

CHAPTER XII

BEYOND THE LIBERAL PARADIGM

MARTIN PALOUŠ

THE PHENOMENON OF VIOLENCE

The subject matter and point of departure in the following pages is succinctly expressed in the opening sentences of *On Violence* by Hannah Arendt:

These reflections were provoked by the events and debates of the last few years as seen against the background of the 20th century, which has become indeed, as Lenin predicated, a century of wars and revolutions, hence a century of that violence which is currently believed to be their common denominator.¹

Years have passed since the revolutions at the end of the 80s terminated totalitarian rule in the eastern part of the European continent. Many things have indeed changed radically in this brief period, but equally important to the shifts themselves are our perceptions and understanding of the effects of these changes. It is more than clear by now that the collapse of communism cannot be in any sense perceived as the “end of history” (Francis Fukuyama). On the contrary, the event must be understood as only the beginning of a new era, as a dramatic change with far-reaching consequences. After years of stability and rigid constellations, we are most probably approaching a long period of uncertainty, which will entail a difficult search for a new balance.

Thus far, the phenomenon of violence accompanying the historical processes of which we are part can be analyzed from three different perspectives. The first addresses the most elementary problem of post-totalitarian politics: the reopening of societies which had been closed for more than four decades. The fundamental objective of post-communist transitions is above all to restore or

build anew all the necessary elements of a truly liberal order, i.e., the rule of law, a democratic political system and a market economy. The most frequently used criteria for the evaluation of the achievements of these countries on their way from communism come from the traditions of modern liberalism and the “standard” Western democracies. Their routines and political cultures offer themselves for comparison here.

Second, taking into consideration new international factors, the social and political changes in East Central Europe do not take place in a stable international environment, as was largely the case during the democratization processes in Greece, Spain and Portugal. Rather the situation is one of profound destabilization, when almost everything in Europe — from security considerations to currencies and borders — is in flux. The post-communist region certainly is not one of transition — the reopening of closed societies — but rather of conjecture among domestic, regional and international systems in transition.² The transformation of states, the sudden “death” of some of them and the “birth” of their successors, brings an entirely new agenda into post-communist politics.

Third, from the perspective of the general state of world politics another important source of violence is the fact that not only post-communist countries, not only Europe, but all of humankind is now in an entirely new, unprecedented, and thus unknown situation. The “background of the 20th century” as one of the crisis of European civilization — for which Hannah Arendt suggested an analysis of the phenomena of social and political violence — should be enlarged. “The events and debates of the last few years” might have a longer-term impact on us than we would like to admit. What is at stake in the current political successes and failures is not only the good or bad fortune of “post-totalitarians”, but world politics for the 21st century; it is the creation of political mechanisms to cope with the problem of governance in the age of global, i.e., planetary, mankind.

THE LIBERAL REMEDY

“What does it all mean, and where is it going to lead? Are we not witnessing a process of dissolution without anything taking the place of the old and admittedly dismal structures?”³ With these

questions, Ralf Dahrendorf, a prominent British political scholar, opened his “Reflections on the Revolution in Europe”, written in the form of a letter, dated April 1990, “intended to have been sent to a gentleman in Warsaw.” A model for his writing is Edmund Burke who in a similar letter in 1790, “intended to have been sent to a gentleman in Paris,” articulated his opinions concerning the French Revolution:

though I do most heartily wish that France may be animated by a spirit of rational liberty, and that I think you are bound, in all honest policy, to provide a permanent body in which that spirit may reside, and an effectual organ by which it may act, it is my misfortune to entertain great doubts concerning several material points in your late transactions.⁴

Dahrendorf’s point of departure was Burkeian conservatism: as far as European revolutions are concerned, nothing much has changed between 1790 and 1990. The central problem of post-communist countries, returning after decades from Babylonian captivity to Europe was apparently the one which has occupied the minds of all modern European revolutionaries: How “to provide a permanent body in which a spirit of rational liberty may reside?” How to create, after an outlived “ancient” regimen was displaced or simply fell apart, a new body politic? How to transform a profoundly negative force of revolution into the architectonic power of lawmaking and city-building? How to follow the American rather than the French example in this matter and found a new political order “without violence and with the help of a constitution?”⁵

