

.....

Democratization Processes in
Poland and Slovenia:
Comparative Study

Editors:
Agnieszka Turska-Kawa
Miro Haček

LEX §
LOCALIS

© **Institute for Local Self-Government and Public Procurement Maribor**

All rights reserved. No part of this book may be reprinted or reproduced or utilized in any form or by any electronic, mechanical, or other means, now known or hereafter invented, including photocopying and recording, or in any information storage or retrieval system, without permission in writing from the publisher.

Title: Democratisation Processes in Poland and Slovenia: Comparative Study

Editors: prof. dr. Agnieszka Turska-Kawa (University of Silesia in Katowice, Poland), prof. dr. Miro Haček (University of Ljubljana, Slovenia)

Reviewers: prof. dr. Bogomil Ferfila (University of Ljubljana, Slovenia), prof. dr. Jacek Wojnicki (University of Warsaw, Poland)

CIP - Kataložni zapis o publikaciji
Narodna in univerzitetna knjižnica, Ljubljana

321.7(497.4:438) (0.034.2)
323(497.4:438) (0.034.2)

DEMOCRATISATION processes in Poland and Slovenia [Elektronski vir] : comparative study / editors Agnieszka Turska-Kawa, Miro Haček. - El. knjiga. - Maribor : Institute for Local Self-Government and Public Procurement, 2016. - (Lex localis)

Način dostopa (URL): <http://www.lex-localis.press/index.php/LexLocalisPress/catalog/book/50>

ISBN 978-961-6842-73-0 (pdf)
l. Turska-Kawa, Agnieszka
288079104

First published in 2016 by
Institute for Local Self-Government and Public Procurement Maribor
Grajška ulica 7, 2000 Maribor, Slovenia
www.lex-localis.press, info@lex-localis.press

For Publisher:
assoc. prof. dr. Boštjan Brezovnik, director

Editorial Board:
prof. dr. Žan Jan Ploplnik (University of Maribor, Slovenia), prof. dr. Marko Kambič (University of Ljubljana, Slovenia), prof. dr. Franc Grad (University of Ljubljana, Slovenia), prof. dr. Borce Davitkovski (SS Cyril and Methodius University Skopje, Macedonia), prof. dr. Vesna Kranjc (University of Maribor, Slovenia), prof. dr. Hellmut Wollmann (Humboldt-Universität zu Berlin, Germany), prof. dr. Gernot Kocher (Karel Franzens University Graz, Austria), prof. dr. Duško Lozina (University of Split, Croatia), prof. dr. Roberto Scarciglia (University of Trieste, Italy)

Price: free copy



**Democratisation Processes in Poland and Slovenia:
Comparative Study**

Editors:

dr. Agnieszka Turska-Kawa

dr. Miro Haček

December 2016

Democratisation processes in Poland and Slovenia: Comparative Study

AGNIESZKA TURSKA-KAWA & MIRO HAČEK

Abstract Edited volume is researching the behaviour of democratic institutions of state regulation, to ascertain their relationship and openness to citizens and their initiatives, and is examining the possibilities of civil society forming policies. Special emphasis is being put on latest (non)democratic processes in both case study countries, i.e. Poland and Slovenia. In practice both countries rank in all aspects among liberal democracies. On the other side, there are different sorts of meagre democracies: exclusive, non-liberal, delegation and patronising. The book presents selected Slovenian and Polish constitutional regulations, as well as the organisation and actions of political authorities. Authors are seeking answers to different questions, for instance the question of the extent to which both countries have managed to approach the ideal model of democratic regulation since democratisation processes in 1990s. Authors are applying different methods when dealing with the mentioned subjects among which transitional, modernisation and structural methods are worth mentioning.

Keywords: • Poland • Slovenia • democracy • transition • political system

CORRESPONDENCE ADDRESS: Agnieszka Turska-Kawa, Ph.D., University of Silesia in Katowice, Institute of Political Science and Journalism, Unit for the Study of Political Behaviours, Bankowa 12, 40-007 Katowice, Poland, email: agnieszka.turska-kawa@us.edu.pl. Miro Haček, PhD, Professor, University of Ljubljana, Faculty of Social Sciences, Kardeljeva ploščad 5, 1000 Ljubljana, Slovenia, email: miro.hacek@fdv.uni-lj.si.

DOI 10.4335/978-961-6842-73-0

ISBN 978-961-6842-73-0

© 2016 Institute for Local Self-Government and Public Procurement Maribor

Available online at <http://books.lex-localis.press>.

Table of Contents

Introduction	1
Agnieszka Turska-Kawa & Miro Haček	
Democratisation in Poland in the Light of Quantitative Analysis Based on Selected Indices of the years 2006–2016	3
Rafał Glajcar & Sebastian Kubas	
The Quantitative Analysis of Chosen Indices of the Democratization Process in Former Yugoslav Republics	23
Miro Haček	
Historical Legacies and Political Accountability: Iustration in Post-communist Europe	37
Peter Rožič & Peter J. Verovšek	
Evolution of the Political System in Poland after 1989	61
Małgorzata Lorencka, Małgorzata Myśliwiec & Waldemar Wojtasik	
The Processes of Democratisation and the Issue of Trust in Political Institutions in Slovenia	77
Marjan Brezovšek & Miro Haček	
The Institutionalisation of Slovenian Democracy: Development of Parliamentarism	89
Marjan Brezovšek	
Changes in Voting Behaviours in Poland after 1989	111
Mariusz Kolczyński & Agnieszka Turska-Kawa	
Attitudes of Slovenian Citizens Towards the European Union Since the Accession	131
Simona Kukovič & Miro Haček	
Media and Journalism Transformation in Poland	143
Marian Gierula & Patrycja Szostok	
The Development of Local Government in Slovenia	167
Simona Kukovič & Marjan Brezovšek	

Local Media in Poland in the Period of Social and Political Transformation	185
Katarzyna Brzoza, Monika Kornacka-Grzonka & Robert Rajczyk	
The Distinctions of Local Political Leadership in Slovenia: The Mayoral Political Career	203
Simona Kukovič	
City Categories and their Position in Polish Local Self-Government System	221
Marta Obrębska & Sylwester Wróbel	
Social Reforms in Poland in the Transformation Period	239
Marian Mitręga, Natalia Stępień-Lampa, Bożena Zasepa & Paweł Grzywna	

Introduction

AGNIESZKA TURSKA-KAWA & MIRO HAČEK

According to its political systems, in practice Poland and Slovenia rank in all aspects among liberal democratic countries (together with Estonia, Czech Republic, Lithuania etc.). On the other side, there are different sorts of meagre democracies: exclusive, non-liberal, delegation and patronising. According to the Freedom in the World measurement, Slovenia and Poland are both examples of consolidated democracies yet with some measurements it can also be found lower down the scale (for example, both are experiencing problems with corruption). Although such measurements are not completely accurate, most of them rank Slovenia among the most successful countries in transition, and Poland still among only seven examples of consolidated democracies in Central and Eastern Europe, but trends in the last few years are more negative than positive. But we have to bear in mind that, besides a consolidated democracy for political stability we should also consider inclusiveness, the capacity to include citizens in the decision-making process and the efficiency of the political system, that is the ability and capacity of the political system to resolve problems, to make decisions and implement them. The assumption for political efficiency is an established procedure and a rounded legal system; the existence of the rule of law is therefore one of the key elements of a stable democracy. Presented monograph is comprised of fourteen mostly multi-authored chapters, seven from each of two case-study countries. Motivation to write this book lies in the research to examine the actual behaviour of democratic institutions of state regulation, to ascertain their relationship and openness to citizens and their initiatives and check the possibilities of civil society forming policies in both political systems; special emphasis is being put on latest (non)democratic processes in both countries. The book presents – especially to the European publics – some of Slovenian and Polish constitutional regulations, as well as the organisation and actions of political authorities. It is of course hard to consider all aspects involved in such book projects, but at the same time authors obviously wanted to consider as many factors of democracy realisation in

CORRESPONDENCE ADDRESS: Agnieszka Turska-Kawa, Ph.D., University of Silesia in Katowice, Institute of Political Science and Journalism, Unit of Political Systems of Poland and Central and Eastern European Countries, Bankowa 12, 40-007 Katowice, Poland, email: agnieszka.turska-kawa@us.edu.pl. Miro Haček, PhD, Professor, University of Ljubljana, Faculty of Social Sciences, Kardeljeva ploščad 5, 1000 Ljubljana, Slovenia, email: miro.hacek@fdv.uni-lj.si.

DOI 10.4335/978-961-6842-73-0.1

ISBN 978-961-6842-73-0

© 2016 Institute for Local Self-Government and Public Procurement Maribor

Available online at <http://books.lex-localis.press>.

Poland and Slovenia as possible. Authors sought answers to different questions, for instance the question of the extent to which Poland and Slovenia have managed to approach the ideal model of democratic regulation since introduction of democratisation processes in 1990s. Authors are applying different methods when dealing with the mentioned subjects among which transitional, modernisation and structural methods are worth mentioning.

As it was stressed, the chapters in this book are the result of research conducted by authors from Poland and Slovenia. Due to the analysis of comparable problems and the use of analogous methodology a comparative conclusions were possible, which are of great value in political sciences. They enable the investigation of similarities between particular elements of democratization processes in Poland and Slovenia; at the same time this leads to the detection of ensuing differences. Such research has an important practical function – it gives the authorities knowledge which helps them to make optimal decisions, it supplies them with analysis based on experiences, which enables them to avoid mistakes in similar circumstances and, for countries which find themselves on earlier stages of democratization, provides help to their authorities to prepare and implement optimal solutions. For this reason this book is meant not only for students and researchers of the problem, but also for all those politicians who are interested in presented solutions, in the process of their implementation and the consequences of that implementation in both Poland and Slovenia. As the editors we hope that the analysis in this volume will contribute to the exploration of other areas of democratic change and, at the same time, will result in closer cooperation between scholars.

Democratisation in Poland in the Light of Quantitative Analysis Based on Selected Indices of the years 2006– 2016

RAFAL GLAJCAR & SEBASTIAN KUBAS

Abstract The article focuses on the analysis of democratization process in Poland between 2006 and 2016. Two authors try to examine the quantitative perspective of the evaluation of the process basing on four indices: freedom rating and democracy score by Freedom House, democracy index by the Economist Intelligence Unit, democracy status by Bertelsmann Foundation. Taking advantage of the indices they formulate a scale of seven common elements that appear in every index. Such a mechanism allows them to answer question on how useful is quantitative method in political science in Polish example of democratization. The authors firmly state that this approach plays a complementary role in comparison with a qualitative method. The results of their research reveal multileveled and sometimes ambiguous character of the qualitative indices used in political science.

Keywords: • democratization process • Poland • quantitative analysis

CORRESPONDENCE ADDRESS: Rafał Glajcar, Ph.D., Assistant Professor, University of Silesia in Katowice, Institute of Political Science and Journalism, Unit of Political Systems of Poland and Central and Eastern European Countries, Bankowa 12, 40-007 Katowice, Poland, email: rafal.glajcar@us.edu.pl. Sebastian Kubas, Ph.D., University of Silesia in Katowice, Institute of Political Science and Journalism, Unit of Political Systems of Poland and Central and Eastern European Countries, Bankowa 12, 40-007 Katowice, Poland, email: sebastian.kubas@uj.edu.pl.

DOI 10.4335/978-961-6842-73-0.2

ISBN 978-961-6842-73-0

© 2016 Institute for Local Self-Government and Public Procurement Maribor

Available online at <http://books.lex-localis.press>.

1 Introduction

Democratisation is a category of change of the regime and transformation of political system. Pridham (2000: 5–16) identifies three approaches to democratisation in the context of political change. The functional approach combines the perspective of political change with cultural, social and economic changes. From the perspective of transnational theories, democratisation is the derivative of different international events, and from the genetic one, it depends on internal determinants which are of unstable, conflicting, and first of all, dynamic nature.

Defining democratisation is difficult among others because of the numerous approaches to the issue and the ambiguous concepts used by researchers. This is pointed out e.g. by Schedler (1998: 92), who writes that scholars studying the issue of democratisation use different expressions to refer to the same phenomena, which leads to unclear and incoherent concepts. Yet, democratisation is definitely a process of political change with the aim of consolidation of procedures and values of the democratic regime in the state and the society.

Adam Przeworski (1991: 14) and Geoffrey Pridham (2000: 16-24) emphasise that it is a change from authoritarianism to democracy, but this way they exclude the possibility of democratisation of totalitarian regimes. Laurence Whitehead (2002: 27) stresses the long-term and complex character of democratisation, whose aim is to establish the rule of law. Atilla Ágh (1998: 7-12) points out similar properties, adding that democratisation takes place in politics, culture, economy and in the society. Larry Diamond (1999: 1-8) defines democratisation using the procedural minimum of free elections.

We understand democratisation as a long-term and complex process involving thorough restructuring of the state and society, with the objective of implementing democratic procedures and values. Democratisation is not a uniform process. It has several stages, such as: the erosion of the former regime, transition, and consolidation. The last stage which means introducing and stabilising democratic procedures and values in the state and the society is the problem of our analysis.

After 1989, Poland entered the path of political change that can be referred to as democratisation. Its two first stages, erosion of the regime and transition, are things of the past. But the consolidation of democratic solutions is still in progress. The authors of the paper intend to study the scope and depth of the process of implementing democratic procedural solutions in Poland in the years 2006–2016. The analysis of the issue can be qualitative, quantitative, or both. The latter approach seems the most appropriate, with the functional description of democracy being the most significant and quantitative analysis serving a supplementary role. Zbigniew Blok represents a similar attitude, writing that in the process of explaining democracy we should start with the qualitative

analysis of the democratic function, and only then refer to a certain amount of general knowledge about democracy (Blok, 2010: 76).

The article is an attempt to analyse the evaluation of the process of democratisation in Poland in the years 2006–2016 based on the following four indices:

a) Freedom rating according to Freedom House

Table 1: Freedom rating for Poland according to Freedom in the World (Freedom House) in the years 2006–2015

Index	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
Freedom rating	1	1	1	1	1	1	1	1	1	1
Civil liberties	1	1	1	1	1	1	1	1	1	1
Political rights	1	1	1	1	1	1	1	1	1	1

Source: original study based on: Freedom in the World. Poland. Freedom House, available at <https://freedomhouse.org/report/freedom-world/freedom-world-2016> (15 June 2016).

Table 2: Detailed results of the studies of political rights and civil liberties as components of the freedom rating in Poland in the years 2014–2015 (Freedom in the World, Freedom House)*

Years	Political rights				Civil liberties				
	Electoral process	Political pluralism and participation	Functioning of government	Total	Freedom of expression and belief	Associational and organizational rights	Rule of law	Personal autonomy and individual rights	Total
2014	12	16	10	38	16	12	13	14	55
2015	12	16	10	38	16	12	14	14	56

Source: original study based on: Freedom in the World. Poland. Freedom House, available at <https://freedomhouse.org/report/freedom-world/freedom-world-2016> (15 June 2016).

* In the years 2006–2016, Poland was always considered as an electoral democracy.

b) Democracy score according to Freedom House

Table 3: The results of evaluation of the areas of functioning of a democratic country in Poland based on Nations in Transit reports (Freedom House), included in the democracy score in the years 2006–2016*

Index	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Electoral process	1.75	2	2	2	1.75	1.5	1.25	1.25	1.25	1.5	1.5
Civil society	1.25	1.5	1.25	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5
Independent media	1.75	2.25	2.25	2	2.25	2.25	2.25	2.5	2.5	2.5	2.75
Judicial framework and independence	2.25	2.25	2.5	2.25	2.5	2.5	2.5	2.5	2.5	2.5	2.75
Corruption	3.25	3	3	2.75	3.25	3.25	3.25	3.25	3.5	3.5	3.5
National democratic governance	2.75	3.25	3.5	3.25	3.25	2.75	2.5	2.5	2.5	2.5	2.75
Local democratic governance	2	2.25	2.25	2	1.75	1.75	1.75	1.75	1.5	1.5	1.5
Democracy score	2.14	2.26	2.39	2.25	2.32	2.21	2.14	2.18	2.18	2.21	2.32

Source: original study based on: Nations in Transit. Poland. Freedom House, available at <https://freedomhouse.org/report/nations-transit/2016/poland> (15 June 2016).

* In the years 2006–2016, Poland was always considered as a consolidated democracy.

c) Democracy index according to the Economist Intelligence Unit

Table 4: The value of democracy index for Poland according to the Economist Intelligence Unit divided into the five studied areas (2006–2015)*

Index	2006	2008	2010	2011	2012	2013	2014	2015
Electoral process and pluralism	9.58	9.58	9.58	9.58	9.58	9.58	9.58	9.58
Functioning of government	6.07	6.07	6.07	6.43	6.43	6.43	5.71	5.71
Political participation	6.11	6.11	6.11	6.11	6.11	6.11	6.67	6.67
Democratic political culture	5.63	5.63	4.38	4.38	4.38	4.38	6.25	4.38
Civil liberties	9.12	9.12	9.12	9.12	9.12	9.12	9.12	9.12
Democracy index	7.3	7.3	7.05	7.12	7.12	7.12	7.47	7.09

Source: original study based on the reports of the Economist Intelligence Unit. Bibliography contains full list of the reports.

* In the years 2006-2016, Poland was always considered as a flawed democracy.

d) Democracy status according to the Bertelsmann Foundation

Table 5: The value of democracy status for Poland in the years 2006–2016 according to the Bertelsmann Foundation*

Years	Political and social integration	Stability of democratic institutions	Rule of law	Political participation	Stateness	Democracy status
2006	7.8	9.5	9.3	9.8	9.8	9.2
2008	7.5	8.5	8.8	9.5	9.8	8.8
2010	7.8	9	8.8	9.8	9.8	9.0
2012	8	9.5	9.3	9.8	9.5	9.2
2014	8.5	9.5	9.3	9.8	9.8	9.4
2016	8.5	10	9.3	10	9.8	9.5

Source: original study based on: Bertelsmann Transformation Index. Poland. <http://www.bti-project.org/en/reports/regional-reports/east-central-and-southeast-europe/> (16 June 2016).

* In the years 2006–2016, Poland was always considered as a consolidated democracy.

Then, we analyse the usability of indices and exploratory value.

The hypothesis adopted in the paper is that due to the aggregative character of democratisation indices, which simplifies the perspective of the political situation, they are of supplementary and auxiliary character with relation to qualitative analysis. The Polish case serves as an example. We pose two study questions, which help us verify our hypothesis. We want to find out to what degree the evaluations of the indices are coincident and how the evaluations of indicators within the analysed indices have changed over the last decade.

2 Indices Measuring The Advancement Of Democratisation Process

The indices measuring the advancement of democratisation processes discussed in this article are only the point of reference for formulating conclusions concerning the study questions made in the introduction and the verification of the main hypothesis. Literature on political studies includes many other, more or less accurate concepts, whose aim is to create objective criteria for measuring democracy (see e.g.: Polity IV Individual Country Regime Trends, 1946–2013; Alvarez, Cheibub, Limongi & Przeworski, 1996; Vanhanen, 2000, Van den Bosch, 2014). They provide the basis for classifying countries in different groups, taking into consideration the advancement of democratisation processes and/or quality of democracy. They indicate new areas in the study of democracy or at least give new perspectives of research, yet sometimes they generate the phenomenon of

"privatisation of studies": the pursuit of popularity in the world of science by producing just another tool.

It is worth noting that if democratisation is a process ultimately leading to the implementation of democratic procedures and values at the level of state structures and the society, the fundamental question is how to understand democracy, which is to become 'the only game in town' (Przeworski, 1991: 26). The answer is not so easy, as it is argued by Dahl (1995: 13) and Sartori (1962: 4–5), who emphasise the difference between the normative and descriptive definition of democracy. Besides, all concepts, definitions and their operationalization may evolve with the change of objectives and context of research (Collier & Adcock, 1999: 562). This is proved by individual indices that are to reflect the advancement level of democratisation processes. First, they are based on different inventories of indicators describing the development/regression of democracy. Second, the indicators used as part of each index have different significance. Third, indicators assumed in each index are very general. And fourth, the authors of the indices use their original categories of political regimes, arbitrarily deciding where the 'numeric boundaries' between them are. This is perfectly well illustrated with the example of Poland in the years 2006–2016, since some indices classify it as a 'consolidated democracy' and others, as a 'flawed democracy'. In addition, Bogaards (2010) demonstrated how different researchers created their own original typologies of political regimes on the basis of the same data (from Freedom House and Polity indices).

This situation leads to the question of the explanatory usefulness of indices measuring the advancement of democratic processes. We have to conclude that the scientific usefulness of indices measuring democratic processes depends on the context of the study. In the case of studies on political regimes, the scope and range of research is especially significant. It is of primary importance whether the research involves case studies or comparative politics.

The discussed indices are usually useful in comparative analyses, especially if they are devoted to political regimes within a specific geographical and cultural region (e.g. Central Europe or Latin America). They refer to quantitative methods, which on the one hand ensures diligent operationalization of the variables used, and on the other hand makes it possible to quite precisely establish the scope of similarities and, in particular, the measurement of differences between the analysed regimes. There is one more problem connected with the use of the discussed instruments. As part of comparative studies, they often reveal associations between different areas of human activity (political, economic, cultural and social) and – what is very important – generate new study questions being the expression of identifying certain developmental processes.

In case studies, indices measuring the advancement of democratic processes have a completely different role. In such studies, indices provide the possibility to show the achievements of a regime in the process of democratisation (or in selected areas the

indicators refer to) in a longer time frame. The indices are helpful in grasping certain tendencies (developmental or regressive), but due to generalisations 'hidden' in the indicators they do not give answers to specific questions concerning among others the genesis, specificity, multidimensional consequences or forecast related to maintaining a certain condition. As a result, with reference to the methodological directive formulated in the context of comparative analyses (the more studied cases, the fewer variables used in the comparisons, and conversely, the fewer analysed cases, the more variables) (Rose, 1991: 453–454), it must be assumed that case studies make it necessary to study the nature of political phenomena and processes very deeply. Therefore, because of revealing some tendencies, indices measuring democratic processes may be treated as a starting point for in-depth qualitative analyses. The ultimate course of democratisation as part of a specific case can be best grasped by its description. The description should lead to the establishment of a proper factual database necessary for interpreting and identifying differences determined by the place, time and conditions of democratisation.

3 The Course Of Democratisation Process In Poland In The Light Of Selected Indices

In order to find the answer to the question about the range of coincidence between the evaluations of progress in democratisation in Poland based on the indices discussed in this article, it is necessary to use a relevant tool to compare the studied phenomena. Hence, we arrange and unify the names of indicators being part of different indices. Actually, they all analyse the same or similar phenomena. Then, we construct a uniform scale of values used by the indices and refer these values to a percentage-based scale, and then a point-based scale to add clarity to the situation.

In table 6, we show seven common categories of indicators used in the four indices we analyse. These are: 1) electoral process, 2) human and civil rights and liberties, 3) state and administration, 4) legal state, 5) political participation, 6) civil society, and 7) political culture. The indicators of democracy were attributed exactly to the categories of the four main indices.

Table 6: Seven common categories of indices of four democratisation indices: freedom rating, democracy score, democracy index, status index

Index	Freedom rating	Democracy score	Democracy index	Democracy status
Electoral process	Electoral process	Electoral process	Electoral process and pluralism	-
Human and civil rights and liberties	Freedom of expression and belief; Personal	Independent media	Civil liberties	-

	autonomy and individual rights			
State and administration	Functioning of government	National democratic governance; Local democratic governance	Functioning of government	Stateness
Legal state	Rule of law	Judicial framework and independence	-	Rule of law
Political participation	Political pluralism and participation	-	Political participation	Political participation
Civil society	Associational and organizational rights	Civil society	-	Political and social integration
Political culture	-	Corruption	Democratic political culture	Stability of democratic institutions

Source: original study.

Table 7 presents uniform values of the seven categories of indicators divided by us in a 1–10 scale, where 1 is the minimum and 10 is the maximum score.

Table 7: Data from freedom rating, democracy score, democracy index and status index expressed in points on the basis of seven common index categories and referring to the evaluation of the democratisation process in Poland in the years 2006–2016

Index		2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Electoral process	f.r.	-	-	-	-	-	-	-	-	10	10	
	d.s.	8.7	8.3	8.3	8.3	8.7	9.2	9.6	9.6	9.6	9.2	9.2
	d.i.	9.6	9.6	9.6	9.6	9.6	9.6	9.6	9.6	9.6	9.6	
Human and civil rights and liberties	f.r.	10	10	10	10	10	10	10	10	9.4	9.4	
	d.s.	8.7	7.9	7.9	8.3	7.9	7.9	7.9	7.5	7.5	7.5	7.1
	d.i.	9.1	9.1	9.1	9.1	9.1	9.1	9.1	9.1	9.1	9.1	
State and administration	f.r.	-	-	-	-	-	-	-	-	8.3	8.3	
	d.s.	7.7	7.1	6.9	7.1	7.5	7.9	8.1	8.1	8.3	8.3	8.1
	d.i.	6.1	6.1	6.1	6.1	6.1	6.4	6.4	6.4	5.7	5.7	
	d.st.	9.8	9.8	9.8	9.8	9.8	9.8	9.5	9.5	9.8	9.8	9.8

Legal state	f.r.	-	-	-	-	-	-	-	-	8.1	8.7	
	d.s.	7.9	7.9	7.5	7.9	7.5	7.5	7.5	7.5	7.5	7.5	7.1
	d.st.	9.3	9.3	8.8	8.8	8.8	8.8	9.3	9.3	9.3	9.3	9.3
Political participation	f.r.	-	-	-	-	-	-	-	-	10	10	
	d.i.	6.1	6.1	6.1	6.1	6.1	6.1	6.1	6.1	6.7	6.7	
	d.st.	9.8	9.8	9.5	9.5	9.8	9.8	9.8	9.8	9.8	9.8	10
Civil society	f.r.	-	-	-	-	-	-	-	-	10	10	
	d.s.	9.6	9.2	9.6	9.2	9.2	9.2	9.2	9.2	9.2	9.2	9.2
	d.st.	7.8	7.8	7.5	7.5	7.8	7.8	8	8	8.5	8.5	8.5
Political culture	d.s.	6.2	6.6	6.6	7.1	6.2	6.2	6.2	6.2	5.8	5.8	5.8
	d.i.	5.6	5.6	5.6	5.6	4.4	4.4	4.4	4.4	6.2	4.4	
	d.st.	9.5	9.5	8.5	8.5	9	9.5	9.5	9.5	9.5	9.5	10

f.r. – freedom rating, d.s. – democracy score, d.i. – democracy index, d.st. – democracy status. Source: original study based on: Freedom in the World, Poland, Freedom House, available at <https://freedomhouse.org/report/freedom-world/freedom-world-2016>. Nations in Transit, Poland, Freedom House, available at <https://freedomhouse.org/report/nations-transit/2016/poland>. The Economist Intelligence Unit, available at <http://www.eiu.com/home.aspx>. Bertelsmann Transformation Index, Poland, available at <http://www.bti-project.org/en/reports/regional-reports/east-central-and-southeast-europe/> (16 June 2016).

This is the basis for the analysis of the democratisation process evaluated by the indices. In the 2006–2016 period, three indices (freedom rating, democracy score, democracy index) assessed the electoral process in Poland well, because the value of the indicators was from 10 points in freedom rating in 2014 and 2015 to 8.3 in democracy score in the years 2007–2009. In the years 2006–2015, democracy index consistently gave the electoral process 9.6 points, and freedom rating in 2014–2015, 10 points. Only democracy score recorded a change in Polish electoral system: in the years 2006–2010 it was given between 8.7 and 8.3 points, and from 2011 to 2016 the value of the indicator increased from 9.2 up to 9.6 points. This means that there were no serious reservations about the electoral law, the existing electoral system or the voting procedure.

The indicator of human and civil rights and liberties taken into consideration by three indices (freedom rating, democracy score, democracy index) has a relatively good rate, but not as good as the electoral process. Even freedom rating after eight years of assessing the indicator at the maximum level of 10 points (2006–2013) lowered it to 9.4 points (2014–2015). In the years 2006–2015, democracy index consistently attributed 9.1 points to this indicator. Democracy score noticed a change in the functioning of human and civil rights and liberties. Whereas in the years 2006–2013 this indicator was rated between 8.7 and 7.9 points, in 2014–2015 it had the value of 7.5 points, and in 2016, only 7.1 points. So in the years 2006–2016, the value of the indicator dropped by 1.6 points.

The assessment of operation of state and administration differs greatly between the indices, with the difference of 3.9 points between the best and worst rate (best 9.8 according to democracy status in the years 2006–2012 and 2014–2016, worst 5.7 according to democracy index in the years 2014–2015). Both freedom rating and democracy score evaluate the functioning of state and administration at a similar level. In the former index, the indicator was given 8.3 points in the years 2014–2015, and in the latter one, it had between 8.1 and 8.3 points in the 2012–2016 period. Before, democracy score had rated this indicator lower, and the greatest drop occurred in 2009 (6.9). State and administration is assessed the worst by democracy index. In the years 2006–2015, this indicator had the value of 6.4 to 5.7 points. There was a clear drop in the rate between the years 2011–2013 and 2014–2015. In the first period, democracy index gave the indicator the highest rate (6.4), and in the second, the lowest (5.7). Democracy status consistently evaluated state and administration highly – except the years 2012 and 2013, when the indicator received 9.5 points, in all the other years it was given 9.8 points.

The assessment of the indicator concerning the observance of law in Poland by democracy status in the years 2006–2016 was parabolic: in 2006 and 2007 it reached 9.3 points, in the years 2008–2011 it dropped to 8.8 points, and from 2012 to 2016 it again rose to 9.3 points. Both freedom rating and democracy score evaluate the legal state lower than does democracy status. In 2014, freedom rating gave this indicator 8.1 points, and in 2015, 8.7. The assessment of this indicator according to democracy score had a downward tendency virtually all the time, decreasing from 7.9 points in the years 2006–2007 and 2009 to 7.5 points between 2010 and 2015 (and in 2008). In 2016, its value dropped to 7.1.

There is a clear discrepancy in the evaluation of political participation indicator. Freedom rating in the years 2014–2015 gave it 10 points, and democracy status attributed 6.1 points to it in 2006–2013 and 6.7 in 2014–2015. We can say that democracy status has noticed an improvement in political participation recently, but it still evaluates it relatively low, whereas democracy index, to the contrary, regards political participation in Poland as high quality.

Three indices (freedom rating, democracy index, democracy status) positively assess civil society. The difference between the highest (10 points in 2014–2015 according to freedom rating) and lowest value (7.5 points in 2008–2009 according to democracy status) was 2.5 points. The discrepancy in the assessment of the indicator is evident if we compare democracy score and democracy status. The former index observes a downward tendency, because after the indicator was given 9.6 points in 2006 and 2008, in all the other years it was only 9.2 points. Democracy status increased the evaluation of civil society in Poland from 7.5 points in the years 2008–2009 to 7.8 in 2006, 2007, 2010–2011, and then to 8 points in 2012–2013 and even 8.5 in 2014–2016. Freedom rating gave civil society in Poland 10 points in the years 2014–2015.

Evaluation of political culture in Poland by democracy status significantly differs from evaluation by democracy score and democracy index. Democracy status between 2006 and 2016 rates this index (after the initial drop) higher and higher (in the years 2006–2007 – 9.5 points, in 2008–2009 – 8.5 points, in 2010 – 9, in 2011–2015 – 9.5, and in 2016 – 10 points), whereas democracy score and democracy index rate it lower and lower. The assessment of political culture according to democracy score in the years 2006–2009 rose from 6.2 to 7.1 points, and then decreased to 5.8 in the years 2014–2016. Democracy index records a constant decreasing tendency in political culture, as in the years 2006–2009 it gave the indicator 5.6 points, and from 2010 to 2015, 4.4 (except the year 2014, when the rate was 6.2 points).

4 Analysis of Indices

The results presented in the previous section clearly show how difficult it is to make a comprehensive evaluation of the degree of advancement of democratic process in a country based on different indices following original methodological assumptions. It is worth emphasising that this difficulty does not refer to the initial phase of democratisation (transition) but to the consolidation phase (between the seventeenth and twenty-seventh year after the beginning of system change). Still, it is worth trying to make some conclusions concerning the case of Poland.

4.1 Electoral process

On the basis of the definition by Schumpeter (1947: 269), real contest elections are the *modus procedendi* of functioning of all democratic regimes. The extremely simple definition developed by the economist was subject to extensive criticism and charged with minimalism, as it only stresses one aspect of democracy. That is why Diamond (1996: 21) proposed to differentiate between the `electoral democracy` and `liberal democracy`. But even if we consider the extensive criticism of Schumpeter's definition to be grounded, we must also remember that no democracy can function without elections.

The conducted analysis showed that the electoral process in Poland meets the democratic standards. It must even be emphasised that this indicator is rated the highest by the indices. In the normative dimension, the greatest success in the studied period was definitely the adoption of the Election Code: a legal act that comprehensively regulates the electoral matters. It replaced five separate electoral acts.

In terms of electoral practice, the most significant fact is that the elections in Poland are free. Free elections should be treated as the basic guarantee of democracy. The thing is not whether the principle is included in the Constitution as a guarantee. The implementation of the principle depends on specific solutions and electoral practice. We may ask, of course, whether universal elections in Poland provide no opportunity for reservations concerning the implementation of the basic democratic standards. It must be

said clearly that there are some doubts or even charges connected with the violation of these standards, more or less justified (in the studied period, the greatest number of reservations occurred in the case of self-governmental election in 2014). But there is an efficient system of verifying them, and judiciary authorities ensure the observation of law. Moreover, there is no political system in which no regulations have ever been violated. They are implemented by people, who may violate them consciously or unconsciously. Regarding Polish electoral experiences from the years 2006–2016, there is no basis for a charge concerning an institutionalised mechanism of election falsification.

If the mode of power recruitment is considered to be the first condition for democracy, then referring to Diamond' theory, Poland definitely meets the requirements for an electoral democracy, and this is confirmed by the indicators of particular indices. Still, there is a certain discrepancy (though a little one) between the three indices that involve this indicator.

4.2 Human and civil rights and liberties

With respect to human and civil rights and liberties, the initial phase of transformation also had a positive impact. First, political programmes of all parties exercising power in Poland after 1989, irrespective of their political affiliation, emphasised this aspect as one of the most important elements. Second, the strategy of integration with Western political and defence structures adopted at the beginning of the 1990s forced the rulers to develop the area of human and civil rights and liberties (both in the normative dimension and in the political practice) in accordance with the standards of consolidated democracies. Positive changes in the area of human and civil rights and liberties in Poland occurred in three dimensions: axiological, the dimension of relationships with the environment of the political system, jurisdiction (Garlicki, 2006: 89).

The numerical data (values) of individual indicators concerning human and civil rights and liberties in Poland can hardly be questioned. Especially the normative (constitutional) dimension of implementing rights and liberties is impressive (in the Constitution of the Republic of Poland of 1997 the chapter on these issues is the longest). But in practice, there are some weaknesses in this area. First of all, on the basis of democracy score we can see the process of weakening media independence that has been progressing in Poland in the years 2006–2016. This trend is unquestionable. It must be emphasised that over the analysed decade the power alternated twice. It shows that the tendency for authorities to control media is independent of the political circle that comes to power. It can be assumed, then, that taking control of the media by the current authorities is one of the elements of governance in Poland.

Second, the elements that the indices often point out as disturbing human rights and liberties in Poland are the lengthiness of court proceedings or repeated application of pretrial detention to a single person. These practices, revealing the weakness of the

judiciary, also lead to lower rates of advancement of democratic processes concerning human rights and liberties. So it proves that there is still much to do in the practice of human rights and liberties in order to complete the process of democracy consolidation.

4.3 State and administration

The indices included in the analysis show that in the years 2006–2016 the elements categorised as the state and administration had a good, although not fully satisfying, level. The processes of governance meet the assumptions of democracy but the practice of political life still leaves a lot to be desired.

The indicators reflecting this category cover a wide range of issues referring to the functioning of the state and its administration, but they do not allow to precisely identify the areas that need improvement. At the most general level, some conclusions can of course be formulated, but in-depth qualitative analysis is needed to draw up detailed recommendations concerning the activities aimed to improve the existing situation.

However, taking into consideration the values of the discussed indicators we can make two basic conclusions on the processes of exercising power and the functioning of Polish administration in the years 2006–2016. First, they prove the imperfection of state institutions, meaning that they are still not very effective in implementing the basic functions of the state (e.g. low quality of law) or public policies. One expression of this is the low effectiveness of activities taken, understood as the relationship of effects to expenditure. The report on good governance ordered by Polish Ministry of Regional Development in 2008 shows that the areas of good governance directly creditable to the state position Poland much lower than developed countries. Thus, low quality of executing power mostly results from the weakness of the state (Wilkin at al, 2008: 139–140). The authors of the report point out three reasons for this: 1) incomplete transformation, 2) many institutional solutions have not been adjusted to the local conditions, 3) sphere of the quality of the state was neglected at the first stage of transformation (ibid.).

These observations cannot be verified only on the basis of the value of the discussed indicators within each index. But provided they are accurate, they point out that the condition of the state and state administration in the years 2006–2016 is a specific heritage or reflection of decisions made (or not made) during the first 10-15 years of transformation. The analysis of data included in the quoted indices in the long run confirms that after 1989 there was a significant change in this regard, proving the progress of democratisation, but in the latest decade (2006–2016) there was actually no improvement, and some indicators even suggest periodical regressions.

Second, the quality of governance processes is analysed through the evaluation of the current activity of public authorities (as the democracy index shows, governance in

Poland is much better at the territorial level than at the state level). This, in turn, depends on political parties that control public authorities and individuals who hold certain offices. As a result, the activity of public authorities is not only the consequence of acceptance or non-acceptance of certain systemic (institutional) solutions but is also a reflection of the political style dominant in the period, reflecting the political culture of the elites. But even now it must be stressed that in the analysed decade the model of party leaders' governance became dominant in Poland, with a high level of concentration of power in the hands of the Prime Minister. As pointed out by Matyja, it led to the construction of a new, monocentric party model, which assumes the passivity of party structures in the formulation of politics, adjusting to the changes of strategy determined by the leader, and practically eliminating or marginalising potential competition or centres of internal criticism (Matyja, 2013: 491). This, in turn, leads to strengthening clientelistic practices, which translates into the functioning of public authorities and may be one of the elements inhibiting further development of democratic practices.

4.4 Legal state

The issues connected with the achievement of what this article calls legal state need some explanation. We must realise that the comments below refer more or less directly to two concepts often used in source literature in a similar context. These are the rule of law and Rechtsstaat. There are two main functions of the rule of law: protecting individuals from arbitrary and disproportional use of state authority and protecting citizens and their property from illegal activity of other individuals (Bedner, 2010: 50–51). The concept of legal state, also included in the Constitution of the Republic of Poland of 1997, according to Sokolewicz (1992: 1) means that all the activity of the state affecting its citizens should be based on the law. The state achieves this general goal by meeting three requirements: 1) state authorities are bound by acts, 2) citizens are guaranteed the right to legal proceedings, 3) the competencies of state authorities are clearly separated, preferably by means of the (tripartite) separation of powers.

The indices discussed in the study show that the evaluation of Poland involving issues of the category of legal state is good, but not very good. It reflects the reservations against the judiciary, especially the lengthiness of court proceedings. Although each ruling team takes different actions to improve the activity of courts, they do not prove to be effective. That is why at the level of values of respective indicators in the discussed indices we do not see any significant improvement in the years 2006–2016.

What is more, it seems that at the end of the analysed period (in 2015), Poland began another phase, which may be expressed in a stronger trend of regression of democratisation processes in this respect (this is evident e.g. in democracy score). It is connected with the escalating disagreement concerning one of the focal institutions in the political system, Constitutional Tribunal. After Prawo i Sprawiedliwość took over the rule in Poland, tension between two values – democracy and the rule of law – became

evident. Actually, it is nothing new – as pointed out by Farejohn and Pasquino (2003: 243), they are based on different institutional systems. Democracy refers to electoral institutions, governments and parliaments. Law functions through courts, lawyers etc. In Poland a kind of tug-of-war has occurred, potentially resulting in setting the rules of a new balance, whose space is determined by two poles. The issue is whether the Constitutional Tribunal will really be able to regulate and organise social interactions, thus limiting the competence of authorities that refer to direct, democratic legitimisation, or whether the Parliament, claiming the right to independent authority to establish any law, will effect actual incapacitation of the Constitutional Tribunal.

This problem does not only fit the area of advancement of democratisation processes, but first of all leads to the question of whether the situation in Poland is an expression of fundamental redefinition of contemporary democracy, or at least one of its aspects.

4.5 Political participation

Political participation covers several important planes connected with citizens' participation in public life. The most significant ones are probably participation in elections and membership in political parties. These phenomena are measurable. Their high level proves good condition of democracy, while a low one may demonstrate citizens' withdrawal from the interest in public affairs. Obviously, apart from electoral participation and membership in political parties, political participation may manifest in other forms of civic activity, e.g. participation in referenda, public consultations, people's legislative initiative, people's veto etc.

Electoral participation in Poland is not high. It is not impressive, not only in comparison with Western European countries, but also in comparison with former socialist countries pursuing democracy. In the latest four Sejm elections in Poland the voter turnout was 40.6% (2005), 53.8% (2007), 48.9% (2011), and 50.9% (2015) (Państwowa Komisja Wyborcza...). For comparison, in the Czech Republic and in Hungary, the situation was as follows: In the Czech Republic, the voter turnout in the Chamber of Deputies of the Parliament election in 2006 was 64.5%, in 2010, 62.6%, and in 2013, 59.5% (Český statistický úřad). In Hungary, the level of electoral participation in 2006 was 64.4%, in 2010 also 64.4%, and in 2014, 61.7% (*Nemzeti Választási Iroda*).

Cześnik (2007: 214–217) argues that the low voter turnout in Poland cannot be explained by institutional, structural or historical variables. They have a measure of importance, but not much. There is a relatively high degree of fluctuation of groups of citizens, who participate in one election but are passive in the next. Electoral participation in Poland is affected by the fact that people with higher financial standing and education participate in elections, which causes unequal representation of interests in legislative authorities.

The democracy index we studied does not rate political participation in Poland very highly. Until 2013, it only gave this indicator 6.1 points out of the 10 possible. Interestingly, in the years 2014–2015 the rating slightly rose, up to 6.7 points. In that period, freedom rating assessed political participation in Poland as excellent, giving it 10 points, which does not seem to correspond to the reality.

4.6 Civil society

Civil society is one of the key institutions of contemporary democracy. Out of many definitions of civil society, we would like to point out the definition by Schmitter (1997: 230), who claims that civil society is a system of self-organising intermediate groups that is independent of public authorities and private entities, engages in public activity, does not try to replace the state authority and acts within the established rules. In a democratic regime, the goal of functioning of this sphere independent of state authority is to contribute to greater social awareness concerning own needs and the satisfaction of the needs, which are not satisfied by the state.

In Poland social activity increased in the 1980s, which contributed to the birth of *Solidarność* and opposing the socialist state authority. As a result, in 1989, transformations began whose aim was to institutionalise the democratic solutions. However, as time passed, many researchers began to point out the weakness of social structures in the new state, and thus, the lack of development of civil society, which should follow systemic changes.

Can we say that civil attitudes have consolidated in Polish society? Research results and expert opinions prove otherwise. The reasons for this state of affairs are the lack of acceptance for free market requirements, institutional and awareness heritage of the communism, great differences in people's income, and acute social conflicts as well as the mental condition and traditional ways of thinking that cause the persistence of demanding attitudes and expecting many welfare provisions from the state (Wolff-Powęska, 1999: 160).

Out of the studied indices, democracy status shows an improvement in the quality of civil society in the latest decade, democracy score finds a constant positive and upward trend in this indicator, and freedom rating points out a very good level of civic society in Poland in the years 2014–2015.

4.7 Political culture

In social sciences, political culture has many different definitions. Some scholars only perceive it in psychological categories. This is how political culture is understood among others by Almond and Powell (1966: 50), and in the Polish context, Wiatr (1999: 189). The other attitude includes in political culture not only psychological attitudes and orientations but also behavioural phenomena. Regardless of whether we perceive political

culture narrowly or broadly, it determines specific features of the relationship between the authority and state on the one hand and the society on the other hand.

Political culture is much more than the expression of current attitudes and behaviours of citizens and political actors. The character of political culture is largely affected by institutional and historical variables, which – like a genetic code – determine specific behaviour patterns for many generations.

The period of socialism in Poland contributed to the society's withdrawing from interest in public life. The barriers set in front of the citizens by the communist party, the low political awareness in the society, and the sense of meaninglessness of engaging in public matters led to the formation of apathy and passivity. This is the heritage Polish political culture received at the beginning of system transformations (Garlicki & Noga-Bogomilski, 2004: 169). After 1989, there was some hope for successful democratisation both of the state and the society. Whereas democratic structures and procedures were relatively quickly implemented in the institutional dimension, in the area of political culture based on consolidated mental patterns of orientation and behaviours, democratisation has been much slower. It seems, however, that in the third decade of system transformations in Poland, political culture still does not have the qualities characteristic of societies living in countries with consolidated democracy, which is proved by the low level of citizens' trust in political institutions or little involvement in public and political life.

Analysing the indices that measure the advancement of democratisation processes, we can see one common and unquestionable characteristic. All of them give political culture a very low rating, and democracy index in 2010–2013 and 2015 even awarded political culture in Poland less than 5 points. Both this index and democracy score agree that in the years 2006–2016 the level of political culture in Poland was becoming lower and lower. In this context, the results of democracy status, which observes constant improvement of political culture in Poland and in 2016 awarded it the maximum score of 10 points, are puzzling.

5 Conclusion

Political scientists, or more broadly, representatives of social sciences, are still looking for optimal tools to evaluate the quality of democracy within the framework of a political system. It is the main reason for constructing various measures or indices. Depending on the specific goals of studies, they involve different determinants. They most often concentrate on institutional aspects, although many of them also refer to social or political determinants (Sroka, 2014: 32–33). The number of variables considered in the indices makes it difficult to compare the data they include. This article was an attempt to compare data from four indices with the use of our original classification including specific indicators of the tools in each group. The aggregate character of indicators within the

indices made it even more difficult. It also confirmed that the analysis of values of the indicators only has a real explanatory meaning if it is enriched with qualitative analysis. The differences between the values of respective indicators in different indices confirm that the obtained results and conclusions depend on what the authors of a study want to emphasise. The corresponding methodological obscurity (the lack of specific information on how the research was carried out) occurring in different indices is a significant element limiting the possibility of regarding their results as sufficient for reliable description of advancement of democratisation processes.

Still, the indices discussed in the study should not be ignored. They may be a kind of guideline, showing the direction of changes in selected areas, and the developmental or regressive trend in the democratic process. Sometimes they also allow to see the 'systemic inability' to progress, when the indicators remain at the average level for a long time. In the case of Poland, this element is very well visible. True, in the years 2006–2016 the value of indicators did change, but the changes were not revolutionary. The fluctuations were negligible, and they were not always an expression of democratic progress, sometimes they suggested 'a step backwards'. To sum up, the indices that express the advancement of democratisation processes only have a real explanatory value if they are supplemented with qualitative analysis.

References:

- Ágh, A. (1998) *Emerging Democracies in East Central Europe and the Balkans* (Cheltenham: Edward Elgar).
- Alvarez, M., Cheibub, J. A., Limongi, F. & Przeworski, A. (1996) Classifying Political Regimes, *Studies in Comparative International Development*, 31(2), pp. 3–36.
- Bedner, A. (2010), An Elementary Approach to the Rule of Law, *Hague Journal of the Rule of Law*, 2(1), pp. 48–74.
- Bertelsmann Stiftung (2016) *Bertelsmann Transformation Index. Methodology*, available at <https://www.bti-project.org/en/index/methodology/> (June 2016).
- Bertelsmann Stiftung (2016) *Bertelsmann Transformation Index. Poland*, available at <http://www.bti-project.org/en/reports/regional-reports/east-central-and-southeast-europe/> (June 2016).
- Blok, Z. (2010) *Krytyczna refleksja nad wybranymi teoriami i kryteriami ocen demokratyzacji*, In: Nowak, E. & Riedel, R. (eds.) *Polska i Europa Środkowa. Demokratyzacja, konsolidacja, europeizacja* (Lublin: Wydawnictwo Uniwersytetu Marii Skłodowskiej-Curie), pp. 67–76.
- Bogaards, M. (2010) Measures of Democratization: From Degree to Type to War, In: *Political Research Quarterly*, 63(2): pp. 475–488.
- Collier, D. & Adcock, R. (1999) Democracy and Dichotomies: A Pragmatic Approach to Choices about Concepts, In: *Annual Review of Political Science*, 2, pp. 537–565.
- Cześniak, M. (2007) *Partycypacja wyborcza w Polsce. Perspektywa porównawcza* (Warszawa: Wydawnictwo Naukowe Scholar).
- Dahl, R. (1995) *Demokracja i jej krytycy* (Kraków, Warszawa: Społeczny Instytut Wydawniczy Znak, Fundacja im. Stefana Batorego).
- Diamond, L. (1996) Is the Third Wave Over?, In: *Journal of Democracy*, 7(3), pp. 20–37.

- Diamond, L. (1999) *Developing Democracy. Toward Consolidation* (Baltimore: The Johns Hopkins University Press).
- Farejohn, J. & Pasquino, P. (2003) *Rule of Democracy and Rule of Law*, In: Maravall, J. M. & Przeworski, A. (eds.) *Democracy and the Rule of Law* (Cambridge: Cambridge University Press), pp. 242–260.
- Freedom House (2016) *Freedom in the World. Poland*, available at: <https://freedomhouse.org/report/freedom-world/freedom-world-2016> (June 2016).
- Freedom House (2016) *Nations in Transit. Poland*, available at <https://freedomhouse.org/report/nations-transit/2016/poland> (June 2016).
- Garlicki, J. & Noga–Bogomilski, A. (2004) *Kultura polityczna w społeczeństwie demokratycznym* (Warszawa: Instytut Nauk Politycznych Uniwersytetu Warszawskiego).
- Garlicki, L. (2006) *Polskie prawo konstytucyjne, zarys wykładu* (Warszawa: LIBER).
- Matyja, R. (2013) *Rywalizacja polityczna w Polsce* (Kraków-Rzeszów: Ośrodek Myśli politycznej, Wyższa Szkoła Informatyki i Zarządzania w Rzeszowie).
- Nemzeti Választási Iroda*. Available at <http://valasztas.hu/en/ref2016/index.html> (June 2016).
- Państwowa Komisja Wyborcza*, available at http://pkw.gov.pl/315_Wybory_do_Sejmu_i_do_Senatu (June 2016).
- Polity IV Individual Country Regime Trends, 1946–2013*, available at <http://www.systemicpeace.org/polity/polity4.htm> (June 2016).
- Pridham, G. (2000) *Dynamics of Democratization. A Comparative Approach* (New York: Continuum).
- Przeworski, A. (1991) *Democracy and the Market. Political and Economic Reforms in Eastern Europe and Latin America* (Cambridge: Cambridge University Press).
- Rose, R. (1991) Comparing Forms of Comparative Analysis, In: *Political Studies*, 39(3), pp. 446–462.
- Sartori, G. (1962) *Democratic Theory* (Detroit: Detroit Wayne State University Press).
- Schedler, A. (1998) What is Democratic Consolidation?, In: *Journal of Democracy*, 9(2), pp. 91–107.
- Schmitter, P. C. (1997) *Civil Society East West*, In: Diamond, L., Plattner, M. F., Youhan, C. & Hung-mao, T. (eds.) *Consolidating the Third Wave Democracies*, pp. 239–262. (Baltimore: The Johns Hopkins University Press).
- Schumpeter, J. (1947) *Capitalism, Socialism and Democracy* (New York: Harper).
- Sokolewicz, W. (1992) *Państwo prawne – jego cechy i kryteria. Informacja nr. 63* (Warszawa: Biuro Studiów i Ekspertyz. Kancelaria Sejmu RP).
- Sroka, A. (2014) *Rozliczalność w badaniach jakości demokracji (na przykładzie Polski i Hiszpanii)* (Warszawa: Dom Wydawniczy ELIPSA).
- Van den Bosch, J. (2014) Mapping Political Regime Typologies, In: *Przegląd Politologiczny*, 4, pp. 111–124.
- Vanhanen, T. (2000) A New Dataset for Measuring Democracy, 1810–1998, In: *Journal of Peace Research*, 37(2), pp. 251–265.
- Whitehead, L. (2002) *Democratization. Theory and Experience* (Oxford: Oxford University Press).
- Wiatr, J. (1999) *Socjologia polityki* (Warszawa: Wydawnictwo Naukowe Scholar).
- Wilkin, J., Fabrowska, P., Hardt, Ł., Kaczor, T., Mackiewicz, M., Michorowska, B. & Węclawska D. (2008) *Study on the establishment of a system of indices to evaluate the implementation of the good governance principle in Poland. Final report*. (Warszawa: ECORYS Research and Consulting).
- Wolff-Powęska, A. (1999) *Oswojona rewolucja. Europa Środkowo-Wschodnia w procesie demokratyzacji* (Poznań: Instytut Zachodni).

The Quantitative Analysis of Chosen Indices of the Democratization Process in Former Yugoslav Republics

MIRO HAČEK

Abstract Besides three basic conditions consolidated democracies should also fulfil several other conditions that have not attracted such attention of scientific analyses, as have the three basic conditions; those conditions are economic consolidation, the rule of law, the existence of an organised civil society, an efficient country bureaucracy and a relative autonomy of political society (Linz and Stepan, 1996: 14–18). Chapter put an emphasis on the processes of democratic consolidation in the former Yugoslav republics in the period since the volatile and violent breakup of socialist Yugoslavia twenty-five years ago. It is clearly evident from various democratic consolidation measurements that most of former Yugoslav republics have so far not been successful in reaching the level of consolidated democracies and that democratisation trends are not positive.

Keywords: • democracy • economy • consolidation • former Yugoslavia • republics • Slovenia

CORRESPONDENCE ADDRESS: Miro Haček, Ph.D., Professor, University of Ljubljana, Faculty of Social Sciences, Kardeljeva ploščad 5, 1000 Ljubljana, Slovenia, email: miro.hacek@fdv.uni-lj.si.

DOI 10.4335/978-961-6842-73-0.3

ISBN 978-961-6842-73-0

© 2016 Institute for Local Self-Government and Public Procurement Maribor

Available online at <http://books.lex-localis.press>.

1 Introduction: Processes of Social and Political Modernisation

The disintegration of the socialist political system forced several countries of Central and Eastern Europe¹ to undertake fundamental changes that were to constitute a system resembling that is present in Western societies. These states saw themselves as genuinely part of Western civilisation for they had several common historical, cultural and economic elements. Consequently their prime development strategy was oriented to social modernisation, particularly in the sense of adopting two main institutional characteristics – a market economy and a parliamentary democracy (Tomšič, 2002: 125).

How are the concepts of social and political modernisation to be understood? Social modernisation includes key changes in all aspects of human thought and human activities. Its elements, such as economic growth, urbanisation, development of education and establishment of the mass media are historically interlinked with the advancement of democracy. Nevertheless, establishing various democratic institutions usually lagged behind general progress (Zajc, 2000: 13). Political modernisation will, for the purposes of this article, be defined as the rationalisation of authority (dismissing various traditional, family-based, local or religious authorities and replacing them with secular and legitimate national authority) and the consolidation of sovereignty of the nation state versus external influences or internal regional and local powers. It further requires a division of power between legislative, juridical and executive authorities, established relations between them, and the protection of professional fields from arbitrary political influence (judiciary, armed forces and civil administration). Political modernisation also represents the growing political participation of citizens in establishing their interests or introducing modern purchasing affairs. This can significantly reduce the supervision of citizens by the state or any other informal sources of power (Huntington, 1993).

According to its definition and historical experience, the concept of political modernisation correlates with an increase in political independence. The right to independence and self-regulation originate from the right to mutiny against any foreign or unjust authority (*'ius resistendi'*). It also represents the people's right (people as a self-protecting entity) to change government, demand the government's responsibility or establish its own government (Zajc, 2000: 16–17). In the context of the former socialist systems, the right to mutiny and the right to self-determination enabled the formation of not only new but also more democratic states.²

In spite of achieving different levels of social and economic development, researchers disclosed many common characteristics of the reasons for the political modernisation seen among Central and Eastern European countries. The first of these common characteristics is a legitimacy crisis. Up until the late 1980s the monistic systems of CEE had based their legitimacy entirely on ideological suppositions: of no-conflict societies; of the established belief in their 'historical right'; and of their expertise in the nature of human development. The democratic version of legitimacy proved to be more attractive

to citizens, especially in socially and economically less developed countries, even more so when compared with the state's limitless and unsupervised power and the irresponsibility of its electors (Linz and Stepan, 1996: 17). The second of the common characteristics is the systematic restraint of human rights. Totalitarian and authoritarian systems theoretically and practically opposed those constitutional regulations that were based on the individual, and had respect for the inalienable rights of the citizens and of all the people. Particularly restricted by the authoritarian powers were the freedom of thought and freedom of expression – the pillars of an autonomous civil society. Also highly restricted was the freedom of public gathering which created circumstances fitting the monopolisation of power and the creation of authoritarian single party system. The third of the common characteristics was the complete ineffectiveness of the socialist system. They could not fulfil the material expectations of its citizens or solve the ever-growing problems. Socialist systems were increasingly falling behind in the race with democratic and competitive states. The fourth of the common characteristics were the very high costs of repression. Undemocratic systems tend to break all social linkages except their own, which they form and enforce systematically. They sustain an atmosphere of uncertainty and distrust where any kind of opposition is severely sanctioned. The result of uncertainty and repressiveness is the so-called 'subculture of fear', which weakens people's ability to independently plan and act in order not to worsen their individual position. Gradually all the rights and institutions, which could ensure the success of a collective action, disintegrate. Nevertheless, in undemocratic systems there is a relationship between tolerance of political opposition and the costs of its repression. Expensive tolerance necessarily signifies an even more expensive repression. The more the costs of repression exceeded the costs of tolerance the higher became the possibility of altering the political system (Dahl, 1990; see also Kukovič and Haček, 2014).

The key reason for the political democratisation of CEE countries were the restraints on social development imposed by communist rule. In these countries the process of social development could be marked as inorganic top-down modernisation based on the idea of homogenised and disciplined society. It effectively suffocated any alternative realisation of social potential. Reforms and ideas were legal as long as they did not collide with the monopoly's legitimacy, based on the idea of a classless society. This was the origin of the system's incapability to ensure sustainable development, self-reproduction, the absorption of constant social changes and adjustment to the complex circumstances (Tomšič, 2002: 126).

The term democratic transition relates to the process of dismissing the authoritarian regime, authoritarian entities or undemocratic legislation and to the establishment of the constitutional regulation and formation of procedural rules for political competition. This process of transition from an authoritarian to a democratic system usually evolves evolution. The establishment of a fully democratic system must necessarily be preceded by liberalisation – while still within the old regime's framework, certain rights must be restored or expanded in order to serve as protection of the individual or greater social

formation, against arbitrary interventions of central powers. This enables the creation of political opposition, articulation and popularisation of new ideas and consequently also an increase in public support (Tomšič, 2002: 130).

The democratic consolidation requires the establishment of a suitable institutional framework. Schmitter understands consolidation as 'a process of transformation of random agreements, prudent norms and more or less accidental decisions (formed in the period of transition) into a generally known and regularly practiced relations of cooperation and competition. These must be voluntarily accepted by all individuals and groups enrolled in the democratic exercise of power' (Schmitter, 1994: 60). To put it more simply, the process of democratic consolidation is finished when no relevant actor seeks to politically exist outside the frameworks of democratic institutions (Tomšič, 2002: 131) or 'when also the defeatists try to succeed only through democratic institutions' (Przeworski et al, 1996: 40).

Before we can even discuss democratic consolidation, at least three basic conditions must be fulfilled. The first is the existence of a country because otherwise there can be no free elections or human rights. The second condition is that no democracy can be consolidated before the process of democratic transition has ended. A necessary but not also a sufficient prerequisite to finish the democratic transition is free, general and democratic elections. In many cases of free, general and democratic elections it became obvious that governments *de facto* lacked real decision-making power, which in spite of the institute of democratic elections remained in the hands of the former rulers or other powers. The third condition of democratic consolidation is therefore the necessity of democratic rule. If democratically elected authorities violate the constitution, restrict human rights, interfere with the work of other independent authorities and do not govern within the limits of the rule of law, then we cannot talk of a democratic regime. It may be concluded that only democracies can be consolidated democracies (Linz and Stepan, 1996: 16). If we are to talk about a consolidated democracy, then we must also fulfil other conditions than those mentioned above. Linz and Stepan list five more interlinked prerequisites: economic consolidation, the rule of law, the existence of an organised civil society, an efficient country bureaucracy and the relative autonomy of political society (Linz and Stepan, 1996: 14–33).

In this article we tend to analyse the processes of democratic transition and consolidation in the former Yugoslav republics from early 1990s, when socialist Yugoslavia finally broke apart, to the 2016, when now-independent countries will celebrate their first quarter-century anniversaries. We will put an emphasis on various internationally recognized measurements that try to cover a combination of elements that influence the processes of democratic transition and consolidation in the Linz and Stepan's (1996) traditional trajectory. Following their work, we will especially particularly analyse economic transition and consolidation processes in all former Yugoslav republics, and test the assumption that this is the one particular prerequisite of democratic consolidation

that suffered most direct effects of failed peaceful transformation in areas of former Yugoslavia that plunged into post-independence wars and conflicts.

2 Measurements of Democratic Consolidation

We can measure the success of democratic transition and democratic consolidation through various indexes. The most frequently used index is the Human Development Index (HDI), which is composed of various economical, social, demographic and other indicators. The precision and ability to determine any country's stage of development of the HDI is much greater than any other composite index or statistical indicator. The Human Development Index marks some of the fundamental achievements in a certain society, such as the average length of life, dissemination of knowledge, economic development and certain life standards. The Human Development Index is a more profound indicator than for example revenue per capita, because the latter is only one of the many means of human development but not also its final result. Table 1 shows values of the HDI index from 1995 to the latest available measurement in 2014. Besides the actual value of the index, it also gives two kinds of information. The first one regards the stage of development a specific country has achieved, whereas the second one shows the country's position in the world ranking. The results mentioned are entirely congruent with frequently published economic indicators – Slovenia scored best among the former socialist countries in all time periods between 1995 and 2014. Between 1995 and 2014 some former Yugoslav republics advanced in their world rankings, but their progress is very diverse; Slovenia for instance gained 12 places, Croatia 29 and Serbia 14, but on the other hand, the FYR Macedonia and Montenegro stayed largely on the same level between 1995 and 2014. The case of Bosnia and Herzegovina is more troubling, as it actually lost 19 places between 2005 (when it was for the first time included in the measurement) and 2014. It is also clearly visible that Slovenia lowered its score in the period after 2010, mostly due to the negative impacts of global economic crisis.

Table 1: Human Development Index (HDI)* in Central and Eastern Europe in 1995–2014

COUNTRY	1995**	2000**	2005**	2010**	2011**	2012**	2013**	2014**
SLOVENIA	0.887;	0.879;	0.917;	0.828;	0.884; VHD-	0.892;	0.874;	0.880;
CROATIA	0.759;	0.809;	0.850;	0.767; HD-	0.796; VHD-	0.767;	0.812;	0.818;
MONTENEGRO	-	-	-	0.769; HD-	0.771; HD-	0.791;	0.789; HD-	0.802; HD-
BOSNIA AND HERZEGOVINA	-	-	0.803; HD-66	0.710; HD-68	0.733; HD-74	0.735; HD-81	0.731; HD-86	0.733; HD-85
SERBIA	-	0.710;	-	0.735; HD-	0.766; HD-	0.769;	0.745; HD-	0.771; HD-
FYR	0.749;	0.772;	0.801;	0.701; HD-	0.728; HD-	0.740;	0.732; HD-	0.747; HD-

* The Human Development Index is measured on a 0 to 1 interval, where 1 represents a fully developed country and 0 represents a completely undeveloped country.

** Countries are divided into three groups: high human development (marked HD), medium human development (MD) and low human development (LD). From 2006 there was also a fourth group added, very high human development (VHD), for the most developed countries in the world. Next to this mark we placed information about the individual countries' places in the world ranking.

*** Ranking among listed former socialist countries.

Source: Human Development Report; available at <http://hdr.undp.org/> (14 June 2016).

Very similar to the Human Development Index is the Democracy Index, measured annually by an organisation called *Freedom House* and presented in a special report – *Nations in Transit*. The Democracy Index is composed of seven indicators. It includes evaluations of electoral systems, civil society, free media, democratic government at both national and local levels, independence of the judiciary, and the spread of corruption. Every indicator is measured on a scale from 1 to 7, where 1 represents the highest level of the democratic process and 7 represents the lowest level. *Nations in Transit* encompasses all former socialist countries including the successor countries to the Soviet Union and Yugoslavia. All included countries are divided into five groups. The highest group includes countries with the best ratings in the Democracy Index, i.e. consolidated democracies. Countries receiving a Democracy Score of 1.00–1.99 closely embody the best policies and practices of liberal democracy (Freedom House, 2016):

- The authority of government is based on universal and equal suffrage as expressed in regular, free, and fair elections conducted by secret ballot. Elections are competitive, and power rotates among a range of different political parties.
- Civil society is independent, vibrant, and sustainable. Rights of assembly and association are protected and free of excessive state pressures and bureaucracy.
- Media are independent, diverse, and sustainable. Freedom of expression is protected, and journalists are free from excessive interference by powerful political and economic interests.
- National and local governmental systems are stable, democratic, and accountable to the public. Central branches of government are independent, and an effective system of checks and balances exists. Local authorities exercise their powers freely and autonomously of the central government.
- The judiciary is independent, impartial, timely, and able to defend fundamental political, civil, and human rights. There is equality before the law, and judicial decisions are enforced.
- Government, the economy, and society are free of excessive corruption. Legislative framework, including strong conflict-of-interest protection, is in place so that journalists and other citizens feel secure to investigate, provide media coverage of, and prosecute allegations of corruption.

From former Yugoslav republics, only Slovenia consistently ranked among consolidated democracies, mostly scoring below 2.00, but in the latest report from 2016, Slovenia again touched the threshold of 2.00; while still remaining the consolidated democracy, some

challenges largely associated with corruption, judiciary and independent media contributed to a slightly lower score.

Table 2: Democracy Index in the period 1997 to 2016

	Slovenia	Croatia	Bosnia and Herzegovina	FYR Macedonia	Montenegro	Serbia	Kosovo	FR Yugoslavia
1997*	2.00	4.00	-	3.90	-	-	-	-
1998*	1.94	4.25	5.35	3.95	-	-	-	4.90
2000*	1.95	4.19	5.13	3.44	-	-	-	5.50
2001*	1.94	3.25	4.94	3.75	-	-	-	4.63
2002*	1.81	3.25	4.56	4.13	-	-	-	3.63
2003	1.79	3.79	4.54	4.29	-	-	-	-
2004	1.75	3.83	4.29	4.00	-	-	5.50	-
2005	1.68	3.75	4.18	3.89	3.79	3.75	5.32	-
2006	1.75	3.71	4.07	3.82	3.89	3.71	5.36	-
2007	1.82	3.75	4.04	3.82	3.93	3.68	5.36	-
2008	1.86	3.64	4.11	3.86	3.79	3.79	5.21	-
2009	1.93	3.71	4.18	3.86	3.79	3.79	5.14	-
2010	1.93	3.71	4.25	3.79	3.79	3.71	5.07	-
2011	1.93	3.64	4.32	3.82	3.82	3.64	5.18	-
2012	1.89	3.61	4.36	3.89	3.82	3.64	5.18	-
2013	1.89	3.61	4.39	3.93	3.82	3.64	5.25	-
2014	1.93	3.68	4.43	4.00	3.86	3.64	5.14	-
2015	1.93	3.68	4.46	4.07	3.89	3.68	5.14	-
2015	2.00	3.68	4.50	4.29	3.93	3.75	5.07	-
2016	2.00	3.68	4.50	4.29	3.93	3.75	5.07	-

* *different methodology was used before 2003 in calculating democracy index, only evaluating electoral process, civil society, independent media and governance.*

Source: Freedom House, Nations in Transit; available at <http://www.freedomhouse.org> (20 June 2016).

Countries receiving a Democracy Score of 3.00–3.99 are ranked as semi-consolidated democracies. Among former Yugoslav republics Croatia, Serbia and Montenegro are being consistently ranked among semi-consolidated democracies, but none of them sees recent positive trends that would lead toward consolidated democracy status. Those countries are still electoral democracies that meet relatively high standards for the selection of national leaders, but exhibit some weaknesses in their defense of political rights and civil liberties (Freedom House, 2016):

- The authority of government is based on universal and equal suffrage as expressed in regular elections conducted by secret ballot. While elections are typically free,

fair, and competitive, irregularities may occur. Power rotates among a range of different political parties.

- Civil society is independent and active. Rights of assembly and association are protected. However, the organizational capacity of groups remains limited and dependence on foreign funding is a barrier to long-term sustainability. Groups may be susceptible to some political or economic pressure.
- Media are generally independent and diverse, and freedom of expression is largely protected in legislative framework and in practice. However, special interests—both political and economic—do exert influence on reporting and editorial independence and may lead to self-censorship. While print media are largely free of government influence and control, electronic media are not.
- National and local systems of government are stable and democratic. While laws and structures are in place to promote government transparency and accountability, implementation is lacking. The system of checks and balances may be weak, and decentralization of powers and resources to local self-governments incomplete.
- The framework for an independent judiciary is in place. However, judicial independence and the protection of basic rights, especially those of ethnic and religious minorities, are weak. Judicial processes are slow, inconsistent, and open to abuse.
- Corruption is widespread and state capacities to investigate and prosecute corruption are weak. Efforts to combat the problem produce limited results.

Countries receiving a Democracy Score of 4.00–4.99 are typically electoral democracies that meet only minimum standards for the selection of national leaders; those countries are either transitional or hybrid regimed. Among former Yugoslav republics FYR Macedonia and Bosnia and Herzegovina are currently in this category, although FYR Macedonia was in the period 2005–2013 ranked among semi-consolidated democracies. Also Kosovo, although not universally recognized as sovereign country, is very close to this category. Democratic institutions in those countries are fragile and face substantial challenges to the protection of political rights and civil liberties exist. The potential for sustainable, liberal democracy is unclear (Freedom House, 2016):

- National elections are regular and competitive, but substantial irregularities may prevent them from being free and fair. Government pressure on opposition parties and candidates may be common.
- Civil society is independent and growing, and rights of assembly and association are generally protected. However, philanthropy and volunteerism are weak, and dependence on foreign funding is a barrier to long-term sustainability. Democratically oriented NGOs are the most visible and active groups, especially during election seasons, and may be subject to government pressure.
- Media are generally independent and diverse. Legislative framework to protect media may be in place but is not matched by practice. Special interests—both political and economic—exert influence on reporting and editorial independence,

and may lead to self-censorship. Harassment of and pressure on journalists may occur.

- National and local systems of government are weak and lacking in transparency. While the balance of power is fragile, a vocal yet fractionalized opposition may be present in parliament. Governance may remain highly centralized. Local self-government is not fully in place, with some local or regional authorities owing allegiance to the central authorities who appointed them.
- The judiciary struggles to maintain its independence from the government. Respect for basic political, civil, and human rights is selective, and equality before the law is not guaranteed. In addition to the judiciary being slow, abuses occur. Use of torture in prisons may be a problem.
- Corruption is widespread and presents a major impediment to political and economic development. Anticorruption efforts are inconsistent.

If we compare scores and reports from 1997 to 2016, the most noticeable characteristic is the recent regression of almost all former Yugoslav republics in terms of their democratic consolidation, most noticeably of FYR Macedonia in terms of reassignment to lower group, and regression in the grades of several other countries, most noticeably in Slovenia in recent period. There are also few cases of progress (Kosovo in recent period, Croatia after president Tudman’s death, FYR Macedonia in mid 2000s, etc.), but the differences between 1997, 2005 and 2016 grades are not substantial in most cases. We can also notice that all former Yugoslav republics apart of Slovenia received especially concerning low scores in the fields of independent media, spread of corruption and judicial framework and independence (Freedom House, 2016).

Table 3: Nations in transit 2006 – ratings of specific indicators and the collective Democracy Index for a group of consolidated democracies

COUNTRY	EP	CS	IM	NGOV	LGOV	JFI	CO	DEMOCRACY INDEX
SLOVENIA	1.50	1.75	1.75	2.00	1.50	1.50	2.25	1.75
CROATIA	3.25	2.75	3.75	3.50	3.75	4.25	4.75	3.71
SERBIA	3.25	2.75	3.25	4.00	3.75	4.25	4.75	3.71
BOSNIA AND HERZEGOVINA	3.00	3.75	4.00	4.75	4.75	4.00	4.25	4.07
MONTENEGRO	3.50	3.00	3.25	4.50	3.50	4.25	5.25	3.89
FYR MACEDONIA	3.25	3.25	4.25	3.75	3.75	3.75	4.75	3.82
KOSOVO	4.75	4.25	5.50	5.75	5.50	5.75	6.00	5.36

The Democracy Index score is an average for Electoral Process (EP); Civil Society (CS); Independent Media (IM); National Democratic Governance (NGOV); Local Democratic Governance (LGOV); Judicial Framework (JFI) and Corruption (CO). Source: Freedom House, Nations in Transit; <http://www.freedomhouse.org> (20 June 2016).

