states in Western Europe was a much more cruel and costly enterprise than anything that has happened in East Central Europe after 1989. It took the Napoleonic wars, a century of wars and revolutions, two world wars, nazism, fascism and the Holocaust, before Western European politics accepted the need to isolate politics from 'primordialism.'

One major element of this process in the West was the isolation of 'primordialism' from the concept of citizenship. Minorities were included, more than only in formal legal provisions, in the category of citizenship. Moreover, Western Europe began to transcend the concept of citizenship by supra-national units. On the other hand, political rights to participate in local self-government were granted also to resident aliens even if they are not citizens of a given state. Thus, political loyalty of an individual splits now into three dimensions: transnational, local, and a traditional dimension of a national state. It so happens that the national level has always been the most loaded with 'primordial' elements. On the local level people usually learn how to cooperate with each other, provided that constitutional mechanisms exist for the protection of the rights of minorities.

The real reason to worry about East Central Europe are various attempts to exclude minorities from the legal concept of citizenship. However well one may understand the sentiments and fears of the Latvians or the Estonians, there has to

be a price for the exclusion of minorities from citizenship.

An even more difficult problem is how to define the concepts of identity and citizenship in a post-communist world. What would be the content of state identity if we manage normatively and politically to return 'primordial' elements of ethnicity, nation and religion to the citizenship? It is difficult but not impossible to find a replacement. In one of yesterday's presentations we learned about the Czechs consciously choosing four elements around which their leaders aim to build a new concept of identity; they found two of them in their traditions, that were not nation-bound, and two in the current situation of Czech Republic vis-a-vis Europe.

With a much weakened role of 'primordial' elements, the state identity would be clustered about the concept of citizenship. But what does it mean for East Europeans? Perhaps, a symbolic attachment to one's state. Perhaps the realization that the army of my country will protect my life from external enemies. Even social welfare benefits have never been defined, in Eastern Europe, in terms of citizenship but rather as an instrument of a class-oriented egalitarian policy of a socialist state. Besides, the citizenship implied liabilities rather than benefits. Citizenship meant being powerless vis-a-vis the omnipotent state. Having to serve in an oppressive army. Having constitutional duties of the citizens unbalanced by really enforceable rights. Being locked up in the limits of state boundaries. In effect, for many East European the citizenship was rather a burden than a privilege.

Rumyana Kolarova spoke yesterday about the Turks in Bulgaria who were given the expatriate rights, which permitted them to opt out of citizenship, and many of them used this right. In 1968, a Pole who could prove having a remote Jewish ancestor could give up Polish citizenship and leave the country; in the 1970s some Russians of Jewish origin could do the same. The result was an upsurge of anti-Semitic resentments among the Poles and the Russians who envied these individuals who could do what they could not, i.e. get rid of the burdens of citizenship and leave the country.

The third example can be Mazurians, Pomeranians and other indigenous people who lived in the territories which throughout history were more often under German than Polish jurisdiction and, most recently, were assigned to Poland in Yalta. For centuries these people never admitted German or Polish identity; they would always say "we are Mazurians" or "we are Pomeranians". But after 25 years of communism, in the 1970s, about 80 percent of them ended up saying they were Germans, because they wanted to leave behind the benefits and blessings of the citizenship of the Polish communist state.

That much for the sense of citizenship in the former communist empire. People in this part of the world might have very positive national sentiments but might have had negative experiences with citizenship. And now, I propose to re-legate 'primordial' national and religious feelings from politics. How, then, can we define new constitutive elements of citizenship for post-communist states? If

we look to the West, we will see that the original concept of citizenship was limited to social elites, property owners and taxpayers. It was extended to the masses only toward the end of the XIXth century. The franchise and democratization were accompanied by social policies. By becoming citizens, people could also feel some sense of minimal economic and social security. The lesson here is that a nation had to be able to afford the extension of citizenship to masses of people. In Eastern Europe, communist governments promised the people wide social benefits which were related to class politics, not citizenship. Post-communist reformers cannot re-associate these benefits from class to citizenship for a number of reasons, the most important being that during the transition to a market economy they cannot afford to keep up with the generosity promised by former regimes.

This brings us to the issue of solidarity. Solidarity, along with the concept of a higher good, is the glue of civil society. Such solidarity has two dimensions. One is inter-personal: People connect individually with each other, beyond their immediate family. The other form can be called social solidarity: It takes place when people act together on behalf of their own groups, and then transcend their own group, acting for the benefit of other groups and other social classes. Such solidarity was born in Poland, in August 1980, at the very moment when the first strike in the Gdansk Shipyard ended. Workers were given economic benefits from the government and began to leave the shipyard. Suddenly, someone shouted: "People, do you realize what you just did? We will go home and they will smash workers in all those smaller enterprises which joined our strike." Lech Walesa called workers back and resumed the strike, in solidarity with those who helped them. A month later, the transportation workers in Gdansk went on strike for the physicians and nurses who were left out of the pay raises and other benefits because, at that time, the medical profession thought it was unethical to go on strike and leave their patients unattended.

This Solidarity formed a model for many people in the West. They wanted to overcome the individualism and looked to more collective attitudes and patterns of behavior of the people in Eastern Europe. Communitarians sought to learn there how to overcome selfishness, to take care of others and to form deeper bonds between people.

Almost as soon as Eastern Europe discarded the chains of communism, it turned out that beyond slogans and superficial behavior there was not much to be learned. Individualism, greed and selfishness dominated new markets. Rags to riches rather than altruistic ideals shaped human attitudes. It became obvious that collectivism had little to do with communitarianism. In fact, collectivism, being an enforced means to suppress an individual, gave in to a wave of individualism which divided societies between those who succeeded under new conditions and the rest who were more helpless, powerless and left out than they had been before.

In fact, collectivism had never formed true bonds between individuals. The

purpose of alms giving in czaristic Russia was to save the soul of the giver, not to establish a relationship between him and the needy. Enforced charity coexisted with incredible cruelty in relationships between the rich and the poor. In Soviet ideology, charity was banned and replaced with a concept of pro-social behavior. In closer analysis, it was an ideological tool to make people accept exploitation by the state allegedly in the interest of the collective. These interests were represented by the party/state which also eliminated and replaced all interpersonal bondings between individuals, including family ties. It was an almost perfect antithesis of modern Western communitarians thought.

Communitarianism may be based on altruism which transcends an individual and binds him/her with other persons. Interestingly enough, the very notion of altruism was coined by Auguste Comte in the second part of the XIXth century, after the concept of individualism emerged and was accepted. Altruism is not only a mechanism to counterbalance individualism; it is a means to transcend oneself, to give a sense and a meaning to individual life, by reaching out to others, by caring for one another, and by establishing ties between individuals.

We do not find much fertile soil for this idea in Eastern Europe. Neither populism, nor socialism, nor nationalism, nor other dominant currents of thought gave an individual that much freedom. A person was supposed to have a duty to help the needy or to contribute to society for society's good, rather than a freedom to choose helping others or not and to relate that choice to one's own fulfilment. The closest to altruism is personalism, a current of modernized Catholic thought, which developed, however, only among Catholic intellectual elites (including the Cardinal of Cracow, Karol Wojtylla) and never has become generally popular in the Church and among its followers. To become an altruist, to be able to voluntarily form communitarian bonds with others, one needs first to become an individual, to split out of an amorphous collective. This is what has barely begun to happen to some people of East Central Europe, where collective solidarity is being decomposed under the challenge of market competition. It remains to be seen if it is replaced by selfishness or by the growth of altruistic motivations. Most probably by both of those.

Apart from this interpersonal solidarity there exists social solidarity. It binds members of particular groups, social classes, sometimes nations. This form of solidarity is particularly strong among the oppressed and powerless who cannot individually break out from a group. Among upper classes competition for power or money usually undermines this solidarity; they become united at the earliest in times of common danger.

There has always been a solidarity of slaves and of serfs who usually helped each other to cheat on their masters. There was similar solidarity of workers under communism. They got drunk together, covered up for each other, avoided too much effort, looked for moonlighting opportunities. In economic analysis it was 'negative' solidarity, aiming at the avoidance of exploitation rather than contributing to a common growth. This form of solidarity usually existed within

the boundaries of one factory and enterprise.

The phenomenon of Poland's Solidarity in 1980 was that it became 'positive'; it was created not only to fight together against communist masters but also to build something together, to change reality, not just to secure best rewards for the workers. While 'negative' solidarity of serfs may help them feel less powerless without increasing their self-respect, the Gdansk strikes of August 1980 formed a "revolution for human dignity", as Ryszard Kapuscinski labelled them at the very beginning. As noted, this solidarity transcended one factory and spread all over enterprises in the Gdansk region. As a social movement which included both workers and the intelligentsia, Poland's Solidarity transcended the most painful gap in the society: the gap between the elites and the masses. It seemed that they were bound together not only by the common enemy, i.e. the communist state, but also by a shared positive program which combined economic demands of the people with freedom-related desires of the intelligentsia.

Few disillusionments in history were as painful as the collapse of this solidarity after 1989 in Poland. First, with the so-called "war at the top," with the ensuing presidential contest between Tadeusz Mazowiecki and Lech Walesa, and with the split of Solidarity, the gap between the workers and the intelligentsia became deeper than ever. Secondly, with the transition to a competitive market economy and pluralist political democracy it became clear that there exists hardly any 'common good' or even 'common interest' that Solidarity could realize. There exist, in society, many conflicting interests of various groups which every group has to seek on its own, usually against the interests of other groups. Thirdly, and perhaps most painfully, the Solidarity union itself has become the representation of selfish interests of its own leaders and of the workers employed in the most inefficient state enterprises which resist economic reform and modernization.

It turned out that the Solidarity of the 1980s in Poland, which received the admiration of the world and attracted so many Western social philosophers, was a historically determined ephemeral coalition rather than an expression of an inherent ideal of solidarity which had developed in East Central Europe. One can hardly imagine that this type of solidarity can be restored, and East Europeans may have to embark on more traditional paths which lead to social solidarity via social policies of the state and to communitarianism via individualism with its all too many discontents.

Social policy leads us to the issue of justice. Communist constitutions did not talk about justice but about 'social justice.' Under communism this was a general programmatic statement, as unenforceable as the rest of constitutions. With a transition to serious constitutionalism, however, the principle became more than programmatic. In Poland, the Constitutional Tribunal elevated the principle of social justice – along with equality – to an enforceable right. In some of its rulings, the Tribunal gave content to this principle: Social justice is supposed to

be interpreted in a re-distributive way, protecting interests of the poor and acting in favor of the weaker members of the society. Thus, the issue of social policy has become a matter of constitutional rights.

Political questions are the ones which deal with the distribution of scarce resources. They are resolved in the political process, in the ultimate instances by parliaments enacting statutes and by people voting in elections for those who will make decisions in parliaments. Constitutions take out of the political process and put above it issues which the framers think need protection from politics and, particularly in a democracy, from a majority. One category of such issues are the rules of political process, attribution of authority to particular branches of power and the protection of these constitutional rules itself. Another category of issues which demands constitutional protection are individual rights. It is assumed that – in some respects – individuals and minorities should be protected from the power of the majority and from the threat of the abuse of power by state officials. It is also assumed that individuals should be guaranteed participation in decision-making which concerns them.

Most people believe today that people should also be protected from risks and misfortunes, that they should have at least basic social and economic security, and that these values should be protected by the so-called social and economic rights. There are two important issues regarding these rights. First, how should they be protected? Second, what are they about?

No doubt, social and economic rights are human rights. Every human being has a moral right to be protected from hunger, disease and other risks which may endanger one's life. Not every moral right, however, needs to become a constitutional or even a statutory right. The International Covenant on Social, Economic and Cultural Rights perceives rights as aspirations to be implemented by signatory states according to their possibilities; it requires that the states choose a certain number of these rights and make them a part of their legal order. It does not mention constitutional order. In other words, the Covenant leaves social rights in the realm of politics. One cannot preclude what economic possibilities a given country will have, what will be its priorities, how the national income will be re-distributed. Therefore, it is safer to leave such issues to statutes which can be more easily adjusted to changing economic fortunes and misfortunes than constitutional pre-commitments.

One can assume, however, that at least some basic social rights should be protected from the political process even if it may put, at times, a heavy burden on resources of a country. A claim can be made that a starving, a homeless or a sick person, deprived of a minimum security will not be able to live with dignity and to claim her or his other rights in a dignified way. Therefore, some rights protecting such minimum standards should be made constitutional.

These reasons suggest, however, that a value protected by constitutions will be basic economic security of a person rather than social equality or re-distributive justice. One of the biggest train robberies in intellectual, legal and

ideological history was to equate social and economic rights with social equality and justice. True, for the implementation of security rights some re-distribution of resources is needed. But such redistribution is only a means, not an autonomous constitutional value or an end in itself. The constitutional concept of social justice makes redistribution an end in itself which should receive constitutional protection.

This may have far-reaching social consequences. Making re-distribution and protection of the weak a matter of a constitutional claim may prevent the most difficult element of post-communist transformation, i.e. the taking of individual responsibility for one's own life. In the West a similar transformation did not take place under the protective umbrella of the state. It was only after a great majority of people assumed responsibility for their lives that richer states opened up channels for the protection of those few who could not take care of themselves or failed to do so.

The concept of social justice is vague and imprecise. In big moments of history the notion justified bloodshed, robbery and revenge. In everyday life it is usually used as a justification for resentment and envy. At times, social justice amounts to a suggestion made by some people that others – usually not the advocates of social justice themselves – should share with still others what they have. Altruism and communitarian spirit are more honest and fulfilling than any of these common uses of social justice.

Besides these emotional arguments there are many other reasons against the constitutionalization of the principle of social justice. Social policy can be left to the political process where it belongs. Constitutions, on the other hand, should set the ground rules for this process, set the boundaries for politics and protect the civil society from the intrusion by politics and politicians.

This brings me to my conclusion. I suggested making ever bolder the line between the political sphere and the civil society. I also suggested that we remove 'primordial' elements of social life, solidarity and caring for others from the political to the civil sphere. Already twice I asked a question: What can we replace them with in the political realm so that there is some substance to it?

I believe that we do not make sufficient use of the symbolic potential of democratic mechanisms. Democracy is a powerful tool. Equally powerful are symbols which can be attached to democracy. Being a subject rather than an object of decision-making, taking responsibility for one's life and for one's social environment, choosing politics rather than accepting them, all of these may be disquieting, but can also be rewarding. Even more attractive can be symbolic and institutional aspects of constitutionalism: claiming one's right, being able to place constitutional complaints, and participating in a developing legal culture. Having real choices about politics and deciding which elements of social policy are worthy of statutory protection and which can be left for local initiatives in the society can also attract people to democracy and give meaning to a new concept of citizenship, from which a number of 'primordial' elements would be

transferred to cultural dimensions of the civil society.

