



The Election of the President: A Contentious Issue

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On 29 December 1989 Vaclav Havel was elected the first noncommunist President of Czechoslovakia in 41 years. The election was preceded by two weeks of intense political maneuvering by both the opposition and the communist party.

Shortly after President Gustav Husak's abdication on December 10, the Civic Forum and the Public Against Violence together nominated their own candidate for President: the playwright and unofficial opposition leader Vaclav Havel. Havel's nomination was partly the result of an earlier, tentative agreement between the opposition and the government that the new President should be a Czech unaffiliated with any political party. Because another important post—that of the Prime Minister—had been filled by Marian Calfa, a Slovak and a Communist, it was reasoned that the President should be a Czech and a non-Communist.

The prodemocracy movement saw Havel as someone whose clear political vision and commitment to democracy guaranteed that the impending systemic changes would be carried out. He was also viewed as someone who could prevent a possible future government crisis from developing into yet

another major test of political wills that would lead to divisive demonstrations, strikes, and other forms of civil strife.

A Communist Maneuver

The communist faction in the Federal Assembly reacted to Havel's nomination by proposing a constitutional change that would make possible a nationwide presidential election. Such an election would represent a departure from the traditional procedure of having the Federal Assembly (the parliament) choose the President. The communist deputies' initiative echoed a similar proposal made by the Democratic Forum of Communists one day earlier.¹ The communist proposal, which had appeared to some observers to be a genuine step toward democracy, was in fact a skilled political maneuver that for a short time put the opposition on the defensive.

The proposal to hold a presidential referendum created a political trap for the democratic forces. An opinion survey taken by the Institute for Public Opinion on December 13 indicated that four-fifths of the respondents favored such a referendum.² The idea was attractive not only because a referendum appeared to be more democratic than a vote by the deputies but also because most of the deputies in the Czechoslovak Federal Assembly had been compromised by their association with the ousted Jakes regime and could hardly be trusted to represent the people's will. To bypass a discredited parliament seemed a good thing.

The Opposition Argues Back

In an official statement issued on December 12,³ the Civic Forum objected to a referendum, arguing that it would be counterproductive. According to the forum, the democratic revolution in Czechoslovakia was only three weeks old; after such a short time, many people might not be ready to participate in a nationwide electoral campaign. The forum argued that a referendum could easily introduce political demagoguery and strife into the unfolding "gentle" revolution. The election campaign could divide the nation, according to the forum, and preparing for a referendum would require more time than the unstable political situation in the country permitted. The opposition also pointed out that a referendum would place the Slovak nation, which constitutes only one-third of Czechoslovakia's population, at a disadvantage. It could also lead to the creation of "a presidential republic" in which the President's power would increase dramatically at the parliament's expense. By the same token, the importance of the general elections would diminish.

New Candidates

Despite the forum's objections, the Communists' maneuver spurred a wave of political activity that led to the emergence of other candidates for the top post. They were Cestmir Cisar, Chairman of the Czech National Council in 1968 but dismissed after the Soviet-led invasion of Czechoslovakia; Alexander Dubcek, the party leader during the Prague Spring; and Ladislav Adamec, the former Prime Minister. Cisar was nominated by the still-powerful Union of Socialist Youth, Dubcek by the Slovak National Council. While at first Adamec did not

appear to have the support of any major political institution, he was later endorsed by many individual Communists as well as by low-level party organizations.

The public seemed unlikely to elect Adamec because he was seen as having reneged on his promise to include enough non-Communists in the government when he formed his cabinet on December 3. As President, either Cisar or Dubcek would give the prodemocracy movement stronger reform-communist connotations than the population would be willing to support. It was also not clear that, facing a government crisis or an electoral defeat for the Communists, Dubcek or Cisar (both still apparently adherents of "democratic communism") would give vigorous enough support to a multiparty system. Dubcek's entry into the political contest could also have caused the presidential election to be influenced by the national factor, as Dubcek's support has come mostly from Slovakia.

