

**EASY TAKEOFF, HARD LANDING:  
JOURNEYING TO CZECHOSLOVAKIA**

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I never meant to explode a myth about communism. My question was innocent, a matter of curiosity, the response to which revealed how profoundly we have previously misunderstood the impact of communism on people's attitudes toward private property and belonging. I carried to Czechoslovakia the fairly common assumption that the revolutionary task of building a free economy would require first extensive re-privatization not only regarding the conversion of state enterprises to private businesses but also at the most elementary level of individual acquisitiveness. Because black markets have been a permanent feature of socialist economies, we have always known that human nature had not been changed however much repressed by totalitarianism. But the only forms of acquisitiveness that had been documented were either these forms of criminal conduct or the grasping corruption of figures in the ruling class.

As I jogged through suburban and rural countrysides in Czechoslovakia, a strange insecurity formed in my mind. No matter how taut I was, no matter the attention I paid, not once did I encounter a dog to evade or ward off. To be sure, there are dogs in the country, and I heard their barking. Still, not once did one appear in my path. The absence of this danger, familiar to every jogger, soon made me far more anxious than ever I am in actually dealing with possibly hostile dogs!

My eyes roamed the suburban "apartment cities," the parkways, country roads, and even farmers' fields in search of dogs. What I found instead astonished me. Fences! Everywhere fences! Impossibly small, universally small plots were fenced off everywhere, signifying claims of ownership stoutly maintained. Nor do I mean pretty little picket fences. I mean substantial barriers that would keep out all but the malignantly inveterate and keep in every dog. Soon, though, I had forgotten about the dogs in my wondering amazement at a fencing practice more pervasive than ever I had seen anywhere.

I wondered why, in conversation with an interlocutor from our conference, a member of the government. We were in Czechoslovakia to discuss the imminent drafting of the new Czechoslovakian constitution in relation to *The Federalist Papers*, which chronicle the American experience from one perspective. Seven American experts on the United States Constitution, members of the Czechoslovakian Federal Assembly, government ministers, and scholar-activists from Charter 77 gathered at the remote village of Chudobin. Between sessions we relaxed in strolling or lounging, and it was at one such moment I asked my colleague to explain why there seemed so many fences in the little I had seen of Czechoslovakia. His answer confirmed that my curiosity was well grounded. Before I state that answer, permit me to describe Czechoslovakia's political and constitutional dilemma so as to provide the appropriate context.

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The famous “velvet revolution,” the collapse of the communist regime in the face of student demonstrations, occurred in November, 1989, nearly three weeks after the Berlin Wall had tumbled. In the time since preliminary free elections have been held, the poet Dr. Vaclav Ravel became President, and the process aimed at establishing a free constitution was initiated. Ideally, that constitution would be in place by the start of 1992, and the first elections held under it would occur in June,

While the process of constitutional development has been underway Czechoslovakia has nevertheless had to get on with the task of governing. To that end the forms established by the Communists—particularly the constitutional reform of 1968—have served as administrative and legislative benchmarks. For example, the provisional government considered the possibility of holding persons responsible for the ravages of totalitarianism accountable under the law. They determined, however, that such persons could be justly judged only by the laws under which they had served. The net result is that no purge of former, now reformed, communists can be carried out under pretext of legal process. That means, in turn, that what some activists call the process of de-Bolshevization can only be implemented by political means. That would be possible only if especially wise constitutional provisions were adopted, providing for a kind of politics in which the reputation for Bolshevism would be the kiss of death.

The government that shepherds the drafting of the new constitution remains, not communist but, significantly influenced by prior communist laws and extensive participation of communist cadres in the administrative apparatus. It will accordingly be difficult to accomplish a clean political break with the communist past. In some ways this political situation resembles the situation on the collective farms. While the country is poor by some standards (a service sector providing only a fraction of the GNP percentage characteristic of western nations), in other respects it seems quite rich (at least in resources). That is surely the appearance of the large-scale agriculture (at least where soil has not been eroded by mismanagement). The agriculture cooperatives have produced agro-business scale cultivation, though without the full panoply of modern implements. It poses considerable difficulty to arrange a re-privatization of such holdings, which would be most efficiently managed on the scale attained by the communists but which offer the many individuals employed at the business the pleasing prospect of truly “private” holdings. The trick here is to find the means to alter the social reality of agriculture without dismantling advantageous practices, just as in the political-constitutional realm the trick is to convey power from those who hold it even now without first discharging them.

