Complex Parliaments in Transition: Central European Federations Facing Regime Change

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It has been published regularly since 1960 by the Institute of Contemporary History, and until 1986 it was entitled Contributions to the History of the Workers' Movement.

The journal is published three times per year in Slovenian and in the following foreign languages: English, German, Serbian, Croatian, Bosnian, Italian, Slovak and Czech. The articles are all published as a rule with abstracts in English and Slovenian as well as summaries in English.

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Editorial

Complex Parliaments in Transition: Central European Federations Facing Regime Change

"What is a socialist parliament?" This is a question that many political historians may see as redundant or pointless. Parliaments in the one-party socialist states in the Eastern Europe after World War II are frequently shrugged off with an effortless explanation that they were merely façades of the socialist regimes. Although this cannot be completely refuted, questions nevertheless arise in the modern political historiography, calling for answers stemming from the "neo-institutionalist" paradigm. What were the socialist parliaments like? How were they organised? What was their outward appearance, who were their members, how did they operate, what sorts of mechanisms guided the socialist parliamentarism, and so on? At least a few members of the European Information and Research Network on Parliamentary History (EuParl.net), which brings together research organisations focusing on the history of parliamentarism, deal with this phenomenon systematically. These efforts resulted in the idea to organise a workshop where these researchers could exchange their outlooks on socialist parliaments in their terminal stages, when they were already undergoing a transformation into modern European parliaments.

The workshop was organised by the Institute of Contemporary History in Ljubljana in cooperation with the Czech Institute for Contemporary History (Ústav pro soudobé dějiny AV ČR) from Prague and the Commission for the History of Parliamentarianism and Political Parties (Kommission für Geschichte des Parlamentarismus und der politischen Parteien) from Berlin. It took place on 16 October 2015 in Ljubljana at the Institute of Contemporary History, in the building where in the past – until 1959 – the Socialist Parliament of the Republic of Slovenia had held its sessions.

The main idea and purpose of the gathering was to illustrate the transformation of the parliaments and parliamentary systems in the late 1980s and early 1990s. We did not want to define any detailed programme points – deliberately, because we wanted the academic space for our workshop to remain as open as possible.

In the introduction only a few common points were defined: The collapse of the socialist regimes in 1989–1990 set off multifaceted processes of democratic reforms as well as social and economic transformations. In some of the East-Central European countries, these transformations were even more complex due to their federal structure. Originally, the Yugoslav and Czechoslovak federal systems had been intended to "engineer" a socialist equality of the member nations. However, following the changes in the late 1980s, this basic precondition ceased to exist and the various

parts of the federations began to express interests, use powers, build party systems and create ethnic publics.

The workshop explored some of these examples in detail, by comparing the transformations of the parliamentary systems in three federal countries in the early 1990s – in Czechoslovakia, Yugoslavia and Germany. In Czechoslovakia, the strong legal continuity between the socialist, revolutionary and post-socialist era created fascinating blends of the three images of parliament. The German case is described through the colonisation metaphor, which is interesting to test on the example of the East German Volkskammer. In Yugoslavia, where the already loose federal system kept getting looser, the individual federal republics with their own socialist parliaments eventually became the only truly important political actors in the process of system and state disintegration.

* * *

Already during the preparations for the workshop one of the ambitions of the organisers was to collect some of the contributions and discussions as well as the results of the research projects and publish them in a special topical issue of our scholarly journal, thus making them available for the scrutiny or challenge of the scholarly and general public. The ambition ultimately resulted in this special issue of the Contributions to Contemporary History (Prispevki za novejšo zgodovino) journal. The issue includes six scientific articles on the topic of Complex Parliaments in Transition: Central European Federations Facing Regime Change. It also includes two reports from the scientific conferences on the history of parliamentarism (from the workshop Complex Parliaments in Transition and the conference Parlamentarismuskritik und Antiparlamentarismus in Europa, which took place in May 2015 in Berlin, also under the umbrella of the EuParl.net) as well as the presentation of the posthumously published study on the Austrian Parliament – the Vienna Reichsrat and Slovenians in the time of the Habsburg Monarchy.

All of these contributions undoubtedly demonstrate the complexity of the issue at hand, as well as open and completely convincingly close numerous questions. Besides the specific characteristics of the individual states that they focus on (Czechoslovakia, Germany, Yugoslavia/Slovenia), these contributions also exhibit differences in the intensity of research and approaches in the context of individual national historiographies.

Jure Gašparič
Adéla Gjuričová

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Adéla Gjuričová*

Coming to (a Short) Life: The Czechoslovak Parliament 1989–1992

IZVLEČEK

(KRATKO) ŽIVLJENJE: ČEŠKOSLOVAŠKI PARLAMENT 1989–1992

Češkoslovaški zvezni parlament je bil vzpostavljen leta 1968, da bi nadomestil državni zbor unitaristične države in tako formalno izrazil enakopravnost Čehov in Slovakov v novoustanovljeni federaciji. Po zlomu reform praške pomladi je socialistični parlament izgubil večino suverenosti, ohranil pa je zvezni značaj in formalne postopke, s čimer je predstavljal nekakšno »podporno« zakonodajno telo. Leta 1989 je žametna revolucija, ki se je opredelila za spoštovanje miru in zakonitosti, v središču nove politike seveda našla parlament starega režima. V revolucionarnem parlamentu 1989–1990 je koncept socialističnega parlamentarizma trčil ob nove motive, kot so nacionalna enotnost, prelom s komunistično preteklostjo, liberalna demokracija in subsidiarnost. Posledično se je oblikovalo več mešanih socialističnih, revolucionarnih in liberalno demokratičnih pogledov na parlament. Vse te koncepte in politične prakse pa so češka in slovaška javnost ter politični predstavniki dojemali in sprejemali na nasprotujoče si načine. Nekatere od teh razlik so se izkazale za nezdružljive in zvezni parlament je nazadnje odigral ključno vlogo pri vodenju razdružitve češkoslovaške federacije leta 1992.

Ključne besede: Češkoslovaška 1989–1992, parlamentarizem, zvezni sistemi oblasti, postkomunistična tranzicija, razdružitev Češkoslovaške

ABSTRACT

The Czechoslovak federal parliament was designed in 1968 to replace the National Assembly of a unitary state and thus formally express equality between Czechs and Slovaks in the newly established federation. After the crash of the Prague Spring reforms, the socialist parliament lost most of its sovereignty, while preserving its federal character and formal procedures, thus providing a sort of "backup" legislature. The Velvet Revolution of 1989, with its proclaimed respect to peace and legality, logically found the ancient régime's parliament in the centre of new politics. In the revolutionary parliament of 1989-1990, the concept of socialist parliamentarianism began to clash with new motives, such as the national unity, a break with the Communist past, liberal democracy, or subsidiarity. Various blends of socialist, revolutionary and liberal democratic views of the parliament consequently came to life, while each of these concepts as well as every practical policy was

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perceived and accepted in conflicting manners by the Czech and Slovak publics as well as political representations. Some of these differences turned out to be irreconcilable and the federal parliament eventually played a key role in administering the break-up of Czechoslovak federation in 1992.

Keywords: Czechoslovakia 1989–1992, Parliamentarism, Federal systems of government, Post-Communist transition, Break-up of Czechoslovakia

In his renowned report of the Central European *Year of Miracles*, Timothy Garton Ash offers a detailed and extensive description of the discussions inside the revolutionary Civic Forum headquarters as well as the atmosphere of Prague street demonstrations. The country's parliament, the Czechoslovak Federal Assembly was given only a brief comment: "The women with putty faces, cheap perms and schoolmistress voices. The men in cheap suits, with hair swept straight back from sweaty foreheads. The physiognomy of power for the last forty years. But at the end of the day they all vote 'yes' to the prime minister's proposal, as agreed yesterday with the Forum, to delete the leading role of the Party from the constitution, and remove Marxism-Leninism as the basis of education."[1] Parliament occupied a minor, rather obscure place in the Czechoslovak revolution and real power was to be found elsewhere, Ash concluded.

However, the material put together for the following analysis[2] offers a more complex picture. The parliamentary archives, legal documents, memoires and interviews of former deputies suggest that the first post-Communist and the last federal parliament of Czechoslovakia, no matter how short-lived, was in fact a multifaceted body with surprising continuities with socialist times as well as striking discontinuities within the early post-socialist period. The legislature obviously lived an independent, yet influential life: Almost none of the important turning points in the parliament's history of 1989–1992 match the official landmarks of the democratic revolution and early post-socialist transformations of Czechoslovakia.

The two chambers of the Federal Assembly were designed in 1968[3] to replace the existing National Assembly of a unitary state and to formally express the equality between Czechs and Slovaks in the thus established federation. After the crash of the Prague Spring reforms, the socialist parliament lost most of its sovereignty that it had briefly experienced in 1968. However, unlike almost all other reforms, the parliament preserved its federal character as well as its elaborate formal procedures.

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1 Timothy Garton Ash, *We the People. The Revolution of '89 Witnessed in Warsaw, Budapest, Berlin & Prague* (London: Granta Books, 1990), 111.

2 This paper was written within a research project supported by the Czech Science Foundation (GAČR, GA15-14271S).

3 The Constitutional Act on the Czechoslovak Federation was adopted in October 1968. It amended the Constitution of Czechoslovakia from 1960, formally placing many of the former functions of the central government under the jurisdiction of the two national governments.

This "backup" legislature was first mobilized during the *perestroika* reforms of the late-socialist régime and then became one of the cornerstones of the post-socialist transformation.

The Czechoslovak revolution of 1989, with its proclaimed respect to peace and legality, logically found the *ancient régime*'s parliament in the centre of new politics. In what will further be called the "revolutionary parliament" of 1989-1990, the concept, values and practices of socialist parliamentarianism began to clash with new motives, such as the calls for national unity, for a break with the communist past, concepts of liberal democracy, the civic principle or subsidiarity. Various blends of socialist, revolutionary and liberal democratic practices and views of parliament consequently came to life, while each of these concepts as well as every policy was perceived, practiced and accepted in conflicting manners by the Czech and Slovak publics as well as political representations. As will be shown further, some of these differences turned out to be irreconcilable and the federal parliament eventually played a key role in administering and legitimizing the break-up of Czechoslovak federation in 1992.

This article follows the logic of neo-institutionalist approaches to explaining parliaments as organizations. Traditional historiographical works on institutions used to describe the most easily visible parts. In case of parliaments, they would refer to the most evident archival traces such as the foundation of the body, its composition, official actors and their speeches, the legislation passed etc. The so called new institutionalism can be understood as a reaction to the development in social sciences turning the researcher's attention away from the central to less visible actors and processes. Descriptions of organizations began to focus on practices, habits, values and myths generally accepted and further transferred by institutions. Parliaments are thus often seen as relatively stable structures with established social norms, methods of bargaining and expertise. These seem to sooner or later overwhelm every newcomer and make him or her adapt to the norms and start practising them as well. We will be able to trace this process during the régime change and demonstrate some interesting continuities between the socialist, revolutionary and liberal democratic parliaments within the Federal Assembly.

The following interpretation also tries to cope with the usual premise that in case of context modification such as régime change, political institutions immediately adapt to external interventions such as new legal regulation etc.[4] Our approach goes further past the neo-institutional search for underground myths carried on by institutions. We tend to see interactive relations between institutions and actors, producing rather fluid organizations. Parliaments can then be observed as somewhat "vulnerable" environments that constantly seek to find balance between the existing

[4] Foundation texts of new institutionalism by Paul J. DiMaggio, Walter W. Powell, W. Richard Scott and John W. Meyer have been published together in Walter W. Powell and Paul J. DiMaggio, ed., *The New Institutionalism in Organizational Analysis* (London, Chicago: Chicago UP, 1991), 41–62, 63–82 and 108–42.

rules, institutional regulations and myths – and the current as well as former members, their expectations, beliefs and self-concepts.

Overlooking the Revolution

Physically speaking, the Federal Assembly was situated right in the heart of the Velvet Revolution. The steel and glass construction[5] was designed in the reformist era of the late 1960s at the upper end of Wenceslas Square to institutionally counterweight the Prague Castle. And yet, for many days, the parliament was absent from the symbolic topography of the revolution.[6] The reasons were manifold. First, demonstrations and protests traditionally centred round the statue of St Wenceslas, which had been separated from the parliament's building by a busy crossroad and an urban motorway constructed in the late 1970. Second, the demonstrators rather turned their attention to the organs of the Communist Party and the media headquarters, by which they assessed the parliament's significance in the political system quite appropriately, as it seemed. And third, the Federal Assembly itself did neither try to join in the revolution nor did it stand up openly to hold it back.

As a result, for almost two weeks following the police action against the student demonstration at Národní Street, and the consequent student strike and an establishment of the revolutionary movements it seemed that the life in the parliamentary building went on as if nothing was happening and no crowds of thousands were to be seen from the windows. The sessions of committees were held according to a yearly schedule adopted in late 1988, dealing with draft bills prepared by the government, most often without any notice to the events spreading through the country.[7] In reality, there were fierce fights about what to do inside the Communist Party. The Civic Forum, on the other hand, feared that an activated parliament might quickly pass the reformist legislation prepared by the Communist government. Yet since no clear guideline came, the socialist parliament chose to exemplify stability, political decency, and expert knowledge and organization in what it perceived as potentially chaotic situation.

In reality, however, the Federal Assembly had been experiencing a considerable change of atmosphere, attitudes and roles throughout the late 1980s. It is certainly true that the Czechoslovak Communist Party was extremely reluctant as it came to transferring Mikhail Gorbachev's *perestroika* and *glasnost* from the Soviet Union. For Czechoslovak leaders, these policies fatefully resembled the Prague Spring re-

5 For recent photos of the internationally acclaimed project by Karel Prager, Jiří Kadeřábek and Jiří Albrecht see "Federal Assembly Building at Wenceslas Square, Prague," accessed October 30, 2015, http://www.parliamentsintransition.cz/dokumenty/federalassemblybuildingatwenceslassquareprague.

6 Petr Roubal, *Starý pes, nové kousky: kooptace do Federálního shromáždění a vytváření polistopadové politické kultury* (Praha: Ústav pro soudobé dějiny AV ČR, 2013), 15–16.

7 APCR, FA-5, Minutes of Committee on Industry, Transport and Trade, 22nd meeting, November 20–23, 1989.

forms, the suppression of which brought them to power. But reforms in general were perceived as necessary, and the federal parliament became one of the few official political arenas where the principles of *perestroika* were to be tested and presented. The committees and chambers found themselves under pressure exerted by the government: the parliamentary bodies were expected to pass the drafts of economic reform regulations quickly and smoothly, while at the same time showing "a spirit of openness". Pressure also came from the public: members of parliament were bound to participate at numerous meetings in their constituencies, and in these years, they met immediate critique wherever they showed up.[8] The Communist Party Central Committee also pressed on resignation on nine deputies who were either abroad at diplomatic postings or had been ill for a long time. For the first time in forty years, the experimental by-elections of Spring 1989 allowed voters to choose new MPs from a list of two or three candidates.[9]

There were also important internal shifts. The parliament itself used the new setting of *perestroika* to emancipate from the government's automatic expectations of loyalty if not obedience. Respective ministers, presenting the government drafts in the committees, were confronted with parliamentary criticism of not respecting the MPs' standpoints as well as with pointing to specific shortages of consumer goods or poor quality of public services.[10] The parliament grew more active in quantitative sense as well. More legislation was passed. In 1988, for the first time since 1971, a plenary session took as long as three days. Nonetheless, the principle of the parliament being subjected to the Communist Party Central Committee and to "the needs of the government" had never been seriously conceptually challenged.

Socialist Parliamentarism

It is difficult to evaluate the power effect of these changes since parliaments occupied a highly ambiguous position in state-socialist systems. By 1948, as the Czechoslovak socialist dictatorship came to being, the original radical scepticism of Marx's, tending to propose a complete break-down of parliamentary system, had been abandoned. The Communist movement adopted a more pragmatic Leninist interpretation that stressed the Marxist requirement of "conversion of the representative institutions from talking shops into 'working' bodies" that would be "executive and legislative at the same time".[11]

8 See e.g. "Interview of Josef Bartončík, Brno, Dec. 3, 2012," in *Sbírka rozhovorů s bývalými poslanci Federálního shromáždění*, ed. Adéla Gjuričová et. al, (Collection of Interviews of MPs, Institute of Contemporary History, Oral History Centre).

9 František Cigánek, "Předlistopadový parlament ve světle archivní dokumentace," in *Dvě desetiletí před listopadem 89,* ed. Emanuel Mander (Praha: ÚSD AV ČR – Maxdorf, 1993), 57–72.

10 See e.g. Minutes of Constitutional and Legal Affairs Committee, 18th meeting, May 29–June 6, 1989 (APCR, FA-5) which demonstrates both the growing length of sessions as well as the endless scope of criticism.

11 Karl Marx, *Civil War in France*, Chapter 5 [The Paris Commune], accessed October 30, 2015, https://www.marxists.org/archive/marx/works/1871/civil-war-france/index.htm. Cf. Vladimir Ilyich

Along the post-war Stalinist guideline, the Communist parties infiltrated the existing parliaments and after taking over converted them into representative bodies of the Soviet type under direct Party control.[12] Parliaments stopped calling themselves parliaments and were referred to as "representative assemblies". Their composition was no longer derived purely from party electoral support: the bodies needed to mirror the society in a more literal sense. This system of the so called descriptive representation produced parliaments consisting of deputies who reflected the society's occupation, gender, ethnic and age structure to a considerable extent – as opposed to mere political preference expressed by bourgeois parliaments. However, finding such matrix of candidates, some of whom had to combine several categories, was a challenging task as well as in fact a substitute for the electoral process. The actual election only approved the candidates included in a single list of the National Front.

While rejecting the whole concept of separation of – executive, legislative, and judicial – powers and offering one, unified power representing the working people, the Communist doctrine also abolished the exclusiveness of the parliament in the political system to a considerable extent. Even the federal parliament of the late-socialist Czechoslovakia was "merely" the supreme level of the united system of representative organs. The system, stretching from the Federal Assembly and the two sub-federal National Councils to the National Committees at local, municipal and district levels, both adopted the norms and put them into practice.[13] The joint legislative and executive role was also expressed through a specific concept of the mandate. Members of parliament were understood as "elected political and state functionaries" obliged to work in the constituency as well as in the representative body and other state institutions. They would bring the working people's inputs in the parliament, inform the people about legislative work as well as observe how the laws work in the constituency. They were under the voters' direct control: Those who did not work appropriately could be dismissed by voters any time.[14] This extreme focus on direct accountability obviously created a very weak mandate which served the purpose of Party control over the parliament. The system also tended to include the legislature in the system of state administration,[15] forgetting about its originally self-governing principle.

This notion of parliament, established in the Stalinist era of Czechoslovak socialism and fundamentally different from the liberal democratic parliamentarism, did not substantially change through adoption of the new constitution of 1960. The

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Lenin, *The State and Revolution: Experience of the Paris Commune of 1871. Marx's Analysis,* Chapter 3, accessed October 30, 2015, https://www.marxists.org/archive/lenin/works/1917/staterev/ch03.htm.

12 For Czechoslovakia, see e.g. Karel Kaplan, *Národní fronta 1948–1960* (Praha: Academia, 2012), 100–01.

13 Jan Bartuška, *Státní právo Československé republiky* (Praha: Státní nakladatelství učebnic, 1952), 39, 74–75. Cf. František Koranda et al., *Slovník socialistického poslance* (Praha: Svoboda, 1985), 152–56, 436–37.

14 Koranda et al., *Slovník*, 225–26.

15 Jan Bartuška et al., *Státní právo Československé republiky* (Praha: Orbis, 1953), 244–45.

federalization of 1968 only formally replaced the national tier by the federal one and added one more at the level of the Czech and Slovak Republics. The collapse of the Prague Spring reforms, however, diminished the federal aspect of the structure to something similar as "compulsory figures" that political actors had to practice on formally given occasions. The general concept of the representative structure, through which the sovereign people execute state power, remained the core of representative legitimacy until 1989.

As a result, the Velvet Revolution encountered an established system of federal and sub-federal parliaments which had strong formal powers, as they occupied the status of supreme state bodies, but in practice were not expected to seek any stronger power position at the expense of the Communist Party. Neither did the two levels share much real power: the federal tier possessed most of it, a fact producing much reluctance on the Slovak side. However, the parliament's formal strength represented a major obstacle to what was nicknamed the "articled revolution"[16], i.e. a quick and negotiated régime change which sought to respect the country's legislation at the same time. Petr Roubal's article in this issue of *Contributions to Contemporary History* also explains the federal parliament's reconstruction by co-optation as a response to the same problem.[17] Another aspect of the clash of the Velvet Revolution and the socialist parliament, namely the parliament's amalgamation with the National Front, the permanent coalition of the Communist Party and its satellites, and the specific parliamentary mathematics directing the revolution, is analysed by Tomáš Zahradníček further in the issue.[18] In other words, the revolutionary movement found itself next to a highly unpopular socialist parliament which it did not control, but which it desperately needed in order to pass any legislative amendment. As a way out of the gridlock, the revolutionary parliament was set up as an interim form between the socialist and liberal democratic parliaments.

New MPs for a New Era[19]

In late January 1990, a special law was passed which allowed that about half of all members of the federal parliament, if they were not willing to resign by themselves, could be deprived of their mandate, "following their previous activity" or "in the interest of a balanced distribution of political powers". New MPs, who supposedly provided "better guarantees of developing political democracy", were co-opted.[20]

16 Roubal, *Starý pes*, 27–32. On the origin of the nickname, Valtr Komárek, "Děkujeme, přijďte," in *Pocta Zdeňkovi Jičínskému k 80. narozeninám*, ed. Vladimír Mikule et al. (Praha: ASPI, 2009), 294.

17 Petr Roubal, "Revolution by the Law: Transformation of the Czechoslovak Federal Assembly" in this issue.

18 Tomáš Zahradníček, "Debates Were to Be Held in the Parliament, but it Proved Impossible" in this issue.

19 "Nová doba – noví poslanci," *Svobodné slovo*, January 31, 1990, 1.

20 Act No. 4/1990 Coll., on dismissing deputies of representative bodies and on electing new deputies of the National Committees, Art. I.

The result was the establishment of a provisional revolutionary parliament with specific characteristics.

Until that point, all important decisions were made at round tables where the revolutionary forces as well as the up-to-date Communist negotiators were represented. Almost none of them held parliamentary mandates. Now that they gained the seats, the decision-making could be transferred to the legislature. The Parliament had been integrated into politics. But while the political actors as well as the media talked about "urgent tasks for epoch-making times", in reality, the parliament was given only a limited mandate to meet them. The term was shortened to last only until June 1990 and explicit limits were put on the contents of the legislative work as well. For example, preparing a new democratic constitution was saved for the next, freely elected parliament. The present body was only expected to personify the new "national unity" rejecting and correcting the Communist past.

Since part of the legislative body came from the undemocratic election of 1986 and part was co-opted by revolutionary political parties or movements, it obviously did not match the previous system of representation in the sense of replicating the social structure. However, it was expected to represent society in a different sense. By its voting, the revolutionary parliament was supposed to legalize the changes required by the revolutionary public, be it the ratification of new executive figures, constitutional amendments or laws establishing elementary civic freedoms and principles of political competition. The parliament was to pass over its own autonomy and serve the public. Even President Václav Havel did not approach the MPs as people carrying a mandate or representing certain political organizations or programmes, but as citizens fulfilling their respective duties, "who care for the future of their country rather than their own personal comfort".[21] The irony was that Václav Havel, whose presidential mandate stemmed from the wholly Communist parliament of December 1989, considered himself a much more convincing incarnation of the awakened popular will. The parliament, on the other hand, was only supposed to mediate and legalize that will.[22]

In spite of this restricting expectation, there were autonomous processes in the parliament that were out of control by external actors, including those with stronger legitimacy. President Havel provided a perfect example. By delivering his first speech to the parliament on 23 January,[23] he wanted to use his authority and dramatic talent to make it quickly pass his proposal of a constitutional amendment which would change the country's name from Czechoslovak Socialist Republic to Czechoslovak Republic. But he was not aware of the current struggle the chambers were engaged in and neither did he have the "expert" knowledge of procedure, expecting that he

21 "President's Speech in the Federal Assembly, May 9, 1990," in *Projevy z let 1990–1992. Letní přemítání (Spisy sv. 6)*, ed. Václav Havel (Praha: Torst, 1999), 133.

22 "President's Speech in the Federal Assembly, Jan. 23, 1990," in Havel, *Projevy*, 26.

23 "President's Speech in the Federal Assembly, Jan. 23, 1990," in Havel, *Projevy*, 25–43. P. Roubal provides a detailed analysis of the speech in his article in this issue, see ref. 17.

would "storm in and before they wake up, they will have passed my proposal"[24]. In fact, he had staged his performance much better than that. While young pretty hostesses brought an oversize model of the new state symbols, he gave a speech of high literary quality. Yet no success followed. Not only was the President referred to the committees and the legal procedure, but in effect, he set off the so called "hyphen war" between the Czech and Slovak political élites that lasted for months. The Slovaks expected a deeper change of the federal system than just letting out a word from the state's name. But as of this moment, they explicitly demanded a hyphen and a capital S in the word Czecho-Slovak.

This is only one example of the emancipation of the federal parliament which was, under the provisional and limited-mandate appearance, in fact negotiating and establishing a new democratic parliamentary procedure that would better express the parliament's changing position within the political system. Until June 1990, the Federal Assembly was seeking a new relation to the President, the Government, the Czech and Slovak National Councils, the Czech and Slovak publics and the media. And it also experienced a first tough election campaign on parliamentary soil. The revolutionary parliament as defined above inhabited this difficult environment together with remnants of the socialist parliament as well as images and first attributes of the liberal democratic one. The three parliaments co-existed.

Laboratory of Professionalization

Czechoslovak politics in 1990 had immense tasks to complete – pass enormous amounts of legislation, build up political parties, find a balance between political institutions without the Communist Party dominance, set up a non-destructive relationship with the media etc. – and it did not have an established professional political class. Most of the political professionals from the socialist era have been discredited and replaced by new people. Parliaments became the main arena in which professionalization of the new political élites took place. This important social process can generally be defined as assimilation of the standards and values prevalent in a given profession. Every profession, including politics, tends to have some set or sets of values which determine what it means to be a professional in that field.[25] When successful, it also involves certain power, prestige, income, social status and privileges. Within parliaments, we will therefore operationalize it through observing the legal regulation of the mandate execution as a job, the special skills that deputies have to acquire, and their group identity.

Professionalism in the sense of special skills and expert knowledge was a factor present even in the socialist parliament. Although as was shown previously, the

24 For versions of the quote and further analysis of Havel's entry into parliament see Jiří Suk, *Konstituční, nebo existenciální revoluce? Václav Havel a Federální shromáždění 1989–1990* (Praha: ÚSD AV ČR, 2014), 36.

25 Gordon S. Black, "A Theory of Professionalization in Politics," *The American Political Science Review* 3 (1970): 865–78.

actual power was difficult to measure, making a professional impression became a crucial imperative in the late state-socialism. The Communist Party evaluators used to express it through the requirements of "thorough preparation", "successful coordination" of speeches and "high quality" of the sessions.[26] The interviews of MPs of the time show what a key element of their collective identity it was. For them, the main disillusionment associated with the 1989 revolution was exactly the disruption of this professionalism producing chaos and a lack of awareness of procedure and of good manners.[27]

For the revolutionary parliament, continuity seemed out of reach. Approximately half of the deputies were replaced by new ones through co-opting in January1990. The first free elections in June changed the parliament painstakingly once again: three quarters of the elected deputies were newcomers. The continuity of parliamentary work – which involved immense legislative tasks of re-introducing democratic procedures in state administration as well as numerous elements of retribution – was more or less provided by the parliament's administration, the Federal Assembly Office. Historical legitimacies made things even more complicated: first, employees expelled from the administration after 1968 were accepted back, and then, if things were not going well, conspiracy by the Communist Secret Service was declared to be the reason and alleged collaborators of the Secret Service found among the employees. The revolutionary professionalism was therefore a remarkable mix of old and new, skilled and inexperienced, and of victims of retribution and new, supposedly democracy-protecting purges.

The question of formal professionalization of the highly time-consuming parliamentary occupation had been discussed since the beginning of 1990, but was seriously solved only after the summer general election. Being a deputy became a regular paid job. The salary that the parlamentarians approved for themselves was about three times the usual wage. This became one of the first income inequalities that the post-Communist public was exposed to[28] and caused a storm of criticism in the media. On the other hand, interrupting one's previous job at this point for a two-year mandate basically meant leaving it for good, since returning into professional context dramatically changed by the social and economic transformation turned out to be practically impossible.

There was yet another paradox. While the public and the media expressed their expectation from the parliament to do a professional job for a professional salary, on the other hand, specific anti-professional ethic was widely shared. In this period, it

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26 See e.g. speech by Richard Nejezchleb, Minutes of the Defence and Security Committee, 4th meeting, Feb. 4, 1987 (APCR, FA-5). Cf. speech by Dalibor Hanes, Minutes of the Presidium, 2nd meeting, June 24, 1986 (APCR, FA-5).

27 See e.g. "Interview of Štefánia Michalková, Bratislava, Nov. 15, 2011," in Gjuričová, *Sbírka rozhovorů.*

28 Act No. 304/1990 Col., on salary and reimbursement of expenses of deputies of the Federal Assembly. For figures concerning the income see e.g. "Czech Statistical Office," accessed October 30, 2015, http://csugeo.i-server.cz/csu/dyngrafy.nsf/graf/mzdy_1960_.

seemed that in order to cut the link with the Communist era, the political sphere needed people with no political experience, leadership or legal education, people who do not wish to become politicians, but are willing to temporarily sacrifice themselves for the good of others. This approach was very close to the prevailing dissident rhetoric embodied by Václav Havel. But it became one of the decisive factors in the process of disintegration of the revolutionary catch-all movements. In the new parliamentary term, there was a completely new set of skills to acquire. Clubs organized along the immature electoral lists of wide anti-Communist movements began to fall apart in real time at the Federal Assembly meetings as of 1990 and re-organize into a number of political fractions. The segment of post-socialist parliamentary élite that was building up political parties worshipped new professionalism by which it openly protested against the dissident political and historical legitimacy-based amateurism.[29]

Similarly as in case of other issues mentioned above, even in case of political professionalization, the Czech and Slovak élites employed quite different and sometimes incompatible strategies. While the Czech post-socialist activists relied upon the federal level to bring them a long-term political perspective, the Slovak leaders opted for sub-federal institutions of the Slovak Republic in Bratislava. Being kicked-up to the federal parliament in Prague was perceived as risky by Slovak politicians. Because of long sessions in Prague, they grew isolated from Slovak politics which were going through a dramatic transformation.[30] In the Slovak society, there was also widespread distrust to the so called "federal" Slovaks based in Prague. And no wonder the Czech MPs felt distant from their Slovak counterparts who showed constant dissatisfaction with the functioning of the federal system and who used parliamentary procedure pragmatically to push through their partial Slovak interests. The Czech MPs said they were identified with the federal state, but, as will be further explained, even in this respect, reality proved to be more complicated.

A Constituent Assembly that Never Adopted a Constitution

From the very moment Czechoslovakia was established in 1918, the two nations' respective shares in governing the country had been problematic. The Czechs tended to dominate in the country they created for both themselves and the Slovaks who, on the other hand, showed reluctance and took any strategy to oppose the Czech domination. The federalization was a surprisingly radical constitutional transformation of the country that was passed by parliament in October 1968, but was not preceded

29 Magdalena Hadjiisky, "Vznik občanské demokratické strany: Pokus o sociologickou analýzu," in *Kapitoly* z *dějin* české *demokracie po roce 1989,* ed. Adéla Gjuričová et. al. (Praha, Litomyšl: Paseka, 2008), 68–90. Srov. Michal Kopeček, "Disent jako minulost, liberalismus jako projekt. Občanské hnutí – Svobodní demokraté v české polistopadové politice," in *Rozděleni minulostí. Vytváření politických identit v* České *republice po roce 1989*, ed. Adéla Gjuričová et. al. (Praha: Knihovna Václava Havla, 2011), 61–106.

30 See e.g. Gabriela Rothmayerová, *Zo zápisníka poslankyne* (Bratislava: Perex, 1992), 36.

by any substantial debate among both experts and the public. The surprisingly easy Czech consent might have been caused by the shock of the military invasion.[31] But it soon became clear that in the post-1968 Czechoslovakia very little would change in the day-to-day business of governance. As a result, when the Czechs claimed they were identified with federal Czechoslovakia in the 1990s, what they had in mind was the usual Czech centralism.

The tension between Slovak and Czech political representations of revolutionary publics could be felt from the very outset of the 1989 revolution. Soon the former manifested that redistribution of powers between the federal and republics' institutions was a primary issue of a democratic transformation, while the latter saw this as an obstacle to more urgent tasks of democratization and de-communization and showed surprise. For several weeks the problem seemed to lie in the different position of the Civic Forum vs. the Slovak Public Against Violence within their respective publics and a much easier incorporation of former socialist elites in Slovakia.[32] At least since the hyphen war, however, it was obvious that a serious reform of the federal system, including a substantial redistribution of powers would be necessary.

Although this was never said explicitly, the federalization of 1968 in fact involved the demise of the original Czechoslovakia and two new republics, a Czech and a Slovak one, each with its own citizenship, parliament and government, came into being on the territory of the previously united country. As the unicameral National Assembly was replaced with a bicameral Federal Assembly, its two chambers were given equal authority, and one of them, the Chamber of the Nations, contained an equal number of Czechs and Slovaks. Moreover, certain decisions required the majority consent of each half (Czech and Slovak) of the Chamber of the Nations. Now that the Communist Party domination was over, this resulted in that half of the Slovak part of the Chamber was able to block any important decision.

The revolutionary parliament experienced this during the hyphen war, when it seemed impossible to agree on any version of the state's new name. Other federalization issues, all of them highly controversial, were left up to the next, freely elected parliament. Only this legislature was supposed to have the legitimacy to draft a new constitution for both nations and a federation for the new era. However, the existing federal system, originally created only to formally express equality between the Czechs and Slovaks, could not stand the democratic practice. No matter how sophisticated processes of constitution making and its negotiating the federal parliament created,[33] for the reasons described above – the simultaneous emancipation of

31 Tomáš Zahradníček, "Federalization – The Path to Demise," *Aspen Review. Central Europe* 1 (2013): 25–30.

32 See e.g. Jiří Suk, *Labyrintem revoluce. Aktéři, zápletky a křižovatky jedné politické krize (od listopadu 1989 do* června *1990)* (Praha: Prostor, 2003), 170–80.

33 See the files of the Commission of Members of the Federal Assembly, the Czech and Slovak National Councils for Preparation of the Constitution and the Expert Commission for Drafting the Constitution, 1990–1991, Federal Assembly 6th term Collection, Archives of the Parliament of the Czech Republic.

parliament(s) from other institutions, re-building the party-political spectrum and creating new political élites involving different strategies of the Czech and Slovak political élites – they were never shared by both national political communities. The Federal Assembly remained isolated from Slovak politics – and allergic reactions to the ongoing bargaining developed on both sides.

President Havel tried to intervene and mediated many of the negotiations between the Czech and Slovak representations. He felt personally responsible for the success of the deals. He supported the process by inviting experts from abroad and hosting their informal meetings, and partly undermined it by having his own version of constitution drafted and trying to get it through the parliament which by then had been blocked up against him.[34] The new constitution was never adopted, and the Czecho-Slovak bargaining led to no conclusion.

The next election took place in 1992. It witnessed a professional campaign and produced stable political fractions and a parliament of self-confident and experienced professionals. The Slovak election winner Vladimír Mečiar had ignored the federal parliament for long, however, this assembly did neither include some of the more foresighted Czech leaders such as Václav Klaus, whose party won in the Czech lands, but who himself ran for a seat in the Czech National Council. The federal parliament found itself to be the only remaining federal institution in an ever more fractioned Czechoslovakia. And it also turned out to be the only institution that could once again legalize what had been decided elsewhere, namely at meetings of election winners behind closed doors. The last thing that the federal parliament was asked to do was to validate the dissolution of the Czechoslovak federation, including a "hara-kiri" dissolution of the parliament itself.

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34 Adéla Gjuričová, "Anti-politics and anti-parliamentarism: Václav Havel and the Czechoslovak parliament in the 1990s" (paper presented at the conference *Parlamentarismuskritik und Antiparlamentarismus in Europa*, Berlin, May 7–8, 2015).

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Adéla Gjuričová

(KRATKO) ŽIVLJENJE: ČEŠKOSLOVAŠKI PARLAMENT 1989–1992

POVZETEK

Češkoslovaški zvezni parlament je bil vzpostavljen leta 1968, da bi nadomestil državni zbor unitaristične države in tako formalno izrazil enakopravnost Čehov in Slovakov v novoustanovljeni federaciji. Po zlomu reform praške pomladi je socialistični parlament izgubil večino suverenosti, ohranil pa je zvezni značaj in formalne postopke, ter tako predstavljal nekakšno »podporno« zakonodajno telo. Leta 1989 je žametna revolucija, ki se je opredelila za spoštovanje miru in zakonitosti, v središču nove politike, ki je nazadnje pripeljala do razdružitve Češkoslovaške, seveda našla parlament starega režima.

V članku je uporabljen neoinstitucionalni pristop, ki dojema odnose med institucijami in njihovimi akterji kot interaktivne. Parlament se tako opazuje kot »ranljivo« okolje, ki nenehno išče ravnovesje med veljavnimi pravili, institucionalnimi predpisi in miti ter sedanjimi in nekdanjimi poslanci, njihovimi pričakovanji, prepričanji in samopodobami. S tega stališča lahko v razvoju zveznega parlamenta ob koncu osemdesetih in na začetku devetdesetih let 20. stoletja razločimo tri faze, ki so opisane v članku: prva faza – socialistični parlament, ki je izhajal iz stalinistične doktrine in so ga omajale reforme perestrojke; druga faza – revolucionarni parlament, ki ga je vzpostavilo revolucionarno gibanje in se je znašel ob strani zelo nepriljubljenega socialističnega parlamenta, ki ga je potreboval, ni pa ga nadzoroval; tretja faza – liberalno-demokratični parlament, ki je bil skupni teoretični ideal, vendar ni dobil dolgotrajne možnosti za razvoj. Te trije parlamenti naj bi soobstajali in delovali vzajemno.

Češkoslovaška politika je morala leta 1990 opraviti izjemno veliko nalog – sprejeti je morala ogromne količine zakonodaje, vzpostaviti politične stranke, najti ravnovesje med političnimi institucijami brez nadvlade komunistične partije, vzpostaviti neškodljive odnose z mediji itd. – ni pa imela izoblikovanega profesionalnega političnega razreda. Parlamenti so postali glavno prizorišče profesionalizacije novih političnih elit. Vendar pa so češke in slovaške elite v tem procesu uporabljale precej različne in včasih nezdružljive strategije. To je veljalo tudi za številne druge vidike postsocialistične preobrazbe: češka in slovaška javnost ter politični predstavniki so dojemali in sprejemali politične koncepte in prakse na nasprotujoče si načine. Nekatere od teh razlik so se izkazale za nezdružljive in zvezni parlament je nazadnje odigral ključno vlogo pri vodenju razdružitve češkoslovaške federacije leta 1992.

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Bettina Tüffers*

The 10th Volkskammer of the GDR – Just a Keen Student or a Parliament with Its Own Culture?

