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**Democratization and Constitutional Choices
in Czecho-Slovakia, Hungary, and Poland,
1989-1991**

Arend Lijphart

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Wissenschaftszentrum Berlin für Sozialforschung gGmbH (WZB)
Reichpietschufer 50, D-1000 Berlin 30,
Telefon (030) 25 49 1-0

Summary

The establishment of democratic systems in Eastern Europe implies basic constitutional choices. It is to decide between the basic options of the electoral system (majority vs. proportional franchise), and with respect to the relationship between legislature and executive (presidential vs. parliamentary government). The success of newly founded democracies is essentially dependent on these constitutional choices. The attempt is being made to explain the concrete decisions taken on the electoral system and the kind of government in Czechoslovakia, Hungary and Poland by resorting to Stein/Rokkan's hypotheses, which were the results of analysing the earlier democratisation in Western Europe. The most important factors for explaining the constitutional choices are the logic of the democratisation process itself and the problem of ethnic divisions. On a rather speculative basis, various prospects are being formulated regarding the maintenance of the constitutional choices made in these three Eastern European democracies.

Zusammenfassung

Die Etablierung demokratischer Systeme in Osteuropa bedeutet, daß grundlegende Verfassungsentscheidungen getroffen werden müssen. Zwischen grundlegenden Alternativen im Wahlrecht (Mehrheits- vs. Proportionalwahlrecht) und hinsichtlich der Beziehung zwischen Legislative und Exekutive (präsidentielles vs. parlamentarisches Regierungssystem) ist zu wählen. Von diesen "constitutional choices" hängt der Erfolg der neugegründeten Demokratien wesentlich ab. Es wird versucht, die konkreten Entscheidungen über das Wahlrecht und über die Art des Regierungssystems in der Tchechoslowakei, Ungarn und Polen unter Rückgriff auf Hypothesen Stein Rokkans, die im Kontext der Analyse der früheren Demokratisierung in Westeuropa gewonnen wurden, zu erklären. Die wichtigsten Erklärungsfaktoren für die "constitutional choices" sind die Logik des Demokratisierungsprozesses selbst und das Problem der ethnischen Spaltungen. Über die Dauerhaftigkeit der getroffenen Verfassungsentscheidungen werden auf eher spekulativer Basis unterschiedliche Aussichten für diese drei osteuropäischen Demokratien formuliert.

Democratization and Constitutional Choices in Czecho-Slovakia, Hungary, and Poland, 1989-1991¹

Among the most important - and, arguably, *the* most important - constitutional choices that have to be made in democracies are the choice of the electoral system, especially majoritarian election methods versus proportional representation (PR), and the choice of the relationship between the executive and the legislature, especially presidential versus parliamentary government. Political scientists disagree about which of the alternatives are preferable, but they are in agreement that the choices made by democratic constitutional engineers can have far-reaching effects on how well the democratic system operates (see Hermens, 1941; Lakeman and Lambert, 1955; Finer, 1975; Lijphart and Grofman, 1984; Linz, 1990; Horowitz, 1990; Lijphart, 1992). Moreover, these choices strongly influence the basic orientation - majoritarian or consensual - of the democracy that is being created: presidential government and electoral rules like the first-past-the-post (plurality) method promote the former, and PR and parliamentary government the latter orientation (Lijphart, 1991).

For democratizing countries, these choices are particularly crucial because the success of the newly founded democratic system may depend on it. In addition, if the new democracy does prove to be viable, the initial choices are likely to last for a long time. Seymour Martin Lipset and Stein Rokkan (1967) have pointed out that the party system established at the beginning of a country's democratic experience tends to become virtually "frozen". This applies even more strongly to the fundamental constitutional structure: drastic changes in electoral systems and shifts from presidentialism to parliamentarism or vice versa are extremely rare in established democracies.

How and why do the constitutional engineers in democratizing countries choose one or the other of the basic alternatives? This is the question that I shall try to answer in this paper. My point of departure will be Rokkan's suggestion that the logic of the democratization process itself is a critical explanatory factor. On the basis of a comparative examination of the three most promising new democracies in Eastern Europe - Czecho-Slovakia, Hungary, and Poland - I shall formulate several qualifications and refinements to Rokkan's thesis as well as a number of additional explanations.

¹ I am very grateful to the many politicians and social scientists in Budapest, Prague, and Warsaw, who were so kind to discuss this subject with me during my visits in November and December 1991. My research was supported by a grant from the Center for German and European Studies, University of California, Berkeley, and this paper was written while I was a Fellow of the Science Center Berlin. I should also thank these two Centers for their invaluable support.

