

Tantalizing Liberty: Post-totalitarianism and its Relevance to the Problems of Contemporary Democracy

Exceptions

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Abstract

More than thirty years ago, the countries of the Eastern bloc experienced a significant societal rebirth in rejecting of totalitarianism. Over the years, these policies have taken steps that have led them to the current state of legal democracy and late capitalism. But every system we know has its perversions and inevitably leads to a social crisis. In his 'state-destroying' work *The Power of the Powerless*, Václav Havel presents several concepts that helped him describe the totalitarianism that the countries of the Eastern bloc experienced: 'post-totalitarian system', 'post-democracy', and 'dis-sent'. This paper argues in favor of the relevance of these concepts for the contemporary world, although, it will be claimed, its cruelty and inhumanity are much more subtle than in the regimes we have known so far.

The primary objective of this article is to draw parallels between well-known totalitarian regimes and the current (neo)liberal democracy through the conceptual framework of

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post-totalitarianism. Originating from the period preceding the fall of the Iron Curtain, this notion takes historical evolution into account, focusing on the CEE regions post the Iron Curtain era/after the regime change. The author applies Havel's insights and theories to analyze this historical trajectory and asserts that we inhabit a system inherently containing totalitarian elements, where the fulfillment of liberty hangs on an unreachable branch. Consequently, this study delves into the possibilities for societal development or change within today's post-totalitarian system, by having recourse, among other arguments, to Havel's notion of post-democracy.

Keywords: totalitarianism; post-totalitarianism; democracy; post-democracy; Václav Havel

1. INTRODUCTION

More than 30 years have passed since the collapse of the communist regimes of Eastern Europe. Everything suggested that we had reached the pinnacle of civilization and the answer to the question of what kind of world we want to live in. Today, we stand again at a crossroads, in a world torn by wars and devastated by a health crisis of unprecedented proportions. However, we have no idea where to go from this intersection. We seem to have hit a dead end in our ideas about the world.

This article discusses several theoretical concepts and their application in practice. At the end of the last century, the thought that we had reached 'the End' resonated throughout the world. Although we now consider the claims of authors like Francis Fukuyama to be outdated,¹

¹ "Even Francis Fukuyama himself, after his triumphant declaration of the 'end of history' in his 1989 essay *The End of History?*, felt the need to nuance his statements. First, in 1992, in his book *The End of History and the Last Man*, he provided additional context. See 'By Way of an Introduction' in *The End of History and the Last Man* (The Free Press 1992). Later, in response to political scientist Samuel P. Huntington's *The Clash of Civilizations*, the attack on the World Trade Center, and War on Terror, he added in 2001 that the concept of the end of history was tied to the dominance of one system in world politics—in his view, the Western Liberal Democratic system, which could not be ideologically challenged by any other ideal. However, the basic idea of Fukuyama's work remains largely unchanged more than thirty years after its publication. See Francis

we still encounter the liberal narrative that we are living in the best possible system. A system that we have earned through our evolution.

My thesis is that democracy itself contains a real core of totalitarianism. And this core is beginning to surface now that we are entering the late stage of contemporary liberal democracy. The paper shall be organized as follows: in the first section, 'Thoughts on the End', I use short historical insight to explore the idea of reaching the peak of human society's development.

To reflect on this thesis, the second section, 'Totalitarianism and post-totalitarianism', discusses the concepts of 'modern dictatorship' and 'greengrocer'. I aim to demonstrate that Havel's concepts can be applied not only to the communist dictatorship but also to our present era. In the third section 'Havel's comforting specter', I further apply the concept of 'post-totality' to the current form of (neo)liberal democracy.

Against the background of the two previous sections, in the fourth section 'Quest for an alternative' I move on to reflect on the position we find ourselves in and our uncertainty about where to go. In the fifth and final section, 'Farewell to Shadow-Lands' I try to find an answer to the hopelessness of the situation described in the previous section. Here I present Havel's idea of 'post-democracy' as an independent government of platforms and call for a search for other alternatives.

2. THOUGHTS ON THE END

In 1992, English mystery novelist P. D. James wrote *The Children of Men*, presenting a vision of a future set in 2021. The narrative unfolds 25 years after a severe population crisis resulting in complete infertility among humans. The elected administrator of England at the turn of the new millennium abolishes democracy, establishing an oppressive regime. Film director Alfonso Cuarón, in adapting this book, made some notable changes to its tone, particularly in describing the oppressive

Fukuyama, 'The west has won' (Guardian) <<https://www.theguardian.com/world/2001/oct/11/afghanistan.terrorism30>> accessed 30 August 2024.

regime governing the United Kingdom. Cuarón's vision exceeds the original work in social critique and theological depth while retaining the current form of democracy in power. In Cuarón's rendition, liberal democracy does not succumb to the force of a totalitarian dictator. Instead, under the pressure of an unprecedented health crisis, it collapses into a perverse version, assuming a level of control reminiscent of regimes we can certainly label as 'totalitarian'.²

A dystopian movie remains a work of fiction. Some might think that applying such an example to contemporary society is a stretch. However, as recent years have shown, in the context of the COVID-19 pandemic, states were quick to adopt instruments that are considered by many in society to be not very liberal or democratic. For our purposes, it is not necessary to analyze the legitimacy of the measures taken by states to combat the global pandemic. Nor is it required to consider the health aspects of these measures. The undeniable reality is that this crisis has exposed us to the consequences of what happens when democratic institutions and governmental bodies prioritize one value, here safeguarding public health and safety, above all else. Indeed, their actions triggered fierce reactions on the part of many civic forces, whether democratic or anti-democratic. The pendulum between what is or is not democratic is swinging wilder and wilder, and in light of the COVID-19 pandemic, the fear of Cuarón's vision might be justified.