IZVLEČEK

10. SKUPŠČINA NDR – LE ZAVZETA UČENKA ALI PARLAMENT Z LASTNO KULTURO?

Zadnji parlament NDR, ki je obstajal le od marca do oktobra 1990, se je nedvomno razlikoval od parlamentov v drugih vzhodnoevropskih komunističnih državah. To je bilo povezano s posebnim položajem, ki ga je imel kot parlament polovice nekdaj enotne države.. Po zmagi konservativcev na volitvah marca 1990 je bilo jasno, da večina volivcev želi čim hitrejšo združitev z Zahodno Nemčijo. Glavna naloga skupščine je bila organizacija tega procesa. Ker je bilo 400 novoizvoljenih poslancev popolnoma neizkušenih, je bilo zgledovanje po nemškem Bundestagu najbrž edina možnost za reševanje težav, s katerimi so se spoprijemali. To pa je pomenilo, da ni bilo veliko priložnosti in časa za razvoj lastnih rešitev. Kritiki so obsežno pomoč zahodnonemških političnih strank in institucij videli kot svojevrstno kolonizacijo. Tudi veliko poslancev je bilo zelo kritičnih do skupščinskega dela. Občutek pomanjkanja vpliva in nemoči je bil vsesplošen, toda obe strani sta bili obenem zmožni dosegati konsenz.

Pričujoči članek poskuša odgovoriti na vprašanje, ali je bil ta parlament le prizadeven učenec zahodnonemškega učitelja ali pa je bil kljub okoliščinam sposoben razviti lastno parlamentarno kulturo in držo.

Ključne besede: NDR, parlament, nemška združitev, federalizem

ABSTRACT

The last parliament of the GDR, the 10. Volkskammer, existed only from March to October 1990 and was undoubtedly different from those in other eastern European communist countries. This had to do with its special situation as the parliament of one half of a former united nation. After the victory of the conservatives in the election of March 1990 it was clear that the majority of voters wanted unification with West Germany according to Art. 23 of the German Constitution and as quickly as possible. This meant reunification by accession of the GDR to the Federal Republic. It was the Volkskammer's main task to organize this process. Given that the 400 newly elected MPs were completely unexperienced following the model of the German Bundestag was probably the only way to be able to tackle the problems they were faced with. But this meant too that there

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was little room and no time to develop own solutions to their problems. Critics saw the massive support by West German political parties and institutions as a form of colonization. And a lot of MPs too were highly critical of their work. A feeling of lack of influence and powerlessness was widespread. But, as the example of the reintroduction of the five Länder shows, both sides could pull in the same direction too.

This article tries to answer the question whether this parliament was only an assiduous student of its West German master or despite the circumstances able to develop its own culture and its own pace.

Keywords: GDR, parliament, German unification, federalism

The 10th Volkskammer of the GDR was undoubtedly an unusual parliament. It existed for barely six months, from the day of its constitution on 5 April 1990 to 2 October 1990, during which it passed more than 150 laws and 100 resolutions at a total of 38 plenary meetings. Key examples include the treaty to establish a monetary, economic and social union with the Federal Republic of Germany, the Unification Treaty, the law governing the introduction of the five Länder (states), and the Stasi-Unterlagen-Gesetz,[1] although there were also laws on hospital financing, freely financed housing, and the application of a trades and crafts code, just to name a few. As the GDR's first and last freely elected democratic parliament, it was responsible for organising the East German side of the legally and economically complex German unification process, and in doing so dissolve itself and the state whose citizens it represented. As if this were not enough, the task had to be completed by MPs with next to no experience in the workings of a parliamentary democracy or parliamentary operations. Its history is also made interesting by the fact that the (self-)parliamentarisation process played out in the public eye, i.e. people could watch newly-elected MPs rapidly learning the ropes of their "profession" without the guidance of experienced colleagues. And it literally was a case of "watching", for televisions were there live at all times.

The election win by the conservative "Allianz für Deutschland" ("Alliance for Germany"), a coalition of the Christian Democrats (Christlich Demokratische Union, CDU), the Democratic Awakening (Demokratischer Aufbruch, DA) and the German Social Union (Deutsche Soziale Union, DSU), on 18 March 1990 clearly

[1] "Treaty on the establishment of a monetary, economic and social union between the Federal Republic of Germany and the German Democratic Republic," *Gesetzblatt der Deutschen Demokratischen Republik* 1: 332. "Treaty between the Federal Republic of Germany and the German Democratic Republic on the establishment of German unity," *Gesetzblatt der Deutschen Demokratischen Republik* 1: 1627. "Constitutional law on the formation of states within the German Democratic Republic," *Gesetzblatt der Deutschen Demokratischen Republik* 1: 955. "Law on protecting and using personal data from the former Ministry for State Security/National Security Office," *Gesetzblatt der Deutschen Demokratischen Republik* 1: 1419.

demonstrated that most GDR citizens wanted to be reunified with the Federal Republic, and have their living conditions aligned with the West, as quickly as possible, for the Allianz's proposed policy had included the demand for a liberal constitutional democracy, the federal unification of Germany as per Article 23 of the West German Basic Law, and a consistent, socially and ecologically-oriented marked economy.[2] The path to reunification had thus almost been completely set; alternatives, be they any kind of "third way" or the unification as per Article 146 of the Basic Law, were no longer matters for discussion.[3] The primary task of the 10th Volkskammer was now to adjust rights and structures in every conceivable area. However, given it had to be performed by 400 MPs with no parliamentary experience, help from West Germany was required.

This raises the question of whether, in these circumstances, the last Volkskammer of the GDR could have been more than just a keen student of its West German teacher, or whether it still managed to develop its own independent parliamentary profile.

The initial position of this parliament will thus first be explained below, before its specific working conditions are then examined. The sections thereafter describe how it geared itself around the West German model, and what role the media played. Finally, the example of the formation of the five new states within the GDR shows that, while the West German model did certainly align with some of the East's ideals, critical aspects were still dictated by the West.

The Initial Situation

The constitutive meeting held at 11am on the morning of 5 April 1990 marked the start of the final legislative period of a parliament which, until just a few months prior, had not even earned its reputation as such.[4] From the 1st election period in 1950 to the election on 18 March 1990, the "old" Volkskammer of the GDR was the perfect example of a so-called socialist representative body and therefore, by definition, fundamentally different to what was known in the GDR as a "bourgeois parliament". Specifically speaking, this meant there were no career parliamentarians, since MPs worked on a voluntary basis. They convened two, maximum three, times

2 "'Allianz für Deutschland' zu den Volkskammerwahlen am 18. März," *Neue Zeit,* February 7, 1990. Article 23 of the German Constitution 'initially' established that the Basic Law applied to the then eleven West German states. "It must be enforced in other parts of Germany on their accession". The alternative, accession under Art. 146 ("This Basic Law, which, upon Germany's unification and liberation, applies to the entire German people, shall become invalid on the day a constitution freely decided on by the German people takes effect."), was particularly preferred by opposition parties PDS and Bündnis 90/Grüne.

3 Martin Sabrow, "Der vergessene 'Dritte Weg'," *Aus Politik und Zeitgeschichte* 11 (2010): 6–13.

4 Regarding the Volkskammer, cf. Werner J. Patzelt and Roland Schirmer, ed., *Die Volkskammer der DDR. Sozialistischer Parlamentarismus in Theorie und Praxis* (Wiesbaden: Westdeutscher Verlag, 2002). Helmut Müller-Enbergs, "Welchen Charakter hatte die Volkskammer nach den Wahlen am 18. März 1990?," *Zeitschrift für Parlamentsfragen* 22 (1991).

a year in East Berlin for a meeting which lasted not much longer than a day, before returning to their homes and regular places of employment. This was allegedly the only way to guarantee close contact with the working population. There was no separation of powers either. According to the official description, the Volkskammer instead fulfilled "the principle of unity in decision-making and execution. [… A]s a working body, it ensures its decisions are implemented, and exercises control here."[5]

The GDR's Constitution stated that it was the highest state power. Until well into the 1980s, Volkskammer elections regularly recorded fantastic participation levels of over 98 percent, with equally fantastic results nudging the 100-percent mark for the unity list (Einheitsliste) of the ten GDR mass organisations and parties pooled under the "National Front". While the bloc parties CDU, Liberal Democrats (Liberaldemokratische Partei Deutschlands, LDPD), National Democrats (National-Demokratische Partei Deutschlands, NDPD) and the Farmers' Party (Demokratische Bauernpartei Deutschlands, DBD), as well as mass organisations like the Free German Youth (Freie Deutsche Jugend, FDJ) and the Free German Trade Union Association (Freier Deutscher Gewerkschaftsbund, FDGB), officially masqueraded under the guise of pluralism, the Socialist Unity Party of Germany (Sozialistische Einheitspartei, SED) in fact ran roughshod over them. The allocation of seats was already established before any "election".[6]

At the start, the Volkskammer hardly ever reacted to what was happening on the streets of the GDR in the autumn of 1989, remaining a loyal supporter of the system for some time.[7] However, the pressure of the increasingly vocal protests and the intensifying economic and political crisis occurring in the country meant it, too, ultimately had to make changes. The first signs of life were slow in coming; even the meeting on 24 October, in which Egon Krenz was elected Erich Honecker's successor as head of the State Council in a public ballot, followed the same familiar format, albeit introducing dissenting votes and abstentions. But all of a sudden, the MPs themselves insisted on tighter meetings schedules and the formation of enquiry committees, and called for previously withheld information and discussions. The beginnings of a humble democratisation process start to show as of 13 November 1989. In December, the SED's leading role was omitted from the Constitution.[8]

In this context, it is interesting to note the MPs' reaction to the Central Round Table (Zentraler Runder Tisch), which had convened since December 1989 and had, the Volkskammer believed, become an ominous rival institution because it per-

5 Herbert Kelle and Tord Riemann, *Die Volkskammer – wie sie arbeitet* (Berlin: Staatsverlag der Deutschen Demokratischen Republik, 1989), 12.

6 Hans Michael Kloth, *Vom 'Zettelfalten' zum freien Wählen. Die Demokratisierung der DDR 1989/90 und die* 'Wahlfrage' (Berlin: Links, 2000).

7 For the course of events, cf. Ilko-Sascha Kowalzcuk, *Endspiel. Die Revolution von 1989 in der DDR* (München: Beck, 2009), chs. II, III.

8 Cf. the minutes of the last nine meetings of the 9th Volkskammer (October 24, 1989 to March 6/7, 1990). Volkskammer der Deutschen Demokratischen Republik, 9. Wahlperiode, Protokolle, vol. 25, 221–556.

formed parliamentary functions and, in the eyes of many, was more legitimate than the Volkskammer.[9] While the members of the Volkskammer allowed the attending representatives of civil-rights groups and the old regime to discuss current problems, the decisions were to be made by them alone. They could not, however, stop the Volkskammer from rapidly losing authority, with MPs successively resigning from their positions in the final months.

The main legacy of the 9th Volkskammer is thus said to be that, during the last four months of its existence, it created the legal bases for a somewhat seamless transition into the GDR's first democratic parliament by virtue of the travel law, citizenship law and, most importantly, the electoral law for the election on 18 March 1990, thereby ensuring "institutional restabilisation following the collapse of the SED supremacy".[10]

The outcome of this first free and truly secret election in the GDR is well known: Contrary to all predictions, and most likely to the surprise of most people, the "Allianz für Deutschland" – the coalition between the CDU, DA and DSU – won with 48 percent of votes – well ahead of the Social Democrats (Sozialdemokratische Partei Deutschlands, SPD), who didn't even receive half (namely 21.9 percent), and ahead of SED successor, the Democratic Socialist Party (Partei des Demokratischen Sozialismus, PDS), with 16.4 percent. Way off the mark were the Liberals with 5.3 percent and Alliance 90/The Green Party (Bündnis 90/Grüne), the coalition of various civil-rights and environmental conservation groups, with 4 percent. Rounding things off were the members of Germany's Democratic Farmers' Party (DBD) and the Democratic Women's Federation of Germany (Demokratischer Frauenbund Deutschlands, DFD) on 2.5 percent, and a single member of the United Left (Vereinigte Linke). On 12 April, the CDU, DA, DSU, Liberals and SPD formed a Grand Coalition, which held a crushing majority of 303 to 97 votes in the Volkskammer.[11]

The task lying before the 400 newly elected MPs – 409 including the succes sors –[12] was colossal, with little time in which to be completed: The MPs initially assumed they had been elected for a full legislative period of four years. While some estimated more time than others for the unification process, no one expected this Parliament's lifetime to be as short as six months.

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9 Uwe Thaysen, *Der Runde Tisch, Oder: Wo blieb das Volk? Der Weg der DDR in die Demokratie* (Opladen: Westdeutscher Verlag, 1990).

10 Roland Schirmer, "Machtzerfall und Restabilisierung der Volkskammer im Lauf der Friedlichen Revolution," in *Parlamente und ihre Macht. Kategorien und Fallbeispiele institutioneller Analyse,* ed. Werner J. Patzelt (Baden-Baden: Nomos, 2005), 202.

11 The balances of power were to shift in summer, when, first the Liberals in July, then the Social Democrats in August, left the Coalition: Barely a month before the Volkskammer ended, the CDU and DSU parties still had 196 delegates, while the opposition parties had 204 seats.

12 Christopher Hausmann, *Biographisches Handbuch der 10. Volkskammer der DDR (1990)* (Köln, Weimar, Wien: Böhlau, 2000).

Working Conditions

The conditions in which the 10th Volkskammer commenced its work were extremely unfavourable. Not only were the newly elected MPs very unclear as to what they had to do and how to go about it, there were other factors as well. One was that they did not know each other. And this did not just mean that, for example, the members of the SPD party were not aware who their colleagues from the CDU, PDS or Liberals were; even within the individual parties, people initially hardly knew the person sitting in front or next to them. Key functions within the parties, whether these be president, committee chairperson or work-group chairperson, had to be filled without properly assessing whether the candidate was even suited to the task. It was the same story when selecting speakers in the plenum. If, due to lack of experience or information, it was impossible to ascertain the strengths and weaknesses of one's own members, one was dependent on guesswork and leaps of faith.

For many MPs, it only became clear once actually in Berlin that being elected meant giving up their previous job and performing their new task on a full-time basis, at least for a certain period, whose duration was unknown. While the old Volkskammer was content with two or three meetings a year, meeting frequency now rapidly increased. On average, there was one plenary session a week, often more, plus the usual party, work-group and committee meetings, some special sittings, including on Sundays, with some meetings spanning several consecutive days or lasting well into the night. If many MPs initially assumed they would at least have a few hours during the week to continue pursuing their original career, in keeping with the old GDR ideal of voluntary MPs, they were taught otherwise within the first few days of their attendance in parliament: Adoption of the Western parliamentary model had transformed them into career politicians virtually overnight. A Volkskammer mandate left no time for sideline work. But it also meant the MPs had to be paid for their work, since they had lost their original source of income. The introduction of per-diem allowances was inevitable.

Discussions on this topic particularly revealed the unease many parliamentarians felt at having to set their own income amount. Reinhard Höppner (SPD), chairperson of the work group commissioned with the draft legislation, put this malaise into words: "I'd love to find a way out of it. As a result of having to be the chairperson of this committee, I have ended up in the less than ideal position of now also having to report on it here."[13] Although the Members of Parliament Act (Abgeordnetengesetz) passed through the parliament in two readings, there was no debate on either occasion. As many MPs found the amount inappropriately high (3600 GDR Marks plus 2300 GDR Marks flat allowance, said amount being paid out in D-Marks upon the conversion of currency on 1 July. Members of the old

13 7th meeting on 17 May 1990. – Protokolle der Volkskammer der Deutschen Demokratischen Republik: 10. Wahlperiode (vom 5. April bis 2. Oktober 1990), ed. Deutscher Bundestag, Referat Öffentlichkeitsarbeit (Berlin: 2000), 200.

Volkskammer only received an allowance of 500 GDR Marks), they donated part of their income. The per-diem allowances did, however, remain a main point of criticism in public discussions.[14]

In March 1990, it became clear that MPs coming from outside Berlin required permanent housing where they could not only sleep and eat, but ideally also work. Large-volume accommodation was, however, rare in Berlin at this time, and most MPs ended up living in a former home for single Stasi officers on Ruschestraße in Berlin Lichtenberg. The facility first had to be urgently renovated, was not finished on time, and also lacked space, forcing some MPs to share rooms. And these MPs were not always from the same party, resulting in an atmosphere akin to a youth hostel – a notion fuelled further by the fact that the residents would meet in the evenings for guitar sing-alongs. However, this cross-party bonding undoubtedly also helped them get to know each other better, and break down any initial mistrust.[15]

The working conditions were also anything but optimum, with the infrastructure required for normal parliamentary operations virtually completely lacking. There were hardly any offices or meeting rooms, inadequate office materials, poor to negligible telecommunication, and even problematic transportation to and from parliament. The Volkskammer administration catering to the old setup could not handle the increased workload.

The meeting venue (the "Palast der Republik" until the 36th sitting) had been erected in the 1970s as a socialist cultural establishment in the centre of Berlin on the site of the demolished City Palace.[16] It was a multi-purpose building which the Volkskammer had to share with several restaurants, theatres, a post office and a bowling alley, among other things. As one of many occupants, the Volkskammer had no other choice but to find other rooms to work in. The parties finally took up quarters in the former building of the SED's central committee at Werderscher Markt, which had now been renamed the "Haus der Parlamentarier" or "House of Parliamentarians". The plenum also had to relocate there for the last two meetings after the Palast der Republik closed overnight due to an asbestos risk. Many MPs were mortified at having to move to this of all places. Apart from this, the Lenin Hall where meetings were held was merely a conference room and in no way suitable for parliamentary proceedings. There was no separation between the parties; MPs sat closely next to one another, making vote counts extremely complex. Visitors and journalists had to crowd around the room's side walls, because there was no separate seating for them.

14 See BArch DA 1/16731, the letters to the Volkskammer.

15 Paul Krüger, "Für einen geordneten Einigungsprozeß – zur Arbeit der CDU/CDA-Fraktion," in *Mandat für deutsche Einheit. Die 10. Volkskammer zwischen DDR-Verfassung und Grundgesetz,* ed. Richard Schröder et al. (Opladen: Leske + Budrich, 2000), 157.

16 Alexander Schug, ed., *Palast der Republik. Politischer Diskurs und private Erinnerung* (Berlin: Berliner Wissenschafts-Verlag, 2007).

Help from the West

In view of all these challenges, the "big brothers" from the West provided urgently required help and guidance – insofar as sister parties existed, (as with SPD, CDU, the Liberals and Bündnis 90/Grüne), for parties like PDS and DBD/DFD had none.[17] It would likely have been virtually impossible for the Volkskammer to operate without the material and non-material assistance of the Federal Republic of Germany, which included technical equipment such as copiers, fax machines, telephones and cars, but also information, training, counselling or simply money. For example, the SPD, which received probably the best planned and most comprehensive aid, had a contact office in East Berlin from as early as January 1990. The party organised training sessions and information presentations before the 10th Volkskammer was even constituted, and also provided the essential legal support, for the difficulties started with the previously unheard-of terminology, which had to be painstakingly learned. At one point, 16 West German consultants were working for the Social Democrats in the Volkskammer.[18]

Certain periods saw Bonn colleagues figuring in almost all parties and sometimes even in the Volkskammer's house gallery – a demonstration of affiliation always met by heartfelt approval from the plenum.[19] There were also a number of personal contacts available to discuss problems. The German Bundestag similarly provided institutional support, whether through administrative information, material resources and money, or counselling on security issues.

To enable things to get moving quickly and smoothly without any double-handling, attempts were made to establish as many structures as possible parallel to those in Bonn. For example, the number and layout of the committees in the Volkskammer was geared around the Bonn model, as was the number and layout of the ministries or work groups within the parties. The parties themselves also copied their respective sister parties. Bündnis 90/Grüne, for instance, adopted the model of having multiple spokespersons at the head of the party instead of one single leader – which was very appropriate for this highly heterogeneous combination of four groups originating in the civil-rights and environmental movement. This prevented certain members from being disadvantaged during the allocation of leadership positions. In the CDU/DA party, on the other hand, MPs formed state groups at a time when states did not exist in the GDR – another imitation of the West German model. The CDU in the Federal German Republic traditionally had very strong state associations, major regional

17 The CDU and Liberals had emerged from the GDR bloc parties CDU, NDPD, LDPD, while the SPD and Grüne were founded during the autumn of 1989.

18 Martin Gutzeit, "Aufbau, Organisation und Arbeit der SPD-Fraktion der Volkskammer," in *"Die Handschrift der SPD muss erkennbar sein". Die Fraktion der SPD in der Volkskammer der DDR*, ed. SPD-Bundestagsfraktion (Berlin, 2000).

19 Cf. particularly the meeting on June 17, 1990, which was especially criticised by the PDS. Uwe-Jens Heuer exclaimed: "Do we want to swap places? They can come down and we'll go up." – 15th meeting on 17 June 1990, Protokolle, 535.

differences, and a much more pluralist, decentralised organisational structure than, for example, the Social Democrats, and this was also reflected in the organisation of the Bundestag party, which similarly featured regional sub-groups, the strongest of which being the single-party CSU-Landesgruppe.[20]

One of the most important tools in ensuring the functionality and control of a parliament are the rules of procedure. The Volkskammer's old rules of procedure from 1974 were totally inadequate for modern, democratic parliamentary proceedings. They were modified out of necessity in April, and then definitively replaced in July 1990 by a version closely resembling that adopted by the German Bundestag. But the first drafts of this new version existed even before the election in March 1990. The Volkskammer's administration had prepared a draft drawing on the Volkskammer rules of procedure from 1949, those of the Weimar Reichstag and those of the German Bundestag. The SPD also started off with an elaborate draft inspired by the Bundestag's rules of procedure.

Despite this comprehensive help, a lot went wrong in everyday parliamentary life – though this is not a huge surprise. Parliaments are complex institutions which operate in accordance with countless written and unwritten rules. Being able to work professionally requires a well-honed mechanism, and, in the case of the Volkskammer, this first had to be put in motion.

It is not, for instance, enough to simply have rules of procedure; you also need to be able to apply them. Only the deputy head of parliament, Reinhard Höppner (SPD), actually knew how to use them to run a parliamentary session, primarily thanks to his experience as president and chair at Protestant Church synods, though he also had a gift for the task. Not only was he truly familiar with the various version of the rules of procedure, he was particularly able to anticipate situations and their consequences, think in alternatives, and find solutions in challenging scenarios. No other members of the steering committee, not even the president Sabine Bergmann-Pohl or her six deputies were able to do this, and often found themselves floundering. Other parliamentary processes also required practice, whether it was an "Aktuelle Stunde", correct composition and lodging of a petition, or the formalities for applying for a procedural motion. Or even just the knowledge that, according to information provided by the specialists from the work groups and committees, party meetings are there to discuss and establish the strategy for the plenum, and do not have to act as the place of endless debates on principles, especially when under time constraints.

The 10th Volkskammer and the Media

The 10th Volkskammer was permanently monitored throughout all of this. Its process of self-parliamentarisation played out in the public eye, for the Deutscher

20 Cf. Hans-Peter Schwarz, ed., *Die Fraktion als Machtfaktor. CDU/CSU im Deutschen Bundestag 1949 bis heute* (München: Pantheon, 2009).

Fernsehfunk (GDR state television) broadcast the plenary meetings live and almost always in full right from the start.[21]

The media's interest in the Volkskammer had not just surfaced with the election of 18 March 1990. A detailed GDR TV report from the Chamber began as early as 24 October 1989, i.e. the final phase of the 9th Volkskammer. The TV covered the final eight meetings of this legislative period live, broadcasting some 60 hours from the Palast der Republik between 24 October 1989 and 7 March 1990. The live coverage of the 10th Volkskammer continued this practice.

All parties involved expected a lot from it, not least the citizens, who naturally wanted to see how their representatives handled their mandate. There was consequently great interest in the broadcasts at this time, with people watching them regularly and, most importantly, together in groups.

The Volkskammer itself was, however, also convinced of the importance of transparency, openness and information as conveyed by the television. With this new understanding of the public sphere, enabling the citizens to watch them perform their work, the MPs purposely wanted to break away from the practices of their predecessor. "Watch" can also easily be replaced with the word "monitor", for that is what it boiled down to. This became particularly apparent in the constitutive meeting to elect the president and steering committee. What was unusual about it was the method for counting the votes, which took place in front of everyone in the Chamber, with the head of the Volkskammer administration, surrounded by the parties' secretaries, reading out each individual ballot paper.[22] As transparent and comprehensible as this process was for everyone, it was also extremely tedious, and tested the patience of MPs, journalists and viewers alike. The Volkskammer thus later did away with such laborious procedures.

The permanent television coverage did, however, have unwanted and unexpected side effects. The Volkskammer did not have set regulations regarding what was filmed and how it was filmed.[23] As a result, viewers not only saw all the various parliamentary routines as they occurred, but also chaotic meeting scenes; they saw MPs reading, eating or chatting, they saw empty rows of seats, and they began to complain. The many letters received by the Volkskammer attest to this.[24] Within a very short space

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21 This video material, spanning more than 200 hours, is available to the public, cf. the cooperative project run by the German Bundestag, the Bundesarchiv (German Federal Archives) and the Deutsches Rundfunkarchiv (German Broadcasting Archive) on the German Bundestag's website: *Deutscher Bundestag – Mediathek*, http://www.bundestag.de/kulturundgeschichte/geschichte/parlamentarismus/10_volkskammer/mediathek. Cf. also Bettina Tüffers, "Die Volkskammer im Fernsehen. Strategien der Selbstinszenierung in der 10. Volkskammer der DDR," in *Lebenswelten von Abgeordneten in Europa 1860–1990*, ed. Adéla Gjuričová et al. (Düsseldorf: Droste 2014).

22 Cf. the video recordings of the meeting dated April 5, 1990: *Deutscher Bundestag: On-Demand Video*, accessed October 12, 2015, http://webtv.bundestag.de/iptv/player/macros/_v_f_514_de/bttv/od_player.html?singleton=true&content=526621.

23 Similar to the German Bundestag and in complete contrast to institutions such as the British parliament, cf. Tüffers, "Fernsehen".

24 BArch DA 1/16731.

of time, it had developed a major image problem. In July, the steering committee felt obliged to draft up a code of conduct, in which the MPs were asked to behave in a manner respecting the dignity of the House, for the parliament's image was heavily defined by the television broadcasts.[25]

The MPs simply had not realised that, by adopting the West German model of parliamentarianism, they had virtually automatically also signed up to the associated by-products, i.e. the understanding of the public sphere and the unique media situation. Just as they had to learn how to handle the interaction between parliament, the media and the public in general, they also had to learn that live television broadcasts did not simply paint a neutral picture of the goings-on, but significantly influenced viewer responses through camera work, editing or commentary.

The New States

The GDR was a centralist nation, while the Federal Republic of Germany was and is, historically, a federal one.[26] Within it, the execution of national authorisations and tasks is a state matter, as per Article 30 of the Basic Law, unless otherwise stated or permitted.

The GDR once also had states for a short time: The five states of Mecklenburg, Saxony-Anhalt, Thuringia, Brandenburg and Saxony established by the Soviet Military Administration in 1945, which were replaced by 14 districts as part of the "Construction of Socialism" ("Aufbau des Sozialismus") announced at the 2nd SED party conference in July 1952. The borders were primarily established based on economic interests, although the restructuring also aimed for centralisation, control and the elimination of self-administration ("democratic centralism"). The districts had no political autonomy.[27]

But it was not able to achieve what its leaders had intended for these measures, namely a radical break with state traditions, considered to be irrelevant remnants of Wilhelmine Germany, and the "final elimination of federalism, parliamentarianism and the principle of separating powers",[28] as soon became patently clear in 1989. The major demonstrations of autumn 1989 in the GDR saw the call for new states

25 BArch DA 1/16625, 65 f, Letter dated July 4, 1990.

26 "The Federal Republic of Germany is a democratic and social state," Art. 20 (1) GG. The so-called "eternity clause" in Art. 79 (3) GG further stipulates: "Amendments to this Basic Law affecting the division of the Federation into Länder, their participation on principle in the legislative process, or the principles laid down in Articles 1 and 20 shall be inadmissible."

27 "Measures to change the national structure in the German Democratic Republic" dated April 29, 1952 and the "Law on further democratisation of the structure and working methods of national bodies in the states of the German Democratic Republic" dated 23 July 1952, *Gesetzblatt der Deutschen Demokratischen Republik* 1: 613. Henning Mielke, *Die Auflösung der Länder in der SBZ/DDR. Von der deutschen Selbstverwaltung zum sozialistisch-zentralistischen Einheitsstaat nach sowjetischem Modell 1945–1952* (Stuttgart: Steiner, 1995), 76–80.

28 Karl-Heinz Kajna, *Länder – Bezirke – Länder: Zur Territorialstruktur im Osten Deutschlands 1945–1990* (Frankfurt am Main: Lang, 1995), 107.

to be formed become more vocal, with local citizens deeming it a "guarantor for free democratic basic order".[29] The states became a central moment of identification at a time where the superseded social and political structures were rapidly dissolving.

The Modrow government had established a "Commission to prepare and perform an administrative reform" in the GDR in 1989, but left other regulations to the subsequent Volkskammer. During the government policy statement of 19 April 1990, Prime Minister de Maizière then labelled the state structure "one of the basic conditions for German unity, a fundamental structure for democracy, and a pre-requisite for successfully restructuring our economy".[30] In late July 1990, the Volkskammer finally decided to (re-)constitute the five states of Mecklenburg-Vorpommern, Brandenburg, Thuringia, Saxony-Anhalt and Saxony on 14 October 1990, thereby re-establishing the federal structures which had been dissolved by the GDR leaders in late 1952.[31] Apart from a few border regions, the shape and layout of the new states matched those formerly defined by the Soviet Military Administration in 1945.

However, the fact that it ended up being precisely these five states, and no other options (such as forming just three or four larger states) were seriously taken into consideration, was also a result of the federal government and West German states having massive influence over the decision, particularly financially. Bonn was not interested in extended discussions with uncertain outcomes.[32] This meant that the adjustment of both countries' national and administrative structures which became necessary during the German reunification was primarily the task of the GDR. It adopted the West German model to set up the complex equalisation system and distribute skills among the individual states, and between the states and the federal government. But this did not meet with any criticism or even resistance in the GDR. On the contrary: it was preaching to the converted. In fact, hardly any other issue appears to have reached "such a broad consensus among all political powers".[33] The emerging parties and other organisations even anticipated the development by "[establishing] regional associations geared around the state structures which had existed until 1952 before the states themselves had actually been formed".[34] And, as mentioned earlier, the CDU/DA party modelled its structure on that of the CDU/CSU by combining MPs into state-based groups, once again before the states even existed.

The identity-boosting aspect of introducing the new states was actually visible in the Volkskammer, with colours being shown in more than just a figurative sense. Dresden-born DSU member Lothar Klein appeared before his colleagues at the dis-

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29 Michael Richter, "Die Entstehung der neuen Bundesländer 1989/90," in *Länder, Gaue und Bezirke. Mitteldeutschland im 20. Jahrhundert*, ed. Michael Richter et al. (Dresden: Mitteldeutscher Verlag, 2008), 279.

30 3rd meeting on 19 April 1990, Protokolle, 49.

31 Law governing the establishment of states, dated 22 July 1990, *Gesetzblatt der Deutschen Demokratischen Republik* 1: 955.

32 One suggestion stated, for example, that only three states – Mecklenburg, Brandenburg and Saxony-Thuringia – should be formed. – Richter, "Entstehung," 282–85.

33 Ibid., 280.

34 Ibid.

cussion relating to the "Prime Minister's report on the Moscow summit of foreign ministers regarding the two-plus-four negotiations" on 20 September wearing an unusual tie bearing the Saxon state coat of arms in the state colours green and white. He was not the only one; at that same meeting, CDU/DA member Michael Albrecht, from the Saxon town of Riesa, demonstrated his home ties in the same striking manner,[35] while Klein's party colleague Norbert Koch, the Saxon state leader of the DSU, had quoted the first verse of Maximilian Hallbauer's 1842 "Sachsenlied" in the plenum as early as 21 June.[36] And as if to show that the passion for all things Saxon really did extend across all parties, Christine Ostrowski (PDS) from Dresden stepped up to the lectern on 6 July dressed in black and yellow "as a sign of my bond with the future state capital of Saxony".[37]

In retrospect, Volkskammer president Sabine Bergmann-Pohl found it "remarkable that 'state-conscious attitudes' had emerged so soon after the start of the political change". […] I thought it was a good starting point for completely normal, federative developments in our new society and our nation"[38] – a point which Grüne member Bernd Reichelt also highlighted in the first reading of the Ländereinführungsgesetz (the act establishing the new states). However, he appeared far less surprised by it than Bergmann-Pohl, commenting that "The GDR was not actually able to develop its own identity, despite 40 years of efforts by the party leaders and government. The feeling of belonging to a particular state in a historic and cultural context has largely endured, and we can particularly notice this today in the emotional way people are responding to the formation of the states. The House never reached an agreement on how to surrender the GDR's sovereignty, but I think there is a consensus when it comes to establishing states. The states will be the future reference framework for the people of the GDR when the GDR no longer exists."[39]

The behaviour of the Saxon members in particular – Brandenburgers or Thuringians, for example, did not display their regional allegiances as openly – must be viewed in the context of the imminent elections; the first state parliamentary elections in the GDR were held on 14 October 1990, and the first pan-German Bundestag was elected in early December. This demonstration of regional identity was thus a clear political statement against the centralist GDR and in favour of the federal restructuring. But it was also a sign of regional identification which had never totally disappeared. Particularly in a time of political and economic instability and rapid change, it provided cohesion and guidance.

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35 36th meeting on 20 September 1990, Protokolle, 1767 f.

36 16th meeting on 21 June 1990, Protokolle, 583.

37 22nd meeting on 6th July 1990, Protokolle, 936.

38 Sabine Bergmann-Pohl, "Die frei gewählte Volkskammer," in *Mandat für deutsche Einheit. Die 10. Volkskammer zwischen DDR-Verfassung und Grundgesetz*, ed. Richard Schröder et. al (Opladen: Leske + Budrich, 2000), 61.

39 17th meeting on 22 June 1990, Protokolle, 670. Cf. also Michael Richter, "Föderalisierung als Ergebnis der friedlichen Revolution in der DDR 1989/90," in *15 Jahre Deutsche Einheit. Was ist geworden?,* ed. Gerhard Besier et al. (Berlin: LIT 2007), 57.

Conclusion: Just a Keen Student or a Parliament with Its Own Culture?

Immediately after the Volkskammer was dissolved in October 1990, the members themselves became some of the harshest critics of its work. Many felt heteronomous, driven and dominated by the events and decisions of their own government and Bonn politics, sometimes simply overwhelmed, working under permanent time constraints, without any opportunity to make their own decisions or even work through drafts to the point that people could vote on them in good faith.[40] By the time the accession date had been set in the August for 3 October, and the Unification treaty had been passed in the September, they had become redundant. The feeling of powerlessness varied depending on which party the MPs belonged to. It was most intense among the opposition parties.

The Stasi-Unterlagen-Gesetz (the act on the GDR's state security documents), which was only incorporated into the Unification Treaty in this form at the urging of the parliament – against the intentions of the government in Bonn –, was considered one of the few positive factors of their work. The request for their own constitution, backed by the opposition, however, was one of the many wishes left unfulfilled.[41]

Circumstances had admittedly made it difficult for the 10th democratically elected Volkskammer to develop its own profile as a parliament. The task it had been assigned with the victory of the "Allianz für Deutschland", namely to arrange reunification with the Federal Republic of Germany as quickly as possible, allowed very few alternatives or independent solutions. Parliamentary structures first had to be established. This affected institutional aspects just as much as it did the work methods and everyday organisational matters of the MPs, including relations between the parliament and the media and public.

Neither the meeting venue nor the working conditions were appropriate, the role of MP had to be defined and adapted to the new requirements, and unknown parliamentary institutions and formalities had to be introduced and tested. All this had to be borne by parliamentary novices, making the need for assistance inevitable. This help, which came largely from West German affiliate parties, as well as the German Bundestag, was extensive, albeit not totally selfless, for it also pursued personal interests in relation to future election successes. The help included supplies of material and money, as well as immaterial support through information, training and counselling.

The 10th Volkskammer of the GDR differed from established parliaments in many respects. In terms of its operating style, it was generally considered more passionate, more spontaneous, more geared around consensus, and more interested in fact-based, cross-party problem-solving rather than fierce political discussions fol-

40 Cf. e.g. the interviews in the Parliamentary Press Service of the GDR's Volkskammer, No. 11, 1 October 1990 or the critical summaries by the party leaders at the last meeting on October 2, 1990, Protokolle, 1863–72.

41 Gunnar Peters, "Verfassungsfragen in der 10. Volkskammer der DDR (1990)," *Deutschland Archiv* 37 (2004).

lowing rigid party boundaries. But we must be cautious about construing this as a new, fresher, more spontaneous, "more humane" form of parliamentary culture which contrasts with the reputedly cold, aloof, professional Bonn/Berlin setup. As time passed, the MPs' harsh self-criticism gave way to a milder view of things, which outweighed the enthusiasm over the experiences gained at the time. Much of what was deemed negative and detrimental in 1990 was reinterpreted as a positive: Chaos gave rise to improvisation, and a lack of combativeness resulted in a preference for objective discussion and consensual decision-making. This focus on consensus undoubtedly tied in with the still-ambiguous differentiation between political parties, the difficulty of the task, and the common goals despite all differences, but also with the lack of parliamentary practice and uncertainty in dealings with one another. Party discipline was, without question, also far less intense than it is today, but conduct deviating from the party line during votes can easily be tolerated when you have the comfortable majority the coalition had in its first few months. A greater focus was also placed on discipline within the parties in the Volkskammer once things became less cut-and-dried for critical votes. There were also controversial interjections, heated debates and personal attacks.

The "either/or" question raised in the title is thus too strict. The 10th Volkskammer of the GDR was indeed a keen student; it was capable of learning and incredibly diligent. But its work was never completely heteronomous – both sides had identical intentions, not just in the case of establishing the new states – nor was it a parliament with a true culture of its own. The external circumstances, including considerable time constraints, in which it operated required a pragmatic approach to the extremely complex tasks. Well-honed rules and processes which had been tried and tested elsewhere were used. While this left little room for its own initiatives, it did enable things to run more or less smoothly.

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Bettina Tüffers

10. SKUPŠČINA NDR – LE ZAVZETA UČENKA ALI PARLAMENT Z LASTNO KULTURO?

POVZETEK

10. sklic skupščine Nemške demokratične republike (NDR) je gotovo bil nenavaden parlament. Obstajal je le šest mesecev – od konstituiranja 5. aprila 1990 do 2. oktobra 1990. V tem času je parlament na 38 plenarnih sejah sprejel več kot 150 zakonov in 100 resolucij. Kot prvi in zadnji svobodno izvoljeni demokratični parlament NDR je bil odgovoren za organizacijo vzhodnonemškega dela prav-

no in ekonomsko zahtevne nemške združitve. Pri tem je razpustil sebe in državo, katere državljane je predstavljal. Za nameček so morali to nalogo opraviti poslanci, ki niso imeli skoraj nobenih izkušenj z delovanjem parlamentarne demokracije ali parlamenta. Zgodovina te skupščine je zanimiva tudi zato, ker se je (samo)parlamentarizacija odvila pred očmi javnosti – ljudje so lahko opazovali novo izvoljene poslance, kako so se hitro učili svojega »poklica«. Ker je šlo za 400 poslancev brez parlamentarnih izkušenj, je bila potrebna pomoč iz Zahodne Nemčije.