Contrast for a moment the “velvet revolution” with the American Revolution, and one will appreciate the magnitude of their dilemmas in Czechoslovakia. In the United States the ruling class of Tories largely fled to Canada or Great Britain during the struggle. Accordingly, the patriots were left free to build a new nation without having to set a pattern either of bloody purges or of pernicious intestine and interested conflicts that originated prior to the motive force, and therefore prevailed over the moral appeal, of union. This is the providential dispensation that has been denied to Czechoslovakia. Now they are searching for one like it.

Even without an accomplished constitution Czechoslovakia has been compelled to undertake extensive economic reforms aiming to build a free economy. (The lesson of Federalist 10, by the way, suggests how improbable this is!) Economy minister Klaus, one of many gifted intel-

lectuals directing this noble venture, has taken a commanding role in this regard. Nevertheless, it remains true that what he has been able to accomplish thus far has been best described by one keen observer as “state capitalism.” One might imagine this, too, to result from the inertial drag of Bolshevism. It is rather the case, however, that foreign investors and western aid agencies may be more responsible, the one in order to minimize risk and enjoy monopoly profits and the other from long established quasi-socialist practices.

Consider, for example, the difficult situation of Slovakia, the easternmost region in which the Soviet Union concentrated most of its defense-related heavy industry (they made T-72 tanks!). The government has negotiated with a firm from a northern European country to acquire operating control of one of these firms. If that should happen, however, the increased efficiency that would result would mean axing the jobs of a large percentage of the plant’s work force. The foreign firm is demanding the establishment of a complete, Scandinavian model, social security program to protect these workers before it will invest in the venture.

Yet another example of the pressures that derive from expanded contact with the West under Czechoslovakia’s new freedom may be found in pressures now being felt from the World Health Organization. The communist regime carried out systematic AIDS testing and reporting. Unlike the rest of the world, there the disease seems to be reasonably controlled. I have been told that WHO has come to free Czechoslovakia with the news that, to be acceptably modern, it must shift to confidential, anonymous testing!

More dramatically, perhaps, the Czechoslovakians have received the advice of many foreign advisors in their constitution-making process. Prior to the arrival of our team, they had extensive consultations with a team led by prominent Americans associated with a Washington, D. C. organization whose chief goal is to alter the American system from a presidential to a parliamentary one. Thus, the American model was carried to Czechoslovakia by its professed opponents. Among the things these advisors accomplished early were to convince the Czechoslovakians to begin with a “bill of rights,” which has been done, and to establish a “supreme constitutional judicature,” which has also been done. Although it remains an open question what the unified legislature will look like, and what kind of executive power the government will boast, the country already has the full array of personal guarantees and an independent judicial body whose task it is to enforce them, over and above every political consideration. Something like a politburo has been imposed, in other words, now only awaiting the creation of adequate political institutions over which to preside. Every informed American will recall, of course, that the “Bill of Rights” was the next to last accomplishment in our tradition, and the last accomplishment, judicial review, still should not be regarded as “judicial supremacy.” Accordingly, Czechoslovakians have been subjected to a false analogy from the American experience.

It is in the face of such a variety of external pressures and internal dilemmas that Czechoslovakia attempts to accomplish both economic reform and constitutional development. These tasks would be difficult if they had to face only the ordinary difficulties. For example, the shift to a free economy means a shift in people’s work habits as well. Shopkeepers must discover the idea of serving consumers and therefore opening and closing at hours convenient to shoppers rather than to themselves. Employees must discover a connection between the performance of their tasks and their wages—especially service employees. There are already a few sterling ex-

amples of entrepreneurial spirit driving folk willing to work hard to improve their lots. A free economy, however, is one in which this spirit sets the tone rather than stands out as an exception. We would have learned this lesson from American ghettos even if we hadn't already known it.

In politics, similarly, the idea of national union must come actually to inspire the citizens of Czechoslovakia if they are to enjoy a common constitution. That the country is far from this point may be gauged from the fact that the very word, nation, to them describes not the polity, the political union, the integrated state, but rather the separate status of Czechs and Slovaks. They speak of the Czech nation and the Slovak nation, which two "nations" seek somehow to form a single state. No one in Czechoslovakia seems, however, to have articulated a compelling conception of common citizenship sufficient to fuse these two nations into one.<sup>1</sup>

This is the rock on which our constitutional deliberations foundered. But one Slovak participated in the conference. Others had been invited and slated to attend, but we unfortunately lost their participation. Accordingly, we listened mainly to Czechs bewailing the obduracy of Slovaks. Granting as we must the reality of these social tensions, and recognizing as no one can fail to do the economic discontinuities between the two regions, it nevertheless remains the case that a constitution properly so-called is far less likely to be discovered in a bargain splitting the differences between them than in a transcendent acknowledgment of overriding fraternity, "a focus of loyalty that is higher than the nation."<sup>2</sup> In the words of one participant, what is needed is a "supra-national principle of identity" to supply the stability required for constitutional development. I much doubt, however, whether this transcendent principle many now seek is adequately represented by a romantic longing for the return of the Austro-Hungarian Monarchy, as Scruton expressed it.