At the end of the 1980s, we experienced the so-called 'autumn of nations', especially in Central and Eastern Europe. The communist government in many Eastern Bloc countries collapsed altogether, freeing up the system that many people saw as a response to the cruelty

² Totalitarianism is originally a liberal-democratic notion whose purpose was to maintain liberal-democratic hegemony. Thus, what was not democratic can be described as totalitarian. We associate this term primarily with non-democratic regimes such as the Nazi or Communist ones. Simplistically, totalitarianism can be seen as a political force that seeks to control all aspects of social life. According to Havel, totalitarian system 'touches man at every turn with its demands.' See Václav Havel, 'Moc bezmocných' (ČT24) <https://ct24.ceskatelevize.cz/sites/default/files/1817870-vaclavhavel_moc_bezmocnych_1978.pdf> accessed 25 April 2022 at 5. The Slovenian philosopher Slavoj Žižek is rather inclined to hold the view that totalitarianism is the short-circuit between the messianic Otherness and a determinate political agent. See Slavoj Žižek, 'Melancholy and the Act' (2000) 26(4) *Critical Inquiry* 665.

and inhumanity of previous regimes. After all, two world wars were raging in the heart of Europe in the twentieth century. It would require millions of books to be written and we would still not reach every dark corner of this period. Europe was in a position to discover its identity, a new language that could alleviate the pain of the abusive regimes of fascism and socialism, regimes that failed to meet even the minimum of Kantian human dignity of those who had to live under their rule. The communist and fascist/Nazi regimes were deeply oppressive, trying to control every single aspect of human life, which has been reduced essentially to a means of production, a resource.

While Western countries had been developing a market economy, hard capitalism, and liberal politics for decades, Eastern countries had almost half a century of communism, often following the terrible experience of the Nazi or similar dictatorship of the first half of the 20th century. After the aforementioned ‘autumn of the nations’, the Eastern countries were flooded with a sense of euphoria, a kind of revolutionary enthusiasm. Although we speak of revolutionary fervor, the democratic changes in Eastern Europe cannot be considered entirely as a direct result of the revolutionary struggle. This is regardless of the number of victims of such struggles. Rather than anything else, the communist regime ‘rotted’ from within. What Western intellectuals only talked about had become a reality in Eastern Europe. The American intellectual Francis Fukuyama announced that history had ended in Eastern Europe as well. His messages about the end of history resonated with the whole world of political science, and for a moment, it seemed that his dream was becoming a reality – we were all slowly moving towards liberal democracy as the highest stage of human society. Fukuyama liked to use definitive terms like when he said that there was only one system that would continue to dominate world politics, and that was the Western Liberal Democratic System.³ This is essential to Fukuyama’s theory of the continuous and long-term development of history, which inevitably leads to its final stage.

³ Francis Fukuyama, *The End of History and the Last Man* (The Free Press 1992) 45.

In his basic thesis, Fukuyama rejects the Aristotelian perception of cyclical history as a closed circle, an eternal recurrence.⁴ In the conception of the old thinkers, one state system is destroyed by a kind of disaster, and a new one is established, always with the help of constitutive violence, which in this conception is incompatible with the will of man and rather dependent on the natural cycle.⁵ This conceptualization entails a kind of divine power, such as a flood, which sweeps away the existing civilization and the whole world begins anew. Such a reincarnative transformation is best described by Michael Ende in *The Neverending Story*. During the story, the Event occurs – the absorption of the world by The Nothing, after which a new world must be built, given a new name, a new language. By the time we reach the end, however, we are forced to repeat the story.

Fukuyama also returns to Hegel, who perceives the historical process as evolving dialectically, and from whom Marx deduced the contradictory problem of capitalism. According to Hegel and Marx, there is always an internal contradiction in the development of some part of history,⁶ which leads to the unsustainability of the system and the resulting disintegration and start of a new one. Fukuyama believed that gradual (rather than mentioned cyclical developments) led us to a system that has no internal contradictions, and the problems associated with liberal capitalism are more of ‘external’ origin.⁷ I will now try to explain that it is not the content of the contradictions of the system, which are an essential part of every stage of the development of human society, that matters.

Eastern European countries, thanks to the revolutionary enthusiasm that came with the early 1990s, are a great showcase for how society has changed, given that, under the pressure of globalization, the gradual development that has taken place in the West for decades has fit into several wild years. While Western intellectuals watched in amazement as Easterners celebrated their newfound freedom, said

⁴ Friedrich Nietzsche, *The Gay Science* (Cambridge University Press 2001 [1882]) 194.

⁵ Fukuyama (n 1) 56.

⁶ Ibid 136.

⁷ Ibid 137.

Easterners were not prepared for the rapid awakening that followed. One of the few intellectuals who realized at the time that the inclination toward liberal democracy was not self-sustaining—and that it carried, on a metaphysical level, the same potential for violence as the communist regime—was a controversial thinker whom Slavoj Žižek refers to as a philosopher-king.⁸ Václav Havel, disciple of the philosopher Jan Patočka, authored a theoretical essay called *The Power of the Powerless*, which analyzes the then communist regime and the society of real socialism. Drawing from the insights of Eastern thinkers who were persecuted by the communist regime, Havel revealed to the world the true nature of how the totalitarian regimes of that era operated. The aforementioned *Power of the Powerless* was an important work that contributed to the ideological foundations of movements such as the Czechoslovak *Charta 77* and the Polish *Solidarność*.⁹ In his essay, Havel presented several key concepts that I would like to discuss in what follows.

3. TOTALITARIANISM AND POST-TOTALITARIANISM

The first of these concepts is modern dictatorship. Havel considered the real socialism in which he lived to be incompatible with the traditional notion of dictatorships that we had known, for example, from the reign of Sulla. Havel's idea of dictatorship (or the way he saw it in socialist Czechoslovakia) was completely global, under the influence of large superpower forces, not a fad of history, and had a solid historical grounding. The ideology of such totalitarianism is very flexible and resembles a secularized religion that answers any question in a time of crisis of metaphysical and existential values. Such an ideology is supported by a sophisticated system of direct and indirect manipulation,

⁸ Slavoj Žižek, 'Attempts to Escape the Logic of Capitalism' (1999) 21(21) *London Review of Books*.