Once it happens, one difficult problem may be eased, at least in Poland. There are too many ambitious politicians for the relatively small capacity of political sphere. Most of them began their career in the opposition, in various organizations of the very imperfect 'civil society' that was being formed in the 1970s and 1980s. The participation in an idealistic struggle on behalf of social interest showed the very best – human, moral and political – qualities. With such credentials they became politicians in the post-communist world. Each of them wanted to realize his own vision of the future. They began forming new parties around their leaderships. They crowded into a limited political sphere, and began to compete, got into personality fights, ego trips and struggles, which then portrayed their worst characteristics – political, moral and personal. Their followers felt betrayed and became disillusioned. At the same time, the institutions of the civil society, abandoned by their former leaders, began to disintegrate.

Against this background, I was hoping that some of them, at least, could return to the civil society, where they had been more successful, more creative, more contributive and happier. In this way they could be welcomed back, and grow out of their present frustrations.

Another hope has to do with drawing a line between what belongs to politics and what belongs to the civil society. I realize that such a line will never be perfect, that there is a lot of overlapping and there will be everyday transgressions. Nevertheless, some lines should be delineated. To help thinking in terms of the distinctions between the two spheres, ideally one serious newspaper would divide its information and commentaries into three sections. One section would deal with politics: what the Parliament does, what the cabinet does, what are political decisions of the courts, news about elections, parties, the political process, and about struggles concerned with the distribution of resources. Another section would deal with society: national and ethnic issues, religious and moral associations and organizations, and culture and science. A further hope would be binding the two preceding social elements while setting limits for the first one: thus a constitutional and court section would foster a very much needed legal culture. In this ideal scenario, the possible "transgressions" should be noted: all cases when a politician uses 'civil' issues to get votes or a government transgresses into a sphere that is reserved for the society, and when the leaders of civil society – of churches, unions and businesses, civic movements and associations – put unreasonable demands on politics, wanting not only protection or legalization of important social issues, but demanding unjust benefits, preferential treatment or indirect access to power.

Antal Örkény[*]

PERCEPTION OF JUSTICE AND INJUSTICE IN POST-COMMUNIST SOCIETIES IN CENTRAL EUROPE

Results of an International Survey on How People Perceive Social Justice

The quality of being just, to live in moral rightness, to treat political and social conflicts justly, and the fundamental need for moral principles determining just conduct are social phenomena which are as old as human history itself. The struggle over economic, political and social justice has been a central force in human history for centuries and almost everywhere and throughout time.

In contemporary history, from Asia to the Balkans, from South America to Russia, wars and revolutions have been fought in the name of democracy and political justice. Characteristics of the market have conflicted with notions of social justice and become one of the most demanding challenges of modern societies and economic systems. In European and American history of modern liberal thinking – since the French Revolution – principles of justice have become crucial guiding principles regulating and equilibrating other virtues and principles in the political and legal realms. Nevertheless, as the history of the modern liberal state and the continuous crises of the market economy during the last two centuries have clearly proven, the idea and principle of social justice is extremely controversial and conditional: in a given period and in a certain geographical territory social justice has to be perceived and accepted by the majority of the people. It is by no means universal, unconditional nor does it have a singular validity.

Correspondingly, notions of economic, political and social justice have been the subject of scholarly analyses. Until recently, however, analyses and debates about economic and political justice did not involve research on the views of the common person. While philosophers, political scientists, sociologists, and social psychologists, from Rawls to Hayek or from Homan to Greenberg, carried out extensive analyses and surveys relating to the formal, institutional and systemic aspects of political and economic justice, in contrast we know very little from a systemic and comparative perspective about notions of justice and related norms pertaining to everyday life.

The public sentiments and emotions have worked to define or redefine notions of political and social justice. These have been articulated and crystallized by radical political mass movements in history. During the 20th

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century in Europe, two major political movements called for a restoration of social justice and moved to redefine principles of justice related to political and social life. The first was the Russian Revolution in 1917 which later, by the end of the Second World War, impacted upon other parts of Eastern and Central Europe. Paradoxically enough, the most radical attempt to restore political and social injustice reoccurred in the same region with the collapse of communism in the late 80's. Communism as an ideology and a political, economic and social vision or dream which was a radical venture to create a system of social justice shattered and was eradicated by those who had been subjected to it.

During the celebrations following the 'revolutions' in Eastern Europe after 1989, which meant the 'liberation' of the countries from the external and internal political oppression, both the actors who were largely responsible for bringing about the changes and experts strongly believed that the transition would happen in a peaceful, just and rapid way. At the outset of the political changes which occurred relatively suddenly, the common expectation was that political justice could be restored in a short period and a new and just economic and political system could be immediately set up.

That the process of change of regimes in Eastern and Central Europe would entail a crisis in fundamental values was not taken seriously into account, but such a crisis continues to date. Unexpectedly, public sentiment in all formerly socialist countries quickly became polarized in a manner virtually identical everywhere. Opinions polarized with respect to the following questions: Who is entitled to compensation for injuries suffered in the past? Who is answerable for those injuries? Who were the collaborators? Who should be rewarded for heroic resistance? How much state-owned property should be redistributed and to whom? Finally, what policies should be pursued in the formation of a new moral and economic order?

The crucial principles involved are concerned with justice and injustice. The value conflict filling the central debates stems from reverse expectations of political and social justice. These differing expectations are rooted in their respective different parts. Following the disintegration of the Roman Empire, social development showed different patterns in the Western and the Eastern regions of Europe. There is an uninterrupted development of modernization in the Western region. Important to the development of the Western pattern is the principle of individual effectiveness which became an integral aspect of social and economic justice. In comparison, modernization in the Eastern region can be said to have been delayed, and more or less shaped by political interference "from above". In such a system individual initiative and effectiveness consequently became suspicious. Instead, bureaucratic measures set the standards for evaluation of economic and social justice. Ideological formulations referring to the values of "collective interests" replaced the social values which were not negotiated and legitimated from below (Anderson, 1974; Szücs, 1988).

These historical differences, going back centuries, were reinforced and

stabilized by the division of Europe after the Second World War. As a result of this division centralized, redistributive state-socialist systems became ubiquitous in Eastern Europe. These economic and political systems founded their legitimation in egalitarian justice ideology of socialist equality. Capitalism, however, continued to exist in Western Europe and original forms of political and economic liberal legitimation of capitalism have gradually been modified by ideals of social rights (Marshall, 1950). As a result, classical liberal ideas of equity have been withering away, and social democratic values have been pressed forward to a different extent in each of the Western societies.

As a consequence of this duality of social development in post-Second World War Europe, in countries where values of equity are prevalent, social, political, economic equality has gradually emerged, whereas in Eastern Europe where initially rigid state social systems were established with a dominant ideology of equality, some elements of equity have become parts of the value system (Hankiss, 1990). This tendency was especially strong in socialist countries experimenting with the introduction of market elements into their economic system.

In 1991 an international survey of social justice was carried out in twelve countries.[1] This paper is based on results of that survey. Seven Eastern and five Western countries took part in the survey. Special attention is paid to Germany also since data collection in the Eastern countries coincided with unification. Interestingly, although Japan may have a political and economic system comparable to most Western European countries, one does not observe any major patterns of European justice perception.

The aforementioned data have been evaluated using two different methods: first, a comparison of country averages (see Graphs) and second, an analysis of the frequency of responses in the individual countries based on a cluster analysis (see Figures).

> Satisfaction (Graph 1.1., 1.2., 1.3.)
> Perceived ratio of poverty and wealth (Graph 1.4., 1.5.)
> Attribution of poverty and wealth (Graph 2.1., 2.2.)
> Perception of society in terms of class differences (Figure 1.1.)
> Attitudes toward state intervention (Figure 2.1.)
> Popular perception of the existence of social justice (Figure 3.1.)
> Patterns of political protests (Figure 4.1.)

In the cluster analysis the original measured variables were not used. Instead aggregated variables were formed centred around different topics concerning satisfaction in different areas of life. The variables were indicators of approval
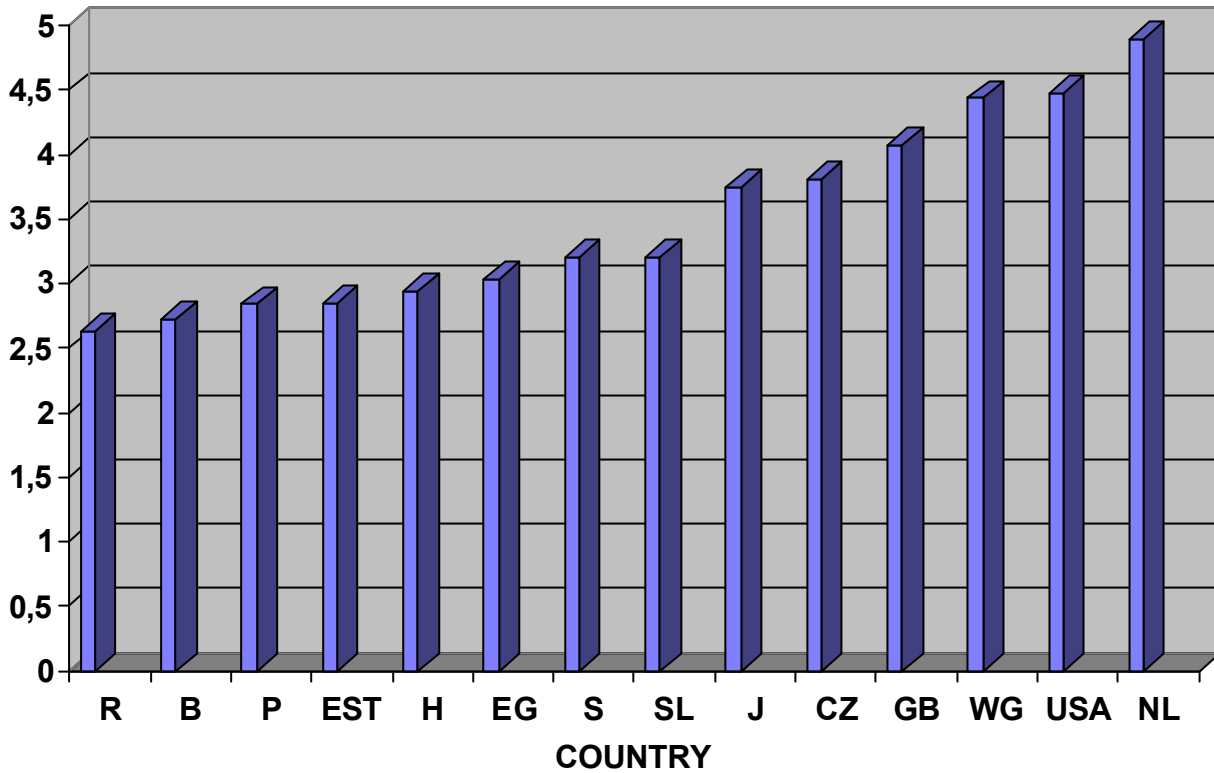
in the individual countries for which averages were calculated. With the help of the cluster analysis on the basis of the average rate of approval in the individual countries, types were constructed which show the distances between groups within countries. Countries could, on the basis of the cluster analysis, be grouped and used for comparisons of historical regions of East and West.

Aiming at exploring the structure of satisfaction, we investigated variables such as satisfaction with one's own life, family life, community life, income level, job conditions, standard of living and finally, the political system. Three tendencies were explored. The first tendency shows a definite East-West slope which clearly demonstrates that following the removal of the Berlin Wall and the Iron Curtain, a 'mental wall' was erected between post-socialist and advanced capitalist countries. Graph 1.1. shows that the further we move from West to East the higher the personal dissatisfaction concerning income, which is not simply a cognitive effect but also the reflection of the economic achievement of the post-socialist countries that is perceived as insufficient and frustrating.[2]
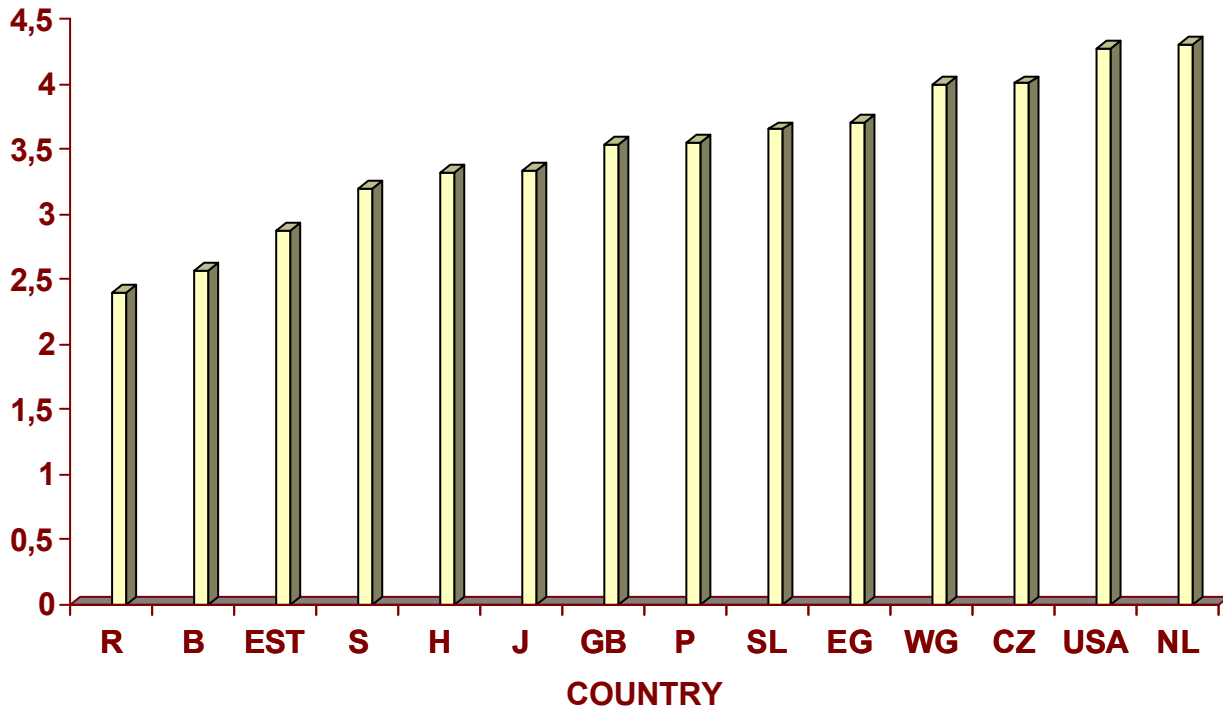
Graph 1.2. demonstrates the satisfaction trends related to the political system of each country. The slope appears again. This is the second tendency which reveals an inner differentiation within the post-socialist countries. Results suggest that the people of Poland, Slovenia, the former Czechoslovakia and East Germany are more satisfied with their political system than people in the remaining post-socialist countries under study.