Pri tem se postavlja vprašanje, ali bi bila lahko v tedanjih okoliščinah zadnja skupščina NDR več kot le zavzeta učenka zahodnonemških učiteljev, ali ji je vseeno uspelo izoblikovati lasten parlamentarni profil.

Treba je priznati, da so dane razmere demokratično izvoljeni skupščini oteževale, da bi se izoblikovala kot parlament. Naloga, ki jo je dobila z zmago koalicije »Allianz für Deutschland«, in sicer da izvede čim hitrejšo združitev z Zvezno republiko Nemčijo, ji ni omogočala veliko možnosti ali neodvisnih rešitev.

10. skupščina NDR se je v marsičem razlikovala od običajnih parlamentov. Njeno delovanje bi lahko na splošno opredelili kot bolj čustveno in spontano, bolj usmerjeno v doseganje konsenza in medstrankarsko reševanje težav na podlagi dejstev namesto burnih političnih razprav v okviru strogih strankarskih omejitev. Vendar moramo biti previdni, preden to opredelimo kot novo, bolj svežo, spontano ali »človeško« obliko parlamentarne kulture, ki je nasprotje domnevno hladne, vzvišene in profesionalne drže Bonna/Berlina. Sčasoma je strogo samokritičnost poslancev nadomestil prizanesljivejši nazor, ki je prevladal nad navdušenjem ob pridobljenih izkušnjah. Veliko zadev, ki so leta 1990 veljale za negativne in škodljive, je bilo prevrednotenih v pozitivnem smislu. Kaos je vodil v improvizacijo in nepripravljenost za spopad je dala prednost objektivnim razpravam ter sporazumnemu sprejemanju odločitev. Ta osredotočenost na konsenz je nedvomno sovpadala s še vedno nejasnim razlikovanjem med političnimi strankami, težavnostjo naloge in skupnimi cilji kljub vsem razlikam, vendar pa tudi s pomanjkanjem parlamentarne prakse in negotovimi medsebojnimi odnosi. Strankarska disciplina je bila vsekakor tudi precej ohlapnejša od današnje, vendar je odstopanje od partijskih smernic med glasovanjem mogoče dopustiti, kadar je zagotovljena zadostna večina, ki jo je koalicija imela v prvih mesecih. Stranke v skupščini NDR so se bolj posvetile uveljavljanju notranje discipline, ko odločilni glasovi niso bili več tako samoumevni. Manj je bilo tudi kljubovalnih medklicev, razgretih razprav in osebnih napadov.

Vprašanje »ali/ali« iz naslova je torej prestrogo. 10. skupščina NDR je bila vsekakor zavzeta učenka, ki se je bila sposobna učiti in je bila nadvse prizadevna. Vendar njeno delovanje ni bilo nikoli povsem podrejeno – obe strani sta imeli enake namene, ne le v primeru ustanovitve novih držav – prav tako pa ni bila parlament z resnično lastno kulturo. Zunanje okoliščine, vključno s precejšnjimi časovnimi omejitvami, v katerih je delovala, so zahtevale pragmatičen pristop k izjemno zahtevnim nalogam. Uporabljena so bila utečena pravila in postopki, ki so bili preizkušeni in preverjeni že drugod. To sicer ni dopuščalo veliko prostora za lastne pobude, je pa omogočilo sorazmerno nemoteno delovanje.

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Jure Gašparič*

Slovenian Socialist Parliament on the Eve of the Dissolution of the Yugoslav Federation: A Feeble "Ratification Body" or Important Political Decision-Maker?

IZVLEČEK

SLOVENSKI SOCIALISTIČNI PARLAMENT NA PREDVEČER RAZPADA JUGOSLOVANSKE FEDERACIJE – BLEDO "RATIFIKACIJSKO TELO" ALI VAŽEN POLITIČNI ODLOČEVALEC?

Skupščina socialistične republike Slovenije je bila še leta 1986, na predvečer razpada jugoslovanske federacije, precej dolgočasen organ, zaprt v uradniško-formalistične okvirje. Sestavljali so jo na specifičen posredni način izvoljeni neprofesionalni delegati brez večjega družbenega vpliva. Toda prav ta skupščina je nato nekaj let kasneje sprejela več ključnih odločitev, ki so uvedle večstrankarski sistem, elemente tržnega gospodarstva in okrepile položaj republike. Zdi se, da je skupščina takrat postala prvi faktor tranzicije in da je prav ona zamajala jugoslovansko federacijo. Toda taka ocena se vendarle ni uveljavila. Njena vloga deluje nejasno. Izhajajoč iz tega avtor v prispevku išče odgovor na vprašanje: Kakšen organ je bila socialistična skupščina? Pri tem najprej predstavi genezo jugoslovanskega skupščinskega sistema in njegove temeljne značilnosti, nato pa obravnava tri različne ravni oz. možne poglede na skupščino: pravno raven, percepcijsko raven (kako so ljudje dojemali skupščino) in raven notranjih mehanizmov (kako se je spreminjala parlamentarna razprava).

Ključne besede: socialistični parlament, Jugoslavija, Slovenija, razpad, 1989

ABSTRACT

In 1986, on the eve of the dissolution of the Yugoslav Federation, the Assembly of the Socialist Republic of Slovenia was a rather boring authority, restricted to the bureaucratic and formalist framework. It consisted of nonprofessional delegates without significant social influence, elected in a specific indirect manner. However, it was this very Assembly that passed several key decisions a few years later, leading to the introduction of a multiparty system and elements of market economy, as well as strengthening the position of the republic. It seems that at the time this Assembly became

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the primary factor of transition and that it was this very institution that destabilised the Yugoslav federation. However, such an evaluation has nevertheless not asserted itself. The role of the socialist Assembly appears vague. Consequently the author, in his contribution, seeks to answer the following question: What sort of an authority body was the socialist Assembly? Initially the author presents the genesis of the Yugoslav Assembly system and its basic characteristics, and then he explores the three different levels or possible outlooks on the Assembly: legal level, perceptual level (how people saw the Assembly), and the level of internal mechanisms (how the parliamentary discussions changed).

Keywords: socialist Parliament, Yugoslavia, Slovenia, dissolution, 1989

To Be President of the Socialist Assembly is a "Comfortable Function"

In April 1986 a relatively young Slovenian politician with quite impressive political mileage Miran Potrč (among other things he had been the President of the Labour Union Association of Yugoslavia a few years earlier; at that time, in terms of protocol, he was in the 13th place in the Yugoslav hierarchy) was elected as President of the Socialist Assembly of the Republic of Slovenia. Formally this function was very important as well, as in Slovenia only the President of the Republic was superior to him. However, as Potrč wrote in his memoirs, "the President of the Executive Committee, but especially the President of the Central Committee of the League of Communists of Slovenia and occasionally also the President of the Socialist Alliance of the Working People had a greater influence on the situation in the society."[1] To put it differently, Potrč was inferior to the Head of Government, Head of the Party, and Head of a specific "socio-political organisation", the Socialist Alliance of the Working People, whose extensive jurisdiction and open-door policy gave Yugoslav socialism the appearance of democracy. Therefore to be President of the Assembly was, "under normal circumstances", a "comfortable function, as it mostly involved the responsibility for work organisation and prompt decision-making, and even in this regard the President of the Assembly could consult three Presidents of Chambers and a well-organised professional service, while he was not directly responsible for the content of the decisions themselves."[2] In 1986 the circumstances in the state were still "normal".

The economic crisis might have been troubling the country for quite a long time before and no efficient political solutions were on the horizon, but at the same time the spring of 1986 was the time when the Memorandum of the Serbian Academy of Science and Arts – a "Greater Serbian" national programme, which caused so much unrest in Yugoslavia in September 1986 – had not been published yet. Furthermore, the ascent of the Serbian leader Slobodan Milošević, accompanied with a series of

1 Miran Potrč, *Klic k razumu: spomini* (Ljubljana: Modrijan, 2014), 116.
2 Ibid.

worrisome mass rallies, had yet to take place (in 1987 and especially 1988). The more serious conflicts with Belgrade and Yugoslav People's Army had not happened yet, either. The resounding 57th issue of the Nova revija magazine, containing the contributions to the Slovenian national programme, would not be published until 1987, and the socalled Trial of the Four against Janez Janša and others in front of the Military Court, which mobilised a significant part of the Slovenian community, would not happen for another two years... The public opinion was still quite uncritical and vague at the time.[3] According to Miran Potrč, the public was focused on the "practical questions", but remained mostly indifferent towards the more general political issues.

Such a social climate was also reflected in the Parliament. Debates about new problematic issues were nonexistent. The proceedings were tedious and very formal, almost bureaucratic, which was the result of the "selfmanagement" system. As it was, Members of the Assembly were not MPs, but rather "delegates" coming from the so-called basic organisations. Therefore, as the delegates were not skilful politicians, they mostly read the "reports" drawn up by their organisations and agreed with the proposals at the sessions.[4]

However, the comfortable life in the Republican Socialist Parliament did not last long: the term from 1986 to 1990 turned out to be turbulent and decisive, and also final incarnation of the "classic" delegate Assembly form. Afterwards the Assembly stopped functioning, but not before singing its swan song. As it happened, in its final years the Assembly was often pushed to the forefront and had a decisive impact on the events.

Republican Socialist Assemblies in the Political System of the Yugoslav Federation

Before we begin with the in-depth exploration of the activities and character of the Republican Assembly in its final period, we should take a look at the genesis of its creation as well as its position in the Yugoslav political system.

Already during World War II a completely new political system, based on the people's authority, started emerging in the occupied Yugoslavia. In this process Slovenia attained a status of a federal unit (as one of the Yugoslav republics) with its own constitution and statehood. At that time the establishment of a new system under the leadership of the communists took place gradually, in agreement with the Allies, but at the same time resolutely and intensely. While, on one hand, new authorities were being created, on the other hand the former Yugoslav King's government-in-exile in London still existed. Therefore both sides sat down at the negotiating table,

3 Jure Gašparič and Mojca Šorn, "Od tovariša delegata do gospoda poslanca: O razpravi v socialistični enostrankarski skupščini in demokratičnem tranzicijskem parlamentu v Sloveniji," *Prispevki za novejšo zgodovino* 54, no. 1 (2014): 37–47.

4 Miran Potrč, interview by author, Ljubljana, April 24, 2014. Sound recordings and transcriptions of the interview are kept by the author.

especially due to the British pressure, and reached a compromise: on one hand the establishment of a joint government of the resistance movement and government-in-exile – a kind of a transitional government, which was nothing special in the European context – and on the other hand the "restoration" of multi-party democracy.[5] At this point we should add that the "restoration" of the multi-party system in Yugoslavia in accordance with the King Alexander Karađorđević Imposed Constitution of 1931 and the accompanying electoral law would imply the introduction of public elections where not everyone could run for office. It would therefore mean the introduction of a kind of multi-party democracy disputable even in its formalistic aspect.[6] After the war the pre-war multi-party system was in fact not fully restored, but rather only partially. Yet in the formal sense this was even more prudent. As it was, the elections were now secret, minor parties allowed, and in the beginning even media pluralism was acceptable.[7] However, in all other aspects and conditions for the development of the political life this restoration was largely a replication of the 1930s.

In a state where a multi-party system was not desired, a state-wide coalition named the People's Front was established, headed by the Communist Party.[8] The socalled extraFront opposition was thwarted (the communists controlled the repressive apparatus and the political police), and therefore the opposition ultimately failed to appear at the elections. A single list, which could count on winning in any case, competed for the votes.[9] In the autumn of 1945 the American embassy in Yugoslavia reported to Washington that the country was turning into a totalitarian police state with no freedom of speech and press, but that "significant opposition or objections to the existing situation are nevertheless virtually non-existent".[10]

While in certain parts of Yugoslavia, especially in Serbia, the opposition remained active despite the difficulties, the situation in Slovenia was completely different. Here the idea and political form of the People's Front had already been implemented by the communists as early as in 1941, when the Liberation Front was established. At a congress immediately after the war the Liberation Front pronounced itself as the

5 For more information see Jerca Vodušek Starič, *Prevzem oblasti* (Ljubljana: Cankarjeva založba, 1992), 106–07, 130–45.

6 Jure Gašparič, *SLS pod kraljevo diktaturo: Diktatura kralja Aleksandra in politika Slovenske ljudske stranke 1929–1935* (Ljubljana: Modrijan, 2007), 116–24.

7 Aleš Gabrič, "Opozicija v Sloveniji po letu 1945," *Prispevki za novejšo zgodovino* 45, no. 2 (2005): 104. Vodušek Starič, *Prevzem oblasti*, 166–67, 331–37.

8 The basic characteristics of the "People's Front" approach was the same throughout the Central and Southeastern Europe. For example, a similar platform was also established in Czechoslovakia, where the non-communist politics headed by Beneš had a far stronger starting position as in Yugoslavia. The socalled "Košice Government Programme", which was the first step towards "people's democracy", was comprehended in various ways at that time. Some people saw in it a maximum package of reforms, while others believed it was merely the beginning of a radical transformation. – Jiří Vykoukal, Bohuslav Litera and Miroslav Tejchman, *Východ: Vznik, vývoj a rozpad sovětského bloku 1944–1989* (Praha: Libri, 2000), 126.

9 Vodušek Starič, *Prevzem oblasti*, 343–69.

10 Gabrič, "Opozicija po 1945," 102.

"only political representative for the whole of Slovenia".[11] The actual power of the Liberation Front, primarily stemming from the resistance against the occupiers and the victory in the national liberation war, was not questionable either. The political structure of Slovenia after 1945 became increasingly monolithic. However, the complete absence of any opposition did not result exclusively from the activities of the communists, but also from the actions of the pre-war political parties. Their wartime activities and collaborationist heritage had pushed them to the edge of the political space.[12]

After World War II we can therefore no longer speak about classic parliamentarism, since despite the existence of the Assembly and elections only a single political party existed in this period. Apart from the oneparty aspect, the main characteristics of the postwar system also included the constant distancing from the principles of the functioning of the classic parliamentary system and gradual introduction of a specific corporatist system. This was also evident from the structure of each Assembly.

The Constitutional Assembly consisted of two chambers: the Federal Assembly, elected on the basis of the state-wide and equal right, and the National Assembly, where each republic had 25 representatives. Unicameral Assemblies of the People's Republics existed at the republican level.[13] After the 1953 constitutional reform the National Assembly was annexed to the Federal Assembly, and in its stead a new chamber, called the Council of Producers, was established. Its members were elected indirectly, according to the specific branches of economy, which was the first step towards corporatism. The new constitution of 1963 implemented a further systemic upgrade. The Federal Assembly, later renamed as the Assembly of the Socialist Federal Republic of Yugoslavia, was expanded to five councils (chambers): Federal Council (which included the Council of Nations), Economic Council, Educational and Cultural Council, Social and Health Council, and Organisational-Political Council. The same system was introduced in each of the republics, but here the Republican Council took the place of the Federal Council.[14]

Despite the one-party Assembly system, several elements of classic parliamentarism can be identified in the activities of the Slovenian Assemblies throughout this time. However, these elements were merely fragmentary and especially characteristic of the period of the so-called Party liberalism in the 1960s. Already in 1966 President of the Government Janko Smole tied the question of the government vote of

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11 Božo Repe, *Rdeča Slovenija: Tokovi in obrazi iz obdobja socializma* (Ljubljana: Sophia, 2003), 25.

12 Janko Pleterski, "O soslednosti novejše zgodovine Slovencev: Nekaj pripomb ob in k posvetu Slovenci in leto 1941," *Prispevki za novejšo zgodovino* 43, no. 1 (2003): 109.

13 Aleš Gabrič, "Volitve v Ustavodajno skupščino novembra 1945," in *Slovenska novejša zgodovina: Od programa Zedinjena Slovenija do mednarodnega priznanja Republike Slovenije: 1848–1992*, ed. Jasna Fischer et al. (Ljubljana: Inštitut za novejšo zgodovino, Mladinska knjiga, 2005), 854–60. Aleš Gabrič, "Prva slovenska ustava," in *Slovenska novejša zgodovina*, 867–68.

14 Mateja Režek, "Ustava reforma leta 1953," in *Slovenska novejša zgodovina*, 950–52. Mateja Režek, "Na pragu reform," in: *Slovenska novejša zgodovina*, 998–99.

confidence to the vote on a concrete proposal, which was completely unusual for the Assembly system (unlike the parliamentary system); while the classic role of MPs became especially apparent a few years later. In 1971 an actual political affair broke out, known as the "Affair of 25 Deputies". At this time a group of deputies proposed, apart from the "official" candidate, its own candidate as a member of the Presidency of the Socialist Federal Republic of Yugoslavia. Although unsuccessful, this action questioned the monopoly of personnel management of the Party leadership.[15]

The "Delegate System" (1974–1991)

The last thorough constitutional reform followed in 1974 (before that numerous constitutional amendments had been adopted between 1968 and 1971). This reform represented the peak of the "Yugoslav experiment" and remained in force until the 1990s. A system of delegates was introduced, which was a nontransparent and impractical indirect concept of total selfmanagement. The Federal Assembly of the Socialist Federal Republic of Yugoslavia once again became bicameral, consisting of two equal chambers: the Federal Chamber and the Chamber of Republics and Provinces, to which the delegates were appointed from the Assemblies of six republics and two autonomous provinces. The Republican Assemblies, also the Slovenian Assembly, became tricameral, consisting of the Chamber of Associated Labour, Chamber of Municipalities and SocioPolitical Chamber.[16]

The delegate system, outlined primarily by the Slovenian politician Edvard Kardelj and his supporters, was, according to Peter Vodopivec, based on the author's "Bolshevik Proudhonistic sociopolitical fantasies" (one of the reasons why in the West Kardelj was mockingly referred to as an "ideological tailor"). The architects of the new order deconstructed the whole society together with all organisations into the smallest possible parts (all institutes, institutions, companies, etc.), which would supposedly encourage the mass politicisation of the population and their engagement. In the second half of the 1970s almost 300,000 people – in Slovenia with its two million inhabitants – were included into the delegate functions.[17]

How could a citizen become a delegate in the Slovenian Assembly? If it was a question of the Chamber of Municipalities, a citizen had to be first elected as a member of the "basic" delegation, for example in his/her local community. Then the local communities elected delegations for the municipal communities, and after that

15 Ciril Ribičič, *Siva tipka 074* (Ljubljana: Enotnost, 1995), 17–24.

16 Zdenko Čepič, "Federaliziranje federacije 1967–1971," in *Slovenska novejša zgodovina*, 1052–54. Zdenko Čepič, "Ustava 1974: preureditev jugoslovanske federacije, delegatski sistem in dogovorna ekonomija," in *Slovenska novejša zgodovina*, 1094–101. Božo Repe, "Pravne in politične podlage, okoliščine in pomen prvih demokratičnih volitev," in: *Razvoj slovenskega parlamentarizma: Kolokvij ob 10. obletnici parlamentarizma v Sloveniji: Zbornik referatov, koreferatov in razprav*, ed. Tatjana Krašovec (Ljubljana: Državni zbor Republike Slovenije, 2000), 41–62.

17 Peter Vodopivec, "Komunistične skupščine v senci partije," in: *Analiza razvoja slovenskega parlamentarizma*, ed. Barbara Vogrinec (Ljubljana: Inštitut za civilizacijo in kulturo, 2005), 286–87.

the municipal communities organised the groups of delegates to join the Republican Assembly. On each occasion one of the delegates from the group attended the session of the Republican Parliament, chosen on the basis of the issues on the agenda.[18] If it was a question of the Chamber of Associated Labour, a citizen had to be first elected as a member of the delegation in his/her company (factory). These delegations sent delegates to the Municipal Chamber of Associated Labour, which at the end chose the delegates for the Republican Assembly. If it was a question of the Socio-Political Chamber, a citizen had to be a member of a "socio-political organisation" and as such elected as a member of the Republican Assembly by the municipal socio-political chambers.[19]

What this meant for the status of the delegates was described vividly by the literary historian Dušan Pirjevec: "To be a Member of Parliament nevertheless meant something once. Today it means nothing to be a delegate. This is no longer a political function – the only politicians left are members of the Party."[20] Miha Ribarič, secretary of the constitutional commission of the Republican Assembly, said something similar already in 1978: "One of the fundamental unacceptable characteristics of the delegate Assembly system is ... that the delegate Assemblies in fact often function as a sort of ratification or verification bodies of materials, decisions, solutions and proposals, prepared by the executive or administrative bodies."[21]

However, the Yugoslav crisis intensified and a decade after Ribarič's resigned observations the role of Assemblies and delegates started changing. The sessions of the Federal Assembly became increasingly lively and conflicting, and it even happened that in 1988 the President of the Federal Government Branko Mikulić resigned because he failed to secure the Assembly support for his budget proposal.[22] While this is a rather normal occurrence in classic parliamentary democracies, in Yugoslavia this happened for the first time after 1945. However, at that time certain Republican Assemblies started becoming far more important than the Federal Parliament, among them especially the Slovenian Assembly.

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18 See *Zakon o volitvah in delegiranju v skupščine: Zakon o volitvah in odpoklicu Predsedstva Socialistične republike Slovenije s pojasnili Cirila Ribičiča in Franca Grada* (Ljubljana: ČZ Uradni list SRS, 1985).

19 Apart from these chambers, the "Self-Management Interest Associations" were a part of the assembly system at the time as well (SIS). These "associations" supposedly enabled people to express their common interests in the fields of education, culture, health. Special assemblies of Self-Management Interest Associations made decisions about matters from their jurisdiction on equal footing with the competent Assembly chambers.

20 Vodopivec, "Komunistične skupščine v senci partije," 287.

21 Miha Ribarič, *Spomini: Slovenija – Jugoslavija* (Ljubljana: Fakulteta za družbene vede, 2015), 61.

22 Vodopivec, "Komunistične skupščine v senci partije," 292.

The Final Convening of the Slovenian Socialist Assembly and Its Place in Historiography

The crisis, which went on unacknowledged by the Yugoslav political elites for a long time (the leading politicians avoided the term "crisis" consciously), and all its many layers, economic as well as social and political, had an increasingly obvious impact on that period. The numerous solutions that were gradually outlined were very diverse and exceedingly dependent on the individual republican elites. Due to the federal structure of the state this led to severe mutual conflicts. The elite that gathered around Slobodan Milošević (initially the President of the Central Committee of the League of Communists of Serbia, then the President of Presidency of the Socialist Republic of Serbia) asserted itself as the strongest and also most aggressive. Together with its allies (the Montenegrin, Kosovo and Vojvodina leadership) it argued for the increased powers of the central federal authorities, therefore for the reduction of federalism and for the classic socialist system that Yugoslavia had adhered to before the constitutional reforms between 1971 and 1974. On the other hand a tentative alliance formed between Slovenia, Croatia, Bosnia and Herzegovina and Macedonia, brought together especially because of the fear of the centralist and nationalist offensive of the Milošević's circle. Within this circle the leadership of the League of Communists of Slovenia argued for the clearest standpoints, aimed at the democratisation of the society, allowing the formation of noncommunist political groups, a more prominent role of the republics and market economy.[23]

The already loose federal system kept getting looser and the political control in the individual republics was becoming less and less effective. The demands for pluralism and systemic changes became increasingly decisive, and finally they also manifested themselves in the hall of the Slovenian Assembly of delegates. Thus in its final convening between 1986 and 1990, the Slovenian Assembly became one of the key supporters of a peaceful and evolutionary transformation into a multiparty parliamentary system. The adoption of numerous constitutional amendments to the Slovenian Constitution in September 1989 was especially important.[24]

In the increasingly tense circumstances at the time, on 27 September 1989 the delegates, with the strong engagement of the civil society,[25] actually introduced an asymmetrical position of Slovenia in the federation, as they implemented the "security, economic and developmental priority of interests and needs of Slovenia" before the federation. Furthermore, they enabled the conditions for direct and secret

23 Božo Repe, *Jutri je nov dan: Slovenci in razpad Jugoslavije* (Ljubljana: Modrijan, 2002), 63–73, 232–35.

24 Miran Potrč, "Za prvo demokratično izvoljeno Skupščino Republike Slovenije je dala zakonsko podlago zakonodaja, sprejeta 27. 12. 1989 v Skupščini Socialistične Republike Slovenije," in *Prihodnost parlamentarne demokracije: Zbornik strokovnega srečanja ob 20. obletnici prvih večstrankarskih volitev*, ed. Tatjana Krašovec and Mojca Pristavec Đogić (Ljubljana: Državni zbor Republike Slovenije, 2010), 26–32.

25 For more information about the circumstances see Repe, *Jutri je nov dan*, 177–83.

elections,[26] allowed for the establishment of political parties, and introduced elements of market economy.[27] Throughout this process important political debates unfolded in the Assembly and farreaching decisions were made. Even symbolism – always an important matter in politics – was not lacking. In September 1989, after adopting the constitutional amendments, the delegates spontaneously (and allegedly quite out of tune) sang Zdravljica (A Toast), the song that one of the amendments proclaimed as the Slovenian anthem. Zdravljica was written in 1847 by the most important poet of the Slovenian romantic period France Prešeren, famous among the people and almost synonymous with Slovenian literature. Everybody knew the popular song (structurally a toast), and they declared their adherence by singing it. Many a tear was shed on this occasion, and the Assembly politics was no longer boring, but rather very emotional...

Thus it seems, at the first glance, that in 1989 the Assembly became the primary factor of the transition: as it was, it adopted the acts that shook the Yugoslav federation. However, such assessments cannot be found in the historiographic literature. The authors who focus on the dissolution of Yugoslavia and definitely mention the adoption of the constitutional amendments rarely look carefully at the authority body that adopted them and the way in which they were adopted.[28] They usually refer to the voting in the Assembly with expressions like "Slovenia adopted" or "Slovenians decided" or "Slovenian politics opted for", etc. On this basis we can make at least two different conclusions about the character of the Assembly at the time:

- either that in the opinion of numerous experts in Yugoslavia until 1990 decisions were still made by a few people in the key positions, while the Assembly merely verified their decisions, which merely happened to be resounding and very significant in 1989;
- or that despite the delegate system the Assembly was a body of representatives

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26 The elections were called for April 1990. Apart from a few former sociopolitical organisations, transformed into political parties, new parties united in the Demos coalition also competed for the votes. Altogether this coalition received the majority of the votes and formed a government. The political life proceeded increasingly in the spirit of multiparty parliamentarism, although "only" the delegate Assembly, consisting of three chambers, existed.

27 Potrč, *Klic k razumu: spomini*, 127–40.

28 See for example Robert M. Hayden, *Blueprints for a House Divided: The Constitutional Logic of the Yugoslav Conflicts* (Ann Arbor: The University of Michigan Press, 2000). Susan L. Woodward, *Balkan Tragedy: Chaos and Dissolution after the Cold War* (Washington D. C.: The Brookings Institution, 1995). Sabrina P. Ramet, *The Three Yugoslavias: State-Building and legitimation, 1918–2005* (Washington D. C.: Woodrow Wilson Center Press, 2005). Lenard J. Cohen, *Broken Bonds: The Disintegration of Yugoslavia* (Boulder, San Francisco, Oxford: Westview press, 1993). There is a noticeable difference between the way in which the Assembly is seen by Slovenian and foreign authors. Slovenian authors generally pay more attention to it and try to explain its decisions; primarily Repe, *Jutri je nov dan* and the authors of the work *Slovenska novejša zgodovina*, apart from them also Stefano Lusa, *Razkroj oblasti: Slovenski komunisti in demokratizacija države* (Ljubljana: Modrijan, 2012). Rosvita Pesek, *Osamosvojitev Slovenije: "Ali naj Republika Slovenija postane samostojna in neodvisna država?"* (Ljubljana: Nova revija, 2007). The Assembly is seen in a similar manner also by Viktor Maier, *Wie Jugoslawien verspielt wurde* (München: C. H. Beck, 1995).

which embodied the political will of the population of the Socialist Republic of Slovenia.

The role of the Assembly is thus unclear, and the logical question is therefore the following:

What Sort of an Authority Body Was the Socialist Assembly?

In the Yugoslav federation, the Slovenian Socialist Assembly at this time, as the socialist system was falling apart, was a rather complicated organism, and it should be analysed in detail. In order to ensure its understanding and temporal placement I will attempt to deal with three levels: the formalistic legal level, the perceptual level, and the manner in which the Assembly operated.

Legal level

In view of the legal sources (especially the 1974 Constitution) and literature we can state almost definitely that during the dissolution of the state the Assembly was an authority body impossible to bypass. "The Assembly of the Socialist Republic of Slovenia is a social self-management body and the highest authority in the framework of the rights and duties of the republic", stated Article 334 of the republican constitution.[29] As such it was an important factor in the process of political decision-making with broad jurisdictions.[30] There was nothing else – not at the federal nor at the republican level – that could replace it. The decision-making process at the time was "implemented through complicated mechanisms and procedures", which often only formally ensured the democratic choice and participation of the people. In fact the purpose of the self-management mechanisms, according to Miran Potrč, was primarily to ensure that the system as envisioned in the Party programmes was not threatened.[31] However, without the Assembly the adoption of decisions was nevertheless impossible, especially when it came to amending the constitution. In his commentary on the adoption of the constitutional amendments, the constitutional lawyer Miha Ribarič wrote that with these amendments Slovenia addressed some of the key questions regarding its position in Yugoslavia – a federation which in itself had "no original functions and jurisdictions; meaning such that would not originate from its members."[32] The members of the federation, the republics, could therefore strengthen or weaken their own position through the decisions adopted in their Assemblies. Furthermore, in 1989 many people in Belgrade found it questionable whether the decisions of the Slovenian Assembly, which strengthened the Slovenian position, were compatible with the Constitution of the Socialist Federal Republic of

29 *Ustava Socialistične republike Slovenije*, § 334.
30 *Ustava Socialistične republike Slovenije*, § 335.
31 Potrč, *Klic k razumu: spomini*, 121.
32 Ribarič, *Spomini: Slovenija – Jugoslavija*, 230–34.

Yugoslavia. However, no one questioned the formal manner in which these amendments were adopted.

Thus the Assembly had all of the systemic conditions for actually carrying out an important political role in the system. Without its engagement the political changes would not be possible, at least not in the constitutional manner characteristic of the Slovenian emancipation process and the initial stage of its political transition. After all, even the current Slovenian Constitution from 1991 was adopted in accordance with the constitutional revision procedures, set out in the preceding 1974 Constitution.[33]

At the same time the Assembly was an elected authority body, even if in a special delegate manner. The delegation elections differed significantly from the classic parliamentary elections, as they did not reflect the "single act of the voters, authorising the elected Members of Parliament to adopt governmental decisions as their general representatives and in their name". According to the legal interpretation at the time, the delegation elections meant "the beginning of a permanent, four-year working cooperation between delegations and delegates, working people and citizens..." Supposedly people were "continuously deciding" which guidelines their delegates should observe. The system was a kind of an implementation of direct democracy. Consequently the Assembly was not envisioned as a classic representative body.[34]

Perceptual level / perception of the Assembly

The second moment, important in order to understand the role and activities of the Assembly, is its perception among the people, the trust in the Assembly and vice versa: the Assembly's interaction with the public opinion, with the impulses of the time as felt by the population. Miran Potrč says:

> *"I am convinced it is very likely that the connection between the public opinion, the demands of the civil and social organisations as they were established at the time... that the links between them and the Parliament were stronger than today. ... These connections were stronger then... For example in 1990, or between 1986 and 1990, between 1988 and 1990. Much stronger. At that time we paid great attention to the public opinion. We were very mindful of what was discussed in public, what the public demands were. I am not saying that we satisfied all of them, far from it, but we considered more or less all of these demands and met them in many ways."*[35]

We should also emphasise that at that time the delegates were not the same people for the whole term: due to the system of interchangeable delegates the Assembly

33 Jure Gašparič, *Državni zbor Republike Slovenije 1992–2012: O slovenskem parlamentarizmu* (Ljubljana: Inštitut za novejšo zgodovino, 2012), 42–46.

34 *Zakon o volitvah in delegiranju v skupščine: Zakon o volitvah in odpoklicu Predsedstva Socialistične republike Slovenije s pojasnili Cirila Ribičiča in Franca Grada*, uvodna pojasnila.

35 Miran Potrč, interview by author, Ljubljana, April 24, 2014.

sessions could be attended by new, different delegates, sometimes also sympathisers of the new social movements.[36]

Thus the Assembly could follow the wishes and observe the demands of the public, and the delegates were aware of their responsibility. For example, when President of the Assembly Potrč opened the session on the occasion when the amendments were adopted, he said: "It has been a long time since the delegates of this Assembly had such a profound responsibility to the Slovenian nation as we do today."[37]

However, did the public share the opinion that this was the case? Did the people see the Assembly as their representative?

The results of the public opinion polls at the time are very revealing. In 1986, as far as the municipal level was concerned, 50 % of people answered "yes" to the question: "We have just held the Assembly election. Do you feel that you have taken part in the selection and appointment of the candidates for the leading functions?". However, when their participation in the appointment of the leading candidates at the republican and federal level was in question, almost three quarters of interviewees answered "no".[38] People obviously felt that the delegate system was alienated and they felt that they did not take part in the formation of the Assembly.

Neither were they very familiar with the political system: in 1989, on the eve of the adoption of the constitutional amendments, most of them were unable to name all three Assembly Chambers.

However, on the other hand the answers of the people were in favour of the Assembly. A minimal percentage responded that they did not trust the Assembly. Mostly they only wished for more (direct) democracy (which is a sort of a paradox, as this very system supposedly implemented direct democracy). It was especially important that at the time a very large majority of people agreed with the constitutional amendments.[39]

The favourable inclination that the people showed to the decisions of the Assembly on the day when the amendments were adopted and immediately after that day reached dimensions which are rare even in the system of the classic parliamentary democracy. When the delegates arrived to the Assembly, the representatives of a new social movement (which later grew into a political party, like many others) the Greens of Slovenia distributed apples for encouragement; and when the delegates were leaving, a crowd of people waited for them, applauding. The passing cars

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36 *Zakon o volitvah in delegiranju v skupščine: Zakon o volitvah in odpoklicu Predsedstva Socialistične republike Slovenije s pojasnili Cirila Ribičiča in Franca Grada*. Potrč, *Klic k razumu: spomini*, 117.

37 "Slovenska ustava stremi k svobodi in kreativnosti ljudi," *Delo*, September 28, 1989.

38 Niko Toš et al., *Slovensko javno mnenje 1986 [database]* (Ljubljana: Univerza Edvarda Kardelja, Fakulteta za sociologijo, politične vede in novinarstvo, Center za raziskovanje javnega mnenja in množičnih komunikacij [creation], 1986; Ljubljana: Univerza v Ljubljani, Fakulteta za družbene vede, Arhiv družboslovnih podatkov [distribution], 1999).

39 Niko Toš et al., Slo*vensko javno mnenje 1989: Stališča o ustavnih dopolnilih [database]* (Ljubljana: Univerza Edvarda Kardelja, Fakulteta za sociologijo, politične vede in novinarstvo, Center za raziskovanje javnega mnenja in množičnih komunikacij [creation], 1989; Ljubljana: Univerza v Ljubljani, Fakulteta za družbene vede, Arhiv družboslovnih podatkov [distribution], 1999).

honked their horns euphorically. It is also not negligible that the Slovenian delegates were under significant pressure throughout this time. Almost all federal bodies were opposed to the adoption of the amendments. The discussions about them were frequently turbulent and very emotional, the warnings foreboding, and in the end the Slovenian Assembly was "more or less explicitly" advised to postpone the adoption of the amendments. In his commentary after the adoption of the amendments, the journalist of the central Slovenian daily newspaper Delo, Danilo Slivnik, wrote:

> *"In the following days some people will try to add to or subtract from this event, typical of politics everywhere. However, they will hardly be able to change the fact that the current political turning point in Slovenia is a consequence of wider democratic changes in the republic, in which everyone from the still incomplete national political circle participated: from those individuals who kept sending their "letters to the editor" to various newspapers for months and months... To the representatives of the most "official politics".*[40]

Thus in September 1989 the Assembly was implementing the political will of the population. However, as the young Slavko Gaber, later a long-time Minister of Education, underlined in a newspaper column: the Assembly could only acquire this legitimacy by "taking steps towards the normal conclusion of its term". He claimed that the Assembly could not take merit as a classic elected Parliament, therefore he spoke in favour of its abolishment.[41] This in fact happened shortly afterwards, but the dilemma remained: was the Assembly only legitimate because with its own decisions it simultaneously abolished itself?

Operating principle

In order to understand the last, 10th convening of the Slovenian Socialist Assembly, I believed that it was necessary to ask another question: in what way did the Assembly operate, had its cultural pattern changed, had the internal mechanisms during the sessions been altered? In order to find the answer I employed a different methodological approach, making use of the advances of digital humanities. Building on the thesis that every parliament (even the socialist kind) primarily focuses on and pays attention to discussions, I have analysed the quantitative characteristics of discussions on the basis of a few reference books containing verbatim records of the Assembly sessions. Thus my colleague Andrej Pančur and I have checked how many words the delegates (and later MPs) spoke at individual sessions, how many different speeches they held, how many words they used for discussing an individual item, and what was the proportion between the number of words of the President and the other participants of the discussions. The results are not very surprising, even if they may initially appear to be.

40 Danilo Slivnik, "Po meri Slovencev," *Delo*, September 28, 1989.

41 Slavko Gaber, "Skupščina komunistov se odpravi," *Telex*, October 26, 1989.

Table 1: A part of the quantitative analysis, prepared by Andrej Pančur on the basis of selected collections of verbatim records of certain Assembly / Parliament sessions in the stated years

Year	Number of speeches per session	Number of words per session	Number of speeches of the President per session	Number of words of the President per session	Proportion: words of the President vs. everyone else
1973	73	16315	42	3524	0.22
1982	71	18987	42	5497	0.29
1984	90	27252	53	7088	0.26
1986	98	22055	59	6909	0.31
1987	111	25123	63	7190	0.29
1989	130	35530	75	10045	0.28
1990	472	68401	221	18610	0.27
1991	258	54498	133	12627	0.23
1992	415	76544	225	26218	0.34

Year	Number of words per session item	Proportion: words of the President vs. everyone else per item
1973	1991	0.19
1982	1386	0.27
1984	1830	0.22
1986	1396	0.27
1987	1057	0.25
1989	1978	0.25
1990	1904	0.22
1991	3761	0.21
1992	2557	0.31

Since the 1980s the number of speeches at individual sessions was rising steadily, but then increased radically in 1990 (dissolution of the state) and 1992 (swift adoption of new legislation). Simultaneously the number of words spoken at individual sessions was increasing as well, especially after 1989. The Presidents spoke more often and longer. Even the number of words, spoken during the discussion of individual items, increased. (Thus the proportion between the number of words spoken at a single session and the number of words spoken by the President remained relatively static.)

It seems that the political dynamics, felt all around Slovenia and Yugoslavia, also found its way into the Assembly and characterised its work: more was said there. On the basis of certain case studies we may also conclude that gradually not only more was said, but also differently: the language started changing and the reading

of "reports" became rarer, while political passion intensified.[42] The upgrading of the search tools in the context of the digitalisation of session records, currently carried out at the Institute of Contemporary History, will allow for a more advanced and temporally more comprehensive linguistic research, not only regarding the quantitative characteristics, but also the contents of what was said. The stated information is only partial, therefore its representativeness is questionable.

