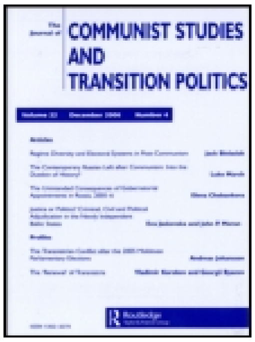

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Klaus, Havel and the Debate over Civil Society in the Czech Republic

MARTIN MYANT

The term ‘civil society’ played a central role in a dispute between Klaus and Havel in the mid-1990s. The use of such an academic term in practical politics requires an explanation. It appears that its meaning is inevitably imprecise and its greatest use is in a polemical context. The dispute grew out of the particular context of the early 1990s, following the apparent victory of a spontaneous and decentralized movement over a centralized power structure. Havel’s use of the term built from his pre-1989 thinking and from various Western writers to give a unified basis, linked to moral principles, for his opposition to certain aspects of the Klaus government’s policies that related to the control and decentralization of power. Klaus, basing himself on Friedmanite thinking, resisted these steps and tried to build a united political party around a narrow base of social interests. Those using the term civil society appeared to him as opponents of his project and he subjected their views to powerful polemical attack. Havel’s involvement helped give coherence to some of the opposition to Klaus’s government, but the outcome depended on political forces and events that went beyond both protagonists’ conceptions. With the consolidation of various institutional structures, the term has lost its prominent place in political debate.

> I am for the decentralization of power . . . I am for the progressive creation of the space for a diversified civil society in which the central government will perform only those functions which nobody else can perform, or which nobody else can perform better . . . The creation of a genuine civil society of the western type will take a very long time . . . It is a question of the method of thinking which enables citizens to trust.
>
> Václav Havel[1]

> We face a crossroads which ‘concerns the very conception of the content of our society . . . whether we want a standard system of relations between the citizen (and community) and state, supplemented with

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> voluntary organizations, or whether we will create a new form of collectivism, called civil society or communitarianism, where a network of 'humanizing', 'altruizing', morals-enhancing, more or less compulsory (and therefore by no means exclusively voluntary!) institutions, called regional self-government, professional self-government, public institutions, non-profit making organizations ... councils, committees and commissions ... are inserted between the citizen and the state.
>
> Václav Klaus[2]

Introduction

This article follows the sharp conflict over 'civil society' in the Czech Republic in the mid-1990s which appeared at times as a personal battle between 'the two Václavs' quoted above. The aim is to explore the significance of this debate and to explain how a term with rather a vague and imprecise meaning could become central to a prolonged and semi-open dispute between prime minister and president.

The answer to this question relates partly to the individuals themselves. Both saw themselves as standard-bearers of particular intellectual traditions and both were attracted to a 'big' concept that could provide some apparently unifying theoretical base for some of the conflicts and disagreements of the time. Neither of the key protagonists had a particularly sophisticated understanding of 'civil society', but both claimed to be aiming to follow a 'standard' or 'Western' practice. Havel, the former dissident who became president of Czechoslovakia in 1989 and then of the Czech Republic from 1993, saw himself maintaining a position derived ultimately from fundamental moral principles and he sought a notion of civil society that would link them to practical political issues. Klaus, federal minister of finance from 1989 to 1992 and then Czech prime minister until December 1997, was a disciple of the monetarist economist Milton Friedman and admirer of the British prime minister, Margaret Thatcher. The former's theories tie in with the latter's famous assertion that there is no such thing as society. The ideal was free individuals interacting through a market mechanism. As the above quotation illustrates, he was also a ruthless polemicist who enjoyed enhancing his status by referring to Western academic writing.

The context was provided by the transformation of political structures which posed questions of the forms and control of political power, of the place of political parties, of the representation of interests and of the appropriate decentralization of administration, all in the context of reconciliation with the communist past. There were choices over all of these issues. Klaus's version included minimal concern for the decentralization of power, for controls on power beyond periodic elections or for inputs from outside his circle. Havel's use of the term 'civil society' gave his opposition to this the appearance of greater coherence and theoretical depth.

The debate has importance for three reasons. The first is that it illustrates the problematic nature of the term 'civil society', supporting the view that it lacks theoretical precision, but 'is most useful in polemical or normative contexts'.[3] The second is that, despite the term's imprecision, the debates and events surrounding its use indicate the choices that were made and the alternatives that were available in relation to issues of decentralization, control of power and interest representation. The third is that the debate helped shape events. It was not the decisive factor; there were other reasons for political changes which, as will be indicated, were outside Havel's concept of civil society; nevertheless, this was one element in undermining a particular conception of politics propagated for a time by Klaus and his party.

What is Civil Society?

