Václav Havel's Meanings

His Key Words and Their Legacy

David S. Danaher
and Kieran Williams (eds.)

KAROLINUM PRESS VÁCLAV HAVEL SERIES

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Edited by David S. Danaher and Kieran Williams

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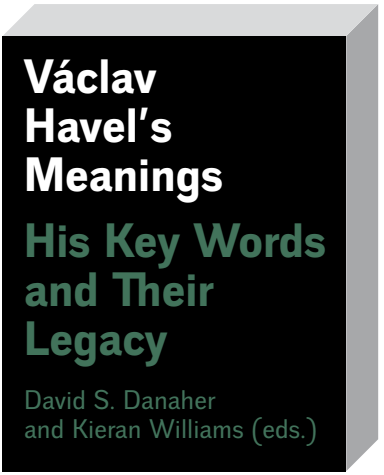

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David S. Danaher and Kieran Williams

Lying in a prison hospital bed in September 1981, Václav Havel wrote to his wife of his conviction that life has meaning. "We wade in transience, we are sinking in it," he told her, "And if we do not wish to surrender entirely—that is, to give up on our journey (and thus on ourselves)—we must feel that 'it is all for something,' that it has a direction, that it will not all pass away irretrievably, enclosed in its own momentary randomness." We may never determine exactly what that meaning is, but it would be enough to feel that "our lives are heading somewhere and mean something, are not—from 'the cosmic point of view,' so to speak—overlooked or forgotten, they are 'known about,' and somewhere are valued and given meaning."[1]

Since his death 30 years after writing that letter, many efforts have been made to ensure that Havel is not overlooked or forgotten, and that he is "known about." If anything, his life has taken on an urgent timeliness, owing to developments in his home country and worldwide. He has served posthumously as an ally against a range of perceived maladies, be they messianic populism,[2] Chinese brutality in Hong Kong,[3] or "identity politics."[4] In addition to commemorative events on the anniversaries of his birth and death, and of the

1 Letter 94, in Václav Havel, *Spisy 5: Dopisy Olze* (Prague: Torst, 1999), 370–71; in English as *Letters to Olga: June 1979 – September 1982.* Trans. Paul Wilson (New York: Henry Holt, 1989), 230.

2 Daniel Brennan "Reading Václav Havel in the Age of Trump," *Critical Horizons* 20:1 (2019): 54–70. See also Kieran Williams, "Václav Havel's 'Leaving' and the Toxic Aging Narcissist in a Baseball Hat", *Medium*, December 6, 2017, https://medium.com/@KDWilliams7/v%C3%A1clav-havels-leaving-and-the-toxic-aging-narcissist-in-a-baseball-hat-f8e006fbb3ee.

3 Štefan Auer, "Power and Violence, Hope and Despair: Václav Havel's Political Thought in 1989 and 2019," November 5, 2019, Lingnan University, Hong Kong.

4 Jeremy Carl, "Douglas Murray Challenges Us to Oppose Identity Politics and 'Live in Truth'," *National Review*, October 17, 2019, https://www.nationalreview.com/2019/10/douglas-murray-challenges-us-to-oppose-identity-politics-and-live-in-truth/.

1989 revolution with which he is intimately associated, there has been a longstanding public display, "Havel in a Nutshell," with companion book,[5] and a steady stream of publications from the Václav Havel Library, including reminiscences of Havel by friends, associates, and acquaintances.[6] Most of the contributors to this volume in Karolinum's Václav Havel Series have written their own monographs about him, and others are available in numerous languages.[7] He has been the subject of numerous documentary films and, in 2020, the dramatized biopic *Havel*. Novel ways are found to reassemble his words to inspire new generations of readers: a collection of 100 quotations has been compiled to preserve and promote Havel in aphoristic form (as was done for an earlier president, Tomáš Masaryk),[8] while interviews he gave between 1964 and 1989 have been reissued under the title *Má to smysl*–"It makes sense," "It has meaning," "It has a purpose," or simply "It matters."[9]

5 Nina Rutová, *Havel v kostce: 14 lekcí o jedné osobnosti a každé době pro učitele a studenty* (Prague: Knihovna Václava Havla, 2011).

