



Protests against the Lex CEU in Budapest in spring 2017: the slogan reads "new regime change, European democracy!"

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## A Bastion of Democracy or Half Way Down the Slippery Slope? Liberal Values and Illiberal Tendencies in the Czech Republic

Marie Heřmanová and Štěpán Drahokoupil

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As part of the special issue on 'Lex CEU', the present article discusses the public reactions in the Czech Republic (from politicians, the media and academics) to the recent events in Hungary. It shows that these reactions were often closely connected to much broader questions regarding attitudes towards liberal values and the meaning of civil society. Taking a historical perspective, the dominant discourses on civil society are traced back to the early period of Czech democratization and two key 'framers' of public opinion: Václav Havel and Václav Klaus.

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## A Bastion of Democracy or Half Way Down the Slippery Slope? Liberal Values and Illiberal Tendencies in the Czech Republic

In the context of the Visegrad countries (V4), the Czech Republic is sometimes seen as the “beacon of hope” – being named as such by liberals in Western Europe in reaction to the recent developments in the region which has seen a quick descent into an illiberal government (Hungary), an ultra-conservative government (Poland) and a government that includes a right-wing nationalist party (Slovakia). Unfortunately, the positive characterization of Czech politics works only in comparison with the neighbouring countries.

The Czech Republic currently ranks highest among the V4 countries in [The Economist Intelligence Unit's \(EIU\) Democracy Index](#): it was 7.82 in 2016. Slovakia is half a point behind with 7.29 and Hungary and Poland rank one point behind with 6.72 and 6.83 respectively. This puts the Czech Republic in 31st place in the worldwide ranking, yet it is the lowest ranking since the index began in 2006. There has been a steady decline from 2012, when the Czech Republic received 8.19 and was considered a “full democracy”, to 2016 when it was classified as a “flawed democracy”.

As far as the EIU Democracy Index is concerned, the Czech Republic struggles the most with issues such as political culture and political participation. In terms of popular support for democracy, less than 50 per cent of citizens believe it to be the best form of government for the Czech Republic. Indeed, other polling data suggests a similar trend with support for democracy oscillating between 42 per cent (in 2012) to 50 per cent (in 2016).<sup>[1]</sup> The number of people who think that democratic government does not have any impact on their lives decreased from 27 per cent in 2013 to just 19 per cent in 2016. According to the same data, in 2017 roughly 26 per cent of citizens agreed with the statement that, under certain circumstances, an authoritarian government can be better than a democratic one.

It is worrying that the notion of democracy as the best form of government is firmly established among only half of all Czech citizens. Further, we believe that illiberal and authoritarian tendencies are on the rise – and the public reactions to the Hungarian government's legislation against the Central European University (CEU) in Budapest in spring 2017, the so-called 'Lex CEU', are a good indication for this not yet openly anti-democratic, but nevertheless alarming development.

Our discussion will start with a brief review of the public reactions in the Czech Republic (from politicians, the media and academics) to the recent events in Hungary. These reactions were often closely connected to much broader questions regarding attitudes towards liberal values and the meaning of civil society. Taking a historical perspective, these attitudes dominant discourses on civil society will be traced back to the early period of Czech democratization and two key ‘framers’ of public opinion: Václav Havel and Václav Klaus. Finally, our analysis will look into recent clashes between liberal and illiberal values that became apparent in public debates about two key issues: inclusive education and a European refugee quota. Both debates illustrate variations of one and the same struggle: that between ideas of the open and the closed society; or between liberal and illiberal values.

## How the Czech Public did (not) React to 'Lex CEU'

There is a reasonable expectation that the proposal to close a university in one of the Visegrad countries would trigger resolute condemnation from a broad group of politicians in the Czech Republic, especially given the history of the region – the most recent groups to ban scholars and universities being the Communist and Nazi regimes. But what happened was just the opposite: the Hungarian government's move against the CEU has been met with silence from Prague. In general, Czech political leaders displayed indifference and treated the cause like something distant; something that didn't concern the national context.