1. The Rokkan Hypothesis

There is no general theory on transitions from Communism to democracy that is directly relevant to our enterprise. Fortunately, we do have some indirectly applicable theory, based on earlier democratic transitions: Stein Rokkan's discussion of the adoption of PR in Continental European countries at the end of the 19th and the beginning of the 20th century. Rokkan (1970, p. 157) explains that shifts to PR came about "through a convergence of pressures from below and from above. The rising working class wanted to lower the thresholds of representation in order to gain access to the legislatures, and the most threatened of the old-established parties demanded PR to protect their position against the new waves of mobilized voters created by universal suffrage."

This is what nowadays would be called a "rational-choice explanation": given the inevitability of democratic universal-suffrage elections and based on a realistic - and, to be on the safe side, slightly pessimistic - assessment of their electoral chances, both the ruling conservative parties and their challengers needed PR to protect their interests. The old parties that would necessarily lose at least some of their representation and power wanted to make sure that they did not lose everything, and the new parties wanted a guarantee that they would gain at least a substantial share of representation and political power.

The frequent use of the bicameral compromise exhibits the same logic of power-sharing: one fully democratic chamber in which the new parties would have the best chances, but a second chamber in which the old parties would still be favored by means of a, perhaps only temporary, continuation of more restricted voting rights and/or the over-representation of rural areas with stronger than average conservative support. The power-sharing logic can be extrapolated similarly to the choice of parliamentary or presidential forms of government: presidentialism means separation, and separate election, of executive and legislature and hence, assuming at least slightly different chances for the old and the new parties in these elections, another possibility of safeguarding the interests of both sets of parties.

These logics are equally applicable to the East European democratic transitions around 1990. For Rokkan's "old-established parties" read ruling Communist parties and for his "rising working class" read the new democratic forces.² And they add up to the expectation that in Eastern Europe PR and presidentialism should be the prevalent new constitutional structures.

² I shall use the terms Communists and Reform Communists generically to refer to parties that, both in the pre-democratic and democratic phases, may have used different formal names, such as the old Hungarian Socialist Workers' Party, the new Hungarian Socialist Party, the old Polish United Workers' Party, and the new Polish Democratic Left Alliance. At the time of the 1990 elections, the Czechoslovak Communists still formally called themselves the "Communist Party" in both parts of the country.

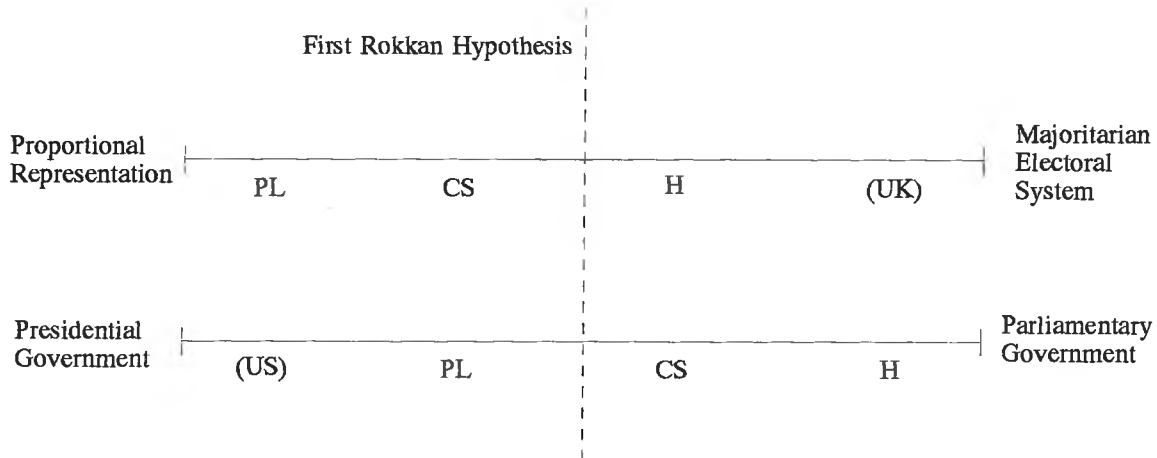
At first blush, this hypothesis does not appear very promising as a general social-science explanation. Even in Western Europe, the area covered by Rokkan, it runs into an awkward deviant case: if the process of democratization entails the logic of power-sharing by means of PR, why didn't this logic operate in Great Britain, which democratized without turning to PR? Also, presidentialism (or semi-presidentialism) has remained rare in Western Europe. On a worldwide basis, the hypothesis suggests that we should find PR and presidentialism to be the normal constitutional pattern: all contemporary democracies were non-democracies once, and hence had to go through the process of democratization at some point. Instead, there is only one large area of the world characterized by PR-presidentialism: Latin America. Elsewhere we find PR and parliamentarism (Continental Western Europe), presidentialism and plurality elections (the United States and the countries it has influenced, especially the Philippines), and the combination of parliamentarism and plurality (Great Britain and those of its former colonies that are now democracies in Africa, Asia, Australasia, the Caribbean, and North America) - a geographical pattern with only a few minor exceptions (Blondel, 1969, p. 319; Powell, 1982, p. 67).