6 Anna Freimanová (ed.), *Příležitostný portrét Václava Havla* (Prague: Knihovna Václava Havla, 2013); Jan Dražan and Jan Pergler, *Náš Václav Havel: 27 rozhovorů o kamarádovi, prezidentovi, disidentovi a šéfovi* (Prague: Zeď, 2016); Rosamund Johnston and Lenka Kabrhelová, *Havel v Americe: rozhovory s americkými intelektuály, politiky a umělci* (Brno: Host, 2019).

7 Martin C. Putna, *Václav Havel. Duchovní portrét v rámu české kultury 20. století* (Prague: Knihovna Václava Havla, 2011); James Pontuso, *Václav Havel: Civic Responsibility in the Postmodern Age* (Lanham: Rowman & Littlefield, 2004); Daniel Brennan, *The Political Thought of Václav Havel: Philosophical Influences and Contemporary Applications* (Leiden: Brill, 2017); Dirk Mathias Dalberg, *Der "Versuch, in der Wahrheit zu leben": Václav Havels Politikbegriff und politische Strategie in den Jahren 1969 bis 1989* (Stuttgart: Ibidem, 2014); Martin Bermeiser, *Václav Havels Reden: Aspekte einer holistichen Rhetorik* (Stuttgart: Ibidem, 2017); Geneviève Even-Granboulan, *Václav Havel, président philosophe* (La Tour-d'Aigues: Éditions de l'Aube, 2003). For biographies, see Carol Rocamora, *Acts of Courage: Václav Havel's Life in the Theatre* (Hanover, NH: Smith & Kraus Global, 2005) and Michael Žantovský, *Havel: A Life* (New York: Grove Atlantic, 2014). For review essays of biographies of Havel, see Miloš Havelka, "Úspěchy a neúspěchy v nejednoznačných konstelacích. Pět biografií Václava Havla", *Soudobé dějiny* 22:3–4 (2015), 474–502, and Václav Sixta, "Václav Havel a jeho zápletky", *Historie – Otázky – Problémy* 8:1 (2016), 159–170.

8 Pavel Kosatík, *100× Václav Havel: Jak rozumět jeho myšlenkám* (Prague: Universum, 2019).

9 Anna Freimanová and Tereza Johanidesová (eds.), *Václav Havel – Má to smysl: Výbor rozhovorů 1964–1989* (Prague: Knihovna Václava Havla, 2019).

Just as he was certain that life had meaning, Havel felt no less certain that he must try to impart the meaning of his own but was doomed to fall short because of the inability of language to capture the mystery of Being.[10] Despite the inevitable frustration, language enchanted Havel and was at the center of all his efforts:

> Another thing I should perhaps mention here is an interest in language. I'm interested in its ambivalence, its abuse; I'm interested in language as the architect of life, fates, and worlds; language as the most important skill; language as ritual and incantation; the word as the bearer of dramatic movement, as an identity card, as a way of self-affirmation and self-projection.[11]

With words Havel built a corpus of texts that stand as his legacy, a body so rich that it will probably be the only work of a Soviet-bloc dissident that will still be read long into the future, because its meaning is not confined to the circumstances of its creation. But Havel himself warned in his 1989 essay "A Word about Words" that no word's meaning is limited to its dictionary definition: "Each word contains within in it also the person who pronounces it, the situation in which it is pronounced, and the reason why it is pronounced."[12] That applies to Havel himself, famous for his frequent use of certain words that upon inspection turn out to possess layers of meaning, sometimes idiosyncratic, which offer the keys to understanding why he still matters and still speaks to people in diverse situations as well as to the modern condition in general.

Our volume builds on the approach set out in Danaher, *Reading Václav Havel* (chapter 4) of focusing on key words. A key word is

10 Václav Havel, *To the Castle and Back*, trans. Paul Wilson (New York: Knopf, 2007), 347.
11 Václav Havel, *Spisy 4: Eseje a jiné texty z let 1970–1989. Dálkový výslech* (Prague: Torst, 1999), 902; in English as *Disturbing the Peace: A Conversation with Karel Hvížďala*, trans. Paul Wilson (New York: Vintage, 1991), 193.
12 Václav Havel, "Slovo o slovu," in *Spisy* 4, 1135.

one that occupies a central position in a work—or even over the entire oeuvre—of a given thinker because it exhibits special organizational and semantic potential for that work or for that thinker's whole system. While Raymond Williams and Anna Wierzbicka pioneered the investigation of key words in culture,[13] Mark Edmundson, among others, emphasized their role in philosophical thought: "[I]t is not surprising that to every philosopher of consequence we attach a word list, a central vocabulary. We think of the words and phrases they have invented or those that they have bent themselves over for long periods, minutely shaping and polishing, like expert gem cutters."[14]