Open support for the CEU came from only a few individuals, among them MEP Luděk Niedermayer (representing the centrist-right TOP09 party), and Jiří Drahoš, a presidential candidate in the upcoming elections and former president of the Czech Academy of Science. Others included Jiří Dienstbier, a senator and former minister of human rights, Václav Hampl, a senator and former president of the Charles University in Prague and Jiří Zlatuška, MP and former president of Masaryk University in Brno. Yet there was no joint statement by the government and most other prominent politicians remained silent – including the ministers for human rights and for education. Rather vague support came from Pavel Bělobrádek, the leader of Christian Democratic Party, after being prompted by the weekly magazine Respekt. His party, however, later invited representatives of Fidesz to a congress and when confronted by journalists about this, Bělobrádek replied that "the activities of George Soros are in fact controversial".<sup>[2]</sup>

Such widespread silence stands in clear contrast to the reactions that were voiced by civil society representatives and academics. Most Czech universities issued support statements, as did some deans and rectors on a more personal basis. The Faculty of Arts of Charles University issued a press release and [an open letter to the Hungarian government](#) (in Czech, English and Hungarian) that was later signed by many other institutions, not only academic ones, but also civil society organizations. Two days before the law was to be passed in the Hungarian parliament, students from the same faculty organized a protest gathering in front of the Hungarian embassy in Prague that was attended by several hundred people.

The greatest 'support' (if we can really call it that) came, quite surprisingly, from then Finance Minister of the Czech Republic and Deputy Prime Minister, Andrej Babiš, who, in unrelated circumstances, had to resign a few weeks later because of tax irregularities in his companies as well as controversies about him directly influencing the content of the two daily newspapers he owns. Babiš's statement about the 'Lex CEU', however, came only after the controversial bill was already adopted and it came in the form of an invitation: Babiš proposed, like many others, to move the CEU to the Czech Republic and even mentioned a building in Prague that could house it: a famous state-owned historical site that was not currently in use. The fact that such a move would not be allowed by Czech legislation – since a law similar to the newly accepted Hungarian one had been in force since 2016 – was not discussed at all.<sup>[3]</sup>

Babiš's support for the CEU is very paradoxical given the fact that he is not a pioneer of the open society. Babiš is a businessman turned politician; his political movement, the Action of Dissatisfied Citizens (Akce nespokojených občanů, ANO), was built with help of top marketing professionals to further his pragmatic view on issues. His intention is to run the state like a company. In this respect the similarity with Donald Trump is striking. And there are more: Babiš promotes himself as an oppositional force against the old and corrupt political elites who are incapable of understanding what the 'common people' need. He is a popular, and populist, leader who ignores the old rules of the political game, as well as the facts, and frequently changes his stance based on public opinion polls. This latter detail might explain

his surprising support for the CEU. But behind the carefully crafted public image that catapulted his party into a leading position in the upcoming parliamentary elections is a ruthless businessman that despises democratic rules wherever they limit him. Even the recent tax scandals that irritated many liberals did not, in fact, damage his popularity. If there is a politician similar to Viktor Orbán in the current Czech political landscape, it is either Babiš or President Miloš Zeman. We can only speculate about his motives for supporting the CEU – but the most probable explanation is that it was another attempt to win new voters, since the lack of integrity and a coherent opinion do not appear to be holding him back. It has to be noted that invitations to house the CEU came from many places and from a marketing point of view it could reinforce the image of someone who wanted to appear generous, cosmopolitan and liberal.

## Civil Society vs. Society of Citizens

One prominent figure that openly supported Orbán's policies was Václav Klaus. In an interview to the daily *Lidové noviny* in April 2017 he declared that "the steps taken by Viktor Orbán [were] courageous and most necessary, and I only wish the current Czech government would do the same".<sup>[4]</sup> His statement was not at all surprising – Klaus has held very coherent opinions since the beginning of his political career. As prime minister from 1992 to 1998 and as a proponent of liberal capitalism in its extreme laissez-faire form, Klaus was very vocal about his dislike for the concept of active citizenship throughout his political career, which ended in 2013. During his presidency (2003–2013), he became famous for being a loud critic of the European Union, which he claimed was too bureaucratic, ineffective and a threat to the democratic order because instead of "the people", only a few officials in Brussels made decisions. For Klaus, nothing besides the nation state was ever possible, or acceptable, and only capital was meant to cross borders. His criticism towards NGOs can be traced back to the early 1990s when his government was in power – so it is perhaps significant that his government was also responsible for rejecting George Soros' initial idea of building the CEU in Prague. It has since become a popular anecdote among Czech intellectual circles, musing "how we could have had the CEU, but didn't want it". In the above mentioned interview with *Lidové noviny*, Klaus explains his opinion as follows:

