

## Democracy in the Czech Republic

ZDENĚK KAVAN AND MARTIN PALOUŠ

### *A methodological remark*

Our chapter should answer two fundamental questions. The first concerns the political model which is emerging in the process of transition in Central and Eastern Europe. The preliminary presumption is that it is a *sui generis* model which, although it shares something with the liberal democracies in the West, has at least some features peculiar to the region that derive both from the legacy of the past and from the impact of contemporary global developments. To what extent can this model be described as democratic or as authoritarian? What can be said about the underlying mind-set? What varieties can be distinguished within the species called post-communist or post-totalitarian political culture?

The second question touches upon what has been characterized as a set of vicious and virtuous circles. The more successful and 'virtuous' a country is in its transition to democracy and a market economy, the more favourable are relations with the European institutions which in turn enhance democracy and contribute to prosperity. The implication is clear: the countries which are less successful in the post-communist transitions for all sorts of reasons – be it economic hardships, social or political tensions or adverse international developments – find themselves in a very different situation: in a 'vicious' circle, being increasingly marginalized and separated or even excluded from the processes of European integration. The different positions of the Czech Republic and Slovakia in the North Atlantic Treaty Organization (NATO) enlargement debate and the growing gaps between Slovenia and the other Yugoslav successor states are possible examples of such 'virtuous' and 'vicious' circles.

The case of the Czech Republic demonstrates that the characterization of post-communist political models as either democratic or authoritarian is too crude and that greater subtlety in differentiating between them is needed. First we must take into account that we are dealing with complex and dynamic processes that cannot be reduced to claims about either the

common heritage of communism or the specific cultural legacies of individual post-communist countries. These models cannot be separated from the external environment into which they emerged and in which they operate. All of them are undergoing complex interactions between the status quo and various transformation strategies. The key problem is, as Dahrendorf (1990) pointed out in his seminal study of the revolutions in Central and Eastern Europe, that of timing: the relation and proper ordering of various agendas in the process of transition. It means, however, more than sequencing 'constitutional' and 'normal' politics in the transformation of the form of government and relating them to the far-reaching economic and social changes being implemented. What must also be taken into account is that the observed process is not just one transition, but the conjunction of transitions in the domestic, regional and international systems. The collapse of state socialism in Central and Eastern Europe was accompanied by the collapse of the Soviet empire, which has sparked further and broader processes occurring on a global scale. It is this set of reactions, the reality of complex interdependence in the post-Cold War world and the problem of concentric multiple transitions, that lies hidden behind the 'virtuousness' and 'viciousness' of Europe's post-communist circles.

### *A brief historical background*

Unlike most of the former communist states, Czechoslovakia had a certain amount of experience with democracy. As a matter of fact, egalitarianism – the lack of hierarchical structures, the building up of a society 'from below' – belongs to the natural, 'genetic' equipment of small central European Slavonic nations, reborn in the period of Enlightenment at the end of the eighteenth century. The first republic, an independent Czechoslovak state which appeared on the map of Europe after the dismemberment of Austria-Hungary at the end of World War I, was essentially democratic, with a well-functioning economy, pluralistic party political system and the rule of law. Its weaknesses included the failure to resolve successfully the problem of national relations within the country, which, in the deteriorating international situation, contributed to the eventual demise of the state.

A more limited form of democracy was established after World War II and functioned between 1945 and 1948. It involved a curtailed form of pluralism – the right and the centre-right were excluded – and the Communist Party assumed a dominant position in the government. The intensification of the Cold War and the increasing radicalism of the Communist Party resulted in the demise of this 'democracy' in February 1948.

Last, but not least, the 1960s saw a gradual thaw of the Stalinist variety of socialism, culminating in the radical reforms of the Prague Spring of 1968.

The termination of this democratic experiment by the Soviet military intervention confirmed the perception that threats to Czechoslovak democracy were largely external.

Although these historical experiences with democracy were limited in time and scope, and represent, for the majority of the population, a distant historical memory rather than any actual experience with democracy, they provide an enduring myth of the democratic national culture.

