Institutional change and persistence: The evolution of Poland's electoral system, 1989-2001

Kenneth BENOIT
Singapore Management University, kbenoit@smu.edu.sg

Jacqueline HAYDEN

Citation

Institutional Change and Persistence:
The Origins and Evolution of Poland's Electoral System 1989-2001 [*]

Kenneth Benoit and Jacqueline Hayden[†]
Trinity College, Dublin

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Abstract

Institutions shape political outcomes, yet institutions themselves are endogenously shaped outcomes of political choices. Electoral systems are a unique class of distributive institutions that fundamentally shape political competition and political outcomes in democratic polities. Our paper examines the origins and subsequent changes to the Polish electoral system from the semi-free election in 1989 to the elections scheduled for Fall 2001. In Poland, the process of consolidating the party system has involved not just competing parties adapting to electoral institutions in each election, but also active competition prior to each election by parties seeking to reshape these institutions to their partisan benefit. We develop a model of derived preferences that explains institutional choice as the product of bargaining among parties concerned with electoral self-interest. We compare this model to electoral system choices in the roundtable talks producing the rules for the 1989 semi-free elections and in the *Sejm* debates over the electoral systems used in the elections of 1991, 1993, 1997, and (scheduled) 2001 parliamentary elections. To test the model we construct an analytic narrative around each account, examining opinion polls, constitutional committee debates, relative party strengths in the *Sejm* faction sizes, proposed and actual election law changes, and first-hand accounts of political actors involved in the process of designing and choosing electoral institutions. Our findings show a clear and direct link between parties seeking to maximize their expected seat shares with perceived partisan effects of election laws.

[†] Department of Political Science, Trinity College, Dublin 2, Ireland. E-mail: kbenoit@tcd.ie and Sorrento@indigo.ie.

1. Introduction: The Endogeneity of Electoral Institutions

The study of electoral systems has formed one of the great pillars of cross-national research in comparative political institutions in the last several decades. Since Duverger (1951) first systematically advanced his well-known propositions concerning the relationship between electoral institutions and party systems, research in this field has become a growth industry. The relationship between electoral and party systems, nearly all scholars recognize, is mutual: Electoral institutions shape party systems, but also themselves are formed in an environment of partisan electoral competition.[1] Despite this recognition, however, electoral studies has been overwhelmingly concerned with the political consequences of electoral laws, rather examining precisely how electoral laws themselves arise as consequences of political processes (Benoit 2001; N.d.). Political experience, however, demonstrates repeatedly that while actors do maximize their goals by adapting their strategies to institutions, they also adapt by modifying the institutional setting that transforms their strategies into outcomes (Tsebelis 1990).

Despite its importance, this cycle of strategic adaptation and institutional modification remains understudied and incompletely understood. With the exception of a handful of case studies, the politically endogenous origins of electoral institutions has yet to receive systematic comparative treatment. Remington and Smith (1996) have examined the choice of electoral systems in post-communist Russia, Brady and Mo (1992) in Korea, and Bawn (1993) in West Germany in the postwar period. Ishiyama (1997) also investigates the process in Eastern Europe, outlining a number of explanations of electoral system choice during

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[1] A good example is Taagepera and Shugart (1989), a seminal work on comparative electoral systems.

> Suppose a new country is formed, and the political elite happens to separate into a large number of parties. Then, to pass an electoral law, the support of many such parties would be needed, some fairly small. The latter are not likely to support a law that would put them out of business by penalizing small parties and giving a bonus to the larger ones. If, on the other hand, only one or two large parties form, they are not likely to establish a proportional representation system that could help small parties to gain a footing and the potential to whittle down the large parties' strength. (4)

Despite this recognition, however, the work does not offer a systematic analysis or theory of how electoral systems originate or change.

transition. Benoit and Schiemann (2001) take a more theoretically driven process approach, testing an office-seeking model of institutional origins by constructing an analytic narrative around the Hungarian electoral law of 1989. Other approaches to explaining electoral systems tend to focus on explaining variation in outcomes at a more macro level. This was the approach of the "Rokkan hypothesis" (Lijphart 1992), for instance, attributing the introduction of proportional representation (PR) in continental Europe to the extension of the franchise and the desire by established groups to protect their position while simultaneously granting a measure of representation to previously excluded groups. Such an approach also motivated Boix's (1999) examination of electoral system change in Western Europe in the 20th century. [2]

What is lacking in these accounts is a process-driven theory that attempts to explain the dynamics of party system adaptation and electoral system change. Rather than explaining either macro-level variation in institutional outcomes, or specific choices made in discretely examined episodes, what is needed is a comprehensive theory providing an equilibrium condition predicting when electoral systems should persist and when they should change. Only a theory which accounts for the equilibrium of endogenous institutions as well as of strategically adaptive behavior can truly claim to treat elections as "systems of exchange subject to equilibrating mechanisms" (Cox 1997, 6). Existing research on Eastern Europe directly explores the political origins of electoral laws (e.g. Ishiyama 1997; Kitschelt 1992; Jasiewicz 1994) but tends to focus on initial choices rather than the dynamic process of institutional adaptation by endogenous forces. Kitschelt et. al.'s (1999, 12) recent examination of party systems, for instance, considers that "over time institutions become relatively more important as exogenous determinants of democratic process features, while they are initially endogenous to the political process."

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[2]   Lipson (1964) likewise reexamined many of the cases studied by Duverger 1951 and concluded that party politics or political traditions drove the electoral arrangements and not vice-versa (see also Grumm 1958, 375). More recent evidence also challenges the conventional Duverger model (Shamir 1985, Shugart 1992}. Finally, nearly all examinations of the adoption of electoral of Eastern European electoral systems during their

The experience of Poland examined here, by contrast, points to an ongoing cycle of endogenous institutional choices, one which requires a dynamic argument more critically examining the equilibrium conditions whereby institutions may stabilize and become exogenous determinants of party systems. Our focus is therefore not only on institutional origins, but also on institutional change and persistence in subsequent episodes of "normal" politics. In our examination of the Polish experience since its transition to democracy in 1989, we apply the model of Benoit (2001), which sets forth an office-seeking model of electoral system change. By explaining institutional change as motivated by the distributive struggle by political parties seeking to maximize their seat shares, the theory outlines an "if and only if" condition according to which institutional change should be observed. The theoretical propositions it contains, however, remain to be tested in an empirical setting.

The Polish case provides numerous advantages for testing a theory of institutional change and persistence. First, the Polish electoral system has been widely studied before, providing a considerable store of both knowledge and prior expectations that can be applied to a theory of institutional change.[3] Second, Poland represents a "hard" case in that both its electoral system and party system have undergone considerable change with each post-communist election it has held. In contrast to its neighbors such as Hungary or the Czech and Slovak Republics, both its party system and electoral laws have been frequently shifting. Indeed, the norm in Poland in just over a decade of competitive elections is that every election contest is preceded by a contest by the political parties to reshape the electoral law. Eastern Europe is the region that has shattered any remaining illusion that electoral institutions are exogenous, and Poland is the country that most embodies this process of endogenous change. This characteristic of the Polish case makes the challenge of seeking predictions of a theory of institutional equilibrium perhaps the hardest of any setting. If the model appears to fit even

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transitions to democracy indicate that electoral system design was at least partially motivated by partisan interests (Elster et al 1998, Geddes 1996, Lijphart 1992).

[3] See for example Olson (1993), Kaminski (1999), Gebethner (1997, 1996), Simon (1996), and Millard (1994a, 1994b, 1992).

partially in Poland then it we would consider this a successful application of the model and urge its testing in other contexts.

Our paper proceeds as follows. First, we outline a model of electoral system change and persistence, identifying the implications of the theory that should be observable in the Polish case. Next, we briefly describe the Polish electoral and party systems and examine some time-series data that will support our examination of electoral system change. Then we proceed to examine five episodes of institutional change in Poland: the transitional electoral system of 1989, the electoral laws of 1991 and 1993, a failed attempt to modify the law prior to the 1997 election, and the recently passed electoral change of March 2001, in preparation for the elections scheduled this year. Our final section reviews the episodes, assesses the theory's fit to the Polish experience, and discusses the general applicability of the office-seeking model of electoral system change and persistence.

2. A Theory of Electoral System Change and Persistence

The Assumptions of the Office-Seeking Model

The theory set forth here is drawn directly from the office-seeking model of Benoit (2001). The basic theory is thus: Electoral systems result from the collective choice of political parties linking institutional alternatives to electoral self-interest in the form of maximizing seat shares. Political parties will rank institutional alternatives in descending order of the expected seat shares they expect the alternative to bring them in an election to take place under those rules. In order to most accurately link institutional alternatives to self-interest, each party will actively seek information that will enable it to estimate the vote share it expects under each alternative electoral rule. This includes both information about its own expected vote share as well as about the operation of the electoral system alternatives for transforming this vote share into seats.