The term 'civil society' has been used over a long period of time and given several different meanings.[4] Its origins, 'at the dawn of the liberal state',[5] are associated with the rethinking of the relationship between power and citizenship. The term found new life in the late twentieth century within two broad lines of thought. The first emphasized the place of organized citizens as a support to democratic institutions; the second emphasized autonomy from, and hence possible opposition to, a power structure. Some earlier usage could have provided a basis for a third, based on freedom for business activity, but free-market thinking actually became Klaus's theoretical starting point for rejecting the term completely. Each approach gives civil society a particular analytical content and a specific descriptive definition. In each case it proves extremely difficult to settle on a clear definition, in terms of what is to be included, and then to match that definition in a meaningful way with a coherent place for civil society in political or social life.[6]

The first line of thought is often linked to Tocqueville's account of a conscious and involved citizenry, able to organize itself independently of organs of power, acting as a constraint on potentially despotic governments.[7] 'Neo-Tocquevilleans', such as Putnam in his comparative study of Italian regions,[8] have adapted and simplified Tocqueville's thinking,[9] giving autonomous, non-hierarchical and frequently non-political organizations a role in enabling citizens to create 'social capital' by an educating and socializing process, spanning a historically long period of time, in which citizens learn trust, responsibility and other virtuous qualities that can provide a foundation for democratic politics.

Critics have pointed to the theory's numerous weaknesses and ambiguities of which three are particularly important here. The first is the weakness of evidence for the assumed link between autonomous organizations and, to quote Havel, 'the methods of thinking that enable citizens to trust': without that, there is no clear link between Putnam's version of civil society and political life. The second is the assumed autonomy of this civil society from state power: a number of studies have pointed to the historical dependence of the latter on the former.[10] The third is the simplistic and non-conflictual notion of civil society implied in much of the literature.

In reality, modern societies are 'criss-crossed by group conflicts',[11] making problematic a simple juxtaposition between state and civil society. Some autonomous organizations may actively oppose the state, while others help or support it. Some may come into conflict with one another, most obviously trade unions and employers' organizations. Such conflicts are regulated and reconciled by the state, meaning again that the two spheres may be closely intertwined.

One way to avoid these difficulties is to follow Cohen and Arato in defining civil society more narrowly and more precisely as anything apart from the state, economic power, market relations and clearly formal forms of political activity.[12] This is a common usage in studies on Central and Eastern Europe,[13] but precision in the descriptive definition reduces the ambitions associated with the term. It becomes one part of, rather than the historical foundation and precondition for, democratic life, as sought by Havel in his vision of trusting citizens. However, when it came to practical issues, many on the Czech political scene used a narrower interpretation, often amounting to NGOs and activists' groups. There was some tension between this and an obvious desire to give the notion a significance associated with a more ambitious definition. A narrower interpretation was also Klaus's principal target, although – as the quotation at the beginning of this article indicates – he could use the wider conception as an easier target for attempted ridicule.

The second line of thought gives greater potential meaning to the Cohen and Arato definition by placing the emphasis on independence from a power structure, giving the term a new life in the late twentieth century around an informal and spontaneous sphere brought forward by 'new' social movements. The dividing line is still vague, presumably moving as a regime changes or as a movement gains 'established' status. Nevertheless, this notion of civil society as a counter to formal political authority found strong resonance in Eastern and Central Europe in the 1970s and 1980s. Indeed, in Czechoslovakia it echoed a nineteenth-century tradition. Masaryk claimed to have set the aim to 'de-Austrianize our people thoroughly while they are still in Austria'.[14] A 'non-political politics' would enable the

Czech nation to develop within the substantial space allowed for cultural and economic advancement, while not challenging the key areas of 'big' politics, such as foreign and military policy.[15]

The 'non-political politics' of the 1970s and 1980s carried forward this tradition in the specific situation of a repressive regime confronting a weakly organized and seemingly powerless opposition that was isolated from any sources of social discontent. The dilemma, of 'what to do when we can't do anything',[16] was resolved by involvement in small-scale activities, such as seminars and *samizdat* publications. Havel gave this a theoretical justification through his notion of 'anti-political politics' centring on individual moral revival amounting to 'living in truth'. There was no political strategy and no clear vision for a political or economic system in the future. The agenda was left at a very general level, at the 'pre-political' stage.[17]

Havel's was a civil society in the sense of courageous individuals asserting their independence, but they operated in a world of limited contacts and organizational experience. He had combined the emphasis on autonomy and spontaneity with an educating and socializing function, but the organization element that was expected to achieve that function was missing. His approach enabled him to gain prestige as an opponent of the old regime and then to play a leading role in the mass movement that established Civic Forum (CF) in November and December 1989 – he chose the 'civic' part of the name – as the loose and spontaneously organized body that helped to end communist power. However, it gave him only the vaguest of theoretical armouries relevant to the new situation after November 1989.