### *The dissolution of Czechoslovakia*

The key aspect of the Czechoslovak model of transition is the fact that the legal solution to the problem of coexistence between Czechs and Slovaks turned out to be a more important and more powerful issue than anything else. The correction of the asymmetry that characterized all past constitutions of Czechoslovakia became a task of the highest priority, and the solution found in the end was unexpected and was received by the majority of both citizens and politicians with mixed feelings: Czechoslovakia, the only state in Central and Eastern Europe with a real democratic tradition, disintegrated in the name of its democratic revolution after more than 74 years of existence.

The general conviction, however, that both Czechs and Slovaks were democrats did not change. In fact, the peaceful and relatively constructive way in which the divorce between Czechs and Slovaks was organized was generally recognized as further proof of the solidity of Czechoslovak democracy. Both successor states were able to overcome practically all the consequences of the split relatively quickly and to lay solid foundations for peaceful co-operation.

It has to be noted, however, that the dissolution of the country raised some hard questions about the nature of the democratic process. The dissolution occurred without the prior and explicit consent of the people. They did not vote for it in an election – none of the leading parties had advocated it in their campaigns – or in a referendum, and opinion polls taken at the time showed that the majority of the electorate in both parts of the country favoured preserving the common state. It might, perhaps, also be speculated that by creating, for the first time in modern history, a relatively ethnically pure Czech state, the dissolution of Czechoslovakia has brought about a shift towards an ethnic understanding of civil society. This has some implications for the one important and sensitive problem that was created by the sudden termination of the Czechoslovak state: the question of citizenship (see below).

### *The Czech model as a result of the dominant transformation strategy*

The main feature of the Czech transformation strategy has been the combination of elements which may not look quite compatible, at least at first sight. Neo-liberal economic doctrines, rejecting the concept of a paternalistic welfare state and relying uncritically upon the omnipotence of market forces, have been combined with policies aimed at keeping practically untouched a strong and heavily centralized state administration. The spontaneous activities of civil society reborn from below and all forms of politics built upon the concept of civil society were considered more dangerous and potentially more destabilizing even than the forces of the *ancien régime*. The reason for this surprising étatisme of post-communist liberals is obvious: they came to believe (the American founding fathers served as a good example) that the biggest threat to democracy during the period of transition is a weak government. Regardless of their anti-étatist ideology, the neo-liberals' highest priority in their transformation strategy is the strengthening of existing state structures and, of course, the gaining of sufficient public support to do so.

The successful Czech transformation strategy – liberalization planned from the top down – was described by one of its main protagonists, Prime Minister Václav Klaus, as an example of the practical application of the 'turnpike theorem', which in micro-economics defines the fastest way of achieving an optimal situation. It implies that one simply cannot know all that lies ahead in the transition process. Therefore instead of making speculative plans for the future, 'instead of using a winding road of half-measures, of ill-motivated concessions, delays and ideological errors and prejudices', one should prepare 'all necessary preconditions for a successful take-off into the "normal" world' of the Western, i.e. free-market, economy. The liberalization of domestic markets – a significant degree of price liberalization accompanied by a restrictive macro-economic policy – together with the opening up of the Czechoslovak economy to world markets and rapid privatization were the main pillars of the economic transformation and, consequently, stood at the top of the political agenda. In order for economic reforms to be successful, however, more is required than the readiness of their proponents to drive along a straight ideological and economic turnpike; a viable political strategy is also necessary for their implementation. Such a strategy required the acceleration of political polarization. The original post-revolutionary political consensus, which had been built round civic values and public virtues and which unified the people round the concept of revitalized civil society, was deemed not compatible with the basic precondition of successful economic transformation, a strong centralized state. As speed is crucial for the success of this strategy, everything that can slow

down the initial operation of the 'turnpike', such as the spontaneous activities and institutions of civil society, must be set aside, at least for a while. No doubt the rule of law is the key principle of an open society, but this strategy subordinates it to other priorities. The political bodies which emerged victorious from the revolution have to be transformed into political parties which would be able to start standard Western political processes centred not only on principles but also on defined and balanced interests. The substance of these processes is the struggle for political power, and therefore a strong reform party must be created capable of winning elections and of forming a strong government.

### *The state of Czech democracy*

As mentioned above, the Czech Republic is generally considered to be an example of successful transition. Seven years after the collapse of the communist regime and in the fifth year of its independent existence the country seems to be remarkably stable. The basic democratic institutions have been reconstructed and the principle of the rule of law has been reintroduced.