A change in electoral institutions will occur when a political party or coalition of political parties supports an alternative which will bring it more seats than the status quo electoral system, and also has the power to effect through fiat that institutional alternative. Electoral systems will not change when no party or coalition of parties with the power adopt an alternative electoral system can gain more seats by doing so.

The assumptions of the model can be formalized and enumerated.

1. Each party will have common knowledge of the alternative electoral systems being considered.

2. Each party will have a belief about its expected vote share should an election take place.

3. Each party will have a belief about its expected seat share to result from each electoral system alternative, given its expected votes and its understanding of how the electoral rules operate mechanically.

4. Each party will have a share of power to change institutions, typically determined by legislative seat share.

5. A decision rule exists for changing the electoral institutions, for instance, a majority or super-majority required in the legislature.

6. Each political party will prefer each alternative electoral system according to the seat share that it expects the electoral system to produce, given its expected votes. For each party, the electoral system alternatives that are associated with the most seats will be the most preferred.

The first three assumptions specify the informational context of parties and how they actively seek to fill gaps in information and to reduce uncertainty, both about relative vote expectations and about the operation of electoral alternatives in transforming votes into seats. Assumption four states that each party will have a share of power to effect alternative electoral institutions through fiat, and that this power can be assessed in objective terms such as the number or proportion of seats in a legislature. In the Polish context this "fiat power" is

determined by the seats held by each party in the 460-seat *Sejm*.[4] Assumption five specifies the meta-institutional provision for changing the electoral institutions, in terms of the power metric of assumption four. In the *Sejm*, for instance, a majority vote is required to pass a new electoral law. The final assumption asserts the link between parties' preferences for institutions and the motivation of maximizing expected seat shares. It predicts that each party will support the electoral institution that it expects to maximize its share of seats, among the expected seat shares from all other institutional arrangements.

Model Predictions

A desirable property of a theory is that it should generate as many observable implications as possible (King, Keohane, and Verba 1994). Each implication then provides a test of the theory which can be judged a success or failure and used to evaluate the usefulness and applicability of the theory as a whole. The advantage of the deliberately parsimonious office-seeking theory is that it generates a very clear set of implications that can be compared to the empirical examination of the Polish case. This makes our endeavor much closer to an analytical narrative than a classical attempt to generate a hypothesis that maximizes explained variance in an empirical sample. Here we are not primarily concerned with testing patterns which explain macro-level outcomes, but rather with testing a process of choice which explains how outcomes come about (see Bates et. al. 1998).

  In the Polish case, in order to judge the theory applicable, we expect the following model predictions to be true:

1. Parties should be actively concerned with gathering electoral intelligence:

    a) each party should seek and evaluate information about vote share;

    b) each party should seek to understand the electoral rule alternatives;

    c) each party should calculate its expected votes under each rule.

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[4] Since the party system in Poland was rapidly changing during the period we examined—especially between elections—we consider legislative strength at specific points in time, rather than as the results of the elections themselves. See Figure 1 for a portrayal of the changes in the sizes of party groups between elections.

2. The positions held by parties during institutional bargaining, legislative debates, or voting on electoral law bills should reflect the principle of seat maximization. In general no party should advocate one electoral rule over another if it expects that rule to bring it fewer seats than the alternative.

3. Electoral rules should change when some coalition exists whose total legislative power is greater than the majority decision rule for changing the electoral law; and for whom each constituent party expects to gain more seats from an electoral law alternative than from the status quo electoral system.

4. No electoral change should succeed absent such a coalition as in assumption (4).

These implications point directly to which evidence should be examined to construct the narrative for testing the theory. We identify and discuss this evidence in the next section.

Evidence to examine

The model points directly to two types of implications which may be observed, each in turn pointing directly to what evidence needs to be examined. First, the assumptions about the model concerning actor behavior can largely be verified by reconstructing the motivations, behavior, and intentions of the political parties. Seat maximizing parties should have actively sought and obtained information about relative parties' expected vote shares, should have demonstrably understood the operation of the electoral laws being considered during episodes when alternatives were weighed against the existing rules, and should have held some expectations about their expected seat shares under each electoral rule being considered. For instance, a party may have commissioned experts within or outside of the party to perform calculations of how many seats the party could expect under each electoral law given a specific level of vote shares. Such behavior would be direct evidence that the parties' behavior conformed to the basic model assumptions about parties and would be observable confirmation of implication (1) above.

Parties are also expected to support only the electoral law alternatives they expect to bring them more seat shares than other alternatives. Evidence for this implication (implication 2 above) would come from public statements of parties, party positions taken during committee or plenary debates in the legislature, or party positions taken during extra-institutional bargaining episodes such as round tables. Interviews with participants to the electoral law debates is also a direct source of evidence whereby this implication can be observed.

Reconstructing the information-seeking activities of parties, their understandings of the law, and their preferences for institutional alternatives is something of a risky business, but nonetheless a critical one for the task of theory-testing laid out in this paper. This is why our model falls more into the category of analytical narrative than a more classical hypothesis-testing framework. It relies on reconstructing the actors' "preferences, their beliefs, heir evaluations of alternatives, they posses, the expectations they form, the strategies they adopt, and the constraints that limit their actions" (Bates et. al. 1998, 1).

Yet not all of our evidence is of this type, since a second general category of implication can be observed on a more objective basis. Because the theory implies an if-and-only-if condition for electoral institution change, we should be able to test its predictions on the basis of observing the amendment history of electoral laws. Electoral laws should change according to implications (3) and (4), and should not change when these conditions do not hold. In order to verify the existence of these conditions, we need essentially to know what alternatives would have been seat maximizing for the parties involved, and what levels of legislative fiat power each party held. The first condition is based on each electoral system alternative's actual expected transformation of votes into seats (*actual* as opposed to the party's *beliefs* about this transformation, which is one of the things we also seek to test). This implies that we need some estimate from public opinion polls of the expected vote each party would receive, at any given time point for the period under consideration. In our examination of the Polish case this comes in the form of ten years of approximately monthly opinion polls taken

by the CBOS institute. [5] Poll data provides the expectation held by all participants of how many seats each party would receive in the election to be held during the electoral rules being considered. Legislative fiat power is measured by the actual number of seats held at the time of passage of the law. Finally, we have gathered information on which parties preferences for electoral system alternatives from a variety of sources, including participant interviews, party statements, legislative and committee transcripts, and roll-call votes on the final electoral law legislation.

Together these data provide the information necessary for us to examine the period under consideration and to identify the points at which having both the interest and the power to change the electoral coincided for any coalition of parties. By comparing these to actual changes in the electoral law we are then in a position to test the equilibrium prediction of the theory concerning institutional change and persistence. If the model does indeed accurately characterize the dynamic process of party and electoral system change, then its predictions should be observed in the Polish case. When these predictions are not observed, then we would consider the model fit to have failed. Of course, we do not expect this fit to be perfect in every episode we examine, but by making its application or non-application clearly testable, our model acts also as a heuristic for understanding a specific motivation of political actors in the process of shaping and being shaped in turn by electoral institutions.

3.   The Polish Electoral and Party Systems

In this section we outline the Polish party system and briefly describe the electoral systems in Poland since 1989. Because this section is intended to lay the groundwork for our more detailed analysis of each episode in the next section, we limit the detail provided here only to the essentials that are necessary to understand the persistence and change in the Polish electoral and party systems that it is our goal to explain.

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[5] These polls asked the "trial-heat" question, if the election were held today, for which party would you vote?" A graph of the various parties' support is portrayed in Figure 1. Source da ta was taken from monthly poll reports by the CBOS Institute (*Centrum Badania Opinii Spolecznej*). Original data are available from the authors.

Elections and Electoral Systems in Poland

Poland has held four elections since its transition in 1989, including the 1989 semi-free election. At the time of this writing it also has a general election scheduled for Fall 2001. Table 1 lists the dates of these elections and the electoral system associated with each. Since the transition to competitive elections in 1989, every election has been preceded by a change of electoral rules.[6] Together these five events (labeled as 0 through 4 in the table) define the episodes we examine here in to test our theory of institutional change and persistence in electoral systems. Since its founding election—and including the elections scheduled for this 2001—Poland has changed or attempted to change the electoral law with each election. These episodes of attempted change can be examined to test how participants evaluated the proposed alternatives and whether they favored or rejected the alternatives, according to the office-seeking model we set forth.

