The quality of democracy and institutional reforms: the case of Poland

Anna Gwiazda
Department of Political Economy
King’s College London

Abstract
This paper examines the quality of democracy and the role of institutional reforms for improving democracies, specifically looking at the case of Poland. Drawing on the procedural definition of democracy, this paper proposes to evaluate four dimensions of democracy: representation, participation, competition and accountability. This paper argues that institutional design and reforms are vital for understanding the performance of democracies. This paper is an important contribution to debates on democratic performance and evaluation in the context of the alleged crisis of democracy.

\[1\text This paper draws on Gwiazda, A. (2015) Democracy in Poland. London. Routledge.\]
1. Introduction

The analysis of the quality of democracy is concerned with the issue of deepening democracy and improving its performance. This paper reminds us that democracy is a set of procedures and should be first evaluated on procedural grounds. The set of procedures provides the opportunity to be represented in political institutions, to participate in a decision-making process, to compete freely in elections and to hold governments accountable. Hence, representation, participation, competition and accountability are four dimensions which are examined when using the procedural approach.

The variation in democratic performance can be explained by various factors but this paper uses an institutional account. Institutions influence political outcomes. According to North (1990: 3), ‘institutions are the rules of the game in a society or, more formally, are the humanly devised constraints that shape human interaction.’ There are two types of institutions: formal and informal institutions. Formal institutions are ‘formal constraints’ and ‘formal rules’ such as constitutions, statutes and contracts (North 1990: 46). Informal institutions are ‘informal constraints which come from socially transmitted information and are a part of the heritage that we call culture’ (North 1990: 37). They include conventions, codes of conduct, norms of behaviour, traditions, customs and social norms. Formal institutions can affect political life in several different ways, for example, they change the pattern of incentives for particular action or inaction by political actors. Political culture shapes political behaviour. In sum, both formal and informal institutions are likely to influence political outcomes.

This paper presents an in-depth, empirically grounded single-country study showing a diachronic comparison of two decades of democratic politics in Poland; from the collapse of the communist regime in 1989 until the 2011 parliamentary election. Studying democracy in Poland merits attention for several reasons. First, it was the first state in Eastern Europe to start the process of democratization. The Round Table of 1989 set in motion a domino process that led to the fall of communism in Eastern Europe and Poland’s historic contribution is now widely understood (see Hayden 2006; Linz and Stepan 1996). Second, it offers a unique opportunity to examine both the processes of construction and deepening of democracy. Third, analyzing democracy in Poland can shed a new light on debates concerning democracies. The main theme in these debates is the crisis of democracy. Although discussions about the democratic crisis are not limited to Europe and the present day only, the Eurozone crisis has intensified these debates. Many argue that Europe has experienced an unprecedented economic and financial crisis with possible harmful, if not destructive, implications for democracy, as evidenced by the rise of populist politics and authoritarian tendencies (see De Witte et al. 2012; Rupnik and Zielonka 2013). In general, the crisis of democracy argument focuses on the growing evidence of public disillusionment with the institutions of advanced industrial democracies and the disconnection between citizens and decision makers (Smith 2011). The decline in electoral turnout, low levels of trust in politicians and political institutions and the decline in the membership of political parties and trade unions are other facets of the crisis (see Franklin 2004; Norris 2011; Van Biezen et al. 2012).

The remainder of this paper first presents the analytical framework which helps evaluate the quality of democracy, followed by an in-depth analysis of the Polish case. Finally, a concluding section summarizes the findings.
2. The quality of democracy

The analysis of democratic performance in terms of the quality of democracy directs our attention to the achievement of democratic goals in practice, that is, the actual state of democracy. The literature on the quality of democracy considers the issue of deepening democracy and improving its qualities (e.g. Altman and Pérez-Liñán 2002; Diamond and Morlino 2005; Levine and Molina 2011; Lijphart 1993; Morlino 2011; O’Donnell et al. 2004; Putnam 1993; Roberts 2010). Much of the debate focuses on the identification of the normative standards used for the assessment of democracy. However, not enough attention has been paid to distinguishing between procedural versus substantive evaluations. Democracies can be evaluated from a number of perspectives depending on the conception of democracy and the normative underpinnings. In general, democracies can be assessed on the basis of procedures and results. The first approach assesses the procedures by which decisions are taken and highlights the importance of measures put in place to guarantee democratic governance. Here the focus is on input. Only then can the results of these decisions be evaluated. Here the focus is on output. This paper reminds us that democracy is a set of procedures and should be first evaluated on procedural grounds. The set of procedures provides the opportunity to be represented in political institutions, to participate in a decision-making process, to compete freely in elections and to hold governments accountable. Representation, participation, competition and accountability are four dimensions which are examined when using the procedural approach.

2.1 Representation

Representation has been adopted as an essential element of modern democracy and the representative government has become the norm of contemporary democracies. Representation denotes ‘the making present in some sense of something which is nevertheless not present literally or in fact’ (Pitkin 1967: 8). Simply, representation takes place when political actors symbolize different identities and preferences, and speak and act on behalf of others. There are multiple forms of political representation (see for example Birch 1971; Judge 1999; Mansbridge 2003; Pitkin 1967). This paper focuses on conceptualizations, which are important from a procedural perspective. It is argued that the study of descriptive representation concerns the procedure of electing representatives in a manner guaranteeing a proportionate and descriptive reflection of the electorate.

Contemporary scholars of representation focus specifically on two types of representation: descriptive representation and substantive representation. According to Pitkin (1967), the crucial distinction in forms of representation is between ‘standing for’ and ‘acting for’. Descriptive representation means ‘standing for’ others, that is, the representatives should resemble and be in some way similar to those represented. It is simply a ‘descriptive likeness’ (Pitkin 1967: 92). Substantive representation is ‘acting in the interest of the represented, in a manner responsive to them’ (Pitkin 1967: 209). My analysis is limited to descriptive representation because assessing whether a legislative chamber is a microcosm of society or not, and whether members of the legislature act for constituents are both questions of input.

Descriptive representation denotes resemblance between the characteristics of the representatives and those of the represented (Celis et al. 2008). Descriptive representatives ‘are in their own persons and lives, in some sense, typical of the larger class of persons whom they represent’ (Mansbridge 1999: 629). Initially, class was a dominant characteristic which was examined but over time the focus shifted to the
representation of the disadvantaged groups, such as women and minorities. Mansbridge (1999) argues that descriptive representatives are necessary when marginalized groups distrust members of a dominant group and when they have political preferences that have not been fully articulated. Selective representation is a mechanism for achieving greater descriptive representation, ‘institutional design gives selected groups greater descriptive representation than they would achieve in existing electoral systems, in order to bring the proportions of those groups in the legislature closer to their percentages in the population’ (Mansbridge 1999: 632). Hence, gender quotas and special provisions for minorities are used.

Descriptive representation can be argued for from the number of perspectives. The instrumental reason is based on the claim that if some members of a given interest group are not present in the decision-making body, it is likely that those interests will be neglected. Moreover, the symbolic status of a group will be affected by the absence of some of its members in the decision-making body. Furthermore, the problem of the underrepresentation of women and other social groups is that of democratic justice. Men and women should have equal access to parliaments, and the composition of a parliament should reflect the population in terms of gender. In addition, political decisions made by predominantly male-dominated governmental processes can no longer serve the legitimizing function used by the decision makers to establish their credentials to act on behalf of those not present (Judge 1999).

Descriptive representation is assessed in terms of women and minority representation. In quantitative terms, it is the number or percentage of the elected representatives in a given category as compared to the number or percentage of the population in that category.

2.2 Participation
Participation is vital for democracy because democracy cannot function without some minimum level of political involvement (Dahl 1971; van Deth 2001; Hyland 1995). Participation can be defined as ‘the set of activities by citizens that are more or less directly aimed at influencing the selection of governmental officials and the actions they take’ (Verba and Nie 1972: 2). Hence, political participation implies that citizens participate in the process of choosing political leaders and shaping government policies. Participation is multidimensional and hence there are various modes of taking part in politics. Blais (2010) distinguishes between electoral participation (voter turnout) and non-electoral participation (participation in demonstrations and petitions). A broader understanding of non-electoral participation encompasses all types of civic involvement other than electoral.

Classical political theorists such as Rousseau, Tocqueville and Cole are theorists of participatory democracy. Likewise contemporary political theorists and scientists have advocated participation. One of them is Carole Pateman who argues that ‘the existence of a participatory society would mean that [the ordinary man] was better able to assess the performance of representatives at the national level and better equipped to take decisions of national scope when the opportunity arose to do so’ (Pateman 1970: 110). Barber (1984) suggests that participation engages citizens and lead them to have more positive regard for political processes and democratic practices. Pateman and Barber argue that participation is not just of value in itself, but it also has an educative role that promotes civic engagement and wider virtues. Moreover, Hyland (1995) argues that since democracy means equal effective rights of participation, the prioritization of participation derives directly from the definition of democracy. Only if people effectively participate is there any chance at all that they
will have some control over the decisions that they are subject to. To put it simply, if democracy means government by the people, people should participate. As Pateman said ‘for a democratic polity to exist it is necessary for a participatory society to exist’ (Pateman 1970: 43).

In addition, studies on political culture and social capital highlight the importance of participation in representative democracies. In their celebrated study *The Civic Culture*, Almond and Verba (1963) characterized the American political culture as a ‘participant civic culture’ where citizens are well-informed about politics, attach importance to politics and participate. According to Putnam (1993), citizenship in a ‘civic community’ is marked by active participation in public affairs. Participation fosters skills of cooperation as well as a sense of shared responsibility for collective endeavours, which in turn contribute to the accumulation of social capital. Social capital which refers to ‘trust, norms and networks’ can improve the efficiency of governments (Putnam 1993: 167).

In this paper, participation means that citizens participate in the process of choosing political leaders, are actively engaged in civil society organizations and participate in shaping government policies. Hence, the level of participation is assessed by voter turnout, membership in organizations and direct legislation.

### 2.3 Competition

Competition is vitally important for democracy. Democracy cannot exist without regular, free and fair electoral competition among political parties. Competition provides for the democratic selection of elites (Dahl 1971; Schumpeter 1943). The stability of political parties and party systems is regarded as crucial for stable patterns of competition. Specifically, the focus is on the institutionalization of parties and party systems. ‘Institutionalization is the process by which organizations and procedures acquire value and stability’ (Huntington 1968: 12) and by which those organizations and procedures become ‘well established and widely known, if not universally accepted’ (Mainwaring and Scully 1995: 5). Political parties can fulfil many of their democratic functions satisfactorily only if they are cohesive and disciplined and if the configuration of parties and their interactions remains relatively stable. The institutionalization of parties and party systems guarantees predictability, governability and stability.

Institutionalized parties are important for a well-functioning democracy (Mainwaring and Scully 1995; McMenamin and Gwiazda 2011). Political parties play a crucial role in representative democratic systems by aggregating demands into coherent packages, representing voters’ interests in parliament and forming governments. What is really important for democracy is that political parties are well established and stable, that is, they are institutionalized. Party discipline is an important indicator of party institutionalization (Gwiazda 2009).

However, it is not just the development of political parties, but the institutionalization of the party system that is also important for democratic success and quality. A party system is ‘the system of interactions resulting from inter-party competition’ (Sartori 1976: 39). Mainwaring and Scully (1995: 4) add that a ‘system also implies continuity in its component parts’ and institutionalization ensures the stability of the system and the predictability of electoral outcomes. Institutionally weak party systems constitute an obstacle to democratic stability and good quality democracy. Conversely, institutionalized party systems ensure accountability, whereby voters can effectively punish or reward elected politicians for their performance. They ‘increase democratic governability and legitimacy by facilitating
legislative support for government policies; by channelling demands and conflicts through established procedures; by reducing the scope for populist demagogues to win power; and by making the democratic process more inclusive, accessible, representative, and effective’ (Diamond 1997: xxiii). Hence, a consolidated and institutionalized party system is vital for a good quality democracy (Casal Bértoa 2009; Markowski 2010).