Nevertheless, the Rokkan hypothesis has great heuristic value since it provides a theoretical point of departure for a theory-starved subject matter. More importantly, when several qualifications, which are already logically implied by the Rokkan hypothesis itself, are added, and in conjunction with a few other explanations, it turns out to have strong explanatory power after all. The most important of these additional explanations - the problem of ethnic division and minority representation - can also be derived from Rokkan's work. I shall discuss this second Rokkan hypothesis at greater length below.

2. Constitutional patterns in three European democracies

Czecho-Slovakia, Hungary, and Poland form an attractive set of cases for our comparative examination, because they are clearly different from each other on both the electoral system and the parliamentary-presidential dimensions; in fact, if these dimensions are represented as continua with four basic positions - as they are shown in Figure 1 - the three cases show almost perfect variation for the purpose of empirical analysis. With regard to the electoral system, they range from extreme PR (Poland) to a moderately majoritarian system (Hungary); only the fully majoritarian position, exemplified by the United Kingdom, is not occupied. On the presidential-parliamentary continuum, the range is from semi-presidentialism (Poland) to full parliamentarism (Hungary), with only the fully presidential form of government, as in the United States, unrepresented.

Figure 1: Constitutional Choices by Three New (and Two Old) Democracies, Plotted on the Proportional Representation-Majoritarian and Presidential-Parliamentary Continua



Note: CS = Czecho-Slovakia
 H = Hungary
 PL = Poland
 UK = United Kingdom
 US = United States

A few words need to be said to justify the placement of the countries on the two continua. The system adopted for Poland's October 1991 parliamentary elections is generally seen as one of extreme, even irresponsible, PR. For instance, Newsweek's Warsaw correspondent speaks of its "zany rules" leading to the "politics of the bizarre", and describes the election result as "a laboratory demonstration of proportional representation gone wild" (Nagorsky, 1991a, p. 14; 1991b, p. 28). This description is vastly exaggerated. For the lower house (Sejm), the electoral formula was indeed one of the most proportional that PR countries use (largest remainders with the Hare quota), but the average district magnitude, that is the number of deputies elected per district, was not unusually high (10.6), and 15 percent of the seats were set aside as bonuses for the larger parties (those receiving more than 5 percent of the total vote). This is certainly not "bizarre" by comparative standards.

The system did yield a very high degree of party fragmentation: nine parties with more than 5 percent of the seats in the Sejm (the largest of which won only 13.5 percent of the seats), and an additional twenty smaller parties. But fragmentation in the Senate, elected by plurality, was almost the same: even more parties elected, a total of thirty-one, including as

many as seven with at least 5 percent of the seats.³ Clearly, PR was not the only culprit. Nevertheless, in the conventional dichotomous classification of PR systems as moderate or extreme PR, Poland comfortably fits the extreme category, mainly because of the absence of an effective barrier for small parties: the 5 percent rule was used to give the larger parties a bit of an advantage rather than to really hurt the smaller ones.

The rules for the 1990 elections in Czecho-Slovakia fit the moderate PR category. The electoral formula was slightly less proportional than the Polish one (largest remainders with the Droop or Hagenbach-Bischoff quota), but much larger district magnitudes (with the Czech and Slovak Republics serving as the final two election districts). The crucial difference with Poland, however, was the 5 percent minimum which parties had to meet in either the Czech or the Slovak district. Even if the allied Czech and Slovak parties are counted as separate parties, only eight parties won parliamentary seats, and the allied Civic Forum and Public Against Violence won clear majorities in both chambers (Wightman, 1990).