[Table 1 About Here]

Since 1989 when limited multiparty elections took place in single-member districts (SMDs), Poland has used a two-tier proportional representation (PR) electoral system combining multi-member districts and a national compensation list. In 1992 the newly adopted "Small Constitution" specifically stated that elections to the Sejm will take place using PR. The decision rule for changing the electoral law, which is considered normal legislation, is a majority vote of the Sejm. The decision rule for modifying the constitution, which would be required should PR be abandoned in favor of a different form of electoral system, is a two-thirds vote of the Sejm with at least half of the total number of deputies present.[7] The same two-thirds vote is also required to override a presidential veto. The April

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[6] Only in 1997 was the new electoral rule change not substantial. Our treatment of this episode below provides more detail.
[7] Article 106 of *The Constitutional Act of 17th October*, 1992.

1997 constitution stipulates the additional requirement of an absolute majority vote of the Senate with at least half of its members present.[8]

The Polish Party System Since 1989

The Polish party system is the most complicated and the most dynamic in Eastern Europe, and comprehensive coverage of its complete dynamics is far beyond the scope of this paper.[9] After the break-up of Solidarity following its victory in the semi-free elections of 1989, a plethora of rapidly changing political platforms and parties appeared on the scene. Following the 1990 presidential campaign some 69 parties contested the October 1991 parliamentary elections, resulting in 29 parties entering the Sejm. The situation stabilized somewhat following the 1993 elections when the 5% threshold filtered out many parties. The 1997 elections continued this trend, simplifying things further. Figures 1-3 and 4 portray the evolution of the parties over time, both in terms of their polled strength in the electoral and their share of seats controlled in the Sejm. We examine snapshots of these trends more specifically in the reconstruction of each episode, but these figures provide an overall picture of a dynamic and fluid party system. The most notable result is that very few parties approach

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[8] Article 235.4 of the April 1997 Constitution.

[9] See for example Ekiert (1992) or Vinton (1993). The contractual Sejm elected in June 1989 produced seven political parties: OKP Solidarnosc (the Committee for Nation-wide Alliance "Solidarity") PZKS (the Polish Social Catholic Alliance), UchS (the Social Christian Party), PAX (the Catholic Association), SD (the Democratic Party), ZSL (the United Peasants' Party) and PZPR (the United Workers' Party). A number of post-Solidarity parties evolved out of OKP following its breakup after Lech Walesa's 'war at the top'. OKP spawned parties of the left, center and right. The most important were the liberal Democratic Union (UD), the Liberal Democratic Congress (KLD), the Christian National Union (ZChN), the Labor Union (Unia Pracy) and the right wing populist Center Alliance (PC). The pluralization process reached its height in the period before and after the 1991 elections when the highly proportional electoral law impeded the process of party system formation. The Democratic Union and Liberal Democratic Congress joined forces to become the Freedom Union (UW) in 1994 and became the most coherent of the post-Solidarity parties achieving 62, 74 and 60 seats in the 1991, 1993 and 1997 elections. Right-wing populist parties including groups clustered around support or opposition to Lech Walesa came and went during the early 1990's. This extreme fragmentation was reduced following the introduction of the less proportional 1993 electoral law, which replaced the Hare-Niemeyer system with d'Hondt. Post-Solidarity center-right parties began to integrate into a common platform represented by ROP (Ruch Odbudowy Polski – The Movement for the Reconstruction of Poland) in 1995 and AWS (Akcja Wyborcza Solidarnosc- Solidarity Electoral Action) in 1996. The former communists (PZPR) dissolved in 1990 and initially formed two parties, the SdRP and PUS but by July 1991 an umbrella social democratic coalition- the SLD (Democratic Left Alliance) was formed in time for the October election. In the late 1990's the party system began to consolidate; the AWS coalition brought together the main Christian democratic and populist parties while the SLD represented the post-communist and social democratic interest. The liberal interest was largely articulated under the banner of the shrinking but vocal UW.

anything resembling a majority in either polls or in the Sejm, and until the post-1997 period only the AWS and the SLD reach levels close to a third in the trial-heat polls.

[Table 2 about here]

[Figures 1-4 about here]

The remainder of this paper examines five episodes of institutional change, testing each according to the implications of the model. These are the 1989 roundtable negotiations over the rules for the semi-free transitional elections, the 1991 and 1993 electoral law changes, the failed proposal to change the electoral law in 1997, and the new electoral law in March 2001 that will govern the conduct of the Fall 2001 elections. Because the theory applies to "normal" politics in an established legislative system, we concentrate mostly on the episodes of change from 1991 to 2001. The discussion begins, however, with the rather exceptional transitional electoral system of 1989.

4. The Founding Election: The Transitional Electoral System of 1989

With the legitimacy of the Polish Communist Worker's Party (PZPR) waning in the late 1980s in the face of economic crisis and massive strikes, the PZPR agreed to semi-free elections with the Solidarity-led opposition during the Round Table talks held between February and April 1989. The basic motivation of each side was fairly straightforward. For the communist side, the talks were intended to result in an arrangement that would permit Solidarity to enter Parliament but nonetheless preserve the communist rule. For Solidarity, the primary motivation was legalization of the trade union. But even semi-free elections meant that a new set of electoral rules had to be agreed upon. To this end, bargaining over the electoral institutions for the semi-free elections took place in the context of a complex set of negotiations between the PZPR and the opposition. Neither communist nor Solidarity negotiators anticipated that the Round Table process would result in the PZPR losing power and the formation of a Solidarity government by summer's end (Olson 1993).

[Table 3 about here]

The negotiations were essentially two-sided. A small group of coalition and Solidarity negotiators produced the key features of the new law at the "political table," a sub-committee of the Round Table.   The communist side proposed the single-member district majority run-off format—essentially the same set of rules as in the previous era of non-competitive one-party elections. It favored this system for several reasons. First, in general, the initial communist agreement to the holding of semi-free elections was premised on the expectation that the other institutional arrangements they had secured from the opposition would ensure their hold on the real reins of power (Olson, 1993). The PZPR did not perceive as central to its political survival the issue of the rules for converting seats to votes in the minority of legislative districts that would contested. Instead, its real focus of interest during the negotiations lay in the establishment of the new office of President, which it saw as its guarantee of political power and continuity (Olson 1993; Colomer and Pascual 1994; Hayden 2000). Furthermore, for the partially contested legislative arena, the SMD majority-runoff format was the most familiar format to the PZPR negotiators, having been the same system used under nearly 40 years of one-party elections. Once it was decided that a majority of seats would not be competitively elected, then the standard non-competitive electoral system seemed a natural choice.

Second, any form of proportional representation based on party lists was out of the question for the PZPR because it would have meant recognizing Solidarity as a legitimate political party, something which it was not prepared to do. "The price of legalization of an independent opposition party was too expensive for the communists to pay at the time electoral law was being discussed" (Kaminski 1999, 99). The communists "repeatedly declared that they would not accept the registration of a political party under any circumstances" (Kurski and Semka 1993, 18, in Kaminski 1999, 99).

Third, despite the obvious cracks in the veneer of social and political support for the party, the PZPR nonetheless thought it stood to gain the most votes in the election. On the eve of the Round Table talks, the PZPR estimated that itself and its allies had the support of about 30% of the electorate while the opposition had the support of only 20-25% of the electorate. [10] These estimates came from a series of "confidence polls" conducted by the state research institute CBOS, which Kaminski (1999) argues were doomed to paint an overly optimistic picture of social support for the party. Interviews with key players such as Party leader Jaruzelski (2000) and Prime Minister Mieczslaw Rakowski (1999) highlight the fact that a form of doublethink appears to have influenced the cognitive processes of many party negotiators, which fatally influenced the PZPR's evaluation of the information at its disposal.

Finally, the one alternative that would have minimized the PZPR losses and yet still not have required recognizing Solidarity as a party never made it to the agenda of electoral system choices considered by the party. Adoption of the Single-Transferable Vote (STV) used in Ireland and Malta, argues Kaminski (1999), would have been a dominant strategy for the PZPR and one acceptable to Solidarity. Kaminski attributes the party's mistake over the electoral system to the complexity of the decision-making environment, the lack of technical knowledge about electoral rules and their properties, and finally, the fact that under communist estimates of the distribution of voter preferences, alternative laws produced similar outcomes (Kaminski 1999, 84).