Interestingly enough, the third tendency shows that comparison of satisfaction on a system level reveals differences, but on a personal level, in the dimension of the life-world, differences among countries disappear (Graph 1.3.).
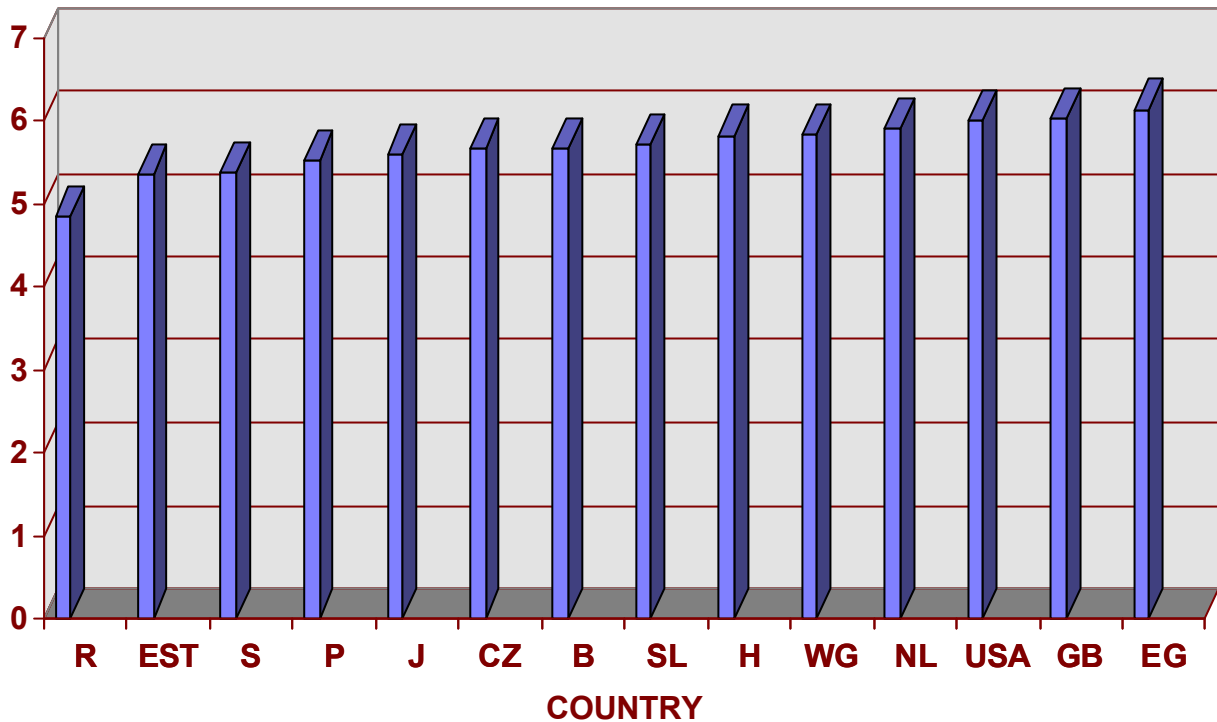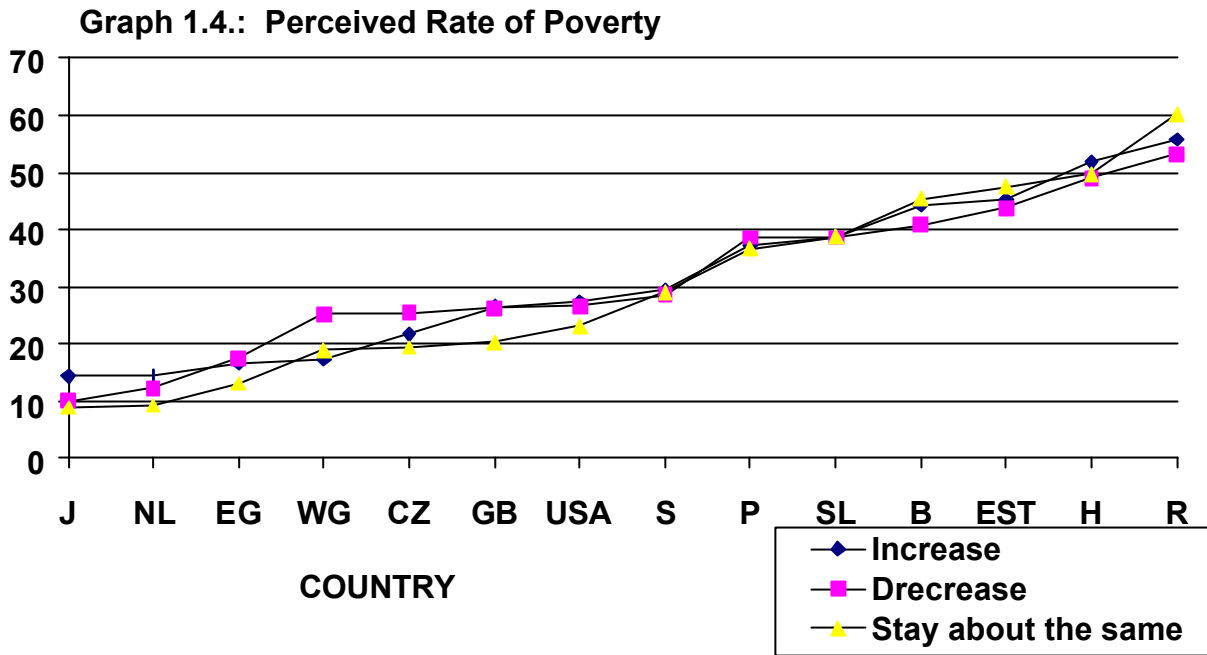
Graph 1.1.: Income Satisfaction

Graph 1.2.: Satisfaction with Political System
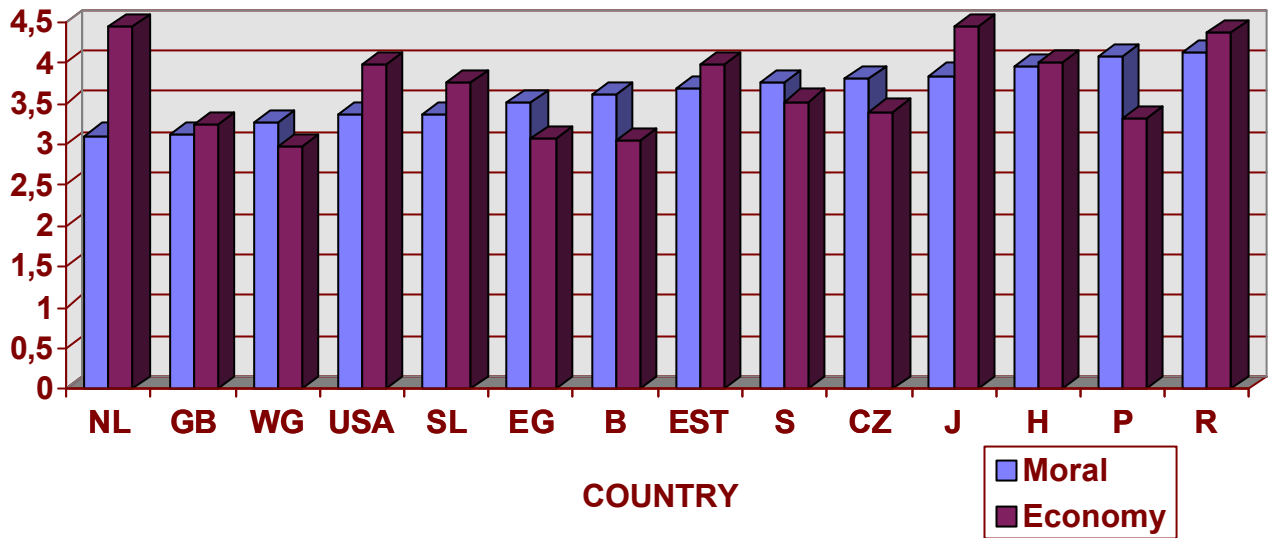
Graph 1.3.: Satisfaction with Family Life

The survey also allowed us to examine how people in different countries could reconstruct the social stratification and the problem of inequality relating to their native societies. According to our results the perceived rate of poverty shows a very strong East-West gap again, while the estimations in the different countries about the rate of wealth represent no country differences at all (Graph 1.4 and 1.5). Some Eastern and Central European countries like Russia, Hungary, Estonia and Bulgaria perceive the poverty problem as the most typical and overwhelming social characteristics: the respective national average poverty in these cases is estimated to include more than half of the total population. This kind of interpretation of social inequalities and stratification shows strong polarization dividing the societies into a small elite group and a large mass of people who are relatively perceived as poor.
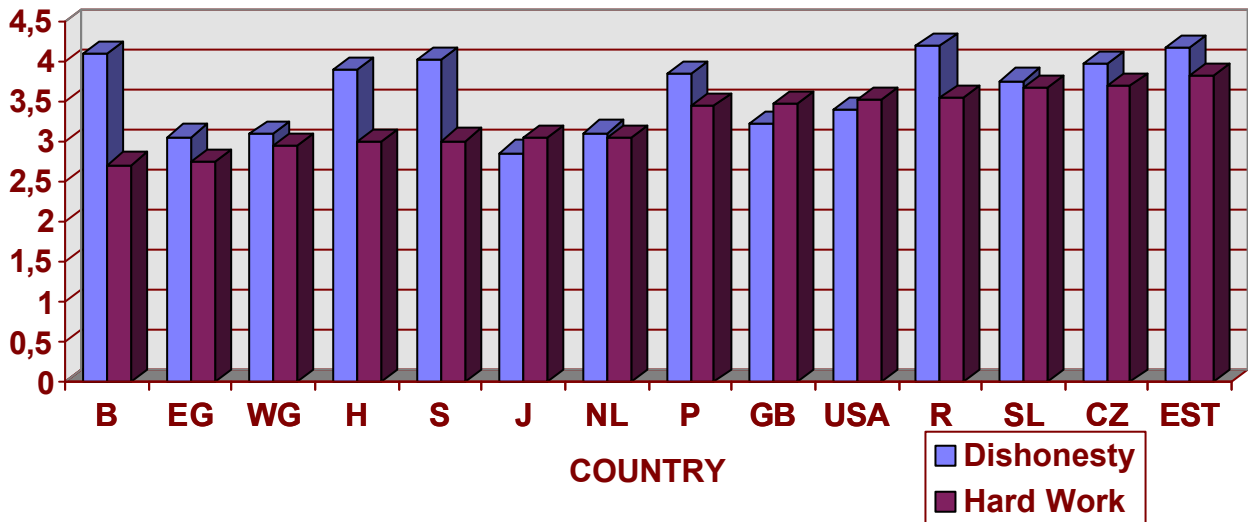
Graph 1.4.: Perceived Rate of Poverty

An investigation of attributions of poverty and wealth was carried out also. Variable PMORALS indicates the tendency to blame the poor for their economic situation, accusing them of moral and psychological faults. Variable PECONS represents a reversal of attribution emphasizing disfunctional aspects of the economic system resulting in mass poverty. We can see from Graph 2.1. that the further we move towards the East, the more frequent the occurrence of the individualistic moral and psychological attribution pattern becomes. This is an important result indicating the strength of conservative social thought which is prone to blame the individual for his/her life situation and not to view him/her as the victim of social inequalities.

Graph 2.1.: Explanation of Poverty

Graph 2.2.: Explanation of Wealth

In Graph 2.2. two variables represent different attribution patterns of wealth. Variable WHDORK indicates an emphasis on hard work and effort in understanding the attainment of wealth. Variable WDISHON measures to what extent the belief exists that wealth comes from social anomie and can only be acquired with dishonesty.

The slope of WHDWORK increases as the values are plotted for the countries from East to West, demonstrating the increasing importance of meritocratic principles deriving from advanced capitalist system. In contrast, keeping the countries in the same order, WDISHON shows a reverse slope. These two slopes powerfully demonstrate the survival of egalitarianism in post-socialist societies. Moreover, they prove that the change in values has not yet taken place and probably can be expected at the earliest only long after the change of ideological and political systems have been fully set in place.

The perception of society in terms of class differences is portrayed in Figure

1.1. It reveals again a striking difference between post-socialist and advanced capitalist countries, with the exception of West Germany. People living in post-Socialism are more prone to perceive society in terms of class differences than people living in the West.

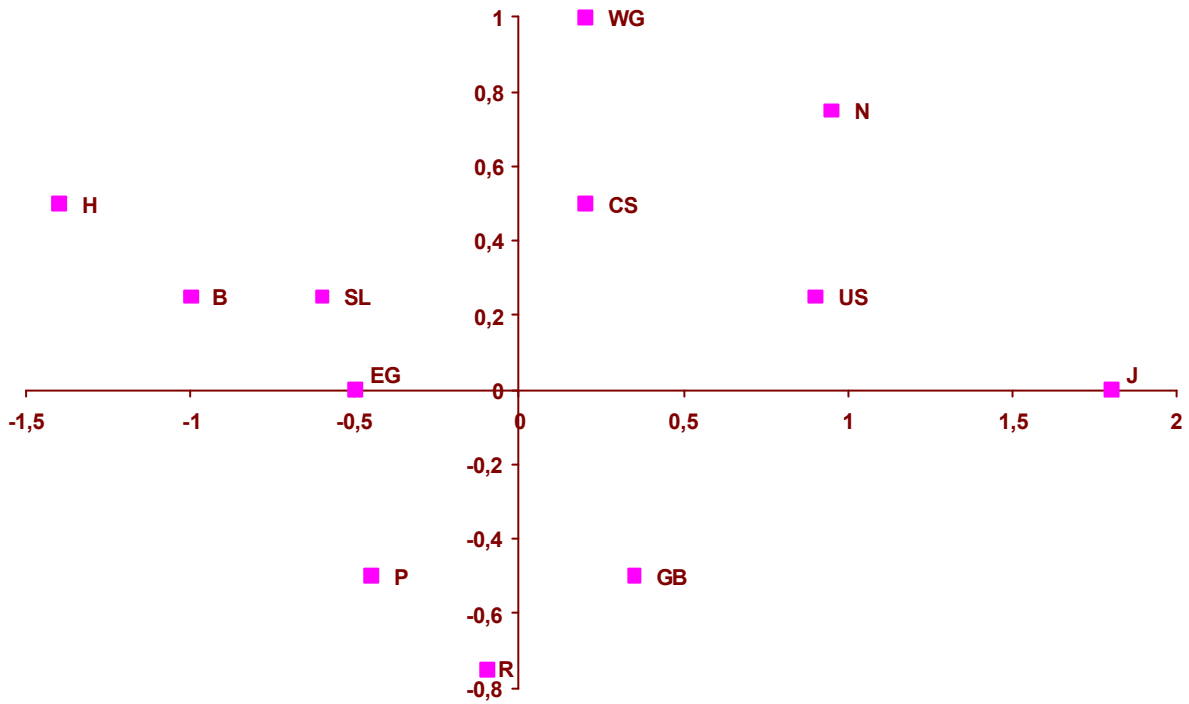**Figure 1.1.: Class Self-Identification**

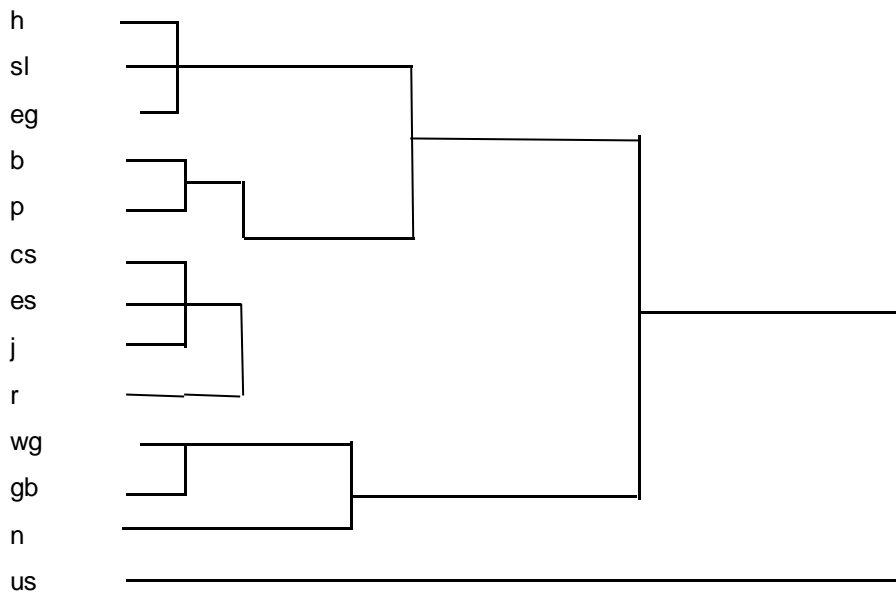**Figure 2.1.: Preference of Strong State-Intervention**

Figure 2.1 reveals our results on the prevalence of the belief in the post-socialist countries that it is the task of the state to ensure working places for anyone and to ensure a minimum standard of living for the people. This can be crassly contrasted with the strong disapproval of state intervention among the Dutch and Americans. Approval of limiting maximum income by the state, which is a measure of socialist nature, was shown to be a notion or policy alien to people living in a market economy. Countries showing higher rates of approval on this aspect were in a specific phase of transformation with a particular mixture of a partial correlation with the post-socialist/capitalist dimension. Thus it has strong support in only some of the former socialist countries (e.g. the Russians and the Czech reject this idea), whereas again it finds close to no support at all in any of the capitalist countries.