Table 4: Nations in transit 2011 – ratings of specific indicators and the collective Democracy Index for a group of consolidated democracies

COUNTRY	EP	CS	IM	NGOV	LGOV	JFI	CO	DEMOCRACY INDEX
SLOVENIA	1.50	2.00	2.25	2.00	1.50	1.75	2.50	1.93
CROATIA	3.25	2.50	4.00	3.50	3.75	4.25	4.25	3.64
SERBIA	3.25	2.25	4.00	3.75	3.50	4.50	4.25	3.64
BOSNIA AND HERZEGOVINA	3.25	3.50	4.75	5.25	4.75	4.25	4.50	4.50
MONTENEGRO	3.25	2.75	4.25	4.25	3.25	4.00	5.00	3.82
FYR MACEDONIA	3.25	3.25	4.50	4.00	3.75	4.00	4.00	3.82
KOSOVO	4.50	3.75	5.75	5.75	5.00	5.75	5.75	5.18

The Democracy Index score is an average for Electoral Process (EP); Civil Society (CS); Independent Media (IM); National Democratic Governance (NGOV); Local Democratic Governance (LGOV); Judicial Framework (JFI) and Corruption (CO). Source: Freedom House, Nations in Transit; <http://www.freedomhouse.org> (20 June 2016).

Table 5: Nations in transit 2016 – ratings of specific indicators and the collective Democracy Index for a group of consolidated democracies

COUNTRY	EP	CS	IM	NGOV	LGOV	JFI	CO	DEMOCRACY INDEX
SLOVENIA	1.50	2.00	2.25	2.00	1.50	1.75	2.50	1.93
CROATIA	3.00	2.75	4.00	3.50	3.75	4.50	4.25	3.68
SERBIA	3.25	2.25	4.50	4.00	3.50	4.50	4.25	3.75
BOSNIA AND HERZEGOVINA	3.25	3.50	4.75	5.75	4.75	4.50	5.00	4.50
MONTENEGRO	3.50	2.75	4.50	4.25	3.50	4.00	5.00	3.93
FYR MACEDONIA	3.75	3.25	5.25	4.75	4.00	4.50	4.50	4.29
KOSOVO	4.75	3.75	5.25	5.50	4.50	5.75	6.00	5.07

The Democracy Index score is an average for Electoral Process (EP); Civil Society (CS); Independent Media (IM); National Democratic Governance (NGOV); Local Democratic Governance (LGOV); Judicial Framework (JFI) and Corruption (CO). Source: Freedom House, Nations in Transit; <http://www.freedomhouse.org> (20 June 2016).

Tables 3, 4 and 5 show that Slovenia scores best among all former Yugoslav republics in all measured indicators in all three periods – 2006, 2011 and 2016. *Freedom House* estimates Slovenia's main lags are civil society, corruption and independent media, where Slovenia lays behind some of other consolidated democracies in the Central and Eastern European region. For all of the other former Yugoslav republics, we can clearly see four most problematic areas, i.e. independent media, national democratic governance, judicial framework and especially, corruption. Here are differences between Slovenia and other

former Yugoslav republic also the biggest. The smallest differences can be observed, however, in the civil society, which is apparently quite independent and active throughout former Yugoslavia, largely due to the legacy of active and vibrant civil society that already existed in former socialist Yugoslavia.

3 Conclusions

History teaches us that democracy was losing with the economic and social crisis which encourages imagination and exploration of a more efficient social order. If citizens feel they do not gain anything from democracy, they will easily take farewell. Moreover, in every society, especially in transitional societies, there is a part of the culture, which is not democratically oriented and where someone could implement totalitarian or authoritarian structures. So what can be done democracy not to remain so fragile, to strengthen it or even prevent the revitalization of totalitarianisms or the emergence of new ones?

1. Education for democracy: it is necessary to consolidate the democratic public opinion and, what is even more important, to consolidate and develop the democratic values. It seems that the democratic political culture is the strongest guarantee for maintaining and ensuring "sustainable development" of every democracy.
2. Democracy has to be structurally improved: we have to provide greater transparency of democratic processes and opportunities for greater involvement of citizens.

Who should carry out these processes, in particular education for democracy. First institution that should be mentioned here is certainly educational system. The role of the education system in shaping our culture as a support for the active citizenship. Through the implementation of its basic social functions (the transfer of official knowledge) the school performs a variety of other social functions. It can be understood as an important element of social development; as a factor, influencing the development of every individual; as an element for the transfer of traditions, the knowledge of generations. The school also intervenes in the primary socialization and in addition to the family it also shapes a part of the societal value form, which is more permanent. It should also be taught what is worth to be rejected and what not, what values and social structures should be maintained and preserved in the society. The school can significantly contribute to the creation of an active democratic citizenship. Secondly, science. The duty of science is to seek for and to establish scientific truth. Social science and humanistic disciplines and in this context the historical one have a particular important role; especially the latest should make a clear distinction between democracy and its standards on one side and totalitarian systems on the other. It should clearly present the historical forms of totalitarianisms. Let me remind our left-oriented intellectuals of the correct position of the also left-oriented John Keane, who in his most recent work on democracy claims that 'forgetting or remembering the wrong things is dangerous for democracy'. Thirdly, politics or its central organizations and institutions such as the parliament, government, political parties,

movements, political elites presenting a powerful socialisation factor have a central role in the education for democracy. Politics should be most attentive to totalitarian phenomena and patterns and detect them in everyday life. And fourthly, the media should be the most important democratic factor during the transition. They have an immediate effect on public opinion and do not break deeply into the culture, into the core of values, however, in long term these effects are not negligible. At least for Slovenia we can say that the media have not carried out their mission in promoting democratic institutions and democratic political culture. They criticized the parties and the parliament (where the representatives of the people seem only to be fighting and generally doing useless things only). They sharply criticized the alleged privileges of the members of the parliament. Generally they were very reluctant to the old political nomenclature and were negatively oriented towards the new political elites and new political parties (Haček and Brezovšek, 2014).

A democracy becomes consolidated when the rate of risk³ decreases in proportion to its age (Dahl, 1990: 16–17). Dahl (ibid.) further claims that the probability of attaining democratic consolidation is greater when democracies “operate” successfully during a given time span in political, social, economic and other terms. On the basis of our research and other similar ones, we can confirm this claim, as one former Yugoslav republic is stable and consolidated democracy (Slovenia) and three are stable semi-consolidated democracies (Croatia, Serbia, Monte Negro). What is more worrisome, however, are constant negative democratisation trends, we are observing in the last few years, not only in the former Yugoslav area, but also across Central and Eastern Europe

Notes:

¹ International terminology usually calls these countries CEE countries (Central and Eastern European countries).

² America’s gaining of political independence from Great Britain at the end of the eighteenth century, also called the ‘American revolution’, enabled the American states to form entirely new republican, democratic and social regulations where people for the first time elected and controlled the authorities. Subsequently, the right of self-determination correlated with growth of national self-awareness – this triggered liberation aspirations of European Christian nations living in the Ottoman Empire (Greeks, Serbs Montenegrins etc.). It also brought about the liberation of a group of nations living under the Austro-Hungarian Empire after the First World War (Slovenians, Croats, Serbs, Czech, etc.) (Zajc, 2000: 16).

³ The rate of risk stands for the probability that a democratic rule will transform into some other form of rule, but with undemocratic properties. This rate is higher for countries that have only recently become democratic systems, for countries that can be defined as economically underdeveloped, yet with existing and operational democratic institutions, etc (Przeworski et al., 1996: 35–52).

References:

- Dahl, A. R. (1990) *Transition to Democracy. Address delivered to the symposium on "Voices of Democracy"* (Dayton, Centre for International Studies), available at <http://www.freedomhouse.com> (20 June 2016).
- Freedom House (2016) *Nations in Transit*, available at <http://www.freedomhouse.org> (20 June 2016).
- Haček, M. & Brezovšek, M. (2014) The processes of democratisation and trust in political institutions in Slovenia: comparative analysis, In: *Annales, Series historia et sociologia*, 24(1), pp. 1–12.
- Huntington, S. P. (1993) *The third wave: democratization in late twentieth century* (London: University of Oklahoma Press, Norman).
- Human development report, available at <http://hdr.undp.org/en/reports/global/hdr2013/> (20 June 2016).
- Kukovič, S. & Haček, M. (2014) The processes of economic consolidation in countries of former Yugoslavia, In: *Journal of Comparative Politics*, 7(1), pp. 36–51.
- Linz, J. & Stepan, A. (1996) Toward Consolidated Democracy, In: *Journal of Democracy*, 7(2), pp. 14–33.
- Przeworski A., Alvarez, M., Cheibub, J. A. & Limongi, F. (1996) What makes democracies endure?, In: *Journal of Democracy*, 7(1), pp. 39–55.
- Schmitter, P. C. (1994) Dangers and Dilemmas of Democracy, In: *Journal of Democracy*, 5(2), pp. 57–74.
- Tomšič, M. (2002) *Politična stabilnost v novih demokracijah (Political stability in new democracies)* (Ljubljana: Znanstveno in publicistično središče).
- Zajc, D. (2000) *Parlamentarno odločanje (Parliamentary decision-making)* (Ljubljana: Faculty of social sciences).

Historical Legacies and Political Accountability: Lustration in Post-communist Europe

PETER ROŽIČ & PETER J. VEROVŠEK

Abstract While lustration represents the major mechanism of transitional justice in East-Central Europe, some post-communist states have adopted such measures to limit the participation of former communist elites while others have not. We explain lustration by exploring the foundations of personal and collective responsibility under dictatorship. We first ground our key variables in legal and social theory and then test their influence using a Boolean approach with data from seventeen states. We argue that two sets of historical conditions suffice to explain the adoption of lustration in post-communist Europe. The first is the presence of an especially repressive form of communism. The second combines membership in the Warsaw Pact with the absence of interwar democratic experience.

Keywords: • lustration • historical legacies • political accountability • East-Central Europe • Qualitative Comparative Analysis

CORRESPONDENCE ADDRESS: Peter Rožič, Ph.D., Santa Clara University, 500 El Camino Real, Santa Clara, CA 95053, USA, email: prozic@scu.edu. Peter J. Verovšek, Ph.D., Harvard University, 33 Kirkland St, William James Hall, Cambridge, MA 02138, USA, email: verovsek@fas.harvard.edu.

DOI 10.4335/978-961-6842-73-0.4

ISBN 978-961-6842-73-0

© 2016 Institute for Local Self-Government and Public Procurement Maribor

Available online at <http://books.lex-localis.press>.

1 Introduction

Since 1989 post-communist Europe has pioneered lustration as a mechanism of transitional justice that investigates the links between public actors and the previous regime.¹ These vetting procedures often result in the banning of certain individuals from the public sphere. Despite the success of some states in limiting the political participation of those with strong ties to communism, only ten out of the seventeen post-communist states included in this study had implemented lustration by the last major expansion of the European Union in 2007.²

Recent studies have explained this variation by focusing on present political factors. It is no secret that politicians exploit the communist past to attack the legitimacy of political opponents and to enhance their own credentials (Letki, 2002; Stan, 2006; Łoś, 1995). Lustration may also result from fears of political exposure or elite calculations (Nalepa, 2010). Political agents have many reasons for drawing on the past to ensure electoral gains and to achieve institutional reforms to their benefit (Szczerbiak, 2002; Williams et al., 2005).

Despite the importance of present political considerations, historical factors also play an important role in the decision to lustrate (Killingsworth, 2010; Welsh, 1996). Although they are often treated as a single phenomenon, the historical legacies of the states within the ‘communist bloc’ differ significantly. Since past experiences help to establish and maintain national identity, culture and political legitimacy, these differences may influence political developments in the aftermath of regime transitions.

References to the past played a visible role in parliamentary debates about lustration in East-Central Europe. For example, the experience of harsh repression, which allowed no ‘steam to be released’ (Moran, 1994), strongly affected the decision to lustrate in Czechoslovakia (and later in the Czech Republic). Conversely, in Slovenia – and in the former Yugoslavia more generally – where the secret forces were not as oppressive, influential post-communist leaders, including France Bučar, the first speaker of the post-communist Slovenian national assembly, spoke out against lustration.

Previous democratic experience is also important in the domestic politics of lustration. We highlight this factor as it often affects the perceptions of individual political agents regarding their country’s experience of communism. A Czech State Secretary at the Ministry of Foreign Affairs noted that ‘my parents telling me about the interwar democracy in Czechoslovakia’ played an important role in his decision to pursue and lobby for lustration.³

Instead of focusing on present political factors, we turn our attention to historical legacies. We identify crucial factors within such legacies by drawing on developments in political, legal and social theory. We then test the effects of these past variables on lustration across

the entire post-communist region. This allows us to pinpoint the crucial differences in the historical experiences of the states in East-Central Europe that help to explain the decision to lustrate.

We isolate two explanations for lustration. The first is a repressive communist regime. The second combines membership in the Warsaw Pact with the absence of democratic experience during the interwar period. These findings allow us to identify the necessary and sufficient conditions for lustration in East-Central Europe based on differing historical legacies.⁴ Our findings thus complement existing work by highlighting the past factors that influence the decision to lustrate in the present.

After defining lustration, we provide a theoretical groundwork for debates about the relationship between the past and lustration. By examining the origins of personal and collective responsibility under dictatorship we identify the relevant causal factors. We then use Boolean algebra to examine the effect of these past factors on lustration in post-communist Europe and test the results against alternative explanations. We conclude by reflecting on the implications of our results and on the questions they raise for the study of lustration and transitional justice.

2 Defining and Coding Lustration

Lustration encompasses a broad constellation of meanings. In East-Central Europe, 'Each country possesses its own specific meaning due to the multiplicity of solutions to the problems of dealing with the communist past' (Czarnota, 2009: 310). Most obviously, different states have chosen to lustrate different public positions.

Lustration is a political and legal mechanism distinct from both criminal adjudication and administrative purges following a change in government. It limits the political participation of former elites and their collaborators by holding individuals to account for their activities under the previous regime. Some countries have tried to move away from a blanket policy of collective guilt by requiring individuals to address their personal involvement with the communist regime. Based on this information lustration either bans certain individuals from the public sphere or provides them with clearance and reappoints them to their positions.⁵

We classify cases into one of two general categories. A country's lustration law is 'implemented' if at least one person's links to the previous regime were reviewed following the procedures laid out in a lustration law.⁶ This criterion takes into account that in some countries these laws were adopted but not implemented (Horne, 2011; Stan, 2009a). According to this definition, ten out of seventeen countries of East-Central Europe have had a lustration law implemented in some measure (cf. Table 1). For instance, while Czechoslovakia and Germany adopted and implemented the most

sweeping measures of lustration (Kosar, 2008; Schwartz, 1994), early lustration laws in Albania and Bulgaria were limited in scope (Austin and Ellison, 2008; Metodiev, 2009).

Table 1: Typologizing Lustration by Country (1991-2007)

Lustration	Lustration Law	Outcome
Absent	BiH; Mac; Mnt; Svk	No lustration
Attempted	Bul (92a, 93; 98); Cro (98, 99); Hun (94b); Pol(92); Rom (97); Svn (92, 97)	
Adopted	Alb (93); Cro (02); Pol (92, 06); Srb (03); Svn (94)	
Implemented	Alb (91, 92, 93, 95, 98); Bul (92b, 97; 02); CZE (91) and Cz (92); Est (95); GDR (91); Hun (94a, 96); Lat (94, 95); Ltu (91, 98, 99, 07); Pol (97); Rom (06)	Lustration

Note: *Country Abbreviations*. ALB Albania; BiH Bosnia and Herzegovina; BUL Bulgaria; CRO Croatia; CZ The Czech Republic; CZE Czechoslovakia; EST Estonia; GDR the German Democratic Republic; HUN Hungary; LAT Latvia; LTU Lithuania; MAC The Republic of Macedonia; MNT Montenegro; POL Poland; ROM Romania; SRB Serbia; SVK Slovakia; SVN Slovenia. Discrepancies among the different sources have been harmonized (Closa Montero, 2010; Horne, 2011; Rožič and Nisnevich, 2015, Stan, 2009a, Stan and Nedelsky, 2015).

Non-implementation, the second possible outcome, can occur in three different ways. For example, some lustration laws were declared partly or fully unconstitutional by constitutional courts (as Poland in 1992 or Hungary 1994), or struck down by a presidential veto (as in Poland in 2002) or the parliament (as in Bulgaria in 1995). In cases where lustration laws have been rejected after having been approved by the legislature we define a lustration law as ‘adopted.’⁷ This category includes cases where a lustration law was passed but was not implemented. Finally, we code cases as ‘absent’ of lustration if a state has never tried to pass lustration laws.

Certain cases are more difficult to code than others. For example, we code Bosnia and Herzegovina, and Slovakia as cases where lustration was ‘absent’. In 1996, post-independence Slovakia dropped a 1991 lustration law it had inherited from Czechoslovakia. While Slovakia has embraced an ‘active process of dealing with the past’ (Ursachi, 2007: 68), as an independent state it has not stipulated any legal sanctions against the implicated persons nor has it used political punishments to bar them from running for or remaining in public office.

By contrast, Bosnia and Herzegovina implemented comprehensive vetting measures after the 1992–95 war (Fithen, 2009). However, this mechanism for screening local police forces and electoral candidates was imposed by the international community and ignored the communist era (Elster, 1998). Bosnian approach does not fit the definition of lustration, since it is not a political mechanism of transitional justice addressing collective responsibility for past abuses (Kritz, 2002).

Since ‘absent,’ ‘attempted’ and ‘adopted’ all refer to states where lustration laws have not come into force, this allows us to apply a binary coding procedure that defines lustration as ‘implemented’ or ‘non-implemented’. While dichotomization is conceptually and theoretically useful, it reduces the variation in the strength of lustration policies. In order to mitigate this problem, we provide an additional robustness check adapting multi-value conceptualization approaches to lustration.

Before proceeding with the empirical analysis, we outline the theoretical developments that legitimized political approaches to transitional justice, including lustration. Since the Nuremberg trials (1945–46) and the prosecution of Adolf Eichmann (1961–62) transitional justice has become the focus of scholars and practitioners alike. In trying to understand why the past matters for transitional justice and how it affects lustration, we have to examine the historical and theoretical conditions that made this approach to transitional justice possible.

3 The Theoretical Underpinnings of Transitional Justice

Our focus on the impact of historical legacies emphasizes how the persisting effects of important past experiences limit the scope of current actions and can account for lustration in contemporary politics. While scholars agree on the explanatory importance of the past, there is no consensus on how and why it matters for lustration. Although historical legacies are ‘slippery’ (Kopstein, 2003: 233), we argue that they affect political actors by shaping both the cognitive context and the institutional environments in which they make their decisions. Although these frameworks are somewhat malleable, they are surprisingly resilient and have lasting repercussions.

Variations in past experiences help to explain lustration because the region’s overlapping historical legacies shape the preferences of political actors as well as the constraints on their choices. Legacies represent those ‘patterns of behaviour or thought that are transmitted from the past and enacted in the present’ (Kubik, 2003: 318). Our historical model assumes that the decision to lustrate is affected by manifold institutional legacies that remain stable over time.⁸ Drawing on debates in political, social and legal theory, we argue that three past structural factors suffice to explain lustration in East-Central Europe: membership in the Warsaw Pact, previous democratic experience, and the level of oppression in the previous regime.

Membership in the Warsaw Pact

As an approach that focuses on the past behaviour of individuals, lustration is linked to an understanding of personal responsibility. In the modern process of individuation, everyday decisions link the past actions of the self to the present. Since decisions made in the past determine individuality, the concept of life history takes on a crucial role (Durkheim, 1968; Kierkegaard, 1987; Taylor, 1991). Modern individuals maintain the self by appropriating their actions and carrying them into the future.

Acknowledgement of the past can only function as a principle of individuation if unique individuals are willing to take responsibility for their actions. Although they may exhibit regret, free agents are expected to acknowledge and take responsibility for their actions (Erikson, 1980). Members of modern societies are obligated to remember, appropriate and thematize the past, even if they repudiate it in the present. Jürgen Habermas notes that 'self-consciousness is articulated not as the self-relation of a knowing subject but as the *ethical self-reassurance* of an accountable person' (Habermas, 1992: 168, emphasis in original). By taking personal responsibility for their actions individuals vouch for their identity, establishing the continuity of the self over time.

Membership in the Warsaw Pact is crucial in understanding the adoption of lustration, because the influence the Soviet Union exercised through this agreement made it possible for individuals in its satellite states to interpret communism as an imposition from the outside. Like individuals, who seek to rid themselves of responsibility for their actions by citing extenuating circumstances such as coercion, whole societies can cite foreign influence in an attempt to abrogate responsibility for past actions. Thus authoritarian rule can be written off as an illegitimate outside imposition (Linz, 1978).

While it is not clear if the 'obeying orders' argument succeeds, as individuals can be assumed to have reflected on and endorsed the procedure they were following before executing its commands (Chiu, 2011), this does not change its political utility. Within the Warsaw Pact, the communist secret police was often perceived as an extension of the KGB. This facilitated the lustration of individuals who could be accused of betraying the nation to a foreign power. Working with the KGB thus 'amounted to working with the representative of an occupying force' (Nalepa, 2010). This argument is especially viable in areas like the Czech part of Czechoslovakia, which experienced a harsh crackdown in 1968. Although this raises issues of national identity formation and collaboration with an occupier, it creates a very different dynamic than in the former Yugoslav republics or Albania, where communism ruled with comparatively little outside influence.⁹

Prior Experience of Democracy

The increasing individuation of society and its demand of accountability for the past bolster ideas of legal and political responsibility. These principles were strengthened in the wake of World War II. After the horrors of Auschwitz and the Nazi regime, the jurists at Nuremberg were faced with the task of punishing acts they wanted to condemn, but for which no legal basis existed. In order to overcome the principle *nullum crimen, nulla poena sine lege* ('no crime, no wrongdoing without the law'), the Nuremberg Charter (1945) created a legal category not bound by prohibitions against retroactive justice.

Using 'a set of novel principles of law' (Schwelb, 1949: 178) the Charter declared that 'Crimes against humanity: namely murder, extermination, enslavement, deportation and other inhumane acts' could be prosecuted 'whether or not in violation of domestic law of the country where perpetrated' (Nuremberg Tribunal, 1947: I.11). Principle II of the

Nuremberg Principles codified many of the sociological developments in the understanding of individuation and the responsibility of individuals for their life histories into law. 'The fact that internal law does not impose a penalty for an act which constitutes a crime under international law does not relieve the person who committed the act from responsibility under international law' (UN International Law Commission, 1950: par. 97). Holding individuals responsible for crimes that were not illegal when they were committed was a bold step in the protection of human rights. Without it lustration would not be possible.

These developments are intimately connected with the underlying assumptions of representative democracy, which sees society as the product of individuals acting under the influence of their consciences. In order to participate in the processes of opinion- and will-formation through the public sphere, civil society and institutions of government, democratic citizens must be capable of forming and taking responsibility for their actions (Habermas, 1996). In addition to their formal rights, citizens must be both capable and have the opportunity to discover and affirm their interests – a requirement Robert Dahl called 'enlightened understanding' (Dahl, 1989).

This conception of democracy increases the existing responsibility of citizens to reflect on the legal regime and to disobey laws or orders if these go against their conscience. In a representative democracy individuals are neither cogs in the machine of state nor indistinguishable parts of a giant, corporatist body politic (Arendt, 1951). Instead, in the spirit of the Enlightenment, they are expected to think for themselves (Kant, 2006). John Stuart Mill observed that since 'the rights and interests of every or any person are only secure from being disregarded, when the person himself is able, and habitually disposed, to stand up for them' (2008: 245). The dangers involved in punishing the innocent through measures that rely on collective guilt can be overcome by creating differential penalties based on the positions and responsibilities of individuals within the collective (Alexander, 1983; Offe, 1993).

While oppressive political systems can subdue the assertive behaviour encouraged by free institutions, democratic experience before communism makes individuals more aware and resentful of human rights violations. It also increases the probability that individuals and societies will renew their self-protecting habits by prosecuting rights violations once they are given the chance to do so. In debating lustration, some of the post-communist states in Europe explicitly referred to interwar democratic experience as legitimating transitional justice (Harrison, 2003). Overall, post-communist countries with a 'distinct pre-communist history and Western political culture to fall back on were also the ones to pursue transitional justice most vigorously' (Stan, 2009b: 241). We thus expect the states of East-Central Europe that have a pre-communist experience of democracy to pursue lustration to prevent the re-emergence of authoritarian structures.

Past Oppression

Although the post-war developments concerning personal responsibility mostly involve *legal-criminal* adjudication (Douglas, 2001; Shklar, 1964), they are important in legitimating *political* measures such as lustration. In addition to laying the foundations for *individual* responsibility for past crimes, these principles held the ruling party *collectively* to account for the crimes committed under its leadership. During the occupation of Germany, the Allied Control Council in Berlin issued a series of ‘Denazification directives’, excluding individuals from employment without trial or criminal indictment based solely on their status as high-ranking party members. This kind of purging often occurs in democracies, where incoming administrations often release large portions of the civil service to mark a break with the past (Chiu, 2011). However, such turnover differs from transitional justice in that it is not the product of legal requirements and does not imply responsibility for any wrongdoing.

The post-war denazification efforts have served as a model for other transitions ever since. For example, after 1974 Greece purged the state apparatus and the military of the members of the junta regime. Under the U.S. influence, Iraq also carried out de-Ba’athification in 2003. These and other efforts to hold the ruling elite or party members accountable were based on the principle that taking responsibility for one’s past as an individual is not something one can do in isolation from others. Jeffrey Blustein notes that ‘people are often motivated to take responsibility for their past because others...*hold* them responsible’ (Blustein, 2008: 69, emphasis in original).

The idea that individuals and ruling elites can be held responsible for their actions under the previous political system also originated in the aftermath of World War II. The horror generated by this ‘radical evil’ has continued to drive the application of these new legal principles (Kant, 1934). Since lustration builds on the idea that party members can be held responsible for the crimes of the previous regime, states where the authoritarian regime exerted greater control and committed more numerous crimes are expected to adopt lustration laws.

The oppressive nature – the ‘harshness’ or ‘nastiness’ of the communist regime – thus emerges as a crucial factor in the adoption of lustration (Ekiert, 1996; Grzymała-Busse, 2002). When state oppression was less harsh, we expect to find no lustration in the subsequent post-communist regime. On the other hand, widespread human rights abuses including the levels of police state or of penetration of the secret police in society may increase the demand for justice (Elster, 1998).

Although it may be related to membership in the Warsaw Pact, we treat the oppressiveness of the Communist regime as a separate causal condition. While it could be argued that the members of the Warsaw pact experienced harsher communist regimes on the whole, there are important exceptions. For example, communism was significantly less harsh in Hungary than in Albania, which for most of the communist period was

outside the Warsaw Pact. Conversely, in Slovakia communism was perceived as less harsh despite Czechoslovak membership in the Pact (Nedelsky, 2004).

While lustration is a political, not a legal-criminal measure, the prosecution of Adolf Eichmann in 1961 set the precedent for holding bureaucrats responsible for their criminal acts on behalf of the *ancien régime* (Arendt, 2006 [1963]). Many of the lustration laws in post-communist Europe build on the precedents set in Jerusalem by screening and proceeding even against ‘the lower ranks of the state bureaucracy’ (Karstedt, 1998: 16).

These historical developments in political, social and legal theory explain approaches to justice that ignore historical injustices are unpalatable to most transitional societies. In an era where individuation is based on the construction of a coherent life history, neither societies nor individuals can set aside whole decades of the recent past. In order to understand how the past affects lustration, we must interpret it through the theoretical and legal principles that underlie this form of transitional justice.

Alternative Explanations: Crushed Uprising and Transition

In addition to these three explanatory factors, we also take other possible variables suggested by the existing literature into consideration. The first factor focuses on the occurrence of a violent crush of massive organized dissent. As expressions of the unmediated will of the population to work together to create a new political beginning, suppressed popular uprisings are powerful reminders of regime’s oppressive nature and of the people’s desire to take control of their government (Arendt, 1951).

The experience of a crushed popular revolt may help to persuade nascent democracies to remove individuals associated with the communist regime from the political arena. Advocates of lustration have often referred to the examples of the uprising in Eastern Germany in 1953, of the Hungarian Revolution in 1956, the Prague Invasion of 1968, the putting down of Croatian Spring in 1971, and the Polish marshal law of 1981. For instance, in Czechoslovakia the contemporary considerations of the Prague spring have led to an informal but influential theory of the ‘two communisms’, sharply distinguishing the regimes before and after 1968 (Elster, 1998). Including a causal condition accounting for significant suppressed uprisings could explain the presence of lustration in these cases.

While this factor captures the nature of oppression discussed above, a sudden crush of massive dissent produces different effects from the broad penetration of the secret police in society or the degree of regime complicity. Since political competitiveness, public opposition, and forms of massive expression of discontent are pillars of democratic culture, the experience of a violently crushed protest movement may persuade nascent democracies to remove those responsible for past repression from the political arena.

Another set of explanatory factors concerns the type of political and economic transition from communism. The mode of transition may impact the types of institutions that develop. For example, the level of continuity of the old regime’s various elites may

explain the choice to lustrate. This claim relies on the assumption that institutional choice becomes a strategy by which elite actors seek to gain access to power resources, which in turn affects transitional justice.

In order to account for the potential impact of elite turnover on lustration at the time of regime change, we adopt two proxy variables. The first is the balance-of-power at the first election (McFaul, 2002). The second measures elite displacement as a result of the democratic transition (Fish, 1997). Both correspond to other indices of elite change, communist displacement and continuity (Szelenyi and Szelenyi, 1995).

In addition to its political and social ramifications, post-communist transitions produced simultaneous economic reforms. The speed of democratization after 1989 correlates with economic liberalization. For instance, states that were more developed before the transition and those that grew faster immediately following the fall of communism implemented a greater degree of democracy (Fidrmuc, 2003). As a result, they may also exhibit a greater propensity to lustrate. To account for this explanation, we include a causal condition for the pace of liberalization from 1989 to 1991 (see Table A.1 in Appendix). Finally, social capital is often credited with sustaining transitional justice. We test if social trust sustains lustration through the support for the current political regime. Support for the new regime at the time of transition could explain lustration since the new regimes are perceived as breaking with the past (David, 2011).

4 Testing the Effects of the Past on Lustration

We analyse the effects of historical legacies on lustration using the methodology of qualitative comparative analysis (QCA). Our findings are based on new data from 17 states in East-Central Europe for the period of 1991–2007. The non-variance research design of QCA allows us to eliminate trivial factors and combining multiple conditions in causal explanations.

QCA is a case-sensitive approach that leaves room for complexity through multiple conjunctural causation and equifinality, in which the same outcome can result from a combination of conditions. For example, it allows us to formulate closely related theoretical expectations as it treats them not as correlations but case-informed set-theoretical relationships (Emmenegger et al., 2013). This configurational perspective is particularly appropriate for the study of lustration, as theoretical propositions can be stated in terms of necessary and (jointly) sufficient conditions (Ragin, 1987). QCA also allows us to analyse an intermediate number of cases (Rihoux and Marx, 2013).

We rely on the crisp-set QCA (csQCA) methodology using conventional Boolean or dichotomized sets. This provides the simplest operationalization of relevant difference and strong analytic leverage in terms of parsimony (Rihoux et al., 2013). Although dichotomization has the disadvantage of information loss—phenomena are rarely either

completely present or completely absent—it allows us to apply a deterministic approach to causal inference and generate explanatory models with no contradictions and high consistency.¹⁰ Using the rules of Boolean algebra and the Quine minimization algorithm (Caramani, 2009), we are able to isolate the key and most parsimonious conditions for lustration.¹¹

Having coded conditions dichotomously (see Table A.1, appendix, for coding criteria), we generate a truth table to illustrate the combinations of the relevant causal conditions for lustration. Each row in the table represents a given combination of past conditions that are theoretically associated with lustration (see Tables 2 and A.2-6 in online appendix).

Table 2: Truth Table: Legacies and Lustration by Country (1991–2007)

Oppress	WP	IntDem	Lustr	Country
Yes	No	No	Yes	Alb
No	No	No	No	BiH, Cro Mac, Serb, Mnt, Svn
Yes	Yes	No	Yes	Bul, GDR, Lith, Rom
Yes	Yes	Yes	Yes	Cz, Est, Lat
No	Yes	No	Yes	Hun, Pol
No	Yes	Yes	No	Svk
No	No	Yes	-	-
Yes	No	Yes	-	-

The csQCA Boolean minimization test shows that there are no *necessary* conditions for lustration in East-Central Europe. The most parsimonious or minimal formula for explaining lustration is:¹²

$$\text{Oppress \{Yes\}} + \text{IntDem \{No\} * WP \{Yes\}} \rightarrow \text{Lustr \{Yes\}} \\ (\text{Alb+Bul,Lith,Rom+Cz+Est,Lat+GDR}) + (\text{Bul,Lith,Rom+GDR+Hun,Pol}) \quad (1)$$

Formula 1 shows that there are two sets of *sufficient* conditions that explain lustration in East-Central Europe between 1991 and 2007. First, in Albania, Bulgaria, the Czech Republic, the former German Democratic Republic, Estonia, Latvia, Lithuania and Romania, the presence of a harsh, oppressive regime logically suffices to explain the adoption of lustration laws. Second, the combination of membership in the Warsaw Pact and the absence of previous democratic experience explain lustration in Bulgaria, Hungary, Poland, German Democratic Republic, Lithuania and Romania.

The test results also show that the model has high explanatory power as three conditions suffice to explain 10 (positive) cases, meeting the below 10 percent benchmark test (i.e., the model has less than 10% chance of being generated on random data (Rihoux et al., 2013: 180)). Furthermore, other measures point to the goodness of fit of the model used.

Consistency scores for the solution amount to 100% and for both subsets of explanatory conditions expressed in the formula, consistency amounts to 1.00 (showing the extent to which the statement is consistent that the condition is sufficient for the outcome). Finally, the raw coverage of the first subset in Formula 1 is to 0.75 and of the second 0.50 (showing a high proportion of cases in which the outcome has been explained).

In addition to identifying the conditions for the implementation of lustration laws, our approach allows us to account for the absence of lustration. The most parsimonious formula for explaining the absence of lustration is:

$$\begin{array}{lcl} \text{IntDem \{Yes\} * Oppress \{No\} + Oppress \{No\} * WP \{No\}} & \rightarrow & \text{Lustr\{No\}} \\ (\text{Svk}) & + & (\text{BiH,Mac,Mnt, Serb,Svn+Cro}) & (2) \end{array}$$

According to Formula 2, there is a *necessary* condition for the absence of lustration. In Slovakia, which dropped the lustration measures in 1996 after its independence in 1993, as well as in all the former Yugoslav republics, the absence of a particularly harsh communist regime resulted in the absence of lustration. This necessary condition was coupled with the experience of interwar democracy in Slovakia and with the absence of significant influence of the Soviets through the Warsaw Pact in the former Yugoslav republics.¹³ This model also shows a high goodness of fit as the consistency of solution as well as of both subsets amounts to 1.00 while the coverage for both subsets equals 0.50.

In general, these results confirm our theoretical arguments. The oppressiveness of the communist regime, previous democratic experience and membership in the Warsaw Pact explain the use of lustration in some states in post-communist Europe and its absence in others. Nevertheless, two caveats are in order. First, while the three factors we theorize are all causally important, they do not carry equal causal weight. If isolated factors were sufficient as such, our theory would predict lustration in Slovakia, since it had a pre-war democratic regime and belonged to the Warsaw Pact. However, because Slovak pre-war democratic and post-war Soviet experiences were combined with lower levels of repression, the oppressive nature of the regime outweighs the causal importance of the other factors. Second, the alternative explanations we tested – the experience of crushed dissent, regime exit and support, and education – are neither necessary nor sufficient. While these factors might be important in specific cases, they do not carry causal weight in the region as a whole (see Tables A.2-6, according to which the most parsimonious *formulae* are significantly longer than the results presented above).

In order to provide additional confirmation for our argument, we test these results against a multi-value variable approach, relying on as few logical assumptions as possible. First, we adapt two incomplete indexes of lustration to provide additional variation on the outcome (Horne, 2011). Second, we disaggregate the scores of interwar democracy into

three different categories in order to account for cases that were neither democratic nor fully authoritarian.¹⁴

The multi-value QCA analysis using Stan’s index (Stan, 2009a) confirms our results. Countries with most ‘vigorous’ lustrative approaches were the ones that experienced medium to high levels of interwar democracy and high oppression (Formula 3). Those that experienced only ‘mild transitional justice’ were the ones with intermediate scores for interwar democracy (4). Countries with ‘weak’ transitional justice had no interwar experience of democracy, but belonged to the Warsaw Pact (5). The states Stan defines as having ‘resisted attempts at transitional justice’ resisted lustration because they either had a pre-war democracy but lacked oppression or lacked the Warsaw Pact membership but were oppressed (6). The analysis of the negative cases we introduced earlier yields identical results (as to in 6).

IntDem {medium or high} * Oppress {yes}	→ vigorous TJ
(Cz+Est,Lat+GDR+Lith)	(3)
IntDem{medium}	→ mild TJ
(Hun+Pol)	(4)
IntDem{low} * WP{yes}	→ weak TJ
(Bul+Rom)	(5)
IntDem{high} * Oppress{0} + Oppress{1} * WP{0}	→ resisted TJ
(Svk) (Alb)	(6)

Using Letki’s index (2002) we find that the states that ‘sufficiently lustrated’ their past have an intermediate score for interwar democracy combined with harsh oppression or membership in the Warsaw Pact (7). Next, an accordingly low or high level of interwar democracy is sufficient to explain what Letki calls the ‘insufficiently lustrated’ outcomes in Poland, Rumania and Slovakia (8).¹⁵ The ‘non-lustrated’ countries experienced the lowest levels of interwar democracy (9).

IntDem{medium, high} * Oppress{Yes}+ IntDem{medium} *WP{Yes}	→ sufficient Lustr
(Cz+Est,Lat+GDR+Lith) (GDR+Hun+Lith)	(7)
IntDem{low-high}	→ insufficient
(Pol+Rom+Svk)	(8)
IntDem {low}	→ non-Lustrated
(Alb+Bul)	(9)

5 Conclusions and Extensions

Our argument is open to two different readings. On one level, we identify the most salient aspects of the communist past in the contemporary politics of the states in East-Central Europe. For example, the combined historical legacies of the Warsaw Pact membership and the absence of pre-authoritarian democracy affected several post-communist

regimes' lustration outcomes (cf. Formula 1). While Bulgaria, Hungary or Poland historically did not have a particularly democratic regime before the arrival of communism, their elites did use explicitly and frequently the 'occupation' argument. They referred to the occupying foreign KGB legacies stemming from their Warsaw Pact membership (Leffler, 1992; Trachtenberg, 1999).

On a deeper level, our analysis indicates that high levels of state-sanctioned oppression are crucial in enabling democratizing political elites to carry out lustration in the present. The oppressiveness of the *ancien régime* explains seven out of the ten cases where lustration was successfully implemented and all of the cases where lustration did not occur. On the one hand, in several of countries exiting a less oppressive communist regime implemented only a mild form of political retribution. On the other, the Albanian, Czech and other post-communist governments referred to their oppressive past elites as highly threatening to the new order and thus needy of lustration. Both the strong and the weak reading of our analysis show that the past is a crucial factor in understanding lustration as a regional phenomenon in post-communist Europe.

As is true of many studies, this one raises more questions than it answers. The most interesting regards the extent to which these findings can be applied to other areas of transitional justice. For example, do they hold for other approaches to transitional justice and countries transitioning from non-communist regimes? It may be that the oppressive nature of any regime, not just a communist one, affects the implementation of transitional justice. Similarly, previous democratic experience may be an important factor for all states transitioning to democracy. Even membership in the Warsaw Pact, a historical factor specific to East-Central Europe, may have broader significance as a proxy for foreign influence in general. Answering these questions will require further research in the exciting new research program into transitional justice.

Appendix Coding Criteria and Dichotomization Thresholds

The following criteria (cf. Table A.1) offer rules for determining the thresholds that inform the Truth table 2.

Table A.1: Overview of Conditions, Outcomes and Coding Thresholds

Condition	Abbr.	Binary Coding	Source(s)
Lustration	Lustr	yes, if at least one lustration law is implemented	Authors; See Table 1
Interwar Democracy	IntDem	yes, if average Polity 2 score higher than 2 throughout 1919-1938	Authors, relying on Pop-Eleches (2007)
Crushed Dissent	Crush	yes, if massive organized dissent was crushed by regime	Authors
Warsaw Pact	WP	yes, if Warsaw Pact member until 1990	Authors
Oppression	Oppress	yes, if average Polity 2 score is lower than -7 for the period of each country's communist rule; CZ and SVK are coded differently	Authors; Calculations based on Polity2 and CIRI
Elites Displacement	Displ	yes (more reform), if a value on Fish's index of displacement of former communist incumbents in first elections is above the mean of 4.37	(Fish 1997)
Power Balance at Transition	Bal	yes, if after the first multiparty legislative elections the balance of power is in favor of the anti-communists and victory represents more than 60 percent of the vote	McFaul, 2002 ¹⁶
Liberalization pace	Lib	yes, if the 1989-91 pace of liberalization is above the median of 0.3	Authors; Calculations based on Fidrmuc, 2003 (EBRD indicators of progress)
Support Regime	Sup	yes, if the public support for the new post-communist system of government is above the median of 55	Rose, 2007
Tertiary Education	Edu	yes, if the percent of gross enrolment is higher than the median of the 17 states selected (17.7)	Data on tertiary school enrolment in 1986 from the WDI dataset ((World Bank 2012))

Note: Despite the fact that several countries have adopted several lustration laws, we assign a positive value on the outcome only once. Our assumption is that the past factors do not account for differences within different lustration laws of a country.

Threshold for Hypothesis 2 (Interwar Democracy)

Using Polity 2 scores (Marshall et al. 2006) for the entire 1919-1938 period, we code countries {YES} when they have an average Polity score above '2', which for example assigns {NO} to Hungary. We justify the dichotomization of data for the prewar

democracy from relevant empirical sources (Capoccia 2005; De Meur and Berg-Schlusser 1996; Pop-Eleches 2007).

Threshold for Hypothesis 3 (Past Oppression)

Using Polity 2 scores,¹⁷ we compute an average score for the entire period of each country's communist rule. We assign a positive {YES} value to regimes with an average Polity score lower than '-6.9'.¹⁸ According to these scores, for example, the former Czechoslovakia (-6.8) was less oppressed than Bulgaria (-6.91) but more than former Yugoslav republics (-6.56). According to these scores, the difference between CZE and less oppressive regimes is so significant that we code CZE as oppressive and former Yugoslav republics as not. Moreover, based on substantive grounds, we assign an oppressive, {YES} level to the Czech Republic (and not to Slovakia, for which the Polity score was calculated only as a part of Czechoslovakia) since the literature suggest a harsher totalitarian regime in the Czech part of Czechoslovakia (Linz and Stepan 1996; Nedelsky 2009).¹⁹

Table A.2: Legacies and Lustration by Country (1991-2007), Rows with Cases

Oppress	WP	IntDem	Crush	Lustr	Country
Yes	No	No	No	Yes	Alb
No	No	No	No	No	BiH, Mac, Serb, Mnt, Svn
Yes	Yes	No	No	Yes	Bul, Lith, Rom
No	No	No	Yes	No	Cro
Yes	Yes	Yes	Yes	Yes	Cz
Yes	Yes	Yes	No	Yes	Est, Lat
Yes	Yes	No	Yes	Yes	GDR
No	Yes	No	Yes	Yes	Hun, Pol
No	Yes	Yes	No	No	Svk

Table A.3: Legacies and Lustration by Country (1991-2007), Rows with Cases

Oppress	WP	IntDem	Crush	Displ	Bal	Lustr	Country
Yes	No	No	No	No	No	Yes	Alb
No	No	No	No	No	Yes	No	BiH, Svn
Yes	Yes	No	No	No	No	Yes	Bul
No	No	No	Yes	Yes	Yes	No	Cro
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Cz
Yes	Yes	Yes	No	Yes	Yes	Yes	Est, Lat
Yes	Yes	No	Yes	Yes	Yes	Yes	GDR
No	Yes	No	Yes	Yes	Yes	Yes	Hun, Pol
Yes	Yes	No	No	Yes	Yes	Yes	Lith
No	No	No	No	No	No	No	Mac, Mnt, Serb
Yes	Yes	No	No	No	No	Yes	Rom
No	Yes	Yes	No	Yes	Yes	No	Svk

Table A.4: Legacies and Lustration by Country (1991-2007), Rows with Cases

Oppress	WP	IntDem	Crush	Displ	Bal	Lib	Lustr	Country
Yes	No	No	No	No	No	No	Yes	Alb
Yes	Yes	No	No	No	No	Yes	Yes	Bul
No	No	No	Yes	Yes	Yes	No	No	Cro
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Cz
Yes	Yes	Yes	No	Yes	Yes	No	Yes	Est, Lat
No	Yes	No	Yes	Yes	Yes	Yes	Yes	Hun, Pol
Yes	Yes	No	No	Yes	Yes	No	Yes	Lith
No	No	No	No	No	No	No	No	Mac./Mnt./Serb(Lib:0)
Yes	Yes	No	No	No	No	Yes	Yes	Rom
No	Yes	Yes	No	Yes	Yes	Yes	No	Svk
No	No	No	No	No	Yes	No	No	Svn, /BiH(Lib:0)
No	No	No	No	No	Yes	Yes	No	/BiH(Lib:1)
Yes	Yes	No	Yes	Yes	Yes	No	Yes	/GDR(Lib:0)
Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	/GDR(Lib:1)
No	No	No	No	No	No	Yes	No	Mnt./Serb(Lib:1)

Table A.5: Legacies and Lustration by Country (1991-2007), Rows with Cases

Oppress	WP	IntDem	Crush	Displ	Bal	Sup	Lustr	Country
Yes	Yes	No	No	No	No	Yes	Yes	Bul
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Cz
Yes	Yes	Yes	No	Yes	Yes	No	Yes	Est, Lat
No	Yes	No	Yes	Yes	Yes	Yes	Yes	Hun
Yes	Yes	No	No	Yes	Yes	No	Yes	Lith
No	Yes	No	Yes	Yes	Yes	No	Yes	Pol
Yes	Yes	No	No	No	No	Yes	Yes	Rom
No	Yes	Yes	No	Yes	Yes	No	No	Svk
No	No	No	No	No	Yes	No	No	Svn, /BiH(Sup:0)
Yes	No	No	No	No	No	No	Yes	/Alb(Sup:0)
Yes	No	No	No	No	No	Yes	Yes	/Alb(Sup:1)
No	No	No	No	No	Yes	Yes	No	/BiH(Sup:1)
No	No	No	Yes	Yes	Yes	No	No	/Cro(Sup:0)
No	No	No	Yes	Yes	Yes	Yes	No	/Cro(Sup:1)
Yes	Yes	No	Yes	Yes	Yes	No	Yes	/GDR(Sup:0)
Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	/GDR(Sup:1)
No	No	No	No	No	No	No	No	/Mac,/Mnt,/Serb(Sup:0)
No	No	No	No	No	No	Yes	No	/Mac,/Mnt,/Serb(Sup:1)

Table A.6: Legacies and Lustration by Country (1991-2007), Rows with Cases

Oppress	WP	IntDem	Crush	Displ	Bal	Edu	Lustr	Country
Yes	No	No	No	No	No	No	Yes	Alb
Yes	Yes	No	No	No	No	Yes	Yes	Bul
No	No	No	Yes	Yes	Yes	No	No	Cro
Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Cz
No	Yes	No	Yes	Yes	Yes	No	Yes	Hun, Pol
Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Lat,/Est(Edu:1)
Yes	Yes	No	No	Yes	Yes	Yes	Yes	Lith
No	No	No	No	No	No	Yes	No	Mac,/Mnt,/Serb(Edu:1)
Yes	Yes	No	No	No	No	No	Yes	Rom
No	No	No	No	No	Yes	Yes	No	Svn, /BiH(Edu:1)
No	No	No	No	No	Yes	No	No	/BiH(Edu:1)
Yes	Yes	Yes	No	Yes	Yes	No	Yes	/Est(Edu:0)
Yes	Yes	No	Yes	Yes	Yes	No	Yes	/GDR(Edu:0)
Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	/GDR(Edu:1)
No	No	No	No	No	No	No	No	/Mnt,/Serb(Edu:0)
No	Yes	Yes	No	Yes	Yes	No	No	/Svk(Edu:0)
No	Yes	Yes	No	Yes	Yes	Yes	No	/Svk(Edu:1)

We add to the existing hypotheses and to the tables above an alternative explanation on the role of education and its potential impact on lustration. While education is associated with democracy in general terms,²⁰ it may have an inverse relationship to lustration. Higher education may lead to more tolerance towards the “tainted” personnel. Moreover, shortly before the transition, certain states proved to have higher rates of tertiary education enrollment ratio than the countries that moved to democracy more quickly. We treat this hypothesis as an alternative explanation only as it does not add significantly to our argument.

Notes:

¹ Lustration was pioneered by Czechoslovakia based on Greek (*catharsis*) and Roman (*lustratio*) purification rituals. In Czechoslovak secret police, ‘lustrace’ was a counter-intelligence program designed to root out spies by screening individuals who were suspicious to the Communist Party and its secret services. After the fall of communism, the significance of the term was reversed to describe the process of weeding out members of the old *nomenklatura*.

² Since much of the relevant literature is based on lustration in Europe between 1991 and 2007, we also work within this framework, which allows us to test existing hypotheses. As the end of a significant period of accession to the European Union (EU) with the entry of Bulgaria and Romania, 2007 represented an important milestone. In complying with the EU rules and procedures, post-communist elites lustrated their ranks without being asked to do so by the EU. The externally influenced democratization process may have opened a window of opportunity for domestic elites to use lustration before their respective countries became part of the EU. We restrict our analysis to those countries of post-communist East-Central Europe (17) that have been seriously considering accession to the EU since 1991, or have been in principle able to do so in regards to the restrictive EU accession standards. These criteria exclude countries such as Belarus, Moldova, Ukraine and others.

³ Author’s Interview, Prague, October 05 2011. Anonymity required by the interviewee.

⁴ The omission of present factors does not constitute an omitted variable problem, even if they are relevant to a small number of cases in probabilistic methods. Since our approach is logical (i.e., deterministic), we are able to isolate and test crucial past factors without diminishing the potential role of the present factors. By using a deterministic model, we point to multiple causation by determining past inferences from all the possible cases across East-Central Europe.

⁵ In addition to lustration, states in East-Central Europe have sought to decrease the influence of the former Communist Party by using different means such as confiscating its property, penalizing the use of communist propaganda, and opening communist files to the public. Yet, while access to the files might be necessary to carry out lustration, merely granting access to classified documents is insufficient. Lustration must target individual occupants or candidates of important public positions and can sanction the individual based on the information received.

⁶ Our definition of ‘implemented’ lustration does not exclude the fact that in some countries partial lustration was conducted with specific potential political gains in mind. By these gains a selective lustration would implicate a competing political party, while members of the ruling party are shielded from the consequences of the process.

⁷ The category “adopted” refers to instances of a lustration law being enacted by a parliament or an executive body but not put into action. The non-implementation in these cases could be a consequence of a subsequent judicial, executive or legislative decision or of weak political will and

poor institutional capacity. In Serbia, for example, soon after the 2003 adoption of a lustration bill, the law became a dead letter. In order to count as “implemented,” specific institutions must be carrying out the implementation of an adopted program (XXX1, 2012).

⁸ This view of historical legacies—as rather stable, homogenous and singular—may resemble “unproblematic” realist theories. However, as this essay shows, legacies are less monolithic and more frangible as societal and political actors are often affected by multiple legacies, as laid out under various hypotheses below.

⁹ The political arrangements covered by the membership in the Warsaw Pact were not all equal among the country members. For example, while Romania was a member state, it did not take part in the crushing of the Prague Spring in 1968 or boycotted the 1984 Los Angeles Olympics. However, in order to explain the results through a dichotomous measure, we code the countries participating in the Warsaw Pact as ‘1’ or ‘yes’ (see Table A.1. Appendix).

¹⁰ The consistency measure captures the degree to which a configuration of explanatory conditions explains an outcome: higher consistency indicates higher validity of the analysed exploratory model (see Rihoux et al., 2013).

¹¹ We use the tabulation method of the Quine algorithm for minimization of our Boolean values, as coded in Table A.1. Applying the Quine minimization process, causal factors that are trivial across seventeen cases drop out. Using a software program TOSMANA, we first find the prime implicants of our Boolean functions and then find the essential implicants to cover the function (see Rihoux and De Meur 2009). We use a similar logical method for the multi-value testing (see formulae 3-9). The results we provide in the paper report the most parsimonious solutions for all the models and the most “complex” solutions for the main model.

¹² As a result of the Boolean minimization, a minimal or parsimonious formula is the most simple to characterize, i.e., with the fewest explanatory conditions involved, by including logical remainders for reduction. The parsimonious solution permits the use of any remainder that will yield fewer causal conditions. We can also report the most complex solution, which avoids counterfactual cases by excluding logical remainders (rows without cases, rows 7-8 in Table 2).

$$\text{IntDem}\{0\} * \text{Oppress}\{1\} + \text{Oppress}\{1\} * \text{WP2}\{1\} + \text{IntDem}\{0\} * \text{WP2}\{1\}$$

$$(\text{Alb} + \text{Bul}, \text{GDR}, \text{Lith}, \text{Rom}) \quad (\text{Bul}, \text{GDR}, \text{Lith}, \text{Rom} + \text{Cz}, \text{Est}, \text{Lat}) \quad (\text{Bul}, \text{GDR}, \text{Lith}, \text{Rom} + \text{Hun}, \text{Pol})$$

Since the consistency test score for the “oppression” condition is 100% and since the most parsimonious test did not drop “oppression” (i.e., as necessary), there is high degree of confidence that the parsimonious formula is not too parsimonious and therefore appropriate for evaluation.

¹³ Several authors exclude the cases in former Yugoslav republics assuming that Yugoslavia’s post-conflict situation renders it unique in the region. However, Slovenia experienced a very short conflict and still did not lustrate its past. Lack of membership in the Warsaw Pact cannot explain the Yugoslav exceptionalism since Yugoslavia was not the only communist state outside the influence of the Warsaw pact.

¹⁴ Based on Polity 2 scores for the interwar period, we introduce a “medium” democracy score for East Germany, Hungary, Poland and Lithuania.

¹⁵ While logically and mathematically consistent, this parsimonious formula (8) is theoretically troubling as it explains the relative weakness of lustration policies in Romania, Poland and Slovakia through a sufficient condition of interwar democracy regardless of its level. This empirical result additionally exposes the contested coding procedures that we have avoided by our operationalization of lustration.

¹⁶ McFaul’s typology is based on the first multi-party legislative elections that determined the composition of a state’s legislature for 1989–92. Various elections demonstrated the balance of power in favour of the *ancien régime*, of the challengers, or it remained unclear or even (the middle category).

¹⁷ We take the average Polity 2 score for both time periods as a proxy for democracy in first and oppression in the second. Since such averaging could be very sensitive to the specific choice of the time period, we perform robustness checks to the extent the data are available. For example, the “extrajudicial killings” variable of the Cingranelli-Richards Human Rights Dataset (CIRI), is highly correlated to our dichotomous variable of oppression ($r = 0.94$). The CIRI’s variable represents a relevant robustness check as extrajudicial killings may result from the deliberate, illegal, and excessive use of lethal force by the police, security forces, or other agents of the state (Cingranelli and Richards, 2010). However, the data available for CIRI are from 1980 onwards only—which compels us to use Polity2 instead.

¹⁸ In order to maximize the number of comparisons in this small-N study across the cases under investigation, we rely on the binary logic of Boolean algebra. This choice constrains us to use variables with only two categories from the continuous “polity2” variable, determining the values of the variable.

¹⁹ Based on this literature, we do not claim that Slovakia, for instance, lacked oppression during the communist regime but that the level of suppression there was lower than in the Czech lands, which were more oppressed than countries such as Hungary (Polity 2 average score of -6.43) or Poland (-6.56) (XXX1, 2012).

²⁰ According to Lipset, “education presumably broadens peoples’ outlooks, enables them to understand the need for norms of tolerance, restrains them from adhering to extremist and monistic doctrines, and increases their capacity to make rational electoral choices” (Lipset, 1959: 79). Others have followed this line of thought and found that educated people are more likely to reject authoritarian alternatives to democracy (See Almond and Verba, 1963; Dalton, 1988).

References:

- Alexander, L. (1983) Retributivism and the Inadvertent Punishment of the Innocent, In: *Law and Philosophy*, 2(2), pp. 233–246.
- Arendt, H. (1951) *The Origins of Totalitarianism* (New York: Brace Harcourt).
- Arendt, H. (2006 [1963]) *Eichmann in Jerusalem: A Report on the Banality of Evil* (New York, NY: Penguin Books).
- Austin, R. C. & Ellison, J. (2008) Post-Communist Transitional Justice in Albania, In: *East European Politics & Societies*, 22(2) pp. 373–401.
- Blustein, J. (2008) *The Moral Demands of Memory* (Cambridge: Cambridge University Press).
- Capoccia, G. (2005) *Defending Democracy: Reactions to Extremism in Interwar Europe* (Baltimore: John Hopkins University Press).
- Caramani, D. (2009) *Introduction to the Comparative Method with Boolean Algebra* (Thousand Oaks: Sage Publications).
- Chiu, Y. (2011) Liberal Lustration, In: *Journal of Political Philosophy*, 19(4), pp. 440–464.
- Cingranelli, D. L. & Richards, D. L. (2010) The Cingranelli and Richards (CIRI) Human Rights Data Project, In: *Human Rights Quarterly*, 32(2), pp. 401–424.
- Closa Montero, C. (2010) *Study on how the Memory of Crimes Committed by Totalitarian Regimes in Europe is Dealt with in the Member States* (Madrid: Centre of Human and Social Sciences).
- Czarnota, A. (2009) Lustration, Decommunisation and the Rule of Law, In: *Hague Journal on the Rule of Law*, 1(2), pp. 307–336.
- Dahl, R. A. (1989) *Democracy and its Critics* (New Haven: Yale University Press).
- David, R. (2011) *Lustration and Transitional Justice: Personnel Systems in the Czech Republic, Hungary, and Poland* (Philadelphia: University of Pennsylvania Press).

- De Meur, G. & Schlosser, D. B. (1996) Conditions of Authoritarianism, Fascism, and Democracy in Interwar Europe: Systematic Matching and Contrasting of Cases for "Small N" Analysis, In: *Comparative Political Studies*, 29(4), pp. 423–468.
- Douglas, L. (2001) *The Memory of Judgment: Making Law and History in the Trials of the Holocaust* (New Haven: Yale University Press).
- Durkheim, E. (1968) *The Division of Labor in Society* (New York: Free Press).
- Ekiert, G. (1996) *The State Against Society: Political Crises and their Aftermath in East Central Europe* (Princeton, NJ: Princeton University Press).
- Elster, J. (1998) Coming to Terms with the Past: A Framework for the Study of Justice in the Transition to Democracy, In: *European Journal of Sociology*, 39(1), pp. 7–48.
- Emmenegger, P., Kvist, J. & Skaaning, S.-E. (2013) Making the most of Configurational Comparative Analysis: An Assessment of QCA Applications in Comparative Welfare-State Research, In: *Political Research Quarterly*, 66(1), pp. 185–190.
- Erikson, E. H. (1980) *Identity and the Life Cycle* (New York: Norton).
- Fidrmuc, J. (2003) Economic Reform, Democracy and Growth during Post-Communist Transition, In: *European Journal of Political Economy*, 19(3), pp. 583–604.
- Fish, M. S. (1997) The Determinants of Economic Reform in the Post-Communist World, In: *East European Politics & Societies*, 12(1), pp. 31–78.
- Fithen, C. (2009) *The Legacy of Four Vetting Programs: An Empirical Review* (New York: International Center for Transitional Justice).
- Grzymała-Busse, A. M. (2002) *Redeeming the Communist Past: The Regeneration of Communist Parties in East Central Europe* (Cambridge: Cambridge University Press).
- Habermas, J. (1992) *Postmetaphysical Thinking: Philosophical Essays* (Cambridge MA: MIT Press).
- Habermas, J. (1996) *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*. Trans. Rehg, William (Cambridge MA: MIT University Press).
- Harrison, M. (2003) Choosing a Past: Choosing a Future. Lustration and Transition in the Czech Republic, In: *Slovak Foreign Policy Affairs*, 4(11), pp. 54–65.
- Horne, C. M. (2011) Assessing the Impact of Lustration on Trust in Public Institutions and National Government in Central and Eastern Europe, In: *Comparative Political Studies*, 20(10), pp. 1–35.
- Kant, I. (1934) *Religion within the Limits of Reason Alone* (Chicago: The Open Court Publishing Company).
- Kant, I. (2006) *An Answer to the Question: What is Enlightenment?*, In Kleingeld, P. (ed.) *Toward Perpetual Peace and Other Writings on Politics, Peace, and History* (New Haven: Yale University Press), pp. 17–23.
- Karstedt, S. (1998) Coming to Terms with the Past in Germany After 1945 and 1989: Public Judgments on Procedures and Justice, In: *Law & Policy*, 20(1), 15–56.
- Kierkegaard, S. (1987) *Either/or. vol. 2 ed.* (Princeton, NJ: Princeton University Press).
- Killingsworth, M. (2010) Lustration After Totalitarianism: Poland's Attempt to Reconcile with its Communist Past, In: *Communist and Post-Communist Studies*, 43(3), pp. 275–284.
- Kopstein, J. (2003) Postcommunist Democracy: Legacies and Outcomes, In: *Comparative Politics*, 35(2), pp. 231–250.
- Kosar, D. (2008) Lustration and Lapse of Time: 'Dealing with the Past' in the Czech Republic, In: *European Constitutional Law Review*, 4(3), pp. 460–487.
- Kritz, N. J. (2002) *Where we are and how we Got here: An Overview of Developments in the Search for Justice and Reconciliation*, In: Henkin, A. H. (ed.) *The Legacy of Abuse: Confronting the Past, Facing the Future* (New York: New York University, Aspen Institute), pp. 21–45.

- Kubik, J. (2003) *Cultural Legacies of State Socialism: History-Making and Cultural-Political Entrepreneurship in Post-Communist Poland and Russia*, In: Ekiert, G. & Hanson, S. E. (eds.) *Capitalism and Democracy in Central and Eastern Europe: Assessing the Legacy of Communist Rule* (Cambridge and New York: Cambridge University Press), pp. 317–352.
- Leffler, M. P. (1992) *A Preponderance of Power: National Security, the Truman Administration, and the Cold War* (Stanford: Stanford University Press).
- Letki, N. (2002) Lustration and Democratisation in East-Central Europe, In: *Europe-Asia Studies*, 54(4), pp. 529–552.
- Linz, J. J. (1978) *The Breakdown of Democratic Regimes* (Baltimore: Johns Hopkins University Press).
- Linz, J. J. & Stepan, A. C. (1996) *Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-Communist Europe* (Baltimore: Johns Hopkins University Press).
- Łoś, M. (1995) Lustration and Truth Claims: Unfinished Revolutions in Central Europe, In: *Law & Social Inquiry*, 20(1), pp. 117–161.
- Marshall, M. G., Jagers, K. & Gurr, T. R. (2006) *Polity IV Project* (College Park, MD: University of Maryland).
- McFaul, M. (2002) The Fourth Wave of Democracy and Dictatorship: Noncooperative Transitions in the Postcommunist World, In: *World Politics*, 54(2), pp. 212–244.
- Metodiev, M. (2009) *Bulgaria*, In: Stan, L. (ed.) *Transitional Justice in Eastern Europe and the Former Soviet Union: Reckoning with the Communist Past* (New York: Routledge), pp. 152–175.
- Mill, J. S. (2008) *On Liberty and Other Essays* (New York, NY: Oxford University Press).
- Moran, J. P. (1994) The Communist Torturers of Eastern Europe: Prosecute and Punish Or Forgive and Forget?, In: *Communist and Post-Communist Studies*, 27(1), pp. 95–109.
- Nalepa, M. (2010) *Skeletons in the Closet: Transitional Justice in Post-Communist Europe* (New York, NY: Cambridge University Press).
- Nedelsky, N. (2004) Divergent Responses to a Common Past: Transitional Justice in the Czech Republic and Slovakia, In: *Theory and Society*, 33(1), pp. 65–115.
- Nedelsky, N. (2009) *Czechoslovakia, and the Czech and Slovak Republics*, In: Stan, L. (ed.) *Transitional Justice in Eastern Europe and the Former Soviet Union: Reckoning with the Communist Past* (London and New York: Routledge), pp. 37–75.
- Nuremberg Tribunal (1947) *Trial of the Major War Criminals before the International Military Tribunal, Nuremberg, 14 November 1945-1 October 1946* (Nuremberg: International Military Tribunal).
- Offe, C. (1993) Disqualification, Retribution, Restitution: Dilemmas of Justice in Post-Communist Transitions, In: *Journal of Political Philosophy*, 1(1), pp. 17–44.
- Pop-Eleches, G. (2007) Historical Legacies and Post-Communist Regime Change, In: *Journal of Politics*, 69(4), pp. 908–926.
- Ragin, C. (1987) *The Comparative Method: Moving Beyond Qualitative and Quantitative Strategies* (Berkeley: University of California Press).
- Rihoux, B., Álamos-Concha, P., Bol, D., Marx, A. & Rezsöházy, I. (2013) From Niche to Mainstream Method? A Comprehensive Mapping of QCA Applications in Journal Articles from 1984 to 2011, In: *Political Research Quarterly*, 66(1), pp. 175–184.
- Rihoux, B. & De Meur, G. (2009) *Crisp-Set Qualitative Comparative Analysis (CsQCA)*, In: Rihoux, B. & Ragin, C. C. (eds.) *Configurational Comparative Methods: Qualitative Comparative Analysis (QCA) and Related Techniques* (Los Angeles, London, New Delhi, Singapore: Sage), pp. 33–68.

- Rihoux, B. & Marx, A. (2013) QCA, 25 Years After “The Comparative Method”: Mapping, Challenges, and Innovations—Mini-Symposium, In: *Political Research Quarterly*, 66(1), pp. 167–235.
- Rožič, P. & Nisnevich, Y. (2015) Lustration Matters: A Radical Approach to the Problem of Corruption, In: *Studies in comparative international development*, pp. 1–29.
- Schwartz, H. (1994) Lustration in Eastern Europe, In: *Parker School Journal of East European Law*, 1(2), pp. 141–171.
- Schwelb, E. (1949) Crimes Against Humanity, In: *British Yearbook of International Law*, 23(8), pp. 178–226.
- Shklar, J. N. (1964) *Legalism: Law, Morals and Political Trials* (Cambridge MA: Harvard University Press).
- Stan, L. (2006) The Vanishing Truth: Politics and Memory in Post-Communist Europe, In: *East European Quarterly*, 40(4), pp. 303–408.
- Stan, L. (2009a) *Explaining Country Differences*, In: Stan, L. (ed.) *Transitional Justice in Eastern Europe and the Former Soviet Union: Reckoning with the Communist Past* (London and New York: Routledge), pp. 247–270
- Stan, L. (2009b) *The Former Soviet Union*, In Stan, L. (ed.) *Transitional Justice in Eastern Europe and the Former Soviet Union: Reckoning with the Communist Past* (New York: Routledge), pp. 222–246
- Stan, L. & Nedelsky, N. (eds.) (2015) *Post-communist Transitional Justice: Lessons from Twenty-five Years of Experience* (Cambridge: Cambridge University Press).
- Szczerbiak, A. (2002) Dealing with the Communist Past Or the Politics of the Present?, In: Lustration in Post-Communist Poland, *Europe-Asia Studies*, 54(4), pp. 553–572.
- Szelenyi, I. & Szelenyi, S. (1995) Circulation Or Reproduction of Elites during the Postcommunist Transformation of Eastern Europe, In: *Theory and Society*, 24(5), pp. 615–638.
- Taylor, C. (1991) *The Ethics of Authenticity* (Cambridge: Harvard University Press).
- Trachtenberg, M. (1999) *A Constructed Peace: The Making of the European Settlement, 1945-1963* (Princeton, NJ: Princeton University Press).
- UN International Law Commission. (1950) *Yearbook of the International Law Commission: Documents of the Second Session Including the Report of the Commission to the General Assembly*, vol. II ed. (New York: United Nations).
- Ursachi, R. (2007) *In Search of a Theoretical Framework of Transitional Justice: Toward a Dynamic Model*, In: Dvořáková, V. & Milardović, A. (eds.) *Lustration and Consolidation of Democracy and the Rule of Law in Central and Eastern Europe* (Zagreb: Political Science Research Centre), pp. 65–83.
- Welsh, H. A. (1996) Dealing with the Communist Past: Central and East European Experiences After 1990, In: *Europe-Asia Studies* 48(3), pp. 413–428.
- Williams, K., Fowler, B. & Szczerbiak, A. (2005) Explaining Lustration in Central Europe: A 'Post-Communist Politics' Approach, In: *Democratization*, 12(1), pp. 22–43.
- World Bank (2012) *World Development Indicators 2012. 16th edition ed.* (Washington DC: World Bank).

Evolution of the Political System in Poland after 1989

MAŁGORZATA LORENCKA, MAŁGORZATA MYŚLIWIEC & WALDEMAR WOJTASIK

Abstract A political system is a dynamic formation, changing both internally and at the level of relations with the environment. This paper introduces the key planes of evolution of the political system in Poland. Its study hypothesis assumes the relationship between the theoretical framework of democratic transformation and the form of the ultimate systemic solutions in Poland. The authors analyse the current changes occurring in relations between the institutions of legislative and executive authority. The context of the paper is the system change promised by Law and Justice (Prawo i Sprawiedliwość, PiS) after the 2015 election won by the party. This change is supposed to affect the bodies such as the Constitutional Tribunal, the judiciary, and special services.

Keywords: • political system • Poland • party system • electoral system

CORRESPONDENCE ADDRESS: Małgorzata Lorencka, Ph.D., University of Silesia in Katowice, Institute of Political Science and Journalism, Unit of Political Systems of Developed Countries, Bankowa 12, 40-007 Katowice, Poland, email: malgorzata.lorencka@us.edu.pl. Małgorzata Myśliwiec, Ph.D., Assistant Professor, University of Silesia in Katowice, Institute of Political Science and Journalism, Unit of Political Systems of Developed Countries, Bankowa 12, 40-007 Katowice, Poland, email: malgorzata.mysliwiec@us.edu.pl. Waldemar Wojtasik, Ph.D., Assistant Professor, University of Silesia in Katowice, Institute of Political Science and Journalism, Unit of Political Systems of Developed Countries, Bankowa 12, 40-007 Katowice, Poland, email: waldemar.wojtasik@us.edu.pl.

DOI 10.4335/978-961-6842-73-0.5

ISBN 978-961-6842-73-0

© 2016 Institute for Local Self-Government and Public Procurement Maribor

Available online at <http://books.lex-localis.press>.

1 Introduction

The democratisation experiences after 1989 in Central Europe are largely connected with evolution processes of political systems. The ultimate form of democratic practice involves the construction of institutional order in the state, its adaptation to the changing internal and external conditions, and the search for the best solutions from among ideal ones and the ones that are politically feasible. Solutions adopted at the beginning of political transformation (often directly drawing on theoretical models) were very quickly tested in the specific local circumstances and quickly changing democratic political culture. As a result, the original institutional solutions of political systems have been considerably transformed since then.

The initial form of institutions in Polish political system was the combination of the possible change of socialist model solutions and the democratic experiences from the 1918–1939 period. The peaceful and transactional character of system change in the beginning led to limited implementation of democratic models, and some of the adopted solutions even did not fit the inventory of political pluralism (Wojtasik, 2013: 25–38). But this allowed to largely avoid the phase of democratic experiments and pointless search for an ideal model. The specific mode of Polish democratisation also meant earlier introduction (even before 1989) of some institutions of democratic political system, which were to imitate solutions known from consolidated democracies. These include the State Tribunal (in 1982) and Constitutional Tribunal (in 1985).

The paper introduces the key elements of evolution of the political system in Poland. Its study hypothesis assumes the relationship between the theoretical framework of democratic transformation and the form of the current systemic solutions in Poland. The authors look for the answers to the following study questions: (1) What is the tradition of Polish political system operating under the democratic regime? (2) What is the relation between the democratic transition model and the form of political system in Poland? (3) Does the change in relationships between legislative and executive authorities in Poland fit the mode of departure from semi-presidentialism to parliamentarism? (4) How does the electoral system influence the formation of the party system? (5) How real is a non-democratic change after the 2015 election?

2 Tradition and Transition

The loss of independence, which became the reality of Poland after three partitions in 1772, 1793 and 1795, still affects the operation of the political system of the state. The lack of possibility to form, develop and consolidate original patterns of the structure of legislative, executive and judicial branches, relationships between these three segments of power, and their relationship with the environment of the Polish political system in the nineteenth century meant that after the regaining of independence in 1918, Poland had to use patterns created in other European states. Basing on models formed, developed and

consolidated in very different historical, social, economic and even geographical realities, combined with the necessity to merge lands functioning for over than 120 years in different political realities in a single state, resulted in political and constitutional instability of the Second Polish Republic.