⁹ Paul Wilson, 'Introduction to *The Power of the Powerless: To the memory of Jan Patočka*' in Václav Havel, *Open Letters. Selected Writings 1956-1990* (Vintage Books 1992) 8

and in the end, all the revolutionary enthusiasm disappears, followed by the acceptance of a wholly consumer-oriented industrial society.¹⁰

This definition can also be applied to the current concept of (neo) liberalism. Today, neoliberalism, assuming the form of a quasi-religion, is omnipresent, unquestionable, and seemingly provides answers to most societal inquiries. Having expanded the notion of *laissez-faire* to encompass all facets of human life, neoliberalism entertains the idea that the market is a natural state of affairs.¹¹ After all, the very term ‘*laissez-faire*’ can be interpreted as ‘let it do its thing,’ which evokes a natural phenomenon like the flow of a river. By accepting the market as a natural measure of societal movement, we have succumbed to the rationality of purpose. Submission to this rationality entails accepting a certain degree of blindness, where the purpose—embodied and driven forward by the market—becomes a fetish, a magical entity, or even a ‘god’. If we fetishize rationality as an idol, we cannot intellectually challenge the situation.¹²

The obsession with purpose is in stark contrast to the Kantian idea of human dignity, as we are again witnessing the degradation of the human being into a means of production, a mere source. “Don’t you have a purpose?” asks the neoliberal mind. “You are a useless existence in this market-driven society”. Václav Bělohradský nicely remarks: “Life is possible as human life, only if in our goal orientation there is also a critical distance from purposefulness, from the dictates of expediency and efficiency, for whose deafening one-sidedness we do not hear many ‘no,’ which reality says to our masters.”¹³

The basic proclamation of liberalism is freedom (*liber*, -i, m.: free); autonomy with individual freedoms is the highest value in a liberal system, superior to collective solidarity, social ties, or the obligation to respect customs. According to Slavoj Žižek, liberalism artificially favors a single culture, and that is modern Western culture. Žižek himself then lists several limits of proclamations about individuality, such as

¹⁰ Havel (n 2) 2.

¹¹ Slavoj Žižek, ‘Censorship today: violence, or ecology as a new opium for the masses’ (Lacan.com) <<https://www.lacan.com/zizecology1.htm>> accessed 10 May 2022.

¹² Max Horkheimer, *Eclipse of Reason* (The Continuum 2004) 16.

¹³ Václav Bělohradský, *Čas pléthokracie* (65. pole 2022) 33.

a different approach to the pressure on female circumcision and the pressure on plastic surgery.¹⁴ However, this obsession with individualism leads to an opposite phenomenon in the neoliberal system. As we have already pointed out, the current pressure of liberal capitalism is creating an almost deification of the market. In the absence of an alternative (the famous TINA doctrine, which was used by neoliberal politician Margaret Thatcher), the market must be accepted as the measure of all things. As Oliver Nachtwey put it: “Under the aegis of a total instrumentalized reason, the individual’s mastery of the world turns into the world’s total control of the individual. Market-conforming individuality now becomes society’s imperative.”¹⁵

It is disquieting that Havel’s idea of totalitarian ideology, as a secularized religion is quite clearly reminiscent of today’s neoliberal market obsession. However, the similarity with Havel’s definition does not end there. Part of the idea is also the fact that ideology and dictatorship are maintained by supranational superpower (in today’s world the unquestionable cultural hegemon being the United States). I could talk more about ‘the West’ itself, but the United States has undoubtedly played a leading role here. Moreover, they have been striving for this role for many years, winning decades of struggle with the Soviet Union¹⁶ with a view to setting a dominant course for the world’s ideology. There is perhaps no need to talk about the ideology, globality, or continuing scope of this ‘dictatorship of freedom,’ and certainly not about its inclination towards a consumer industrial society. According to Havel, the dictatorship of real socialism has inherited this feature from the liberal West.¹⁷

¹⁴ Slavoj Žižek, *Violence* (Picador 2008) 145.

¹⁵ Oliver Nachtwey, ‘Decivilization: on regressive tendencies in Western societies’ in Heinrich Geiselberher (ed.), *The Great Regression* (Polity 2017) 108.

¹⁶ Martin Heidegger, for example, regarded this battle as a battle of metaphysically identical civilizations. He wrote: “This Europe, in its unholy blindness always on the point of cutting its own throat, lies today in the great pincers between Russia on the one side and America on the other. Russia and America, seen metaphysically, are both the same: the same hopeless frenzy of unchained technology and of the rootless organization of the average man.” See Martin Heidegger, *Introduction to Metaphysics* (Yale University Press 2000 [1953]) 40.

¹⁷ Havel (n 2) 3.

The second concept that Havel presented in *The Power of the Powerless* builds on the famous example of a greengrocer. Havel demonstrates how the totalitarian system is maintained, following the example of a greengrocer who uses the slogan “Workers of the World unite!” completely without further thought. According to his concept, the greengrocer’s posting a sign is not a statement that he truly believes in, namely that all the workers of the world should unite, but rather a symbol of his humiliation, the surrender to the system in which he lives. According to Havel, it is mainly the people themselves who maintained totalitarianism in late communism. The dictatorship was no longer maintained by force, as was the case in Czechoslovakia in the 1950s when people like Milada Horáková or Heliodor Píka were executed as a warning to the disobedient. Havel’s greengrocer knows that if he does not post the slogan, he could lose a lot in his life, but because human dignity prevents him from saying “I’ll be behaving because I’m scared,” he pretends that this thoughtless obedience corresponds to a higher ideal, a desire for all the world’s workers to unite.