Hungary's law for the 1990 elections is much more complicated than its Czecho-Slovak and Polish counterparts and also much more complicated than almost all of the electoral laws in the established Western democracies - and hence far too complex to be described in detail here. However, its essential elements can be summarized easily: a combination of majoritarian methods (a two-ballot system in single-member districts) for 45.6 of the parliamentary seats, and PR rules for the remaining 54.4 percent of the seats, with a 4 percent threshold (for further details, see Körösényi, 1990; Kukorelli, 1991; Szoboszlai, 1990). These rules bear a superficial resemblance to those of the German system, but they differ in that the disproportionalities of the single-member district elections are not compensated by the PR results. Unlike the German system, therefore, which is in the final analysis basically a PR system, the Hungarian system can truly be called a combined or mixed majoritarian-PR system.

Its results were also far from proportional. John R. Hibbing and Samuel C. Patterson (1990, p. 132) state, that "Hungary's electoral system, like practically all known in the world, hurts smaller parties and helps larger parties" - ignoring the fact that, by comparative standards, this tendency was extreme. The largest party won 42.5 percent of the seats with 24.7 percent of the voters' support (as measured by the PR votes). Since the second party was also overrepresented to some extent, the total percentage of overrepresentation amounted to more than 20 percent - a higher percentage than the

³ Professor Jerzy Wiatr of the University of Warsaw (and a newly elected member of the Sejm) kindly supplied me with the final election results.

average in the highly disproportional British elections from 1974 to 1987!⁴ Another indicator of the majoritarian nature of the electoral system is that the largest party, with the same 24.7 percent vote share, would have won about 29 percent of the seats under hypothetical list PR rules (with a 4 percent threshold) but 48 percent under hypothetical British-style plurality rules: the actual result, 42.5 percent of the seats won, is much closer to the hypothetical plurality than to the hypothetical PR result (Ilonszki, 1991, p. 15). Clearly, while the Hungarian system is not a fully majoritarian one, it belongs on the majoritarian side of the continuum in Figure 1.

The placement of the three countries on the presidential-parliamentary continuum requires less extensive commentary. Poland has a semi-presidential system "modelled on the Fifth French Republic" (Pelczynski and Kowalski, 1990, p. 347): a popularly elected president with substantial powers, but also a prime minister and cabinet subject to parliamentary confidence. Czecho-Slovakia and Hungary have basically parliamentary systems. Their presidents are elected by parliament, and they serve mainly as ceremonial heads of state. The one important qualification is that Czecho-Slovakia's president, Vaclav Havel, derives considerable political influence from his huge popularity. His position may be compared - though not quite equated - with that of President Charles de Gaulle in his first term of office from 1958-1965. Like de Gaulle during this period, Havel's democratic legitimacy and prestige are so great that he does not require popular election to confirm them. In short, while Czecho-Slovakia remains basically parliamentary, it is at least slightly more "presidential" than Hungary.⁵

3. Refining the Rokkan hypothesis

Figure 1 shows that the Rokkan hypothesis is supported by only half, three out of six, of the basic constitutional choices made by the East European democracies, and only one case - Poland - is completely in accordance with it. On the other hand, the Polish case does not merely fit the hypothesis, but provides a well-nigh perfect illustration of it. Semi-presidentialism and extreme PR emerged as the result of the Round Table agreements of early 1989 and the subsequent attempt by the Communist Party to retain at least a small share of political power. During the Round Table negotiations, the position of the Communist Party was still strong and Solidarity had to consent to conservative

⁴ This percentage of overrepresentation is the commonly used Loosemore-Hanby index of disproportionality (see Loosemore and Hanby, 1971; Taagepera and Shugart, 1989). The election results on which I based my calculations are given in Szoboszlai, 1991, p. 209).

⁵ Attila Agh (1991, p. 22) goes so far - too far, in my opinion - as to include Czecho-Slovakia in the semi-presidential category together with Poland.

compromises because of the fear of Soviet intervention. A strong president was created, elected by the two chambers of parliament but not subject to its confidence; it was tacitly agreed that General Wojciech Jaruzelski would be elected president - providing a guarantee of continued Communist power. A further guarantee of this kind was that in the June 1989 elections, 65 percent of the seats in the Sejm (lower house) were reserved for the Communist party and its allies and that only 35 percent of the seats would be freely elected. On the other hand, in the newly created Senate, all seats could be freely contested (Pelczynski and Kowalski, 1990, pp. 347-51).