Conclusion

We can establish that the socialist Parliament on the eve of the dissolution of Yugoslavia has not yet been explored in much detail. This is true in case of the republican Assemblies as well as the Federal Assembly in Belgrade. However – at least we can claim this for Slovenia – at this time the Assembly underwent internal changes and, most notably, started adopting important decisions: in the process of the dissolution of Yugoslav federalism it was a constitutional and political factor which could not be ignored.

We can partially agree that the Assembly (also) gained legitimacy by steadily marching towards its end, although in this regard we should also add that the legitimacy of the Assembly and trust in it by the people was encouraged at least in the same degree (if not more so) by the threat that the people saw in Belgrade. In 1989 the answers to the public opinion poll question "In the current circumstances, what represents the greatest threat to the sovereignty of Slovenia?" included especially the following three issues:

- that "we have excessive economic responsibilities to the federation and the underdeveloped";
- that "the federal authorities are authoritarian in their rejection of important Slovenian proposals";
- and that "Slovenian political pluralism and democratisation was under attack outside of Slovenia".

Therefore the Slovenian Assembly represented defence from the Belgrade threat. This was reason enough why it was seen as a legitimate representative body, a parliament with a purpose.

The federal institutions, including the League of Communists of Yugoslavia, were different: they were becoming an end in themselves. Paradoxically, these institutions were able to persist precisely because of the Slovenian Assembly and similar authority bodies, as the League of Communists of Yugoslavia as well as other federal institutions justified their own existence at least partially by responding to the decisions of the Slovenian Assembly. In September 1989, during the adoption of the Slovenian constitutional amendments, a motto wittily and evidently illustrating the logic of the Party sessions became popular: "If you have problems, convene a session of the

42 Gašparič and Šorn, "Od tovariša delegata do gospoda poslanca," 37–47.

Central Committee. This will result in even more problems, but at least you'll have a Central Committee session."[43]

The legitimacy of the federal authorities gradually disappeared completely, and only a few Western countries saw the Federal Assembly and the federal government of the reformist prime minister Ante Marković as a credible party.

In the meantime the credibility of the Slovenian Assembly kept strengthening, especially after April 1990 when the first multi-party elections by secret ballot were carried out for the first time after 1927. At that time the Assembly was filled with delegates who, despite the existing constitution, called themselves Members of Parliament, which was more appropriate for the new times. The largest number of MPs came from new parties, but we should note that the former League of Communists of Slovenia and the other former "socio-political organisations" had a very good result as well. The latter can perhaps be interpreted as an additional argument supporting the thesis that in the final period the former Socialist Assembly was nevertheless a legitimate "representative" institution, supported by the population. Finally, in 1991 people in Slovenia believed that democracy in their republic was not very different from the democracies in the Western European countries. They were probably wrong, but still – they (at least partially) based this opinion on their experience with their socialist Parliament, which was, comparatively speaking, the most positive in the whole of Eastern Europe.[44]

Table 2: Consolidation of democracy in Central and Eastern Europe, 1991 / 1999

Country	Year	Our State should develop like Western European Countries	In our State will never be possible to implement the true Democracy	Democracy in our State is similar to democracies in Western European countries
White Russia	1999	62.9	29.3	2.8
Bolgaria	1991	81.2	17.9	6.2
	1999	76.7	48.2	92.1
Czech Republic	1991	77.2	13.1	13.4
	1999	76.0	30.0	16.3
Estonia	1991	73.5	16.4	6.4
	1999	69.3	18.1	28.2
East Germany	1991	80.2	21.4	30.2
	1999	82.8	21.5	58.7
West Germany	1999	86.9	18.7	64.3

43 Rastko Močnik, "Paralogizmi argumentov in logika institucije," *Telex*, October 5, 1989.

44 *Vrednote v prehodu VIII: Slovenija v srednje in vzhodnoevropskih primerjavah*, ed. Niko Toš (Ljubljana: Univerza v Ljubljani, Fakulteta za družbene vede, IDV – CJMMK; Wien: Edition Echoraum, 2014), 334.

Hungary	1991	94.8	20.7	7.6
	1999	94.2	23.5	16.9
Latvia	1999	58.5	14.9	8.5
Lithuania	1991	86.2	20.7	10.7
	1999	81.2	24.5	15.1
Poland	1991	97.1	31.3	16.5
	1999	92.9	46.3	24.6
Romania	1991	93.9	23.5	18.1
	1999	95.4	22.8	24.3
Russia	1999	34.0	35.6	10.0
Slovakia	1991	67.2	15.8	12.2
	1999	73.5	40.3	10.8
Slovenia	1991	96.9	17.2	41.1
	1999	89.4	18.5	45.5
Ukraine	1991	74.1	35.1	7.4
	1999	66.1	44.7	3.9

Source: *Vrednote v prehodu VIII: Slovenija v srednje in vzhodnoevropskih primerjavah*, ed. Niko Toš (Ljubljana: Univerza v Ljubljani, Fakulteta za družbene vede, IDV – CJMMK; Wien: Edition Echoraum, 2014), 334.

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Jure Gašparič

SLOVENSKI SOCIALISTIČNI PARLAMENT NA PREDVEČER RAZPADA JUGOSLOVANSKE FEDERACIJE – BLEDO "RATIFIKACIJSKO TELO" ALI VAŽEN POLITIČNI ODLOČEVALEC?

P O V Z E T E K

Avtor ugotavlja, da socialističnemu parlamentu na predvečer razpada Jugoslavije doslej ni bilo posvečene veliko raziskovalne pozornosti; to velja tako za republiške skupščine kakor za zvezno skupščino v Beogradu. Toda (to lahko trdimo za Slovenijo) skupščina je v tem času doživljala notranje spremembe in zlasti sprejemala važne odločitve; v procesu razgradnje jugoslovanskega federalizma je bila ustavni in politični faktor, ki ga ni bilo mogoče zaobiti. Slovenska skupščina je tako med drugim septembra 1989 sprejela številne ustavne amandmaje k republiški ustavi, ki so uvedli večstrankarski sistem, elemente tržnega gospodarstva in okrepili položaj republike. Zdi se, da je nenadoma postala prvi in odločilni politični faktor. Toda take ocene republiške skupščine ni nikjer najti. Ob zapleteni sestavi, ki je temeljila v delegatskem sistemu iz leta 1974, ostaja skupščina precej zagoneten faktor zgodnje tranzicije. Izhajajoč iz tega se zato avtor v prispevku sprašuje, kakšen organ je skupščina sploh bila? Pri tem najprej predstavi genezo jugoslovanskega skupščinskega sistema in njegove temeljne značilnosti, nato pa obravnava tri različne ravni oz. možne poglede na skupščino. Najprej pravno raven, kjer ugotavlja, da je skupščina imela vse sistemske pogoje za to, da dejansko opravlja važno politično vlogo v sistemu. Brez njenega angažmaja politične spremembe ne bi bile mogoče, vsaj ne po ustavni poti, ki je bila značilna za slovenski osamosvojitveni proces in prvo fazo politične tranzicije. Nato analizira raven dojemanja skupščine med prebivalstvom, kjer meni, da je skupščina septembra 1989 dejansko bila predstavniško telo, udejanjala je politično voljo prebivalstva. Ob koncu se loti še ravni notranjih mehanizmov, saj s pomočjo orodij digitalne humanistike pogleda nekatere kvantitativne kazalce parlamentarne razprave. Iz teh se vidi, da je politična dinamika, ki jo je bilo čutiti povsod po Sloveniji in Jugoslaviji, zašla tudi v skupščino in zaznamovala njeno delo – govorilo se je več.

Skupščina je torej tedaj bila legitimno telo, a je vprašanje, s čim je svojo legitimiteto pridobivala. Po eni strani vsaj deloma s korakanjem k svojemu koncu, s sprejemanjem sklepov, ki so pomenili spodkopavanje sistema. Toda po drugi strani je bržkone njeno legitimiteto in zaupanje med ljudmi vsaj v enaki meri (če ne večji) dvigala grožnja, ki so jo ljudje videli v Beogradu. Z institucijami federacije, vključno z Zvezo komunistov Jugoslavije, je bila situacija drugačna, vse bolj so bile same sebi namen. Njihova legitimnost je sčasoma povsem usahnila. Kredibilnost slovenske skupščine se je medtem le še krepila, zlasti po aprilu 1990, ko so bile prvič po letu 1927 izvedene večstrankarske in tajne volitve. V skupščino so tedaj sedli delegati, ki so se navkljub veljavni ustavi novim časom primerno nazivali z izrazom poslanci. Med njimi je bil največ članov novih strank, a velja opaziti, da je tudi nekdanja Zveza komunistov Slovenije z drugimi bivšimi družbeno-političnimi organizacijami osvojila zelo dober rezultat. Slednje morda lahko interpretiramo kot dodaten argument, ki govori v prid tezi, da je bila bivša socialistična skupščina v zadnjem obdobju vendarle legitimna "predstavniška" ustanova, blizu prebivalstvu.

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Petr Roubal*

Revolution by the Law: Transformation of the Czechoslovak Federal Assembly 1989–1990

IZVLEČEK

REVOLUCIJA V SKLADU Z ZAKONOM: PREOBLIKOVANJE ČEŠKOSLOVAŠKEGA ZVEZNEGA PARLAMENTA V OBDOBJU 1989–1990

Študija raziskuje vlogo zveznega parlamenta v žametni revoluciji. Z razpadom komunistične partije je zvezni parlament nepričakovano postal ključna ustavna institucija s pomembnimi pooblastili v času hitrih političnih sprememb. Revolucionarno gibanje Državljanski forum je doseglo sprejem zakonodaje, ki mu je omogočila, da je razrešilo precej poslancev in jih s kooptacijo nadomestilo s svojimi kandidati. Ta metoda "čistke" parlamenta je imela daljnosežne posledice za češkoslovaško politično kulturo po novembru.

Ključne besede: Češkoslovaška 1989–1990, parlamentarizem, zvezni parlament, žametna revolucija na Češkoslovaškem

ABSTRACT

This study looks at the role of the Federal Assembly in the Velvet Revolution. With the disintegration of the communist party, the Federal Assembly became unexpectedly a key constitutional institution with far reaching powers in times of rapid political change. The revolutionary movement Civic Forum forced through a legislation that enabled to recall substantial part of the members of the parliament and replace them by its own candidates through co-optation. This method of "cleansing" of the parliament had far-reaching consequences for the post-November Czechoslovak political culture.

Keywords: Czechoslovakia 1989–1990, Parliamentarism, The Federal Assembly, Velvet Revolution in Czechoslovakia

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Introduction[1]

The term democratic revolution is an oxymoron. The leaders of the revolution in 1989 were aware that it was impossible to mobilise masses, improvise and keep on surprising the opponent and, at the same time, remain democrats. "We, who fight for democracy, cannot be democrats," Timothy Garton Ash thus paraphrased Brecht when characterising the strategy of the Civic Forum.[2] The revolutionaries' dilemma in 1989 was not new and, in different form, is present within every modern revolution. In case of anti-Communist revolutions, however, an additional fact played a role: the old régimes were equipped with formally democratic constitutions and elected institutions. Moreover, with the disintegration of the power of Communist Parties, the Communist constitutions and parliaments were often the only means to hold the supranational states together. Furthermore, the Opposition had played, for some time, a peculiar game with the state when pretending to be taking seriously the formal constitutionality and democratic nature of the Communist régime and addressing its protests to the Federal Assembly or the Federal Government, instead of the Party bodies. Naturally, the constitutional institutions responded by using police repressions.[3] The revolutions of 1989 thus had to be (and, at the same time, could not be) not merely democratic, but also constitutionally correct. This political contradiction led to constitutional improvisations across Eastern Europe. In Czechoslovakia the improvisations assumed a particularly imaginative shape in co-optations to parliamentary and other elected institutions in December 1989 and January 1990.

Legally, co-optation means an extension of the number of members of an institution by electing additional members. Sociologically, then, co-optation means integration of a marginal Opposition group into the mainstream. In Czechoslovakia, co-optation was used for all three parliaments and national committees following a proposal by Zdeněk Jičínský, constitutional specialist and dissident, based on round-table political accords of the second half of December 1989 and early January 1990. Co-optations were to serve as expedient means to remove politically compromised individuals from the representative assemblies and to replace them with members of the two revolutionary movements – the Civic Forum and the Public Against Violence. It thus entailed two intertwined processes of dismissal and co-optation of deputies. The politically pivotal co-optations to the Federal Assembly were exercised in two waves. First, on 28 December 1989, a day before the Presidential election of Václav Havel, over twenty MPs were co-opted including Alexander Dubček who

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1 This text is an abridged and adapted version of the study Petr Roubal, *Starý pes, nové kousky: kooptace do Federálního shromáždění a vytváření polistopadové politické kultury* [Old Dog, New Tricks: Co-optations in the Federal Assembly and the Development of the Post-November Political Culture] (Prague: Ústav pro soudobé dějiny, 2013).

2 Timothy Garton Ash, *We The People: The Revolution of 89 Witnessed in Warsaw, Budapest, Berlin & Prague* (London: Penguin Books, 1990), 89.

3 Cf. ICH, COH, collection Interviews. An interview with Dana Němcová, Prague, March 12, 2012.

was instantly elected Chairman of the Federal Assembly. Shortly after the dramatic adoption of the bill on the dismissal of deputies, early January 1990 saw the second wave of co-optations that was far more extensive and introduced over 130 additional MPs to the Federal Assembly. The change (officially termed reconstruction) of both national councils and national committees in larger cities proved equally radical. Whilst the co-optations were generally accepted in the Czech lands as a pragatic solution, they faced (ineffective) resistance in Slovakia not merely among Communist deputies, but also within the Opposition.

The following analysis of co-optations is part of a wider research into the Federal Assembly in 1989–1992 that explores the mechanisms of "self-parliamentarisation", a process of gradual emancipation of legislative vis-à-vis executive power. The study has three objectives. First, it follows upon the work by Jiří Suk on the revolutionary months at the break of 1989 and 1990.[4] Using similar methodologies and sources (the archive of the Civic Forum) the study attempts to explore one of the side corridors of the "labyrinth of revolution". Co-optations are often deemed to be "the ancestral sin" at the beginning of many subsequent failures in the 1990s. Hence it is worth exploring what led to the situation and their possible alternatives. Second, the very topic of the Federal Assembly and the sources it generates (verbatim transcripts of plenary debates, debates in committees and at the presidium, as well as interviews with former MPs) offer an additional opportunity to approach the revolution of November 1989 from the perspective of the marginalised or defeated stakeholders. In contrast with Havel's vision of moral and aesthetic revolution that destroys all dire and ugly, the struggle for the dominance in the parliament sheds light on the reform vision of an "articled revolution"[5] coined by Zdeněk Jičínský with his deep-rooted scepticism about the genius of a mass and its leaders. This brings together two political times: the dynamic time of the revolution against the dragging time of parliamentary democracy. This is also the ideological world of those defeated, the MPs who did not want to be merely used and discarded by the Civic Forum , but to be part of the changes, fighting for their right to consent, to which they were entitled even under the Communist régime.

Cooptation in Historical and Regional Context

Co-optations fall within a particular Czech political tradition under which elections were never used in key historical junctures to achieve new legitimacy. In 1918, at the time of the foundation of Czechoslovakia, the National Committee and subsequently the National Assembly were established as revolutionary bodies of politi-

4 Cf. e.g. Jiří Suk, "Czechoslovakia in 1989: Causes, Results, and Conceptual Changes," in *Revolutions of 1989. A Handbook*, ed. Wolfgang Mueller et. al. (Wien: Verlag der Oesterreichischen Akademie der Wissenschaften, 2015), 137–60.

5 Valtr Komárek, „Děkujeme, přijďte" [Thank You, Do Come], in *Pocta Zdeňku Jičínskému* k 80. *narozeninám* [Festschrift for Zdeněk Jičínský on his 80th Birthday], ed. Vladimír Mikule et al. (Praha: ASPI, 2009), 294–96.

cal parties. They bore no political continuity with land assemblies and the Imperial Council. After Munich the change in geographical and political map was manifested in the so called short parliament where members from the occupied regions lost mandates, as did subsequently the members from the Communist Party. After the war the main political parties recognised the continuity of Presidential office, but not that of the parliament. The interim national assembly was thus called by the President by decree. Even though the parties were to again delegate their deputies, the post-war developments have brought a new understanding of parliament not as part of the division of power, but as the supreme constituent of self-government.[6] The discontinuity proved to be also personal: merely ten percent of the former MPs sat in the Interim National Assembly.[7] In February 1948 the Constitutional National Assembly did not play any significant role. Afterwards the parliamentary Action Committee swiftly neutralised non-Communist MPs using a combination of pressure and incentives (a number of them engaged actively in the cleansing within their own parties). Until the May 1948 elections no MP was formally stripped of mandate, though some had resigned, ten were arrested and over thirty had emigrated.

In 1968, during the debates on federalisation, the Czech National Council was established as the counterweight to the Slovak National Council.[8] In July the National Assembly elected 150 MPs to the Czech National Council from its midst and from among the "notables in the Czech public life" nominated by the National Front.[9] The Constitutional Act on Czechoslovak Federation from October 1968 stipulated that the Czech National Council would be extended to 200 deputies by co-optation. The MPs for the newly formed House of Nations of the Federal Assembly would also be elected from its midst.[10] Finally, the Constitutional Act No 117/1969 Coll. again extended the term of parliamentary mandate from the standard four years to a total of seven. Particularly, however, it enabled cleansing within the parliaments. The Act empowered representative assemblies to strip their MPs of a mandate, *inter alia* because "his or her activity harms the politics of the National Front." By the 1971 elections, about one quarter of MPs in the Federal Assembly were thus replaced along with nearly one half of deputies in the Czech National Council. The Council, due

6 Jan Dobeš, *Národní shromáždění v letech 1945-1948* [The National Assembly in 1945–1948] (PhD diss., Charles University, 2010).

7 Michal Pehr, "Československý parlament po druhé světové válce" [The Czechoslovak Parliament after World War II], in *Parlament v* čase *změny – případové studie z vývoje* českého *a* československého *parlamentarismu*, ed. Vratislav Doubek et al. (Praha: Akropolis 2011), 79.

8 Constitutional act on the preparation of federal constitution of the Czechoslovak Socialist Republic (77/1968 Coll.).

9 Zdeněk Jičínský, *Vznik* České *národní rady* v *době pražského jara 1968 a její působení do podzimu 1969* [The Emergence of the Czech Nation Council during the Prague Spring 1968 and Its Operation until the Autumn of 1969] (Köln: Index, 1984), 25. Cf. Jiří Hoppe, "Pražské jaro 1968 v parlamentu" [The Prague Spring 1968 in the Parliament], in *Parlament v* čase *změny – případové studie z vývoje* českého *a* československého *parlamentarismu* [The Parliament at the Time of Change – Case Studies on the Development of the Czech and Czechoslovak Parliamentarism], ed. Vratislav Doubek et. al. (Prague: Akropolis, 2011), 101–19.

10 Articles 146 and 147 of the Constitutional Act on Czechoslovak Federation (143/1968 Coll.).

to the date of its foundation during the hot summer of the Prague Spring, exerted greater resistance to the post-August leadership. All changes derived formally from the mandate, albeit quite dubious, arising from the last elections to the National Assembly in 1964. For instance, Zdeněk Jičínský, the author of the post-November co-optation, first served as MP in the Czech National Council and later also in the Federal Assembly, only to lose both mandates a year later: the process ensued without – even formal – voter involvement.

The Czechoslovak model of co-optations was not used during the fall of Communism in any of the countries within the Soviet bloc. Yet all of them (with the exception of Romania), faced quite similar structural issue: how to deal with the constitutional legacy of Communism, particularly the legislative power of the parliament.[11] When the old régime fell, all countries within the former Soviet bloc had legislatures constructed upon the model of the Stalinist constitution of 1936 (although virtually all of them had been transformed by major constitutional changes in the 1970s and 1980s). Those parliaments were mostly "elected" in the early days of perestroika. The reformist or revolutionary élites had to raise a question whether a Communist parliament is actually a parliament and what the consequences are of such a query. Reformers, revolutionaries and conservatives included, to varying degrees, parliaments in their strategies, and parliamentary officials sought their place on the newly emerging political map. Year 1989 thus has not entailed as much a "return to democracy", and certainly not in its interwar shape, but adaptation of "socialist democracy" and its constitutionalism to the context of open society. Similarly to the study of post-Communist nationalism, this paper also refutes the "freezer" thesis which claims that Communism merely froze ethnic conflicts that resurfaced during the political meltdown.[12] Similarly to nationalism, Communism not merely preserved, but mainly created and constituted political institutions. Additionally, Communist parliaments in the constituent republics in federal states were able to become (and often became indeed) the main instrument for the constitution of nation states. Similarly to disintegration, Communist parliament played an important role in the German unification. The East German *Volkskammer* that gained new legitimacy by the hastily called early elections in March 1990, proved to be a pivotal institution in the process of German unification.[13] The method of Czechoslovak co-optations, though not applied elsewhere, was one of the examples – and certainly not the most radical one – of daring constitutional improvisations at the end of the Communist era in Eastern Europe.

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11 On Communist parliaments in the Soviet bloc see Daniel Nelson and Stephen White, *Communist Legislatures in Comparative Perspective* (New York: State University of New York Press, 1982). Cf. Joachim Amm, *Die Föderalversammlung der CSSR: sozialistischer Parlamentarismus im unitarischen Föderalismus 1969–1989* (Wiesbaden: Westdeutscher Verlag, 2001).

12 Cf. e.g. Katherine Verdery, *National Ideology Under Socialism: Identity and Cultural Politics in Ceausescu's Romania* (Berkeley: University of California Press, 1991).

13 Werner J. Patzelt and Roland Schirmer, *Die Volkskammer der DDR. Sozialistischer Parlamentarismus in Theorie und Praxis* (Wiesbaden: Westdeutscher Verlag, 2002).

A Path to the First Wave of Co-optations

The Federal Assembly that first convened just twelve days after the incident at Národní třída, did not play any role in the first days of the November revolution. The Opposition also ignored it at first, adressing its demands to the Communist Party and the Federal Government. It was Zdeněk Jičínský who helped the demand for the "reconstruction" of the Federal Assembly to be tabled as early as at the second talk between the Civic Forum and Prime Minister Adamec at the Government Presidium on 28 November. Jičínský proposed a constitutional bill on dismissal and co-optation of MPs to be adopted along with the abolition of the leading role of the Communist Party:"...deputies in the Federal Assembly, the Czech National Council and the Slovak National Council, and representative assemblies at all levels, who compromised their parliamentary pledge and neglected the will and interests of the people, may be dismissed from their posts by the representative assembly which they are members of. The representative assemblies shall elect new members based on nominations presented by the National Front along with the Civic Forum and/or the Public Against Violence. The election shall be carried out by the representative assembly to which the candidate is nominated."[14]

Zdeněk Jičínský presented the demand remarkably early on during the revolutionary negotiations. Just a day after the general strike, the Civic Forum did not yet have any ambition to enter the government, moreover to serve at the Federal Assembly. At the time Jičínský's proposal for co-optations did not lead, to political regrouping of the parliament, but rather to its cleansing. The aim was to cleanse the parliament and to retain it operability at the same time. Jičínský's erudition was manifested in the fact that he realised well before anyone else among the leaders of the Civic Forum, the risk of spontaneous pressure on resignations of MPs that would end up blocking the parliament.[15] The issue was made even graver as the Civic Forum called from the outset for swift resignation of the President: it was the Federal Assembly to take over some of his powers.[16]

Jičínský's proposal was not the only means of cleansing the representative corps. The electoral act from 1971 allowed for dismissal of deputies. A number of local activists from within the Opposition hoped to use the instrument.[17] The Civic Forum was also able to mobilise the public to exert sufficient pressure upon individual MPs to resign willingly. The situation faced by the deputies, particularly those who did not represent the central institutions of power, but were to represent the society (regionally, professionally, in terms of age and gender) was unenviable. The Commu-

14 Vladimír Hanzel, *Zrychlený tep dějin. Reálné drama o deseti jednáních* [An Accelerated Pace of History. Real Drama in Ten Acts] (Prague: OK Centrum, 1991), 47.

15 Zdeněk Jičínský took part in, *inter alia*, drafting the Czechoslovak Constitution of 1960, and the Constitutional Act of 1968.

16 Article 58 para. 6 of the Constitutional Act on Czechoslovak Federation 143/1968 Coll.

17 James Krapfl, *Revolution with a Human Face: Politics, Culture, and Community in Czechoslovakia, 1989–1992* (Ithaca: Cornell University Press, 2013), 169–70.

nist régime used the deputies as one of the means to communicate with the public and to control public criticism. The deputies, as members of the Federal Assembly, were quite well known within their local context: the public did not perceive them as its "representatives", but those of the régime. At regular meetings with voters in their local constituencies particularly during the late perestroika, they had to to listen to criticism of the failing régime without having had any opportunity to affect the situation. The deputies had no power during Communism, the less so during the revolution, hence they lacked political backing as well.[18] The Civic Forum did take it into account. In a debate on how to make the MPs to elect Václav Havel for President, one of the key activists of the Civic Forum stated that there was no danger of any resistance on their part: "Such person has neighbours, lives in a neighbourhood, and has relatives ..."[19]

The issue, however, was that the Opposition did not need a "pure" parliament, but an operational one. Following the dismissal of MPs, the vacated seats had to be filled again. Constitutional Acts were adopted by a three-quarter majority of *all* MPs, not merely of those present. Therefore, in combination with the ban on majorisation,[20] an absence of 31 MPs in either the Czech of Slovak section of the House of Nations was enough to curb adoption of a Constitutional Act. The electoral law at the time allowed for by-elections, whilst also accounting for the possibility of choosing from a number of candidates. Yet by-elections, similarly to direct election of the President, were in conflict with "partial mobilisation" used by the Civic Forum to successfully marginalise its political competitors. The Civic Forum was the only one to manage to dominate public urban space and, in the free elections, it faced unnecessary competition. In a dispute with Zdeněk Jičínský over whether Havel's candidacy enjoyed broad public support, Václav Benda, the key figure of the Catholic Opposition, put the point accurately: "We are not dealing here as much of with some vague opinion of broad masses. In this particular situation it is the active masses who decide."[21]

The leaders of the Civic Forum realised the significance of the Federal Assembly on the night of 5 December, at the point when they decided to take over key Ministries and that Havel would be running for Presidency.[22] Václav Havel, in his then frequently quoted statement, referred to the Federal Assembly as to a "minor problem"

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18 Adéla Gjuričová, "Profesionalizace parlamentů před a po Listopadu" [Professionalisation of Parliaments prior and after November] (paper presented at the conference Češi a Slováci ve Federálním shromáždění 1989–92 [The Czechs and Slovaks in the Federal Assembly 1989 – 92], Prague, National Museum, Nov. 22– 23, 2012). See also Adéla Gjuričová, "*Coming to (a Short) Life: The Czechoslovak Parliament 1989–1992*" in this issue.

19 Jiří Suk, "K prosazení kandidatury Václava Havla na úřad prezidenta v prosinci 1989: Dokumenty a svědectví" [On Getting Through the Václav Havel Presidential Candidacy in December 1989: Documents and Testimonies], *Soudobé dějiny* 2–3 (1999): 357.

20 The "minority veto" protected the Slovak MPs from being outvoted by their more numerous Czech counterparts.

21 Jiří Suk, *Občanské fórum, listopad-prosinec 1989, 2. díl – dokumenty* [Civic Forum, November–December 1992, volume 2: Documents] (Praha, Brno: Doplněk, 1998), 87–88.

22 Suk, *Občanské fórum,* 96.

that "still has to elect somebody here and there or has to adopt something".[23] The statement shows that Havel was quite content with the "rubber-stamping" nature of the then Federal Assembly. He had no intention to change anything about the voting machine until the elections.[24] The issue, however, was that the Civic Forum did not know how to control the voting machine to generate the right legislation and, particularly, to elect the right President. Petr Pithart summarised the uncertainty quite well: "What was agreed yesterday is one thing, certainly. The other matter is how to arrange for the people in the parliament to accept it. Because the Party will only tell them two more things: To go to hell and to elect Vašek Havel. And they will be casting secret vote! I am not certain whether these two instructions might prove mutually contradictory. No one can force and check on them."[25]

The Civic Forum soon came to realise that, not only did it not know how to make the Federal Assembly elect Václav Havel to Presidency, but also that it had been unable to prevent the other side from using it. During the second roundtable talks on 11 December, Vasil Mohorita surprised the Civic Forum when he announced that he would propose to the Federal Assembly a change of the Constitution in order to introduce direct election of the President. The Communist Party thus took over the initiative for a while and put the Civic Forum in a paradoxical situation of a defender of Communist constitutionalism and opponent of direct democracy. The Communist Party showed that it was also able to reach for "revolutionary" methods. As Zdeněk Jičínský emphasised in his response to the proposal, direct election of the President would not only be in conflict with the existing constitutional tradition of parliamentary democracy, but would be in utter conflict with the spirit of the Constitutional Act on Federation of 1968 as it would enable the Czechs to outvote the Slovaks.[26]

The Civic Forum responded to the obstinacy of the parliament by calling mass demonstrations in front of the Federal Assembly. At the same time it started to speak of the Federal Assembly within the categories of sin and guilt. The dismissal of MPs was to become the "most dignified and visible form of repentance for the past inactivity of the Federal Assembly, not having prevented the evil. The repentance of the MPs at the Federal Assembly may thus be manifested by the swiftest possible election of the President."[27]

Within the last days of 1989 the two parties eventually reached a temporary compromise on the Constitutional Act on Co-optation of Deputies. It did not include dismissals of deputies, and merely filled the seats vacated after a series of resignations. Nevertheless, the Civic Forum continued to expect to use the model of dismissal of

23 Suk, *Občanské fórum,* 98.

24 More on this in Jiří Suk, *Labyrintem revoluce* [Through the Labyrinth of the Revolution] (Praha: Prostor, 2003), 248–50.

25 Suk, *Občanské fórum*, 197.

26 Zdeněk Jičínský, "K volbě prezidenta" [On the Election of the President], *Svobodné slovo*, December 19, 1989, 3. Reprinted in Suk, *Občanské fórum*, 149–50.

27 Suk, *Občanské fórum*, 230.

MPs from 1969 after the election of the President. Yet it did not mention the intention in public or to MPs. During the meeting of officials of the Civic Forum and the Public Against Violence on 22 December, Pavel Rychetský, a lawyer and member of the narrowest leadership circle in the Civic Forum, explained further approach to his Slovak partners: "It would not be appropriate for Dubček to be the only one to become MP on Wednesday (28 December). He ought to be among at least ten or twelve others so that it does not look inappropriate. We intend to sit down with you [Public Against Violence] to go over the actual reconstruction. We have put together – I think I can say it here – some kind of a shooting list of MPs from the Czech lands who simply cannot remain in their posts."[28] The first wave of co-optation was thus not intended to change the proportion of votes in the Federal Assembly, but to symbolically accompany Alexander Dubček to the post of the Chairman. It was also to create a parliamentary clearway that would enable direct influence of developments within. Co-optation of Zdeněk Jičínský played a particular role. He was to become the main and, at the time, the only representative of Civic Forum in the top ranks of the parliament. Zdeněk Jičínský invited along, for support, Vladmír Mikule, the "king of the Czech legal positivism," who immediately became the Chairman of the pivotal Constitutional-Legal Committee.[29] In an interview Mikule recalled that his entry to the parliament was quite sudden and unexpected: "Jičínský called me at home one evening, saying to come tomorrow at nine in black suit – not the funeral one, but festive, to the parliament, there will be the constitutional act and by-elections, the ancillary ones. I had no decent suit, my salary was pitiful, and I was barely able to provide for my family. So I went with my wife to a shopping centre, bought a suit as required, to have something decent to put on."[30]

Zdeněk Jičínský and Revolution by Law

Zdeněk Jičínský's role in co-optations requires a brief explanatory note. Many authors and stakeholders in revolutions see Jičínský's engagement in co-optations as a revenge for the purges during normalisation. For instance, the dissident and later Czech Prime Minister Petr Pithart suggests that Jičínský "could not control himself" and repeatedly stated: "And now we shall do them what they did to us after August."[31] The explanation does not stand firm within the context of Jičínský's activities during the revolution and afterwards. The proposal for co-optations falls not only within his wider contribution to the post-Communist transformation of the

28 Suk, *Občanské fórum*, 263.

29 Zdeněk Jičínský, *Můj přítel Vladimír Mikule* [My Friend Vladimír Mikule], in Pocta doc. JUDr. Vladimíru Mikulemu k 65. narozeninám, ed. Oto Novotný (Praha: ASPI, 2002), 473.

30 Cf. ICH, COH, coll. Interviews. An Interview with Vladimír Mikule, Prague, October 8, 2012.

31 For Pithart's statement see Petr Pithart, "Proměny politického systému v Československu na přelomu let 1989/1990" [Transformations of the Political System in Czechoslovakia at the Break of 1989/1990], in *Referáty a diskusní příspěvky přednesené na semináři, který ve dnech 10. a 11. prosince 1994 uspořádala Nadace Heinricha Bölla* (Praha: Listy, 1995), 86.

parliament, but is also part of his own specific vision of post-November changes that differed radically from that of Havel. As the only one among revolutionary leaders, Zdeněk Jičínský was wholly prepared, as a professional and specialist, for his political role of the constitutional expert within the Civic Forum. His later right-wing opponents saw him chiefly as the author of the 1960 Constitution. Yet his activities in the November revolution benefitted far more from his experience in political negotiations about federalisation of Czechoslovakia in 1968. When drafting the bill on Czechoslovak federalisation that de facto represented a new Constitution, Jičínský tested the opportunities and limits of a compromise between the (Slovak) principle of sovereignty and the (Czech) civic principle of equality of votes. He also had an opportunity to test the narrow limits of Czech understanding of the Slovak issue. Finally, a year later, he experienced himself the "restructuring" of the parliament when forced to resign from both mandates and his seats were immediately filled by co-optation. Shortly prior to November, Zdeněk Jičínský, the author of many texts of Charter 77, together with other lawyers participated in developing an alternative draft of the Constitution that was to be the answer by the Opposition to the draft developed by the Government.[32]

Zdeněk Jičínský was all, but a revolutionary. In November 1989, unlike many of his reform-minded Communist friends, he did not attempt to reform the Communist Party. Yet his political and ideological world was deeply marked by life experience of a reform Communist who fought the aesthetic-political project of the late Stalinism. That gave rise to his scepticism about revolutionary heroism, an emphasis on the "effect of time", as much as his concern about excessive power of an individual – the cult of personality.[33] "Even though we recognised the role of Václav Havel as the uncontested leader of the revolutionary process," Jičínský said in a recent interview, "it also was unthinkable to link it exclusively to a single person."[34] Havel's influence was to be symbolically counterweighted by Alexander Dubček as a Slovak and representative figure of 1968. To Jičínský, the reference to 1968 laid not as much in the continuity with certain political stream, as much in the continuity of a state sui iuris, a state that is free to run its affairs, particularly the issues related to the relationship between the Czechs and Slovaks. During the leadership negotiations at the Civic Forum Jičínský repeatedly proposed Alexander Dubček for Presidency. He saw Havel's role to be outside the official structures: one of a leader of the revolutionary movement.

Non-revolutionary at the core and the only genuine conservative among the leaders in the Civic Forum, Zdeněk Jičínský saw the November revolution as an "avalanche", uncontrolled and dangerous societal movement.[35] He therefore dif-

32 See ICH, COH, coll. Interviews. An interview with Vladmír Mikule, Prague, October 8, 2012; An interview with Pavel Rychetský, Brno, June 8, 2011.

33 Cf. František Šamalík, "Zdeněk Jičínský in the Turmoil of Constitutional and Societal Upheavals" [Zdeněk Jičínský ve vírech ústavních a sociálních zvratů], *Právo*, February 26, 1999.

34 ICH, COH, coll. Interviews. An Interview with Zdeněk Jičínský, Prague, August 15, 2012.

35 AICH, ACFCC, Minutes from the Civic Forum congress, January 6, 1990, 9. Similarly also

fered from Havel in understanding of political time: whilst the Jičínský subscribed to "tender, contemplated approach",[36] trying to correct and slow down the wild political development through institutional and legal limits, Havel, on the contrary, stimulated the dynamics of the developments, "striking the iron while hot."[37] Havel repeatedly vented his frustration about Jičínský's tactics. In the 1992 elections, for instance, he responded to Jičínský's criticism that Havel rushed the coalition negotiations, by saying: "Zdeněk Jičínský's opinion convinced me in that I was right to proceed the way I did. For, whenever I took his advice into account, the common denominator was always a recommendation that something was to be delayed or not rushed; it had adverse effect. Experience has taught me that it is best to do the opposite to what Professor Jičínský advises me to do."[38]

Milan Šútovec points out how, during the "hyphen war", the dual understanding of political time was transformed into an institutional conflict between the "Presidential time" and "Parliamentary time."[39] Whilst the "Parliamentary time" is slow, a time of narrative (*parler*), the time of Havel's Presidency was fast and dramatic. As opposed to the slow "Parliamentary time" that draws from its very nature, Havel's fast "Presidential time" was not within the intrinsic nature of the Presidential office, but its "tragic enhancement".[40] Instead of parliamentary democracy, which, as Jičínský argued, Havel never adopted as his own, the President created a "Republic of friends" based on ethical and aesthetic judgements, as much as on personal rather than institutional ties.

Zdeněk Jičínský, as the defendant of "legal continuity with the Communist régime" became number one enemy to the post-revolutionary fighters against Communism. Yet more than legal continuity in terms of permanence or inviolability of the legal system, Jičínský was more concerned about the social and state continuity. He argued that, vis-à-vis the revolutionary avalanche, legality stood as the "cultural method of power" needed for the preservation of social cohesion. He was also mindful of preservation of the continuity of state. Here he was guided by his experience of state existence that could not be taken for granted. The continuity of state was based on a political accord between the two national representatives, expressed at the time in the act on Czechoslovak federation. The federalisation of 1968 was thus not "merely administratively complex a method of totalitarian governance", as stated by Václav Havel at the Federal Assembly on 23 January 1990, but it was a manifestation

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e.g. Zdeněk Jičínský, Československý *parlament* [The Czechoslovak Parliament] (Praha: NADAS – AFGH, 1993), 32.

36 Jičínský, Československý *parlament*, 107.

37 "Letní přemítání" [Summer Meditations], in *Spisy* [Collected Works], vol. 6, ed. Václav Havel (Praha: Torst, 1999), 401.

38 See "Neblahé důsledky odkladů: Václav Havel odpovídá MF Dnes" [Unfortunate Consequences of Delays: Václav Havel responds to MF Dnes], *MF Dnes*, June 16, 1992, 1.

39 Milan Šútovec, *Semióza ako politikum* [Semiosis as Politicum] (Bratislava: Kalligram, 1999), 272–77.

40 Šútovec, *Semióza ako politikum,* 273.

of recognition of equality of the Slovak people.[41] Jičínský, with his proposal for co-optations and many other draft bills, proved that he did not care about immutability of law. Instead, he was willing to initiate deep changes in the legal system, though the changes had to occur through a generally accepted procedure, i.e. within the constitutional framework.

To Zdeněk Jičínský the Federal Assembly thus represented a central institution that held the state together and guaranteed the legality of the radical political changes. Apart from the constitutional legality, however, the Federal Assembly also required revolutionary legitimacy to be supplied by the co-optations. Other means of parliamentary legitimation that were available – the extensive by-elections, or even the swift early elections – would only jeopardise the role of the Federal Assembly as the only stable institution standing strong to the "revolutionary avalanche."