Dahrendorf, a determined enemy of all Utopian visions and of all versions of system thinking in political matters, foreseeing “the conflicts between advocates of system and defenders of the open society”⁶ in post-communist politics, states unequivocally:

Neither Central Europe, nor social democracy nor any euphemism for the “middle way” must be thought of as a system, or indeed a Utopia, if liberty is what we want. The choice between freedom and serfdom is stark and clear, and it offers no halfway

house for those weaker souls who would like to avoid making up their minds.⁷

Only after this step is made and the existence of an open society is secured, can normal politics emerge, where — a hundred options may be on offer, and three or four usually are.⁸ The relation and proper ordering of very different agendas in the process of transition, the right sequencing of “constitutional” and “normal” politics, and the right choice and use of “republican remedies” which would be capable of making the government stronger, was, in Dahrendorf’s account, the key problem. The envisaged ideal schedule of transition to democracy develops according to Dahrendorf as follows: first comes the problem of constitution. Then “normal” politics bursts in and economic reform must be executable within this environment. The key, however, the lengthiest process, according to Dahrendorf is the third problem: the emergence of civil society:

The third condition of the road to freedom is to provide the social foundations which transform the constitution and the economy from fair-weather into all-weather institutions capable of withstanding the storms generated within and without, and sixty years are barely enough to lay these foundations.⁹

Dahrendorf’s formula has been extremely useful for the self-understanding of post-communist politicians. It also can help us to understand what is the origin of the violences which threaten societies in the process of “revolutionary” transition. Dahrendorf is also very lucid about the “remedies” which should be used to protect the security of people and, at the same time, to keep their society open: The remedies are not based upon utopian visions of a “just” society — which can end up in “reigns of terror and virtue” — but rather, upon free republican institutions. It is not the “pure ethics of conviction,” but the standard Western political process (characterized by respect for human rights, the rule of law, parliamentary democracy and the market economy), which starts “from below” and is animated, in spite of all its imperfections, difficulties and problems by the “practical ethics of responsibility.”

WEAKNESS OF THE LIBERAL NATIONAL PARADIGM

There is one aspect, however, in which East Central European transitions are dramatically different from other comparable processes, such as, the democratization in Latin America, Spain and Portugal. The latter took place in a relatively stable international environment, whereas the former is in a situation of profound destabilization, when almost everything, not only these societies themselves, is in flux. What we see in Europe after communism is certainly not one transition, but rather an intersection of domestic, regional and international systems in transition.¹⁰

The collapse of the regime (state socialism, totalitarianism) in East Central Europe has been accompanied by the collapse of an empire. What is at stake and what must be taken into consideration is not only the possibility of successful transition from a closed to an open society, but the fact that the events of 1989 seriously undermined the very foundations of some states and destabilized the whole interstate system in Europe. No doubt, the splits of the Soviet Union, Yugoslavia and Czechoslovakia are hardly comparable in many respects. These states, definitely, fell apart for very different historical reasons, the way they did it was very different and their dismemberment also had very different outcomes and consequences.¹¹ However, what is the common denominator in these events and must be examined in any discussion of post-totalitarian violence is the fact that in addition to the reopening of closed societies another process is taking place as part of the transition, a process which in some ways conflicts with democratization: a nation/state building

The disintegration of three former socialist federations has created one important feature of post-communist politics. The process of transition was driven not so much by the commitment to the ideals of an open society or market economy, but by the need to establish constitutional foundations, stability of state structures, a strong government. Czechoslovakia, a state with a genuine democratic tradition, after more than 74 years of existence, disappeared from the political map of Europe, because her political representation did not succeed in finding any other solutions to the question of Czech-Slovak relations, which, surprisingly, became the number one problem of the Czechoslovak transition.

How can the differences between various examples of fragmentation be explained? Why was the Czechoslovak “divorce” so smooth and peaceful while the dismemberment of Yugoslavia resulted in a bloody war and ethnic conflict which evades speedy resolution? Is it because of different cultural legacies, different histories, different national mentalities and habits of Central European and Balkan nations? Is it geopolitics which has played the decisive role here?