On the other side, the opposition embodied by Solidarity, demonstrated by all of the evidence we have examined, was essentially uninterested in the issue of electoral rules. The reason: Solidarity's negotiators essentially saw their agreement to the semi-free elections as a

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[10] See Perzkowski (1994, 445, in Kaminski 1999, 88), Sulek (1989). Kaminski notes that "even with a bit of anxiety, the potential electoral support estimated by a PUWP analyst was solid" (Public Choice, 1998:88). He points out that the PUWP analysis was estimated on the basis of different empirical data. A CBOS poll conducted between 21-24 January 1989 asked respondents "Does the PUWP activity serve society well and is it in agreement with society's interests?" 3.9% answered "Yes" and a further 22.3% answered "rather yes". 29% said "rather no" and a further 24.8% said "No" while 19.9% had no opinion. Combining the "yes" and "rather yes" figures gives a total of 26. 2% which is boosted further when adjusted for the "no opinion" category to over 32%. Source: CBOS opinion poll BD/30/4/89. It is interesting to note that by April 10 1989, just after the Round Table had concluded, only 15% of those who were prepared to declare themselves said that they would vote for the government coalition (CBOS quoted in Kwiatowski 1992).

trade-off for the relegalization of the union, which was their primary goal at the Round Table. Solidarity negotiators did not regard the choice of electoral rules as important because its negotiators did not regard the PZPR's promise of semi-free elections as a significant improvement on the affirming elections held in the communist bloc. Solidarity negotiator Grazyna Staniszewska remembers that the detail of the electoral law was not an issue for the union: "All that was important was to have an independent election committee…and if this was achieved that would be very good. The type of [electoral] ordinances didn't matter" (1999).

The agreement finally struck was the following. Formally, the party agreed to 425 Sejm seats distributed among 115 multi-member electoral districts (Gebethner 1997, 384) while Senators were to be elected in all 49 provinces (two each for 47 of them and three in Warsaw and Katowice). This "compartmentalized election system" (Olson, 1993) however with seven separate segments of electoral competition resulted in the system in practice functioning as in a single-member district under the majority rule (Gebethner 1997, 385). Specifically 65% of seats in the Sejm were assigned in advance to the ruling PZPR coalition.[11] Only 35% of the seats were reserved for non-affiliated candidates (Gebethner 1997, 384).

Overall the model applies poorly to the 1989 choice process, but this is primarily because the transitional context was so different from the normal legislative setting assumed by the model. Electoral rules in 1989 were being negotiated not as rules to a well-established game, but rather as one part of an overall process of political and institutional transition from one regime type to another. Both Solidarity's lack of interest in the electoral law and the PZPR's unwillingness to consider creative alternatives must be understood in this general context of transition. The party was not concerned with the minutiae of electoral formula because it was not playing the working democracy game at that juncture (Hayden, 2000). The PZPR was not interested in the detail of the payoffs accruing from alternative electoral

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[11] The seats were assigned in the following proportion: PZPR 37.6%, United Peasant Party, ZSL 16.5%, Democratic Party, SD 5.9% with a further 5% set aside for Christian Groupings.

formulae because the PZPR perceived that it had secured its control of power relations within the Sejm by getting Solidarity to agree to the 65-35 seat division.

One common feature of political transitions is their essential fluidity and high uncertainty, including uncertainty about expected political support. This uncertainty and lack of accurate information also played a critical role in the PZPR's miscalculation of the link between the SMD-runoff electoral system and its best seat-maximizing strategy. Hayden (2000) has shown that the PZPR failed to update its informational resources even when it was presented with expert advice from within its own ranks.[12] As has been argued in other contexts, the PZPR simply did not anticipate an electoral loss on the scale of what occurred in the June 1990 elections. As General Jaruzelski (2000) acknowledged: "We were used to winning the elections no matter what!"

We therefore judge the 1989 episode to fit poorly to the model because of the transitional political context. Because the electoral system was not the only nor even the main prize to be won from bargaining, the political sides did not pursue strictly seat-maximizing strategies. Instead, the lack of information and uncertainty, the poor definition of the political parties whose seats would be maximized, and the explicit recognition that the resulting legislature was to be transitional all caused seat-maximizing motivations to poorly explain the choice of electoral rules. Once politics became more normalized, however, this situation was to change quickly.

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[12] Professor A. Werblan wrote to Prime Minister Rakowski[12] (17th March, 1989) advising against the use of the majoritarian system for the Senate having already spoken to Round Table co-chair Professor Janusz Reykowski about the devastating impact he anticipated. Professor S. Gebethner, an adviser to the PZPR's coalition partner, the SD produced a report that was circulated to Round Table negotiators. He proposed a proportional system with 13 big constituencies and elections on three separate lists. He envisaged one list for party candidates, one for PRON (Patriotic Movement of National Revival) members and a third for the opposition. The seats would be allocated proportionally in three elections using the d'Hondt method (Hayden 2000, 18). Professor Gebethner is in no doubt that his electoral advice was available to the highest levels of the PZPR. He argues that the level of knowledge within the party of the differential impact of voting formula was extremely low but that this lacuna was exacerbated by a huge degree of "self-confidence" (Hayden 2000, 18).

5. The PR Electoral Law of 1991

Part of the original intent during the negotiations of 1989 had been that one of the first tasks of the resulting "contractual" Sejm would be to agree on a new electoral system to govern completely competitive parliamentary elections. But as the scheduled for October 1991 approached, the political forces that had forged the 1989 agreement were changing rapidly and dramatically. Most notable was the fragmentation of both Solidarity and the former ruling parties. Solidarity's Civic Parliamentary Club (OKP) had disintegrated and was in the process of transforming itself into a range of political parties. Meanwhile former PZPR deputies had divided into four separate parliamentary groups, the biggest of which was the PKLD. This fragmentation would have a direct and profound influence on the choice of the new electoral system.

The electoral alternatives were considered in a Constitutional Commission established by the Sejm for this purpose. Table 3 shows the political caucuses within the Sejm and the Constitutional Commission prior to the 1991 rule change. Debate over the new rules was dominated by the OKP (post- Solidarity coalition), the UD (Democratic Union), the PKLD (post-communist coalition), the PSL (Polish Peasant Party) and the SD (Democratic Party). Two basic versions of the new electoral law emerged out of the initial debates. The first version, produced by the Parliamentary Constitutional Commission, favored a system based on proportional representation. A second draft prepared by President Walesa proposed a majoritarian system. In general, however, the proportional system dominated the discussion and there was a general consensus that the system should be proportional (Raciborski 2000).[13]

[Table 4 about here]

In the negotiations in the constitutional committee, the OKP (the Post Solidarity Parliamentary Club) supported a mixed system. The OKP wanted each voter to have two

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[13] A mixed system, like the one adopted in 1989 in Hungary, was also briefly considered. The committee had ordered the Hungarian law to be translated into Polish, but nonetheless found it difficult to understand this complex system. There were also objections that the Hungarian party situation was different from Poland.

votes. Voters would cast one vote for a candidate in a single member constituency while their second vote was for a list of candidates in a multi-mandate constituency where the seat would be allocated using the d'Hondt system (Gebethner 2000).[14]

The post-communist PKLD opted for a purely proportional system and the Hare-Niemeyer method of seat allocation. This choice was influenced by the performance of its presidential candidate, W. Cimoszewicz who had been pleasantly surprised by his 9.2% of the vote at the 1990 presidential election.

While there were some elements within the post-Solidarity Democratic Union (UD) who favored a plurality system, this party strongly endorsed the proportional system in the constitutional committee. The Democratic Union, which had split from the OKP, proposed the d'Hondt formula. Many of the UD deputies were well-known Solidarity heroes and felt that they could do well in a plurality system. The party perceived itself as strong electorally with 14-15% ratings in the polls and therefore felt that d'Hondt was more to its advantage than Hare-Niemeyer (Litynski 2000). However as UD member Jan Litynski points out, the constitutional committee eventually supported the Hare-Niemeyer method in the context of the perceived weakness of the former communists. This desire to look after post-communist interests should be understood in terms of the agreements and bonds formed during the Round Table process.

As a former PZPR ally, the Polish Peasant Party (PSL) was fighting for its political life. They had few well-known leaders and strongly supported the introduction of a PR system. As a class-based party, PSL hoped to benefit from having a regional structure but they did not have a good relationship with the media. Proportional representation was the solution for a

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[14] The d'Hondt formula is one of a number of mathematical methods for converting seats into votes under systems known as proportional representation. The common understanding of the Polish decision-makers followed the conventional wisdom in electoral studies, namely that the d'Hondt system is the least proportional and most favorable to large parties, followed by the Sainte-Lague, the modified Sainte-Lague, and finally the Hare/Hare-Niemayer formula, with the last resulting in the greatest proportionality and favorability to smaller parties. See Benoit (2000) for details on the proportionality of various formulas.

party in their position and they knew it.[15] The party proposed the Hare-Niemeyer formula. The PSL's leader Aleksander Luczak was the chair of the special constitutional committee on the new electoral rules.

The Union or Solidarity of Labour was a left-wing offshoot of Solidarity. It split from the OKP but also supported proportional representation, as did the KPN, the Confederation for an Independent Poland (Non-Solidarity opposition led by opposition veteran, Leszek Moczulski).