The third, unfashionable, version interprets the idea of private, individual activity, free from state control, along the lines of Adam Smith's 'invisible hand' of market relations. This tradition equates civil society with private property, leaving the state to set rules, and Klaus was for a time happy to view 'liberal civil society' as part of the heritage of his favoured 'conservative right'.[18] As the initial quotation above indicates, it later served his polemical ends better to imply that the term meant a complete alternative to the 'standard' form of political organization, although his practical target was the representation of opinions and interests from outside, and also from within, his own party.

He found support for this antipathy in 'standard economic theory'. He followed Schumpeter's vision of democracy as meaning periodic election of a professional politician – analogous to competition between firms in economic theory – after which voters 'must understand that ... political action is his business and not theirs'.[19] Hayek and Friedman take this further, seeing interest representation as positively harmful, threatening to distort the otherwise ideal market outcomes for sectional gain.[20] Private wealth is to them an adequate barrier against political dictatorship while any form of state economic activity, or ‘socialism’, even if from an elected government, is considered a threat to freedom and economic prosperity.

Civil Society and the 1989 Revolution

The overthrow of communist power in November and December 1989 could appear as a victory for the spontaneous and informal over entrenched power. Civil society, it might seem, had triumphed over political society. However, the changes that took place prove difficult to accommodate in any precise way into the notions of civil society outlined above.

The spontaneous element amounted to single acts rather than permanent structures. Civic Forum, the loose and informal structure that emerged as the mobilizer of mass demonstrations against communist power,[21] was soon involved in transforming the structures of formal power at practically all levels, with many of its activists moving into different levels of government. An initial assumption that it would quickly disappear, giving way to newly emerging political parties, proved unrealistic. The revolutionary process was giving it a wider and bigger role and it was soon accepted that CF would itself contest the first parliamentary elections, scheduled for June 1990 and duly won by CF with 51 per cent of the Czech vote. Thus, rather than equating to civil society, it spanned the full range from the very formal, with Havel as president, to the informal.

Alongside these changes in who held positions of power, a transformation was taking place across much of society leading towards what could appear as the ‘neo-Tocquevillean’ version of civil society. The trend was towards decentralization, or rather ‘autonomization’, giving freedom to lower levels and organizations that had previously been under central control. This was a common theme across administration, with power rather chaotically transferred towards lower levels and an increase in the number of parish councils from 4,120 in 1989 to 5,768 in 1991. It applied to mass organizations, such as trade unions, where the dominant themes were depoliticization and freedom of basic organizations from any central authority.[22] It applied across organizations with less clear political roles, such as sports clubs.

The term ‘civil society’ later found a place in official sources as registered non-state, non-profit-making organizations which numbered 2,500 by the end of 1990 and 48,000 by December 1995,[23] representing a range of interests, opinions and activities. Membership is harder to follow. That of trade unions fell from almost 100 per cent of the 4.8 million employees in 1989, to below 50 per cent of employees in 1995; that recorded for sports clubs rose from one million in 1989 to 1.5 million in 1995.[24]

Thus, the formal level of association was high both under communism and afterwards. It can be added that the measurable level of ‘trust’ appeared to be similar to that of the UK in 1990,[25] raising questions, if Putnam's approach is followed, about the possible effectiveness of associations under communism for generating 'social capital'. However, following the previous critical remarks on the 'neo-Tocquevillean' approach, the important question for the present discussion remains the ability of autonomous organizations to link to political power. Some individual ministers were responsive to outside advice and opinions, but many former activists were themselves moving into positions of formal power.[26] Systematic clarification and stabilization of the links between political power and autonomous organization depended on reactions from the political sphere and that meant, in 1990, from Civic Forum.

Civic Forum's early development was dominated by two potentially conflicting trends that roughly coincided with rapidly separating 'spontaneous' and 'formal' levels of activity. One emphasized the creation of a new political system with all the checks and balances associated with a mature democracy, while the other emphasized a firmer line against the remnants of the old regime, merging in extreme cases into a crude anti-communism. The clearest advocate of putting primacy on 'creating' was the Czech prime minister, Petr Pithart. He was already worrying at a Civic Forum assembly on 21 January 1990 that the people could come to fear the new authorities as much as they had feared the communists in the past. His call was to finish 'as soon as possible with the dismantling of the old' and 'to build a state, an independent civil society, a prosperous economy, in short a civilized European society'.[27]

In this, the dominant usage at the time, civil society did not acquire a very specific meaning, but its use implied a desire for power to be controlled and open to influence from interests. Pithart drew practical conclusions, for example responding positively to the trade unions' idea of representation through a tripartite structure, following some West European experience. The more public face was a caution over removing communists from positions in the economy, but it was not an easy task to win enthusiasm for the need to control one's own power when leading revolutionary changes. Pithart's concern not to appear vindictive towards opponents led to frequent accusations of 'own goals' (self-inflicted political damage) that reduced his political standing by making him appear 'soft' on communists.