Drawing on Mainwaring and Scully (1995), Gwiazda (2009) argues that the institutionalized party system denotes the stability of inter-party competition (measured by electoral volatility) and strong governing party discipline (measured by party switching), in addition to structural stability (measured by fractionalization, party strength and party replacement). In contrast, a quasi-institutionalized party system displays medium to high levels of institutionalization with regard to each criterion, while an under-institutionalized party system displays low levels of institutionalization. This paper adopts a similar perspective with the minor difference that, instead of focusing explicitly on discipline in the governing party, it examines the institutionalization of all legislative parties.

Patterns of inter-party competition can be detected by analysing electoral volatility. The standard way of measuring volatility is to use the Pedersen index. Pedersen (1979: 3) defined volatility as ‘the net change within the electoral party system resulting from individual vote transfers’. Volatility might result from changes in party support by individual voters, in the composition of the electorate or in the range of parties. While the Pedersen index is based on the gains and losses of individual parties from one election to another, the Bartolini–Mair (1990) measure of bloc volatility is based on the change at the level of blocs of parties. The most common way of defining blocs of parties is by ideology. Bloc volatility then measures the shifting of the electorate between different ideological alternatives.

Party institutionalization is measured by party switching, which is any recorded switch in party affiliation by a deputy. Obviously, a legislative party that cannot retain its deputies and suffers from defections has not acquired ‘value and stability’ (McMenamin and Gwiazda 2011: 840), and, thus, it is not institutionalized. A recorded switch in the parliament equals any defection minus mandate early extinction. I introduce two measures of party switches. The measure of individual party switches (IPS) is used for the assessment of party institutionalization. The IPS is the number of deputies defecting from legislative party X divided by the total number of deputies in that party. The measure of total party switches (TPS) is used to assess the institutionalization of the party system. It is the sum of all switches during the parliamentary term.

As regards structural stability, fragmentation, party strength and party replacement are analyzed. The number of parliamentary parties is often seen as fundamental to the characterization of a party system. The number of parties can be counted in different ways, mainly because different parts of the political process are examined (see e.g Sartori 1976). Here the effective number of parties is examined in terms of seats and votes. ‘Effective number’ is said to indicate the degree of fragmentation and the process of institutionalization if the value of the index is similar over time. The fragmentation of a party system is measured by two indicators: Rae’s fractionalization index and Laakso and Taagepera’s effective number of political parties. Rae’s (1967) fractionalization index demonstrates the number of party shares and the relative equality of these shares. The resulting value indicates the extent of (electoral or legislative) party system fractionalization. The nearer the value of the Rae index to 1, the more fractionalized the system is. Conversely, if one party gets all
the seats, the Rae index will be 0, indicating no fractionalization at all. Laakso and Taagepera’s (1979) effective number of parties index assesses the effective number of parties (ENP) in terms of votes (effective number of elective parties) and seat distribution (effective number of legislative parties). Although this uses the same information as the Rae index, the ‘. . . big advantage of ENP is that it can be visualized more easily as the number of parties than the Rae abstract index’ (Lijphart 1994: 69). When seats are equally distributed among the parties, the ENP coincides with the raw number of parties. If one party gets more seats than the others, the ENP will go down. Another structural indicator is Blondel’s measure of party strength. Blondel (1968) examines the combined vote share of the two strongest parties (electoral party strength) and the combined seat share of the two largest parties (legislative party strength). This indicator shows what share of the vote or seats is held by the two largest parties and to what extent they dominate the other parties. Finally, party replacement is measured by an index of party system dynamics which indicates the ability of new parties to get seats in parliament (Migalski et al. 2006).

2.4 Accountability
Accountability is essential for democracy. All representative democracies entail delegation and accountability (Schedler 1999; Strøm 2003). Beginning with the ancient philosophers, political thinkers have been concerned with how to keep power under control to prevent its abuse. A classic point of reference for discussing accountability is found in the liberal tradition of Locke, Montesquieu and the American Federalists. The main concern underlying this perspective is that of preventing the tyranny of absolute rulers and overseeing executive power through ‘checks and balances’. In current discourse, the more traditional concepts of control and oversight have become known as accountability.

Accountability is a contested and elusive concept and it comes in many guises (e.g. Bovens 2007; Mulgan 2000). Hence, it is vital to define it and focus on its specific type. In a broad sense, accountability denotes being required to give information or explanation. According to Bovens (2007: 450), accountability is ‘a relationship between an actor and a forum, in which the actor has an obligation to explain and to justify his or her conduct, the forum can pose questions and pass judgement, and the actor may face consequences’. For Schedler (1999), accountability has to do with ‘answerability’ and ‘enforcement’. Answerability implies the obligation of public officials to provide information about their decisions (which he calls ‘the informational dimension of accountability’) or to explain their decisions (which he calls ‘the argumentative dimension of accountability’). Enforcement is the capacity of ‘agents of accountability’ to eventually punish improper behaviour. To sum up, accountability means information, justification and enforcement. With regard to possible sanctions, for Schedler (1999) it is the damage to reputation through public exposure. Another sanction is removal from office, which is a serious consequence of misconduct.

I limit my analysis to government accountability. The focus on government accountability where the government is account-giver is justified by the fact that the government is the centre of political authority and executive dominance is increasing. Hence, it is not surprising that governments are subject to complex and extensive accountability mechanisms. Accountability provides a democratic means of monitoring and controlling government conduct and prevents an increase in the concentration of executive power. I define government accountability in the following way: government accountability means that members of government are obliged to
provide information concerning their decisions and actions, explain these to their citizens and their representatives and demonstrate that their exercising of power complies with constitutional rules; finally, sanctions are imposed if the government oversteps their competences as defined in the constitution and other regulations. This definition encompasses information, argumentation (explanation and justification) and enforcement (sanctions). Government accountability is achieved through the use of control mechanisms which ensure transparency, prevent corruption and guarantee democratic procedures. I focus explicitly on the control mechanisms exercised by the parliament. The **effectiveness of government accountability** is assessed in terms of scope and quantity. Scope refers to information, argumentation and enforcement whereas quantity refers to how frequently the mechanism is used. The most effective accountability is expected to provide information, argumentation and enforcement. The least effective accountability provides only one of those. Moreover, the more frequently the control mechanism is used, the more effective accountability is.

The accountability function of parliament stems from its representative character because, as a representative of the people, it controls the executive. It also draws on Montesquieu’s idea of internal checks on the powers of different branches of government. The parliamentary oversight of government occurs through various channels. I argue that three mechanisms of the parliamentary control of government are particularly important. These are votes of confidence, activities of parliamentary committees and parliamentary questions.

In parliamentary and semi-presidential systems, the vote of confidence is the key to the realization of accountability of the government to parliament. Political parties in parliament are in a position to appoint or dismiss a government by supporting it or opposing it in votes of confidence. A vote of confidence can take one of two forms, a motion of confidence (by the government) or a motion of no confidence (by the opposition), in which the motion of no confidence is the privileged mechanism of accountability of the government to the parliament by those who are not represented by the governing parties (Laver and Shepsle 1999). As a motion of no confidence can be submitted only on a parliamentary initiative, it gives more power to the opposition and hence merits special attention. A specific type is the constructive vote of no confidence, which means that parliament may dismiss a government only if it simultaneously proposes a new prime minister in whom it has confidence. As debates precede actual votes of no confidence, it means that this mechanism is characterized by the three features.

Parliamentary committees influence legislation and the work of the executive. There are multiple ways of examining their power and functions (for an overview, see Bergman et al. 2003; Strøm 1984). However, an explicit focus on investigative committees is more useful from the accountability perspective because setting up such a committee is a direct way of overseeing the actions of governments and keeping public officials accountable. Most countries provide for executive scrutiny through *ad hoc* investigative committees set up to inspect alleged mismanagement by public officials.

Parliamentary questions are among the most visible mechanism by which individual deputies, especially those from opposition parties, can hold ministers publicly accountable. Parliamentary questions have several functions: to provide information, to criticize government action (or lack of action), to test the honesty of cabinet members and to ensure greater openness on the part of the government (Bergman et al. 2003; Norton 1993). They are important as an accountability
mechanism because they create a critical environment for the discussion of particular programmes and actions.

The analytical framework presented here helps evaluate the quality of democracy in procedural terms. This clear-cut approach is valuable both for an in-depth analysis of a specific case study and comparative analysis. Another advantage of this framework is based on transparent and replicable methods where concepts are spelled out and their measurement is clearly articulated.

3. The case of Poland

3.1 Representation in Poland

How representative is the Polish parliament? In order to answer this question, I use the normative concept of descriptive representation, specifically focusing on the presence of women and minorities in the parliament.

Women’s representation

Table 1 shows total women’s representation in the Sejm in the period 1991–2011. The first free election to the Sejm in 1991 resulted in a very low female presence: there were only 44 female deputies out of 460, which constituted 9.6% of all deputies. In fact, Polish new democracy was often called a ‘masculine democracy’ by Polish feminists (Heinen 1992). Following the 1993 and 1997 elections, female representation increased to 13% and 13.5%, respectively. A significant rise to 20.2% could be observed in 2001. This placed Poland in one of the top positions in the region, exceeded only by Bulgaria with 26.3% in 2001 (Millard 2004). Women’s presence remained stable at 20.4% in 2005 and 2007. Another turning point came with the October 2011 election when women’s representation reached the highest ever level of 24%. Thus, Poland is placed in the middle in the rankings of European parliaments. According to the Inter-Parliamentary Union (2011), the situation as of 31 December 2011 was the following for the European Union: the average female representation for both houses combined was 24.2%: for lower houses it was 24.7%, while for upper houses it was 23.2%. Poland was still far from Sweden, which had the highest percentage of women in parliament at 44.7%, but it was way ahead of the worst performer in the EU: Malta, with only 8.7% of parliamentary seats filled by women.

Table 1. Women’s representation in the Sejm, 1991-2011

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Women</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Out of 460</td>
<td>44</td>
<td>60</td>
<td>62</td>
<td>93</td>
<td>94</td>
<td>94</td>
<td>110</td>
</tr>
<tr>
<td>Percentage</td>
<td>9.6%</td>
<td>13%</td>
<td>13.5%</td>
<td>20.2%</td>
<td>20.4%</td>
<td>20.4%</td>
<td>24%</td>
</tr>
</tbody>
</table>

Source: Sejm 2010; Sejm 2012

While there has been a steady increase in women’s representation in the Sejm, the representation of women in the Senate has been very poor (see Table 2). In the first democratic election to the Senate in 1989, there were only seven female senators, that is, 7%. In 1991, eight female senators were elected. The number increased to 13 in 1993 and to 14 in 1997. The 2001 election was significant because of a one-off higher percentage of women being elected to the Senate, namely 23%. However, female representation dropped to 13% in 2005 and even further to 8% in 2007. The 2011 election returned 13% of female senators.
Table 2. Women’s representation in the Senate, 1989-2011

<table>
<thead>
<tr>
<th>Terms</th>
<th>Women Out of 100</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st term: 1989-91</td>
<td>7</td>
<td>7%</td>
</tr>
<tr>
<td>2nd term: 1991-3</td>
<td>8</td>
<td>8%</td>
</tr>
<tr>
<td>3rd term: 1993-7</td>
<td>13</td>
<td>13%</td>
</tr>
<tr>
<td>4th term: 1997-2001</td>
<td>12</td>
<td>12%</td>
</tr>
<tr>
<td>5th term: 2001-5</td>
<td>23</td>
<td>23%</td>
</tr>
<tr>
<td>6th term: 2005-7</td>
<td>13</td>
<td>13%</td>
</tr>
<tr>
<td>7th term: 2007-11</td>
<td>8</td>
<td>8%</td>
</tr>
<tr>
<td>8th term: from Nov. 2011</td>
<td>13</td>
<td>13%</td>
</tr>
</tbody>
</table>

Source: Senat (2009)

How can we explain overall low levels of female representation in the Senate and higher levels in the Sejm? How can we explain two landmark increases in women’s representation in the Sejm in 2001 and in 2011? Formal institutions account for it. Proportional representation electoral systems tend to promote female representation better than majoritarian systems. The election of women is favoured by electoral systems with party list proportional representation and large district magnitudes. In such systems, a woman can be placed further down on the party list and still be elected (see e.g. Lijphart 1999; Gallagher and Mitchell 2005). The proportional electoral system has been used for the Sejm elections while a majoritarian system is used for the Senate elections.