Key words in Havel's oeuvre are not particularly difficult to identify. They are running motifs in his writing that cut across genres and time periods (his pre- and post-1989 incarnations); as central elements of his core vocabulary, they serve as intellectual touchstones around which many of his larger ideas take shape. The meanings of Havel's key words may also be found in works where the words themselves are absent—that is, in his plays, where we might speak more productively of Havelian key concepts. We should also note that often these words defy simple translation into English and thus require linguistically sensitive analyses, and some chapters in this volume focus on those aspects of meaning that may be lost in translation.

The contributors to this volume are drawn from a range of academic disciplines and countries, and approach Havel in varying ways. As editors, we have not insisted on a single method for analyzing the key words they have selected. That pluralism is a strength, a reminder of Havel's own talents in multiple fields—essays, plays, speeches, letters, interviews, poems, diaries—and done in the spirit

13 Raymond Williams, *Keywords* (Oxford: Oxford University Press, 1976); Anna Wierzbicka, *Understanding Cultures through Their Key Words* (London: Oxford University Press, 1997).
14 Mark Edmundson, *Literature against Philosophy; Plato to Derrida* (Cambridge: Cambridge University Press, 1995), 13.

of collage, which he experimented with in his plays (such as *The Increased Difficulty of Concentration*) and memoirs (*To the Castle and Back*). It is our hope that this mixture of methods will open up dimensions of Havel's writing that non-Czech readers might not appreciate from translations, or even that Czech readers may find do not tally with customary, everyday usage. Havel, after all, started out attempting to make it as a poet, and a poet's mission is to disturb settled language and make the familiar strange, which he strove to do even after abandoning poetry in early adulthood.

The first key words we have chosen to present relate to the ideas of the appeal or challenge, as the whole of Havel's work represents an exhortation to everyone—not just to those normally considered powerful—to reflect critically on the state of the world and what we can do to repair it. As he told his country at the beginning of his second year as its president: "A year ago I closed my New Year's address by paraphrasing Comenius's famous sentence, 'Your government, o people, has returned to you!'. Today I would follow this sentence with: 'It is up to you, o people, to show that the return of government into your hands made sense [*měl smysl*].'"[15] That words without action are meaningless was the premise of one of his lesser known early plays, the one-act *Butterfly on an Antenna*, about an overly intellectual couple who cannot cope with the pressing task of shutting off a running faucet but fixate instead on its abstract, technical hydraulics and symbolism as a "metaphor of apocalypse."[16]

The idea of speech as an appeal, in particular an appeal to arrive at one's own truth and act upon it, frames the progression of the chapters, as we move through several chapters relating to place and space (to which Havel, as the son and grandson of builders, was very

15 Václav Havel, "Novoroční projev," in Havel, *Spisy 6: Projevy z let 1990–1992. Letní přemítání* (Prague: Torst, 1999), 331.
16 Václav Havel, "Motýl na anténě," in Havel, *Spisy 2: Hry* (Prague: Torst, 1999), 231.

sensitive), before arriving at power, responsibility versus indifference, and the collective action of civil society. We have asked Jiří Přibáň, one of the most prominent Czech public intellectuals of the post-1989 era, to introduce these chapters with a foreword, but there is no last word: we hope that this collection will appeal to readers to think with Havel on their own terms and engage with his many key words not covered here, such as *autentičnost* ("authenticity"), *bytí* ("Being"), *dějiny* ("history"), *demokracie* ("democracy"), *Evropa* ("Europe"), *fanatismus* ("fanaticism"), *identita* ("identity"), *intelektuál* ("intellectual"), *katarze* ("catharsis"), *naděje* ("hope"), *samopohyb* (usually translated as "automatism"), and not least the multiple meanings of *smysl* ("meaning, sense, purpose").

Notes on the volume's citation format and translated texts

Citations of Havel's collected works refer to Václav Havel, *Spisy* (Prague: Torst, 1999); citations will indicate volume and page numbers.

Havel's prison letters, *Letters to Olga*, will be cited by reference to the letter number. The Czech version of this work is found in Václav Havel, *Spisy* 5 (Prague: Torst, 1999), and the English translation (by Paul Wilson) is Václav Havel, *Letters to Olga* (New York: Henry Holt, 1983).