The 'anti-communist' trend had an automatically easier appeal, seeming to follow more naturally from the revolutionary changes. The primary aim was not the creation of controls on a new power structure, or the decentralization of power, but the removal of individuals who had held power in the past. Demonstrations and petitions on the theme were the most significant 'spontaneous' or 'informal' input to political life in the early months of 1990. A significant, and very vocal, part of public opinion favoured banning the communist party completely – 37 per cent of the population supported this in an early opinion poll[28] – and there were more widespread calls for a thorough purge of positions of authority.

Havel responded to this mood with a recognition that ‘society’ was ‘nervous and impatient’, as reflected in ‘hundreds of letters daily’ demanding more dramatic changes.[29] This found acceptance in the aim of destroying the ‘*nomenklatura* brotherhood’ that was alleged, albeit with little definite evidence, to be ‘strengthening its positions’.[30]

The feeling that there was still a battle to be fought against remnants of the communist past coincided with Havel and others’ acceptance of the pragmatic logic of the need for CF, as the dominant force in the new government, to continue in existence at least until the next parliamentary elections in 1992. This added urgency to thoughts of clarifying its form and role. It was taking on the characteristics and thought processes of a political party, but there was resistance to the adoption of fully ‘formal’ structures from those who rather liked the chaotic informality of its origins and early months. A popular slogan in the 1990 elections had been ‘parties are for party members, Civic Forum is for everyone’.

Enter Václav Klaus

The dilemma over CF’s direction found a solution from a new direction. Following a decision that Civic Forum needed a stronger profile around a new chairman, Václav Klaus was elected at its assembly on 13 October 1990 with 115 votes to 52 for Havel’s favourite, Martin Palouš. Klaus was enthusiastically received as ‘the author of the economic reform’[31] that had been approved by parliament in September.

Klaus’s thinking dominated the formulation of the CF programme at assemblies in December 1990 and January 1991. His position – combining pragmatism with Friedmanite thinking – can be characterized by reference to three elements. The first was an insistence that Civic Forum should become a party, not ‘an all-embracing political movement’, with a clear programme based on economic reform and the proven models of democracy from the Czechoslovak past, Western Europe and North America. This, he argued, required support from a disciplined movement. The initial justification was concern that the effects of economic reform would provoke social discontent, but the idea also fitted with Klaus’s personality and the irrelevance of interest representation to his theoretical position.

The second element was a clear commitment to a right-wing perspective that required a firm rejection of socialism, social democracy and anyone who wanted ‘to speak of a market economy with various kinds of adjectives’.[32] Klaus was rejecting the ‘social market economy’, the successful slogan of Germany’s Christian Democrats. Elements of the reform scenario agreed by parliament that implied active state involvement were replaced by the Friedmanite insistence that private ownership is the key to solving all economic, social and environmental problems.

Even political reform was subordinated to economic reform. References did remain to the need to find mechanisms to control the state apparatus and to develop strong local government, but private property was creeping forward as the only precondition worth mentioning for defending individual rights,[33] a position that can be found in Friedman's works.

The third element was his approach to anti-communist rhetoric. Klaus was from the start against any further 'purges'. He claimed to be guided by a clear position of favouring 'a systemic solution, overcoming communism as a system, and not an individual, personal confrontation with the individuals responsible for the evil and injustice of the communist regime'.[34] He even suggested on occasion that the best way to deal with former communists was to help them to become capitalists.

His opposition to the 'individual' approach was tempered by the pragmatic need to retain the strong 'fundamentalist anti-communist' current. He frequently made policy concessions while proving his credentials with scathing rhetoric, accusing those to his left of threatening a return to the communist past. Anti-communism to him was not a matter of individuals' pasts – an issue that caused him very little concern, not least because many of his political allies at the time had been party members – but a weapon to be used against political opponents of the present.

Taken together, these points left no space for civil society in either of the first two senses outlined above: it was either vilified or incorporated. Klaus, it was often said, did not like consulting with anyone who might hold different views, and Friedmanite thinking seemed to give this a theoretical justification. His familiarity with such ideas from Western academics was important in reassuring much of the public that he was a figure to be trusted.