#### *The achievements of the Klausian model*

##### *Elections and political parties*

There is little doubt that the electoral system, largely based on proportional representation, is democratic and functions fairly. The Law on Political Parties is fair and just, and there are few formal restrictions on political activities, with the exception of prohibitions on the advocacy of racial hatred and intolerance and on activities designed to destroy democracy and the pluralistic regime. The requirement that a party must win 5 per cent of the vote to be eligible to sit in Parliament has meant that the number of parliamentary parties is limited and that a degree of clear crystallization of political forces is emerging. The coalition government, re-elected in May 1996, consists of three right-of-centre parties. It is led by the neo-liberal Civic Democratic Party (ODS), is dominated by Prime Minister Václav Klaus and is the largest party in the Parliament. It fared less well in the May 1996 elections than had been anticipated and signs are appearing of internal pressure for more dialogue and greater pluralism. The other two coalition parties are the conservative Civic Democratic Alliance (ODA), which has a small, rather elitist, membership, and the centrist, Catholic, Christian Democratic Union/Czech People's Party (KDU/CSL), which puts much greater emphasis on social issues and policies than the ODS and is in some policy areas much closer to the Social Democrats. The coalition is thus not

monolithic and there are some significant differences in policy preferences among its members.

Three other parties are represented in Parliament. The Czech Social Democratic Party (CSSD) – which, unlike in the other Central and East European countries, is not the former Communist Party but a reconstituted social democratic party – is the second largest in the Parliament, having been significantly strengthened in the May 1996 elections. The Communist Party – an unreconstructed former governing party – and the Republican Party – which is xenophobic, racist and populist, and displays many fascist tendencies – are the other two parliamentary parties. There are also dozens of extra-parliamentary parties and other political entities and groupings active in the public arena.

The May elections suggest several developments. First, a more traditional left–right system seems to be emerging in which the long-term monopolization of power by the centre-right no longer looks assured. Second, owing to the lack of a parliamentary majority, there should be more informal co-operation between the coalition government and the main opposition party, the Social Democrats. Third, negotiation and compromise between the coalition partners should intensify. Fourth, as almost 20 per cent of voters voted for parties with dubious commitments to democracy, some potential for anti-democratic developments remains.

##### *Economic and social transition*

The market-based economy (two-thirds of gross domestic product (GDP) is produced by the private sector) grew strongly in 1995 and 1996, though growth declined in 1997. Macro-economic indicators such as inflation and unemployment are favourable, though there are also some indicators of problems ahead, particularly regarding the increasing balance of payments deficit and the relative decline of exports. The relative lack of structural reform is also a source of potential weakness.

Social tensions, which were expected to accompany economic transformation, have thus far turned out to be much less of a problem than had been predicted, and the so-called tripartite negotiations between the government, employers and trade unions have worked well as a means of constructive and efficient communication. Despite some currently hotly disputed issues, such as the reform of the health service, the cohesion of Czech society does not seem to be immediately threatened.

However, some potential threats to democracy arising out of the economic transformation are already visible. The 'enormous and opaque power of the banks, odd transformations of some investment funds and huge financial frauds' (Bělohradský, 1992) create the risk of public disillusionment with the new system. Some of the recent fraudulent economic and financial activities

have raised some doubts concerning the way in which coupon privatization, the central and lauded plank of the Czech economic transformation, was carried out. It is now acknowledged that the emphasis on speeding the process resulted in its not having a clear legal regulatory underpinning, and thus provided the scope and the opportunity for the subsequent misuse of funds and other forms of unfair enrichment. A remark by the father of the privatization scheme, V. Ježek, explaining the lack of legal framework – ‘We had to save privatization from the lawyers’ – is quite revealing of the tendency to perceive law, and by extension the rule of law, as an obstacle to desired ends.