From the First to the Second Wave of Co-optations

The path from the first to the second wave of co-optations did not prove entirely smooth. On the one hand, there was the process of "self-parliamentarisation" that accelerated within the Federal Assembly, particularly in its presidium, which meant an awareness among MPs that they held legislative power and responsibility. Apart from the election of Václav Havel for Presidency which was a clear legitimisation of the mandates acquired in the 1986 "elections", an additional factor was, paradoxically, the first wave of co-optations. That brought to the parliament some familiar figures of the revolution, particularly Alexander Dubček.

At the presidium of the Federal Assembly on 28 December 1989, Anton Blažej, MP expressed the new parliamentary self-confidence when he reminded his colleagues their new constitutional power and responsibility: "Do not give in to those moods, depression and manifest resignations on mandates, because it is to be in our interest that this body is functional. It has to be in operation until the elections and we are required to provide for the preparation of the elections ... It means that the Opposition also ought to be interested in the functioning of this body."[42] The numbers of MPs who resigned after the first wave of co-optations were indeed insignificant and lagged far behind the "shooting list" compiled by the Civic Forum that contained 84 names of MPs who were to resign.[43]

The general political agreement on the second wave of co-optations was reached during roundtable talks in the Valdstein Palace on 5 January.[44] In response to the

41 "Projev ve Federálním shromáždění 23. ledna 1990" [Address to the Federal Assembly on January 23, 1990], in *Spisy* [Collected Works], vol. 6, ed. Václav Havel (Prague: Torst, 1999), 33. Cf. Jičínský, Československý *parlament*, 24–28.

42 APCR, FS-5, Presidium, stenographic minutes from the 31st session (December 28, 1989).

43 Cf. Address by Zdeněk Jičínský at the Civic Forum congress on January 6, 1990. AICH, ACF-CC, records from the congress on January 6, 1990.

44 Ibid.

growing self-confidence and "defiance" of the Federal Assembly, it was agreed that the MPs would not be dismissed by their representative assemblies, as had been proposed by Zdeněk Jičínský on 28 November (and by the MPs from the People's Party at the Federal Assembly on 21 December), but by political parties on behalf of which the MPs concerned had been elected. Non-partisan MPs were dismissed by the "relevant body" within the National Front upon agreement with the Civic Forum or the Public Against Violence. The very principle of co-optation required no further debate as it had already been legalised by the Constitutional Act of 28 December. Further agreement only concerned its extension to all other levels of representative assemblies. The Communist Party had, for some time, been making it clear that it had not insisted on retention of majority in the parliaments. Moreover, the act gave it an opportunity to regain, at least for the time being, control over its own, increasingly independent MPs.

The draft bill on dismissals of MPs was first debated in committees. Those were the fora to which the MPs were accustomed to, even during the previous régime, to table critical objections or proposals for amendments. Similarly to the Communist era, the debate at the committees again largely supplemented the absent plenary debate. The formulation of the bill that enabled the dismissal of MPs who, "because of their hitherto activities do not offer guarantees for the development of political democracy" was the source of major indignation. For instance, an MP at the Committee for Industry, Transport and Trade stated that it was unclear "what is the measure to ascertain who does and who does not offer guarantees for democracy ... How can those things be measured?"[45] All Committees that debated the bill thus agreed that the second and dominant criterion for dismissal had to be stated, i.e. political decision to replace significant proportion of the Communist MPs by those from the Civic Forum. The final reading of the bill thus contained a breakneck formulation that MPs might also be dismissed "in the interest of a balanced distribution of political forces."[46]

The matter, however, did not merely involve the issue of methodology – *how* to define the "errors" of MPs,[47] but particularly who was to define them. The MPs questioned the right "of some administrator from central committees"[48] to dismiss "their" deputies. They complained that political parties "were not familiar with how the MPs worked and altogether did not care."[49] Some MPs denied similar right to the Civic Forum or the Public Against Violence. One of the MPs, a glass-blower by profession (in a charming illustration of incompatibility of the two political worlds) was concerned that "there are often people within the Civic Forum at the district

45 Ibid.

46 APCR, FS-5, Prints, No. 238.

47 The term was used by Mr. Blahobyl, MP in his address at the Committee on Industry, Transport and Trade, see APCR, FS-5, FS, Committee on Industry, Transport and Trade, records from the 24th joint session (January 22, 1990).

48 Ibid.

49 Ibid.

level, who did not work publicly before, were not expressing themselves and might not even know the relevant MPs."[50] The MP suggested that the right to dismiss them was bestowed upon parliamentary fractions,[51] local branches of political parties or the National Front at the level of constituencies.[52] Some MPs also wondered why the bill resuscitated the political cadaver of the National Front, giving it such pivotal constitutional power.[53] The right of political parties to dismiss "their" MPs was eventually retained in the act, yet the Committees at least managed to limit the validity of the draft bill to the end of March fearing that MPs might be exposed to a constant cicle of recalls and co-optations.[54]

The parliaments of the two republics in the federation also addressed the co-optations. On the one hand, they themselves went through the co-optational "cleansing". On the other hand, the issues of national committees fell within their powers. Whilst not a single critical voice was raised in the Czech National Council, on 12 January 1990 the Slovak National Council held an extensive, largely critical debate on the bill. Part of MPs criticised the fact that the bill eliminated the representative nature of the parliament. One of the MPs, a representative of the Slovak Union of Women, pointed out that not a single woman was among the 22 co-opted deputies for the Federal Assembly and that only a single woman was co-opted in place of the three female MPs that stepped down. She argued that the main reason behind this was the fact that interest groups were removed from the selection of new MPs.[55] A newly co-opted MP Ivan Čarnogurský also had reservations about the draft bill. He stressed that, during the roundtable talks on 21 December, the Public Against Violence managed to gain support for early elections and had informed the federal government accordingly.[56] The Slovak National Council eventually passed the bill, though far from unanimously.

A question arises about why the co-optations encountered greater resistance in Slovakia.[57] After the bill on dismissal of MPs was not adopted by the Federal Assembly, a new MP, Jan Bubeník tried to offer an answer in *Mladá fronta*: "It is obvious where the former mafia is stronger than the reform. It seems that the situation in Slovakia is by no means the same as we feel it here, say in Prague. It is more complex."[58]

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50 Ibid.

51 APCR, FS-5, Foreign Affairs Committee, records from the 24th joint session (January 17, 1990).

52 APCR, FS-5, Committee on Industry, Transport and Trade, records from the 24th joint session (January 22, 1990). Cf. Committee resolution No 153.

53 APCR, FS-5, Planning and Budgetary Committee, records from the 24th joint session (January 16, 1990).

54 APCR, FS-5, Committee on Industry, Transport and Trade, records from the 24th joint session (January 22, 1990).

55 Ibid.

56 Ibid.

57 Even the first act after the co-optations of December 28, 1990 was adopted with a slight margin of seven votes from the Slovak section of the House of Nations at the Federal Assembly.

58 "To parlament dlouho nezažil: Historická společná schůze FS ČSSR očima poslance Jana Bubeníka" [The Parliament Has Not Experienced Anything Like that For a Long Time: The Historical

Bubeník thus expresses a thesis that was later developed by the Czech political right. It suggests that the post-November development follows two fundamental chrono-spatial directions: forward and pro-Western, towards rapid economic transformation and pluralistic democracy based on civic principle in the Czech Republic, and, in Slovakia it is "backwards", pro-Eastern, towards cautious reforms and politics based on ethnic principle.[59] In case of co-optations, the dualism – provided it was ever functioning, operated in reverse. The Slovak National Council was, despite everything, a national parliament for the Slovak society, the public forum to debate the substantial issues related to national life. It was already during Communism that the Slovak National Council granted itself greater autonomy than its Czech counterpart. It sometimes even brought critical voices in the plenary, for instance on the issue of "triune constitution." The co-optations thus meant reduction of authority of the supreme national institution. That was also the ground on which the Chairman of the Slovak National Council Rudolf Schuster objected to them. The co-optations, however, were in particular conflict with the self-definition of the Public Against Violence as a consistent opposition to the previous régime; hence it was unwilling to be "co-opted." Whilst the largely Slovak doubts about co-optations did not meet significant response in public media discourse or at street demonstrations, it was at the federal parliament where the discordant voices could not be ignored.

The Adoption on the Bill on Dismissal of MPs

The first post-revolution session of the Federal Assembly on 29 November was broadcasted live at the Czechoslovak Television. Whatever the presidium of the Federal Assembly hoped to gain from the broadcast, it certainly did not achieve any political or media success. As Tomáš Zahradníček showed, the revolution and the television as a medium preferred images of unmediated power, full squares and a leader figure, instead of the slow, often chaotic proceedings, tied by internal regulations, held by a few hundred elderly men and women of the past.[60] This was again the playground between the parliamentary and revolutionary time, between the right to discussion and a demand for action. The presidium of the Federal Assembly was aware of the disservice by the live broadcasts. Yet it hopelessly tried to deal with it by focusing on quality of the debate and better coordination.[61]

The televised broadcasts not only helped to shape as well as distort parliamentary

Joint Session of the FA CSSR From the Perspective of Jan Bubeník, MP], *Mladá fronta*, January 24, 1990, 1.

59 Cf. Anna Šabatová, "Jak odříznout nemocnou nohu I: Obraz Slováků a Slovenska v českém tisku před patnácti lety" [How To Cut Off A Diseased Leg I: The Image of Slovaks and Slovakia in the Czech Press Fifteen Years Ago], *Listy* 5 (2007): 19–33.

60 Tomáš Zahradníček, "Medialisation of Politics in Czechoslovakia and the Federal Assembly, 1989–1992" (paper presented at seminar Parliamentary Politics as Performance, Berlin, January 23–24, 2012).

61 APCR, FS-5, Presidium, stenographic minutes from the 29th session (December 13, 1989).

developments, but also archived them. They helped to preserve one of the most bizarre days of the Velvet Revolution that was drawing to an end. On Tuesday 23 January from 10am channel one of the Czech Television presented live broadcast of the debate within the 22nd session of the Houses of the Federal Assembly. The first on agenda was the debate on the bill on dismissal of MPs.[62] The static television camera alternated between shots of the numerous members of the presidium and the view of the impressive plenary consisting of 350 MPs from both Houses. The presidium of the Federal Assembly was seated under the quotation from the Constitution: "All power in the Czechoslovak Socialist Republic belongs to the working people." The ensemble was dominated by the figure of Alexander Dubček. Sidelined to the post of the Chairman of the Federal Assembly, when running the session, he seems utterly uncertain, even though he was guided by a written script (the so called Presidials). Timothy Garton Ash described the view of the plenary as follows: "The women with putty faces, cheap perms and schoolmistress voices. The men in cheap suits, with hair swept straight back from sweaty foreheads. The physiognomy of power for the last forty years."[63] Among them gleamed generals' uniforms and, on the contrary, woven jumpers worn by some of the co-opted MPs who probably tried to keep an optical distance from their unexpected company. The position of the cameras did not allow to capture the key part of the plenary – the Slovak section of the House of Peoples, when the voting machine got stuck. On the contrary, it enabled to record whispering among the members of the presidium (Alexander Dubček: "Stanislav, what to do about it now?"[64]). The camera also regularly approached the guest gallery above the plenary that hosted Frank Zappa with his television crew – he was allegedly shooting an hour-long documentary about the Czechoslovak revolution (seemingly never completed) for the Financial News Network.[65]

Zappa had chosen, though utterly by chance, a perfect day to visit the Federal Assembly. The day that saw two major events in the history of Czechoslovak parliamentarism. The Federal Assembly, for the first time ever, failed to adopt draft bill and Václav Havel launched the "hyphen war" with his first address to the Parliament.

Ján Riško, former director of the Czechoslovak Radio and MP at the Federal As-

62 Television record from the 22nd joint session of the Federal Assembly, see Archive and Programme Funds of the Czech Television, Sessions of the Federal Assembly, January 23, 1990 (2C23964).

63 Ash, *We The People,* 111.

64 Alexander Dubček turned to the former Chairman of the Federal Assembly Stanislav Kukrál.

65 Frank Zappa worked for the cable channel Financial News Network for some time, first as guest (as commentator on the American music and political scene, as well as an expert on business in the disintegrating Soviet Union). Later he hosted his own show, the Frank Zappa's Wild Wild East. It seems that, for Zappa who unsuccessfully tried to do business with the Soviet Union, the visit to Czechoslovakia in January 1990 was essentially an attempt to establish business contacts. He thus had Václav Havel appoint him Special Ambassador to the West on Trade, Culture and Tourism. That led the US Secretary of State James Baker to state wryly: "You can do business with the United States or you can do business with Frank Zappa." On the other side, to Václav Havel and other post-dissent politicians the encounter with the prominent figures of the Western alternative rock scene was a means to overcome the conflict between their own "authentic" past and the contemporary role within the political establishment and support to the neoliberal reforms.

sembly serving unremittingly since 1971, was the one to best use the live broadcast. Dressed in a smart suit, Riško with his rhetorical mastery and carefully measured sarcasm outshone all other speakers. His was certainly the most impressive "counter-revolutionary" speech that the Communist conservatives dared.[66] Ján Riško considered the bill on dismissal of MPs which "our shining democracy will never be able to present as a radiant pearl, the *chef-d'oeuvre* of Czechoslovak parliamentarism", as one in the series of hasty and violent interferences with the Czechoslovak Constitution.[67] Ján Riško advocated the parliament's right to non-revolutionary momentum, to its own parliamentary time: "We are here today to again adopt bills which we had barely had a chance to read, not to speak of consulting them with our voters. Yet we hear a voice from everywhere --- we've got to hurry, fast, fast, fast. Someone is worried about missing something ... One cannot make the laws in a hurry." According to Riško, the Civic Forum followed the same script as did the Communist Party in 1969 and it was using the same, specifically Czechoslovak method devised to remove potential political opponents in the parliament.

Riško's speech triggered an hour-long unscheduled debate. The MPs were competing to dismiss the Communist MP. All agreed on that Ján Riško ought to be silent, for he was silent for twenty years. With the exception of a few co-opted MPs, the objection applied to all existing MPs none of whom could pride themselves in a daring speech to the plenary. Yet most of them believed that they secured their right to speak by having consented to the post-November developments. "The freedom to consent" was a right that the MPs earned by conformity, particularly with the election of the President. The "freedom of consent" thus perceived is similar to the understanding of freedom by the Communist Party.[68] Nevertheless, the Federal Assembly thus destined itself after November 1989 to its hitherto status: one of an institution that is clad into constitutional clothes of decisions adopted elsewhere. Even though parliaments, including those in democracies, often play the same role and the parliament of the first Czechoslovak Republic did largely the same, in this case even the right to debate was being denied. Apart from the main line of criticism of Riško's speech, a number of additional side issues emerged. Zdeněk Jičínský, for instance, argued that the presented bill cannot be compared with the parliamentary purges of 1969, as other civil rights of MPs remain intact. Unlike in the case of the MPs dismissed in 1969, "no one will prevent Mr Riško to bid for his mandate in the free elections scheduled for June" Jičínský stated. He thus indicated that he was aware of

66 Cf. Jan Kudrna, "Personální rekonstrukce zastupitelských sborů" [Personnel Reconstructions in Representative Assemblies], in *Pocta Zdeňkovi Jičínskému k 80. narozeninám*, ed. Vladimír Mikule et al. (Praha: ASPI, 2009), 241.

67 Archive and programme funds of the Czech Television, Sessions of the Federal Assembly, January 23, 1990 (2C23964). Cf. *Společná* česko-slovenská *digitální parlamentní knihovna* [Common Digital Czecho-Slovak Parliamentary Library], Federal Assembly 1986-1990, Joint Sessions of the House of People and the House of Nations, Stenographic records, 22nd joint session, January 23, 1990, accessed October 30, 2015, http://www.psp.cz/eknih/1986fs/slsn/stenprot/022schuz/s022002.htm.

68 Cf. Petr Fidelius, "Řeč *komunistické moci*" ["The Communist Power Talk"] (Praha: Triáda, 1998).

Riško's dismissal that had already been agreed, even though the bill had not yet been adopted. Paradoxically and from purely formal perspective, the dismissal of MPs in 1969 was "cleaner" as the right to dismiss was bestowed upon the parliaments, and not on political parties as was the case in 1990.

Another frequent theme in the criticism of Riško's speech and in defence of the dismissal of MPs was a claim that the "reconstruction of the parliament" was a necessary step for "the political composition [of the parliament] to ideally reflect the political compositions and mentality of the people in our country."[69] Such demand was revolutionary indeed: it is ultimately more a rule than an exception that the public atmosphere would not be in line with the composition of a parliament. That is why elections are held after all.

After the debate Alexander Dubček, being evidently insecure, called the vote. The bill was passed smoothly in the House of Peoples, with only nine MPs abstaining. In the crucial House of Nations, however, nearly forty MPs were absent. Thus, whilst the Czech section passed the bill, albeit with a narrow margin, three MPs opposed it in the Slovak section (including Ján Riško), and 22 others abstained. Thus the bill was not adopted. Alexander Dubček, who chaired the session and the voting following the printed script, first declared the bill adopted. Only after vocal objections from the Slovak section, constantly apologising, he started to look for "legislators in the know" who would be able to resolve the situation in which the Federal Assembly found itself for the first time in its history. After a few intermissions and procedural discussions[70] a Conciliation Committee was set up for the very first time, to be chaired by Zdeněk Jičínský. It was to find a way out of the conflict between the two Houses.

Prior to that, Václav Havel addressed the plenary of the Federal Assembly with nearly a two-hour long speech.[71] It was his first opportunity to address the parliament as President. In particular, however, it was a chance to present his political-aesthetic plans in the dramatic juxtaposition to the prop of the Communist parliament and (mostly) Communist MPs. Havel informed the MPs, who were taken aback and whose faith was just being decided behind the scenes in the parliament, of the details of his intentions (about his request presented to Sweden to return a part of the trophies of the Thirty-Year War, about the "incredibly distasteful" bathrooms at the chateau Lány, or about the new uniforms of the Castle Guards). His notes were addressed to the television viewers rather than the MPs. In his address Havel did not

69 Address by Mr Stanislav Hanák, MP. *Společná* česko-slovenská *digitální parlamentní knihovna* [Common Digital Czecho-Slovak Parliamentary Library], Federal Assembly 1986-1990, Joint Sessions of the House of People and the House of Nations, Stenographic records, 22nd joint session, January 23, 1990, accessed October 30, 2015, http://www.psp.cz/eknih/1986fs/slsn/stenprot/022schuz/s022002.htm.

70 See further Suk, *Labyrintem revoluce,* 289–90.

71 "Projev ve Federálním shromáždění 23. ledna 1990" [Address to the Federal Assembly on 23 January 1990], in *Spisy* [Collected Works], vol. 6, ed. Václav Havel (Prague: Torst, 1999). More on the address in Šútovec, *Semióza ako politikum,* 150–63.

forget to remind the MPs that "it was the old era that raised you to your posts". He also very clearly suggested that he derived his authority from the revolution ("the public to which I feel utmost responsibility"), and not from the parliament. In conclusion, Havel famously proposed a change to the names of the three republics, their coats of arms, names of armies and suggested that he expected the parliament to promptly content to his proposals. The Federal Assembly postponed the debate on Havel's proposals – a decision which is often identified as the cause of the "hyphen war".[72] Co-optations were among the reasons why the debate was postponed. Because of the resignation of nearly one half of MPs "the short parliament" between its 22nd and 23rd sessions (23 – 30 January) was unable to carry out even the essential procedural tasks. The presidium of the House of Peoples could not reach a quorum.

Shortly before 6pm, after the debate on a number of additional points, the Houses reconvened to debate the bill on dismissal of MPs. Zdeněk Jičínský reviewed the deliberations of the Conciliation Committee. He informed that the failure to adopt the bill was caused by the discontent of independent MPs with the formal procedure in debating the bill that was unrelated to the content of the draft bill. He then appealed to the Slovak MPs who first abstained, to assume a clear position either in support of or against the bill. No one abstained in the subsequent voting, with only a single MP voting against. The parliament did not yet have the voting equipment, what was explicable given the hitherto method of voting. It is therefore impossible to estimate the number of MPs voting for the bill. Television footage shows that some MPs, such as Ján Riško, did not vote at all. The smooth adoption of the bill in the second round of voting suggests that the Slovak MPs did not try to block the bill, but tried to firmly protest against the misuse of the parliament. They fought for the right of the parliament to consent (procedurally accurately), the right to being taken at least as seriously as was case of the Communist parliament and, eventually, for the right of MPs to consider their hitherto public activities meaningful. After the adoption of the bill on dismissal of the MPs the agenda of the 22nd session was summarily debated. The televised broadcast from the Federal Assembly closed with an image of MPs from the House of People leaving the parliament forever, others who might return in a week to elect over hundred and thirty new colleagues. The sensitive microphones of the state Czechoslovak Television captured their mutual farewells.

Conclusion

The co-optations significantly changed the status of the parliament in the post-November distribution of power. The institute of roundtable talks disintegrated and the parliament became the central (though not exclusive) platform for political negotiations. The aforementioned process of "self-parliamentarisation" has accelerated considerably, i.e. the emancipation of the legislature vis-à-vis the executive power. The

72 The term "hyphen war" refers to a long and complex conflict about the name of the common state in the first half of 1990.

"hyphen war" that broke out instantly after the co-optations was thus waged in the parliament, and not behind the political scenes or on the street. The side effect of the shift from roundtable talks to parliamentary debates resulted in a deep plunge in the influence of small political parties within the National Front: with their meek parliamentary fractions and mediocre electoral perspectives, they could not compete with the far more numerous and prospective parliamentary fractions of the Civic Forum and the Communist Party. Together with the outer position of the parliament within the structure of the power, the inner running of the Federal Assembly as an institution changed as well. Though the co-optations changed nearly a half of MPs, the key bodies of the Federal Assembly (the presidium, chairs of committees) experienced far deeper change. The two thirds of members of the presidium of the Federal Assembly have been changed; the presidiums of the Houses have been changed altogether, and the roles of the chairs of the committees have been changed by 85 percent.[73]

The speed of work at the parliament also rapidly increased as the legislature convened far more often than under communism and debated far greater number of bills. That is also related to yet another internal transformation – the development of the rules of procedure appropriate for a parliament that was no longer under the oversight of the Communist Party, but one that had to itself regulate its internal disagreements. Even though the new rules of procedure were only adopted in the subsequent parliamentary term, the change in debating the bills followed soon after the co-optations. The initiative presented by Vladimír Mikule proved particularly important. He achieved, *inter alia*, that each amendment had to be first discussed in the Constitutional-Legal Committee prior to being voted on.[74] Parliamentary mandate was no longer an occasional duty or status accessory, but full time job. That also raised the issue of wages for the MPs. Political culture has changed substantially. Instead of the perfect parliamentary machine of the Communist era with disciplined deputies, pre-approved input and careful choreographed sessions, the co-opted parliament was a picture of chaos, improvisation and procedural hurdles.

Co-optations have been a decisive step on the path of the Federal Assembly from the Communist parliament to the liberal one that only emerged after the elections in June 1990. It was still the first step, as the vital regional principle remained in place until the elections in June 1990 (i.e. the MPs represented their constituency). It was also because the Civic Forum was shaping itself as a representative body of all social strata without any significant differentiation of political currents. It was only the disintegration of the parliamentary fraction of the Civic Forum nearly a year later brought the process to completion. By giving political parties and movements an opportunity to choose new MPs, co-optations also contributed to the introduction of the proportional electoral system and created conditions for the emergence of strong party democracy.

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73 Jana Reschová, "Nová politika s novými ľuďmi" [New Politics with New People], *Sociologický* časopis 28 (1992): 227.

74 Jičínský, Československý *parlament*, 91–92.

From the wider Central European perspective, the main consequences of the co-optations in the Federal Assembly were the institutionalisation and slowdown of the November revolution. The Velvet Revolution that proved unique in post-Communist Europe for its pace, turned into "refolution",[75] a hybrid between revolution and reform. Co-optations, though a specifically Czechoslovak method, drew Czechoslovakia closer to other countries of Eastern Europe. They created a new political class and, at the same time, helped a number of "old structures" survive (if only for short time): the political parties within the National Front and some of its officials, the legal system of the Communist Czechoslovakia, the constitutional system of 1968, and thus the common state of the Czechs and Slovaks.

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REVOLUCIJA V SKLADU Z ZAKONOM: PREOBLIKOVANJE ČEŠKOSLOVAŠKEGA ZVEZNEGA PARLAMENTA V OBDOBJU 1989–1990

POVZETEK

Češkoslovaški zvezni parlament, ki je bil ustanovljen leta 1969 v okviru federalizacije Češkoslovaške, je v žametni revoluciji čez dvajset let odigral pomembno in hkrati paradoksalno vlogo. V izpraznjenem oblastnem prostoru, ki ga je v paniki ustvarila komunistična partija Češkoslovaške, je zvezni parlament nenadoma postal ključna in edina institucija, ki bi lahko zagotovila mirno in ustavno preoblikovanje političnega sistema. Opozicijski gibanji (češki Državljanski forum in slovaška Javnost proti nasilju) sta sprejeli komunistično ustavo kot podlago za preoblikovanje, ustavo pa je bilo mogoče spremeniti samo prek zveznega parlamenta.

Ta strategija ni imela verodostojne alternative, saj je imel velik del komunistične in pokomunistične slovaške elite ustavo in zvezni parlament za zgodovinska dosežka. Druge možnosti, na primer vrnitev k češkoslovaški ustavi iz leta 1920, so bile za Slovake popolnoma nesprejemljive. Težava je bila v tem, da so bili poslanci zveznega parlamenta leta 1986 izvoljeni na volitvah v komunističnem slogu, zato jih družba ni imela za legitimne poslance. Zdeněk Jičínský, reformistični komunist, eden od avtorjev ustavnih sprememb iz leta 1968 in vodilni ustavni strokovnjak Državljanskega foruma, se je domislil koncepta "kooptacij". Nekateri poslanci naj bi odstopili ali bi jih odpoklical parlament, ki bi potem izvolil nove člane iz vrst opozicijskih gibanj.

To bi omogočilo odlog volitev, utrdilo verodostojnost zveznega parlamenta in ohranilo njegovo vlogo stabilne institucije v nemirnem revolucionarnem obdobju. Ta primer ni bil edinstven v sodobni češki zgodovini, v kateri volitve nikoli niso bile uporabljene kot rešitev za politično krizo. Dejansko je bila za zgled čistka novoustanovljenega zveznega parlamenta iz leta 1969 – številni poslanci, ki so bili odstranjeni v tem procesu (predvsem Aleksander Dubček), so se čez dvajset let vrnili v parlament s pomočjo pravzaprav identične zakonodaje. "Kooptacije", ki so bile na Češkoslovaškem sicer edinstvene, so bile del širšega pojava ustavnih improvizacij v srednji in vzhodni Evropi, kjer so se vse države spopadale s kompleksno ustavno zapuščino komunistične dobe.

Ta študija je del širšega raziskovalnega projekta o zveznem parlamentu v obdobju 1989–1992, ki proučuje mehanizme "samoparlamentarizacije", tj. procesa postopnega osvobajanja zakonodajnega telesa od izvršne oblasti. Študija ima tri temeljne cilje. Prvič, nadaljuje raziskovanje revolucionarnih sprememb ob koncu leta 1989 in na začetku leta 1990 v smeri , katere začetnik je Jiří Suk, ter z uporabo istih metod in virov (prepisov pogajanj gibanja Državljanski forum, arhivov Državljanskega foruma) proučuje enega od stranskih hodnikov "labirinta revolucije". Veliko razlagalcev meni, da so "kooptaci-

je" izvirni greh, iz katerega so izšle številne tegobe pokomunistične preobrazbe v devetdesetih letih 20. stoletja. Zato je vredno raziskati, kako so se sprejemale odločitve in ali so bile na voljo tudi verodostojne alternative. Drugič, sama tematika zveznega parlamenta in viri, ki jih je ustvaril (zapisniki plenarnih sej, parlamentarnih odborov, predsedstva ali pogovorov s poslanci), nam omogočajo vpogled v žametno revolucijo s perspektive marginaliziranih in poraženih udeležencev.

Boj za nadzor nad parlamentom razkriva dva različna pogleda na spremembe: konceptu moralne in estetske revolucije Václava Havla , ki bi uničila vse grdo in zlo, se je zoperstavil reformni program "paragrafske revolucije" , ki ga je zagovarjal Zdeněk Jičínský ob globokem dvomu v sposobnosti množice in njenih voditeljev. Šlo je za trk dveh političnih obdobij: dinamičnega obdobja revolucije in počasnega premikanja parlamentarne demokracije. Opazujemo lahko tudi svetovni nazor poražencev, tj. parlamentarnih poslancev, ki niso želeli, da jih revolucionarna gibanja zgolj izkoristijo in zavržejo, ampak so hoteli biti del politične preobrazbe. Bojevali so se za pravico, ki jim jo je omogočal celo komunistični režim – pravico do "strinjanja". To je bilo očitno predvsem med nenavadno parlamentarno razpravo o "kooptaciji", ki se je nanašala na vprašanje, ali naj parlament odvzame sedež več kot sto svojim poslancem. Prvič v svoji zgodovini zvezni parlament ni sprejel zakona, vendar si je pod pritiskom hitro premislil. Televizija je javno prenašala to razpravo, katere absurdnost je dodatno poudaril nepričakovan nastop zunanjih obiskovalcev: predstavnikov revolucionarnih študentov, ki so zahtevali takojšnjo odobritev zakonodaje, Václava Havla, ki ga je ta parlament nedavno izvolil za predsednika in je s svojim govorom podžgal tako imenovani "spor zaradi vezaja", in Franka Zappe na parlamentarnem balkonu, ki je snemal dokumentarni film o žametni revoluciji.

1.01 UDC: 328:340.134(497.4)"1991/2014"

Simona Kustec Lipicer,* Andrija Henjak**

Changing Dynamics of Democratic Parliamentary Arena in Slovenia: Voters, Parties, Elections

IZVLEČEK

SPREMINJAJOČA SE DINAMIKA SLOVENSKE DEMOKRATIČNE PARLAMENTARNE ARENE: VOLIVCI, STRANKE, VOLITVE

Glavni namen članka je podati deskritptivni analitični pregled in ocene dosedanjega razvoja slovenske parlamentarne arene od prehoda v demokracijo do današnjih dni. Članek je razdeljen na dva dela: (1) pregled normativnih podlag parlamentarnega in strankarskega delovanja, in (2) analitične ocene strukture parlamentarne arene, kot jo odražajo volilne ter strankarske izbire in politične ponudbe. Vpogled v sodobno demokratično parlamentarno areno v Sloveniji kaže, da je ta dokaj stabilna, a da ob naraščajočem nezaupanju in spreminjajoči se volilni podpori politične stranke kot sestavni deli parlamentarne arene posebej v drugem desetletju demokracije postajajo manj stabilne, njihovo delovanje pa tudi manj predvidljivo, kar ima posledično lahko vpliv tudi na prihodnjo stabilnost same parlamentarne arene.

Ključne besede: parlament, politične stranke, demokracija, Republika Slovenija

ABSTRACT

The main goal of this paper is to provide a descriptive analytical overview of the existing evolution of the Slovenian parliamentary arena since its transition to democracy and independence. The paper is divided into two main parts: (1) an overview of a normative insight into the parliamentary and party system, and (2) an analytical assessment of the structure of the parliamentary arena as it is reflected in electoral and parties' choices and policy preferences. A look at the contemporary democratic parliamentary arena in Slovenia shows that it, in itself, has been quite stable, while, on the contrary, its main integral parts – political parties – have gradually become less stable and less predictable, especially in the second decade of democracy, which can potentially influence the future stability of parliamentary arena, too.

Keywords: parliament, political parties, democracy, Republic of Slovenia

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Main Characteristics of the Slovenian Party System

Slovenia is a country without a long tradition of statehood. It has had its current borders since 1945, when it was constituted as a federal republic of the socialist Yugoslavia. Slovenia became independent at the same time as it transformed into a democracy: with the collapse of communism and disintegration of Yugoslavia in 1991. As the most developed of Yugoslav republics – with the most advanced economy, already well integrated in the West European markets, and ethnically the most homogenous of the former Yugoslav federal republics – the Slovenian transition to democracy was both smooth and quick. The process was only interrupted by a brief but intense war at the end of June 1991, resulting from the intervention of the federal army, which tried to prevent the inevitable process of the Yugoslav breakup.[1] Like in other post-socialist countries, political parties in Slovenia played a crucial role as proponents of change in the transition process from the former communist regime, which has been labelled as transplaced[2] or ruptforma[3] form of transition. The Slovenian transition was characterised by the cooperation and bargaining between the emerging civil society and new social movements, newly emerging opposition political parties, and existing political elites.[4] As assessed by Fink-Hafner,[5] political parties became the agents of the formation of the Slovenian state,[6] but they were also shaped by this process. Some new parties emerged from the transformation of the League of Communists of Slovenia (in 1993 renamed as the United List of Social Democrats, and in 2005 as Social Democrats); the League of Socialist Youth (later the Liberal Democracy of Slovenia); the Socialist League of the Working People (later renamed as the Socialist Alliance); and the Social Democratic League (later renamed as the Social Democratic Party of Slovenia). Simultaneously the opposition to the old regime, emerging from the society, first called the Alliance of Intellectuals and later renamed as the Slovenian Democratic Alliance/Union, was established at the end of the 1980s. Since then it has served as a base for the foundation of a number of political parties. It included social groups with specific issues at heart, such as religious groups (Slovenian Christian Democrats; Christian Socialists), peasants (the Slovenian Peasant Party - People's Party, later renamed as the Slovenian People's

1 Niko Toš and Vlado Miheljak, "Transition in Slovenia: Towards Democratization and the Attainment of Sovereignty," in *Slovenia Between continuity and change 1990–1997*, ed. Niko Toš and Vlado Miheljak (Berlin: Sigma, 2002).

2 Samuel P. Huntington, *The Third Wave: Democratization in the late twentieth century* (London: Univeristy of Oklahoma Press, 1991).

3 Juan Linz, "The Breakdown of Democratic Regimes: Crisis," in *Breakdown and Reequilibration,* ed. Juan Linz and Alfred Stepan (Baltimore: John Hopkins University Press, 1978).

4 Danica Fink-Hafner, "Between continuity and change," in *Slovenia Between Continuity and Change 1990–1997*, ed. Niko Toš and Vlado Miheljak (Berlin: Sigma, 2002).

5 Ibid., 43.

6 Janko Prunk, "Politično življenje v samostojni Sloveniji," in *Dvajset let slovenske države*, ed. Janko Prunk and Tomaž Deželan (Maribor: Aristej; Ljubljana: Fakulteta za družbene vede, Center za politološke raziskave, 2012), 17–57.

Party), pensioners (the Democratic Party of Pensioners), regional parties (e.g. the Alliance of Haloze, Alliance for Primorska, Party of Slovenian Štajerska), and ethnic interests (e.g. the Alliance of Roma, Communita Italiana). Certain other contemporary issue oriented social movements of that period, such as the Greens of Slovenia, also evolved into parties.

Out of these parties, the Democratic Opposition of Slovenia, also known as the DEMOS coalition, was created through an agreement between the Slovenian Democratic Union, the Social Democrat Alliance of Slovenia, the Slovene Christian Democrats, the Peasant Alliance and the Greens of Slovenia. In 1992 the Slovenian Democratic Union split into two parties: the social-liberal wing became the Democratic Party, and the conservative faction established the National Democratic Party. A third group, dissatisfied with both options, joined the Social Democratic Party (SDSS, later simplified to SDS), which suffered a clear defeat at the 1992 elections, barely securing its entry in the Parliament. Nevertheless, it formed a coalition with the winning Liberal Democracy of Slovenia and even became a member of the governing coalition. Later it became the dominant party of the right of center under the name of Slovenian Democratic Party.

Only those socio-political organisations from the old regime that successfully transformed themselves, as well as new formations which managed to establish clear political identities and organisations, were able to survive the transition processes and constitute the new democratic party system. The successful parties generally managed to create a widespread organisation in the field, while at the same time maintaining a strong central party organisation and a high degree of party unity – all of this despite the lack of politically experienced members and with only limited financial resources. All other parties, including those with strong international support, vanished from the public life almost overnight.[7]

In its first two decades, the party system of Slovenia was characterised by the relative openness, allowing for a relatively easy entry of new parties. However, at the same time it exhibited a high degree of party stability, with parties creating stable organisations, membership bases and political identities. At the level of interparty competition, the party system was initially characterised by the dominance of Liberal Democracy of Slovenia (LDS). This was followed by the increasing bipolarity, with one end dominated initially by the LDS and then a succession of three other, often new parties; while the other end has become increasingly dominated by the Slovenian Democratic Party (SDS).[8]

Despite the relative openness of the Slovenian party system, only a small number

7 Fink-Hafner, "Between continuity and change," 48.

8 For more information about the characteristics of the Slovenian political parties since 1990 see Danica Fink-Hafner, "Strankarski sistem v Sloveniji: Od prikrite k transparentni bipolarnosti," in *Političke stranke i birači u državama bivše Jugoslavije,* ed. Zoran Lutovac (Beograd: Friderich Ebert Stiftung, 2006), 363–84. Danica Fink-Hafner, "Slovenia: Between Bipolarity and Broad Coalition-Building," in *Post-Communist EU Member States: Parties and Party Systems,* ed. Susanne Jungerstam-Mulders (Aldershot, Burlington: Ashgate, 2006), 203–31.

of new parties entered the Slovenian Parliament in the first two decades. This trend started to change at the 2008 parliamentary elections, with the rapid decline of the LDS, strengthening of the SD as temporary party on the left, and the entry of a new party splintering from the LDS into the Parliament (Zares). At the 2011 and 2014 elections the instability of party systems reached new heights, with the once dominant LDS almost completely disappearing from the scene, being supplanted on the broad left first by the SD, then by the Positive Slovenia, and finally by the Miro Cerar's Party, later renamed as the Modern Centre Party. This opened a new trend of single-term parties, emerging and disappearing from one election to the next, leading to a huge turnover in the Parliament. Despite the increasing instability, no anti-system parties have emerged in Slovenia, although some parties have occasionally challenged the legitimacy of the ruling political elite and called for its replacement at early elections.[9]

Generally we can state that political parties in Slovenia are not based on the representation and advocacy of narrow interests[10] (e.g. individual social classes, interest groups, regions, etc...) and cannot be distinguished easily according to the standard understanding of the left and right wing, primarily based on the economic or social issues. For the most part, Slovenian parties aim to be "catch-all" organisations, as their programmes and appeals address a wide range of voters with varying concerns. This is also true in case of the rare parliamentary "interest-group parties" such as the DESUS. However, for the most of the time since multiparty democracy was established, the principal political parties did possess a clear political identity and identifiable, if not always permanently loyal, electoral base. Additionally, we should also note that in the past the parties which have shown a narrower focus on the specific issues and policies were not electorally successful in the long term, and the Green parties in the nineties are a typical example of this.

Legal and Financial Frameworks for a Transparent Functioning of Political Parties in Slovenia

In accordance with the Political Parties Act, a political party in Slovenia is defined as "*an association of citizens who pursue their political goals as adopted in the party's programme through the democratic formulation of the political will of the citizens and by proposing candidates for elections to the National Assembly, elections for the president of the republic and for elections to local community bodies*."[11] The Slovenian Constitution

9 Jure Gašparič, *Državni zbor 1992–2012: o slovenskem parlamentarizmu* (Ljubljana: Inštitut za novejšo zgodovino, 2012). Danica Fink-Hafner, Damjan Lajh and Alenka Krašovec, *Politika na območju nekdanje Jugoslavije* (Ljubljana: Fakulteta za družbene vede, 2005).