Solidarity's overwhelming election victory ushered in the second phase of constitutional reform. Having created a strong and independent presidency, it was logical to make this office a popularly elected one - won by Lech Walesa in late 1990. And the chastened Communists now insisted on a pure form of PR for the next Sejm elections in order not to be driven from power altogether.

In short, the logic of power-sharing as a result of democratization operated exactly as suggested by Rokkan: shared power by means of PR, by the separation of executive and legislative power, and even by a bicameral legislature. Why didn't this logic determine a similar outcome in Czecho-Slovakia and Hungary?

1. The first and most critical qualification that needs to be made to Rokkan's hypothesis is that it is dependent on the "old-established parties" retaining sufficient power and legitimacy to negotiate a relatively favorable compromise. The logic of power-outcome of a genuinely negotiated agreement. Round Table conferences between Communists and democrats took place in all three countries, and the outcome, termed a "negotiated revolution" by László Bruszt (1991) in the Hungarian case, can be similarly described in the other two countries.

The big difference is that Poland was the first country to begin the democratization process, and that, by the time of the Hungarian and Czecho-Slovak Round Table conferences, the threat of Soviet disapproval had receded. Another difference is that in Poland and Hungary so-called Reform Communists, less tainted by the non-democratic past, played an increasingly important role, while Reform Communism was crushed in Czecho-Slovakia after the Prague Spring in 1968. Since the old-style Czecho-Slovak Communist Party lacked both raw political power, provided by the external threat, and internal legitimacy, it continued to take part in the Round Table talks, but "the course of events was largely determined by its political opponents" (Wightman, 1990, p. 319). Hungary was in an intermediate position with regard to the power and legitimacy of the "old-established parties". It is significant that, similar to the situation in Poland and in accord with Rokkan's thinking, the Hungarian Communists wanted "a semi-presidential system in which a popularly elected president," presumably the well-known Reform

Communist leader Imre Pozsgay, "could counterbalance the parliamentary opposition majority" (Szoboszlai, 1991, p. 203). The compromise reached at the Round Table was that the first president would be elected directly, prior to the election of the new parliament. However, two of the new democratic parties refused to sign this agreement and initiated a referendum, narrowly approved by the voters in late 1989, which stipulated that parliamentary elections take place first and, by implication, that the president would be elected by the new parliament. This was indeed the constitutional arrangement that the newly elected parliament approved in 1990: a straightforward parliamentary system. The Reform Communists still did not give up and once more proposed, by means of a referendum of their own in the summer of 1990, that the president be popularly elected; the referendum failed because of a very low turnout.

2. Another assumption made by Rokkan is that both old and new parties are not only rational maximizers of their self-interest, but also that they are capable of making a realistic assessment of their future electoral potential. This assumption is not necessarily correct, and, to the extent that it is incorrect, it may affect the validity of the Rokkan hypothesis.

The Hungarian and Polish cases provide several examples of unwarranted optimism as well as pessimism. The Polish Communists were much too optimistic at first, and they were stunned by Solidarity's victory in 1989. They then became too pessimistic about their political future, and insisted on an extreme form of PR for the 1991 parliamentary election which would enable them to survive, if only barely, another electoral disaster. As the election result showed, moderate PR would have served this purpose just as well: they became the second largest party, winning about 12 percent of the vote.

In Hungary, the Communists were consistently too optimistic - and their opponents too pessimistic. Although it was never put to a test, the expectation that Reform Communist leader Pozsgay could win a direct presidential election was probably not realistic; he ran in a single-member parliamentary election district in 1990, and was defeated. In the negotiations about the electoral system for parliamentary elections, the Communists also behaved as if they expected to remain a major party. They held out for a mixed but predominantly majoritarian system: 75 percent of the deputies elected in single-member districts and only 25 percent by PR. The other parties wanted to reverse these proportions, and the Round Table compromise was to have approximately equal proportions. However, the old parliament, in which the Communists still held greater power, had the final word and decided to increase the number of single-member districts (Szoboszlai, 1991, pp. 203-04; Kukorelli, 1991, pp. 139-44).

Moreover, in the debate about the electoral threshold, the Reform Communists argued in favor of a relatively high 5 percent threshold, in contrast with the 3 percent barrier

advocated by the new parties; the predictable compromise was 4 percent. With about 10.9 percent popular support in the March 1990 election (as measured by their PR votes), they won an almost proportional 8.5 percent of the seats. A higher threshold would not have hurt them, but having 75 percent of the seats filled in single-member districts, as they had originally proposed, would have hurt badly: they were saved by their opponents!