Havel calls this a post-totalitarian system. Its premise is that people engage in what he calls ‘living a lie’ despite being aware of the truth, they behave as if they believe the lies propagated by totalitarian ideologies. They employ symbols that present a distorted image of reality. According to Havel, there exists a gap between the system’s intentions and life’s intentions. Ideology acts as a bridge connecting the system, on the one side, and humanity on the other. It obscures the very existence of this gap, feigning that the system’s demands align with life’s demands.¹⁸ Consequently, a post-totalitarian ideology is inherently false, constructing a world of illusions that conceals reality. Totalitarian power imprisons individuals into a false consciousness through lies and pretense. A prime example of such pretense is the invasion of Czechoslovakia by Warsaw Pact troops in 1968, described officially at the time as ‘brotherly help’. Similarly, the

¹⁸ In Havel’s conception, ideology becomes the very essence of the post-totalitarian regime. As in Marx’s conception, it is not a repressive component that maintains a flawed social order, but acts as a non-repressive element upon which the whole of society participates. Both the leaders (the system) and the people (society).

contemporary Putinist regime in Russia calls the invasion of Ukraine a ‘special military operation’. It is not necessary to succumb to or believe this mystification. Yet, merely conforming to this delusion or getting along with those who genuinely believe it contributes to what Havel defines as ‘living a lie’ – a form of tolerance that perpetuates the false narrative.¹⁹

If I were to envision such a willing ‘living a lie’, I might draw parallels to Plato’s allegory of the cave or the Wachowski siblings’ film, *The Matrix*. The distinction lies in the necessity for active cooperation among individuals willingly trapped in the realm of shadows (or simulation). They choose to enter the cave voluntarily to avoid disruptions in their polis. Despite being aware that these shadows are not real, they willingly embrace false illusions as their reality to ensure a trouble-free life within society.²⁰ Havel himself draws a parallel between the whole issue and Faust’s contract with the devil.²¹

Living in truth was the dominant concept of critical thinking in the former Czechoslovakia.²² Various dissident movements emerged from it, which played a very clear role in the fall of the post-totalitarian system.²³ Petr Pithart distinguishes between two categories: the ‘protest dissidents’

¹⁹ Havel (n 2) 5.

²⁰ Here he is close to the character of the Great Inquisitor from Dostoevsky’s *The Brothers Karamazov*. He denies the reality he sees and deliberately covers himself with a cloak of ignorance because he realizes the gravity of the truth. See Peter Sloterdijk, *Critique of Cynical Reason* (University of Minnesota Press 1987) 183.

²¹ Havel (n 2) 9.

²² Markéta Klusůňová, ‘The Role of Václav Havel in Czech Critical Legal Thought’ in Rafał Mańko, Cosmin Cercel, Adam Sulikowski (eds), *Law and Critique in Central Europe: Questioning the Past, Resisting the Present* (Counterpress 2017) 214.

²³ Václav Havel, perhaps essentialistically, perceived a kind of natural idea of truth towards which man naturally tends. He argued that life by its very nature tends towards plurality, diversity, independent self-constitution and self-organization. Life in truth in Havel’s conception cannot be uniform, because it creates new random and unlikely situations that are difficult to fit into a template. With his slogan “Truth and love will triumph over lies and hatred,” he believed that by removing the ideological phantasm that obscured the truth, we would allow the truth to unfold in its pure form. Today, such a premise can be considered at least naive because what is covered by the veil of ideology is not truth and morality in its purest form, but political struggle. See Gustav Strandberg, ‘From “Life in the Idea” to a “Life in Truth”’ (2022) 70 *Filosofický časopis* 48.

and the ‘contemplative dissidents’.²⁴ The former were vocal critics of the regime, who simply sought to overthrow the establishment, while the latter asked questions about the truth, about the origins of the totalitarianism that emanated from the system prevailing in the country at the time. Havel embodied both dimensions, becoming synonymous with the enigmatic portrayal of the Dissident in the eyes of the West. Critics argue that he maintained this image with great effort and not entirely honestly.²⁵ Despite this, he distanced himself from the ideas typically associated with the term ‘dissent’. From an etymological perspective, the word held little meaning for him, and he rejected the Western perception of dissidents as a limited group of intellectuals focused professionally on criticizing and adopting a radical stance against the regime.²⁶

In contrast to the relatively straightforward analogy linking Havel’s vision of dictatorship to the contemporary world, the post-totalitarian system lacks such clarity in its details. However, it is appropriate to look at the development of communist totalitarianism and democratic totalitarianism. In my opinion, Czechoslovakia will serve as a fitting example. In the 1950s, the Communists seized power in the country and began to collectivize and eliminate political opponents by force. Here we can talk about a time of direct totalitarian oppression. At this time, the revolutionary enthusiasm that Havel rightly associates with the ‘classic’ totalitarians was evident. However, the remnants of revolutionary enthusiasm were dampened in the suppression of the Prague Spring, when the Soviet Union attacked Czechoslovakia and definitively subdued all ideological zeal. After this experience, most Czechoslovak communists became ‘greengrocers’.

When revolutionary enthusiasm led to the decline of the socialist regime and the rise of liberal democracy in Czechoslovakia, there was, as I mentioned earlier, a profound sense of disappointment. According to Pithart, one of the reasons was insufficient dealing with the remnants of communism.²⁷ Here, we find a parallel between the history of the

²⁴ Petr Pithart, ‘Intellectuals in Politics: Double Dissent in the Past, Double Disappointment Today’ (1993) 60(4) *Social Research* 758.

²⁵ Žižek (n 8).

²⁶ Havel (n 2) 21.

