Political Games
with the “Unfinished Revolution”

Settling Accounts with Communism in the Times of the Civic Forum and after its Disintegration (1989–1992)¹

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A Historical Compromise

A huge wave of demonstrations swept across Czechoslovakia in November and December 1989, bringing down the rule of the country’s Communist Party (KSČ). Yet, what on the outside looked like a revolution lacked an internal revolutionary charge. The opposition had been a marginal phenomenon in terms of political clout prior to November 1989; unable and unwilling to settle accounts with the regime, the dissidents had simply been asking for dialogue on reform, which, of course, the regime had been rejecting. What had been a passive society, for two generations bogged down in the police-bureaucratic reality of the socialist state, only rose in revolt belatedly, under the irresistible influence of the revolutionary events in neighbouring countries which culminated in the fall of the Berlin Wall on 9 November 1989. The ruling Communists realised too late that their regime was doomed, and all they could do was to slip out from under their hammer-and-sickle banners. In the anti-totalitarian explosion after 17 November, everyone – the regime, the opposition and society – was suddenly faced with the unavoidable fact that a whole epoch was over.

¹ This study was researched and written as part of a grant project of the Grant Agency of the Czech Republic, Registration No. 409/07/1189.
The phase of events that fitted the parameters of a revolution was brief, lasting only to the end of 1989. The Federal Parliament unanimously chose dissident Václav Havel as President of the Czechoslovak Socialist Republic on 29 December. The new president was elected by a body in which communist MPs were in an absolute majority. There is one tantalising hint in the records that this vote may have been preceded by an explicitly formulated political agreement: if the Communist Party of Czechoslovakia elected its former “class enemy” as head of state, it would be recognised without reservations as a legal part of the democratic political system.2

2 The hypothesis is based on evidence surviving in one tape-recording, which has yet to be supplemented by other historical records. I quote it in extenso. On 22 December 1989, at a preparatory meeting of the leaders of the Civic Forum and the Public against Violence, which preceded the next round of roundtable negotiations between the political parties, the Chairman of the Civic Forum Coordination Centre Petr Pithart said: “A common candidate for President of the Republic will be agreed on. In this context, the question may arise of something for which no date and time has yet been arranged. [The Secretary of the Central Committee of the Communist Party] Mohorita, at the last meeting [roundtable meeting on 13 December 1989], characterised it as a mandate. This probably means that if we are to agree on a joint candidate, we want certain guarantees from him, which will never be made public, but will be written down, formulated, and we will confirm them by some sort of a handshake, to ensure this is what will really happen. Maybe he will drop the idea, but if he does not, then Jaroslav Šabata, a member of our delegation, is ready to formulate it on the spot, because he has spoken about it with [the General Secretary of the CP Central Committee] Urbánek. Urbánek expressed certain fears that the Communist Party has for itself, for its members. And these are fears that, of course, Vašek [Havel] is willing to allay. To guarantee, in a few sentences, they are in no danger. I doubt that the Socialists or Lidovci [Christian Democrats] would want such a thing, but we have decided not to prepare this text in advance. If they want it, we shall formulate it on the spot.” In: SUK, Jiří (ed.): Občanské fórum: Listopad–prosinec 1989 [The Civic Forum: November–December 1989], Vol. 2: Dokumenty [Documents]. Praha – Brno, Ústav pro soudobé dějiny AV ČR – Doplněk 1998, p. 258. Twenty years later, Petr Pithart did not recall his words from 22 December 1989, but he does not deny them either: “What rules out any actual (secret, because sensitive) agreement is this: Mohorita talked about a ‘mandate’ at the roundtable, not in the lobby. I also talked about it at the OF [Civic Forum] and VPN [Public against Violence] meeting. What could he have meant by mandate? Probably this: If you want to elect a president, and we are going to have a chance of electing him, then will we have a mandate, mandates? Will we be in the Federal Parliament at all? There are no further reports or hints of negotiations about ‘guarantees’; Čalfa arranged it. Havel did not, in my view, have to ‘allay fears.’ I think that ‘we will not prepare the text in advance,’ means that we did not have anything agreed on and were probably waiting to see what the other side would suggest. But they did not bring it up.” (These comments are taken from Pithart’s written notes from the beginning of April 2009 prepared for the text of this article.) By the words “Čalfa arranged it,” Pithart was alluding to the activities of the Federal Prime Minister Marián Čalfa, who between 15 and 19 December managed to get the communist MPs to vote for Václav Havel as president by lobbying in the Federal Parliament. His successful efforts were preceded by an agreement between Čalfa and Havel on 15 December on a coordinated approach in getting Havel’s candidacy through. It is probable that Čalfa promised the communist MPs that if they elected Havel president, they would remain in the Federal Parliament up to the parliamentary elections of June 1990. At a joint meeting of both houses of the legislature on 19 December, members of the Communist (KSČ) Club of MPs publically and unanimously supported
Whether or not such an agreement was actually made, this is indeed what happened: the law on political parties of 23 January 1990 enabled the Communist Party to slip through into the new conditions intact.

The policy of compromise was grounded in the adoption of the constitutional order of the “socialist state.” Continuity was supposed to provide a bridge to a state based on law and democracy. Only the cornerstone of totalitarian rule (the leading role of the KSČ in society and the political system of the National Front) was removed from the existing socialist constitution of 1960 supplemented by the law on the Czechoslovak Federation of 1968. It was to be left to parliament to draw up a new constitutional charter following free elections. The possibility of government by presidential decrees of a revolutionary legislative directorate was not considered. Thus, as early as the end of January and beginning of February 1990 – on the basis of roundtable agreements – parliamentary democracy was formally restored in Czechoslovakia. The composition of the existing legislative bodies (the Federal Parliament, Czech National Parliament and Slovak National Parliament) was partially changed by the co-optation of deputies from the ranks of the Civic Forum (OF) and the Public against Violence. A similar co-optation process took place in all district national committees in the country in early March. The Communists were giving up their majority everywhere, but they retained a very strong representation in the governments, parliaments and national committees. The decision on whether they would remain or depart from national and local politics was left to citizens in the coming parliamentary elections in June 1990 and the local elections in November 1990.

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Havel’s candidacy. Did they change their view because Čalfa had been threatening them (as he claimed to historians in 1994), or because he had promised them political survival up to the elections? In my view, the latter is more plausible: the prospect of survival to the end of their mandate may have been the reason why at the roundtable the Communists did not demand those “guarantees that there is no danger to them” on 22 December that had been requested by Vasil Mohorita at the preceding roundtable talks of 13 December. This hypothesis is supported by the fact that at the next sitting of the two houses on 23 January 1990, the communist deputies refused to vote for a law on co-optations that would have led to most of them being dismissed and replaced by OF and VPN activists. Čalfa’s Federal Government also resisted the co-optation law on the formal grounds that it would be a great disgrace to Czechoslovakia abroad. This hypothesis is also supported by a comment made by Václav Havel immediately after his meeting with Čalfa on 15 December, to the effect that the Federal Parliament would remain in its existing composition up to the elections and would obediently vote for all the laws submitted to it (see SUK, Jiří: K prosazení kandidatury Václava Havla na úřad prezidenta v prosinci 1989: Dokumenty a svědectví [On the Pushing Through of the Candidacy of Václav Havel to the Office of President in December 1989: Documents and Testimony]. In: Soudobé dějiny, Vol. 6, No. 2–3 (1999), pp. 346–369). Nonetheless, in my view, the hypothesis that in exchange for supporting Havel’s candidacy the Communists extracted a promise of the unreserved inclusion of their party in the new pluralist democratic political spectrum cannot be ruled out and is still in play.
Altogether, something previously unthinkable had happened: the fall of communism in Poland, Hungary, Czechoslovakia and other countries (with the exception of Romania) had cost no lives. The much feared eastern imperium had died a quick and painless death. This unexpected, breath-taking change seemed like an earthquake without repercussions, the triumph of freedom without violence. There was talk of an end to the eternal cycle of revolution and counter-revolution, the breaking of the chain of violence and revenge for violence. The end of the imperium changed not only Poles, Hungarians, Germans, Bulgarians, Romanians, Czechs and Slovaks, but it was believed it would change the whole world. The Czechoslovak President Václav Havel declared that the Central European and East European nations, with their longer and more comprehensive experience with totalitarian regimes than the Western nations, could mediate it to the world as a lesson and a memento.

“We Are Not Like Them!”

Many political prisoners of the 1950s, who had stood up to the totalitarian regime in the name of a free society and paid for it with many years of harsh imprisonment, inevitably regarded the compromise as a cruel joke of history. The writer Karel Pecka, for instance, was one of them. He believed: “At the moment when Havel had absolute power and when parliament was full of Communists ready to vote for their own hanging, he started using slogans like ‘We Are Not Like Them,’ ‘Truth and Love Will Prevail over Lies and Hatred,’ and similar mottos that might be suitable for cookbooks. Only this is not politics; you cannot do politics by evangelisation. That was why things turned out as they did. But it would have been enough to make the Communist Party illegal, which would have been a simple legal procedure because every member of the Communist Party must have agreed with the invasion by the armies of the Warsaw Pact in sixty-eight, and by doing so committed high treason. And after that – not blood and hangings, but to strip them of money, all their operating and media resources, and that is the job done, start again from scratch.”

Who would take the blame for the seizure of power in February 1948, for the Bolshevik terror and judicial crimes, for the crushing of the democratic movement after August 1968, for the next wave of repression and suppression of human rights and civil liberties in the 1960s and 1970s? This question formed no part of the strategic thinking of the Civic Forum and the Public against Violence, and hence was not on the political agenda of the roundtable. Not that it was explicitly rejected; it was simply not publicly raised (the Civic Forum merely demanded that a few leading communist functionaries symbolising the universal bankruptcy of the era of “normalisation” leave public life). The unexpectedly massive public participation in street demonstrations entirely obscured this lacuna – the crowds on the squares

Political Games with the “Unfinished Revolution” 105

identified with the carnival, sometimes even variety-show style of the meetings, which did not then evolve into an arena for competition between revolutionary fractions ratcheting up their demands. In its time the slogan “We Are Not Like Them” was interpreted as expressing the generosity of the outright winner to the outright defeated and was embodied in the appeal to individual Communists and the Communist Party of Czechoslovakia as a whole: let only the compromised leave public life, while let the others, who form the majority, accept the new order and remain in their positions.4

The historic compromise was not simply a way out of an unexpected revolution that had caught everyone unaware; its roots went deeper into the past. The slogan “We Are Not Like Them” had already been encoded in the dissidents’ ideas of the parallel polis and the power of the powerless developed in the 1970s and 1980s. The dissident movement was based primarily on ethical and aesthetic values. It campaigned for respect for and cultivation of human and civil rights, and this could only be through dialogue. The leading Chartists had been offering a policy of dialogue even up to in the very last moments of the communist era, claiming that they might be the last generation of opposition willing to negotiate with the compromised regime. It is therefore no wonder that the Civic Forum made negotiations its strategy. From its founding on 19 November 1989, its leader Václav Havel “forged a path on grounds of a very conscious principle to what was then called the Velvet Revolution […] the path of reconciliation, an attempt to include everyone so as to prevent excesses.”5