The increase in women’s representation in the Sejm in 2001 can be explained by the use of party quotas. Three parties, the Freedom Union, the Labour Union and the Democratic Left Alliance, introduced quotas of at least 30% of each gender on candidates’ lists for the 2001 election. That rule was made most formal by SLD, which introduced such a provision into its statutes. In 1997, women accounted for only 15% of candidates on the SLD lists, while in 2001 they constituted 36% of the joint lists of SLD-UP (Fuszara 2010). The greater number of female candidates resulted in the greater number of female deputies in the Sejm. Consequently, women’s representation in SLD ranks increased from 18.9% in 1997 to 25.5% in 2001.

As for the 2011 results, the legislative quota was introduced before the election (see Gwiazda 2014). The October 2011 election was the first election in which political parties could register their lists only if the 35% quota rule was applied. As a result, twice as many women were placed on the lists: SLD had 44% of women on the lists, Civic Platform had 42%, PSL had 41%, while PiS and the Palikot Movement each had 40% (Druciarek et al. 2012). While there was a significant increase in female candidates, it did not translate automatically into a significant increase in the number of deputies (an increase from 20.4% to 24%). So, why was there only a modest increase? This is because the effectiveness of the quota system can be influenced by several factors such as placement on the party list or constituency locations. So policy recommendations should include additional formal provisions such as the ‘zipper’ system.

**National and ethnic minority representation**

In Poland minorities are distinguished between national and ethnic; while the former are related to an existing nation in a bounded territory, ethnic minorities do not identify with a nation organized in its own state. National and ethnic minority groups currently make up only slightly more than 1% of the population. Poland has been ethnically homogenous since the Second World War, which is in stark contrast to the interwar period when its minorities constituted almost one-third of the population (Rabagliati 2001). The 2002 National Census showed that 471,500 citizens were of a nationality or ethnicity other than Polish, which constituted 1.2% of the population (GUS 2002). Out of the total number, the largest minority groups were: Silesian,
Since 1989 legal provisions have been introduced to guarantee minority rights. The fall of communism offered the existing national and ethnic minorities the opportunity to organize themselves freely and to obtain representation of their community in the political institutions. The Act of 7 April 1989 on Associations gave a large amount of freedom to members of national minorities, leading to over 120 officially registered organizations representing minorities by 1996 (Rabagliati 2001). Laws regulating relations with various churches such as Orthodox and Protestant agreed to in the 1990s were also important from the point of view of minorities because religious faith is part of minorities’ identity; for example, Belarusians, Ukrainians and Russians are mainly Orthodox (Czykwin 2012). The first democratic electoral law of 1991 provided for a number of small concessions to assist the representation of national minorities, for example, the right to take part in the sharing of seats from the national list without reaching a 5% threshold. Although the Little Constitution of 1992 did not include the rights of national minorities, in subsequent years additional minority provisions were warranted. Ethnic and national minority rights are currently regulated in the 1997 Constitution, the electoral law and the 2005 Law on National and Ethnic Minorities.

Given the small percentage of national minorities in Poland as compared to the total population of the country, there has been a fairly good representation of the largest groups, specifically the German minority, which is the largest national minority in Poland. The largest proportion of the German minority is concentrated in southwest Poland in the Opolskie region (Upper Silesia) and this is the group which has been most active politically. Table 3 shows the German minority representation in the parliament. The 1991 election saw several different minority lists. The German minority had seven deputies and one senator elected from their lists. In the subsequent three elections of 1997, 2001 and 2005, two deputies from the German minority list got elected whereas in 2007 and 2011, the electoral committee of the German minority got one seat. A decrease in the number of German minority deputies is explained by the fact that the minority population is increasingly voting for Polish mainstream parties because the minority electorate feels that their interests could be better served by voting for a Polish party. The sole deputy of the German minority explained the poor results of his electoral committee in 2007 and 2011 by the fact that voters voted for Civic Platform, fearing the electoral victory of Law and Justice whose leader, Jarosław Kaczyński, used anti-German rhetoric (Galla 2011).

Table 3. German minority representation in the parliament, 1991-2011
The Belarusian minority, the second biggest national minority, has been less successful in getting representation in the parliament. In 1991 only one deputy from the electoral committee of the Orthodox Believers represented a Belarusian minority from eastern Poland, specifically the Białystok region (currently called the Podlaskie district). There are several factors that affected the minimal electoral success of candidates running from Belarusian minority lists. The first was the popularity of the Democratic Left Alliance amongst the minority electorate, specifically that of Włodzimierz Cimoszewicz. The second was the weak level of minority identity (see Rabagliati 2001). The third was internal divisions. The Belarusian minority has been deeply divided: ‘on the one hand, there is a group which identifies only with the Orthodox church with no nationalist claims, on the other hand, there is a group which strongly shows links with Belarus’ (Czykwin 2012). The best strategy is to be a candidate from a large political party rather than a minority list since the party supports a minority deputy and he has more clout in promoting minority interests (Borowczak 2012; Czykwin 2012). A deputy representing the Belarusian minority said: ‘Today minorities are represented by mainstream parties’ (Czykwin 2012). To sum up, both the German and Belarusian minorities have chosen to be represented by mainstream political parties (although the Belarusian to a greater extent than the German) and other national minorities are not represented, but they only constitute a tiny percentage of the whole population.

The Silesians and the Kashubians are the largest ethnic minority groups, but they are not legally recognized. The 2005 law does not list the two groups as ethnic minorities although the Kashubian language is recognized as a regional language. Following the announcement of the results of the 2011 National Census, where the two groups topped the census, they intensified their efforts for recognition. Currently, there are several deputies in the Sejm who could claim Silesian roots, but they ran from party lists.

### 3.2 Participation in Poland

One of the main indicators of the quality of democracy is the strength and involvement of citizens in the political process. There are both electoral and non-electoral forms of citizen’s participation. Although voting is crucial, participation beyond voting day such as active involvement in organizations or direct policy-making is equally important.

#### Voter turnout

Participation in voting is measured by voter turnout rates. Table 4 shows turnout in parliamentary elections in the period 1989-2011. The first semi-free elections of June 1989 attracted 62.3% of all the voters, which was the highest turnout in the period under examination. It was not surprising given the prospect of political change and the novelty of competition. However, at the same time it was considered to be quite low.
in comparison with other countries in the region like Czechoslovakia, Romania and Hungary which recorded above 85% (Kolarska-Bobińska 1994). The subsequent election of 1991, which was fully free and fair, saw a significant drop in turnout to 43.93%. Although, some decrease in turnout was to be expected following a period of high expectations, almost a twenty percent decrease in turnout (and 29.27% in comparison to 1989 results) was very disappointing. However, the lowest turnout of 40.57% was observed in 2005. The election of 2005 took place in the aftermath of a deep political crisis caused by corruption scandals in which the governing Democratic Left Alliance was involved (see Chapter 6). In contrast, the highest turnout of fully democratic elections was 53.88% in 2007. The 2007 election was of high salience with a close election determining the composition of the executive where the incumbent Law and Justice party ran against its main competitor, Civic Platform.

The average turnout in parliamentary elections was 47.65% excluding the first semi-free elections and 49.46% including all elections in 1989-2011. Poland has performed worst in comparison to other Central European countries. For all democratic parliamentary elections in the period 1990-2011, Slovakia had an average turnout of 74.89%; Czech Republic - 73.76%; Latvia - 71.4%; Slovenia - 69.88%; Bulgaria - 66.83%; Estonia - 65.15%; Romania - 63.06%; Hungary - 56.8%; and Lithuania - 51.78% (IDEA 2012). Poland shows a pattern of non-voting that places it in the democratic outlier category along with the two well-established democracies of Switzerland and the United States.

Table 4. Turnout in parliamentary elections, 1989-2011

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Turnout</td>
<td>62.3%</td>
<td>43.93%</td>
<td>52.08%</td>
<td>47.92%</td>
<td>46.28%</td>
<td>40.57%</td>
<td>53.88%</td>
<td>48.92%</td>
</tr>
</tbody>
</table>

Source: State Electoral Commission (2011)

Table 5 shows turnout in presidential elections in Poland. The average turnout in presidential elections amounts to 57.6%, which is higher than in parliamentary elections. This is not surprising given the fact that usually turnout in presidential elections is higher than in parliamentary ones (see Elgie and Fauvelle-Aymar 2012). The highest turnout was in the second round of the 1995 election. This election was of high salience because post-communist Aleksander Kwaśniewski ran against the incumbent president and former Solidarity leader Lech Wałęsa. It was a struggle between post-communist forces with post-Solidarity forces. The lowest turnout was in the first round of the 2005 election, which similar to the 2005 parliamentary election, could be explained by the disillusionment with the politics in the context of corruption scandals.

Table 5. Turnout in presidential elections, 1990-2010

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Turnout</td>
<td>60.6%</td>
<td>53.4%</td>
<td>64.7%</td>
<td>68.2%</td>
<td>61.12%</td>
<td>49.74%</td>
<td>50.99%</td>
<td>54.94%</td>
<td>55.31%</td>
<td></td>
</tr>
</tbody>
</table>

Source: State Electoral Commission (2011)

Table 6 shows voter turnout in nationwide referendums in Poland. The first democratic referendum on mass privatization recorded an exceptionally low turnout of 32.4%. The constitutional referendum in 1997 attracted only 42.9% of voters. Higher turnout of 58.85% in the EU accession referendum in 2003 was accredited to an active pro-EU campaign and two-day voting (Jasiewicz and Jasiewicz-Betkiewicz 2004). The average turnout of 44.6% is lower than that of parliamentary and
presidential elections. In fact, it is widely known that turnout in referendums is typically lower than in general elections (see Smith 2011).

Table 6. Turnout in referendums

<table>
<thead>
<tr>
<th>Year</th>
<th>1996</th>
<th>1997</th>
<th>2003</th>
</tr>
</thead>
<tbody>
<tr>
<td>Turnout</td>
<td>32.4%</td>
<td>42.9%</td>
<td>58.85%</td>
</tr>
</tbody>
</table>

Source: Piasecki 2005

Despite the fact that Poland has a history of societal mobilization and political activism under communism, the twenty years of democratic politics did not show active electoral participation. Quite the opposite, the lowest turnout in Poland in comparison to other Central and Eastern European countries constitutes an empirical puzzle which should be addressed. Comparative voting-behavior research in Western Europe has demonstrated that electoral institutions matter (Jackman 1987; Powell 1986). For Lijphart (1997) institutional mechanisms can increase turnout, such as user-friendly registration rules, proportional election formulas, relatively infrequent elections, weekend voting, and compulsory voting. Institutional explanations are compelling. According to the public opinion research centre, PBS, a two-day voting was predicted to increase the turnout in the accession referendum from 51 to 59% (Piasecki 2005). In addition, the introduction of compulsory voting could increase the turnout by around 20% (Cześnik 2013). Just the introduction of these two institutional changes could encourage the voters to participate. Although the 2011 electoral reform introduced the postal vote and the vote by the intermediary, two-day voting and compulsory voting were not provided for. In fact, there is no discussion about the introduction of compulsory voting. Instead a two-day voting was proposed but it was declared unconstitutional by the Constitutional Tribunal. Moreover, cultural factors are important. In general, political culture is the pattern of attitudes, values and beliefs about politics. According to Almond and Verba (1963), in civic culture countries, citizens’ acceptance of the authority of the state and a belief in participation in civic duties are commonplace. Instead a limited political cognition creates a “parochial culture”, with many citizens being unaware and uninvolved in politics. Polish studies also point to political culture as the explanatory variable (see Riedel 2008).

Membership in civil society organizations

The major form of non-electoral participation is membership in civil society organizations. During communism, civil society organizations were suppressed in Poland, only organizations with mandatory membership sponsored by the communist party were allowed. The re-emergence of a true civil society had much to do with the events surrounding the recognition of the Solidarity trade union by the communists, and its unique activities during 1980-81. It was then that the communist party had conceded the right of independent representation of the working class and allowed its participation in public life. In addition, groups linked to the Catholic Church were forums for critical discussions that allowed organizing anti-state activity and promoting democratization.