There is no doubt that it is nationalism, or ethno-nationalism, which should be discussed and eventually, blamed for all horrors of “low intensity wars”, ethnic cleansing and “crimes against humanity” committed after the stable bipolar system in Europe collapsed and the newly liberated societies started again to take care of their statehood. Nevertheless, there is much more here. New nationalists do not operate in a vacuum; the reason they could start implementing their plans must be sought also in external dimensions of the problem of state-transition and state-building: in the state of Europe after the collapse of communism, in the context of dominant European political projects and endeavors, and in general habits and practices of European “Real politik.”

Is the “mismanaged” state-transition of Yugoslavia a sign that there is something wrong and obsolete not only with Yugoslavs, but also with the very foundations of the European liberal order? Has not the Yugoslav tragedy revealed deep-seated problems in the very principles of European international law and politics? Does Europe still believe that the transition to statehood is an event outside the range of legal regulations?

States, as European jurisprudence believed in the beginning of this century, can neither “set laws for their own origin, because they must come into existence first in order to be able to create the law,”¹² nor can they legislate their own termination. International law, when the matter at stake is state sovereignty, leaves us without guiding rules: It can only confirm what already exists and cannot be used in the moment of “legal revolution”.¹³ Whereas the domestic legal order is strictly speaking momentarily non-existent, the legal force of the international community comes only *post festum*. (A new state must be recognized by the other members of the international community.)¹⁴

Why are we then so surprised when observing the behavior

of new post-totalitarian states and pseudostates pursuing their “national interests”? Is it not in agreement with the leading and generally recognized paradigms of theory of international relations and inter-state systems, that violence and the use of force belong to the nature of the modern nation-state; that they are always present, at least as a threat, as long as the state exists; and that this state “power” must be clearly recognizable and active especially at the moment of its origin? No matter whether states are being born or on the way out of history, they are always tempted to use violence against the individuals who can only be but stateless in the moment of state transition. States simply must protect their basic “national” interests, i.e., their right to exist and survive, we have been told not only by current war-mongers, but by all European realists. So is it not then obvious that the first and the most important “national interest” is control over “ethnically cleansed” state territory? And is it not exactly this control that is considered by the international community to be the only *conditio sine qua non* for international recognition?

Observing the horrors of ongoing “low intensity wars” which broke out as a result of the collapse of the rigid bipolar Cold War architecture in Europe, one has to conclude that there is something wrong not only with those post-totalitarian leaders who in their lust for power have awakened the ghosts of nationalism, but with European politics in general. The outbursts of transitional violence in the Balkans, Transcaucasia or elsewhere are not only damaging these particular regions, but undermining the very foundations of European liberal political order. “The Yugoslav virus”, to use Adam Michnik’s words, not only has caused the deaths of thousands of innocent people in the territories hit by the epidemics, but is effective also outside the killing zone. It demonstrates the inability of Europeans to act in concert in such a new situation, it reveals not only how inefficient are the existing institutions and mechanisms when confronted with such a crisis, but also how inadequate are the concepts which are supposed to give us a clear and undistorted picture of what is going on and to make us capable of understanding.

To sum up the task of all those involved in European affairs vis-a-vis the Yugoslav experience, I quote from a leading Bosnian expert in international law, Zoran Pajić, from Sarajevo:

It is common knowledge today that the war in Yugoslavia, and in Bosnia Hercegovina in particular, has been a test of the credibility and future durability of the idea of "European unity", as well as a test of Organization for Security and Cooperation in Europe (OSCE) and of NATO. The two major world political organizations, the UN and the EU, have been exposed by, and involved in, the Yugoslav crisis from the very beginning, and their record has been controversial, to say the least. In order to be able to recover and rehabilitate itself after the Yugoslav experience, the world community will have to evaluate its policy and address a couple of very direct questions: "why" and "when" this case went so terribly wrong, and "what" should be done in the future to "save" the world from another "ethnically cleansed peace process".¹⁵

THE TRANSITION FROM NATIONALISM TO GLOBALIZATION

The third type of violence which is relevant to our debate is: violence which has its source in the noetic aspect of any political activity. The fall of communism means not only the liberation of those who had to live for decades in closed societies, but also the culmination of a process which originated in the beginning of our century which radically changed our political environment and transformed our understanding of politics, the scope of political agency, and the actual meaning of Aristotle's description of man as a political being.