We should not forget the power context. Although the influence of the opposition had been rising before November 1989, it had remained limited. The regime, armed to its teeth, had defended its positions throughout 1989, including very harsh suppression of the demonstration on 17 November. It had been unable to back down, for that would have been its end. Nor had anything been forcing it to back down. There had been no appeals from any quarters for its overthrow by a frontal attack. Society at large was as it were under a paralysing spell; for so long unable to gather internal forces for a decisive collective action, it had for just as long

4 “The KSČ bears the responsibility for the general spiritual, moral, political and economic decline of our country. We therefore challenge it to place its best people at its head and help us to convert this country from totalitarianism into democracy,” (from Václav Havel’s speech on Wenceslas Square on 10 December 1989). In: SUK, Jiří (ed.): Občanské fórum, Vol. 2, p. 245. “The one million and seven hundred thousand Communists are not some biological or moral species different from the rest of us. Most of them have had to keep their mouths shut for twenty years like all of us and many of them had done – if with difficulties – many good things,” (from Václav Havel’s speech on 16 December 1989 on Czechoslovak TV. In: Ibid., p. 203).

experienced no powerful impulse from the outside. The student demonstration of 17 November 1989 was permeated by the will to non-violence, and this was then quite deliberately turned into a kind of a Gandhi-esque weapon against armed power. This fundamental gesture was carried forward in the subsequent days and merged with the Chartist message of dialogue (the mass democratic movement in Slovakia, the equivalent of the Civic Forum, even called itself the Public against Violence). In just a few days a massive political movement full of unique potential was created, but in the last weeks of the revolutionary year, what it generated was no more than what had been impressed on it by the spontaneously accepted student and dissident elite. At this point, it was impossible for the gesture of peaceful dialogue to be transformed into politics of retribution, and nobody was demanding that this happened.

Rank-and-file Communists were joining the “Velvet Revolution” from the outset. On 25 November 1989, for example, the well-known actor Ilja Prachář gave one of the speeches to the crowds on Letná Pláň, where in the name of the Vinohrady Theatre’s KSČ organisation he condemned the party leadership’s policy and declared that the Communist Party had lost its leading role in society for good. He reaped massive applause. Indeed, gestures like this were the order of the day. From the beginning, it was clear that the one million seven hundred-thousand members of the KSČ were no mass army resolved to defend the “achievements of socialism” but a disintegrating structure with many fault lines. The “carnival of revolution” was a mass celebration of the departure of communism from the stage of history and many Communists celebrated it as well.

The university students who had initiated the civil disturbances often came from communist families. Almost all had been organised in the Socialist Union of Youth (SSM), and some of the tribunes of the revolution were among its active functionaries. Mass resignation from official organisations after 17 November was often ritualised. At Charles University’s Faculty of Arts and Philosophy, for instance, students could tear up their SSM membership cards and throw them into a chest by the entrance in contemptuous rejection of forced uniformity. It was a brief process during which no demand for any kind of retribution or vigorous settling of accounts appeared on the agenda. The carnival euphoria of millions of people, who were all steeped in the everyday practices of what was known as “real existing socialism,” temporarily masked the range of conflicting historical memories and interpretations that – one after the other and in very quick succession – started to emerge at the beginning of 1990. The short period of “national reconciliation” then gave way to a period of long-drawn-out conflicts and disputes arising from the unresolved past.
Post-Communist Anti-Communism
(Up to the Parliamentary Elections in June 1990)

The fall of the Soviet imperium in 1989 opened space for anti-communism as an ideological starting-point and political programme. In 1990, a fundamental distancing from the forty years of “real existing socialism” became an automatic part of public debate and polemic and of the programme of most parties and movements. What had been nowhere to be seen or heard a few weeks before was suddenly visible and audible everywhere. On 1 January 1990, Czech society found itself on the threshold of a great discursive adventure, at the start of the whole process of post-communist reflection on the past. Work commenced on re-writing the history that had been written by the Communists in the matrix of class and class struggle. Indeed, a surprisingly great number of experts felt called to the task.

The birth of post-communist anti-communism as a political, social and cultural phenomenon is the primary theme of the presented article. This anti-communism found many and variously positioned and motivated spokespeople and a great variety of written, oral and visual expressions in the years 1990–1992. Its champions fiercely rejected the reality of historical compromise and demanded historical justice. As if history was just. Their political premise may be put briefly: if we do not first grasp the nettle of the KSČ, its exponents, structures and the residue of its government, our democratic transformation will be a failure. They saw due satisfaction as a matter of outlawing the Communist Party, the prosecution of traitors and criminals before the courts, the departure of all communist notables from public life and the publication of the names of employees and agents of the State Security.

This was the basic agenda of the former political prisoners who had founded a club entitled Klub 231 in 1968, and revived its forcibly interrupted campaign by establishing the Confederation of Political Prisoners (KPV) in 1989. Not that active anti-communism remained confined to people with experience of the communist prison camps. In the liberated society, they were joined by several smaller parties, organisations and groups. These defined themselves in opposition to two political facts: the legal existence of the Communist Party of Bohemia and Moravia (KSČM) as heir to the pre-November KSČ and the policy of compromise represented by the most prominent leaders of the Civic Forum, such as Václav Havel, Petr Pithart, Petr Kučera, Ivan Fišera, Jan Urban, Pavel Rychetský and others. As has been noted, the new elite did not make the question of legal satisfaction for the crimes of the fallen regime part of its political programme. Regarding “national understanding,” and the “continuity of power” as the greater gain, they did not want to make Czechoslovakia a land of “two kinds of people,” and split the national community into “us” and “them.”

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When did the carnival atmosphere of compromise change into permanent mobilisation and political struggle over the past? In fact, it happened very soon. As early
as in January 1990, all kinds of strategies of resistance and settling accounts with the fallen regime were brewing—in factories, offices, local elected bodies and committees throughout the country. This rising wave was observed with unease in the Prague Civic Forum Coordination Centre (KC OF). On 19 January 1990, the leader of the Czech Democratic Movement (OH) Petr Pithart appealed on television to the district and work civic forums to refrain from using revolutionary methods to change personnel in local governments and the management of concerns. He insisted that the conduct of the OF “must in no way resemble the rampaging of the committees of the National Front after February 1948.” Changes were supposed to be made peacefully on the basis of roundtable agreements. The panoramic view from above differed in many respects from the many dramatic situations crystallising at the bottom, however, and Pithart’s appeal met with a mixed response. Actually, many local forums rejected it. “We at the bottom need to get a move on,” this was the kind of objection made by the dissatisfied delegates at the OF assemblies.

The policy of constitutional consensus was tested by stormy events that took place in Brno in February and March 1990. The local civic forum, led by the former Communist and later Charter 77 signatory and political prisoner Jaroslav Šabata, decided to leave the Mayor of Brno, Josef Pernica (KSČ), in place, since it had failed to find another suitable candidate. This caused a wave of protest from much of the Brno public and from several forums represented by another Charter 77 signatory and political prisoner, Petr Cibulka. The Brno Civic Forum was not taken over by Cibulka’s radicals, who split from it and founded their own organisational and information structures. Yet, they still acted as an accelerator in the spontaneous process of resistance to the politics of compromise.

On 1 March 1990, the enterprising Civic Forum of the Prague ČKD-Polovodiče [semiconductors] Plant called on the Communist Party to give up its property to the state by the end of the month and requested that the Federal Parliament passed a suitable law on the matter. The challenge was supported by all forums and even the previously restrained OF Coordination Centre. The Communists fought back, consistently defending themselves by pointing out that the law on political parties of 23 January 1990 contained no reservations with regard to KSČ’s activities, and so provided no grounds for state property claims against it either. They branded calls for what they termed “confiscation” of “legally” acquired property as an attempt to “liquidate” a democratic political party. Nonetheless, the government and parliaments started to consider the question of the Communist Party’s real estate and other assets, but in no way as a priority—the relevant laws were not passed until November 1990 and the long wrangles over the issue were not resolved until the year 2000. In the context of topic under scrutiny, it is interesting to note that the Civic Forum of ČKD-Polovodiče regarded the property settlement as its single

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key demand against the Communist Party in March 1990, for, at this point, it was still working on the principle of the policy of compromise. A great majority of civic forums, including this enterprising work forum, had moved on to the question of making the KSČ illegal by April of the same year.

On 17 April 1990, a prosecutor of the City of Prague, Tomáš Sokol (OF), announced that he would now be reviewing the activities of the KSČ in Prague with regard to their possible breach of the criminal law against supporting and promoting fascism and similar movements menacing freedom and democracy as defined in the relevant passages of the country’s Criminal Code. He justified this move by a quite extensive and impressive analysis in which he made comparisons between Nazi and communist totalitarian ideology and practice. The Communists once again reacted fiercely, and walked out of a meeting of the Federal Parliament in protest. Since they still had a very strong representation in the highest legislative body, their obstructionism seriously endangered the crucial legislative programmes already underway. Important laws could not be passed without them and a constitutional crisis loomed. The leaders of the KC OF declared that the attempt to outlaw the KSČ was a purely private initiative on the part of Sokol, and the Club of Parliamentary Deputies of the Civic Forum would not support it. This was not enough for the communist deputies, who only consented to return to the debating chamber after getting a promise from the General Prosecutor of the Czech Republic Pavel Rychnetský (OF) that he would initiate disciplinary proceedings against his subordinate Sokol. A constitutional crisis was thus avoided, but at the price of a crisis inside the democratic movement. At the OF assembly, that took place on 21 April, all the regional forums unanimously backed Tomáš Sokol. The leaders of the movement had lost another piece of “revolutionary” legitimacy.7

As the elections approached, organised public manifestations of anti-communism gathered momentum with one public event inspiring the next. On 3 May, there was a “Day against Totalitarianism,” and a few days later, on 12 May, the Confederation of Political Prisoners together with the Club of Politically-Engaged Non-Party Members [Klub angažovaných nestraníků – KAN] and the Movement for Civic Freedom held a demonstration entitled “The Truth about the KSČ.” Both events attracted several thousand people. Five days later, the four “historic democratic parties,” i.e. the Czechoslovak Social Democratic Party, the Czechoslovak People’s Party, the Czechoslovak Socialist Party and the Democratic Party – published a declaration calling for the KSČ to be outlawed. However, voters turned a deaf ear to this showy election gesture. Perhaps this was the case because they could still remember the close cooperation, if not collaboration, of most of these parties with the Communists. Civic Forum ČKD-Polovodiče caught its second anti-communist wind and organised a meeting at the Exhibition Centre in Prague entitled “What to do next about the Communist Party of Czechoslovakia” on 19 May at which the General

7 The following chapter is devoted to the topic: “Komunistická strana – koaliční partner, nebo zločinná organizace?” [“The Communist Party – A Coalition Partner or a Criminal Organisation”]. In: Labyrintem revoluce (pp. 380–400).
Prosecutor of the Czech Republic (most probably in order to restore his reputation tarnished in the dispute with the city prosecutor Sokol), declared that high communist functionaries had enriched themselves by breaking the law and would be subject to court action. The meetings failed to induce responsible politicians to change their compromise course, but contributed to the further polarisation of the democratic movement.