### *Formal democracy*

#### *The constitutional system*

An important problem stems from the fact that the government lacks the will to implement fully the constitution, thus weakening elementary legal awareness and respect for law. The second house of the Parliament, the Senate, came into existence in November 1996, almost four years after the Czech constitution was adopted. Self-governing regional bodies have yet to be established, although the changed configuration of forces produced by the May elections did force the leading governing party (the ODS) to agree to their establishment and Parliament accepted the government’s proposal for the establishment of fourteen such bodies in October 1997. Their power and competence are yet to be agreed and the implementation of this arrangement is not envisaged until 1 January 2000. Previously Klaus’s party had strongly opposed such moves towards the devolution of power and further conflicts over these bodies’ competences can be expected before implementation. The Supreme Administrative Court has likewise not yet been established, nor is it clear when it will be.

The government’s opposition to referendums, a result of its emphasis on representative democracy, despite constitutional provisions for their use, means that the necessary procedures have not been adopted.

Some problems also remain with regards to human rights. The Declaration of Basic Rights and Freedoms and the international agreements on human rights and fundamental freedoms referred to in Article 10 of the constitution are often not considered as primary and enforceable law in administrative and legal practice.

#### *The judiciary*

Although the independence of the judiciary is firmly established by the constitution, serious problems remain concerning the length of proceedings and the absence of a fully functioning and organizationally complete admin-

istrative judiciary. The speed of proceedings particularly affects public trust in the administration of justice.

#### *The military and the police*

The military remains firmly under civilian control and poses little threat to democracy. The rising crime rate has pushed crime to the forefront of public concerns and has raised questions about the effectiveness of the police force. The issue of public control over the state security forces, particularly the Parliament’s role, remains hotly debated.

#### *The civil service*

Two problems have affected the performance of the civil service: brain drain and patronage. The private sector offers much greater opportunities to the more able members of the civil service, and the politicization of the civil service that took place under the communist regime has to some extent been maintained. Appointments to the top positions still tend to be made on the basis of party allegiance.

#### *The media*

The media are basically free, operating without any political control by the state, and have become a lively and politically diverse force. Criticism of the government is considered normal and desirable. Expressions of government hostility towards the media have largely been absent. Some problems relating to press law have, however, emerged (see below). There is also disquiet in some quarters about the fact that 80 per cent of the press is German-owned.

### *Foreign policies and the international standing of the Czech Republic*

The ‘return to Europe’ was one of the central slogans, or aims, of the 1989 revolution and it was linked explicitly to democracy. The identification of democracy with the European West as against the totalitarian East not only has affected external policies but also has exercised great symbolic power. This symbolic identification with the West in part contributed to the dissolution of Czechoslovakia, because a portion of the Czech elite perceived that the path to Europe would be smoother without the more eastern-oriented Slovakia. The symbolic power and usage of Europe have somewhat declined since 1993 but have not entirely disappeared. A great many people from across the political spectrum still link membership of Western institutions, particularly the North Atlantic Treaty Organization (NATO) and the EU, with guaranteeing democratic transformation.

*The North Atlantic Treaty Organization*

Most of the parliamentary parties (the coalition parties and CSSD) support early membership of NATO. There is some disagreement between the government and the opposition on the use of the referendum (the government opposes it). The decline in public support for accession is linked to the public opposition to the stationing of foreign troops and of nuclear weapons in the country.

*The European Union*

The issue of EU membership is potentially more divisive. As with NATO, all the leading parties are committed to membership as soon as possible, and the government formally applied for membership in 1996. There are, however, significant cracks in most of the parties between Eurosceptics and Europhiles. Klaus has been publicly identified with the sceptical tendency, having expressed strong support, in truly Thatcherite terms, for the idea of a Europe of nation-states. Some other members of the government, however, have taken a much more pro-integration position. The CSSD takes a strongly pro-EU line, emphasizing the social provisions and going as far as to claim that the EU is basically a social democratic institution. Klaus has also referred on a number of occasions to the danger of having socialist policies foisted upon the country by Brussels. The general public remains relatively ill-informed about the issue and the debate in the media at present is relatively poor.

*Civil society, non-governmental organizations (NGOs), and human rights**Non-governmental organizations and social movements*

Since the collapse of communism a number of NGOs have appeared, dealing with a variety of concerns including the environment, gender, human rights and ethnic minorities. They operate across the political spectrum. Their combined membership, however, remains relatively small, and the government has tended to view their role negatively. It has been particularly keen to limit their impact on political decision-making by stressing the primacy of formal representation. The government has also obstructed their activities by delaying the law on non-profit-making organizations and by not making charitable donations tax-deductible.

