Toward a Glorious Revolution

Gábor Attila Tóth

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On 23 November 1989, Václav Havel met Timothy Garton Ash in a Prague pub. During that conversation, the Englishman famously remarked: "In Poland, it took ten years, in Hungary ten months, in East Germany ten weeks; perhaps in Czechoslovakia, it will take ten days!" Havel gave his quick reaction: "It would be fabulous because a revolution is too exhausting." Although Ash did not do justice to the efforts of the East-Central European democratic opposition movements beyond Poland, his quip pointed to both similarities and dissimilarities of the regime change in the respective countries.

The 1989 East-Central European round tables were similar in the *procedural* sense. They were meant to regulate the transition from the old regime to a new one, but they did not have a mandate for constitution-making. The opposition movements were very aware of the legitimacy problem. They had neither the formal authorization to make law for the old regime nor the popular authorization to make law for the new regime. The round tables, therefore, understood their task as limited to facilitating the run-up to free, competitive elections and were determined to leave it to an elected assembly to give a constitution to the new regime. In order for the round table decisions to come into legal effect, those decisions need to be sent for enactment to the old — formally legal but illegitimate — legislature.

Under normal circumstances, in a constitutional democracy, the legislative assembly embodies political pluralism, deliberation, and democratic decision making under the rule of law. Under certain exceptional circumstances, when no legitimate legislative assembly is available, a round table can be a temporary institution of pluralism, symbolizing equal participatory rights. By contrast, we can speak of revolution when the following conditions are in place: first, when empirical legitimacy is in crisis, second, legality is also ruptured, and third, the open struggle of two or more political forces to establish a new governmental system culminates in violence. Revolution thus presupposes the existence of uncompromising despotism and resistance movements. In 1989, there was no revolutionary moment. By that time, the Soviet-type autocracy had been immensely weakened, and the reformist incumbents were willing to cooperate with the democratic opposition.

Nevertheless, it would be an error to simply treat the round table as an elitist procedural solution. It is not clear in what sense members of democratic opposition belonged to an elite. Many of them were imprisoned, kept under surveillance, or forced by the repressive regimes to work underground. Moreover, it is not apparent why should we downplay the importance of the series of mass demonstrations in Warsaw, Budapest and elsewhere in 1989 and before. If we accept the simple duality of elite-driven versus mass-driven transformations, we may fall into the trap set up by populist authoritarians who deny the achievement of the coordinated regime change.

The round table thus can be regarded as an exceptional procedural device in a set of circumstances that are far from constitutional democracy or revolution. In 1989, round tables started a coordinated process of constitutional change, but left the completion of the process to an assembly with the democratic mandate they were lacking. In short, a round table is a non-ideal institution in sub-ideal situations.

Round tables have shared characteristics in the *substantive* sense, too. In a time when skeptical views on the 1989 regime change are gaining remarkable popularity and the shortcomings of the change are being brought into focus; it is crucial to remember the outcomes of that *Annus mirabilis*. The negotiations between undemocratic power holders and the opposition were significant contributors to the replacement

of Soviet-type regimes by constitutional democracy. The Soviet-type regimes took different forms: it was a single-party system in Hungary and a dominant-party system in Czechoslovakia and Poland, they ultimately did not differ each other. There were no free and fair competitive elections. Although constitutions formally declared fundamental rights, these were not legally enforceable. The constitutional structures did not ensure the independence of the judiciary or the press. Moreover, non-governmental organizations, democratic opposition groups, and some churches were forced to work underground. By contrast, the constitutional democracies that emerged in 1989 possessed the main institutions of constitutionalism: democratic pluralism and multi-party system, free and fair elections, representative government, independent judiciary. As a crucial element, the third generation of European constitutional courts started to work from the early 1990s. These courts were considered the most important institutional guarantors of constitutionalism, especially in the first, formative years, on account of their decisions favoring human rights, the principles of the rule of law and separation of powers.

We can thus say that the East-Central European autocratic systems did not collapse due to a classical revolution, but through negotiations and compromises between the old regime and the democratic opposition. However, the political transition did result in revolutionary changes in the constitutional system and did so without a revolution as such. Despite all its shortcomings, it is a unique success story in the region.