In parallel with these movements the first major political crisis was erupting. It concerned the plan for the management of the Federal Ministry of Interior. The Interior Minister, Richard Sacher (ČSL – the Czechoslovak People's Party), opted for continuity of personnel, whereas the Civic Forum wanted a radical change of senior staff and the appointment of security experts ejected from the sector and the Communist Party after 1968. Sacher pointed out that these people had themselves been involved in crimes against humanity in the 1950s, but the Civic Forum insisted that they had atoned at a great cost as opponents of the “normalisation” regime (one typical example was the OF expert on State Security Oldřich Hromádko, who had commanded the Jeřáb [Crane] Guard Division in the uranium hard-labour camps, but later signed Charter 77). The disputes on policy and principles were accompanied by peculiar machinations with the State Security archives, clearly intended to exploit information and selectively discredit public figures according to the needs of interested groups. Right up to the June elections, the Civic Forum, like the Public against Violence, had only an indirect influence on the running of the ministry in concern. In this situation, pre-election lustrations [screenings for past involvement with the Security Services] of the candidates of political parties and movements took place on a voluntary basis. These were organised hastily, with inevitable shortcomings including dubious manipulation of evidence and frauds, but at least initiated the difficult process of purging collaborators with the secret political police from public life.8

The policy of consensus was essentially unchanged, but it cannot be said to have remained completely resistant to the pressure brought on it by the activities of the opponents of communism. This is evident not only from the lustrations, but from the Law on Judicial Rehabilitations passed by the Federal Parliament on 23 April 1990. The law was a step forward, but with limits given by the continuity with the year 1968, when rehabilitations were interrupted by Soviet occupation. The post-November-1989 elite approved the law without major reservations because it left the question of political and judicial responsibility for injustices and crimes wholly untouched. The law spoke of “victims,” not of “resistance fighters,” and its wording presented these victims as merely passive objects of Stalinist police and judicial tyranny rather than active resisters against totalitarianism. The law suffered from a range of shortcomings (above all absurd residual penalties) that were,

following the intervention on the part of the Confederation of Political Prisoners, removed by amendments adopted in 1991 and 1992. It was clear that rehabilitations would not be the last word of the opponents of the velvet path.

Against the “Nomenklatura Brotherhods” and “Communist Mafias!”

In the June 1990 parliamentary elections, the Civic Forum won an overwhelming victory in the Czech lands (with around fifty percent of votes) and the Public against Violence (with around thirty percent) won persuasively in Slovakia. The Czech democratic movement now had large groups of deputies in the Federal Parliament and the Czech National Parliament. The direct influence of regional forums on politics at the centre increased substantially, while the (great) potential for splits in opinion shifted from the decision-making structures of the movement (above all the OF assembly) to political institutions (above all the parliaments). Almost immediately after the elections were over, the seemingly monolithic massif of deputies started to crumble along fault-lines of ideology and interest. Indeed, a political spectrum started to crystallise on an ideological axis right – centre – left. The key catalysts of the process of fragmentation included the Czech-Slovak rift, disputes over economic reforms and attitude to the “socialist” past and the KSČ. We shall consider the last of these in more detail.

Dissatisfaction with the way the communist question was being handled erupted again at the second post-election assembly of the Civic Forum, which took place in Prague on 30 June 1990. The leader of the movement, Petr Kučera, launched a defence of the post-election tactics toward the Communists; the latter had won around fourteen percent of votes, and the Civic Forum had given them proportionate representation in the parliamentary procedural posts and committees. Kučera argued for the need to distinguish between old Communists and democrats inside the party, to support the latter and so encourage the transformation of the Communist Party into a modern left-wing party. According to Kučera, “simplistic anti-communism” in the electoral campaign had boosted the election results of the KSČM [Communist Party of Bohemia and Moravia] by prompting the Communists on all levels to close ranks and find effective strategies. There was definitely a certain amount of truth in this. All the same, the founders of the Civic Democratic Alliance (ODA) Daniel Kroupa and Pavel Bratinka (who, in the wake of the elections, were disengaging their party from the OF structures but still attending the meetings of the leading OF groups), emphatically rejected the claim and called the appointments of communist deputies as Vice-Chairman of the Federal Parliament and Chairman of the Foreign Affairs Committee “an absolute calamity,” that would encourage continuing growth in the “self-confidence of the communist mafia.” Their view found far greater favour with the delegates at the assembly, as can be seen for example in the speech of an OF representative from Kutná Hora, who warned that the “communist nomenklatura brotherhood” was moving from the political sphere
into the economy and that there was a great risk that soon “former comrades will be economically the strongest group in the population.”

Warning appeals from the regions were arriving at the Prague OF Coordination Centre all through the summer. In mid-August, a situation report based on these appeals claimed that the situation was critical. Organised brotherhoods were consolidating their position in the factories and concerns with the aim of seizing power and property; they were seeking to take over power by a legal route – with victory in the November local elections planned as a “revenge” for the defeat in the parliamentary elections. They were constantly muddying the waters, slandering the new elite, throwing Civic Forum activists out of their jobs, funnelling property from local government or factory/firm budgets into newly founded stock companies, manipulating appointments to jobs, intimidating and bribing. The conciliatory policy represented above all by the Czech Prime Minister Pithart was just grist to their mill. “The civic forums are in this way actually paralysed and do not know how far they can go. The Communists laugh in their faces,” the report summed up.

To give an idea of the urgency of the problem, let us consider the content of a letter from the OF District Assembly in Chrudim dated 26 June 1990. It contained the comment that while the Civic Forum won the parliamentary elections, “in the economic sphere, the influence of the old nomenklatura cadres survives,” and this was alarming. The letter appealed to the political elite of the Civic Forum to behave responsibly. Where was the promised scenario for economic reform, where was the investigation and prosecution of former functionaries for the abuse of power and theft of property promised by prosecutor Rychetský, where was the prosecution of communist politicians for treason committed in August 1968, why has the issue of communist nationalisation of huge property been side-lined, who was monitoring the movement of agents of the secret/security services, the Soviet KGB and the Czechoslovak StB, into the business sphere, why had the investigation of the events of 17 November 1989 stalled, why was the rehabilitation of the victims of communism not continuing, why were former communist notables still receiving royal pensions? How in this situation could deputies vote to approve a parliamentary vacation? How under these circumstances could the Czech Prime Minister appear for the second time on television defending the leaders of the old regime? “The local mafia can laugh in our faces.” Hundreds of letters to the OF Coordination Centre in Prague were full of such questions and complaints.

At the end of the vacation, the decision-making bodies of the OF Coordination Centre (above all the Collegium – a board where leading politicians of the OF from the parliamentary leadership, government and other political structures met

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9 A ÚSD, Archive of the KC OF, Inv. No. 13, Minutes from the OF Assembly, 30 June 1990.
10 Ibid., Inv. No. 117, Situation Report, 13 August 1990.
Political Games with the “Unfinished Revolution” 113

weekly) started to react to the pressure from below. The first major debate took place on 23 July; in the discussion, the problem of replacing the management in the concerns was closely linked to the question of economic reform, the final form of which was then a subject of fierce dispute. Speedy restitution of nationalised property would mean new owners for many of the concerns, but restitution was the subject of a fierce ongoing battle, its outcome unclear. The Minister of Finance, Václav Klaus, considered restitution to be an “enormously difficult route,” likely to complicate and lengthen the whole process of privatisation,12 which was itself no guarantee of a rapid change. Another option for the replacement of the old management was to allow foreign investors into concerns, but no political consensus had been reached on this question, and so no legal norms and regulative mechanisms were yet in place. The situation was similar with regard to the idea of a simple dismissal of directors and deputies and their replacement from the ranks of OF activists. The elite of the Civic Forum were unanimous in the view that any hasty radical approach would only make the situation worse. In the debate, it was often bitterly claimed that capable replacements were not available or very hard to find. The atmosphere of discontent and suspicion (well summed up by Petr Uhl’s complaint, “the old structures are doing business using stolen money!”) was patently stoking support for speedy and vigorous economic reforms. In this atmosphere, any kind of a gradualist strategy had no chance of success; even the leftists of the Civic Forum (for example, Rudolf Battěk from the OF Club of Social Democrats and Petr Uhl from the Left Alternative) backed the reform that was explicitly put forward as radical.

On the other hand, it was clear that economic legislation would not be enough to relieve the growing tension in the regions, since not even a speedy passing of transformation laws would guarantee, “the active replacement of nomenklatura managers,” as Vojtěch Sedláček put it at the beginning of a meeting of the Collegium of the OF Coordination Centre on 6 August 1990.13 Surprisingly, systematic pressure from the local forums was reflected in the views of the OF politicians present, which had evidently hardened. The Deputy Prime Minister of the country’s Federal Government, Pavel Rychetský, spoke of the need for a vigorous change initiated and directed from above and reaching “lower down into institutions”; Communists were penetrating into senior positions and OF representatives were being dismissed; people were losing trust; rules for dismissal of the old “cadres” had to be adopted. The President of the Supreme Court of the Federal Republic Otakar Motejl brought up the possibility of screenings. The Chairwoman of the Czech National Parliament, Dagmar Burešová, was in favour of an extensive replacement of judges distrusted by the public. The Director of the Czechoslovak Press Agency Petr Uhl and the Vice-Chairman of the Federal Parliament Jan Sokol pointed out that the problem could not be tackled in some blanket way and that there was a need to distinguish between state administration (with the possibility of a directive method) and the

12 Ibid., Inv. No. 15, Minutes from the Meeting of the Collegium of the KC OF, 23 July 1990.
13 Ibid., Inv. No. 16, Minutes from the Meeting of the Collegium of the KC OF, 6 August 1990.
economic sphere (with the possibility of procedural dismissal and new appointments by open competition). A member of the OF Coordination Centre Collegium, Libor Prudký, demanded a speedy change in employment laws to include newly defined criteria for the dismissal of senior staff. The Vice-Chairman of the Czech National Parliament Václav Žák appealed to all ministers to draw up lists of senior staff who should leave their sectors; an expert committee composed of parliamentary deputies would then decide on whether they should remain in place or retire. The Minister of the Economy of the Federal Government, Vladimír Dlouhý, asserted that until rules were established, nothing effective could be done in the ministries.14

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At the third post-election assembly of the Civic Forum on 21 July, one of the representatives of the affiliated Club of Politically Engaged Non-Party-Members (KAN), Albert Prouza, made a speech in which he harshly criticised the policy of the OF. His barely concealed outrage was turned against the Czech Prime Minister Pithart, whom all the radicals continued to regard as the embodiment of the policy of concessions to the “old structures.” Prouza saw the matter in very stark terms: the Civic Forum was becoming a platform for leftist politics and was ceasing to represent the non-partisan majority, which was anti-communist and wanted a vigorous settling of accounts with the totalitarian system and its posthumous children (in this connection, he then appealed to all the discontented to join the KAN). He also defended the Hodonín Civic Forum, which had drawn up a similar list of district nomenklatura “cadres” and was demanding their resignation: “We understand that [rank-and-file] Communists are individuals, and that there is a need to differentiate [between them]. The situation is completely different with nomenklatura cadres – there are no distinctions to be made there. It is here that I see the value of the [Hodonín] list. […] Lists of this kind should be drawn up in every district. This list gave Dr. Pithart a sick feeling. I had a sick feeling when I realised that by what he was saying, he was strengthening the communist mafia.” 15 While in Prouza’s eyes the Czech Prime Minister (who had been a member of the KSČ for

14 Petr Pithart, in his notes to this text, written in April 2009, stated: “Among other things, for two successive evenings and nights (sometime in the summer), I used all my authority to get and keep together all the important lawyers from the government and courts (Motejl), around ten people – in Lazarská Street [the then seat of the Czech Government], for a furious brainstorming to consider all thinkable and unthinkable ways of taking legal action against the nomenklatura cadres in the economy. It took hours and hours. We did not come up with anything revolutionary; we had already done everything that was possible.”