The opposition's concerns apparently hid another unstated worry. Havel's defeat in a popular election could have dealt a dangerous blow to the entire democratic movement. Although the above-mentioned opinion poll put Havel in first place among the contenders, with Adamec second, Cisar third, and Dubcek fourth, the possibility that Havel, running against three professional politicians, might in fact lose could not be discounted. Although Havel's candidacy was supported by the highly popular Civic Forum, the students, Czech Catholic Primate Cardinal Frantisek Tomasek, and three of the new political parties (the Social Democrats, the Greens Party, and the Democratic Initiative), as well as a large number of intellectuals, his popularity had not been fully tested outside Prague.

An Agreement

The stalemate on the issue was partly broken by the December 13 negotiations between representatives of the opposition groups the Civic Forum and the Public Against Violence, the communist party, and other political parties and organizations. The talks resulted in an agreement that the new Czechoslovak President would be elected by the Federal Assembly and not by a referendum.

The constitution stipulates that a new President must be elected within 14 days of the incumbent's departure, but both sides agreed to extend this deadline,⁴ despite the fact that such an extension required a constitutional change

that would have to be approved by three-fifths of the Federal Assembly deputies. The official communique issued after the talks did not set a specific timetable for the presidential election, but unofficial reports indicated that both sides were ready to extend the deadline by as much as 45 days.⁵

According to the communique, the round-table talks confirmed that the new President should be a Czech national unaffiliated with any political party. This decision could have ended the candidacies of Dubcek, a Slovak, and Adamec, a Communist; but none of the candidates reacted to the news of the agreement by immediately withdrawing from the presidential race.

The participants in the talks also discussed ways of filling the seats in the Federal Assembly that were being gradually vacated by associates of the Jakes leadership, who were under tremendous pressure to resign. It was necessary to fill these seats promptly to keep the Federal Assembly from losing so many members that it would become unable to vote. Constitutional changes and the election of the President require the approval of at least three-fifths of the entire Federal Assembly deputies.

The delegates agreed that besides those deputies who had already left or were leaving, "those deputies who cannot guarantee the development of democracy" should leave as well and the parliament "should be reconstructed." The agreement tentatively stipulated that the departed deputies would be replaced by "nonelected, delegated candidates" chosen by the Civic Forum and political parties grouped in the National Front. Choosing the candidates in this way required changing the electoral law, which had stipulated that deputies who lost their mandates would be replaced in by-elections.

The Opposition Wins

Some communist party officials almost immediately questioned the agreements, arguing that the communist party delegation to the round-table talks had not been empowered to represent the party and that the party's position on the presidential election could only be decided at the extraordinary congress scheduled to begin on December 20. The party leadership was obviously playing for time, hoping that the congress would unite and revitalize the party's ranks and develop a viable strategy.

The initiative had begun shifting to the opposition's side, however. Havel reacted to the possibility of a Czech-Slovak split by declaring that he would become President only if Dubcek was also given an important political role. He also said that, if elected President, he would remain in the office only until free elections could be held. This and the pressure from the opposition gradually forced the Communists to abandon their proposal for a referendum. The way for Havel's election was all but clear when the communist Prime Minister Marian Calfa nominated Havel for the post on December 19.⁶ Two days later the Federal Assembly voted to extend the fourteen-day deadline, setting the election date for December 29.⁷

Another round-table meeting between representatives of major Czechoslovak political forces on December 22 produced an agreement stating that Havel should be elected President of Czechoslovakia and that Dubcek should become Chairman of the Federal Assembly. The agreement also confirmed that the Federal Assembly would adopt constitutional amendments that would make it possible to co-opt new deputies. Yet another agreement stipulated that references to socialism should be eliminated from the presidential oath.⁸

On November 28 the Federal Assembly met twice to prepare for the election of the new President. During the first session of the assembly, Federal Assembly Chairman Stanislav Kukral said that Havel's candidacy was supported by all political forces in Czechoslovakia. Acting on the agreement reached at the December 22 talks, the assembly then passed two laws: one changing the text of the presidential oath and another making possible the co-optation of new deputies. All references to socialism were dropped from the presidential oath except for the official designation of the country as the Czechoslovak "Socialist" Republic. Stanislav Kukral resigned at the end of the first session.