For me, the name of George Soros is and has always been a total misinterpretation of the term 'civil society'. What I wanted was a 'society of citizens' with the postscript 'the society of free citizens'. That is not what Soros wanted then or what he wants now. What he wants is a society of only a few chosen ones, [a society of] the rich.<sup>[5]</sup>

One could easily argue with his interpretation of George Soros' activities, which had never – definitely not in a Czech context – been focused on making people 'chosen', or 'rich'. The activities conducted by the Prague office of the Open Society Foundation, founded in 1992, were always directed towards the poor and powerless, be it Roma, children with special educational needs, seniors, or migrants and refugees. What is most striking and also most significant in the context of this article, however, is Klaus' distinction between 'civil society' (which he sees as something dangerous) and a 'society of (free) citizens' which, according to him, somehow excludes the first and presents an ideal.

The very definition of civil society in a Czech context, however, has been shaped by the ideals and thinking of Václav Havel, the first Czech democratic president from 1993 to 2003, world-famous intellectual and writer, and up until today a father figure and role model for a significant number of liberal elites. Havel and Klaus were briefly allies, both being key figures in the country's transition to democracy immediately after the Velvet Revolution of 1989. But their political paths and their ideologies soon

started to differ significantly. Klaus migrated towards pragmatic and capitalist thinking whereas Havel became the humanist and idealistic human rights advocate, known for having once famously invited the Dalai Lama to visit and for offering support to dissidents in Cuba and other non-democratic regimes.<sup>[6]</sup> While a critical reading of Havel is certainly justified, it is also safe to claim that the post-1989 Czech NGO sector was built on his humanistic ideals. It is not coincidental that the People in Need Foundation – what is currently the biggest Czech NGO and also the biggest in the whole CEE region – was founded during the conflicts in former Yugoslavia and in Chechnya by people very close to Havel. Towards the end of his presidency, Havel named the organization's long-time director and founder, Šimon Pánek, as his preferred successor.

Havel's vision of civil society can be characterized as a 'society for all'. He called for active citizenship and encouraged people to work together, build communities around various interests and fight publicly for their causes. He saw a strong civil society as being a necessary counterpart and corrective to representative democracy, and civil society organizations as watchdogs over what elected politicians were doing. His vision of civil society was communitarian, collective and politically active. Klaus, on the other hand, strongly disliked this collective vision; he saw it as interfering with politics – the sole domain of elected politicians. He criticized the advocacy activities of NGOs as being a form of politics done by people who were never elected by anyone.<sup>[7]</sup> He later invented terms like "ecological terrorism", or "homosexuality", with which he used to describe environmental and LGBT rights advocacy groups. According to him, these groups fought for causes that did not really interest the majority and were thus not in the interest of society as a whole. His view was strictly individualistic and he saw any form of civic activism as being a threat. It is no wonder that today he supports Viktor Orbán on 'Lex CEU', as this institution has always been celebrated as a place where active citizens were educated and equipped to become public intellectuals and advocates of the open society. In both Klaus' and Orbán's worldview, these people are not necessary elements in a democracy, but rather a threat to it.