The efforts to create the Polish political system formally began in 1918 (Journal of Laws Dz.U. 1918 no. 1 item 1; Journal of Laws Dz.U. 1918 no. 2 item 2; Journal of Laws Dz.U. 1918 no. 12 item 24; Journal of Laws Dz.U. 1918 no. 17 item 39). In 1919, the so-called Small Constitution established the committee system of governance (Journal of Laws Dz.U. 1919 no. 19 item 226). It meant that the highest authority of the state was comparable to the Sejm (the unicameral central parliament), whose political decisions were executed by the Chief of the State (politically accountable to the Parliament) and the Council of Ministers. However, it was a temporary solution, requiring further detailed regulations.

The text of the first full Constitution of the Second Republic was adopted by the Polish Parliament on 17 March 1921 (Journal of Laws Dz.U. 1921 no. 44 item 267). The political system established by its regulations, was modelled on the parliamentary system of French Third Republic. The Constitution established a bicameral parliament with the Sejm as the first chamber and the Senate as the second one. The position of the Parliament was superior to the other authorities of the state. In certain cases both chambers were united to form the National Assembly, whose most important competence was to elect the President of the state and to periodically revise the Constitution. The term of the Sejm lasted five years. The term of the Senate began and ended with the term of the Sejm. The Constitution did not specify the number of deputies to the first chamber (it depended on regulations of the electoral law), and the number of Senate members had to be equal to 1/4 of the number of deputies. The legislative initiative corresponded to that of the Government and members of the Sejm. The Senate did not have this competence, but it had the right of a suspensory veto and amendments to the bill. The Council of Ministers had to get a vote of confidence from the Sejm before starting to perform its duties. It was also politically and constitutionally accountable to the first chamber of the Parliament. The President was elected for a seven-year term by the National Assembly, by an absolute majority of votes. However, the catalogue of the President's political competences was very limited and characteristic of the head of state in the parliamentary political system.

It is also worth mentioning that the Constitution of 1921 announced the establishment of extensive self-government. In the first years of its existence, the Second Polish Republic was based on the idea of parliamentary system in the horizontal aspect, and the idea of wide decentralisation in the vertical division of political power. The Constitution announced political will to grant all Polish regions (organised in voivodeships) a wide catalogue of competences, modelled on those in the Silesian Voivodeship on the basis of the Constitutional Law adopted by the Polish Parliament on 15 July 1920 (Journal of Laws Dz.U. 1920 no. 73 item 497).

In the mid 1920s, disputes between deputies of different parties represented in the Polish Parliament caused many political crises. That situation caused disappointment and criticism of the parliamentary system. Besides, due to the multinational composition of the Second Republic and a significant increase of financial needs of the political centre, many of its representatives started to present a negative attitude to the idea of wide decentralisation. The result of this state of political matters was the May Coup carried out by Marshal Józef Piłsudski between the 12th and 14th May 1926. The military action made possible the amendment of Constitution (Journal of Laws Dz.U. 1926 no. 78 item 442). It strengthened significantly the position of the President. The President was among others granted the right to dissolve the Parliament and to publish his own decrees having the force of law. The amendment of 1926 also opened the possibility to liquidate the autonomy of Silesian Voivodeship. This way, Poland started its evolution towards the authoritarian system with a strong position of the head of state.

The legal basis of the presidential system in Poland was the Constitution adopted by the Parliament on 23 April 1935 (Journal of Laws Dz.U. 1935 no. 30 item 227). Its legal provisions guaranteed the central position of the head of state in the new political system. The President was elected for a seven-year term by the Assembly of Electors (made up of presidents of both chambers of the Parliament, the Prime Minister, the first President of the Supreme Court, the General Inspector of the Armed Forces and 75 electors chosen from among the worthiest citizens by the Sejm (50) and the Senate (25)). However, the leaving President had the right to indicate his candidate for the office. In that case, a general election had to take place and the voting citizens had to choose between the presidential candidate and the candidate of the Assembly of Electors. In the new Constitution, the President received a superior authority in relation to the Parliament and the Council of Ministers. He was not politically or constitutionally accountable to the Parliament (he was only 'accountable before God and history'). The Constitution gave him the prerogative to publish decrees having the force of law without the requirement of the countersignature of respective ministers; he could appoint the Prime Minister and ministers, convene and dissolve the Sejm and the Senate, and set deadlines for their sessions. He also had the right to appoint his successor in the period of war. At the same time, the political competence of the Parliament was radically limited.

The constitutional heritage of the Second Polish Republic had no significance for the political reality of the People's Republic of Poland established after the Second World War. The Small Constitution of 19 February 1947 (Journal of Laws Dz.U. 1947 no. 18 item 71) and then the Constitution of 22 July 1952 (Journal of Laws Dz.U. 1952 no. 33 item 232) established a non-democratic political system modelled on the political system of the Soviet Union. However, Poland was never transformed into a fully installed totalitarian regime. Careful analysis shows that some fundamental elements of the Polish politics of that period did not really fit the ideal totalitarian regime type. In the opinion of Juan José Linz: "... in each of the four key typological dimensions of totalitarianism – most clearly in pluralism but also in mobilization, ideology, and leadership – Poland

contained some totalitarian but never stronger authoritarian tendencies.' (Linz & Stepan, 1996: 44–45, 256). Regarding the idea of pluralism, Linz and Stepan point to the following characteristics: "No significant economic, social, or political pluralism. Official party has de jure and de facto monopoly of power. Party has eliminated almost all pre-totalitarian pluralism. No space for second economy or parallel society.'" (Linz & Stepan, 1996: 44). Poland's reality never matched that description. In the area of economy, Władysław Gomułka proposed the so-called 'Polish road to socialism', based on tradition of peasant cooperatives and not on collectivised state farms. In the area of social and political pluralism, the most significant role was played by Polish Catholic Church, which maintained relative autonomy all the time between 1945 and 1989. It helped to resist the incorporation of all citizens into totalitarian structures. This first of all refers to the area of ideology. The strong attachment of many Poles to the Catholic faith helped to protect them from the influence of elaborate and guiding ideology of communism. The opportunity to participate in the activities of Church organisations and groups protected many Polish citizens from the dangers of communist mobilization. Furthermore, relative autonomy of the Polish Catholic Church gave that structure the power to negotiate with the communist regime. Another issue is the role of one party system. In the Polish reality between 1945 and 1989, Polish United Workers' Party was not the only political entity in the party system. United People's Party (*Zjednoczone Stronnictwo Ludowe*) and the Alliance of Democrats (*Stronnictwo Demokratyczne*) were recognised as its satellites, but that construction at least gave the impression of pluralism. It was also much more difficult to control the political structure divided into three parties. Besides, in that situation it was very difficult to endorse the leadership of one charismatic person.

The lack of fixed patterns of political institutions and procedures, as well as non-democratic experience of the communist period, made the democratic transition process more complicated. However, according to Juan José Linz, the process initiated by the regime representatives and accepted by part of the democratic opposition should be classified as a 'pacted transition' (Linz & Stepan, 1996: 255). It means that in the case of Poland the more authoritarian than totalitarian character of the political regime helped to develop strong democratic opposition. Thanks to that, at the end of 1980s, part of communist leadership and part of opposition decided to start a dialogue leading to political agreement (Kowal, 2012). Between 6th February and 5th April 1989, the Round Table Talks took place in Warsaw. The political result of this event was the agreement to introduce the democratic opposition into the process of state governance, but with the leading role of representatives of the former communist regime in the process. Due to the absence of a coherent concept of the future structure of political system, the Round Table agreement opened a period of constitutional experiments. The Small Constitution of 1992 (Journal of Laws Dz.U. 1992 no. 84 item 426) and the Constitution of 1997 (Journal of Laws Dz.U. 1997 no. 78 item 483) constructed a very eclectic political system, modelled on different patterns used in other European states but hardly referring to the pre-war Polish tradition. Thus, for example, Poles elect the President more or less like the French do, but the President does not have the competences comparable with the French head of

state. However, the strong social legitimacy arouses to questions about the possibility of strengthening the role of President in Polish political system. The bicameral Parliament and the Council of Ministers accountable to it, created in accordance with the model similar to the German one play the key role in the political system. However, there are more and more calls for a change of that state of affairs in favour of the presidential system.

3 The Process of Parliamentarisation of the Political Regime

One of fundamental democratic changes in Poland was the pluralisation of political life, whose important element was the introduction of free parliamentary elections involving real contest. Although the decision to reintroduce a bicameral parliamentary model in Poland drew on political tradition, it also resulted from the character of political contract made at the roundtable between the contemporary authorities and the democratic opposition (the roundtable negotiations took place between 6th February and 5th April 1989). A fully free Senate (upper house) election was to be a substitute for the former pluralism and at the same time provide an alibi for a contractual Sejm (lower house) election, whose result was to guarantee that the regime parties would retain their authority. The actual electoral contest involved 35% of seats in the Sejm, with the competition between representatives of the current authorities and the opposition. The initial phase of democratisation of the political system in Poland resulted in the adoption of a hybrid model (closer to authoritarian than democratic solutions). This model could probably be best defined using the concepts of competitive authoritarianism (Levitsky & Way, 2010) and transactional regime (Glajcar, 2015: 171).

The adoption of arrangements concerning the procedure of parliamentary election in 1989 meant that the mechanism of democratisation stopped halfway through and there was an obvious need to complete the democratic changes in the future. The 1989 ordinance was only established for one election. The next one, planned for 1993, was to be performed on completely different conditions, without determining at the time whether the majority or proportional formula would be applied (Antoszewski, 2002: 57). In addition, the need to complete the democratisation processes triggered the need to change the Sejm election ordinance and replace it with a procedure compliant with democratic standards. The dynamics of democratisation, however, resulted in the issue of the next election receding to the background after the change of power arising from the June election. Consequently, it was left to be determined in the future. This could also have a rational basis, as the contemporary parliamentary parties did not know the future form of the political arena and thus did not know who would benefit from the adopted solutions. The forces of *Solidarność* could not predict whether they would be united in the subsequent election like in 1989, or whether a process of disintegration would begin. The post-communist left wing was more unsure of their future and the success of internal sanitation starting with the liquidation of the Communist Polish United Workers Party (*Polska Zjednoczona*

Partia Robotnicza, PZPR) and the establishment of Social Democracy of the Republic of Poland (*Socjaldemokracja Rzeczypospolitej Polskiej, SdRP*).

The formation of a democratic political regime is based on the choice between different versions of parliamentarism and presidentialism. In Central and Eastern European countries, presidentialism was very specific. Taking into consideration the possible evolution towards authoritarianism (which did occur in Belarus and partly in Russia), post-communist countries decided to choose the model of weak presidency or presidency balanced with the power of other authorities (semi-presidentialism). The Polish case has an additional specificity due to the transitory nature of the adopted institutional solutions. It is worth emphasising that the source of this provisional character was the need to adapt to the dynamically changing situation, not the current intentions or political interests.

The office of president was restored in Polish political system on the basis of the Round Table agreements, being part of a political contract ensuring the maintenance of power on the part of the regime forces. Just like in the case of contractual Sejm election, the presidential election was excluded from political competition procedure; the office was to be manned by a representative of the existing authorities, though the opposition, empowered with the success in the parliamentary election, also had a real chance of success in the contest for the presidential office. However, so as to keep the previous arrangements and to avoid the expected political crisis, the *Solidarność* side did not present their candidate, so the only candidate for the office of president was W. Jaruzelski. On 19th July 1989, the National Assembly elected the President. 544 deputies took part in the roll-call voting, and 537 valid votes were cast. 270 members of the National Assembly voted for Wojciech Jaruzelski, 233 were against, and 34 abstained from voting. This result (exceeding the required legal majority only by one vote) affected the style of Jaruzelski exercising his authority, especially that he was aware of his poor legitimacy and did not try to become the key figure on Polish political scene (Głajcar 2004: 153). The 1989 election served the creative function, leading to the actual establishment of a new state authority. W. Jaruzelski received the legitimacy to exercise authority (at least in the normative sense), because the choice of his candidature was the last attempt to literally perform the contract made at the Round Table (Alberski 2001: 114). This election reduced the level of political conflict at least for a time and caused some stabilisation, facilitating the performance of systemic reforms.

Andrzej Antoszewski (1998: 59–60), using the change of the actual position of the head of state in relation to the parliament and government as the criterion, identifies five phases of transformation of the political regime in Poland after 1989:

- (1) normative (but not real) semi-presidentialism during the presidency of W. Jaruzelski;
- (2) normative and real semi-presidentialism during the presidency of L. Wałęsa until the Small Constitution coming into force;
- (3) limited semi-presidentialism after the Small Constitution coming into force;

- (4) evolution towards parliamentarism after the 1995 presidential election;
- (5) rationalised cabinet parliamentarism pursuant to the Constitution of 1997.

In order to improve the stabilisation and legitimisation of democratic change, the position of president in the system of power, especially in countries with some institutional traditions, should also be related to some historical concepts. The drafts of restoration of the office of president, proposed even in the 1980s, were such an attempt to draw on the solutions of the Second Polish Republic. The most serious one, presented and discussed in 1982, provided for the introduction into the system of People's Republic of Poland a president with quite broad competence elected in general elections. Assessing that draft from today's perspective, it can be regarded as a specific concept of PZPR's 'escape forward', as the party was losing its popularity with citizens (Ciapała, 1999: 14). However, because it would maintain the non-democratic system of power, this concept did not evoke any response on the part of democratic opposition, and the regime side itself did not treat it seriously or as a priority. Yet, it can be surmised that the political concepts of the 1980s facilitated the re-introduction of president into the political system.

As a result of the transformation of Poland's political system after 1989, whose crucial moment was the adoption of a new Constitution on 2nd April 1997, a unique model of the executive was developed. Its most characteristic property is both president and prime minister having real capacity to take executive decisions. The dispute concerning the purposefulness of maintaining such solutions has already been going on for more than ten years. The authors and supporters of the solution primarily emphasise that such a system construction forces the political actors to look for a compromise, which should be treated as a constitutive element of Polish political system. Its opponents, in turn, perceive it as the main element of the state's weakness, claiming that the sharing of powers between the president and the prime minister promotes non-creative conflicts (Głajcar & Wojtasik, 2013).

The model of presidency in Poland, introduced by the 1997 Constitution, is by no means 'strong'. However, the principle of the head of state being elected in universal elections has been retained, which ensures the validity of the presidential office equal to that of the Sejm or Senate. Such legitimisation equality may be the reason for tensions between the parliament and the president, even though the Constitution tries to prevent them (Antoszewski, 1999: 109). The process outlined above displays the features of transition from semi-presidentialism towards parliamentarism. Anna Chorążewska (2008: 11–16) identifies the following key properties of parliamentarism: (1) dualism of the executive, expressed in the fact that apart from the head of state there is a government in the country (led by the prime minister), being an independent state authority; (2) at least partial neutralisation of the activity of the head of state, mainly expressed in the need of countersignature for some of their acts; (3) the executive has the right of legislative initiative; (4) parliamentary accountability of the executive; (5) the executive's right to dissolve the parliament. These characteristics of parliamentarism attribute the executive

power to two constitutionally separate but functionally connected entities: the president, and the government. In parliamentarism, the president is a kind of specific backup authority, with limited influence on the current rule and referring in their activity to the received authorisations and powers. This specificity of the systemic role of the head of state may be the result of the following factors: (1) the plebiscite character of presidential elections; (2) sharing some powers with other authorities; (3) having an inventory of personal prerogatives.

4 The Effect of the Electoral System on the Party System in Poland

One of the foundations of democracy is cyclical elections, which on the one hand mean the dynamic establishment, development and demise of political parties, and on the other hand, the formation and consolidation of a party system (Antoszewski, 2002: 137). They lead to the 'structuring of the partisan scene, crystallizing large and small, ruling and opposition parties' (Turska-Kawa, 2015: 11). Thus, when analysing election results, they should be considered from institutional and procedural perspectives (Wojtasik, 2012: 14), because mutual relations between political parties are influenced by a number of factors, e.g. the legal rules of activity of political entities, or socio-economic conditions (Sobolewska-Myślik, 2004: 103–104).

The democratisation of political system in Poland in 1989 led to the adoption of political pluralism principle, which ended the period of dominance of the communist party (cf. Chmaj, 2010: 357–358). On 28th July 1990, the first act on political parties was adopted. It was very general, allowing both registered and non-registered parties to function (the record model). The goal of the adopted legal solutions was to achieve the broadest possible participation in elections (e.g. of entities such as *Solidarność* trade union). Along with the adoption of the constitution in 1997, another act on political parties was voted through, with greater formal requirements (the registration model). These changes resulted in the development of a multipartisan system in Poland.

As Andrzej Antoszewski (2002: 51) observed, the most evident characteristic of the process of development of electoral democracy in Poland is the instability of the Sejm electoral system. Out of the five parliamentary elections in the 1989–2001 period, only two were organised on the basis of the same election ordinance. Since 2005, the rules of organising elections have been similar, and they are included in the Electoral Code of 5th January 2011 (Skotnicki, 2011). The lack of stability of electoral regulations has led to greater instability of the party scene. Three stage of development can be identified in the process of party system evolution in Poland after 1989 (Wojtasik, 2009: 152–153):

- the stage of disintegration of political movements in the years 1989–1993;
- the stage of natural two-block character based on the influence of post-communist division in the years 1993–2004;
- the stage of marginalisation of the post-communist left wing and dominance of right wing parties after 2004.

Analysing the change at the electoral plane, the following factors need to be considered: the shape, boundaries and size of electoral districts, the national list and the voting threshold (or resigning from them), voters' rights during the election, and the way of converting votes into seats (Glajcar, 2006: 24–38).

The proportional election formula was applied in Sejm elections (4-year term), apart from the 1989 election. The parliamentary election in 1991 was also based on this formula. The country was divided into 37 electoral districts receiving 7 to 17 seats each (the mean size of a district was 10.6) (Alberski 2009, 140). Out of the 460 Sejm seats, 69 (15%) were divided into party lists at the national level using the modified Sainte-Laguë method. Receiving extra seats was conditional on obtaining at least 5% of votes nationwide or obtaining seats in at least 5 electoral districts. Most of the seats, however, were allocated to lists at the electoral district level using the Hare-Niemeyer method, with no threshold determined by the legislator. This choice of methods, commonly considered as favourable to weaker parties, gave seats in the Sejm for 29 electoral committees without establishing any minimum share, thus causing a high level of party fragmentation and inability to form a stable cabinet. At that time, the effective party number at the election level (EPN-E) reached the top value of 13.86, and in the parliament (EPN-P), 10.45 (Table 1). Both the *Solidarność* camp and post-communist left wing were subject to disintegration.

Table 1: Index of effective party number in the years 1991–2011

Index	1991	1993	1997	2001	2005	2007	2011	Mean
EPN-E	13.86	9.80	4.59	4.50	5.86	3.32	3.74	6.51
EPN-P	10.45	3.88	2.95	3.60	4.63	2.82	3.00	4.48

Source: Alberski (2009: 143).

The second phase of evolution of the party system towards two-block political competition began when a new Sejm election ordinance was adopted and an early election was organised in 1993. The number of electoral districts was increased up to 52 (the mean size of a district was 7.5). Three election thresholds were introduced: 5% of votes for a political party, 8% for an electoral coalition nationwide, and 7% for the national list. The previously applied methods of seat allocation were replaced with the D'Hondt method. The election resulted in power alternation, as left wing parties – Democratic Left Alliance (*Sojusz Lewicy Demokratycznej*, SLD) and Labour United (*Unia Pracy*, UP) – were the winners of the election and formed the government together with the pivotal Polish Peasants' Party (*Polskie Stronnictwo Ludowe*, PSL) whereas a number of right wing parties were left out. SLD was considerably overrepresented, receiving 20.4% of votes but 37.17% seats (Glajcar, 2006: 32).

Table 2: Support for the two largest parties in the years 1991–2015 (%)

	1991	1993	1997	2001	2005	2007	2011	2015
Electoral level	24.31	35.81	60.96	53.72	51.13	73.69	69.07	61.67
Parliamentary level	26.52	65.87	79.35	61.09	61.96	81.52	79.13	81.09

Source: Alberski (2009: 143; 158).

Another Sejm election took place in 1997, after the 4-year term of the chamber and the adoption of the new constitution. For the first time, no significant changes were introduced to electoral law, so the competing parties could better prepare to the rules of competition. Political forces were aggregated into two large blocks: the centre-right coalition of Solidarity Electoral Action (*Akcja Wyborcza Solidarność*, AWS) and the centre-left coalition of Democratic Left Alliance (*Sojusz Lewicy Demokratycznej*, SLD) (the ratio of concentration of support for the two greatest political forces in the parliament was 79.35% of seats).

Before the following election in 2001, the electoral system was changed once again. The number of electoral districts was reduced to 41, which received between 7 and 19 seats (the mean size of a district was 11.2). The repartition of extra seats in the form of a national list was abolished. The d'Hondt method was replaced with the modified Sainte-Laguë system, but it was restored before the successive election in 2005 (Alberski, 2009: 140).

Table 3: Results of Sejm elections in the years 2005–2015

Year	2001		2005		2007		2011		2015	
	Votes (%)	Seats								
Prawo i Sprawiedliwość	9.5	44	26.99	155	32.11	166	29.89	157	37.58	235
Platforma Obywatelska	12.68	65	24.14	133	41.51	209	39.18	207	24.09	138
Polskie Stronnictwo Ludowe	8.98	42	6.96	25	8.91	31	8.36	28	5.13	16
Sojusz Lewicy Demokratycznej*	41.04	216	11.31	55	13.15	53	8.24	27	7.55	-
Liga Polskich Rodzin	7.87	38	7.97	34	-	-	-	-	-	-
Samoobrona	10.2	53	11.41	56	-	-	-	-	-	-

Akcja Wyborcza Solidarność – Prawicy**	5.6	-	-	-	-	-	-	-	-	-	-
Ruch Palikota	-	-	-	-	-	-	10.02	40	-	-	-
Nowoczesna	-	-	-	-	-	-	-	-	7.60	28	-
Kukiz '15	-	-	-	-	-	-	-	-	8.81	42	-
Mniejszość Niemiecka	0.36	2	0.29	2	0.20	1	0.19	1	0.18	1	-

* In the Sejm elections of 2001, 2007 and 2015, SLD ran as an election coalition with several other parties.

** This election coalition did not exceed the 8% threshold nationwide.

Source: original study based on the website of the National Electoral Commission, <http://pkw.gov.pl/> (9 July 2016).

After the period of frequent changes of the rules of electoral competition in the 1990s, in 2005 the rules were finally stabilised, which led to considerable changes in the party scene. Large coalitions were replaced with new parties. Two new political parties were established in 2001: Civic Platform (*Platforma Obywatelska*, PO), and Law and Justice (*Prawo i Sprawiedliwość*, PiS), which began a gradual process of dominance of right wing forces in Polish party system and the marginalisation of the left wing, which did not make it into the parliament in 2015. The 2005 election proved to be the breaking point in the structure of contemporary party system (Markowski, 2006: 18). PiS managed to redefine the main dimension of party competition and replace previously underlying historical and cultural differences with economic ones (Paczeński, 2014: 84). Research of the Polish General Election Survey confirmed that since 2005, the division into the 'liberal Poland' identified with PO and the 'solidary Poland' of PiS has been clearer for the voters than the division into left and right wing (ibid.).

The electoral and party system in Poland after 1989 was subject to a long process of changes, from the system of extreme party fragmentation up to imperfect bipartisan competition. The gradual process of stabilisation of electoral law regulations and the institutionalisation of political parties contributed to the consolidation of the party system. Political competition between two post-Solidarność parties, the right-wing PiS and the centre-right PO, became a characteristic element of Polish party system after 2005, thus making it different from the contemporary standards of western democracies. This direction of changes was illustrated by the latest parliamentary election of 25th of October 2015, in which PiS was the unquestionable victor, receiving the absolute majority of seats in the Sejm. It must be added that it was the first party to have gained independent majority in the parliament in the history of Poland after 1989 (in the 2007–2015 period, PO existed as a political coalition with PSL).

The contemporary party system of Poland is also characterised by the emergence of new populist political forces, being the expression of common dissatisfaction, such as Palikot Movement (*Ruch Palikota*), Kukiz'15, Modern (*Nowoczesna*), or in the past, Self-

Defence (*Samoobrona*). On the other hand, the aggregation level of support for the two main political parties is growing. Beneficial changes also include the process of power alternation, first between the right and left wing, and now, between PIS and PO. The negative side of Polish transformation is the low level of election participation (e.g. 40.57% in the 2005 election) (Piasecki, 2012: 203), the high level of electoral volatility (between 1993 and 2005, electoral volatility between blocks almost doubled) (Markowski, 2007: 249) and the antagonistic dimension of political competition between the main actors of the party scene.

5 Conclusion

The evolution of Polish political system has brought it to the state in which it meets the boundary conditions for democratic solutions. This does not mean, however, that the adopted construction of political institutions protects the political system from the risk of non-democratic degradation. The relationships generated between the institutions of legislative and executive authority after the presidential and parliamentary elections in 2015 resemble the quasi-monopoly of a single party, PiS. The situation is complicated even more due to the fact that the most important decision-making entity (the leader of PiS, Jarosław Kaczyński) does not hold any position in executive authorities, but is an ordinary member of parliament. All this means that the actual relations between the centres of authority differ from the assumed model. As a result, the real power both of the Prime Minister (Beata Szydło) and the President (Andrzej Duda) in Poland is significantly weaker than the constitutional solutions might suggest.

Even more interesting is that the profound change of political system institutions promised by PiS does not concentrate on the most important executive or legislative authorities but on the Constitutional Tribunal, the judiciary, and special services. This may indicate the intention to maintain the institutionally dysfunctional type of relationships between the President, the Government, and the Parliament. In the future, the existing system of relationships may result in the marginalisation of the party system and election procedures as unnecessary for efficient ruling, and the degradation of the systemic role of political parties.

References:

- Alberski, R. (2002) *Wybory prezydenckie w Polsce w latach 1989–2000 i ich funkcje polityczne (Presidential elections in Poland in the years 1989–2000 and their political functions)*, In: Antoszewski, A. (ed.) *Demokratyzacja w III Rzeczypospolitej* (Wrocław: Wydawnictwo Uniwersytetu Wrocławskiego), pp. 42–67.
- Alberski, R. (2009) *Wpływ systemu wyborczego na proces zmiany systemu partyjnego w Polsce w latach 1991–2007 (The effect of electoral system of the process of changing the party system in Poland in the 1991–2007 period)*, In: Glajcar, R. & Wojtasik, W. (eds.) *Transformacja systemowa w Polsce 1989–2009. Próba bilansu* (Katowice: Wydawnictwo REMAR), pp. 89–101.
- Antoszewski, A. (1998) *Forma rządu (The form of government)*, In: Antoszewski, A. & Herbut, R. (eds.) *Demokracje Europy Środkowo-Wschodniej w perspektywie porównawczej* (Wrocław: Wydawnictwo Uniwersytetu Wrocławskiego), pp. 12–39.
- Antoszewski, A. (1999) *Instytucje władzy ustawodawczej i wykonawczej (Legislative and executive authority institutions)*, In: Antoszewski, A. & Herbut, R. (eds.) *Polityka w Polsce w latach 90. Wybrane problemy* (Wrocław: Wydawnictwo Uniwersytetu Wrocławskiego), pp. 43–71.
- Antoszewski, A. (2002) *Ewolucja systemu wyborczego do Sejmu (Evolution of the Sejm electoral system)*, In: Antoszewski, A. (ed.) *Demokratyzacja w III Rzeczypospolitej* (Wrocław: Wydawnictwo Uniwersytetu Wrocławskiego), pp. 23–30.
- Chorażewska, A. (2008) *Model prezydentury w praktyce politycznej po wejściu w życie Konstytucji RP z 1997 (The model of presidency in political practice after the the 1997 Constitution of the Republic of Poland coming into force)* (Warszawa: Wydawnictwo Sejmowe).
- Ciapała, J. (1999) *Prezydent w systemie ustrojowym Polski (1989–1997) (The president in the Polish political system)* (Warszawa: Wydawnictwo Sejmowe).
- Chmaj, M. (2010) *Restytucja i petryfikacja zasady pluralizmu politycznego w Polsce (Restitution and petrification of the principles of political pluralism in Poland)*, In: Zubik, M. (ed.) *Dwadzieścia lat transformacji ustrojowej w Polsce* (Warszawa: Wydawnictwo Sejmowe), pp. 62–79.
- Glajcar, R. (2004) *Instytucja prezydenta w Polsce, Czechach i Słowacji w latach 1989–2000: Analiza porównawcza (The institution of president in Poland, Slovakia and the Czech Republic in the years 1989–2000: comparative analysis)* (Toruń: Wydawnictwo Adam Marszałek).
- Glajcar R. (2006) *System wyborczy w Polsce (The electoral system in Poland)*, In: Glajcar, R., Okrzesik, J. & Wojtasik, W. (eds.) *Ustrój polityczny RP, Wprowadzenie* (Bielsko-Biała: Wydawnictwo WSBiF), pp. 79–101.
- Glajcar, R. & Wojtasik W. (2013) Institutional Determinants of Political Rivalry for Leadership between the President and the Prime Minister of the Republic of Poland during the Third Cohabitation, In: *Political Sciences*, 2, pp. 49–70.
- Glajcar, R. (2015) *Demokratyczny reżim polityczny. Relacje pomiędzy legislatywą a egzekutywą w III Rzeczypospolitej (Democratic political regime. Relations between the legislative and executive authority in the Third Polish Republic)* (Katowice: Wydawnictwo Uniwersytetu Śląskiego).
- Kowal, P. (2012) *Koniec systemu władzy: polityka ekipy gen. Wojciecha Jaruzelskiego w latach 1986–1989 (The end of a system of power: the policy of general Wojciech Jaruzelski's team in the years 1986–1989)* (Warszawa: Instytut Studiów Politycznych PAN, Instytut Pamięci Narodowej, Wydawnictwo TRIO).
- Levitsky, S. & Way L. A. (2010) *Competitive Authoritarianism: Hybrid Regimes After the Cold War* (New York: Cambridge University Press).

- Linz, J. J. & Stepan, A. (1996) *Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-Communist Europe* (Baltimore: The John Hopkins University Press).
- Markowski, R. (2006) *Wybory 2005 – chaos czy restrukturyzacja systemu partyjnego? (The 2005 election: chaos or the restructuring of the party system?)*, In: Skłodkowska, I. & Dołbakowska, A. (eds.) *Wybory 2005. Partie i ich programy* (Warszawa: PAN), pp. 67–79.
- Markowski, R. (2007) *System partyjny czy zbiorowisko partii? (A party system or just a group of parties?)*, In: Marody, M. (ed.) *Wymiary życia społecznego. Polska na przełomie XX i XIX wieku* (Warszawa: Scholar), pp. 70–82.
- Pacześniak A. (2014) *Europeizacja polskich partii politycznych (Europeanisation of Polish political parties)* (Warszawa: Scholar).
- Piasecki, A.K. (2012) *Wybory w Polsce 1989–2011 (Elections in Poland in the years 1989–2011)* (Kraków: Arcana).
- Skotnicki, K. (2011) *Kodeks wyborczy. Wstępna ocena (The electoral code: preliminary evaluation)* (Warszawa: Wydawnictwo Sejmowe).
- Sobolewska-Myślik, K. (2004) *Partie i systemy partyjne na świecie (Parties and party systems all over the world)* (Warszawa: Wydawnictwo Naukowe PWN).
- Turska-Kawa, A. (2015) *Determinanty chwiejności wyborczej (Determinants of electoral volatility)* (Katowice: Wydawnictwo Uniwersytetu Śląskiego).
- Wojtasik, W. (2009) *System partyjny i partie polityczne w procesie transformacji systemowej (The party system and political parties in the process of systemic transformation)*, In: Głajcar, R. & Wojtasik, W. (eds.) *Transformacja systemowa w Polsce 1989–2009. Próba bilansu* (Katowice: Wydawnictwo REMAR), pp. 42–65.
- Wojtasik, W. (2012) *Funkcje wyborów w III Rzeczypospolitej. Teoria i praktyka (Functions of elections in the Third Polish Republic. Theory and practice)* (Katowice: Wydawnictwo Uniwersytetu Śląskiego).
- Wojtasik, W. (2013) *Functions of elections in democratic systems, Political Preferences*, 4, pp. 25–38

The Processes of Democratisation and the Issue of Trust in Political Institutions in Slovenia

MARJAN BREZOVŠEK & MIRO HAČEK

Abstract After the collapse of the non-democratic regime in the early 1990s, public opinion surveys became important factor in the process of democratic decision-making. Authors are analysing the results of public opinion surveys, which bring together data on the attitude of the general public towards democracy, (dis)satisfaction with the political situation and (dis)satisfaction with most important political institutions; special emphasis is given to the general public's (dis)trust toward the democratic institutions in comparative (European) perspective. Based on the data obtained authors allocate Slovenia's position compared to other established European democracies as well as post-communist countries from Central and Eastern Europe (CEE) on the scale of the relationship of the dimensions of societal trust in political power.

Keywords: • democratisation • trust • politics • institutions • Slovenia

CORRESPONDENCE ADDRESS: Marjan Brezovšek, Ph.D., Professor, University of Ljubljana, Faculty of Social Sciences, Kardeljeva ploščad 5, 1000 Ljubljana, Slovenia, email: marjan.brezovsek@fdv.uni-lj.si. Miro Haček, Ph.D., Professor, University of Ljubljana, Faculty of Social Sciences, Kardeljeva ploščad 5, 1000 Ljubljana, Slovenia, email: miro.hacek@fdv.uni-lj.si.

DOI 10.4335/978-961-6842-73-0.6

ISBN 978-961-6842-73-0

© 2016 Institute for Local Self-Government and Public Procurement Maribor

Available online at <http://books.lex-localis.press>.

1 Introduction: Processes of Democratisation In Slovenia

In all post-socialist countries, democratisation was a process that resulted in the establishment of a democratic political system similar to that of Western European countries. It is a process of changing the regime from the beginning to the end and includes the concepts of transition and consolidation. The consolidation of democracy is a process that encompasses the complete establishment of new democratic institutions, the adoption of democratic rules and procedures, and the general acceptance of democratic values. Political changes that stem from the top can also play an important role in accelerating democratic processes, yet they can also repress the political socialisation of citizens.

For countries in transition, transforming the administrative and political institutions is particularly important, because the positive outcome of the whole democratisation effort largely depends on how these institutions are seen to be successful in the eyes of the public. The transition itself is a unique process. For a successful transition towards a more effective society, every country first has to define two elements and then define a third one. Since every country has its own tradition, the realisation of its success lies, on the one hand, on the starting point of its development and the development of its surroundings and, on the other hand, on the capacity to understand the development of the society. The understanding and steering of these 'society flows' lies within the competence of public administration systems that are, in comparison to the established systems, under greater stress, since they have to adapt and reorganise the institutions of public administration (Brezovšek, 2000: 239).

When thinking of the legitimacy of democratic systems, we cannot avoid a discussion regarding the trust in political institutions. Since they focus on the institutionalisation of society's actions – which become more efficient, stable, and predictable under their influence – they represent the core foundations of society. Citizens rely on political institutions since there is a belief that not all of our fellow citizens can be trusted. Institutions act as mediators that, within the legal framework, force all citizens to respect certain legal and ethical norms, which consequently results in a higher level of trust. The greatest threat to the trust established between institutions and citizens is the systematic misuse of democratic principles. According to Sztompka (1999), citizens who live in a democracy develop trust in democracy that is the highest form possible for the system. When this basic trust is misused, the level of trust in all other ideals connected to democracy decreases. Our standpoint is that trust in political institutions and the legitimacy of the democratic system are closely dependent on each other.

Elster, Offe, and Preuss (1998: 307) point out that the concept of democratic consolidation is not identical to economic success, because economic effectiveness is also possible in non-consolidated democracies or even in non-democracies. Political scientists therefore focus above all on political indexes of democratic consolidation. Gasiorowski and Power

(1998) offer three basic criteria of successful democratic consolidation: successful execution of second parliamentary elections, successful swap of the executive branch with the usage of constitutional means (peaceful exchange of political power), and successful survival of the democratic system for twelve straight years. Additional criteria are frequently added: for instance, the relationship of citizens with democratic institutions, wide concordance on the rules of the political game, and trust in democratic political institutions and political elites (Fink Hafner, 2000: 13–14). We will emphasise the latter in this paper, locating Slovenia among other comparable democratic European countries according to public opinion surveys concerning public (dis)trust in political institutions. This will allow the authors to assess Slovenia's position among other European countries on the scale of the relationship of the dimensions of societal trust in political power (Haček and Brezovšek, 2014).

2 (Dis)trust in Political and Administrative Institutions

The public administration and civil service system are components of governance that can also be analysed from this so-called political point of view; citizens most commonly perceive these components as a secondary structure of the government and usually as the least respectable structure (Brezovšek, 1997: 184). Public opinion can be an important source of bureaucratic power within the public administration system, yet how public opinion affects the system of civil servants and public officials remains quite an under-researched area (Meier, 2000: 52). Some researchers even believe that public opinion has a prevailing influence on the work of civil servants. Page and Shapiro (1981) researched 357 major changes in public opinion. They compared those changes within the same timeframe for the work and outputs of public administration and concluded that as many as 87 percent of different public policies were adapted in line with the changes in public opinion. The findings of Gray and Lowery (1988: 121) are similar. They studied tax and education policies and concluded that both had adapted themselves to public opinion. Peters and Hogwood (1985) linked public opinion and the growth of the civil servant system¹ and proved that when public opinion expressed open support of a certain public policy, the civil servant system had strengthened.

One main characteristic of public opinion is its instability; it changes frequently and often in a short period. This characteristic is directly opposed to the characteristics of the civil servant system. For this system, stability and predictability are crucial for enabling quality in administrative work over a long period. However, it is true that some sub-systems of public administration can exploit public opinion support to promote their own policies. The importance of support for an individual policy is usually higher than the need to have an average high level of support for the whole public administration and the civil servant system.

The comparative data from Eurobarometer research presented in Table 1 focuses on satisfaction with democracy as societal and political system in EU member states. If we

compare the surveys over the years, then, some changes in satisfaction can be detected. In general, one of the most common observations is that in all new democratic systems (shaded rows) there is a high level of dissatisfaction with democracy itself, and trend is rather negative in recent period. Similarly, in Slovenia, more than two-thirds of citizens are dissatisfied with democracy in the country. The question remains as to how much of such dissatisfaction fragile post-socialist regime can withstand before this dissatisfaction changes into a denial of the legitimacy of the whole societal and political system and when the legitimacy of various political institutions is at risk. Nevertheless, dissatisfaction could also be connected to the outcomes of the democratic transition and consolidation processes and not democracy as a type of social-political relations itself.² In this case, dissatisfaction can also be expressed through the existing mechanisms like elections, referendums, political protests, and so forth. Other research (Newton and Norris, 1999: 67–72) found out that there is positive connection between disintegration processes of contemporary societies (especially because of growing inequalities, that are with the impact of global economic crisis becoming even more evident), with drops of public trust towards key state political institutions.

Table 1: Satisfaction with democracy in the EU member states (total satisfied; in percent)

EU Member State	2004	2006	2008	2010	2012	2014
AUSTRIA	71	75	80	78	70	64
BELGIUM	70	68	66	56	57	63
BULGARIA	/	/	26	25	24	21
CROATIA	/	/	/	/	/	24
CYPRUS	63	63	61	54	33	24
CZECH REP.	45	58	51	45	30	47
DENMARK	91	93	94	92	90	86
ESTONIA	45	43	53	45	38	49
FINLAND	83	78	77	69	78	75
FRANCE	57	45	65	54	60	49
GERMANY	61	55	66	62	70	70
GREECE	68	55	63	31	11	19
HUNGARY	37	46	24	35	29	35
IRELAND	77	75	69	57	50	59
ITALY	46	53	40	47	27	30
LATVIA	45	41	43	32	42	47
LITHUANIA	34	23	24	17	21	30
LUXEMBURG	83	83	73	83	84	76
MALTA	48	48	53	45	49	62
NETHERLANDS	71	75	80	75	75	74
POLAND	30	38	48	54	48	59
PORTUGAL	39	30	36	29	25	25
ROMANIA	/	/	36	20	13	25

SLOVAKIA	25	25	35	36	29	22
SLOVENIA	57	54	48	38	26	27
SPAIN	64	71	77	53	32	22
SWEDEN	76	74	80	84	86	82
UNITED KINGDOM	63	60	62	59	60	65
EU 25/27/28 AVERAGE	58	57	57	51	47	50

Sources: Standard Eurobarometer 62 (Autumn 2004); available at http://ec.europa.eu/public_opinion/archives/eb/eb62/eb62_en.htm; Standard Eurobarometer 65 (January 2007); available at http://ec.europa.eu/public_opinion/archives/eb/eb65/eb65_en.pdf. Standard Eurobarometer 70 (November 2008); available at http://ec.europa.eu/public_opinion/archives/eb/eb70/eb70_en.htm. Standard Eurobarometer 73 (November 2010); available at http://ec.europa.eu/public_opinion/archives/eb/eb73/eb73_anx_full.pdf. Standard Eurobarometer 78 (November 2012); available at http://ec.europa.eu/public_opinion/archives/eb/eb78/eb78_anx_en.pdf. Standard Eurobarometer 82 (November 2014); available at http://ec.europa.eu/public_opinion/archives/eb/eb82/eb82_en.htm (all in June 2016).

General trust in the country is also reflected in the trust in major political institutions (Inglehart, 1999). Table 2 shows trust towards three key political institutions (political parties, national parliament and national government) in all EU member states in period from 2004 to 2014, and compares average trust in all EU member states with average trust in all ten new member states from CEE. We can also quite clearly observe that levels of public trust towards all three political institutions are lower in eleven new members states from CEE compared with other, mostly older member states with longer democratic traditions; especially this is obvious in the cases of political parties and national parliaments. Sadly, Slovenia is the country with lowest levels of trust towards both political parties and national parliament. We can also see, especially in recent period, that there is major difference in term of public trust in three political institutions between northern Europe (i.e. Finland, Sweden, Denmark) and southern Europe (i.e. Italy, Greece, Spain). If we take another look at the data presented in Table 1, it is not hard to see the connection between the satisfaction with democracy and public (dis)trust into major political institutions in various (groups of) countries in the EU. We can also observe negative trends in distrust towards key political institutions in the period from 2004 to 2014, marking period of deeply rooted political crisis not only in CEE, but also in older democracies, especially in southern European countries.

Table 2: Trust in political institutions (tend to trust; in percent)

EU Member State	POLITICAL PARTIES						NATIONAL GOVERNMENT						NATIONAL PARLIAMENT					
	2004	2006	2008	2010	2012	2014	2004	2006	2008	2010	2012	2014	2004	2006	2008	2010	2012	2014
AUSTRIA	23	38	38	40	33	28	45	55	50	54	49	50	51	56	54	52	50	53
BELGIUM	23	29	25	20	23	18	38	47	36	22	38	33	46	50	40	28	40	36
BULGARIA	/	/	7	15	14	10	/	/	15	43	25	19	/	/	8	25	18	14
CROATIA	/	/	/	/	/	10	/	/	/	/	/	16	/	/	/	/	/	18
CYPRUS	26	20	29	23	9	6	65	56	65	43	16	23	63	44	63	40	15	20
CZECH REPUBLIC	10	15	12	12	8	12	27	34	20	32	11	30	18	22	16	12	9	17
DENMARK	39	49	54	49	36	34	56	56	60	50	42	50	70	75	75	72	63	61
ESTONIA	17	21	19	20	16	13	47	54	48	53	35	51	41	41	37	39	29	39
FINLAND	26	36	36	30	36	29	67	65	68	49	62	47	68	69	71	55	66	61
FRANCE	13	10	13	14	12	6	29	20	31	25	30	17	38	31	36	36	32	23
GERMANY	13	22	22	19	21	21	33	39	42	32	41	48	39	40	41	39	46	49
GREECE	17	25	14	9	5	8	50	43	23	25	7	11	61	56	32	23	9	14
HUNGARY	18	29	8	29	18	14	40	48	16	40	27	33	38	47	16	41	29	29
IRELAND	18	32	23	17	12	13	39	42	33	21	18	23	40	44	36	22	18	23
ITALY	20	26	16	18	8	9	28	34	26	25	17	18	31	40	27	26	11	18
LATVIA	6	6	5	4	6	9	26	25	16	13	17	28	21	21	9	6	13	22
LITHUANIA	16	10	10	6	13	9	38	21	16	13	21	32	23	14	11	7	13	17
LUXEMBURG	35	41	39	40	22	25	67	65	60	66	57	51	64	58	56	52	48	47
MALTA	28	25	34	25	20	24	46	38	50	33	34	56	44	40	57	33	29	51
NETHERLANDS	34	42	51	45	33	33	38	42	66	47	47	52	49	55	64	54	53	55
POLAND	5	9	7	15	17	13	13	22	20	28	23	26	8	13	13	24	20	21
PORTUGAL	17	19	17	15	17	11	27	34	31	20	22	17	43	41	38	28	23	20
ROMANIA	/	/	14	10	9	13	/	/	25	12	20	26	/	/	19	10	13	17
SLOVAKIA	9	10	16	25	19	14	22	21	46	38	32	27	25	27	41	38	30	26
SLOVENIA	17	19	17	11	9	6	35	38	36	27	15	13	36	37	34	23	12	9
SPAIN	28	31	30	14	6	5	51	44	44	20	11	11	48	41	40	21	9	10
SWEDEN	24	23	34	37	35	30	41	36	56	57	59	54	56	56	64	66	68	67
UNITED KINGDOM	15	18	18	18	12	14	32	30	29	26	25	31	37	36	30	24	26	34
EU 25/27/28 AVERAGE	20	24	23	21	17	14	40	40	38	34	30	29	42	42	38	33	29	30
CEE 8/10/11 AVERAGE	12	16	12	15	13	9	31	33	26	30	23	27	26	28	20	23	19	21

Sources: Table of results. Standard Eurobarometer 62 (Autumn 2004): Public opinion in the European Union. Available at http://ec.europa.eu/public_opinion/archives/eb/eb62/eb62_en.htm; Table of results. Standard Eurobarometer 65 (January 2007): Public opinion in the European Union. Available at http://ec.europa.eu/public_opinion/archives/eb/eb65/eb65_en.pdf; Table of results. Standard Eurobarometer 70 (Autumn 2008): Public opinion in the European Union. Available at

http://ec.europa.eu/public_opinion/archives/eb/eb70/eb70_full_annex.pdf; Table of results. Standard Eurobarometer 73 (November 2010): Public opinion in the European Union. Available at http://ec.europa.eu/public_opinion/archives/eb/eb73/eb73_anx_full.pdf; Table of results. Standard Eurobarometer 78 (November 2012): Public opinion in the European Union. Standard Eurobarometer 82 (November 2014): Public opinion in the European Union. Available at http://ec.europa.eu/public_opinion/archives/eb/eb82/eb82_en.htm (all in June 2016).

The most appropriate mechanism for monitoring and evaluation of public trust towards the key administrative and political institutions are periodic public opinion surveys, which are also an important element in the preparation of strategic government decisions and actions. If we compare the annual measurements of public attitude towards certain political and administrative institutions, we can see fluctuations in the public mood and attitude and, consequently, to inquire about the reasons for this situation.

In general, the public opinion polls show that new democratic systems are faced with a relatively high degrees of dissatisfaction with democracy, and therefore also with the democratic institutions. Slovenia does not differ much from this general framework, rather the opposite, since on average, more than half of the citizens are not satisfied with the democratic regime. In Table 3 we can see that the level of discontent substantially risign in 2010 due to the growing impact of the global economic crisis and a sense that the politics is being ineffective dealing with the crisis. In 2013 and the first half of 2014, the level of dissatisfaction were the highest ever, namely 87 percent. The question is, how high can frustration tolerance actually be and how much can the "fragile" post-socialist democratic political system bear, before the high levels of dissatisfaction transfer into the denial of the legitimacy of the democratic political system and its key institutions.

Table 3: Satisfaction with the democracy (in percent)

Year	SATISFIED	UNSATISFIED	NO REPONSE
1998	31	58	11
1999	39	49	12
2000	40	48	12
2001	42	46	12
2002	44	46	10
2003	38	55	7
2004	41	51	8
2005	34	59	7
2006	39	51	11
2007	36	58	6
2008	39	55	6
2009	32	62	6
2010	11	86	3
2011	12	84	4
2012	12	85	3

2013	8	87	5
2014	8	87	5

Source: Politbarometer. Data from last conducted survey in each calendar year is shown. From 2014, data from June survey is shown. The question was: »Are you generally satisfied or unsatisfied with the development of democracy in Slovenia?«

If we take a look into the measured trust towards the selected institutions in Slovenia, we can clearly see (Table 4) that the trust towards the state administration is relatively low, but still slightly higher than the level of trust towards the majority of other established political institutions. The reasons of relatively low levels of trust in the state administration, may be found in the "inheritance" of the administrative system of the former non-democratic regime, which is understandable relatively unpopular, as well as the slow public administration reform in Slovenia in general. Distrust can be explained also because of - often unjustified - allegations that the state administration and the entire public sector in Slovenia are ineffective and inoperative, which certainly does not contribute to their positive reputation.

To make the picture clearer, an analysis of the longer period of public opinion measurements is needed. It may be noted that in 1994 there were still relatively high levels of trust to the key institutions of the Slovenian political system (the President: 47%; army: 54%; police: 55%; the courts: 58%; public offices: 51%; mass media: 50%). In the coming years, however, trust slowly decreased. In some political institutions the levels of trust towards the administrative and political institutions halved and therefore declined to such an extent that it has been turned into distrust. It may be noted that in the period between 1998 and 2009, the levels of trust towards the government, the national parliament, the prime minister, political parties and the state administration was below-average, but still quite stable. In 2010, however, Slovenia recorded an additional loss of confidence in all six listed institutions, with a similar trends and the reasons as somewhat earlier (Table 3) indicated in the measurement of citizen's satisfaction with democracy.

Analysis of trust towards selected six national institutions (Table 4) shows that Slovenes exhibit highest levels of trust towards the President of the Republic, which in 2007 received a value of 4.0. Then, the levels of trust dropped in the first half of 2014 to a value of 2.9, which is the lowest ever, but this value still represents (by far) the highest level of trust among all listed administrative and political institutions. Lowest levels of trust of Slovenes "enjoy" political parties, which have received the highest value in 2000 (2.7), and the lowest value in 2013 and 2014 (1.8). Sharp decline in the perceived levels of trust towards the national government and parliament, which fell from 3.3 and 3.1, respectively, in 2000 to 1.8 in the first half of 2014. Table 4 also shows that trust levels in the national administrative and political institutions (except in the case of the prime minister) were the lowest ever in the first half of 2014.

Table 4: Trust towards the chosen institutions in Slovenia

Year	GOVERNMENT	PRESIDENT OF THE GOVERNMENT	NATIONAL PARLIAMENT	PRESIDENT OF THE REPUBLIC	POLITICAL PARTIES	STATE ADMINISTRATION
1998	2,7	3,2	2,6	3,6	2,3	/
1999	2,9	3,4	2,8	3,8	2,4	/
2000	3,3	3,7	3,1	3,9	2,7	/
2001	3,1	3,5	2,9	3,9	2,6	/
2002	3,1	3,4	3,2	3,7	2,7	/
2003	2,9	3,2	2,9	3,3	2,5	/
2004	3,1	3,4	3,1	3,6	2,6	3,0
2005	2,8	3,0	2,8	3,5	2,5	2,9
2006	2,9	3,2	2,8	3,2	2,6	/
2007	2,8	2,7	2,9	4,0	2,6	3,1
2008	3,0	3,2	3,0	3,4	2,5	3,0
2009	2,7	2,9	2,7	3,5	2,4	2,9
2010	2,1	2,1	2,1	3,1	2,0	2,7
2011	2,0	2,2	2,1	3,1	1,9	2,6
2012	2,0	2,0	2,2	3,0	2,0	2,7
2013	2,0	2,2	2,0	3,0	1,8	/
2014	1,8	2,1	1,8	2,9	1,8	/

Source: Politbarometer. Data from last conducted survey in each calendar year is shown. From 2014, data from June survey is shown. The question was Can you please evaluate your trust towards listed state institutions? Please evaluate levels of trust on the scale from 1 to 5, where 1 means “I do not trust at all”, and 5 means “I trust completely”.

3 Concluding thoughts

The definite answer to the question of why trust in democracy and in various political institutions is decreasing in Slovenia and other EU member states remains hard to answer with high degree of confidence, although we can search for answers in recent drops of trust in political and administrative institutions in the (political) consequences of global economic crisis that revealed majority of mishaps and deficiencies of contemporary democratic political and economic systems. Later is especially true for Slovenia, where series of political scandals, corruption cases, cases of blunt political inefficiency and dubious role of media certainly contributed towards drops of public trust into political institutions and democracy as the form of political system itself.³ One can also wonder if one of the impacts of the economic crisis is also decrease of the importance of democratic values in the society. Inglehard (1997) claims that societies that are increasingly critical of hierarchical authorities are at the same time more participative and claim a more active role in the policy-making process. Political leaders and senior civil servants are

interacting with ever more active and more informed and educated citizens, who are simultaneously more critical of their actions. An alternative approach reveals that sympathy does not necessarily mean trust, but it can also be interpreted as some sort of obvious predictability, meaning that citizens do not a priori trust the institution but, since we can foresee its reactions and behaviour in the future, which should be consistent with those in the past, we trust the bureaucratic processes instead. The dimensions of trust between citizens and political institutions cannot be measured only through the parameter of trust/distrust, but at best as a relationship of “inductive anticipation” (Warren, 1999). We can conclude that the legitimacy of the system increases with the level of trust in political institutions. However, is complete trust in favour of democracy, or could it be that a constant on-going critique and sober judgment of the everyday actions of political bodies is, in fact, in the best interests of a consolidated democracy?

Notes:

¹ Growth of the civil servant system mainly refers to quantitative growth and not so much to growth in the quality of the system.

² This emphasis is supported by a number of public opinion polls. For instance “Democracy in Slovenia” survey, carried out in March 2011 among 907 respondents across the country, asked whether democracy is the best possible form of governance and whether democracy in spite of its imperfections, is still better than other types of social-political relations. Respondents strongly agreed with both statements; on the scale from 0 to 4, where 0 represents “strongly disagree” and 4 “strongly agree”, first statement got estimation 3.49 and the second one 3.38.

³ In analysis made by Bovens and Wille on Dutch case of decrease of public trust towards political institutions, they analyse ten possible explanations, divided into two major groups, a) political variables and b) economic and socio-cultural variables. Political variables listed are government performance deteriorated, dissatisfaction with Balkenende cabinets and policies, rise of drama democracy and Fortuyn, increase of political scandals and changing political culture. Economic and socio-cultural variables listed are deteriorating economy, changing role of media, change in expectations and values, generational change and loss of social capital (Bovens and Wille, 2008: 287).

References:

- Public Opinion and Mass Communication Research Centre (2011) *Politbarometer (Political Barometer Survey) 2007–2011* (Ljubljana: Public Opinion and Mass Communication Research Centre).
- School of Advanced Social Studies (2011) *Raziskava Demokracija v Sloveniji (Democracy in Slovenia Survey)* (Nova Gorica: School of Advanced Social Studies).
- Bianco, T. W. (1994) *Trust: Representatives and Constituents* (Ann Arbor: University of Michigan Press).
- Bovens, M. & Wille, A. (2008) Deciphering the Dutch drop: ten explanations for decreasing political trust in The Netherlands, In: *International Review of Administrative Sciences*, 74(2), pp. 283–305.

- Brezovšek, M. (1997) *Upravna kultura v Sloveniji* (Administrative culture in Slovenia). In: Brezovšek, M. (ed.) *Politološki dnevi – zbornik referatov* (Ljubljana: Slovensko politološko društvo), pp. 175–187.
- Brezovšek, M. (2000) *Uprava in demokratični prehod* (Administration and democratic transition). In: Fink Hafner, D. & Haček, M. (eds.) *Demokratični prehodi I.* (Ljubljana: Založba FDV), pp. 239–257.
- Clark, J. & Wildavsky, A. (1990) *The Moral Collapse of Communism: Poland as a Cautionary Tale* (San Francisco: ICS Press).
- Dahl, R. A. (1956) *A Preface to Democratic Theory* (Chicago: University of Chicago Press).
- Elster, J., Offe, C. & Preuss, U. K. (1998) *Institutional Design in Post-communist Societies* (Cambridge: Cambridge University Press).
- Fink Hafner, D. (2000) *Teoretske premise proučevanja demokratičnih prehodov* (Theoretical premises of democratic transitions studies). In: Fink Hafner, D. & Haček, M. (eds.) *Demokratični prehodi I.* (Ljubljana: Založba FDV), pp. 5–26.
- Gamson, W. A. (1968) *Power and Discontent* (Homewood: The Dorsey Press).
- Gasiorovski, M. J. & Power, T. J. (1998) The Structural Determinants of Democratic Consolidation. In: *Comparative Political Studies*, 31(6), pp. 740–771.
- Gray, V. & Lowery, D. (1988) Interest Groups Politics and Economic Growth in the U.S. In: *The American Political Science Review*, 82(1), pp. 109–131.
- Haček, M. & Brezovšek, M. (2014) The processes of democratisation and trust in political institutions in Slovenia: comparative analysis. In: *Annales, Series historia et sociologia*, 24(1), pp. 1–12.
- Inglehart, R. (1997) *Modernization and Postmodernization: Cultural, Economic, and Political Change in 43 Societies* (Princeton, NJ: Princeton University Press).
- Inglehart, R. (1999) *Trust, Well-Being and Democracy*. In: Warren, M. (ed.) *Democracy and Trust* (Cambridge: Cambridge University Press), pp. 88–120.
- Linde, J. & Ekman, J. (2005) Sources of institutional trust in Central and Eastern Europe. In: *Arbeitsrapporter, Working Papers, no. 96.* (Uppsala: Department of East European Studies, Uppsala University).
- Meier, J. K. (2000) *Politics and the Bureaucracy* (Fort Worth: Harcourt College Publishers).
- Mishler, W. & Rose, R. (1997) Trust, Distrust and Scepticism: Popular Evaluations of Civil and Political Institutions in Post-Communist Societies. In: *The Journal of Politics*, 59(2), pp. 418–451.
- Muller, E. N. & Jukam, T. O. (1977) On the Meaning of Political Support. In: *The American Political Science Review*, 71(4), pp. 1561–1577.
- Newton, K. & Norris, P. (1999) *Confidence in Public Institutions: Faith, Culture or Performance?*. In: Pharr, S. & Putnam, R. (eds.) *Disaffected democracies: What's Troubling the Trilateral Countries?* (Princeton, NJ: Princeton University Press), pp. 52–74.
- Page, I. B. & Shapiro, Y. R. (1981) *Effects of Public Opinion on Policy*. Paper presented on the annual meeting of APSA (New York City: New York).
- Peters, B. G. & Hogwood, W. B. (1985) *The Pathology of Public Policy* (Oxford: Clarendon).
- Peters, B. G. (2001) *The politics of bureaucracy* (London and New York: Routledge).
- Sartori, G. (1993) Totalitarianism, Model Mania and Learning from Error. In: *Journal of Theoretical Politics*, 5(1), pp. 5–22.
- Shlapentokh, V. (1989) *Public and Private Life of the Soviet People* (New York, Oxford University Press).
- Sztompka, P. (1999) *Trust: a sociological theory* (Cambridge, New York and Melbourne: Cambridge University Press).

- Warren, M. E. (ed.) (1999) *Democracy & Trust* (Cambridge: Cambridge University Press).
- Weatherford, M. S. (1989) *Political Economy and Political Legitimacy: The Link Between Economic Policy and Trust*, In: Clarke, H. D., Stewart, M. & Zuk, G. (eds.) *Economic Decline and Political Change* (Pittsburgh: University of Pittsburgh Press), pp. 225-253.

The Institutionalisation of Slovenian Democracy: Development of Parliamentarism

MARJAN BREZOVŠEK

Abstract According to the Constitution of Slovenia (1991), the general representative body of the Slovenia nation is the National Assembly. In this article author deals with some characteristics and doubtfulness of the regulation of the National Assembly such as structure, competences, management, mode of decision – making, legislative procedure and efficiency. Key questions of legislative activity are still attached to the failure to comply with the regular legislative procedure, insufficient role of the legal profession, inadequate assessments of the effects of regulation, insufficient public cooperation and lack of transparency in lobbying. The operation of Slovenian parliament is the result of political and historical heritage, the peculiarities of the transitional development and the structure of the political space.

Keywords: • Slovenian parliament • constitution • National Assembly • representatives • legislative procedure.

CORRESPONDENCE ADDRESS: Marjan Brezovšek, Ph.D., Professor, University of Ljubljana, Faculty of Social Sciences, Kardeljeva ploščad 5, 1000 Ljubljana, Slovenia, email: marjan.brezovsek@fdv.uni-lj.si.

DOI 10.4335/978-961-6842-73-0.7

ISBN 978-961-6842-73-0

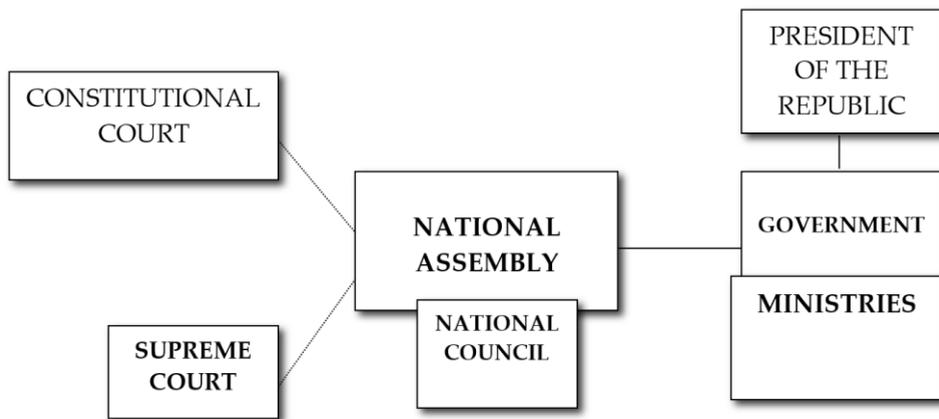
© 2016 Institute for Local Self-Government and Public Procurement Maribor

Available online at <http://books.lex-localis.press>.

1 Introduction

The Republic of Slovenia, in conformity with the new Constitution (1991), is a democratic republic with a dominant representative democracy. The Constitution entirely bases the configuration of the state on the principle of the division of power (General Provisions). These are the grounds for a parliamentary system following the German counterpart, especially in the light of forming a new government and its responsibility to the National Assembly. By doing so, the constituent organ attempted to secure the stability of the Government and the National Assembly. Nevertheless, the Constitution does contain some material inherited from the former socialist system, which influences the relationship between the Government and the National Assembly. This is why the Slovenian system resembles more the associative socialist system rather than a modern parliamentary system. The Constitution does not introduce a strict division of power, nor does it introduce a pure parliamentary system because the President is elected directly and has the power to reject or abrogate any law (Haček et al., 2013: 38).¹

Figure 1: Configuration of state authority by the 1991 Constitution



Source: Grad et al (1999).

Figure 1 shows that the writers of the Constitution emphasised the role of legislative authority – the National Assembly – as the central and most important holder of state power. By introducing a parliamentary system in Slovenia, the National Assembly obtained the classical role of a legislative body. ‘Concrete constitutional solutions introduce “centralism” of the National Assembly, thus weakening the Government in the formal and the actual sense’ (Zajc, 2000: 5). The Government is therefore presented as a less powerful organ, whereas other organs (President of the Republic, National Council)

have almost no connection to other holders of power, which indicates their position in the Slovenian state.

The Slovenian Parliament is the informal designation of the general representative body of the Slovenian nation and the legislative body of the Republic of Slovenia. According to the Constitution of Slovenia, the general representative body of the Slovenian nation is the National Assembly. The general public in Slovenia often refer to the National Assembly alone as the Slovenian Parliament. However, the National Council, the representative body of basic social groups, also performs a further, if minor, part of the legislative body.

2 Characteristics and Doubtfulness of the Current Regulation

The term representative body usually marks a state organ that represents the people as a whole, and decides over the most important matters in society. Normally this organ's prime function is legislation (ratifying laws) and is thus referred to as the legislative body. A modern representative and legislative body is usually called a parliament. In the former constitutional arrangement the representative body was named the Socialist Assembly and was in many ways different to its contemporary equivalent. By the principle of the Rule of the Assembly (unity of power), the Socialist Assembly represented the highest organ of the state's power and moreover an organ of social self-government. According to this design it was composed of the Chamber of United Work, the Chamber of Municipalities and the Socio-political Chamber. None of the three chambers of the Socialist Assembly was *de facto* a body of representatives of all the people, but actually represented the most important social interests in the state (Haček et al., 2013: 43).

The former constitutional regulation did not originate from the system of general political representation or political pluralism, but was instead based on the representation of concrete social interests and on the idea of pluralistic self-managed interests. According to this, committees were formed from various social structures by a system of delegates, which replaced the usual elective way of forming the representative body. The position and role of a legislative organ in the new Slovenian Constitution is fundamentally different from its predecessor and is formed on the same grounds as in most modern parliaments. Compared with its predecessor, the National Assembly as a representative body originates from the principle of representing all citizens (without regard to their special interests, actual social position or role). The new regulation provides for the representation of particular social interests in the National Council (Haček et al., 2013: 43)

Therefore, there are two legislative organs in Slovenia's contemporary regulation and they have very different positions and authority. The first is the National Assembly of the Republic of Slovenia (a representative body of all the people) and the second is the National Council of the Republic of Slovenia (a representative body of particular social

interests). Their relationship is not perfectly clear and has been the subject of many political and professional disputes. The key question is whether there are two chambers of the Slovenian parliament or whether the National Council is a special state organ that simply does not fit into any of the power divisions. The National Council cannot pass laws but can indirectly participate in their ratification (legislative initiative, suspensive veto). Its competencies clearly show its inferior position vis-à-vis the National Assembly, which is the only body that can pass laws. But since the National Council does hold certain competencies, even if very limited, we can talk of an imperfect bi-cameral Slovenian parliament whereby the National Council represents the second chamber in its broadest sense.² When assessing the position of a state organ it is necessary to focus on its competencies (functional perspective) (Haček et al., 2013: 43–44). In 2008, the Constitutional Court of Slovenia recognized the Slovenian Parliament as incompletely bicameral.

2.1 The National Assembly of the Republic of Slovenia

Structure of the National Assembly of the Republic of Slovenia

The Constitution (Article 80) defines the National Assembly as a representative and legislative body, therefore a collegial body of 90 directly elected representatives (Members of Parliament – MPs). Elections must be general and based on an equal right to vote and the secrecy of voting. The number of representatives is relatively low compared to other parliaments, which causes problems in its functioning.³ The National Assembly represents Slovenian citizens because MPs are elected on the basis of a general right to vote. The National Assembly is therefore a representative body where people's sovereignty is expressed through elected representatives (as opposed to a direct democracy) (Haček et al., 2013: 44).

The National Assembly also represents members of the Italian and Hungarian national community (minorities) where both (and each) have one MP guaranteed, without regard to the size of the community. Besides the majority of representatives of the Slovenian nation (88 members of parliament), we therefore have two members who represent particular minority interests. The representation of national communities enjoys a special constitutional protection, which would be undisputable if their competencies were limited to those interests only. Both representatives of national communities hold the power of veto when passing a law regarding the constitutional rights or position of national communities but otherwise have the same competencies as all other representatives. Their position and functioning in the National Assembly is not limited so they can engage in forming a government and all other activities. Some people find this situation disputable due to the unexpressed general political will of the electors (Haček et al., 2013: 44).

Table 1: Number of representatives, by sex

YEAR	NUMBER		PERCENTAGE	
	M	F	M	F
1996	83	7	92	8
2000	78	12	87	13
2004	79	11	88	12
2008	78	12	87	13
2011	61	29	68	32
2014	59	31	66	34

Source: Commission for Mandates and Elections (2014).

Table 1 shows the number of representatives by sex. At the beginning of the 2000–2004 term of office, there were 12 female and 78 male representatives in the National Assembly, whereas at the end of that term of office there were 14 female and 76 male representatives. In the previous term of office (1996–2000), there were fewer female representatives – it started with 7 and finished with 11 female representatives. In 2004, 11 female MPs were elected to the National Assembly and their number remained the same throughout that term. Four years later (in 2008), 12 women were elected and there were 14 at the end. The parliamentary elections held in December 2011 represent a turning point as 29 women were elected as the members of the National Assembly. Currently, there are 31 female MPs, amounting to 34 % of the total number of deputies (Official website of the National Assembly, 2014).

Table 2: Age structure of representatives

AGE/ YEAR	30 OR LESS		30–39		40–49		50–59		60–69		70 OR MORE		TOTAL	
	no.	%	no.	%	no.	%	no.	%	no.	%	no.	%	no.	%
1996	-	-	25	28	35	39	22	24	6	7	2	2	90	100
2000	3	3	16	18	34	38	29	32	5	6	3	3	90	100
2004	2	2	9	10	44	49	22	24	13	14	-	-	90	100
2008	1	1	12	13	27	30	34	38	14	16	2	2	90	100
2011	2	2	14	16	27	30	35	39	12	13	-	-	90	100

Source: Commission for Mandates and Elections (2014).

Table 2 shows that most of the representatives in the 2000–2004 term of office were aged between 40 and 49. The situation was very similar to the preceding term of office. A majority of representatives in the 2004–2008 term were of this age as well. However in the 2008–2011 term of office, the composition of the National Assembly got relatively “older”, as the highest percentage of MPs was in the range from 50 to 59 years. The same is true of the last parliamentary elections held last December when a majority of elected candidates were in this age span. As an interesting curiosity, we add the following data:

in the 2008–2011 term of office, the average age of representatives was 50 years; the average age of representatives elected in December 2011 is 49. In the current composition of the National Assembly, the youngest member is a 27-year-old female representative, whereas the oldest one is a 69-year-old male (Haček et al., 2013: 45–46).⁴

As an interesting fact, we include the table showing the educational structure of representatives in the last four terms of office. We can ascertain that a majority of representatives have had high-school education (with the number of PhDs and MAs/MSc's increasing with every subsequent case); the number of those having secondary education has remained approximately the same until elections in 2011 when dropped to 16 %; and also the number of members with higher education somewhat decreased in the 2008–2011 and in the 2011–2014 term of office.

Table 3: The educational structure of representatives

	HIGH-SCHOOL EDUCATION			HIGHER EDUCATION	SECONDARY EDUCATION
	PhD	MA AND MSc	OTHER		
1996–2000	6 (7 %)	4 (4 %)	46 (51 %)	16 (18 %)	18 (20 %)
2000–2004	7 (8 %)	8 (9 %)	38 (42 %)	19 (21 %)	18 (20 %)
2004–2008	7 (8 %)	10 (11 %)	42 (47 %)	13 (14 %)	18 (20 %)
2008–2011	9 (10 %)	10 (11 %)	42 (47 %)	8 (9 %)	21 (23 %)
2011–	4 (4 %)	19 (21 %)	45 (50 %)	8 (9 %)	14 (16 %)

Source: Work reports of the National Assembly of the Republic of Slovenia in the 1996–2000, 2000–2004, 2004–2008, 2008–2011 and 2011–2014 terms of office.

The party structure of the National Assembly has varied over time, but the number of parliamentary parties has been relatively stable. At the 1992 elections eight parties made it to the National Assembly, which is one less than in the 1990 elections. At the 1996 elections the number of parties that made it to the National Assembly was seven. This figure increased to eight at the 2000 elections but dropped back to seven at the 2004 elections. At the 2008 parliamentary elections, seven political parties managed to gain seats in the National Assembly as well and the number of parliamentary parties is the same in the current composition of the National Assembly, too (Haček et al., 2013: 46).

Table 4: Election results for the Assembly (former system) and the National Assembly of the Republic of Slovenia (percentage of votes of those parties which made it through the threshold)

POLITICAL PARTIES ⁵	1990	1992	1996	2000	2004	2008	2011	2014
SZD, Democratic Party	9.5	5.1	-	-	-	-	-	-
ZSMS – Liberal Party								
LDS – Liberal Democratic Party	14.5	23.4	27	36.2	22.8	5.2	-	-
SKZ, SLS – Slovenian People’s Party	12.6	8.6	19.3	-	6.8	5.2*	6.8	-
SLS-SKD – Slovenian People’s Party	-	-	-	9.5	-	-	-	-
SNS – Slovenian National Party	-	10.2	3.2	4.3	6.3	5.4	-	-
SKD – Slovenian Christian Democrats	13	14.5	9.6	-	-	-	-	-
SDZ, SDSS, SDS – Slovenian Democratic Party	7.4	3.3	16.1	15.8	29.1	29.3	26.2	20.9
ZKS – Party of Democratic Renewal								
ZL-SDP, ZLSD, SD – Social Democrats	17.3	13.5	9	12.1	10.2	30.5	10.5	5.9
ZS – Greens of Slovenia	8.8	3.7	-	-	-	-	-	-
DeSUS – Pensioners’ Party	-	-	4.3	5.1	4.0	7.5	7	10.2
NSi – New Slovenia – Christian People’s Party	-	-	-	8.6	9.1	-	4.9	5.5
SMS – Youth Party of Slovenia	-	-	-	4.3	-	-	-	-
LS – Liberal Party	2.1	-	-	-	-	-	-	-
SSS – Socialist Party	5.3	-	-	-	-	-	-	-
ZARES – New Politics	-	-	-	-	-	9.4	-	-
Zoran Janković List – Positive Slovenia	-	-	-	-	-	-	28.5	-
Citizens’ Alliance of Gregor Virant	-	-	-	-	-	-	8.4	-
SMC – Party of Modern Center	-	-	-	-	-	-	-	34.6
United Left	-	-	-	-	-	-	-	5.9
Alliance of Alenka Bratušek	-	-	-	-	-	-	-	4.3

*Together with the SMS – The Youth Party of Slovenia. Source: National Electoral Commission, 2012 and 2014.

