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978-1-107-12126-3 - The Legacies of Totalitarianism: A Theoretical Framework

Aviezer Tucker

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The Legacies of Totalitarianism

The first political theory of post-Communism examines its implications for understanding liberty, rights, transitional justice, property rights, privatization, rule of law, centrally planned public institutions, and the legacies of totalitarian thought in language and discourse.

The transition to post-totalitarianism was the spontaneous adjustment of the rights of the late-totalitarian elite to its interest. Post-totalitarian governments faced severe scarcity in the supply of justice. Rough justice punished the perpetrators and compensated their victims. Historical theories of property rights became radical, and consequentialist theories, conservative.

Totalitarianism in Europe disintegrated but did not end. The legacies of totalitarianism in higher education met New Public Management, totalitarian central planning under a new label. Totalitarianism divorced language from reality through the use of dialectics that identified opposites and the use of logical fallacies to argue for ideological conclusions. This book illustrates these legacies in the writings of Habermas, Derrida, and Žižek about democracy, personal responsibility, dissidence, and totalitarianism.

AVIEZER TUCKER is a philosopher and social scientist, author of *The Philosophy of Politics of Czech Dissidents from Patočka to Havel* (2000) and *Our Knowledge of the Past: A Philosophy of Historiography* (2004). He has published extensively in journals such as *The American Interest*; *Critical Review*; *Foreign Affairs*; *History and Theory*; *Independent Review*; *Politics, Philosophy, and Economics*; and *Telos*. He spent a decade working and conducting research in post-totalitarian Europe at the Central European University in Prague, Palacký University, and Charles University in Czech Republic. He has also taught and held fellowships at Columbia University, New York University, Trinity College, the Australian National University, the University of Texas, Austin, and Harvard University.

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Advance praise for *The Legacies of Totalitarianism*

“Aviezer Tucker does not let us forget the totalitarian past – and with good reason. In this admirably comprehensive book, he revisits the much-debated (but later ignored) notions of totalitarianism, late totalitarianism, and post-totalitarianism and offers a powerful, thought-provoking interpretation of their legacies. Tucker discusses inter-related issues in elite change, lustration, transitional justice, property rights, and the configuration of post-totalitarian thinking in a way that opens new insights for academic debates. This book is a welcome contribution to studies in both political philosophy and historical sociology.”

András Bozóki,

Professor of Political Science, Central European University

“‘Only dissidents can save us now. This will be the one truly positive legacy of totalitarianism (maybe together with public transportation),’ writes Aviezer Tucker. His book deals with the negative aspects of this legacy, though – and there are plenty of them, not only in the East. Essential reading at a time when the history of Central and Eastern Europe seems unfinished, again.”

Aleksander Kaczorowski,

editor of Aspen Review Central Europe

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Information on this title: www.cambridge.org/9781107121263

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First published 2015

A catalog record for this publication is available from the British Library.

Library of Congress Cataloging in Publication Data

Tucker, Aviezer, 1965–

The legacies of totalitarianism / Aviezer Tucker.

pages cm

Includes bibliographical references and index.

ISBN 978-1-107-12126-3 (Hardback)

1. Post-communism. 2. Totalitarianism. I. Title.

HX45.T83 2015

335.4-dc23 2015027391

ISBN 978-1-107-12126-3 Hardback

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To Sophia and Veronika,
Truth and Love, now more than ever.
Pravda a láska musí zvítězit nad lží a nenávistí

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Acknowledgments

I have been working on this book for the last quarter century, even before I knew it. I became interested in the end of totalitarianism in Europe and all that followed in real time in 1989–1991. During 1992–1994 I benefited from a grant from the Research Support Scheme of the Central European University in Prague. I have read many books since, but nothing could have substituted for the experience of Prague after the revolution. The Research Support Scheme does not exist anymore and the Central European University centralized in Budapest. But I want to thank George Soros for underwriting those two years. I spent the next four years teaching at the Department of Politics and European Studies of Palacky University in Olomouc in the Czech Republic, where I learned more than perhaps I cared to know at the time about the legacies of totalitarianism. In 1998–1999 I was a Mellon postdoctoral fellow at the Department of Politics of Columbia University in connection with a seminar on Transitional Justice directed by Jon Elster, Steve Solnick, and Tony Marx. During that year I confronted the issues and developed some of the ideas that led to Chapters 2 through 4. I thank the Mellon Foundation for underwriting the seminar and my stay at Columbia and Jon Elster and Steve Solnick for their intellectual companionship. I learned much from them. (Anthony Marx is a scholar and a gentleman, but his area of specialty is South Africa, and mine is not.) I also attended during that academic year Philip Pettit's seminar on political philosophy at Columbia. You may hear echoes of his Republican political theory in this book, especially in Chapter 1. In 1999 I went back on George Soros' payroll, as it were, as deputy editor of the *East European Constitutional Review* at the Law School of New York University. The chief editor was Stephen Holmes and I learned much from his realist philosophy of law and more about post-Communist legal systems. Both are reflected in Chapter 2. The graduate seminar I taught on Theories of Rights at New York University's Political Science Department in the fall of 2002 led smoothly to