This aggressive shift to the right accelerated the fragmentation of the CF. On 21 April 1991 Klaus was elected to chair the new Civic Democratic Party (CDP). Following an impressive performance in the 1992 parliamentary elections, with 30 per cent of the votes, and the subsequent break-up of Czechoslovakia, it became the dominant party in a coalition government in the new Czech Republic. The degree, and forms, of its responsiveness to interest representation could be expected to have a strong influence on the development of civil society in any of the senses outlined above.

Interest Representation and the CDP

The weakness of organized interest representation across Eastern and Central Europe was a common feature in the early 1990s. The Hungarian political scientist Attila Ágh referred to a 'partyist' democracy, with visible politics dominated by clashes between party oligarchies.[35] This characterization, however, risks giving only a partial picture. Czech parties were themselves weak in measurable indicators, such as membership and committed support.[36] They appeared to be 'cadre parties in the truest sense of the term',[37] brought together round the vaguest of programmes, and possibly charismatic leaders. However, those leaders had a difficult task in establishing internal cohesion and discipline. More than 70 out of the 200 Czech members of parliament had changed party before the 1996 elections, albeit with changes overwhelmingly among opposition parties.[38]

The CDP fits to some extent with the characterization as a 'cadre' party, heavily dependent on a single personality. Klaus denied that he had propagated a personality cult and others feigned offence at the suggestion that it was a one-man party, although their denials often conceded much of the point. Miroslav Macek, then one of the party's deputy chairmen, once claimed to possess 'convincing written evidence that Václav Klaus has accepted a number of my suggestions'.[39]

Klaus initially hoped that ten per cent of Civic Forum supporters would be willing to join the CDP, leading to a mass 'conservative' party. This proved unrealistic – membership was steady at about 23,000 – but also unnecessary. The party was to Klaus a vehicle for supporting his government so that it could implement his conception of economic reform. He had no interest in a political structure giving scope for interest representation, debate and freely competing views, which would probably have been inevitable within a genuinely mass party. It was ironically suggested that he would have been happy had the party dissolved itself after the 1992 elections to re-emerge only for the next elections in 1996.[40]

One critic referred to a '*nomenklatura*' party 'of a special type',[41] but there were big differences from the old ruling party in terms of size, internal organization and, obviously, the methods for winning the desired support. It won a substantial committed following by appearing as the firmest advocate and architect of the new political and economic order, but Klaus needed a bit more from society than just periodic votes. To be successful, a party needs members, at least to fill elected posts, and supporters sufficiently committed – and rich – to help finance its electoral activities. Despite the rhetoric, it did need to interact with some specific interests. It found a means that bypassed mass organizations and the need for mass membership, but that could promise success only to a certain extent – it never approached a parliamentary majority on its own – and only for a time.

Membership was small when set against the demands of the decentralized power structure. The party contested only 26 per cent of Czech parishes in local elections in 1994 – only the communists could contest in more than half – and, of the 20,000 representing the party, only half were members.[42] Local organizations remained weak – the party vice-chairman in charge of organization complained at the congress in December 1996 that only a few activists were involved, while meetings were dominated by 'formalities and organizational issues'[43] – but decentralization gave activists considerable autonomy.

Two forms of interest representation were welcomed by the CDP. One was from small, new organizations. They were often little more than a few individuals influencing policy by personal links to MPs, ministers or officials in the new power structure. They neither sought nor needed more public forms of protest.[44] They were effective because of the loose organizational structure and lax discipline of parties and the state apparatus.

They were given an audience particularly when they dressed their demands in anti-communist rhetoric. Individual MPs would willingly take up such demands, a natural process in the days of CF but one that often embarrassed CDP leaders. Thus the voice of emerging small businesses became audible in mid-1990 through demands for the return of property confiscated in the past. Klaus saw this as a diversion from rapid and comprehensive privatization, but he conceded quickly enough for his position to receive little publicity.

The issue of whom the CDP chose to listen to and who was ignored is also illustrated by its approach towards farmers, a group that was hit hard and very early by economic changes. Their voice was at first most audible when it came from newly emerging organizations that wanted the return to individual use of land taken by co-operatives.[45] The Civic Forum draft programme presented on 8 December 1990 started its agricultural policy section with a call to 'redress the crimes perpetrated by the totalitarian regime',[46] a position that dominated much CDP thinking on agriculture, albeit with differing views on how it should be achieved. The biggest organizations representing the agricultural community were more concerned with addressing the difficulties created by economic reform and defending existing co-operatives against what they saw as a bigoted and politically motivated attack led by people ignorant of farming. Their voices were eventually heard in government, but only after powerful public demonstrations.[47]