The current party structure of the National Assembly is the following: Party of Modern Center (SMC) has 36 seats, the SDS (Slovenian Democratic Party) has 21 seats, the DeSUS (Pensioners’ Party) 10 seats, the SD (Social Democrats) 6 seats, the United Left has 6 seats, the NSi (New Slovenia – Christian People’s Party) 6 seats and the Alliance

of Alenka Bratušek has 4 seats. The ratio between the government and the opposition in the National Assembly after the 2014 elections was as follows below.

Table 5: Coalition and opposition structure in the current (2014-) mandate

	POLITICAL PARTY	NUMBER OF SEATS
COALITION	SMC	36
	DeSUS	10
	SD	6
	TOTAL	52
OPPOSITION	SDS	21
	United Left	6
	NSi	5
	Alliance of Alenka Bratušek	4
	TOTAL	36
NATIONALITIES		2
TOTAL		90

Source: Official website of the National Assembly (2014).

Now, let us have a look at the National Assembly from the aspect of political elites' recruitment. Table 6 shows the numbers of re-elected MPs in comparison to the preceding terms of office. It is evident that the greatest number of re-elected MPs was at the 2000 parliamentary elections, i.e. 44 representatives, which was almost one half of all the MPs. High percentages of re-elected MPs were recorded at the two subsequent regular parliamentary elections held in 2004 and 2008, that is 46 %. At the most recent (early) parliamentary elections, this percentage somewhat decreased (to 36 %).

Table 6: Number of re-elected MPs between 1996 and 2014

YEAR	NUMBER	PERCENTAGE (%)
1996	29	32
2000	44	49
2004	41	46
2008	41	46
2011	36	40
2014	32	36

Source: Work reports of the National Assembly of the Republic of Slovenia in the 1996–2000, 2000–2004, 2004–2008, 2008–2011 and 2011–2014 terms of office. National Electoral Commission, 2014.

2.2 Competences of the National Assembly of the Republic of Slovenia

The National Assembly attends to all duties that are typical of modern parliaments. As a representative body it is an expression of the people's sovereignty, where political parties represent different political options. Besides its representative role, the National Assembly also performs other state functions, which can be roughly divided into legislative, elective and supervisory functions. In this framework and by its competencies it is authorised to make not only decisions that concern the law but for example also policies that concern different areas of social life. Besides its decision-making function, there are also functions of creating legitimacy, recruiting, socialising and educating (Haček et al., 2013: 48).

The competencies of the National Assembly are determined in the Standing Orders and are divided into two large groups: the first group consists of competencies where the National Assembly mainly accepts substantial decisions, whereas the second group regards appointing people to important political and public functions. In the light of its legislative function the National Assembly accepts changes and amendments to the Constitution, ratifies laws and other general acts, national programmes, declarations, resolutions, recommendations, standpoints and decrees, the national budget and final account of the budget, it ratifies international agreements, calls a referendum, and accepts its own standing orders. The National Assembly no longer requires special constitutional grounds for ratifying laws because that it is already provided in its constitutional position, where it is the only body with the legislative function. In practicing its legislative function it is not entirely independent because the National Council can force the National Assembly to re-pass a law that has already been accepted. The National Assembly can re-pass such a law, but only with a majority of all representatives whereby its decision becomes incontestable (Haček et al., 2013: 48). The legislative function of the National Assembly can be directly affected by a referendum or a citizen's initiative.

In light of its elective function, the National Assembly elects, nominates and relieves the Prime Minister and ministers, the President and Vice-President of the National Assembly, members of the Constitutional Court, the five members of the Judicial Council, the Governor of the Central Bank, members of the Court of Audit, the Ombudsman etc. Most of these functionaries are nominated by the President of the Republic of Slovenia and elected by the National Assembly. In modern parliaments it is typical for the chief of state to elect most of these functionaries himself (on the proposal of the government) and rarely in combination with the parliament. The National Council has more elective functions than other modern parliaments, which is most probably a legacy from the former 'rule of the Assembly' (Grad, 2000: 182; Lukšič, 2001: 16, Haček et al., 2013: 49).

It is typical of 'Assembly systems' to focus all power on the legislative organ, which decides on everything, and out of which all other holders of state power emerge. Overstressing its elective function to such an extent interferes with executive powers and

mingles with the relationship between the assembly and the government. Scruples concerning overburdening of the assembly are also relevant when we talk about the Assembly's other competencies – when it confirms or certifies acts of public institutes, agencies, foundations etc.

In light of its supervisory function, the National Assembly orders parliamentary investigations, rules over votes of no confidence in the government, and decides on bills indicting the President of Slovenia, the Prime Minister or a minister to the Constitutional Court. The supervisory function of the National Assembly can be divided into two: the function of political supervision, which concerns the actions of the executive power and is practiced via a parliamentary investigation or by accepting various unbinding acts (declaration, standpoint, decree etc). Another important competence of the National Assembly is deciding about a state of war and a state of emergency or the employment of the defence forces. The National Assembly also verifies the term of office of MPs and decides on the immunity of MPs and members of the Constitutional Court. Finally, it also evaluates and decides on its own work, which is regulated by the Standing Rules (which are passed with a 2/3 majority of MPs present) (Haček et al., 2013: 49).

Management of the National Assembly of the Republic of Slovenia, the Council and Deputy Groups

The parliament is usually run and represented by the president of the parliament. It is the same in Slovenia. The Constitution determines that the President of the National Assembly is elected by a majority of all representatives. They must be elected from among the representatives and are treated as an individual organ in spite of them being the leader of the Parliamentary Presidency. The main competence of the President of the National Assembly is to represent the Assembly and its work. Representing the National Assembly's work primarily refers to taking care of relationships with the National Council, the President of Slovenia, the Government and other organs defined in the Constitution. When managing the Assembly's work the president convenes and leads parliamentary sessions and also ensures that the standing rules are being obeyed (which leads to a series of further duties). Besides the President of the National Assembly, the Standing Rules also anticipate at most three Vice-Presidents of the National Assembly. One of these three must be elected from the group of representatives of the biggest opposition party. The National Assembly can dismiss the President and Vice-Presidents of the National Assembly if it is dissatisfied with their work (Haček et al., 2013: 49–50).

The Council of the President of the National Assembly is a consultative body, composed of the President of the National Assembly, Vice-presidents, leaders of Deputy Groups, and representatives of national communities (minorities). A decision of the council is accepted if it is supported by those leaders of Deputy Groups whose parties hold a majority in the National Assembly. Nevertheless, if at least one-fifth of all MPs still oppose (in writing) a decision made by the Council, then the National Assembly has the

final vote on it without any discussion or explanatory voice (except in cases of decisions on the timing of parliamentary sessions, decisions discussing points on the agenda, and decisions on the timing of representatives' discussions) (Haček et al., 2013: 50).

The Council of the President therefore decides on the length of sessions of the National Assembly, the length of specific points on the agenda, the length of discussions, it also decides on accepting the annual work programme of the National Assembly and the term programme for the period of two months in advance etc. The Council also decides over the parties' number of places in specific working bodies and which Deputy Groups will get the leading positions in specific working bodies. However, the Council does not decide on the sequence of ratifying the laws. Precedence is on the side of a bill that was submitted first, whereas second place goes to a bill proposed by the government. But the Council can decide on: a proposed bill passing through the fast-track procedure (except when the Prime Minister combines it with a vote of no confidence), a proposed bill passing through a short procedure, a proposed preliminary discussion of a certain bill and alike. Some of these matters were previously assigned to the National Assembly (Haček et al., 2013: 50).

MPs are representatives of the people, but nevertheless a major role is played by the parties, which inside the parliament form so-called deputy groups. Deputy groups play an important role in the National Assembly's work because their leaders participate in the Council's organisation of the Assembly's work and in matters concerning the competencies of the Council. Deputy groups participate in submitting amendments to bills. When forming a government the President of Slovenia must consult regarding the nominations with leaders of the deputy groups, whereas in the second round of elections of the Prime Minister they can nominate a person themselves.⁶ Deputy groups are composed of representatives of the same party whereby each representative can be a member of only one deputy group.⁷ Every party can establish only one deputy group (a minimum of three MPs). Representatives of national communities are not members of any deputy groups but due to their special position they form a deputy group on their own. The question is whether they actually have common interests and whether they are in a privileged position compared to other deputy groups (Haček et al., 2013).

Mode of decision-making and operating of the National Assembly of the Republic of Slovenia

The National Assembly operates in long-lasting ordinary sessions, which are not time limited by the Constitution. However, the Standing Rules determine sittings should be convened in the last seven workdays of every month of ordinary annual sessions. Ordinary sessions are convened by the President of the National Assembly in accordance with either the programme of work of the National Assembly, the decree of the National Assembly, the agreement of the Council, or on the Government's proposal. The National Assembly can also be convened outside of ordinary sessions, namely at emergency sessions. The Slovenian particularity is that emergency sessions can be convened by the

President of the National Assembly if so proposed by at least one-quarter of the representatives or the President of Slovenia (Haček et al., 2013: 54). The President of the National Assembly can also convene an emergency session by decree of the Council, but only in special circumstances when matters cannot be discussed in an ordinary session in time.

The new Standing Rules also impose time limits on representatives' discussions in parliamentary sittings. Discussion time must now not be shorter than five minutes for an individual representative, and ten minutes for a Deputy Group. Deputy Groups can demand an expansion of their available time by multiplying the number of their representatives with the individual's disposable time. The joint time must then be between 20 minutes and 90 minutes, whereby an (individual) Deputy Group can use this right on five agenda points only. In the case of budgetary acts or interpellations this time is doubled. Deputy Groups must file their demands for discussion time already in the session of the Council, where the time plan for a plenary sitting is appointed. However, there can be some exceptions. The National Assembly can, upon the President's or representative's proposal, rule a *'ne bis idem'* over certain representative's discussion. Time limits also apply to explanations of a vote – Deputy Groups have at most three minutes whereas individual representatives have two minutes each. The new Standing Rules also permit an obstruction, which has to be announced and explained in advance by the president of the Deputy Group (Haček et al., 2013: 54–55). There is also permission for three priority questions regarding the procedure.

The National Assembly, similar to other modern parliaments, only rules if the majority of representatives is present at a sitting. Decisions are made by a majority of declared votes – votes that were in favour or against a certain proposal, not including representatives who abstained from voting. This is true of all cases except where a special majority is prescribed by the Constitution or a certain law. Special majorities can be: an absolute regular majority, a relative qualified majority, and an absolute qualified majority. The majority of all representatives elect the Prime Minister and the same majority is required to re-pass a law that was rejected by the National Council. A two-thirds majority of representatives present is required to pass the Standing Rules and the Law on Referendum. Lastly, a two-thirds majority of all representatives is required to pass an Election Law or to alter the Constitution (Haček et al., 2013: 54).⁸

Voting in parliament is not determined by the Constitution but by the Standing Rules and certain laws. The Standing Rules state that the vote must (usually) be public, with three alternatives: by using a voting device, by a show of hands or by every representative's declaration out loud. In some specific cases a secret vote is designated. This happens when electing, for example, the Prime Minister, President and Vice-Presidents of the National Assembly, or when deciding (on the request of the proposer or Deputy Groups) about very sensitive subjects such as a constitutional bill indicting the President, the Prime

Minister or a minister. A secret vote is provided by using a specific voting procedure, whereby representatives vote by ballots and a voting box.

Legislative procedure in the National Assembly of the Republic of Slovenia

When defining the legislative procedure, the authors of the Standing Rules took examples from the oldest parliamentary democracy, Great Britain, and Germany. Standing Rules of the National Assembly accepted the solution that once a bill is submitted to the National Assembly it becomes its property. The bill is then perfected to reach its final form.

The parliamentary legislative procedure starts by submitting a proposed law (bill). This can be done by the Government, individual MP, at least 5,000 voters or the National Council. The regulation in which the Government and representatives have the right to submit bills fits in with the institutionalisation of the legislative initiative of classical parliamentary democracies. That is also the framework for the Slovenian parliament's practice, whereby most of the laws are proposed by the Government. The right of 5,000 voters to submit a bill to the National Assembly originates from the concept of the citizen's initiative. Once a bill is submitted, the duty of the President of the National Assembly is to first check whether there is an equal or similar bill already in the legislative procedure. If so, he prevents the new procedure from being started. When there are no such obstacles, the President of the National Assembly sends the submitted bill to the National Assembly and to Government (whenever the latter is not the proposer of that bill) (Haček et al., 2013: 56).

Before submitting their bill, proposers can suggest a preliminary discussion of basic inquiries and social relations that are to be settled by this bill. A preliminary discussion can be used by the National Assembly to answer a cluster of basic inquiries on social relations that should be addressed by a law. These discussions take place in working bodies, whereas notice about the preliminary discussion is passed by the Council of the President of the National Assembly. The proposer of the law prepares a demonstration to the National Assembly in which he addresses the circumstances in the social field concerned and proposes how this field should be regulated. The prime intention of the preliminary discussion is to express the representatives' standpoints to the proposer before he finishes with the bill. This is particularly useful when submitting a bill in a field where interests are widely dispersed. The preliminary discussion enables the closing of the gap among these interests and therefore increases the chances of the bill being passed once it is submitted (Haček et al., 2013: 56).

The National Assembly uses a three-phase discussion legislative procedure. This means that the National Assembly applies the praxis of first, second and third readings known to all classical parliaments around the world. The first discussion (reading) is done by submitting the bill to the representatives. A group of at least ten representatives has the right to demand (within 15 days) a discussion in the National Assembly of the reasons for

accepting this bill, and its principles, goals and main solutions (a general discussion). At the end of the first discussion the National Assembly decides whether the second discussion will operate with unchanged wording of the bill, or whether the proposer should include decrees and expressed standpoints of the representatives. The National Assembly also decides whether the second discussion will happen in the same or a following sitting. The legislative procedure can finish at the end of the first discussion if the National Assembly so rules (Haček et al., 2013: 56–57).

The second discussion of a bill is first carried out in the parent working body and then in the National Assembly, based on the parent working body's report. If there was no previous debate over the bill, then the presidents of the Deputy Groups can explain their party's standpoints. The second discussion includes debating and voting over a bill's individual articles and is therefore a very thorough discussion of the bill. In this phase MPs ratify changes and supplements to the articles by the means of an amendment.

The third discussion ends the legislative procedure of the National Assembly. In the third discussion the National Assembly debates and votes on the bill as a whole. Only the already amended articles can be discussed and further amended. Amendments can only be proposed by the proposer of the bill, the Government (if it was not the proposer), and the Deputy Groups. In the third discussion MPs examine the bill from the perspective of its consistency and its place within Slovenian legislation. Once the discussion is finished, MPs can ratify it. A ratified law must be enacted by the President of Slovenia and published in the Official Gazette. It comes into force 15 days after it was published (Haček et al., 2013: 57).

The proposer of a bill can propose that the National Assembly discuss the bill in a shortened procedure if there are minor changes to be made or parts of the law to be dismissed. The proposer can propose that the bill be discussed in a shortened procedure if there are only minor changes to be made, or if the law (or part of it) is to be abolished. The shortened procedure must be approved by the Council, whereby the President of the National Assembly designates the parent working body and assigns the bill to be discussed in it. The shortened procedure skips the general (first) discussion and carries out the second and third discussions in one parliamentary sitting. The second discussion therefore starts with a debate in the parent working body. The Standing Rules also enable an emergency ('fast-track') procedure for passing a law, but this procedure needs to be justified by extraordinary state interests such as a defence emergency or natural catastrophe. In an emergency procedure the first discussion is skipped, and the second and third discussions are carried out in one parliamentary sitting. Whenever the National Assembly rejects a proposition to pass a law in the fast-track procedure, the bill enters the ordinary procedure. The fast-track procedure differs from the ordinary one by the fact that amendments can be submitted even verbally; however the written version must be submitted before the amendment is put to a vote (Haček et al., 2013: 57). The problem is

particularly in the extensive usage of shortening procedures, in many cases even more problematic in crisis situations.

Table 7: Adopted laws according to the type of legislative procedure

	1992– 1996	1996– 2000	2000– 2004	2004– 2008	2008– 2011	2011– 2014
Constitutional	-	2	4 (0.8%)	1 (0.2%)	-	2 (0.7%)
Regular	151 (40.2%)	101 (30%)	148 (34.2%)	209 (43.6%)	141 (39.4%)	72 (27.7%)
Urgent	181 (48.2%)	172 (50%)	184 (42.2%)	107 (22.9%)	83 (23.2%)	85 (32.8%)
Shortened	42 (11.2%)	68 (20%)	100 (22.8%)	152 (32.3%)	134 (37.4%)	100 (38.0%)

Source: Work reports of the National Assembly of the Republic of Slovenia in the 1996–2000, 2000–2004, 2004–2008, 2008–2011 and 2011–2014 terms of office.

Act to become law should travel through all levels of parliamentary procedure. In particular important legislation should not skip any procedural steps; some steps could be missed in coordination laws or acts amending the particular act. In the event of war, natural disasters or emergency needs of the country, when law by urgent procedure is adopted, the whole process does not travel through all levels of the procedure, as the first discussion is omitted, and the second and third are discussed at the same session. In praxis, urgent and shortened procedures predominate over the normal procedure, which is not justified by the crisis, and it's causing a series of problems with speedy and emergency solutions.

Efficiency of the National Assembly of the Republic of Slovenia

'Efficiency of modern parliaments is related to a determined, rational, and economical process of decision-making' (Zajc, 1997: 59). Parliament, as a central organ of political system, must establish its own legitimacy. Part of such legitimacy is gained by the inclusion of citizens, another part by transparency and most of it by efficiency. Legitimacy therefore depends on the manner of the parliament's ability to translate social demands into responsible decisions, and its degree of understanding social conflicts. Parliament's efficiency depends on its constitutional position in the political system, on its functions and particularly on its institutionalisation and internal organisation. From this point of view, some interesting changes are brought by the new Standing Rules (Haček et al., 2013: 58).

Before 2002 there were many provisions in the Standing Rules that antagonised modern parliamentarism (and the division of power). For example, they permitted the return of a bill to its creator (usually the Government). By doing so the parliament lost ownership over the bill, which is one of the principles of modern parliamentarism. The former Standing Rules used a three-phase legislative procedure (like the current one) but it

enabled the return of a bill to a previous phase, which allowed endless opportunities to amend the bill. This proved to be irrational and uneconomical. The result of such an arrangement was an invasion of poorly written and badly prepared bills, as well as the suffocating of parliament by submitting a pile of amendments to every bill. The top priority of the new Standing Rules (2002) was the higher efficiency and rationalisation of the National Assembly's work. This was to be achieved mostly through the introduction of a short legislative procedure (the possibility of skipping the first discussion and performing the second and third discussions in a single sitting) but also by increasing the responsibilities and competencies of the working bodies, increasing the competencies of the Council of the President of the National Assembly, and changes related to planning and limiting the MPs' extensive discussions (Haček et al., 2013: 58).

The short history of Slovenia's democratic parliament is, in light of the legislative procedure, problematic in two major ways. First, there were a great number of altered laws, which implies the adopting of many bad solutions. This means the National Assembly failed to translate social demands into responsible decisions and that it had to spend money and time twice over in order to solve a single problem. Second, there was a huge amount of amendments, which completely transformed the bill, and also used a lot of money and time. In Table 8 we see the first statistics of the efficiency of the new Standing Rules. In the 1996–2000 term of office, the National Assembly adopted 633 acts: two were constitutional laws, 186 were laws, 290 ratifications, and as many as 155 laws that amended other laws. In the 2000–2004 term of office, the National Assembly adopted 679 acts, out of which there were four constitutional laws, 169 laws, 243 ratifications, and as many as 263 (almost 40 % of all acts) laws that amended other laws. Prior to the adoption of the new Standing Rules in July 2002, the National Assembly ratified 175 decisions annually. In 2003, it ratified only 144 decisions, but 186 were ratified in 2004. Two interesting facts can be noticed if we compare the first half of the term of office when the old Standing Rules applied and the second half when the new Standing Rules were in force. The number of ratified laws varies between the years but in that period the number decreased by ten percent. The opposite situation is seen in the case of laws on altering other laws. In 2003 there were 57 such laws, which is a little less than in the first half of the term of office (in 2001 there were 68, and in 2002 there were 63 of such laws), but then the number dramatically increased to 75 laws on altering laws. Similar fluctuations (less adopted acts, but many more amendments to the existing laws instead) could be traced in the 2004–2008 term as well. This term saw somewhat less acts adopted, namely 632: one constitutional act, 149 acts, 162 ratifications and 318 acts on amendments to existing acts plus two acts of notification. In the 2008–2011 term of office, this figure was even lower, i.e., 468, which was due to the early dissolution of National Assembly. Composing this number were 88 adopted acts, 270 acts amending existing acts, 108 ratifications and two acts of notification. Constitutional acts were not adopted in this term. In the period from December 2011 to December 2012 15 acts, 90 acts amending existing acts, 35 ratifications and one act of notification were adopted. In the whole period of 1996–2012, 7 constitutional acts, 607 acts, 1,096 acts on amendments to

existing acts, 838 ratifications and 5 acts of notification were adopted altogether. Statistics prove parliamentary work often repeats itself and that there were many bad, imprudent and deficient laws. Of course that is the consequence of gaining independence when there is a great need for new democratic legislation for a new democratic state. These conditions were worsened by pressures to harmonise the Slovenian legislation with the *Acquits Communautaire* of the European Union. Another problem was incongruent legislation – sometimes laws, which regulated relative fields or which regulated similar social areas simply overlapped. The new Standing Rules reduced the chance of passing unsuitable laws, which should eventually decrease the amount of laws on altering other laws. These should only appear if there are major social or global changes (Haček et al., 2013: 58-59).

Table 8: Acts adopted in the 1996–2000, 2000–2004, 2004–2008, 2008–2011 and 2011–2014 terms of office

ADOPTED ACTS	1996–2000	2000–2004	2004–2008	2008–2011	2011–2014	TOTAL
Constitutional laws	2	4	1	-	2	9
Laws	186	169	149	88	46	638
Laws on amending laws	155	263	318	270	211	1,217
Ratifications	290	243	162	108	84	887
Acts of notification	-	-	2	2	2	6
Total	633	679	632	468	345	2,757

Source: Work reports of the National Assembly of the Republic of Slovenia in the 1996–2000, 2000–2004, 2004–2008, 2008–2011 and 2011–2014 terms of office.

A very important indicator of the efficiency of the new Standing Rules is the number of submitted and accepted amendments. The number of amendments proposed by parent working bodies increased from about 800 in 2001 to more than 1,000 in 2002 and 2003. In 2004, it even reached 1,300 amendments (in 2000–2004 term of office, the total number was 4,308). In the preceding term (1996–2000), working bodies proposed a total of 3,200 amendments; in the subsequent term (2004–2008), the respective figure was 3,039. In the term of office of 2004–2008, the most amendments were proposed in 2006 (1,558). This was primarily due to the preparations for the Council of the EU Presidency. There has been a noticeable change in the role of the parent working bodies, which represents their better performance and higher integration into the legislative process (typical of modern parliaments). Available data show that a great majority of amendments proposed by the working bodies are passed. The contrary applies to amendments proposed by individual MPs. In the term of 1996–2000, they proposed 4,431 amendments (only 1,554 were actually adopted); in the 2000–2004 term, this number was 7,618 (only 2,481 were adopted) (Haček et al., 2013); in 2004–2008 term, they proposed 8,324 amendments (3,670 were passed) and in the term of 2008–2011, the respective figure was 6,256 (of these, 3,369 were adopted). In the term of 2011–2014, they proposed 5,570 amendments, of these 3,565 were adopted. We conclude that the percentage of adopted

amendments that were proposed by MPs has been slowly increasing (from 35 % to 53 % during the 2008–2011 term of office and it is still increasing – data from 2014 shows that 64 % of proposed amendments by MPs were actually adopted).

Table 9: Number of proposed and adopted amendments, with respect to terms of office and proposers

PROPOSERS	1996–2000		2000–2004		2004–2008		2008–2011		2011–2014	
	PROPOSED	PASSED								
Working body	3,200	2,950	4,308	3,905	3,039	2,931	1,260	1,196	562	555
MPs	4,431	1,554	7,618	2,481	8,324	3,670	6,256	3,369	4,992	2,998
Government	3,677	2,334	2,661	1,893	259	203	87	70	16	12
Total	11,308	6,838	14,587	8,279	11,621	6,807	7,603	4,635	5,570	3,565

Source: Work reports of the National Assembly of the Republic of Slovenia in the 1996–2000, 2000–2004, 2004–2008, 2008–2011 and 2011–2014 terms of office.

The number of amendments submitted by the Government demonstrates the biggest increase in the efficiency of the new Standing Rules. In 2001 the Government submitted 1,400 amendments and nearly 1,000 of those were ratified. The latter is the number of government amendments in 2002 and the National Assembly ratified 750 of them. The efficiency of the new Standing Rules is evident in 2003 and 2004 when the Government submitted less than 100 amendments. In the three subsequent terms, this number would decline further, as the Government submitted 259 amendment proposals in the 2004–2008 term; in the term of 2008–2011, this number was 87; (Haček et al., 2013: 60–61) and in the period of December 2011 to July 2014 the number of Government submitted amendment proposals was only 16. This is a consequence of the new Article 135 of the Standing Rules, which prohibits Government amendments to ‘its own’ bills. The consequences of such an arrangement are better-accomplished government bills. Naturally, there are also some problems with this new regulation. The new time limits in discussions reduced the opposition’s chance to object to and debate bills. There is only a vague possibility of citizen participation (and the participation of interest groups for that matter) in the sessions of parent working bodies. This deficiency must be addressed and rectified (communication with citizens). Still problematical is the legal initiative, which is falling into the hands of the Government. The abuses of the fast-track (urgent) procedure and problems related to supervision of the National Assembly have strengthened.

3 Instead of Conclusion: Some Development Problems of Slovenian Parliamentarism

1.

In autumn 2014 Slovenian Parliament entered into seventh term after independence and the creation of a new state, but the last two terms (2008–2011 and 2011–2014) were for the first time shortened. In the initial period after 1990 parliament successfully aligned with the new Constitution and modernized previous legislation, in the second period it succeeded to harmonize legislation with EU *acquis communautaire* and thus reached a relatively high level for at least the formal institutionalization, stability and predictability of the legislative procedure. After 2008, with the onset of the economic crisis, parliament stepped into its third period, characterized by the political instability, the replacement of coalition governments (in the sixth term), delays in its operation and declining public confidence. The performance in this period was affected by both external (economic and migrant crisis) and internal (the circulation of political elites and the emergence of new political parties) factors.

2.

A high degree of "volatility" of the electorate and the flood of newly established political parties, not only threatens the democracy, but also affects on the functioning of the parliament. Particular effect on the performance of the parliament has new politicians that with their inexperience in the operation in the political arena complicate and prolong the decision-making processes and quality of the policies. The low percentage of re-elected MPs hinders the creation of more experienced parliamentary elite. Notwithstanding the improved educational structure, newly elected MPs should acquire the relevant experiences and institutional knowledge; their political socialization is therefore longer process. The frequency of the introduction of "new faces" in the political (parliamentary) life can instead the search for new concepts and solutions effectively mean just the preservation and continuation of old patterns of political action. Raising the electoral threshold and majority electoral system are often mentioned as possible solutions for those problems, as both are often perceived as a factor of stability in young democracies.

3.

A special problem of legislative activity is very poor implementation of European and national normative documents. Key questions of legislative activity are still attached to the failure to comply with the regular legislative procedure, insufficient role of the legal profession, inadequate assessments of the effects of regulations, insufficient public cooperation and lack of transparency in lobbying (Igličar, 2016). The Slovenian legislative practice barely a third of the legislation is adopted by regular (three-phase) legislative procedure. Although parliament did significant legislative work, largely because of a crisis situation, this is still no excuse for a high number of laws adopted by the urgent and shortened proceedings. External circumstances certainly help to keep the legislative process manageable, but also trigger all kinds of problems and seriously

undermine the quality and enforcement of expert elements of legislation, and hinder the policy coordination process. An important indicator of this situation is an extremely large number of special sessions of parliament.

4.

Slovenian parliament in the most important issues is not functioning as deliberative democratic body, but serves largely for the subsequent sanctioning of decision, which had previously been adopted by heads of coalition political parties. This means that parliament has difficulties to perform the functions of conflicts resolution and legislation adoption related to the conflicts between the coalition and the opposition. This is not related to the unconstructive partisan fights, but to the lack of real substantive and democratic debate and difficulties in overcoming the significant ideological differences, which are a reflection of the historical divisions in Slovenia. We live in a time of unproductive extremes, demagogy and method of disabling the opponents using the "ad hominem" attacks.

5.

The position of parliament in young democracies such as Slovenia is also linked with the position and role of political (legislative) leaders. Our leading politicians have become masters in shifting the burden of responsibility to the others. Selected strategy in the last two mandates is to systematically create the impression of powerlessness and entrapment in the international environment. This means lack of important decisions and reliance on external factors (EU, ECB, OECD, IMF). Leaders survival strategy is the result of steering between the references to the international requirements (Brussels) and by exerting pressure on its own electorate, opposition and civil society.

6.

The first condition for the consolidation of democracy is the establishment of an institutional framework and appropriate political and representative institutions (parliament), which happened relatively quickly. However, the operation of such institutions is always the result of political and historical heritage, the peculiarities of the transitional development and the structure of the political space (political-cultural patterns). Interruption with old anti-liberal value system is generally difficult; construction and operation of all new political institutions, including the parliament, runs slowly and with obstacles. Gradualist model of democratic consolidation has in times of crisis proved less successful compared with sharp cuts of the past. Democratic consolidation is largely dependent mainly on the professionalization of political and thus also parliamentary elite. With a half-implemented reforms Slovenia did not achieve desired effects; because of the dispersion of interests and disunity we maintain unconsolidated status quo and are missing opportunities for development. Slovenian parliamentarism is this facing major challenge.

Notes:

¹ In a pure parliamentary system the Constitutional Court proposes the abolition of a law to the parliament once it has independently considered it. Further, the President of the Republic is elected by the parliament.

² The drafters of the Constitution did not define the present National Council as part of the parliament, but assigned this function to the National Assembly.

³ Suggestions lean towards 120 representatives (also by a possible abrogation of the National Council).

⁴ Data as of March 2013.

⁵ Abbreviations represent the (original) Slovenian names of the parties.

⁶ This right does not only belong to the Deputy Groups but also to groups of 10 MPs. A Deputy Group can be significantly smaller (three MPs). Some wish to add Deputy Groups to groups of 10 representatives wherever they can.

⁷ Representatives can reject this right. But representatives who do not integrate into Deputy Groups thereby renounce a number of rights of co-operation in the National Assembly.

⁸ If the governing coalition does not have a two-thirds majority in parliament, then it will also need the votes of the opposition in order to pass more demanding decisions. The opposition can use this situation in order to gain as many as possible political concessions in the areas of its interest. In such cases there is a demand for more lively leadership of the National Assembly, which has to recognise these interests and try to make them form a compromise.

References:

- National Assembly of the Republic of Slovenia (1991) *Constitution of the Republic of Slovenia* (Ljubljana: National Assembly).
- National Assembly of the Republic of Slovenia (2000) *Report of the National Assembly on the work in mandate 1996–2000* (Ljubljana: National Assembly).
- National Assembly of the Republic of Slovenia (2004) *Report of the National Assembly on the work in mandate 2000–2004* (Ljubljana: National Assembly).
- National Assembly of the Republic of Slovenia (2008) *Report of the National Assembly on the work in mandate 2004–2008* (Ljubljana: National Assembly).
- National Assembly of the Republic of Slovenia (2011) *Report of the National Assembly on the work in mandate 2008–2011* (Ljubljana: National Assembly).
- National Assembly of the Republic of Slovenia (2014) *Report of the National Assembly on the work in mandate 2011–2014* (Ljubljana: National Assembly).
- Grad, F. (2000) *Parlament in vlada (Parliament and government)* (Ljubljana: Official Gazette of the Republic of Slovenia).
- Grad, F., Kaučič I., Kristan, I. & Ribičič, C. (1999) *Državna ureditev Slovenije, tretja izdaja (State regulation of Slovenia, 3rd edition)* (Ljubljana: Official Gazette of the Republic of Slovenia).
- Haček, M., Brezovšek, M. & Kukovič, S. (2013) *Slovenian democratic evolution and praxis* (Zagreb and Ljubljana: Friedrich-Ebert Stiftung and Faculty of Social Sciences).
- Igličar, A. (2016) *Nosilna vprašanja zakonodajne dejavnosti*, In: Štajnpihler, T., Igličar, A. & Pavčnik, M. (eds.) *Odperta vprašanja zakonodajne dejavnosti* (Ljubljana: SAZU), pp. 9-20.
- Lukšič, I. (2001) *The political system of the Republic of Slovenia* (Ljubljana: Znanstveno in publicistično središče).

Zajc, D. (1997) *Moč in nemoč slovenske parlamentarne demokracije (Strength and weakness of the Slovenian parliamentary democracy)*, In: Brezovšek, M. (ed.) *Demokracija – vladanje in uprava v Sloveniji (Democracy-governance and administration in Slovenia)* (Ljubljana: Slovenian political science association), pp. 9-25.

Zajc, D. (2000) *Parlamentarno odločanje (Parliamentary decision-making)* (Ljubljana: Faculty of social sciences).

Changes in Voting Behaviours in Poland after 1989

MARIUSZ KOLCZYŃSKI & AGNIESZKA TURSKA-KAWA

Abstract The article presents changes occurring in Polish voters after 1989. The discussion refers to three overlapping planes. The first of them is socio-political cleavages in Poland: stable systems of polarisation of the political community, within which certain social groups support specific political entities perceived to be the representatives of those options. The second plane of the analysis is the psychological characteristics of party electorates. The psychological approach assumes that voters are individuals with specific internal predispositions, which moderate their behaviours. The variables considered in the paper are authoritarianism, paranoid thinking, and political alienation. Analyses of psychological changes in particular segments of party electorates provide many study areas aimed at the search of the causes of breaking up the relations between a voter and a political party, for example they generate questions concerning a change in the electoral message, changes in the directions of political parties' activity, or the approval for new party leaders. Changes at the level of political communication are the third plane of analyses presented in the paper.

Keywords: • voting behaviours • cleavages

CORRESPONDENCE ADDRESS: Mariusz Kolczyński, Ph.D., Associate Professor, University of Silesia in Katowice, Institute of Political Science and Journalism, Bankowa 12, 40-007 Katowice, Poland, email: rafal.glajcar@us.edu.pl. Agnieszka Turska-Kawa, Ph.D., University of Silesia in Katowice, Institute of Political Science and Journalism, Unit of Political Systems of Poland and Central and Eastern European Countries, Bankowa 12, 40-007 Katowice, Poland, email: agnieszka.turska-kawa@us.edu.pl.

DOI 10.4335/978-961-6842-73-0.8

ISBN 978-961-6842-73-0

© 2016 Institute for Local Self-Government and Public Procurement Maribor

Available online at <http://books.lex-localis.press>.

1 Introduction

The events of 1989 were really profound changes in the political, economic, legal and cultural system, which surely had their impact on the whole community. Scholars who analyse the tendencies and transformations occurring in these areas often approach them from the point of view of specific models, so as to universalise and compare them with other countries from the post-communist bloc. According to Jerzy Szacki, this approach makes it difficult to perceive the great diversity of the changing societies, with their differences in history, political culture, mentality, and ambitions (1999: 30). This article presents changes occurring in Polish voters after 1989. The discussion refers to three overlapping planes. The first of them is socio-political divisions providing some criteria, which group people within a community. What is essential here is the divisions additionally caused by political differences. As Oddbjørn Knutsen and Elinor Scarbrough (1995) point out, a political party transforms social divisions into cleavages by ensuring coherence and organised expression to otherwise underdeveloped and partial beliefs, values and experiences of members of some social groups or group clusters. The paper points out the vital points of clear social divisions with reference to politics. After 1989, they were used to design electoral messages and polarise the voters.

The second plane of analysis of changes in electoral behaviours after 1989 is the psychological characteristics of party electorates. The psychological approach assumes that voters are individuals with specific internal predispositions, which moderate their behaviours. The significant variables are e.g. needs, values, expectations, priorities, and personality dispositions. Analyses of psychological changes in particular segments of party electorates provide many study areas aimed at the search of the causes of breaking up the relations between a voter and a political party, for example they generate questions concerning a change in the electoral message, changes in the directions of political parties' activity, or the approval for new party leaders. Changes at the level of political communication are the third plane of analyses presented in the paper.

2 Socio-Political Cleavages

One of the key concepts of socio-political cleavages, being the classic concept in political science, is one proposed by Stefano Bartolini and Peter Mair (1990). For the authors, a socio-political cleavage is a stable system of polarisation of a political community, within which certain social groups provide support for certain political directions and parties perceived as representatives of those options, whereas other social groups support opposite political directions and parties that represent them.

The year 1989 in Poland marked a transition from party-based nominations to universal elections of state authorities, which is considered as one of the most important transformations of Polish political arena (Zieliński, 1996: 32).¹ In the PRL (People's Republic of Poland) period, voters did not have a real possibility to support the candidates; they could only choose between those who had been accepted by the

communist authorities. Regaining the basic political liberties, especially the freedom of political expression and the right of association for political purposes (Antoszewski, 2006: 77 ff.), initiated a number of processes, which led to voters focusing around different axes of socio-political cleavages.

The collapse of communism in 1989 led to the development of two camps, divided with the so-called post-communist cleavage (Grabowska, 2004). Mirosława Grabowska observes that communism was a complete series of events and processes, both long-term and rapid, taking place in different spheres of the social reality, touching people's emotions, forcing people to confront their values, concerning the fundamental sphere of identity, impressing a permanent mark on the biographies and lifestyles of individuals and whole communities (Ibid.: 100). The author also holds that the cleavage caused the formation of two camps with dramatically different approaches to the *ancien regime*. The post-communist camp had a strong organisational, financial and human resources base, which outclassed the anti-communist camp in this respect. The power of the new parties was only the awareness of Polish society, cemented with the idea of free and independent Poland. There were also clear differences in the issues related to religious practices and beliefs. In time, differences related to parties' origins gradually disappeared, but the remaining factor, dividing the two sides the most, was the attitude to governmental coalitions over the communist cleavage. Post-communist parties were much more in favour of such coalitions, unlike post-Solidarność elites that consistently refused any cooperation with the post-communist side in the form of a governmental coalition. According to Grabowska, this proves that the social identities developed as a result of the cleavage were permanent.

Characteristic of this cleavage was a huge importance of trade unions in the 1990s, which served an auxiliary role for political parties (Wojtasik, 2011: 75). Giving the political arena the trade union character resulted from the mode of transition from the socialist system to democracy, in which the "Solidarność" trade union was one of the key sides, and a large trade union centre also existed within the regime side. As a result, All-Poland Alliance of Trade Unions (*Ogólnopolskie Porozumienie Związków Zawodowych*, OPZZ) later became part of the coalition of post-communist Democratic Left Alliance (*Sojusz Lewicy Demokratycznej*, SLD), and in the 1997 election, the committee of Solidarity Electoral Action (*Akcja Wyborcza Solidarność*, AWS), was established. In time, the importance of trade unions in the party system began to decrease, as a result of e.g. new legal regulations concerning elections and political parties, the process of institutionalisation of political parties and the loss of social importance of trade unions.

The year 2001 was the unprecedented defeat of the ruling parties and a significant loss of importance of the post-communist cleavage. The experience of AWS and a series of various disputes and affairs with the participation of prominent politicians of the *ancien regime*, generating the disintegration of SLD (Grabowska, 2006), led to the establishment of a coalition of the Democratic Left Alliance and Labour United (*Unia Pracy*, UP) after

the 2001 election, i.e., bonding the post-communist and post-Solidarność elements. What is more, that election gave rise to another significant socio-political cleavage, determined by the attitude to the perspective of Poland becoming part of the European Union, becoming more and more obvious at the time. New entities emerged among Polish parties, which were strongly opposed to the pro-European policy: the League of Polish Families (*Liga Polskich Rodzin*, LPR) and Self-Defence (*Samoobrona*). LPR and Samoobrona were the first parties in the Sejm that did not have either post-communist or post-Solidarność origin; they were not associated with parties previously represented in the Parliament, either. These parties based their electorates on the emerging cleavage between Eurosceptics and Euroenthusiasts. Research shows that the parties became popular with two special segments of voters who had a negative attitude to the European Union. LPR, whose message involved nationalistic demands (referring e.g. to the loss of sovereignty or subordination to economically stronger EU states), won right-wing voters. Samoobrona, with its populist message (referring e.g. to the deterioration of financial standing of farmers and the poorest class), reached the left-wing electorate (Markowski & Tucker 2010).

The election in 2005, with the victory of Law and Justice (*Prawo i Sprawiedliwość*, PiS), initiated the cleavage which – as Mirosława Grabowska (2010) argues – did not replace the post-communist one but was rather based on it, moving the centre of gravity to the inside of the post-Solidarność camp, which was internally diversified from the beginning. The main political sides of the cleavage are Law and Justice and the Civic Platform (*Platforma Obywatelska*, PO). The division between them is largely of ideological and lifestyle nature. Put simply, PiS refers to the national and trade union heritage, while PO refers to the democratic one. PiS addresses the social groups for which Polish transformations meant a loss, those who need a welfare state, the people who are more traditional and religious. And this electorate produces stable voters for PiS. As for PO, they send their message to those who benefited from the transformations, to more progressive, liberal and secular circles, and find their supporters there.

The elections in 2007 (victory of PO), 2011 (victory of PO) and 2015 (victory of PiS) politically consolidated the PO-PiS division, showing that the real electoral contest was between these two camps. In the inter-election period, the cleavage was even clearer due to disputes with the political context, largely concerning moral or social issues. For example the events following the Smolensk plane crash, which initially integrated the Polish nation, were soon attributed to political actions, generating many division lines between the PO and PiS camps. The lines involved accusations of wrong decisions in relationships with Russia against the ruling party PO, as well as monthly meetings, numerous monuments and commemorative plaques to commemorate the victims of the Smolensk crash organised or pushed through by circles associated with PiS, aimed to demonstrate that PiS cared and PO did not. Another clear division between PO and PiS is the attitude to the relationships between the Church and the authorities. In the public discourse, PiS clearly stands for the integration of the sacred and the profane, which is evident, among others, in supporting religion lessons at school, maturity exam in religion,

supporting a higher school run by a priest, and consulting representatives of the clergy before taking political decisions.

3 Psychological Changes in Party Electorates

The above-mentioned socio-political cleavages were not internally homogeneous: ideological, socio-economic and psychological issues were undergoing evolution, and that was reflected particularly in changes of party electorates. Psychological variables mostly occurred in the non-observable qualities of voters. These characteristics are given the status of intermediate variables in moderating electoral behaviours. This model in a way is a departure from perceiving voters as classical 'black boxes', all reacting the same way when exposed to the same external stimuli.

Paranoid thinking. Paranoid thinking is the belief in the existence of hidden powers that govern the world and in the conspiracy theory. In the mid-1990s, this variable did not significantly diversify party electorates, but this changed at the turn of the century (BS, 1999). Generally, the paranoid approach intensified in all the electorates except AWS voters. Especially intensive conspiracy thinking was typical of the voters of Polish Peasants' Party (*Polskie Stronnictwo Ludowe*, PSL) and SLD. It also increased, although to a lesser extent, in the electorate of the Freedom Union (*Unia Wolności*, UW).

At the beginning of the 21st century, the belief in the existence of hidden powers that govern the society and conspire against Poland was the strongest in the electorate of Samoobrona (BS, 2002). This attitude also proved to be strong among those who supported PSL and LPR. The change of the balance of power on the party arena in 2001 helped limit the conspiracy thinking among the supporters of the winning parties: SLD and PSL. But whereas among the followers of SLD the scale of conspiracy-based perception of politics returned to its relatively low level of 1996, among the voters of PSL these attitudes were much more common than in the mid 1990s.

After the first decade of the 21st century, the general index of paranoid thinking dropped to the level of the mid 1990s (BS, 2011). The index continued low in the electorate of SLD. The belief in the existence of hidden powers that govern the society and conspire against Poland was much more popular among those who supported PiS. Remarkably, contrary to the general tendency, in this group the attitude has become even stronger since the beginning of the 21st century. The reasons for that might have been the change in voter's social profile (higher share of elderly, less educated and poorer people) and taking over some of the electorates of LPR and Samoobrona. The belief in the conspiracy of hidden powers was the weakest among PO supporters, and in that group it has further decreased. The index of paranoid thinking also dropped among PSL voters, who displayed this attitude at the average level typical of the whole society. So apparently exercising power promotes the lowering of conspiracy and paranoid attitudes in the electorate of the victorious camp.

These results are compatible with the diagnosis of dispositional anxiety in the supporters of Polish political parties found by Turska-Kawa (2010). In that study, anxiety was understood as a behavioural motivation or disposition which makes a person susceptible to perceiving a broad spectrum of objectively harmless situations as dangerous and responding to them with anxiety states, disproportionately strong given the seriousness of the danger (Sosnowski & Wrześniewski 1983: 395). Obtained results show that the significantly highest level of anxiety occurred in the electorate of PiS, and its lowest index was observed in the supporters of PO.

In 2015, the general index of political paranoia significantly increased, similar to 1999 (138/2015). The attitude had very different intensity in particular electorates. The belief in the existence of hidden powers that govern the society and conspire against Poland was much more popular among those who supported PiS and the voters of the new party Kukiz'15. The level of paranoid thinking was definitely lowest in the electorate of the Modern party (*Nowoczesna*) led by Ryszard Petru. The level of belief in conspiracy of hidden political powers was less frequent than average among the supporters of PO and the United Left (*Zjednoczona Lewica, ZL*). PSL supporters displayed an average level of political paranoia.

Authoritarianism. Authoritarianism is an attitude that involves the belief in hierarchical organisation of social relations, in the effectiveness of power-based solutions, and in the need to submit to authorities. In the 1990s, the occurrence of authoritarian attitudes was common throughout the society in Poland. But at the end of 1990s, the intensity of this attitude began to differ between electorates (BS, 1999). The authoritarian orientation was the least frequent among the supporters of UW, and relatively weaker in the electorate of UP. The strongest authoritarian attitudes occurred in the supporters of PSL.

In the early 21st century, the level of authoritarian attitudes slightly decreased among the followers of the SLD-PSL coalition ruling since 2001, but in the case of PSL the level was still high (BS, 2002). The strongest authoritarian attitudes were definitely manifested by those who voted for Samoobrona. The followers of newly established PO were the least authoritarian.

After the first decade of the 21st century, the general intensity of authoritarian attitudes in Polish society clearly decreased (BS, 2011). This was naturally reflected in weaker authoritarian attitudes in all the electorates. The most marked changes in this respect took place among the followers of SLD and PSL. But still the persons voting for PSL, apart from those who voted for PiS, had one of the highest indices of the authoritarian attitude. The lowest indices of authoritarian attitudes were again observed among those who voted for PO.

The next diagnoses of 2015 demonstrated further weakening of the belief in the effectiveness of solutions based on power and the need to submit to authorities among Polish voters (138/2015). As for particular electorates, the adherents of PiS displayed the

strongest authoritarian approach. The voters of Nowoczesna proved to be much less authoritarian. The followers of PO and those who declared support for Kukiz'15 committee or ZL had a level of authoritarianism lower than average.

Political alienation. Political alienation is the sense of alienation from the world of politics, the lack of influence on that sphere, and distrust in political mechanisms and elites. In the 1990s, distrust in politics, the lack of sense of influence on the government's activity and attributing negative motivations to politicians were almost universal (BS, 1999). In the mid-1990s, the voters of post-communist SLD gaining popularity in support polls manifested the strongest sense of political subjectivity. In the late 1990s, there was a clear growth in attitudes of rejection of the sphere of politics among SLD followers, perhaps caused by the election of 1997, which they lost. This attitude also intensified among PSL supporters. In the case of electorates of the ruling party coalition, however, the sense of civil subjectivity grew. Political alienation mainly decreased among the supporters of UW and – to a lesser extent – AWS.

In the early 21st century, the highest political alienation level characterised the followers of Samoobrona and LPR (BS, 2002). The voters of PSL also had a relatively strong alienation approach, which is surprising given the party's participation in the ruling coalition. The adherents of the ruling SLD had a relatively lowest sense of alienation from the world of politics, followed by the potential voters of PO.

After the first decade of the 21st century, the intensity of alienation attitudes in Polish society dropped, although the index was still quite high (BS, 2011). In terms of particular part electorates, the highest level of political alienation was displayed by those who supported PiS, although there was a little positive change as compared to the beginning of the 21st century. The intensity of political subjectivity of the followers of the ruling parties (PO and PSL) clearly grew. In SLD electorate, the change was also little but positive. A study by Turska-Kawa (2012) produced a similar outcome. The lowest level of political alienation was found in the electorate of PO. It was the highest among those who supported PiS and Ruch Palikota. The result achieved by the voters of PiS comes as no surprise: it was the largest opposition party, whose rhetoric was openly against the policy of the government. As for Ruch Palikota, the low level of political alienation might have been connected with the social context of the party's origin: its programme was largely addressed at social minorities, which had been poorly represented in the Sejm officially and whose rights had not been publicly articulated (Wojtasik, 2012). Having their interests ignored in the political discourse may have led to their higher level of political alienation, connected with the lack of approval for the social and moral order developing in Poland, supported indirectly by the ruling party.

In 2015, the highest average level of alienation attitudes occurred in the electorates of Kukiz'15, PiS, Zjednoczona Lewica and PSL (similar levels in all of them). Attitudes of

distancing from and distrust in the world of politics were much weaker among the supporters of PO and Nowoczesna (138/2015).

The presented analysis of psychological variables of voters after 1989 shows certain regularities. First, democratic processes in the Polish society are accompanied by departure from authoritarian attitudes. The belief in the effectiveness of power-based solutions and the need to submit to authorities was quite common in the 1990s, but each successive diagnosis demonstrated the weakening of such attitudes. Despite lowering the general indices, the electorate of PiS is still strongly authoritarian. Second, exercising power promotes greater political subjectivity. The sense of being part of the victorious camp generates greater support for the system, expressed among others in weaker alienation attitudes. Third, parties that base their brands on criticism, open opposition and negative rhetoric gain greater support from more paranoid and more alienated electorate. Fourth, taking into account the outlined socio-political division established in Poland after 2005, whose axis is the support for PO on the one hand and PiS on the other, it is worth emphasising that the psychological characteristics of electorate of those parties also sanction the division. The adherents of PO have a significantly lower level of political alienation, dispositional anxiety, political paranoia and authoritarianism than those who voted for PiS.

4 The Role of Political Parties in the Process of Development of Political Attitudes and Voting Behaviours

The intensity and pace of the process of forming attitudes, opinions and behaviours connected with voting may be almost naturally correlated with the successive stages of development of the party system. Many organisational ideas were raised in the short history of Polish transformation: in the beginning, many of the new political parties had elementary problems with defining their market identity²:

- 1) in the axiological dimension – two groups of values prevailed: values associated with past situations (in the case of the majority of right wing parties) or instrumental values regarded as the necessary basis for current political activities; due to the 'post-socialist axiological gap', the few parties that referred to the values of liberal capitalism did not meet the expectations of most segments of the electorate;
- 2) in the social dimension – it is hard to define the social base of the emerging political parties or the social communities (target market segments) to which each political offer was addressed.

Thus, in the early 1990s, a disturbing phenomenon appeared in the social reception, which prevented stable development of the political arena: an average voter may have had an impression that political parties were not established to articulate concrete values (because they had evident problems with self-identification) or the interests of certain voter groups, but to satisfy politicians' personal ambitions. In this context it may be said that the campaigns preceding elections in the first half of the 1990s clearly showed the existence of a historical developmental gap of the party system. They also demonstrated

the scale of difficulty faced by political leaders, who had to decide what ideological or programme values to refer to in building modern political parties³ and only then work out an effective concept of how to reach citizens with those values (Kolczyński, 2007: 169). An obvious result of this state of affairs was gradual departure from communication concepts, stressing the priority role of political (ideological) values in the development of persuasive political messages, in favour of marketing-style activities, referring to the needs, interests and expectations of the target groups identified in the given context and the resultant far-reaching standardisation of content⁴ and formal routine.

In Polish political reality, the professional, market approach to organising and carrying out projects related to the course of political competition, particularly electoral competition was more and more popular from the moment of the presidential election in 1995, and it finally became dominant. In other words, the option of adapting the marketing model of activity won in the functioning of Polish political parties, which reflected standards typical of projects carried out in Western democratic countries. Its characteristics were advanced mediatisation of communication and personalisation of the political (electoral) process, expressed in the dominance of messages building the image of the candidate or party over messages referring to programme content, and the growing role of professional political advisers.

The intensity of evolution of the marketisation and mediatisation of activities of the contesting entities (especially concerning the organisation and carrying out of electoral campaigns), measured with the speed of adaptation and social approval of new solutions, was largely dependent on factors resulting from decisions made at successive stages of development of Polish political system. They obviously stimulated the transformations of the party system approached from two perspectives, the organisational and the competitive one. The growing dynamics of political contest accompanied by the gradual development of Polish media market (and thus, limiting barriers in free access of political subjects to mass media) promoted the reorientation of political communication projects towards pragmatic concepts of political marketing. So paradoxically, the instability of Polish party system and relative weakness of each party (the lack of strong, ideologically different parties with stable electorates) created favourable conditions for gradual disideologisation of the political offer, expressed in growing personalisation of political competition.

Evaluating the projects carried out during the stages of development of Polish party system, we can identify at least four basic orientations of activity of political parties in Poland aiming to achieve political/electoral support (objective: the development of desired voting behaviours) and/or stable political preferences (objective: development of political attitudes), especially visible during the preparation of electoral campaigns and the campaigns themselves (Kolczyński 2013). These are: *pre-marketing orientation (propaganda and activation orientation based on ideology)*, *quasi-marketing (primary*

disideologisation) orientation, well-developed market orientation, and well-developed market polarisation orientation (the phase of marketing-emotional replication).

4.1 Pre-Marketing Orientation (Propaganda and Activation Orientation Based on Ideology) – Until 1995

It involved traditional techniques of influence, with communication focused on the fundamental values, primarily associated with political attitudes to the *ancien regime*. The communication projects were characterised by the dominant position of political message senders, and the lack of effort to obtain information providing basic recognition of the needs and expectations of message recipients. The chaotic development of the party system, determined by (a) ideological references that were abstract for the people⁵, (b) the rules of election ordinance, and (c) political initiatives initiated “top-down”, in isolation from the socio-political reality (actually having little in common with the expectations and needs of any segment of Polish society⁶ was not conducive to creating effective and consistently market-oriented political offers. To the contrary, the course of this process made a considerable number of citizens dissociate themselves not only from political actors but also from the modernisation processes. The intellectual passivity of political elites, the lack of ideas for the formation of modern political parties with programmes oriented at the future, and the social consequences of radical economic reforms soon led to the state of secondary political withdrawal of a considerable part of citizens^{7, 8}.

Doubtless, this situation was largely the result of unfavourable socio-cultural determinants. Political transformations began in a very complex cultural context – the 1980s. It was a period of advanced political anomie: the degeneration of many basic social and political values, resulting in the social response in the form of gradual political withdrawal. From this perspective, it seems doubtful whether the parliamentary election of 1989 can be regarded as the event with fundamental importance for the process of development of political values providing the axiological basis for Polish systemic transformation. The relatively low voter turnout (62.32%) should be a clear signal for Polish political elites, suggesting that a substantial part of the society was not motivated or engaged in the course of political transformations in any way. The reasons for that may have been: (a) political compromise (the arrangements of the so-called “Round Table”) underlying the transformations in 1989 was definitely not conducive to the full articulation of new political values, (b) it is debatable to what degree the leaders of the *Solidarność* side were prepared (or at least predisposed) from the conceptual point of view to accept the creation and propagation roles in the new axiological system (as the agents of changes), (c) the obvious lack of elementary civic habits related to the new areas of social activity. In this context, if the 1989 election can be referred to as the *founding election* (Grabowska & Szawiel, 2001: 183) it is so mostly because of the successful development of a strong positive conviction concerning the important position of regular, free and honest elections and the universal civic right to participate in elections in the system of values of a democratic state (Garlicki, 2007: 34).

4.2 Quasi-Marketing (Primary Disideologisation) Orientation - 1995–2000

During the campaigns of that time, politicians often used many marketing instruments tested in the countries with well developed democracy: from professional advisers (among others, the presence of Jacques Seguel in Aleksander Kwaśniewski's campaign team in 1995), through the increasing importance of research in campaign preparation (segmentation of the political market and targeting), up to attractive and formally diversified media messages (e.g. in the campaign of AWS in 1997) and greater significance of paid forms of political advertising⁹. Organisational consolidation of the main subjects of political competition led to a clear situation in which it was possible to choose from among three well defined (left-wing, centre and right-wing) modern market political offers, which were effectively propagated, primarily with the use of mass media. Unfortunately, the expectation that with the baseline level of organisational consolidation of political subjects this situation would also be a strong impulse for the consolidation of political preferences, facilitate stronger identification with political parties and stimulate greater political activity involving the support for political parties did not come true¹⁰.

4.3 Well-Developed Market Orientation – 2001–2007

The parliamentary election of 2001 was undoubtedly not only a stage in development of Polish political market. It also confirmed in Polish system conditions the efficacy of marketing concepts of political activities:

- (a) individual political subjects, both the poll leader SLD and political parties that were new to the market (PO and PiS) managed to formulate effective campaign strategies with a clear reference to the needs and expectations of different electorate groups;
- (b) PO implemented the first genuine electoral media strategy in Poland¹¹; the strategy fully met the market needs of a new political group: to become known to the voters, to create a certain image of the party and party leaders, and to reach potential supporters with the basic programme concepts;
- (c) electoral offers of the leading competition participants were less focused on the programme resulting from consolidated ideological values, and more on instrumental values and the figure of the party leader or leading candidates.

The course of political competition in that period (especially the projects carried out during the parliamentary and presidential electoral campaigns in 2005) in Poland proves great advancement in the process of modernisation of political activities/campaigns. The changes involved the following: (a) the strategic importance of the direction of political activities (including the extension of strategic horizon)¹², (b) advancing professionalization of the market activities¹³, (c) dramatic increase in the intensity of gathering information necessary to rationalise the decision-making process, (d) orienting communication activity at mass media.

New quality strategic solutions connected with the change of plane of political competition (and of the topics utilised in political competition) were not only a significant achievement of the 2005 campaign but also an important moment in the history of development of Polish party system. It was a moment when the process of looking for new concepts of market competition began: competition between two right-wing parties with *Solidarność* (opposition) origin, with relative marginalisation of parties originating in the former system.

Political and market consequences of strategic repositioning of PiS in 2005 proved more complex and permanent than initially expected and were not limited to the spectacular victory in parliamentary and presidential elections. The effectiveness of taking the market opportunity and redefining their offer so as to make it acceptable for the segments of the electorate that usually support left-wing parties paradoxically maintained the communicatively regressive tendency of broadly addressing campaign messages. What is more, adopting the quasi conflicting system of competitive positioning between PiS and PO contributed to relative marginalisation of the other political parties, creating conditions that were conducive to the use of new quality marketing instruments oriented at active image creation: (a) special emphasis on party leaders (focusing the message on the leader¹⁴), (b) emotionalisation of the political offer, (c) marginalisation of a simplified axiological message¹⁵ and (d) visible contextual direction of the strategy with consideration of political needs and expectations of different segments of potential voters identified in market studies.

One of the basic elements of activities taken in that period was the intensification of emotional influences: projects involving so-called political soft sale, first used at such a scale, actually being professional manipulation affecting the emotional state of potential voters. With a relatively low level of political loyalty of Polish voters, positive emotional attitude is more and more often the basis for elementary bonds between the senders and recipients of political messages¹⁶. It was rightly assumed that emotions could be a specific 'filter' through which potential voters would perceive and interpret political events (including campaigns), thus directing the process of making electoral decisions. It also seems necessary to take into account the fact that the choice of "emotional" (de facto "emotional/conflicting") strategy option by Polish political parties perfectly well suited the bipolar context of political competition between PiS and PO, and first of all met the needs and expectations of media broadcasters, for which the emotionalisation and dramatization of the political offer is one the key determinants of attractive messages aired during electoral campaigns. There is no doubt that the direction of activity of each political party well reflects the radical changes in the relations between political and media entities, leading to the situation in which political actors more and more often adapt to the logic of media functioning, trying to keep the (more and more limited) influence on the topics presented by the media (especially in the periods preceding elections at various levels).

Changes in the market position of political parties confirmed the effectiveness of marketing orientation of electoral/political strategies¹⁷ and the importance of both professional political advisory and professional preparation of individual politicians and party organisations for successful carrying out of electoral/political plans. The triumph of contextual variants of the market strategy also resulted from the progressing disideologisation of electoral competition and pragmatic direction of campaign activities. The instrumentalisation of values, pragmatism and emotionalisation of the language of politics significantly simplified political messages, which were in fact reduced to the contents focused on the leader(s) of the party.

4.4 Well-Developed Market Polarisation Orientation (the Phase of Marketing-Emotional Replication) – 2007–2015.

The results of the 2007 parliamentary election, which largely confirmed the legitimacy of the adopted strategic options¹⁸, strengthened the belief in high efficacy of conflicting positioning of one's own political offers, leading to the situation of nearly routine re-use of tested patterns of activity¹⁹.

In the case of PO, the unique (for Polish political context) branding strategy was continued, with its subtle focus on the positive emotional charge: PO managed to depart from traditionally understood image-building politics²⁰ and initiated modern *soft politics*²¹ activities aimed at the formation of its political brand. There were continuous consistent efforts to broaden the support, addressing political appeals to all the segments of potential voters that did not declare clear support for PiS, this way marginalising the left wing on the Polish political market. Despite obvious problems with the proper balance of proportion between the basic axiological and pragmatic components of their political offer, PiS adopted the strategy of on-going competition positioning based on the continuation of the concept of 'great market polarisation'²².

The 'political vacuity' of the adopted concepts was in a way concealed by the aggressive media (actually, only TV) orientation: it was largely thanks to media activity (despite the lack of content) that the market dominance of PO and PiS and a specific status of the marketing 'trend setters' were consolidated.

Looking for (and testing) new political/marketing solutions was evident during the presidential campaign of 2010²³: Jarosław Kaczyński's campaign, very creative and charged with high market risk, was interesting from the perspective of search for new models of political competition. It was carried out contrary to the stereotypical PiS connotations and actually defying the core elements of the previous image of the leader. The concept of radical rebranding of J. Kaczyński's image can be regarded as one of the most interesting strategic solutions in the short history of Polish democracy. Efficient and professional carrying out of campaign projects (both direct and media ones) was also noteworthy. Despite the disappointing election outcome, the campaign was an interesting

experience in terms of the limits of social/electoral acceptance of strategic concepts that are radical and unorthodox from the marketing point of view.

From the point of view of PO, the new strategy of PiS and the political consequences of the presidential election (confirming the dominant market position of PO, retaining the fundamental lines of division between the urban and rural electorate, region of residence and level of education, and the limited activation ability of the leading political entities) almost automatically led to the adoption of the strategic option of 'electoral duo', which was a creative extension of the concept from 2005. Since the beginning of 2010, PO had been implementing the classic variant of the market leader strategy almost in its original form, involving the achievement and maintenance of market initiative as well as controlling and, if necessary, responding to the activities taken by the key rivals. But it is also evident that the 2011 parliamentary campaign to a great extent confirmed the limited ability of Polish political parties (and their advisors) to creatively look for new strategic solutions, which needed to be applied in the situation of clear exhaustion of the 'conflict formula' of political competition. Nevertheless, after the 2007 election, hardly any communication differed from the political routine: copying the tested strategies of action, methods of creating the electoral message and at the same time failing to look for new advertising formats, more suited to the social, cultural and demographic changes in basic parameters of the electorate.

The observed modification of strategic concepts of Polish political parties was in a way forced by the attempt of changing the electoral law. The amendment of the Election Code adopted by Polish parliament in February 2011 (prohibiting paid forms of political presentation/spots in traditional electronic media) and the previous limitations concerning the financing of political parties created (at least in the legislator's intention) a new quality system of factors determining the way of organising and carrying out electoral campaigns²⁴. This resulted in a change of communication electoral strategies: (1) reducing the intensity of using TV spots in favour of other types of advertising (the increasing role of outdoor advertising) or other forms of communication controlled by political senders (mostly on-line), and (2) basically different function of the Internet (especially with possible limitations of / ban on the broadcasting of TV spots) – despite the visible “strategic helplessness” of political message senders, the 2011 campaign was an important stage in the development of the concept of applying that medium in the process of political competition.

Undoubtedly, professional activities of PO can be praised from the marketing perspective. The 2011 campaign also served as another step in improving long-term market strategy involving systematic development of the political brand. The adopted concept of influences can be defined as the model of professional strategy creation, fitting the classic variant of 'market leader strategy'. Given the relatively high poll results of the party, its prominent politicians (especially the leader), and the improving rates of the government and the prime minister, PO skilfully combined activities that stressed the symbols of

rulership, which summed up the achievements of Donald Tusk's government and emphasised the strong points of the finishing term of office²⁵.

Political competition in the 2014–2015 election cycle²⁶ brought unexpected political and social consequences. The results of the next election taking place in the complex context determined by the clear erosion of the formula of exercising power by the PO-PiS team and the resultant changes in positions of particular entities on the political market (found in polls) did not only lead to the thorough reconstruction of Polish political scene but also led to market restitution of fundamental community values. Voters clearly rejected the offer of “moderate stabilisation” in favour of new social projects of PiS, skilfully strengthened with the personal offer suggesting profound (political, social, cultural and generational) transformation of Polish right wing. What should be stressed in this context is the formulation of a very clear electoral offer:

Poland needs changes (it's time for a 'good change') → the change should be based on fundamental values and needs of Polish people → the good change is guaranteed by PiS.

Prawo i Sprawiedliwość very pragmatically met the unclear social expectations ('the need of change') resulting from the exhaustion (or burnout) of the form of exercising power by the PO-PSL coalition. Personnel changes in PO after Donald Tusk becoming the President of the European Council led to an evident crisis in party leadership, resulting in the lack of ideas not only for the on-going rule but also for electoral campaigns. The severe defeat in presidential election (Bronisław Komorowski) and parliamentary election (PO) gave the opportunity to carry out PiS's political projects that brought into political and public discourse the values that caused strong social and emotional diversification, regardless of their practical importance. The reference to values was only an ostensible move away from the strategy of radical polarisation of the leading entities, implemented since 2007, with its ever-present conflicting orientation of activities and the political offer/message. In fact, despite objective political changes, the basic concept of influence did not change. It involved the emphasis on retaining previously developed political attitudes and preferences, with the core position of emotional calls oriented at maintaining the necessary tension, following the simple pattern of influence: competition → political conflict → dramatic message → stimulating emotions that facilitated voters' engagement in campaign activities and, finally, activation on the election day.

5 Conclusion

The clear paradox of political competition in Poland, with the key importance of market-oriented election projects, is the deepening disproportion between the intensity of activities aimed at developing the desired voting behaviours and the ultimate effect of those efforts. Departure from political values, which are the foundation of traditionally, understood political/electoral offer more and more often leads to the diminishing political activation of citizens/voters. Communication strategies of most political entities getting

similar (which leads to the disappearance of their organisational and market identity) makes political competition lose the real dimension of competitiveness: from the target perspective, the contest becomes unattractive, does not sufficiently engage emotions and only to a limited degree stimulates interest in the course of market events. Furthermore, it can be said that professionalization of political actions, considerably limiting citizens' active participation in campaign procedures, not only results in gradual lowering of the level of political activation, weakening of political and/or party preferences, but first of all in the development of a passive observer of reality (or, in an extreme case, total political inertia).

Observing the process of development of Polish party system and individual parties during the system transformation, we can see many interesting concepts of forming the desired electoral behaviours: from instrumental use of basic socio-political values (especially in the first transformation period) through skilful defining of practical, axiologically neutral political goals, up to professional guiding (or even manipulation) of public emotions. The emotionalisation of voting behaviours is undoubtedly one of the determinants of Polish transformation. It is promoted by the bipolar system of Polish political market (the post-communist side and the post-Solidarność side – until 2005, the liberal/centre-right side and the right side – from 2005), which facilitates market positioning of Polish political entities and the stimulation of the desired emotional connotations with each participant of the electoral contest, and as a result, the expected voting behaviours.

These changes are reflected in the internal structure of party electorates. The above analysis shows certain regularities: First, democratic processes in the Polish society are accompanied by departure from authoritarian attitudes. The belief in the effectiveness of power-based solutions and the need to submit to authorities was quite common in the 1990s, but each successive diagnosis demonstrated the weakening of such attitudes. Despite lowering the general indices, the electorate of PiS is still strongly authoritarian. Second, exercising power promotes greater political subjectivity. The sense of being part of the victorious camp generates greater support for the system, expressed among others in weaker alienation attitudes. Third, parties that base their brands on criticism, open opposition and negative rhetoric gain greater support from more paranoid and more alienated electorate. Fourth, taking into account the outlined socio-political division established in Poland after 2005, whose axis is the support for PO on the one hand and PiS on the other, it is worth emphasising that the psychological characteristics of electorate of those parties also sanction the division. The adherents of PO have a significantly lower level of political alienation, dispositional anxiety, political paranoia and authoritarianism than those who voted for PiS.

It appears, then, that apart from the broadly understood electoral context) the weakest link in the process of forming electoral behaviours is the clear lack of purposeful activities taken by the participants of political competition between elections. This competition is unattractive, does not sufficiently engage emotions and only to a limited degree stimulates

interest in the course of market events and politics in general. From this point of view, various activities to engage potential voters may significantly affect individual and collective determinants of decisions concerning certain voting behaviours.

Notes:

¹ In accordance with the political contract made at the Round Table, actual electoral competition between candidates supported by the current rulers and the opposition involved 35% of the seats. 60% were reserved for the coalition of Polish United Workers' Party (*Polska Zjednoczona Partia Robotnicza*, PZPR), United People's Party (*Zjednoczone Stronnictwo Ludowe*, ZSL) and the Alliance of Democrats (*Stronnictwo Demokratyczne*, SD), and the remaining 5%, for Christian Social Union (*Unia Chrześcijańsko-Społeczna*, UChS).

² Mirosław Karwat rightly points out that party identity is determined by four basic attributes: (1) the social base, (2) the traits of its members, (3) the mode of action and the character of its organisational bond, (4) ideological goals and principles and the character of ideological bond (Karwat, 2008: 161–162).

³ It was hard to expect that the simple diversification ('us' – post-Solidarność forces, and 'them' – post-communists) would guarantee a long-term political success, especially that autonomous political groups were gradually emerging in the post-Solidarność camp.

⁴ Standardisation of the communicated content is manifested in the instrumental treatment of simplified political values that are acceptable for the broadest circles of political recipients, i.e. designing the message content that optimally fits the current political context.

⁵ In their programming concepts, parties not only referred to the heritage of the real socialism (parties originating from the previous system) but also to the political concepts of the Second Polish Republic.

⁶ The primary segmentation (structuralisation) of Polish political market initiated with the activity of Lech Wałęsa and his political circle at the time (so-called “war at the top” in May 1990) did not produce the expected modernisation effects, so it can be said that the division of the political arena did not translate into relatively permanent diversification or structuralisation of different voter groups.

⁷ The syndrome of “secondary withdrawal” was well illustrated with the voter turnout (43%) in the parliamentary election of 1991, which really began the development of the political market.

⁸ In many cases, withdrawal is permanent. Polish studies have identified a category of citizens who are completely passive in terms of politics, do not display any interest in political events and do not wish to participate in elections at any level (*permanent non-voters*). As conservatively estimated (Raciborski, 2003: 111) approx. 20% of Poles have never been voting in elections since 1989.

⁹ In the electoral campaign before the 2000 presidential election, four candidates (Marian Krzaklewski, Aleksander Kwaśniewski, Andrzej Olechowski, Janusz Kalinowski) purchased TV broadcast time.

¹⁰ In the short-time perspective, only the electorate of Sojusz Lewicy Demokratycznej did consolidate.

¹¹ Platforma Obywatelska spent on paid TV spots nearly as much as all the other parties altogether; the allocation of PO's expenditure was also interesting: it was the only committee to spend more on advertising campaign in commercial channels – 63.3% of the total expenditure (see more in Kolczyński, 2003). Generally, it can be assumed that the new concepts of political influence were well received due to the changes occurring on the media market: the 2001 election was a marked

beginning of non-public TV broadcasters' engagement in campaign communication. This way, they departed from the practice of distancing themselves from current electoral affairs. Notably, in the parliamentary electoral campaign in 2001 over 46% of the expenditure on paid electoral spots was allocated in commercial TVs, which have been significant actors of Polish political scene from then on.