Figure 3.1.: Agnosticism and Fatalism (beliefs generally in the existence of justice)

Turning to popular perception of the existence of social justice, Figure 3.1. shows what the state-socialist social systems have done with the values legitimating social inequalities. According to the results, in the post-socialist societies there is a deep widespread concern about the lack of social justice. Negative experiences with the shortcomings and, for the individuals affected, failures of the economy seemed to have undermined the public's trust that the systems or institutions produce or are conducive to guaranteeing justice for all. This may explain the tendency of political apathy measured to some extent by the next variable on patterns of political protest.

Active participation in different forms of political protest, like petition writing, public meeting, traffic blockade, strike, etc., were investigated. Patterns of political protest are illustrated in Figure 4.1.

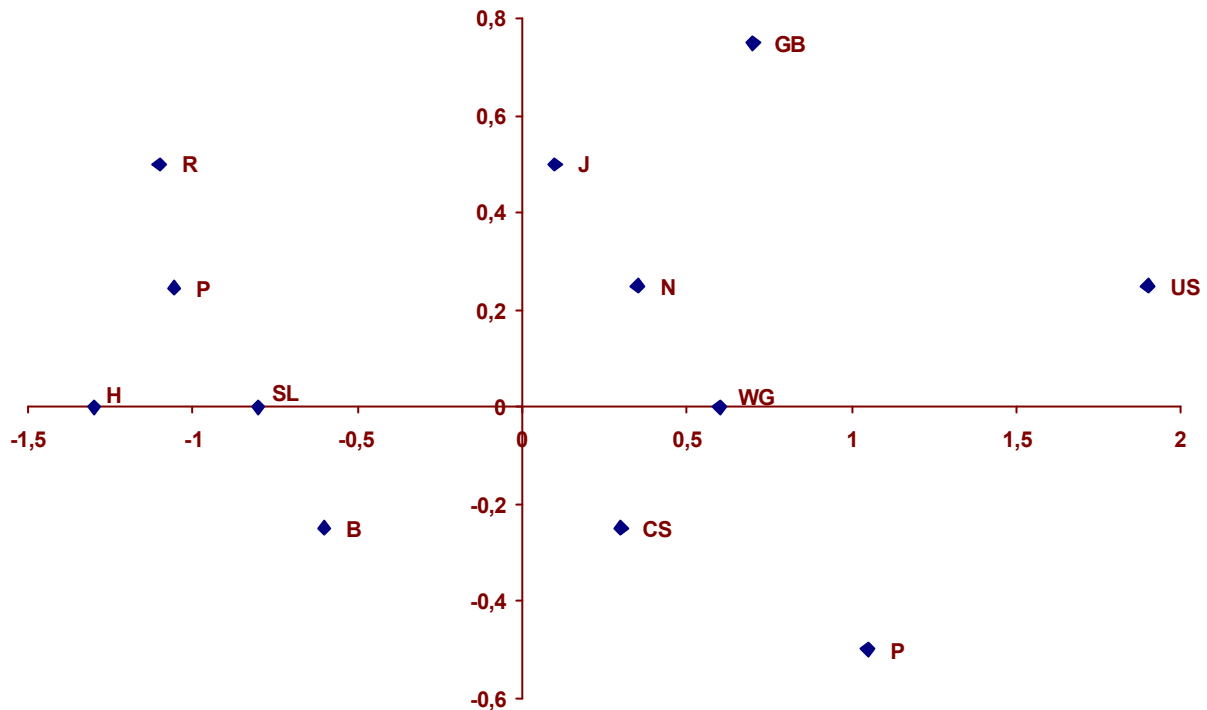**Figure 4.1.: Participation in Political Protests by Country**

Figure 4.1 shows the active participation of the respondents in the above mentioned different forms of political protest. It is strikingly evident that in the former socialist countries people are strongly sceptical about being capable of influencing political decisions by way of protest, whichever form it may be. This is bad news from the perspective of developing democracies and reflects the legacy of authoritarian political socialization favouring blind loyalty and passive obedience.

In summary, on the basis of these results we can state that the contemporary differences stemming from historical differences between various regions of Europe continue to exist. It can be observed, however, that among Eastern European countries at the individual level differences within the national populations are greater than the differences found among countries of the West. In this sense, Jenô Szücs was right to assume that there is a distinct Central-European region within Eastern Europe. We can infer that the values of a market economy, a pluralist democracy and a class-based society, which are closely connected with the equity principle of justice, prevail unanimously in the West. In contrast our findings suggest that countries of Eastern Europe are similar to each other, first of all, in being different from the West, but each of them is more Eastern in its own way than western countries are Western in their own way.

The unification of East Germany and West Germany offered a unique opportunity to compare the social, political and economic transformation, with presumably a similar process taking place within one country. We were able to collect data showing conflicting and overlapping characteristics of the formerly separate two societies which were formed between 1945 and 1990 by two different economic and political systems, but which at the same time preserved the common historical and cultural roots. Conflict and harmony of values of Germans living in two Germanys is demonstrated in the following Table.

Table: *Clusters formed based on variables measured both in Eastern and Western Germany*

	The two Germanys in same cluster	The two Germanys in different clusters
Income satisfaction		x
Satisfaction with the political system	x	
Satisfaction with family	x	
Explanation of poverty	x	
Explanation of wealth	x	
Approval of state intervention		x
Popular perception of social justice	x	
Tendency to political protest	x	

The table demonstrates well that during the reunification the East German post-socialist society assimilated relatively quickly to the West German capitalist social system of values and attitudes. Nevertheless, some values formed by the state-socialism system seemed to survive the socialist past which is indicated by the differing East German responses concerning income satisfaction and approval of state intervention.

To sum up, we can see across countries and especially across regions very strong dissimilarities for both the economic and social justice. While in the West there are broadly defined sentiments in support of equality, on the one hand, we could also prove strong sentiments in support of inequality, on the other. Nevertheless these two opposite types of value orientations were able to coexist

in the Western public thinking in a peaceful way. In contrast the post-Communist countries are struggling with the duality of embracing market notions of justice and norms while holding on to the egalitarian thinking of the past, which had taken the form of government guarantees against the market risks. In a more general way we can state that between the historically formed Western and Eastern regions of Europe there is an intermediate region distinct from both (Szücs 1988) which is undergoing a particular transition process from state socialism to democracy. According to our data Hungary, the Czech Republic, Slovakia, Poland, and Slovenia belong to that region. This regional distinctness is, however, neither Eastern nor Western in nature, and on that basis they are seen to form a homogeneous region together.

Finally we have to mention Japan once more. Though we offer no graphics to illustrate its characteristic differences and similarities, we did maintain a certain comparative reference to this country. But with respect to our central question of the perception of justice and injustice we found that the historical and cultural traditions were too fundamentally different for the purpose of our research.

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1   International Social Justice Project Common Acknowledgments Statement

The International Social Justice Project, a collaborative international survey research effort, was supported in whole or in part by each of the following organizations: The National Council for Soviet and East European Research (USA); the National Science Foundation (USA); the Institute for Social Research, University of Michigan; OTKA [National Scientific Research Fund] (Hungary); the Economic and Social Research Council (UK); the Deutsche Forschungsgemeinschaft (Germany); Institute of Social Science, Chuo University (Japan); the Dutch Ministry of Social Affairs; the Bulgarian Academy of Sciences; the Grant Agency of the Czechoslovak Academy of Sciences; Saar Poll, Limited (Estonia); the Ministry of Science and Technology of the Republic of Slovenia; the State Committee for Scientific Research (Komitet Badan Naukowych, Poland). [Still missing information from Russia]

2   The participant countries in the survey were the following:

B - Bulgaria	EG - East Germany	WG - West Germany
H - Hungary	J - Japan	NL - Netherlands
P - Poland	GB - Great Britain	USA - United States
S - Slovakia	R - Russia	Sl - Slovenia
Cz - Czech Republic	EST - Estonia	

Lubomír Brokl*

CONSTITUTIVE ELEMENTS OF THE CZECH CONCEPT OF CITIZENSHIP

1.   The Problem and its Frame of Reference

1.1.   What are constitutive elements?

In one formulation of subjects at this conference it was stated that "whereas the formal institutions and procedures of a democratic polity have been established, it is less clear which ideas about the 'good polity' and the 'good citizens' have been nurturing these institutions."

It means that constitutive elements of citizenship of the Czech Republic which is to be ascertained, are not legislative elements, in the sense of established formal institutions and procedures. But they are an integral part of this formal framework. Such constitutive elements of citizenship are coincident in different democratic states. The ideas legitimating this institutional system as well as its framework and processes are also similar from democratic polity to democratic polity. In different states they can, however, convey mutually incompatible realities.

Such constitutive elements of citizenship are "specifically political orientations-attitudes toward the political system and its various parts, and attitudes toward the role of the self in the system. ... It is a set of orientations toward a special set of social objects and processes".[1] They are qualified by definite topical and historically specific social contexts and events which are transformed into the system of collective values and symbols determining political attitudes and behaviour that are reflected in the given culture as civic ones. The study is therefore moving in the space of political culture and not in legal order.

1.2.   Determining contexts of constitutive elements are:

The constitutive elements of citizenship have been broken down into four distinguishable determining contextual areas:

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- first, the nature of social stratification and its corresponding structure of interests and cleavages;

- second, the industrial and material level of society and its corresponding structure of interests and cleavages;

- third, culture, political culture and the state of civil rights;

- and finally the geopolitical position and the size of the society.

A living tradition which influences more significantly the present, includes the experience and memory of a minimum of two but up to three generations. This means that the context of our contemporary constitutive elements of citizenship, statehood and democracy are the events and values of ninety years of the twentieth century.

1.2.1. *Context of social stratification*

The Czechs did not have and so far have not had a complex social stratification. What does incomplete social stratification mean for the Czech polity and its political culture?

Czech elites (nobility, Protestant clergy and wealthy strata) were expelled during re-Catholicization of Bohemia by German, Spanish and 'Italian' nobility and clergy in the years following 1620, associated with the so-called second villeinage in 17th century. Larger concentrations of Czech capital did not exist until the second half of the 19th century. Its development accelerated with the establishment of the Republic in 1918 and its anti-feudal democratic reforms, of which the most important were: the abolition of aristocratic prerogatives, titles, German language privileges, restriction of the Catholic Church's power, and land reform. These civic democratic reforms were interpreted nationalistically, as the emergence of Czech nationalism since the elites most affected by these reforms had primarily belonged to a German political and language circle.

Democratic values were characteristic of the Czech political milieu and its capitalistic society, unburdened with feudal barriers or with considerable property and status differences.

All this is important in order to comprehend the changes in modern Czech society: These changes were not confronted with major obstacles, because they did not involve social conflicts grounded in barriers of class consciousness or real social stratificatory boundaries. In a relatively egalitarian and secular society, the changes were always met with co-operation in the sense that it was rather a matter of understanding to carry out these necessary changes. It was more or less a consensual realization than a struggle of interests and classes in civil wars.

Against this background intelligentsia and scientists – rather than

demagogues, messiahs and military leaders – have traditionally played a significant role in shaping Czech policy.

The left totalitarianism[2] with egalitarian ideology had more easily subjugated the society with the structure described above. Forty years of the left totalitarianism levelled the social stratification[3] and removed intermediary civic structures between the state and the individual. This restructuring was effected perhaps most thoroughly out of all communist countries in the Czech Republic (or in the former Czechoslovakia). This intermediary vacuum between the state and the individual was a cause of difficult mobilization of opposition toward those in power. On the other hand it is exactly the lack of intermediary structures that facilitated a rapid and overall systemic social change more easily today.

Assuming that a liberal democracy can only exist in a flourishing, relatively rich industrial society, the democratic institutions which were capable of being erected in the Czech Republic were able to do so because such conditions had already been fulfilled in the former Czechoslovakia.

Political party spirit, developed local self-government, structures of civil society and political culture came into existence from the first half of the 19th century in a relatively liberal constitutional monarchy. Their tradition dating back to this period created constitutive elements of inter-war democracy and has not been forgotten up to the present day. These institutions and structures were not replaced by communist ones put in place by the Soviets. For instance, the institution of a parliament, government and president were retained. Much rather those long established institutions were, so to speak, 'only' layered with a dictate of one party.

Should we accept the commonly accepted wisdom that democracy is suitable for a very small country provided that it be well laid, this to the contrary does not apply to the Czech Republic. The situation is well characterized by Z. Mlýna after the Soviet occupation in 1968, who said that European history is too big for such a small country. In the context of a small society and state in contact with the world, a part of the Czech intellectuals in every generation becomes frustrated. This frustration is expressed as feelings of littleness, non-identity, powerlessness and lack of self-evidence of national and state existence. Some intellectuals are trying to abreact these feelings by discussing this openly and addressing a society or nation which is not in any way self-evident. The explosion of freedom and opening of borders after two generations of communism had brought innumerable similar, basically psychotherapeutical discussions in the press. Another related problem is in particular the problem of the undefined, abstract identity, especially moral and human, sometimes national or state, but almost never civic.