President Lech Walesa opposed the proportional system and used his veto twice to override the Sejm's vote for a proportional law.[16] Both he and his kitchen cabinet headed by Jaroslaw Kaczynski (later the leader of the Centrum Alliance or PC) favored single member constituencies or the FPTP system. Walesa was concerned by the scale of fragmentation after the "War at the Top" and wanted to decrease the number of parties. Both Walesa and Kaczynski supported the majoritarian system because they thought it went hand in hand with the presidential system they hoped to develop in Poland (Winczorek 2000). When it became clear that PR was going to win out, however, Walesa then argued in favor of the Sainte-Lague method for both constituencies and the national list. The president was hoping that this method would be beneficial to the electoral interests of medium sized parties (Chrusciak 1999, 6; Winczorek 2000). At worst, Walesa was prepared to tolerate a mixed system but the Sejm overturned his veto by the two-thirds majority required and the new law was eventually passed on 28 June.

The highly fragmented Sejm eventually accepted the Hare version of PR—considered by all to be the most proportional of PR formulas—instead of the Sainte-Lague or d'Hondt methods and it rejected adopting a thresholds. The fragmented parties were clearly afraid of legal thresholds and seat allocation methods that favored larger parties (Gebethner in Lijphart

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[15] Dr Jacek Raciborski, chair of the sub-committee on voting formula and district magnitude in an interview with Hayden (2000).

[16] A two-thirds majority of the Sejm is required in order to overcome the Presidential vet o.

and Waisman 1996, 68). However, a 5% threshold and Sainte-Lague were agreed for the national list.

During the period of the debate over the new electoral law support for political parties and groupings was shifting, as was the make-up of the various caucuses. The most popular parties were the Solidarity Civic Committees. Its support decreased from nearly 40% (78% adjusted for favor none and don't knows) in August 1990 to 15% (32%) in December. Support for each of the separate parties within the OKP was also low (below 10%) but combined the post-Solidarity parties and the Civic Committees had the support of more than a third of eligible voters (Gebethner 1996). President Walesa's support for a majoritarian system should be understood in this context. He hoped to harness the post-Solidarity vote behind a populist rightwing presidential style party that he would in effect control. The OKP's own support for a mixed system is logical and seat maximizing as was its support for d'Hondt, given its level of support in opinion polls. The post-communist PKLD, PSL and SD would have been eliminated were a 5% threshold introduced so their support for pure list and Hare-Niemeyer is consistent with a seat maximizing strategy. The post-Solidarity UD, who estimated that they had about 14-15% in the polls (Litynski 2000), also displayed a seat-maximizing strategy with its decision to support d'Hondt. However, UD eventually supported the Hare-Niemeyer proposal in the context of its Round Table agreements with the former communists. The UD did not wish to renege on that agreement by voting for a vote aggregation formula that would have resulted in the PKLD being excluded from the new parliament.

With the exception of the UD's conciliatory stance towards the PKLD preference for the highly proportional system, the preferences held and pursued by the parties in 1991 were generally seat maximizing. And even the UD favored a less proportional version of PR than the non-Solidarity parties. The post-Solidarity OKP, expecting the most votes, favored the least proportional of the systems being considered (mixed-member). The post-communist and

independent deputies favored the highly proportional Hare-Niemeyer system with no threshold. In the end, it was this system that was adopted for several reasons.

First, and highly consistent with the model, the only minimum winning coalition that could secure passage was the highly proportional Hare PR system. Once Walesa had vetoed the first version of this bill, a two-thirds majority was then required to overcome the veto. This meant that only an electoral law that could secure the support of nearly every party would pass. Since most of the seats were held by parties expecting low levels of support, the proportional rules were the only ones capable of attracting a coalition of parties each willing to support it.

Second, uncertainty over expected votes made the highly proportional system the most attractive to the most parties. Given the still transitional context, not only were expected votes difficult to calculate but also the parties themselves were still rapidly changing and realigning. Solidarity (OKP) in particular was not a traditional party but rather a collection of political forces that would soon splinter into numerous other parties—as indeed happened on the eve of the 1991 elections when the OKP ceased to exist. Evidence strongly indicates that parties understood the workings of the electoral laws and were aware of alternatives, but because of the still transitional context were uncertain of their expected votes. "They knew what comes out of what formula but the problem was that the reality they were dealing with was absolutely fluid" (Raciborski 2000).

Finally, remaining legacies of the transition made some parties, namely UD, still unwilling to pursue complete seat-maximization at the cost of antagonizing the former regime parties. The more moderate Solidarity wing was still afraid that democracy might be endangered if the opposition were to renege on informal commitments made at the Round Table negotiations. This motivation is not consistent with the model predictions outlined here but the exception is consistent with the problems of transitional context identified in the 1989 episode.

6. The More Restrictive PR Electoral Law of 1993

The 1993 rules arose out of the 1991 episode that had produced a highly fragmented parliament. Depending on how one counted there were either 23 or 29 caucuses in the Sejm with some 60 deputies elected from small parties (Litynski 2000). The two biggest parties, UD and the SLD had only 62 and 60 seats respectively in a 460-seat parliament. There was a widespread view that the highly proportional electoral rules were impeding the consolidation of the party system and making the formation of stable coalitions impossible (Raciborski 2000). Social and moral legislation including a heated abortion debate, combined with the usual tensions of economic transition, produced a highly fractious and tense period in Polish politics. In order to manufacture a majority that excluded the post-communists, it was necessary to get some 7 or 8 parties to agree. The result was to push forward on the institutional agenda a more restrictive law that made effective governance more plausible.[17]

[Table 5 about here]

The preparatory work on the new electoral law was based on a bill submitted by the Democratic Union (UD). As one of the two largest parties in the Sejm, the UD and the SLD were to the forefront in calling for the introduction of thresholds and were joined by the KLD in supporting d'Hondt. Consensus emerged between SLD (post-communists), UD (Democratic Union), KLD, (Congress of Liberal Democrats), PSL (Peasant Party) and KPN (Confederation for independent Poland) on the need for a less proportional electoral law. These parties favored the less proportional d'Hondt seat allocation system, smaller constituencies and the introduction of a threshold. These were the largest parties to have won seats in the 1991 elections, and also those groups holding the largest shares of seats during the electoral law debate in 1993 (see Table 5). According to Gebethner (2000), "The Democratic

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[17] For Democratic Union MP Jan Litynski the issue was clear: "We wanted to eliminate smaller parties. We wanted a threshold and d'Hondt. We are against majority systems and we thought the threshold and d'Hondt was enough."

Union was very confident and convinced it would win, as was the KPN and KLD. They were all happy to go for d'Hondt because they felt strong. It was the conspiracy of the 'great four.'"

The Sejm passed a new electoral ordinance on the May 28th 1993. A 5% threshold for individual political parties was introduced with an 8% threshold for coalitions and a 7% cut off for the 69 national list seats. The d'Hondt method replaced Hare-Niemeyer and the structure of the electoral districts was changed. The number of electoral districts increased from 37 multi-member to 52 multi- member districts, with between 3 and 17 mandates (Chrusciak 1999).

Parties who perceived a threat to their seat share from the more restricted measures generally opposed the introduction of thresholds and the d'Hondt system. The ZChN (the Christian National Union, which had run as WAK/Catholic Electoral Action in the 1991 election) was highly critical and suggested that the thresholds for parties, coalitions and the national list be reduced to 3,6 and 5% respectively. Although the ZChN held 44 seats in 1993, it was polling only 3 percent in the polls at the time and feared it might not pass a higher threshold. The Movement of Poland (RdR) was the most critical of the bill. They were vehemently opposed to proportionality, national lists and privileges for larger parties. The post-Solidarity leftist Labour Union, with 4 seats, opposed the electoral law. Its leader R. Bugaj described the bill's pro-big party measures as an "outright swindle" (Chrusciak 1999). All of these parties were receiving fewer than 3 percent in the trial heat polls held in May 1993. One exception to the seat-maximizing behavior is the NSZZ Solidarity trade union, which reached a total of 14 percent in the May 1993 polls. Despite this favorable result, it favored a lower threshold.

As a whole we see much more conformity to the seat-maximizing model in 1993 than in previous episodes. After the gridlock and government instability seen following the 1991 elections, the largest parties wanted to restrict the electoral laws to exclude small parties. On balance, the parties expecting the most seats, as measured by the polls on the eve of the electoral law modification, supported the change. The smaller parties expecting fewer votes

opposed the change. The only exceptions were the remaining post-Solidarity parties PC and NSZZ-S. In the case of PC, estimating only 1 percent of the vote, the support for the more restrictive law was simply not seat maximizing. In the case of the NSZZ-S, a party closely allied to Walesa, the party supported a lower threshold despite its 14 percent in the polls. It may very well be, however, that the unity of this "party" was in doubt since it consisted in fact of three factions of NSZZ-S, and Solidarity had shown its propensity previously to fragment. Finally, the KPN supported the more restrictive law despite a low showing (6%) in the polls. Incidentally, all three parties ceased to exist following the 1993 election. Generally, however, the parties "from the point of party interest…were absolutely rational. In the case of KPN and the Freedom Union there was an error of judgement. But it did not exclude rationality" (Gebethner 2000). Parties were linking self-interest to institutional positions, judged in most cases perfectly consistent with seat maximization given the polls taken in May 1993 when the vote on the electoral law change occurred.

