Round Table: An Adept Device for Constitutional Politics

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09.12.2019 doi: 10.17176/20191209-180944-0

The year 1989 entered history books as the year of the peaceful dismantling of Soviet-type regimes in East-Central Europe. These regimes did not collapse because of classical revolutions; the process ultimately involved round table negotiations between delegates of the undemocratic powerholders and the democratic opposition.

In early February, Poland was the first country to establish a round table. The representatives of the Hungarian round table first met in mid-June. Between November and December, a series of negotiations took place in Czechoslovakia. Finally, the round table in East Germany was convened at the beginning of December. Their role, their political importance, and the historical circumstances under which they operated were different, but what they shared was the institutional instrument they used to make the political transformation. The round table negotiations contributed to a transition from autocratic regimes to constitutional democracies, albeit to varying degrees. As János Kis put it, they created the preconditions for peaceful transformation by facilitating "the run-up to free, competitive elections and laying the foundations of a new democratic society."

Where are these countries today in the process of democratic transition? Is it over? The societies in the Visegrád countries are deeply divided in their opinions regarding this question. When was the democratic transition concluded, if at all?

There seems to be a consensus between the constitutionally committed center-left and center-right politicians and public intellectuals that the democratic rebirth began with the 1989 round tables. For instance, according to Andrew Arato, the round table was the first step in a two-stage process of the making of two (interim and final) democratic constitutions with free elections in between them. In this sense, the transformative process ended when the democratically elected legislatures adopted the democratic constitutions. In 1991, when the Visegrád group was founded, Václav Hável emphasized the goal of integrating the new democracies into European and transatlantic structures. From this point of view, the democratic transition ended in 2014, when the Visegrád countries joined the European Union.

The latest surge of radical right nationalist parties in the region has provided a brand new narrative. Especially the currently governing Fidesz and PiS politicians claim that since 1989, their countries have been embarked on the wrong path and that this began with the round tables. According to them, two key players, the undemocratic powerholders and the liberal democratic forces entered into a "morally distasteful" political compromise that resulted in a thoroughly corrupt foundation for the 1989 new republics. As Timothy Garton Ash put it, "they denounce the liberal, metropolitan elites, who, among their many sins, allegedly stitched up a "handshake transition" with the communists behind closed doors." Thus, for them, the Velvet Revolution of 1989 was "unfinished," and they claim to be able to complete this "unfinished revolution."

Both Fidesz and PiS have been keeping the issue of transitional justice on the agenda to atoning for the "original sin" in which the political communities have existed since 1989. In Hungary, this narrative has even been fixed in the 2011 constitution. While condemning the country's communist past and addressing specifically the "de-communization" of politics and society, both Fidesz and PiS impose their versions of history, for instance, by denying the historical role of the late eighties' opposition movements. However, as Michael

Meyer-Resende will show in the course of this Symposium, their claims are spurious. The round table resulted in consolidated democracies, where both parties won peaceful, honest elections in 2010 and 2015.

While in the 1990s, many used the term *Annus mirabilis* to refer to the year 1989, today the people in the Visegrád countries are divided in their opinions regarding the round tables, not least because of the widespread questioning of its achievements. For some, the round table was an accomplishment: it is the symbol of the successful transition to constitutional democracy. However, for others, even mentioning the round table is highly provocative.

This deep division might be a reason why, although the end of the year 2019 is approaching, we have not witnessed many celebrations, let alone public events marking the thirtieth anniversary of the round tables. The absence of commemoration of the constitutional transformation that swept East Central Europe in 1989 led me to organize, together with Gábor Attila Tóth, a workshop on the round tables at the WZB Center for Global Constitutionalism. We invited Andrew Arato, Christian Boulanger, Petra Gümplová, Jarosław Kuisz, Michael Meyer-Resende, Zsuzsanna Szelényi, and Karolina Wigura. We asked them to talk about the successes and failures of the coordinated transformation of 1989 and to think about the more general question of the round table's relevance today. We were wondering whether the round table may serve as a strategical device for restoring democracy and constitutionalism in the future.

The valuable contributions of this online symposium reflected on the many issues raised by the prospect of applying the round table method in future scenarios. Democratic legitimacy was one of them. The lack of it was an essential concern for Jarosław Kuisz, who thinks of a round table as an alternative legislature where the members should have the status of representatives. However, as Gábor Attila Tóth emphasized, a round table is a non-ideal institution in sub-ideal situations: it may start a coordinated process of constitutional change but leave the completion of the process to an assembly with the democratic mandate. And we may add that one can see it as a sphere for political dialogue and as a body that acts not on behalf of "the people" but on behalf of "the country," which is justifiable "if politics is a primarily moral affair—interests can be promoted by proxy, moral principles cannot" (Ulrich K Preuss).

We also discussed the specific historical circumstances under which the round tables operated. Zsuzsanna Szelényi mentioned the difficulties that arose from the fact that most of the Visegrád countries had never experienced democracy before, the 1989 round table negotiations led to the ever first democratic regimes. Moreover, it turned out that history matters in another sense, too. The external factors were decisive in the process of negotiations, and, as Christian Boulanger rightly pointed out, the outcome of the round tables was also historically specific.

We agreed that the round tables have become a crucial device in extraordinary political moments that may be used in a possible future. For instance, Andrew Arato suggested that when replacing the illiberal regime in Hungary, future politicians should learn from the round table model. Nevertheless, Karolina Wigura reminded us that in Poland, the round table may not serve as a symbol of a new national compromise, mainly because the 1989 talks did not become part of a positive funding myth of the Third Republic.

Finally, the question arose whether the round table is a device for constitutional politics only, which may be applicable in the context of a regime change, or is it applicable beyond this context. Petra Gümplová argued that its applicability depends on how we understand constitutional politics. If we agree that round tables are institutionalized fora that make it possible to involve all legitimate actors in a negotiation about constitutional rules, then we can envision their role in international law-making or in processes of making rules of transnational governance.

The project has received funding from the European Union's Horizon 2020 research and innovation program under the Marie Skłodowska-Curie grant agreement No 794368.

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SUGGESTED CITATION

Kovács, Kriszta: Round Table: An Adept Device for Constitutional Politics, Verfassungsblog, 09.12.2019, doi: 10.17176/20191209-180944-0.

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Langzeitarchiviert bei IntRechtDok unter: doi.org/10.17176/20191209-180944-0.