2.   Constitutive Elements of the Czech Polity

2.1.   *Post-communist destruction of constitutive elements*

At one time Stanislaw Lem wrote that it is nonsense to presume that freedom, i.e. absence of limitation, will give wings to reason. Only seemingly will the state of weightlessness give absolute freedom of motion to the cosmonauts. In fact it liquidates their orientation and changes them into swaying infants. In the same way, liberated reason without support will be little all traditional values and experience at the beginning. After November 1989 the suddenly liberated thought, especially among the new Czech political elites, became common without support and instead lead to a state of disorientation. In contrast to the Slovaks who were held together by their nationalism and Christianity, the Czech elites did not have such mechanism working for them, though they might have had support in civic public opinion, had they perceived and respected it.

In the first three years of freedom and revolutionary denial of the past, the political elites who became the new opinion makers succeeded in devaluating almost all constitutive social and state values, reaching a state close to anomie without integrating values. They derogated fundamental values of history and state traditions, which were not – and exactly because they were not – disclaimed by the communists. The values renounced by the communists remained renounced. Strangely enough, this occurred since the new opinion makers were poorly informed. Presumably this lack of information is attributable to the censorship, practised during the communist era.

The Slovak opinion makers accepted and developed the Czech "revolutionary" interpretation schemes, provided they were related to Czech and Czechoslovak affairs. If they were associated with Slovak affairs, the Czechs opposed them vehemently. Their positions reflected different values. The new Czech political elites were disoriented, still self-critical; they were a tremendously heterogeneous group. The pre-war democratic Czechoslovakia was considered too leftist by V. Klaus, for Prime Minister Pithart it was too undemocratic and much too nationalistic. In this context, V. Havel declared that he would not be the second Bene. Prague Spring of 1968's politicians headed by Dubçek along with Husák's communists had been officially declared traitors, leading to their criminal prosecution and appeasing for the Soviet military occupation. The revived Czech-Sudeten discourse started to follow a similar course.

After the division of Czechoslovakia, at the beginning of its first year of the Czech Republic (in 1993), its political elite acted helplessly in a politically intellectual vacuum. And this was characteristic of the founding period of the Czech Republic. There was no clearly articulated raison d'être. Before the

election of the president, the Speaker of the Parliament, the highest state representative at that time, had welcomed the new state apologetically: "... mere words do not manage to justify what we have done ... independent Czech state is restored as a token of truth which remained." At the same plenary session, Prime Minister Klaus briefly mentioned the end of Czechoslovakia and then without much ado went on to talk about the tasks of his government in the coming year. Nobody addressed the potential Czechoslovak humanistic and democratic legacy, nobody tried to outline the idea of a new state nor define the "truth that remained". The general rejection of basic values which belonged to state and national traditions, did not make for a political climate which was conducive to such a discussion at that time.

2.2. *Constitutive elements and their characterization*

It was only the new political elites who were involved in shaping the post 1993 polity of the Czech Republic. Citizens with their plain practical common sense kept their opinions to themselves. Public opinion studies of that time reveal that the citizens had kept basic democratic constitutive values of statehood and citizenship inherited from past institutions. In the course of the first year of Czech state existence, the political elites appropriated the people's voice.

In October 1993, at the gathering for the 75th anniversary of the inception of the ÇSR President Václav Havel, Speaker of Parliament Milan Uhde and Prime Minister Václav Klaus finally articulated "the truth that remained", i.e. integrative values upon which to ground the Czech state and citizenship.

From the secondary analysis of public opinion research we can infer basic constitutive values of the Czech polity as perceived by its citizens: They are economic transformation, inter-war political democracy of ÇSR, Prague Spring 1968, Czecho-Slovak solidarity. In brief each value will be elaborated.

2.2.1. *Economic transformation*

More than sixty percent of those surveyed over a longer period expressed support of the economic transformation and the pace it was being executed in.

Table 1:   Evaluation of essential ideas of economic transformation

Year:	1993	1993	1993	1994	1994
Month:	III.	VII.	XI.	IV.	IX.
	%	%	%	%	%
entirely correct	9	9	9	7	10
predominantly correct	52	52	54	55	56
predominantly incorrect	18	18	16	13	12
entirely incorrect	4	6	4	4	4
do not know	17	15	17	21	18

The ideas of economic transformation were evaluated as being correct primarily by people with a university education (90%), people with a basic education (59%), those aged between 45 and 49 (75%), those older than 60 (61%), ODS party adherents (90%), ÇSSD party adherents (60%), and those of the left KSÇM, LB, SDL (40%). Some did not feel competent enough to judge. Those were chiefly under 29 years old (24%), students and apprentices (35%), citizens with a basic education (28%), and women (23%).

Table 2:   *Evaluation of economic transformation tempo*

Year:	1993	1993	1993	1994	1994
Month:	III.	VII.	XI.	IV.	IX.
	%	%	%	%	%
slow	36	32	32	27	27
correct tempo	26	26	28	30	33
too fast	20	19	19	17	15
do not know	19	23	21	26	25

2.2.2. *Inter-war Czechoslovakian democracy*

After the termination of Czechoslovakia, during the first year of the Czech Republic 1993, the Christian political parties pushed for the abolishment of the national holiday in memory of the establishing of Czechoslovakia in 1918. This holiday was to be substituted by the anniversary of Saint Wenceslas, a saint symbolizing historical Czech statehood. However, public opinion research[4] had revealed that although the citizens accept Saint Wenceslas as a symbol, they prefer a secular symbol of a democratic state tradition represented by a state holiday of the founding of the Czechoslovak Republic. For 86% of the Czechs surveyed, the anniversary of the inception of Czechoslovakia is a holiday that should be celebrated by the whole nation. No other event has such standing according to public opinion. This result is evidence of a national Czech civic identity constitutive of a Czechoslovakian polity. From the Slovak point of view, it was derogated as Czech nationalism.

According to December (1994) research of one Czech and Slovak agency,[5] the majority of Czechs highly value most of their own history, the period of pre-war Czechoslovakia; they value least the socialist period around 1975 (only 20% evaluate it as better than present times). 60% of the population are satisfied with the developments after 1990 and particularly the post-November developments. This part of the population is optimistic about the future and tends to associate democracy with personal freedom and equality before the law.

2.2.3. *Prague Spring 1968*

The picture of the year 1968 retained a positive constitutive value despite the distance created by a quarter of a century. There was communist criticism from the left and criticism from the right in the first years of transformation. One half of the population believes[6] that in 1968 there was an attempt to restore democracy. According to three quarters of today's Czech population, the ideas of the Prague Spring were "an affair of the nation's majority". To espouse representation at that time during negotiations in Moscow was considered in September 1993 as "brave" by 41% of population, 19% believe that they "did what they could" and that "they could not act otherwise", while only 13% evaluated it, in accordance with the new political elite, as "national betrayal". The opinion that the then representatives in Moscow were courageous was held by those who were 54% of sixty-year old and older, 30% of thirty-year and forty-five-year old citizens,[7] 36% of the younger citizens, and 45% youngest people surveyed.

2.2.4. *Czecho-Slovakian solidarity*

According to public opinion research carried out during November 1993, 62% of Czechs have very good relations to Slovaks living in Bohemia. More than one half of the Slovaks and 30% of the Czechs would welcome closer cooperation than is possible between two sovereign states. 20% of the Czechs and 28% of the Slovaks are not reconciled with the recent political division. At the same time, the present Slovak state enjoys a significant amount of sympathy among Czechs, followed by Germany (45%).[8]

According to research conducted in December of the last year by a Czech and a Slovak agency,[9] the Czechs regard most highly the pre-war Czechoslovakia from their own history, the period of socialism around 1975 is considered as the worst (only 20% consider it better than present times). The year 1990 seems to have produced the most satisfaction, while 60% of the population prefer the post-November development. Thus optimism dominates. It can be therefore inferred that the Czechs associate the concept of democracy with personal freedom and equality before law.

Both nations differ substantively in their statements on political issues. The

Slovaks associate democracy with satisfying the economic needs. They evaluate pre-war Czechoslovakia in a negative way. 45% of the Slovaks evaluate socialism as better than present times. 36% of the Slovaks find that the post-November development was the most important in recent history. 80% of the Slovaks see the future with reservations. 62% of the Slovaks compared to 26% of the Czechs believe in God.

3.   The Political Space of the Czech Republic

The political space of the Czech Republic was identified in comparative research of party systems in East Central Europe, in Bulgaria, former Czechoslovakia (then only in the Czech Republic), Hungary and Poland.[10] This research project was directed by Prof. Herbert Kitschelt at Duke University[11] and conducted by a team of Scholars at the Sociological Institute of Prague.[12]

3.1.   Methods

This research was realized in the form of interviews with the functionaries of ten parties at central and district levels (5 districts).

The inquired were given 23 problems for consideration which referred to: social policy, privatization and its priority, inflation and unemployment, foreign capital participation, taxation policy, asylum-seekers, child care, abortion, the role of churches and religion in state schools, agricultural policy and subsidies, order, authority and democratic education, ecology, freedom of information and morals, participation of former communist functionaries in public life, attitudes toward state interventionism and traditionalism, emphasis on national cultural and historical heritage and European globalism, influence of religion and religious groups on party policy, left-right classification of individual parties, sympathies towards the parties, the inquired party's attitudes and other parties' attitudes toward decentralization of state administration and an opinion on effectiveness of state administration. The party functionary respondent evaluated the importance of every problem for his party, attitudes of his own party to the problem and attitudes of other parties to every problem in his opinion as a party functionary. The evaluation and attitudes were plotted on a scale.

We have employed a standard method of standard deviation analysis and factor analysis, PC method "principal components" with Varimax rotation. Six factors were extracted, attention should be given to four at the most. As a matter of fact, the first factor includes all questions that are somewhat related to the economy. The percentage of exhausted variance equals 45%, four factors can explain 74% of the variance. Correlation with a corresponding summary question (VAR 46) is 0.81. The essential finding is that a similar correlation

value (0.80) and consequently the same kind of close affinity with party evaluation lies on the left-right political continuum. (Mutual correlation of state interventionism and the left-right orientation is 0.78).

3.2.   *Theory and main hypothesis*

The theory of research is based on the idea that political parties of individual countries – in dependence on economic advancement, historical tradition and political culture – place themselves differently along two axes: the first one is defined by the pole of political redistribution, paternalism versus the pole of market spontaneity, liberalism; the second axis is defined by the pole of libertarian politics, cosmopolitan policy versus traditional, collectivist and authoritarian policy.

The main hypothesis can be illustrated as a vertical or diagonal distribution of political parties of individual post-communist countries in a political space of four quadrants marked off by axes as shown in Figure 1, Kitschelt's model of political cleavage lines in post-communist countries.

This hypothesis has been empirically confirmed with respect to the present period of the Czech Republic.

3.3.   *Political space of the Czech Republic*

The picture of the distribution of parties in the political system of the Czech Republic (see 2.) differs from the aforementioned main hypothesis (see 3.2.) at first glance.

a)   Czech parties are aligned neither along vertical nor diagonal political lines, but along the horizontal axis of political redistribution, i.e. between the social democratic left and the defenders of liberal market policy. Civic parties are distributed horizontally above this axis in two quadrants directed toward the libertarian cosmopolitan pole, with the opposition in the redistribution quadrant, and government coalition civic parties in the quadrant of market liberalism. Both Christian parties of the government coalition – in contrast to civic parties – are found below the horizontal axis oriented towards the pole of traditionalism, collectivism, authoritativeness, but at the same time in the quadrant of market liberalism.

b)   The placement of the Czech civic and Christian parties of the government coalition in different quadrants reveals that conflicts which we observe among civic and Christian parties in government coalition have deep roots. If we associate in our analysis the Czech civic and Christian parties of the government coalition, then the civic parties ODS and ODA are drawn back by Christian parties KDU-ÇSL and KDS from the libertarianism –

liberalism quadrant deep into the quadrant of authoritarianism and traditional liberalism.

c) Comparing the distribution of political parties of the other post-communist countries in the four quadrants, a difference becomes apparent in the fourth quadrant. In the case of the Czech Republic, the fourth quadrant of political redistribution, paternalism versus authoritorian particularist policy, remains quite empty. But it does not mean that it is terra incognita or that "lions are living there". The fourth quadrant describes the Slovakian case: all its political parties with the exception of the already abolished partner of the former Czech Civic Forum, the movement called "People against Violence". In the first stage the Slovak parties were explored by Prof. Kitschelt. After the division of Czechoslovakia, the second stage of this research was not followed through. This consists of Kitschelt's pilot research in the Czech and the Slovak Federal Republic.

3.4. *Concluding Remarks*

On the basis of the above mentioned findings we have drawn the following main conclusions:

With the Slovak system of parties, Czechoslovakia was really situated diagonally, in a post-communist way as the other post-communist countries.

The present horizontal distribution of a party system of the Czech Republic lies above the axis and is defined by political redistribution and paternalism, on one end of the pole, versus market spontaneity and liberalism, on the other. This places the party system in the Czech Republic not among post-communist systems, but among normal political parties within European democratic systems.

The mentioned research results reveal the existence of two different party systems, the Czech and the Slovak, in former Czechoslovakia which manifested different political practise, values and attitudes in the first years of social and political transformation.

The different functioning of two very different party systems influenced the political mechanisms which led to the end of Czechoslovakia.

It is highly improbable that Czechoslovakia could have survived as a unified state with this contradictory internal political foundation and functionalism, especially under conditions of transformation (e.g. unfinished political democracy) and in the new European situation of the nineties.

This conclusion holds true even on the assumption of a victory of the Czech opposition (the left) (left top quadrant) and its cooperation with the Slovak parties (left bottom quadrant). Attitudes and evaluations of the selected problems are qualitatively different.

The above mentioned conclusion would have held Christian parties cooperated in both republics. The Czech Christian parties, in contrast to Christian parties in Slovakia, joined sides with the Czech civic parties in the liberalism quadrant, while the Slovak Christian parties are found in the quadrant of paternalism and redistribution. Attitudes and evaluations of the presented problems are qualitatively different.

A clear-cut diversity of attitudes and values of both party systems in the Czech and Slovak republics is a good reason for considerable scepticism for not expecting these values, attitudes and thus political spaces to be reconciled in the near future, i.e. for the living generations of Czechs and Slovaks.

4.   Main Themes of the Conference from the Standpoint of their State in the Czech Republic

Contemplating the concept of good citizenship, the question of what the basic inspiring assumptions about justice are, and the problem of whether a substantial or a procedural conception of justice prevails in public discourse become tantamount. The debate on justice in the Czech Republic lead by the public and political actors, for example, in the privatization and restitution process, were both referring to substantial and procedural conceptions of justice. Both conceptions are heralded in the Czech Republic by the Prime Minister and the President, who relentlessly develop both discourses as mutually contradictory. The herald of the substantial aprioristic conception of morality and justice is "the ethical universalist", President Václav Havel. (The Prime Minister, Václav Klaus called him an ethical universalist in his article entitled "Ethical universalism and our time" in People's News[13] and did not mean it too flatteringly). This conception of justice results from Havel's abstract morality and humanism anchored perhaps in moderate theism, in the morality of the dissidents' Charter 77 and its "non-political policy". The Prime Minister Klaus is a fighting herald of pragmatism and of ethical a-posteriorism anchored in practical policy, economy and finance. Klaus' ethical a-posteriorism is based on the postulates of the growth of morality from below, especially in business relations. New entrepreneurs will cheat each other so many times until they realize that it does not bring profit and only then will they start to behave ethically. Havel's view is the opposite: morals and consciousness must precede behaviour. The contention of both conceptions as public discourse passes off practically from Velvet Revolution. Each perspective finds the opposite one a little immoral. But experience has shown Prime Minister Klaus' view to hold more truth. The development of protestant capitalistic ethics in historical brevity is repeated in front of our eyes.