The Romanian scholar Gabriel Andreescu drew attention to the problem of post-communist "epistemological chaos",¹⁶ to that peculiar state of mind which is in a way a decisive factor in the politics of transition. What at first was perceived as a problem which could be solved by educating the post-totalitarians in Western liberal democracy, teaching them how to behave in the Europe they were trying "to return to", turned out to be much more difficult and not easily solved. In fact, the situation six years later has not improved, but worsened. "The epistemological chaos" is no longer contained

in the post-communist region; in different forms it influences European and world politics in general.

In 1990, we were told repeatedly by prominent Western observers of the events of East-Central Europe that there was nothing particularly original in the 1989 revolutions: "With all the fuss and noise, not a single new idea has come out of Eastern Europe in 1989."¹⁷ What happened there and what was greeted with great enthusiasm and joy was understood as a liberation, as a restoration of an already known and existing Western liberal order. "The ideas whose time has come are old, familiar, well-tested ones. (It is the new ideas whose time has passed.)"¹⁸

In 1996, however, the overall picture of East Europe is definitely less rosy than it was six years ago and the role played by all these "old well-tested ideas" is not at all unequivocal and entirely unproblematic. What we observe in East Central Europe nowadays, are not only the more or less successful "implementations", e.g., political and economic reforms essentially "on track" in most of the post-communist countries, but also many other rather disturbing and unexpected phenomena. There is in the unprecedented Bosnian debacle not only a disastrous product of nationalism which has resurfaced in many parts of East Central Europe, but "the greatest collective security failure of the West since the 1930s," as one high-ranking U.S. official put it recently.¹⁹

Should we perceive the political process in the post-communist countries only as a more or less successful "transitions to democracy?" Or is there much more at stake here than the "Westernization" of the East; are there other transitions which must be taken into consideration? Should the collapse of communism be understood as the victory of the "old" Western world over the hubris of utopias and the totalitarian deformation of "well-tested" European political traditions? Or should we see here at the same time a crucial moment in the historical process which started in the beginning of the 20th century, and whose consequence is that both politically and spiritually Europe lost her, until then, undisputed and undisputable dominant position in the world? Is the process which is going on in Europe a mere home-coming of "post-totalitarians" from their Babylonian captivity to the prosperous, safe haven of the West, or is the current rapprochement of East and West in Europe taking place at a moment of profound crisis of

European civilization in an entirely new, unprecedented, and thus unknown situation? Is it really “old, familiar, well-tested ideas” whose time has come, or is the heart of our post-totalitarian problem the lack of new ones?

What I am saying is simple: the collapse of communism could not lead to restoration and/or expansion of a good old liberal European order, because this event has not only liberated East Central Europe, but also has changed irreversibly Europe’s political identity. With all respect for the venerable traditions of modern European liberalism, it is essential for our discussion to see the limitations of that liberal paradigm: to understand not only the similarities but also the differences between Europe before and after the ruinous attack on its identity by totalitarian ideologies.

The international system emerging after the disintegration of the bipolar Cold War architecture is more open, more interdependent and definitely less “Eurocentric”. Multiculturalism, multiple identities and anti-foundationalism not only have become fashionable themes in academic discourse today, but they create the context of current international politics. There is no doubt, however, that the “grand opening” of the post-modern market of ideas does not necessarily generate more political freedom and improved communication between the nations. On the contrary, there is the possibility of the emergence of new culturally motivated conflicts; the possibility that humankind, having got rid of totalitarian ideologies, may be heading now into an era of the “clash of civilization”.

What is at stake is the present and future status of the nation-state. It has been said repeatedly that the very concept of nation-state understood as a defined state territory ruled by a sovereign power which is recognized as an equal member of the international community has been weakened in the course of 20th century. The experience of two horrible world wars and the growing global “interdependence” in practically all spheres of social, political, economic and culture life have dramatically changed the basic characteristics of the international system. The trends indicate clearly that globalization is unavoidable and that it will go on no matter how strongly “isolationist” feelings and attitudes may influence the politics of some states.