His essay "The Power of the Powerless" will be cited by reference to chapter number. The Czech version of this work is found in Havel, *Spisy* 4, and the English translation (by Paul Wilson) is in Václav Havel, *Open Letters* (New York: Knopf, 1991). Wilson updated his translation for a special edition of the journal *East European Politics and Societies* (32: 2, May 2018, eds. James Krapfl and Barbara J. Falk) devoted to the essay, and a full text with an introduction by Wilson is available there. Other full-text versions in both languages are also readily available on the web.

Presidential addresses by Havel will be cited by title and year. Texts of these addresses are available on the website of Prague Castle, the seat of the Czech presidency: the Czech versions may be found at http://old.hrad.cz/president/Havel/speeches/index.html, and the English versions (of those addresses that have been translated) are at http://old.hrad.cz/president/Havel/speeches/index_uk.html. Czech versions of the presidential addresses also exist in various volumes of Havel's *Spisy*, and English translations for some of the major addresses from the early-to-mid 1990s are available in Václav Havel, *The Art of the Impossible: Politics as Morality in Practice* (New York: Knopf, 1997).

Havel's plays are cited by name. Czech versions of most of the plays may be found in Havel, *Spisy* 2; for *Leaving*, see Václav Havel, *Spisy 8: Projevy a jiné texty 1999–2006. Prosím stručně. Odcházení* (Prague: Torst, 2007). English translations of certain plays may be found in: Václav Havel, *The Garden Party and Other Plays* (New York: Grove Press, 1994); Václav Havel, *Vaněk Plays*, trans. Jan Novák (New York: Theater 61 Press); Václav Havel, *Leaving*, trans. Paul Wilson (New York: Theater 61 Press); Václav Havel, *The Memo*, trans. Paul Wilson (New York: Theater 61 Press); and Václav Havel, *The Beggar's Opera*, trans. Paul Wilson (Ithaca: Cornell University Press, 2001).

The editors of this volume have collaborated with the authors on translating two chapters in this volume ("home, homeland" and "prison") from Czech into English.

AT THE GARDEN PARTY OF MOTHS AND BUTTERFLIES: A FOREWORD TO HAVEL'S KEY WORDS AND IMAGINARIES

Jiří Přibáň

One of the most typical hallmarks of political modernity is Thomas Hobbes's view that *auctoritas non veritas facit legem*, usually shortened as the 'might is right' statement invoked by self-declared political realists. Against this view, political idealists argue that *veritas non auctoritas facit legem* and call on the authority of reason to guide our political life by guaranteeing truth in politics. For them, the political sovereign's might depends on the mightier rule constituted by the sovereign power of reason.

While the legacy of Hobbes still dominates political and social theories and definitions of politics through the exercise of sovereign commands, the general habit of obedience and the state as the monopoly of power within a given territory, the tradition of identifying legitimate politics with truth is much older and its modern imaginary is typically associated with the Kantian view of public opinion governed by reason. The persuasive force of reason manifests itself in the public sphere of civil society, which is expected to facilitate free discussion transforming diverse opinions into rational judgements and political consensus. Public participation and rational engagement are then expected to constitute specific control of political authority, in which the sovereign reason rules the state and its legal constitution.

These conceptual and ideological distinctions between political realism and idealism, or power and truth, are usually mastered by political, legal, and social scientists in early stages of academic development despite their gross simplifications of political and legal reality as well as a failure to describe the complexity of modern

society. It is therefore very important for academics, as much as citizens, to encounter and explore political and legal constellations in which the keywords of *auctoritas*, *veritas*, and *lex* cannot be simplified and summarized in typical formulas, conceptual distinctions and intellectual clichés.

Realism of idealistic visions

For me, this moment came when I was invited to a private meeting of constitutional law experts with President Václav Havel in the Lány castle residence in 2000. It was the time of the most serious constitutional crisis since the split of Czechoslovakia, one that threatened the whole system of separation of powers. The crisis was triggered by the 1998 parliamentary election leading to the political pact, the so-called "opposition treaty," between two major parties, ODS (the right-wing Civic Democratic Party) and ČSSD (the left-wing Czech Social Democratic Party) and their leaders Václav Klaus and Miloš Zeman. The treaty included proposals of constitutional changes that would shift power to the executive branch of Government and, even more importantly, eliminate smaller political parties from Parliament.