15 A ÚSD, Archive of the KC OF, Inv. No. 14, Minutes from the Assembly of the OF, 21 July 1990. On the situation under scrutiny, Prouza commented: “The Communists have not left the concern, they are in the nearest campaigning centre and from there they are influencing the business sphere via economic bosses, spreading chaos and uncertainty. The economic management continues to have firm support in their cronies of the same stamp in the central organs and even in the Presidium of the Government. Unfortunately, we can say that the situation is similar in all the sectors of the national economy, including agriculture.”
Political Games with the “Unfinished Revolution”

a few years in the 1960s) embodied the appeasement of evil, the Federal Minister of Finance Klaus (who had never joined the KSČ) represented the right political direction – his radical economic reform promised a “speedy return to Europe.”

The next Civic Forum Assembly that took place on 18 August saw a dramatic confrontation between Prime Minister Pithart and several delegates from the local forums. In his opening speech, the Chairman of the OF Club of Parliamentary Deputies, Petr Kučera, who was a representative of the same policy as the Czech Prime Minister, announced plans for a process that he called a “Second Revolution” (ascribing authorship of the term to President Havel), aimed at shifting the nomenklatura structures. He promised that the Presidium of the Federal Parliament would adopt legal measures in the next few days to make this revolution possible. Other administrative measures would also be taken to sweep away the “old structures” from the central organs on the basis of “cadre criteria” that had been already accepted. Following on from this, the privatisation process would be launched in September. It would start with restitutions of small-scale property, continue with so-called “small privatisation” (the auction of smaller concerns), and finally involve what was called “big privatisation” of the industrial giants. Kučera also promised that the rather neglected campaign aiming at nationalising the property of the Communist Party would be resuscitated and energetically pursued in parliament. In addition, the Civic Forum would put strong pressure on the KSČ to proceed with democratisation and to make a complete break with Stalinist and Bolshevik practices. Kučera talked tough: “It must be made clear to the Communist Party that if it hesitates with its purge […] there is a very real likelihood that an attack on its position, an attack on the CP itself, will be an organic part, the most important part, of the local government elections.”

A speech made by the Prime Minister of the Czech Government Pithart (which was later published in the Civic Forum Information Bulletin under the title “I Will Protect the Legal Order”) was distinctly more sober than Kučera’s. The Prime Minister did not want to yield to pressure from the local forums. He resolutely rejected the proposal of the Hodonín, Prague and Hradec Králové OFs for the conditional discharge of all management staff in economic organisations, institutions, institutes and media agencies and their replacement by uncompromised and competent people. He reminded his audience that the Czechoslovak legal order recognised no concept of “conditional discharge,” and that its blanket application would be extremely problematic, since for a certain time all management and expert activities in the country would cease and there would be a danger of descent into chaos. In any case, who would decide on appointments to the vacated positions? Civic forums or a committee appointed by political parties? “Would committees of this kind be granting something like a nomenklatura blessing,” the Prime Minister asked, and went back to his arguments of 19 January 1990: membership of the Civic Forum

16 Ibid., Inv. No. 15, Minutes of the Assembly of the OF, 18 August 1990.
was no guarantee of moral impeachability and professional competence, and sus-
pect people, careerists and former “little friends and helpers” had also infiltrated
the Civic Forum. Almost all citizens had in one way or another, more or less, been
involved in the structures and practices of the fallen regime, and only a few could
claim a clean conscience. On the other hand, Pithart conceded that real, dangerous
mafia types were sitting in many concerns and needed to be ousted as soon as
possible. How? The legal measures set out by Petr Kučera would enable ministers
to deal with them effectively and on the basis of law. The Czech Prime Minister
himself appealed to his ministers to proceed in this way as soon as the relevant laws
were passed; he added that just a week before, the Czech Minister of Agriculture
Bohumil Kubát had dismissed twelve directors of state farms. Finally, he expressed
support for the view that rapid privatisation and the introduction of a free market
would do a great deal to purify the poisoned atmosphere.

The defence of the legal state as put forward by Prime Minister Pithart did not
earn much of a warm response among the delegates to the assembly. The first
to comment was the representative of the Civic Forum in Chrudim, Ivan Pištora,
the author of the letter cited above. He said that while no one doubted about the
Prime Minister’s sincere intentions to build a just legal order, Pithart’s conception
depended on the belief that the nomenklatura “cadres” still at the head of concerns,
offices and organisations shared the same values. But this was a profound mistake,
caused by over-abstract starting points and ignorance of specific instances. “Our
mafia bosses walk on the streets and are laughing in our faces – after all, your Prime
Minister defends us!” In any case, legal measures planned by the Presidium of the
Federal Parliament were only intended to remedy matters in the economic concerns,
but this was too little, because the situation was alarming practically everywhere:
in the prosecution offices and courts, in the military garrisons and elsewhere. “It
is really necessary to intervene not only in production or economic units but in
all spheres of life,” he insisted. He resolutely defended the list of nomenklatura
“cadres” drawn up by the Civic Forum in Hodonín (Prime Minister Pithart in his
response objected that “informative tips on individual cases,” against which he had
nothing, were something quite different from a “list” of unacceptable people then
circulating throughout the country).

The Minister of Agriculture, Kubát, a member of the Czech Government, spoke
in the same spirit as Pištora. He demanded the adoption of speedy and effective
measures directed against mafia men, who had money and “today are starting up far
bigger businesses, and consolidating their position in the form of joint-stock com-
panies.” He was seconded by the West Bohemian delegate Karol Stome, a deputy in
the Federal Parliament, who added that the removal of nomenklatura “cadres” was
not discrimination and that it was primarily a political question and only secondar-
ily a legal one – the revolution must not be considered to be over. He also bitterly
complained that the problems were being discussed in the Collegium of the KC OF,
and not in the OF Club of Deputies – ministers were not communicating with their
deputies and the heads of the group were cut off from the base of the movement.
Others attending the assembly spoke of the need for blanket personnel changes.
For example, the delegate for the Civic Forum of Prague 2, Jiří Payne, suggested that information from the fight against the mafia should be gathered and general criteria for procedure should be drawn up. He was thus unwittingly returning the whole discussion to the beginning, because he was demanding something that had already been proposed many times before and on many levels of the movement.18

“The Second Revolution” and “Condemnation of the Crimes and Deformations of the Totalitarian Regime”

As often before, the anniversary of the Soviet invasion on 21 August 1990 proved to be a significant factor in Czechoslovak political developments. This time the August anniversary brought a symbolic shift of view on the communist question. Above all, the speech made by the President of the Republic opened up space for a more radical approach to the question. Václav Havel spoke in the name of those calling for a new revolution, and said what they wanted to hear: “Our revolution is not over.” He also met them more than halfway by describing the problem in dramatic, urgent and expressive terms. He spoke of the unresolved “legacy of the totalitarian system,” which was causing general dissatisfaction and frustration. The country was still plagued by “powerful structures” and “bureaucratic colossi”; the “tentacles of invisible mafias,” transformed into “suspect stock companies,” were making dirty deals, buying and selling property that belonged to all; “the mafia of the mammoth concerns of the housing economy are doing a lively trade” in non-residential property that should serve small enterprises; the Czech catering sector was a “dangerous jungle,” where people were exposed to bad service and often cheated, and so on and so forth. If the president was giving an accurate picture, then the velvet policy needed fundamental revision. What then were Havel’s recommendations? He urged concentrated and peaceful pressure of the kind that had characterised the civic movement in November and December 1989: “We must once again proceed non-violently and tolerantly, but resolutely and speedily.” Every citizen should join the activities directed against the “totalitarian mafia.”19

On the anniversary day of 21 August, radical anti-communists organised their own events. The Collegium of the Civic Forum Coordination Centre distanced itself from these gestures and made it clear that the meeting of the Civic Forum on Wenceslas Square addressed by President Havel had nothing to do with the event held there on the same day by the Club of Politically Engaged Non-Party Members, the Movement for Civic Freedom and the Union of Auxiliary Technical Battalions (Svaz PTP – former members of battalions where political undesirables were forced

18 A ÚSD, Archive of the KC OF, Inv. No. 15, Minutes from the Assembly of the OF, 18 August 1990.
to serve). All the same, the views of the delegates of the assembly on “nomenklatura brotherhoods” were not very distinct from those of the anti-communists at this stage. It looked as if the intensifying repugnance for the communist past and present must inevitably lead to a basic revision of the policy of compromise in the very near future.

Five days after the assembly and two days after the public meeting, that is on 23 August 1990, there was general assent in the Council of the OF Coordination Centre to a view that matched the critical mood of the local forums, i.e. that “there is need to change the legal thinking: a functionary who obtained his position on the basis of his “red book” is indefensible, and people who are sitting in posts acquired in unjustified ways cannot be conserved, because this would mean discriminating against others.”20 This represented a discernible shift from earlier attitudes in the OF Coordination Centre: professional capability could no longer be the criterion for keeping a position, and in the future, political affiliation should be the criterion (in this context, one should mentioned that there were reports on the “desperate situation” in the Ministry of Engineering and Electro-Technology, which was controlled by Communists in 93% of cases, while the activities of the local civic forums were being effectively sabotaged). The Council of the KC OF identified with criticism of the Czech Prime Minister Pithart – the charge that his attitudes were too abstract and “do not relate to the real world.” It instructed its representatives to draw his attention to this, to try to influence him positively and get him to change those of his views that did not correspond to the majority sentiments in the Civic Forum.