Needless to say, Klaus' thinking has influenced how many people perceive the NGO sector to this day. In the eyes of many fellow citizens, the idea of a person who is not democratically elected interfering with politics is understood to be a negative characteristic of civil society activists. Another aspect, perhaps a consequence of the first one, is a rather poor knowledge of how civil society actually works; there is a misunderstanding when it comes to what the legislation that directs the operation of all non-profit organizations in the Czech Republic looks like and how the relationship between NGOs and the state authorities actually works in practice. In many areas of the social welfare state, including care for the elderly and disabled, or services for asylum seekers and migrants, NGOs have established themselves as invaluable partners to state authorities and as key service providers. For example, with regard to migration and integration, the state basically relies on NGOs – the services included in the State Integration Program such as language courses or psycho-social counselling are provided by NGOs, who are in turn supported by state money. The relationship is very effective for the state, as it would probably be much more expensive to train state officials to do the work currently done by NGOs. It would also take time and resources the state does not have. Despite the fact that all NGOs have to publish their financial reports on a regular basis – and this information is thus available to anyone – popular knowledge of the operations, aims and wider context inhabited by NGOs is practically non-existent among people who do not work in the sector.

Klaus' legacy, and simple lack of knowledge, may explain why messages about evil NGOs damaging the rights of "common people" conveyed by various propaganda websites (many of them originating from Russia) have been easy to disseminate in the Czech Republic. It is alarming to see the relatively healthy and diverse NGO sector in the Czech Republic under constant attack, the intensity of which is growing.

This anti-NGO discourse has also been increasingly adopted by some conservative media outlets and thus successfully mainstreamed. Until recently, George Soros was mostly unknown to the Czech people. Now his name occupies the covers of prominent magazines and is mentioned in relation to issues of human rights (despite the fact that his actual financial and ideological influence in the Czech context today is almost non-existent). In this regard, the reluctance of politicians to stand publicly by one of Soros' flagship projects – the CEU – seems to be a pragmatic and logical stance.

## Two Examples of Illiberal Tendencies in Czech Society

The 'Lex CEU' issue is a clear example of what happens when liberal values are under attack from a nationalistic government that explicitly praises a concept of illiberal democracy and names countries such as Russia and Turkey as models for future development.<sup>[8]</sup> The fact that there is an ongoing struggle in the Czech Republic between liberal and illiberal values is also illustrated by two key debates of recent years, one concerning education policy, the other relating to the so-called refugee crisis in the summer of 2015, which caught Czech society rather unprepared.

### The refugee crisis and the new 'aliens law'

As a result of being a fairly closed country for most of the twentieth century, Czechs traditionally see their role as an emigrant or transit country rather than as an immigrant society, despite the fact that around four per cent of the population are foreign citizens. Slovaks make up the largest group among these, but they are not really considered foreign by most Czechs. Other immigrant groups include Ukrainians and Vietnamese.

The migration issue was framed in political discourse along two main arguments: one describes the migration issue as predominantly a security problem (thus treating migration and terrorism as interrelated, even in cases where there is no basis for such a link), the other reduces the migration issue to the "refugee crisis" and people coming from the Middle East, thereby ignoring the broader economic, social and political aspects of migration.

On a practical level, both arguments have led to a strictly defensive response to the refugee crisis during the past two years. Two examples of clearly illiberal tendencies stand out, among many others, as being particularly alarming: the government practice of detaining people carried out in 2015–2016 and on a legislative level, the recent amendment to the 'aliens law'.

In 2015 and 2016, the Ministry of the Interior sent police and army patrols to the borders and actively searched trains coming from Austria and Hungary. All refugees caught in this way were placed in detention centres. The detention was based on the presumption that according to the Dublin agreement, most of the detained refugees would be sent back to Hungary. Yet at that very moment the Hungarian government openly announced that it would not accept any "Dublin cases". As the courts confirmed in a few cases, there was no proper legal basis for detaining the refugees. Moreover, the situation in the detention centres was repeatedly reported as alarming and not standing up to human rights standards – in particular, the practice of detaining children was criticized by the UN human rights commissioner as well as by the European Commission; neither did the living conditions for adults stand up to European standards (nor basic human dignity). Among the most striking rights violations listed were insufficient food, overcrowded living facilities and no access to legal, medical or psychological assistance. Despite the international criticism, the Czech Minister of the Interior, Milan Chovanec, publicly defended the detention centres, citing them as a "message" to deter refugees who might want to come to the Czech