3. The final qualification concerns Rokkan's assumption that parties are the main political actors in the democratization process and are expected to remain so in the new democratic system. In all three countries, the deep distrust of the Communist Party appears to have spread to all organizations called "parties". Hungarian M.P. József Szájer (1991, p. 42) writes that "the three P-words - parties, parliament, politics - are held in low esteem by the public". As a result, politicians have a strong incentive to emphasize personalities instead of parties. This has had several effects on the choice of electoral system and the parliamentarism-presidentialism debate.

In Hungary, an additional reason why the Communists favored a semi-presidential system was that they believed that Pozsgay's personal popularity would be able to overcome the unpopularity of the party label. In Czecho-Slovakia, President Havel's personal popularity, and the political influence based on it, are already high by absolute standards, but they are further magnified by, and relative to, the low reputation of the political parties.

As far as electoral systems are concerned, the distrust of political parties has tended to weaken the case for PR, since PR almost always means party-list PR.⁶ This gives party organizations the responsibility to compose the lists of candidates - and hence a great deal of control over who gets elected. Moreover, to the extent that parties believe that their individual candidates are considerably more attractive than the parties as collectivities, they have a strong reason to opt for majoritarian elections in single-member district instead of PR elections. Both factors played a major role in Hungary's decision not to adopt PR.

In Poland, these considerations were also important, but instead of leading to a decision against PR, they resulted in the adoption of the kind of list PR used in Finland. In this system, the voter much choose both a party and an individual candidate in the party; the winning candidates are simply those that have received the highest number of individual votes. This reduces the power of party organizations considerably, and it stands in sharp contrast to the so-called "closest list" system, used, for instance, in

⁶ The alternative of the single-transferable-vote form of PR, in which voters vote for individual candidates instead of parties, appears not to have been seriously considered in any of the three countries.

Germany and Israel, in which the order of the candidates on the list fixed by the party cannot be changed by the voters.

4. Additional explanations

So far, I have focused on Rokkan's hypothesis concerning the effects of democratization on constitutional choices, and I have tried to refine and strengthen it by pointing out under which conditions it is more or less likely to operate. However, the comparative examination of the three East European countries also reveals a number of additional explanations - unrelated to the logic of the Rokkan hypothesis.

1. Rokkan himself states the most important of these other explanations: the problem of ethnic and religious minorities. It provides a strong reason to adopt PR, because PR guarantees minority representation and can counteract potential threats to national unity and political stability. Rokkan (1970, p. 157) writes that "it was no accident that the earliest moves toward proportional representation (PR) came in the ethnically most heterogeneous countries" of Western Europe.

When we make Rokkan's second explanation into a general hypothesis and apply it to Eastern Europe, it works especially well for the case of Czecho-Slovakia. Its use of PR was decisively influenced by the fact that it is a deeply divided binational state. In fact, its PR is an integral part of what may well be called a textbook example of consociational democracy (Lijphart, 1977). Proportionality is one of the four basic principles of consociationalism, and Czecho-Slovakia is also thoroughly consociational in the other three respects: (a) it has a power-sharing cabinet including representative of both the Czech majority and the Slovak minority, as well as a Czech president and a Slovak prime minister; (b) it is a two-unit federal system consisting of autonomous Czech and Slovak Republics with their own governments; and (c) it has a mutual veto in the form of a concurrent majority requirement stipulating that constitutional amendments and major legislation require not only approval by extraordinary legislative majorities but also by such majorities in the upper house among Czech and Slovak representatives voting separately.

Clearly, for Czecho-Slovakia PR was a deliberate choice and part of a comprehensive package of measures designed to alleviate ethnic pluralism. Moreover, the consociational principle of executive power-sharing virtually rules out presidential and semi-presidential forms of government. While it is not completely impossible to have consociational democracy under such systems, their concentration of executive power in the hands of one person is inimical to the basic idea of shared power - in sharp

contrast with the collegial sharing of power in cabinets in parliamentary systems.⁷ Because Czecho-Slovakia is characterized by such a thorough and comprehensive application of consociational democracy, its parliamentary form of government must also be regarded as part of the total consociational syndrome of constitutional arrangements - and hence also, like PR, as one of the effects of the country's deep ethnic divisions.

Ethnic pluralism was also a concern, although not at all to the same extent, in the Polish decision to opt for PR. For instance, the 1991 electoral law specifically exempted ethnic minority parties, such as the German Minority Party, from the 5 percent requirement for taking advantage of the bonus seats for large parties. The minority-protection explanation gains further plausibility from the fact that Hungary, the one country that opted against PR, is also the most ethnically homogeneous of the three - and, in fact, one of the least ethnically divided countries in all of Eastern Europe.