Meanwhile, what about the planned legal measures which were to be initiated by the Presidium of the Federal Parliament that Kučera and Pithart had spoken about at the recent assembly? On the day they were passed (30 August),21 at a meeting of the Council of the Civic Forum Coordination Centre, it was bitterly claimed that “people do not believe they will change anything,” and were even afraid that “that they may be exploited from the other side.”22 The Coordination Centre therefore had no option but to “mobilise again” and organise the replacement of old managements in collaboration with the district forums. Jan Štern Jr. said that this would be a temporary revolutionary measure, which until the reform of the country’s Labour Code would “make purges possible in a legal form.” The best informed politician of the Civic Forum, Petr Kučera, added that “we are expecting a purge of the centre sometime in mid-September” that would be directed against “1–2 personnel

21 On 30 August 1990, the Presidium of the Federal Parliament adopted three legal measures: measures on the extension of the functions filled by nomination, also measures to supplement Law No. 111/1990 on state concerns, and measures to amend Law No. 177/1990 on several measures relating to the property of political parties, political movements and social organisations. The first of these was intended for the dismissal of “cadres.”
22 A ÚSD, Archive of the KC OF, Inv. No. 119, Minutes from the Meeting of the Council of the KC OF, 30 September 1990.
officers” in each ministry. Kučera was thus confirming the trend suggested in the preceding days: the deciding factor would be the moral fitness of senior managers, and expertise would be only secondary.

On 31 August, Rudé právo, the daily of the Communist Party of Czechoslovakia, published internal guidelines of the Civic Forum entitled “Principles of Procedures for Personnel Changes in the Central Organs.” It presented criteria and a guide for the removal of “cadres.” In the first section, there was a detailed enumeration of nomenklatura reasons for dismissal, the decisive criteria being membership and participation in local and central organs of the KSČ after 1970, studies at party schools in the Soviet Union, cooperation with the State Security and so on. The first section set out specific procedures and powers of removal. The Communists immediately published the material as a warning.23 The head of the Civic Forum Club of MPs Petr Kučera responded quickly with the claim that it was only one of several proposals, and denied that any changes would be made on similar lines. President Havel, in his radio Talks from Lány on 2 September, admitted that he was rather shocked by the published instructions, and reminded the audience that he had urged no one to pursue “communist-type purges” in his speech of 21 August. He confirmed that the published document was not a central government directive (if it had ever been intended as such, it could not be one now), and asserted his support for the principle that the decisive criteria should be professional competence of senior staff and not their former membership in one KSČ body or another. Apparently, he thus unwittingly denied the entirely opposite attitude that had crystallised in the past few weeks under pressure from below in the Council of the Civic Forum Coordination Centre.24

This state of affairs exposed the development of fundamental differences between the two leading bodies of the same movement: the Council and the Collegium of the OF Coordination Centre. Radicals from the local forums had direct influence on the Council, and this was projected in its unusually progressive conclusions. By contrast, it was the politicians of the Civic Forum who met in the Collegium; they, above all the ministers of the Czech and the Federal Government and the functionaries of the Czech National Parliament and the Federal Parliament, carried the responsibility for the smooth operation of the various ministries and organisations, and had little enthusiasm for extensive “purges.” This became evident at the meeting of the Collegium of the OF Coordination Centre on 3 September 1990. In half of the recorded comments, we can still see the influence of strong pressure from below (unfortunately, the name of the speaker is not given in most cases): “People below have a right to be distrustful. The cadres may be capable, but they have another face, I do not believe they are irreplaceable.” – “The public is demanding dismissal not just for moral reasons, but also because they see the reason why nothing is happening in these people.” – “We need to prevent their commer-

23 Zásady postupů personálních změn v centrálních orgánech [Principles of Procedures for Personnel Changes in the Central Organs]. In: Rudé právo (31 August 1990), pp. 1 and 5.
cialisation (the setting up of firms, services, share-companies by people from the state administration)! It is a precedent of how to do business with state property. Otherwise the state administration will cease to be trustworthy!” – “Do not compare our changes to the purges conducted by the totalitarian regime, the likeness is only superficial.” Improve the principles and put them in a form that the public will accept. Differentiate: what will be a flaw in the case of one individual, will not matter in the case of another in the context of other circumstances.” – “We can’t react to people’s mere opinions. We have to have some basis! […] We need to give state offices a new face. To publicise what has already been done [in this matter], and get thirty-year-old university graduates appointed.”

By contrast, the other fifty percent of the fragmentarily recorded opinions can be characterised by reluctance to embark on extensive replacement of personnel. “The way this has been formulated so far is in breach of international rules.” – “It blocks international relations.” – “If people are just exercising pressure beyond their remit (instead of working in the local authorities), there needs to be action from above and a statement on where a line has been drawn under the changes.” – “[Minister Dlouhý]: Of six undersecretaries five [have been] sacked, but despite that nothing much is happening, there are not enough people [available] and they are not capable of the job. Let anyone who is halfway capable and not burdened by the past go and do it! [We must] find criteria on which to dismiss people [evaluation of complaints], and criteria for [accepting] new people; I am asking the OF Coordination Centre to support me in keeping a good undersecretary.”

During a Collegium meeting, which took place on 19 September 1990, the Czech Prime Minister Pithart reported on the standpoint of the Czech Government on the dismissal of senior staff: legal measures were not be applied mechanically, but very cautiously and in a differentiated way; people without professional expertise and people who had failed morally were to leave, but without petition campaigns or culling lists. In this context, there was also a debate on the dramatic disintegration of unity in the Civic Forum Club of Deputies in the Federal Parliament and the Czech National Parliament. Pithart asserted that the deputies who had begun to profile themselves as the right-wing stream were consistently building up their position by focusing on those problems on which the responsible OF politicians had been unable to concentrate. One of the leading Council members, Martin Palouš, added that they were over-dramatizing the difference between those below and those at the top. The Collegium therefore condemned the “expressions of primi-

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25 The author of the remark was evidently reacting the statement (quoted above) of President Havel in his Talks from Lány.

26 A ÚSD, Archive of the KC OF, Inv. No. 19, Brief Record from the Collegium of the KC OF in the Czech National Parliament, 3 September 1990, 7:00 p.m.

27 Ibid.
tive anti-communism directed at personal cadre-creation and rubber-stamping.”

All the same, precisely in relation to the general radicalisation from below, there was criticism of Prime Minister Pithart’s performance on television: the image of a deeply ruminating, doubting intellectual was at odds with the exercise of a political function at the top of the state executive, and the public was calling for vigorous words and deeds.

A response was soon forthcoming. On the very same day, the Czech Prime Minister attended a meeting of the Political Club of the Civic Forum and there, for the first time, conceded that it was essential “to fully reflect the mood in society and consider the need for a certain act of catharsis.” One of the leading politicians of the movement, who had hitherto been regarded as a brake on progress in settling with the past, had grasped that there was no alternative but to respond to the increasingly radical attitudes in Czech society, represented by the local forums. The club immediately adopted a resolution to the effect that it would begin to prepare a “symbolic ‘trial’ to condemn the culprits” of the totalitarian regime and would seek to initiate legal steps to prosecute them. At this moment, the structures of the Civic Forum – or so it plausibly seemed – were imbued with the will to set the wheels in motion. One week later, on 26 September, the theme became the main topic of discussion in the Political Club of the Civic Forum, at a meeting that included key leaders of the movement – Petr Kučera, Martin Palouš and Vojtěch Sedláček. Kučera spoke of the need to set up the equivalent of a Nuremberg Tribunal for the crimes of communism. At the same time, however, he conceded that it would be very hard to find conclusive evidence (letters written to the Soviets by traitors in August 1968), and that public condemnation would involve providing Communists with room for their own defence. Nonetheless, the leaders of the political parties associated in the Civic Forum considered the organisation of a “special legal action,” to take place before the eyes of the Czechoslovak public and lead to the “moral condemnation of the crimes and deformations of the totalitarian regime

28 Ibid., Inv. No. 21, Report of the Meeting of the Collegium of the KC OF, 19 September 1990.
29 Ibid., Inv. No. 33, Minutes of the Meeting of the OF Political Club, 19 September 1990.
30 Ibid.
31 Ibid., Inv. No. 34, Minutes of the Meeting of the OF Political Club, 26 September 1990. In his notes commenting the presented text, written in April 2009, Petr Pithart states as follows: “There was never any consideration of a ‘Nuremberg Solution,’ but there were ideas of a ‘Russell Tribunal.’ I explained, in the corridors of the Czech National Parliament, to small groups of deputies what this would mean; they were enthusiastic and we talked about it unofficially for a few days. But during that time, we reached the conclusion that it was not possible. We did not know how to do it. How to construct it? From whom? There was no material for catharsis here. I keep saying this. ‘Historical material’ of this kind provides you with great possibilities, but if it is weaker, it shows itself up as overblow. […] This was not forgotten. Then we went back to it once again, maybe after the elections, but we came to the same conclusion even faster than at the beginning of the year. In our situation, a grandiose solution of the kind was not suitable, probably everyone sensed that.”
after 1945,” to be inevitable. It would involve the condemnation of both individual communist politicians and totalitarian organisations. Vojtěch Sedláček added that it was important not to confuse two things: first of all, there was to be a symbolic act of condemnation, and only then the legal prosecution of individual culprits. Those present agreed, and set up a five-member committee to take the plan forward.

The Disintegration of the Civic Forum and Indefinite Postponement of the “Second Revolution”

The next mentioning of the new initiative was long in coming; it appeared in the minutes from the discussions of the Council of the OF Coordination Centre from 11 to 13 October 1990, and stated tersely that the political club would present a proposal for a “moral tribunal” to condemn communism. Obviously, nothing at all had been happening. Nonetheless, 13 October was of great significance for the future of the Civic Forum, because it was the day on which the assembly voted Václav Klaus, the Minister of Finance and leading proponent of a speedy and radical economic reform, chairman of the movement. The collective leadership of the Coordination Centre, composed of leading politicians and supported by President Havel, had not wanted such a development and was unpleasantly taken aback by it. Their candidate, Martin Palouš, was the clear loser in the contest, and most of the delegates of the district forums made it clear that they wanted changes in the leadership, structure and operation of the movement. It soon emerged that Klaus as chairman intended to transform the Civic Forum into a right-wing political party and that the majority of the delegates of the district forums, election managers and perhaps a half of all the parliamentary deputies elected on the OF candidate list, wanted the very same. Of course, political authorities in the leading groups of the movement and in high state functions spoke against it. They argued that the citizens had cast their votes for the Civic Forum as a broad political movement and not as a right-wing party in the elections. The very existence of the Political Club of the OF, in which there were twelve very different active political subjects (and another three applying to join) at the time, was also seriously endangered. The club in concern was suddenly faced with the possibility of its own dissolution. There was

32 A ÚSD, Archive of the KC OF, Inv. No. 34, Minutes from the Meeting of the OF Political Club, 26 September 1990.
33 Ibid., Inv. No. 123, Minutes from the Meeting of the Council of the KC OF, 11–13 October 1990.
no time left – it appeared – for a “Nuremberg” solution to the communist question. In the minutes of the meetings of the Civic Forum Political Club after 13 October, we find no mentioning of the plan; instead, they were full of fear for the future and they contained appeals for the preservation of “broad pluralism” that would enable the small political groups to survive. These fears soon turned out to be all too justified. The problem was tersely but wistfully summed up by a representative of the Defence of Culture Party at the meeting of 7 November: “You can hardly create a movement that functions like a party.”35