Havel opposed this move to concentrate parliamentary and executive powers in the hands of two major political players. When general goals of the opposition treaty materialized in the form of a new electoral system proposal that meant to transform the existing proportional system into a *de facto* majoritarian one, he, therefore, wanted to discuss his options with some senior judges and constitutional law experts. When he entered the room and pulled out his worn copy of the Czech Constitution from his blazer pocket to point to a particular section, it, nevertheless, was clear that he already had a strong view and critical assessment of the whole situation.

Havel's knowledge of the Constitution's letter was impressive and his commitment to the spirit of constitutionalism dominated

the discussion of specific rules and techniques on that evening. The election reform proposal was enacted by Parliament later that year in June 2000.[1] Havel's early assessment of the proposed changes and his determination to refer them to the Constitutional Court were overwhelmingly supported by constitutional experts. His arguments that the new electoral law was a legal technique of effectively introducing a majoritarian system of voting and would violate the constitutional rule that the lower chamber of Parliament be elected by proportional representation, were ultimately accepted by the Court, which declared the electoral law unconstitutional in January 2001 and thus fundamentally strengthened the new Constitution's fragile and evolving fabric.[2]

This first working encounter with Václav Havel, however, also had a strong symbolic and intellectual meaning for me because it illustrated that the relationship between *auctoritas*, *veritas*, and *lex* was a lot more complicated than the two formulas defining the distinction between political realism and idealism.

Havel was sometimes labelled an idealist, yet he realistically judged his political moves and made powerful strategic decisions that successfully weakened his adversaries and fundamentally strengthened the emerging system of democratic constitutionalism and firmly placed the Czech Republic in European and transatlantic structures despite the notorious Czech Euroscepticism and anti-NATO sentiments. After all, it is hard to imagine anyone but a pragmatic and realist politician leading the country for over thirteen years marked by the most profound political, economic, and social transformation.

1 Act No. 204/2000 of the Collection of the Laws of the Czech Republic.

2 Judgement of the Constitutional Court of the Czech Republic No. 64/2001. In his speech before the Court, Havel summarized: "I am a big supporter of the majoritarian system myself. This is why I welcomed its implementation for the Senate elections. Nevertheless, this incorporation of majoritarian elements to the proportionate representation system not only attacks foundations of this proportionality, but also brings no advantages of the majoritarian system. Should majoritarian elements prevail, the very existence of bicameralism could be questioned …". For the Czech transcript, see https://archive.vaclavhavel-library.org/File/Show/158529.

Havel's politics used ideals as tools of achieving realistic goals. Even his most famous quote "Truth and love must prevail over lies and hate" is a blend of idealism and realism because truth and love are taken as carriers of specific policies and modes of political judgement. However, this realistic use of truth's power was always framed by Havel's idealistic vision of politics as a meaningful human effort and not just a professional vocation.

Theatrum politicum v. noble lies

The idea of collecting essays on Václav Havel's keywords, therefore, is a praiseworthy and original contribution to the growing body of literature on this person's life, work, ideas, and politics. Havel's notions of truth, power, civil society, and responsibility are inseparable from his understanding of theater and prison or indifference and appeal. His thinking is impossible to categorize and organize as a lexicon, and this collection of essays successfully argues against any such attempts. It actually invites its reader into the most complex, even contradictory thoughts and intellectual and artistic reflections in Havel's works.

It should not be surprising that the centrality of Havel's arguments from the perspective of human authenticity and living in truth goes hand in hand with constant use of the theatrical aspects of politics in both his dissident and presidential actions. For Havel, politics was always dramatic, but this *theatrum politicum* does not mean that, as Plato argued, it would be just the world of mimetic acts, illusions, and appearances obstructing our access to the truth. Havel's notion of living in truth integrated drama as an intrinsic part of authentic human creativity. However, Havel was always critical of the political idea of legitimation by a "noble lie" originally formulated by Plato and subsequently adopted by ideologues of all kinds from conservative traditionalists to revolutionary Marxists.

In his *Republic*, Plato imagines the ideal polity founded on "one single, grand lie which will be believed by everybody including the rulers."[3] The lie was to function as a fiction of the common descent of the city's population from the earth that, nevertheless, is accompanied by a fiction that the citizens' souls contain different metals and their bearers therefore belong to different social classes.