2. A second further explanation of the choice of electoral system is that majoritarian electoral systems, applied in single-member districts, may have a special quality that makes them attractive in addition to their strategic advantages for large parties and for parties which believe that they have especially appealing individual candidates: the direct link between the voter and the voter's individual representative. This factor has played an important role in preserving majoritarian election systems in the United Kingdom and most other English-speaking countries.

It also appears to have been a factor of considerable importance in Hungary. The main reason was that the old system was a single-member district system, and that it was already being slowly reformed into a genuinely representative system before 1989. Although the 1985 election was still a one-party election, about forty independent candidates were elected (Körösényi, 1990, p. 337; Szoboszlai, 1990, pp. 121-22). And in 1988 and 1989, recall elections, which had long been a formal possibility, were actually and successfully used on several occasions - increasing the legitimacy of the single-member district form of representation.

3. My earlier references to Poland's adoption of French-style semi-presidentialism and of the Finnish form of list PR raise the general question of the influence of foreign models. In the above two instances, the choices were much more strongly determined by internal political considerations than by external models. On the other hand, these foreign models served as more than mere after-the-fact rationalizations: they gave the

⁷ Because semi-presidentialism entails a measure of shared power between president and prime minister and because it also has a collegial cabinet, it is less inimical to consociational democracy than pure presidentialism. Nevertheless, a semi-presidential president is normally still the pre-eminent executive officer - which hurts the possibilities of forming broad governing coalitions.

advocates of semi-presidentialism and open-list PR the useful ammunition of specific empirical precedents in their arguments in favor of these alternatives.

A slightly stronger facilitating influence was exerted by the foreign example of an electoral threshold of about 4 or 5 percent. All three East European democracies adopted such a threshold (although in Poland only for the allocation of bonus seats). Among the Western democracies, West Germany pioneered the 5 percent threshold in its very first federal election in 1949, but in more recent years 4 percent thresholds were also adopted by Sweden as part of its 1970 constitutional reform and in Norway for the 1989 election. Germany also uses the 5 percent threshold for its European Parliament elections, as does France; and the Netherlands uses a 4 percent threshold in the election of its European representatives. These percentages may appear rather arbitrary, but the approximately 4 or 5 percent level is now widely seen as the judicious level at which small parties are effectively discouraged, while the principle of proportionality remains basically intact.

Another example of the borrowing of a specific constitutional device is Hungary's adoption of the German constructive vote of no confidence, designed to increase executive stability and the prime minister's power. It is tempting to attribute the impact of these German precedents to geographical proximity. But it should be remembered that the other major instance of the introduction of the constructive vote of no confidence occurred in more distant Spain, and that the most ambitious proposal to adopt a German-inspired electoral system was made, in 1986, by a Royal Commission in even more distant New Zealand!

4. A model that is likely to be more influential than any foreign model is a democratizing country's own previous model of democracy. Czecho-Slovakia provides an almost perfect example: except for its federal structure and the 5 percent electoral threshold, the new Czecho-Slovak democracy is very similar to that of the interwar First Republic. Hungary and Poland were mainly governed by authoritarian regimes during the interwar period and hence lack the kind of democratic background that could have served as an influential model for their new democratic structures. Of course, to the extent that earlier democratic models have a significant impact on contemporary institutions, it becomes important to inquire into the determinants of these earlier forms of democracy. To do so in detail is beyond the scope of this paper. However, in the case of Czecho-Slovakia it is clear that the First Republic was already deeply influenced by the need to accommodate ethnic divisions and that, as a result, it already largely operated along consociational lines.

5. Tentative conclusions

This analysis runs into the usual problem of comparative research: a relatively large number of relevant explanatory variable, but only a small number of cases. Hence my conclusions can only be tentative. Nevertheless, a rather clear pattern has emerged, and Rokkan's theoretical insights, with the various extensions and qualifications that I have added, are by and large vindicated. The two most important explanations of the choice of electoral system and presidential or parliamentary government are precisely the two suggested by Rokkan in the context of the earlier democratization of Western Europe: the logic of the democratization process itself - with the crucial proviso that the old and new parties have approximately equal bargaining power and need to reach a genuine compromise - and the problem of ethnic division and minority representation.