10 In contrast to most EU countries, "actual" Eurosceptic parties cannot be detected in Slovenia. In the period of the Slovenian integration into the EU the parliamentary Slovenian National Party was characterised as a "Eurosceptic" party. However, during, for example, the campaign for the referendum on the Slovenian accession to the EU it remained completely inactive and inconspicuous.

11 "Political Party Act. Official consolidated text," *Official Gazette of the RS*, no. 100 (2005): art. 1.

itself does not define neither political parties nor their functioning, but it provides for the individuals' right to freely associate with others, maintaining certain legal limitations on that right if required by the national security, public safety, and protection against the spread of infectious diseases.[12] Political parties are regulated by the Political Parties Act and the Elections and Referendum Campaign Act. A party may be founded by no less than 200 adult citizens of the Republic of Slovenia who sign a declaration on the founding of the party. A party becomes a legal entity and shall act in accordance with the Slovenian laws after the registration body (Ministry of the Interior) marks the application of a party (for the entry in the register) with the time and date when the application was received. Each party must add to the application for entry in the register a) 200 founding signatures, b) the party statute and its program, c) a record of the founding assembly, meeting or congress, naming the elected bodies of the parties and the office-holder who, in accordance with the statute, represents the party as the responsible person, d) a graphic representation of the symbol of the party.[13]

In terms of internal democratic governance, all the main political parties must establish rules for the election of its leadership, the selection of candidates for elections, and the decision-making processes of the party's programme platforms. There are also certain legal restrictions with regard to persons who cannot become party members or representatives in the leadership bodies of political parties. However, at the same time no demand for the public availability of the membership information is defined.[14]

In terms of resources parties mostly rely on public funds, while privately provided funding has a smaller role. Legally, political parties in Slovenia can obtain funds from membership fees, contributions from private or legal persons, income from property, gifts, requests, the budget (national or local), and profit from the income of a company owned by it, but not from international funds or any type of domestic organisations with public ownership of at least 50 percent.[15] The most frequent and most 'welcome' party financial contribution by far comes from the national budget. Parties that propose candidates for the elections to the National Assembly have the right to receive funds from the national budget, provided that they received at least 1 percent (or 1.2 % if two parties compete on a joint list; or 1.5 % if three or more compete together on one list) of votes nationwide. The amount of the public funds available to the political parties depends on the electoral result. It should also be noted that the political parties which are represented in the National Assembly are entitled to other "indirect" (financial, personnel, administrative) resources, which they receive from the National Assembly budget. It should be noted that although a 4-percent

12 *Constitution of the Republic of Slovenia*, art. 42.

13 Ibid., art. 8.

14 "Political Party Act. Official consolidated text," *Official Gazette of the RS*, no. 100 (2005).

15 "Political Party Act. Official consolidated text," *Official Gazette of the RS*, no. 100 (2005): art. 21 and 26. See also Article 22 for certain criteria and limitations that are set for obtaining the stated for the acquisition of the relevant eligible funds.

threshold is set at the national level as the level of eligibility for the reception of public funds, there are also some non-parliamentary parties – those which received more than one percent or less than four percent of the votes of voters at the national level – which are also entitled to public funding. In light of all of the above, in practice this means that Slovenian parliamentary parties receive a substantial portion of their resources from the budget (national and municipal), and only a moderate amount from membership fees and donations.

However the issues with regard to the integrity of political parties, especially with regard to the transparency of party membership and funding, as well as issues related to the assurance of effective control over funding have been on the agenda almost constantly ever since the Slovenian independence. Political parties frequently, mostly on their own initiative, fail to inform the public about their membership, democratic governance procedures, as well as financial management. In light of the loose legal regulations, the general public therefore only has few limited possibilities to gain direct access to the information about the activities of the parties.[16]

All these factors result in significant distrust towards political parties, facilitating the search for new but not actually innovative party choices in the increasing bipolarity of the multi-party system, maintained not only by the voters' choices, but also through the media representation of the political parties and their actions.[17]

Parties in the Party System

In the second half of 2015, there were 84 registered political parties in Slovenia, which is an increase from the 74 parties which were registered in 2012.[18] Seven of these are represented in the National Assembly, which is about the average number of political parties represented in the National Assembly after the 1992 elections. So far, on average, one third of all parties competing in the elections have successfully entered the Parliament.[19]

Regarding the number of party members in Slovenia we can only give a rough estimate, as it is very difficult to obtain credible information from the parties. Accord-

16 Supervision is carried out by the Ministry of Interior and the Ministry of Finance, while financial auditing control is assured by the Court of Audit. For more information see also "Political Party Act. Official consolidated text," *Official Gazette of the RS*, no. 100 (2005): art. 27–29.

17 For media reports see: *Delo*, accessed December 3, 2015, www.delo.si. *Dnevnik*, accessed December 3, 2015, www.dnevnik.si. *Večer*, accessed December 3, 2015, www.vecer.si. *Prvi interaktivni multimedijski portal, MMC RTV Slovenija*, accessed December 3, 2015, www.rtvslo.si. *Planet Siol.net*, accessed December 3, 2015, www.siol.net. *MLADINA.si* , accessed December 3, 2015, www.mladina.si. *Revija Reporter*, accessed December 3, 2015, www.reporter.si. *Tednik Demokracija*, accessed December 3, 2015, www.demokracija.si. See also Greco country monitoring reports at: *Untitled 1*, accessed December 3, 2015, http://www.coe.int/t/dghl/monitoring/greco/default_en.asp.

18 Ministry of Interior, Political Party Register, at *Društva, politične stranke in ustanove - objave na spletu*, http://mrrsp.gov.si/rdruobjave/ps/index.faces.

19 No. of all competeing parties in the period 1992–2014, divided with the number of parties, elected in the Parliamnet in the period 1992–2014.

ing to some estimates,[20] in 2008 108,000 people were members of political parties in Slovenia, which represents 6.26 percent of the Slovenian electorate. In comparison with the number in 1998, when members of the parties represented 9.86 percent of the electorate, in 2008 the membership in political parties decreased approximately by 3.5 percentage points.[21]

If we compare the number of parties competing at the national parliamentary elections in Slovenia between 1990 and 2014, we can see that the aggregate numbers indicate a relatively stable dynamic of the party system, without dramatic changes in the numbers of parties competing in the elections, or parties entering the Parliament, and without significant changes in the government formula. Table 1 shows that the number of parties competing at the elections ranged from 17 to 23, reaching 26 only in 1992, after the departure of the DEMOS coalition from the political scene resulted in a large number of new parties contesting the elections. Throughout the period, except for the first elections, seven or eight parties were elected to the Parliament at all the elections.

The number of parties in the governing coalitions ranged between two and five, but most of the time the government consisted of three or four parties. The patterns of governmental changes for the whole period of the Slovenian independence were characterised by the partial alternation of governing parties and partial changes in the government formula. Complete changes of governing parties were almost completely absent from the Slovenian party system, while innovations of the governmental formula mostly came about as the consequence of the emergence of new parties. In fact, the largest source of instability and volatility in the Slovenian party system has been the disappearance of old and emergence of new parties. This trend has become more important after the 2008 elections, given that the subsequent two elections resulted in completely new parties heading the government.

Table 1 also indicates that at each of the elections since 1992 at least one new party was elected to the Parliament and at least two or three parties dropped from the Parliament. However, in some cases certain parties, such as New Slovenia (NSi) which failed to gain electoral representation at a certain point, managed to enter the Parliament on a later date.

In the last decade the changes of the party system have picked up the pace. This was especially the case at the last two elections, held in 2011 and 2014, both of them called one year before the parliamentary term expired. At both of these elections two new and very successful political parties were established without being formed through a merger or secession from of one of the existing political parties. Conversely, before the 2011 elections most new parties came about mostly through splits or mergers of the existing political parties. The elections of 2011 and 2014 were

20 Ingrid van Biezen, Peter Mair and Thomas Poguntke, "Going, Going…Gone? Party Membership in the 21st Century," paper prepared for the workshop on 'Political Parties and Civil Society', ECPR Joint Sessions, Lisbon, April 2009.

21 Ibid.

also different because a few parliamentary parties existing from 1992 – two of them playing an important part in all the governments between 1992 and 2011 – failed to enter the Parliament. In 2011 the LDS and the only nationalistic party, the SNS, lost parliamentary representation, while in 2014 the oldest Slovenian political party, the Slovenian Peoples Party (SLS), failed to win any seats. These went to the winner of the 2011 elections Positive Slovenia (PS) as well as the newly established Citizens List (DLGV), which was the third biggest parliamentary party in the 2011–2014 term.

Table 1: Data regarding the number of parties in the parliamentary elections in Slovenia, 1990–2014

	1990		1992	1996	2000	2004	2008	2011	2014
No. of candidates	851		1475	1300	1007	1395	1182	1300	na
No. of competing parties	17		26	22	23	23	17	20	17
No. of elected parties	9		8	7	8	7	7	7	7
No. of newly elected parties	/		1	1	3	1	2	2	2/3*
No. of unelected parties	/		2	2	2	2	2	3	2/3**
No. of coalition parties	Demos, 5, later 6		4, later 3 and then 2	3 dropping to 2	5 dropping to 4	4	4	5 dropping to 4	3

*Counting the ZaAB as a new party, not as one of the successors to the PS

** Not counting the ZaAB as one of the successors to the PS

Source: National Electoral Commission (2015)

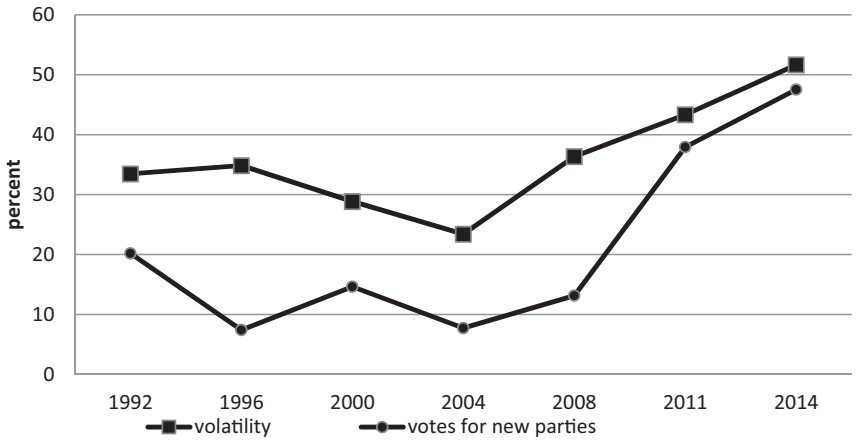
Despite the frequent creation of new parties and elimination of existing parties, the Slovenian party system has been characterised by a relative stability. In the first decade of democratic politics, the Slovenian political arena was dominated by the Liberal Democracy of Slovenia (LDS), which controlled the government for 12 years after 1992 through coalitions that included left and right-wing parties alike. With the strengthening of the SDS, more clearly defined bloc alternatives emerged, and the last four elections were characterised by a bipolar pattern of competition between the SDS and a strong left-wing party: first the LDS, then the SD, PS, and now the Party of Modern Centre (SMC).

So far the most important changes in the structure of the party system the last two elections, affecting predominantly the formerly dominant left and centre-left parties. In 2011 the LDS received slightly less than 2 % of votes, while its splinter party Zares, formed for the 2008 elections, also failed to enter the Parliament. The

elimination of the only nationalist party, Slovene National Party (SNS), which had been a member of the Parliament since 1992, was significant as well. In 2011 the newly-established parties – the PS (centre-left) and the DLGV (centre-right)[22] – gained seats and participated in the government, together receiving more than 37 percent of the votes. These parties soon dropped out of the Parliament in the 2014 elections, when they gained less than 4 percent of the votes in total. At the 2014 elections two new parties entered parliament: the Party of Miro Cerar, now renamed as the Modern Centre Party (SMC), and the United Left (ZL), together won more than 40 percent of the votes, while the 2011–2014 term parliamentary parties – the PS, DLGV and SLS – dropped out of the Parliament.

When we shift our focus from the number of parties to the movement of voters, we can observe that the level of volatility at the Slovenian elections, as shown in Figure 1, remained comparatively high after the first elections (above 30 percent). However, in 2004 it dropped to 23 percent as a stronger bipolar pattern of party competition emerged. Since the 2008 elections volatility has been increasing again, topping 50 percent in 2014 and indicating a heightened instability of the party system as well as the weakening of links between the parties and voters and an increased willingness of voters to switch support between parties or move on to supporting an entirely new political party.

Figure 1: Volatility and vote share of new parties in the parliamentary elections in Slovenia 1992–2014



Source: own calculations on the basis of the data provided by the National Electoral Commission (2015)

If we analyse the share of votes for the new parties at each elections we get a somewhat better picture of what drives such high level of volatility over time. In Figure

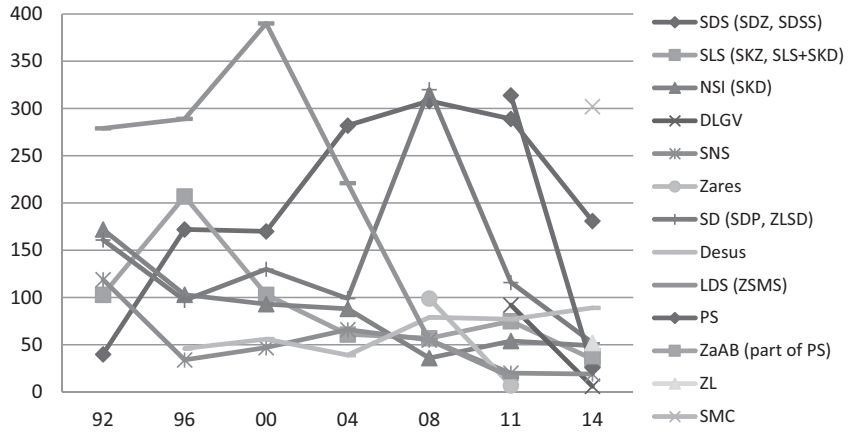
22 Simona Kustec Lipicer and Niko Toš, "Analiza volilnega vedenja in izbir na prvih predčasnih volitvah v državni zbor," *Teorija in praksa* 50, no. 3/4 (2013): 503.

1 above we can observe that both volatility and votes for new parties have increased significantly since 2008. Still, while volatility has been fairly high from the beginning, we can see that the vote share of the new parties was relatively modest until the 2008 elections, suggesting that volatility was mostly driven by the shifts of the electorate within the established parties. However, at last two elections the share of votes belonging to new parties has been on the rise precipitously, and this accounts for most of the volatility taking place in the Slovenian elections.

When we look at the number of votes of the relevant parties in the period between 1992 and 2014, we see that the changes in the amount of party support were considerable, not only as far as the share of votes parties gained is concerned, but also with regard to the actual number of votes parties won at elections. What clearly comes across as the starkest finding is that with the end of the LDS dominance on the political scene, the voters supporting the broad left side of the political spectrum have shifted their support from the LDS to the SD, then to the PS, and finally to the SMC. On the right side, after the SLS lost the position of the second party in the party system at the 2000 elections, this consolidation took place primarily around the SDS in the second decade of democratic politics. The SDS managed to win the support of almost a third of the electorate between 2004 and 2011, only to witness the demobilizsation of about one third of its voters at the 2014 elections while still retaining the status of the second largest party in the context of the significantly reduced turnout.

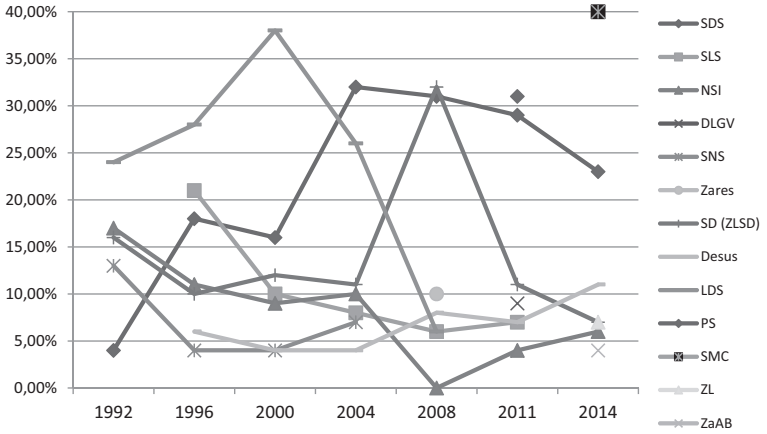
The seats in the National Assembly over time and in particular since 2000, are increasingly becoming distributed in such a way as to make a clear distinction between the smaller and larger parties in the context of an increasing bipolarity. In this context two principal parties control over 50 % of the seats, while the remaining five or six parliamentary parties distribute the remaining seats among themselves more or less evenly.

Figure 2: Vote choice at the Slovenian parliamentary elections (in thousands of votes)



Source: National Electoral Commission (2015)

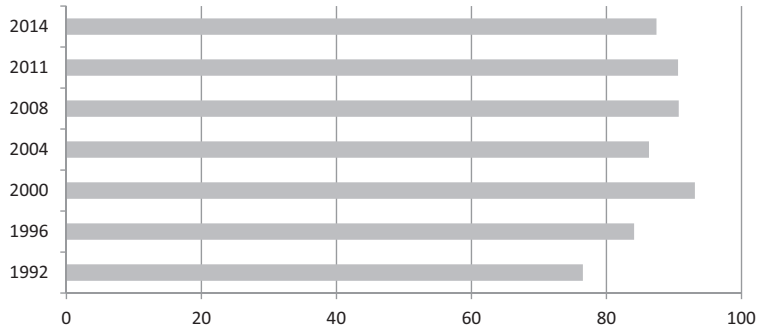
Figure 3: Share of the parliamentary seats at the Slovenian parliamentary elections



Source: National Electoral Commission (2014)

Although the party system sees parties emerging and disappearing, for most of the period under consideration the electoral system has performed relatively efficiently in securing that the voters' preferences have been represented and that votes have not been wasted. Since the establishment of the party system we have been able to observe that the share of voters who voted for parties represented in the Parliament, or, in other words, the share of voters whose votes are represented, increased just after the first elections. However, since then this share has remained between 84 percent and 93 percent within the period. The lowest share of represented voters (76 percent) can be traced back to the first elections in 1992, which are also the elections with the highest number of parties competing, while the best representation was achieved in 2000, when less than 10 percent of voters voted for parties that did not manage to enter the Parliament. The fact that despite the significant instability of the party system in the last decade 85 % of voters voted for parties that are represented in the Parliament is perhaps related to this very party system instability. As it hap-

Figure 4: Share of voters voting for parties represented in the Parliament



Source: National Electoral Commission (2014)

pens, in the eyes of the voters such instability implies a reasonable probability that switching support to a different party will not result in a wasted vote. Furthermore, it also signifies that a large number of parties does not lead to a large number of wasted votes, or to a continued concentration of support for marginal parties.

In conclusion, when we observe the development of the Slovenian electoral and parliamentary party system, we can pinpoint several significant developments affecting the stability of the party system and changing the way it has functioned after the first decade of democracy:

1) As a result of the 2004 elections, the first centre-right government, led by the SDS, was formed after the twelve-year dominance of the centre-left coalition government of LDS, leading to a more pronounced bipolarisation of the party system.

2) In 2008 the centre-right government lost the elections. Once again a centre-left government was formed, with the SD (the former communist party) as the leader of the coalition with the DeSUS and two centre-left parties, the LDS and Zares, the parties that arose from the split of the LDS. The term of this government was characterised by the beginning of the economic slowdown and modest growth as well as increasing financial problems in the banking sector, as well as conflicts within the government. The term ended with the 2011 early elections effectively removing the SD from the position of the principal party of the centre-left.

3) In 2011 early elections were held. The SDS and the newly formed Positive Slovenia won the most votes. The following three years were characterised by the changes of the government without elections and severe conflicts within the PS, the new DLGV, as well as within both governments in the 2011-2014 parliamentary term – one led by the SDS and the other by the PS.[23] Both the PS and DLGV came into existence as alternatives to the existing established parliamentary parties, and both claimed to represent new agendas and boasted highly visible individuals as leaders in combination with relatively basic party organisations.[24] This set in motion a new trend of one-shot parties, established by very prominent personalities shortly before the elections and without clear programme orientations, political identities or organisations, in order to be propelled into the government virtually overnight.

4) A similar picture emerged in the second consecutive early elections in 2014, where the SMC repeated the Positive Slovenia's success from 2011, and the United Left (ZL), as a left-wing socialist alternative, entered the Parliament and extended

23 On 20 September 2011 the vote of no confidence was passed in the Parliament. On 21 October 2011 the President of the Republic dismissed the Parliament and called for elections. The elections were held on 4th December 2011. On 22 October 2011 Zoran Janković, the mayor of the Slovenian capital of Ljubljana, established the Zoran Janković List - Positive Slovenija party, which won the 2011 parliamentary elections with 28.51 % of votes and became the leading parliamentary opposition party. Gregor Virant as one of the lieutenants of the SDS party leader Janez Janša, also the Minister of Public Administration in Janša›s 2004-2008 government, resigned from the SDS in late summer of 2011 and established a new party, the Gregor Virant›s Civic List, on 21 October 2011. His list won 8.37 % of votes and became one of the government coalition parties.

24 See for example Alenka Krašovec and Tim Haughton, "Europe and the Parliamentary Elections in Slovenia December 2011," *EPERN Election Briefing* 69 (2012).

the ideological scope of the political spectrum on the left. On the right end of the political spectrum, the oldest Slovenian party SLS dropped out of the Parliament. The same happened to the Civic List (DLGV), which entered the Parliament only in 2011 and reduced the number of the political actors right of center.

Parties and the Public Opinion

The significant instability of the party system in the last decade, in comparison with the first decade of democratic politics, may indicate that the public attitudes towards political parties may be changing as well. If this is the case, it can be expected that other political institutions could be affected as well. The fact that some political parties are losing support and disappearing while others are rising without clear programmes, party identities or organisation may indicate that the voters feel a certain degree of dissatisfaction with the parties.

This is confirmed if we look at the level of the public support for the political parties and political institutions through which the parties operate. The public image of the political parties and the National Assembly as the principal arena of their institutional activities is fairly low in Slovenia. Regarding the central government political institutions as well as some other societal institutions, the political parties and the National Assembly are consistently assessed by the respondents as the least trustworthy. The public opinion survey polls (called Polibarometer) in 2010[25] revealed that only three percent of respondents trusted the political parties, while as much as 64 percent did not trust them. According to a study carried out in March 2011,[26] the level of trust was even lower – only two percent of respondents trusted the political parties, while distrust increased to 68 percent. Such considerable (and increasing) rate of distrust in the parties is also a result of the increasing perception of the clientelistic relationships between the parties and various interest groups as reported by the various media.[27]

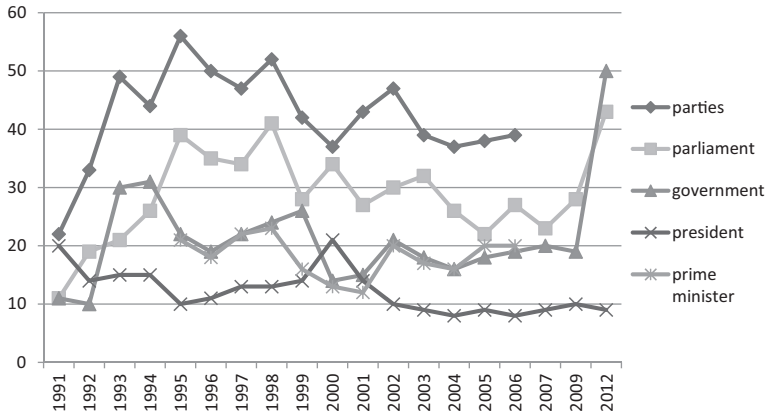
While the parties suffered from the lack of trust by the public since the middle of the 1990s, over the last few years the trust in the government and the Parliament has declined significantly as well. The timing of this development closely coincides with the economic crisis affecting the country. However, it also coincides with the increase in volatility of the electorate and the increased turnover, or emergence and disappearance of political parties from one election to the next. All of this indicates that the public opinion sees political parties as institutions that fail to fulfil their function, and their failure is affecting the attitude of voters towards the whole political system.

25 *Survey Politbarometer* 12/2010 (Ljubljana: Center za raziskovanje javnega mnenja, 2010).

26 *Survey Politbarometer* 03/2011 (Ljubljana: Center za raziskovanje javnega mnenja, 2011).

27 Data available in various media presses: *Delo*, www.delo.si. *Dnevnik*, www.dnevnik.si. *Večer*, www.vecer.si. *Prvi interaktivni multimedijski portal, MMC RTV Slovenija*, www.rtvslo.si. *Planet Siol.net*, www.siol.net. *MLADINA.si*, www.mladina.si, *Revija Reporter*, www.reporter.si. *Tednik Demokracija*, www.demokracija.si.

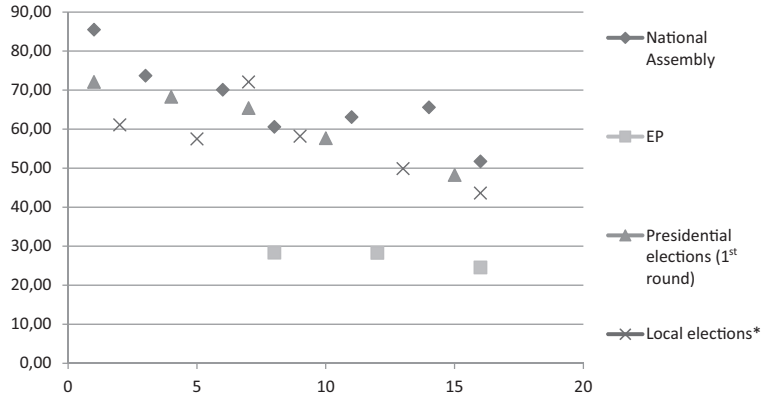
Figure 5: Share of respondents indicating that they do not trust particular political institutions



Source: Niko Toš et. al., *Politbarometer 3/2011 and 1/2012. Meritve v času izrednih parlamentarnih volitev v DZ RS oktober 2011 – januar 2012* [dataset] (Ljubljana: Public Opinion and Mass Communication Research Centre, 2012)

Electoral participation in the elections at various levels is a further sign of the shift in the popular attitudes towards the political system. Figure 3 shows a considerable decline in the electoral turnout since the 1992 elections, signifying a changing attitude of the public towards the elected institutions. In 1992 the turnout at the

Figure 6: Election turnout in Slovenia, 1992–2014



Source: National Electoral Commission (2015)

Legend: * due to the legislative changes, in a certain period the local elections were not called for all the local communities at the same time, which makes the collection of turnout data for the local elections turnout more challenging for the terms under consideration, although this does not have any direct impact on the turnout interpretations for the purposes of this paper.

parliamentary elections was 85 percent. In 1996 and 2000 it dropped to just above 70 percent, only to fall to only 60 percent in 2004. The turnout remained between 60 and 65 percent until 2014, when it dropped to 51 %, which is one of the lowest levels in Europe for national elections. Similar trends are evident also for the presidential and local elections, where the turnout (initially at a lower level than in the case of parliamentary elections) was declining in accordance with the trends at the national elections. The level of turnout was the lowest for the European Parliament elections, as it did not exceed 30 percent in any of the three European Parliament elections so far.

Party Identification and Preferences

The comparative analysis of the relationship between the ideological positioning of voters and political parties in Slovenia, with respect to their position on the political spectrum, has so far shown that the classic economic left-right position in Slovenia is one of the least relevant factors of electoral choice.[28] Instead, most studies reveal that the main ideological division in Slovenia revolves around the interpretation of history, and in that context primarily around the interpretation of the political divisions during World War II, the interpretation of the nature of war and its participants in Slovenia, as well as the character of the post-war state and the events related to it.[29] The issues of the traditional versus modern attitudes and values regarding individual freedom, role of family, religion and morality, as well as the definition of national identity are closely related to these historical divisions. These elements have formed another dimension of the dominant symbolic division.

What appears to characterise the social foundations of the Slovenian party system is a stable distribution of the voters' party identification across the political spectrum, with somewhat lesser stability of party identity in case of the left-wing voters. Furthermore, we cannot observe any consistent classic ideological divisions based on the socio-economic differences, despite the issue of the role of the old and new economic and social elites. The interpretation of history, attitude towards the communist regime and other similar issues form a very clear symbolic division. This dominance of symbolic politics means that with respect to economic issues, parties sometimes behave in a way which is not likely to be consistent with their overall ideological orientation.[30]

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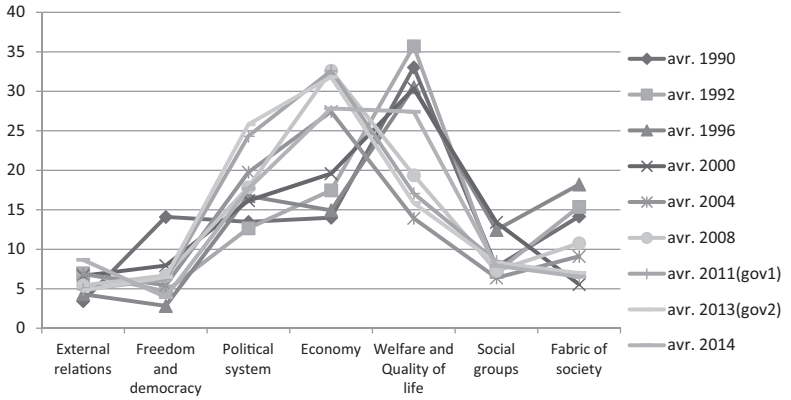
28 Russell J Dalton, David M. Farrell and Ian McAllister, *Political Parties and Democratic Linkage: How parties organize democracy* (Oxford: Oxford University Press, 2011).

29 Hans-Dieter Klingemann, Dieter Fuchs and Jan Zielonka, *Democracy and Political Culture in Eastern Europe* (London: Routledge, 2006). Drago Zajc and Tomaz Boh, "10. Slovenia," in *The Handbook of Political Change in Eastern Europe,* ed. Sten Berglund (Cheltenham, Northampton (MA): Edward Elgar Publishing, 2004). Danica Fink-Hafner and Alenka Krašovec, "Europeanisation of the Slovenian party system–from marginal European impacts to the domestication of EU policy issues?" *Politics* (2006).

30 Russell J Dalton, David M. Farrell and Ian McAllister, "The Dynamics of Political Representation," in *How Democracy Works: Political Representation and Policy Congruence in Modern Societies,*

The analysis of the Slovenian parties' electoral programmes reveals that the character of party competition is in some respects typical of the electoral politics in other Central and Eastern European countries with respect to the scope and type of the prevailing policy issues.[31] Moreover, it is apparent that the contemporary Slovenian political parties are not formed as representatives of narrow interests, but rather that they have a position of so-called "catch-all" parties, as their programmes address a wide range of voters, even when they are nominally representing particular social groups, like the DeSUS.

Figure 7: Distribution of political issues in the party programmes – averages for all parties



Sources: own data and calculations on the dateset methodology by Hans-Dieter Klingemann, Andrea Volkens, Judith Bara, Ian Budge, *Mapping policy preferences II: estimates for parties, electors, and governments in Eastern Europe, European Union, and OECD 1990–2003* (Oxford: Oxford University Press, 2006); Simona Kustec Lipicer and Samo Kropivnik. "*Dimensions of Party Electoral Programs: Slovenian Experience*," Journal of Comparative Politics 4.1 (2011): 52

The data shows that the Slovenian parties, in general, keep the contents of their programmes increasingly stable over time, despite the significant contextual changes in the society and economy over the last decade. The priority given to particular issues in the party programmes has been changing over time, but generally, welfare and quality of life issues have topped the list, while the economic issues have grown

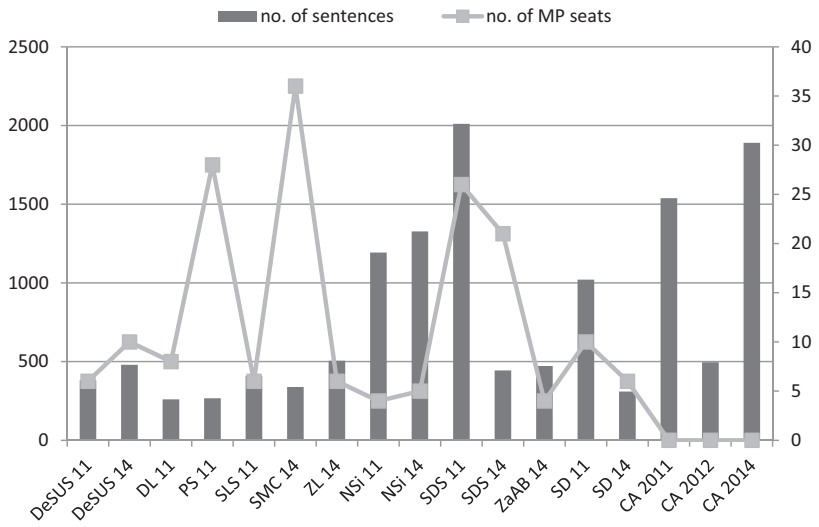
ed. Martin Rosema, Kees Aarts and Bas Denters (Chicago: University of Chicago Press, 2011). Samo Kropivnik and Simona Kustec Lipicer, "Party Manifestos in Slovenia," Prepared for delivery at the 2012 Annual Meeting of the American Political Science Association, August 30 – September 2, 2012.

31 Hans-Dieter Klingemann, Andrea Volkens, Judith Bara, Ian Budge, *Mapping policy preferences II: estimates for parties, electors, and governments in Eastern Europe, European Union, and OECD 1990–2003* (Oxford: Oxford University Press, 2006). According to the applied methodology, the scope of electoral program issues is analyzed by measuring the frequency of the following seven domains in each program 1) External Relations; 2) Freedom and Democracy; 3) Political System; 4) Economy; 5) Welfare and Quality of life; 6) Fabric of Society; 7) Social Groups.

in importance over time, mostly at the expense of the decline in the priority of welfare issues as well as all the issues related to social policy. This shift is more obvious in the case of the leading centre-right Slovenian Democratic Party (SDS), where we can observe a sharp shift of focus between the two periods. A less prominent but still obvious shift took place in the programmes of other parties, where we observe slow, gradual changes leading to a shift in the policy orientation.[32] It is reasonable to speculate that these changes have appeared mostly as a result of the ongoing external social, economic and political turbulences, manifesting themselves in the local context. Apart from the shifts in focus, we can observe that the structures of party programmes have become more similar over time with respect to the structure of the issues included in the party programmes.[33]

A further analysis of the 2004–2011 period reveals that the structural differences in issue priorities clearly separate the parliamentary from the non-parliamentary parties rather than, as already indicated, along the lines between the left vs. right or government vs. opposition.[34] Parliamentary parties are more focused on the political system and economy, while non-parliamentary parties prioritise welfare, quality of life, and social fabric. These differences are expected and correspond to the findings of the general policy analyses. They imply that non-parliamentary parties are much

Figure 8. Party programmes and electoral success



Sources: own data and calculations; Simona Kustec Lipicer and Niko Toš, "*Analiza volilnega vedenja in izbir na prvih predčasnih volitvah v državni zbor*," Teorija in praksa 50, no. 3/4 (2013): 503

32 Including also a unique and very strong focus on the political system issues.

33 More on this in: Simona Kustec Lipicer and Samo Kropivnik, "Dimensions of Party Electoral Programmes: Slovenian Experience," *Journal of Comparative Politics* 4.1 (2011): 52.

34 Ibid.

more issue-oriented and focus on the policies related to the welfare and/or societal issues than the leading parliamentary parties are far more catch-all oriented and focus on the fundamental issues of the political system. On the other hand, there are no obvious differences in the issue structure between the more and less successful parliamentary parties. The only exception, to a degree, to the general trend shown in Figure 7 seems to emerge in 2014, where the issue dimensions are more evenly represented in the party programmes in comparison with the previous elections.

Furthermore, even the new parties (PS and DLGV, SMC or ZL), which ran at the 2011 and 2014 elections with atypically short and general programmes but nevertheless experienced significant electoral success, are close to the other parliamentary parties as far as the issue structure of their party programmes is concerned. This may point to the conclusion that the electoral upheaval, affecting Slovenian politics at the 2011 and 2014 elections, was not so much about the voters trying to find a new political direction, but rather that it was a case of the voters being dissatisfied with the old political elites, therefore trying to replace them with a new set of actors without asking for credentials or assurances that the new elites in fact have any new solutions to the problems.

Final Remarks

The Slovenian party system as an integral element of parliamentary democracy since the Slovenian transition to democracy has exhibited several significant trends. On one hand the party system has exhibited a significant degree of stability in its aggregate characteristics. The number of parties competing at elections as well as the number of elected and governing parties, the broad contours of party programmes, and the patterns of governmental alterations have remained broadly stable over time.

At the same time, while the party system has exhibited a significant degree of stability at the aggregate level, over time the instability at the level of political parties has increased. This has taken place in the context of the increased dissatisfaction of the citizens with the political parties. Electoral volatility, always high, further increased dramatically at the 2011 and 2014 elections, when the old parties were eliminated from the government from one election to the next and the share of votes for new parties reached 40 % or more. Increased volatility is just one of the trends indicating the increasingly critical attitude of citizens towards the parties and political institutions most closely related to the political parties, such as the government and the Parliament. It remains to be seen whether such a critical attitude of citizens towards the political parties will continue in the next electoral cycle. However, it is evident from the developments in the last few years that the new parties have a number of weaknesses and lack the resilience that the old parties have in terms of stable links with voters, stable party organisations allowing for steady and effective patterns of political recruitment, and stable party identity. The new parties that emerged in the 2014 elections are vulnerable the same as were their predecessors in 2011, and it is not unlikely that the degree of instability will persist, though the external pressure

on the party system might decline if the economic conditions and tranparent modes of governnce are stabilised.

Finally, the party system is an essential element of the parliamentary system. Parties are the principal conduit for the recruitment of political elites and representation of the political preferences of voters. It is therefore not unlikely that the changes in the party system could ultimately lead to changes in the parliamentary arena.

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Simona Kustec Lipicer, Andrija Henjak

SPREMINJAJOČA SE DINAMIKA SLOVENSKE DEMOKRATIČNE PARLAMENTARNE ARENE: VOLIVCI, STRANKE, VOLITVE

P O V Z E T E K

Glavni namen članka je podati opisni analitični pregled razvoja slovenskega parlamentarnega prostora od prehoda v demokracijo in neodvisnost do današnjih dni. Sodobni demokratični parlamentarni prostor v Sloveniji je sam po sebi videti sorazmerno stabilen. Nasprotno so njegovi sestavni deli – politične stranke – postopno postali manj stabilni in predvidljivi, zlasti v drugem desetletju demokracije. To je razvidno tudi iz vse večjega nezaupanja volivcev – ne samo v politične stranke, ampak tudi v parlament in vlado – ter iz naraščajoče nestanovitnosti.

Razprava se najprej posveti normativnemu vpogledu v parlamentarni in strankarski sistem, nato pa analitični oceni strukture parlamentarnega prostora, kot jo izražajo odločitve volivcev na volitvah in politična stališča strank.