Plato's assessment of the ideal city as a polity to be ideologically integrated by a lie was replicated by many different theories and philosophies of politics. According to this view, the need to balance concurrent expectations of commutative and distributive justice is impossible to satisfy by real political acts and therefore must be answered by idealizing metaphors, fictions, and symbols. These symbols of power must guarantee acceptance, unity, and general consensus, and their main function is to eliminate internal conflicts, contradictions, and dissent potentially emerging in society.

Karl Mannheim described this function of ideology as stabilization of a political order by blurring the pluralistic and conflictual reality of society. In "The Power of the Powerless," Havel described the legality of the communist regime as a façade functioning exactly like this ideological machine, using abstract and empty notions of the legal system to cover the regime's real repressive character. He did not just criticize the regime's official lies and the role of legality in masking its brute power.[4] He also highlighted its legitimizing function of presenting the total and only representation of society while suppressing societal pluralism and the structural conflicts between those who rule and those ruled by them.

Havel's dissident call for living in truth thus should be interpreted as a delegitimation strategy unmasking all ideological lies, noble or

3 Plato, *The Republic*, Book III, 414b–c (Cambridge: Cambridge University Press, 2000) 108–10.

4 Václav Havel, "The Power of the Powerless" in Václav Havel et al., *The Power of the Powerless: Citizens Against the State in Central Eastern Europe*, ed. John Keane (London: Hutchinson, 1985), 74–75.

poor, and their total images of society. Its social function is to reveal specific gaps in ideological claims of total legitimacy.[5]

Legality and legitimacy

As regards the *lex* of the communist regime, political dissent exposed its ideological function of concealing the *veritas* of the state of politics and thus operating as a tool of filling the legitimation gaps in the regime's *auctoritas*. Rather than the simplistic distinction between truth and lies in politics, the dissident strategy thus reveals the basic problem of modernity in which the original question of legitimacy *by* legality was gradually transformed into the question of legitimacy *of* legality itself. The relationship between power, truth, and laws thus has to be reconceptualized because modern history offers many examples of the worst atrocities and crimes against humanity committed by legislated laws and court judgements.

Every power calls for legitimation. In modern democratic statehood, this legitimation, however, is extended from the power-holders to the whole polity described as the constituent power of the sovereign people. Nevertheless, this concept of popular sovereignty as self-rule must be strictly limited to the system of politics. In this sense, the totalitarian state failed because it was constituted by the ambition to govern the totality of society beyond politics. Totalitarianism is thus best described as the political goal of creating a state with one official ideological opinion on everything—something contradicting the very nature of modernity differentiating between politics and society and generating its legitimacy from the distinction between the public and private spheres of social life.

The modern democratic state governed by the laws, the democratic *Rechtsstaat*, operates on simultaneous limitation and expansion

5 Jiří Přibáň, *Dissidents of Law: On the 1989 Velvet Revolutions, Legitimations, Fictions of Legality and Contemporary Version of the Social Contract* (Alershot: Ashgate, 2002), 145–51.

of the state power by legality. Power is legitimized by legality as its limitation but the same legality expands it. The problem of legitimation is thus extended from the political system now legitimized by legality to the legal system and its internal constitution.

Despite all references to living in truth, political dissent and its critique of communist ideology paradoxically proved that modern *lex* cannot be subjected to the higher-legitimacy test of ultimate *veritas*. The *auctoritas* of law is neither in its higher truth as claimed by idealist philosophers, nor in its efficiency as argued by realist political scientists and sociologists. Legality in the democratic state is actually legitimized by its internal capacity to minimize potential risks of injustices produced by the system of positive law.

Apart from controlling political power by its constitutional limitation, the rule of law legitimizes it by intrinsic legal values such as clarity, consistency, and coherence of rules, judgements, and decision-making. These values of legality have profound external effects, and their general societal validity recursively turns positive law into commonly accepted practices and the ultimate authority of legitimate politics. Neither the sovereign power, nor reason make laws. It is the law's internal morality that self-constitutes its authority and functionality beyond the ideological façade of repressive consent. And dissidents showed that the absence and systemic breaches of this internal morality delegitimizes both law and power.