7. The Attempted Change of 1997

The non-change episode of 1997 is interesting for a variety of reasons. First, because the initial[18] proposal for change was a clear response by the PSL to their diminishing support in the polls, UW supported the PSL proposal to replace d'Hondt with Sainte-Lague in the context of their own reduced ratings. Both parties were showing 7 or 8% ratings in opinion polls in the run up to the vote (see Table 6). As UW MP Jan Litynski (2000) recalls: "It is a constant motif – PSL and Freedom Union have the same interest in the system of counting but quite another perception of the number of districts." This proposal did not go to a vote, as it was not revived after the re-commencement of the Sejm term. At that time, PSL thought that the introduction of Sainte-Lague would increase its seat share because its support in the polls was flagging and the Sainte-Lague favors smaller parties more than d'Hondt. A second

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[18] Document number 2144, 26 Sept. 1996.

proposal was introduced by UP (Labour Union) in February 1997.[19] This proposal sought to replace d'Hondt with Modified Sainte-Lague, which is likewise viewed as more favorable to smaller parties than the d'Hondt. Neither the PSL nor the UP proposals would have modified the district magnitudes, the thresholds, or the national list structure. The bill also would have placed limits on election campaign expenditure which also would have mitigated the large-party bonus. Another interesting aspect of this episode is the fact that the AWS, Solidarity Electoral Action, which had been formed in June 1996 to fight the 1997 election, was not directly represented in the 1993 Sejm.[20] However, several of the smaller parties that would later join the AWS joined forces with the SLD in opposition to the UP proposal on the basis of AWS's strong showing in the opinion polls.[21]

[Table 6 about here]

Ultimately, the UP proposal to replace d'Hondt with Modified Sainte-Lague was defeated by the combined vote of the SLD, AWS, and the AWS-inclined rightist parties. A new electoral law was passed the following day (June 27, 1997) but made no essential changes to existing procedures.**[22]**

The 1997 episode provides the clearest example yet of seat-maximizing manipulation. In this case a coalition of all parties except SLD and AWS attempted to pass an electoral alternative that would have provided more seats for smaller and medium sized parties that the status quo (d'Hondt) rules. The measure failed to pass since without the AWS support, the SLD measure lacked enough votes to overcome the majority decision rule for passage. The AWS, although small with only 16 seats at the time of the vote, anticipated being a big party

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[19] Document number 2203. 6 February 1997.

[20] The configuration of parties in the 1993-1997 Sejm was very misleading, as most of the 35% of the unrepresented voters had supported post-Solidarity right-wing parties and electoral coalitions. The main rightwing parties actually won 29.24 % of the vote in 1993 which was lost because of the high degree of fragmentation.These parties went on to form the AWS coalition which secured nearly 34% of the vote in the 1997 election.

[21] Parties such as 'Fatherland' Catholic Election Committee list, KPN, BBWR, PC, PSL-PL and NSZZ –S, which were all represented in the 1993 Sejm joined AWS when it was formed in 1996.

[22] The main idea was to limit the number of parties by making the conditions for registration more onerous. According to the new law the application for legal registration of a new party must be supported by at least one thousand adults. See Wojtaszcyk (1999, 72).

in the next legislature given their 21 percent in the polls. The parties in the Other category (Table 6) likewise considered that they would gain more seats with the less proportional d'Hondt since they anticipated joining AWS in the election. Given the polls and the expectations at the time, the positions taken and the outcome of the vote fits squarely within the model predictions.

8. The 2001 Electoral Law Change

The proposal to amend the electoral law arose in the context of the new administrative division of Poland introduced on January 1, 1999. A number of amendments were proposed to the Electoral Ordinance of 28 May 1993. Proposals considered included drafts submitted by the SLD, the PSL, UW, and the AWS.

The SLD draft[23] proposed that 391 seats be distributed among 52 multi-member districts with electoral districts ranging from 5 to 12. It also proposed that 15% of the seats (69) should be distributed nation-wide. These seats would be allocated in accordance with the number of valid votes cast for the party list in a district but not in all electoral districts. Seats won from this 69-seat national pool would be allocated to those who got the majority of votes in their districts. Commonly, they would be those who got a seat from a district too. In that case, they take a mandate from a national list and a mandate from a district goes to the runner-up of this party list. They favored the retention of d'Hondt. The SLD claimed that this new structure of electoral districts would guarantee a just representation also for those parties with between 8 15% of the vote. At the same time, the new national list rules would favor the largest parties.

[Table 7 about here]

The PSL draft[24] proposed 460 seats distributed among 36 multi-member districts with electoral districts ranging from 7 to 19, with no national list. There would be 43 electoral

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[23] Document number 1229, July 1 1999.
[24] Document number 1290, July 19 1999.

districts (one extra created from a division of one *voivodship*) ranging from 6 to 16 in size. The PSL draft proposed that modified Sainte-Lague be introduced to replace d'Hondt.

The AWS-SKL draft[25] proposed 460 seats distributed among multi-member districts with electoral districts ranging from 10 to 19 (the number of districts is not included in the proposal). They sought the abolition of the national list but favored the retention of the d'Hondt system

The UW proposal[26] sought 391 seats distributed among 37 multi-member districts with electoral districts ranging from 8 to 16. UW favored the retention of 69 national list seats but proposed the introduction of Sainte-Lague method (not modified). Moreover, at least one third of all candidates on the list should be women.

The AWS proposal[27], proposed 410 seats distributed among multi-member districts with electoral districts ranging from 6 to 12. The AWS draft retained the national list but reduced the number of seats to 50. The AWS also supported the retention of d'Hondt.

Two separate wings of Solidarity Electoral Action produced draft electoral laws. One version was presented by the so-called social movement wing of AWS while a second draft has been produced by the conservative wing (AWS-SKL). The two proposals were quite different in terms of preferred number of seats and position on the national list.

> According to the polls, the AWS is not a big party. From their point of view supporting a near majoritarian system is like handing power to the post-communists. But they are trying to pretend that they are a big party so they want to support a less proportional system, but their position is totally inconsistent. Many of the parties within the AWS coalition know that a non-proportional electoral law will destroy them. (Litynski 2000)

The logic of Jan Litynski's assessment of the AWS's position was eventually taken on board by the coalition and reflected in its vote for modified Sainte-Lague (see table X4). Given their respective positions in opinion polls, the fact that UW and the PSL made similar proposals is not surprising and both are consistent with a seat maximizing strategy. Both

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[25] Document number 1390, 29 Sept. 1999.
[26] Document number 1391, 9 September 1999.
[27] Document number 1935, 1 October 1999.

opted for larger electoral districts (PSL 7-19; UW 8-16) and for a version of Sainte-Lague. SLD's support for smaller districts (5-12) is highly rational as is their support for d'Hondt given their dominant position in the polls.

On March 7, 2001 the Sejm passed a new electoral law introducing significantly greater proportionality. The changes included changing the d'Hondt formula to Modified Sainte-Lague, increasing the district sizes, and abolishing the national list previously regarded as providing a bonus for the largest parties. The most unexpected amendment was the abolition of the national list. The Sejm also voted in favor of a change from d'Hondt to modified Sainte-Lague. A total of 236 deputies belonging to AWS (Solidarity Electoral Action), UW (The Freedom Union) and the PSL (Polish Peasants' Party voted for the amended law, while 170 deputies from the SLD and part of the new Civic Platform voted against. It is estimated that the new rule could cost the SLD up to 30 seats in the parliamentary elections scheduled for the autumn. It was also decided that the Senate election would take place in 40 constituencies according to the majoritarian system (*Warsaw Voice* March 18, 2001 p.7).

The 2001 episode was essentially a replaying of the 1997 episode, except that this time the non-SLD coalition passed the change making the system more proportional and less favorable to large parties. The key difference was that in this episode, the AWS supported the change to greater proportionality. The payoff it perceived in 2001 was different from that in 1997, since it had just 16 percent in the polls compared with the SLD's 36 percent. The AWS poll support was steadily dropping (see Figure 1) while the SLD support was steadily rising. In this context the AWS and all other non-SLD parties perceived they could gain more seats with a more proportional law. With enough seats to pass the alternative, they overrode the SLD's 0 to 155 vote against and passed the change.