The second session of the Federal Assembly co-opted new deputies. One was Alexander Dubcek, the party leader in 1968, who was then elected the new Chairman of the Federal Assembly,⁹ a post Dubcek had held before he was ousted from political life by Husak's "normalization" regime in 1969. Dubcek's return to political office was itself a gesture indicating political continuity between the "gentle" revolution and the Prague Spring; so was the fact that, one day later, Havel would take the oath of office before a Federal Assembly presided over by Dubcek. On the other hand, the political

differences between Dubcek, a reform Communist, and Havel, a nonaffiliated democrat, also underlined the basic difference between the "gentle" revolution and the Prague Spring.

Havel Elected President

On December 29 Havel was unanimously elected by the Federal Assembly as the new President of Czechoslovakia—the first noncommunist President in 41 years.

Viewed in the light of modern Czechoslovak history, Havel's background and the timing of his election are highly symbolic. Almost exactly 13 years prior to his election, on 1 January 1977, Havel and 240 other activists signed the Charter 77 manifesto, which demanded that the Czechoslovak government observe international human rights agreements. Havel became one of the first three spokesmen for Charter 77 and for the next thirteen years he was among the most vilified and persecuted persons in Czechoslovakia. The launching of Charter 77 marked the beginning of the protracted political struggle that made 1989's events possible.

Like Tomas G. Masaryk, the first President of Czechoslovakia, Havel is a philosopher rather than a politician. And, like Masaryk, he was drawn into politics because his clear moral vision did not allow him to stand aside. Havel's authority is moral rather than political, even though the latest developments in Czechoslovakia have greatly increased his political influence, making him, in fact, the most important political personality in the country.

Havel's election as President marked an important political victory for the opposition. Not only is

he the leader and a symbol of the democratic forces that have risen against the totalitarian system, but his commitment to democracy and his clear vision of the steps necessary to achieve it greatly increase the possibility that Czechoslovakia may be able to revive its democratic political system and traditions under his political and moral guidance. Havel's emphasis on reconciliation and tolerance also guarantees that Czechoslovakia's "gentle revolution" will continue to evolve on the basis of law, free of the violence that could be caused by the uncontrolled and indiscriminate settling of accounts with active supporters of the previous regime.

Havel's election is likely to return to the presidency the prestige it has lost; during the First Republic (1918–1938) the office of President was held in high esteem. The traditional balance of powers between the President, the government, the judiciary, and the Federal Assembly—the backbone of parliamentary democracy in Czechoslovakia before World War II—was destroyed when power shifted to the hands of the communist party Politburo and its bureaucracy. The abolition on 29 November 1989 of the party's leading role represented the first step necessary for renewing this balance. Havel as President is likely to strive to reinstate the former balance of power.

Finally, since the President in Czechoslovakia is empowered to dissolve the Federal Assembly and to name a new government, Havel is likely to be an important stabilizing force in transforming the current semidemocratic system into a full-fledged democracy, safeguarding the nascent freedoms in case of a governmental or parliamentary crisis.

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Notes:

1. *Svobodne Slovo*, 12 December 1989, p. 1.
2. Radio Prague, 13 December 1989, 5:00 P.M.
3. Radio Hvezda, 13 December 1989, 6:00 P.M.
4. *Ibid.*, 14 December 1989, 8:00 A.M. and 10:00 A.M.
5. *Ibid.*
6. *Rude Pravo*, 20 December 1989.
7. *Svobodne Slovo*, 22 December 1989.
8. *Ibid.*, 23 December 1989.
9. Czechoslovak Radio, 28 December 1989, 10:00 P.M.