Which role does solidarity play in those debates on the common good? And,

is being solidaristic a basic value at all? If so, is it grounded on "communitarian" values, as shared ethnic, religious or national attributes, or do more "liberal" principles, such as human rights or egalitarian axioms, prevail?

On the basis of what we have mentioned in 1.2.1. about the context of constitutive elements, we must state here that residual atomization of society from the totalitarian period as the polarity between state and individuals still prevails in the Czech Republic. The whirling of broken elements and displaced social structures still prevails. The first new clusters are coming into existence. The Civil Society will only arise. Corporations, the Church, local self-government and nationalism are still weak. President Havel is a defender of the Civil Society and communitarism. Their adversary is Prime Minister Klaus who is afraid of post-totalitarian fragmentation.[14] Any special debate on the common good does not pass off in this context, it is realized in mediation in other discourses. A simplified nominal liberal principle dominates in mass media. When applied, it acknowledges only individual interests and denies common interests and goods, the latter having been compromised by the left totalitarianism. Liberalism in this sense accents human and civil rights and anti-egalitarianism.

The third problem at the conference was : Which concept of the good citizen underlies the public discourse about social obligations which the people owe each other and the public authorities. The answer is summarized above. A self-contained discourse on this theme does not pass off, yet. Its problems are partially solved in other discourses and themes.
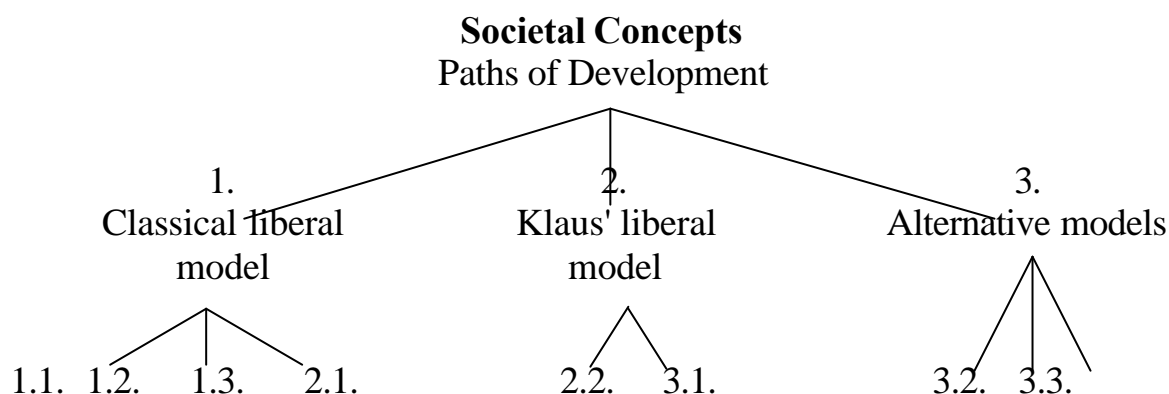
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2   The term 'left totalitarianism' is defined in J.L. Talmon, The Origins of Totalitarian Democracy, Praeger, New York 1965.

3   Machonin Pavel ed., in: Czechoslovak Society 1967, The Analysis of Social Stratification, ed. P. Machonin, Epocha 1969, p. 619; Chapter 6.: L. Brokl, Power and Social Stratification; the same title in: International Journal of Sociology, 1/Fall 1971, pp. 203-283.

4   IVVM 93-08, Opinions of citizens on the state holiday.

5   STEM and FOCUS, pp. 94-12.

6   IVVM 93-09 (04.-08.09.1993), View of the events of the Prague Spring from 25 years later and opinions on the causes of the military intervention in 1968; J. Mišoviç, S. Hampl, 27.09.1993.

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Zdenka Mansfeldová[*]

"JUSTICE" AS AN ETHIC FOR LEGITIMACY OF ECONOMIC REFORM

The discourse on economic transformation in the Czech Republic, i.e. the discussion on privatization of property and restoration and restitution of justice, was essentially a dispute about the form of democracy, about the extent of state interference and redistributive mechanisms. In many cases it was an obvious confrontation of ethical principles with concrete policy proposals.

Three conceptions of society, characteristic of post-communist countries after 1989 were evident.[1] Discussion on issues of economic transformation occurred in the context of these conflicts.

Societal Concepts
Paths of Development

	1. Classical liberal model	2. Klaus' liberal model	3. Alternative models
1.1.	1.2. 1.3. 2.1.	2.2. 3.1.	3.2. 3.3.

1. Classical liberal model with "the government which governs in the very least", claims to have developed civil society and autonomously acting individuals. Civil society is represented here by a complex of corporations, associations and organizations which exert their activity independently on the state, but do not try to gain state power.

2. "Clean" liberalism of the Prime Minister V. Klaus was based on the relation of individual and the state intermediated by a political system but not by some corporatist elements, associations and organizations.[2] This conception promises optimum democratic realization of individual interests and formation of social concern. It was enforced after forty years of totalitarianism which had removed the civil intermediary structures, as

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perhaps totalitarianism did in most East European countries. The heart of the explanation of weak post-communist civil society "... can be found in the specific way in which state-society relations were structured in the communist era. Because the interests that exist in post-communist society emerge from a state socialist framework that repressed the development of autonomous classes and made all groups dependent on the state, the organization of interests in post-communist society ... is necessarily very weak."[3] On the other hand, these conditions facilitated a rapid and extensive social change.

3. A social democratic corporative approach, a concept supported by the political spectrum of the Left and by some Christian politicians, is considered a viable third option that would promise a more potentially social market economy and democracy than Klaus' neo-liberal model. Between a weak state and the individual is the civil society, its collectivity, corporations and communities. It is a body of ideas popular among the new contemporary European and American Left. It is purported that such a model can remove shortcomings of present democracies by means of "radical democracy" and democracy "from below".

D. Ost characterizes as paradoxical the collectivist revolutions that brought about individualistic systems in East European countries.

The market economy is being introduced today because of the victory of the political opposition which long embodied communitarian values. This can be seen, for example, in the radical participatory ethos of the original civil-society program.[4]

In the Czech Republic, or in Czechoslovakia, the discourse on economic transformation began to develop only in conjunction with the change in the political system in the aftermath of November 1989. It took place above all on the level of a discussion among experts and politicians; in substance, there was no public discussion nor was there any demand for it "from below". It is true that economic transformation had reassumed the values and symbols which existed in our society before and survived the past socialist period. This value system can be characterized as national-democratic, orientated toward civil society.

The attempt to attract the people for the support for economic transformation used such ideas as "to work hard", "to work with high quality", and "to live in freedom". This contrasted with the first period in which the economic transformation was not connected with the idea of restoration of capitalism.

In the Czech part of the former Czechoslovak Federation this strategy was mostly connected with the goal of achieving a functioning economy as well as promoting individual initiative connected with democracy. This strategy was not nationalist, religious or ideological in nature. In general, entrepreneurship was connected with long-existing national democratic values of Czech society going back to the beginning of this century and pre-war time.

This existing value system was conducive to a favourable climate for economic transformation and provided the basic ethical legitimacy and acceptance for economic reform.

Models of reform were conceived in the period between November 1989 and June 1990 when the first free elections were held. Basically three systems were proposed:

–   a planned economy in the form of a continuation of a restructuring (perestrojka),

–   a market economy and

–   a mixed economy.

The first variant surviving from the past was quickly abandoned. Discussions were concentrated around the 2nd and 3rd variants.

We should have in mind that Czechoslovakia at the time of the "Velvet Revolution" had no substantial private sector, little private farming and few firms with major markets in the West.[5] From the debate between experts who remained in the country and those who lived in exile it was apparent that a transition to a market economy was necessary. The difference in views concerned how, and at what pace, this transition should occur. V. Klaus spoke of "a return to Europe" which included "the acceptance of an economic system that is characteristic for the civilized world."[6] This formulation fitted in with the accepted stereotype of that which is perceived as the civilized world. The rhetoric "return to capitalism" was not used at the beginning of the economic transformation. The participating discussants had agreed about the necessity of privatization, but differed in their opinion of how to proceed: questions as to what other forms of property should be preferred and what would be the role of the state were sources of controversy. The second key problem was a question of restitution regarding property. Besides the economic aspects of privatization and restitution both of these forms of denationalization were tied in with a whole complex of ethical problems, interpreted by the representatives of individual political groupings according to their corresponding convictions. For a discussion of such ethical dilemmas in the context of privatization and restitution in post-communist countries the analysis of Frank Bönker and Claus

Offe[7] offers an excellent summary of this problem. Due to the confines of this paper I would like to end this point with this reference and concentrate rather on some specifically Czech problems.
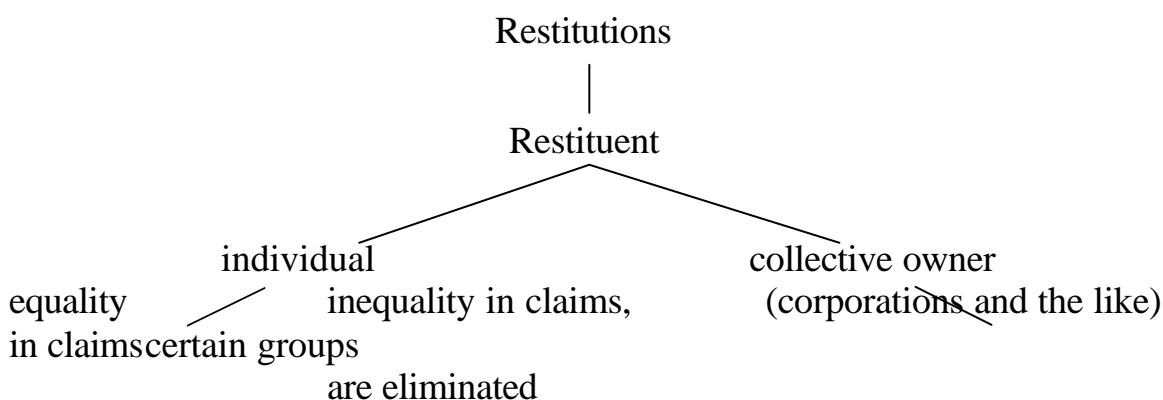
Turning back to the key arguments of the proposed reforms and with reference to mass media discussions, it is plainly evident that concepts of "justice" dominated the various lines of argumentation especially when it came to questions such as:

– To what extent should one implement restitution and privatization, which state-owned property should be included under restitution and privatization?

– Who can be a participant or should have the right to receive his former property and take part in privatization?

– What method of privatization should be chosen?

– How quickly should the process of privatization proceed?

Below is a brief explanation of how the concept of "justice" is applied in these processes.

Restitution

In problems of restitution "justice" becomes important in the following way:

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                        Restitutions
                             |
                         Restituent
              _____
             |                                    |
        individual                          collective owner
equality        inequality in claims,       (corporations and the like)
in claims   certain groups
                  are eliminated
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Whether a restituent is an individual or can be a collective owner as well (e.g. in the case of various corporations) is unclear. In restitution debates restituents only were individuals and not collective owners, such as corporations, associations and the like. There were certain exceptions such as SOKOL and YMCA.[8] Special rules were stipulated for restitution for Churches and Jewish properties.

Another delicate question of rightfulness concerned the equal possibility to raise restitution claims. A certain part of the population was excluded by the imposed time limit of February 25, 1948 and the so-called Beneš decrees. Restitution and rectification of mishandling of property ownership only included living restituents or their descendants. On the one side it was argued that descendants were less afflicted by the consequences of wrongdoings committed on their ancestors. On the other side, it was argued that such a policy was demoralizing: some did not deserve for the original property; this fostered an inequality of starting chances; the descendant could have been a member of the former communist nomenclature.

Restitution law based on citizenship practically excluded the claims of foreigners, i.e. also of emigrants. Applications could be filed only by those citizens who had permanent residence, or in other words, by those who had permanent residence in the Republic at the moment of making the claim. In the first two years after the "Velvet Revolution", in the period more favourable to emigrants, a number of former citizens had formally settled their claims. It was more complicated with those who became permanent resident again but who were released from state bond or were deprived unlawfully of their citizenship by decision of the court after emigration. In the interest of indemnification, it was argued that only those who had to live and suffer under the communist regime should be included, for it would be unjust to grant the same comprehension to emigrants who lived in freedom under better material conditions.

Another important issue of restitution was how to privatize as quickly as possible. Decisions regarding justice represented a tremendous time factor. The processing of cases of restitution dragged on and increased the expenses for administration proceedings[9] and unclear property relations hindered the process of privatization.

Privatization

At the beginning of 1990, in the period around the first elections, there were no discussions about concrete forms of changing ownership relations or about the return to capitalism. In substance the debates had been leading to a consensus that an effective economy is represented by a market economy.[10] Privatization as the only road to an effective economy, to a change in work motivation, became a key issue.[11] There were diverging views on the manner in which and how quickly this should occur. Diverging concepts and subsequently diverging

"camps" were formed regarding privatization.

1. One concept can be referred to as the radical, rapid reform, neo-liberal "shock therapy", which was connected with certain risks and relied on the all-powerful market, which was to get rid of central planning and thus strove for rapid privatization and a full price liberalization.

2. A second concept was the so-called "gradualist concept".

Discussions about the scenario of economic reform were simultaneously clashes of opinions of future political development. The attitude toward economic reform or to certain proposals for reform had become the main dividing line among the population concerning attitudes toward the transformation process as a whole.[12] Ideas for economic reform became instruments of political polarization. Political protagonists had transformed the discussions about the reform into ideological debates so that support of the radical conception of reform was associated with the long-term support of democratic development.

Discussions on the manner in which privatization should proceed was the key moment. The central issues were the acceptance or refusal of ESOP shares (Employee Stock Ownership Plan), coupon privatization, and, to some extent, money laundering. Both camps, constituted respectively by the advocates of the above mentioned conceptions, emphasized the principle of "justice". But this principle was evidently a cornerstone of contradictory opinions.

The advocates of radical reform and coupon privatization (headed by Prime Minister Klaus) defined "justice" as follows:

–   equal starting opportunity for everyone;

–   equal access, i.e. an equal opportunity to participate for all without the eliminating of some;

–   opportunity for honest citizens (set apart from those who have large savings and are able to buy shares; it was argued that they could not have earned them through honest work considering the average salaries in the past).