In this respect, it is interesting how this internal morality of law was present in Havel's thinking in his dissident as much as president years. When he reflected on post-1989 constitution-making, he remarked that:

> Lawyers have their own vocabulary, and I think I understand most of what is said or written on these matters, but it's not just about me. The language of the constitution should be as clear as spring water, and it should be immediately and fully understandable to every student. It

should, in short, be the real property of the people, as it is in the United States.[6]

It is also noteworthy that this remark on the clarity of law is closely connected to Havel's lifelong critique of legal formalism and positivism. In the following sentence, he states: "I am no friend of an overly formal, positivistic notion of the law, because I know how much injustice can flow from a mindless and literal cleaving to the letter of the law."[7]

The struggle of a political dissident meets the ethic of a democratic president in these words.

Values and the meaning of politics

The legacy of political dissent primarily consists of negative warnings and comes close to Blaise Pascal's view that political reality is constituted by earthly power conflicts and struggles, not divine entitlements.[8] According to Pascal, it is human fear and fragility that constitute a political order and the sovereign ruler, therefore, should fear power of the ruled people. Similarly, any dissent reveals a paradoxical truth about the totalitarian state—it is based on fear and noble lies, yet its rulers constantly fear the ruled in their poverty and powerlessness.

These lessons from dissident politics show the impossibility of eliminating the language of values from either the system of positive law or politics. The ultimate point of the legitimation of power is neither its efficiency, nor its principled limitation. It is the very meaning of politics as a valuable human enterprise.

However, modern history shows that human values are formulated as transcendental foundations of our society by both professional

6 Václav Havel, *To the Castle and Back* (London: Portobello Books, 2007), 191.
7 Havel, *To the Castle and Back*, 191.
8 Blaise Pascal, *Pensées* (New York: Dutton, 1958), 85.

politicians and their dissenting critics, yet they operate as just momentary outcomes of different legitimation strategies and operations. Values are expected to be universal, objective, and socially stable, yet they suffer from profound instability, subjectivity, and particular conflicts.

The problem of values in modern politics and society is that there is no chance that they could be generally shared and accepted as universally valid. Modern society is by definition morally pluralistic, and different people share different and conflicting values. All categorical and absolute value imperatives are challenged by the plurality of existing values.

Reflecting on this immanence and plurality of legitimizing values, Max Weber stated that the most important aspect of authority is that the ruled believe that they "had made the content of the command the maxim of their conduct for its very own sake."[9] It means that they believe in objective validity of values behind the subjective will and power to which they are subjected.

Weber concluded that this paradox of subjective beliefs in objective validity does not have a definitive solution because politics, like the economy or science, cannot be founded by a system of universal values expressing the true human existence and responding to the most essential question of the meaning of life. According to him, the only existential meaning of politics is its recognition that neither politics, nor science or philosophy, can open access to universally valid principles and values of humanity. In short, Weber believed that the vocation of politics, law, science, or any other intellectual discipline or social activity, consists of the recognition that objective legitimacy by values is paradoxically both necessary and impossible.

9 Max Weber, *Economy and Society 2* (Berkeley, CA: The University of California Press, 1978), 946.

Dissident *potentia* of delegitimation

The paradox of values as necessary yet impossible sources of legitimation of politics and law is well illuminated by dissident struggles to both unmask the true mechanisms of communist power and formulate valuable alternatives to the existing rule. In this context, Havel's conceptualization of the power of the powerless needs to be revisited and reformulated in light of Spinoza's distinction between societal force—*potentia*, and institutionalized political power—*potestas*.[10]

The distinction between societal force and political power has been popular among critical theorists and philosophers contrasting repressive power of the political system to the repressed multitudes striving for self-determination. However, the strategy of dissent hardly can be reduced to these simple dichotomies and alternatives between state repression and societal liberation. It escapes apocalyptic imaginaries of political sovereigns controlling the bare lives of their populations.[11] Despite Havel's distinction between the intentions of life and the intentions of the system and its similarity to critical philosophers such as Jürgen Habermas's criticizing the alienating and automatic working of the system of politics and society without any meaningful purpose,[12] these thoughts call for a more radical rethinking of Havel's concept of power and its dichotomies.

Havel's dialectics of power and powerlessness can be reformulated as a problem of the difference between the productive societal *potentia* and the reproductive political *potestas*. Havel is more fascinated by the problem of power as a constellation and effect of

10 See, for instance, Etienne Balibar, *Spinoza and Politics* (London: Verso, 1998).

11 Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life* (Stanford, CA: Stanford University Press, 1998), 44.