9. Conclusions

Our examination of the Polish case has applied a process-based model to the evolution of the Polish party and electoral system since its transition in 1989. Using the technique of analytic

narratives and drawing from a variety of first-hand qualitative and quantitative data, we have applied the office-seeking model to a total of five episodes of institutional change in Poland. The basic finding is this: while the transitional episodes fit rather poorly, as legislative and party politics becomes more normalized, the office-seeking model increasingly explains the process of institutional change and persistence in Poland. The transitional setting fits poorly for several reasons, mostly because the assumptions of the model about the informational context and about the clear identities and interests of parties did not apply in the fluid conditions of the Polish transition. While this is not necessarily a feature of transitions from communism—for instance Benoit and Schiemann's (2001) account of the Hungarian transition showed a high degree of seat maximization in the Hungarian case—it was the case in Poland.

As partisan identities and interests form more clearly, and as information becomes more reliable, office-maximizing behavior quickly dominates the struggle for electoral institutions. As experience accumulates, parties have become more boldly seat-maximizing in their manipulations of the institutions, and more consistently so. From the examination of the five episodes, a clear trend towards seat-maximizing behavior is apparent. The observed process seems to confirm the observation of one of the original advisors on the 1991 electoral law:

> There has been a phenomenal leap in terms of knowledge. All the parties have experts now. There are many books published on these matters now… We have had ten years of practice. The elites enjoy the rules of the game—electoral geography is a passion for some deputies. They are professional and they understand the game. (Raciborski 2000)

Furthermore, parties that do not conform to the seat-maximizing behavior outlined here are quickly eliminated. For instance, the PC who had supported a more restrictive law in 1993 despite its extremely low support in the polls ceased to exist as a party following the 1993 election. The KPN also harmed itself in that election by having favored a less proportional formula than its polled support warranted. In general, the model's increasing fit over time comes from a self-realizing dynamic of electoral system and party system change: that parties over time must be seat maximizing in order to continue to exist as legislative groups. Parties

that do not follow a seat-maximizing logic are consequently eliminated because parties that do understand the logic of institutional manipulation apply this process to exclude or eliminate the others.

In the model there is a prediction of equilibrium when no coalition of parties exists that also has the power to adopt an alternative institution. Given the possibility that the SLD may win a legislative majority in the 2001 elections, it may very well be the case that it will be in a position to once again change the electoral law in its favor (towards less proportionality). Because of the rapidly changing support for the parties, coupled with the simple majority rule required to amend the electoral law, the equilibrium condition where the electoral institutions stabilize has yet to be reached in Poland. The parties are thus likely to continue to shape the electoral law, which in turn affects their legislative fortunes.

Here we have examined the model in a single-country context over time, but it is applicable to a variety of contexts. In particular, the other countries of Eastern Europe would be excellent cases for further testing the applicability of the office-seeking model. Recent electoral system changes have occurred in the Czech Republic, Slovakia, and Lithuania. These changes and the general pattern of party and electoral system change since transition could be examined using the framework developed here. While it has not experienced a recent manipulation, a more stable institutional system such as Hungary's could be examined as a contrasting case.

Appendix: Chronicle of Key Events

April 5, 1989   Roundtable talks conclude with an agreement to hold semi-free elections.

June 4, 1989   Semi-free election is held using single-member districts; Solidarity wins 160 of 161 contested districts and 99 of 100 seats in the Senate.

Jan 28, 1990   SdRP (Social Democracy of the Republic of Poland) formed as successor to PZPR

July 16, 1991   A coalition of post-communist parties – the SLD (Democratic Left Alliance) is formed.

June 28, 1991   Enactment of highly proportional Sejm electoral law.

Oct. 27, 1991   Elections produce 29 parties in the Sejm.

Oct. 17, 1992   Small Constitution is passed. Article 3.1 states that elections will be organized according to the principle of PR.

May 28, 1993   Enactment of new electoral law reducing proportionality and introducing a minimum threshold of 5%.

Sept. 19, 1993   Elections return the post-communist SLD (Democratic Left Alliance).

April 23, 1994   Freedom Union (UW) is formed from the Democratic Union (UD) and the Liberal Democratic Congress (KLD).

Nov. 20, 1995   ROP (Movement for the Reconstruction of Poland) coalition of post-Solidarity centre-right parties is formed.

June 8, 1996   AWS (Solidarity Electoral Action) is formed from the main post-Solidarity rightist parties

April 2, 1997   Constitution of the Polish Republic is passed. Guarantee of PR in Article 96.2.

June 26, 1997   A UP proposal to replace d'Hondt with Sainte-Lague was narrowly defeated by a combined vote of the SLD and the AWS. The electoral law passed on June 27 made no substantial changes.

Sept 21,1997   Election returns AWS/UW coalition.

March 7, 2001   Sejm passes new electoral law that changed the d'Hondt formula to Modified Sainte-Lague, abolished the national list, and reduced the number of districts from 52 to 36.

(October 2001)   Legislative elections are scheduled to take place.

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Election Date	Electoral Law	Summary
June 4, 1989	April 7, 1989 following Roundtable Agreement	*(Electoral Law 0)* 35% of the Sejm seats (161) contested freely using SMD with majority-runoff rule.
Oct. 27, 1991	June 28, 1991	*(Electoral Law 1)* Hare–Niemayer PR from 37 districts; 69-seat national list. Thresholds: none for districts; 5% for national list or winning seats in at least 5 constituencies.
--	Oct. 17, 1992 "Little" Constitution	Article 3, Section 1, Chapter 2 states that the principle of proportionality will be the basis for the electoral law. A two-thirds vote of the Sejm is required to amend the constitution.
Sept. 19, 1993	May 28, 1993 Passed in the Sejm	*(Electoral Law 2)* D'Hondt PR from 52 districts; 69-seat national list. Thresholds: 5% nationwide for districts, 8% for coalitions; 7% for national list.
--	April 2, 1997 Constitution approved	Also incorporated the principle of proportionality. Amendment provision: two-thirds vote of the Sejm, plus a majority vote of the Senate.
Oct. 20, 1997	June 27, 1997 Sejm vote to change law failed 182 to 181	*(Electoral Law 3)* Narrow defeat of a proposal that would have introduced more proportionality by changing d'Hondt formula to Modified Sainte-Lague.
Scheduled for Fall 2001	March 7, 2001 Sejm approves new law	*(Electoral Law 4)* Modified Sainte-Lague PR from 36 districts, no national list. Thresholds unchanged.

Table 1: Elections and Electoral Laws in Poland Since 1989

Party	Election 1991		Election 1993		Election 1997	
	Seats	% Seats	Seats	% Seats	Seats	% Seats
AWS					201	43.7%
SLD	60	13.0%	171	37.2%	164	35.7%
UW					60	13.0%
PSL	50	10.9%	132	28.7%	27	5.9%
KdR/ROP		0.0%			6	1.3%
Mniejszosc Niemiecka	7	1.5%	4	0.9%	2	0.4%
UD	62	13.5%	74	16.1%		
Solidarnosc Pracy/UP	4	0.9%	41	8.9%		
KPN	51	11.1%	22	4.8%		
BBWR		0.0%	16	3.5%		
WAK	50	10.9%				
PC	44	9.6%				
KLD	37	8.0%				
PSL-PL	28	6.1%				
NSZZ "Solidarnosc"	27	5.9%				
PPP	16	3.5%				
Others	24	5.2%				
"Effective" Parties		10.2		3.9		3.0

Table 2: Election Results Since 1991

Party	Description	Estimated Support	Favored electoral alternative
Regime			
PZPR	Communist Worker's Party		
PSL	Polish Peasant Party	Total 30%	SMD majority-runoff
SD	Democratic Party		
Opposition			
Solidarity	Solidarity Trade Union	20-25%	Indifferent to: SMD majority-runoff List PR STV

Table 3. Political sides in 1989 and positions on electoral system alternatives

Party caucus	Description	Seats Held June 28, 1991	Polled support	Favored Proposal	Roll Call Vote June 28, 1991	
					Votes For	Votes Against
OKP	Post- Solidarity parties without the Democratic Union –UD	106*		Mixed-member system	6	85
UD	Democratic Union, liberal intellectual wing of Solidarity	43	32%***	Pure list PR (d'Hondt)	40	1
PKLD	Pre SLD, post-communist party – Parliamentary Caucus of the Democratic Left.	103**	4%	Pure list PR (Hare-Niemeyer)	77	3
PSL	Peasant's Party	75	12.2%	Pure list (Hare-Niemeyer)	57	3
SD	Democratic Party, former PZPR ally	21	1.8%	Pure list (Hare-Niemeyer)	13	5
Indep.	Non-affiliated deputies	112	50%	varied	14	5
					Total 258	Total 123

Table 4. Political Caucuses with the Sejm and within the Constitution Committee at the time of the 1991 Rule Change.
Source: Seats and polls compiled from Gebethner (1996); polls refer to December 1990 figures. Roll call votes are from Minutes from the 63rd session of the Sejm on 13, 14 and 15 June 1991. Sejm of the Republic of Poland. Tenth Term. Warsaw 1991.