¹² Yet, the clear tendency to send the electoral message to a broad group of voters, with the typical 'catch all' approach, leads to the conclusion that the implemented strategies were general; there were no systemic strategies typical of fully developed marketing approach in politics.

¹³ In 2005, all the major parties used the services of external agencies specialising in promotional activities (advertising agencies, media houses) and/or specialists in certain areas.

¹⁴ An interesting consequence of personalisation and mediatisation of the campaign is very high interest of mass media in activities connected with human resources: the stage of creating candidate lists, "political transfers" and list registration clearly attracts media's attention and enables taking primary activities to ensure market positioning of the political entity.

¹⁵ Confrontation focused on two different visions of Poland was skilfully replaced with image-based competition, using in communication the illusory political values creating the impression of political diversity and alternative electoral offer created by the main entities of political competition.

¹⁶ The starting point in the process of stimulating certain emotions is communication activities, which spectacularly use the symbols of political confrontation to attract attention and create the politically desirable image of the reality.

¹⁷ From this approach, effectiveness must be regarded as a function of adjusting to the market even if the activities taken during the campaign contradict the profile of the party (including the arguments propagated before).

¹⁸ Granted, in the case of spectacular victory of PO it is hard to question the effectiveness of electoral strategy. But even in the case of the loss of power on the part of PiS, it must be remembered that the party obtained more votes than in the victorious election of 2005.

¹⁹ With few exceptions, e.g. before the European Parliament election in 2009, Prawo i Sprawiedliwość attempted to thoroughly modify its political strategy with the use of interesting image-creating activities, so as to regain (at least partially) the strategy initiative lost to PO.

²⁰ *Hard politics* – the image construed around the programme offer and/or real achievements of a political party and the attributes of its leaders

²¹ Its basic points of reference are: mutual trust, community of values and strong emotional bonds, as well as time precise and clear difference from political rivals.

²² Still, the conflicting orientation of the political competition strategy, at least in the communicative dimension, produced a clear, dichotomous cleavage of the political market (with little margin of strategic freedom for other political entities).

²³ The 2010 presidential election, taking place in a unique context of the Smolensk crash, was a serious challenge for Polish political marketing specialists. The early date of the election required the campaign teams to display high organisational skills, involving quick selection of new candidates and developing the strategic assumptions anew (or thoroughly modifying them with consideration of the new candidate).

²⁴ The decision of Constitutional Tribunal overruling the changes in the ordinance (July 2011) was made when the electoral campaign was already in progress (the campaign actually began with the session of jubilee convention of Platforma Obywatelska in Gdańsk (11/06/2011) and the Youth Congress of Prawo i Sprawiedliwość in Warsaw (11/06/2011)) and the re-orientation of the adopted electoral strategy necessitated high strategic flexibility and organisational skill.

²⁵ The outstanding element was the political pop form of audio-visual advertising: the spots had the form of attractive and simple short videos, perfectly suiting the expectations of voters used to on-line channels of communication.

²⁶ It included four elections scheduled directly one after another: European Parliament (2014), self-governmental (2014), presidential (2015) and parliamentary (2015).

References:

- Antoszewski, A. (2006) *Wzorce rywalizacji na arenie wyborczej (Patterns of competition on the electoral arena)*, In: Antoszewski A. (ed.) *Systemy polityczne Europy Środkowej i Wschodniej* (Wrocław: Wydawnictwo Uniwersytetu Wrocławskiego).
- Bartolini, S. & Mair, P. (1990) *Identity, competition and electoral availability: The stabilization of European electorates, 1885–1985* (Cambridge: Cambridge University Press).
- BS (1995) *Zachowania polityczne a cechy społeczno-psychologiczne elektoratów (Political behaviours vs socio-psychological characteristics of electorates)* (Warszawa: Centrum Badania Opinii Społecznej, Komunikat z badań).
- BS (1999) *Zmiany w psychologicznych profilach elektoratów partyjnych (Changes in psychological profiles of party electorates)* (Warszawa: Centrum Badania Opinii Społecznej, Komunikat z badań).
- BS (2002) *Psychologiczne charakterystyki elektoratów partyjnych (Psychological profiles of party electorates)* (Warszawa: Centrum Badania Opinii Społecznej, Komunikat z badań).
- BS (2011) *Zmiany w psychologicznych profilach elektoratów partyjnych (Changes in psychological profiles of party electorates)* (Warszawa: Centrum Badania Opinii Społecznej, Komunikat z badań).
- BS (2015) *Psychologiczne charakterystyki elektoratów partyjnych (Psychological characteristics of party electorates)*, 138. Warszawa: Centrum Badania Opinii Społecznej, Komunikat z badań.
- Gallagher, M., Laver, M. & Mair, P. (1992) *Representative Government In Western Europe* (New York: McGraw Hill).
- Garlicki J. (2007) *Społeczne determinanty zmian w postrzeganiu demokracji w trakcie procesu transformacji systemu w Polsce (Social determinants of changes in perception of democracy during the system transformation in Poland)*, In: Garlicki, J. (ed.) *Studia Politologiczne, vol. 11: Społeczne uwarunkowania transformacji systemowej w Polsce* (Warszawa: Dom Wydawniczy Elipsa), pp. 11–40
- Grabowska, M. & Szawił, T. (2001) *Budowanie demokracji (Building democracy)* (Warszawa: Wydawnictwo Naukowe PWN).
- Grabowska, M. (2004) *Podział postkomunistyczny. Społeczne podstawy polityki w Polsce po 1989 roku (Post-communist cleavage. Social basis for politics in Poland after 1989)* (Warszawa: Scholar).
- Grabowska, M. (2006) „Jako błyskawica”. Problemy z polityczną instytucjonalizacją ruchu Solidarności (“Like a lightning”. Problems with political institutionalisation of the Solidarność movement), In: *Solidarność*, 617, pp. 13-25.
- Grabowska, M. (2010) Podziały nie są nowością: nowe ich polityczne rozgrywanie (Cleavages: not a new phenomenon, but new application in politics), *Kultura Liberalna*, 96, available at <http://kulturaliberalna.pl/2010/11/09/sztompka-grabowska-wigura-kusiak-wysocka-kosc-polskie-zderzenie-cywilizacji-i/#2> (December 2010).
- Karwat, M. (2008) *Ucieczka przed tożsamością. Antynomie i paradoksy identyfikacji polskich polityków i partii (Flight from identity. Antinomies and paradoxes of identification of Polish*

- politicians and parties*), In: Błuszkowski, J. (ed.) *Dylematy polskiej transformacji* (Warszawa: Dom Wydawniczy Elipsa), pp. 160–180.
- Kolczyński, M. (2007) *Strategie komunikowania politycznego (Strategies of political communication)* (Katowice: Wydawnictwo Uniwersytetu Śląskiego).
- Kolczyński, M. (2013) *Marketing polityczny w Polsce – w poszukiwaniu utraconej dynamiki rozwoju (Political marketing in Poland: pursuit of the lost development dynamics)*, In: Kasińska-Metryka, J. & Wiszniewski, R. (eds.) *Kryzys marketingu politycznego* (Toruń: Wydawnictwo Adam Marszałek), pp. 41–77.
- Knutsen, O. & Scarbrough, E. (1995) *Cleavage Politics and Value Conflict*, In: van Deth J. & Scarbrough, E. (eds.) *The Impact of Values* (Oxford: Oxford University Press), pp. 492–523.
- Lane, J.-E. & Ersson, S. (1994) *Politics and Society in Western Europe* (London, Thousand Oaks, New Delhi: Sage).
- Markowski, R. & Tucker, J. (2010) Euroscepticism and the emergence of political parties in Poland, *Party Politics*, 16(4), pp. 523–548.
- Raciborski, J. (2003) *Polityka polska (Politics in Poland)* (Warszawa: Wydawnictwo Akademickie Żak).
- Sosnowski, T. & Wrześniewski, K. (1983) Polska adaptacja inwentarza STAI do badania stanu i cechy lęku (Polish adaptation of the State-Trait Anxiety Inventory – STAI), In: *Przegląd Psychologiczny*, 26(2), pp. 17-38.
- Szacki, J. (1999) *Nauki społeczne wobec wielkiej zmiany (Social sciences' approach to the great change)*, In: Kurczewska, J. (ed.) *Zmiana społeczna. Teorie i doświadczenia polskie* (Warszawa: Wydawnictwo Instytutu Filozofii i Socjologii PAN), pp. 123–133.
- Turska-Kawa, A. (2010) Psychologiczne uwarunkowania zachowań wyborczych (Psychological determinants of voting behaviours), In: *Preferencje Polityczne*, 1, pp. 101–121.
- Turska-Kawa, A. (2012) Poczucie alienacji jako zmienna różnicująca zachowania wyborcze obywateli w wyborach do sejmu 2011 roku (The sense of alienation as a variable diversifying citizens' voting behaviours in the 2011 Sejm election), In: *Preferencje Polityczne*, 3, pp. 145–158.
- Wojtasik, W. (2011) *Lewica i prawica. Aspekty ekonomiczno-społeczne (Left and right wing: economic and social aspects)* (Sosnowiec: Oficyna Wydawnicza Humanitas).
- Wojtasik, W. (2012) Sukces Ruchu Palikota w świetle czynników możliwego sukcesu politycznego (Political Opportunity Structure). (*The Success of Palikot Movement in the light of political opportunity factors*), In: *Political Preferences*, 3, pp. 159-174.
- Zieliński E. (1996) *Przekształcenia polityczno-ustrojowe w Polsce (Political and systemic transformations in Poland)*, In: Zieliński E. (ed.) *Transformacja ustrojowa państw Europy Środkowej i Wschodniej* (Warszawa: Dom Wydawniczy Elipsa), pp. 164-166.

Attitudes of Slovenian Citizens Towards the European Union Since the Accession

SIMONA KUKOVIČ & MIRO HAČEK

Abstract The Republic of Slovenia has - already at the time of promulgation of the independence - expressed the willingness and aim to become a full member of the European Union (EU). The official negotiations for the entry launched in March 1998 and in May 2004 Slovenia became a full member of the EU. Since then, Slovenia is represented in all EU institutions and it is involved in the decision making process within those institutions. EU law became part of the national legislation especially in areas where Slovenia transferred its sovereign rights to the EU. In the paper the authors put an emphasis on the attitudes of the Slovenian citizens towards the European Union and its institutions from the accession in 2004 until today; authors conclude that citizens' positive attitudes towards the integration have dropped significantly since the accession in 2004, and drops are especially visible in the last few years when Slovenia and also European Union are facing not only economic, but also political crisis.

Keywords: • Slovenia • European Union • attitude • integration • accession

CORRESPONDENCE ADDRESS: Simona Kukovič, Ph.D., Assistant Professor, University of Ljubljana, Faculty of Social Sciences, Kardeljeva ploščad 5, 1000 Ljubljana, Slovenia, email: simona.kukovic@fdv.uni-lj.si. Miro Haček, Ph.D., Professor, University of Ljubljana, Faculty of Social Sciences, Kardeljeva ploščad 5, 1000 Ljubljana, Slovenia, email: miro.hacek@fdv.uni-lj.si

DOI 10.4335/978-961-6842-73-0.9

ISBN 978-961-6842-73-0

© 2016 Institute for Local Self-Government and Public Procurement Maribor

Available online at <http://books.lex-localis.press>.

1 Introduction: The Accession Process and Slovenia's Admission to the European Union

From the time of declaring independence, the Republic of Slovenia had expressed a willingness to become a full member of the European Union (EU), identifying this as an objective both in strategic development documents and at the highest levels of political engagement. As the relevant development documents¹ indicate, the optimal long-term development of Slovenia's economy is seen to be inextricably linked to the country's accession to full EU membership, and soon after the country's liberation, this became a key objective. Diplomatic relations between Slovenia and the EU were first established in April 1992, as Slovenia proposed finalisation of the Europe Agreement and asked for support with the restructuring and consolidation of its economy. In April of the following year, a co-operation treaty was signed, and later that year, the Slovenian Government requested commencement of negotiations on conclusion of the Europe Agreement. In June 1996, a treaty was enacted in respect of Slovenia's integration into the European Community. The signatories were Slovenia, all EU Member States, and the European Communities. Along with some other former socialist states, Slovenia then commenced negotiations on full EU membership. This European treaty² enabled political dialogue and closer commercial co-operation, and it established the grounds for technical and financial support from the EU as well as supporting Slovenian integration into the EU (Fink-Hafner and Lajh, 2005: 55). All political parties excepting one (the Slovenian National Party) supported integration and signed a joint treaty on co-operation for this purpose. The National Assembly passed a decree on the priority of discussing European legislation, thereby accelerating adoption of the *Acquis Communautaire*, and membership of the European Union became a national commitment (Fink-Hafner and Lajh, 2005: 56). In November 1996, Slovenia and the EU signed a provisional agreement on trade, which came into force in January 1997, enabling activation of the trade section of the Association Agreement defining the free trade area between Slovenia and the-then EU15. In May 1997, Slovenia adopted the fundamental points of initiation of its strategy on EU accession, confirming a desire to attain full membership of the EU, and in June that year the European Commission presented its views on candidate states (the so-called Agenda 2000). Because this opinion was favourable towards Slovenia, the country was allotted to the primary group of states entering negotiations, and talks officially opened on March 31, 1998. During several years of negotiations, an accord was arrived at detailing the conditions of Slovenia's accession. Slovenian legislation was harmonised with European provisions, and certain exceptions, together with transitional periods, were set down. (Government Portal Life in the EU, 2012). Accession negotiations between Slovenia and the EU were completed in 2002, the Treaty of Accession of Slovenia to the EU was signed in April 2003 and, on May 1, 2004, Slovenia became part of the European family of nations. In consequence, the EU *Acquis Communautaire* became part of Slovenian legislation, and European affairs became internal affairs for Slovenia and its people (Haček and Kukovič, 2014: 100–101).

It is crucial for Slovenia to represent its interests in a clear and efficient manner at the supranational level, and to do so uniformly and in a coordinated fashion. So it is that Slovenia is represented at all of the Union's institutions³ and takes part in all decision-making. The EU's legal order became part of Slovenian legislation, especially in respect of those matters within the scope of EU competences. In areas belonging to the exclusive competence of the EU, Slovenia has ceded part of its sovereign rights to the Union. Since decisions made at the supranational level are of great significance and exert a strong influence on every Slovenian citizen's daily life, the coordination of Slovenian representatives at EU level, and the formulation and coordination of Slovenian perspectives on European issues is of crucial importance. Today, Slovenia can participate in Community programmes designed primarily for social and economic progress and mutual integration. Slovenia now contributes part of its gross national product (GNP) to the joint EU budget and is granted financial support *inter alia* for agricultural and countryside development and for sustainable growth and more coordinated regional socio-economic development within the framework of the European Cohesion Policy. As a Member State of the EU, Slovenia has also participated in negotiations on financial policy, and Slovenian citizens have access to labour markets in other Member States, as well as to education and unrestricted travel throughout Europe and access to European funds. (Government Portal *Life in the EU*, 2012; see also Haček and Kukovič, 2014: 101–102).

2 Satisfaction of Slovenians With EU Membership and Life in the EU

The overview of statistical data on attitudes of Slovenian citizens towards membership and life in the EU extends back to 2004, detailing support for EU membership. Among the ten acceding countries in Spring 2004, the highest support for EU membership was recorded in Lithuania (52 percent of survey respondents saying it was good for their country to become a member of the EU), followed by Malta (50 percent). Slovenia, at 40 percent, was at the lower end, higher only than Latvia (33 percent) and Estonia (31 percent). However, the citizens of Slovenia, Hungary and Lithuania most often expressed expectations of certain benefits as a result of their country's membership: in Slovenia, 64 percent expected benefits while in Lithuania and Hungary the percentage was 58 percent, respectively). In the period 2003–2004 (measured from Spring 2003 to Spring 2004), the trend of support for EU membership in Slovenia reflected the average for new Member States at the time of the referendum on Slovenia's accession (Spring 2003), when support reached its peak (57 percent), followed by a trend of decreasing support to 40 percent – a drop of 17 percent. In the period 1999–2002, support in Slovenia was continuously below the average for new Member States (by between 5 percent and 11 percent). However, the percentage of inhabitants of Slovenia who maintained that EU membership would be detrimental to Slovenia was consistently lower as well, ranging from 7 percent to 17 percent (Eurobarometer 62, 2004: 18; see also Haček and Kukovič, 2014: 106).

For the people of Slovenia, their worst fears related to increased difficulties for the country's farmers (67 percent of responses), which was a topic frequently promoted by opponents of Slovenia's accession to the EU, and the migration of jobs to countries with lower production costs (63 percent). The latter probably reflected previous similar experiences in the Slovenian economy – such as the case of Tobačna Ljubljana, which moved its production activities abroad to reduce production costs – and the fact that Slovenia has the highest labour costs of all new EU Member States, making other locations more attractive to foreign corporations. This was followed by fears of increased illegal drug trafficking and international organised crime (58 percent), based on Slovenia's strategic geographical position connecting Western Europe to the former Yugoslavia and south-eastern Europe. Concerns that Slovenia might become a net contributor to the European budget (57 percent) were also frequently advanced by opponents of Slovenian entry to the EU. Even supporters of Slovenia's membership listed these same four problems. On the other hand, fears about declining use of the Slovenian language and the loss of Slovenian national identity and culture were relatively rare (Eurobarometer 62, 2004; see also Haček and Kukovič, 2014: 106).

Subsequently, in the autumn of 2004, 52 percent of survey respondents said EU membership of Slovenia was a good thing, while only 5 percent thought it was bad. Only Slovakia, Luxembourg and Ireland had a higher percentage of favourable responses. At this time, most Slovenians were convinced that Slovenia had benefited from becoming part of the EU (58 percent), whereas 28 percent thought that it had gained nothing, which was slightly better than the average for the EU25 as it then was. Those who said that Slovenia had not benefited from EU membership were primarily the unemployed (40 percent), or those with primary-only education (32 percent), born in European states outside the EU (33 percent), the self-employed (39 percent) and those who were dissatisfied with levels of democracy in the EU (41 percent). The opinion that Slovenia had gained from membership was endorsed by a majority of survey respondents who were male (64 percent), students or highly educated (65 percent), to the right on the political spectrum (65 percent), managers (67 percent), civil servants (68 percent) or satisfied with democracy (68 percent) (Eurobarometer 62, 2004; see also Haček and Kukovič, 2014: 107).

Data published in the spring of 2005 presented a somewhat altered picture of these attitudes. This time, EU membership of Slovenia was deemed a good thing by 49 percent of respondents while 9 percent said it was bad. By comparison with the preceding Eurobarometer survey, one can see a slight decrease in satisfaction and an increase in dissatisfaction. It could be argued that, after a year of membership, "Euro-optimism" had declined a bit as the initial enthusiasm dissipated. However, this decline might equally be attributed to high-profile pre-referendum campaigns against the ratification of the Constitutional Treaty in some EU Member States, which may have prompted a general increase of Euro-scepticism and Euro-criticism. There were still no signs of any dramatic change, though, as surveys conducted around the first anniversary of EU membership

showed that it had brought about few if any major shifts in the life of the average citizen, which would only become tangible with the adoption of the Euro and the introduction of Schengen control of external borders. In other new Member States at that time, many people simply had no idea whether their country's membership was to be considered good or bad. At the time, the most satisfied respondents were to be found in the Benelux countries and in Ireland (Eurobarometer 63.4, 2005: 17; see also Haček and Kukovič, 2014: 107–108).

Table 1: Trust of Slovenians towards the EU and key EU institutions (in %)

	European Union	European Parliament	European Commission
2004	60	66	64
2005	55	66	64
2006	70	73	73
2007	65	63	61
2008	60	62	61
2009	50	46	46
2010	48	49	51
2011	38	43	40
2012	39	48	47
2013	34	38	40
2014	37	35	34
2015	41	41	42

Source: Eurobarometer surveys from 2004 to 2016 (Number 62, 63.4, 66, 68, 70, 72, 74, 76, 78, 79, 81, 83), available at www.ec.europa.eu. Numbers represent percentages of respondents who expressed trust towards the European Union as a whole or towards specific listed institutions.

As of the Fall of 2010, data show that 48 percent of Slovenian respondents trusted the EU, while 46 percent did not. Across the EU at the time, 43 percent of respondents said they trusted the Union and 45 percent said they did not. By comparison with the previous survey, trust in the EU had increased slightly (by 1 percent in both Slovenia and the EU as a whole) while the level of distrust had decreased (by 2 percent in both Slovenia and the EU as a whole). It is also interesting to note that for more than half of Slovenian respondents, the EU meant freedom of travel, studies and employment (54 percent), and the new Euro currency (53 percent). More than a quarter of respondents associated the EU with wasting money (29 percent), bureaucracy and crime (both 26 percent), while 25 percent of Slovenians associated the EU with peace. As in earlier opinion polls, Slovenians demonstrated good knowledge of EU institutions: a majority responded they had heard of the European Parliament (96 percent), followed by the European Commission and the European Central Bank (both 92 percent), with the Council of the EU in last place (87 percent). The degree of trust in institutions increased with respect to the preceding survey and was somewhat higher for all the institutions than the average across all Member States. In 2010, more than half of Slovenian respondents said they

trusted the European Commission (51 percent) while slightly fewer expressed trust in the remaining institutions, all three of which enjoyed 49 percent support (Eurobarometer 74, 2011: 3–4; see also Haček and Kukovič, 2014).

Data published in Autumn 2011 show that 38 percent of Slovenian respondents trusted the EU, while 56 percent did not. At the same time, 43 percent trusted the European Parliament while 49 percent did not, and slightly fewer (40 percent) trusted the European Commission while 45 percent did not. Some 48 percent of Slovenians were satisfied with how democracy works in the EU while 46 percent were not satisfied. More than half (57 percent) of Slovenians understood how the EU works; higher than the EU27 average (42 percent). The great majority of Slovenia respondents (99 percent) said they had heard of the European Parliament, followed by the European Central Bank (93 percent) and the European Commission (88 percent). For more than half of Slovenians, the EU still represented freedom to travel, study and work (57 percent), and the Euro (56 percent). More than a third of respondents associated the EU with wasting money (36 percent), with lower figures for bureaucracy (33 percent), unemployment and crime (29 percent) and peace (28 percent) (Eurobarometer 76, 2011; see also Haček and Kukovič, 2014).

Table 2: Familiarity among Slovenians with key EU institutions (in %)

	Council of the European Union	European Parliament	European Commission	European Central Bank	Court of Justice of the EU
2004	74	95	90	74	83
2005	79	95	92	76	77
2006	81	97	91	77	82
2007	86	96	91	88	84
2008	88	94	90	91	na
2009	88	96	91	91	na
2010	87	96	92	92	na
2011	83	99	88	93	na
2012	87	98	92	95	95
2013	88	98	94	95	95
2014	na	97	93	94	na
2015	na	98	97	96	na

Source: Eurobarometer survey from 2004 to 2016 (numbers 62, 63.4, 66, 68, 70, 72, 74, 76, 78, 79, 81, 83), available at www.ec.europa.eu. Respondents were asked “Have you heard of...?” Numbers represent percentages of respondents, who answered positively to the above question.

Data published in Autumn 2012 indicate that 60 percent of Slovenians included in the survey understood how the EU works, an increase of 3 percent from the previous survey. In the 2012 survey, we can see that 98 percent of Slovenian respondents had heard of the European Parliament; followed by the European Central Bank and the Court of Justice of the European Union (95 percent), the European Commission (92 percent) and the Council

of the European Union (87 percent). Slightly more than half (51 percent) of Slovenian respondents were satisfied with how democracy works in the EU while 44 percent were not (2 percent fewer than in Autumn 2011). 51 percent said that for them personally the EU meant freedom to travel, study and work, while 43 percent associated the EU with the Euro, 28 percent with waste of money, and peace (28 percent), bureaucracy (27 percent) and unemployment (23 percent). The data about trust in the EU and in European institutions are also very interesting, with expressions of distrust in the EU at 57 percent. Compared with data from autumn 2011, trust in the European Parliament and in the European Commission increased slightly (for the European Parliament an increase of 5 percent, to 48 percent), as did trust in the European Commission (up 7 percent to 47 percent). Some 57 percent of Slovenian respondents trusted the Court of Justice of the European Union, followed by the Council of the European Union and the European Central Bank, both at 43 percent (Eurobarometer 78, 2012; see also Haček and Kukovič, 2014).

Data published in Spring 2013, showed that 63 percent of Slovenian respondents distrusted the EU, which is 6 percent more than in Autumn 2012. Furthermore, 28 percent of survey participants said that in general the EU conjures up a fairly negative or very negative image for them, while 66 percent of Slovenian respondents did not agree with the statement that “EU makes the quality of life better in Europe” (the EU27 average was 49 percent). As to how satisfied Slovenian respondents were with how democracy works in the EU, for most part they were not. Data show that more than half of the survey participants (51 percent) said that they are not satisfied in this regard,⁴ compared with the EU27 average of 46 percent. Moreover, 65 percent of survey participants disagreed with the statement “My voice counts in the EU”. On the other hand, 53 percent of Slovenian respondents disagreed with the statement “Slovenia could better face the future outside the EU”. This is consistent with data indicating that 48 percent see themselves in the near future as both Slovenians and Europeans (Eurobarometer 79, 2013; see also Haček and Kukovič, 2014).

Looking at some additional data, published in spring 2013, we can see that 98 percent of survey participants from Slovenia had heard of the European Parliament; followed by the European Central Bank and the Court of Justice of the European Union (both 95 percent), the European Commission (94 percent) and the Council of the European Union (88 percent). Some 61 percent claimed to understand how EU works.⁵ In this survey, more than half of Slovenian respondents expressed distrust not only in the EU, but also in European institutions in general: 58 percent distrusted the European Central Bank, 56 percent distrusted the European Parliament, 53 percent distrusted the Council of the European Union and 52 percent distrusted European Commission. The only exception is the Court of Justice of the European Union, with only 41 percent distrusting this institution while 54 percent expressed trust (Eurobarometer 79, 2013). As to the question of what the EU means to them personally, Slovenian participants highlighted freedom to travel, study and work (50 percent), the Euro (40 percent), bureaucracy (33 percent),

waste of money (28 percent) and unemployment (28 percent), peace (26 percent), more crime (24 percent), cultural diversity (19 percent), and a stronger say in the world (18 percent). Only 13 percent of participants connected the EU with democracy, 13 percent with loss of national identity, 12 percent with economic prosperity, 11 percent with not enough control at external borders, and only 8 percent with social protection (Eurobarometer 79, 2013; see also Haček and Kukovič, 2014).

Latest Eurobarometer (83, 2015), published in late spring 2015, shows that 52 percent of Slovenian respondents distrusted the EU, which is 9 percent less than in 2013. Further, only 17 percent of the respondents said that in general the EU conjures up a fairly negative or very negative image for them, which is 11 percent less than in similar survey from 2013. At the same time, 54 percent of Slovenian respondents did not agree with the statement that “EU makes the quality of life better in Europe” (the EU28 average was 39 percent); both figures are 10 percent down compared with 2013 data. As to how satisfied Slovenian respondents were with how democracy works in the EU, most respondents (49 percent; EU28 average was 46 percent) express their satisfaction, and 45 percent of survey participants said that they are not satisfied in this regard, compared with the EU28 average of 41 percent. Consistent with the slightly improved data in Eurobarometer survey 83 (2015) was also the result with the statement “My voice counts in the EU” – while 51 percent of the respondents still disagreed with that statement, this still represents 14 percent less disagreement than in survey from 2013. Interesting, at the same time only 44 percent of respondents disagreed with the statement “Slovenia could better face the future outside the EU”, which is 9 percent less than in same survey from 2013. At the same time level of knowledge on the EU institutions remained very high, as 98 percent of survey participants from Slovenia had heard of the European Parliament; followed by the European Commission (97 percent) and European Central Bank (96 percent). Some 69 percent claimed to understand how EU works, up by 8 percent from 2013 survey. Distrust towards key EU institutions diminished a bit from 2013, as 59 percent of respondents expressed their distrust towards the European Parliament and 58 percent expressed their distrust towards the European Commission. To the largest part of the respondents (51 percent) EU still represents freedom to travel, study and work anywhere in the EU. Still, only 17 percent of the respondents connected EU with the democracy, only 16 percent with the stronger presence in the world and only 9 percent with social protection (Eurobarometer 83, 2015).

3 Conclusion

Slovenia became a full member of the European family in May 2004. Since then, Slovenia has been represented in all EU institutions and is involved in the decision-making process within those institutions. EU law became part of domestic legislation, especially in those areas where Slovenia transferred its sovereign rights to the EU. As has been noted here, Slovenia has hosted some very important events in the last decade since becoming a full member of the European Union—not only for Slovenia, but for the whole EU. First, in the first half of 2008, Slovenia was the first former socialist member state to take over the very responsible task of the Council Presidency. Second, on January 1, 2007, Slovenia (again as the first new member state from the 2004 accession) joined the Eurozone and introduced the common European currency, the Euro. Finally, on December 22, 2007, Slovenia became a member state of the Schengen Area and ceased border controls on international land and maritime borders within the EU (Haček and Kukovič, 2014: 111).

The main objective of this paper was to analyse the first decade of Slovenian EU membership specifically in terms of citizens' attitudes. We compared the results of public opinion surveys on satisfaction with the EU from the time of accession to the present. Support for EU membership reached its peak at 57 percent in Spring 2003 – at the time of the successful referendum on Slovenia's accession to the EU – but after that period, support started to slowly decrease. Going back to Autumn 2004, one finds that 52 percent of survey respondents said EU membership of Slovenia was a good thing, and only 5 percent thought it was a bad thing. The latest data, published in Spring 2015, present a very different picture, as 52 percent of Slovenian respondents expressed distrust towards the EU. Of further concern is the finding that nearly half of Slovenian citizens (45 percent) said they were not satisfied with how democracy works in the EU; but on the bright side it should also be said, that both indicators show positive trends since 2013 measurement. The satisfaction of Slovenian citizens with the EU is decreased quite significantly since the accession, and the same observation can be made about trust towards the EU and its major institutions. Any definitive explanation of these low levels of satisfaction and trust remains elusive, although we can probably find at least partial answers in recent events, most especially in the global economic crisis and its political and economic impacts, which hit Slovenia especially hard as a state of especially permanent political crisis extends into a eight straight year. There seems little doubt that the generally negative view towards the political sphere among Slovenia's citizens over the last few years must be taken into account. In general, we must conclude that Slovenian citizens are still much less satisfied with the EU compared to the period of accession to the EU, although some positive trend in the most recent periods can be observed.

Notes:

¹ See, for instance, Slovenia's Economic Development Strategy, The Strategy of International Economic Relations of Slovenia, and the Strategy for Improving the Competitiveness of the Slovenian Industry.

² The EU is based on the rule of law. This means that every action taken by the EU is founded on treaties that have been approved voluntarily and democratically by all EU member countries. For example, if a policy area is not cited in a treaty, the Commission cannot propose a law in that area. A treaty is a binding agreement between EU member countries. It sets out EU objectives, rules for EU institutions, how decisions are made and the relationship between the EU and its member countries. Treaties are amended to make the EU more efficient and transparent, to prepare for new member countries and to introduce new areas of cooperation such as the single currency. Under the treaties, EU institutions can adopt legislation, which the member countries then implement. The main treaties are: Treaty establishing the European Coal and Steel Community (1952); Treaties of Rome, European Economic Community and the European Atomic Energy Community treaties (1958); Single European Act (1986); Treaty on European Union—Maastricht Treaty (1993); Treaty of Amsterdam (1999); Treaty of Nice (2003); and Treaty of Lisbon (2009) (for more information, see Europa.eu, 2012a).

³ The four most important institutions of the EU are the *European Council*, comprising heads of EU Member States and the EU itself, which determines general political guidelines for the EU; the *European Parliament*, composed of directly elected representatives, which represents the European people; the *European Commission*, whose members are appointed by the Member States' governments, which takes care of the interests of the EU as a whole; and the *Council of the European Union*, bringing together representatives of Member States' governments and defending individual countries' interests. Additionally, there is a whole range of other institutions, e.g. the Court of Justice of the European Union, the European Court of Auditors, the Committee of the Regions, the European Economic and Social Committee and the European Central Bank, among others (for more information, see Europa.eu, 2012b).

⁴ For comparison, in the survey conducted in Autumn 2012, 44 percent were not satisfied, and in the survey conducted in Autumn 2011, 46 percent were not satisfied.

⁵ This is 3 percent more than in the survey conducted in Autumn 2011 and 1 percent more than in the survey from Autumn 2012.

References:

European Commission (2004) *Eurobarometer 62: Public opinion in the EU - Autumn 2004* (Brussels: European Commission), available at: http://ec.europa.eu/public_opinion/archives/eb/eb62/eb62_sl_nat.pdf (June 2016).

European Commission (2005) *Eurobarometer 63.4: Public opinion in the EU - Spring 2005* (Brussels: European Commission), available at: http://ec.europa.eu/public_opinion/archives/eb/eb64/eb64_sl_nat.pdf (June 2016).

Brussels: European Commission (2006) *Eurobarometer 66: Public opinion in the EU - Autumn 2006* (Brussels: European Commission), available at http://ec.europa.eu/public_opinion/archives/eb/eb66/eb66_en.pdf (June 2016).

- European Commission (2008) *Eurobarometer 68: Public opinion in the EU - Autumn 2007* (Brussels: European Commission), available at http://ec.europa.eu/public_opinion/archives/eb/eb68/eb_68_en.pdf (June 2016).
- European Commission (2008) *Eurobarometer 70: Public opinion in the EU - Autumn 2008* (Brussels: European Commission), available at http://ec.europa.eu/public_opinion/archives/eb/eb70/eb70_en.htm (June 2016).
- European Commission (2010) *Eurobarometer 72: Public opinion in the EU - Autumn 2009* (Brussels: European Commission), available at http://ec.europa.eu/public_opinion/archives/eb/eb72/eb72_vol1_en.pdf (June 2016).
- European Commission (2011) *Eurobarometer 74: Public opinion in the EU - Autumn 2010* (Brussels: European Commission), available at http://ec.europa.eu/public_opinion/archives/eb/eb74/eb74_si_si_nat.pdf (June 2016).
- European Commission (2011) *Eurobarometer 76: Public opinion in the EU - Autumn 2011* (Brussels: European Commission), available at http://ec.europa.eu/public_opinion/archives/eb/eb76/eb76_anx_en.pdf (June 2016).
- European Commission *Eurobarometer 78: Public opinion in the EU - Autumn 2012* (Brussels: European Commission), available at http://ec.europa.eu/public_opinion/archives/eb/eb78/eb78_en.htm (June 2016).
- European Commission *Eurobarometer 79: Public opinion in the EU - Spring 2013* (Brussels: European Commission), available at http://ec.europa.eu/public_opinion/archives/eb/eb79/eb79_anx_en.pdf (June 2016).
- European Commission *Eurobarometer 81: Public opinion in the EU - Spring 2014* (Brussels: European Commission), available at http://ec.europa.eu/public_opinion/archives/eb/eb81/eb81_anx_en.pdf (June 2016).
- European Commission *Eurobarometer 83: Public opinion in the EU - Spring 2015* (Brussels: European Commission), available at http://ec.europa.eu/public_opinion/archives/eb/eb83/eb83_anx_en.pdf (June 2016).
- Europa.eu (2012a) *EU treaties*. Available at http://europa.eu/about-eu/basic-information/decision-making/treaties/index_en.htm (June 2016).
- Europa.eu (2012b) *EU institutions and other bodies*. Available at: <http://www.evropa.gov.si/si/institucije-in-organi/> (June 2016).
- Fink-Hafner, D. & Lajh, D. (2005) *Proces evropeizacije in prilagajanje političnih ustanov na nacionalni ravni (The processes of Europeanization and the adaptation of political institutions on the national level)* (Ljubljana: Faculty of social sciences).
- Government portal 'Life in the EU' (2012) Available at <http://www.evropa.gov.si/> (June 2016).
- Haček, M. & Kukovič, S. (2014) Attitudes of Slovenian citizens towards European Union 2004–2013, *European Perspectives*, 6(10), pp. 99–114.
- Government of the Republic of Slovenia (2008) *Report on Slovenian's Council Presidency* (Ljubljana: Government of the Republic of Slovenia), available at http://www.svez.gov.si/fileadmin/svez.gov.si/pageuploads/docs/predsedovanje_eu03-07_Porocilo_predsedovanje2008-6_SPREJETO_NA_VLADI.pdf (June 2016).

Media and Journalism Transformation in Poland

MARIAN GIERULA & PATRYCJA SZOSTOK

Abstract The year 1989 was a breakthrough, not only for the Polish political system but also for the situation of mass communication media, which had been almost completely state-controlled in the People's Republic of Poland. As a result of democratic transformations, pluralism, foreign capital and various private media became part of the Polish media market. Political system transition occurred along with other changes similar to those taking place in other countries, such as the dynamic development of electronic media, Internet expansion, concentration on media markets, globalisation, media convergence, etc. Legal, organisational and technological transformations significantly affected the contemporary media system in Poland and the professional situation of journalists. This paper outlines the most important aspects connected with the functioning of mass media in the Polish Republic.

Keywords: • Polish media system • journalist • media law • mass media • media transformation

CORRESPONDENCE ADDRESS: Marian Gierula, Ph.D., Professor, University of Silesia in Katowice, Department of Journalism, Bankowa 12, 40-007 Katowice, Poland, email: marian.gierula@us.edu.pl. Patrycja Szostok, Ph.D., Associate Professor, University of Silesia in Katowice, Department of Journalism, Bankowa 12, 40-007 Katowice, Poland, email: patrycja.szostok@us.edu.pl.

DOI 10.4335/978-961-6842-73-0.10

ISBN 978-961-6842-73-0

© 2016 Institute for Local Self-Government and Public Procurement Maribor

Available online at <http://books.lex-localis.press>.

1 Transformations of the Media Situation in the Period of Systemic Transition

The changes in the socio-political system in Poland after 1989 were accompanied by thorough reconstruction of law regulating the functioning of mass media. The basic legal acts regulating these issues were: Act of 22 March 1990 on the liquidation of the Workers' Publishing Cooperative "Prasa-Książka-Ruch"; Act of 11 April 1990 on the overruling of the act on control of publications and performances, liquidation of the Central Office of Control of the Press, Publications and Performances, and amending the "Press Law" act; Broadcasting Act of 29 December 1992; and the Act on Polish Press Agency adopted on 31 July 1997 (Mielczarek, 1998: 35–36).

1.1 Liquidation of censorship and changes in press law

An important legal act providing the basis for the functioning of Polish media after 1989 was the Act of 11 April 1990 on the overruling of the act on control of publications and performances, liquidation of the Central Office of Control of the Press, Publications and Performances, and amending the "Press Law" Act. Pursuant to Article 3 of that act, the Act of 31 July 1981 on the control of publications and performances was terminated. The Central Office of Control of the Press, Publications and Performances (GUKPiW) and its regional branches were abolished. Registers of journals and magazines kept by the Office were transferred to the competent voivodeship (currently, district) courts. The responsibility to register new papers was also vested in courts. These provisions were confirmed by the Constitution of the Republic of Poland from 1997. Articles 14, 54 and 61 guaranteed the freedom of press, banned preventive censorship, and guaranteed the citizens the right to information. Amendments of the "Press Law" act valid since 1984 involved, among others:

- more precise rules applying to the journalistic profession;
- thorough reconstruction of the chapter on the organisation of press activity;
- the introduction of registration of new papers by voivodeship (currently, district) courts;
- specifying the circumstances in which an editorial team could refuse to publish a disclaimer or a response;
- new provisions concerning liability for the violation of law resulting from publishing press materials, and rules of court proceedings in such cases.

Both abolishing censorship and amending press law were very convenient for the Polish media. The press could fully use the freedom of speech, and thus fulfil the citizens' rights to information and ensure the open nature of public life. The media were no longer an instrument of state authorities' policy but finally received full institutional independence. On the other hand, the novelty of media matters in judicial practice and the low effectiveness of Polish judiciary opened up new opportunities for the media, not anticipated by the legislator. Journalists learned their power quite quickly, and sometimes

even abused their newly acquired liberty. This, in turn, led to court processes and widespread discussion on the limits of the freedom of speech.

1.2 Liquidation of the Workers' Publishing Cooperative “Prasa-Książka-Ruch”

Liquidation of the Workers' Publishing Cooperative “Prasa-Książka-Ruch”, politically and organisationally controlled by the Polish United Workers' Party (PZPR), was the major issue demanded by “Solidarność” during the Round Table discussion. The main intention of the Act on the liquidation of the Workers' Publishing Cooperative “Prasa-Książka-Ruch”, adopted on 6 April 1990, was to demonopolise the press market and to create a new, independent, pluralist one. The legislator entrusted this task to the Liquidation Committee appointed by the Prime Minister. The legislators also determined the direction of transformations of the Polish press market. Basically, the liquidation act provided for two ways of transformation. First, Article 5 of the Act stipulated that publishing houses and other entities of the Cooperative could be transferred free of charge to work cooperatives established by at least half of the employees so as to maintain the continuity of their employment. Second, Article 6 of the Act provided for selling the parts of the concern that were not transferred to work cooperatives. Other components of the Cooperative and the profits from the sale were to be handed over to the state.

As a result of the activity of the Liquidation Committee, in the summer 1991, the press monopoly in Poland was a thing of the past. Out of nearly 200 titles published by the Workers' Publishing Cooperative “Prasa-Książka-Ruch” in the spring 1991, the Liquidation Committee left 71 newspapers and periodicals to their editorial teams, 78 (including nearly all the politically important newspapers) were sold by tender, and 8 were taken over by the state. Nobody wanted 20 of the papers, and 21 others had been suspended in 1990. Opinions on the range of changes and pluralism in the Polish press after the privatisation of the Cooperative's newspapers and periodicals were very different. The criticism mostly referred to the fact that nearly half of the privatised papers were owned by editorial companies, which in a way meant the continuation of the previous state of affairs. However, the main goal of disbanding the Cooperative was to remove the former monopolistic structures, and this was definitely achieved. It may be claimed that the Liquidation Committee did not prevent the monopolisation of the market, which was one of the fundamental principles assumed by the liquidation of the Cooperative (Schliep, 1996: 131–137).

1.3 Broadcasting Act

Another fundamental legal act regulating the functioning of the media in Poland was the Broadcasting Act of 29 December 1992. The implementation of the act was vested in the National Broadcasting Council, which became one of the chief state bodies specified in the Constitution of the Republic of Poland (Sobczak, 1999: 59–83). It ensures the freedom of speech, citizens' right to information, and the social interest in the radio and television.

Originally, the Council was made up of 9 members, 4 of whom were appointed by the Sejm, 3 by the President, and 2 by the Senate. Their term of office was 6 years, and every two years 1/3 of the Council's composition were replaced. The Act of 29 December 2005 resulted in the appointment of a new, 5-member Council. The rule of members' rotation was also cancelled. In the new Council, 2 persons are appointed by the President, 2 by the Sejm, and 1 by the Senate. The Chairman of the Council is elected by the members. Specific tasks of the Council are: to participate in creating the state policy concerning the activity of electronic media, to determine the conditions of broadcasters' activity and to supervise them, to determine licence fee rates, and to promote research concerning electronic mass media. The National Council issues licences for broadcasting radio and television programmes to Polish citizens or legal persons with the permanent seat in Poland.

1.4 Polish Regulations Concerning Media Concentration

The current situation of regular mass communication media in Poland is the result of different strategies of reforming the press and electronic media systems after 1989. State-controlled privatisation (the Liquidation Committee) and the deregulation policy regarding printed press, charged with political and ideological prejudice, contributed to forming a press system which almost exclusively involves private ownership and free market (Gierula, 2005: 63–66). Experiences with the privatisation of the press market, as well as the social importance of electronic media (especially TV), significantly affected the formation of the radio and television system in Poland, dependent on the regulatory control of the state. The basic goal of the state policy applied to this sector of the media was to retain the duality of private and public ownership. This diversity of media ownership in Poland is constantly undergoing changes and transformations. Their primary expressions are phenomena such as: monomedia expansion, commercialisation of public broadcasters, local/regional concentration, and establishing multimedia concerns, which invest in different segments of the market. The process of media concentration particularly influences the pluralism of media outlets in Poland, which leads to lower diversity of entities and media supply as well as persistent consolidation.

Generally, the media law and cartel law mainly regulate media activity in Poland, especially media pluralism and ownership. The protection of competition on media markets and ensuring media pluralism are two different objectives, which have many common aspects but cannot function interchangeably. Whereas the Polish legal framework ensures adequate conditions for the implementation of the first assumption (protection of competition), the regulation of the other one (protection of media pluralism) apparently needs further improvements. Actually, there is no single regulatory mechanism or institution responsible for supporting the media. The existing direct or indirect subsidies are allocated by various institutions and for various purposes. Independence of journalists and editors from owners and publishers is not clearly regulated by the current media law.

Some limitations of concentration of electronic media ownership are the subject of the Broadcasting Act as part of the procedure of licence granting or refusal. Pursuant to the act, a licence is refused if the applicant's broadcasting could lead to that applicant achieving the dominant mass media position within a certain territory. A licence may be withdrawn for the same reasons. However, the Broadcasting Act does not define the term "dominant position". It is explained in the Act on competition and consumer protection of 2000. Pursuant to Article 4 section 9 of the act, the dominant position of an economic entity means that the entity is able to operate to a great extent independently of its competitors, business partners and consumers, and an entrepreneur is assumed to have the dominant position if their market share exceeds 40%.

The National Broadcasting Council determines whether the applicant has achieved the dominant position taking into consideration one of the main goals of its activity: to ensure the open and pluralist character of radio and television. It is worth adding in this context that the markets of particular media sectors may be evaluated separately, since in Polish cartel law markets are divided in terms of the ordinary criterion of product substitution capacity (from the consumers' perspective). Hence, the regulations of the media law only aim to limit horizontal media concentration, referring to the combination of ownership and capital in one sector of the media. The current media law regulates neither diagonal nor vertical media concentration.

In a certain aspect, horizontal concentration of the press, just like horizontal concentration of the radio and television, is regulated by the Act on competition and consumer protection. This primarily refers to the issue of preventing an economic entity from achieving the dominant position on the market.

Thus, it can be said that Polish media law counteracts concentration only partially, and only one kind of concentration. It refers to electronic media alone and does not apply to the press segment, which can only be limited by the Office for Competition and Consumer Protection.

The National Broadcasting Council also has some capacity to counteract media concentration (with regard to the radio and television sector), and the Office for Competition and Consumer Protection has the capacity to act with regard to all the media in the case of procedures concerning the open nature of media ownership.

A significant form of limiting concentration processes and strengthening the protection of media pluralism on media markets is direct and indirect subsidies (lowering post or telecommunication charges, concessions and tax exemptions), mainly applying to press publishers, and to a lesser extent, to other media companies. In Poland, the system of subsidies for the press almost exclusively involves indirect subsidies, except special types of periodicals, such as the press for national minorities or high culture journals. One of the most approved forms of indirect subsidy is VAT exemption or lower VAT rates. Another example of indirect subsidies is identifying a special category of social

broadcasters in the Broadcasting Act, and exempting them from charges for licence granting or change. Relatively few press titles are eligible to direct subsidies: some cultural or scientific journals, some papers related to environmental protection or national minorities.

Polish media policy is rather sector- than system-based. Apart from acts from the early 1990s, there are hardly any legal regulations referring to the whole media system. Specific Polish regulations also mainly refer to electronic media. Printed press is much less regulated. Therefore, while there is a state institution for electronic media (National Broadcasting Council responsible for these sectors of the media system), it has no counterpart for the press market. Generally, the Polish media system is not highly regulated. It is also hard to find a single state institution to coordinate the state policy concerning different aspects of mass media functioning.

2 Press Market In Poland

According to the Bibliography Institute of the National Library of Poland, 54 dailies with the annual circulation of 1.62 billion copies and the total one-time circulation of 7.26 million copies were published in Poland in 2005. In comparison to the year 1995 (when there were 108 of them), the number of dailies decreased by 54. However, the annual circulation and one-time circulation rose (1.43 billion copies and 6.11 million copies in 1995, respectively). In 2016, the number of paid dailies was only 35, and their total one-time circulation in April 2016 was 43.7 million copies. The sales of printed issues reached 28.7 million copies, and the others were distributed electronically (864 thousand) or subscribed (8.1 thousand).

The most popular Polish dailies at the moment are “Fakt”, “Gazeta Wyborcza” and “Super Express”. It is worth noting that the most popular daily, “Fakt”, basically a sensational tabloid, is currently selling over 100 thousand more copies than the paper with the second place in the ranking, “Gazeta Wyborcza” (283 and 170 thousand, respectively).¹

In 2005, there were 6,200 magazines published in Poland, with the global annual circulation of 1.1 billion copies and the combined average one-time circulation of 66.71 million copies. In comparison to the year 1995, the number of titles increased by nearly 2 thousand (4,340 in 1995). However, both the global annual circulation (1.77 billion copies in 1995) and combined one-time circulation (77.72 million copies in 1995) decreased. The tendency to increase the total number of titles and decrease global circulations continues in Poland. The most popular periodicals are still TV guides, weekly and monthly magazines on lifestyle issues, and women's magazines. Opinion papers are less popular, achieving for example the fifth or lower places in the ranking of weeklies' readership.²

It is hard to determine how many press publishers there are in Poland exactly. According to Press Research Study Center of the Jagiellonian University, in 2005 there were e.g. 1,014 companies that published magazines. The Chamber of Press Publishers reports that according to the information provided by the Central Statistical Office, publishers belonging to the Association for Press Distribution Control (203 of them) only account for 20% of all the publishers in Poland. Yet, they publish 62% of the titles present on the Polish market, and these account for even 93% of the whole print media circulation. The largest and most profitable segments of the press market in Poland are controlled by publishers with foreign capital. Polish companies have a strong position in narrower market segments. For example, in 2012, the largest publishers of periodicals in Poland were:

Table 1: The largest publishers of periodicals in Poland

Publishing company	Global circulation	Number of titles
Wydawnictwo Bauer Sp. z o.o. Spółka komandytowa	409,586,967	40
Edipresse Polska SA	62,598,763	13
Teleprogram Sp. z o.o.	56,134,453	3
Polskapresse Sp. z o.o.	37,198,604	3
Phoenix Press Media Sp. zo.o.	32,865,230	8
Wydawnictwo Westa Druk Mirosław Kuliś	27,729,212	1
Grupa Burda	23,336,335	12
Ringier Axel Springer Polska Sp. z o.o.	22,177,393	14
Grupa G+J	18,570,041	8
Agora SA	16,705,726	14

Source: Association for Press Distribution Control (ZKDP).

2.1 The Market of Polish Dailies

The largest publishers of dailies in Poland (in terms of the sales share in 2005) were: Axel Springer Polska – 20.41%, Agora S.A. – 18.3%, Grupa Wydawnicza Polskapresse – 18.05%, Orkla Press Polska – 13.64%, Media Express – 8.49%, and Presspublica – 6.24%. Thus, these six publishing houses controlled 85.13% of the dailies' market, which proves high concentration of this press segment. As of April 2016, the largest publishers of national paid dailies were: Ringier Axel Springer Polska – 41.9% of market share, Agora S.A. – 20.5%, ZPR Media – 19.6%, Gremi Business Communication – 8%, and Infor Biznes – 5.8%. These five publishers practically controlled the whole market. On the market of regional dailies, Polska Press Grupa with German capital is the unquestionable monopolist. It controls the majority of regional markets.

Polish national dailies can be divided into several uniform groups. The first group is prestigious, general information titles. These are: “Gazeta Wyborcza”, “Dziennik Gazeta Prawna”, and “Rzeczpospolita”. The other is represented by two general information tabloids: “Fakt” and “Super Express”. The third group includes specialist dailies devoted to economy (“Gazeta Podatkowa”, “Puls Biznesu”, “Gazeta Giełdy Parkiet”), automotive industry (“Giełda Samochodowa”) and sports (“Przegląd Sportowy” or “Sport”). The fourth group is free dailies, such as “Metro” and “Metropol”. The fifth group is dailies with a clear ideological bias, e.g. Catholic “Nasz Dziennik”. The table below presents the popularity of dailies with the greatest readership in recent years.

Table 2: Readership of dailies in Poland 2006-2016

Title	2006 % of readers	2016 % of readers
“Gazeta Wyborcza”	19.47	7.60
“Fakt”	18.62	11.33
“Super Express”	8.66	4.07
“Dziennik” (currently “Dziennik Gazeta Prawna”)	8.06	1.95
“Metro” (currently “Metropol”) – a free paper	7.51	1.43
“Przegląd Sportowy”	5.21	2.95
“Rzeczpospolita”	5.20	1.54

Original study based on wirtualnemedi.pl.

It is clear that in Poland there is a general downward tendency in the readership of daily newspapers, and a significant decrease of importance of general information and opinion newspapers in favour of sensational tabloids.

2.2 Magazines Market

According to data of the Chamber of Press Publishers, a total of 782.6 million consumer colour magazines were sold in Poland in 2005 (consumer magazines are the popular ones, not specialist or industry-specific papers). The following publishing companies have the greatest share in the sales of magazines: Wydawnictwo Bauer – 53.21%, Axel Springer Polska – 7.74%, Edipresse Polska S.A. – 5.35%, and G+J Polska – 4.89%. Combined, they control 71.19% of the market. In terms of the CR4 concentration ratio, this segment of the press can be regarded as highly concentrated. They are all publishing companies with foreign, primarily German, capital, which practically control the market of mass periodicals in Poland. This dominance is especially visible in women's press, interest magazines, or TV guides. Polish market of magazines is very diverse in terms of the frequency of issuing, circulation, territorial range, and the target or content.

Several types with the highest readership and popularity dominate this segment of Polish press. The first one is a very broad group of women's press (covering a few dozen titles). This group includes magazines for virtually all kinds of feminine audience. There are

luxury magazines (e.g. “Twój Styl”, “Cosmopolitan”, “Elle” or “Pani”) but there are also ones addressed at less demanding readers (e.g. “Z życia wzięte”, “Życie na Gorąco”, “Chwila dla Ciebie” or “Naj”). A group of those in between includes “Claudia”, “Olivia”, “Gala” or “Pani Domu”. Most of women's magazines are published by foreign concerns. Therefore, they are basically “carbon copies” of foreign titles or are licenced.

Another substantial segment is TV guides. It includes more than ten titles, issued alone or with daily newspapers, especially regional ones. The most popular periodical in Poland is a weekly magazine from this group, “Tele Tydzień”, with the readership of 35.89% Poles above the age of 15.

Other groups of press with huge readership are hobby and interest magazines (e.g. “Poradnik Domowy”, “Cztery Kąty” or “Dobre Rady”), papers concerning automotive (e.g. “Auto Świat”, “Auto Moto” or “Motor”), and computer issues (e.g. “Komputer Świat”, “PC Format”), and prestigious opinion journals (e.g. “Newsweek Polska”, “Wprost”, “Polityka” or “Fokus”). It is interesting that the press for men is much less popular than the press for women, and the most popular men's title, “CKM”, has only 2.73% readership in Poland. This is just 1/3 of the popularity of the most popular women's monthly, “Twój Styl” (8.38%). The 10 most popular periodicals in Poland are almost exclusively women's magazines (8 papers), TV guides (1 paper), and interest magazines (1 paper). The first title regarded as opinion paper (“Newsweek Polska”) takes the fifth place (6.53% of readership).

A significant characteristic of the contemporary Polish press market is the important role of papers directly controlled by the Catholic Church. The Church has developed its own press system involving mass national papers (e.g. “Rycerz Niepokalanej”, “Gość Niedzielny” or “Niedziela”), opinion papers (e.g. “Tygodnik Powszechny”, “Znak”), newsletters published by parishes (approximately 800 papers), and titles for specific age groups and professions, for youths, or for women. It is worth mentioning that in the segment of weekly newspapers the popularity of “Gość Niedzielny” remains at the level of socio-political opinion weeklies (4.83% of the market share), and its sales rate is definitely the highest in the weeklies segment: 135 thousand copies.

The spontaneous and dynamic character of the press system in Poland, observed since 1989, was especially visible at the local level. This mostly resulted from the fact that the local segment of the press was the least developed. The 55 general information local papers existing before the transformation accounted for 1.7% of the total number of periodicals in Poland. During the whole transformation period, as estimated by press publishers, the number of local papers was never lower than 1,600 or higher than 2,500 (Chorążki, 1999: 64). Apparently, if we remember that the number of parish-based papers was definitely underestimated, the upper limit might have been 3,000. According to Press Research Study Center of the Jagiellonian University, in 2002, the number of local press titles in Poland was 2,514. The typology structure of local papers in terms of their institutional and legal status was the following: 39% were free market papers published

by single- or multi-entity companies (or persons); 37% were published (at least partially) by local self-governments; 14% were published and financed by clubs of lovers of towns, lands or regions, associations or foundations, and 10% were parish papers (mostly of the Catholic Church). Of marginal importance were papers issued by local branches of political parties and trade unions, as well as company papers. Their function was taken over by corporate and advertising/promotional papers, folders, or websites (Chorążki, 1999: 28).

It is vital, however, that the share of local press in the total press production in Poland has dramatically increased. In 1992, they accounted for 29.8%, in 1995 – 31.3%, and in 2000 – 45.8% of all the papers published in Poland. Remembering the underestimated numbers of such press, it can well be said that more than half of papers in Poland are local ones. Thus, there has been an over 30-fold increase of the number of local papers. However, the quick growth of the number of local press was not accompanied by the same level of increase in their circulation. The rapid increase in the number of local papers, not supported by the corresponding circulation growth, did not produce the expected communication effect in many parts of Poland. Therefore, the social significance of many local papers is relatively low. This is true both in rural areas and in towns or cities.

Besides, the dynamic growth was very uneven territorially. While there are 2,488 communes and 882 towns in Poland, local press is issued in one fourth of rural communes (27%) and half of the towns (59%). In many relatively big Polish cities, there are no press titles. In some regions, 3/4 of towns do not even have their local newsletters.

3 Radio, Television And The Internet

The Polish radio and television market has been considerably shaped by the decisions of the National Broadcasting Council made in the years 1993–2005. Basically, it can be divided into the public and licenced segments.

3.1 Public radio stations

Public radio stations in Poland are:

- Polskie Radio S.A., with four nationwide channels;
- Program 1, universal, addressed at a wide range of listeners, with a lot of news services;
- Program 2, devoted to high culture, classical music, as well as folk music, jazz, and ballads;
- Program 3, basically focusing on music and news;
- Polskie Radio Program IV, mainly addressed at young people;
- Polskie Radio dla Zagranicy, for Poles living abroad;
- digital radio stations: Polskie Radio 24, broadcasting news and interviews with guests to the studio; Polskie Radio Rytm, focusing on music and news; and

Polskie Radio Dzieciom for children and their parents. All of them are available via Digital Audio Broadcasting (DAB+).

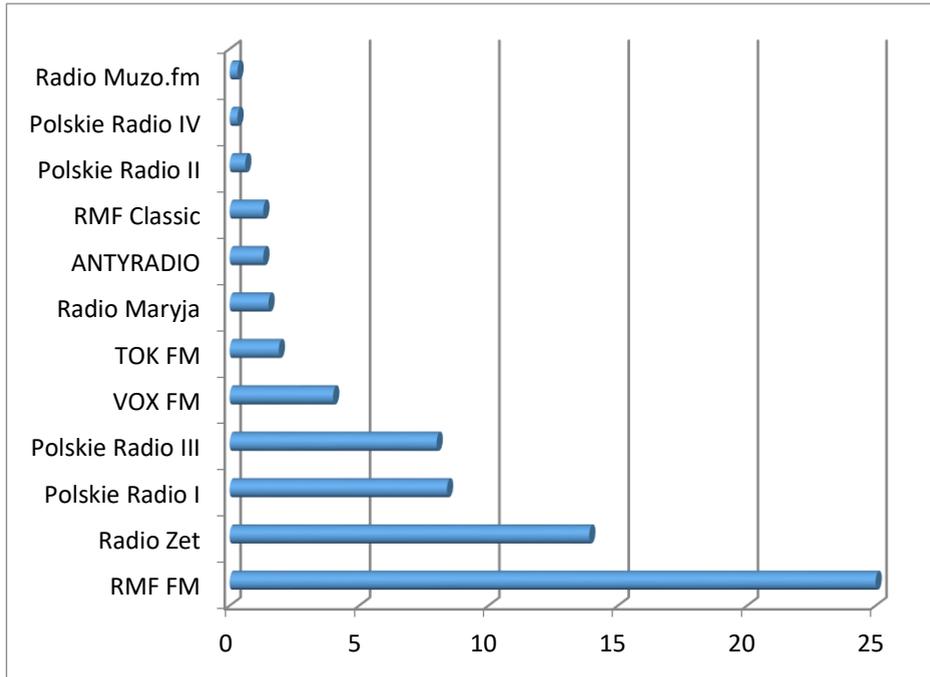
17 regional companies broadcasting 17 different regional channels in their areas of activity, associated in the Audytorium 17 network.

3.2. Licenced radio stations

The nationwide stations are RMF FM and Radio ZET. Each of them covers an area inhabited by over 80% of the Poland's population and offers programmes with universal content. A nationwide social broadcaster, Radio Maryja, airs programmes with social and religious content, presenting the issues of Christian beliefs and the problems of social teachings of the Catholic Church. It covers the area inhabited by more than 81% of the population. The supraregional broadcasters are:

- WAWA, broadcasting universal content, including various radio genres and forms and various subjects (17 transmitters); interestingly, WAWA only plays Polish music;
- TOK FM, offering information programme (10 transmitters);
- Antyradio, a universal broadcasting station, mainly playing rock and alternative music (16 transmitters).

During the system transformation, more than 200 licences were granted for local radio broadcasting, but financial problems, mainly resulting from the limited advertising market in those areas, forced most of the licences to establish various financial relationships that made local radio stations part of networks, which naturally led to the limitation of local content. 53 local radio stations still function independently. Currently, two nationwide licenced broadcasting stations, RMF FM and Radio Zet, are the most popular radio channels in terms of audience share. They are followed by public radio channels (Polskie Radio Program 1 and Polskie Radio Program 3). The share of radio channels (including local and supraregional radio networks) in the audience is presented in the chart below (data for March–June 2016).

Table 3: The share of nationwide radio stations in the radio audience in Poland

Original study based on wirtualnemedi.pl.

3.3 Public TV stations

Telewizja Polska S.A. has two general information channels (Program 1 and 2), and 16 regional programs as part of the shared TVP3 channel. Poles living abroad can watch TVP Polonia broadcast via satellite. Public TV in Poland also broadcasts special channels (dedicated to news, history, culture, films and TV series, entertainment and children), as well as Belsat TV in Belarusian. Online, we can also watch TVP Parlament, showing Sejm and Senate sessions. Occasionally, hybrid TV channels devoted to certain subjects are made available, but this form is still in the early stage of development.

3.4 Licenced TV stations

There are 12 stations with a licence for terrestrial broadcasting, only 4 of which have the status of nationwide broadcaster (Telewizja TVN, Polsat, TV Puls and TV4. However, the year 2013 was the end of digitalisation of terrestrial TV in Poland, which began in 2010, so currently the following TV channels are available:

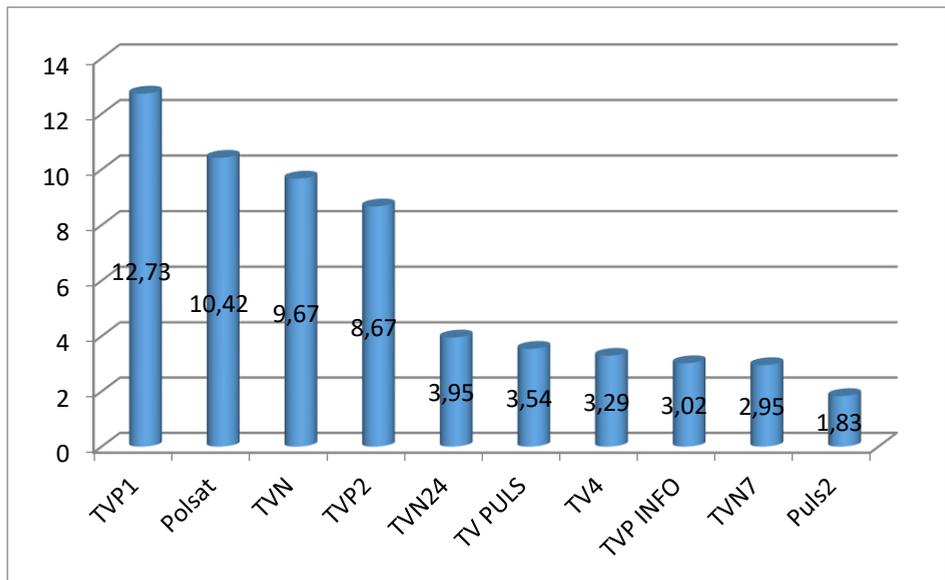
- Multiplex 1: Stopklatka TV – a film channel; Eska TV – a music channel, mostly with dance, pop, and hip-hop music; TTV – a social interest and intervention channel; Polo

TV – a music channel, mostly with disco polo music; ATM Rozrywka – an entertainment channel, mostly with Polish TV series; TV Trwam – a religious channel; TVP ABC – a channel for children and adolescents; Fokus TV – an educational and knowledge-based channel;

- Multiplex 2: Polsat – a commercial channel; TVN – a commercial channel; TV4 – a commercial channel from the Polsat group; TV6 – a commercial channel from the Polsat group; TV Puls – a commercial channel; TV Puls 2 – a commercial channel; TVN 7 – a commercial channel; Polsat Sport News – a sports channel from the Polsat group;
- Multiplex 3: Telewizja Polska channels: TVP 1 HD – high definition program of TVP1; TVP 2 HD – high definition program of TVP2; TVP Info – a news channel; TVP 3 – regional programme of 16 Telewizja Polska branches; TVP Kultura – a TVP channel devoted to culture; TVP Polonia – a TVP channel mainly for Poles living abroad; TVP Rozrywka – a TVP channel with entertainment programmes, mainly replays of cabarets and TV series of TVP; TVP Historia – a TVP channel devoted to history.

The start of another multiplex, for public and commercial TV channels, is planned for the middle of 2016. Despite considerable competition of commercial stations, which are more and more easily available, Telewizja Polska still has the status of the most important TV broadcaster in Poland. A study from June 2016 shows the following share of TV stations in the TV audience in Poland.

Table 4: The share of TV stations in Poland in the TV audience in 2016



Original study based on wirtualnemedia.pl.

3.5 Internet

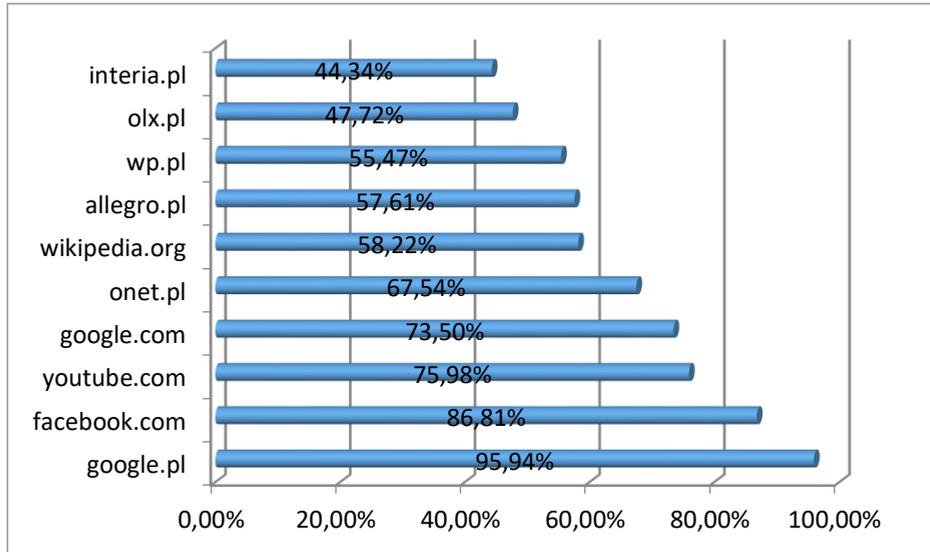
The symbolic date of the beginning of Polish Internet is 17th August 1991. It was then that electronic mail was first exchanged between the Faculty of Physics of University of Warsaw and the Computer Center in Copenhagen. In 2001, the number of Internet users in Poland was estimated to be 3 million, i.e. 7.8% of the country's population. According to the study by ARC Rynek i Opinia, in 2003, 19.8% of Polish residents above the age of 15 (about 6 million people) used the Internet. The analyses carried out by SMG/KRC and Gemius show that at the end of December 2006, there were nearly 12 million Internet users in Poland, i.e. 36% of the population above the age of 15. At the end of March 2007, the estimated number of people declaring to use the Internet was 13 million.

Currently, 64% of adult Poles use the Internet regularly (at least once a week). This result is higher only by one percentage point than in the previous year³. Obviously, the percentage of people using the Internet among Poles is different depending on age: nearly all the people aged 18-34 use the global network, but in the next age brackets the number is lower, and among those above 65, it only amounts to 15%. Internet usage is also geographically diversified, as in rural areas it is only used by 56% of residents, while in the largest cities, even 86%. It can be said, then, that regardless of technological possibilities, digital exclusion still exists, particularly referring to the elderly and rural residents.

Along with the greater popularity of using the Internet, services offered via the Internet are also becoming more common. For instance, in 2015, even 80% of the users declared to have bought something over the Internet, and 69% used electronic banking. The use of different media outlets online is also becoming more and more popular. 60% of Internet users read the press online, half of them declare to watch TV programmes or films, and one third listen to the radio on the Internet.

The most often visited pages are Internet browsers, social networks and e-commerce platforms. The most popular general information Polish websites were only ranked fifth and tenth, which may mean that Poles do not look for ready-made portions of information on the Internet, but they intentionally search for the desired information or services instead.

Table 5: Most popular websites in Poland in May 2016



Original study based on wirtualnemedia.pl.

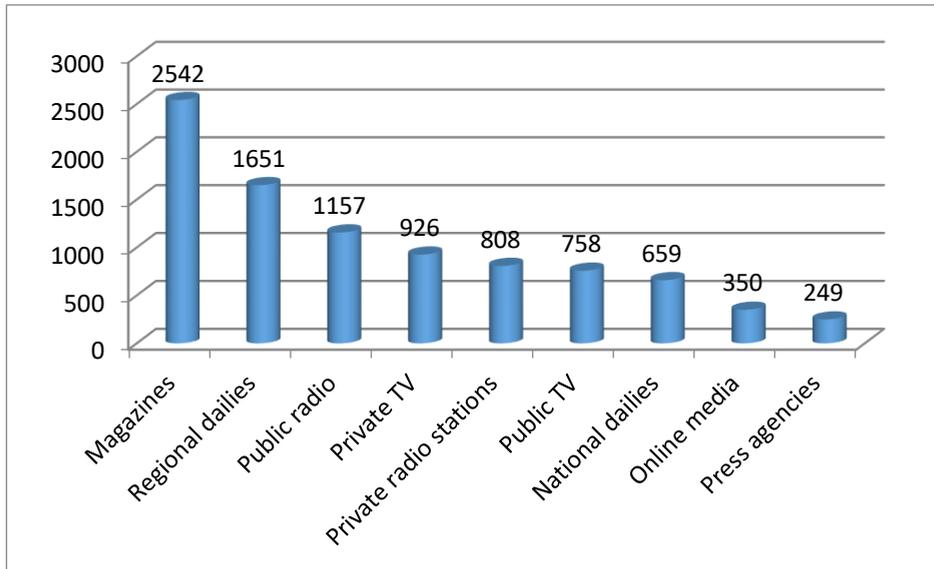
4 Journalists

The transformation of the media system in Poland also brought about some changes in professions connected with the media, especially journalism. Changes occurred not only in the number of the media for which they could work, but also in the legal conditions applying to their jobs and in the market situation in which they functioned.

The number of Polish journalists at the beginning of 1990 was estimated to exceed 11 thousand (Bajka, 2000: 42). At the turn of the centuries, the estimated number was 18-20 thousand. At times, as many as 25 thousand people were considered or declared to be journalists (Rogalska, 2009: 152). This was the highest employment rate observed in the contemporary Polish media. Differences in calculations were mostly connected with different ways of classification, rapid growth of the number of editorial offices, especially local ones, and the fact that many journalists are not members of any journalistic associations. It must be pointed out, however, that the stagnation of Polish economy at the turn of the 21st century, connected with lower income from advertising, formatting radio stations, intensifying media concentration, convergence processes occurring in the media industry, and the loss of interest in local press considerably reduced the number of editorial offices. As a result, in 2006, approximately 15 thousand journalists were employed on the basis of employment contracts, while at least as many people were working in the media. Research carried out as part of an international project “Journalism in Change – professional journalistic cultures in Russia, Poland and Sweden”

demonstrated that approximately 10 thousand journalists worked in regional and nationwide media in 2012. Taking into account the fact that local media were not covered by the research, the number of journalists in Poland can be estimated to be 14-15 thousand. The research showed that nearly two thousand fewer people worked as journalists than a year before. The structure of employment of those journalists was as follows.