Timothy Garton Ash referred to the *dynamic character* of the system transformation, which may highlight crucial differences among the countries. In the abstract, the negotiation was a process led not by the common interests of the parties, but by a clash of values and interests. Uneasy compromises with members of the ancien régime were an unavoidable part of the negotiated regime change. We can say that the demand to reach compromises is one of the most important underlying characteristics of peaceful transitions. However, the story of the 1989 round tables demonstrates that time mattered a lot.

In April 1989, when the round table agreement was signed in Poland, there was little indication of the total collapse of the Soviet system and the fall of the Berlin Wall on the horizon. A well-known example of a necessary compromise is that in the first Polish elections, 65% of the seats in Sejm were reserved for the Communist Party and its satellite parties. Moreover, the position of head of state was also shaped to suit their expectations.

Nevertheless, the political environment changed dynamically, rendering it unnecessary to make concessions. In October 1989, the Hungarian opposition was forced to make much smaller compromises due to the rapid changes. And when one part of the opposition engaged in an unnecessary compromise, allowing the position of head of state to be secured by a moderate communist leader, another part of the opposition successfully initiated a referendum correcting the roundtable agreement and paving the way for democratic presidential elections.

The round tables in Berlin and Prague are a different story. They were instances not so much of mutual concessions but of the capitulation of the communist side. The representatives of democratic movements were not compelled to make significant compromises.

Thirty years after the democratic transition, the Visegrád countries are in great difficulty or danger. Hungary today can be seen as the prototype of a new form of authoritarianism. The most salient new feature is that the new authoritarian configuration systematically pretends to abide by constitutional and democratic principles. Although the situation in Poland is less critical than the one in Hungary, we can agree with Wojciech Sadurski's description of the transformation as an anti-constitutional populist backsliding. In Prague, hundreds of thousands attended a mass rally demanding transparency, democratic accountability, and the rule of law on the eve of the 30th anniversary of the Velvet Revolution. Likewise, Slovakia is not immune to the creep of authoritarian ideas and practices either, as the Mečiar- and Fico-governments demonstrated. Different degrees of decay, of course, require different considerations.

The only Visegrád country that needs a regime change, a transition again from authoritarianism to constitutional democracy, is Hungary. Without predicting the preconditions, procedures, or outcomes of a new democratic reconstruction in Hungary and elsewhere, I would like to bring the old concept of the "Glorious Revolution" into a new light.

Our contemporary concept of revolution goes back to Condorcet, who argued famously that revolution—radical, quick, progressive, often violent regime change—aims at freedom. Revolution is, of course, an empirical phenomenon. Revolutionaries believe that in the age of revolution when despotism is unbearable, the spirit of liberty flames in the hearts of men and women.

The word "revolution" meant originally the very opposite. As a term of astronomy, revolution designated the regular recurring motion of celestial bodies. Hannah Arendt explains that we find the word "revolution" for the first time as a political term in the seventeenth century when its metaphoric content was closer to the original meaning because it was used for a movement of revolving back to some pre-established point. The word was first used not for Cromwell's revolutionary dictatorship, but on the contrary, for the restoration of the monarchy. As a next step, the phrase "Glorious Revolution" of 1688 meant not so much a restoration of the absolute monarchy, but rather the establishment of constitutional monarchy. The new king and queen signed the Bill of Rights, acknowledging crucial constitutional principles, including the right to free elections, the right to elect regular parliaments, and freedom of speech. For this reason, the Glorious Revolution is considered to be one of the most significant events leading to Britain's transformation from absolutism to modern constitutionalism.

Something similar is what Hungary desperately needs — a peaceful, revolutionary re-establishment of legitimate government and constitutional democracy under the rule of law, but without a revolution as such. What Hungary needs is not merely the restoration of constitutional democracy to its 1989 original form, but instead a restoration of constitutional democracy in an advanced form.

ABOUT THE AUTHOR

Gábor Attila Tóth

Gábor Attila Tóth writes primarily about the fields of human rights and constitutional theory, with a current focus on the legal attributes of authoritarianism. He teaches law at the University of Debrecen and bioethics at the Semmelweis University in Budapest.

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