²⁷ Pithart (n 24) 753.

struggle for communism and the history of the struggle against it. In the 1990s, a law was introduced in Czechoslovakia that allowed for the prosecution of former communist secret police officers. While these communists were neither executed nor imprisoned, they were publicly identified as those who had terrorized society under the previous regime. The problem of the law was in its indifference to the nature of an individual's actions under the communist government. The lists of secret police agents and associates failed to distinguish between those who were compelled to cooperate and those who did so voluntarily. It made no distinction regarding who gave the orders or to whom the orders were directed. Some of the names appeared on the lists without their bearers knowing, because the secret agent was pressured to report an activity.²⁸ This witch-hunt, comparable even to McCarthyism, represented a departure from the fundamental legal principle of innocence until proven guilty.

4. HAVEL'S COMFORTING SPECTER

At present, the revolutionary enthusiasm that once propelled the hunt for Communists in the Eastern Bloc countries has already waned. Despite the decline in revolutionary fervor, it remains customary to publicly condemn the past regime, especially when arguments begin to resemble a defense of those regimes.²⁹ The reality is that the democratic world is still haunted by a specter, that is the specter of communism. However, the position of this specter is somewhat ambivalent. At the same time, it comes and goes. The logic of neoliberalism likes to consider this specter as the ghost of the past so that it can prove its superiority – we have achieved a better society, and we are now at the end of history. On the other hand, this logic likes to warn – watch out

²⁸ Michael Hauser, 'Halucinační demokracie 1989–2019' in Petr Agha and Petr Drulák (eds), *Sametová budoucnost: Eseje o naší současnosti* (Masarykova demokratická akademie 2020) 20.

²⁹ Even Havel explicitly rejected Marxism, but he couldn't be further from the idea of a liberal fighter for individual rights. See Ulrika Björk, 'The Dissident and the Specter: Reading Havel with Derrida' (2022) 70 *Filosofický časopis* 109.

for the return of communism. On the one hand, this logic ridicules Marx's 'stupid and dysfunctional' theses, on the other hand, it creates an atmosphere of fear that encourages us to fight against everything that seemingly resembles Marxism, for instance things like cooperative ownership. Jacques Derrida sums it up nicely with the phrase "it must not be allowed to come back since it is past."³⁰

Adopting an ambivalent stance toward neoliberalism proves advantageous. On the one hand, it reaffirms the preeminence of liberal democracy as the most effective (if not the sole known) method to 'rule'³¹ the people. On the other hand, it leverages other totalitarian regimes as deterrents, prompting individuals to actively pursue the interests of the state. At the same time, it allows liberals to play the role of victims, putting neoliberal democracy in essentially the same position as, for example, the state of Israel. Israel is in such a position that it is the dominant force in the Middle East and can undoubtedly fulfill its territorial demands. On the other hand, it can still maintain its victim status with the term 'anti-Semitism' operated as a floating signifier.³² This allows it to break free from the responsibilities associated with the position of dominant power.³³

Symbolism is essential for 'living a lie'. The principle of such living is to adhere to the symbols that obscure the truth so that one can live in peace. So, a lie means peace, truth means problems. One such symbol is the liberal rejection of politics and adherence to very non-political and vague terms, such as 'decency' or 'common sense'.³⁴ Although they are

³⁰ Jacques Derrida, *Specters of Marx* (Routledge 2006) 48.

³¹ I deliberately use quotation marks because proponents of liberal individualism refuse to think of it as a way of mastery over man. Individualists refer to the rule of the market as the rational administration of the government.

³² Anti-Semitism is a serious problem that has caused (and still is causing) the suffering of millions of people around the world across generations. Today, the term is also used as an aegis with which the Israeli government (and its supporters) sometimes covers itself against every (even relevant) criticism of its way of governing. A word that previously had a clear (and serious) meaning becomes a floating signifier and can mean anything that contradicts Israel's political interests.

³³ Žižek (n 14) 121.

³⁴ Milena Bartlová, 'Zbořte ty komunistické baráky! Socialismus a modernita mezi pamětí a zapomináním' in Petr Agha and Petr Drulák (eds), *Sametová budoucnost: Eseje o naší současnosti* (Masarykova demokratická akademie 2020) 47.

empty signifiers, in today's democracy they have replaced previously relatively clear concepts, such as the division into right-wing and left-wing politics. When the Civic Democratic Party won the elections in the Czech Republic in 2021, it drew on a perfect symbol to celebrate the fall of communism – a holographic projection of Václav Havel (not Tupac Shakur but Václav Havel), that Havel, whom the representative of the technocratic Civic Democratic Party discredited as a 'socialist', that Havel who refused to live in the realm of symbols. If John Keane spoke of Havel's life and legacy as a tragedy, because this philosopher-king had many times sinned against what he was fighting for, then by this act, the tragedy was completed and Havel's legacy became a farce more absurd than any of his plays.

So, if we can relate Havel's description of modern dictatorship and the post-totalitarian system to contemporary democracy, what does it mean?

5. QUEST FOR AN ALTERNATIVE

Through a long historical arc, we return to Fukuyama's dream of the end of history and the victory of liberal democracy. At one point, Fukuyama was correct in asserting that there is no system capable of rivaling today's liberal democracy. But what was he wrong about? Probably about everything else. In his most famous work on the end of history, Fukuyama refers to Havel's *Power of the Powerless* but omits (I think deliberately) the part where Havel argues that liberal democracy is not the way out and that only manipulation in a democratic dictatorship is 'more subtle and sophisticated than the brutal way of manipulation in the post-totalitarian system'.³⁵

When Žižek claims that the US election in 2016 dealt a deadly blow to Fukuyama's theory of the end of the history,³⁶ it prompts consider-

³⁵ Havel (n 2) 40.