Table 6: Journalists' employment in Poland



Based on 'Dziennikarzy w Polsce ubywa', www.tvp.info (accessed 18/10/2013).

The number of males and females working as journalists is comparable. It can be said that during the transformation, the profession underwent feminisation. Whereas in the early 1970s only every fourth journalist was a woman, in the year 2000, approx. 40% of people employed at journalist offices were women. Female journalists prevailed in daily newspapers, both national and regional, and they engaged in gathering information much more often than in the past. This phenomenon is confirmed by the number of women that get into university to study journalism: at some universities, they account for more than 50% of students. More than half of Polish journalists are young, between 21 and 40. About 35% of Polish journalists have higher journalistic education, and fewer than 10% have undergone professional training at media companies. Nearly 40% of those who work as journalists have no education connected with this profession. The situation is definitely worse among local journalists, fewer than 10% of whom are prepared to do their job by university studies or professional courses. More than 60% of regional and national journalists declare to have permanent employment at a media company. Approximately

10% of them are freelancers, and about 8% are temporarily employed. More than three-fourths (76%) work full time, and one-fifth, less than full time. Many Polish editorial offices (approx. 30%) are small offices, with up to 10 professional journalists. This rate would be much higher if local editorial offices, most of which are made up of few people, were also taken into account. More than half of the respondents declared that within the past five years the number of people employed at their offices had decreased. Approximately 10% declared an increase of employment, and approx. 15%, no change in that regard. In terms of income, more than one-fourth of the respondents said that it was possible to live on the money from journalism. A similar number said that with their income they could afford everything they needed. Slightly more than one-fifth of the participants were able to save some money. About 13% declared to have other sources of income, too, because the means from journalism were insufficient, and about 5% said that the income from journalism was only a small part of their total earnings (Dobek-Ostrowska and Barczyszyn, 2015).

When characterising the journalists' circle at the time, it must be pointed out that despite many common appeals and initiatives, it was atomised and dispersed. One expression of that phenomenon was the low interest in the activity of journalistic organisations, especially among the younger representatives of the profession. Optimistic estimations show that in the middle of the first decade of the 21st century, only 30% of professionally active journalists, mainly older ones, belonged to associations, syndicates, creative clubs, and different professional organisations. The lack of interest in organisations among Polish journalists was confirmed by the most recent study of 2012. Membership in journalistic associations was only declared by 17% of journalists working in regional and national media.

The professional situation of journalists in Polish media system is unstable. The basic problem that needs to be regulated is the legal status of journalistic profession. Journalists' professional independence is only declared. This is considerably the result of property transformations that occurred in Poland after 1989 in the functioning of mass media. The limitations of people who are in charge of the media also play a significant role. It is important that offices have never developed the practice of applying editorial charters, the journalistic circle is very divided, and journalists are increasingly influenced by the economic aspects of the media industry. In this situation, it is hard to find the balance between the interests of owners of media concerns and the interests of journalists, or their relative professional independence.

The mass media functioning on the market usually operate as commercial companies, cooperatives, or economic entities. The process of separating the owner and publisher from the journalists is intensifying, and journalists mostly become hired workers. Thus, the owner (publisher) is the journalist's employer on the basis of the Labour Code. From this perspective, journalism is becoming one of many professions functioning in the economy rather than a vocation with a special role in the social system. The employment

subordination is gradually becoming standard in internal journalist-editor-owner relations.

The phenomenon of commercialisation of this sphere of economy means that the publisher controls the media, has an influence on the programme policy, the way of spreading messages, or advertising policy. Publishers, in turn, are subject to the pressure from the market environment. Non-legal ways of exerting influence on the publisher are applied by state institutions and organisations, as well as by natural persons and organisations, and are often more effective than legal instruments. Sometimes the limitations are imposed by non-governmental organisations, elites of power, lobbying groups or foreign concerns. Very often they make journalists' work more difficult than do the limitations introduced by the state in the form of legal norms.

The commercialisation and concentration of the media market mean that the impact of owners on the programme policy of papers and programmes is greater and greater. The stronger relationships between advertising and the media give them the commercial image. The imperfect system of protection of editorial teams' independence from publishers and owners causes the deepening conflict of interest. Capital invested in the media is mostly used for commercial purposes. This, in turn, results in many limitations in journalistic work. In accordance with Polish law, a journalist is a person who edits, creates or prepares press materials, being in employment relationship with the editorial office of doing that on behalf and with the authorisation of the editorial office. The most serious professional consequences for a journalist acting against the employer's interest are the termination of the employment contract and financial liability. (Szot, 2007: 220–221).

Some of their responsibilities clearly limit the freedom of expressing opinion: journalists are obliged not to work against the state's security (state and official secrets), to strengthen the country's independence, territorial integrity, and defences, to promote positive democratic values, extend their knowledge, and serve the community. The list of formal restrictions in the spreading of information (aimed at respecting the law and reputation of third parties) is long. The Civil Code protects personal rights, too. Copyright law, as well as laws on inventions and rationalisation, prohibit the violation of authors' personal rights. Advertising law includes many restrictions related to the protection of health. Some restrictions also protect public morality. The Penal Code prohibits the dissemination of pornographic texts, prints and photos.

These prohibitions are hard to observe when performing the basic journalistic responsibility, i.e. providing reliable information on all the expressions of social life. Therefore, in practice, a discerning and ambitious journalist often risks legal and disciplinary liability. The conflict of reasons and values is particularly often evident as journalists exercise the right to criticism.

Legal norms are not enough to create a coherent system of freedom of the media in Poland. The main challenge of a publisher is to achieve commercial success on the market of the media. Financial success is often associated with consciously acting on the edge of the law. There are no natural selection mechanisms, effective against publishers that regularly violate legal norms. In the conflict of interest between publishers and journalists, the rights of journalists recede into the background, regardless of arguments. Financial resources determine the programme policy and human resources policy of the office, as well as the financial and professional situation of the journalist. In practice, legal norms do not protect the professional interests of journalists, who are not regarded as a party to the dispute when confronted with publishers. Legal regulations do not provide sufficient protection of the interests of Polish publishers in the confrontation with international concerns, which have a clear advantage on the market due to their skilful advertising policy. Similarly, people who are the target of the media have little opportunities to influence the system of information in the country.

Despite the shortage of professionalism and the fluctuation of human resources, Poles evaluate journalists quite positively in terms of reliability. Although the results of research on this subject are varied, journalists are usually high in the ranking of professions based on their honesty and professional diligence.

In a study carried out by the Public Opinion Research Center (CBOS) in March 2006, in terms of honesty and professional diligence they ranked fourth (49%), following scientists (68%), nurses (60%) and teachers (50%). The last on the list were politicians, only receiving 7% of support. Doctors and priests ranked lower than journalists (Bajka, 2013: 64). However, this result meant a significant reduction in the prestige of journalism in comparison to that observed in 1996. At that time, 55% of the respondents attributed high prestige to the journalistic profession, and 35%, medium prestige.

According to the European Trusted Brands 2007 poll, carried out in 15 European countries (studying Europeans' trust in 20 selected professional groups, among others pilots, police officers, journalists, teachers, or politicians), Poles declared trust in journalists more often than did the respondents from other countries. 52% of the Polish respondents trust this professional group, while Europe-wide such trust is declared by 29% on the average. The comparison of journalists in Poland and in the USA shows clear advantage of the former group. In terms of reliability and honesty, 49% of Poles and only 28% of Americans rated journalists "very high" or "high".

A study carried out by the Institute of Public Affairs (IPA) and Millward Brown SMG/KRC in May 2010 showed that as many as 74% of the participating Poles considered journalists as trustworthy (the highest rate, 91%, was given to scientists, a similar one to teachers and doctors; lawyers had a score similar to that of journalists; priests, business people, and particularly politicians, were rated much lower). This study also shows very clearly that most Poles perceive journalists to be the people who work for the radio or TV. Only 35% consider those who write for newspapers, periodicals or

Internet portals as journalists. The vast majority (55%) perceive them as persons who conduct interviews and discussions on TV or on the radio, reporters of TV or radio news (50%), or TV and radio speakers (47%). Only 3% of the respondents think a person who publishes content on the Internet alone is a journalist (Kucharczyk, 2011).

In a CBOS study of 2002, Poles chose impartiality and objectivity as the most desirable quality of a journalist (62%), but at the same time, 55% regarded it to be “a job like others”, and 40%, “a job that is associated with a kind of public service” (CBOS, 2002: 62). In the SMG/KRC study of 2010, even 60% were of the opinion that “the job of a journalist is a way of making money just like others”, and 32%, that it is “a kind of public service”.

In the IPA study of 2010, honesty and independence (and the related responsibility) were only attributed to Polish journalists by 63% of the respondents. More of them, nearly 3/4 of the respondents, identified the qualities of Polish journalists such as: inquisitiveness, competence, experience, and only 1/3 of the respondents found Polish journalists to be ruthless. Eight years before, in 2002, even 65% of respondents were of the opinion that “journalists ruthlessly deal with the private matters of other people”, and 54% of them thought “journalists do not take into consideration the effects the materials they publish may have for other people”. This may mean there has been an improvement in the image of journalists in the community.

The image of Polish journalists in the light of these studies is quite intriguing. Journalists are appreciated for quick provision of information (65%). Only 46% of the respondents think that journalists objectively present the stances of all the parties to political dispute, but half of them are of the opinion that journalists judge others too hastily. Almost 1/3 of the respondents say that journalists do not present information in an objective way, and 27%, that they are scandalmongers.

A frequently mentioned charge against different journalists, not only investigative reporters, is that they judge people even before a competent court does it. In the light of the study, it is clear that Poles want to know as much as possible, irrespective of whether that knowledge involves confirmed facts or just rumours or press speculations.

The emerging problem is, then, whether an aggressive journalist functioning in the world of politics, scandals, corruption and affairs, mainly writing for electronic media will be the standard in contemporary Polish journalism. This question is not groundless if we compare two groups of respondents' opinions from the year 2010.

The comparison of studies from the years 2002 and 2012 shows quite a pessimistic image of changes in the perception of journalists in Polish society. For example, the belief in their partiality and the lack of objectivity is growing (from 34% to 46% and from 42% to 50%, respectively) Fewer (though still many) people are convinced about journalists' honesty and reliability (from 62% to 52% and from 59% to 48%, respectively). The

motivations for journalists' work are also perceived more negatively: fewer people believe that they aim to reveal the truth (from 37% to 28%), and more consider them as scandalmongers (from 49% to 58%), but regardless of this negative tendency, negative qualities or motivations are attributed to journalists by fewer than half Polish people.

Poles' trust in media institutions is also changing. The level of trust in television and newspapers is regularly decreasing, and the percentage of people who declare extreme distrust in such institutions is growing. Generally, it can be said that the social trust in the media and their workers is constantly getting lower (CBOS, 1996: 2–12).

The main problems of the journalistic circle in Poland are the growing number of incompetent people entering the profession, and the political character of the job, especially in the opinion press. This has not changed for many years.

For the majority of journalists, their job is their passion and vocation. Most of journalists are satisfied with the job they do, and half of them are not considering another career. At the same time, a very high number of them point out negative changes that have occurred in the journalistic profession, and nearly all have experienced different pressures and manipulation attempts at work.

In their professional activity, journalists mostly carry out the instructions of their superiors and observe the principles included in the regulations of their offices. It would be ideal, however, if their own conscience and the principles of the ethics codes of journalists' associations could prevail over the instructions (Grabarczyk-Tokarz and Lutomska, 2010: 5–6). Commercialisation forces journalists to watch for sensational topics and work at a high pace, which in turn lowers the standards and prestige of the profession.

5 Summary

To sum up the review of the contemporary media system in Poland, we can say that it reflects all the tendencies typical of the global processes. The most important phenomena are: first, concentration and consolidation of particular segments of the media and the system as a whole; second, fragmentation of mass communication both in terms of the offered messages and the reception of the media (this is expressed both in creating thematic channels on TV, radio formatting, and issuing press titles addressed at narrow segments of the public); third, the establishment of media conglomerates combining different segments of the media and other industries; fourth, increasing dominance of technology at every stage of the communication process, including the work of a journalist. Currently, a new media law is being prepared in Poland, which is to be another step to adjust legislation to the changing situation of the media, especially electronic ones. The status of public media is currently in doubt, both due to the discussions concerning their financing, and to the political attempts to control public radio and television after the 2015 election.

Notes:

¹ Based on data from the Association for Press Distribution Control, April 2016.

² Based on data from wirtualnemedial.pl.

³ Based on CBOS Internauta 2015 report, www.cbos.pl. Comparing data from the successive years, we can say that the most dynamic growth in the number of Internet users in Poland occurred in the 2006-2011 period. Since 2013, it has been over 60% and only slightly increasing.

References:

- Bajka, Z. (2000) Dziennikarze lat dziewięćdziesiątych (Journalists of the 1990s), In: *Zeszyty Prasoznawcze*, 163–164(3–4), pp. 42–63.
- Bajka, Z. (2013) *Dziennikarze w Polsce na przełomie wieków (Journalists in Poland at the turn of the century)*, In: Pokorna-Ignatowicz, K. (ed.) *Polski system medialny 1989-2001* (Kraków: Krakowska Akademia Andrzeja Frycza-Modrzewskiego), pp. 57–74.
- CBOS (2002) *Jacy są, a jacy powinni być dziennikarze? (What are journalists like? What should they be like?)* (Warszawa: CBOS).
- Dobek-Ostrowska, B. & Barczyszyn, P. (eds.) (2015) *Zmiana w dziennikarstwie w Polsce, Rosji i Szwecji. Analiza porównawcza (Changes in journalism in Poland, Russia and Sweden: comparative analysis)* (Wrocław: Uniwersytet Wrocławski).
- Dziennikarzy w Polsce ubywa (Fewer and fewer journalists in Poland)*, available at www.tvp.info (August 26, 2016).
- Gierula, M. (2005) *Polska prasa lokalna 1989-2000. Typologia i społeczne funkcjonowanie (Polish local press: typology and social functioning)* (Katowice: Uniwersytet Śląski).
- Grabarczyk-Tokarz, M. & Lutomska, M. (2010) *Zawód ambiwalentny. Dziennikarze 2010 (An ambivalent profession. Journalists of 2010)*, Report of Instytut Monitorowania Mediów (Warszawa: Instytut Monitorowania Mediów).
- Jakubowicz, K. (2008) *Polityka medialna a media elektroniczne (Media policy vs electronic media)* (Warszawa: ŁOŚGRAF).
- Kucharczyk, J. (ed.) (2011) *Kto pilnuje strażników. Odpowiedzialne dziennikarstwo w demokratycznej Polsce (Who watches the watchmen? Responsible journalism in the democratic Poland)* (Warszawa: ISP).
- Mielczarek, T. (1998) *Między monopolem a pluralizmem (Between monopoly and pluralism)* (Kielce: Wyższa Szkoła Pedagogiczna im Jana Kochanowskiego).
- Klimkiewicz, B. (ed.) (2005) *Własność medialna i jej wpływ na pluralizm oraz niezależność mediów (Media ownership and its influence on the pluralism and independence of the media)* (Kraków: Uniwersytet Jagielloński).
- Mielczarek, T. (2007) *Monopol, pluralizm, koncentracja. Środki komunikowania masowego w Polsce w latach 1989-2006 (Monopoly, pluralism, concentration. Mass communication media in Poland in the years 1989-2006)* (Warszawa: Wydawnictwa Akademickie i Profesjonalne).
- McQuail, D. (2007) *Teoria komunikowania masowego (Mass Communication Theory)* (Warszawa: PWN).
- Mrozowski, M. (2001) *Media masowe. Władza, rozrywka, biznes (Mass media. Power, entertainment, business)* (Warszawa: ASPRA).
- Pisarek, W. (ed.) (2006) *Słownik terminologii medialnej (Dictionary of media terms)* (Kraków: Universitas).

- Polacy ufają dziennikarzom (Poles trust journalists)*, Reports of CBOS of the years 1996-2012 on trust in public institutions in Poland, available at: www.media2.pl/media/21979-Polacy-ufaja-dziennikarzom.html. (August 14, 2016).
- Press Law Act (1984) *Journal of Laws Dz.U. of 1984*, 5, item 24 as amended, Article 10 section 1.
- Rogalska, B. (2009) *Dziennikarze i ich organizacje (Journalists and their organisations)*, In: Bonikowska, M. (ed.), *Media i wyzwania XXI wieku (Warszawa: Trio)*, pp. 149–168.
- Schliep, K. (1996) *Prywatyzacja prasy (Privatisation of the press)*, In: Kopper, G. G., Rutkiewicz, I. & Schliep, K. (eds.) *Media i dziennikarstwo w Polsce 1989-1995 (Kraków: OBP)*, pp. 21–37.
- Sobczak, J. (1999) *Prawo środków masowej informacji. Prasa-Radio-Telewizja (The law of mass media. The press, the radio, the television)* (Toruń: Dom Organizatora).
- Stasiak-Jazukiewicz, E. (2005) *Polityka medialna Unii Europejskiej (Media policy of the European Union)* (Warszawa: Poltext).
- Szot, L. (2007) *Niezależny dziennikarz – rzeczywistość czy fikcja? (An independent journalist: reality or fiction?)*, In: Pokrzycka, L. & Mich, W. (eds.) *Media a demokracja*, (Lublin: UMCS), pp. 211–221.

The Development of Local Government in Slovenia

SIMONA KUKOVIČ & MARJAN BREZOVŠEK

Abstract Goal of the chapter is to analyse Slovenian local (self)-government development from two perspectives, i.e. territorial and organisational. On the one hand we will describe territorial reforms of Slovenian municipalities, starting with period after Second World War. We chose this time since new – communist – regime emerged and Slovenia became a part of Socialist Federal Republic of Yugoslavia. The analysis continues in the period of late 1980s, in times of Yugoslav disintegration, and finally concludes in the period of 1990s, when Slovenian gained its independence, when also the comprehensive local government reform was made. On the other hand, we will put special emphasis to the development of internal municipal relationships since mayor became the strongest figure in the municipality, despite the fact that legislators, who wrote the legal framework for municipalities in 1994, foreseen legislative body as most important body.

Keywords: • municipalities • local level • territorial reforms • organization • relationship • Slovenia.

CORRESPONDENCE ADDRESS: Simona Kukovič, Ph.D., Assistant Professor, University of Ljubljana, Faculty of Social Sciences, Kardeljeva ploščad 5, 1000 Ljubljana, Slovenia, email: simona.kukovic@fdv.uni-lj.si. Marjan Brezovšek, Ph.D., Professor, University of Ljubljana, Faculty of Social Sciences, Kardeljeva ploščad 5, 1000 Ljubljana, Slovenia, email: miro.hacek@fdv.uni-lj.si.

DOI 10.4335/978-961-6842-73-0.11

ISBN 978-961-6842-73-0

© 2016 Institute for Local Self-Government and Public Procurement Maribor

Available online at <http://books.lex-localis.press>.

1 Introduction

On the territory of what is now Slovenia, local self-government was already introduced in the mid-1800s by the Austrian provisional act on municipalities signed by the then Kaiser in 1849. First municipal representative bodies in Carniola were elected 1850. Sixteen years later, a provincial act on municipalities was adopted and from then on, legislative regulation of local self-government was being performed continuously until 1955, when the introduction of a socialist communal system occurred, which *de facto* abolished local self-government. In the communal system, the municipality was a so-called socio-political community that primarily acted in the name of state, whereas local self-government proper was in part taking place only in local communities at the sub-municipal level. This system was finally replaced by the introduction and the beginning of operation of new municipalities in 1995 (Brezovšek, 2014: 10) .

In Slovenia, local-self government has been in operation practically since January 1995 when territorially modified municipalities, having new substance and new bodies, became operational. In the years following the re-introduction of local self-government, many changes have happened, especially so in the legislative domain. However, local self-government reform is far from being finished, which is made evident by numerous comparisons of our arrangement and those abroad and it becomes especially visible in encounters of our institutional setup and practices with European standards of local and regional democracy enshrined in the European Charter on Local Self-Government,¹ in the tendencies, directions and recommendations made by the Council of Europe and the European Union (Brezovšek et al., 2008; Brezovšek, 2014: 10)

The main purpose of this article is to analyse Slovenian local (self)-government development from two perspectives, i.e. territorial and organisational. On the one hand, the authors describe territorial reforms of Slovenian municipalities, starting with period after Second World War. We chose this time since new – communist – regime emerged and Slovenia became a part of Socialist Federal Republic of Yugoslavia. The analysis continues in the period of Yugoslav disintegration, and finally concludes in the period of Slovenian independence, when the comprehensive local government reform was made. On the other hand, the authors put special emphasis to the development of internal municipal relationships since mayor became the strongest figure in the municipality, despite the fact that legislators, who wrote the legal framework for municipalities in 1994, foreseen legislative body as most important body.

2 Development of Slovenian Municipalities After Second World War

At the time when Second World War launched, on the present territory of Slovenia were a total 469 municipalities (Haček, 2005; Brezovšek and Kukovič, 2012: 105).² After the war (in early 1946 and 1947), the Constitution of Federative People's Republic of Yugoslavia was adopted and the Constitution of the People's Republic of Slovenia as well as the general law of the People's Committees, a construction of a new state was built,

which was based on the People's Committees at various levels. The new Constitution defined towns, districts, neighbourhoods and cities as administrative-territorial units, and the People's Committees as bodies of state power in these units. Citizens elected People's Committees of town for a term of two years, in other units for a period of three years, voters were provided with the right to dismiss the elected committee members. The number of members of the people's committees was relatively large, where people's committees had very small jurisdiction and represented extended arm of the state administration and were closely associated with higher People's Committees. If we look at the People's Committees from the standpoint of modern local self-government, we can say that they were a small part of the institution of local self-government, but the larger part they were national authorities or bodies of state authority of local units with relatively small autonomy and subordination to higher authorities. People's Committees were regarding the position and role modelled based on the arrangements of the Soviet system of the USSR; the similarities were also in the internal organization, application of the principle of democratic centralism, double liability, and more. This makes it possible for the People's Committees to find relatively few elements of self-government, but it is not even possible to talk about such a division between the responsibilities and authorities of the country on one hand and the responsibilities and authorities of self-governed local communities on the other hand, as we know it today (Grafenauer, 2000: 462–463; Brezovšek, 2014: 51–52).

As Brezovšek (2014: 52) states, it is typical for the post-war period, that up to the entry into force of the Constitution of 1963 or until 1965, when they abolished counties, that some frequent changes in the creation occurred, also in modification and termination of local territorial units, so it is possible from this point of view to mark this period as a period of territorial instability. In the case of territorial units, we can determine that there has been gradually phasing out first the units of the "third degree" (districts or authorities) and then units of the "second level" (counties), with which a single-stage local self-government with the municipality being as a single category was formed.

An important milestone in the territorial division of Slovenia is the year 1952, when the Act on the distribution of People's Republic of Slovenia to cities, districts and municipalities was adopted. At that time with this act, they newly introduced a concept and institution of municipality in the system of local territorial units. Cities have been identified: the capital city of Ljubljana (which was divided in the centre of town and municipalities Polje and Sentvid), Maribor (which was divided in the centre of town and municipality of Kamnica) and Celje. A total of 19 districts and 386 of all municipalities in Slovenia (including the cities of Ljubljana, Maribor and Celje and 9 municipalities, which were then still within Zone B of the Free Territory of Trieste) (Brezovšek, 2014: 52).

In 1953, following the adoption of important law, the Constitutional Act on foundations of social and political order of state and bodies of people's power in the People's Republic of Slovenia, in which it was stated that the People's Republic of Slovenia is a socialistic

and democratic state of working people of Slovenia and that all power belongs to the working people, who exercise it through their representatives in the People's Committees and People's Assembly LRS, in work councils and other self-governing bodies. People's committees were identified as the authorities of the people's self-government, bodies of authority of the working people and the highest authorities of municipalities, cities and counties. It was determined that the county and city people's committees must consist of a county or city assembly and the assembly of manufacturers. For the People's Committees were required to independently perform all cases - except those specified in the Constitution for the federal and republican authorities - which are of general significance to the community in economic, communal, cultural and social life and development of the county, city or town. They were also empowered for direct enforcement of federal and republican laws if the Constitution or the law has not given the jurisdiction of the federal and republican authorities. For the municipal People's Committee it was decided to carry out all matters, which are of general significance for the economic, communal, cultural and social development of the municipality. People's Committee prescribed their own organization by the statute. Among other things, the People's Committee performed the following tasks: independent acceptance of the budget (city and district people's committee were also accepting the social plan) and supervision on the management of the general public property, which means that it has played an important economic right or entitlement of the general public property. Municipal People's Committee, as a general representation, consisted of committee members who were elected by the voters registered to vote in the municipal area based on universal, equal and direct suffrage. Committee members were elected for three years. District people's committee and People's Committee of cities and municipalities were composed of two chambers: the district (urban) Assembly and Assembly of manufacturers. The first was defined as a general representation; the other was a representative body of working people who worked in the area of the county in production, transportation and trade (Grafenauer, 2000; Brezovšek, 2014: 52–54).

Municipalities have been identified as territorial and economic entities consisting of one or more settlements. The area of the municipality was determined and changed by the law, the name and address changed by order of the Presidium of the People's Assembly of the LRS. Municipalities were within the area of the counties that were identified as territorial units, made up of many municipalities and communes, which are economic, cultural and transport links. A city municipality with special rights has been identified as a separate territorial economic and communal whole in the composition of the county, which is socio-political, economic and cultural centre of its surroundings and has special rights and duties defined by law. Act on municipal People's Committees also included a special chapter entitled Village committees. There was envisaged that by a decree of the municipal People's Committee, villages and towns could set up village committees, in order to successfully carry out individual issues that are important only for residents of the villages (settlements). Village committee consisted of committee members of the Municipal Council, elected in the village or settlement, and the citizens elected by voters of the assembly. In addition, the law as a special form of direct citizen participation in the

work and control over the work of the municipal People's Committee extensively defined gatherings of voters and municipal referendums. It should be pointed out that with the regulations of 1952 a county became a unit, which took the focus of public decision-making tasks, particularly on issues of economic and general development. In addition, the district was subjected to the assumption of the first instance of the implementation of federal and republican regulations. Thus, the district at that time was in relation to the municipal centre of governmental, financial as well as political power (Brezovšek and Kukovič, 2012: 107–108).

New and decisive step in the field of territorial units is the year 1955, in which the communal system was set up, a system where the municipality gets a position of the "commune". As a basis for the establishment of such a system served the Paris Communes of 1871 and their theoretical presentation in the works of Marx, Engels, and Lenin. Commune meant "a cell" of future socialistic society and it marked a socio-economic and socio-political community in which they established a new socialistic social relations based on social ownership of the means of production and in rural areas, based on various forms of socialization and limitation of private property of farmers over land and participation in various forms of cooperation (cooperatives). Commune as a political form of organization of socialistic society, whose inner content is to socialize all the basics and the conditions of human existence, was a form of community, which was the opposite to the country, because the latter was based on exploitation, economic and political domination and other forms of alienation of man (Grafenauer, 2000: 300; Brezovšek, 2014: 55).

In the broadest sense, the concept of municipality represented an organized community of people where it is executing authority and manages other social issues in a given area. The municipality has therefore been a governmental and self-governing community, where most of the tasks were performed for the country. The concept of the municipality described, based on the principle according to which it represents the basic socio-economic community, has called for the creation of economically and financially of stronger and territorial larger municipalities, which could effectively carry out their basic tasks. At the same time we can see that in the initial phase of the communal system started to emphasize the economic function of the commune, which should be a kind of rounded economic organism, which as a whole should be capable of independent life (Grafenauer, 2000: 301). It should carry out all the rights and duties in the management of social affairs, except those who have been determined with the constitution or law for the county, the Republic or the Federation. With this law, the municipalities in the legal system established a universal jurisdiction for the implementation of all laws and other regulations and the provision of other public affairs. Otherwise, the logic of the county as a commune erased the distinction between ordinary and city municipalities. As the administrative-territorial units in 1955 remained only counties and municipalities, the number of both was significantly reduced (the number of counties was reduced from 19 to 11, the number of municipalities from 386 to 130). Thus, the average municipality in

1955 compared to 1952 was more than twice as large and greatly strengthened (Brezovšek, 2014: 56).

The development of the communal system in the period from 1955 to 1963, when the new constitution was adopted, was characterized by the following processes: continuous increase in the statutory powers of the municipality due to the continued decentralization; steady decline in the number of municipalities and counties, while increasing their areas and strengthening financial independence and financial strength of municipalities. Based on the number of changes of the Act on the areas of counties and municipalities in the LRS was in 1960 the number of districts decreased from 11 to 8, the number of municipalities in the period from 1955 to 1960 decreased from 130 to 83. With the republication of the consolidated text of the mentioned Act of 1964, at that time there were only four districts in Slovenia: the district of Celje, the district of Koper, the district of Ljubljana and the district of Maribor. At that time, the four districts consisted of 62 municipalities (Brezovšek, 2014: 57).

With the adoption of new constitutions in the year 1963, the municipality becomes a constitutional institution that had its rights under the Constitution itself. Thus, the municipality had a constitutional status of fundamental socio-political form of self-government in the country's political system and the status of fundamental socio-political community. The municipality was envisaged as a minimum basic socio-political community, which would normally perform all the functions of the community and decide on all fundamental matters that affect citizens, it was also the basic territorial community of self-management, in which the self-management would carry out the most. According to constitutional provisions, the municipality was established for the area, which has been associated with common interests and where there were conditions for independent performance of the duties of the municipality, for its economic development and for the development of social self-management. In larger cities could be set up several municipalities. In 1964, a law was adopted which defined the city, which was divided into municipalities as a (special) community, and it was a legal entity and had its own statute. For the establishment of the municipality were prescribed certain conditions: the municipality shall be established for the area, which is connected with common interests; municipality shall be established in an area where there are conditions for independent performance of the duties of the municipality for its economic development and for the development of social self-management, and so on. Due to the adjustment of the territory of municipality to its authorities, the municipality more distanced from the citizens, who did not have the possibility to influence on decision-making in the municipality. The focus of the most important decisions was drifting further away from its direct impact. Citizens have become rather disinterested for the political developments in the municipality. This has led to reflections on the establishment of local communities as fundamental territorial communities, which should be an essential element of direct democracy, in which citizens could address their everyday interests. Otherwise, the local communities in practice took over numerous municipal functions (Haček, 2005; Brezovšek, 2014: 57–58).³

Representative body of the municipality was the municipal assembly, which composed of the Municipal Assembly and the Assembly of the working people. Assemblies of the Municipal Assembly were working and deciding together, but otherwise their work was regulated by municipal statute. Municipal assembly elected from among themselves a president who, in addition to referring and presiding over meetings, present and represent the municipality as a legal person, took care of implementation of decisions of the municipal assembly, also coordinated the work of its organs. In the municipality, there were also councils as "political-executive" authorities of the municipal assembly and the bodies of social self-management in the areas for which they were established. The term of office of the municipal assembly members lasted for two years and they were responsible for their work in the municipal assembly. In carrying out its tasks, the municipal assembly could issue general regulations in the form of decrees, orders, and instructions (Brezovšek, 2014: 58–59).

The new constitution of 1974 stipulated that the basic territorial unit is a municipality, whose position was defined as a self-governing and fundamental socio-political community based on self-management and the authority of the working class and all working people. With such a constitutional definition, unlike the previous constitutional arrangements, it is directly emphasized the self-governing nature of the municipality. It was a new form of integration of various forms of self-management in a unified system of socialistic self-management of the working class and all working people. Even under this Constitution, the municipality was established in the area in which the working people and citizens were related with common interests and in which the basic conditions for the coordination of economic and social development as well as direct and effective fulfilment of needs based on self-government and for carrying out functions of authorities was created. The municipality has set up, joined with another municipality or changed the area with the law after the discussion of working people and citizens of a specific area in the Socialist Alliance of the Working People and under the conditions and procedure in accordance with the law (Brezovšek and Kukovič, 2012: 111; Brezovšek, 2014: 59).

Authorities of the municipality were very broad: the municipality generates and provides the conditions for its life, directs social development, implements and coordinates its interests, meets the overall needs, carries out functions of authorities and performs other social issues. As a body of social self-management and the highest authority in the context of rights and duties of municipality operated the municipal assembly. It consisted of chamber of associated labour, chamber of local communities and the socio-political assembly (as assembly of delegates of working people and citizens, organized in socio-political organizations - i.e. League of Communists, Socialist Alliance of Working People and the union). The most important general legal acts, accepted by the municipal assembly, were the statutes, decrees and budget. The creation of the Municipal Assembly based on so-called delegate system, where the members of delegations were elected for four years by direct secret voting. Delegates were granted immunity so that they could not be held criminally responsible nor detained for an opinion expressed by, or a vote given in the Assembly. Among the delegates was elected president of the municipal

assembly, which was its representative in charge of the work by the assembly rules of procedure and perform other tasks specified by the statute of the municipality. Unlike in the Constitution of 1963, self-governing character of the assemblies and then the character of their highest authorities in the framework of rights and duties of the municipality were emphasized. The municipality had a dual role - it was also a unit of local self-government or self-governing local community of inhabitants and also the fundamental socio-political community, which performs the function of authority and in the hands of the centre of the implementation of federal and republican laws. So the commune mainly implemented state laws and tasks from the context of public administration, but in the subordinate part it was responsible for the implementation of local affairs (Haček, 2005; Brezovšek, 2014: 60).

In practice, in the communal system in tasks of municipality, the state aspect of functions prevailed over self-governing and the municipality was mainly devolved unit of implementation of government tasks, and the first step in deciding in administrative matters. The same notes Šmidovnik (1995: 152), which says that the commune acted mainly as the first stage of the state administration, but had to be postpone local tasks to so-called local communities. There have been just over 1,200 if these in Slovenia and have been established in almost all the settlements in which there were once municipalities. Local communities have been a substitute for the self-governing municipalities, but a poor substitute, because their organization was more similar to voluntary associations of citizens than the organization of public law organizations - local communities. Local communities had to finance themselves - with the self-imposed contributions from citizens who were voted in referendums, but it was not enough even for the most urgent needs in the settlements. Carrying out local affairs, which should be a fundamental concern of the self-governing municipalities, was also pushed aside because the local communities were not able to perform them, the municipality was too far away from them and it should primarily deal with a broader national significance; its jurisdiction also included state affairs, such as the police, defence matters, tax matters, state inspections, general administration in the first instance, and so on. For these reasons, and due to such burden, the commune territorial increase almost to the extent of the former counties. In the period from 1965 through 1994, the number of municipalities ranged between 60 and 65, the average Slovenian municipality had a population of over 30,000 inhabitants and measured just over 300 square kilometres (Brezovšek, 2014: 60–61).

3 Development of Municipalities After Slovenia's Independence and up to This Day

After the independence of the Republic of Slovenia was the introduction to the local self-government one of the most important and difficult tasks in the new country, as it was a radical change in the then self-governing communal organization in a direction of "classical local self-government" of European type. The first steps were preparations for the technical groundwork for the project of local self-government, which have already been prepared in 1989, for the adoption of the new Slovenian Constitution with a significant emphasis on local self-government at the end of 1991, and the adoption of the framework law on local self-government on December 21st, 1993. Constructing foundations for the implementation of the reform of local self-government were set with the adoption of the Act of referendum for the establishment of municipalities in 1994. Referendums were carried out on May 29th, 1994, except in the municipality of Koper, where the referendum was conducted on September 11th, 1994. The results were very difficult, almost impossible to fully take into account, as voters voted in favour of the establishment of its own municipalities in only 111 referendum areas (out of 339). Since the nature of referendums was merely advisory, the National Assembly of the Republic of Slovenia decided for a "loose" compliance with the election results and adopted the Act on establishment of municipalities on October 3rd, 1994, with which 147 municipalities were established in Slovenia, where 11 of them were city municipalities. Such a decision gained much criticism; the pinnacle was reached when the local communities made considerable initiatives on the Constitutional Court of the Republic of Slovenia to assess the constitutionality of the Act on establishment of municipalities. The Constitutional Court then ruled that the legal articles, which determine which municipalities were established, are not in accordance with the Constitution and that the National Assembly must abolish the non-compliance not later than six months before calling the next elections for municipal councils in 1998 (Brezovšek, 2014: 61–62).

In 1996, a law of the procedure for the establishment of municipalities and determination of their areas was passed. The actual implementation of the law in 1998, when it was first used for the restoration of with the constitutional decision declared unconstitutionality of the entire first network of Slovenian municipalities, has proved to be unsuccessful. The network should have been consistent with the Constitution and with the provisions of the Act on local self-government, instead there were 45 new municipalities additionally set up, among whom were many of those who did not meet the statutory requirements for the establishment of municipalities (Brezovšek, 2014: 62–63).

In February 2002, the National Assembly of the Republic of Slovenia discussed the new 31 proposals for the establishment of municipalities. Regulatory conditions were met by three municipalities, but eventually came to the decision that Slovenia will expand for only one municipality (Haček, 2005). In January 2006 was the consultative referendum on the municipalities in which the residents of respective villages voted on the creation of new municipalities. On March 1st, 2006, the National Assembly of the Republic of

Slovenia approved the referendums and new municipalities, so the number of municipalities in Slovenia increased to 205. On May 4th, 2006, the Government of the Republic of Slovenia sent a proposal on the establishment of five new municipalities to the National Assembly, thus the number of municipalities increased to 210 (Brezovšek and Kukovič, 2012: 113–114). In February 2011, there were changes again so that the current number of municipalities in Slovenia is 212, but this figure is probably not final yet, because a new opportunity for establishment of municipalities is during that year in which they are conducting local elections (Brezovšek, 2014: 63).

4 The Relationships Between Two Key Local Bodies: Mayor vs. Municipal Council

In the organization of work and the division of powers in the context of municipal tasks, current Slovenian legislation defines the mayor as the executive body tasked with implementing the law (Local Self-Government Act, 2007). This of course raises the question of why the Slovenian legal regulation of local self-government is based on the mayoral model. An analysis of the technical bases and proposals for regulation shows that in the case of the establishment of local self-government in Slovenia in 1994 this was not original intent; the transition to the system where the mayor has an enhanced role happened subsequently (Kukovič and Brezovšek, 2016: 73).

The entire original proposal of the Local Self-Government Act (1993) was based on the idea that the dominant role should belong to the representative body – the municipal council – where members would elect the mayor among themselves. Despite such a proposal being on the table during the legislative process, a different proposal on direct election of the mayor finally prevailed. According to legal sources, it is clear that this decision failed to follow other coordinated provisions, through which the relationship between two bodies would be appropriately regulated. Instead, it was followed by the provisions which remained such as if the mayor would be elected indirectly, and the municipal council could also dismiss or recall him if they found out that the mayor did not perform his duties. Detailed provisions on the recall or dismissal of the mayor were later deleted. The original Local Self-Government Act (1993), with respect to the organization of the municipalities, provided a stronger role to the municipal council. It also stated that (in addition to the mayor, the municipal council and the supervisory board) one or more municipal committees were established with the authority to decide on matters within the competence of the municipal council and have executive powers. In this constellation, therefore, the mayor had no dominant position (Kukovič and Brezovšek, 2016: 73–74).

The shortcomings of the original regulation emerged immediately after the formation of the first municipal authorities, and in March 1995 another amendment to the Act was introduced with details about the work of the municipal council in order to eliminate confusion regarding the division of tasks between the municipal council and the mayor. Amendments introduced the positions of president and vice-president of the municipal

council, which were elected among the members of council. The task of the president of the municipal council was to represent the municipal council, to convene meetings, and to direct the work of the municipal council; the vice-president was to replace the president, and act in his name, in case of an absence or impediment. Such regulation is therefore based on a relatively clear division of the functions of the municipal bodies. Nevertheless, it has been shown that this (regardless of the details) did not settle all of the open issues. For example, in cases of two mutually independent municipal bodies that needed to be established, the activities of which must be joint and coordinated, it was allowed that both bodies could function on its own without any external coordinator. The result was the paralysis and inefficiency of local self-government. The municipal council president's function was, in fact, to act as a concentrated and strong opposition to the mayor, especially if the president, who was typically a member of the strongest political party within the municipal council, was not a representative of the same political party as the mayor. The municipal council – aware of its position as the representative body, and the highest decision-making body on all matters within the framework of the rights and obligations of the municipality – could take decisions that were not in accordance with the abilities or the powers and duties of the municipality, and that may even have been illegal or unconstitutional (Kukovič and Brezovšek, 2016: 74)

According to the legislation, the mayor along with the municipal administration was in charge of performing professional and administrative tasks for the municipal council. Besides that, the municipal council could appoint a secretary of the municipal council to carry out these tasks, who by law had the status of a civil servant. Despite the statutory intention that the secretary should not be a municipal official, his position in relation to the employees in the municipal administration, the municipal secretary and even the mayor was privileged, mostly due to the method of appointment. An analysis of legislation shows that the position of mayor as the head of municipal administration (HMA) against the secretary of the municipal council was only formal, because the mayor had to systematize his job, but did not have a legitimate effect on his appointment, nor did he direct and oversee his work. The mayor – under the strict supervision of the secretary of municipal council – exercised all other rights and duties regarding the employment procedures (Kukovič and Brezovšek, 2016: 74–75).

Dualistic management was clearly mirrored in the professional and technical functioning of the municipal administration, since the municipal council, with its general acts could, under the authority of the secretary of the municipal council, establish a special professional service of the municipal council, in order for the municipal council to be able to carry out the same tasks as the municipal administration does for the mayor. The mayor and the municipal administration were often in a difficult situation how to implement the decisions of the municipal council, which could not be implemented due to non-compliance with the law, municipal regulations or the financial capabilities of the municipality. The effectiveness of the local government was at the lowest level possible and depended largely on the tolerance and political skills of individuals, which inevitably led to the reform and reorganization of the provisions of the Law on Local Self-

Government – with the aim of establishing and ensuring the efficient work of the municipal bodies in the next term. Thus, with the amended legislation, the positions of president and vice-president of the municipal council and the post of secretary of the municipal council were abolished, while strengthening the role of the mayor (Kukovič and Brezovšek, 2016: 75).

Under the current legislation (Local Self-Government Act, 2007), the function of Slovenian mayors is executive and coordinative. The mayor, together with the municipal administration, implements the decisions of the municipal council; in addition, the mayor also directs the municipal administration and oversees its work. The mayor's assistant under his authority is deputy mayor, who is appointed (and dismissed) among members of the municipal council by the mayor. The Local Self-Government Act (2007) stipulates that the mayor represents the municipality as a self-governing local community, he is a legal representative of the municipality as a legal entity of public law; moreover, the mayor is also a representative of the municipal council, although he is not a member, but in accordance with the law he can convene the municipal council and leads its meetings, but has no voting rights. The mayor has by law the exclusive right to propose the annual budget, final financial account and the detailed systematization of the municipal administration. The mayor by law has a duty to protect the legality of the actions of the municipal council, as he can veto unconstitutional and illegal decisions of the municipal council. The mayor may also initiate the process of judicial protection. In addition, the mayor as an appellate body in the administrative procedure decides on appeals against administrative decisions of the municipal administration that were issued in the municipality's original jurisdiction (Kukovič and Brezovšek, 2016: 75–76).

The mayor is elected by a direct and secret ballot for a term of four years. He or she is elected by the citizens with voting rights in the municipality, and foreigners that have permanent residence in the municipality. Candidates for the mayoral position can only be Slovenian citizens, and must be residents of the municipality and have the voting rights in the municipality. The mayoral election is held at the same time as the election of members of the municipal council, but the latter is not systematically connected with them; the term of office for the mayor begins and ends at the same time as the term of the municipal council. Even in the case when, due to various reasons, substitute elections for mayor need to be carried out, the term of office of the newly elected mayor expires together with the term of office of the current municipal council. The mandate of the mayor is not confirmed directly by the municipal council, as the council only decides about complaints of other mayoral candidates. Early termination of the mayor's term in office at the voters' or municipal council's request is not possible. The municipal council only formally notes the existence of the statutory grounds for early termination of the mayor's term in office if the mayor resigns, becomes incapable of performing his intended function, or performs, or shall perform, duties or functions that are incompatible with the mayor's function. As a rule, the mayor's function (as well as the function of deputy mayor and municipal councillor) is honorary. But the current legislation opened the possibility that the mayor may decide by himself whether or not to perform the function

professionally, i.e. to be employed as a mayor. The origin of the latter lies in the problems caused by the complete separation of the two bodies – the mayor and the municipal council. Specifically the problems were caused by the situation in the country, which during the period of democratic transition did not have an adequate political personnel structure and policies and where the exercise of functions in local self-government represented, above all, stable and secure employment due to the socio-economic status of the personnel (Kukovič and Brezovšek, 2016: 76–77).

Efforts to enforce the regulation surrounding the relationship between legislative and executive bodies, which would ensure stronger coherence and raise the effectiveness of local government, are represented in the provisions amending the Local Self-Government Act. The provisions determine that the mayor represents the municipal council and convenes and presides over its meetings, but does not have the right to make decisions or to vote. The law stipulates that the mayor convenes the meetings of the municipal council in accordance with the provisions of the statute and rules of procedure of the municipal council at least four times a year. In addition, the mayor must convene a session of the council, if requested by at least one quarter of the members of the municipal council; in the event that the mayor does not convene the meeting within the prescribed period, it may also be convened by council members who have made a written request for convening the meeting that was accompanied by a draft agenda. The aim of this regime is primarily to ensure consistency in the work of the municipal bodies, for the sake of the efficiency of the municipality as a whole and thus the efficiency of local self-government. Undoubtedly, the provisions were set to strengthen the power of the mayor against the municipal council and put him in a position of being a facilitator and coordinator of the overall performance of the municipality; the centre of gravity of power and decision-making was therefore shifted more to the side of the executive body, or the mayor (Kukovič and Brezovšek, 2016: 77).

The unresolved fundamental problem that arises from the method of election only intensifies the problems of political cohabitation between the legislative and executive. In addition, the regime is problematic due to the fact that the declarative nature of the law only allows the municipal council control over the work of the mayor and of the municipal administration with respect to the implementation of its decision. The mayor is allowed to make an assessment of the legality and constitutionality of all the decisions (both general acts as well as specific decisions) of the council. The municipal council supervises the work of the mayor in the implementation of its decisions. However, the council has very limited possibilities for action against the mayor if it believes that mayor does not exercise, or does indeed improperly exercise the decisions of the council. The only possible actions left to the council are not to meet when convened, or to oppose the mayor's proposals, especially those that are proposed by the mayor himself. Nevertheless, both obstruction or contention cannot endure, as the law allows the government to propose to the National Assembly an early dissolution of the municipal council if it does not adopt the budget or if there is no meeting of the quorum in a period of six months, and after at least three calls for a meeting have failed. On the other hand, the government

can also propose the early dismissal of the mayor, if he does not implement the legal decisions of the municipal council or does not comply with its statutory duties. In doing so, we must emphasize that the provision governing the course of action of the Government and the National Assembly, or the possibility of early dismissal, was suspended by the Constitutional Court on the grounds that it would be a violation of rights of local self-government (Kukovič and Brezovšek, 2016: 77–78). Consequently, neither the municipal council, nor any other (national) body, nor the voters who elected the mayor, have any available effective measure to prevent the mayor from exercising his will.

It should be duly noted that for local self-government the decision-making in the representative body is imperative. This means that the focus of regulations should not be on detailed provisions regarding the convening of meetings and the conduct of the representative body, but rather with the principles of direct and representative democracy, the precisely justified delimitation of powers between the municipal bodies. The liability of holders of public functions and an effective control over the work of the elected bodies must follow this basic notion. It may be necessary to reconsider how both executive and legislative bodies could better cooperate and, to diminish the problems that originate from the allegiance to different political elites (Kukovič and Brezovšek, 2016: 78).

The legal and actual position of Slovenian mayors is close to the purest form of mayoral system of local self-government in which the majority of decision-making powers are concentrated in the executive body. The importance of a mayor does not arise so much from his responsibilities, but rather from the fact that he is directly elected, which means that his mandate does not depend on the municipal council. By law, he is not actually responsible for carrying out his duties, and neither is he responsible for the municipal council, nor any other body in the municipality - not even voters can recall him. The mayor is legally obliged to undertake the decisions of the municipal council, but cannot be forced to do so in reality (Kukovič and Brezovšek, 2016: 78–79). Autonomy and legal irresponsibility enable him to perform his duties of directing and supervising the municipal administration by imposing his own will and policy. For doing this he may be punished by voters at the end of the four-year term of office, so that he cannot be re-elected.

Duality issues in the Slovenian local self-government can occur at any time. In addition, such unfortunate arrangement creates paralysis or even regression in the development of the municipality, which certainly reduces its initial basic role – i.e. to meet the general needs of the citizens and to enable participation in the implementation of municipal policies (Kukovič and Brezovšek, 2016: 79). It seems that because of this, the situation primarily depends on the intelligence of the mayor and municipal councillors, whether they will reach mutual agreement, or will rather block the operation of the municipality and thus cause the stagnation or even regression of the municipality.

5 Concluding Remarks

In the transformation of the Central and Eastern European countries from centralized communist regimes to democratic constitutional governments, great importance was put on the territorial and organizational restructuring of the local government and the development of democratic and decentralized local authorities. Given the aspired accession to the EU, the concepts and process of the territorial restructuring have been strongly influenced by the territorial NUTS scheme (Kuhlmann and Wollmann, 2015: 152). One group of countries follows a Northern European reform patterns; these countries immediately after the political system changed, implemented merging of existing municipalities into larger entities. By contrast, in another group of countries, following Southern European reform patterns, no municipal amalgamations occurred. Furthermore, the existing fragmentation of the municipal level was not only kept, but in some cases further fragmentation was permitted and implemented. As Slovenia drastically increased number of municipalities in last two decades – from 62 in 1992 to 212 in 2014, which means increase by 342 percent (Kukovič, 2015: 11–12), we can surely classify the development of Slovenian local government system according to Southern European reform patterns.

In all of this, of course, raises the question of the size of the municipality – what should be the territory and population, and what should be the jurisdiction of the municipality to be able to meet the needs of their people and at the same time allowing them to be directly involved in the process of decision-making. If the municipality is excessive, it is losing internal cohesion and there is a distance from the power and the population and, consequently, to a feeling of inability to influence decisions or direct decision-making. If municipality is too small, the inhabitants are conducting less important functions because others cannot, and have nowhere to use their self-governmental rights (Grafenauer, 2000: 52). Between large and small municipalities is usually a conflict between the political requirements for local democracy and the highest possible degree of inclusiveness of the population in decision-making processes on the implementation of the everyday interests and needs on the one hand, and the other hand requirements of the administrative-organizational rationality, according to which the administration operates as modern, so effectively with regard to its tasks and expectations. Depending on the results of extensive empirical study, Humes and Harloff (1969) find that local communities must be large enough to have a sufficient staff and other conditions, and small enough that you can maintain an atmosphere of the community in which the individual has the feeling that can successfully influence on the policy of this community. We can therefore say that the benefits of one group of the municipalities present the other's shortcomings (Brezovšek, 2014: 64).

Regarding relationship between executive and legislative municipal bodies in Slovenian government system, we can find out that current legislation clearly favours the effectiveness of local self-government over democratic decision-making, participation, and the involvement of the local community in decision-making. Indeed, decision-making

is almost entirely dependent on the will and initiative of the mayor. In the current Slovenian system of local self-government, therefore, a dualism of governance has been established between the legislative and executive, creating a situation that can cause a problem of cohabitation and subsequent paralysis of municipal management (Kukovič and Brezovšek, 2016). Based on the analysis of the regulatory division of power at the local level in Slovenia, we can conclude that the relationships between the legislative and executive are in favour of the latter – the mayor.

Today Slovenia is still dealing, beside consequences of the economic and political crisis, with democratic consolidation problems. Some of them have roots in the Slovenian democratic transition processes. That is why we believe that (also) local level of authority undoubtedly needs some fundamental considerations and effective strategy for its further development. Only municipalities that have the ability to meet the challenges of the global environment can compete to attract new domestic and foreign stakeholders, provide its citizens with appropriate level of public services and strengthen their participation. This way local democracy can truly become a key player in the functioning of the state.

Notes:

¹ European Charter on Local Self-Government is available at <http://www.uradni-list.si/1/objava.jsp?urlmpid=199652>.

² Taking into account also those municipalities, which at that time operated under the Italian government.

³ The Constitution of 1963 well defined the local community, where it has been determined that citizens organized communal, residential, economic, social, health, cultural, educational and other activities directly satisfying their needs, and the needs of families and households, as well as for the development of the settlement. The organization of the local community, which was a legal person, was governed by its statute, approved by the municipal assembly. The basic authority of the local community was the local community council, its tasks were performed with local community's resources that were provided by the municipality, and with the means contributed by citizens and organizations working in the settlement.

References:

- Brezovšek, M. (2014) *Local self-government in Slovenia: Theoretical and historical aspects* (Ljubljana: Fakulteta za družbene vede).
- Brezovšek, M., Haček, M. & Zver, M. (2008) *Organizacija oblasti v Sloveniji* (Ljubljana: Fakulteta za družbene vede).
- Brezovšek, M. & Kukovič, S. (2012) *Organizacija lokalne oblasti v Sloveniji* (Ljubljana: Fakulteta za družbene vede).
- Grafenauer, B. (2000) *Lokalna samouprava: teritorialno-organizacijske strukture* (Maribor: Pravna fakulteta).

- Haček, M. (2005) *Zgodovinski kontekst nastajanja občin na slovenskem*, In: Brezovšek, M. & Haček, M. (eds.) *Lokalna demokracija II: Uresničevanje lokalne samouprave v Sloveniji* (Ljubljana: Fakulteta za družbene vede), pp. 43–67.
- Humes, S. & Harloff, E. M. (1969) *The structure of local government: A comparative survey of 81 countries* (Hague: International Union of Local Authorities).
- Kuhlmann, S. & Wollmann, H. (2015) *Introduction to Comparative Public Administration* (Cheltenham: Edward Elgar).
- Kukovič, S. (2015) *Lokalno politično vodenje: Slovenski župani v primerjalni perspektivi* (Ljubljana: Fakulteta za družbene vede).
- Kukovič, S. & Brezovšek, M. (2016) From Parliamentarisation Towards Presidentialisation: Institutional Aspects of Local Political Leadership in Slovenia, In: *World Political Science*, 12(1), pp. 69–85.
- Kukovič, S. & Haček, M. (2013) The Re-Election of Mayors in the Slovenian Local Self-Government, In: *Lex Localis*, 11(2), pp. 87–99.
- Kukovič, S., Copus, C., Haček, M. & Blair, A. (2015) Direct Mayoral Elections in Slovenia and England: Traditions and Trends Compared, In: *Lex Localis*, 13(3), pp. 693–714.
- Šmidovnik, J. (1995) *Lokalna samouprava* (Ljubljana: Cankarjeva založba).

Local Media in Poland in the Period of Social and Political Transformation

KATARZYNA BRZOZA, MONIKA KORNACKA-GRZONKA & ROBERT RAJCZYK

Abstract The article presents and illustrates the substantial changes that occurred in local media in Poland during the social and political transformation. The authors begin with the outline of tendencies in the development of local media after 1989, presenting the factors that promoted changes in this segment of the media, and identifying the main phases of transformations in local media. Local press is the segment of local media that changed the most: in the 1990s, the number of local titles grew rapidly, and their circulations dropped, publishing companies were diversified, and new types of local press appeared. The development and changes in the market of electronic media were connected with the process of granting licences by the National Broadcasting Council, the expansion of commercial broadcasters, and the progressing process of ownership consolidation. Local radio prevailed over local television in the transformation period. There were also changes in the group of local journalists: their number grew rapidly, local editorial teams became younger, and journalists had lower education levels and less professional preparation.

Keywords: • local media • social and political transformation • Poland

CORRESPONDENCE ADDRESS: Katarzyna Brzoza, Ph.D., University of Silesia in Katowice, Institute of Political Science and Journalism, Unit of Social Communication, Bankowa 12, 40-007 Katowice, Poland, email: katarzyna.brzoza@us.edu.pl. Monika Kornacka-Grzonka, Ph.D., University of Silesia in Katowice, Institute of Political Science and Journalism, Unit of Social Communication, Bankowa 12, 40-007 Katowice, Poland, email: monika.kornacka-grzonka@us.edu.pl. Robert Rajczyk, Ph.D., University of Silesia in Katowice, Institute of Political Science and Journalism, Unit of Political Systems of Poland and Central and Eastern European Countries, Bankowa 12, 40-007 Katowice, Poland email: robert.rajczyk@us.edu.pl.

DOI 10.4335/978-961-6842-73-0.12

ISBN 978-961-6842-73-0

© 2016 Institute for Local Self-Government and Public Procurement Maribor

Available online at <http://books.lex-localis.press>.

1 Introduction

The historical decisions made in the spring 1989 at the Round Table¹ affected, not only the future of Poland as a country, but also the future of the media. The existence of democratic opposition² and its access to free media was one of the crucial achievements, since systemic transformations could not have occurred without independent media. The agreements made during the Round Table talks, which determined the basic tasks and roles of the media in Poland, were approved by the Sejm of the People's Republic of Poland (PRL), which soon adopted several crucial laws (some of them concerning the abolition of censorship and changes in press law). Thus, the party/state monopoly for press publishing and radio/TV broadcasting was broken up. This initiated the transformation of the whole system, with its political, economic and social sectors, including the media.

All the mass media outlets changed intensively, though at a different pace. Within ten years, Polish media managed to make up for several decades of underdevelopment, mostly resulting from the top-down monopolist media system modelled on the Soviet one (Filas, 1999: 31). One of the most dynamically developing groups was local media, closest to the audience and essential for national media systems (Michalczyk, 2010: 15) and for civil society, which is worked out through incessant public debate (Pokrzycka, 2009: 139).

The speed of changes local media were undergoing in the time of transformation arouses some questions about the direction and stages of the transition, as well as the activities of media owners and broadcasters. The aim of this essay is to present and illustrate the changes of the local media in Poland during the transformation period.

2 Tendencies in Local Media Development After 1989

During the systemic transformation, media were dynamically developing, including local ones. This resulted from the introduction of principles of democracy and pluralism, as well as commercialisation of the media. Other factors that had an impact were for example:

- Social determinants (various social projects, including press publishing, which led to the development of civil society and reconstruction of communal territorial self-governments);
- Political determinants (processes of socio-political and economic system transformation manifested e.g. in the democratisation of social and political life, liberalisation of the economy, and decentralisation of power);
- Administrative and self-governmental demand for media, or economic and legal determinants (Kowalczyk, 2007: 68).

Legal regulations, which contributed to sanctioning the transformations, such as:

- Act of 8 March 1990 on territorial self-government (Journal of Laws Dz. U. 1990 No. 16, item 95) – communes received autonomy and legal personality, which allowed them to publish their own press;
- Act of 22 March 1990 on the liquidation of the Workers' Publishing Cooperative “Prasa-Książka-Ruch” (Journal of Laws Dz. U. 1990 No. 21, item 125) – the concern that had been the owner and publisher of most of national general interest titles and also greatly monopolised local press market ceased to exist;
- Act of 11 April 1990 on the overruling of the act on control of publications and performances, liquidation of the control authorities, and amending the “Press Law” Act (Journal of Laws Dz. U. 1990 No. 29, item 173) – the Central Office of Control of the Press, Publications and Performances was liquidated, thus breaking up the party and state monopoly for press publishing and radio and TV broadcasting;
- Broadcasting Act of 29 December 1992 (Journal of Laws Dz. U. 1993 No. 7, item 34) – the National Broadcasting Council (KRRiT) was established, whose main task was to ensure the freedom of speech, the right to information, and the social interest in the radio and television. It particularly aimed to ensure the open and pluralist character of radio and television, to plan the state policy in this respect, to issue licences for radio and TV broadcasting, and to control broadcasters' activity (Gierula and Jachimowski, 1998: 23).

Ryszard Filas (2010: 30–37) suggested dividing this period of media transformation in Poland into several unique phases. Local media are part of the whole media system, and thus they were also subject to the changes, which took place during each phase identified by Filas:

- the phase of spontaneous enthusiasm of new publishers and broadcasters and forced transformations of formerly existing titles (from May 1989 to mid 1991);
- the phase of apparent stabilisation and internal changes in the press and the radio (mid 1991–1992);
- the phase of open fight for the media market, especially audiovisual media (1993–August 1994);
- the phase of organising the market after the 1st licensing process and the invasion of German weeklies (September 1994–1996);
- the phase of new division of the media market and progressing specialisation (1997–2000).

Initially, at the turn of 1990, the title offer considerably expanded and local press began to thrive again. Characteristic for the first phase was spontaneous development of local, independent publishing initiatives. In many cases, it was low-circulation sublocal press, mostly produced in the spring 1989 (before the Sejm election) and 1990 (before the self-governmental election). They were very uncompromising, radical, and fighting with the relics of the former political system. Most of them, having fulfilled their task, disappeared soon after the elections. Undoubtedly, this was partly caused by their unstable financial

situation (Mielczarek, 2007: 136–137). However, in some cases papers were transformed or several of them merged into one supracommunal title.

At the same time, “old” titles, often strongly rooted in the local market, began to change in terms of organisation and ownership³. According to different estimates, approximately 22 new local dailies (Bajka, 1991: 29–41; Pisarek, 1996: 38–50), and between 593 (Dziki, 1991: 24) and 1,020 (Chorążki, 1991: 43) sublocal periodicals were established at the time.

The market of electronic media was for many years monopolised by Polskie Radio (four channels, including regional ones) and Telewizja Polska (two channels). The opportunity for independent radio and TV only came with the systemic transformation. The first private stations were established in the early 1990s by enthusiasts, Polish business people, and journalists of the public radio. Before the adoption of the Broadcasting Act, the legal situation was quite unclear; some of the first broadcasters did so illegally, without any licences. This caused a lot of confusion, which was properly described by Marian Mischczuk, the owner of one of the first private radio stations: “A pirate is one who breaks the law. I break something that does not yet exist. *There is no institution to give me a licence to broadcast a programme*” (Dzilanian, 1992: 8).

In the following years (1991–1992), activities aimed at organisational and technical strengthening became evident, such as changes in format, introducing more colour and pictures in the press, and printing it on better quality paper. A lot was also happening on the electronic media market: not only was their programme offer extended, but also they were also more accessible from the technological point of view (people had more satellite antennas, new local radio and TV stations were established) (Gruchot, 2007: 140–142).

In the years 1993–1994, the focus moved from the press to electronic media. In 1994, the National Broadcasting Council granted licences as part of the 1st licensing process (1994–1996). Three licences were granted to three nationwide radio stations (RMF FM, Radio ZET, Radio Maryja), one supraregional station (scouting Rozgłównia Harcerska), as well as 120 local and 25 diocese radio stations (Wajdzik, 2007: 211). In the early 1994, the legal status of Polskie Radio and Telewizja Polska changed. They transformed from state-owned to public media. Regional stations of Polskie Radio and territorial branches of Telewizja Polska were also subject to the changes. In the segment of local press, local and regional press readership was getting lower.

The first half of the 1990s witnessed several essential events, which affected the form and development of the contemporary media system in Poland. These included the process of granting licences, which led to a new order breaking up the previous monopoly in electronic media, as well as the involvement of international media concerns. Given the consumption of daily newspapers in 1995, the greatest stakeholders of the print media

market in Poland were *Polskapresse* (Germany) and *Orkla Media* (Norway). Both groups invested in the market of local and regional press (Bajka, 1998: 25–29).

In the second half of the 1990s, concentration was progressing, especially in the case of local radio stations (so-called networking) and television stations (local cable networks, with larger stations gobbling up the smaller ones). In the former, concentration was initially manifested by advertising agreements between the broadcasters, and later by networking activity (e.g. the network of “*Złote Przeboje*” stations belonging to *Agora*). Local Catholic stations were also undergoing this process⁴. Television broadcasters had a similar way to go: in the late 1990s, the consolidation and concentration trend was also evident in this sector.

An important factor that determined the changes, especially on the press market, was the introduction of a new administrative division: Poland was divided into 16 “large” voivodeships and more than 300 poviats. Even a few months before 1st January 1999, press publishers engaged in some preparation activities, and then began to adjust, aiming to operate in new areas and to defend the previously controlled ones after the change of boundaries, or to adjust the distribution of their titles to the poviats or microregion structure (publishing in several poviats instead of the former “small” voivodeships). The administrative reform seriously upturned the system of seventeen publishing and distribution regions, which had existed for decades within the Workers' Publishing Cooperative “*Prasa-Książka-Ruch*” (Filas, 2010: 214).

The last years of the 20th century were marked by the beginning communication revolution in Poland. Although the Internet had de facto been available in Poland since 1990⁵, it was nearly 10 years later that it became commonly used for commercial purposes.

3 Local Press

At the beginning of 1989, legally published local press⁶ included approx. 370-390 magazines. Parish or student papers were practically non-existent then (Chorążki, 1999: 60). The period of social and system transformation brought dynamic spontaneous changes in the sector of local press, which had been the poorest developed segment of the press market in Poland. There was little communication structure to satisfy information needs of local communities. Therefore, as soon as the political, legal and economic limitations ceased, local press began to develop very quickly (Gierula, 2002).

The role and significance of local press changed as well. Before the building of democracy in Poland, local press and other publications were ideologically and administratively controlled by the government. Local papers were a tool of propaganda as periodicals of local committees of the Polish United Workers' Party (PZPR). The new conditions of development of local press were the consequence of political decisions

taken during the Round Table negotiations. The restitution of territorial self-government in 1990 also changed the image of local press. The liquidation of censorship and ownership transformations on the local press market led to the emergence of commercial papers. Private owners began to publish local press as an element of competitive media market. The success of those publishing initiatives mostly depended on the advertising potential of local media market, readership traditions, and largely on the intellectual, cultural and printing facilities in the local community (Gierula, 2007: 139). The publication of sublocal (especially Catholic) press was more intensive, and self-governmental press with varied periodicity began as a new phenomenon (Szostok and Rajczyk, 2013)⁷.

The history of development of Polish local press, then, is closely connected with political factors. It was affected, on the one hand, by the liquidation of administrative limitations connected with the socio-political transformations, and on the other hand, by the increase of political activity at the local level, especially in the period of the first two self-governmental elections in 1990. Periodicals previously published by territorial PZPR committees changed their ownership status: they were privatised or published by journalistic cooperatives from then on. On the local press market periodicals with a solid readership position had a more permanent character than new press initiatives. This mostly results from readership traditions, but also from the character of the periodicals. Apart from the ideological aspect, their contents were utilitarian. Włodzimierz Chorążki and Sylwester Dziki (2004: 139) identified the following stages of development of local press:

- Heroic and activist stage;
- Politically involved stage;
- Market stage.

The dividing line for the heroic and activist period was the first free Sejm and Senate election in 1991, the second stage was the 2nd term of Sejm and Senate (1991–1993), and the market period has continued until now (Szostok, 2009: 48). In the first two periods, local press development was characterised by instability and transience of press initiatives. Some of them were established in response to current political needs, especially around parliament or self-government election campaigns. Hence, these were typically ephemeral papers, which ended their market existence after the elections. The entities that published such papers were both social organisations (Solidarność Citizens' Committees), local structures of newly developing political parties, and commercial entities. All of them were uncompromising, radical, and fighting with the relics of the former political system. It is worth noting that many of the titles had no stable economic foundations (Mielczarek, 2007: 136–137). The initial years of transformation on Polish press market first saw the total collapse of readership and the press market (at the turn of 1990), and then quick reviving of the market combined with dynamic growth in the number of local titles and the loss of circulation (1991–1993). In the following years, after the initial period of establishing the first local papers, the sector was becoming more and

more stable (until 1993), which was accompanied by activities aimed at organisational and technical strengthening, such as changes in format, introducing more colour and pictures in the press, and printing it on better quality paper. Later, further dynamic development of local press took place, but those papers were targeted at other social circles and more stable (1994–1995) (Gierula and Jachimowski, 1998: 24).

In the mid 1990s, foreign media concerns appeared on Polish local press market. Given the consumption of daily newspapers in 1995, the greatest stakeholders of the print media market in Poland were *Polskapresse* (Germany) and *Orkla Media* (Norway). Both groups invested in the market of local and regional press, but they directly competed in Wrocław only. The strategy of *Orkla Media* involved, not the unification of the local papers it took over, but maintaining their distinct character. It can be presumed that the Norwegian publishing company did not want readers to notice that the owner of the title was different. *Polskapresse* had the opposite strategy. This group tended to establish numerous mutations of the papers it took over, which was to ensure reaching all the readers in all the places where each paper was distributed (Bajka, 1998: 25–29). The progressing loss of local press readership resulted in market selection, and many new titles without a strong market position were forced to wind down. The papers with a strong consolidated market position were the ones that had the greatest chance to survive. Also, foreign groups invested in them the most.

As a result of the undergoing processes as well as political and commercial activities, high circulation regional titles were mostly taken over by foreign entities. The perception of local press as a commodity on the market instead of an element of culture, as well as certain behaviours of political circles, made it easier for foreign entities to fully control regional and local titles and hence reduce their value to the market aspect only. The introduction of foreign capital into the Polish press market initiated the multidimensional process of commercialisation, not only of content but also of form, which led to the tabloidisation of press and changing a reader into a consumer of media, accepting sensational journalistic materials (Jachimowski, 2010: 33–35).

The administrative reform that divided Poland into 16 voivodeships instead of 49 existing before 1998 and restored the intermediate administrative level (*poviats*) also contributed to great changes on the local publishing market. The reform upturned the system of seventeen publishing and distribution regions, which had existed for decades within the Workers' Publishing Cooperative “*Prasa-Książka-Ruch*”. Local titles had to quickly adapt to the new order so as to maintain their position on local markets (Filas, 2010: 214).

Generally, the market period is characterised by high professionalization of journalists and market activities, the use of new media in publishing activity, and media convergence. Moreover, local communities were becoming more and more active. According to Marian Gierula and Bernard Grzonka, the following tendencies can be

identified in the functioning of the press during the transformation period (Gierula, 2005: 133–134; Gierula and Grzonka, 1993: 9):

- Instability of the whole local press market (especially in the first half of the decade);
- Changes in the perception of the “old” local weekly newspapers and the resultant loss of readership;
- Greater role of the local character in readers' information needs (the change of scale);
- Growing alternative character of local press;
- Market stability of press issued by the territorial self-government offices;
- Development and quantitative changes in the segment of local press;
- New types of local press;
- More centres where local press titles were published;
- Great diversity of publishers.

The number of press initiatives reflects high activity of different circles. As the press law was amended, many different entities could and did make attempts to publish local press: political circles (especially local self-governments), trade, religious, social and cultural institutions and individuals, journalist cooperatives, and – unlike before – parishes of the Roman Catholic Church (Szostok, 2013: 30).

The process of broadening the group of local press publishers was related to the already mentioned dynamic increase in the number of local titles. The most important thing was that the shares of local press in the total press production in Poland had dramatically increased. Media experts estimate the increase in the number of local papers during the Polish transformation to have been over 30-fold. In 1992, they accounted for 29.8%, in 1995, 31.3%, and in 2000, even 45.8% of all the papers issued in Poland. This rapid growth in the number of local papers was not accompanied by the appropriate increase in circulation. At the outset of the transformations, in 1998, the share of local papers circulation in the total circulation of papers in Poland was 3.6%, in 1992, it only rose to 6.5%, and at the end of the decade, it was approx. 13%. The mean circulation of a local title was low as well, regardless of the type. In 1998, the mean circulation was 35.8 thousand copies, while in 2000, only 4 thousand. (Gierula, 2007: 138–139). Thus, the social significance of many local papers was relatively low. The decrease in the circulations of local papers was connected with the reduction of their territorial range and the progressing drop in press readership⁸.

Generally, in the mid 1990s, the largest group of local papers was those published by self-governments (41%); free market papers accounted for 30% of the local press, and only 14% of the periodicals were published by clubs of lovers of towns or lands. The number of parish papers was similar (13%). Party and trade union papers, however, clearly lost their significance (2%), which might have been connected with the society's loss of interest in political life and its different expressions (Bajka, 1997: 28). At the end of the 1990s, 1/4 of local and sublocal papers in Poland had a commercial character; parishes

published the same number of papers, 1/3 by self-governments, and every tenth title were owned by non-governmental organisations. Only 1/20 was published by local political party structures or was company papers.

It has to be emphasised, however, that the dynamic growth was very uneven territorially. There are some regions in Poland where most of towns or communes did not even have their local newsletters. On the one hand, it is hard to measure the strength of local press in each region, but on the other hand, a certain regularity was noticeable: the highest numbers of local papers existed in the regions of Małopolska, Mazowsze, Wielkopolska and Górny Śląsk, and the least local press was published along the Eastern border (Gierula, 2007: 139). Thus, it confirms that the most titles are published in places with educational and intellectual potential, social demand for periodicals, and local technical and printing facilities (Mądry, 1990: 21–38).