The victory of the old well-tested liberal ideas does not change

the fact of the endemic “deficiency” of the modern nation-state. Modern liberalism at the end of the 20th century is in deep crisis. The ever more complex network of communication connecting non-state actors across national boundaries, has made it increasingly difficult for national governments to exert decisive control over a growing number of important political issues and curtails the possibilities of traditional liberal politics. The process by which decisions are made is entirely opaque to most ordinary citizens, not discussed, not understood, not present in the public domain. There is an increasing sense of insecurity and powerlessness among the people. What can be observed practically everywhere in the West is a growing democratic deficit. The whole game of politics is more and more distant from the ordinary citizens and has begun, as some commentators observe to acquire the bogus sense of a kind of “virtual reality”.

Globalization or complex interdependence as the most important characteristic of the situation of mankind at the end of the 20th century has not only changed the very nature of the world politics, but has introduced its negative, hidden agendas. International crime generates enormous amounts of money used to infiltrate and corrupt the political elites; the population is increasingly vulnerable to extremist views, using nationalistic and anti-foreigner rhetoric of the most disreputable kind; the disintegration of basic social patterns and structures in some countries or whole regions, i.e., “coming anarchy,”²⁰ these and other phenomena represent the dark side of our post-modern, more globalized situation.

In his above mentioned seminal work on the recent wave of European revolutions Dahrendorf advised the post-communist politicians “to go back to the 1780s, to the lessons of the great transformations of that time” and to use *The Federalist Papers*, as an “unsurpassed manual of liberal democracy.”²¹ The greatest threat to democracy in time of transition of disordered society, warned James Madison, is weak government. The key question is what “republican remedies” can be used to make the government stronger; how can emerging open societies be stabilized and protected, not only against the forces of the “ancient regime,” but also against those new politicians who pretend to be the speakers of the people but in reality serve their own self-interest — who

seek to “aggrandize themselves by the confusion of their country”, in the words of another Federalist, Alexander Hamilton.

CONCLUSION

In summary, we need remedies which address the question not only of how to transform a closed political regime and build a republican form of government, but also of the emergence of a new international system — a New World Order. There are two aspects in the dramatically changing realm of international relations which were underestimated in the “Realpolitik” of the past and now should be taken much more seriously into consideration.

The first is the internationalization of human rights. The emergence of international mechanisms for their protection as a reaction to the unprecedented crimes committed by totalitarian criminal regimes during the World War II represents probably the most important change in world politics in the second half of the 20th century. The demise of the bipolar system in Europe only accelerated and strengthened this development. The issue of human rights has now lost the dimension of ideological confrontation. The existence of international human rights law — which deals with the protection of individuals and groups against violations of their rights by state governments — has an ever-increasing impact on the formation, self-perception and practices of the international community. Respect for international legal norms, active participation in their creation, and in the dialogue in which today’s understanding of human rights is formed and codified, become essential conditions for the participation of nation-states in supranational structures, for the creation of a real transnational human community.

The second aspect seriously underestimated and under-represented in the international politics of the past is the phenomenon of trans-national civil society, the fact that international society ceased to be a society of nation-states in the course of the 20th century, and is populated now by many non-state actors. All efforts to cope with the tasks which transcend the limited, closed space of the territorial nation-state — be they the various problems which require global governance or the questions of regional arrangements and “integrative” frameworks — cannot

be successful without active participation of the civic element. What is at stake now and urgently needed — and all the conflicts we have seen emerging in the post-communist world demonstrate that more clearly — is a profound “democratization” of international relations.

The political architecture to be designed and created following the stable bi-polar system of the Cold War, cannot be invented by some “wise” post-cold war architects and imposed “from above”. The New World Order can be formed only when all activities “from above” are complemented “from below.” All international institutions, mechanisms, arrangements and regimes can be successful and effective only when they are in a way democratic, when they are open to all information, instigation, impulses and initiatives coming from the grass-roots level, when they act and make decisions in constant communication with their international constituency.

The current situation in Europe of the discussions around the future European political architecture, namely, the debate over the enlargement of NATO and the EU, proves the point. A threat to current Europe greater than any external enemy is the frustration and feeling of helplessness generated by the fact that no matter how skillful “professional” Euro-politicians and Euro-bureaucrats are, the Euro-debate monopolized by them could easily come to a dead end. Were that to be the case, what kind future could our “old” continent expect?