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Chapter 5. During 2003–2005 I worked on a research project about deliberative democracy at the Australian National University with Robert Goodin and John Dryzek. That project intersected with this one in my criticism of Habermas in Chapter 7; I absolve Bob and John from any responsibility for it, but I thank them for the time and intellectual environment they gave me to keep working on the ideas of this book. In the fall of 2004 I also benefited from a short fellowship on East Europe at the Woodrow Wilson Center for Scholars in Washington, DC, where I drew the first plan for this book. During 2006–2008 I taught at Queen’s University Belfast, an experience without which Chapter 6 would have been considerably shorter. In 2008–2010 I went back to Prague. I wish to thank the Gvirtzman Memorial Foundation for underwriting this research stay when I completed the first draft of this book, and Eliezer “Laizer” Gvirtzman in particular, without whose diligence and hard work these two years would have been impossible. In 2009–2010 I taught at the CEVRO Institute in Prague seminars on the Legacies of Totalitarianism where I shamelessly required the students to read drafts of the chapters of this book. I thank the rector, Josef Sima for this opportunity. In 2011 I benefited from an International Masters in Economy State and Society (IMESS) grant from the European Union to study the Baltic countries. At the University of Tartu in Estonia, I wish to thank in particular Vello Pettai and Eva-Clarita Pettai for their kind hospitality and earnest conversations about transitional justice. I enjoyed talking with Siobahn Kattago, Marek Tamm, and President Ilves in Tallinn and with Valters Nollendorfs in Riga. In 2011 I arrived at the University of Texas at Austin as Assistant to the Director of the Energy Institute, Raymond Orbach. I had there the opportunity to learn and research much about the new energy geopolitics and its effects on the post-totalitarian sphere and return to conduct research in my old post-totalitarian stomping grounds, Ukraine, Poland, Lithuania, Bulgaria, and of course the Czech Republic (I was also in Rio, but that is a different story). The graduate seminar I taught at the Department of Slavic Studies and the L.B.J. School of Public Affairs at the University of Texas in Austin covered the topics of this book and so was useful in helping me articulate the issues. I thank Mary Neuburger for setting it up. I also benefited from discussing some of the themes of Chapter 2 with Larry Laudan, who returned to live in his native Austin when I was there.

Over the years I made numerous presentations about various aspects and parts of this book. I should thank the invitations and earnest discussions in Columbia University’s seminar on Transitional Justice at the Department of Political Science and in the Harriman Institute, New York University’s school of Law, the Journal Telos’ conference in St. Francis College in Brooklyn, New York, the annual meetings of the American Political Science Association in San Francisco and Boston, the Center for Central and East European Studies at the University of Trento in Italy, the Australian National University, the University of Melbourne, the Woodrow Wilson Center, George Mason University, University College Dublin, New Europe College in Bucharest, the

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Acknowledgments

London School of Economics, the twin Prague institutes for Contemporary History and for the Study of Totalitarian Regimes, the Central European University in Budapest, The Prague Conference on Political Economy, University College London's School of Slavonic and East European Studies, Minsk at the invitation of the Belarusian Philosophical Circle and the Visegrad Fund, the University of Tartu, Forum Wolnosci in Grodzisk Mazowiecki in Poland, the University of Texas in Austin, the University of Utrecht, and the conference "Totalitarian Regimes Heritage in Hate Crimes" convened by the Lithuanian Ministry of Justice in Vilnius to mark the Lithuanian presidency of the European Council.

Last but not least, I wish to thank the two women in my life, Veronika and Sophia, who enjoyed each other's company while I was missing them writing and traveling. Sophia, in six years of life, has already lived in Prague, Berlin, New York, Austin, and Boston, mastered English and Czech, and visited Paris, London, Bangor, Dublin, Barcelona, Tallinn, Riga, Cologne, Amsterdam, Venice, and of course Zdikov. When I was at her age, I did not go further than a mile's radius from my home. This is by way of an apology to her and Ms. Angela for neglecting Sophia's violin instruction while I was sprinting to the finish of writing this book.

This book is a unique integral whole and not a collection of articles. But I used as raw materials parts of previously published articles. I thoroughly updated, revised, expanded, and recontextualized these materials. I thank the following journals and Cambridge University Press for allowing to use the following published works: The New Politics of Property Rights, *Critical Review*, 16 (2004), 377–402. "Paranooids May be Persecuted: Post-totalitarian retroactive justice," and "Rough Justice: Rectification in post-Authoritarian and post-Totalitarian Regimes," in Jon Elster, ed., *Retribution and Restitution in the Transition to Democracy* (New York: Cambridge University Press, 2006), 181–205, 276–298. "Restoration and Convergence: Russia and China since 1989," in *The Global 1989: Continuity and Change in World Politics*, George Lawson, Chris Ambruster and Michael Cox, eds. (Cambridge: Cambridge University Press, 2010), 157–178. "Jamming the Critical Barrels: The Legacies of Totalitarian Thinking," *Angelaki: Journal of the Theoretical Humanities*, Vol. 15, No. 3, (2010), 139–152. "Scarce Justice: The Accuracy, Scope and Depth of Justice," *Politics, Philosophy, and Economics*, Vol. 11, (2012), 76–96. The article on the New Politics of Property Rights emerged from the graduate seminar on political theory that I taught in the fall of 2002 at the Department of Political Science of New York University. I am pleased to acknowledge with gratitude the assistance of my NYU graduate students Maria Ruibal, Jack Cahill, and Farrah Brown in writing that article and thereby some of the materials included in Chapter 5.

Cambridge, MA

January 2015