The second, and financially more lucrative, form of interest representation was linked to the privatization of big enterprises. Employers did not create a powerful collective voice but, as individuals, the aspiring beneficiaries of privatization by direct sale into domestic ownership could buy favourable decisions with secret donations to political parties. A forensic audit of the CDP's accounts, published by Deloitte and Touche in May 1998, revealed evidence of systematic errors, omissions and contraventions of the law. The party's accounts showed about one-quarter of its income in 1996 coming from sponsorship, but this was supplemented by secret donations and by firms themselves paying CDP election expenses directly. As one insider suggested at the time, the 1996 campaign was financed partly from 'black, untaxed funds'.[48]

These individual, unpublicized transactions generally related to privatization decisions and implied little more for CDP policy. Klaus was happy to dismiss *collective* representation from business and showed hostility to individual managers who publicly criticized government policies, even if they were also donors to his party. His general policy direction was to remain impervious to outside pressures, resisting anyone or anything that would limit, control or disperse the power of a periodically elected government.

This can be followed through a number of themes that sparked controversy at the time. Klaus was consistently guided by Friedman's theoretical perspective, dressed up with a portrayal of any deviation from the free market as threatening a return to the communist past.

Thus, for him there was no place for an environmental policy, and no need to listen to an environmental movement.[49] An environmental policy proposed by a minister from a Christian Democrat group allied to the CDP was voted down by ten votes to nine in a government meeting in August 1994, with Klaus giving assurances that the market and private property are 'far more important than activities of the government'.[50] This view could be backed up by the theoretical contribution of the Nobel Prize winner Ronald Coase, but that is tempered by important caveats.[51] To Klaus anything more than the market 'would return us to the social system that we had before'.[52]

Self-regulation of professions was dismissed just as lightly. The main practical issue was the medical profession, which had a different conception from the government's of the development of the health service. Klaus agreed that he might talk to them, but never wavered from his interpretation that the professional body was just 'an ordinary pressure group' the primary aim of which was to limit competition by controlling entry qualifications.[53] Representatives of the profession were baffled by a suggestion that to them was a completely alien thought.[54] Klaus was, in fact, simply echoing Friedman's assumption about the medical profession in the US.[55]

Regional government was a bigger theme, as it figured in CF programmatic documents and in the Constitution adopted in 1993. The inherited structure of eight administrative authorities had been dissolved in 1991, but no agreement followed on how it should be replaced with new, self-governing authorities. The CDP preference was for a large number which would have little chance of challenging a central authority. Klaus in any case saw no urgency, arguing that genuine decentralization should be directly to the citizen, meaning the greatest possible reliance on market relations and the minimum of bureaucracy. In the words of his press spokesperson, 'do we want every second citizen to be a state official or a representative, so that there will be an even stronger bureaucracy?'[56]

In any case, Klaus was on strong ground in terms of public opinion and was able to argue that regional administration was 'a stale theme which lacks popular support'.[57] There were some who saw creating strong local government as the key to a functioning 'civil society' – although it was unclear why decentralization to that particular level would make a decisive difference to public participation – but the wider public showed little interest.

Organized interest representation was ultimately a more troublesome area. Trade unions, like farmers, were capable of mobilizing protest actions, thereby forcing themselves on to the government's attention. They preferred to seek dialogue on issues relating to employment and social policies through the formal tripartite structures, entrenched at least in form from 1990. This, however, was anathema to Klaus, who contemptuously dismissed trade unions and employers' organizations as 'a residual from socialism'.[58] Unions should have no role outside the immediate workplace, but this had been 'rather poorly understood' when tripartite structures were established. It was 'no small task to turn this back'.[59] Klaus made a serious effort after unions staged protest actions against a proposed reform of the pension system in December 1994. He was held in check by his coalition partners, however. The outcome was a compromise, restricting the tripartite's competence to a right to consultation on a narrow range of social and economic issues.[60]

An alternative conception of how the CDP should operate was developed, albeit in a vague and cautious form, by Josef Zieleniec, Czech minister for foreign affairs from 1993 to 1997. He was said to be the 'one man from whom Klaus is capable of taking even very sharp criticism'[61] and is sometimes credited with authorship of the idea of creating a mass, right-wing party.[62] His criticisms began in 1994 with cautious suggestions that the party might benefit from greater programmatic clarity. This was interpreted as a veiled attack on Klaus's method of holding together the diverse personal interests within the party by a combination of charisma and improvization.[63]

The 1996 election still gave the CDP 30 per cent of the vote, but the coalition lost its absolute majority. In the aftermath of this disappointment Zieleniec suggested that policy should come not just from above but 'from plurality and political battles on all levels' and saw the key in welcoming fractions and an internal life that encouraged debate.[64] Klaus returned early from his holiday, described Zieleniec's contribution as 'important', and ensured that it was quickly buried. Zieleniec tried yet again in 1997, advocating a shift in the 'method' of funding towards greater reliance on smaller donations, backed by a shift in policy orientation towards heeding 'small' as well as 'big' voices.[65] There was a pragmatic stimulus – secret donations to the CDP from businesses were at the time being exposed – but this suggested a different attitude towards interest representation, and with that a different conception of intra-party life.