³⁶ Slavoj Žižek, 'The populist temptation' in Heinrich Geiselberher (ed.), *The Great Regression* (Polity 2017) 152.

ation. Even if we do not agree with the extreme comparison of Nancy Fraser-style liberal democracy, who said in 2017 that ‘liberalism and fascism are not really two separate things, one of which is good and the other bad, but two deeply interconnected faces of the capitalist world system,’³⁷ it must be acknowledged that there are more similarities than differences between the neoliberal conception of capitalism and communist or fascist totalitarianism. In my opinion, Fukuyama’s dream has never materialized. Nor could it ever be materialized. Yes, we are currently in an era of liberal democracy, but this does not imply that people can be truly ‘recognized’,³⁸ as suggested by this American political scientist. In the end, it is merely another form of a totalitarian regime, albeit subtler and more sophisticated than its predecessors. We need to continually explore new governance models that surpass the refinement and sophistication of liberal democracies. This perpetual quest for an ideal system ensures that the journey itself remains an eternal pursuit. The intellectuals who experienced life under communism harbored aspirations for something more – they yearned for liberal democracy. Even Havel, while acknowledging that the journey had no definite conclusion, recognized its necessity. However, we must not stop traveling this path, or we will get into a situation where we call ‘*Abyssus abyssum invocat!*’ and in the end, we only fall into nihilism, ultimately accepting some form of the end of history.

We are currently living in difficult times. Liberal democracy faced unprecedented challenges during the coronavirus pandemic, leading to the rise of anti-democratic movements. Additionally, we are on the brink of World War III. All this reminds us of the already mentioned film *Children of Men*. When people like Donald Trump, Narendra Modi, Recep Erdogan, or Boris Johnson won the election with highly illiberal attitudes, many foretold the end of liberal democracy. However, neoliberalism is not surrendering easily, and Joe Biden’s election victory highlights the unprecedented adaptability of (neo)liberalism. After years of persistent decline in trust in democratic institutions, it is

³⁷ Nancy Fraser and Rachel Jaeggi, *Capitalism: A Conversation in Critical Theory* (Polity 2018) 147.

³⁸ Fukuyama (n 1) 143-199.

becoming clear that we are entering a crisis not only of democracy itself, but also of political liberalism. Not the end of history, the pinnacle of human development, to which Francis Fukuyama's liberal philosophy aspires. And although over the years Fukuyama has tempered his enthusiasm (especially in the aftermath of the 9/11 attacks) and tried to focus more acutely on that path to an ideal world, one can no longer look to the future with mere optimism.

As the crisis approaches, we find ourselves in what Antonio Gramsci termed 'the time of monsters.'³⁹ Due to our limited imagination and the constraints imposed by our language, we struggle to envision a better, gentler, and more sophisticated system. Our human thinking is confined, often leading us to revert to previous stages in the evolution of our society, reminiscent of what once was, and of the memories we hold dear. For some, this may evoke nostalgia for the communist regime, for others, Pinochet's dictatorship, or perhaps Italian fascism. Philosophers and theorists⁴⁰ have already examined the system in which we live. The system of neoliberal capitalism, dominated by the seemingly non-political dimension of law, is either dead or dying. Here I would like to quote Franz Kafka, who said that 'the law is what the nobility does.'⁴¹ The term 'nobility' traditionally refers to a social class present in societies with a formal aristocracy, typically ranking just below royalty. In contemporary times, this class might be aptly labeled as 'oligarchs.'⁴²

³⁹ Slavoj Žižek, 'Living in the Time of Monsters' (2012) 422 Counterpoints 43.

⁴⁰ Of course, the contribution of theorists and philosophers cannot be underestimated, but we must not forget Baruch Spinoza's pessimist reminder that 'no men are esteemed less fit to direct public affairs than theorists or philosophers.' I leave it to the reader to judge this remark using 'philosopher-king' Havel as an example. See Benedict Spinoza, *Benedicti de Spinoza Opera quae supersunt omnia, Volumen 2* (De Gruyter 2021 [1803]) 303.

⁴¹ Franz Kafka, 'Unknown Laws' (translated by Michael Hoffman) (2015) 37(14) London Review of Books.

⁴² Although the word 'oligarchy' originally comes from Greek and refers to the rule of a small group of people, in current usage it is reserved for tycoons who control such a substantial amount of resources as to significantly influence national politics. We associate them particularly with Eastern European (post-Soviet) countries such as Russia, Belarus or Ukraine, and it is not generally used for Western businessmen. See Sergei Guriev and Andrei Rachinsky, 'The Role of Oligarchs in Russian Capitalism' (2005) 19(1) Journal of Economic Perspectives 132.

Although we know that the old system is rotten and slowly dying, we must embrace Fukuyama's claim that we do not know a full-fledged alternative and that a new vision still cannot be born. If I were to imagine what such a void looks like, I will borrow C. S. Lewis's concept of the 'Wood between the Worlds.'⁴³

Lewis portrays this realm as a warm grove full of deciduous trees, whose crowns are so intertwined that the sky cannot be seen through them. Among the trunks of these trees are hundreds of small ponds, each representing a different world. At first glance, each of these ponds is indistinguishable from the other, and until we step into it, we cannot find out what this pond contains. We can compare ponds to various political ideologies and state regimes. We know our own pond, but until we step into the others, we cannot know whether what we will find in another pond and whether it will be good or bad for us. We cannot articulate that which is not present yet for it requires language and epistemic capacity we do not have in possession for now, so it remains unknown and scary at the same time.

However, this idea of the forest itself is important to us. The wood is a nexus, providing a link between the worlds, but life itself is empty there. Nothing can be born in it, and there is nothing in it except trees and ponds. It is a picture of a living death, a meaningless life. This scenario mirrors the state in which critical legal theory finds itself. We have already stepped out of the world we know; we have rejected it. But the path is now unclear, we do not know what pond we should step into. A looming finger hangs over our heads with the words 'change will inevitably lead to a new totalitarianism.'⁴⁴ According to Lewis, whoever enters this wood falls asleep. We could rather say that a person in such a state succumbs to nihilism. Without traversing one of the ponds, further development becomes impossible.⁴⁵ It encourages us to move, to discover.

⁴³ Clive Staples Lewis, *The Magician's Nephew* (Macmillan 1966) 20.