The democratic transition provided further impetus for the development and mushrooming of civil society organizations. The number of organizations has grown exponentially over twenty years in Poland. In fact, statistics show the impressive fast-paced proliferation of a variety of nongovernmental organizations and movements. In the period 1991-2000 the number of associations increased from 5,722 to 45,942 whereas the number of foundations increased from 1,213 to 6,065 (Moroń 2012). However, according to Freedom House (2001: 1), most of these organizations were
‘small, underfunded, or inactive.’ By the end of 2010 there were 92,044 associations and 12,444 foundations (Moroń 2012). In the second decade of democratic politics, the access to funds for civil society significantly improved. Polish nongovernmental organizations gained unprecedented resources, including significantly increased private tax contributions and EU structural funds to foster civil society.

Table 7. Total participation in civil society organizations

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>People who actively participate in civil society organizations</td>
<td>23%</td>
<td>24%</td>
<td>21%</td>
<td>24%</td>
<td>23%</td>
<td>20%</td>
<td>28%</td>
</tr>
</tbody>
</table>

Source: CBOS, 2010

Whereas there are many organizations and associations in existence in Poland, relatively few Poles are actually active in them. In February 1998 when a study of this kind was first conducted, only 23% of respondents said they participated in civil society organizations (see Table 7). This result confirms the findings presented by Wallace et al. (2012) that participation in voluntary associations is low in Eastern Europe which is disappointing in comparison with other long-established democracies. In the 1990s, 82% of Americans belonged to at least one of 16 types of voluntary organizations, as compared to 53% of Germans, 39% of the French and 36% of Italians (Lipset 1995). However, there are signs that conventional participation has declined in well-established democracies (see Putnam 2000).

Although participation has increased over time in Poland, it is still low. In January 2010, 28% participated actively whereas 72% of respondents were disengaged. In the 2000s evidence from the Eurobarometer Survey in the EU member states showed that just over half of the respondents (55%) do not belong to any such organization; almost half of the respondents (45%) report membership in many different types of organizations: 25% of respondents indicate that they belong to one particular organization; a further 20% report belonging to two or more organizations (European Commission 2005). In 2011 Poland was classified on the 25th position in terms of membership, only ahead of Lithuania and Slovakia (Czapiński and Panek 2011). The Poles are among the least active in Europe.

The above analysis of civil society organizations in Poland has revealed low membership levels. Although the Solidarity trade union of the 1980s mobilized millions and was seen as evidence of the reawakening of civil society, regime change did not sustain it. Quite the opposite, the overall levels of membership in civil society organizations are low in Poland. It seems that cultural factors play a decisive role. Low levels of citizens’ involvement in politics are often blamed on weak civil society and low levels of trust stemming from the communist experience of politics (Rychard 1998; Letki 2004). There were more than forty years of inter-personal and political distrust fostered by the communist regime. Moreover, after regime change citizens refused to participate in socio-political life, having previously been forced to do so. There is no doubt that the superficiality of existing social organizations in the communist Poland depreciated the concept of membership, social work and social organizations (Nałęcz 2004). The public’s alienation is manifested in the almost complete lack of involvement in political parties and civic activities or associations. Hence, the heritage of the past, in particular, the survival of the patterns of acting and thinking acquired under communism contributed to social passivity, the slow
emergence of civil society and deficiencies in grass root activity (Kolarska-Bobińska 1994). However, some scholars argue that political distrust goes back to the 19th century when Poland was partitioned and ruled by Prussia, Russia and the Austro-Hungarian Empire. So there is a long –term legacy which had even stronger impact on political culture in Poland that shorter term legacy of communism as it is the case in other countries from Central and Eastern Europe (Interview 1). And this long term legacy can explain less involvement in Poland in comparison to other countries in the region.

**Direct legislation: citizen’s legislative initiatives and referendums**

Direct legislation allows the citizens to participate directly in the policy making process. The two methods which are commonly employed are citizen’s initiative and referendum. In Poland the institution of referendum was added to the communist Constitution in 1987 and was present in all subsequent constitutions whereas the initiative was first introduced in 1994 (and concerned the possibility of submitting a constitutional bill) and subsequently added to the 1997 Constitution. Article 118.2 of the 1997 Constitution stipulates: ‘the right to introduce legislation shall also belong to a group of at least 100,000 citizens having the right to vote in elections to the Sejm.’ The actual implementation of this Article occurred when the Act of 24 June 1999 on the exercise of citizens’ initiative came into force in August 1999. Article 2 of that act stipulates that 100,000 citizens who have the right to vote in elections to the Sejm can initiate legislation by signing the initiative. In comparison with other European countries, the requirement that the initiative should be supported by 100,000 citizens is not too demanding. In terms of the percentage of the electorate required to propose a bill, in Lithuania 1.75% of the electorate; in Austria it is 1.73%; in Romania 1.46%; in Spain 1.2%; in Slovenia 0.31%; in Italy 0.1%; and in Poland 0.35% (Uziębło 2006). So the Polish norm is not too strict, only in Italy and Slovenia there is a lower percentage.

Table 8 shows the number of citizen’s legislative initiatives over the period 1999-2011. In the period 1999-2001 there were 5 initiatives, out of which 3 were passed. In the following period, 13 initiatives were considered out of which 4 were passed. There were 8 initiatives under consideration in 2005-7 out of which only 1 became law. There were 19 citizens’ bills in the period 2007-11 out of which only two were passed.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Passed into law</td>
<td>3</td>
<td>4</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Under consideration</td>
<td>2</td>
<td>9</td>
<td>7</td>
<td>12</td>
</tr>
<tr>
<td>Rejected or withdrawn</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>5</td>
</tr>
<tr>
<td>Total number of bills</td>
<td>1152</td>
<td>1265</td>
<td>708</td>
<td>1511</td>
</tr>
<tr>
<td>Percentage of all bills</td>
<td>0.4%</td>
<td>1%</td>
<td>1.1%</td>
<td>1.25%</td>
</tr>
</tbody>
</table>

Source: Sejm (2011)
The institution of referendum was added to the communist Constitution in 1987. Amendments introduced in 1989 maintained the provisions on referendum in Article 2 which stipulated that ‘the exercise of power also transpires by the will of the people in a referendum.’ Article 19 of the 1992 Little Constitution stipulated that the referendum was valid if at least half of those entitled to vote, voted. It could also be initiated by the Sejm and the President (with the consent of Senate). The Act of 29 June 1995 on referendums further specified that the Sejm the Senate, government or a group of 500,000 citizens could propose a referendum but only the Sejm and the president could formally call for a referendum. Article 125 of the 1997 Constitution reiterated that ‘a nationwide referendum may be held in respect of matters of particular importance to the State’ and retained the powers given to the Sejm and president in that respect. Furthermore, the Act of 14 December 2003 on nationwide referendum clarified any vagueness concerning the procedure on the ratification of international treaties by means of referendum.

Referendums were held on three occasions in a democratic Poland. The 1996 referendum dealt with the privatization of state assets. The results of the referendum were inconclusive because of low turnout. The 1997 referendum concerned the adoption of a new constitution. The Constitution was approved (52.71%). The referendum was binding despite the fact that the turnout was 42.86% because the constitutional referendum required the majority of the votes. The 2003 referendum dealt with Poland’s accession to the European Union. 77.45% of the voters were in favour of joining the EU. The turnout was 58.85% (Jasiewicz and Jasiewicz-Betkiewicz 2004).

3.3 Competition in Poland
A good quality democracy requires both party institutionalization and party system institutionalization. The stability of political parties and party systems is regarded as vital for stable patterns of competition. In new democracies, there is an expectation that over time political parties and party systems will manifest increasing stability and predictability. Indeed the comparison of the two decades of democratic political competition in Poland confirms this assertion.

Party institutionalization
Political parties are institutionalized when they are well-established and stable. Here party institutionalization is measured by a degree of party switching. The measure of individual party switches (IPS) indicates the number of deputies defecting from a legislative party divided by the total number of deputies in that party. The lower the extent of party switches (lower IPS), the better prospects are for party institutionalization. A high degree of party switching (higher IPS) undermines the institutionalization of parties. Table 9 illustrates individual party switches in the period 1991-2011. The analysis of individual parties shows variation in party institutionalization.

Table 9 Individual party switches, 1991-2011
The analysis of IPS shows that 20 per cent of deputies switching during a term is a reasonable maximum for a party to remain institutionalized or have chances for further institutionalization. In addition, a low number of switches should continue for at least two terms. After two terms with low switches, a higher percent of switches can occur but its effect is detrimental: it destabilizes the party and weakens its electoral support as the example of the Democratic Left Alliance shows. Consequently, a concrete hypothesis is established for comparative testing: an institutionalized party is a party with a degree of party switching below 20% for at least two terms.

**Party system institutionalization**

Party system institutionalization requires regular patterns of inter-party competition, a low degree of party switching and structural stability. It entails that parties have stable electorates who do not change party allegiances easily, deputies remain loyal to their parties, and finally the number of parties in the system allows effective governing. Party system institutionalization is assessed by examining volatility, party switching and structural indicators. Table 10 presents the Polish party system indicators for 1991-2011, marked by elections in 1991, 1993, 1997, 2001, 2005, 2007 and 2011.

**Table 10. Polish party system indicators, 1991-2011**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Rae's fractionalization index (electoral)</td>
<td>0.93</td>
<td>0.90</td>
<td>0.78</td>
<td>0.78</td>
<td>0.83</td>
<td>0.70</td>
</tr>
<tr>
<td>Rae's fractionalization index (legislative)</td>
<td>0.91</td>
<td>0.74</td>
<td>0.66</td>
<td>0.72</td>
<td>0.77</td>
<td>0.68</td>
</tr>
<tr>
<td>Laakso &amp; Taagepera index (electoral)</td>
<td>13.79</td>
<td>9.80</td>
<td>4.59</td>
<td>4.50</td>
<td>5.95</td>
<td>3.32</td>
</tr>
<tr>
<td>Laakso &amp; Taagepera index (legislative)</td>
<td>10.85</td>
<td>3.87</td>
<td>2.95</td>
<td>3.69</td>
<td>4.26</td>
<td>2.82</td>
</tr>
<tr>
<td>Blondel’s ratio of party strength (electoral)</td>
<td>24.31%</td>
<td>35.81%</td>
<td>60.96%</td>
<td>53.72%</td>
<td>51.13%</td>
<td>73.62%</td>
</tr>
<tr>
<td>Blondel’s ratio of party strength (legislative)</td>
<td>26.52%</td>
<td>65.90%</td>
<td>79.35%</td>
<td>61.09%</td>
<td>62.64%</td>
<td>81.52%</td>
</tr>
<tr>
<td>Party system dynamics index</td>
<td>93.92%</td>
<td>3.5%</td>
<td>0</td>
<td>45.47%</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

Source: Own calculation based on Sejm data 2012
The 1989-1991 period
At the beginning of democratic transition, political parties were unsurprisingly not institutionalized. Sartori (1976: 253) referred to this phenomenon as ‘atomized pluralism’ being ‘a situation in which parties are ‘labels’, loose coalitions of notables that often change at each election and tend to dissolve from one election to another.’ Likewise, the party system was inchoate which was unsurprising for an embryonic party system. In fact, some scholars claimed that there was no system at all, instead there was a constantly changing constellation of parties. Mair (1997: 175) argued that ‘the very notion of a newly emerging party system may well be a contradiction in terms, in that to speak of a system of parties is to ascribe some degree of stability and predictability to the interactions between the parties concerned. But as new parties interacted with one another, I use the concept of party system even with the reference to the initial phase. Initially, the party system was under-institutionalized. This under-institutionalization was corroborated by measures for structural stability (fractionalization, party strength and replacement). The extremely high level of fractionalization, the absence of strong parties and numerous new parties were the most striking characteristics of political competition after the first democratic election of 1991. The Rae index indicated the high degree of party system fractionalization: both electoral (party shares in the popular vote) and legislative (party fractions as shares of seats) at 0.93 and 0.91 respectively. Similarly, with 13.79 elective parties and 10.85 legislative parties, the Laakso and Taagepera index showed a high number of parties and hence confirmed high party system fragmentation. Unsurprisingly, party strength was low. The combined vote share of the two strongest parties (electoral party strength) and the combined seat share of the two largest parties (legislative party strength) was 24.3% and 26.5%, respectively. Moreover, a party system dynamics index which measures the presence of new parties in the system – was very high at 93.92%. New parties were formed on the centre-right because of the 1990 ‘war at the top’ between Wałęsa and Mazowiecki, which resulted from the split in the Solidarity between the right and liberal left.