Ideas were still very vague and the nature of interest representation within the party – for example whether there should be platforms for businessmen, trade unionists, farmers, environmentalists and others – was not even addressed. In view of the organizational forms, kinds of activists and modes of thinking with which the CDP had taken shape, Zieleniec was proposing an abstract idea with no resonance in a membership that had little reason to challenge its leader.

Enter Václav Havel

Havel's implicit attacks on aspects of CDP policy took off after his New Year address for 1994 and were amplified in a series of speeches over the following years. The conflict took shape as he took up practical issues, particularly noting delays over fulfilling constitutional requirements for the creation of a senate and regional authorities. By 1995 Klaus was reported saying of one of Havel's speeches that 'every sentence is directed against the CDP'.[66]

Havel never started his contributions from the CDP agenda, however, preferring to base himself on a reiteration of what to him were fundamental issues. 'Civil society' he rooted in the need for respect for general moral principles of 'tolerance' and 'respect for one another'. The basic pillars of political life, he argued, should be respect for human rights, including measures against racism, anti-Semitism and the abuse of power by state officials. The state itself should be run by a trusted civil service, with a role protected and defined by law.

Political parties had a role in politics, but not as 'the monopoly owners of all political activity' and they should never place themselves 'above the state'.[67] Instead, he favoured decentralization by strengthening regional government, professional associations and non-profit-making organizations. He had at first nothing to say on social or economic issues, only gradually adding concerns over economic corruption – one source of Klaus's difficulties in 1997 – and ultimately joining in accusations of 'mafia-like capitalism'.[68]

Havel's mid-1990s conception of civil society had some common ground with the vision of a non-political sphere that would educate and socialize citizens, but he used the term to take up issues more directly linked to questions of power. He never explicitly revisited his ideas from before 1989, although echoes could still be heard in his vision of free individuals acting on their own in line with their consciences. Interest representation had no place and his ideas on decentralization to limit the role of central government were vague enough to allow for misinterpretation. He had reportedly made an off-the-cuff suggestion that all parties should be dissolved,[69] giving some credence to Klaus's attack in the quotation at the head of this article. However, the context of Havel's contributions makes it clear that he had no such sweeping aims. The term 'civil society' was used most enthusiastically in partially veiled polemics against Klaus's Friedmanite thinking.

It was by no means only Klaus who thought that once elected the CDP should be free from any outside controls. In the lead-up to the 1996 election Minister of the Interior Jan Ruml, generally closer to the 'anti-communist' trend in the party, described the idea of an Ombudsman, supported by Havel and taken up vigorously by the Social Democrats, as 'a refined attempt to revise the results of the elections and to dominate our political scene'. He saw nothing in the implementation of the constitutional requirements for a senate and regional authorities beyond an attempt at 'limiting the influence of the CDP'.[70] These, and similar, statements demonstrate a quite extraordinary blindness to the importance of controls on political power.

Klaus, however, was the most persistent and articulate in attacking Havel, as illustrated in the quotation at the head of this article. He tried to give his criticisms academic weight, claiming that the notion of civil society 'stands outside current standard sociological or political disciplines'. Its basic origins, he claimed, are in 'rationalist philosophers' – meaning, apparently, that it amounts to another attempt at 'social engineering'.[71] Thus, as with everything else he opposed, he tried to tar it with the socialist, or communist, brush. He felt confident enough to counterpose 'a society of free individuals' to 'so-called civil society'.

Oddly, his academic source, one that would have been unknown to practically all his Czech readers, referred to the notion of civil society as 'critical to the history of western political thought'.[72] Klaus could not convince those with knowledge of the history of ideas,[73] but the key question was whether Havel's position could find effective political support. The most direct echoes came from the CDP's coalition partners, particularly when preparing for the 1996 parliamentary elections.

The Civic Democratic Alliance, a 2,000-strong neo-liberal group with its roots partially in the dissident movement that won six per cent of the votes in both 1992 and 1996, presented support for civil society as a feature distinguishing it from the CDP. However, its conception was limited, excluding representation of social interests, and even less ambitious than Havel's. Its 1992 election programme proclaimed support for strong regional government, while its 1996 programme added a role for 'citizens' initiatives' in environmental protection and cultural development. It was unlikely to be enthusiastic about a genuine opening up of power to outside scrutiny since, like the CDP, it was heavily dependent on sponsorship from business. It was even more of a 'cadre' party and, in 1996, declared the highest sponsorship income in 1996 in relation to membership of any party. It was destroyed as an electoral force in early 1998 following revelations of anonymous donations widely assumed to relate to privatization decisions.