The constitutional difficulty I describe does not so much inhere in the fact that the Czechs complained about their political opponents as that their complaints were insufficiently political. As we remarked at one point in our conference, the way in which we resolve Aristotle's recognition both of families or tribes and of individuals as the building blocks of the polity is to observe that he regards the family as basic when the question is who benefits, *cui bono*, from the polity, and he regards the individual as basic when the question is who participates, *methexis*. Czechs may be Czechs and Slovaks may be Slovaks when it is time to ask how one will benefit from the Constitution, but all must be Czechoslovakians when it is time to ask to whom does the constitution belong.

The first, tentative steps toward a constitution have proposed the idea of two republics, Czech and Slovak, confederated for national purposes and operating by a principle of concurrent majority (a majority in each republic voting in the same way) in order to carry any law or act. In effect, this is only a proposal for tribal unanimity as the basis of government, the return of Poland's old *liberum veto*—a completely unworkable idea. Unfortunately, nowhere today is there a visible alternative to this proposal, and only six months remain to complete the constitution. It

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<sup>1</sup> Perhaps it is true, as Roger Scruton claims, that these ethnic rivalries are being exploited and exaggerated by "reform communists" seeking to derail the journey to freedom. It is nevertheless the case that there exists kindling sufficient to the purposes of these incendiaries, and that would pose a political difficulty with or without the communists. *Los Angeles Times*, "A Focus of Loyalty Higher Than the State," June 16, 1991, p. M5.

<sup>2</sup> *Ibid.*

appears, then, that Czechoslovakia will not succeed in its first attempt at a post-communist constitution.

This is, perhaps, not cause for alarm. The United States began with a similarly unworkable confederation scheme before the Constitution rescued the nation from political imbecility. Before we become too sanguine about Czechoslovakia's ability to complete a similar eleven or thirteen year interval between revolution and ultimate constitution, one would do well to recall that the Balkan peninsula is a much less secure geographical setting than the United States enjoyed. It is by no means certain that Czechoslovakia's neighbors will be as accommodating to her as the United States' neighbors had to be to her at the end of the eighteenth century. In fact, our visit was timed to correspond with the planned, final withdrawal of Soviet troops from Czechoslovakia. I inquired about this event everywhere, and was assured that the withdrawal had been completed without a hitch. Nevertheless, I saw not a single evidence of such movements having taken place. Nor did I see any Soviet troops. Every barracks I passed seemed deadly still, empty, save the occasion on which I observed a large number of motor pool vehicles in an apparently empty garrison.

Czechoslovakia has one powerful advantage the United States lacked. While the leadership cadres in each bear striking resemblance for wide learning, the American founders enjoyed no prior historical example on which to found themselves. It was manifest as we read and discussed *The Federalist Papers* how the mere existence of that wondrous work had altered the moral calculus. Our discussion began from the assumption that republican government was possible for Czechoslovakians. The American accomplishment was to prove this principle for all mankind. The only question was whether the Czechoslovakians would discover the political and moral means by which to accomplish the work.

They are ready to perform this work, if one may judge by the extraordinary examples of their learning. I had not realized prior to this trip that the dissenters in Charter 77 (and presumably others, such as the Jan Huss Society) had maintained a parallel university in Czechoslovakia. Where I thought they had read *samizdat* only in the form of political tracts, they in fact pursued systematic study in history and political philosophy—indeed, in the liberal arts. They did this “underground,” even as the regular curriculum in Marxism-Leninism dominated the established university system. The result: we conferred with people fully as well prepared, and probably largely superior, to colleagues of the highest training we expect to meet with in the United States—and despite very little direct exposure to the United States and other countries. One such devotee had managed to read every number of the *William & Mary Quarterly* for almost twenty years!

Yes, the leaders with whom we met possess the intellectual tools for their tasks. It nevertheless remains true that the task of making a community, a single people, out of any number whatever—*e pluribus unum*—poses rather a moral challenge than an intellectual challenge. We can identify the James Madisons, Alexander Hamiltons, and John Adamses of modern Czechoslovakia. We could not discern their George Washington. I do not doubt that Providence has raised up a George Washington for Czechoslovakia, at least if it intends that this be a free country. I say only that we Americans did not succeed in identifying him.