The advocates of the gradualists conception (represented by Komárek) and the adversaries of coupon privatization said:

–   he who saved money and thought of the future, should have the possibility to buy shares and thus have the right to a more advantageous start than someone who was idle – it is only "fair" that such consequences follow;

–   equal starting conditions by voucher privatization are illusory;

–   people will want to get rid of their shares, sell them, thereby fuelling inflation;

–   anonymity of the capital market, selling out the nation's wealth to foreigners;

–   the national riches should not be given away;

–   to give out something for nothing is immoral and demoralizing as opposed to the selling of shares and ESOP;

–   people are not trained, they will not recognize management incompetence;

–   it will play into the hands of organized crime, elite brotherhoods, will make money laundering possible.

Lastly, participation in privatization by the elite, whose access to political power was limited by the so-called lustration law, and money laundering were judged in connection with this issue. One opinion was: Everyone should have equal access, the reform must be jump-started quickly.[13]. Time and an operating market will solve the problems. There is no "dirty money", there is only money without attribute. D. Ost characterizes the situation as one in which former managers and directors and old party officials, using their connections and their capital to lease firms, set up new companies, and otherwise provide for themselves in the new economic environment phenomenon of "spontaneous privatization".[14] Whether or not this should be judged in terms of moral behavior was not at issue.[15]

The principle of justice reappears as an issue later in the fall (as demonstrated by the law passed in October 1990) in the so-called "small privatization"[16] of shops and restaurants. Small privatization was not as contentious as the privatization of large state enterprises. The discussion concerned the priority claim of employees in this small businesses to buy this business prior to public auction.[17]

Principles of justice and ethical standpoints appeared in various contexts later as well, when economic reform found its political representative (the conservative neo-liberal ODS – which is how it characterized itself) and when the distribution of political power changed.

Politicians of the first post-November period connected with dissent and representing certain values and ethical norms were on the retreat, while persons connected with the new economic reform were coming more and more

into the forefront of political life.

Concluding remarks

In the process of economic transformation the term "justice" was employed as a universal, ethical category. But it was used intentionally so as to legitimate different interests and conceptions.

Citizens had concepts of "justice" in the sense of the old stereotype: "justice for all", i.e. as an egalitarian principle. This meant not only as equality of opportunities which brought with it the possibility of individual failure. Thus in this sense "justice", as equality of opportunities, might be understood as injustice and legitimated disillusionment.

The problem of "justice" in economic and social transformation continues on a general level in discourse, in which the Left's conception, based on traditional collectivistic postulates, clashes with the Right's, based on the principles of individualism.

Since the "Velvet Revolution" there has been much disagreement – in a public discourse – of two basic conceptions represented or rather personified by the Prime Minister, Václav Klaus, and the President, Václav Havel, respectively. V. Klaus represents ethical aposteriorism based on the growth of morality, especially that of an entrepreneurial nature from below. He proceeds from the assumption that a man is an autonomous rational individual enforcing his own interest. In contrast, V. Havel is an advocate of ethical universalism, moral norms and consciousness, which should precede behaviour. This line of argumentation originated in dissent when an appeal to universal human values together with an idea of civil society had formed a basis of opposition against communism. Both these conceptions collide with each other in everyday policy. V. Klaus criticizes this ethical universalism of "non-political policy" of dissent as unpragmatic and points out that it is not a matter of desire but of reality.[18]

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1   See for example: David Ost, The Politics of interests in post-communist East Europe. Theory and Society 22, 1993, pp. 453-486.

2   See a number of speeches and articles of the Prime Minister V. Klaus, from the latest ones especially the article "Calculation up to one!" People's News, 21. 11. 1994; Economist 1/95 and others.

3   D. Ost, ibidem, p. 456.

4   D. Ost, ibidem, p. 470.

5   Stephen Grand, Harvard University, Cambridge, Dissertation Proposal, September 1993.

6   Public response of V. Klaus to an open letter from Skoda Works, Lidové noviny, 10.3.1990, p. 3.

7   Bönker F., Offe C., Die moralische Rechtfertigung der Restitution des Eigentums. Leviathan, Jhrg. 22, Nr. 3, 1994, p. 318-352.

8   Property had been returned to these organizations only if it was owned by an organization of similar orientation, for example, formerly SOKOL, then ÇSTV. Returned was that property which the organization had owned at the time of restitution (indemnity was not provided – for example – for the sold parts of original property). Property restitution of corporations is not yet concluded, some corrections are being considered. A law is being drafted according to which property ought to be returned to corporations of similar or the same orientation as was practice in the case of original owners.

9   viz Bönker F., Offe C., s. 331.

10   Privatization, i. e., ownership transfer, as the fundamental step toward the creation of a market economy. Stark David, Path Dependence and Privatization Strategies in East Central Europe. East European Politics and Societies, Volume 6, No. 1, Winter 1992, pp. 17-54.

11   A step to higher effectiveness. Debate among domestic and exile experts on privatization in our economy. In.: Hospodá`ské noviny 14/1990, pp. 8-9.

12   Cf. public opinion surveys from that time, conducted by the Institute for Public Opinion Research and AISA (Czechoslovakia, January 1990, November 1990).

13   The accent on time factor can be elucidated by the statement of one functionary of a parliamentarian political party, who formulated the problem in this way: If we really want to start the reform, it is necessary to switch off the light for 5 minutes. Afterwards, everything should continue according to legal provisions.

14   D. Ost, ibidem, p. 469.

15   The advisor to the Minister of Privatization at that time, T. Jeæek, expressed this in print as follows: 'We must disabuse people of thinking in terms of dirty or clean money. After all, what we're talking about is money." Or: The best way to settle matters with the communists is to transform them into capitalists.

16   Law passed in October 1990.

17   Parliament did not approve of this demand, because it is not just. It denies the equal rights of everyone and would be a dangerous precedent. An honest salesperson could have large enough savings. Store employees supported their demand by a strike which lasted several hours. The trade unions supported them. The argument of the Minister of Trade was that the government and parliament had decided, and they are constituted by persons elected in free elections.

18   V. Klaus, Ethical universalism and our time. Daily Lidove noviny (People's News), 12. 12. 1994, p. 5.

Claus Offe[*]

MAIN PROBLEMS OF CONTEMPORARY THEORY OF DEMOCRACY AND THE UNCERTAIN FUTURE OF ITS PRACTISE

Let me start my remarks with a brief reflection on the relationship between two concepts that play a paramount role wherever normative foundations of post-authoritarian societies and polities are being discussed. These two normative standards are those of "justice" and "democracy". What is their relation? I wish to draw our attention to the fact that that relation can be read in both directions. First, one might argue that democracy – or equal political rights of participation and representation within the framework of strongly protected individual liberties and division of state powers – is derivative from justice, or an embodiment of its principles. But conversely, one might also argue that justice (of which there are many conflicting versions as it comes to the concrete assignment of rights and duties) is the outcome of a process of legislative, executive, or juridical decision making that conforms to democratic procedural rules. In this sense, we must envisage the relationship between justice and democracy in a circular model, according to which either of them determines, and at the same time derives from, the other.

To this, let me add another observation that turns to the concept of democracy itself. We can think of democratic forms of government in terms of a life cycle: Democracies are "born" at a certain point in time and under certain circumstances, and it would at least be naive to exclude the possibility that they can "die", as this form of government is evidently not automatically self-enforcing and self-perpetuating. The existence of democracies within a possibility space of a non-democratic past as well as a non-democratic future is what makes them both precious and precarious. What I want to do here is just to highlight an interesting asymmetry between the two limiting points of democracy within this possibility space, its beginning and its end. While it is virtually axiomatic that democracies do not come into being in democratic ways (but rather emerge from revolutions, wars, occupation regimes, coups d'état, etc.),[1] it is quite possible that they disintegrate as a consequence of individual and collective forms of action, the emergence of which can neither theoretically nor practically be excluded within a democracy. If the people cease to participate in constitutionally prescribed ways, elites fail to cooperate according to constitutional rules, parliaments abdicate their powers, governments and courts fail to implement their decisions or implement them without regard for

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constitutional rights of citizens, there is nothing that the subjectless "democratic form of government" by itself can do in order to defend and assert itself. If it can be defended, it must be due to the loyal, prudent, and principled action (or inaction) of citizens and elites who are aware of the dangers to which the democratic form of government may fall victim, as well as determined to prevent or resist these dangers. As democracies are inherently vulnerable, they need to be intelligently protected. And the mode of protecting democracies cannot be regulated by democratic constitutions alone. Democracies, in a word, in order to survive depend upon being willed, supported, and defended.

Concerns about the future of democratic forms of government raise two questions. First, which are the (economic, social, cultural, political) preconditions and determinants that are conducive to – or must be seen as a minimum requirement of – the continued viability of democratic regimes where they exist, as well as to the further spread of such regimes to places where they do not yet exist? And what can we anticipate with some degree of certainty about the socio-economic and cultural trajectories along which these, as it were, pre-constitutional, determinants will develop in the future? Second, to the extent the prospects for democratic regimes can be shown to be favorable, the question must be asked which *variety* of democratic regimes is more – or less – likely to survive the challenges and turbulences to which democratic regimes are typically exposed? The first of these two questions is framed in a yes/no logic as it addresses the rise and *sustainability* of some kind of democracy, and the second in an more-or-less logic that concerns the *kind* and quality of democracy.

These two sets of questions have acquired – somewhat paradoxically, it might appear – a new sense of urgency and uncertainty by the most momentous and consequential event in recent history, the end of the Cold War and the breakdown of the Soviet system of state socialism. What appears paradoxical is that the future of liberal democracy has become the object of melancholic conjectures and appears problematic[2] exactly at the point when it seems to have scored a definitive victory over its only competitor in the modern world. State socialism, as long as it was a historical reality, has also provided a reference point to liberal democracies in relation to which the latter could make a strong and successful claim to be "better" – in both economic and moral terms. Could it be that the measure of self-assurance that liberal democracies enjoyed throughout the period after World War II was in fact parasitic upon the existence of state socialism-a system almost generally considered inferior in both its legitimacy and effectiveness? If so, the new legitimation problem of liberal democracy would be that it is no longer enough to be "better"; it is now required to be "good", as measured by a set of universally shared normative criteria. This latter standard, of course, involves much heavier burdens of argument and proof. Also, the normative theory supporting liberal democracy would have to come to terms with the apparent puzzle that, if liberal democracy is held to be the most legitimate and effective, the most civilized and morally most attractive way to

organize social and political life, why is it that not all political forces in all previously non-democratic countries appear to embrace it as the uniquely desirable institutional model, and that those who do so still seem to encounter severe difficulties in implementing it?

One of the central issues in contemporary political philosophy can be summarized in the following question. Given the unavoidable and irreversible "pluralism" within and between societies in the modern world, and also given the fact that contact and rivalry cannot be avoided between the plural interests and ideas that make up this world, we must face the reality of intense and irreconcilable conflict between proponents of different interests and forms of life and the very particular notions of the "good" life each of them pursues. Given this intensity of conflict, on the basis of which conditions and which arguments should any of these groups develop a strong and robust commitment to rules specifying the "right" procedures according to which the conflict can be solved. If the "right" procedures are seen to compromise prospects for the realization of the "good" life, why should anyone opt for the former – particularly if not "everybody else" is trusted to do the same and/or if violation of the rules is expected to go unpunished in concrete cases? Must the democratic citizen be compartmentalized into two sub-units – one pursuing the concrete and substantive "good", while the other remains faithful to the formal and abstract "right" that is designed to civilize the coexistence of divergent and conflicting conceptions of the "good"? And, if so, how do we provide for the stability and balance of the division of each citizen's dual self?

Without pursuing these philosophical questions any further, I try to approach them by specifying a number of context conditions for the viability of the democratic form of political organization. The first five of these context conditions relate to political and other elites, and the second five to non-elites, or the mass of ordinary citizens.

(1)   Internal sovereignty

If the people should somehow "govern" in a democracy, this principle must, first of all, be read in the negative sense: *No one else but the people* (and the representatives elected by it) ought to govern. In other words, elected officials should hold a monopoly over the making of public policy decisions (Dahl 1982: 11) and ultimately over the legitimate use of force. Schmitter and Karl (1991: 81) read this condition as meaning that "popularly elected officials must be able to exercise their constitutional powers without being subjected to overriding (albeit informal) opposition from unelected officials". This amounts to the absence, as a condition of *internal sovereignty*, of internal strategic actors capable of exercising veto power in order to obstruct, preclude, or otherwise interfere with or control decisions of elected officials. (The obvious candidates for the source of such obstruction are military elites, business elites, criminal,

terrorist, or ethnic collective actors, with any number of ingenious combinations and mixed cases between them coming to mind.)

This is clearly a very demanding condition. If we take it in a strict sense, the prospects for democratic regimes would appear to be threatened not only by military counter elites (e.g., Spain in the late 70's), terrorist organizations, Mafia type illegal economic organizations (Italy), drug cartels (Colombia), militant separatist movements (Spain, Northern Ireland), but also by strategic actors representing multinational corporations that are sufficiently powerful to effectively blackmail (among other things, through the threat of dis-investment) or corrupt democratically elected governments. As complexity and interdependency increases, and particularly as the means of violence, individual and mass communication, and transportation become more readily available to everyone (and hence their use becomes more difficult to control for government authorities), and as capital stocks have become organizationally and financially "mobile", the least we can say is that the opportunities for such obstruction tend to increase, as do the incentives to exploit these opportunities. As a consequence, democratic sovereignty becomes increasingly vulnerable to the "power of obstruction" that is provided for by the virtually uncontrollable international flow of arms, drugs, and "dirty" as well as "clean" money, facilitated by the use of modern means of communication and transportation and the institutional realities of largely open borders.

To be sure, it will always remain a matter of difficult judgement to which extent the democratically illegitimate (though perhaps perfectly legal) use of such means does in fact amount to a *strategic obstruction* of constitutional democratic government (as opposed to ordinary business, or, for that matter, ordinary crime, committed for the sake of private gain). Furthermore, the mere presence or even the fictitious assumption of such dangers and opportunities may serve as an excuse for governing elites to curtail the rights of citizens in anticipatory compliance with what are regarded as the requirements of a "favorable investment climate" and in ways which are in conflict with the proper operation of democratic institutions.

(2)   External sovereignty

Schmitter and Karl (1991: 81) mention as a further demanding condition that "the polity must be self-governing; it must be able to act independently of constraints imposed by some other overarching political system". This is the condition of *external sovereignty*. Two elections that were held in the month of March 1990 may serve as an example to illustrate how difficult it is to meet this condition, given the highly porous as well as highly stratified nature of the international system. The elections held in Nicaragua and in the post-Communist German Democratic Republic shared two features. First, they were the first fair and clean elections to be held in the respective country in a

long time. Second, every voter in these two countries was acutely aware of the fact that the government of some respective other country (the US and West Germany, respectively) would take an intense interest in the election's outcome and would respond to the actual outcome in terms of either strongly negative or positive sanctions that would not just affect the newly elected government, but virtually every citizen in quite direct ways. It could therefore be said that, while the government-to-be-elected was under the control of the electorate, the electorate was to a significant extent under the effective control of some foreign government that was interfering with the electoral process through threats and promises.