Pri slovenskem sistemu političnih strank kot sestavnem delu parlamentarne demokracije lahko od prehoda v demokracijo opazimo več različnih pomembnih trendov. Po osamosvojitvi so se postopno vzpostavili zakonski okviri za ustanavljanje političnih strank, ki so opredelili pojem, financiranje in delovanje političnih strank v državi ter jim hkrati omogočili tako visoko raven samoregulacije, da je javnost njih in njihovo podobo pogosto ocenjevala kot netransparentno. Strankarski sistem se je po eni strani v celoti izkazal za precej stabilnega. Število strank, ki so sodelovale na volitvah, število izvoljenih in vladajočih strank, splošni obrisi strankarskih programov in vzorci menjavanja vlad so na splošno stabilni. Hkrati je tej splošni stabilnosti sledila vse večja nestabilnost na ravni političnih strank, do katere je prišlo v okviru naraščajoče nezadovoljnosti državljanov s političnimi strankami. Nestanovitnost volivcev in nezaupanje do političnih strank sta se zelo okrepila, kar kaže na vse bolj kritičen odnos državljanov do strank. To velja tudi za politične institucije, ki so najtesneje povezane s političnimi strankami, na primer za vlado in parlament. Nestabilnost na ravni političnih strank se je kazala skozi številne nove stranke, ki so nastajale in izginjale od enih volitev do drugih. To je pomembno vplivalo na vzorce oblikovanja vlad in vladnih koalicij, saj so stranke vstopale v vlado, nato pa izginile na naslednjih volitvah, na katerih so jih nadomestile nove stranke. Vzrok za to nestabilnost so predvsem številne pomanjkljivosti novih strank, ki očitno nimajo ključnih stabilizacijskih elementov političnih strank, kot so stabilna povezava z volivci ter stabilna strankarska organizacija in identiteta. To velja tudi za uspešne nove stranke, ki so se pojavile v obdobju med volitvami leta 2008 in zadnjimi volitvami leta 2014, drugimi v nizu predčasnih volitev. Zato bi se lahko podobna raven nestabilnosti nadaljevala tudi v prihodnje, čeprav je možno, da

bi se s stabilizacijo gospodarskih razmer in težav z upravljanjem zmanjšal zunanji pritisk na strankarski sistem in posamezne stranke. Vprašanje je tudi, ali bodo slovenskih državljani ohranili tako kritičen odnos do političnih strank v naslednjem volilnem ciklusu ali pa bi stabilnejše gospodarstvo in upravna struktura lahko morda spremenila stališča državljanov do strank in politike.

Navsezadnje ima usoda strankarskega sistema širši pomen. Strankarski sistem je bistveni sestavni del parlamentarnega sistema, stranke pa so osnovni kanal za rekrutiranje političnih elit in zastopanje politične volje volivcev. Zato bi lahko spremembe v strankarskem sistemu sčasoma pripeljale tudi do mnogo bolj temeljnih sprememb tudi v dosedanjem delovanju v političnem parlamentarnem prostoru.

1.01 UDC: 328(437):323.27"1989"

Tomáš Zahradníček*

Debates Were to Be Held in the Parliament, but it Proved Impossible: The Federal Assembly and the Velvet Revolution in Czechoslovakia in 1989[1]

IZVLEČEK

V PARLAMENTU NAJ BI POTEKALE RAZPRAVE, VENDAR SE JE TO IZKAZALO ZA NEMOGOČE: ZVEZNI PARLAMENT IN ŽAMETNA REVOLUCIJA NA ČEŠKOSLOVAŠKEM LETA 1989

Leta 1989, ko se je zrušil komunistični režim, se je na Češkoslovaškem pogosto ponavljala zahteva, da bi bilo treba pomembno politično razpravo o usmeritvi države voditi zlasti v parlamentu. Vendar se je parlament vse leto izmikal bistvenim političnim razpravam. Zakonodajno telo ni postalo politični oder in forum za pomembne razprave ali prizorišče merjenja moči nasprotnikov. Članek opisuje poskuse pooblastitve parlamenta in analizira razloge za njihov neuspeh. Osredotoča se zlasti na nekaj tednov po padcu berlinskega zidu, ki so na Češkoslovaškem dosegli vrhunec z izvolitvijo Václava Havla in Aleksandra Dubčka na vrhovni ustavni funkciji predsednika in predsednika zveznega parlamenta.

Ključne besede: Češkoslovaška 1989, parlamentarizem, zvezni parlament, komunistična partija Češkoslovaške

ABSTRACT

During 1989, the year of the collapse of the Communist regime, a claim was often repeated in Czechoslovakia that substantive political debate about the direction of the country ought to be held particularly in the parliament. Yet the key political debates shun away from the parliament for the entire year. The legislature did not become the stage for politics, a forum for substantive debates or the arena for competing forces. The article maps the attempts to empower the parliament and analyses the reasons for their failure. Particular focus is given to the few weeks after the fall of the Berlin Wall that culminated in Czechoslovakia with the election of Václav Havel

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and Alexander Dubček to the supreme constitutional posts of the President and Chairman of the Federal Assembly.

Keywords: Czechoslovakia 1989, Parliamentarism, The Federal Assembly, The Communist Party of Czechoslovakia

During the breakthrough year of 1989 a claim was often repeated in Czechoslovakia that substantive political debate about the direction of the country ought to be held particularly in the parliament. Yet the key political debates shun away from the parliament for the entire year. The legislature did not become the stage for politics, a forum for substantive debates or the arena for competing forces. This study maps the attempts to empower the parliament and their failure. Particular focus is given to the few weeks after the fall of the Berlin Wall that culminated in Czechoslovakia with the rise of Václav Havel and Alexander Dubček to the supreme constitutional posts of the President and Chairman of the Federal Assembly.[2]

The Berlin Wall fell on 11 November 1989. On 17 November police in Prague intervened against student demonstration in a manner that triggered mass demonstrations in the coming days in Czechoslovakia as well. Most gatherings took place just a few metres from the Czechoslovak federal parliament – the Federal Assembly, which, however did not merit their attention. During the first street protests the massive flow of protesters repeatedly headed towards the parliament. Yet that was not their destination: the crowd passed the building without major interest and continued a few steps further to the headquarters of the Czechoslovak Radio to demand true information about the developments in Prague. The initial ignorance of the federal parliament building by the protesters shows their realistic assessment of the role of the legislature and its crew in the power gear.

To enhance the role of representative assemblies during socialism was one of the slogans of Mikhail Gorbachev's reforms. They had been also translated, quoted and repeated in Czechoslovakia. The parliament was to enhance its autonomy and become "a powerful agent of socialist democracy."[3] Possible outcome was only tested

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2 The best summary publications about the Czechoslovak November and December 1989: James Krapfl, *Revolution with a Human Face: Politics, Culture, and Community in Czechoslovakia, 1989–1992* (Ithaca: Cornell University Press, 2013). Jiří Suk, *Labyrintem revoluce. Aktéři, zápletky a křižovatky jedné politické krize (od listopadu 1989 do června 1990)* [Through the Labyrinth of the Revolution. Actors, Plots and Crossroads of A Political Crisis (from November 1989 to June 1990)] (Praha: Prostor, 2003).

3 Gorbachev speaks of "Soviets" that were known as the "National Committees" in Czechoslovak terminology, whilst the three supreme assemblies were called differently: The Czech National Council, the Slovak National Council (the supreme soviets in the republics), and the Federal Assembly. In his criticism of the existing situation Gorbachev used to say: "... the role of the Soviets was weakened. What emerged was what we call the replacement of the roles and activities of the state and administrative bodies by the party organs. (...) In brief, there was a specific deformation of the entire activity of the democratic body which owes its existence to our socialist revolution. Thus the major task that arose in front of us during the reconstruction: to fully renew the role of the Soviets, as the bodies of political

by individuals in Prague before the Autumn of 1989. Among them was Evžen Erban, retired high official of the Communist Party. As the first and only more noteworthy politician he invited Václav Havel for a meeting in the Summer of 1989. At one point of his long political monologue he told Havel: "I might be arrested in the afternoon ..." to add: "They cannot! They cannot! I have parliamentary immunity!" and pulled out his parliamentary ID card.[4] The scene offers a glimpse on some significance attached to parliamentary immunity when deciding about the degree of political courage vis-à-vis political breakthroughs. Yet there is only limited evidence of the kind in Czechoslovakia.

When testing the limits of how far one could have gone in using the federal parliament and uncensored rostrum, Lubomír Štrougal went farthest. Another of the political veterans, having served the top power posts for thirty years, Štrougal withdrew to seclusion probably in hope that he would be invited back. In the Summer of 1989 he reminded the Party leadership of their guilt for the failure of the earlier reform attempts. He skilfully used a language different from that prescribed by the Party leadership. Instead of reconstruction he spoke of "radical reform" and criticised the abandonment of economic policies of the Prague Spring.[5] His address on 20 June 1989 to the plenary session of the Federal Assembly met with silence among the MPs and the media.

Another attempt was made a few months later by Štrougal›s successor in the post of the federal Prime Minister, Ladislav Adamec. As constitutional official the Prime Minister was answerable to the federal parliament. At the same time, as member of the Communist Party, he was bound to conformity with the Party leadership. In the Autumn of 1989 Adamec tried to weaken the dependence on the Party leadership by transferring the hitherto internal discussion from the Party grounds to the parliament. Yet the report he had drafted was not approved by his superior Party bodies. Hence on 11 November 1989 the Prime Minister, bound with discipline, had to read to the Federal Assembly statements that included some points that were

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power, as bearers and powerful carriers of socialist democracy". Michail Sergejevič Gorbačov, *Přestavba a nové myšlení pro naši zemi a pro celý svět* [Perestroika and New Thinking for Our Country and the Whole World] (Praha: Svoboda, 1987), 96–97.

4 Václav Havel seemed so captivated by that moment that he has not forgotten about it when, from the distance of a few weeks, he recounted the unique encounter of 15 November to Irena Gerová. Irena Gerová, *Vyhrabávačky: Deníkové zápisy a rozhovory z let 1988 a 1989* [Digs: Diary Notes and Interviews from 1888 and 1989] (Praha, Litomyšl: Paseka, 2009), 137. For additional testimonies about Erban's activities see Zdislav Šulc, *Z jeviště i zákulisí české politiky a ekonomiky* [From the Stage and Backstage of Czech Politics and Economics] (Brno: Doplněk, 2011), 197.

5 "Politics is the art of the possible, whilst the possible was affected not only by internal, but also international context. (...) The abandonment of the economic reform in the early 1970s was a grave mistake," stated Štrougal. *Společná česko-slovenská digitální parlamentní knihovna* [Common Digital Czecho-Slovak Parliamentary Library], Federal Assembly 1986–1990, Joint Sessions of the House of People and the House of Nations, Stenographic records, 14th session, 20. 6. 1989, accessed October 30, 2015, http://www.psp.cz/eknih/1986fs/slsn/stenprot/014schuz/s014017.htm. Cf. Jaromír Sedlák, *Muž nad stolem, aneb Byl jsem Štrougalovým poradcem* [A Man Over The Table or I Was Štrougal›s Adviser] (Praha: BVD, 2010), 131.

in contradiction to what he had wanted to say. Nonetheless, he did not give in and spoke later in the debate together with other MPs. With a slight delay he presented his own version of the thesis about the need for political reform. Those passages were, however, later censored by the media upon intervention from the Party headquarters. Such was the infamous fate of the key attempt to transfer political debate from Party corridors to the parliament.[6]

The attempt by Adamec did not become publicly known and has not entered history: in the days that followed it was outshone by new, more far reaching events. The Civic Forum was established as a wide coalition of those outraged by police brutality against the demonstration in Prague on 17 November 1989. After a few days of mass rallies it became apparent that the retiring power structures were giving up their power quite willingly. Guided by the logic of the existing power system, the attention focused on the development within the Communist Party of Czechoslovakia. The parliament and other political institutions respected the hierarchy.

Personnel changes in the presidium of the Central Committee of the Communist Party of Czechoslovakia were bound to signal a major power shift. The Central Committee was a federal body: two thirds out of the hundred and fifty full members were Czechs. The assembly of the actual power holders convened on 24 and 25 November.[7] A few candidates for political leadership spoke actively, including the two aforementioned speakers from the parliament – Lubomír Štrougal and Ladislav Adamec. Yet none of them was given a mandate. A dramatic clash of long warring factions gave rise to the Communist Party leadership to neutral, feeble candidates. The choice meant actual and virtually immediate extinction of the influence of the Party headquarters.

The disintegration of the old institutional centre opened space for activities at other platforms. The first in line to benefit from this for some time was the federal Prime Minister Ladislav Adamec. He held operational power and entered, on his own, into talks about further developments with the Civic Forum. The demands by the Civic Forum headed towards transformation of the political system: a revision of the Constitution, preparation of elections, changes in state posts. All that called for the involvement of the parliament.

As the events evolved, the significance of the parliament rose notably. Yet there was a glitch: mandates were required in order to move political debates to the parliament. Nevertheless, none of the new members of the temporarily governing group surrounding Prime Minister Adamec had them. Adamec himself was not member of the parliament. Naturally, the Civic Forum did not have any parliamentary rep-

6 Miloš Hájek, *Paměť české levice* [*The Memory of the Czech Left*] (Praha: Ústav pro soudobé dějiny AV ČR, 2011), 295.

7 Recordings of both session, after which the leadership was altogether replaced: *Poslední hurá. Stenografický záznam z mimořádných zasedání ÚV KSČ 24. a 26. listopadu 1989* [The Final Hooray: Stenographic Record from Extraordinary Sessions of the Central Committee of the Communist Party of Czechoslovakia on 24 and 26 November 1989] (Praha: Agentura Cesty, 1992).

resentatives. Meeting in the federal government building, only one of the seventeen people who gathered on 28 November as part of the delegations of the federal government and the Civic Forum to plan the future of their country, held parliamentary mandate: Bohuslav Kučera, the Chairman of the Czechoslovak Socialist Party.

Who then actually was represented in the parliament? Who were the people who held, at the moment of political change, the 350 mandates? The national key served as the basis of parliamentary mathematics at the Federal Assembly. At the core of the entire complex structure of the institution was representation of deputies from both parts of the federation in the two Houses of the Federal Assembly. The representation in one of them, the House of Nations, was equal. Moreover, the deputies from the Czech Republic and from Slovakia voted separately on Constitutional changes and other major issues subject to debate on which the Constitution stipulated "a ban on majorisation". Hence the need for identical consensus by both Czech and Slovak majority. In the other chamber, the House of People, the twice more populous Czech Republic had the corresponding majority of mandates.

Additional crucial parliamentary mathematics was based on power control through the privileged and disciplined Communist Party. The thoroughness that gave the Party members priority rights and leading posts was, in the case of the parliament, brought to perfection. Following the elections in 1986, 69 percent of MPs came from the Communist Party of Czechoslovakia.[8] The second most numerous group was the "non-partisan" members, representing 18.3 percent. It was an atomised crowd of women and men organisationally linked to the apparatus of the Communist Party.[9] The only four individual organisations with some degree of autonomy were represented far more scarcely. The two Czech political parties, the Czechoslovak Socialist Party and the Czechoslovak People's Party held identical 5.5 percent of mandates in the Federal Assembly. Each of the two Slovak parties, the Freedom Party and the Party of Slovak Revival held only 1.1 percent.

A simple look at the data that were undisclosed at the time in the raw form, shows quite clearly the developmental options for the Federal Assembly: the fundamental question was what would the total of 87 percent of MPs representing the Communist A-team (the faction of the Communist MPs) and the associate B-team (non-partisan MPs), the hitherto pillars of power do. What would they do in the uncertain times when their power centre was falling apart?

The first joint session in the revolutionary weeks was called for Thursday 29 November. The main points in the agenda arose from the government talks with the

8 For the list of MPs elected in 1986 with their political identification and other characteristics see *Československo dnes: Zastupitelské sbory, vlády, diplomatické styky, školství, zdravotnictví, ekonomika, kraje ČSSR* [Czechoslovakia Today: Representative Assemblies, Government, Diplomatic Relations, Schools, Healthcare, Economics, and Regions in CSSR] (Praha: Pressfoto, 1987), 20–56.

9 The easiest way to describe this is an atomised team of reliable friends of the Party in power, representing some features prescribed by the doctrine of socialist parliamentarism that detailed all qualities and their proportion as ought to be present in the assemblies.

Civic Forum. The deputy Prime Minister in the Adamec cabinet was to address them. On their way to the parliament the MPs had to pass by instructions from the revolutionary street, saying: "Deputies, vote for your voters, not for yourselves!"[10] The joint session of the two Houses opened after lunch in somewhat chaotic atmosphere. "Quite an unrest reigned in the building of the Federal Assembly during the lunch break," recalled MP Karel Löbl later. "We did not have any information about the agenda of the joint session. It seemed that an unusual number of guests were present. One could hear the echo of the protesters chanting outside by the statue of St. Wenceslas. (...) When the hitherto Chairman Indra stepped down, Slovak Communist Janík, lacking relevant experience, took over chairing the session. Moreover, the atmosphere in the Federal Assembly building echoed responses to the morning closed session of the Communist faction where the Minister of Defence General Václavík was allegedly in a warring mood when reporting on the readiness of the military to intervene. Being non-Communist, I was not there. The non-Communist MPs were, however, disturbed by that the Communist MPs had already available in advance some printouts of the agenda of the afternoon session."[11]

At their joint session, the two Houses of the Federal Assembly quickly met all fundamental demands by the Civic Forum, yet by means most advantageous for the parliamentarians. Within a few hours the discredited veteran Alois Indra disappeared as the leader of the Federal Assembly, as did the passages in the Constitution about the leading role of the Communist Party of Czechoslovakia and of Marxism-Leninism. A commission for the oversight over the investigation of the intervention on 17 November was set up. All that happened broadcasted live by the Czechoslovak Television and the Czechoslovak Radio.

Yet the parliament also adopted its own resolution on the political situation. Speakers from different political currents represented in the parliament agreed in that the political decision-making finally got to the parliament from the Party bureaus, as well as from the streets and squares. It belonged there and was to remain there. The resolution adopted by both chambers of the Federal Assembly as "the representative of the people of Czechoslovakia" subscribed to all "progressive demands that lead to further development of socialist societal relations, to the improvement of socialist democracy and living conditions of the people." It reminded that a number of reform laws have reached an advanced stage of draft and were to be adopted within "a few days", whilst MPs were drafting additional ones. At the same time they explicitly mentioned the need to adopt new regulations for the press, association, and the right to petition and defence law. Furthermore, "at the same time we deem it of prime duty to promptly complete the work on the new Constitution." The parliament further emphasised both steps that preceded the adoption of resolutions and

10 "Poslanci, hlasujte za své voliče, ne za sebe!," *Svobodné slovo*, November 30, 1989, 1.

11 Karel Löbl, *Naděje a omyly. Vzpomínky na onu dobu* [Hopes and Errors. Memoirs of An Era] (Praha: Academia, 2012), 641–42.

meant satisfaction of the main demands of those on strike. That meant setting up the parliamentary commission and abolition of the Constitutional article about the leading role of the Communist Party of Czechoslovakia.

Constitutionally speaking – and altogether in contrast with the vision of the revolutionary forces – the Federal Assembly became the sovereign. Whilst its declaration did not explicitly emphasise that and only hinted at it by praising the government for "the dialogue with the representatives of civic initiatives", by expressing support to the planned changes in the government and also with a few formulations attempting to define the government powers: "The Federal Assembly commits the government of the Czechoslovak Socialist Republic to carry out dialogue whilst being aware of responsibility for the socialist future of our nations and ethnic groups. At the same time it commits it to systematically continue in following the foreign policy line contained in its manifesto adopted in November 1989 at the joint session of the Federal Assembly." Finally, the Federal Assembly stated: "We assure the people of our republic that we shall continue to do our utmost to secure content life of the peoples in our socialist republic in line with the principle: 'All power in the Czechoslovak Socialist Republic belongs to the working people.'"[12]

The parliamentary attempt to take over activity as an indispensable institution was, in the hours that followed after the end of the televised broadcast, commented upon far less than was the audience experience of it. The breakthrough events were increasingly broadcast by the state television and radio. The first televised live broadcasts from Wenceslas Square were aired on 22 November, a week prior to the broadcast from the Federal Assembly. Ever longer broadcasts and transmissions followed, all of which were less and less tailored to satisfy the needs of the leadership of the Communist Party of Czechoslovakia.[13] The highlight of the development came as soon as Saturday 25 November when the first federal channel showed alternatively live broadcasts of thanksgiving mass for the canonisation of Agnes of Bohemia with Cardinal František Tomášek serving at St. Vitus Cathedral; from press conference on the extraordinary session of the Central Committee of the Communist Party of Czechoslovakia; and from the biggest of mass demonstrations in Prague, which was alternated with a concurrent conference of the Prague branch of the Communist Party of Czechoslovakia held in the Palace of Culture. In the evening after the extended main news, the television repeated twice a special televised address by the new secretary general of the Communist Party of Czechoslovakia Karel Urbánek. In

12 "K současné vnitropolitické situaci. Prohlášení FS ČSSR" [On the current political situation. Declaration by the Federal Assembly of CSSR], *Svobodné slovo*, November 30, 1989, 3.

13 The director general of Czechoslovak Television Libor Bartla announced on the news on 23 November that the television was directly run by the federal government; i.e. it was the government instead of the hitherto unlawful direct control by the apparatus of the Central Committee of the Communist Party of Czechoslovakia. Mirka Spáčilová, "Televize v rukou vlády?" [Television in the Hands of the Government?], *Mladá fronta*, November 24, 1989, 5. Cf. Milan Šmíd, "*Česká* média a jejich role v procesu politické změny roku 1989" [Czech Media and Their Role in the Process of Political Change in 1989], accessed May 15, 2013, http://www.louc.cz/pril01/listopad.pdf.

between, within an improvised 45-minute bloc of interviews "On Current Issues", Václav Havel spoke for the first time more continuously on cameras.

The programme deserves recognition for the speed, quality and representative nature of political debate on television and its broadcasts, that was achieved as early as during the weekend of 25 and 26 November. Apart from the television, other media, radio and daily press tried hard as well. It ought to be noted in order to understand the preserved scope of – largely disenchanted – responses to the first live broadcast from the Federal Assembly in the afternoon of Wednesday 29 November. From the perspective of television viewers, the session of the legislative body was to be yet another part in the series on the revolution. The core roles that otherwise were to be played by the parliament, had been already well served by other fora, as had been also noted by MPs. Compared to the televised platforms, some representatives had been missing altogether whilst others were superfluous. The final impression was thus somewhat skewed and incoherent with the ongoing debates in Prague and Bratislava.

Those characteristics come out most clearly in the case of Anton Blažej who became, for three weeks, the leading figure of the emancipation effort at the Federal Assembly. Rector of the Technical University in Bratislava since 1969, Blažej appeared in front of the cameras on 29 December as spokesman of the Communists in the parliament. He gave a major political address about the emergent situation. On behalf of the Communist majority he recognised and welcomed the de facto completed régime change: "We, the Communist MPs, have to primarily state in public that those were our own faults and mistakes, as well as the mistakes of the Party, our erroneous interpretation of socialism, our flawed understanding of the leading role of the Communist Party ..." He explained to the viewers that the federal parliament was being transformed along with the wider changes, and was gaining stronger position. He criticised the previous policy, welcomed constitutional changes and talks with the Opposition, and stated that the Communists would try to succeed in the coming elections: "Communist MPs support most actively the democratic elections and the emergence of the coalition government. If we wish to genuinely unite on the principles of building modern, democratic, human, and industrially advanced socialist Czechoslovakia, I think we have every capacity to find a common ground."According to Blažej, within the coming hours the Federal Assembly was to meet all student demands it was able to satisfy, and the youth would then be free to part and return to their studies.[14]

It would have been a fine address and perhaps even effective, had it not been given by an unknown man in his sixties and without Miloš Jakeš and other infamous faces of the old leadership seated to his left. They evidently considered it their duty not to be missing in their seats at the presidium. Even though they no longer had

14 *Společná* česko-slovenská *digitální parlamentní knihovna* [Common Digital Czecho-Slovak Parliamentary Library], Federal Assembly 1986–1990, Joint Sessions of the House of People and the House of Nations, Stenographic records, 16th session, 29. 11. 1989, accessed October 30, 2015, http://www.psp.cz/eknih/1986fs/slsn/stenprot/016schuz/s016001.htm.

any influence on the content of Blažej's speech or on anything else what was going on that day in the Federal Assembly, with their mere visual presence they set the background to the effort of most speakers. They sat without responding to Blažej or the others who were escalating the general condemnation of the previous decades and the criticism of particulars. Yet, according to the rules of procedure, as members of the presidium they were entitled to priority intervention in the debate. From among the Czech politicians representing real power, only the Minister of Defence General Milan Václavík was to speak. He was invited directly by the deputy chairman of the Czechoslovak Socialist Party Karel Löbl to tell the plenary whether there were any grounds for concern about military intervention. The Minister, dressed in uniform as was customary, indignantly rejected the concern.[15]

On behalf of the Czech part of the Communist Party of Czechoslovakia, two common MPs spoke up: Jana Pekařová and Hana Návratová. It was their address that, in the coming days, triggered major debate within the Czech context. One might rightly assume that theirs were to be complementary speeches to that given by Blažej. The Czech women-mothers spoke after a man, an academic with his rational arguments. The division was common in similar arrangements and the two MPs introduced themselves to the viewers and listeners accordingly. After the conflict in the Communist faction at noon, it was unlikely to be an authoritatively drafted script for the debate, but somewhat an intuitive balancing and repetition of morning debates in front of the television cameras. According to the testimony by Ms Návratová, MP, the Communist MPs no longer had any firm leadership that day after the noon meeting of the faction, and their presentations came out in an improvised manner.

In case of the Czech female MPs on television the impression was not given that much by their message, but their looks and presentation. In a concentrated form the addresses contained vast amount of patterns and canonical formulations by lower rank officials who reproduced the official propaganda with least investment in thought or language, yet with high personal commitment. That immediately triggered allergic reactions among a part of audience in spite of the fact that the addresses by the two MPs were de facto quite forthcoming. Both were plainly supportive of the Adamec cabinet against possible attacks by the Party apparatus. Yet most audiences had been unable to decode this. Not only were they accustomed to "switch off" when listening to official speeches. The speeches suggesting emancipation of Communist MPs from the leadership by the Party apparatus that were in part pursuing the pre-November institutional attempts and intraparty struggles, were unintelligible to the uninitiated audience. Within the context of the new discourse and situation they came across as inappropriate and out of sync with the debate on the squares.

15 Karel Löbl, *Naděje a omyly. Vzpomínky na onu dobu* [Hopes and Errors. Memoirs of An Era] (Praha: Academia, 2012), 641. Address by Löbl and Václavík: *Společná* česko-slovenská *digitální parlamentní knihovna* [Common Digital Czecho-Slovak Parliamentary Library], Federal Assembly 1986-1990, Joint Sessions of the House of People and the House of Nations, Stenographic records, 16th session, 29. 11. 1989, accessed October 30, 2015, http://www.psp.cz/eknih/1986fs/slsn/stenprot/016schuz/s016004.htm ff.

The Adamec cabinet had an opportunity on the day to test its ability as the new centre of power to mobilise the majority in both Houses. The test brought relatively positive results: except for a handful of succinct commentaries, its opponents from the Communist Party were silent in the plenary. Support to the federal government and to the Prime Minister personally came out from most speakers. For instance, Slovak independent MP Gejza Mede appealed: "We, the parliament, have already shown that we are at the level that we can criticise the government when appropriate and in the interest of the society, of our voters. Yet has this parliament reached the level that it can help the government when help is needed?"[16] Prime Minister Adamec and his team followed the debate on television and were responding to some statements by telephone. "Adamec followed my address on television and immediately phoned my secretariat," recalls Karel Löbl who has known Adamec well for the nearly two decades of their service to the Czech government. "His secretary Dáša only got hold of me the next day when the Prime Minister thanked me for support and critical suggestions, and expressed belief in positive developments. I acquired an impression from the debate that he was not fighting as much the emerging Civic Forum, but some people in his own Party."[17]

The first debate evidenced fairly advanced split in the Czech and Slovak politics, different role of debates in the two national communities at the Federal Assembly, as well as the different position and perspective of the Communist Parties in Czech and Slovak politics. Though the Communist faction formally presented all Constitutional changes, a number of disparate groups were within the brand, all standing on historical crossroads where they split into a number of groups. Anton Blažej was given space in front of the cameras. As the subsequent debate and events over the coming weeks and months showed, the rector from Bratislava used, in an improvised manner, his perspective and rhetorical skills. Yet de facto he did not represent any significant faction within the disintegrating Party. The moments that were deciding their fate occurred elsewhere, mainly in the central apparatuses in Prague and Bratislava and within the executive.

The other components of the parliament to draw attention by their activity during the first televised debate were the smaller Czech and Slovak political parties. The Czech Socialists, who emerged strong with a team of five well prepared speakers during the debate over the first point on the agenda, were gradually joined by others. Thus during the evening tuning of the parliamentary declaration in the plenary, each particular matter was discussed by a Czech and Slovak Communist MP along with MPs from the Czechoslovak People's Party, the Party of Slovak Renewal, and the Freedom Party. The common problem of all these voices lay in the proportion between their quantity and representativeness. Unlike the readers of this text, television

16 *Společná* česko-slovenská *digitální parlamentní knihovna* [Common Digital Czecho-Slovak Parliamentary Library], Federal Assembly 1986–1990, Joint Sessions of the House of People and the House of Nations, Stenographic records, 16th session, 29. 11. 1989, accessed October 30, 2015, http://www.psp.cz/eknih/1986fs/slsn/stenprot/016schuz/s016002.htm.

17 Löbl, *Naděje a omyly*, 643.

viewers were not warned in advance about the weight of individual organisations. Thus the debate might have led them to a false conclusion about the political weight of individual addresses.

The assessment of the four legal political parties differed substantially in the Czech and Slovak society, ranging from quite benign ideas about the prospective role of these parties as the nuclei of pluralistic political life (what was the evident long-term aim of, for instance, their newspapers), to bitter condemnations of the operetta mini-parties led by police agents and frightened corrupted officials whose activity created smokescreen for democratic socialism.

The particular status of these parties within the political system emerged as an improvisation in an effort to retain, in the newly seized countries in the Soviet bloc, some ornamental differences related to local customs.[18] It was similar to the Moscow decision to retain Presidency in Czechoslovakia, a post that was functionally superfluous and inexistent in the Soviet model. The Soviet political reforms at the end of 1980s led to democratisation of internal life of the Communist Party. They did not offer any example for the leaders of non-Communist parties in the Soviet satellites. Not that the leaders of those parties did not know what could be expected of them. Visions of equality and greater share in the government were a natural part of their existence. Throughout the forty years all such efforts ended where they began. Other organisations were not allowed to take part in the decision-making. They were merely permitted to elaborate or provide for the adopted decision. It was the Communist Party that had the patent to govern. The situation at the end of the 1980s seemed to a part of the lower rank officials of both larger Czech satellite parties, the People's and Socialist, as untenable. Pressure on the leadership was rising and the activities in both parties were called a "reviving current."

The idea that they would significantly increase their influence in the future was largely based on analogies with Czechoslovakia's interwar politics. Similarly to other areas, such as the economy or culture, there was a widespread belief in the Czech society that the future development would return to the developmental trends suppressed or eliminated by the Communist rule. Other future was hardly conceivable.

Hence the quite widespread belief that the Socialists and Populars represented, albeit in a distorted form, traditional mass political currents identified with by a substantial part of the population, and that some sort of restoration of influence was about to come. Václav Havel thought along the same lines. In the middle of the Summer of 1989, he grasped an accidental informal opportunity to send, faced by a number of witnesses, a flirty message to the central secretary of the Czechoslovak Socialist Party, Jan Škoda, addressing his former schoolmate and fellow scout with

18 Non-Communist parties as part of the state-socialist governments worked in East Germany (4), Czechoslovakia (2+2), Poland (2) and Bulgaria (1), as well as in Vietnam (2 destroyed in 1988) and China (8). In Hungary, Romania, Yugoslavia and other countries of the Soviet bloc non-Communist parties were altogether suppressed.

an old nickname: "Dear Nosák [Nosey], I hope we meet soon at some roundtable. Václav Havel."[19]

The Czechoslovak Socialist party was the first to join the newly formed coalition as soon as in the first hours of the demonstrations against the police intervention on 17 November. When Škoda, directly invited by Havel, came to the founding meeting of the Civic Forum, he was listed among the representatives of the dissident groups and strike committees. In the tumultuous events of the coming days the Czech Socialists were present and accepted everywhere, and, given their mediation skills, they were also liked to be seen in the old government institutions and in the headquarters of the Civic Forum. The chairman of the party, Kučera, ceremoniously used his many posts in the political system to involve the Civic Forum in the game and in the removal of the Communist Party headquarters. The star day came during the parliamentary debate in front of the television cameras on 29 November.

Whatever was said above about the party of Czechoslovak Socialists also held true with some variations for the Czechoslovak People's Party. The first major difference was the threefold membership base: there were about fifteen thousand socialists and some forty thousand Populars.[20] The other distinction was such a cautious party leadership that, apart from pacifying its own fellow party members, throughout 1989 it did not exert any noteworthy activity. In order for the People's Party to join the main stream of political events, the leadership had to be replaced, which happened on Monday 27 November.[21] With the new leadership, the Czechoslovak People's Party joined the Czech Socialists. Richard Sacher attended with Jan Škoda as an ally leadership meetings about further action at the Civic Forum. The new party chairman, Josef Bartončík, showed himself in live televised broadcast as skilled speaker and strategist.

None of that could be said of any of the Slovak parties. Their status was a magnitude weaker, although some symmetry in the political system concealed the reality. The deputy chairmen of the Federal Assembly included Josef Šimúth, the chairman of the Party of Slovak Renewal (renamed Democratic Party from 1 December) as well as Ján Pampúch, deputy chairman of the Freedom Party. Yet each had only four MPs in both chambers of the Federal Assembly, including their own mandates. The nature of the groupings that were not exceeding fourteen hundred members across Slovakia in the Autumn of 1989[22] and their sparse representation in the executive institutions caused that, in Bratislava, they did not play any visible role similar to that assumed by the Socialists and Populars in the Czech Republic during the fall of the old régime. On 29 November in front of the television cameras at the Federal Assembly they tried as best as they could, yet their diligence added the deliberations

19 Gerová, *Vyhrabávačky,* 51.

20 Löbl, *Naděje a omyly*, 583.

21 Břetislav Daněk, *Československá strana lidová – její krize a obroda* [Czechoslovak People' Party – Its Crisis and Restoration] (Praha: Vyšehrad, 1990), 130.

22 Lubomír Lipták, *Politické strany na Slovensku, 1860–1989* [Political Parties in Slovakia 1860–1989] (Bratislava: Archa, 1992), 293–300.

blindingly grotesque features. In the silence of the parliamentary constitutional majority, Josef Šimúth managed, throughout the day, to deliver to the cameras three major speeches. That made him the busiest speaker of the day.[23] He touched upon a number of substantial political and economic issues. As the first MP in the plenary of the Federal Assembly he also managed to criticise the planned Constitutional changes and to demand a better role for Slovakia.

When exploring the response to the first televised broadcast from the federal parliament, the sources unveil a few discrete scenes. Joining the winning revolution, the media aired in devastating condemnations in the coming days. "The live broadcast from the parliament beats the worst of expectations. I am in no mood for this farce," Václav Bartuška, one of the leaders of the student committees in Prague, noted in his diary. He did not endure watching the broadcast, at the end of which he was elected by the parliament for the parliamentary commission for the oversight over the investigation of the police intervention on 17 November. *Mladá fronta*, the daily of the Socialist Youth Union, reported with the same air of disdain. To describe the broadcast, it used the most emotional statements by the most radical segments of the society, the leaders of the student strike committees at the Prague schools. After a week of reign over public spaces in the centre of the capital city, they only had condemnation and ironic comments for the sticking and dashed spectacle from the parliament: "There is no life to it. It is a typical example of speaking in the supreme institutions. (...) The winter hibernation that breaths from the parliament is truly striking."[24] The comment by one of the revolutionaries applied here to the debate, its proceedings and aesthetic. Yet it altogether missed the point that the live broadcast was just showing the key postulates by the student rebellion being met.

Those most vocal voices, however, were by far not the only feedback to confront the MPs after the television première of the live broadcast from the Federal Assembly in the days to come. The abolition of the postulate of the rule of the Communist Party transformed the holders of the federal mandates into a choir without which no further step was possible, as all actors were quick to realise. The federal executive was leaving and the preparations for the early elections, which no one doubted anymore, would not do without a number of legislative measures.

When the Federal Assembly reconvened to address these issues two weeks later, it offered an altogether different picture: most of the legislature came back to life. The familiar faces of the old régime left their visible seats and joined the MPs down below. The new spokesmen of the Communists led by Anton Blažej revelled with confidence and latching activity. The altogether worst proposal for the Civic Forum that

23 Bohuslav Kučera, the chairman of the Czech Socialists, was the only one to be at the microphone more often than Šimút. Yet the former only five times glossed the procedure or specified some situations as one who attended the earlier talks between Adamec and Havel. He managed to deliver two of his own speeches on that.

24 Zdeněk John and Petr Šabata, "Studenti poslancům: Budíček" [Students to the Deputies: Wake Up Call], *Mladá fronta*, November 30, 1989, 1–2.

came out from the televised session on 13 December 1989 was Blažej's suggestion that the new President was not to be elected by the Federal Assembly but the people in a referendum. That dramatically lowered Havel's chances and raise the hopes of the members of the then establishment (such as Adamec) or the figures of 1968 (Alexander Dubček or someone else). From the perspective of the revolutionaries, the very fact that the parliamentary soil came to life as the key playground without the Civic Forum having control over it, was bad enough news. The student siege of the building and pressure on the MPs in their constituencies, both applied already for a number of weeks, were instruments with limited effect.

Following the resignation of the hitherto officials, Blažej was elected chairman of the House of Nations on 12 December. He gave a programmatic address about the new role of the parliament as an active and autonomous institution with its own specialist base that "will not only be considering government proposals, but will also be presenting its own initiatives," whilst "starting to execute a genuine control over the government" and becoming "the conscience of the work of the government." The Federal Assembly would thus earn "respect and gain authority prior to the elections" which, as Blažej rightly predicted, would be held in about six months. It was to be used in order "not to lose continuity and to create real conditions for the functioning of the parliamentary system within the context of legal democratic state."[25]

The next two weeks had shown that the development was to follow a different path. The Civic Forum established itself as the new power hub. A part of the elderly political establishment of the old régime was withdrawing to privacy and the youths were offering themselves to serve the new régime. Its fundamental institution became "the government of national unity" which was the name for the reshuffled federal cabinet with multiple representation with former dissidents complementing the ranks of relatively unknown bureaucrats.[26] The government emerged outside the parliament and without participation by MPs: none of the ministers were members of the Federal Assembly. The government was named on 10 December by President Gustav Husák who abdicated immediately afterwards to free his Presidential post.

Blažej's vision that the parliament would oversee the new executive proved to be an illusion. In a few days everything was the other way round. It was Václav Havel and his colleagues from the leadership at the Civic Forum to design the progress of the key moments of the next sessions as a staged production. They discussed in de-

25 *Společná* česko-slovenská *digitální parlamentní knihovna* [Common Digital Czecho-Slovak Parliamentary Library], Federal Assembly 1986-1990, The House of Nations, Stenographic records, 6th session, 12. 12. 1989, accessed October 30, 2015, http://www.psp.cz/eknih/1986fs/sn/stenprot/006schuz/s006001.htm.