The reason for this may perhaps be bound up in the answer to my opening question, which belies the common assumption that the communists “extinguished every form of belonging” among the people. George Washington, one will recall, was an intensely private man who effectively sacrificed that private life for the sake of building an enduring public good. When I had inquired about the fences I half anticipated some kind of totalitarian control mechanism as the response. Instead I learned how intensely private every Czechoslovakian is.

These fences demarcate their private property—no, more, their private lives! Communism does not destroy private property or the sense of ownership/belonging, it rather alters radically the uses to which people put private property. What one sees in Czechoslovakia is that, in the face of totalitarian repression, what is indeed one’s own becomes still more emphatically one’s own. We who live with alienable property in fact show far less regard for property *per se* (just as we sometimes seem curiously inept at defending our own ways!). We use property, we do not hold it. We might have expected as much from Thomas Jefferson’s initial assault upon the law of primogeniture. To us property hardly counts as property unless it is moveable, unless it appreciate in value and can be sold. Anything else is a mere *consumable*. Our lives are lived outside of our property.

Communism forced people to live their lives within their property. Their fences only made that all the more secure. The answer to my question had been, in effect, that people used their fences to define what was private—what did not belong to the common. (Where one’s contribution to the common cannot serve as a point of distinction and emulation, this alternative now seems almost to be the intuitive response.) Good fences unmake forced neighborliness! How right was Aristotle, criticizing Socrates’ communism, to say that anyone would rather be *somebody’s* second cousin than *everybody’s* brother.

My interlocutor supplied a compelling example. In his flat he enjoyed a garret space in which he read (probably Aristotle). To get more light he one day cut a new window in the roof—much to the consternation of his neighbor. The new window looked right down upon his neighbor’s fenced yard of a few square feet (as they all are). The neighbor’s protests were not necessary. He recoiled in horror and hastened to fill in the window himself. He did not wish to enjoy an unimpeded view into his neighbor’s privacy. “It was like looking into his bedchamber; who knows what a man might wish to do in his backyard!”

The legacy of Bolshevism is far more complex than we sometimes imagined. We long ago knew that it required to stifle ideas of citizenship (Gorbachev’s unleashing of which for whatever reason may lie at the root of all that we now behold in the East). But if it did so by fostering inadvertently this curious kind of respect for property and neighbors, it may yet redound to the benefit of honest republicanism.

To be sure, this is a more intense form of privacy than is consistent with republicanism. But it will presumably require only the felicitous expression of the moral necessity of a public good as the ultimate guarantee of worthwhile privacy—the life of self-government—to give neighborliness its positive expression. This is the aspect of the Czechoslovakian experience—and of our consultations—that was truly inspiring and exciting. It forces some optimism even out of my coldly realistic appraisal.

I may offer the optimism symbolically to close this account. The very first thing, literally, to strike the visitor to Czechoslovakia is the brutal candor with which the people now reprehend their past government. In my case it began quite literally before I set foot on Czechoslovakian soil. As I read in *OK Flight*, the official Czechoslovak Airline publication, the guidelines for currency and other travel operations caught my eye. Then it jumped from the page, this passage:

...in Czechoslovakia, where the national economy was devastated by the former totalitarian regime over several decades...

Forty-one years, to be exact. Bolshevism prevailed by force in 1948 and remained, by force, until 1989. This is not your standard bit of airline puffery! Everywhere one goes, with everyone to whom one speaks, the same aspect prevails.

This explains, then, the sheer joy Czechoslovakians and other Europeans now take in the slow unveiling of Prague, one of the last great imperial cities of the Austro-Hungarian Empire and one the least touched by the military devastations of the past one hundred and fifty years. For all the years of Soviet domination Prague lay beneath a drab Stakhanovite grime. Edifices that once were resplendent with elaborate ornamentation (statuary, reliefs, etchings, etc.) and bright pastel colors became black with neglect. This city was one of the early “planned” urban areas, presenting facades of standard dimensions and a humane scale. When it all became drab black it loomed imposingly as a great social migraine.

Since the “velvet revolution” the clean-up has begun—I should rather say, the unveiling, for like a modest maiden who has kept herself decently covered in the presence of unworthy persons, Prague puts on her best face by undressing. Starting in “Old Town Square” a “new” beauty emerges to declare Prague free. This, perhaps, and as much as anything, gives one reason to hope, however difficult it may finally prove for Czechoslovakia to land on both feet.