One does not need to be Cassandra to predict that the situation could be catastrophic. If Europeans still believe that a universalistic European civilization is worth being preserved in the age of multiculturalism and globalization, they themselves must have the courage to overcome the shadows of the past: to enhance and actively promote a politics based on trans-national communication. Because only a dialogue of humankind can be recommended as the best and perhaps the only possible “republican remedy”, in the spirit of the Federalists, that can make global governance stronger and retain in emerging world politics that element of freedom which is the very essence of our humanity.

NOTES

1. Hannah Arendt, *On Violence* (New York: Brace & World, 1970), p. 3.
2. Valery Bunce, "Leaving Socialism - A Transition to Democracy", *Contention*, vol. 3, no. 1, Fall 1993, 35-47.
3. Ralf Dahrendorf, *Reflection in the Revolutions in Europe* (London: Chatto and Windus, 1990), p. 4.
4. Edmund Burke, "Reflections on the French Revolution," in *Selected Works of Edmund Burke*, vol. 1 (London: Methuen, 1905), p. 14.
5. Hannah Arendt, "What is Authority", in *Between Past and Future. Eight Exercises in Political Thought* (New York: Penguin Books, 1993), p. 140.
6. Dahrendorf, *op. cit.*, p. 62.
7. *Ibid.*
8. *Ibid.*, p. 35.
9. *Ibid.*, p. 100.
10. Bunce, *op. cit.*, p. 44.
11. These processes might be puzzling in many ways and offer political scientists a unique opportunity to rethink and reexamine their concepts and theories. The fact that Czechoslovakia, a state with a genuine democratic tradition, disappeared, due to the collapse of communism from the political map of Europe, is in a way paradoxical. The most important issue to be solved after the "dark ages" of totalitarianism turned out to be the question of relations between Czechs and Slovaks and not the agenda prescribed to the "post-totalitarians" by Ralf Dahrendorf. The cases of Yugoslavia and the Soviet Union are, as indicated, different; nevertheless they raise similar questions.
12. J. Jelinek, *Všeobecná státověs (State Theory)* (Praha, 1906), p. 208.
13. "Legal revolution" is a concept introduced by the "normative" school of Hans Kelsen. According to normativists, the legal order is equal to a set of legal norms derived from one "focal point", from one supreme norm which represents the genuine source of law. In the normativist paradigm one can clearly distinguish between the continuity of law — which persists as long as a certain focal norm (usually the constitution of a state) remains valid —

and the discontinuity of law — which occurs when, due to the "legal revolution," the norm is replaced by a new one.

14. Strictly speaking, there is only one prerequisite generally recognized for international recognition: a state must exist, i.e., have certain territory with a certain population under the control of government. Obviously there may be other requirements of the international community, but always the principal question remains — their practical enforcement. The European Union formulated these conditions for the recognition of new states in the context of the disintegration of Yugoslavia: the obligation to respect all provisions of the UN Charter, of the Final Act of Helsinki Conference, of the Paris Charter; the obligation to respect human rights including the rights of minorities and ethnic groups; the obligation to respect the inviolability of borders and the possibility to change them only through peaceful negotiations; the assumption of all obligations in the sphere of disarmament and non-proliferation of nuclear weapons; the assumption of the obligation to resolve all questions of legal succession by the means of mutual agreement and arbitration.

15. Zoran Pajic, "Where Do We Go from Here?" in *Reflections on the State of Europe from the Perspective of Civil Society, hCa Quarterly* (Summer, 1996), no. 17, 33.

16. Gabriel Andreescu, "Violence and Transition Period," a paper submitted at the Prague conference of the Helsinki Citizens' Assembly in the Spring of 1992.

17. Francois Furet, quoted in Ralf Dahrendorf's "Reflections", *op. cit.*, p. 27.

18. Timothy Garton Ash, quoted in Dahrendorf's "Reflections", *op. cit.*, p. 28.

19. Richard Holbrooke, "America, A European Power," *Foreign Affairs* (March/April 1995).

20. Robert D. Kaplan, "The Coming Anarchy", *The Atlantic Monthly* (February 1994), 44-76.

21. Dahrendorf, *op. cit.*, p. 30.