The other influences - distrust of political parties, attachment to single-member district representation, the examples of foreign and previous democratic experiences, and incorrect assessments of parties' electoral chances in free electoral competition - appear, at least in our three cases, to be of secondary importance. However, the last of these factors could have a major impact: for instance, if the old and new parties would both be far too optimistic and would feel confident of winning an outright victory, the pressure for PR and presidentialism would vanish. In our cases, the unwarranted optimism and pessimism of the parties merely reinforced already existing tendencies (in Poland) or canceled each other out (in Hungary).

Together, these factors explain the placement of the six constitutional choices in Figure 1 very well. The Polish choices are completely in line with the first Rokkan hypothesis. Since the Communist parties were weak negotiating partners during and following the Hungarian and Czecho-Slovak Round Table conferences, the first Rokkan hypothesis also explains why three of their four constitutional choices were not PR and presidential; the most dramatic illustration is Hungary's adoption of parliamentary government, pushed through by two of the new parties against the strong Communist preference for, and the initial agreement on, a directly elected president. The basic constitutional choices made by Czecho-Slovakia - PR and parliamentarism - are perfectly accounted for by its adoption of a thoroughly consociational system for managing its ethnic divisions, in line with the second Rokkan hypothesis. It also explains the Hungarian choice of a mainly majoritarian electoral system quite well - in terms of the absence of major ethnic divisions.

These basic tendencies predicted by Rokkan's two hypotheses were reinforced, but not, in my judgement, fundamentally determined by the attachment to single-member district representation (Hungary), the distrust of political parties (Hungary), the influence of a earlier model (French semi-presidentialism in the case of Poland), and unwarranted

Communist pessimism (Poland). Conversely, but in only one case, one of these secondary factors has weakened a primary influence to some extent: the distrust of political parties has increased the trace of presidentialism in Czecho-Slovakia's mainly parliamentary government.

6. Prospects: The "freezing" of initial choices?

Another reason why my conclusions can only be tentative is that the constitutional choices indicated in Figure 1 may not be final. How likely is that major shift will take place in the foreseeable future?

Czecho-Slovakia appears to face the greatest uncertainty: will it remain one state or will it be partitioned along ethnic lines into separate Czech and Slovak sovereign states? Maintenance of political unity will probably require an increase in the already strongly federal and consociational character of the system. President Havel's December 1991 proposal that the popular election of the upper (federal) house be changed to its election by and from the two Republic legislatures, and that this new chamber meet in the Slovak capital of Bratislava instead of Prague, is symbolic of this trend. But Slovak pressures for outright secession and Czech impatience with Slovak demands are growing. On the other hand, if Czecho-Slovakia does remain a single sovereign state, it is highly likely that it will retain PR and parliamentarism - the latter notwithstanding President Havel's popularity and political ambition. It is instructive to recall that the parliamentary First Republic also had an extremely popular and activist president, Tomáš Masaryk, who was unable to effect a lasting shift into a more presidential direction.

Hungary is the least likely of the three countries to change its basic constitutional choices. The extremely complex electoral rules may be simplified to some extent, but their majoritarian character will probably not be affected. Majoritarianism favors the two largest parties, and these parties are, understandably, not eager to abandon this advantage; this is the same mechanism that has tended to maintain the plurality method in two-party systems like the United Kingdom, Canada, and New Zealand. The parliamentary form of government also appears to be strongly anchored in the Hungarian constitutional system - reinforced by the fact that the presidential alternative is closely identified in the public mind with the former Communist Party.

In Poland, PR is likely to be maintained but the larger parties - those above the 5 percent level - are likely to introduce an electoral threshold to make it into a more moderate PR system - unless, of course, public opinion surveys predict a drastic loss of support for these parties. Polish semi-presidentialism appears to be the least stable of the six basic

constitutional choices. President Walesa's repeated suggestion that he also becomes prime minister - uniting the presidency and prime ministership in one person - entails the abandonment of the essence of semi-presidentialism and has the potential of inducing a permanent shift either to full presidentialism or to full parliamentarism. Among other new democracies, semi-presidentialism has not proved very stable either: Portugal and, to a more limited extent, Greece adopted a strong French-style president when they democratized in the 1970s, but they both abandoned this innovation in the early 1980s, shifting to conventional parliamentary forms of government.

These forecasts are obviously speculative, but they are not, in my judgement, overly conservative. Of the six basic constitutional choices in the three East European countries, only one appears to be subject to a major modification - confirming another Rokkan-inspired proposition: the "freezing" of political and constitutional structures in the immediate aftermath of democratization.

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