*Human and legal rights*

## THE OMBUDSMAN

The Commission of Ministers of the Council of Europe recommended that an ombudsman be established, and the Czech Parliamentary Committee for Petitions, Human Rights and Ethnicities presented the Parliament with a bill

on the Public Protection of Rights in 1996. However, the ODS's opposition to such an institution has meant that there has been insufficient political will to adopt the bill, a situation which is likely to continue during the current Parliament.

## THE RIGHT TO LEGAL ASSISTANCE

The main problem in the area of legal assistance concerns the rights of those who cannot afford it. Although the right to legal assistance is guaranteed under Article 10 of the European Convention on Human Rights and by the existing law on advocacy and the professional rules of the Czech Bar Association, the new law on advocacy does not include it. Instead it requires that legal services be provided for a fee.

## RIGHT TO AND ACCESS TO INFORMATION

The issues of the right to information and of access to it became topical in 1995, particularly in relation to the preparation of the new press bill. Important developments concerned the deletion of the obligation to respect the confidentiality of the press's sources and the removal of the right of access to information. The latter was justified on the grounds that the Declaration of Basic Rights and Fundamental Freedoms guarantees access to information for all without exception. The legislation implementing this provision, however, has not yet been prepared. Therefore, journalists' right of access to information is limited.

As far as the public administration is concerned, access to information is based on the principle of discretion rather than the principle of publicity. Even when this right is positively formulated in law, legal protection against the unlawful limitation or denial of access to information is lacking. Fundamental rights specified in the Declaration, such as the right to timely and full information concerning the state of the environment and natural resources, are severely circumscribed in practice.

## RIGHTS OF ETHNIC MINORITIES

The current situation with respect to the rights of ethnic minorities is characterized by the following tendencies:

- improvement in the internationally guaranteed legal standard for the protection of minorities. The Czech government joined the Council of Europe's Framework Convention for the Protection of National Minorities in 1995. The Czech government pledges, once this convention becomes part of the legal order, not only to protect the rights of minorities but also to enforce a policy leading to the elimination of ethnic inequalities in social, economic, cultural and political life;
- movement towards the emancipation of most ethnic minorities. The Polish and German minorities in particular have received their own institutions

- and formulated their own interests and needs, a process undoubtedly influenced by positive relations with their 'mother' countries;
- formation of effective minority organizations and periodicals within the Slovak community in Prague. Immigration from Slovakia has continued, immigrants having included members of the Slovak elite;
  - continued poor treatment of the Roma. The segregation of the Roma in Czech society is deepening. It is both a cause and a consequence of their deteriorating chances for employment; their declining participation in the educational, health care and housing systems; their growing poverty; and their relatively high rates of criminality, including participation in serious forms of organized crime;
  - increases in intentional, violent and racially motivated attacks by organized neo-Nazi and nationalist groups on members of ethnic minorities, particularly the Roma. Revenge attacks by the Roma have begun to occur and are at least partly due to the Roma's perception that the state offers inadequate protection against racial violence;
  - the existence of open non-violent discrimination against the Roma, by stores, restaurants, etc. This can include refusal of service as indicated by notices such as 'We do not serve Gypsies'. Such acts go largely unpunished because the necessary direct legal instruments are inadequate and the will to use indirect instruments is lacking. Similarly, racist and extremist publications have seldom been prosecuted;
  - persistent strong latent racism directed against some ethnic/racial minorities, particularly the Roma, Vietnamese and non-white immigrants. Although only one person in ten supports the extremists, the majority do accept maximum spatial, social and cultural segregation as a basis for the solution of ethnic and racial tension. The idea of close neighbourly coexistence with Romanies is unacceptable to seven out of ten Czechs;
  - increased sensitivity to the dangers of racism, although this has not yet translated into a public search for and debate on positive policies;
  - poor performance by Roma candidates in the local elections. There are almost no Roma representatives in local government. This is in part due to poor Roma participation in elections, which has not been adequately addressed by the government's lax formal approach, which in turn is shaped by the state's and political parties' lack of political will;
  - persistent divisions within the Roma community. There has not been significant progress towards a consensus among its elite about the major aims, interests and requirements of the Roma minority. This is at least partly due to the fact that many Roma who integrate successfully into