Republic.<sup>[9]</sup>

A recent amendment to the 'aliens law', approved by the Chamber of Deputies at the end of June 2017 could be perceived as a sort of follow-up to the strict, sometimes openly xenophobic practices of the government, yet it does not concern the problematics of refugees and asylum. The amendment proposes stricter rules on family reunification as well as on the issuing of work permits. This is all the more surprising as current unemployment rates in the Czech Republic are rather low and the Chamber of Commerce estimates that Czech companies need at least 40 000 new foreign workers. Other parts of the legislation are alarming from a human rights point of view. Attempts were made (though ultimately not approved) to make court appeals against visa and residency-related decisions impossible. The discussion about the need to protect the safety of citizens in the context of these amendments has been used only as a pretext for a significant limitation to civic freedoms. Most notably, the new regulations will impact on the lives of Czech citizens whose partners are foreigners (for example it does in fact discriminate against EU nationals living in the Czech Republic).

The general public is largely unaware of these changes because they are very subtle and a certain level of legal knowledge is necessary to understand them. Many people approve of the current protectionist policy; the overall attitude towards migration as such is very negative, sometimes xenophobic. In the case of the 'aliens law', NGO experts were the only ones expressing concern about the proposed changes, but were not able to attract any significant public support. The earlier discussed wide-spread perception that NGOs were composed of illegitimate (i.e. non-elected) citizens trying to meddle in state issues influenced the public attitude towards the whole issue. In the end, it enabled the politicians to pass the law on the pretence of protecting national interests. The NGOs were forced to play the role of the opposition and their role as a public enemy was accentuated at every turn. Czech civil society suffered another blow to its credibility and to its already fragile public image.

In the end, the refugee crisis deepened and sharpened the division in Czech society described throughout this text. On the one side, we have conservative politicians who emphasize national values, security, the need for greater protectionism and to fight for maintaining the status quo. On the other hand, we have liberal elites, mostly academics and civil society activists who are welcoming the changes and adapting to them, trying to establish a truly open society in the Czech Republic. Recently, these latter groups have found themselves to be constantly on the defensive. George Soros, who was previously unknown to the general public, has been made into a sort of symbolic leader of these groups, representing the liberal, leftist, multiculturalist threat to the national order.

#### Debates over inclusive education

Beside the attacks on civil society related to the issue of migration, Czech NGOs recently faced another wave of aggression, this time related to inclusive education. In 2015, parliament approved a bill that introduced new support measures for children with disabilities and special educational needs. Human rights NGOs and organizations working in education supported the new policies, but they were attacked by critics who questioned their legitimacy and their right to take part in the discussion; they even portrayed them as "traitors of the Czech nation".

There are critics of civil society's engagement in inclusive education present in almost all parties in parliament and the arguments are basically the same: Fund-seeking NGOs, and Brussels, want to destroy Czech special schools and the educational system. Thus, Marta Semelová, an MP of the Communist Party declared that "attempts to implement inclusive education at all costs will have a negative effect on ordinary children and also on children with mild mental disabilities and will strengthen



private schools. The Ministry of Education should not listen to non-governmental organizations, or to Brussels".<sup>[10]</sup>

Václav Klaus Jr, the son of the former president and an expert on education from the right-wing Civil Democratic Party, shares his father's views on civil society. According to Klaus Jr, inclusive education and NGOs are basically the reason why there are not enough funds for education in the Czech Republic. Money should not go to support children with disabilities, but rather to teachers' salaries, which are in fact the lowest among OECD countries.<sup>[11]</sup> Klaus Jr is a skilful demagogue, who uses the attention of frustrated teachers against civil society and inclusive education. [He calls NGOs "parasites"](#) and accuses them of having "financial motivation" for supporting inclusive education, despite the fact that most of the NGOs engaged in the discussion on inclusive education have never received funds from the Czech state. To depict NGOs as harmful organizations is nothing new – [President Zeman also referred to them as "bloodsuckers"](#) on the state budget.