*Other parties within the post-Solidarity parliamentary grouping included SP (Solidarity of Labour – later UP)with 6 deputies and the non-communist Peasant Party, 4 deputies. There were 20 non-affiliated pro- Solidarity deputies.
** Within the former communist groupings there were also the Polish Social Democratic Union with 41 deputies as well as a further 17 with other affiliations.
***OKP percentage poll includes UD.

Party caucus	Description	Seats Held May 28, 1993	Polled support May 1993	Favored Proposal	Roll Call Vote May 28, 1993	
					Votes For	**Votes Against**
UD	Democratic Union, liberal intellectual wing of Solidarity	57	13	d'Hondt PR, threshold, 52 districts	48	0
SLD	Post-communist party formed from PKLD	58	12	d'Hondt PR, threshold	47	0
KPN	Confederation for an Independent Poland – Non-solidarity opposition	46	6	d'Hondt PR, threshold	43	0
PSL	Peasant's Party	49	12	d'Hondt PR, threshold	37	0
PPL (KLD)	Polish Liberal Program (Liberal Democratic Congress)	49	9	d'Hondt PR, threshold	35	1
PC	Center Alliance, Post-solidarity right	23	1	d'Hondt PR, threshold	17	3
ZChN	Catholic Coalition (formerly WAK)	44	3	Opposed d'Hondt formula Wanted 3% threshold	1	37
NSZZ-S	Solidarity Trade Union	26	14	Wanted lower threshold	0	21
KP	Polish Convention, connected with Catholic Coalition (WAK)	28	--	Opposed threshold	0	18
PL	Peasant Party (non-communist)	19	3	Opposed threshold	0	15
RdR	Movement for the Republic	16	3	Opposed threshold	1	11
Others	MN+UP+CHD+AP+Nadzieja+ UPR	28	2-8	Opposed threshold	8	16
Indep.	Non-affiliated deputies	17	--	various	2	10
					Total 239	**Total 132**

Table 5. Political Groups in the Sejm and Favored Positions on the 1993 Electoral Law.
Source: Polls from CBOS monthly polls; roll call votes are from Minutes from the 42nd session of the Sejm on 15, 16 and 17 April 1993.
Voting results. Sejm of the Republic of Poland. First Term. Warsaw 1993.

Party caucus	Description	Seats Held June 26, 1997	Polled support June 1997	Favored Proposal	Roll Call Vote June 26, 1997	
					Votes For	Votes Against
SLD	Post-communist party formed from PKLD	169	26	Status quo (d'Hondt)	0	146
AWS	Solidarity Electoral Action, Umbrella organization of numerous post-Solidarity parties	16	21	Status quo (d'Hondt)	0	8
Other	KPN, PPP, KKL, MN, NDKP, PPS (all later joined AWS)	3-8 each	--	Generally status quo	2	17
PSL	Peasant's Party (post-communist)	138	8	Plain Sainte-Lague	87	3
UW	Freedom Union	65	7	Plain Sainte-Lague	57	3
UP	Labor Union	33	8	Modified Sainte-Lague PR; same 52 districts; same national list	29	0
KP-BBWR	Non-Party Bloc for the Support of Reforms	44	--	Modified Sainte-Lague	5	0
Indep.	Non-affiliated	11	--	Various	1	5
					Total 181	Total 182

Table 6. Political Groups in the Sejm and Favored Positions on the 1997 UP Proposal.
Source: Polls from CBOS monthly polls; roll call votes are from Minutes from the 110th session of the Sejm on 24, 25 and 26 June 1997.
Voting no. 115. Sejm of the Republic of Poland. Second Term. Warsaw 1997.

Party caucus	Description	Seats Held March 7, 2001	Polled support February 2001	Favored Proposal	Roll Call Vote March 7, 2001	
					Votes For	Votes Against
SLD	Main post-communist party	161	36	d'Hondt PR, 52 districts; 69 national list seats	0	155
AWS	Solidarity Election Action, broad coalition of more than 30 parties	175	16	d'Hondt PR; 50 national list seats	155	4
UW	Freedom Union	49	10	Sainte-Lague, 37 districts; 69 national list seats	39	0
PSL	Peasant's Party (post-communist)	26	10	Modified Sainte-Lague, 36 districts; no national list	21	1
Other	PP, ROP-PC, KdP	17	0-1	Generally pro-PSL	9	0
Independent	Non-affiliated	32	--	various	12	10

Table 7. Political Groups in the Sejm and Favored Positions on the 2001 Electoral Law Change.
Source: Polls from CBOS monthly polls; roll call votes are from Minutes from the 103rd session of the Sejm on 6, 7 and 8 March 2001.
Voting no. 75 Sejm of the Republic of Poland. Third Term. Warsaw 2001 (**http://www.sejm.gov.pl**).

Figure 1. Party Fiat Power, 1991-1993
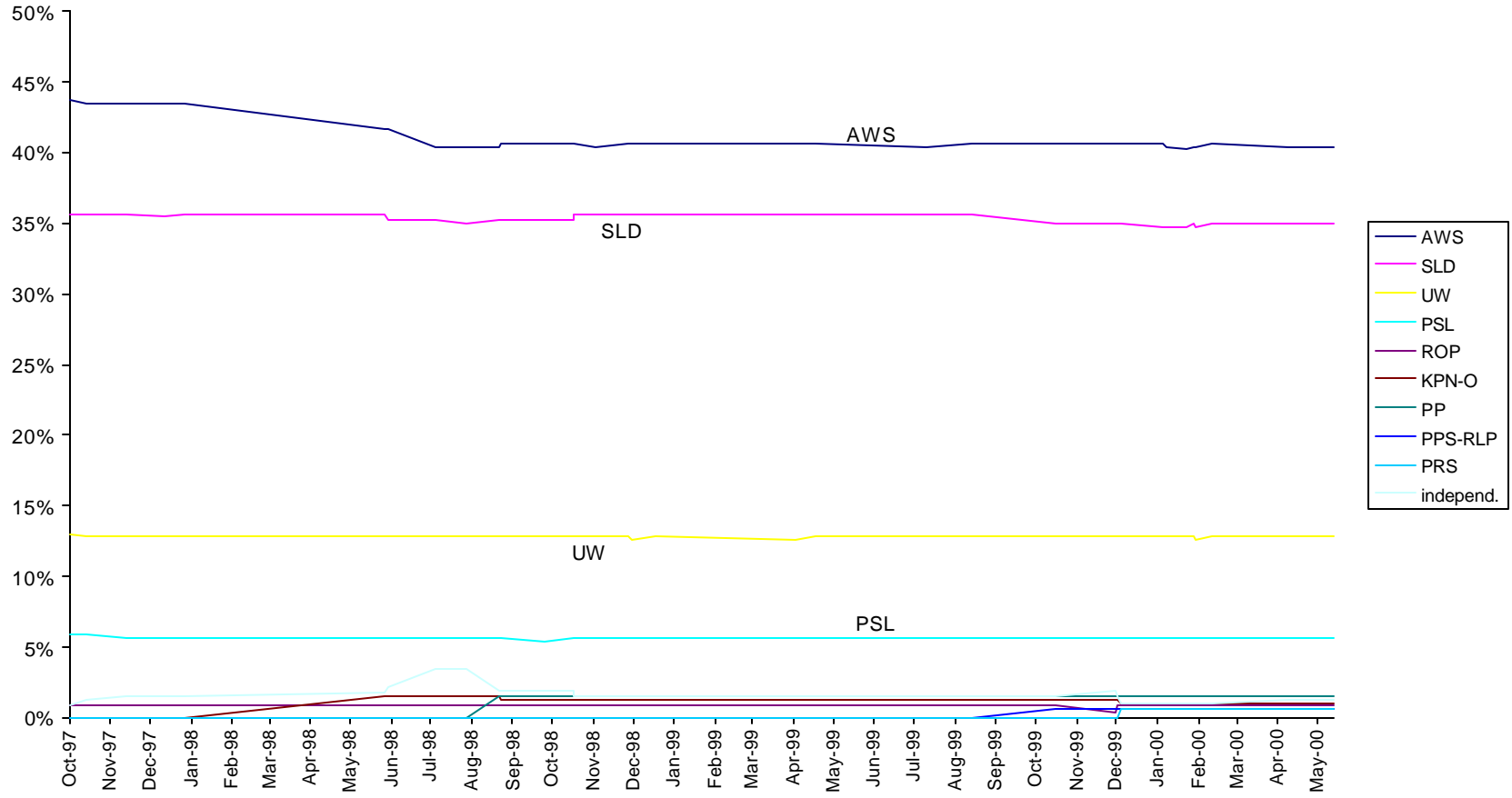
Figure 2. Party Fiat Power, 1993-1997

Figure 3. Party Fiat Power, 1997-2000

Figure 4. Party Trial Heat Trends