12 For this comparison and further analysis, see Jiří Přibáň, "Resisting fear: on dissent and the solidarity of the shaken in contemporary European and global society," in Francesco Tava and Darian Meacham (eds.), *Thinking After Europe: Jan Patočka and Politics* (Oxford: Rowman and Littlefield, 2016), 39–56.

societal forces and less concerned with more conventional analyses of institutions of power and their repressive strategies and apparatus. He notices the actual decline of ideological explanations of "metaphysical power" and focuses on surveillance techniques and societal discipline of the automatic "physical power" of the system.[13]

Havel was interested in the power of social discipline and subjugation, and he formulated his living in truth as a microphysics of the power of the powerless that can disrupt the physics and metaphysics of state power. He was less interested in localization of power and identifying those responsible for its use and more focused on its functions and circulation in social systems and networks. Havel thus looked beyond the concepts of repression and alienation or consensus and participation and, similarly to Michel Foucault,[14] explored how power, rather than being applied to individuals, effectively passes through them.[15]

In this respect, the power of the powerless consists of the *potentia* of societal delegitimation of the political system that officially ruled by the code of law and factually governed by the discipline of social normalization. It is a counter-productive force to the official language of productivity and efficiency of the communist system of power. This force operates as a dense system of societal formations and multiple relations that, despite some shared keywords and concepts, cannot be reduced to the philosophy of existentialism with its calls for authenticity as a true alternative to the corrupted system built on lies. This power of the powerless remains unfounded by some ultimate values as sovereign sources of a meaningful life itself.[16]

13 See note 4 above.
14 Přibáň, *Dissidents of Law: On the 1989 Velvet Revolutions, Legitimations, Fictions of Legality and Contemporary Version of the Social Contract*, 53–56.
15 Michel Foucault, *"Society Must Be Defended": Lectures at the College de France, 1975–76* (London: Penguin, 2003), 29.
16 Michel Foucault, *The Archaeology of Knowledge* (London: Routledge, 1972), 76.

Poietic politics in autopoietic society

This assessment of political dissent, its societal force, and value may seem minimalist. To this question, one, however, can respond by recalling that the delegitimizing strategy of dissent turned out to be indispensable in bringing down the communist regimes in Central and Eastern Europe in 1989.

Contrary to Weber's value scepticism, freedom and democracy certainly can be optimistically seen as transcendentally valid and giving the fundamental meaning to human existence. Nevertheless, the paradox of the community of values claiming transcendental validity but depending on their immanent enforcement and legitimation manifests itself even in Havel's keywords of transcendental truth and love which, if not realistically enforced through specific and immanent policies, would remain just empty moral promises on our political waiting lists.

If there is a moral lesson from Václav Havel's political life as both dissident and president, it is exactly this knowledge that, in politics, we are always dealing with waiting lists of values and the most valuable is the very act of waiting. Optimists are convinced that their values will materialize one day. Pessimists do not believe it. And sceptics act as if these values are coming despite circumstances and experiences indicating that it may not be possible.

Havel was a hopeful sceptic who, despite circumstances and experiences, always acted as if these values were coming and depended on our will. I realized this during our conversations with Zygmunt Bauman when he was awarded the Vize 97 Prize by the Dagmar and Václav Havel Foundation in 2006. After a roundtable discussion with Czech and Slovak sociologists, Havel came to informally greet Bauman, and we ended up talking about social sciences, politics, art, and language in general. While discussing a number of different topics, it was clear that society was imagined by Havel as primarily a community of values.

Modern society is described by social theorists as functionally differentiated into so-called autopoietic systems that are normatively closed, self-constituted and operate by self-references and without interference by external values and judgements. Unlike this theoretical image, Havel's work and life remind us that the same autopoietically organized society also keeps its poietic character in the sense that it is always open to different interpretations and retains the possibility of living a meaningful and valuable life.

The last time I met Havel in person was at a public discussion commemorating the Velvet Revolution in London in November 2009. To my provocative question about his biggest political nightmare twenty years after the revolution, he responded by playing with *noční můra* ("nightmare"), which is a homonym for "moth" in Czech, and saying that he believed moths were the same species as butterflies and should be treated in the same way.

I am sitting and observing all sorts of moths in the night garden in the summer of 2020 while looking forward to the morning with its butterflies. I am thinking of Havel's *Garden Party* and the Čapek brothers' play *Pictures from the Insects' Life* while imagining society as a garden party of moths and butterflies and, apart from Havel's keywords, immersing myself in the poietic world of his artistic and political metaphors.