The 1991–1993 Period
The Polish party system remained under-institutionalized in the period up to 1993, yet it showed some stability in electoral volatility and structural measures. The 1993 election resulted in a shift from the right to the left with the loss of by the incumbent post-Solidarity coalition government to the centre-left post-communist coalition of the Democratic Left Alliance and the Polish Peasant Party. Consequently, bloc volatility was the second highest in the two decades. In the period preceding the 1993 election, elite behaviour was far from stable. The total number of party switches (TPS) was 140 for a two-year period, which was quite high. This was not surprising given the fluidity of the system where most parties suffered from defections. Splitting, merging and creation of new parties was commonplace. High levels of IPS indicated non-institutionalized parties of the right (see Table 9). However, on a positive note, the 1993 election resulted in medium structural stability. Although fragmentation of elective parties was still high, the fragmentation of legislative parties decreased considerably. Rae’s index was 0.74 and an effective number of parties index was 3.87. The seat share of two largest parties in the Sejm increased from 26.52% in 1991 to 65.9% in 1993. One new party entered the Sejm. Party replacement at 3.5% was extremely low in comparison to 1991.
The 1993–1997 Period

The subsequent period in the development of the party system was marked by increasing stability. Some scholars talked of ‘signs of stabilization’ (see Markowski 2001). The aggregate measure of party system institutionalization indicated low electoral volatility, medium party discipline and medium structural stability, which was the best outcome in the first decade of democratic politics. In 1997 the Pedersen index of electoral volatility was the lowest in the first decade at 16.22% and the Bartolini–Mair measure of bloc volatility was only 6.71%. Party discipline in the period 1993–1997 was quite high. The TPS was 178 for a four-year period which was medium. The parties of the right suffered from defections: BBWR, KPN and UP. Parties consolidated into a two-bloc system of the post-communist left and the post-Solidarity centre-right. Following the 1997 election, the signs of stabilization were reconfirmed. The indicators of party system fragmentation decreased. The Rae fractionalization index for electoral and legislative parties was 0.78 and 0.66 respectively, while the Laakso and Taagepera index for the elective and legislative number of parties was 4.59 and 2.95 respectively. Similarly, the Blondel ratio of party strength (electoral) increased from 35.81% to 60.96% and the Blondel ratio of party strength (legislative) increased from 65.90% to 79.35%. Due to the fact that the three parties of the right, the Solidarity Electoral Action, the Freedom Union and the Movement for the Reconstruction of Poland, were formed as a result of the merging of previous political entities, party replacement was non-existent.

The 1997–2001 Period

The move towards party system institutionalization in 1997 was reversed by a major realignment in 2001 (see Millard 2003; Jasiewicz 2007). Measures of volatility and party discipline plummeted whereas structural stability remained roughly at the 1997 level (see Tables 1 and 3), proving an under-institutionalized party system. The post-Solidarity right continued to restructure (Bakke and Sitter 2005; Millard 1999). The parties of the right suffered from defections: the AWS, UW and ROP. New parties were founded such as Civic Platform (January 2001), Law and Justice (spring 2001) as well as League of Polish Families (April 2001). Despite restructuring of the right, the left remained stable and hence the total number of party switches was 141 for a four-year period which was quite low.

In the 2001 election, volatility increased to a massive 44.79%. There were also shifts between the blocs as indicated by the Bartolini–Mair measure, which recorded a result of 18.54%. Although winning in total 47.2% of the vote in 1997, the post-Solidarity AWS and the liberal UW failed to reach the electoral threshold in 2001 – they received 5.6% and 3.1% respectively. In comparison with other European countries, volatility in Poland was high. According to Bartolini and Mair (1990), the West European average volatility between 1885 and 1985 was 8.6%, but increased significantly in the 1990s to an average of 12.6%. At the same time in Eastern Europe the average remained at around 25% (Sikk 2005), although in individual countries and for individual elections at times it was high, for example, only the Czech Republic and Slovenia experienced a decrease in volatility. The volatility index substantially increased in Estonia (34.4% in 2003), Latvia (41.7% in 2002), Lithuania (45.6% in 2004) and Slovakia (44.1% in 2002) (Krupavičius 2004).

The 2001 election witnessed the overwhelming victory of the post-communist left – the Democratic Left Alliance – which along with the Labour Union, won over 41% of the vote. Before the election there was an attempt to organize a single, broad right-wing electoral coalition similar to AWS, but it was discarded in favour of
consolidation around the splinters from AWS: Civic Platform, the Law and Justice party and the League of Polish Families. In consequence, party replacement was high at 43.47%. After the 2001 election, four of the six parties in the Sejm were new: PO, PiS, LPR and Self-Defence. The election also marked the end of the historic cleavage between the post-communists and anticommunists when SLD formed an alliance with the left socialist Labour Union, the only party with explicit roots in both Solidarity and the former communist ruling party. The Polish party system was at this point more clearly divided along socio-cultural lines (secularism v. religious traditionalism and nationalism v. cosmopolitanism) (see Markowski 2006; Millard 2003).

The 2001–2005 Period

The 2005 parliamentary election resulted in a second major realignment but this time it was the restructuring of the centre-left. In comparison with 2001, the measures of party system institutionalization improved only in terms of structural stability while volatility was the second highest in the post-1989 period and party discipline was low. Although volatility fell from its 2001 peak to 31.58% in 2005, the level of inter-bloc volatility actually increased from 18.54% in 2001 to its highest ever post-1989 level of 26.65% in 2005. The total number of party switches was 403 in a four-year period, which was the highest in history of democratic politics in Poland. The governing SLD suffered serious defections. The turbulence and party instability that occurred on the centre-left was all the more unexpected considering that in the first decade of democratic politics, the left had been stable and SLD was a model of how to transform a former communist party into a modern, electorally successful, social democratic party. The SLD lost support amidst serious scandals and accusations of corruption.

The 2005 parliamentary election returned the same six parties to the Sejm that had won seats in 2001. This continuity contrasted dramatically with the high level of party turnover in all previous elections. In 2005 the indicators of party system fragmentation increased slightly. Party strength remained at a similar level to 2001. Electoral party strength was 51.13% and legislative party strength was 62.61%. The 2005 election marked the redefinition of the dimensions of party competition. The contest was framed as a choice between a ‘social-solidaristic’ force represented by Law and Justice and a ‘liberal’ vision of Poland represented by Civic Platform (see Markowski 2006; Szczerbiak 2007).

The 2005–2007 Period

The results for 2007 indicated progress towards institutionalization. Volatility was comparatively low, party discipline increased and structural indicators were high. Volatility decreased to 21.51% and bloc volatility was one of the lowest at 13.37%. According to Bartolini and Mair (1990) party system stability may be compatible with a degree of electoral volatility, particularly if it occurs within, rather than across, blocs. It should be noted that the mobilization of the electorate in 2007 and the increase by 4 million in the number of voters, certainly contributed to higher volatility (see Gwiazda 2008). The total number of party switches was 103 for a two year-period. In particular, the Self-Defence and the League of Polish Families endured defections. By the end of its tenure in office, the number of Law and Justice party deputies had fallen only by four, which in comparison with previous administrations was a significant improvement on governing party discipline. However, PiS coalition partners did not show similar levels of institutionalization. Moreover, the formation of the coalition government in May 2006 between the Law and Justice Party, the League
of Polish Families and Self-Defence confirmed the waning of the historical cleavage as Self-Defence included numerous members of the former communist party.

In 2007 the indicators of party system fragmentation slightly decreased. With the exit of Self-Defence and the League of Polish Families and no new party entering the Sejm, the effective number of elective parties at 3.32 and legislative parties at 2.82 was the lowest in the post-1989 era. Simultaneously, party strength significantly increased: the two largest legislative parties got 81.52% of the vote and 73.62% of the seats in the Sejm. The two centre-right parties dominated the system which resulted in the marginalization of the left. In conclusion, this period was characterized by a quasi-institutionalized party system (Gwiazda 2009).

The 2007-11 Period
The 2011 results show stability of interparty competition. Volatility was the lowest at 6.39% in a twenty-year period which was in fact lower than a West European average. In fact, there are signs of decreasing volatility in Eastern Europe, whereas volatility is on the rise in several West European democracies (see Lane and Ersson 2007). The total number of party switches was 130 over four years, which means that it was the lowest average number of switches per year since 1991. The structural indicators after the 2011 election were similar to the 2007 ones with the exception of party system dynamics which increased to 8.7% and slightly increased party system fragmentation. Electoral and legislative Rae fractionalization index was 0.73 and 0.67 respectively. Elective and legislative Laakso and Taagepera index was 3.74 and 3.00 respectively. The index of 3.00 for the 2011 election makes Poland similar to West European democracies. Birch (2003) calculated the average number of effective parliamentary parties for post-communist countries and Western Europe: 4.08 and 3.72 respectively. Legislative party strength remained robust, the second highest (decreased only slightly from 81.52% to 79%). Likewise, electoral party strength decreased from 73.62% to 69.07%. The results for 2011 reconfirm the quasi-institutionalized party system in Poland.

Table 11: Party system institutionalization in Poland

<table>
<thead>
<tr>
<th></th>
<th>Criterion 1: volatility</th>
<th>Criterion 2: party institutionalization</th>
<th>Criterion 3: structural stability</th>
<th>Aggregate</th>
</tr>
</thead>
<tbody>
<tr>
<td>1989-1991</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>1991-1993</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>5</td>
</tr>
<tr>
<td>1993-1997</td>
<td>3</td>
<td>3</td>
<td>3</td>
<td>7</td>
</tr>
<tr>
<td>1997-2001</td>
<td>1</td>
<td>2</td>
<td>2</td>
<td>5</td>
</tr>
<tr>
<td>2001-2005</td>
<td>1</td>
<td>1</td>
<td>3</td>
<td>5</td>
</tr>
<tr>
<td>2005-2007</td>
<td>2</td>
<td>2</td>
<td>3</td>
<td>7</td>
</tr>
<tr>
<td>2007-2011</td>
<td>3</td>
<td>2</td>
<td>2</td>
<td>7</td>
</tr>
</tbody>
</table>

Note: good performance = 3; medium = 2; bad = 1; under-institutionalized party system = below 5; quasi-institutionalized = 6 or 7; institutionalized = 8 or 9.

e - estimate

Table 11 presents individual scores of the three criteria in each time period and the final column gives an aggregate score. The scores are rough and incomplete approximations but nevertheless should give an indication of the degree of institutionalization of the Polish party system in different time periods. Initially, the Polish party system was unstable with high volatility, numerous parties and a lack of institutionalization. Hence, the aggregate score is low 3 for 1989-1991 and 5 for 1991-1993 meaning under-institutionalization. The system began to stabilize in the period 1993–1997, with the 1997 election showing evidence of stable inter-party competition and a medium degree of structural stabilization and party institutionalization. The aggregate score is 7 meaning quasi-institutionalized. In 2001 and 2005 there was realignment, the aggregate score dropped to 4 and 5 respectively,
meaning under-institutionalization. In 2007 the aggregate score increased to 7 and remained at the same level for 2011 which indicated that the party system is quasi-institutionalized. This is a positive development since for the first time the results showed persistence over time. What is even more encouraging is the fact that volatility dropped significantly in 2007-2011 and usually low volatility is a good predictor of party system stability and hence institutionalization.

So how can we account for stability in terms of fractionalization and party strength in 1993 and party replacement in 2001? How can we explain high volatility in 2001 and 2005? I argue that formal institutions can largely explain a greater structural stability while elite behaviour accounts for most of the instability of inter-party competition (volatility) and inter-party mobility (party switching).