26 Government posts in the previous régime were not held by the actual rulers who were based at the superior Party apparatus; federal ministers were hardly present in the media, their names and faces were hardly discernible even by political professionals. Václav Havel, as can be seen in the recordings of meetings within the Civic Forum, took a while to remember the name of Marián Čalfa, Adamec's successor in the post of the federal Prime Minister. Čalfa was in the government since 1987 and was deputy to Adamec in the last year.

tail individual roles with relevant actors or sought willing executors among MPs.[27] Except for those who retreated to seclusion and Blažej, all officials within the Federal Assembly came forward. Already a favourite in the Presidential elections to be held in a few days by the federal parliament following the desires of the Civic Forum, Havel explained to his less initiated colleagues: "Everything has been agreed with the people, they all know it and are prepared for the arrangement (...) Apart from Mr Blažej. The arrangement has not been agreed with him."[28]

The concept of "national unity" in Czechoslovakia at the break of 1989 and 1990 went without the autonomously acting institutions. Blažej was removed from his post on 28 December having led the Federal Assembly for three weeks. The new leadership of the Communist Party that arose from the extraordinary Congress on 20 and 21 December 1989 agreed with the reshuffle in the leadership of the House of Nations. Blažej was replaced by Jozef Stank, another Slovak with Communist membership. Although, at the time of the election, he identified with the agenda of his predecessor, in practical politics of the coming months he became a willing executor of the will of the new President and of "the government of national understanding."

The parliament soon returned to the dependence on the executive. Blažej's failed attempt for the more independent parliamentary politics was among many failures, albeit the most visible and interesting. Overall statistics lay beneath: none of the 350 holders of the federal mandates as of 17 November 1989 served a year later in any significant post; only a handful were given further federal mandate in the next elections but none have appeared in the governments. Such degree of discontinuity was not a norm but an absolute exception in Czechoslovak political institutions where, for example, Marián Čalfa, the former deputy of Adamec, was the federal Prime Minister until the summer of 1992.

The main reason is called co-optations: the replacement of a part of deputies. It was created by agreement between the old and new political forces at a roundtable and was part of conciliatory accord about the occupation of governmental posts, the office of the President and early elections. The present power apparatuses – the leadership of the Civic Forum and its Slovak counterpart, the new leadership of the Communist Party of Czechoslovakia and the four non-Communist political parties – agreed that, within the framework of the politics of "national understanding", they would bring to the Federal Assembly MPs from the Civic Forum; at the same time, the individual parties could replace their MPs at their own discretion.[29] The new political élites thus gained the missing political representation and, from Spring 1990,

27 Meeting of representatives of the Civic Forum Coordination Centre and the Coordination Committee of the Public Against Violence on co-optations of deputies to the Federal Assembly and on the election of its chairman and presidium, 22 December 1989. Jiří Suk, *Občanské fórum, listopad-prosinec 1989, 2. díl – dokumenty* [Civic Forum, November–December 1992, volume 2: Documents] (Praha-Brno: Doplněk, 1998), 261.

28 Suk, *Občanské forum*, 262–63.

29 For details of the genesis and the process see the study by Petr Roubal in this issue.

the role of the parliament has indeed increased. Only it did not happen through the rising authority of MPs, but by their replacement for political officials who gained their de facto power before and elsewhere. They moved their political debates to the parliament, having taken over parliamentary seats by the means of revolution. The list of their names shows that they were renowned dissidents, skilled leaders of local rebellions of November 1989 in the regional centres or political talents of the Communist Party grabbing high posts in the rejuvenating apparatus. Whilst it holds true that none of the three hundred and fifty holders of the federal mandates as of 17 November 1989, none of the deputies became any significant political or public figure in the coming years, the opposite holds true for the one hundred and fifty co-opted deputies:[30] among them were two future Presidents, a number of Ministers, Constitutional Judges as well as a range of other leading figures in the coming two decades of Czechoslovakia and, after 1992, in the Czech Republic and the Slovak Republic.

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Tomáš Zahradníček

V PARLAMENTU NAJ BI POTEKALE RAZPRAVE, VENDAR SE JE TO IZKAZALO ZA NEMOGOČE: ZVEZNI PARLAMENT IN ŽAMETNA REVOLUCIJA NA ČEŠKOSLOVAŠKEM LETA 1989

POVZETEK

Študija je osredotočena na vlogo češkoslovaškega zveznega parlamenta v političnem prevratu leta 1989. Na podlagi institucionalne perspektive predstavlja novo analizo prelomnih tednov. Z vidika parlamenta so bile spremembe nenavadno hitre. V nekaj tednih od padca berlinskega zidu do konca leta 1989 je državi uspelo zamenjati izvršilno oblast (zlasti predsedstvo – Václav Havel je nadomestil Gustáva Husáka), pri čemer parlament ni odigral pomembne vloge.

Predhodna vlada in vodje Državljanskega foruma so sklenili dogovor, ki je vključeval tudi naloge, ki bi jih moral izpolnjevati parlament, tako da je bila odločitev formalno ustrezna. Ključna pogajanja se sploh niso približala parlamentarnemu odru.

Medtem so si številni tedanji poslanci, izvoljeni leta 1986, pa tudi parlament kot institucija, razlagali zlom predhodne strukture moči kot priložnost za neodvisnost, zato so se poskušali vključiti v pogajanja, vendar brez uspeha. Slovaški poslanec Anton Blažej, ki se je javno zavzemal, da bi neodvisni parlament postal "vest vlade", je na čelu zveznega parlamenta preživel samo tri tedne, preden ga je odslovila nova izvršilna oblast z novoizvoljenim predsednikom Havlom.

Istočasno so v parlament začeli vstopati predstavniki nove oblasti in zasedli prazne sedeže poslancev, ki so odstopili ali bili razrešeni. Po skoraj dveh mesecih improviziranja se je parlament spet vključil v politiko. To se ni zgodilo zaradi njegove neodvisnosti ali splošnih volitev. Formalnopraven prihod predstavnikov nove oblasti na vodilne položaje je bil resnično revolucionarno dejanje. Institucionalna perspektiva nam omogoča, da precej jasno prepoznamo tovrstno naravo te politične spremembe.

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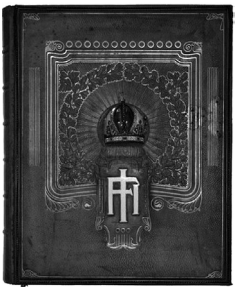

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Reviews and Reports

Complex Parliaments in Transition: Central European Federations Facing Regime Change; International Workshop, Ljubljana, 16 October 2015

The year 1990 represented a turning point in many aspects. Also in the Eastern European Assemblies, which carried out their role in the transition processes in different manners. Federations were falling apart, new states were forming, efficient ways of carrying out the transition from the socialist to the democratic system were being sought, and the majority of the population found itself in an unknown and treacherous terrain... Even the former dissidents and new leaders. Meanwhile, compliance with the law and democratic decisionmaking in the Parliaments, whatever they were like, was a vital part of the process that ensured the legitimacy of the transition. As we were able to hear at the conference, Vaclav Havel faced such an obstacle as well, and according to the opinion at the time he carried out one of the most elegant political transitions. On the other hand, fortunately the Romanian scenario was unique. Nevertheless, the unexpected course of events in the Soviet Union contributed to these events as well, besides a large number of other factors. Ephraim Kishon described this moment in his own way: *"Frankly, such a development of events was not certain. It was a true miracle. I am only trying to describe how such an impossible revolution was possible at all. And I am not doing it as one of those experts in the Soviet Union who disgraced themselves, but because I was a witness to the events. So, those who expect any new prophecies from me should stay away from this book. Not even the Delphic oracle could predict with any certainty whether Gorbachev will go down in history as a messiah the saviour or a confused wizard's apprentice. Even now everybody is saying that during the time of Brezhnev one had to stand in line for carrots a quarter of an hour less... As far as I am concerned, Mikhail Gorbachev is nevertheless an impressive person, whether the Russian market runs out of carrots completely or not. His revolution that shook the world is a special kind of a oneman show, which he has carried out himself. Moses had a brother, Aaron; Marx had a friend, Engels; and Gorbachev has nothing but worries. Still, at this moment I am as confused as anyone else. Was it all just a nightmare, a cheap horror movie? Were all those generals, faceless fossils with countless shiny medals, truly the masters of the universe? Did the bloodthirsty Count Dracula truly exist in Romania? Was that average insurance agent Erich Honecker truly a tyrant whom everyone was afraid of? Was all of this just a bad joke? Therefore my book will only describe the events that already belong to history, and which can no longer be changed by anyone. Except for the Soviet historians, of course."*[1] Thus the question of transition was dealt with by a Hungarian emigrant, as he looked into the past.

However, at that moment it was far more important to look into the future. The participants of the workshop in Ljubljana focused on the question of the role of As-

[1] Ephraim Kishon, *Pomozi sirotu na svoju sramotu* (Zagreb: Znanje, 1992), 7–8.

semblies in the former socialist federal countries. As it was stated in the presentation of the workshop, the federal states, based on the construction of the socialist relations, started to lose their primary meaning. As we could see in the cases of Yugoslavia and Czechoslovakia, the deputies/delegates in the federal structures started focusing on their national issues, and instead of the community the individual national units gradually became more important, which ultimately resulted in the dissolution of both federations. In the Czechoslovak case the Federal Assembly, which had not played a very important political role before, nevertheless managed to complete the transition from the socialist system to a democratic regime before its term came to an end, while the Yugoslav Federal Assembly was quite an unimportant factor in this process and the Republican Assemblies played a tremendous role. The presentation of the East German example represented an interesting addition to the majority of the contributions that focused on the aforementioned countries. As it happened, after the first free elections the East German Volkskammer merely paved the way towards the legal and formal unification with West Germany. This also involved a renewed federalisation, as East Germany had no longer been divided into states since the late 1950s. However, the fact that the parliamentary transition in Germany was thus not yet concluded was pointed out by the analysis of the changed circumstances, in which the today's German Federal State Parliaments can take an active part in the European Parliament without answering to the federal authorities.

The consultation took place at the Institute of Contemporary History in Ljubljana, where Jure Gašparič and the Director of the Institute Damijan Guštin greeted the participants in the name of the Slovenian hosts.

Accompanied by the photos from the former Czechoslovak Parliament, the introductory paper was presented by Dr. Adéla Gjuričovà, who has ample experience of her own with this Czech parliament. She presented the role of the Federal Parliament, which had, until the Velvet Revolution, been a less important institution from the political viewpoint, and where decisions were merely adopted and not created all that often. During the turmoil of the Velvet Revolution this Parliament continued working and remained unresponsive to the external influences, even though it was clearly evident from its immediate surroundings that the environment had changed radically. The revolutionary leadership did not hold the reins of the Parliament, but it quickly established that without the Parliament it would not be possible to implement the changes legally. Namely, the problems implied by the structure of the Parliament – which did not guarantee that any decisions adopted at various round tables in those days would also be processed or adopted – dictated changes in the structure of the delegates. Tomaš Zahradniček explained more about the solution, which represented a compromise between the departing old authorities and the revolutionary movement, and thus provided the missing details. As it happened, elections for the Federal Assembly were not deemed as a sufficiently swift and efficient solution, and therefore approximately one third of new delegates were coopted into the Assembly. Despite the legality of this procedure, which enabled an active cooperation between the executive and legislative authorities, the move started undermining the legitima-

cy of the Assembly itself, as its coopted members started undermining the Assembly's previous political consistency as well as its regional proportionality. The majority of the new members came from large cities, and the essential differences in perception between the Czech and Slovak parts of the state were evident as well. Censorship and the consequent political turmoil were significantly less prominent in Slovakia, and soon after the introduction of the most important changes the Assembly deputies started acting more in line with the expectations of the individual parts of the state. Then Petr Roubal presented an indepth analysis of the subsequent parliamentary discord and the origins of the problems of Czechoslovak federalism, which was the only political remainder of the Prague Spring (perhaps also because of the Slovak role in its conclusion; author's comment). Thus Roubal supplemented the introductory lecture with regard to the final but consenting breakup after the consolidation of the two national leaders, Vaclav Havel and Vladimir Mečiar. At this point we should also underline the discussion about how easily this breakup was actually accepted by the Czech public and politics, which saw the West through rosetinted glasses at the time but disregarded the East.

From the today's perception of the established democratic parliamentary practices, the East German example of transitional parliament is actually closest to us. The first and last free elections in the German Democratic Republic took place in May 1990, and the Parliament operated successfully until 2 October of the same year, that is, until the day before the German reunification. Its mandate was clear, despite the organisationally unchanged structure: to pave the way for the reunification. Unlike other transitional states, where the political parties had yet to be established, the last East German Parliament enjoyed a strong support in the traditional political parties from the Federal Republic of Germany. If we disregard the SED (Sozialistiche Einheitspartei Deutschland), the former East German party that came in third, most of the parties worth mentioning were actually copies of the existing West German parties. Bettina Tuffers presented the influence of the Bonn parties on the political developments in the Berlin Parliament, as its delegates also followed the events from the balcony. The inexperienced new Members of Parliament had yet to learn about the significance of parliamentary procedures and basics of political appearances from the veteran West German politicians. Further elaboration was provided by Aron Buzogany, who focused on the somewhat more recent issues. With the example of the German Federal State Parliaments he demonstrated that these independent bodies have – apart from the Upper Chambers of the National Parliaments – the possibility of successfully influencing the adoption or rejection of legislation in the European Parliament. While this calls for enormous organisational efforts, it has born results in at least two cases. Therefore the weakened national and regional parliaments have retained or enhanced their significance in the process of the "European federalisation".

The comparisons between the various constitutional and legal systems and the role of parliamentary institutions in these systems usually turn out to be very significant for the presentation of the last stage of the Yugoslav system, the socalled "mature selfmanagement". The convoluted language that accompanied this system

can also be seen in the foreword to the collected works of the Yugoslav President of the Government Milka Planinc: *"The current stage of the Yugoslav socialist revolution involves the struggle for the development of socialist selfmanagement as an integral social relationship and principle of the construction of the society, struggle for the construction of the associated labour society or the rule of the working class with regard to income, social reproduction and social decisionmaking. The everyday constancy of this struggle results in the totality of the revolutionary practices and attests to human creativity on the path towards the further liberation of work, the working class and the masses, led by the League of Communists of Yugoslavia as the leading ideologicalpolitical force."*[2] This totality and creativity resulted in the fact that formally almost everyone could take part in the political decisionmaking at the various levels, which Jure Gašparič demonstrated schematically in his introduction to the explanation of the transition in the Slovenian Assembly. Gašparič brought the attention to the fact that in this process the Federal Assembly became increasingly irrelevant, while the fundamental political discussions started coming to the forefront in the Slovenian Socialist Assembly. The Socialist Assembly and the subsequent first democraticallyelected Assembly, still based on the old organisational principles, were seen as exceedingly positive by the Slovenian public. This is also apparent from the results of the public opinion polls, which was one of Slovenian peculiarities, as this research has gone on continuously since as early as 1967. However, public opinion polls can occasionally be wrong, especially when it comes to election results. On the basis of public opinion patterns and election results, Simona Kustec Lipicer showed the trends of the changes in the Slovenian political space, where the already established parties keep losing their positions, while the newlyformed parties (sometimes actually established during the official election campaign) keep making their way into the parliamentary life with each new elections and have enjoyed very large percentages for the past few years. The lecturer is also the president of a parliamentary group of one of these parties. Therefore she could bring together her practical and research experience, while the workshop participants were able to observe the everyday parliamentary life in the Slovenian Parliament.

The constructive debates following each individual contribution and the provided comparative dimension set excellent foundations for the future research challenges. These results will not only remain limited to the participants, as they are freely accessible to anyone: the workshop was recorded, and the recordings are published at the History of Slovenia – SIstory portal (www.sistory.si).

Jurij Hadalin

2 Milka Planinc, *Savez komunista Jugoslavije u socialističkom samoupravljanju* (Zagreb: Centar za kulturnu djelatnost, 1982), 2.

The 5th conference of European Information and Research Network on Parliamentary History: *Parlamentarismuskritik und Antiparlamentarismus in Europa*, Berlin, 7–8 May 2015

Although important historical ideas can be implemented in a number of different ways, each is accompanied by criticism. The challenges may have a number of structural starting points; however, their goal is always the same: to provoke distrust in the new values or to materially impede the life force of the idea and the social and political practices based on it. One of the fundamental European historical developments – rule by elected representatives – proves this in a number of ways. The topic, which remains relevant even today, has been the subject of the 5th conference of the European Information and Research Network on Parliamentary History hosted on 7th and 8th May 2015 in Berlin. The conference, titled *Criticism of Parliamentarism and Anti-parliamentarism in Europe*, was organized by the Commission of Parliamentary History and History of Parliamentarian Parties operating under the German Bundestag. The conference was held at the Representation of Land Rheinland-Pfalz.

The discussion was divided into three general topics. The objective of the first topic – *Arguments and Pictures* – was to analyse discrepancies between an ideal parliament and the actual parliamentary practice. As pointed out by Marie-Luise Recker (Frankfurt am Main), Chairwoman of the Council of the Commission of Parliamentary History and History of Parliamentarian Parties, in her introductory speech to the conference, these discrepancies are best demonstrated by the endurance and harmonious nature of the anti-parliamentary discourse in Europe. This was the subject of the main reflection on the conference (Criticism of Parliamentarism & Anti-parliamentarism in Europe) given by Jean Garrigues (Orléans) prior to the opening of the first topic. Anti-parliamentarism began with the French Revolution and developed as theocratic opposition to democracy and the republican idea, by refuting the legitimacy of parliamentary representation, building public distrust of the new social and political elites, and was expressed as distrust and disregard for elections and their results by the press, caricature, and various pamphlets. Garrigues focused on French examples, presenting the Bonapartist, Pétainist and Gaulliest regimes as well as the Boulangist and Poujadist movements that turned their backs on the parliamentary system. Their actions questioned the principle of representation, which the European anti-parliamentarists saw as an imperfect institutional practice of democracy: they believed the parliamentarism as a form of popular sovereignty merely substituted the lost Sovereign. This was also the interpretation of the anti-parliamentary attitudes of the critics of the French revolutionary National Assembly presented in the first paper of the *Arguments and Pictures* general topic, authored by Paul Friedland (New York) (The Assembly that Pretends to be National. Anti-Theatricality and Anti-Parliamentarism in Revolutionary France). Friedland stressed that the Assembly was seen as a group of political players imagining they were something that they actually were not.

The issue of anti-parliamentarism in France was also tackled by Nicolas Roussellier (Paris) (The impact of a repertoire anti-parliamentarian attitudes in the French

Republican experience). Roussellier pointed out that the anti-parliamentarian attitudes in France are as old as the French republican experience. In the Second Republic, from 1848 to 1851, such attitudes were expressed both by right- and left-wing political groups. Anti-parliamentarism has been present in the Third Republic from its beginning as well. Despite its legislative successes (voting to institute the national education system in the 1880s, secularization in the early 20th century, and social insurance in the 1920s), the parliament was target of frequent criticism. The objections were twofold. On the one hand, they stemmed from the general anti-parliamentary repertoire of the early 19th century, and on the other hand they developed – in a more subtle but much more damaging way – within the framework of the existing administration ("a public servant who dedicates his life to the country is worth more than a politician"). The encounter of both anti-parliamentary stances in the 1930s resulted in the collapse of French republicanism at the time.

Within the *Arguments and Pictures* topic, Adéla Gjuríčova (Prague) presented the issue of anti-parliamentarism in Eastern Europe. Her presentation (Anti-politics and anti-parliamentarism. Václav Havel and the Czechoslovak parliament in the 1990s) enriched the conference with an overview of the political dynamics in Eastern Europe following the historical changes that occurred in the late 1980s and early 90s. In the Czechoslovak socialist period, Havel based his political stance on the so-called anti-political politics, i.e. the expression of political views in a non-political manner. For the dissident movements of the eastern Central Europe, the latter was essential for social activism as well as for individual spiritual survival in the systems of political restrictions. However, the "anti-political" efforts to change the regime were marked by a conspicuous lack of the parliamentary idea. This lack was also characteristic of Havel's presidency in the post-Communist Czechoslovakia. Havel systematically criticized the parliament for being too slow and hesitant, and for mostly upholding the interests of individual political parties instead of the will of the people. Havel's anti-parliamentarism was reflected in his mobilization of the public against the federal parliament and by his attempts to pressure the representatives on how to vote on various issues. Furthermore, he worked systematically to increase the presidential powers at the expense of the parliament's. The author pointed out that Havel's contemporaries, as well as researchers investigating his political career, tended to overlook the mentioned characteristics of his presidency.

The presentation of the driving forces, self-perception and forms of anti-parliamentarism in Europe was followed by the discussion of the sphere of its manifestation. Within the *Media and Arenas* general topic, the subject was discussed by Theo Jung (Freiburg), Thomas Lindenberger (Potsdam) and Barbara Wolbring (Frankfurt am Main). Theo Jung (Parliament as a stage of criticism. Vox populi, vox bovis – Anti-Parliamentarism in the Reichtag) shed some light on the anti-parliamentary nature of the Reichstag of the German Empire. Jung's presentation was tied to the current shift in the research of the Reichstag's role in the German political system at the time. While research used to focus on the constitutional aspects of its operation, today's studies are mostly concerned with the aspects associated with cultural history.

These studies are concerned both with the public perception of the Reichstag and the extent to which the representatives have crossed party boundaries to develop an *esprit de corps* that would allow them to cooperate with other political institutions.

Jung was interested in the extent to which the extraparliamentary criticism of parliamentarism had penetrated the Reichstag itself. Such criticism presented a paradox, as many representatives – social democrats, conservatives and national minority delegates – doubted the Reichstag's legitimacy. They expressed their doubts by demanding *true* parliamentarism, i.e. an improved version of it (with rules of procedure, and a system of warnings and punishments). Other than that, the representatives expressed unreserved support for parliamentarism. The anti-parliamentarism, widespread among the political public and politicians themselves, was overlooked in the parliament. The representatives in the Reichstag followed the parliament's internal logic and self-perception that underestimated the extent of the "anti-parliamentarism" targeted at the proverbial "weakness" of the German Reichstag.

The antipode of parliamentary discourse – the politics of the street – was addressed by Thomas Lindenberger. In his presentation (The street as an arena of politics in the long 20th centrury), Linderberger pointed out that the street or public spaces have been used for political purposes since the French Revolution. The street is a mass medium supported by its own physical presence, which enables people to demonstrate their political goals and identities. However, the street is also the place where conflicts unfold between different groups regarding their acknowledgement by the society and their collaboration with the public – the conflicts that may have political and cultural consequences based on their adherence to law and order. The concept of "street politics" connects various dimensions of everything political expressed on and by the street, with the street thus becoming a separate political arena alongside the parliament, the government, the press, etc. In Germany, modern street protests began in the late empire, and Linderberger outlined their diverse development until the German re-unification.

Barbara Wolbring spoke about the space of extraparliamentary discourse between the street and the building of the parliament. Her critical discussion (The mass media as stage and tribunal. Parliament in the "media democracy") describes today's Bundestag as follows: Empty benches in the plenary chamber. Prefabricated and predictable atatements by both the opposition and the governing parties instead of controversy and struggle for optimal solutions. It has become widely popular to say that in parliaments like the German Bundestag political decisions nowadays are merely announced. Whereas discussion and decision-making takes place behind closed doors in committees, parliamentary group meetings or informal consultations.

Barbara Wolbring determined that the political debate that had vanished from the parliament moved to TV talk shows. We are living in the age of media democracy and mass media, which had, by refusing to exclude the public, become the place of political action. Since 1998, when Sabina Christiansen created the Sonntagabend show, politicians, journalists, representatives of various interests, and scientists have been discussing public matters in a number of talk shows; however, it is uncertain

what this means for the parliamentary culture and for the recognition of representative democracy. We can understand the spatial transition of the parliamentary debate and its duration as a categorical political shift, i.e. the adaptation of politics to popular tastes, which only accept TV-ready political slogans rather than reasoned arguments appropriate to the complexity of the political subjects they address.

The third topic – *Actors and Practicians of Anti-Parliamentarism* – focused on the manifestation of anti-parliamentary attitudes. The first paper on this issue (The Non-Voter. Rethinking the Category) was presented by James Retallack (Toronto). He pointed out that the findings on the non-voter category in relevant literature are not static as they are the result of the variable development of intellectual and political environments. New possibilities of action in the civil society offered by technology and the mass culture – e.g. online voting, spontaneous mass protests organized through Twitter – have forced researchers to take into account the largest possible set of institutions as well as individual and psychological reasons associated with the "performance of the individual's duty" of voting. Citizens' activity is present behind political curtains, in legislative bodies, study halls, in media and in the streets.

Faced with the remarkable variation and inconsistency of interpretations trying to explain where and why non-voters can be found, James Retallack focused on the historical example of German non-voters from 1867 to 1918. He stressed that the category of non-voters must be evaluated in a new, broad perspective, based on historical documents, not on political theories or moral imperatives, and not even necessarily on international comparisons. Retallack's evaluation was not concerned with non-voters who voluntarily practise their "democratic abstention" (like a responsible drinker who takes a turn to avoid the pub), but rather with the exclusion practised by the authoritarian state. In Germany, the latter used voter censuses and indirect elections to limit the electoral weight of millions of citizens. The metaphor of "democratic abstention" is thus turned on its head. After 1900, mass politics and its implications spurred the desire of the common people to gain a voice in the society through full participation in the elections. However, the "cup of democracy" was in other hands. It was held by anti-Semites who strived for indirect elections in the name of the blocked middle class, as well as reactionaries who claimed that the social democrats would suffer a defeat should all bourgeois voters actually go to the polling stations. As the defeated right termed the "red" election of 1912 as "Judenwahlen", this delusion took a sinister turn. The "national habit" of voting representatives into the Reichstag thus did not mean that the Germans actually practised democracy – at least not in a manner that would prepare them for the opportunity represented by the Weimar Republic.

Political caricature may be seen as another tool for expressing anti-parliamentarist attitudes. It was studied by Andreas Biefang (Berlin), whose paper ("Kiss my rump". An indecent imagery as a means of criticism of parliament?) dealt with the motif of the – sometimes naked – backside as the depiction of the politician's main characteristic. The motif of the backside is deeply rooted in the European history. It was first used in Great Britain in the 18th century and was taken up by the French and the

Germans by the 1830s to express critical attitude towards the parliament. In contrast to the theoretical critique of parliamentarism, political caricature stems from the ideological opposition to it.

Obstructionism often goes side by side with anti-parliamentarism. It was addressed by Benjamin Conrad (Mainz). In his presentation (Opposition by obstruction. The strategies of fundamental oppositional parliamentarian of national minority in Eastern Europe during the interwar period), Conrad analysed the conduct of the national minority representatives in Eastern-European countries that were established or expanded after the First World War – Latvia, Poland and Czechoslovakia. Conrad focused on the representatives who defied the country of the majority. Their parliamentary strategies and methods often opposed parliamentarism and included boycotting the parliamentary procedure and interrupting sessions with songs or speeches in their language, especially if only the language of the national majority was permitted in the parliament. With regard to obstructionist practices, Conrad pointed out the behaviour of nationally diverse parties that were opposed to the political system of rival parties (Communist Party of Czechoslovakia) and of representatives belonging to the national majority that were opposed to the system as well.

Pasi Ihalainen (Jyväskylä) focused on an international comparison of anti-parliamentary attitudes. In his paper (Royalists, republicans, revolutionaries. Criticism of parliamentarism in Swedish and Finnish debates and practices in comparison with Britain, Germany and Russia, 1917–1919), Ihalainen examined the constitutional unrest that gripped Finland and Sweden after the Russian revolution, in 1917–1919. In both countries, left- and right-wing political camps of the time were critical of their parliamentary systems in comparison with the Western (British and French) systems as well as with German and Bolshevik anti-parliamentarism. Leading Finnish and Swedish parliamentary representatives openly opposed (unlimited) parliamentarism, and some even renounced parliamentary principles altogether (or were alleged to have done so by their political rivals). In Finland, both leftist and rightist critics of parliamentarism based their attitudes on the obvious discrepancy between the expectations and the reality of parliamentarism following the radical parliamentary reform of 1906 that was supposed to establish the "most democratic popular representation in the world"). In Sweden, left-wing critique was prompted by the shortcomings of the existing parliamentary system that the right wanted to preserve.

Both the Finnish and the Swedish left were influenced by the German leftist interpretation of parliamentarism. In 1917–1919, various levels of critique and rejection of the "bourgeois" parliamentarism existed among Finnish social democrats, ranging from the willingness to break parliamentary rules in the parliament wherein they had the majority, through challenging the legitimacy of the parliament with a bourgeois majority, to an armed uprising inspired by the Russian revolutionary anti-parliamentary practice. The Finnish civil war of 1918 that reflected the concepts of the German left was accompanied by a consistently pro-parliamentary attitude of the Swedish social-democratic workers' party. After 1918, the "Western" or "bourgeois" parliamentarism was rejected in both countries only by the extreme left.

The Finnish and Swedish right with their royalist and anti-parliamentary sentiments, the admiration of the "constitutional monarchy" and their criticism of the weakness of the "Western" parliamentarism did not differ much from the Prussian right. However, they respected the parliament and, unlike the German right, did not threaten to resist the existing order. Some Finnish right-wing supporters were already defending parliamentarism by 1917, while their Swedish colleagues began accepting the parliamentary reality in 1919. Both countries' governments were parliamentary, although they implemented limitations reminiscent of the Weimar Constitution. Their adjustment to parliamentarism was successful thanks to a long-standing common tradition of popular representation that also included the peasantry. In Sweden, parliamentarism was most consistently supported by the liberals, while the main Finnish political force defending parliamentarism from left- and right-wing extremes was the agrarian centre.

Ihalainen's paper wrapped up the discussion of the conference's topics. The conference itself was concluded by Andreas Schulz, Secretary-General of the Commission of Parliamentary History and History of Parliamentarian Parties. In his concluding speech (Balance and Perspectives), Schulz summarized its findings, stating that the critiques of parliamentarism and anti-parliamentarism constitute a discussion complex that is intertwined with parliamentary practice. The arguments presented by the critics of parliamentarism remain more or less unchanged and are compatible with extremely diverse political tendencies. Since the line between the critique of parliamentarism and parliamentary practice is blurred, the presenters at the conference treated the main factors and arguments of anti-parliamentarism in a common context.

Schulz pointed out that European critique of parliamentarism was generally affirmative in its intentions. Critics demanded "true" democracy and were rarely destructive, a fact also true of the practice of the obstructionist parties. On the other hand, even extremist factions and parties protected against criminal sanctions by virtue of being in the parliament were exposed to the integrational absorption of parliamentarism, despite their radical critique of the system and their anti-democratic rhetoric.

The same is true for the streets as a place for expressing the critique of parliamentarism, although activism by the masses actually eliminates the principle of representation. As pointed out by Schulz, the public space is rarely the scene of a *civil war* and usually functions as a symbol and an arena for the manifestation of the democratic public, as in 1989. In their protests against the government and parliament, the democratic elements of the street also agitate for the implementation of the "true" will of the people. Their credibility and influence is determined by their ability to draw crowds that represent the significance of the manifested democratic demands. In this sense, democracy of the street and parliamentarism are interacting with each other.

According to Schulz, the conference posited abstention from voting as the "normal example" and "normal" critique of parliamentarism. However, we should take

note of his emphasis that the category of non-voters, a flexible class posited by the democratic interpretation of politics, has parliamentary potential nonetheless. That is, the democratic legitimacy of the elected parliament is *by definition* dependent on the voter turnout. We should thus differentiate between temporary "democratic abstention", i.e. the disinterest for fundamental political issues, and the principled refusal of voting as a silent anti-parliamentary protest.

Schulz then discussed anti-parliamentary attitudes of the executive branch of the government and tied it to the institutional reservations manifested at the executive level in an ideological assessment of the social importance of political parties. Their importance is lessened by authoritarian constitutional revisions or periods of a state of emergency. In the recent populist atmosphere, the anti-parliamentary interventions of the executive branch and the critique of parliamentarism and political parties share a common political frequency if they had been imbued by the authority of the eliminated constitutional institution. There is no *pouvoir neutre* in this case, as the fake authoritarian power holder and his presidential diction do not represent it, even if they act in place of the "lost sovereign" in agreement with the general critical attitude towards parliamentarism. The opinions of the executive branch of the government regarding the institutional arrangement certainly represent a challenge for the parliamentary system.

Nowadays, political activities typical for the parliament have shifted to the arena of the visual media. Because representatives and their voters rarely communicate directly, the interpretation of parliamentarism was taken over by the media. According to Shulz, professional players in the media have established new rules of political conduct, which have, in the markedly focused environment of the media public, dramatically increased the pressure on the elected representatives of the people to communicate well and in a credible manner. An impression is forming of an extra-parliamentary democracy, in which the "voice of the people" is represented by the media players, politicians and the virtual public. The illusion of a media-based popular representation is gradually taking place of the actual parliamentary sovereign.

Schulz concluded his closing speech for the conference by noting that the history of anti-parliamentarism in Europe is a complementary part of the history of European parliamentarism. For Europe, as had been previously pointed out by Marie-Luise Recker, has developed within the broad and unified context of anti-parliamentary criticism ever since the introduction of parliamentarism itself. The conference was an explicit display of the interconnectedness and complexity of the creative democratic social process, the dialectic of its rejection, and of the triumphant will to ensure individual and societal freedom that persists in spite of all obstacles placed in front of it by history. This desire can exist in various ideological and political forms, but the realization of the philosophical *good* has always cut short the reign of *evil*. In this regard, we would have perhaps wished for a more pointed warning against the (anti) parliamentary attitudes of the totalitarian systems of today; however, the main point of the conference was explicit enough. This message was also expanded upon by Norbert Lammert, President of the German Bundestag, who was a guest at the end of

the first day of the conference. With the eloquence of a master of social sciences and an experienced politician, Lammert spoke about German and European politics and answered a number of questions. It was a pleasure to listen to the deeply confident parliamentarian and his entertaining comments. Let us conclude with one of them, which Lammert used to answer a question regarding non-voters and the general level of interest in politics: "ADAC (Allgemeiner Deutscher Automobil-Club – General German Automobile-Club, comment J. P.) has more members than all of the German political parties."

Jurij Perovšek

Janez Cvirn: Dunajski državni zbor in Slovenci (1848–1918) [Vienna National Assembly and Slovenians (1848–1918)]. Zgodovinsko društvo Celje, Znanstvena založba Filozofske fakultete Ljubljana. Celje, Ljubljana 2015, 280 pages

Based on several years of research into the issue of parliamentarism in the Austrian Monarchy, the late Prof. Dr. Janez Cvirn (1960–2013) published as early as 2006 a university textbook entitled Razvoj ustavnosti in parlamentarizma v habsburški monarhiji (dunajski državni zbor in Slovenci 1848–1918) [Development of Constitutionality and Parliamentarism in the Habsburg Monarchy: Vienna National Assembly and Slovenians (1848–1918)]. This textbook was far more than what its name suggested and indicated that the author was about to realise even more ambitious plans regarding this subject. Those of us who were close to him knew that he was also planning a book edition, i.e. a thorough and comprehensive history of Austrian parliamentarism (and the Slovenian experience within its context). However, he was not able to realise this project (the book was supposed to be published by another publisher a few years ago but, unfortunately, was not). It was finally co-published posthumously by the Historical Society of Celje and the Faculty of Arts of Ljubljana (also in cooperation with the Institute of Contemporary History – the book was edited by Dr. Jure Gašparič). Cvirn's book is an essential source for studying the political history of the second half of the 19th century and, as such, finally available in Slovenian libraries and bookstores as the last, fifteenth book of the collection Zgodovini.ce, based on Cvirn's idea (with this book the Celje book collection is therefore completed). Regrettably, Cvirn will not be able to read, evaluate or in any way assess this book, but I am convinced that he would certainly approve of it, as it is.

Cvirn has profoundly marked Slovenian historiography with his work and is considered the leading Slovenian expert in the history of the 19th century. In his final work, which is a result of systematic research, he presented the crucial turning points in the constitutional history of Austria – from the first steps toward constitutionalism in 1848 until the end of the Monarchy in 1918. Apart from that, the book is

an exhaustive political-historical overview, as the author analysed the relationships between the governments and the parliament and thus described the role of the Austrian National Assembly in the political life of the state. The book also contains a detailed presentation of the activities of the Slovenian deputies (who had always been forced to resort to opportunistic politics because of their limited numbers) in the National Assembly between 1848 and 1918, which is particularly valuable.

Let us take a quick glance at the book. The early constitutionalism, established especially by certain (south) German states in the pre-March period, was very slow to penetrate the conservative Austria on the eve of the March revolution. Only the revolution encouraged the Court to rely on the new societal model. However, the April (Pillersdorf) Constitution which, as the author convincingly demonstrates, followed constitutionalism only as far as to clearly enforce the separation of powers (judicial, executive and legislative), still conferred many powers on the emperor. The author then presents the initiative of the Provincial (Estate) Assemblies which joined the reform movement. The National Assembly elections in June 1848, establishing the first Austrian Parliament, were even more important. Cvirn analyses the elections in detail and notes, among other things, that the national component is indisputably a result of the political development of the later period.

With the imposed constitution the young Emperor Franz Joseph demonstrated that concessions to the revolution had come to an end. The author skilfully guides us through the developments which led to the neo-absolutist regime through the New Year's Eve Patents, thus ending the early constitutional period in Austria. A ten-year period of resumed »silence«, personified by the Minister of the Interior Bach, was followed by the restoration of the constitutional life in 1860/61, when the period of oppression and censorship had, in a moral and material sense, come to an end. However, the creator of the new political course Anton Schmerling added a »German character« to the Austrian parliamentarism with his electoral structure, which also favoured the wealthier strata on the basis of a tax and intelligence census. The author thus offers a sound and coherent description of the development of political thought until the introduction of dualism in 1867, when Cisleithania was forced to re-establish the state-legal foundations of the Austrian half of the Monarchy and provide for the further (political) modernisation of the state with the December Constitution. The author then meticulously highlights individual issues concerning the directly-elected Vienna National Assembly (from 1873 on) and presents them through a perspective related to the functioning of governments and each convening of the Parliament. Cvirn does not conclude his work before World War I, as it would be expected, but follows the Austrian parliamentary life until the fall of the Monarchy.

One of the basic findings of Cvirn's book is that the dissolution of the Monarchy was not a consequence of a belated and insufficient political democratisation. As it was, the liberal December Constitution of 1867 transformed Cisleithania into a relatively modern constitutional monarchy, which, as far as democracy was concerned, did not exhibit a significant lag in comparison with most European countries. With

a set of electoral reforms the Monarchy advanced towards enforcing the universal manhood suffrage and also achieved it in 1907. The reasons for the Monarchy's tragic end lied primarily in the fatal lack of basic consensus on the matter of how the state should be organised. The latter was becoming increasingly evident in the Austrian parliamentary practice. Namely, since the end of the 19th century the parliament had become the place of severe national conflicts with no room for an agreement.

The present book is Cvirn's final and most comprehensive work on the history of parliamentarism. The editor manly followed Cvirn's university textbook and strived to refrain from interfering with the text as much as possible. The author concludes the book with World War I. However, the editor completed Cvirn's structure of the book by ending it with a few additional chapters written by the author (on the electoral reforms of the National Assembly, women's suffrage, rules of procedure, language of proceedings, immunity of deputies, and deputies' wages), which complement and clarify the primary text as well as underline the magnitude of the history of parliamentarism.

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