- Czech society abandon their community and do not transfer their experience to it;
- increased NGO activity regarding the Roma minority. NGOs are conducting a number of small projects focusing on regional, short-term or experimental programmes which seek to test the possibilities of integrating the Roma minority. Town and school organizations have also tried several co-operative projects, including experimental schools and programmes, though the positive experience and knowledge coming out of these projects have been ignored by the central authorities;
  - little impact of *ad hoc* meetings between the representatives of the Roma minority and state officials on government policy. This lack of results is due in part to the failure of the Roma representatives to clarify their aims and the small amount of influence the responsible partner bodies have with government ministries;
  - government hostility to criticism from foreign governments and international governmental and non-governmental organizations. Several times in 1995 the Czech government dismissed such critics as incompetent or insufficiently aware of specific Czech conditions. That international pressure can have some impact, however, was demonstrated in April 1996 when the Parliament finally amended the much criticized citizenship law (see below).

#### LUSTRATION

The lustration law was passed by the Czechoslovak Federal Assembly in the autumn of 1991 and sought to exclude from elected posts and appointments in the public administration all those persons who had at any time between 25 February 1948 and 17 November 1989 been members of the secret service (StB); were registered in its files as agents or collaborators; had knowingly collaborated with the StB; had held positions as secretaries of an organ of the Communist Party from the level of the district committee upward; or who, as members of either the ruling bodies of the party or its apparatus, had been involved in setting the political direction of the secret service; and those who had held any position of authority in the People's Militia. Subsequently the process was extended to cover other spheres, including the media. The law, which was to be valid for five years, was extended by the Czech Parliament in 1996 for another five years.

The major weaknesses of this law are its reliance on official StB documentation and its quasi-judicial procedure, which is based on the presumption of guilt. Thus the accused has to prove his or her innocence or seek redress in a court of law where the proceedings would take an inordinate amount of time. The lustration process, it soon became clear, acquired a political purpose: to discredit political opponents by associating them with

the most disreputable practices of the previous regime. Important rights deriving from natural justice, such as the right to a fair hearing, were trumped by political expediency (Wheaton and Kavan, 1992).

#### CITIZENSHIP LAW

The citizenship law has been severely criticized both at home and abroad for one of its provisions and for its implementation. The criticized provision set two years' residence and five years with a clean criminal record as conditions for citizenship. It was impossible for a number of people to fulfil these conditions within the period specified for application for citizenship following the dissolution of the Czechoslovak state. Further, the demand for a five-year clean criminal record was perceived to be anti-Roma (given the high numbers of Roma of Slovak origin with criminal records). In April 1996 the Czech government finally responded to international pressure – particularly from the Council of Europe, the US Congress and the US State Department – and the Parliament amended this provision by giving the Ministry of the Interior discretion to waive this condition for Slovak citizens residing permanently in the Czech Republic since the dissolution of Czechoslovakia.

In addition, in implementing the law the government did not always fulfil the obligation to provide applicants, particularly Roma, with assistance and instruction so that they would not be handicapped by their lack of awareness or understanding of the regulations.

The weaknesses of the Czech citizenship law are obvious and its impact on significant sections of the Roma people is negative. However, it should be recognized that new states face greater difficulties in constructing their citizenship laws than established ones. Claims as to the membership of this new polity have to be not only coherent but also legitimate as far as the majority are concerned, and the search for the legitimating principle can lead to provisions which are too restrictive and exclusionary.

#### *The weakness of democratic culture*

There is little doubt that the full transformation of Czech society into a democratic one depends on the creation of a democratic culture, and this will be a long-term process involving a generational change. The authoritarian culture fostered by the communist regime is too deeply ingrained in people's outlook and behaviour to alter easily. It is still evident in the public preference for a government with 'strong hands', particularly in the fight against crime. A significant majority, according to opinion polls, would accept a reduction in democracy, human rights and fundamental freedoms in exchange for the successful reduction of crime. Our assessment of demo-

cratic changes ought to take into account the long-term nature of this problem.