⁴⁴ Slavoj Žižek, *Did Somebody Say Totalitarianism?* (Verso 2001) 5.

⁴⁵ As critics, we must not stop looking for new ways. I am referring here to a certain mindset where it is very easy to reject what we know and resign ourselves to finding what we do not know. Paradoxically, such thinking leads to the status quo, that is, a refusal to

If I were to borrow another of Lewis' ideas, it will be the Shadow-Lands concept. Lewis develops here the principles of Christian morality, and his Shadow-Lands are a world from which one can only be freed from by death and faith. However, Lewis paints the imaginary Heaven as an accurate picture of this world, but in a somewhat more 'real' version. The mountains are bigger, the landscape is more colorful, the air is much fresher. Lewis himself likens such an idea of the afterlife, Heaven, to Plato's already mentioned allegory of the cave.⁴⁶ The earthly world is here only an image, a mere shadow of the real world, which has no beginning or end. Leaving aside the part related to death, renouncing life in a lie means stepping out of the Shadow-Lands, ceasing to be satisfied with the mere shadow of society, and entering a world of truth that is more real, more colorful, and so on. This resonates quite strongly with Havel's notion of rejecting ideological lies, the false consciousness presented by the ruling hegemony. A rejection of the idea of the highest stage of human development in the form of the communist dictatorship of the 1970s, but also a rejection of the idea of a possible end of history, of salvation through the Western Liberal Democratic System.

6. FAREWELL TO SHADOW-LANDS

I realize that these concepts are theoretical and almost theological. Therefore, in conclusion, I would like to think about how to break free from the totalitarianism of democracy. That is why I will use Havel's concept of post-democracy.⁴⁷ According to Havel, this concept includes 'a new experience of being, a renewed anchorage in the universe, a new

criticize and a refusal to enter the 'forest' at all, because who would want to fall asleep forever in a world without meaning?

⁴⁶ Clive Staples Lewis, *The Last Battle* (Macmillan 1956) 105.

⁴⁷ This term is primarily used by British political scientist Colin Crouch. In his interpretation, this is an evolutionary stage of democracy that is becoming seriously limited. Crouch links this to the intertwining of politics and business, which leads to lobbying, racketeering and the privatization of public life. Havel's notion of post-democracy is therefore more of a way out of the situation Crouch describes. See generally, Colin

one grasping a higher responsibility, a rediscovered inner relationship with another person and a human community.⁴⁸ This means that the system of traditional political parties will be replaced by ad hoc, open, dynamic and small organizations, which will be filled with revolutionary enthusiasm for a specific goal. However, it is essential for this concept that these organizations will disappear once this goal is achieved. This means legitimizing all public decisions in public dialogue between citizens rather than between elected politicians and experts.⁴⁹ It is almost reminiscent of the concept of ‘the multitude’ of post-Marxist thinkers, Negri and Hardt, who believed in the theoretical formability of democracy without a mediator, a sovereign.⁵⁰

Havel uses a second culture,⁵¹ Benda’s ‘parallel polis,’⁵² as an example of such a form of democracy.⁵³ These were small communities bound together by the suffering of thousands of people whose goal

Crouch, ‘Markets, power and politics: Is there a liberalism beyond social democracy?’ in *Priorities for a new political economy: Memos to the left* (Policy Network 2011).

⁴⁸ Havel (n 2) 41.

⁴⁹ Václav Bělohradský, ‘Rozkoly doby postmoderní’ (2017) 1005 *Salon Práva* 1.

⁵⁰ See generally Michael Hardt and Antonio Negri, *Multitude: War and Democracy in the Age of Empire* (Penguin Press 2004).

⁵¹ In his *Report on the Third Czech Musical Revival*, Ivan M. Jirous characterizes the underground as a spiritual stance adopted by intellectuals and artists who consciously position themselves in critical opposition to the world they inhabit. It represents the activities of individuals rejected by the establishment. Were they to be accepted, they would become part of the first (official) culture, which tends to absorb critical voices. In contrast, the underground, as a representative of the second culture, stands in opposition. These individuals recognize that no change is possible within the existing legal framework and, therefore, refuse to participate in it. Instead, they seek to challenge the establishment through their art. Although Jirous does not use the term ‘counterculture,’ in a contemporary reading of his text, it can be equated with the second culture. See Ivan Martin Jirous, ‘Zpráva o třetím českém hudebním obrození’ (Moderní dějiny) <<https://www.moderni-dejiny.cz/clanek/ivan-m-jirous-zprava-o-tretim-ceskem-hudebnim-obrozeni/>> accessed 2 September 2024.

⁵² A parallel polis is an independent social system operating as an alternative during a totalitarian regime. Václav Benda observed underground cultural communities, and he was able to recognize that these communities functioned very organically, as an independent state – with their own economy, education, political structures, etc. See Václav Benda et al., ‘Parallel Polis, or An Independent Society in Central and Eastern Europe: An Inquiry’ (1988) 50(1/2) *Social Research* 211-246.

⁵³ Havel (n 2) 42.

was to live in the truth, even with no hope of success. The question is whether this concept can be linked to the meaning of dissent, the purpose of which is to revise the social contract and guarantee that a legitimizing fiction cannot be formulated by any uniform vocabulary.

The foundations of such post-democratic movements can be encountered, for example, in Portugal, where the 12th March movement formed quite spontaneously. The movement was started by a Facebook group of several student friends, driven by anger at a neoliberal government that threw its own people overboard at the start of the crisis in order to protect the survival of the banks. The protesters at the time called themselves ‘a generation without a future,’⁵⁴ which may indicate a similar vision of failure that Havel spoke of in connection with the parallel polis.