In the minutes of the leading OF bodies – the Council and Collegium – de-communisation was not mentioned at all. Instead we find multiplying evidence of the growth of internal tensions. On 22 October, Petr Havlík, an advisor to the Chairman of the Civic Forum Václav Klaus, presented his concept of rapid transformation of the movement into a right-wing party in the daily paper 
Mladá fronta. He argued that the legitimate membership base of the Civic Forum consisted of parliamentary deputies, who held a mandate from the electorate. Eighty of these, i.e. roughly half of all the OF deputies in the Federal Parliament and the Czech National Parliament, had already joined the Inter-Parliamentary Club of the Democratic Right. This strong group, “had disassociated itself from diffuse hopes connected with socialism,” and the change in the ratio of forces had now to be reflected in the leadership of the Club and the Presidium of both legislative bodies. “Kučera will cease to be Chairman of the Parliamentary Club in the Federal Parliament and Kotrlý in the Czech National Parliament. Rudolf Zukal, Miloš Zeman and Valtír Komárek will cease to head their parliamentary committees.” According to Havlík, the OF Coordination Centre would likewise face radical changes. The only legitimate (“because elected”) OF organ was the Council, but because it was “very weak,” its composition needed to be changed entirely. “The leaders of the OF – hitherto the quartet of Petr Kučera, Dáša Havlová, Vojtěch Sedláček and Martin Palouš – will also disappear,” the mushrooming administration in its so-called Špalíček HQ, consisting now of around 120 people, would be substantially cut back and the Political Club of the OF Coordination Centre, which was “a kind of an internal National Front,” would simply be abolished. The high-handed oligarchy of the OF Coordination Centre, where executive power had been accumulating and limiting the decision-making powers of the individual government sectors, would end and the Collegium would be turned into an advisory organ for policy planning purposes. In sum, there would be no purge, but the creation of the kind of environment that would force left-orientated people “to leave of their own accord.”36

35 A ÚSD, Archive of the KC OF, Inv. No. 40, Minutes of the Meeting of the OF Political Club, 7 November 1990.

36 Do roka z OF strana: Vytvoříme prostředí, aby levice odešla sama [Making the OF a Party in One Year: We Shall Create Conditions to Ensure that the Left Leaves of Their Own Accord]. In: 
Mladá fronta (22 October 1990), p. 2. In the article, the journalist Karel Kovanda reproduces the views conveyed to him by Petr Havlík.
Havlík’s views outraged the leaders of the Council and, therefore, there was an extremely bitter confrontation at a meeting of this body on 30 October (attended by the Chairman of the Civic Forum Václav Klaus). The supporters of the status quo defended the concept of an open political movement, while those who favoured a right-wing party attacked it. In a summarising speech, Klaus said that the existing state was unsustainable: there existed a clearly distinct right-wing current at the central level, and numerous influential groups without a mandate alongside it; the Civic Forum was not so divided at the lower levels, but on the contrary the overwhelming majority of activists wanted to work in a right-wing political party.

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Let us set all these milestone events in broader context so as to convey the kind of atmosphere and accumulation of problems in which the political elite was working at the end of the first year of freedom. Very complicated and difficult discussions continued between the Czech and Slovak leaders on jurisdictions, constitutions and the form of federation; to judge by minutes recording debates in the leading groups and lobbies, the Czech side had little idea how to deal with the unpredictable Slovak Prime Minister Vladimír Mečiar, who enjoyed great popularity in Slovakia (indeed, as one of the minutes recorded, his mother movement, the Public against Violence, was just as helpless). The highly controversial planning of economic reforms (on restitutions, small and large privatisation and many other norms), had moved to the legislative bodies, where disputes over their form were continuing. The anxiously awaited local elections took place on 24 November, with the Civic Forum keen to see its parliamentary victory confirmed. This was indeed what happened, with thirty-six percent of the votes cast going to the OF, but the gains by the Communist Party, with seventeen percent, were surprisingly substantial; it was as if the much medialised “Second Revolution” theme had fallen flat. Judicial rehabilitations were progressing slowly and the Collegium of the OF Centre appealed to the courts to speed up the process of redress for victims of totalitarian despotism. We have mentioned only the most important problems of the political agenda. The political elite were literally overwhelmed by these and other tasks and practically all of them had a claim to be tackled as a priority issue. It was in this situation that, on top of everything, the Civic Forum started to fall apart dramatically. It is therefore not surprising that the “Nuremberg solution” to the communist question was forgotten in the maelstrom of new problems and challenges.

The process of dismissal of senior staff on the basis of the law of 30 August was also going far less smoothly that its originators had hoped. This emerges from the minutes of a meeting of the leading OF bodies (it will not be possible to establish the real state of affairs by archival research until after 2020). At a meeting of the Council of the Civic Forum Coordination Centre on 13 November, Libor Prudký commented in a spirit of resignation that “the trouble is that in many places the OF did not take action in time and overslept and that its cooperation with the firms was not up to scratch. The prestige of the OF started to fall, the silent majority
grew, and then fear took hold.” Petr Kučera added that the law was used only by ministers of the Czech Government, while the Slovak Government had failed to react at all and so no ministers of the Federal Government took action, “even though all [of them] claim the opposite.” The process of changes had come to a halt because the Civic Forum failed to show the will to put things into order. If Kučera was right, then a particularly piquant irony emerges, i.e. the Czech Prime Minister, Petr Pithart, criticised for excessive conciliation, may have, in fact, done more to remove nomenklatura “cadres” than all the politicians of the Civic Forum put together.

The outcome of the stark polarisation of views at the end of 1990 and the beginning of 1991 was the final disintegration of the Civic Forum in February 1991. Successor subjects rose from its ashes in the form of Klaus’s Civic Democratic Party (ODS), and Dienstbier, Pithart and Rychetský’s Civic Movement (OH). The Civic Democratic Alliance, the Liberal Democratic Party, the Christian Democratic Party and the Club of Politically Engaged Non-Party Members had already split off earlier. The other parties in the Civic Forum, which had no representation in the country’s parliaments, were consigned to a marginal existence and soon faded away. Each of the named subjects formulated an attitude to the past in its own way. In general, it can be said, however, that those that exploited the general anti-communist mobilisation to shatter the disputed legitimacy of the Civic Forum, turned away from sharp anti-communism as soon as they achieved power and returned to the pragmatic policy of compromise, stiffened by radical words when the situation required it. The Civic Movement, which identified with the legacy and values of the Civic Forum, continued with the existing policy, while the Civic Democratic Party signally failed to proclaim any commitment to a radical settling of accounts with the communist past. It published an open letter to all potential supporters as early as on 27 February 1991, in which we read: “We do not want and will not support any form of cheap anti-communism,” (and these words were in full agreement with the official standpoints of Václav Havel and Petr Pithart). Anyone who had been a member of the People’s Militias, or an employee or agent of the State Security, was barred from joining the ODS, but former membership of or candidacy for the KSČ was no obstacle. The Civic Democratic Party did not consider it right to build a “so-called absolutely clean party of the kind that ODA, for example, is trying to be.” The ODS did not want to shut the door to those former members of the KSČ, who “had never been a pillar of or active collaborators with the former regime.”

Many capable people, who had been concerned only with pursuing their careers and had not committed any crimes, would otherwise lose the chance to take an

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37 A ÚSD, Archive of the KC OF, Inv. No. 128, Minutes from the Meetings of the Council of the KC OF, 13 November 1990.
38 Ibid., Collection of KAN Documents (from Zdenka Hradcová and Bohdan Dvořák, not yet inventoried), Letter to the ODS Preparatory Committee (signed by Petr Havlík, Miroslav Macek, Luděk Vychodil, Jiří Kovář and Václav Klaus), 27 February 1991.
active part in the building of democracy and the free market. The fledgling ODS already had such people on its side and very soon in the party as well.

*The Solution to the “Communist Question” from the Perspective of the Radical Anti-Communists*

The parties and organisations that were orientated primarily on a thorough-going settlement of accounts with communism had developed an essentially ambivalent relationship with the Civic Forum. On the one hand, they sharply diverged from and criticised the compromise policy of the victorious movement, but, at the same time, they tried to gain a foothold in its structures throughout 1990. Only inside these structures could they exercise their very limited influence on the direction of public matters. For example, on 6 September 1990, at a meeting of the Council of the OF Coordination Centre, it was asserted that there had been a rupture between the Club of Politically Engaged Non-Party Members and the Civic Forum as a result of disloyal remarks of Albert Prouza in the press: the leaders of the KC OF Council agreed that it would be impossible to continue cooperating with the Club of Politically Engaged Non-Party Members. Yet, in fact, the KAN continued to operate without problems in the Political Club of the Civic Forum Coordination Centre until the latter’s demise. This unusual symbiosis of intolerance and tolerance was only possible because those small political parties existing under the broad umbrella of the Civic Forum never achieved any decisive influence on the management and direction of the OF movement and the latter’s leaders could simply ignore them. After the disintegration of the OF, the radicals of the KAN, the Movement for Civic Freedom (HOS) and other anti-communist groups started to take soundings on which political party represented in governments and parliaments would be the most advantageous for them to ally with. They failed to push through their distinctive programme, however, either as a coalition partner of the Civic Democratic Alliance or later in collaboration with the Civic Democratic Party.

Anti-communist public meetings and events continued on an occasional basis after the elections. On the anniversary of the Soviet Occupation on 21 August 1990, the KAN, HOS, the Confederation of Political Prisoners and Union of Auxiliary Technical Battalions held a meeting in Prague entitled, “August and the KSČ.” Miroslav Dolejší, a representative of the Confederation, presented a very wild interpretation of the past based on what he entitled three communist coups – in 1948, 1968 and 1989. According to Dolejší, the final coup had been the “most cunning”: it had been carried out by “professional politicians,” hiding behind the mask of “humanity, human rights and national understanding.”\(^{39}\) A political prisoner in the 1950s and 1960s, Dolejší had been writing his own wide-ranging interpretation of the events that took place at the end of 1989 and in 1990, completing the work on 11 August and

\(^{39}\) *Ibid.*, Confederation of Political Prisoners of Czechoslovakia, Speech of a Representative of the Confederation at a Public Meeting on Wenceslas Square, 21 August 1990 at 5:00 p.m.
intending to present it at the September conference of the Confederation. The
text was written in a painstakingly thorough and academic tone, but presented an
extraordinarily contorted picture of Czechoslovak history of the previous twenty
years based on conspiracy theories. Dolejší branded the so-called Velvet Revolu-
tion as a “clumsy legend” in the document, because in his view, the revolution
was carefully planned and prepared in advance by foreign secret services – the
Soviet KGB, the American CIA and the Israeli Mossad – in collaboration with the
Czechoslovak State Security and Charter 77, which had been, according to him,
controlled by former Communists; the outcome of all the Central European revolu-
tions of 1989 was thus “to leave power in the hands of communist parties – more
or less covertly (the re-naming of parties, tactical alterations to programmes and
so forth).”