Formal institutions such as electoral laws, the 1997 Constitution and the law on political parties contributed to structural stability, that is, lowering fractionalization and increasing party strength. Fractionalization is closely related to the electoral system. Extreme fractionalization in 1991 was a result of a very proportional electoral system, the reduction of fractionalization was an immediate result of a less proportional system (the electoral system is discussed in Chapter 3). Although after the 1991 election, 29 political parties and groups won seats in the Sejm, in 1993 the number of parties was limited to six whereas after the 2007 election the number was reduced to four (excluding German minority which is not a political party per se). When party fractionalization decreases, party strength increases. In terms of party replacement, no new party entered the Sejm after the 2001 election, except for the Palikot Movement in 2011. Political parties were regulated with the passage of two important laws. The 1997 Constitution provided for freedom in the creation and functioning of political parties, in addition to the financing of political parties which was to be open to public inspection (Article 11). The 1997 Law on Political Parties specified rules for the setting up and functioning of political parties. Articles 28 and 29 stipulated that parties winning at least 3% of the vote in the Sejm election were entitled to state funding, i.e. a subvention until the following general election. In 2001, state funding was extended to coalitions winning 6% of the vote. The amount of subvention reflects the number of votes cast for a given party, albeit in a steeply regressive manner. The 2010 amendment to the law on political parties introduced a reduction in party financing by 50% from January 2011. Furthermore, political parties can also get some reimbursement of election expenses in the form of subsidy from the state budget as regulated by the electoral law. It does not cover all expenses but is rather a function of seats gained. State funding, whether in the form of subventions or subsidies, might facilitate party survival. Examples of the League of Polish Families and Self-defence show that failing to reach a state funding threshold in 2007, both parties basically disappeared from the political scene.

Conversely, elite behaviour is mostly responsible for volatility, and to some extent the rise of new parties. Previous studies have suggested numerous explanations of volatility such as economic situation, scandals, fluid cleavages or changes in the size of the electorate (see e.g. Bartolini and Mair 1990). However, elite-driven explanations are compelling. If we examine 2001 and 2005 in detail, elite-driven explanations are supported. In 2001, a relatively fluid cleavage structure and the establishment of new parties contributed to high volatility. New centre-right entrants received 30% of the vote. While the historical cleavage of communist v. anti-communist weakened, a pro- versus and anti-EU divide strengthened. In 2005 a new ‘social’ versus ‘liberal’ cleavage was politicized on the centre-right while a political scandal shattered the left. Finally, after the 2007 election the socio-economic divide
strengthened and the number of party switches was lower, which proves that the system is likely to institutionalize. Consequently, elite behaviour reflected in the loyalty of party elites and the elite’s politicization of cleavages influences the institutionalization of individual party and party system.

3.4 Accountability in Poland

The lower chamber of parliament, the Sejm, is in charge of overseeing the government in Poland. The Sejm’s control of government has been enshrined in all three constitutions. Provisions of the amended 1952 Constitution stipulated that the government (Council of Ministers) answered and reported on its activities to the Sejm and between terms to the President. The Little Constitution did not write in the Sejm’s controlling function as clearly as the 1952 Constitution, but prime ministers benefited from the constructive vote of no confidence, adopted to strengthen the government. Article 95.2 of the 1997 Constitution reasserted the principle of the Sejm’s ‘control over the activities of the Council of Ministers within the scope specified by the provisions of the Constitution and statutes’. The accountability function of the Sejm rests on several mechanisms, including confidence votes, investigative committees and parliamentary questions.

Votes of confidence

The vote of confidence is vital for the realization of government accountability to parliament. As a motion of no confidence can be submitted only on a parliamentary initiative, it gives power to the opposition and hence is more important from the accountability perspective. Consequently, this type of vote of confidence merits special attention. De jure analysis of subsequent constitutions shows that the Sejm could pass a vote of no confidence in the whole government or an individual minister. The amended 1952 Constitution talked about dismissal rather than no confidence, but it had the same effect as the vote of no confidence (Kruk 2008). Article 37 stipulated that the Sejm appointed and revoked the government or its individual ministers at the request of the Prime Minister in consultation with the President, or on its own initiative. The 1992 Little Constitution introduced the constructive vote of no confidence, drawn from German constitutionalism. In addition to Germany, Spain and Belgium also employ this mechanism (Gallagher et al. 2011). The introduction of a constructive vote of no confidence was to block ill-conceived initiatives of deputies who could, for undue reasons, ask for a government’s dismissal (Madera 2011). Article 66 stipulated that the Sejm could pass a vote of no confidence with an absolute majority of votes. A motion of no confidence could be submitted by at least 46 deputies and the Sejm had simultaneously to appoint a new prime minister (Article 66.4). In the case of a vote of no confidence, the president could accept the dismissal or dissolve parliament. Article 67 prescribed that the Sejm could also pass a vote of no confidence in individual ministers who should resign if the vote were passed. The 1997 Constitution reiterates the principle of the constructive vote of no confidence. Article 158.1 stipulates that the Sejm can pass a vote of no confidence in the government by absolute majority on a motion by 46 deputies (which constitutes 10% of all deputies) and which should specify the name of a candidate for prime minister. If such a resolution is passed by the Sejm, the president accepts the resignation of the government and appoints a new prime minister. Article 159.1 also provides for a vote of no confidence in individual ministers. A motion to pass such a vote of no confidence may be submitted by at least 69 deputies (15% of all deputies). The president recalls a minister in whom a vote of no confidence has been passed by
absolute majority of the Sejm (Article 159.2). What is vital from the accountability perspective is the fact that the vote should be preceded by a debate in the Sejm (Article 115 of the Sejm Rules). Table 12 illustrates actual votes of no confidence in governments and individual ministers.

Table 12 Votes of no confidence in prime ministers and ministers, 1991-2011

<table>
<thead>
<tr>
<th>Sejm terms</th>
<th>Government</th>
<th>Tabled votes of prime ministerial no confidence</th>
<th>Voting</th>
<th>Tabled votes of ministerial no confidence</th>
<th>Voting</th>
<th>Tabled but not considered</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st term</td>
<td>Jan Olszewski (minority)</td>
<td>1</td>
<td>approved</td>
<td>0</td>
<td>n/a</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Hanna Suchocka (minority)</td>
<td>1</td>
<td>approved</td>
<td>1</td>
<td>rejected</td>
<td>0</td>
</tr>
<tr>
<td>2nd term</td>
<td>Waldemar Pawlak (majority)</td>
<td>1</td>
<td>approved</td>
<td>0</td>
<td>n/a</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Józef Oleksy (majority)</td>
<td>0</td>
<td>n/a</td>
<td>3</td>
<td>rejected</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Włodzimierz Cimoszewicz (majority)</td>
<td>1</td>
<td>rejected</td>
<td>2</td>
<td>rejected</td>
<td>1</td>
</tr>
<tr>
<td>3rd term</td>
<td>Jerzy Buzek (majority)</td>
<td>0</td>
<td>n/a</td>
<td>7</td>
<td>rejected</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Jerzy Buzek2 (minority)</td>
<td>0</td>
<td>n/a</td>
<td>1</td>
<td>rejected</td>
<td>2</td>
</tr>
<tr>
<td>4th term</td>
<td>Leszek Miller (majority)</td>
<td>0</td>
<td>n/a</td>
<td>5</td>
<td>rejected</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Leszek Miller2 (minority)</td>
<td>0</td>
<td>n/a</td>
<td>8</td>
<td>rejected</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Marek Belka (minority)</td>
<td>0</td>
<td>n/a</td>
<td>6</td>
<td>rejected</td>
<td>1</td>
</tr>
<tr>
<td>5th term</td>
<td>Kazimierz Marcinkiewicz (minority)</td>
<td>0</td>
<td>n/a</td>
<td>1</td>
<td>rejected</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Kazimierz Marcinkiewicz2 (majority)</td>
<td>0</td>
<td>n/a</td>
<td>0</td>
<td>n/a</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Jarosław Kaczyński (majority)</td>
<td>0</td>
<td>n/a</td>
<td>5</td>
<td>rejected</td>
<td>20</td>
</tr>
<tr>
<td></td>
<td>Jarosław Kaczyński2 (minority)</td>
<td>0</td>
<td>n/a</td>
<td>0</td>
<td>n/a</td>
<td>2</td>
</tr>
<tr>
<td>6th term</td>
<td>Donald Tusk (majority)</td>
<td>0</td>
<td>n/a</td>
<td>11</td>
<td>rejected</td>
<td>0</td>
</tr>
</tbody>
</table>

Source: Calculated from searching the Sejm stenographic records in the archives.

Is a vote of no confidence an effective accountability mechanism? In terms of formal scope, it provides information, argumentation and enforcement. In practice, the number of motions increased, from 18 in the 1990s to a total of 36 in 2001–2011. However, most of them were rejected: out of a total of 54 votes of no confidence, only three were approved. They were votes of confidence in governments. Two of these were at the time the weak minority governments of Olszewski and Suchocka. Pawlak’s dismissal was based on coalition approval. Other votes of no confidence were in individual ministers. Given the frequency of minority governments, the difficulty of unseating ministers is puzzling. It was possible with the help of
independents and on occasions some opposition members, which proves that the opposition was divided. In addition, constitutional provisions which require an absolute majority are a high threshold for passing a motion of no confidence. Third, initially some motions were submitted by governing parties, e.g. three PSL motions and one SLD motion against coalition partners (1993–1997) and two AWS motions against its own government (1997–2001). This also shows that the government coalitions were not coherent. This was a feature in the first decade and did not reoccur later on. It can be argued that with more institutionalized parties in the 2000s, it was more difficult for the opposition to dismiss ministers. However, although most of no confidence votes were unsuccessful in that they were not passed, they still provided an opportunity to discuss the government’s policy and actions. In many instances, there were heated debates between the government and the opposition (Bożyk 2005). So, it can be argued that the institution of the vote of no confidence is quite effective, especially in informative and argumentative terms, albeit less so in a punitive sense (with the exception of the first term). As the practice shows, votes of no confidence are sometimes also used as a credible threat by the opposition, as in the example of the Kaczyński government. Thus, to some extent, we might argue that there is some sanction involved even if the actual vote does not take place.

**Investigative committees**

An investigative committee is another accountability mechanism used by the Sejm. Initially, instead of investigative committees, special Sejm committees were established, but then the 1997 Constitution made provision for genuine investigative committees. The year 2003 was a turning point in the development of investigative committees in Poland when the so-called Rywin corruption affair gave rise to the first genuine investigative committee. In general, investigative committees are common accountability instruments. They are used by all parliaments of EU member states, including the European Parliament (Mojak 2007).

The amended 1952 Constitution stipulated that ‘the Sejm might establish a committee for examining a particular matter and its mode of operation is regulated by the Sejm’ (Article 23.5). The committee was equipped with investigative duties and hence could be classified as an investigative committee (Madera 2011). Likewise, the 1992 Little Constitution reiterated these provisions and in addition made specific references to the Criminal Code (Article 11). Genuine investigative committees, however, were provided only with the introduction of the 1997 Constitution. Article 111.1 stipulates that ‘the Sejm may appoint an investigative committee to examine a particular matter’. The procedures for the operation of an investigative committee are specified by statute (Article 111.2) and the Sejm Rules of Procedure (Article 112). The relevant act of 21 January 1999 on investigative committees stipulated that they can consist of up to 11 members and their membership should reflect the parties represented in the Sejm Council of Elders. Moreover, Article 136a-i of the Sejm Rules of Procedure further specified the details. An investigative committee can be set up on the initiative of the Presidium of the Sejm (i.e. the Marshall of the Sejm and Vice-Marshalls) or by at least 46 deputies. Having completed its tasks, the committee presents a final report on its activities to the Marshal of the Sejm but it does not have a right to a legislative initiative.

Table 13 Sejm investigative committees, 1991-2011
In 1991–1993, the Sejm established three special committees with investigative roles. In 1993–1997, the Sejm established two special committees assigned investigative tasks. In 1997–2001, there were five attempts to establish investigative committees but all of them failed. Although most bills were proposed by governing AWS deputies, they were not supported because of disagreements between the governing AWS and UW parties, low party discipline and internal divisions within AWS. The period 2001–2005 marked a new approach to investigative committees. In the wake of the Rywin corruption scandal, the first genuine investigative committee was established in 2003. The Rywin scandal caused a political earthquake. In the fifth term, 2005–2007, one investigative committee was established. In the sixth term, 2007–2011, four investigative committees were set up.