#### *Conclusion: the human rights alternative to the dominant model*

The central question concerning the dominant Czech model of transformation is whether it is sustainable in the long run, its short-term successes notwithstanding.

The crucial weaknesses of Czech democracy are the weakness of 'politics from below'; an underdeveloped legal and political culture; the vacuum that has been created between individuals motivated by self-interest and institutions of public power; the lack of interest in a proper dialogue; and the difficulties of public communication and understanding. The principle of respect for human rights should be revitalized as a remedy to these problems. The question is what kinds of strategies are available under the prevailing conditions for raising public awareness of the importance of human rights and how to empower the structures of civil society, which have been seriously weakened by the Klausian reforms.

The enforcement and fulfilment of human rights would require more than a high-quality legal system and state institutions. Other necessary conditions are public awareness of the law and a high political culture involving citizens' respect for these rights and their willingness to defend them effectively. The principle of human rights requires foremost that there be permanent two-way communication between citizens and public authorities. The legal system and state apparatus of an open society must be, above all, trustworthy and transparent. Information from below, voicing the experience of individuals and expressing their demands for rights, should not get lost in the bureaucratic machinery, but should play a crucial role in the development of the legal system, provide effective feedback and serve as an important corrective.

At the same time, it is clear that the protection of human rights in the Czech Republic does not depend solely on the state of Czech society, on the willingness of citizens and public authorities to engage in a permanent dialogue; it also depends on communication with the outside world. The issue is not only how the international mechanisms for the protection of human rights are integrated into the Czech legal system and how the state fulfils and enforces its international obligations, but also whether and how the discussions in Europe and elsewhere affect debates and decision-making in the Czech Republic. The issue is to what extent the Czechs are able to make use of the experiences of others; to join in the dialogue taking place beyond the country's borders; to understand their own situation in a broader

context; and to resist the illusions of transformational ideology, which currently seems so convincing and popular.

There seems relatively little doubt that formal democracy has been reconstructed relatively successfully in the Czech Republic. A number of substantive problems remain, however, which, given the multifaceted and complex nature of the transformation process, is to be expected. Further, in spite of the long-term problem of developing a democratic political culture, significant progress has been made, and that process appears irreversible provided that no catastrophic economic decline occurs.

It is perfectly natural that there are some misunderstandings between individual citizens and those who represent and govern the state. These ensue from the different perspectives from which different groups contemplate social and economic realities. For these different perspectives to coexist peaceably in a democratic society, continuous horizontal and vertical communication is required. In this permanent dialogue political power cannot be primary, and parameters for arbitrating among contending interests have to be continually renewed and reconstructed.

---

## 7

---

### The Present State of Democracy in Slovakia<sup>1</sup>

MARTIN BÚTORA

#### *Introduction*

Despite some positive macro-economic achievements in recent years, Slovakia has become the most problematic of the Visegrád countries (the other countries in the group being Poland, Hungary and the Czech Republic). The increasingly visible exclusion of Slovakia from the first rank of candidates for membership of the European Union (EU) and North Atlantic Treaty Organization (NATO) is a response to the disturbing domestic policy trends which followed the 1994 parliamentary elections. These trends reflect the unstable democratic political culture in the country. The ruling coalition's efforts to concentrate and monopolize political power in the hands of the executive; the political confrontation resulting from government's efforts to remove Michal Kováč from his presidential post; the strengthening of state authority and paternalism in legislation; changes in the privatization process leading towards clientelism; the ruling coalition's confrontational attitude towards ethnic Hungarians; the government's intervention in the media; the exclusion of the opposition from the control of Slovakia's secret services; and the unsatisfactory development of the investigation into the kidnapping of Michal Kováč, Jr, are examples of the disturbing trends which sow doubts about the consolidation of the democratic regime in Slovakia.

#### *Historical legacies*

##### *Democratic traditions and party politics*

Slovakia is one of the few European countries that has experienced all three main political systems of the twentieth century: capitalism with parliamentary democracy; a domestic variety of fascism, which oversaw the deportation of more than 70,000 Slovak Jews, and subsequent strong domestic resistance; and socialism in all its varieties from Stalinism through attempts at reform in the 1960s to the petrified post-Stalinist 'real socialism'