According to Dolejší, the peoples of the Central European countries
had been the victims of an elaborate fraud.

The text, written just for the internal consumption of the Confederation of Po-
litical Prisoners, was printed (without the author’s knowledge) at the beginning
of 1991 as a separate supplement to the weekly Republika, published by the extreme
nationalist Association for the Republic – the Republican Party of Czechoslovakia.
The “Analysis of 17 November” provoked unanimous outrage among the new politi-
cal elites and was condemned as a deranged and dangerous pamphlet. Although
the “analysis” was based entirely on a prefabricated conspiracy theory and cited
no verifiable facts, it is worth trying to understand why a former long-term poli-
tical prisoner should have come to such an extreme interpretation of the situation.

Some of the victims of communist tyranny had been inclining to political anti-
Semitism, starting from the premise that the Bolshevik Revolution of 1917 (including
its offshoots) was a conspiracy of Jews and Freemasons (Marx was a Jew; there
were many Jews among the Bolsheviks, etc.). They could not accept as innocent
the fact that Charter 77 had not been liquidated as an anti-regime initiative like the
anti-communist activities (even less serious ones) in the 1950s. The involvement
of former Communists in the Charter struck them as proof that the omnipresent
“Jewish-Free-Mason conspiracy,” highly sophisticated and run by secret services,
counted on the apparently excluded functionaries of the Communist Party to act as
vanguard for later quasi-democratic political revolutions. The determined denial of
the authenticity and spontaneity of the “Velvet Revolution” was also a reaction to
the prevalence of a very simplistic concept of resistance to the communist regime.
After the fall of communism, those political prisoners of the 1950s, who were
demanding the recognition of their status as part of the Third Armed Resistance
[the first and second being the armed resistance in WWI and WWII] were forgot-
ten, unlike the dissidents and Chartists; it was as if resistance had only started
after 1968. What was hardest of all for the former political prisoners to stomach
was that many of the Communists who had taken part in draconic persecutions (or
approved them) in the 1950s, but then, after 1968, been excluded from the KSČ

40 DOLEJŠÍ, Miroslav: Analýza 17. listopadu [Analysis of 17 November]. Loket nad Ohří, C & B
Agentura 1990, p. 3.
and later signed Charter 77, were now, after 1989, returning to public positions with glory and honour. One typical example (already mentioned) was Oldřich Hromádko – in the 1950s the commander of the Jeřáb Guard in the labour camps. At the end of the 1960s, he had been excluded from the KSČ, later he had signed Charter 77 and taken part in dissident activities, and finally, after November 1989, he became the Civic Forum’s chief expert on State Security issues.

For Miroslav Dolejší, his encounters with Vladimír Kolmistr had played a fateful part in his tragic life. In 1950, Kolmistr as chairman of a district committee of the Czech Socialist Union of Youth had ensured that Dolejší was thrown out of a local engineering high school for hanging the British flag at a student party. Dolejší was arrested under dramatic circumstances soon afterwards and sentenced to twenty-three years in gaol. Kolmistr, on his part, played a role in what was known as the revival process in 1968 and, consequently, was expelled from the KSČ. Two decades later, in 1989, he became one of the leaders of the Club for Socialist Perestroika, Obroda [Revival] and the Kladno Civic Forum, a few weeks later he was co-opted to the Federal Parliament and later elected to the Czech Parliament. This was too much for a political prisoner who had spent eighteen years in prison. Psychologically speaking, it is very easy to understand the feelings of a victim, who finds his fate largely ignored by state and society while meanwhile those responsible for his unimaginable suffering do not simply go free, but are even lauded as victors over totalitarianism.

The general premises of integral anti-communism as a political current, formulated more soberly as a set of themes and tasks, were to be found in the programme of the Club of Politically Engaged Non-Party Members, adopted in January 1991. This programme started with a typical dualistic sketch of the situation: in November 1989, the compromised regime had been peacefully overthrown, but, unfortunately, too many reform Communists, who dated the evils of the totalitarian state only back to 21 August 1968, had managed to enter the governments, the parliaments, the state apparatus and the media. Yet, the evil had started on 25 February 1948. It was therefore essential to discuss and assess the whole period of 1948–1989 thoroughly in the Federal Parliament, and not just to focus on the so-called “normalisation” which followed the Prague Spring of 1968. It was also necessary to achieve dignified judicial rehabilitation of persecuted citizens and the restitution of confiscated property; to meet the demands of the Confederation of Political Prisoners by recognising the so-called Third Resistance; to publish lists of employees and secret collaborators of the State Security; to radically reduce the pensions of former communist bosses and to thoroughly purge the state offices, institutions and firms of corrupted senior staff. All this had to be done as a priority,

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41 His life is described by Prokop Tomek in the article “Tragický případ Miroslava Dolejšího a Eugena Vrby” [“The Tragic Case of Miroslav Dolejší and Eugen Vrba”]. In: Soudobé dějiny, Vol. 16, No. 2–3 (2009).
vigorously and quickly, because without a “thorough-going settling of accounts with the past,” a just and prospering society could not be established.\textsuperscript{42}

Let us compare this pithy agenda with the programme declarations of the political subjects arising from the ruins of the Civic Forum – subjects which claimed to embrace liberal, conservative and democratic values and had their representatives in the parliaments and governments. The Civic Movement distanced itself from the type of programme represented by the KAN and the like in 1991: “We do not need to create an image of the enemy. Ideological dogmas are foreign to us. We reject political extremism.” Not a single word about February 1948. “For us the events of 1968 are proof that socialism based on Marxist ideology is incapable of reform. We do not agree, however, with attacks on those who tried to reform it. We consider such action to be a sign of weakness and lack of self-confidence.”\textsuperscript{43}

The programme documents of the Civic Democratic Alliance from December 1989 and from 1992 contain no explicit position with regard to the fallen regime, and prioritise the formulation of the party’s own principles and goals.\textsuperscript{44} It was the same with the Civic Democratic Party, which explicitly rejected any revival of the ideas associated with 1968, in which it saw the dangerous myth of the “third way.” We find no explicit positions on the communist past and the Communist Party of Bohemia and Moravia in the first numbers of its bulletin. The key themes contained the first party statements, mostly related to the question of economic reform and the building of party structures, and problems of Czechoslovakia’s constitutional order in second place.

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The Club of Engaged Non-Party Members continued to consider a public act of national catharsis to be as a priority and tried to set the ball rolling by itself. The KAN proposed that an international tribunal on communism started on 25 February 1991 (the day of the forty-third anniversary of the “communist coup”). What was this supposed to be and what was it supposed to do? One possibility was described by a KAN activist from Ústí nad Labem. He wanted to include the whole period from 1917 in the investigation, i.e. to start at the roots – the actions and influence of Russian and Soviet communism, and not to limit the focus to the Soviet Union and Eastern Europe, and perhaps China, but to consider the international communist movement as a global phenomenon, from Pol Pot’s Cambodia to the Italian Red Brigades, from Castro’s Cuba to the West German terrorist groups. He wanted everything that had already been investigated to be exploited, but in ad-

\textsuperscript{42} A ÚSD, Collection of KAN Documents, Programme Declaration of the KAN, January 1991.


dition demanded a new search on the basis of inter-state cooperation. The result was supposed to be a comprehensive and global evaluation of communism as an ideology, state power and a totalitarian system. It would not be an organised act of revenge, but a quest for truth. A strong and persuasive moral court would have a greater impact than the condemnation of specific individuals. The democratic community would reject and denounce the principles of authoritarian and totalitarian government and confirm the democratic principle on which it wished to build its individual, national and state existence. 45

The problems of such a “settling of accounts” are patent: the Nuremberg Tribunal judged those accused of German war crimes committed in the relatively short period of six, or twelve years respectively (1933/1939–1945). The communist regimes had lasted much longer – in total three-quarters of a century – and established themselves over a whole third of the world, while in the remaining two thirds their offshoots or cells had been likewise active in one way or another. In the context of Nuremberg, we speak of the “justice of the victors,” and while they were undeniably victors, their justice will always raise questions (after all, from the perspective of the year 1989, there were criminals among the judges themselves). But who was it that had defeated communism in 1989? The United States of America and Western Europe by their economic and military superiority? Or the opponents of the communist regime in the individual socialist countries? And if so, then who – members of the armed resistance, or the dissident defenders of human rights, striving for dialogue with power? And could the former Communists – the architects of a system they later saw through, who joined the resisters, also be regarded as the victors? Or was communism defeated by the demonstrating crowds (of long passive, now engaged non-party members) at the end of the 1980s? And what about the Communists themselves – primarily the Polish and Hungarian ones, but in the end the Czechoslovak Communists as well – who voluntarily gave up their rule and shared political power with the opposition?

Czech De-Communisation on the Model of Postwar Denazification?

At a meeting held in Prague–Strašnice on 21 November 1990, KAN activists made a presentation to the public on how denazification had been conducted in post-war Germany, specifically in the British occupation zone. 46 While they did not explicitly claim that Czechoslovak de-communisation should be governed by the same rules, the subsequent development of this conception of the KAN suggests that this was the point of the exercise. In April 1991, the chairman of the club

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45 A ÚSD, Collection of KAN Documents, “Navrhuji zřízení mezinárodního tribunálu” [“I Propose the Establishment of an International Tribunal”], Ústí n/L., undated.
in concern, Bohdan Dvořák, passionately defended the possibility of conducting de-communisation on the model of denazification. He argued with Vladimír Bystrov, who had criticised such a solution on the pages of the weekly magazine Reflex. Dvořák reminded his readership that a preparatory seminar for a Conference on the Crimes of Communism had been held in Prague. Given what we already know, it is likely that this action, organised by the KAN and the Confederation of Political Prisoners, was originally intended to be the “moral tribunal,” about which the highest representatives of the Civic Forum had spoken in September 1990. Dvořák concluded his open letter by challenging the policy of conciliation: “The absence of ‘revolutionary decrees’ following November 89, which some even consider our ‘Velvet gain,’ is today fertile ground for further immorality, further corruption and moral morass.”

His detailed explanatory notes form the core of the letter, and when using them as a guide, we can get an idea of how de-communisation as envisaged by the KAN would have been conducted, for example, on the territory of the capital city Prague. It would be premised on differentiation between two categories of responsibility: criminal and political. Crimes and property violations would be tackled by the courts. Political responsibility would be investigated by a civic committee formed of uncompromised people of the relevant social strata or profession in combination with territorially defined competence. Let us go back to mid-1990 and outline what might have happened on this basis in a counter-factual style: In February 1990, a “moral tribunal” on the crimes of communism is indeed launched and a de-communisation committee embarks on activity in organisations, institutions, firms, schools, and government offices; it scrutinises the actions and moral profile of directors, deputies, senior staff, chairman of party cells, engaged teachers and many others. The screening is also extended to plant, local, district and town committees of the KSČ and, of course, also to the central organs – the Central Committee of the KSČ, the organs of the ministries and state offices, foreign trade concerns and so on. By analogy with the purges of the years 1970 and 1971, these are as it were anti-screenings, in which society in a mirror fashion settles accounts with communist “cadres” for its humiliation after the Soviet invasion of August 1968. The judgments are based on a detailed perhaps ten-page questionnaire, and then the screened individuals come before a citizen committee to explain their careers, motivation, decision-making and actions. In the case of civil servants in important posts, the committee has three options: to dismiss, suspend or leave them in place. Members of the KSČ are ultimately divided into five categories – prime offenders; strongly tainted; less tainted; complicit; untainted. And sanctions? The “less tainted” Communists, for instance, are to be banned from political life and performance of profession, and to be stripped of property gained by illegitimate means and to have their bank deposits frozen; the “complicit” are to be punished in the same way, but allowed to continue in their occupation. This is not and should

not be allowed to become a blanket, undifferentiated application of the principle of collective guilt, but a painstaking examination and calibration of the level of responsibility. How such a settling of accounts would have turned out might merit deeper virtual historical exploration, but that is beyond the scope of this paper.