4 Local Radio and Television

The starting point for a discussion on local radio is that it involves three sectors: private commercial radio, Catholic radio stations with the network mostly developed within dioceses, and the sector of self-governmental radio (Michalczyk, 2000: 213). The history of Polish local radio began in the early 1990s when the dual system emerged, with the first commercial stations operating along with the public sector. Before, the local aspect had been marginal for Polskie Radio stations (Wajdzik, 2007: 203). Transformation in the electronic media not only started later than in the case of press (the moment of intensive radio transformation was the turn of 1993) (Gierula and Jachimowski, 2000: 298–290), but the mode of changes was also different. The press was privatised, while in the case of the radio, the change was rather bottom-up and was connected with the beginning of broadcasting by Radio RMF (Radio Małopolska FUN) in 1990. Although that radio station soon became nationwide, it had an impact on the local radio broadcasting segment. Radio RMF was the precursor of providing local news (independently of the nationwide programme). Quickly emerging new local branches of the radio (Kraków 1992, Katowice 1993, Łódź and Warszawa 1994, Wrocław, Poznań, Lublin, Opole, Zakopane, Trójmiasto, Rzeszów, Bydgoszcz 1995) aired local programmes. Radio Zet and Radio WAWA, despite their attempts, did not then receive consent from the National Broadcasting Council to broadcast on local markets (Wajdzik, 2007: 206–210).

The process of organising local electronic media was closely connected with granting licences to local radio and TV stations that began in 1994. As a result of their efforts, many entities that had operated without licences before could then begin their legal functioning. Only four radio broadcasters had been given licences before establishing the National Broadcasting Council⁹: Radio RMF, Zet, Alex, and Radio Solidarność; the other radio stations operated without a license (Wajdzik, 2007: 209). Even before the period of introducing legal regulations in Polish radio broadcasting market, about 60 radio stations

had operated illegally (Kowalczyk, 2008: 118). The order on the air was introduced in two stages (1993/1994 and 1995/1996), corresponding to the two licensing processes. The first licensing process involved the demonopolisation of public radio and TV broadcasting (transformed into state-owned enterprises): three nationwide radio licences were granted (RMF FM, Radio Zet, Radio Maryja), as well as one supraregional licence (Rozgłośnia Harcerska), 120 local ones, and 25 diocese ones. Many of the entities established then did not stand the test of time; some even did not begin broadcasting or started much later (Wajdzik, 2007: 211–212). In the second licensing period (1995/1996 and 1997), apart from nationwide ones, three licences were granted to supraregional networks (Inforadio, Radio Wawa i ZHP) and 186, to local radio stations (Lakomy, 2012: 67). Another important moment in the history of radio broadcasting was the year 2000, when the National Broadcasting Council began the process of re-licensing, which basically consolidated the balance of power existing on the radio market. Local broadcasters consolidated within networks; there were only 58 independent entities (Lakomy, 2012: 67).

The functioning of local Catholic radio broadcasting was regulated differently. The Church and Church organisations were allowed to establish their own radio stations on the basis of licences granted to Church legal persons by the Minister of Communications for broadcasting their own radio programmes. Until the licensing process began in 1994, 31 such licences had been given to diocese and parish broadcasters, then a separate frequency was ensured for each diocese, and finally, Radio Maryja was established as a nationwide network of low power transmitters (Wajdzik, 2007: 209). After the second licensing period, Catholic broadcasting stations included 38 diocese, 2 parish (Zbrosza Duża and Pasłek) and 3 monastic ones (of the Pauline Fathers in Jasna Góra, Franciscans in Niepokalanów, and the nationwide Radio Maryja network of the Redemptorists) (Lakomy, 2012: 67).

In terms of ownership, in the early 1990s, radio stations were established by local business people, journalists, cultural institutions (culture centres), archdioceses and parishes. This changed in the late 1990s, especially at the turn of 1997. At the time, local broadcasters had some financial problems and new entities – representatives of media concerns – appeared in the segment of local media. Thus, in 1997, the first network was formed: Super FM associated with Zjednoczone Przedsiębiorstwa Rozrywkowe SA, and later evolved into ESKA network. In the same year, concentration process intensified on the radio market, mostly involving advertising agreements, but also attempts of cooperation in programme preparation. The emergence of two early groups of local broadcasters (ZPR SA and Agora SA) and the first local networks (Agora's "Złote Przeboje" and ZPR's Radio Eska) fully modelled on Western ones was the next part of changes occurring in local radio broadcasting (Filas, 2010: 33–34). Agora bought large blocks shares in the existing local stations and formed regional station networks in towns where regional mutations of "Gazeta Wyborcza" already existed (Michalczyk, 2000: 218). Similar integration processes were observed in the sector of Catholic radio: in 1993,

Stowarzyszenie Rozgłośni Katolickich VOX association was established to operate nationwide and offer legal assistance for entities that applied for a licence. After some time, it started its own news studio. The second half of the 1990s was the period of greater activity of Catholic radio stations. They even tried to form a network but did not succeed, and their initial agreements proved to be very short-lived. A producer company Radio Plus was established in 1997 on the basis of studio “Squer” and “VOX”, in 1998 already including 23 stations (Mielczarek, 2006: 83–84).

Local radio stations also gave rise to the RMF MAXXX network and Ad.Point group, which took over liquidated stations and changed their character. The company Polskie Fale Średnie offered self-government authorities to build local stations. They promised comprehensive services in return for broadcasting two hours of local programme prepared with the help of local residents and communal board and council. Currently, media concerns are the dominant entities on Polish local radio market, and the number of independent stations is decreasing, although some of them still have a strong position – for example Radio Bielsko (Bielsko-Biała), Radio Mega (Tychy), or Radio Alex (Zakopane). Another large group was Catholic radio stations, e.g. Radio Św. Józef (Warszawa), Katolickie Radio Podlasia (Siedlce) or Radio eM (Katowice) (Wajdzik, 2007: 213–215).

A stations' market position depended on when it began its operation, and the broadcasting was in most cases limited to just one town: the seat of the studio or the nearest microregion. The analysis of distribution of local broadcasting stations in Poland showed that 46.2% of the stations were in Warsaw or around, and 36% in towns that were voivodship capitals (until 1999) or other big towns without the status of capital. Smaller towns were the location of fewer than 20% of broadcasting stations, most of which were Catholic stations. Researchers identify two reasons for this: urbanisation, and economic strength of different regions that were considered as potential locations for radio stations. This approach led to the dominance of Górny Śląsk region, as well as Warsaw, Łódź, Kraków or Poznań (Gierula 2006: 99). Commercial radio listeners were mostly those who listened to the public radio too, and commercial stations began to dominate the local market, gaining the greatest popularity among listeners under 35 years of age (Gierula and Jachimowski, 1996: 97–98; Gierula 1995: 250–258).

Polish radio pioneers predicted local radio would serve the social function by actively participating in creating social reality, activating the society, and as a result, forming local communities. Journalists were recruited for new radio and television broadcasting stations from among those who had previously worked in the public media, and in smaller offices, the skill of amateur teams evolved with the development of each local medium. The offer of local stations in many cases was mostly music (40-80% of the programme format), usually presented randomly, although there were some exceptions, such as original jazz or disco polo programmes (Radio LAS VEGAS from Ciechocinek). The share of journalistic materials was rather low (Wajdzik, 2007: 209–210). An important

part of the radio programme format was news and documentaries focusing on regional or local affairs, which gave the stations unique local character. Researchers point out that most local radio stations were commercial, but they were often subsidised by local business people or self-governments (Chorążki, 1999: 75).

Local television basically has two forms: local cable TV and local terrestrial TV. Stanisław Michalczyk pointed out that researchers and observers studying the topic of local television included 11 private stations operating in the Western part of Poland as part of TV Odra network established in 1995 in the group of local stations (Michalczyk, 2000: 233–238). In the case of local TV transformations, two processes were crucial: the start of real regional branches of Telewizja Polska in 1992, and the establishment of the first non-public terrestrial and cable TV stations. Telewizja Echo from Wrocław is supposed to have been the first terrestrial local TV station in Poland. In 1993, it was taken over by an Italian TV producer Nicola Grauso and together with other local stations incorporated into Polonia 1 network of 12 entities. Apart from this network, the following independent commercial local stations operated in the pre-licensing period: Top Canal (Warszawa), TV Sky Orunia (Gdańsk), TV Vigor (Gorzów Wielkopolski), TV Lubań, TV Aval (Jelenia Góra), TV Centrum (Kalisz), TV Legnica (Filas, 2012: 12).

The first licensing process ended after granting licences for 11 local TV stations: “Telewizja Bryza” (in Koszalin), “Studio NTL” (in Piotrków), “Telewizja Niepokalanów” (in Skierniewice), “Telewizja AVAL” (in Jelenia Góra), “Telewizja Lubań” (in Jelenia Góra), “Telewizja Dolnośląska” (in Wałbrzych and Wrocław), “Telewizja Legnica”, “Sky-Orunia” (in Gdańsk), “Telewizja Zielona Góra”, “Telewizja Vigor” (in Gorzów) and “Wielkopolska Telewizja Regionalna” (in Piła) (Mielczarek, 1996: 65). Two of them never began broadcasting, and six others, due to financial and organisational problems and lower popularity than they had expected, concluded the “Odra” Agreement. In accordance with this agreement, they worked together on the advertising market and broadcast 8-hour Odra programme block, but they also produced their own local programmes. In 1998, the stations began to rebroadcast the programme of Nasza Telewizja (currently TV 4), and in time, some of them gave up on producing their own programmes, only rebroadcasting TV4. At the end of licence validity, only three of the entities from the Odra association broadcast their local programme, and the licence could only be extended if they resumed local programmes (Gałka, 2013: 228–229).

Cable television is another important element of local TV market, whose potential is in its own programmes. The market of cable operators was changing dynamically, with the following periods: the pioneer / activist period (March 1988 – February 1989), “free-for-all” (March 1989 – late 1990), the period of quick development (1991–1993), the period of professionalization (1994–1996), the period of intensive consolidation (1997–2000), and the period of multimedia activity (since 2001) (Gałka, 2013: 230). The National Broadcasting Council not only granted licences for radio and TV stations but also tried to regulate the legal situation of cable network operators. Thus, by the mid 1999, more than

250 licences had been granted for cable network operators, controlling a total of approximately 1,200 local networks in more than 400 big, medium and small towns in Poland. The beginning of local channels in cable TV date back to the late 1980s, when they appeared in particular city districts, e.g. Ursynów in Warsaw. Not only big or medium towns had their TV stations. Quite small one did too, an example of which is the town of Koźienice (Telewizja Koźienicka). Broadcasting local programmes involved between a quarter a week and more than ten hours a day, but in most cases it was two-hour weekly programmes including news, entertainment and commercials, repeated twice a day. Each operator in Poland had between a few and several dozen local networks, some of which were combined to make nationwide corporations, e.g. Polska Telewizja Kablowa – PKT, Aster City Cable, Vectra, or Toya. The percentage of households connected to the cable network was approximately 25-27% (Chorążki, 1999: 77).

The third player on the local TV market was the public broadcaster, Telewizja Polska SA, which began to broadcast really regional programmes in 1992 thanks to its regional branches. In the beginning, territorial branches broadcast their own daily programmes as well as programmes which were part of Program II, aired separately at the same time. They also prepared programmes for nationwide channels and information services for Television Information Agency. The high cost of this mode of operation led to initiating a common programming and procurement policy of the local branches. In 1998, TVP already had 12 of them. It was also then that the concept of a network (later TVP3 Regionalna) was adopted. The programmes included a universal common block, which in 2001 took $\frac{3}{4}$ of the regional stations' broadcasting time, and a block of their own programmes (Gałka, 2013: 232–233). In March 2002, TVP3 Regionalna was established, legitimating the existence of one programme in 12 varieties. It was assumed that own blocks should mostly include news and feature programmes, and more regional branches were formed in time (Barańska, 2004: 56–57).

To sum up the transformation processes in Polish local radio and television, it can be said that they were closely related to the process of granting licences by the National Broadcasting Council, this way organising the area of media. The expansion of commercial broadcasters was another important element of the transformation, just like consolidation processes mostly caused by the need to reduce the costs connected with the functioning of local radio and television stations. In Polish system of electronic local media, radio prevailed over television, not only because of the number of stations functioning on the market, but also – as proved by research results – the radio was a more important source of local information than television.

5 Journalists of The Local Media

The changes in the media in the 1990s also led to changes occurring in the journalist circles. The most evident one was the undoubtedly rapid increase in the number of people associated with the media in some way, especially in comparison to the previous period¹⁰.

Whereas in the late 1980s the number of local journalists did not exceed 500 (Jachimowski, 1990: 85), in the mid 1990s it was already 6-7 thousand people (Gierula, 2005:167). The reason may have been the dynamic growth in the number of local media (especially the press), which had the opportunity to develop in free market conditions.

However, not all persons working in the media can be properly referred to as journalists. From the professional point of view, the 1990s (particularly the first half) were a specific "bad patch": it was the time of lower share of professionals in the total number of journalists, and a substantial influx of persons without professional qualifications (Bajka, 2000: 60–61). In comparison to the mid 1980s, the number of people who had graduated from journalistic university studies and professional courses or training sessions has dropped dramatically (Gierula, 2006: 84–85). It was caused by many factors, including not only the already mentioned rapid increase in the number of local media, which needed much more staff than before, but also the duration of each office, journalistic and intellectual facilities of target local communities, and publishers/owners' understanding that professionals were needed in the process of institutionalised local communication and hence recruiting people for the profession. The profession is traditionally open in Poland, which means that people with different levels of education and professional preparation can actually work as journalists (Gierula and Jachimowski, 1996: 93–94). In was only at the end of the 1990s that a journalistic study graduates begun to make a significant part of that professional group. Their influx was also related to the editorial teams becoming younger, with the peak of the phenomenon we can see now in local offices. In the 1990s, men dominated them. In this respect, the structure of local editorial offices has remained nearly unchanged from the mid 1980s, when women only accounted for little above 1/4 of local journalists (Jachimowski, 1990: 104). There was also an interesting regularity: in the 1990s, women were the vast majority of graduates of journalistic studies but men entered the profession much more often (Bajka, 2000: 61).

6 Conclusion

Local media during the social and political transformation in Poland went through considerable changes. The situation of local press changed particularly much: from the dominant position at the outset of the transformation, through competition with the developing electronic media, up to relative stabilisation. Quantitatively, the balance of changes in the media sector is definitely positive: the press and electronic media offer was greatly extended and diversified. The evaluation of the offer's quality, however, is not as obvious. The rapid increase in the number of local media (mainly the press) in the first years of transformation, and the resultant free influx of people without professional experience to local editorial offices, did not help ensure their high quality; many publishing initiatives proved to be ephemeral and quickly disappeared from the market without even stabilising their position. But after the first spontaneous phase, local media (with substantial participation of foreign capital in the second half of the 1990s) finally settled on the market, began to specialise and concentrate.

Generally, the modifications of local media during the transformation period can be characterised by phenomena such as: the restitution of local press, concentration and monopolisation, polarisation (in terms of content, ownership, and political associations of publishers and journalists), unification and standardisation of content, development of characteristic types, tabloidisation, competition, technicisation and computerisation, and changes in the ownership structure (Kowalczyk, 2009: 110–111).

During the transformation, Poland went through a complex process of change from the state/party monopolistic and central to private, capitalistic and commercial system (Kowalczyk, 2005: 53). Within just a decade, Polish local media managed to make up for many years of underdevelopment, going a long way from monopoly to pluralism, so as to finally achieve concentration and Westernisation.

Notes:

¹ The Round Table – a colloquial name for negotiations conducted from 6th February to 5th April 1989 by representatives of the government of People's Republic of Poland (PRL), opposition associated with “Solidarność” trade union, and Church-associated opposition (Catholic and Evangelical). It was one of the most important events in the modern history of Poland, initiating the systemic changes in PRL.

² Mostly from “Solidarność” Citizens' Committees.

³ Organisational changes meant e.g. changes in the management of the editorial office or changing titles and names associated with the former political system. Ownership changes mostly occurred at the turn of 1991, at the moment of coming into force of the Act on liquidation of the Workers' Publishing Cooperative “Prasa-Książka-Ruch”.

⁴ In 1998, the Catholic Radio Plus network emerged, made up of more than 20 diocese stations, which collaborated in terms of advertising and programme.

⁵ The first analogue connection was launched on 26/09/1990. On 19/11/1990, the Nuclear Physics Institute in Kraków was the first in Poland to receive the IP number (192.86.14.0), given by the Ministry of Defense of the USA. The first computers with access to the Internet were in Katowice, Warsaw, Kraków and Toruń (Malik, 2011).

⁶ Samizdat press functioned simultaneously, published illegally by underground company committees of “Solidarność” trade union, local branches of Solidarność Citizens' Committee, and other underground opposition groups (Chorążki, 1999: 59).

⁷ In a study carried out by P. Szostok and R. Rajczyk, weekly and monthly papers were most often reported, with quarterly papers being less popular.

⁸ While local press readership in Poland was 48.4% in 1989 (Gierula 2005: 128), in 1997 it was already around 22-25% (Filas, 1998: 170).

⁹ The National Broadcasting Council – a state institution whose constitutional task is to ensure the freedom of speech, the right to information, and the public interest in radio and television.

¹⁰ It was connected with publishing and distribution stability, achieved in the early 1960s after local stations had been taken over by the press concern of the Workers' Publishing Cooperative “Prasa”.

References:

- Bajka, Z. (1991) Polska prasa codzienna 1990-1991 (Polish dailies in the years 1990-1991), In: *Zeszyty Prasoznawcze*, 3-4, pp. 29-41.
- Bajka, Z. (1998) Kapitał zagraniczny w polskiej prasie – lata dziewięćdziesiąte (Foreign capital in Polish press – the 1990s), In: *Zeszyty Prasoznawcze*, 1-2, pp. 21-35.
- Bajka, Z. (2000) Dziennikarze lat dziewięćdziesiątych (Journalists in the 1990s), In: *Zeszyty Prasoznawcze*, 3-4, pp. 42-63.
- Chorążki, W. (1991) Prasa lokalna i sublokalna w Polsce 1989-1991 (Local and sublocal press in Poland in the years 1989-1991), In: *Zeszyty Prasoznawcze*, 3-4, pp. 42-51.
- Chorążki W. (1999) Polskie media lokalne i sublokalne (1989-1999) (Polish local and sublocal media (1989-1999)), In: *Zeszyty Prasoznawcze*, 1-2, pp. 59-82.
- Chorążki, W. & Dziki, S. (2004) *Prasa lokalna i regionalna* (Local and regional press), In: Bauer, Z. & Chudziński, E. (eds.) *Dziennikarstwo i świat mediów* (Kraków: Universitas).
- Dziki, S. (1991) Zmiany oferty prasowo-wydawniczej (1990-1991) (Changes in the press and publishing offer (1990-1991)), In: *Zeszyty Prasoznawcze*, 3-4, pp. 21-28.
- Dziłanian, D. (1992) To ja, pirat (It's me, a pirate!), *Radio i Telewizja*, 12.
- Filas, R. (1998) Czytelnictwo prasy w 1997 roku (Press readership in 1997), In: *Zeszyty Prasoznawcze*, 1-2, pp. 168-182.
- Filas, R. (1999) Dziesięć lat przemian polskich mediów masowych w Polsce (1989-1999) (Ten years of transformation in Polish mass media (1989-1999)), In: *Zeszyty Prasoznawcze*, 1-2, pp. 157-158
- Filas, R. (2010) Dwadzieścia lat przemian polskich mediów (1989-2009) w ujęciu periodycznym (Twenty years of transformation in Polish media (1989-2009): periodic approach), In: *Zeszyty Prasoznawcze*, 3-4, pp. 27-54
- Filas, R. (2012) Czy w Polsce jest miejsce na lokalną telewizję komercyjną? Doświadczenia i perspektywy (Is there room for commercial TV in Poland? Experiences and perspectives), In: *Zeszyty Prasoznawcze*, 4, pp. 9-29.
- Gałka, T. (2013) *Media lokalne w systemie mediów III RP (Local media in the media system of the 3rd Republic of Poland)*, In: Pokorna-Ignatowicz K. (ed.) *Polski system medialny 1989-2011* (Kraków: Oficyna Wydawnicza AFM), pp. 213-240.
- Gierula, M. (1995) Kształtowanie się lokalno-regionalnego rynku radiowego w okresie transformacji na tle zjawisk ogólnopolskich (Development of the local and regional radio market in the transformation period against the background of nationwide phenomena), In: Kantyka J. & Jachimowski, M. (eds.) *Transformacja radia w Polsce i na świecie (1990-1995). Materials from a scientific conference organised by the Institute of Journalism of University of Silesia in Katowice, 23-24 November 1995* (Katowice: Fundacja dla Wspierania Śląskiej Humanistyki).
- Gierula, M. (2002) Analiza rynku prasy lokalnej w Polsce (Analysis of the local press market in Poland), available at: <http://www.mkidn.gov.pl/website/index.jsp?artId=411> (October 11, 2008).
- Gierula, M. (2005) *Polska prasa lokalna 1989-2000. Typologia i społeczne funkcjonowanie (Polish local press 1989-2000: typology and social functioning)* (Katowice: Wydawnictwo Uniwersytetu Śląskiego).
- Gierula, M. (2006) *Lokalna i regionalna przestrzeń komunikacyjna mediów periodycznych w Polsce jako zbiorowy nadawca (Local and regional communication space of periodical media in Poland as a collective broadcaster)*, In: Gierula, M. (ed.) *Współczesny dziennikarz i nadawca* (Sosnowiec: Wydawnictwo ABAKO), pp. 95-105.
- Gierula, M. (2006) *Dziennikarze współczesnej prasy lokalnej (Journalists of the contemporary local press)*, In: Michalczyk, S. (ed.) *Media i komunikowanie w społeczeństwie*

- demokratycznym. Szkice medioznawcze (Sosnowiec: Wydawnictwo Wyższej Szkoły Zarządzania i Marketingu), pp. 82-92.
- Gierula, M. (2007) *Prasa lokalna (Local press)*, In: Chudziński, E. (ed.) *Słownik wiedzy o mediach* (Bielsko-Biała: Wydawnictwo Szkolne PWN), pp. 134-148.
- Gierula M. & Grzonka, B. (1993) *Transformacja prasy na Śląsku i w Opolszczyźnie (1989-1992). Zarys problemu (Transformation of the press in Silesia and Opole region (1989-1992): outline)*, In: Jachimowski, M., Gierula, M. & Grzonka, B. (eds.) *Katalog prasy – radia – telewizji '93 województw: bielskiego, częstochowskiego, katowickiego, opolskiego. Poradnik reklamy* (Katowice: Pracownia Badań Społecznych i Skuteczności Reklamy "SILESIAN – MEDIA).
- Gierula M. & Jachimowski, M. (1996) *Zmiany mediów i dziennikarstwa lokalnego w Polsce (prasa, radio, telewizja) (Changes in local media and journalism in Poland (the press, the radio, the television))*, In: Kopper, G. G., Rutkiewicz, I. & Schliep, K. (eds.) *Media i dziennikarstwo w Polsce 1989-1995* (Kraków: Ośrodek Badań Prasoznawczych Uniwersytetu Jagiellońskiego), pp. 89-100.
- Gierula M. & Jachimowski M. (1998) *Możliwości i ograniczenia w kształtowaniu się mediów lokalnych w okresie transformacji. Wybrane aspekty problemu (Opportunities and limitations of the development of local media in the transformation period. Selected aspects)*, In: Furman, W. & Wolny, K. (eds.) *Media regionalne i lokalne a demokracja na szczeblu lokalnym* (Rzeszów: Wydawnictwo Tarcza), pp. 17-39.
- Gierula M. & Jachimowski, M. (2000) *Społeczny odbiór i funkcjonowanie mediów na Śląsku w okresie transformacji społeczno ustrojowej 1989-1999 (Social reception and functioning of the media in Silesia during the social and political transformation of 1989-1999)*, In: Dobrowolski, P. & Stolarczyk, M. (eds.) *Polityka: przedmiot badań i formy jej przejawiania się* (Katowice: Wydawnictwo Uniwersytetu Śląskiego), pp. 300-301.
- Gruchot A. (2007) *Sytuacja ekonomiczna prasy lokalnej w kontekście jej przeobrażeń i perspektyw rozwoju (1989-2006) (Financial situation of local press in the context of its transformations and development perspectives (1989-2006))*, In: Jarowiecki, J., Paszko, A. & Kolasa, W. M. (eds.) *Polskie media lokalne na przełomie XX i XXI wieku: historia, teoria, zjawiska* (Kraków: Wydawnictwo PANDIT), pp. 165-174.
- Jachimowski, M. (1990) *Dziennikarze polskiej prasy lokalnej (Journalists of Polish local press)*, In: Mikułowski-Pomorski, J. (ed.) *Prasa lokalna jako czynnik kształtowania się więzi lokalnych* (Rzeszów: Wydawnictwo Wyższej Szkoły Pedagogicznej w Rzeszowie), pp. 115-167.
- Jachimowski, M. (2010) *Raport. Media periodyczne w przestrzeni województwa śląskiego (Periodical media in Śląskie Voivodeship: a report)*, available at <http://www.regionalneobserwatoriumkultury.pl/obserwatorium.html> (July 2, 2016).
- Kowalczyk, R. (2005) *Ilościowe i jakościowe przeobrażenia prasy lokalnej w Polsce w latach 90. XX wieku (Quantitative and qualitative transformations of local press in Poland in the 1990s)*, In: *Środkowoeuropejskie Studia Polityczne*, no. 2, pp. 51-64
- Kowalczyk, R. (2007) *Podstawy przeobrażeń ilościowych prasy lokalnej w Polsce po 1989 roku (The basis for quantitative transformations of local press in Poland after 1989)*, In: Jarowiecki, J., Paszko, A. & Kolasa, W. M. (eds.) *Polskie media lokalne na przełomie XX i XXI wieku: historia, teoria, zjawiska* (Kraków: Wydawnictwo PANDIT), pp. 67-82
- Kowalczyk, R. (2008) *Media lokalne w Polsce, Tom II (Local media in Poland. Vol. II)* (Poznań: Wydawnictwo CONTACT).
- Kowalczyk, R. (2009) *Media lokalne w Polsce. Podręcznik akademicki (Local media in Poland: academic textbook)* (Poznań: Wydawnictwo Naukowe Contact).

- Lakomy, M. (2012) *Rynek radiowy w Polsce. Dyskurs politologiczny. Monografie (The radio market in Poland. Political studies discourse. Monographs)* (Kraków: Akademia Ignatianium Wydawnictwo WAM).
- Malik, A. (2011), Prawdziwy początek Internetu w Polsce – sensacyjne odkrycie (The real beginning of the Internet: a sensational discovery), available at <http://www.komputerswiat.pl/nowosci/wydarzenia/2011/40/prawdziwy-poczatek-internetu-w-polsce---nieznany-fakt.aspx> (April 14, 2012).
- Mądry, J. (1990) *Przegląd czynników sprawczych rozwoju polskiej prasy lokalnej (Review of the drives for development of Polish local press)*, In: Mikułowski-Pomorski, J. (ed.) *Socjologiczne problemy społeczności lokalnych. Prasa lokalna jako czynnik kształtowania się więzi lokalnych* (Rzeszów: Wydawnictwo Wyższej Szkoły Pedagogicznej w Rzeszowie), pp. 24-25
- Michalczyk, S. (2010) *Obszary badawcze w komunikowaniu lokalnym (Research areas in local communication)*, In: Pokorna-Ignatowicz, K. & Michalczyk, S. (eds.) *Media lokalne i dziennikarstwo. Aspekty współczesne historyczne* (Kraków: Oficyna Wydawnicza AFM), pp 15-33.
- Mielczarek, T. (1996) *Transformacja telewizji w Polsce w latach 1989-1995 (Transformation of television in Poland in the years 1989-1995)*, In: Słomkowska, A. (ed.) *Transformacja mediów 1989-1995* (Warszawa: Elipsa), pp. 59-73.
- Mielczarek, T. (2006) Radiofonia lokalna w Polsce w latach 1989-2005 (Local radio stations in Poland in the years 1989-2005), In: *Studia Medioznawcze*, 3, pp. 73-85.
- Mielczarek, T. (2007) *Monopol, pluralizm, koncentracja. Środki komunikowania masowego w Polsce w latach 1989-2006 (Monopoly, pluralism, concentration. Mass communication media in Poland in the years 1989-2006)* (Warszawa: Wydawnictwa Akademickie i Profesjonalne).
- Pisarek, W. (1996) *Zmiany na rynku prasy codziennej (Changes on the market of Polish daily press)*, In: Kopper, G. G., Rutkiewicz, I. & Schliep, K. (eds.) *Media i dziennikarstwo w Polsce 1989-1995* (Kraków: Ośrodek Badań Prasoznawczych Uniwersytetu Jagiellońskiego), pp. 38-50.
- Pokrzycka, L. (2009) *Rozwój mediów lokalnych i regionalnych po 1989 roku (Development of local and regional media after 1989)*, In: Pokrzycka, L. & Romiszewska, B. (eds.) *Oblicza polskich mediów po 1989 roku* (Lublin: Wydawnictwo Uniwersytetu Marii Curie-Skłodowskiej), pp. 139-147.
- Szostok, P. (2009) *Współczesna prasa samorządowa w województwie śląskim. Analiza prasoznawczo - politologiczna wybranych tytułów (Contemporary self-governmental press in Śląskie Voivodeship. Press and political studies analysis of selected titles)* (Katowice: sbc.org.pl).
- Szostok, P. (2013) *Prasa samorządowa, czy prasa władz samorządowych? Komu służą periodyki finansowane z lokalnych budżetów? (Self-governmental press or the press of self-governmental authorities? Who benefits from periodicals financed with local budgets?)* (Katowice: Wydawnictwa Naukowe i Artystyczne Gnome).
- Szostok, P. & Rajczyk, R. (2013) *Komunikowanie lokalne w Polsce. O instrumentach polityki komunikacyjnej samorządów (Local communication in Poland. On the instruments of communication policy of self-governments)* (Katowice: Wydawnictwa Naukowe i Artystyczne Gnome).
- Wajdzik, J. (2007) Radio lokalne w Polsce. Narodziny i rozwój (Local radio in Poland. The origin and development), in Jarowiecki J., Paszko, A. & Kolasa, W. M. (eds.) *Polskie media lokalne na przełomie XX i XXI wieku. Historia. Teoria. Zjawiska* (Kraków: Wydawnictwo PANDIT).

The Distinctions of Local Political Leadership in Slovenia: The Mayoral Political Career

SIMONA KUKOVIČ

Abstract This paper analyses the political career of a key executive body in the Slovenian local self-government system – the mayor. The paper first introduces political career paths of Slovenian mayors from the viewpoint of pre-mayoral career. In second section the length of mayoral occupancy of the office is analysed. For the full analysis of the mayor’s career paths post-mayoral career must also be addressed following Schlesinger’s distinctions between different ambitions. Based on an analysis of objective data, we look also at the re-election of mayors in Slovenian local self-government with the emphasis on their seniority. We find that the re-election of mayors is frequent occurrence in Slovenia and is a trend that is also increasing with every local election from 1998 onward.

Keywords: • local political leadership • mayor • political career • municipality • Slovenia

CORRESPONDENCE ADDRESS: Simona Kukovič, Ph.D., University of Ljubljana, Faculty of Social Sciences, Kardeljeva ploščad 5, 1000 Ljubljana, Slovenia, email: simona.kukovic@fdv.uni-lj.si.

DOI 10.4335/978-961-6842-73-0.13

ISBN 978-961-6842-73-0

© 2016 Institute for Local Self-Government and Public Procurement Maribor

Available online at <http://books.lex-localis.press>.

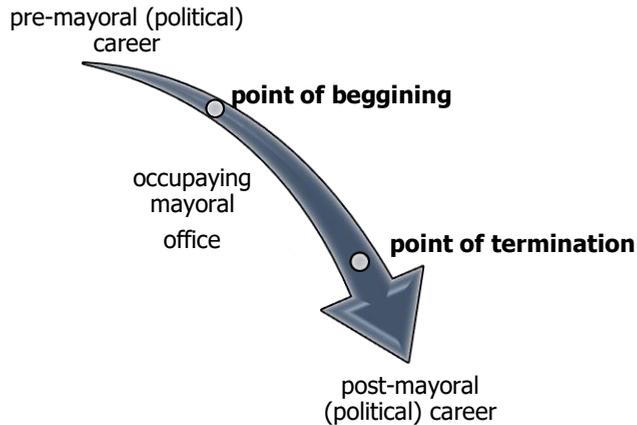
1 Theoretical Points Of Departure

Observing the local political elite as a whole is composed from observations of individual local political leaders (mayors), whilst having some common features, but nonetheless varies widely, which also applies to their career paths. In terms of political career the mayors have common feature - the successfulness in the race for mayoral position. Eulau (1969: 101) explained this by the fact that it does not matter whether the mayor was born in a poor or rich family, because by the fact that the inhabitants chose him/her for their mayor, describes him/her as someone special. But, although the mayors are local political leaders, their ways to the top are quite different.

When examining the local political leaders first of all we proceed from the assumption, that those who govern have the authority and are in the spotlight; while *those* most commonly refer to the socio-demographic characteristics of the mayor, such as gender, age, education (Kjær, 2000); but usually without any awareness that such socio-demographic determinants (Putnam, 1976: 142) affect the functioning of the mayor. In addition, the mayoral political career can also be included among those decisive characteristics, as local political leaders bring with them the heritage of their previous careers. Therefore Kjær (2006: 76) assumes that also path to a mayoral mandate subsequently affects the mayoral leadership.

And what is a mayoral career? Prinz (1993: 12) explains that the mayoral career is created in a continuous process of mayoral position implementation, where unique combination of ambition and opportunity intertwines. Political career path is therefore necessarily associated with time and defined by two key points, namely the *starting point* and the *termination point* of mayor function. Between them mayoral career is taking place. However, these two points do not constitute the absolute beginning and end of a political career, but are open to one and other directions, because before the starting point there was some pre-mayoral career, and after termination points there is usually also some post-mayoral political career (Kjær, 2006: 76).

Figure 1: Political career of mayor



Source: Kukovič (2015: 87).

Hibbing (1993) says effective description of the mayoral career focuses on two different types of political career, namely *internal* and *external* career. Internal political career exists within local authorities, including municipal council and mayor. In addition there is external political career, which includes, for example, the seat in the parliament or a position in the government. As shown in Table 1 there are at least six different aspects of the mayoral career.

Table 1: Different aspects of the political career of a mayor

	Internal career	External career
Beginning of mayoral career	Number of years at the council	Pre-mayoral political career
Occupying mayoral office	Seniority	<i>cumul des mandats</i>
Termination of mayoral career	Returning to the council	Post-mayoral political career

Source: Kjær (2006: 77).

Robert Louis Stevenson wrote in 1882 that the politics might be the only profession for which there is no need to have proper education (Stevenson in Jay, 1997). Despite the fact that there is no formal education for the profession of politician and therefore self-initiative is even more necessary, there is some training that can replace formal schooling. Participation in political parties, trade unions, NGOs and so on can help to prepare citizens for entry to the elected political office; important political skills can be learned

and acquired in the labour market in professions such as brokers, lawyers, teachers and journalists (Jacob, 1962: 710). When performing these professions individual can acquire skills of negotiation, persuasion and the ability to inspire confidence and, therefore, those professions represent good foundation to build-up a political career (Czudnowski, 1975: 230; Norris and Lovenduski, 1995: 110). But there is even better alternative: the best place for learning and teaching policy is actual occupation of political office right in the centre of the political sphere (Kjær, 2006: 77–78).

Every political leader must begin his political career somewhere. Some start with the first election to the mayoral office, without ever before dealing with politics (Prewitt, 1970: 59). In doing so, the key question is whether such an entry to the highest local political position is optimal. Some believe that the mayoral office as the highest local political position is not suitable start of a political career; instead, the best entry point to the politics is believed to be elected as municipal councillor. This way an individual can gain valuable experience in the local political context and only then compete for the mayoral office. Of course, there are other opportunities to enter the political career, such as regional or national assemblies, regional or national government and so on.

Researchers examine the political career paths of local political leaders from two perspectives. First perspective determines whether mayors simultaneously perform two or more elected positions at various levels of government (*cumul des mandats*); second perspective determines seniority or time spent in the elected office. Experienced local leaders are more effective in representing the interests of their electorate, as they provide assistance to the political body (whose members they are) to become more institutionalized and professional with a stable membership, the internal division of labour and clear rules (Polsby, 1968). In this way a long-time mayors, whose goal is to remain at political position for longer periods, can devote more of their time to both production and implementation of public policies (Botero, 2008: 6). With constant and clear division of labour and longevity such mayors become experts in their specific field (Krehbiel, 1991).

Mayors that perform political office for longer period of time, eliminate the need for the learning period at the beginning of their mandate, as they have accumulated new knowledge and expertise during previous mandate(s), and they are also already familiarized with the political position implementation. On the other hand, voters can analyse the list of achievements of current mayor and compare his achievements with the needs of the community, thus forcing the politicians to act responsibly. With such behaviour voters send powerful signals to the mayors, signalling that mayoral (in)activity is under their close supervision. Hence long-time mayors often adjust their political behaviour to satisfy their electoral base and thus promote further career (Kukovič and Haček, 2013). Of course there is also the opposite view, namely that inexperienced mayors bring-in fresh ideas and new energy. Putnam (1976: 66) emphasizes that the more inexperienced local leaders, the lower the level of professionalism and efficiency, but also

a greater the degree of innovation and flexibility in local politics. From this perspective, it is therefore difficult to find a balance between new ideas and approaches on one hand, and the valuable experience and continuity on the other.

A comprehensive analysis of the mayoral political career also includes the termination of mayoral office and ambition for further career. The question is whether the former mayor will continue its work in the local community, or sees the mayoral office only as a stepping-stone on the path to more important political office. Schlesinger (1966: 10) distinguishes between three levels of the mayoral political ambitions. Some mayors have *discrete ambitions*, which means that they are fully dedicated to the pursuit of their current office, but when their term in office expires, they will voluntarily withdraw. Next group of mayors have *static ambitions*. These mayors will at the end of the current term once again compete for another term in office. Third group of mayors have *progressive ambitions*. Their goal is to climb on the political hierarchy to the more important political office. Mayoral political career can therefore be associated with both local system of political career as well as a national system of political career (Kjær, 2006: 94).

The main purpose of this article is to analyse mayoral career paths. The article focuses on the case study of Slovenian executive local leaders (mayors). Introduction highlights two main points in career of every mayor – point of beginning and point of termination. Between this two points is the period of occupancy of political office, which differs greatly among mayors. Mayoral political career paths are analysed in three aspects, namely prior to the election to the mayoral office (pre-mayoral career), the length of mayoral career in the office (seniority) and political career after leaving the mayoral office (post-mayoral career).¹ The author puts particular emphasis to length of mayoral occupancy of the office as the longitudinal analyses shows that electoral success of re-elected mayors is higher with every local election.

2 The Mayoral Career: Evidences From Slovenia

With the intent of clearer picture, we start the analysis of the political careers of Slovenian mayors with a brief description of the mayoral role in the Slovenian local self-government system. The mayor is an individual body, a political official elected at direct elections, for a term of office lasting four years, by secret ballot cast by voters who have permanent residence in the municipality (Local Self-Government Act, 2007: Article 42). The right to vote for and to be elected as a mayor is granted to every citizen who has the right to vote at elections for the municipal council. The candidacy procedure is fairly simple in the Slovenian system of local self-government, as political parties and groups of voters can propose candidates. Elections for mayor use a double-round absolute-majority vote system; the candidate who gets a majority of all the votes cast is elected. If none of the candidates receives an absolute majority of the votes cast, a second round is held for the two candidates who received the most votes in the first one. The second round should be

held no later than 21 days following the day of the first round (Brezovšek and Kukovič, 2012).

In accordance with the organisation of a municipality's work and the distribution of competences between the bodies of the municipality concerning the municipality's tasks, the role of mayor is executive and coordinative at the same time. One of mayors' more prominent competencies is the political and legal representation of the municipality and the municipal council. The mayor summons and presides over sessions of the municipal council, but has no right to vote. As an executive body, the mayor primarily executes the decisions made by the municipal council and also has the right of legislative initiative, as the mayor proposes the draft budget, municipal decrees and other legal acts for adoption by the municipal council. The mayor is a "master" of the municipality as he/she looks after the municipality's assets, replenishes it and provides for an increase in its value on a daily basis, namely by virtue of signing various contracts, public tenders, the rational and economical implementation of the budget, plus a strict consideration of the principles of good management. His/her tasks also include the summoning of citizens' assemblies and the adoption of emergency measures when the lives and/or property of citizens are endangered (Prašnikar, 2000: 46; Brezovšek and Kukovič, 2012; Kukovič and Haček, 2013). The most important function of the mayor is to be in charge of the municipal administration (Haček, 2006: 166). The mayor is sovereign and practically untouchable throughout his/her entire term of office. Via the administration, of whom he/she is the head, the mayor can pursue a very independent policy, regardless of the policy pursued by the municipal council. The mayor of the municipality plays a central role in the Slovenian local self-government system and, due to the fact that the mayor is an individual, one-person body, the citizens find that he/she is the most recognisable one.

Pre-mayoral career

If we follow Kjær (2006: 76) consideration that pre-mayoral career influences on mayoral leadership, we must analyse mayoral career before becoming a political leader. In the first section we are interested in the career paths before individuals were elected to the mayoral office.

Table 2: The profession of the mayors' prior first term of office (in %)

		Large municipalities	Small municipalities	All municipalities
Career path	Leading positions in public and private sector	70	33.3	41.3
	Special professions	20	27.8	26.1
	Technical professions	/	23.6	18.5
	Officials/clerks	10	8.3	8.7
	Other	/	6.9	5.4

* Data in the table represent percentages of positive responses from the mayors. Source: Kukovič (2015).

The data in Table 2 show that the largest share of Slovenian mayors (before they were elected to the public office) occupied leading positions in private and public enterprises (41.3 %). This percentage is even more pronounced (70 %) with mayors of large municipalities in comparison with the mayors of small municipalities. In the second place we can find special professions (26.1 %), followed by technical professions (18.5 %); the latter fully represented with only mayors from small municipalities. Noticeable is the significant percentage of Slovenian mayors with leading positions experiences before entering in the politics, which could be connected with a thesis on professions related to speaking, public appearance and brokerage (Norris and Lovenduski, 1993).

Regardless the profession of mayors, each of them had to start his/her political career somewhere. Some mayors have won the office as pure novices; others have already worked at some other publicly elected office, where they learned skills of political manoeuvring. We want to find out, therefore, whether mayoral office represents the entry point in the world of politics only to the newcomers. Or have the majority of Slovenian mayors before running to the mayoral office acquired experiences and got acquainted with the local context in another (elected) office.² In particular we were interested in whether mayors have ever before been municipal councillors and, if so, for how long.

Results show that more than half of the Slovenian mayors have already been municipal councillors (51.9 %) before elected to the mayoral office; it is also not inconsiderable proportion of those mayors who have previously been deputy mayors (19.4 %) and members of the supervisory boards (7.8 %).³ Based on the responses of participating mayors we can note that mayors on average occupy (before being firstly elected to the mayoral office) position of a municipal councilor for 3.5 years. This average is a bit higher with mayors from large municipalities (4 years) compared with mayors from small municipalities (3.3 years). Much smaller transition is observed from the national level, because only a small proportion of the mayors had any experiences from the national politics before entering mayoral office.⁴ Table 3 shows that a number of mayors have some political experiences gained before being elected to the mayoral office.

Table 3: Political experiences prior the first term as a mayor (in %)

		Large municipalities	Small municipalities	All municipalities
Local level	Local councillor	44.0	54.4	51.9
	Deputy-mayor	22.2	18.4	19.4
	Member of supervisory board	7.4	8.0	7.8
National level	Member of Parliament (MP)	11.1	5.3	6.8
	Member of National Council	3.7	/	1.0
	Minister	/	/	/

* Data in the table represent percentages of positive responses from the mayors. Source: Kukovič (2015).

Nevertheless, one should not overlook the fact that a significant proportion (48.1 %) of mayors are still *newcomers* – i.e. individuals that never before occupied any public office and were elected to the mayoral office without any local political experiences.

Length of mayoral occupancy of the office/mayoral seniority

The next dimension of mayoral career is its length and mayoral seniority. We would like to know if the mayors only occupy mayoral office for a few years or do they occupy the office for so long that their predecessor is almost forgotten and they be even recognized as a municipal symbol.⁵ Although the data in Table 4 does not illuminate the entire length of the mayoral career, we can still calculate the average mayoral seniority.

Table 4: Present mayoral seniority among Slovenian mayors

		Large municipalities	Small municipalities	All municipalities
Career path	Length of mayoral occupancy of the office/seniority (years)	7.5	9.0	8.6

Source: Kukovič (2015).

Based on empirical data we can state that the Slovenian mayors perceive the mayorship as a long-term position, as the average period of mayorship is 8.62 years, which is slightly more than two terms in office.⁶ On average we can observe even longer seniority (9 years) of mayors from small municipalities, although the mayors from large municipalities are not too far behind (7.5 years). Vast majority of mayors (98.2 %) also responded that they

occupy mayoral office without any interruptions. Nevertheless, it is difficult to find good balance between the demands for fresh ideas and energy on the one hand, and the loss of valuable experiences (seniority) on the other.

Post-mayoral career

For a comprehensive analysis of the mayoral career paths we also put an emphasis on their intentions for the future, i.e. after the end of the current mandate. We use Schlesinger (1966: 10) distribution of the political ambition levels, where progressive ambitions represent a shift along the vertical dimension, i.e. to the national or even international level; static ambitions represent repeated candidacy for mayoral office; discrete ambitions represent withdrawal from political life after the end of the current mandate. Table 5 displays the mayoral ambitions after the end of the current mandate.

Table 5: Level of political ambitions among Slovenian mayors according to Schlesinger's distinction (in %)

		Large municipalities	Small municipalities	All municipalities
Career path	Discrete ambitions	30.4	25.7	26.9
	Static ambitions	69.6	74.3	73.1
	Progressive ambitions	/	/	/

* Data in the table represent percentages of positive responses from the mayors. Source: Kukovič (2015).

In Table 5 we can observe that none of the participating mayors displays progressive ambitions. This means that none have ambition to continue his/her political career on the national or even international levels of authority. We can also observe that 26.9 % of mayors display discrete ambitions, indicating the desire to withdraw from the political life.⁷ Most mayors (73.1 %) have static ambitions, which means the intention to re-run for the mayoral position at the next local elections.⁸ We can also notice that Slovenian mayors are strongly inclined to the renomination, and also voters prefer to vote for a familiar candidate. This presumption is supported by the fact that electoral successfulness of the re-elected mayors is increased again and again with each new mayoral elections. The mayors who stated that at the end of a mayoral mandate they have discrete ambitions were further asked what is the reason for withdrawal from political life.

Table 6: Reasons for withdrawals from political life (discrete ambitions) (in %)

	Large municipalities	Small municipalities	All municipalities
Return to professional career	16.7	35.3	30.4
Employment in the public sector	16.7	/	4.3
Employment in the private sector	49.9	5.8	17.4
Retirement	16.7	47.1	39.1
Other	/	11.8	8.7

* Data in the table represent percentages of positive responses from the mayors. Source: Kukovič (2015).

As we can observe in Table 6 the most common cause of such decision is the retirement (39.1 %), followed by a return to previous professional career (30.4 %) and employment in the private sector (17.4 %). We can spot some differences between the both groups of municipalities, since the mayors from large municipalities most common state the employment in the private sector (50 %) as a reason for withdrawal from political career, but mayors from small municipalities most common state retirement (47.1 %).

3 The Re-Election of Mayors of Slovenian Municipalities

Political representation implies politicians' desire to retain their office for a longer period of time. At the same time, it implies the ability of voters to decide whether or not to extend the political careers of their representatives (Mansbridge, 2003; Przeworski et al., 1999). The concept of political representation also implies politicians' duty to act in the best interest of their constituencies. Politicians are well aware of the fact that elections are a regular, periodical occurrence at which voters evaluate their past work in order to decide whom they are going to vote for. Hence, the preoccupation of politicians with the continuation of their political careers gives the voters a mechanism through which they make politicians accountable for their past (in-)action. This mechanism is termed *the electoral connection* by Mayhew (1974). Modern democracies inadvertently demand both the use of political debate and the process of decision making without the presence of all citizens (Dahl, 1989), since one of the key characteristics of a democratic process is the presence of elected officials at the decision-making event. The preconditions that once used to limit who could be elected (restrictions such as race, sex and property) have long since been abandoned; nowadays nearly every citizen can be elected to most political positions. However, for the sake of the quality of democracy in a society, it is nevertheless not unimportant for a professional elite of individuals, or career politicians, to be formed, who are prepared to devote their entire careers to political activity (Botero, 2008: 5; see also Kukovič and Haček, 2013).

The idea of democratic representation is relevant to the construction of one's political career for two reasons. First, career politicians serve the citizens better. Through the instrument of elections, career politicians receive incentives to promote especially the interests of "their" voters, otherwise the politicians will not be re-elected by the voters. A career politician's connection with a constituency is of key importance to the voters, as the voters can demand that their representative acts in a responsible manner.⁹ However, if politicians are *a priori* not interested in a longer political tenure, this otherwise powerful tool in the hands of voters becomes completely useless (Przeworski et al., 1999). Career politicians are a more desirable species in terms of the quality of democracy exactly because they tend to be more open to the demands and desires of their voters, especially compared to short-lived, single-term politicians. Many authors' (Cain et al., 1987; Mayhew, 1974; Rae, 1967) research finds that the behaviour of politicians is strongly influenced by their own career interests. Politicians build long-term relationships with their constituencies simply because they are well aware of the fact that a loyal constituency will have a beneficial effect on their future career development. As a consequence, the construction of a political career stresses democratic representation as citizens tend to establish stronger bonds especially with career politicians who, because of their desire for a long-lasting tenure of office, are more responsive to the needs of their constituencies (Botero, 2008: 6; see also Kukovič and Haček, 2013).

The second argument, which is possibly even more important, states that more experienced politicians with a longer political career are more efficient and can therefore better represent the interests of their constituencies. A career politician assists his or her constituency in becoming more institutionalised and professional, and in having a stable membership, internal structure and clear rules (Polsby, 1968). In this way, career politicians whose objective is to achieve a longer political tenure, devote more of their time to both public policy making and implementation (Botero, 2008: 6). By virtue of a stable and clear division of labour and longevity, career politicians become experts in their specific field(s), regardless of whether they perform a position in the legislature or in the executive (Krehbiel, 1991; see also Kukovič and Haček, 2013).

Every four years, incumbent mayors in the Slovenian local self-government system have an opportunity to run for the office of the key executive function in the municipality and to upgrade and continue their political careers. On the other hand, elections of mayors are a chance for citizens to decide whether or not to reaffirm their confidence in their representatives and to indirectly express their satisfaction with the (incumbent) mayors' performance. Or, alternatively, this is an opportunity for citizens to entrust some other persons with this position (Kukovič and Haček, 2013: 92). In our analysis, we are predominantly interested in the electoral behaviour of citizens with regard to rewarding and/or punishing mayors in terms of their re-election. Hence, we approached the topic of mayoral re-election from angle of statistical data. We conducted an analysis of objective data on Slovenian mayors in the period from the reintroduction of local self-government in 1994 to today.

Statistical data (see Table 7) reveals that at the 1998 local elections, 90.5 % of incumbent mayors from the preceding term (1994–1998) decided to run for office again. At the subsequent 2002 and 2006 local elections, the percentage of incumbents' candidacies somewhat dropped (87.5 % and 84.5 %, respectively), whereas at the most recent local elections, this percentage stayed on the same high level (85.2 % and 83.9 %, respectively) (Kukovič et al., 2015: 700).¹⁰

Table 7: Re-election of mayors of Slovenian municipalities; comparison of 1998–2014 local elections

		1998	2002	2006	2010	2014
Number of municipalities in which elections were held		192 (2 nd round 75)	193 (2 nd round 61)	210 (2 nd round 73)	208+2 (2 nd round 74+1)	212 (2 nd round 54)
Incumbency of mayors		133 out of 147 (90.5 %)	168 out of 192 (87.5 %)	163 out of 193 (84.5 %)	179 out of 210 (85.2 %)	177 out of 211 (83.9 %)
Re-election rate	<i>First round</i> ¹¹	82 (80 %)	114 (86 %)	111 (83.5 %)	122 (82.4 %)	129 (86.6 %)
	<i>Second round</i>	21 (20 %)	19 (14 %)	22 (16.5 %)	26 (17.6 %)	20 (13.4 %)
	Total	103	133	133	148	149
Electoral success (%)		77.4	79.2	81.6	82.7	84.2
Proposer of a candidate	At least one political party	77 (74.8 %)	91 (68.4 %)	92 (69.2 %)	96 (64.9 %)	72 (48.3 %)
	A group of voters	26 (25.2 %)	42 (31.6 %)	41 (30.8 %)	52 (35.1 %)	77 (51.7 %)

* Note that number of municipalities in analysed period increased from 192 in 1998 to current number 212 in 2014. Source: Kukovič et al. (2015: 700).

If five mayoral elections from 1998 to 2014 are compared, it is apparent that the percentage of re-elected mayors steadily increased. As political parties or groups of voters can propose mayoral candidates, our analysis focused on the influence of the proposing entity on the prospects of mayors' re-election. The data show that the percentage of re-elected mayors whose candidacy is supported by at least one political party has been decreasing ever since the 1998 elections of mayors (from 74.8 % in 1998 to 48.3 % in 2014), whereas the percentage of re-elected mayors whose candidacy is supported by a group of voters has been slowly, but steadily increasing (the highest being at the most recent mayoral elections, namely 51.7 %). Hence a conclusion can be drawn that the electoral success rate¹² of re-elected mayors has increased with every subsequent election of mayors (from 77.4 % in 1998 to 84.2 % in 2014). At the same time, an ever-increasing proportion of re-elected mayors have consisted of those proposed by a group of voters. On the other hand, the respective proportion of mayoral candidates, proposed by at least one political party, has been shrinking (Kukovič et al., 2015: 700–701).

Table 8: Mayors who chose not to run for another term at 1998–2014 local elections

	1998	2002	2006	2010	2014	Total
Total	14	24	30	31	34	133
<i>Personal decision</i>	4	4	4	1	3	16 (12.0 %)
<i>Retirement</i>	7	10	11	18	17	63 (47.4 %)
<i>Got a new job¹³</i>	3	9	11	11	13	47 (35.3 %)
<i>Died</i>	/	1	4	1	1	7 (5.3 %)

Source: Kukovič et al. (2015: 701).

Analysis of all the mayoral elections held from 1998 further (see Table 8) reveals that only 133 incumbent mayors chose not to run for office once again, which represents only 13.1 % of all mayors that were to be elected in stated period. Since we were interested in the motifs behind the decisions of incumbent mayors that decided not to run, we attempted to ascertain what happened to these people after their tenure of office had finished.¹⁴ Table 8 shows that 47.4 % of all mayors who chose not to run for office again did so because they had already been executing their offices as retired persons, or they had retired during their term of office or just after their term had expired. 35.3 % found employment elsewhere after their term of office had ended (among these, seventeen continued their political careers in the National Assembly of the Republic of Slovenia); 12 % chose not to stand as a candidate for personal reasons,¹⁵ and seven mayors passed away during their term of office (Kukovič et al., 2015: 701).

4 Conclusions

The aim of this paper was to analyse the political careers. Since municipalities are the fundamental units of local self-government in Slovenia and represent the level of authority closest to citizens, this paper analyses the development of the key local-level politician's career – the mayor.

The analysis of conducted research among Slovenian mayors shows interesting facts. Before first election to the office, the largest share of Slovenian mayors held leading positions in private and public sector. More than half of mayors gained political experiences in local council before first election to the office, with average length of service as municipal councillors 3.5 years. On the other hand, the analysis shows a relatively high proportion (48.1 %) of political *newcomers*, i.e. mayors, who didn't have any political experiences before first election to the office.

We found out that mayoral office is seen as long-term political investment among Slovenian mayors. The average seniority of mayors is 8.62 years, which is more than two consecutive terms in office.¹⁶ This confirms the highest proportion of mayors with static ambitions and intention to re-run for the mayoral office after finishing the current term in office. In addition, we found out that Slovenian mayors don't have progressive ambitions,

confirming that they don't often migrate between local and national levels of authority. Almost 30 % of mayors have announced discrete ambitions, i.e. withdrawing from political life after finishing current term in office, mostly because of the retirement.

We are also interested in the number of mayors who were re-elected at the last local elections and now continue their tenure of office as mayors. Statistical data show that at every election of mayors from 1998 onwards, somewhere between 80 % and 90 % of incumbent mayors have decided to run for office again, which indicates that mayors are highly motivated to stay on in their positions and to build their political careers in this way. In Slovenia, the atmosphere is strongly in favour of the mayoral re-election – we have found that at all local elections held thus far from 1998 onward, the electoral success rate of incumbent candidates has increased (at the most recent 2014 local elections, this rate was already 84.2 %). It seems that voters are obviously satisfied with mayors' work to such an extent that they want to make sure that incumbent mayors will be in charge of their municipalities during the next term as well.

The following facts indicate that the atmosphere in Slovenia is indeed quite favourable for the re-election of mayors: first, in 97 Slovenian municipalities, the incumbent mayors are now at least in their third consecutive term of office. Second, eleven municipalities have had the same mayors since 1994 (hence, they are currently serving their sixth term). Third, in four municipalities, former mayors were again elected after an interval of at least one term. And, finally, of the current 212 municipalities, there are no municipalities in which every election so far has seen a victory by a different candidate mayor. This means that in all 212 municipalities, at least one mayor has repeated his/her term of office.¹⁷

Despite the fact that every mayor has unique (political) career, we can conclude that some common characteristics can be detected among Slovenian mayors. In particular, mayors see mayoral office as a long-term career, which is also confirmed by the analysis of statistical data on re-election. Despite the Stevanson's (in Jay, 1997) statement that politics is the only profession for which no education is needed, we argue that mayorship is also a profession, which requires continuous learning.

Notes:

¹ The analysis is based on research conducted among Slovenian mayors in spring 2014. The response rate was 106 out of 212 mayors (50 percent of population). In following analysis term “large municipalities” describes municipalities above 10,000 inhabitants, whether term “small municipalities” describes municipalities under 10,000 inhabitants. More about research project “Styles of local political leadership” see Kukovič (2015).

² The question was: »Have you been before your first election to the mayoral office: ... member of national parliament; ... member of National Council; ... Minister; ... deputy-mayor; ... member of the supervisory board?«.

³ The latter is an expert and not political position, but still could contribute in getting acquainted with the local community and acquiring local government experiences.

⁴ Experiences from the national politics are nonetheless more common with the mayors from larger municipalities.

⁵ Question in the questionnaire was: »Total number of years as a mayor: _____. Do you perform mayoral position: ... with interruptions; ... without interruptions?«.

⁶ We can add that among respondents shortest mayorship was two years, and longest was twenty years.

⁷ This share is even a bigger with mayors from large municipalities (30,4 %) in comparison with mayors from small municipalities (25,7 %).

⁸ This share is a bit higher with mayors from small municipalities (74,3 %) in comparison with mayors from large municipalities (69,6 %).

⁹ Clearly, voters can inform their representatives of considerations and demands individually as well, or they can use various forms of petitions or exert pressure on them via their parties' leaderships. However, casting a vote at elections remains a powerful tool in the hands of a voter with which receptive representatives can be rewarded and inefficient ones can be punished (Botero, 2008: 5).

¹⁰ Hereby, we stress the fact that the number of municipalities in the given period was slowly, but steadily increasing (from 192 in 1998 to 212 in 2014).

¹¹ Of the 82 mayors who were re-elected in the first round of the 1998 local elections, 11 (13.4 %) had no opponent candidates to compete with. Of the 114 incumbent mayors who were re-elected in the first round of the 2002 local elections, 18 (15.8 %) had no opponents. Of the 111 incumbent mayors who were re-elected in the first round of the 2006 local elections, 13 (11.7 %) had no competitors. Of the 122 incumbent mayors who were re-elected in the first round of 2010 local elections, 21 (17.2 %) were the only candidates. Of the 129 incumbent mayors who were elected in the first round of 2014 local elections, 30 (23,3 %) were the only candidates, the highest number so far.

¹² Electoral success is computed as a quotient of the number of municipalities in which incumbent mayors have been re-elected and the overall number of proposed candidacies of incumbent mayors in all municipalities.

¹³ In 1998, all three continued their political careers in the National Assembly of the Republic of Slovenia; in 2002, there were two; in 2006, there was one, and in 2010, there were once again three. In 2011 National Assembly adopted legislation, that prohibited mayors of municipalities to perform at the same time also job as a MP.

¹⁴ This data was gathered by telephone interviews, either directly with mayors who chose not to run for their office again or with civil servants of individual municipalities.

¹⁵ Personal decision: illness, political discord, decline of support among citizens, etc.

¹⁶ We found out that mayors who are leaders of small municipalities have even larger occupancy of mayoral office. Moreover, more than 98 % of mayors responded that their mayoral political careers are interruption-less.

¹⁷ Of course, youngest municipality of Ankaran held its first local elections only in October 2014.

References:

- Botero, F. (2008) *Ambition and Reelection: Theoretical Considerations (preliminary version)* (Tuscon: University of Arizona).
- Brezovšek, M. & Kukovič, S. (2012) *Organizacija lokalne oblasti v Sloveniji* (Ljubljana: Fakulteta za družbene vede).
- Cain, B. E., Ferejohn, J. A. & Fiorina, M. P. (1987) *The Personal Vote: Constituency Service and Electoral Independence* (Cambridge: Harvard University Press).
- Czudnowski, M. M. (1975) *Political Recruitment*, In: Greenstein, F. I. & Polsby, N. W. (eds.) *Handbook of Political Science*, (Reading: Addison-Wesley Educational Publishers), pp. 155–242.
- Dahl, R. A. (1989) *Democracy and Its Critics* (New Haven: Yale University Press).
- Eulau, H. (1969) *Micro-Macro Political Analysis: Accents of Inquiry* (Chicago: Aldine Publishing Company).
- Haček, M. (2006) The Relationship between Civil Servants and Politicians in a Post-Communist Country: A Case of Slovenia, In: *Public Administration*, 84(1): pp. 165–184.
- Hibbing, J. R. (1993) *The Career Paths of Member of Congress*, In: Williams, S. & Lascher, E. L. (eds.) *Ambition and Beyond: Career Paths of American Politicians* (Berkeley: University of California, Institute of Governmental Studies), pp. 109–130.
- Jacob, H. (1962) Initial Recruitment of Elected Officials in the U.S. – A Model, In: *The Journal of Politics*, 24(4), pp. 703–716.
- Jay, A. (ed.) (1997) *The Oxford Dictionary of Political Quotations* (Oxford: Oxford University Press).
- Kjær, U. (2000) *Representativeness and Local Politics in Denmark*, In: Rao, N. (ed.) *Representation and Community in Western Democracies* (Houndmills: Palgrave Macmillan), pp. 24–50.
- Kjær, U. (2006) *The Mayor's Political Career*, In: Bäck, H., Heinelt, H. & Magnier, A. (eds.) *The European Mayor. Political Leaders in the Changing Context of Local Democracy* (Wiesbaden: VS Verlag für Sozialwissenschaften), pp. 75–98.
- Krehbiel, K. (1991) *Information and Legislative Organization* (Ann Arbor: University of Michigan Press).
- Kukovič, S. (2015) *Lokalno politično vodenje: Slovenski župani v primerjalni perspektivi* (Ljubljana: Fakulteta za družbene vede).
- Kukovič, S. & Haček, M. (2013) The Re-Election of Mayors in the Slovenian Local Self-Government, In: *Lex Localis*, 11(2), pp. 87–99.
- Kukovič, S., Copus, C., Haček, M. & Blair, A. (2015) Direct Mayoral Elections in Slovenia and England: Traditions and Trends Compared, In: *Lex Localis*, 13(3), pp. 693–714.
- Mansbridge, J. (2003) Rethinking Representation, In: *American Political Science Review*, 97(4): pp. 515–528.
- Mayhew, D. R. (1974) *Congress: The Electoral Connection* (New Haven: Yale University Press).
- Norris, P. & Lovenduski, J. (1993) If Only more Candidates Came Forward: Supply-Side Explanations of Candidate Selection in Britain, In: *British Journal of Political Science*, 23(3), pp. 373–408.

- Norris, P. & Lovenduski, J. (1995) *Political Recruitment: Gender, Race and Class in the British Parliament* (Cambridge: Cambridge University Press).
- Polsby, N. W. (1968) The Institutionalization of the U.S. House of Representatives, In: *American Political Science Review*, 62(1), pp. 144–168.
- Prašnikar, A. (2000) *Župan, direktor občinske uprave, občinska uprava*, In: Vljaj, S. (ed.), *Župan in občina* (Ljubljana: Inštitut za lokalno samoupravo), pp. 45–59
- Prewitt, K. (1970) *The Recruitment of Political Leaders: A Study of Citizen-Politicians* (Indianapolis: The Bobbs-Merrill Company).
- Prinz, T. S. (1993) *The Career Paths of Elected Politicians: A Review and Prospectus*, In: Williams, S. & Lascher, E. L. (eds.) *Ambition and Beyond: Career Paths of American Politicians* (Berkeley: University of California, Institute of Governmental Studies), pp. 11–63.
- Przeworski, A., Stokes, S. C. & Manin, B. (1999) *Democracy, Accountability and Representation* (New York: Cambridge University Press).
- Putnam, R. D. (1976) *The Comparative Study of Political Elites* (Englewood Cliffs: Prentice-Hall).
- Rae, D. W. (1967) *The political consequences of electoral laws* (New Haven: Yale University Press).
- Schlesinger, J. A. (1966) *Ambition and Politics: Political Careers in the United States* (Chicago: Rand McNally).

City Categories and their Position in Polish Local Self-Government System

MARTA OBRĘBSKA & SYLWESTER WRÓBEL

Abstract This study offers a short introduction to the development of cities in the period of democratization in Poland. It stresses the importance of multifarious factors that determine the importance of particular entities. It takes into consideration their origins, geographical location, administrative and political importance, city reforms, demographic and economic factors as well as their functions and finance to assess the role and salience of different city categories. It analyses the impact of the aforementioned factors, especially of administrative and self-government reforms on the position of the cities in Polish self-government system. It also finds that the self-government reforms, reflecting the international trend towards the unification of self-government system, have not led to the homogenization of cities in Poland, but that provisions introduced allow for individualisation of their internal structures and functions.

Keywords: • city • self-government • Poland

CORRESPONDENCE ADDRESS: Marta Obrębska, Ph.D., Lecturer, University of Silesia in Katowice, Institute of Political Science and Journalism, Bankowa 12, 40-007 Katowice, Poland, email: marta.obrebska@us.edu.pl. Sylwester Wróbel, Ph.D., Professor, University of Silesia in Katowice, Institute of Political Science and Journalism, Unit of the Political Theory and Political Thought Research, Bankowa 12, 40-007 Katowice, Poland, email: sylwester.wrobel@us.edu.pl

DOI 10.4335/978-961-6842-73-0.14

ISBN 978-961-6842-73-0

© 2016 Institute for Local Self-Government and Public Procurement Maribor

Available online at <http://books.lex-localis.press>.

1 Introduction

The city, from its very beginnings, has been both a diverse and complex form of organisation of social life (Rybicki, 1972; Jałowicki and Szczepański, 2006). It can be easily seen when we juxtapose it with a village. Throughout history, especially in the modern period, lots of rural settlements were established where people earned and still earn their living from rendering services (touristic and recreational villages, health resorts, but also villages specialising in traditional crafts). There are also residential settlements, very often located near bigger cities. Still, the dominating type of rural settlement is a village where its inhabitants occupy themselves mostly or exclusively with farming (Rybicki, 1972: 17–22).

The village was and still is a settlement that is much more homogeneous than the city. There are lots of factors influencing such a state of things: relatively small number of inhabitants, similarity of social roles played by them (especially those connected with work), the fact of belonging to the same social class, similarity of material status and living conditions, domination of family ties and close contacts with neighbours, as well as high level of functional and normative integration of people. Its functioning is also based on the same or similar value systems and social norms, similarity of customs, common traditions and rituals (Tönnies, 1975).

Reasons for the establishment and development of cities are multifarious (Rybicki, 1972: 25; Jałowicki and Szczepański, 2006). Among the crucial ones are economic, political and religious reasons, which are believed to be, the main drives for the creation of most cities (Rybicki, 1972; Drabina, 2000; Sjoberg, 1960; Sjoberg, 1965).

Differences between city authorities are visible not only when we compare them with their counterparts from other countries, but very often, there are significant differences in the set up of city authorities in one country. Among factors that differentiate cities there are also: the system of local authorities, their shape and competencies. Till the modern era regulations pertaining to cities were of varied character. Cities were located not only on monarch's lands but also on lands belonging to magnates where it was they who made decisions. Because of that, magnates' regulations were being supplemented with administrative decisions of special character, which granted cities additional rights and privileges, for example, to vary the ways of tax rising, to set up city courts, to undertake certain economic activities, to enter professional associations, or to elect a city council.

2 The Evolution of the System of Cities in Poland in 19th and 20th Centuries

The case is similar for city self-government. Netherlands is commonly considered to be its cradle. It was there that this institution spread first and it was there that it evolved the most. We can, of course, find city self-government in other European countries – since eleventh and twelfth century, but it was smaller in scope and had less powers. Till the end

of the Middle Ages, and even till the beginning of the Industrial Era, self-government was of estates of the realm character. It was the representation of patriciate and rich burgher. As a universal political institution it emerged in nineteenth century, although not in all European countries. Local, as well as regional self-government, developed most of all in democratic and economically well-developed countries (although it also appeared in *German Empire* and *Austro-Hungarian Empire*). At that time local self-government was established also on Polish territories, although it took different forms in different partitions.

Uniform regulations were introduced in Germany. In the cities, self-government was introduced by reforms of Prussian minister of internal affairs Baron von Stein. It was a long process. On Polish territory under Prussian partition local self-government was introduced by the Act of 30 May 1853. All landowning citizens chose city council, which was then responsible for choosing an executive - first in the form of Magistrate, later a mayor. In Austrian partition city self-government was created in two phases. First, by the power of imperial edicts self-government was established in Cracow and Lviv. In 1889 the reform was extended onto other cities. In Russian partition city self-government, as opposed to local self-government created in rural areas, was not introduced till 1914.

After its resurgence, Poland tried to establish some unified framework for city self-government (as other European countries). It was not achieved until 1933, by an Act on Partial Change of Self-Government System (Journal of Laws Dz. U. 1933 no. 35, item 294; Ajnenkiel, 1975). The Act introduced three categories of cities. Most cities, with population under 75 000, were in the first one. Incorporated cities, which were bigger than cities in the first group, were in the second category. The biggest cities: Krakow, Lviv, Vilnius, Poznan, Lodz and Warsaw were entitled to special powers, granted to them by the Polish President and enshrined in their statutes. However, closer analysis of the 1933 Act reveals, that in reality the Act made provisions for two more categories of cities. First one encompassed counties (powiats) – seats of the authorities of two self-government entities. Separate status was granted to Warsaw, the capital city of Poland. Executive functions were vested in a mayor and deputy-mayors, chosen not by city council, but by Minister for Home Affairs. The Act of 16 August 1938 on the system of self-government in the capital introduced more separate regulations. First of all, Warsaw was regarded as a unit of local and regional self-government (local self-government entities are called municipality and county – gmina and powiat, regional self-government entity is called voivodeship – województwo). Secondly, the whole city was divided into districts with elected councils. Thirdly, any changes in its territory or system of government had to be introduced under the authority of an act. What is more, a bit different regulations were devised for the most urbanized Silesian Voivodeship (Ujdał, 1996: 238–244).

The Act did not then manage to unify city self-government system. Its authors decided to distinguish different categories of cities based on demographic, economic and political

criteria. Those differences were reflected in different functions and powers of particular self-government authorities, and when it comes to the executive bodies, also in their names. What is more, institutions responsible for oversight were different too. Control over cities was the responsibility of county executive – starosta. Incorporated cities were controlled by a government-appointed governor called a *voivode* (*wojewoda*). In the capital control was attributed to a Minister for Home Affairs.

Although such attempts have been made, after World War II, a unified system of self-government in the cities has not been created either. A three-tier structure of administrative system was introduced together with a unified system of local public authorities, which allowed for formal equalization of cities' position. However, five cities – capitals of voivodeships that were the biggest ones: Warsaw, Lodz, Krakow, Wroclaw and Poznan were granted more powers than the others, what made some scholars argue, that since the end of 1950' till mid 1970' there were 22, not 17 voivodeships (Jastrzębski, 1977: 67–73). Other 12 cities that were capitals of voivodeships were also of great political importance. They were the seats of the main offices of political parties and of public authorities, so they were economically and administratively advantaged. A separate category were county cities (*miasta powiatowe*) (Tarkowski, 1974).

After 1975 the structure of cities in Poland has been simplified, at least from the legal point of view. In the second phase of the administrative reform counties (the second tier) were abolished, and a two-tier structure of government was introduced. What was left were municipal cities and cities – capitals of voivodeships. The number of the latter was almost tripled. But this time again authors of the reform failed to deliver unity to the system of territorial division. Among 49 new voivodeships, 3 encompassed big cities and their surroundings. In fact, although a bit bigger in size, Wroclaw Voivodeship had the same character as Warsaw, Lodz and Krakow voivodeships. On the other hand, Katowice Voivodeship, when it was one of just 17 voivodeships, had the biggest economic and demographic potential and the highest level of urbanization. The distance between it and other voivodeships grew after the creation of 49 units.