The interconnectedness of national policies as well as the vast disparities of political, economic and military powers among the nation states defies the notion of democratic self-determination of nations. "The very process of governance can escape the reach of the nation-state. National communities by no means exclusively make and determine decisions and policies for themselves, and governments by no means determine what is right or appropriate exclusively for their own citizens." (Held 1993: 25-6) Such inbound and outbound spillovers affect national sovereignty in negative ways, regardless whether they are accounted for by formal arrangements of transnational decision making (as in the European Union with its proverbial "democratic deficit") or, *a fortiori*, if no such institutional mechanism of transnational consultation and bargaining exists (as in the case of the central bank of one country unilaterally setting the parameters for the economic recovery of others).

(3) Oligarchic control

A third variety of mechanisms by which democratic sovereignty is curtailed by elite action occurs when domestic representative elites exercise more control over constituencies than constituents can exercise over representatives. This is the familiar phenomenon of oligarchic control over captured (e.g., clientelistically bribed) constituencies. Political parties, government bureaucracies, monopolistic associations, and mass media are often able to determine the rise and configuration of "critical" issues, the range of choice of the electorate, as well as the actual choices made, to an extent that makes the "will of the people" appear a virtual artefact of strategic elite action (cf. Bobbio 1987, Zolo 1992). Such a reversal of the direction of control – and the concomitant escape of supposedly representative elites from meaningful accountability – is part of the inherent pathologies of democratic regimes. Citizens depend on strong representative actors, in particular political parties, for their meaningful political participation, but they are also threatened by the monopolistic power position that this dependency can provide to these corporate intermediaries.

In all three cases of curtailed popular sovereignty – non-political strategic

counter elites, foreign governments, unaccountable representative monopolies – the thorny analytical issues is to determine the point at which the condition of collective autonomy of a political community (i.e., its sovereignty) is actually being subverted. For on the one hand, it is of course part of the everyday business of democratic governments to cope with a domestic and international environment that is constituted in part by the presence of rigidities, hostilities, scarcities, dependencies, and threats. Again, the banal and ubiquitous fact of the presence of such political and economic constraints is certainly no sufficient reason to consider a democratic regime as being put into jeopardy. On the other hand, if such elites are in a position to strategically impose their interest upon democratically elected governments, to determine the domestic agenda, to prevent issues from being raised through the power of making "non-decisions", some point can be reached at which merely "constraining facts" turn into *poderes facticos* ("factual powers") capable of exercising a measure of control over domestic politics which would make the idea of democratic accountability rather meaningless.

It is the tipping point between these two distinct phenomena that is so hard to define in theory (and to recognize in practise). All we can safely say is that this tipping point will be reached the more readily the more penetrable national borders become, the more asymmetrical the dependencies between national political systems are, and the more effectively national representative organizations manage to insulate themselves from popular control and accountability.

(4)   Elite consensus

But elites – military, administrative, foreign governments, ethnic minority, or economic – are not only the sources of potential threats to democratic regimes. Elites are also the key actors to play an indispensable role in the formation and preservation of such regimes. As democracies are not founded and do not come into being in democratic ways, which is true by definition,[3] it is only the enlightened consensus of elites and their willingness to enter into binding pacts and constitutional agreements that makes democracy possible and operative. Moreover, as governments of democratic regimes, for the sake of their own security, have very good reasons to prefer their neighbors also adopting or maintaining a democratic political order, a dynamic of external incentives and supports may be hypothesized to contribute to the stability and spread of democracies. As a consequence, democracy may be thought of as thriving internationally according to a pattern of virtuous contagion and international – as well as intra-national – pact-making.

(5)   *Meaningful choice*

In addition to the negative implication of the principle of democracy ("*no one else* but the constituted citizenship should be entitled to determine the content of public authority"), there is the *positive* implication of *meaningful choice*. If the options concerning public policy are effectively reduced to one, democracy is reduced to zero. Elite cartelization and other tactics of political closure are symptoms of the constraining of options that are to be observed in many democratic political systems. Inter-party convergence and the vanishing of opposition can be premised, as Otto Kirchheimer observed in the sixties, upon the experience of "success stories" (cf. the convergence of Christian and Social Democrats in the context of West German post-war reconstruction and the Cold War during the fifties) or, in contrast, by policy failure, stalemate, or some crisis condition.

More specifically, there is a strong incentive for bipartisan convergence and elite closure if challenges are perceived to be of a non-routine order of magnitude. Severe turbulences (including conditions that are skilfully dramatized as severe turbulences) tend to bring political competition to a temporary standstill. The formation of a great coalition government in West Germany in 1966, and similar responses to the challenges of political terrorism in Germany and Italy in 1977 are cases in point.

While success-stories, however, make convergence and the smooth withering away of ideological conflict between parties and other political elite segments both likely and unproblematic, a negative kind of equilibrium will be reached if parties converge under exceptional challenges and *then fail to cope successfully*. While inter-party convergence can be due to the hegemonic force of particularly successful policy ideas, it can also be due to the manifest exhaustion of any ideas, e.g., ideas as to how to combat mass unemployment in open economies, or how to control the budget deficit, how to end ethnic wars raging within the ruins of former states, etc. In cases of the latter sort of convergence due to inter-party helplessness, which we may also term "crises of excessive convergence", the manifest lack of effectiveness of a governing party will not increase the political opportunities of the opposition or some alternative coalition to move into government position, as the opposition is not credited, due to its similarity with the incumbent party, with the capability for handling acute problems more successfully. If political codes such as "left" vs. "right", "government" vs. "opposition", "conservative" vs. "progressive" cease to be operationally meaningful in terms of policy proposals and promising in terms of policy effectiveness, such codes are superseded in the public political discourse with another, at least potentially anti-democratic code: the code of "the political class" (with its connotations of both incompetence[4] and corruption) vs. "everyone else" or "the people". If major problems (such as high levels of unemployment, inflation, budget crisis, decline of economic performance, ethnic

conflict, "civil" insecurity due to crime and violence, military failures) are experienced to persist no matter what the color of the incumbent government happens to be, dissatisfaction with government translates into frustration with, and hence loss of legitimacy of, the democratic regime as such. The condition of perceived regime impotency (as opposed to failure of parties and other elite segments) will then activate the search for either (authoritarian, populist, secessionist etc.) *alternatives* to or major institutional *modifications* of the liberal democratic regime.

I now wish to turn to the requirements on the level of non-elites or "masses". From a top down perspective, for democracies to be viable, elites must acquire some measure of credible sovereignty and provide a meaningful choice between policy alternatives. In addition, and from a bottom up perspective, the trivial fact is that the durability of democratic regimes is contingent upon a "mass base" of democratic citizens willing to support and defend democratic rights and institutions. The validity of democracy resides in citizens willing to validate it. While it is true that democratic institutions, once established, can have a powerful socializing effect upon citizens who gradually get "used to" and "take for granted" and eventually become committed to democratic practises, this is not the whole story. Democracies can fail, or fail to come into being, not only by elite subversion, but also by mass defection from (or mass rejection of) democratic principles. Five conditions are known under which such defection/rejection is likely to prevail.

(6)   Theocracy vs. Democracy

Theocratic regimes and their religious doctrines are – and continue to be – a powerful obstacle to both the foundation and the survival of democratic regimes. Schematically speaking, such regimes *negate* one boundary that should be present in a democracy, namely the boundary between the religious and the secular (and which in Christianity was established by the Reformation). If every "secular" conflict is ultimately to be resolved according to the will of God and according to the letter of some sacred script, there is simply no legitimate space for democracy. In a theocratic society, the people feel that it is positively dangerous and sinful to let the people decide on issues the resolution of which can only be accomplished through divine wisdom and grace, and the religious elites that lay claim to both. Conversely, there is also a boundary which should *not* be present in a democracy, namely the boundary between believers and non-believers in the respective religion. In theocratic societies, the presence of this boundary precludes the granting of equal citizenship rights of political participation, which is an obvious prerequisite of democracy.

(7)   Distributional fairness and positive-sum economic games

Low and unequally distributed per capita incomes, such as they are typically found in agrarian and developing societies, do not favor modes of political reasoning and political aspirations that are compatible with the broadly supported adoption and effective consolidation of democracy. Instead, what prevails as a cognitive frame (and eventually as self-fulfilling prophecy) is a "theory of the limited good", or the image of the constant-sum-game. Its underlying intuition, shared by both sides of a distributional conflict, is that if "we" are to gain, this can only come about if "they" lose, while the idea of universal, if asymmetrical gains provided for by a growth dividend lacks any plausibility supported by experience. If democracy is thus staged as an expropriation game, it will probably be effectively resisted by the likely candidates of such expropriation. Even if it succeeds, the kind and scope of redistribution that follows will trigger a negative-sum-game that is soon to be abandoned due to this disappointing outcome. To overcome this deadlock, the presence of an established urban middle class and its experience of redistribution-*cum*-growth seems indispensable.

(8)   National unity vs. primordial markers

Strong racial and ethnic divisions within a society can preclude the mass recognition of the abstract notion of citizenship, particularly if there is a significant history of conflict across this "ascriptive" divide and/or if strong distributional disparities prevail. The mass resistance to full democracy under such conditions is based on the (often well-founded) fear that as soon as equal political resources are granted to all, this will exacerbate distributional conflict or enable newly enfranchised groups to retaliate for deprivations they have suffered in the past. Again, these at least partly rationally founded fears (as opposed to "prejudices") that amount in many countries to powerful roadblocks on the way to democracy which can only be overcome in the process of elite negotiations and pacts (as in South Africa), not through a democratic process – one reason being that the people cannot decide who belongs to the "people", i.e., the democratic constituency. As a consequence, both admission of previously excluded segments of the population of a territory into a political community and secession from a political community are a-democratic occurrences that are brought about through negotiations and, often, violence preceding these negotiations (Spain, Israel, South Africa, Northern Ireland) or following failed negotiations (Yugoslavia).

(9)   Trust in effective governance

Mass defection from democratic practises and the subsequent turn to

authoritarian forms of government can result from widespread dissatisfaction with the regime's (as opposed to a particular government's) effectiveness in providing for what states are supposed to provide to their people, namely, as a minimum condition, military, physical, and other material security. Democratic regimes, much as any other regimes, are presumed to effectively protect most citizens' life, liberty, and property most of the time – and only their demonstrated success in doing so can motivate citizens to grant governments the right to demand that some citizens sacrifice some of their life (in military service), property (through taxation) and liberty (through respect for the law). But always must the balance of the values protected and the values sacrificed for the sake of protection be positive. However, while authoritarian regimes do not depend for their preservation upon much support of their citizens, but can more easily survive on force, regardless of their level of effectiveness, democracies have ultimately no such external guarantees to rely on. They are condemned to succeed, or at least to perform in ways that are perceived by critical parts of the population to be superior to any non-democratic alternative regime form. (Such widely shared perception of relative effectiveness had obviously evaporated in the final years of the Weimar Republic.)

(10)   Trust in collective actors and representatives

Mass defection from democratic practises can also occur if democratic collective actors (parties, associations) and procedural institutions (division of powers, parliamentary legislation) are perceived as having lost their legitimating substance, even if their effectiveness remains satisfactory. Thus the perceptions that the government is corrupt and the political parties unaccountable, that associations have turned into exploitative cartels and the civil service into a wasteful and self-serving apparatus, that the military is involved in conspiracies, and that individual elite members as well as the media in general cannot be trusted will add up to populist-authoritarian sentiments and a widespread willingness to abandon commitments to democratic rights and rules in favor of some "clean", "responsive" and "honest" form of authoritarian rule. As the feeling of being betrayed by the "political class" gives rise to cynicism, apathy, and a sense of popular inefficacy and powerlessness, these attitudes and their spread are also likely to affect the capacity of regimes to live up to some standard of effectiveness. Such loss of faith in democratic institutions can be observed both in old and presumably rather robust democratic regimes (such as Italy) and particularly in newly established ones (such as Russia and other post-communist countries).

To summarize these latter points, the future of democracy thus appears to be contingent upon cultural requisites in two ways. First, "*pre-modern*" dispositions and cognitive frames must be overcome in order for the highly demanding notion of democratic citizenship to become viable. This implies, first of all, the

slow and, however partial, neutralization of religious and ethnic markers that stand in the way of inclusion into a legal community of citizens. Second, and concerning established democratic regimes, the spread of "*post-modern*" dispositions (the erosion of solidarities, the cult of difference, political cynicism, abstention, unfettered subjective welfarism and a general disenchantment with public causes) would also have to be checked and reversed, particularly, but by no means solely, because the spread of these "post-modern" dispositions can make democracies defenceless and vulnerable to the return of those "pre-modern" ones. Pessimistic assumptions concerning civic self-confidence and the role that the individual citizen can possibly play in a modern system of governance are further strengthened by the experience of cognitive incompetence. This experience is that virtually every issue that arrives on the political agenda undergoes such a rapid process of "complexification" that it escapes the comprehension, let alone the competent judgement, of the average citizen (including many non-specialist politicians) within the first two weeks or so of its life cycle. Again, the answer to this post-modern condition of reflexive ignorance may often be sought in the retreat to pre-modern markers, myths, and prejudices – rather than to suitable ways of coping with recognized cognitive deficiencies (cf. Dahl 1992).

In sum, viable democratic regimes depend upon the presence of a rather peculiar set of civic commitments and cognitive frames that are being established on the mass level. To be sure, these norms can be inculcated, and their growth cultivated, by democratic institutions – and, I might add, by some variants of democratic institutions more easily than by others. But some cultures, particularly those that do not allow for the separation of political from religious conflict or that tend to strongly emphasize racial or other primordial identities, do not seem to provide a fertile ground for democratic regimes. Moreover, established democracies can fail in that they do not cultivate, but by their very mode of operation virtually deplete (or fail to accumulate sufficient amounts of) the social and cultural "capital" on which they depend.

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1   More precisely, the will of the people (or the will of whatever part of it or of any non-popular agency) to establish a democracy is expressed and enforced in ways that are different from the ways in which the will of the people (or parts thereof) is expressed or enforced in an established democracy. This difference is conventionally referred to as that between pouvoir constituant and pouvoir constitué.

2   If there is anything that theorists, as well as many of the more thoughtful practitioners of the democratic form of government agree upon, it is the call for an institutional renewal of democratic institutions that proceeds from the insight that "democracy as a system cannot rest where it is" (Budge 1993: 154).

3   That is to say: At the beginning of any democratic regime, agents (such as military occupation regimes, constituent assemblies, the holders of emergency powers, "round tables", elite negotiations, or the leaders of rebellious popular forces) play a decisive role although they are not themselves constituted in ways described by democratic procedures. Note, however, the asymmetry that consists in the fact that, in the absence of special provisions excluding this

event, democratic procedures can well result in the abolition of democratic regimes.

4   Such lack of competence for the formation of effective policies, however, does not necessarily
     have to be rooted in opportunism, lack of determination, or shortsightedness of policy-makers
     and their "irresistible temptation for free-riding", as Sartori (1991: 445) suggests. It may as
     well - and less optimistically - be the case that the means at the disposal of even the most
     determined and principled democratic policy-makers and national governments are incapable
     of coping with the kind of problems that inescapably appear on their agenda.