<table>
<thead>
<tr>
<th>Sejm term</th>
<th>Committee</th>
<th>Initiator</th>
<th>Membership at the time of establishment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1991–93</td>
<td>Special Committee on the actions of the Minister of Defence</td>
<td>President (O)</td>
<td>2UD, 2 SLD, PSL, KPN, ZChN, PC, KLD (O)</td>
</tr>
<tr>
<td></td>
<td>Special Committee on the ‘illusion’ resolution</td>
<td>KPN (O)</td>
<td>3 UD; 3 SLD; 2 KLD; 2 PL; 2 PPPP; 2 PC; 2 KPN; 2 ZChN; 2 PSL; UP; MN; CHD; NSZZ; UPR and independent (O)</td>
</tr>
<tr>
<td></td>
<td>Special committee on countering abuse and corruption in the economy</td>
<td>PSL; SLD; UP (O)</td>
<td>3 SLD; 3 PC; 2 UD; 2 KLD; 2 ZChN; 2 KPN; 2 PSL; 2 PL; UP; NSZZ; UPR; PPPP (O)</td>
</tr>
<tr>
<td>1993–97</td>
<td>Special Committee on the Oleksy affair</td>
<td>Sejm Committee for Secret Services</td>
<td>2SLD; 2PSL; 2UW; 1UP (G)</td>
</tr>
<tr>
<td></td>
<td>Special Committee on former Ministers of Foreign Economic Relations</td>
<td>Sejm Presidium: PSL, SLD, UW, UP (A)</td>
<td>7 SLD, 6 PSL, 3 UW, 2 UP, 1 KPN, 1 AWS (G)</td>
</tr>
<tr>
<td>1997-2001</td>
<td>None</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>2001-5</td>
<td>Investigative Committee on the Rywin affair</td>
<td>Several proposals but PO bill favoured (O)</td>
<td>5 SLD-UP; 1 PO; 1 PSL; 1 PiS; 1 Self-Defence; 1 LPR (G)</td>
</tr>
<tr>
<td></td>
<td>Investigative Committee on the Orlen affair</td>
<td>LPR (O)</td>
<td>1 UP; 1 SLD; 1 SDPL; 1 LPR; 1 Self-Defence; 1 PSL; 1 PO; 1 PiS; 1 National-Catholic Movement (former LPR); 1 independent (O)</td>
</tr>
<tr>
<td></td>
<td>Investigative Committee on the PZU affair</td>
<td>SLD (G)</td>
<td>1 PSL; 3 SLD; 1 SDPL; 1 LPR; 1 PiS; 1 PO; 1 UP; 1 Homeland (former LPR) (G)</td>
</tr>
<tr>
<td>2005-7</td>
<td>Investigative Committee on the privatization of Polish banks</td>
<td>PiS (G)</td>
<td>4 PiS; 2PO; 1 SLD; 2 PSL; 1 LPR (O)</td>
</tr>
<tr>
<td>2007-11</td>
<td>Investigative Committee on Blida death</td>
<td>SLD (O)</td>
<td>3 PO; 1 PSL; 2 PiS; 1 SLD (G)</td>
</tr>
<tr>
<td></td>
<td>Investigative Committee on unlawful pressures</td>
<td>PO (G)</td>
<td>3 PO; 1 PSL; 2 PiS; 1 SLD (G)</td>
</tr>
<tr>
<td></td>
<td>Investigative Committee on the Olewnik murder</td>
<td>Sejm Presidium: PO, PSL, SLD; PiS (A)</td>
<td>3 PO; 1 PSL; 2 PiS; 1 SLD (G)</td>
</tr>
<tr>
<td></td>
<td>Investigative Committee on gambling</td>
<td>PiS, SLD, PO but PO bill favoured (G)</td>
<td>3 PO; 1 PSL; 2 PiS; 1 SLD (G)</td>
</tr>
</tbody>
</table>

Source: Sejm (1991-2011); Mojak (2007); Madera (2011)
G – government; O – opposition; A- all-party
How effective are investigative committees as an accountability mechanism? Up to 1997, there was limited *de jure* effectiveness due to limited legal provisions. The operations of investigative committees in first and second terms showed that constitutional provisions on special committees were not sufficient. More effective *de jure* accountability resulted from clear provisions on investigative committees in the 1997 Constitution and the 1999 Act on Sejm Investigative Committees, which recognized that an investigative committee performs an important role in ensuring the parliamentary accountability of government in terms of information, argumentation and enforcement. The analysis of *de facto* accountability shows that there were five special committees in the first decade (1991–2001), whereas there were eight investigative committees set up in the second decade (2001–2011). In practice, special committees in the period 1991–1997 were mainly used as a tool in a power struggle within the executive (Bagieńska-Masiota 2010). It was also an ideological battle between those who feared the resurgent capacity of communism and those who did not (Millard 2010). Two committees dealing with economic matters also demonstrated that political transition was inextricably intertwined with economic transformation. In contrast, investigative committees in the 2000s, delivered concrete results in terms of information, argumentation and enforcement. In several cases, investigative committees went beyond the informational and explanation stages to impose formal sanctions on the political actors involved. In the second decade there were more far-reaching political and legal consequences. However, it has also been observed that they are often instruments of political point-scoring rather than reliable instruments of accountability (see Bagieńska-Masiota 2010). This phenomenon is not limited to Poland. Bergman et al. (2003) recognize that setting up an investigative committee in well-established democracies requires decisions that are often highly politicized, but at the same time they have occasionally had great political impact. Given the concern about the politicization of committees, it could diminish if the membership of the opposition in the committees were equal to that of the government.

Nevertheless, the opposition is an important agent of accountability. In most cases, the opposition initiated the committees (including the President during cohabitation). But because a parliamentary majority is necessary for the establishment of committees, the government of the day must agree to the establishment of such committees and hence it must cooperate with the agents of accountability. Moreover, the Polish case has demonstrated that most investigative committees have been established as a result of investigative journalism. In most cases the media revealed an issue. Hence, media facilitate the indirect way of government oversight used by the parliament. It is what McCubbins and Schwartz (1984) call ‘fire alarms oversight’.

**Parliamentary questions**

Parliamentary questions are at the heart of government accountability and they are crucial to the accountability function of the Sejm. Their purpose is the oversight of the government’s performance and actions. Over the years, several types of parliamentary questions have been put to use in Poland and their number has also increased exponentially.

Regulations concerning parliamentary questions evolved over time in Poland. Article 25 of the amended 1952 Constitution required that the Prime Minister and other members of the Council of Ministers furnish answers to interpellations and deputies’ questions within a time specified by the Sejm. Article 25 of the 1992 Little Constitution reiterated this. Articles 59–67 of the Sejm Rules of Procedure provided
further specifications concerning interpellations and deputies’ questions. Interpellations were to be in written form and had to be answered within 21 days, whereas deputies’ questions were oral and more informal (Sejm 1998). A response to an interpellation could be the subject of a parliamentary debate, which could lead to a vote of no confidence in a government or minister (Mordwiłko 1998). Currently, Article 115 of the 1997 Constitution regulates parliamentary questions. Article 115.1 reads: ‘the Prime Minister and other members of the Council of Ministers shall furnish answers to interpellations and deputies’ questions within 21 days’. Article 115.2 reads: ‘the Prime Minister and other members of the Council of Ministers shall furnish answers to matters raised in the course of each sitting of the Sejm’. This paragraph refers to ‘questions on current issues’. Article 115 was further developed in the Sejm Rules of Procedure, which after changes introduced in early 2003, currently provide for four types of questions: interpellations, deputies’ questions, questions on current issues and questions on current information (Articles 191-196).

The subject of an interpellation should concern overall governmental policy or a specific area of competence assigned to individual ministers. Article 192 provides that a ‘deputy shall be entitled to lodge an interpellation in relation to significant matters and those concerning state policy’. It is not subject to parliamentary debate as used to be the case. The second type of parliamentary question is deputies’ questions. Regulated in Article 195 of the Sejm Rules, deputies’ questions should refer to matters other than those ‘of essential importance’, for example concerning the deputy’s constituency (Kruk 2008). The procedures are similar to those used for interpellations. The third type is questions on current issues, which concerns matters discussed during the plenary session or actions of the government which are happening at the time of the Sejm session. These are oral questions and require an immediate answer as stipulated by Article 196 of the Sejm Rules, but are not subject to debate. A deputy should inform the Marshal of the Sejm of general subject of a question and the Presidium of the Sejm, after seeking an opinion from the Council of Seniors, decides on the order of questions. The questions and the answers given are not the subject of debate. Finally, current information was introduced with the 2003 amendments to the Sejm Rules. Article 194 stipulates that at least 15 deputies or a parliamentary party can submit a motion for information. The Presidium of the Sejm decides which information requested is included in the parliamentary agenda, depending on its significance, topicality and the number of deputies or members of a group making the proposal. Information is subject to discussion. The Sejm has witnessed quite a few spectacular debates initiated by questions concerning current information. They often concern Polish foreign policy. For example, at the turn of 2006 and 2007 two debates initiated by the opposition’s request for current information were rather contested; in one case a vote of no confidence in Foreign Affairs Minister Fotyga was even considered (Kruk 2008).

Table 14 Parliamentary questions, 1991-2011

<table>
<thead>
<tr>
<th></th>
<th>Interpellations</th>
<th>Deputies’ questions</th>
<th>Questions on current issues</th>
<th>Current information</th>
<th>Total number of questions</th>
</tr>
</thead>
<tbody>
<tr>
<td>1991-93</td>
<td>773</td>
<td>508</td>
<td>n/a</td>
<td>n/a</td>
<td>1281</td>
</tr>
<tr>
<td>1993-97</td>
<td>2,613</td>
<td>672</td>
<td>n/a</td>
<td>n/a</td>
<td>3,285</td>
</tr>
<tr>
<td>1997-2001</td>
<td>7,081</td>
<td>4,247</td>
<td>311</td>
<td>n/a</td>
<td>11,639</td>
</tr>
<tr>
<td>2001-5</td>
<td>10,660</td>
<td>4,386</td>
<td>710</td>
<td>57</td>
<td>15,813</td>
</tr>
<tr>
<td>2005-7</td>
<td>9,581</td>
<td>3,495</td>
<td>439</td>
<td>41</td>
<td>13,556</td>
</tr>
<tr>
<td>2007-11</td>
<td>24,409</td>
<td>10,598</td>
<td>947</td>
<td>85</td>
<td>36,039</td>
</tr>
</tbody>
</table>

Source: Sejm, 1991-2011
Table 14 shows the number of parliamentary questions over two decades. It shows a dramatic increase in the number of all types of questions.

Parliamentary questions are often used by the opposition, as confirmed by the data provided by the Sejm (see Table 15). The percentage ranged from 55.5% to 86%. Usually, it is the largest opposition party (except for Self-Defence in 2001–2005). Although the majority of questions are asked by the opposition, the percentage is lower for two terms: 1993–1997 and 2007–2011. Whereas opposition politicians use questions to undermine the credibility of ministers and assist their party’s electoral prospects, government backbenchers often ask questions to help sustain the government in office.

<table>
<thead>
<tr>
<th>Period</th>
<th>Opposition parties</th>
<th>Most active opposition party (percentage of all opposition questions)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1991-93</td>
<td>86.6%</td>
<td>Democratic Left Alliance (35.2%)</td>
</tr>
<tr>
<td>1993-97</td>
<td>55.5%</td>
<td>Freedom Union (27.3%)</td>
</tr>
<tr>
<td>1997-2001</td>
<td>77.1%</td>
<td>Democratic Left Alliance (63.6%)</td>
</tr>
<tr>
<td>2001-5</td>
<td>72.2%</td>
<td>Self-defence (20.7%)</td>
</tr>
<tr>
<td>2005-7</td>
<td>65.2%</td>
<td>Civic Platform (36.3%)</td>
</tr>
<tr>
<td>2007-11</td>
<td>59.4%</td>
<td>Law and Justice (42.6%)</td>
</tr>
</tbody>
</table>

Source: Own calculation based on Sejm data.