The Christian Democrats, claiming 40,000 members and winning six per cent and eight per cent of the votes in 1992 and 1996 respectively, gave general support to Havel, with party leader and Deputy Prime Minister Josef Lux calling for the speedy creation of a senate and regional authorities. He saw a reluctance to complete the construction of the institutional structure set out in the Constitution 'primarily in those elements that lead to a division of authority and power'. In place of the visible 'efforts at étatisation', he advocated 'sharing out powers and building a many-layered, civil society'.[74] This was to prove more than just rhetoric. The Christian Democrats, embracing the general idea of a 'social market economy', were less dependent on business sponsorship and more willing to listen to organized interests both from agriculture, for which Lux had ministerial responsibility, and from trade unions.

These differences within the coalition served as a check on the CDP. They became more significant when that party was weakened by the 1996 elections and then as economic difficulties further reduced its credibility. Social discontent – the dangers of which were demonstrated most dramatically by a five-day railway strike in February 1997 – showed Lux to be better at seeking compromises with social interests than the initially intransigent prime minister. Klaus tried to regain the initiative, agreeing to restoration of the tripartite in its original form in July 1997, although he still had no interest in listening to what was said there and still faced a threat of trade union protests against his economic policies.[75] Klaus's style of government was gradually leading his party into isolation. His time as prime minister was brought to an end in December 1997 after revelations of 'irregularities' in payments into party funds led Zieleniec, Ruml and other previous allies to move against him.

The Aftermath

The fact that Havel progressively nailed his colours to the anti-Klaus mast was undoubtedly a significant factor in weakening Klaus's prestige. It also meant that ideas concerning civil society were thrust to the fore in that process. Ágh has referred to the party domination of Eastern and Central European politics as a phase that should give way to a broadening of inputs from outside the party system. Czech experience illustrates some of the complexities of this process. Party domination depended on a determined effort by a particular group to create the party that would aim to dominate and then to exclude others from political influence. It could never be complete. The needs of competition within a pluralist framework forced the creators of the CDP to seek support by recognizing various outside interests, albeit in a very selective and ultimately unsustainable way.

Opening up the political structure to a wider range of voices depended on political battles in which a very diverse range of forces and pressures were involved. The key themes in Klaus's downfall – economic difficulties, social interests and secret funding from businessmen – did not fit easily into Havel's notion of civil society.

Nevertheless, the specific issues that concerned Havel were generally addressed at the time or in the following years. A senate started operating after elections in November 1996, with an electoral system leading to a different party composition from that of the main chamber. The creation of 14 new regional authorities was approved in April 2000, with the CDP still hostile. The electoral system led generally to CDP domination. That could presage important changes within a party that had little previous experience of alternative centres of power. The tripartite, albeit not one of Havel's themes, operated to give representative bodies direct access to government and the right to comment on relevant legislation before it was passed. The potential power of trade unions thus opened the way for involvement of a wider range of interests. Privatization – again, not one of Havel's themes – continued, but with more scope for open scrutiny of decisions.

It therefore appears that much of the institutional framework for a 'multi-layered' civil society was taking shape, with channels for interest representation, more scope for the decentralization of authority and more means of control over power. The new constitutional structures – the senate and regional authorities – soon appeared permanent. Much, however, still depended on the willingness of those in power to seek opinions from autonomous organizations and activists.

Use of the term 'civil society' as a theoretical concept remains problematic. In Havel's polemical armoury it was used to refer to various institutional forms and practices that were missing from Klaus's conception of political life. Borrowing from his pre-1989 thinking, and from a variety of strands of thought in the West, he gave them an appearance of coherence around a notion of moral advancement of society. In practical terms, he included autonomous organizations that could influence state decisions and, in some cases, that could act as substitutes for state activities. He noticeably omitted representatives of social interests, such as trade unions, although their strength was an important support to Havel's specific policy aims.

Klaus was not concerned with a moral basis for society, starting instead from a free market economy. He might have coexisted with a 'neo-Tocquevillean' version of civil society. Autonomous organizations that do not distort the workings of the market – and that could include a substantial range from charities to sports clubs – caused him no particular problems.

However, he was soon happy to accept the label of civil society for anything apart from the state, parties and the business sphere which could influence, or 'distort', their operation. He remained for some years unable to use the term in any but a pejorative sense. Generally, however, debate over following years shifted on to different issues and, with the stabilization of the key institutional structures, the term faded from the centre of attention.

NOTES

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