In connection with platforms such as Facebook, Václav Bělohradský then talks about the so-called politics platforming, which follows market platforming.⁵⁵ He presents a shared economy, AirBnB or Uber, as an example of such tendencies, and he believes we are on our way to Havel’s post-democracy or Negri’s multitudes. In my opinion, unfortunately, Bělohradský overlooks the core of the poodle of these platforms – quite often these are exploitative companies that only benefit from the cheaper work of their ‘employees’ when they avoid the regulations of a rigid state. In this way, they gain a competitive advantage over traditional companies and ultimately contribute to the neoliberal concept of the predatory market. Yes, some of these shared economies do work on the principle of helping ordinary people and behave like cooperative ownership, but the benefits of these groups must always be inward, towards their members. Not outwards, against potential competition. It is a perversion of the idea of these platforms, that can never fulfill Havel’s vision of post-democracy.

The neoliberal democratic system is defending itself against these democratizing moods. Sometimes, it progressively assimilates,⁵⁶ some-

⁵⁴ Donatella Della Porta, ‘Progressive and regressive politics in late neoliberalism’ in Heinrich Geiselberher (ed.), *The Great Regression* (Polity 2017) 32.

⁵⁵ Bělohradský (n 13) 346.

⁵⁶ Nancy Fraser, ‘Progressive Neoliberalism versus Reactionary Populism: a Hobson’s Choice’ in Heinrich Geiselberher (ed.), *The Great Regression* (Polity 2017) 40.

times it hypocritically subscribes to them, as liberal populist Barack Obama did in respect of the Occupy movement.⁵⁷ It all resembles a kind of pat on the head of a small child, no matter how significant the split between the system and the people's protest struggle. Robert Burnham sums it up best when he says: 'In honor of the revolution, it's half-off at the Gap.'⁵⁸ The system does not yield easily, be it to Trump-type populists or to democratization movements taking the shape of Havel's vision of small militias.

It is Trump-like populism that manages to bite harder into the domination of the neoliberal system. Extreme anti-democratic currents are taking over the remnants of the critique that the neoliberal system has not appropriated. Rather than Havel's vision of a post-democracy, we are fulfilling Gáspár Miklós Tamás' grim vision of the post-fascism that has already begun to dominate some Eastern European countries like Hungary and Poland.⁵⁹ Countries that fought to break free from the totalitarianism of the Nazi and Communist regimes are putting themselves at risk of total submission to a fascist political actor because of fear of migration and the erosion of 'traditional values.'

⁵⁷ The idea behind the Occupy movement in 2011 was to criticize banking practices, corporate greed, rising debt, and the ineffectiveness of electoral politics. It resonated primarily among those who were damaged by the collapse of the economy and disappointed that Democratic President Obama had failed to deliver on his campaign promises. (See Tracy Yoder, 'A Tale of Two (Occupied) Cities: Policing Strategies at Occupy Wall Street and Occupy Philadelphia' (2012) 15(4) *JLASC* 602). It is surprising, then, when it was the White House that started talking about the frustrations of ordinary Americans and declared itself a fighter for the 99 percent of them.

⁵⁸ Robert Burnham, 'That Funny Feeling' Inside. [2021] disc 2, track 6 (Attic Bedroom 2021)

⁵⁹ For TGM, post-fascism opposes the tendency to equate citizenship with the human condition and associates it primarily with anti-immigration sentiment. In post-fascist societies, citizenship (and the human rights it entails) once again becomes a privilege withheld from certain sectors of the population. See generally, Gáspár Miklós Tamás, 'On Post-Fascism: The Degradation of Universal Citizenship' (2000) *Boston Review*.

7. CONCLUSIONS

What should we take away from this journey? The half-forgotten⁶⁰ political scientist Fukuyama will most likely fade into oblivion. In his vision of liberal democracy as the highest degree of existence, he celebrated a kind of conservation of human history. But development cannot be preserved, and if anyone claims it, she falls victim to a failure of imagination. In a sense, I am such a victim. Despite all the theoretical considerations, I cannot break out of Lewis' forest realm.

Liberal democracy cannot be the salvation we seek, nor should it have ever been considered as such. It is merely a more realistic and colorful iteration of the systems we have already experienced, with its violence being more subtle and sophisticated, though totalitarianism remains an inherent part of it. Totalitarianism has been ingrained in every stage of human society's development and likely always will be. Havel attempted to define a new stage in the evolution of human society, envisioning a post-democratic system of small platforms. Regardless of how this system would stand the test of history (war, etc.), which would probably call it an impossible fantasy,⁶¹ this idea should not be deemed definitive either. However, Havel was also such a victim of the limits of his own ideas; he worked with the practice of Benda's parallel polis and was able to describe only what he had already seen work.

As human society evolves, our perception of reality expands. Rather, we can describe signs of oppression and violence, just as we can come up with more and more alternatives. This still drives developments forward and eliminates totalitarian efforts to set something definitively. Today, it is no longer shocking to say that Cuarón's *Children of Men* is a vision of capitalist democracy in crisis. We now know that the Western Liberal Democratic System as we know it today, remains essentially totalitarian, and, like a ticking bomb, it is just waiting for

⁶⁰ Slavoj Žižek, 'Have Michael Hardt and Antonio Negri Rewritten the Communist Manifesto for the Twenty-First Century?' (2001) 13(3-4) *Rethinking Marxism* 190.

⁶¹ I am borrowing this phrase from Slavoj Žižek, 'Objet *a* in Social Link' in Justin Clemens and Russell Grigg, *Jacques Lacan and the Other Side of Psychoanalysis* (Duke University Press 2006) 126.

the moment when it will be able to explode in its perverse form. Monarchies, aristocracy, and fascist or communist totalitarianism have also failed to preserve the world in their image. And even current liberal democracy is failing.

Finally, I would like to use Lewis's poetic quote, which briefly describes the Christian vision of the end of history: "The term is over: the holidays have begun. The dream is ended: this is the morning."⁶² However, the holidays are another term. And morning is another dream. We just have to enjoy the next term more than the previous one and wake up to an even nicer dream.

FIRST VIEW

⁶² Lewis (n 46) 113.