Are parliamentary questions an effective accountability mechanism? *De jure* analysis shows that the rules have changed. In practice, this mechanism is often used. Over 20 years, the total number of all questions increased by 28 times. The government is required regularly to respond to any enquiries, no matter how uncomfortable they might be and this is important from the accountability perspective. Although some important debates have been initiated by parliamentary questions, they have not had any formal consequences for members of government. Thus, in terms of information and argumentation, parliamentary questions are perhaps the most effective tool of constant oversight as they are asked at every session of the Sejm, but in terms of enforcement there is little effect. Thus, it is a case of accountability without sanctions.

4. Discussion and conclusion
This paper has addressed the issue of evaluating the quality of democracy in procedural terms. It has proposed to assess four dimensions of democracy: representation, participation, competition and accountability. I have argued that democracies with higher representation and participation, effective accountability and stable and predictable patterns of party competition are good quality democracies. Conversely, democracies with a low degree of representation and participation, ineffective accountability and unstable patterns of party competition are poor quality democracies.

The quality of democracy has improved over time in Poland. There has been progress across all dimensions. More than two decades since the fall of communism, there is better representation, higher participation, more stable competition and more effective accountability. Women’s parliamentary representation has increased. More citizens participate in civil society organizations. The party system has evolved from extremely fragmented and volatile to quasi-institutionalized. Finally, government accountability by the parliament is more effective. A diachronic comparison shows progress in improving democracy in Poland. Yet, a synchronic comparison with other
democracies shows that there is still work to be done. The most notable democratic
deficit in Poland is clearly in the dimension of participation. Electoral participation
remains low, so does non-electoral participation. Overall, Poland can be classified as
a medium quality democracy because there is a good realization of some goals and
limited realization of others. It has moved from a low quality democracy in the early
1990s to a medium quality democracy in 2012. But even in dimensions which have
improved significantly over time, some problems still remain. Women’s
representation in the Senate and ethnic minority representation could be further
enhanced. The party system could be fully institutionalized, and finally the opposition
influence could be strengthened.

Consequently, the two key questions which should be addressed here are: how
can we account for democratic deepening in Poland? How can deficient qualities of
democracy be improved and hence the democratic deficit diminished? The answer
focuses on institutions and institutional reforms.

This paper has identified institutions as vital for the quality of democracy.
Institutions have mattered for representation, participation, competition and
accountability in Poland. Formal institutions such as electoral systems, constitutions
and normative acts have influenced political outcomes. Electoral law has had an
impact on representation, competition and electoral participation. The constitution and
other normative acts have had an impact on all four dimensions. In all dimensions
formal institutions have mattered. But this paper also shows the importance of
informal institutions. Informal institutions can be as powerful as formal ones, which
was shown in the case of participation. Political culture based on low levels of inter-
personal and political trust, strong anti-party sentiments and general disengagement
can explain low electoral and non-electoral participation in Poland. Hence, if there is
one main conclusion that can be drawn, it must be that institutions matter.

Moreover, there is no denying that institutional reform is the main tool for
improving democracies. I argue that in the case of Poland, the quality of democracy
would be even better if certain formal and informal institutions have changed. In the
case of the most problematic dimension, that of participation, reforms are a difficult
task but not an impossible one. This is because it takes a long time to change attitudes,
values and behaviour. However, there are several ways how electoral and non-
electoral participation could be enhanced, for example through deliberative
democracy, usage of new technology and education. As regards deliberation, the
participatory practices need to be intertwined with attention to a deliberative
democracy. There are specifically designed institutions to increase and deepen citizen
participation in the political decision-making process such as participatory budgeting
and the citizens’ assembly (see Smith 2011). Hence, the introduction of such
institutions could be beneficial. Moreover, a better use of information and
communication technology (ICT) could increase participation. Despite quite
extraordinary pace of change in ICT, which is enabling even more inventive forms of
interconnection and communication between citizens, it did not fully enter the
political sphere in Poland. For example, there is no way of submitting electronic
petitions, questions and citizen’s bills which is commonplace in other democracies.
Moreover, e-voting could be encouraged as in the case of Estonia. The promise of e-
democracy has yet to be fulfilled in Poland. Finally education is vital. Non-electoral
participation like membership in civil society organizations could be promoted by the
inclusion of voluntary and charity work as part of school curriculum as it is the case in
other well-established democracies. From early age pupils can socialize in a civic
community spirit and work for the local community.
In other dimensions, such as representation, although there has been a considerable effort to promote women’s parliamentary representation and to reduce the weight of historical and social forces that inhibit an active role for women in politics, gender quotas for lists of candidates could be further reformed. Its efficiency could be improved by introducing the ‘zipper’ system of alternating women and men on the lists. The representation of ethnic minorities could be enhanced by their formal recognition. Moreover, a cultural change in terms of less rivalry and antagonism could contribute to a more stable political competition. A regards accountability, institutions and practices that monitor and control exercise of power could be reinforced. For example, the role of the opposition could be further enhanced.

This paper has addressed a timely and important issue concerning the quality of democracy and hence contributed to debates on democracies in Europe and elsewhere. The most common assertion in those debates is that democracies are in crisis, especially those which experienced deep economic recessions. In Eastern Europe, this debate is linked to the assessment of the state of democracy after more than two decades since the fall of communism. Some scholars argue that after a period of democratic progress, today most of the new democracies are experiencing a democratic fatigue. But the Polish case shows that democracy is not in a crisis. The quality of democracy has improved in Poland, mainly thanks to institutional reforms.

**Bibliography**


Notes

1 The year 1989 is the start date of this analysis but some stipulation is required here. The Sejm in the period 1989-1991 was not fully democratically elected, and hence it was called the Contract Sejm and considered to be the last assembly of the communist period. The fully free election of 1991 resulted in the first Sejm of the democratic period. Conversely, the democratically elected Senate in 1989 had its first term from 1989 to 1991. The data provided in empirical chapters reflect this incongruence in democratic initiation.

2 As early as 1934, Lawrence Lowell produced a paper entitled ‘The Present Crisis in Democracy’, published in Foreign Affairs; this was followed by Crozier et al’s report in 1975.

3 This paper adopts the procedural understanding of democracy, which was originally developed by Joseph Schumpeter (1943[2000]) and was given its most complete expression by Robert Dahl (1971).

4 The Pedersen index of electoral volatility is the sum of the absolute value of the percentage change of the vote for each party from one election to another divided by two (Pedersen 1979: 4). $P_i V$ represents the change, in absolute terms, in the aggregate vote for party $i$ between two consecutive elections.

Total volatility (TV) = \[
\frac{\left| P_{iV} \right| + \left| P_{jV} \right| + \left| P_{kV} \right| + \ldots + \left| P_{nV} \right|}{2}
\]

5 According to Bartolini and Mair (1990) bloc volatility means:

$$ BV = \frac{\left| P(iV + jV + kV) \right| + \left| P(iV + jV + kV) \right|}{2} $$
Where \( P (iV + jV + kV) \) represents the net change, in absolute terms, in the aggregate vote for parties \( i, j \) and \( k \), all of which come from the same bloc, between two consecutive elections.

6 Party system fractionalization is measured using the following formulae:

For an elective party system:

\[
F = 1 - \left( \sum T^2 \right) \quad \frac{\text{total vote for a given party}}{\text{total vote for all parties}}
\]

For a legislative party system:

\[
F = 1 - \left( \sum S^2 \right) \quad \frac{\text{number of seats held by a party}}{\text{total seats in parliament}}
\]

7 The effective number of elective parties (\( N_v \)) equals:

\[
N_v = \frac{1}{\sum P_v^2}
\]

where \( P_v \) refers to party \( i \)'s share of the votes.

The effective number of legislative parties (\( N_s \)) equals:

\[
N_s = \frac{1}{\sum P_s^2}
\]

where \( P_s \) refers to party \( i \)'s share of the seats.

8 \( \frac{A}{B} = X\% \) where \( A \) is the number of seats in parliament won by new parties, \( B \) the number of seats in parliament, and \( X \) is therefore the percentage of seats that new parties have in parliament.

Migalski et al. (2006) consider all parties for which candidates stood in elections for the first time to be new parties, even if they were actually successor parties.

9 A term used by Schedler et al (1999). ‘Agents of accountability’ include not only this simple tripartite division of powers, but also election commissions, electoral tribunals, auditing agencies, anticorruption bodies, ombudsmen, administrative courts and central banks.

10 It is debatable whether information, justification and enforcement should all be present at the same time. Schedler (1999) argues that certain instances of accountability do not include aspects of answerability, while others omit elements of enforcement. Conversely, other scholars contend that the possibility of sanctions of some kind is a constitutive element of accountability (Bovens 2007; Mulgan 2003; Strøm 2003).

11 The exact rules employed in the Polish case are the following:

1991/1993:
The Non-Party Bloc for the Support of Reforms (BBWR) and Self-Defence only contested in the 1993 election. The Solidarity of Labour (SP) contesting in 1991, became the Labour Union (UP) for the 1993 election. Electoral Catholic Action (WAK) contesting in 1991 became the Catholic Electoral Committee ‘Fatherland’ (KKW) for the 1993 election.

1993/1997:
Solidarity Electoral Action (AWS) consisted of the Confederation of Independent Poland (KPN), Centre Accord (PC), NSZZ (Independent Self-Governing Trade Union Solidarity), the Catholic Electoral Committee ‘Fatherland’ (KKW mainly ZChN), Peasant Accord (PL) and parts of the Non-Party Bloc for the Support of Reforms (BBWR) and some 20 other groups. Hence, AWS was a‘direct heir’ of several rightist parties (Markowski, 2001, p. 51). In 1997 the Freedom Union (UW) consisted of the Democratic Union (UD) and Liberal Democratic Congress (KLD) of 1993. The Union of Polish Republic’s Right (UPR) was a former Union of Real Politics (UPR) in 1993. The Coalition for the Polish Republic (KdR) in 1993 became the Movement for the Reconstruction of Poland (ROP) in 1997.

1997/2001:
The Civic Platform (PO), Law and Justice (PIS), League of Polish Families (LPR) and Self-Defence are new parties, despite the fact that to some extent they are a continuation of previously existing
parties and coalitions. Yet, they became political parties (rather than mere electoral coalitions) and had distinct ideological programmes.

2001/2005:
The Polish Social Democracy (SDPL) split from SLD and ran separately in the 2005 election. The Democratic Party (PD) was a continuation of the Freedom Union (UW). The Fatherland’s Home (DO), a split from LPR, ran separately in the 2005 election. The Polish Initiative (IRP), a split from Self-Defence, ran separately in the 2005 election.

2005/2007:
The electoral committee ‘The Left and Democrats’ (LiD) consisted of the Democratic Left Alliance (SLD), Democratic Party (PD), Labour Union (UP) and the Polish Social Democracy (SDPL).


13 The first law on political parties of 28 July 1990 (Journal of Laws 54) required at least 15 founding members. The subsequent law of 1997 required 1,000 founding members.

14 $S$ – amount of subvention; $W$ – percentage of votes gained by each party; $M$ – amount of money for each interval: up to 5 per cent, the party gets 10 PLZ per vote; 5-10 per cent, the party gets 8 PLZ; 10-20 per cent, the party gets 7 PLZ; 20-30 per cent, the party gets 4 PLZ; above 30 per cent, the party gets 1.50 PLZ.

$$S = W_1 xM_1 + W_2 xM_2 + W_3 xM_3 + W_4 xM_4 + W_5 xM_5$$

$Dp$ – amount of reimbursement; $W$ – expenses of an electoral committee which won at least one seat in parliament; $M$ – number of seats won by a party.

$$Dp = \frac{W}{560} xM$$

15 As it is the Sejm to which the government is accountable, the term parliamentary refers only to the lower house of parliament.

16 According to McCubbins and Schwartz (1984) parliaments use two strategies of oversight. Police patrol oversight is direct and centralized where the parliament controls executive activities on its own initiative. Conversely, fire alarm oversight is indirect and less centralized where the parliament prefers to allow third parties to oversee the executive branch performance by means of established rules and procedures (fire alarms).