After couple of years after the reform it became obvious that differences between small and big capital cities of voivodeships persist and, at the same time, all capitals of voivodeships develop faster than other cities. Medium and small capitals of voivodeships, irrespective of favourable economic, political and administrative conditions connected with their status did not become big cities in 1990' (by big we mean 200 000 or at least 100 000 inhabitants).

3 City Categories In Poland

Authors of the Self-Government Act of 8 March 1990 (Journal of Laws Dz. U. 1990 no. 16 item. 95), which opened the way for its restitution after 40 years since its abolishment only partially followed the authors of 1933 Unification Act. All 2489 units of lower tier

of self-government (municipalities – gminy) were characterised by the same legal, organisational, economic and administrative properties. There was one set of obligatory tasks for them. Also, a unified structure of municipal authorities was introduced with clearly delineated competences. State authorities were to undertake unified forms of control of municipalities' actions (Journal of Laws Dz. U. 2001 no. 142, item 1591).

Among important characteristics that differentiate municipalities in Poland one has to enumerate: separate categories of rural municipalities, urban-rural municipalities and urban municipalities, what is also reflected in the names of their legislative bodies (municipal council, council of a municipality and city, city council) and executive bodies (mayor of the municipality called *wojt* in rural municipalities, *burmistrz* in most urban and urban-rural municipalities, or *prezydent* in urban municipalities). Voting system in council elections introduces yet another categorisation: smaller units, where plurality-voting system is being used and bigger units of self-government with *proportional representation* voting system.

County Self-government Act of 5 June 1998 (Journal of Laws Dz.U. 1998 nr 91 poz. 578) distinguishes between two more city categories. First one encompasses county cities, usually most urbanised human settlements in a county. In the second one there are cities with county rights (*miasta na prawach powiatu* often called *powiaty grodzkie*). They have a special status as they combine functions of a municipality and a county. It is worth mentioning one more group of cities that can be put into a separate category. There are cities, which are the seat of both land counties authorities (*władze powiatów ziemskich*), and authorities of cities with county rights. There are over 50 cities of this kind, among them Katowice and all capitals of voivodeships. In 1990' separate regulations were devised for Warsaw (the self-government system in the country's capital has been in the meantime changed several times).

Taking into consideration: the size, demography, economic salience, administrative functions and legal status and its impact on the surrounding cities, we can distinguish several categories of cities. First one encompasses small towns, which are parts of municipalities. Those are the smallest municipal units, with small number of inhabitants, low economic potential, badly developed technical infrastructure and scarce number of public institutions.

Second one is made up of municipal cities. Under the Act of 29 October 1972 (Journal of Laws Dz. U. 1972 no. 49 item. 312), in place of 4315 units of first -tier of territorial and administrative division called clusters and settlements, 2365 municipalities were created (Rocznik Statystyczny, 1973: 55). Such move marked a return to solutions introduced in the first half of the last century. Municipalities were to be bigger units than their past counterparts, they were to have social and technical infrastructure that would enable them to cater for the needs of their inhabitants. This aim was realized although the potential of particular municipalities was varied. In a way it is proved by the reduction of the number

of units of territorial division. In Rzeszow Voivodeship, in place of 380 clusters only 164 municipalities were created, in Katowice Voivodeship the numbers were respectively 256 and 112, in Zielonogorskie 144 clusters were abolished and 100 municipalities were created (Służewski, 1977: 120). In practice, small rural municipalities were already being distinguished on the basis of the domination of farming, cities were distinguished as entities basing on industrial production and services. Jerzy Służewski identified a third, intermediate category of suburban municipalities, evolving on the brinks of big cities, which inhabitants were enjoying the closeness of a big city and its services, labour market and goods (Służewski, 1977: 118).

The reform resulted in the creation of 804 cities (Rocznik Statystyczny, 1981: p. LVIII). There were 375 settlements with a city status that were combined with neighbouring settlements to create urban-rural municipalities. The rest were given the status of urban municipalities (Służewski, 1977: 119). In the last 40 years the number of urban-rural municipalities has grown to 616. The number of cities with the municipality status has also grown by 26%, what makes 582 entities. At this moment, in Poland there are 915 cities, inhabited by 61,5 % of Poland's population. Most of them are not densely populated. The biggest category are cities with the population size not exceeding 20 000. There are 697 units of this type what makes 76% of all cities. Demographic potential of one out of eight cities does not exceed 40 000 (there are 111 cities of that kind). There are 72 cities with population size varying from 40 000 to 100 000. Next 34 cities can be considered as big cities, with population reaching 0.5 million people. Five cities are inhabited by over 0.5 million people, but only one has a population of 1 million. There are 534 cities with only municipal functions and among them 303 are urban municipalities, the rest are in the urban-rural municipality category.

County cities are a third category. Initiators of the local government reform, since the beginning of its implementation, considered it as a first step in the overhaul of the system of territorial and administrative governance which was to lead to decentralization of the state. They planned to achieve it through the reintroduction of a three-tier administrative division of the country and by the introduction of new tier of self-government – on the level of county (which was reintroduced after almost a quarter of a century). At first there were 200 of such units planned to be introduced. However, their number, in the course of parliamentary work on new self-government acts systematically grew. Finally, Sejm voted for 307 counties. Since then their number has slightly grown to 315 units of self-government (Dolnicki, 2012: 104–122).

Granting a city the status of a seat of county authorities depended on fulfilment of some criteria. The first one was demographic. Such cities were to be populated by at least 10 000 inhabitants and had to be the largest cities in a county. What is more, as such cities had to realize county functions, enumerated in the County Self-government Act, bigger chances for obtaining the status of the seat of county authorities had those cities, which had a proper infrastructure and institutions. The decision was based on whether the city

had: police departments, fire stations, secondary schools, health facilities (especially specialised), social help services, sports and recreational facilities, cultural institutions with a supra-municipal remit. What was also important was whether the city had buildings where self-government authorities and county administration could be seated. The first two criteria were difficult to implement in practice. In the East of Poland there are not enough cities with proper demographic potential. Some of the cities, which became seats of county authorities, did not have a proper institutional background either. In some of the self-government entities, institutions like police departments or employment agencies were set up after their creation, some institutions on the other hand were closed down (for example hospitals).

Duty to carry out tasks of supra-municipal character was extended to 66 urban centres, which without losing the status of a municipality gained an additional status of cities with county rights (Wierzbica, 2005). It is a separate category of cities distinguished first of all by their size. It encompasses all cities with population over 100 000 and over half urban centres with population over 50 000. Only two cities with county rights are cities with population of 40 000. Secondly, cities we are talking about are of significant administrative importance. All capitals of voivodeships and most of the former capitals of voivodeships are cities with county rights and branch offices of voivodeships offices are located in those entities. Only three of former capitals of voivodeships resigned from such status. There are cities though that does not meet the demographic or administrative criteria. Those are seven cities located in Silesian, Pomeranian and West-Pomeranian Voivodeships. The decision to grant them the city with county rights status was based on their location within an urban centre and relative size. Incorporated cities (*miasta wydzielone*), neither in Poland nor in Europe, are not a new idea. In Germany, 118 biggest cities are such units (Korczak, 1999: 14). In France, separate laws were created for Paris, and two other cities: Marseille and Lyon (Jeżewski, 1999: 179–182). In Great Britain districts were divided into unitary authorities and non-metropolitan districts (Supernat, 1999: 24). There were also 6 metropolitan boroughs created.

Cities with county rights are responsible for the realization of functions of both municipalities and counties. Thanks to that they can better adjust the size and structure of local administration and their organisational units than counties and municipalities. They also have more opportunities for lowering the cost of running public institutions and of providing services. It is because of the high demand for their services, economies of scale and rivalry over pupils, patients, viewers and consumers of other goods and services they provide. But not all spheres of functioning of big cities can benefit from economies of scale. Costs of supplying people with water, energy, costs of drainage, waste disposal or road maintenance are often higher than in smaller units. Density of those networks raises costs of their maintenance and modernisation.

Additionally, costs are higher because some of the people who use city's facilities or buy its services are inhabitants of other municipalities, counties and even voivodeships. They are drawn by the quality of medical services, education and cultural events.

Economic and social importance of cities with a county rights is further strengthened by their revenue. For example, revenue of Warsaw in 2015 amounted to PLN 13 483 million, Krakow's revenue was PLN 4 495 million, and Lodz's PLN 3 533 million. Cities with population between 100 000 -200 000 usually have a revenue of PLN 500-900 million. For comparison, one can look at the revenue of self-government on the regional level. Mazovian Voivodeship's revenue amounted to PLN 2 613 million and Silesian Voivodeship's to PLN 1 422 million. Revenue of cities with a county rights, especially capitals of voivodeships, makes them the richest units of self-government. The most important source of revenue comes from participating in state taxes, especially in the personal income tax (they are entitled to half of it) and local taxes and local charges. In spite of much bigger, in comparison with municipalities and counties, number of tasks and their remit, they are able to finance additional, non-obligatory own and delegated tasks. A separate and dominant category are cities that are the seats of land counties authorities and authorities of cities with a county rights. Those are, as already mentioned, almost all capitals of voivodeships and 31 other cities with a county rights. Only 15 cities in Silesia, Gdynia, Sopot and Swinoujscie do not realize this double function.

Among cities with a county rights a special attention should be paid to cities that are the capitals of voivodeships. If we assume, as the creators of regional self-government did, that the third tier of administrative division of the country is made up of regional units, we can say that those cities are urban centres of regional importance. They usually dominate other cities because of the greater territory and larger population. One in three inhabitants of Mazovia lives in Warsaw. Lodz is populated with 30% of the voivodeships population; every fourth person living in Lesser Poland Region lives in Krakow. Only Katowice stand out, inhabited by 7% of Silesian Voivodeship population. But if we consider the whole number of people living in Silesian conurbation, the percentage rises to 50%.

Regional cities stand out not only because of their population. All of them are academic centres and except for Gorzow and Kielce they are considered university centres. In most of them there are also economic and technical universities, and in the biggest ones also medical universities and artistic academies. What is more, in their remit, one can find lots of cultural institutions – music centres, theatres, exhibition places, arts galleries - that have a regional influence. Commercial services, gastronomy and transport services are of good quality. What differentiates them from their surroundings is the network of facilities offering goods that are rare and luxurious or modern and new on the market. In such urban centres the labour market is usually in good condition. Unemployment rate is visibly lower than in the rest of the country and in other big cities. Unemployment rate in Warsaw, Poznan and Katowice is around 3-7%. Labour market usually offers a wide

variety of profession choices, also untypical professions. Salaries are higher too, although this is balanced by higher costs of living in such cities, connected with estate prices, costs of services and prices of all kinds of goods. Regional centres also have a well-developed technical infrastructure. All or most of households are connected to *water* supply system, sewerage system, and power grid. Lots of households are connected to heat distribution network. In such cities the number of households with the Internet access is the biggest.

As the analysed cities are located close to the network of roads and motorways and railway routes they are linked to each other and to the outside world. This stimulates cooperation within the country and with regions from abroad. Capitals of voivodeships are different from each other in many aspects, like:

- a) genesis. The importance of Gdansk or Szczecin can be traced back to their salience as harbour cities. Krakow was established at the intersection of trade routes. Katowice and Lodz developed as industrial cities. Opole has been a capital of principality, and later an important seat of administration,
- b) traditions of being an urban centre. The oldest capitals were erected in 11th-12th centuries, young capitals were granted city status only in 19th century,
- c) demographic potential. Warsaw's population is several times bigger than that of Opole or Zielona Gora,
- d) wealth, as seen in their budgets, especially in their income from taxes,
- e) economic potential and importance in the economy of a region, country, but also on an international scale,
- f) openness to the world, what is measured by the intensity of contacts with other Polish cities and cities abroad,
- g) possibility of shaping the organisation of all kinds of spheres of social life in the region and beyond, with an overarching role for city authorities,
- h) receptivity to technological, organizational, cultural and political innovations.

Those differences are salient enough to state, that some of the analysed cities exert an impact on neighbouring regions while others have a potential that enable them to perform metropolitan functions only within the remit of their voivodeship, and even this role is not being realized in full.

The first category of capitals of voivodeships, which Bohdan Jałowiecki calls regional metropolises (Jałowiecki, 2000: 20–24), we will call macro-regional cities, accordingly to terminological convention we applied when we assumed voivodeship to be a region. Macro-regional cities are the most urbanized cities, with population exceeding 500 000 inhabitants. They are the centres of agglomerations. In South-East Poland such role is played by Krakow, in South-West macro-region it is Wroclaw. Poznan is the centre of social processes taking place in the West of the country, Gdansk, or to be more precise, Trojmiasto, in the North. In the centre, although there is Lodz – a third city in Poland when it comes to the population size, the dominant macro-regional city is Warsaw. There are plans to build a high-speed railway line and a motorway linking both cities which is

to lead to the creation of duopolis inhabited by 2,5 million people. Katowice is a city of a very specific kind. It is a city aspiring to the status of macro-regional city. However, it is the smallest one among the aforementioned 6 cities, it does not dominate over its surroundings like Warsaw, Krakow or Wroclaw. The decisive factors that prejudice Katowice's dominance in Upper Silesian Conurbation are its administrative, political, academic, transport and exhibition functions. Upper Silesian Conurbation is the biggest urban area and one of the most important economic centres in Poland. If new forms of cooperation between cities belonging to the conurbation develop, if they will join efforts in spatial planning, communication, emergency medical services, the potential of the whole conurbation will raise. In this way, position of Katowice will be strengthened too.

One of the problems concerning spatial location of macro-regional cities in Poland is the closeness of Krakow and Katowice. Both cities fight for dominance in the Southern macro-region. For now, Krakow – capital city of Lesser Poland Voivodeship is winning. There simply is not enough space in the territory to the East of Opole region for the existence of two macro-regional centres. Macro-regional centres differ from other urban centres because they are:

1. centres of the highest level of national and foreign investment,
2. the biggest centres of trade,
3. seats of the biggest national, regional and international enterprises, banks, insurance companies and financial corporations,
4. main academic and research centres cooperating with their counterparts abroad,
5. transportation hubs (transportation understood as road, railway, air and sea travel),
6. centres offering a wide variety of services to inhabitants of other regions and to international guests like: hotels, education, training, cultural events and exhibition spaces.
7. centres of specialised services of international scope (marketing, legal services, information services),
8. important centres of social communication (main television and radio stations, national and regional newspapers, mobile telephone networks),
9. centres of intensive human resources exchange with other regions and other countries,
10. seats of embassies and consular posts, seats of international foundations and social organizations,
11. urban centres, which authorities ensure intensive dialogue and lively cooperation with centres abroad (membership in international organizations, cooperation with other big cities, representations to international organisations – for example European Union) (Castels, 1982).

Warsaw has a separate place in the structure of Polish cities. It is not only because it is the biggest Polish city with population twice as high as that of the second largest Polish city – Krakow, nor because it is Poland's capital what makes it the centre of political life and most important administrative centre. It is the only Polish city with widely developed

international functions. Its location in the centre of European continent allowed for the delineation of its transportation hub function on the route from Russia and Belarus but also from farther Asian countries to Western Europe. After Poland had joined the European Union, Warsaw has become one of the easternmost big cities of countries of the European Union. Warsaw is also located on the route from the Baltic Sea countries to the rest of the continent. Finally, Warsaw, through Gdansk, links Scandinavian countries with the Southern Europe.

A convenient geographical location, its functions of the international centre of trade, academic and cultural cooperation and, although to a lesser extent, of political life and diplomacy, make Warsaw one of the most important cities in Central Europe. In fact, there is, although concealed, rivalry between Warsaw and Prague over the status of Central European Metropolis. Warsaw is Poland's richest city, the only one, where average GDP per capita exceeds the European Union average. It is the seat of the headquarters or branch offices of the biggest number of Polish and international companies. It is in Warsaw that most social organizations with national scope are based. It is the seat of central government. It is an international convention centre and a centre for information sharing.

Multiplicity of city categories is only partially reflected in the diversity of measures concerning cities' position as self-government units. In the vast majority of European countries one can see a drive to the unification of the system, tasks, competences and finance of local authorities. Only in few countries there is a diversity of possible models of self-government system, with differentiated range of tasks that depend on the size of local community or uneven regulations concerning the legislative body of a municipality, which allow for direct democracy institutions, as well as elected councils.

Drive to unification of regulations is also visible in Polish law on self-government. It not only unifies the status of self-government entities at the same level, but also introduces identical provisions concerning different levels of self-government. It is easily seen when one analyses the provisions concerning the competences of legislative bodies, or the executives at the county and voivodeship level.

However, complete unification is not possible. There is no way, even with eager introduction of provisions that are to unify the system, to disregard in the process the existence of significant differences (of varied origins) between settlements, among them cities. That is why in self-government acts, and other provisions, next to regulations applying to all or most of local and regional communities one can find regulations providing for alternative solutions. Some of them are concerned with cities.

4 Polish City's Status as a Self-Government Entity

Probably the most important characteristic that differentiates cities is their status as self-government entities. Self-government system acts provide us with four types of regulations in this matter. Provisions concerning the structure of municipal self-government enable local councils to create auxiliary units within the remit of a municipality. Those units play a subordinate administrative role. In rural areas these are called village representation (*sołectwa*), in towns they may be residential quarters (*dzielnice*) or housing estates (*osiedla*). What is important, the town itself, located within the remit of a municipality, may be designated as an auxiliary unit (*Journal of Laws, Dz. U. 2001 no 142, item 1591*). Municipal council can create such a unit after consultation with local community. It also decides, by passing an auxiliary unit statute, about its tasks, authorities, competencies, budget and oversight over its activities.

Council and executive body of an auxiliary unit, also when it is a town, function in a similar way as councils and executives of village representations and residential quarters. They make decisions concerning tasks delegated to them by a municipal council. The scope and binding power of resolutions adopted by a council of an auxiliary unit depends on regulations of their statutes. Auxiliary units do not have any revenue of their own, except for revenue granted to them by municipal council. Very often, the cost of running of an auxiliary unit is covered from the local government entity's budget.

A vast majority of Polish cities are municipalities. Their status can be twofold. Firstly, a city can be a municipality itself. But it can also belong to a municipality with other neighbouring towns, cities. Differences between those two categories are visible but not significant. They are reflected in the names of authorities, but more importantly, also in local economy and occupational and social structure of local community.

From 1 January 1999, 65 Polish cities, among them the biggest ones, were given the status of cities with county rights. In this way separate self-government entities were created that fit neither to the category of municipalities or counties. If we look at their place and role in Polish self-government system from the perspective of their functions, they constitute the fourth tier of self-government, located between counties and voivodeships. They were, after all, created for the purpose of providing a broader remit of tasks than other local government entities. Cities with county rights have also got higher budgets. What is more, their position in local self-government structure and possibilities of service provision are shaped by such determinants as aforementioned – demography, economy, communication and infrastructure. Although when we compare their number to the number of counties or other cities and we see that there are not many of them, their influence on economic and social development of neighbouring localities, regions but also the whole country is impressive. It is even more so, if we remember that most of cities with county rights are seats of land counties' authorities and every fourth one has a status of a capital of voivodeship. They are characterised by accumulation of political and

administrative functions. Polish capital city has its own act on self-government. It is, like metropolises of most European countries, and obligatory association of districts with a municipality status. It is the only Polish city with two-tier self-government.

Another sphere that differentiates cities from other self-government entities are their tasks, even though self-government acts provide us with uniform catalogues of tasks for all municipalities, counties and voivodeships. Differences in this matter are of threefold nature. First of all; they concern municipalities' own compulsory tasks. Cities with county rights are responsible for tasks of two types of self-government entities - municipalities and counties. The catalogue of tasks is extensive and the tasks can be grouped into four categories. Those are tasks that are:

- 1) the same, realized by both municipality and county, like: public transport, promotion, membership in communal associations and agreements, public roads, environment protection and pro-family policy,
- 2) complementary, like: education, health care, social services,
- 3) municipal, connected with spatial order, water supply systems maintenance, energy supply, the removal of urban waste, marketplaces, communal graveyards maintenance,
- 4) county tasks, like: support for persons with disabilities, counteracting unemployment and activating local labour market, geodesy and cartography, water policy, protection from emergency situations and emergency situations prevention, agriculture, forestry, inland fisheries, consumer rights protection, building supervision.

Secondly, differences are also seen in the provision of municipalities' own optional tasks. Self-government entities that are bigger and have higher budgets undertake the realization of such tasks more often and with a broader scope than is required by the laws, because they are often co-financed by city authorities. Other determinants that differentiate the scope and ways of realization of tasks are community needs connected with the level of poverty, unemployment and infrastructure, for example buildings, facilities intended for third sector organisations, kitchens at schools, social services offices.

The carrying out of commissioned tasks reveals the biggest differences between self-government entities. Types of tasks commissioned by the state, but also by voivodeships or counties, their scope and ways they are being fulfilled are the most important criteria of divisions in this matter between municipalities.

Acts on public finance, self-government entities' revenue and budget introduced a unified finance structure on all levels of public life. Sources of state and self-government entities revenues, budget structure, rules and procedures concerning budget expenditure have been meticulously defined. But again, those regulations do not provide for identical provisions for all municipalities. Only part of municipalities' (among them cities') revenue is of obligatory nature. Others, like money from the sale of municipal property

or bonds, depend on the will of other subjects or random events. Some key factors that make a municipality attractive, like geographical location, location in terms of transportation, state of the environment, excellent climate, natural assets and touristic value of the municipality are ones that are difficult or impossible to change and councils cannot really do a lot to alter them. But these factors may be important arguments in favour or against a decision about investing in the municipality, what brings additional revenue. New investments and economic development influence property prices and subsequently property taxes. Attractiveness of a municipality can be also raised by the state through the creation of special economic zones.

As a consequence, the structure and amount of revenue of cities vary significantly, regardless of legal provisions on that matter or the size of the cities. The most visible difference in that respect exists between cities with county rights and other cities. Cities with county rights receive funds for the realization of tasks of municipalities and counties. In other words, they are entitled to a bigger share in state taxes, subsidies and grants. The biggest part of total budget revenue of cities with county rights is allocated to the realization of municipal tasks. Funds needed to finance the realization of county tasks constitute a very diversified percentage of cities' budgets. For example, in Opole it is 18%, in Zabrze 20%, in Wrocław 22%, in Swinoujście 26 %, in Poznań 27%, and in Rzeszów 41%.

Different status of the cities is also reflected in the names of authorities. In urban-rural municipalities legislative body is called city council or municipal council. In urban municipalities – city council. Similarly, names of local administration offices are also differentiated.

The executive body is called in three different ways and two of the names are used in the city structures. Executive power is held by the directly elected mayor called burmistrz in municipalities, which are the seats of municipal authorities. In 107 cities, among them in all cities with county rights executive power is vested in prezydent. Competences of different categories of councils that are also councils in cities with county rights do not differ significantly, except for councils of auxiliary units. Authors of County Self-government Act and Voivodeship Self-Government Act based lots of their regulations on the provisions of Municipal Self-government Act. For example, provisions as to the competences of local authorities' bodies, except for regulations on the election of the executive and local taxes, are almost identical. Then, they could not have influenced different powers of councils of cities with county rights in relation to other legislative bodies in other categories of cities.

Nevertheless, the situation of executive bodies is a bit different. Mayors of cities with county rights have wider competences than mayors of other cities because they have some of the powers of the county executive (starosta). Additional powers include supervision of county fire brigades and supervision of inspection bodies, powers to manage extra-

ordinary situations and coping with natural calamities. They can also give their opinion about candidates for the positions of city police commissioner and chief fire officer.

City self-government in Poland, similarly to its European counterparts, is not as diversified as the cities themselves. Aspiration to create equal conditions and possibilities of addressing the needs of local communities was a reason enough to devise unified norms that regulate the functioning of municipalities. Special regulations were passed only for 66 big cities and Poland's capital – Warsaw.

It does not mean that in the case of other cities we can talk about a full standardization of self-government. Probably the most important source of diversity of shapes, structures, forms and remits of its functions and activities are legislative provisions enabling local authorities and local communities to make choices in lots of spheres of their lives. City authorities can decide not only what services to provide but also how and by what means. City council has the freedom to determine the number, character and scope of competences of its committees, it can also decide on the minimal number of councillors in a club and on the number of clubs.

City council is also responsible for setting the rules of communal assets management, that is conditions of their disposal or lease. It decides about its participation in mixed capital companies, private and public ones. It makes decisions whether to establish public utilities that are responsible for realization of municipal tasks.

Self-government acts allow mayors to establish specialised cells of local administration according to city's character, its spatial and economic arrangement. Mayors are also responsible for drawing up organisational regulations – they prepare regulations and decide how the city hall is working. They decide how many and of what type of organisational units are going to be set up in the city.

Additional opportunities for actions directed at realization of local communities' needs come with the cooperation between self-government entities, especially in municipal associations. They enable cities to share funds and technical and organizational measures which in turn allow them to provide some services like public transport, waste and wastewater management, water and energy supply, spatial planning, public roads and ecology, in cooperation.

Polish laws regulating the functioning of local self-government support individualisation, not homogenization of city self-government structure and its functioning. We can distinguish two kinds of city self-government: one is present in cities with county rights (with a special role of those cities that are the seats of both cities with county rights authorities and land counties authorities), and the second one, introduced in other 800 cities.

References:

- Ajnenkiel, A. (1975) *Administracja w Polsce. Zarys historyczny (Administration in Poland. Historical overview)* (Warszawa: Książka i Wiedza).
- Castels, M. (1982) *Kwestia miejska (The issue of urban)* (Warszawa: Państwowe Wydawnictwo Naukowe).
- Ciągwa, J. (1988) *Autonomia Śląska (1922-1939) (Autonomy of Silesia (1922-1939)* (Katowice: Muzeum Śląskie).
- Dolnicki, B. (2012) *Samorząd terytorialny (Local government)* (Kraków: Wolters Kluwer).
- Drabina, J. (2000) *Historia miast śląskich w średniowieczu (History of Silesian towns in the Middle Ages)* (Kraków: Impuls).
- Jałowicki, B. (2000) *Spoleczna przestrzeń metropolii (Social spaces of metropolites)* (Warszawa: Wydawnictwo Naukowe Scholar).
- Jałowicki, B. & Szczepański, M. S. (2006) *Miasto i przestrzeń w perspektywie socjologicznej (Town and space in the sociological perspective)* (Warszawa: Wydawnictwo Naukowe Scholar).
- Jastrzębski, L. (1977) *Zarys historii terenowych organów władzy i administracji państwowej (Outline of the local bodies and state power of administration history)*, In: Służewski, J. (ed.) *Terenowe organy administracji i rady narodowe po reformie* (Warszawa: Wiedza Powszechna), pp. 68–82.
- Jeżewski, J. (1999) *We Francji (In France)*, In: Jeżewski, J. (ed.) *Samorząd terytorialny i administracja w wybranych krajach. Gmina w państwach Europy Zachodniej* (Wrocław: Wyd. Uniwersytetu Wrocławskiego), pp. 139–184.
- Korczak, J. (1999) *W Niemczech (In Germany)*, In: Jeżewski, J. (ed.) *Samorząd i administracja w wybranych krajach. Gmina w państwach Europy Zachodniej* (Wrocław: Wyd. Uniwersytetu Wrocławskiego), pp. 253–290.
- Główny Urząd Statystyczny (1973) *Rocznik Statystyczny (Statistical Yearbook)* (Warszawa: Główny Urząd Statystyczny).
- Główny Urząd Statystyczny (1981) *Rocznik Statystyczny (Statistical Yearbook)* (Warszawa: Główny Urząd Statystyczny).
- Rybicki, P. (1972) *Spoleczeństwo miejskie (Urban society)* (Warszawa: Państwowe Wydawnictwo Naukowe).
- Sjoberg, G. (1965) *The Origins and Evolution of Cities*, In: *Scientific American*, 213(3), pp. 54–63.
- Sjoberg, G. (1968) *The Pre- Industrial City. Past and Present* (Glencoe, Illinois: The Free Press).
- Służewski J. (1977) *Podział administracyjny państwa - podstawą terytorialną organizacji i funkcjonowania rad narodowych i terenowych organów administracji (Administrative division of the country – the basis of territorial organisation and functioning of national councils and local bodies of administration)*, In: Służewski, J. (ed.) *Terenowe organy administracji i rady narodowe po reformie* (Warszawa: Wiedza Powszechna).
- Supernat, J. (1999) *W Anglii (In England)*, In: Supernat, J. (ed.) *Samorząd terytorialny i administracja w wybranych krajach. Gmina w państwach Europy Zachodniej* (Wrocław: Wyd. Uniwersytetu Wrocławskiego), pp. 17–74
- Tarkowski, J. (1974) *System polityczny powiatu jako system integracji poziomej* (Warszawa: COM).
- Tönnies, F. (1975) *Wspólnota i społeczeństwo (Community and society)*, In: Derczyński, W., Jasińska-Kania, A. & Szacki, J. (eds.) *Elementy teorii socjologicznej* (Warszawa: PWN), pp. 44–66.
- Ujdał, M. (1996) *Samorząd terytorialny (Local government)*, In: Serafin, F. (ed.) *Województwo śląskie. Zarys monograficzny* (Katowice: Wydawnictwo Uniwersytetu Śląskiego), pp. 49–77.

Wierzbica, A. (2006) *Miasto na prawach powiatu (City with country rights)* (Katowice: Wolters Kluwer SA).

Social Reforms in Poland in the Transformation Period

MARIAN MITRĘGA, NATALIA STĘPIEŃ-LAMPA, BOŻENA ZASĘPA & PAWEŁ
GRZYWNA

Abstract The article describes four reforms from the period of system transformation in Poland: changes in the sector of coal mining, employee/universal pension scheme, health care system, and education. These reforms are the most important changes from the society's point of view made in Poland after 1989. What is more, they were performed in a similar time frame (within the first decade of the transformations), and their implementation was possible due to consensus among different political circles. However, at the moment, nearly all the assumptions of these four big reforms have become obsolete, and their solutions have been modified.

Keywords: • voting behaviours • cleavages

CORRESPONDENCE ADDRESS: Marian Mitręga, Ph.D., Associate Professor, University of Silesia in Katowice, Institute of Political Science and Journalism, Unit of Social Policy, Bankowa 12, 40-007 Katowice, Poland, email: marian.mitrega@us.edu.pl. Natalia Stępień-Lampa, Ph.D., University of Silesia in Katowice, Institute of Political Science and Journalism, Unit of Social Policy, Bankowa 12, 40-007 Katowice, Poland, email: natalia.stepien-lampa@us.edu.pl. Bożena Zasepa, Ph.D., University of Silesia in Katowice, Institute of Political Science and Journalism, Unit of Social Policy, Bankowa 12, 40-007 Katowice, Poland, email: bozena.zasepa@us.edu.pl. Paweł Grzywna, Ph.D., University of Silesia in Katowice, Institute of Political Science and Journalism, Department of Social Policy, Bankowa 12, 40-007 Katowice, Poland email: pawel.grzywna@us.edu.pl.

DOI 10.4335/978-961-6842-73-0.15

ISBN 978-961-6842-73-0

© 2016 Institute for Local Self-Government and Public Procurement Maribor

Available online at <http://books.lex-localis.press>.

1 Transformation, Restructuring, and Reforms: the Definition Context of the Terms

In the period of socio-economic and political transformations that took place in Poland after the collapse of the so-called socialist countries bloc, two terms entered the Polish language and stayed for good: transformation and restructuring (Kopaliński, 1989: 440). The first of the terms is used in different areas and in different meanings and is understood as a change, transition, or metamorphosis.

The concept of restructuring can be used at least in three situations (Szul, 1993: 205–240). It most often refers to:

- a) an alteration within a structure which does not change the existing relations between its elements;
- b) a change of the previous relations between the elements without the alteration of the structure;
- c) rebuilding of the structure with a change of previous relations between its components.

Each of these meanings points to differences occurring in the nature of this process, but also to different conditions that have to be met for the restructuring process to take place.

For the ruling elites, these two terms were often too complicated in the language mainly used to communicate with the electorate. That is why they were soon replaced with a more general and obscure term: `reform`. This article is devoted to four reforms of the transformation period that were most significant from the social point of view. They were all implemented nationwide more or less at the same time and based on political consensus of the parties which at the time had the greatest impact on the direction of system changes: the reform of coal mining, of employee/universal pension system, of public health care, and education system.

2 Reform of Coal Mining (The Social Aspect)

Poland's regaining full sovereignty in 1989 created a new political situation which entailed among others the processes of transformation of Polish coal mining sector. Polish coal mining used to be quite modern but in the 1980s it was mostly based on obsolete technologies. Finally, it struggled with overproduction, excessive employment, and unprofitability. After the communist PRL period, the coal mining industry, convinced of its privileged role in the economy, had to face the hard rules of `free market`.

2.1 The Beginning of Restructuring of Coal Mining in the Years 1989–1995

In the beginning of the transformation processes in Poland, at the end of 1989, coal mining was in a disastrous state. More than 400 thousand people worked in the coal mining industry. There were 72 mines, which extracted approximately 180 tons of coal. The

sector was managed in a way typical of the top-down control system. The whole industry was administered by the Coal Union with its departments – Coal Mining Enterprises. The task of the Union was to extract as much coal as possible. Employee rights were not observed (e.g. four-team system, work on Saturdays and Sundays, or piecework). This resulted in the production of low quality coal and excessive costs of its extraction (Karbownik & Bijańska, 2000: 7).

The first programme of sector restructuring was the 'Programme of reforms and schedules of restructuring in the energy sector', adopted by the Council of Ministers on 17th of September 1991. It provided for unlimited coal prices from 1st January 1992, the end of specific subsidies, closing unprofitable mines, establishing about ten independent companies based on the promising mines, demonopolisation of coal trade, and the analysis of profitability of mines in order to identify the ones that should be closed. The programme involving competition between coal mines proved to be ineffective (Ney et al., 2006: 8).

On 5th February 1993, the Sejm adopted the Act on ownership transformations in certain state enterprises with special significance for the national economy (Journals of Law Dz. U. 1993 No. 16, item 690). This act provided the basis for the establishment in 1993 of six sole shareholder companies of the State Treasury, as well as the Katowice Coal Holding (Mitreĝa, 2001: 136–143).

On 15th of March 1993, the Economics Committee of the Council of Ministers adopted a coal mining repair programme titled 'Programme of restructuring of coal mining in Poland: implementation of stage 1 within the financial capacity of the state'. It described four possible variants of restructuring.

In June 1993, it was clear that the goals and tasks of the programme could not be implemented, and the economic condition was deteriorating. So more programmes were drawn up, whose goals and tasks were usually not implemented and were opposed by miners' trade unions.

Despite the positive financial result of coal companies and the holding, due to the costs connected with liquidation of mines the sector had a financial loss of PLN 191.8 million. On the other hand, the social goal of the restructuring was achieved: there were no group redundancies, some protection activities were carried out, and courses or training sessions were organised for miners. Miners only left their jobs for natural reasons (so-called Markowski's plan).

2.2 Transformation of the Coal Mining Sector in the Years 1996–2002

The years 1996–2000 were another phase of transformations in coal mining, implemented in accordance with a programme titled: 'Coal mining: the policy of the state and the sector

for the years 1996–2000. Programme of adjusting coal mining to the conditions of market economy and international competitiveness`. It was the first comprehensive reform, combining social and economic elements. Its main goal was to enhance the economic efficiency of mining and at same time maintain miners' social security. Reducing coal production to the level of 130 million tons in 1996 and 128 million tons in 1997 was assumed. Production capacity was to be reduced by 17.6 million tons by the year 2000. The programme also provided for creating strategic stocks of coal managed by the state.

On 12th of July 1996, the State Coal Mining Restructuring Agency (*Państwowa Agencja Restrukturyzacji Górnictwa Węgla Kamiennego S.A.*) was established. It took over the tasks of the former institution, State Coal Agency, such as the support for restructuring processes, management of liquidation of mines, providing services for coal mining companies, and advisory services for the Minister of Industry and Commerce (Kugiel, unpublished materials).

In May 1997, the programme was adjusted by means of the `Correction of the programme of adjusting coal mining to the conditions of market economy and international competitiveness of April 1996` (Blaschke, Gawlik & Lorenz, 2004: 16).

The governmental programme for the years 1998-2001, titled `Reform of coal mining in Poland in the years 1998–2002. Governmental Programme adopted by the Council of Ministers of the Republic of Poland on 30 June 1998` included the principles of further financial restructuring of coal mining enterprises, liquidation of permanently unprofitable coal mines in all the companies, and restructuring of employment (i.e. its further reduction). It pointed out the special powers of mining communes, the sources and principles of reform financing, the rules of management in coal mining companies, and principles of control of implementing the reforms.

67,026 persons were then granted protection and activation instruments of so-called Mining Social Package. One-time universal termination pays were given to 29,746 persons, which contributed to the unprecedented reduction in employment by 102,587 persons¹ with the social peace retained. Something like this has never occurred again. 297,46 persons went on mining leaves, whereas only 419 claimed social benefits (so-called Steinhoff's plan).

In that period, the costs of coal extraction were lowered, and financial results and work efficiency improved (by approx. 30%). The EU expenditure and mining companies' resources amounting to PLN 8,328.3 million made it possible to raise the efficiency of the mining sector in the years to come. Sadly, these resources were never used properly.

2.3 Stagnation in the Development of Coal Mining in the Years 2002–2016

The upcoming accession of Poland to the European Union, the need to draw up documents necessary to provide state aid for mining pursuant to the Council Regulation EC 1407/02 and the rapid changes in supply on foreign markets resulted in the need to adjust the restructuring assumptions. As usual, they were included in further bureaucratic programmes². And as usual, the government withdrew from decisions necessary for the full implementation of the assumptions. New organisations have been created, the ruling teams changed again and again, and they have had new entities to manage, although the place and role of industry has actually been unchanging. What has not changed, either, is the problems. And although nowadays the sector of coal mining only employs approx. 100 thousand persons working in 31 mines that extract approx. 80 million tons of coal, this economic entity is still waiting for effective organisational and economic transformation.

The strategic goal of the state's policy applied to the coal mining sector should be rational and effective management of coal deposits within the Republic of Poland so as to ensure that future generations of Poles will still be able to use them. But in the restructuring that lasted more than 25 years, the period of real, not only bureaucratic reform was the years 1997-2002. The assumed reduction of employment in mines was not carried out either, due to the lack of workplaces out of mines, the lack of interest in social protection on the part of miners, and the lack of workers transfer to companies established on the basis of mines' property. Obligations related to the Social Insurance Institution (*Zakład Ubezpieczeń Społecznych*, ZUS) were not fulfilled. Neither government guarantees for investment loans nor the loan from the World Bank were obtained. But against the background of other activities in mining after 1989, this reform can be assessed positively.

3.1 The Pension Scheme Before 1998

The insurance model of pensions adopted in Poland in the inter-war period was strongly connected with the general concept of a socialist country after WWII. The scheme developed until the late 1980s had the following characteristics:

- it was a *pay-as-you-go* (PAYG) system,
- it was based on *defined benefit* (DB),
- it one pillar only,
- it provided for many possible ways of leaving the labour market early,
- the principles of acquiring the right to old-age pensions were extremely varied within the system,
- it was closely related financially to the state budget, with no independence or autonomy,
- it was organisationally centralised, managed by the central governmental agency,
- it was universal.

In the case of pension system, the year 1989 was not a crucial date. Still, the heritage of socialism and the problems of the transformation period were important determinants of the pension system reform introduced later (Żukowski, 2006: 27–29). The first government with *Solidarność* majority predominantly concentrated on economic reforms. In the field of social policy, it only carried out repair and protection activities. The main problem of the pension scheme at the time was the low old-age pensions. The first changes in the indexation of the benefits were made in 1989 and 1990. Unfortunately, the regulations were applied to an already imperfect structure, which only led to its consolidation (Wiktorow, 2014: 4). The growing number of pensioners and the unsolved issue of differences in the value of benefits awarded in different periods sped up the work of the next cabinet. The act was adopted in October 1991.

In the years 1992–1998, three basic trends occurred connected with: continuation of legislation concerning benefit indexation, activities that led to deregulation of the system again and preparing the concept of another reform of the pension system. Actually, all drafts fall into the following spectrum: from drafts limited to ensuring more order in the system, through those representing the ‘centre’, up to drafts that demanded the introduction of one-pillar capital solutions (Rymsza, 1998: 131, 200–276).

The final form of the reform was proposed in the document ‘*Security through diversity*’ prepared by the Office of Government Deputy for Social Security Reform (1997). It must be stressed that the work on the draft was very speedy, without the discussion on the act's assumptions within the cabinet or with the public. However, the draft received both political and public support (Szumlicz, 2004: 75–76). The basic goal of the reform was to ensure the security of old-age income by diversification of its sources. The main reasons for beginning the work on the reform of the pension system were:

- systemic: easy access to early retirement, different sources of benefit entitlement, too high replacement rate, great diversification of benefit, one-pillar system,
- demographic: connected with unfavourable changes in the age structure of population,
- macroeconomic: problems were mostly related to disturbed revenues and expenses balance. An important, though less emphasised argument was the anticipated positive impact of the planned capital system on economic growth and capital markets;
- political: connected with lower public approval for the previous solutions, Poland's ambitions of membership in the European Community and the impact of transnational institutions on the form of pension reforms in the period – for Poland, it was the World Bank and IMF (Orenstein, 2013: 47–70).

The first four acts from the reform package were adopted in the summer 1997 (the most important ones are the Act on employee pension programmes (Journal of Laws Dz. U. 1997 No. 139, item 932) and Act on the organisation and functioning of pension

programmes (Journal of Laws Dz. U. 1997 No. 139, item 937). Finally, in the year 1998, two other legal acts were produced.

3.2 Reform of 1999 and Changes Made by 2011

The Act of 13 October 1998 on the social insurance system (Journal of Laws Dz. U. 1998 No. 137, item 887) set the general principles of functioning of the social insurance system. Individual accounts were created for the insured parties, with information on the course of insurance recorded. With regard to old-age pension insurance, the Act determined who was obliged to join the second (capital) pillar (those born after 31/12/1968), who could choose whether to join it (those born between 1/01/1949 and 31/12/1968) and who was not eligible (those born before 1/01/1949). Furthermore, 4 funds with separate contributions were created within FUS, including the old-age pension one (19.52% contribution), divided into the pay-as-you-go part (12.22%) and capital part (7.3%). Demographic Reserve Fund (*Fundusz Rezerwy Demograficznej*, FRD) was established as a reserve for the pension fund; it could be used by 2009 in the case of demographic problems. Social insurances were to be administered by the Social Insurance Institution (*Zakład Ubezpieczeń Społecznych*, ZUS).

The form of the first pillar of pension insurances was determined in the Act of 17 December 1998 on old-age and disability pensions from the Social Insurance Fund (Journal of Laws Dz. U. 1998 No. 162, item 1118). It retained the pay-as-you-go character of solutions and the compulsory universal application (the baseline system). Persons born after 31/12/1968 were covered by a defined contribution (DC) system, and for the others, the defined benefit (DB) system. The amount of old-age pension in the DC system is mostly dependent on the collected and indexed capital of entitlements in the form of contributions paid to the system and the parameter of average life expectancy for men and women at the moment of applying for the retirement pension. In 2005, miners were excluded from the DC system in terms of benefit calculation (Wiktorow, 2014: 9).

The principles of retiring for older insured persons were basically unchanged. This system is gradually coming to an end. Those born between 1949 and 1968 could choose between staying in the old scheme and joining the new one. In the case of persons born after 31/12/1968 it was assumed that individuals reaching the minimum retirement age (60 for women, 65 for men) were entitled to the retirement pension. The first pillar pension is paid for life and is not subject to inheritance.

The act also anticipated the establishment of a bridging old-age pension system, providing for the right to early retirement for persons employed in special conditions or in a special character. It was introduced by the act of 2008 (Journal of Laws Dz. U. 2008 No. 237, item 1656).

The second pillar, which was to be ultimately mandatory, was based on the DC system, and it was to be administered by private entities – General Retirement Fund Societies (*Powszechnie Towarzystwa Emerytalne*, PTEs), which were to invest the capital part of the contribution (7.3%) in Open Retirement Funds (*Otwarte Fundusze Emerytalne*, OFEs). The means collected in OFEs are subject to inheritance (after the death of the member of the fund) or division (after a divorce or dissolution of the joint property of husband and wife). Each person could be a member of one fund only but was allowed to change the fund. The fund membership was initially irreversible. The system is supervised by the state. Originally, benefits from the second pillar were to be paid by separate institutions, which were never established. Periodical pensions for women (from 2009) were to be paid by ZUS (Wiktorow, 2014: 10).

The third pillar, a capital one based on the DC system, included solutions that provided for the possibility of establishing supplementary, voluntary forms of old-age security, organised by employers – Occupational Pension Programmes (*Pracownicze Programy Emerytalne*, PPEs) In 2004, Individual Retirement Accounts (*Indywidualne Konta Emerytalne*, IKEs) were introduced, and in 2012, Individual Pension Security Accounts (*Indywidualne Konta Zabezpieczenia Emerytalnego*, IKZEs). These solutions are connected with tax incentives and apply to everyone regardless of age.

3.3 Changes in the Pension System After 2011

After the year 2011, two things occurred in the pension scheme: an attempt to lengthen the time of professional activity and the dissolution of the second pillar of old-age pension system. The act of May 2012 (Journal of Laws dz. U. 2012, item 673) raised the retirement age up to 67 and equalized it for men and women. The parameter increases in such a way that the target retirement age will ultimately be achieved in 2040 for women and in 2020 for men. The legal act also introduced the insured persons' right to a partial pension: for women after 62 years of age and with 35 years of insurance, and for men, after 65 and 40 years, respectively.

But the greatest changes occurred in the second pillar. The main reason for the first adjustment in March 2011 (Journal of Laws Dz. U. 2011 No. 75, item 398) was to try and reduce the increment of public debt, which resulted from the continuous need for the state to make up for the shortage in FUS caused by the contributions going to OFEs. The act set out the division of the capital contribution into two parts. The first part (2.3%) was still to be managed by PTE. The other one, as part of a subaccount created for OFE members in the first pillar, was to be administered by ZUS.

Another act of December 2013 (Journal of Laws Dz. U. 2013, item 1717) abolished the compulsory character of OFE membership for persons born after 31/12/1968 (starting in 2014). The division of the contribution into the part administered by OFE (2.92%) and the part deposited into the subaccount (4.38%) was retained for persons who wanted to

stay in the second pillar. In the case of persons who resign from the capital part of the system administered by PTE (in 2014, the insured could decide whether to stay in OFE or not; since 2016 such an opportunity is open every 4 years – so-called transfer window), the whole capital contribution is deposited on the subaccount. Out of nearly 16.7 million of OFE members, in 2014 fewer than 2.6 million decided to divide their contributions between the subaccount and OFE. In the future ZUS will pay the cumulated pension amount from the first and second pillar.

The changes in the pension scheme have not been completed yet. It is planned to reform of the third pillar. A presidential draft was also submitted to the parliament, concerning the reduction of the retirement age (restoring the 60 years parameter for women and 65 for men), which was a result of the election promise formulated in the 2015 presidential election.

To sum up, currently the three-pillar model of the pension scheme adopted in 1999 is basically being dissolved. The system of public finance was unable to cover the costs related to the loss of a considerable part of the contribution transferred to OFEs since 1999. Pension security based on the third pillar was not ensured, either. The general conclusion is that the reform was only seemingly well prepared. The consensus as part of which successive cabinets prepared and implemented certain stages of the reform proved to be illusory, too.

4 Transformation of Polish Health Care System

The structure and financing of the health care system in Poland at the turn of the 1990s followed a model of socialist state health care service³ based on those in the Union of Soviet Socialist Republics (the so-called Semashko model). The system was centrally planned and health care centres were financed from the state budget, entitled parties had full and free access to health services, primary and specialist health care was integrated thanks to so-called health care teams, doctors were employed by the state, and people belonged to health care catchment areas depending on the place of registration. But despite political declarations, there were serious inequalities in access to health care, resulting e.g. from a complex parallel system: a network of company, trade or departmental health care centres which were only accessible for persons employed at the certain institutions. There were also groups of people who were not covered by insurance: for example until 1971, farmers or those who conducted activity in the private sector were not insured (Orczyk, 2008: 157).

The fact that health care system was becoming more and more dysfunctional was evident in several aspects, e.g.:

- the political plane – excessive centralisation and bureaucratisation of decisions which resulted from their political character;

- the economic plane – improper ratio of financial expenditure to the needs of the health care system, and ignoring the cost account in the process of rationalisation of health care management;
- the social plane – low level of community participation in the system functioning and in processes of controlling the system;
- the plane of health care management and organisation – insufficient knowledge on the part of public health managers;
- the motivational plane – on the one hand, the lack of appropriate motivation instruments promoting the efficient work of health care workers, and on the other hand, the functioning of health care institutions, which extended their facilities excessively in expectation of receiving more funds for their maintenance (in accordance with the principle that the bigger the institution, the greater funds (Leowski, 2010: 164–165).

The changes in the health care system are definitely a multi-aspect and deep process of transformation, whose objective is to ensure the society a uniform standard of health protection.

4.1 Attempts of Reforms of the Health Care System After 1989

The reform of health care system after 1989 was parallel to the process of quick transformation of centrally planned economy into market economy. But the first changes in the years 1991–1998 were not introduced with a systemic approach, although some new, significant solutions were implemented to decentralise health care, and the adoption of the Act on health care institutions on 30th August 1991 (Journal of Laws Dz. U. 1991 No. 91, item 408) was the symbolic end of the state model of health care services. The act, which introduced new entities to provide medical services – public and non-public health care institutions – broke the state monopoly in this regard and initiated the development of the private sector of health care.

An important step towards further decentralisation of health care tasks was the adoption of the so-called act on big towns (Journal of Laws Dz. U. 1995 No. 141, item 692). Towns with the status of voivodeship capitals and the adjacent communes could establish public service zones and take over the tasks of founding bodies of health care institutions that had been run by heads of voivodeships. This way, communal self-governments received a new competence in health care, becoming responsible for the organisation and financing of health care centres (Drozdowska & Sikorski, 2012: 70–71). Until the end of the 1990s, the significant changes that occurred as a result of the system transformation in Poland did not cover the sector of financing health services. The above-mentioned legislative activities only allowed to introduce temporary solutions to supplement the model of health care system which was still budgetary. Some transformations also occurred in the organisational sphere, e.g. private or group surgeries, or non-public health care centres.

4.2 The System of Universal Health Insurance: the 1999 Reform and the Opposite Reform of 2003

A comprehensive reform of the health care system was preceded by a nearly 10-year period of decomposition of the previous socialist model, ended with the adoption on 6th February 1997 of the Act on national health insurance (Journal of Laws D. U. 1997 No. 28, item 153), and the Act came into force on 1st January 1999. So thorough changes in the functioning of the health care system only began in 1999, with the transition from the budgetary model of financing the health care system to the insurance model (mostly financed with health insurance contributions), which was intended to improve patients' health security.

The changes did not only affect the sources and principles of system financing but also led to a new institutional structure of health insurances. It was assumed that the market of health care services (formerly very limited and overregulated) would develop along the health insurances (the internal market concept).

- The basic principles of the new system of universal health insurance were:
- system pluralism, expressed in the diversification of sources of financing and diversity of organisational forms of service providers;
- equality of all the citizens ensured by the emphasised universal character of the system and the quality of services;
- social solidarity, which meant that risk factors affected all the insured parties equally: the costs of services were incurred by all the insured persons regardless of the value of contributions paid (Włodarczyk, 2003: 171).

The insurance model of health care was also based on the division and separation between the role of service provider and the payer – 17 Sickness Funds (*Kasy Chorych*) established as public insurance institutions (one in each voivodeship and one trade fund for uniformed services), the Ministry of Health (for highly specialised procedures) and territorial self-governments (among others, performing health promotion activity). The division of functions was to guarantee the insured persons health security through ensuring the provision of health services upon previously concluding contracts with service providers. The role of Sickness Funds was actually to regulate the market of health services financed from public sources.

Four years of functioning of the insurance system with the dominant role of Sickness Funds led to general public criticism of the implemented system, but also an increase of expenses incurred by the state budget and the society. Most evident was the lack of state health care policy and advanced independence of Sickness Funds, expressed among others in the establishment of seventeen separate methods of contracting medical services, which resulted in seventeen independent regional health care policies (territorial self-government units were engaged to different degrees, and the Minister of Health was

unable to formally influence their activity). The role of the Minister of Health in the form of health care policy was marginalised, and the actual supervision of Sickness Funds never took place. These facts aroused public discussion on the need of systemic changes. The changes were introduced as the Act of 23 January 2003 on universal health insurance in the National Health Fund (Journal of Laws Dz. U. 2003 No. 45, item 391) came into force, replacing the previous act. The key changes occurred in the institution of payer: Sickness Funds were centralised by creating a single fund with 16 regional branches and resigning from the internal market concept. The National Health Fund was given the status of state organisational unit with legal personality, which administered financial means collected as part of health insurance. So as to eliminate the regional differences in access to medical services, which generated different levels of health security, the act introduced uniform procedures of contracting services and point limits for the contracted services (Dercz & Izdebski, 2004: 145). But the main principles of the 1999 reform, such as the separation of the payer and service provider functions and the autonomy of public service providers, were maintained.

4.3 Health Care System in Poland at Present

Currently, Polish health care system is based on the insurance model, and health insurance is compulsory for nearly all citizens. The statutory concept of universal health insurance is connected with the principle of social solidarity, and thus with the prohibition of assessing health risk in the context of determining the contribution amount. The amount of contribution has no impact on the guarantee and financing the scope of health care services determined by the act. Hence, in this context, Polish health care system must be defined as so-called social health insurance.

The mechanism of financing health care services is based on the insurance method: the resources come from health insurance contributions administered by the National Health Fund, but also from the state budget and the budgets of territorial self-government units, non-budgetary special purpose funds (e.g. Labour Fund), and the resources of social organisations. The main source of financing the health care system is still health insurance contributions, making 61.2% of the total health expenditure. Individuals' income covers 23.6% of the expenditure. The other resources come from the central budget and the budgets of territorial self-government units (9.6%) (GUS, 2014: 142).

Public expenditure on the health care system in Poland (i.e. the combined expenditure of the state budget, territorial self-government units and social security funds) was almost PLN 75 billion in 2013, and its relation to GDP in the period rose up to 4.58%. However, public expenditure on health care in Poland is among the lowest in the countries of the European Union and the Organisation for Economic Cooperation and Development (OECD). In 2012, EU Member States on average spent on health care 8.7% of their GDP. For Poland, this value was approximately 6.8%, placing the country on one of the last positions in classification (OECD, 2014: 123).

A more comprehensive analysis of health care expenditure should also involve expenditure on health care *per capita*, as in countries with a relatively high share of health care expenditure in GDP the relation of expenditure per person may be relatively low, e.g. Croatia and Luxembourg spend more than 7% of their GDP on health, but the expenditure *per capita* was three times higher in Luxembourg (3,437 €) than in Croatia (1,133 €). Health care expenditure *per capita* in Poland was 1,156 €, which also gave the country one of the last ranking positions (OECD, 2014: 121).

Polish health care system is still undergoing transformations, and the changes are predominantly temporary, subject to political power play, the impact of lobbying groups, or so-called inheritance of goals. These phenomena make it hard to approach the reform of structure and financing of the health protection system as a gradual process, which would definitely contribute to more effective achievement of goals, especially the development of a rational model of health policy, ensuring a uniform standard of patients' health security.

5 Reforming the Education System

The transformations that occurred in Poland after 1989 also affected school institutions. The purpose of the process of reforming the system of education has been its democratisation, decentralisation and socialisation. Unfortunately, each new cabinet has repudiated the changes made by its predecessors. It means that the achievements concerning the sphere of education cannot accumulate, and frequent transformations have a negative impact on the participants of the educational process.

5.1 Changes in the Education System After 1989

In the initial years after the system transformation, the need to make a thorough change in the way of functioning of schools was not questioned either by education managers or by the circle of teachers or the public opinion. The reformers faced the need to plan a gradual transition from educational centralism to decentralisation, from authoritarianism to social character, and from ideological and political monism to pluralism. The educational system in the People's Republic of Poland was to prepare human resources for the economy, mainly based on heavy industry, and therefore, the state promoted vocational education. This goal was no longer valid in the new socio-economic reality, and the emphasis was placed on the intrinsic value of education. The other priorities of transformation of Polish school were demonopolisation through creating the possibility of establishing non-public schools, adjusting the institution to democratic and free-market society, and modernising the system of education and professional teacher training (Kupisiewicz, 2006: 120–121).

The first breakthrough for the system of education was the adoption of the Act on the educational system on 7th September 1991 (Journal of Laws Dz. U. 1991, No. 95, item

425). The act replaced the previous Act of 15 July 1961 on the development of the education system (Journal of Laws Dz. U. 1961, No. 32, item 160 as amended). The law of 1991 retained the previous school system (Article 9), i.e. 8-year primary schools, after which one could continue education in general secondary schools (4 years), secondary vocational schools (from 1993, 4 years), technical secondary schools (5 years) or vocational schools (2 or 3 years). Education was still compulsory for children and adolescents aged 7–17 (Article 15 section 3). What changed was the grading scale: from 4-item one (marks 2-5, with 2 being the fail mark), to 6-item one (1-6, with 1 being the fail mark). The new legal regulations also allowed non-public entities to establish schools (Article 15 section 3). Actually, the first non-public schools began to operate in the school year 1989/1990 (Putkiewicz & Wilkomirska, 2004: 9). The key goals of the system of education included the need to promote the access to education in secondary schools, opening the way for studying at higher schools (Article 1 section 7). The main directions of further transformation of Polish education system adopted in the Act of 7 September 1991 have remained valid until now.

In the initial phase of reforming the education system it was also necessary to change the teaching contents, which had been full of Marxist ideology in the People's Republic of Poland. The first attempts were even made in 1989. But the comprehensive transformation of contents occurred at the moment of adjusting the minimum curriculum. On 1st January 1995, minimum curriculum was replaced with core curriculum, because the functioning of minimum curriculum meant approval for the situation in which in some schools students learnt more material than in others (Konarzewski, 2004: 12–15). The introduction of core curriculum was the accomplishment of formal equality in terms of the contents imparted at school.

Another event that affected the area of education was the National Assembly adopting the Constitution of the Republic of Poland on 2nd April 1997 (Journal of Laws Dz. U. 1997, No. 78, item 483 as amended). The constitution included among others the main regulations concerning the system of education. First, the right to education was guaranteed and at the same time compulsory for persons until 18 years of age. It was also confirmed that studying at public schools was free of charge. Parents had the right to choose schools other than public for their children. The constitution also guaranteed universal and equal access to education (Article 70).

In the 1990s, running schools was gradually becoming the responsibility of territorial self-governments. However, it was only on 1st January 1999 that territorial self-government units became the school-running authorities. In order to support financially the territorial self-governments, which had to implement the state's educational policy, they received the education subsidy, i.e. a part of general subsidy (Rysz-Kowalczyk, 2011: 227). Self-governments received the resources from the central budget for educational purposes in 1995 (Orczyk, 2002, 145).

5.2 Education System Reform of 1999

Within a decade from the change of the country's name from People's Republic of Poland to the Republic of Poland, four reforms were planned and implemented as part of Polish system transformation. Apart from changes in public administration, social insurance system and health care, changes affected the system of education, too⁴. Reforming education together with the other areas of socio-economic life was to contribute to the project's success (Kupisiewicz, 2004: 70). Following the underlying principles of the reform, the aims of the change at school were to: improve the level of education, popularise secondary and higher education, ensure equal educational opportunities, and improve the quality of education (MEN, 1998).

The assumptions were to be achieved thanks to structural transformations. A new school system was introduced, which extended the period of compulsory education in basically the same group from 8 years of primary school to 9 years: 6 years of primary school and 3 years of junior secondary school. Junior secondary school graduates could continue education at a general secondary school (3 years), specialised secondary school (3 years, replacing secondary vocational schools), technical secondary school (4 years), or a vocational school (2 or 3 years). Moreover, those who completed vocational schools could continue education at supplementary schools (general or technical secondary schools). Thus, they could also take the maturity exam and go to university. The reformers intended junior secondary schools to help ensure equal education opportunities. But because of them, students' educational paths diversified one year later than in the previous system (Dyrda, Koczón-Zurek & Przybylska, 2008: 45). Educational opportunities should be made equal as early as at the pre-school level. So the instrument to achieve this goal is first of all the popularisation of pre-school education.

The reform of the education system which came into force on 1st September 1999 was criticised throughout the society. Adolescents undergoing a hard time due to their age were all placed together in junior secondary schools, so those schools did not have much public respect. What is more, the change had no chance of success because it was never approved by teachers, i.e. the persons who were mostly responsible for the implementation of the reform assumptions. For them, the reform was top-down reconstruction of the education system made by the politicians, without the consideration of teachers' opinion. Teachers were not prepared to implement the reform assumptions, either. Many only learnt the assumptions during the implementation of the change (Kupisiewicz, 2004: 77–78). One of the reform's basic assumptions, ensuring equal educational opportunities, was not accomplished, either. Even worse, the performed analyses show that educational inequalities actually increased (Długosz & Niezgodna, 2010: 30–31).

Despite many doubts concerning the reform of 1999, it definitely also had some positive consequences. For example, it introduced an external system of evaluation of students'

accomplishments (external exams), popularised secondary and higher education, changed the form and methods of teaching, and transformed professional teacher training (Śliwierski, 2009: 59–61).

5.3 Education in the 21st Century: Modernisation and Announced Reforms

An important modernisation of the educational system which took place after the most serious reform so far was to cover six-year-olds with obligatory pre-school preparation in the reception class. This happened in the 2004/2005 school year. The reception classes had not been obligatory before, which caused great educational inequalities between first-form pupils. These inequalities could not always be eliminated even at later stages of education (Dyrda, Koczoń-Zurek & Przybylska, 2008: 45).

The process of introducing changes in education, initiated with the 1999 reform, was continued by the adoption of a new core curriculum for general education, applicable since the 2009/2010 school year (MEN, 2008). The need to modernise the teaching contents mostly resulted from the fact that students were taught the same contents twice in junior secondary and secondary school, and that in most schools it was impossible to cover the whole material included in the core curriculum. That is why the new document provided for a connection between these two types of school in terms of programme, not structure.

The new core curriculum is also connected with the process of introducing 6-year-olds to primary schools and covering 5-year-olds with compulsory pre-school education in reception class (MEN, 2008). Originally, it was scheduled for the years 2009–2012. All children at the age of 6 were to go to school on 1st September 2012, but the deadline was postponed to 1st September 2014. Finally, by virtue of the so-called six-year-olds act, children born in the first half of 2008 went to school as 6-year-olds (in the 2014/2015 school year), and the parents of children born in the second half of the year could choose whether to send their children to school or to continue pre-school education. All 6-year-olds began school education on 1st September 2015.

Changes connected with introducing 6-year-olds to school were commonly criticised by the public opinion. Politicians noticed that. During their electoral campaigns of 2015 (presidential and parliamentary alike), they often pointed to this issue. The victorious Law and Justice (*Prawo i Sprawiedliwość*, PiS) declared in their election programme to restore the compulsory education beginning at the age of 7, and the system with 8-year primary schools and eliminating junior secondary schools. The first promise has already been carried out by the PiS government⁵, and carrying out the other one is scheduled for 1st September 2017. Changes in the working conditions and promotion system of teachers are also announced. This means that Polish school is probably going to face the most thorough reform since 1999.

The area of education after 1989 has been subject to many changes. New changes mean the need to adapt to new legal regulations, faced by students and teachers. The former can never be sure of how many years they will spend in an educational institution or what kind of exams they will have to take. The latter are forced to be always up to date with regulations and meet the changing requirements. This, in turn, may have a negative impact on the quality of educational services they provide. Definitely, the turbulence and top-down transformations are not good for the education system. After many years of permanent changes, Polish school needs stabilisation. However, this is not likely to happen.

6 Conclusions

The system transformation in Poland also involved thorough changes in the social sphere. They occurred among others in coal mining, the pension system, health care, and education. The transformations made in these four sectors are similar in many respects. First of all, their constitutional assumptions either have never been implemented or have already been changed. In the case of coal mining restructuring, there is a permanent problem of overemployment, which the Polish state is unable to solve. The direction of changes connected with the employee pension scheme proves the short-sightedness of political elites. And hence the reform of 1999 was doomed to fail even at the moment of coming into force. Now, further transformations in this system seem to be necessary, which means that Poland will once again face a huge change in old-age benefits. What is disturbing in the case of health care is the temporary character of the adopted solutions, giving in to the pressure of lobbying groups, or political play that has a detrimental influence on the health security of Polish people. Finally, the transformations of the educational system were quickly discredited by the subsequent authorities. The prospects of another reform unfortunately mean that this situation is going to continue.

Notes:

¹ The governmental programme anticipated the redundancy of 104,009 persons.

² (2002) *Programme of restructuring of coal mining in Poland in the years 2003–2006 with the use of anti-crisis laws and beginning the privatisation of some mines* (Warszawa: Ministry of Economy). (2003) *Programme of restructuring of coal mining in Poland in the years 2003–2006 with the use of anti-crisis laws and beginning the privatisation of some mines with some adjustments resulting from the Agreement between the government and trade unions of 11th December 2002 and adjustments resulting from the legal status of the sector as of 10th January 2003* (Warszawa: Ministry of Economy, Labour and Social Policy). (2004) *Restructuring of coal mining in Poland in the years 2004–2006 and the strategy for the years 2007–2010* (Warszawa: Ministry of Economy, Labour and Social Policy). (2004) *Plan of providing access to coal resources in the years 2004–2006 and of closing mines in the years 2004–2007* (Warszawa: Ministry of Economy and Labour). (2007) *Strategy of coal mining activity in Poland in the years 2007–2015* (Warszawa: Ministry of Economy).

³ The functioning of health care in People's Republic of Poland was based on the Act of 28 October 1948 on social health care institutions and planned economy in health care (Journal of Laws Dz. U. 1948 No. 55, item 434).

⁴ The reform of educational system was implemented by virtue of the Act of 8 January 1999 on the implementation of educational system reform (Journal of Laws Dz. U. 1999 No. 12, item 96).

⁵ Pursuant to the Act of 29 December 2015 amending the Act on the educational system and certain other acts (Journal of Laws Dz. U. 2016, item 35).

References:

- Blaschke, W., Gawlik, L. & Lorenz, U. (2004) Perspektywy górnictwa węgla kamiennego po przystąpieniu Polski do Unii Europejskiej w świetle realizowanych programów restrukturyzacyjnych (Perspectives of coal mining after Poland's accession to the European Union in the light of the implemented restructuring programmes), In: *Sympozja i Konferencje*, 63, pp. 15–27.
- Dercz, M. & Izdebski, H. (2004) *Zmiany w ochronie zdrowia: permanentna reforma systemu (Changes in health care: permanent reform of the system)*, In: Rymśza, M. (ed.) *Reformy społeczne. Bilans dekady* (Warszawa: ISP), pp. 114–152.
- Długosz, P. & Niezgodna, M. (2010) *Nierówności edukacyjne wśród młodzieży Małopolski i Podkarpacia (Educational inequalities among young people from Małopolska and Podkarpacie regions)* (Kraków: Wydawnictwo Uniwersytetu Jagiellońskiego).
- Drozdowska, U. & Sikorski, S. (2012) *Kształtowanie się systemu opieki zdrowotnej w Polsce po przemianach ustrojowych 1989 r. (Development of the health care system in Poland after system transformations in 1989)*, In: Mróz, T. (ed.) *Uwarunkowania systemu opieki zdrowotnej w Polsce — aspekty prawne i socjologiczne* (Białystok: Temida 2), pp. 63–130.
- Dyrda, B., Koczoń-Zurek, S. & Przybylska, I. (2008) *Podstawy prawne i organizacyjne oświaty. Skrypt dla studentów pedagogiki (Legal and organisational foundations of education: a course book for Pedagogy students)* (Katowice: Wydawnictwo Uniwersytetu Śląskiego).
- Hagemajer, K. (2006) *Przyszłość emerytur z ubezpieczenia społecznego — wyzwania dla polityki społecznej (The future of social security pensions: challenges for the social policy)*, In: Golinowska, S. & Boni, M. (eds.) *Nowe dylematy polityki społecznej* (Warszawa: CASE), pp. 161–171.
- Karbownik, A. & Bijańska, J. (2000) *Restrukturyzacja polskiego górnictwa węgla kamiennego w latach 1990–1999 (Restructuring of Polish coal mining in the years 1990–1999)* (Gliwice: Wydawnictwo Politechniki Śląskiej).
- Konarzewski, K. (2004) *Reforma oświaty. Podstawa programowa i warunki kształcenia (Educational reforms. Core curriculum and the conditions of education)* (Warszawa: ISP).
- Kugiel, M. (unpublished materials) *Ewolucja organizacji zarządzania w górnictwie węgla kamiennego w latach 1978–2008 (Evolution of organisation of management in coal mining in the years 1978–2008)* (Katowice: Kompania Węglowa S.A.).
- Kupisiewicz, C. (2006) *Projekty reform edukacyjnych w Polsce (Drafts of educational reforms of Poland)* (Warszawa: Wydawnictwo Naukowe PWN).
- Leowski, J. (2010) *Polityka zdrowotna a zdrowie publiczne (Health policy vs public health)* (Warszawa: CeDeWu Wydawnictwa Fachowe).
- Mitreęa, M. (2001) *Restrukturyzacja umiejscowiona. Socjalne i regionalne aspekty przemian w górnictwie węgla kamiennego (Local restructuring. Social and regional aspects of transformations in coal mining)* (Katowice: Wydawnictwo Uniwersytetu Śląskiego).

- Ney, R., Sokołowski, A., Sobczyk, E. J., Kicki, J., Jarosz, J., Saługa, P., Dyczko, A. & Paszcza, A. (2006) *Strategia restrukturyzacji górnictwa węgla kamiennego - doświadczenia i prognozy (Strategy for restructuring the coal mining - experiences and forecasts)* (Kraków: Wydawnictwo Instytutu GSMiE PAN).
- OECD (2014) *Health at a Glance: Europe 2014* (Paris: OECD Publishing), available at <http://www.oecd.org/health/health-at-a-glance-europe-23056088.htm> (July 24, 2016).
- Orczyk, J. (2002) *Znaczenie zmian edukacyjnych (Importance of changes in education)*, In: Auleynter, J. (ed.) *O roztropną politykę społeczną* (Katowice: Wydawnictwo Śląsk, PTPS), pp. 137–148.
- Orczyk, J. (2008) *Polityka społeczna. Uwarunkowania i cele (Social policy: determinants and goals)* (Poznań: Wydawnictwo Akademii Ekonomicznej w Poznaniu).
- Orenstein, M. A. (2013) *Prywatyzacja emerytur. Transnarodowa kampania na rzecz reformy zabezpieczenia społecznego (Privatizing Pensions: The Transnational Campaign for Social Security Reform)* (Warszawa: PTE).
- Putkiewicz, E. & Wiłkomirska, A. (2004) *Szkoły publiczne i niepubliczne. Porównanie środowisk edukacyjnych (Public and non-public schools. Comparison of educational environments)* (Warszawa: ISP).
- Rymsza, M. (1998) *Urynkowanie państwa czy uspołecznienie rynku? Kwestia socjalna w trzeciej Rzeczypospolitej na przykładzie ubezpieczeń społecznych (Market-oriented state or society-oriented market? The social issue in the Third Polish Republic based on the example of social insurance system)* (Warszawa: Wydawnictwo TEPIS).
- Rysz-Kowalczyk, B. (2011) *Finansowanie zadań lokalnej polityki społecznej (Financing the tasks of local social policy)*, In: Rysz-Kowalczyk, B. (ed.) *Polityka społeczna gmin i powiatów. Kompendium wiedzy o instytucjach i procedurach* (Warszawa: Dom Wydawniczy Elipsa), pp. 222–238.
- Śliwerski, B. (2009) *Problemy współczesnej edukacji. Dekonstrukcja polityki oświatowej III RP (Problems of contemporary education. Deconstruction of educational policy of the Third Polish Republic)* (Warszawa: Wydawnictwa Akademickie i Profesjonalne).
- Szul, R. (1993) *Restrukturyzacja gospodarcza. Pojęcie i doświadczenia międzynarodowe (Economic restructuring. The concept and international experiences)*, In: Kukliński, A. (ed.) *Studia regionalne i lokalne* (Warszawa: Wydawnictwo Uniwersytetu Warszawskiego), pp. 205–240.
- Szumlicz, T. (2004) *Reforma systemu zabezpieczenia społecznego: ku rozwiązaniom ubezpieczeniowym (Reform of social security system: towards insurance solutions)*, In: Rymsza, M. (ed.) *Reformy społeczne. Bilans dekady* (Warszawa: ISP), pp. 51–82.
- Wiktorow, A. (2014) *Polski system emerytalny po zmianie ustrojowej (1989–2014) (Polish pension scheme after the systemic transformation (1989–2014))*, In: *Ubezpieczenia społeczne. Teoria i praktyka*, 6(123), pp. 3–12.
- Włodarczyk, C. (2003) *Reformy zdrowotne. Uniwersalny kłopot (Health system reforms. A universal problem)* (Kraków: Wydawnictwo Uniwersytetu Jagiellońskiego).
- Żukowski, M. (2006) *Reformy emerytalne w Europie (Pension scheme reforms in Europe)* (Poznań: Wydawnictwo Akademii Ekonomicznej w Poznaniu).