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The concept of a hierarchy of responsibility was influenced by the postwar thinking of the philosopher Karl Jaspers, who in relation to the crimes of German Nazism proposed distinguishing between four different categories of guilt – criminal, political, moral and metaphysical. Jaspers’ book *The Question of Guilt* had been translated into Czech for the first time only in the final phase of the “Prague Spring,” when it was supposed to serve as a contribution to the fevered discussions on the crimes of Stalinism. It was published for the second time in 1991, clearly with a similar aim, i.e. as an inspiration on how to evaluate and philosophically judge Czechoslovak communism.48

Privatisation with the Exclusion of Nomenclature “Cadres?”

How was the anti-communist perspective projected into ideas of transforming the centrally directed economy into a market economy? Let us consider further questions once again arising from the positions of the Club of Politically Engaged Non-Party Members. The Central Council of the KAN expressed deep dismay at the state of the Czechoslovak economy in April 1991: a year and a half after the fall of the old regime almost nothing had changed, “the economic concerns and central authorities are still in the hands of Communists, who are not only slowing down the process of reform, but are ever more often abusing it for their own ends and to enrich themselves.”49 The KAN therefore decided to push for a law that would vigorously clamp down on the activities of prominent functionaries of the KSČ in government and the concerns. It was in this spirit that the KAN drafted a more detailed position on privatisation, containing measures against “cadres”: the privatisation projects were about to be launched in a situation in which there were too many individuals and organisations that had acquired their property illegally. Former nomenklatura “cadres” were clearly in positions of advantage, and this state of affairs could be called “social discrimination.” In the time of *pre-privatisation agony*, “stealing/asset stripping and improper conversions into joint-stock and other companies” were taking place. For this reason, the KAN proposed that

49 A ÚSD, Collection of KAN Documents, Resolution of the Meeting of the Central Council of the KAN, 6 April 1991.
people persecuted by the former regime should be given an advantage in coupon privatisation and those that had enjoyed various advantages and harmed others should be, in contrast, excluded from privatisation. Among the latter were secretaries of all KSČ committees, members of the Central Committee of the KSČ, and district, regional and municipal committees of the KSČ, all nomenclature “cadres” of the KSČ, ministers, general directors, directors and their deputies, secretaries and members of the Central Board of Trade Unions, presidents and vice-presidents of district and regional national committees, and recipients of state decorations. The privatisation committees should include representatives of civic initiatives, as was the case in the purge of the National Security Corps in 1990.50

The actual privatisation process began in January 1991 with public auctions of shops, smaller businesses and production units, restitutions likewise started, and November saw the launch of the big popular “hit” of the privatisation project – a coupon game for the masses over state property to the value of hundreds of billions of crowns. “Small” and “big” privatisations became the dominating themes of public debate, attracting massive media attention. The interrupted revolution now found a substitute dynamic, a second wind, and this was a process in which the idea of November as an “anti-February” – in the form of settling accounts on the road from socialism back to capitalism – was expressed most strikingly. The reform that promised so much was finally really underway. Yet, critical voices continued to be raised from the edges of the political spectrum: should all citizens regardless of their past have access to the privatisation process? In September 1991, the KAN tried again to initiate a law requiring that acquisitions of property in what was known as small and big privatisation should be transparent with regard to funds used for purchase. It suggested that where sums of half a million crowns and more were involved, if the origin of the funds could not be defended, the privatised property should be confiscated and returned to the privatisation process and the fraudulent privatiser subjected to prosecution in accordance with the relevant laws.51

**Instead of a Conclusion: Communism as the Eternal Enemy**

Such proposals were out of step with the technocratic conceptions of the politicians responsible for the economic reform. Any sanctions against the former nomenklatura threatened to complicate the already difficult and complex process of privatisation even further. Politicians preferred to trust the invisible hand of the market, which would allegedly verify the qualities of the new capitalists with

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50 Ibid., KAN Standpoint on Privatisation, undated.
51 Ibid., Supplement to the “Declaration on the Political Situation in the Czechoslovak Federal Republic Published by Participants of the Meeting of the KAN Central Council Expanded to Include the Chairman or Representatives of KAN Clubs from throughout the Czechoslovak Federal Republic,” drawn up by the KAN Expert Committee (Libuše Zemanová), Prague, 7 September 1991.
merciless objectivity. Faith in the market was immense – the market would force new entrepreneurs to practical and rational action, which would be to the benefit of all; the incompetent would be excluded by its mechanisms. On its way forward from the chaotic background to the political split in 1990, when for a while anti-communism seemed on the point of becoming a defining and critical factor of the new policy, the emerging democratic right had definitively adopted a pragmatically selective approach to the past and to settling with the past. Verbal and symbolic anti-communism – intense in the media and reflected for example in May 1991 in iconic gestures such as the painting of a Soviet tank in the middle of a Prague square pink – never entirely disappeared from the public statements of the democratic right’s leaders, and it was expressed in very principled terms and loudly in their public declarations. All the same, in the field of legal-political acts focused on the past and present of the Communist Party, it was compromising pragmatism that prevailed.

Above all, this was a question of the struggle of the democratic right to strengthen its power in the country’s institutions. There was a political battle over their control of institutions after the disintegration of the Civic Forum in February 1991. The original OF leaders, now mostly politicians of the centrist Civic Movement, remained in the leading state functions, but in the legislative bodies, it was the supporters of the right-wing liberal-conservative credo from the Civic Democratic Party, the Civic Democratic Alliance, the Christian Democratic Party and the Liberal Democratic Party that gained the upper hand. In the struggle that ensued, what was known as “lustration” functioned as a weapon against the so-called Sixty-Eighters to some extent – for credit, influence and position. We could show this using a range of particular statements and clashes in parliament, but this would likewise be beyond the scope of the presented paper. Former high-ranking functionaries of the KSČ and collaborators with the State Security were supposed (on the basis of demonstrable archival findings) to leave governments, parliaments and state institutions. This process was grounded in the lustration law, passed by the Federal Parliament in November 1991 and the Czech National Parliament in April 1992.

The KAN and other non-parliamentary parties and associations continued to campaign for a law making it illegal for a former chairman of a regional committee of the KSČ, a former officer of the State Security, a former member of the Presidium of the Central Committee of the KSČ or a manager of a firm trading in the Soviet Union to set up a privatisation fund. Such “measures,” however, remained outside the field of vision of most of the right-wing politicians, who were concentrating on the general promotion of conservative and liberal values. If anything can be called a “second revolution,” then it was the process of fundamental economic reform. The internally contradictory policy of broad constitutional consensus was finally anchored in more solid ideological schemata, and the post-communist homo economicus came to dominate the public space. Reductive political thinking turned out to be the exit route from unstructured beginnings of the transition to democracy: division into right and left, division into old and new structures, division of state
jurisdictions, division of the Civic Forum, division according to national interests, division of the federation, division of property and so on and so forth.

The conscience of the political elite nonetheless retained the imprint of what could be called the velvet syndrome. The legitimacy of transformation was grounded in a negative relationship to a repudiated epoch, and this had to be publicly declared. Thousands of personal anti-communist gestures and statements, repeatedly demonstrating and acquiring a stereotypical character, created a gravitational pull towards some public and symbolic moral act of condemnation. The idea of a “moral tribunal” was not – it seemed – simply going to die a natural death. In November 1991, the Federal Parliament passed a law about the era of un-freedom which contained a one-sentence declaration: “In the years 1948–1989, the communist regime violated human rights and its own laws.”\(^52\) Yet, legal acts passed in this period could only be annulled by means of special laws, and from the perspective of convinced anti-communists the declarative law was toothless. The Confederation of Political Prisoners vainly tried to push through its own version, in which the KSČ was to be branded a “terrorist and criminal organisation” and would be outlawed, dissolved and stripped of all property, which would go to the state.\(^53\)

In 1990 and 1991, a visible crack was opening up between the unambiguous characterisation of the communist past as a time of un-freedom and totalitarianism on the one hand, and frustration at the impossibility of drawing a “solid line” under that past on the other. This was not healed in the following years, and, on the contrary, the imperative of an uncompromising attitude to the past grew stronger. The Czech Parliament passed a law on the illegality of the communist regime in 1993, which even branded it criminal and condemnable. At the declarative level, this met the demand for unambiguous condemnation which the radical anti-communists had been making from the outset: it also stipulated that there would be no statute of limitations as regards communist crimes, if these had been crimes at the time. The law opened the space for a new institution with powers of criminal prosecution, and so the year 1995 saw the establishment of the Office for the Documentation and Investigation of the Crimes of Communism. Yet, actual attempts to punish the criminals tended to produce doubt and embarrassment rather than the anticipated catharsis. The situation paradoxically exacerbated the tension between formal repudiation and condemnation of the “old regime” and practical inability to settle accounts with the past in a speedy, effective and persuasive way. The successor Communist Party of Bohemia and Moravia was henceforth spoken of as an extremist political party, but the “velvet syndrome” had taken permanent root in collective consciousness and conscience.

It is clear from the experience of other countries trying to come to terms with the demons of their totalitarian past that no legal measures or reinterpretations can


\(^{53}\) Ibid., World Association of Former Czechoslovak Political Prisoners in Exile, Zürich: Draft of a Law Submitted in the Name of the Confederation of Political Prisoners of Czechoslovakia.
ever bring perfect justice and satisfaction. On the other hand, it is obvious that it will take many decades before the surface will close over the difficult past, tainted with crimes and injustice. Unable to push through their conception by the path of law, supporters of a more radical settling of accounts sought other ways – the politics of witnesses, memory and archives, public manifestations of repugnance for communism and Communists, anti-communist performances to upset the complacently of public opinion. The fissure between formal repudiation and frustration at unsettled accounts remained unhealed throughout the 1990s and that is the case to this day. It is evident from the series of further legal acts, and political and civic activities that in recent years have culminated in the political imperative of “national memory,” demanding the opening up of the archive documentation of the communist state and a thorough study and description of its propaganda, espionage and repressive apparatus. Sometimes it seems that communism is still the greatest threat to democracy, but perhaps the greatest threat is simply uncritical submission to any kind of power.


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