The narrative behind such statements by Klaus Jr and others is built on the claim that NGOs are supporting inclusive education in an effort to receive future funding for projects aiming at children with disabilities, which would be created with support of the new legislation and will create funding opportunities for them. NGOs are said to be working together with Brussels in order to destroy the existing special schools; considered by some to be a "national treasure". The largest tabloid in the Czech Republic, Blesk, even started a campaign called "Stop Harmful Inclusion" and published articles, portraying specific people from NGOs in a vast conspiracy designed to influence the minister of education.<sup>[12]</sup>

## Conclusion

All three debates discussed here – the potential end of the CEU in Budapest, the refugee crisis and inclusive education – are, in our opinion, clear indicators for an increased divide in the public attitude towards the basic values of democracy, currently exemplified as debates between liberal and 'illiberal' forms, as well as of the role of civil society.

Human rights activists and people who support the ideas of open society are increasingly on the defensive; a tendency that can be seen across the Visegrad countries. In the current environment there are vocal politicians who refer to NGOs as parasites and bloodsuckers, and they question the very legitimacy of civil society. However, in times of crisis it is also possible to observe many defenders of civil society and liberal democracy, exemplified by the high number of people who volunteered during the refugee crisis and provided necessary help. There are also many activists currently working to promote inclusive education. Unfortunately, only a few people supporting open society are occupying senior positions in government or parliament, a fact that ultimately deepens the divide – imagined or not – between the 'conspiratorial elites' on the one hand, those who were never elected by anyone, and on the other hand the 'common people' and populist politicians who represent them.

There is a continuing legacy of distinction between supporters of open society and people that do not see organizations of civil society as legitimate, the latter having the greater representation among political parties, regardless of right- or left-wing orientation. The views of the two former presidents, Václav Havel and Václav Klaus, regarding the concepts of "civil society" and a "society of citizens" are still alive and easily distinguishable.



While politicians such as Kaczynski and Orbán (in Poland and Hungary, respectively) have become symbols of illiberal democracy in Central Europe, the Czech Republic also appears to have no shortage of those willing to hold illiberal ideals. Perhaps the most recognizable to the international audience are President Miloš Zeman, and MP Andrej Babiš who are, according to recent polls, the most trusted politicians. The former is a representative of the populist, nationalist, xenophobic Left. The latter plays the card of 'business-style populism' against a corrupted political establishment.

President Zeman is arguably the most expressive proponent of problematic, and at times non-democratic, views. When meeting with President Putin in May 2017, he was recorded saying that "there are too many journalists" and "there is a need to liquidate [them]".<sup>[13]</sup> A couple of days later, he called for the creation of a reservation for environmental activists. His spokesperson, Jiří Ovčáček, defended the president's words on liquidating journalists by saying that journalists never understand the "bon mots" of President Zeman. These are just two recent examples from a long history of presidential 'bon mots', which also include the suggestion to get rid of PM Bohuslav Sobotka by using a Kalashnikov, instead of simply not electing him.

What is even more alarming is the fact that such anti-liberal attitudes, and the popularity of their proponents, have enabled certain legislative changes to be pushed through parliament, that – although not openly or all at once – present a significant reduction of civic freedoms. The recent amendments to the aliens law is a good example of these developments, where the xenophobic attitude towards refugees (who are not necessarily a substantial problem) leads to increasingly strict approaches to anyone not holding a Czech passport. In the end, the legislation will mostly affect foreign workers (that the Czech economy relies on and needs more of) as well as their Czech partners; unnecessarily complicating their lives and limiting their basic rights. Consequentially, it will be the 'common people' who will suffer under these developments: those who under the influence of their political leaders called for stricter solutions.

Today, the Czech Republic still remains an open, liberal country with functioning democratic institutions. Yet, while many may want it to be the 'beacon of hope', the current balance is very fragile and constantly under attack. In this article, we have tried to sum up the most alarming aspects of the recent developments that shift our democracy to the illiberal model celebrated by Kaczynski and Orbán. We are not there yet, but we might be soon if we're not careful enough.

## Footnotes

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4. [Spor o 'Sorosovu univerzitu'? Orbán činí odvážný krok, chválí exprezident Klaus](#), Lidové noviny (7 April 2017), retrieved 23 July 2017.
5. Ibid. Translation by the authors
6. We decided to take the contrasting views of Václav Havel and Václav Klaus on civil society as our starting point because they had great impact on the overall discourses about democracy in the Czech Republic and are reflecting also the current discussions.
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