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OVERVIEW OF THE CHANGING NATURE OF PARLIAMENTS IN CENTRAL AND EASTERN EUROPE

This article provides an introductory overview of the changing nature of parliaments in Central and Eastern Europe (CEE), focusing on the role of parliaments in representation. By reviewing this aspect of legislative process the final aim was to provide some insights into the changing internal workings and procedures of CEE parliaments. It should be noted that in this article the similarities between CEE parliaments are emphasized rather their differences. This of course does not mean that there are no differences. CEE parliaments have always differed in many institutional and behavioral aspects and will continue to do so.

In modern democracies, parliaments provide the institutional platform for the interaction of intermediary agencies: the parties, interest groups, or social movements that link them to society. Parliament also links society with other democratic institutions, the executive, judiciary or state bureaucracy.

In that sense, parliament is the key structure of representation. In every political system the parliament encompasses a wide range of institutions, rules and procedures, and political organizations, and as such it can be viewed as the focal point around which revolve all the crucial questions of political style, legitimacy and democratic accountability. In addition, parliament is multifunctional: it legislates (hence the frequently used reference to «the legislature»), i.e. it makes laws. However, it is also the place where political elites are trained and socialized, where diverse is subjected to an oversight, and where the interests of society interests, and frequently even public policies, are articulated.

The parliaments in communist Eastern Europe were so subordinated to the Communist Party apparatus that particularly its legislative activities and oversight functions were minimal, at least until the 1980s, when communist leaderships throughout the region began to lose their grip on society¹. The wave of political change that swept across Eastern Europe in the early 1990s propelled parliaments almost overnight from institutions with very limited autonomy in decision-making into bodies that at least initially became one of the key political players in each country. There were at least two reasons for the pivotal role parliaments acquired. First, parliaments were handed the task of drafting and ratifying the new democratic constitutions. This presented them with an opportunity to ce-

¹ Kopecky, P. (2005). Parliaments in Central and Eastern Europe: Changing Legislative Institutions. *Czech Sociological Review*, 41, 361.

ment a strong position for themselves within the emerging political system. Second, parliaments were endowed with significant powers from the start of the transition, as the previous communist constitutions had made parliaments powerful institutions (at least on paper), and it was these same constitutions that established the rules of the game under which the new parliaments began operating in the post-communist era.

However, like most other institutions in the region, parliaments have undergone numerous changes, both in their internal functioning and in relation to their external environment. They are clearly not the same institutions they were during and immediately after the uncertain and extraordinary period of transition to democracy (i.e. from 1989 to the mid-1990s).

Central and Eastern Europe can describe by different ways. Kopecky P. pointed as CEE all eight new EU member states among the postcommunist countries, plus the three Balkan EU-candidate states; e.g. Bulgaria, Romania and Croatia. It thus excludes Russia and most other former Soviet Republics, and several of the Balkan countries¹. But in this article we will use a classification by David M. Olson and Philip Norton, which include 10 countries: Hungary, Bulgaria, Poland, Czech Republic, Slovakia, Romania, Moldova, Russia, Estonia, Ukraine². But in this article we refer to all new EU member states among the postcommunist countries: Bulgaria, Croatia, Czech Republic, Hungary, Poland, Romania, Slovakia and Slovenia.

Parliaments are the symbols of representation, perhaps more so than anything else. Sometimes they are deliberately set up in such a way as to reflect a society's sociocultural diversity. The communist legislatures tried to ensure the equal representation of women, peasants, workers, and national minorities, etc., and created parliaments that were supposed to be more or less a mirror of their respective societies.

In most contemporary European democracies, it is political parties that are the key agents of representation. Parties select and campaign on behalf of and provide lists of representatives, who when elected sit in parliament and, if in control of a majority, also form the government. This is a party government model of representation, in which voters simply delegate their power to the political parties that best represent their political preferences. However, links between parliaments and the electorate can also exist, especially in between the elections, through various forms of constituency representation, wherein individual MPs promote

¹ Kopecky, P. (2005). Parliaments in Central and Eastern Europe: Changing Legislative Institutions. *Czech Sociological Review*, 41, 363.

² Olson, D., Norton, Ph. (1997). The New Parliaments of Central and Eastern Europe. *The Comparative and International Law Journal of Southern Africa*, 30 (2), 238.

the interests of particular geographical areas, sectors of society, or even individual constituents.

These different models of representation are not mutually exclusive, and in most political systems they to a large extent co-exist. There is usually a set of informal practices that determine which particular form of representation dominates, or what happens if conflicts between various forms of representation arise; for example, if an individual MP is caught between the interests of his or her constituents on the one hand and those of the government on the other. Patterns of representation also depend on a range of formal political institutions, most importantly the kind of electoral system and the nature of political parties and party systems. In this the CEE parliaments are no exception: the development of their links to the electorate has been greatly influenced by the nature of post-communist parties, elections and electoral systems. It has also been greatly affected by the particular structure of parliamentary membership.

Organized political parties emerged relatively slowly in post-communist CEE. Owing in part to the strong anti-party sentiments among both the population and the new political leaders and in part to the particularly suppressive nature of the communist regimes, the early transition period was dominated by broadly based anti-communist movements and umbrella organizations, such as Civic Forum and the Public Against Violence in former Czechoslovakia, the National Salvation Front in Romania and Demos in Slovenia. With a few exceptions, like Bulgaria, it was these movements that also won the first freely contested parliamentary elections.

Parties began to emerge only as these broad movements started to break up in parliament during their first term in office. In this sense, parliaments performed one very important function in the early stages of post-communist politics: they became the arenas in which new political alliances were forged and new political parties were established. Given that most of the newly established parties were formed from above and consequently lacked solid links with society on the whole, their survival would have been inconceivable without the institutional, logistical and often also financial support that was provided to them by parliaments.

However, the rapid and somewhat disorderly process of party formation had negative consequences for the links between parliament and the electorate. Many political parties disappeared during the first parliamentary term and other parties were formed instead. For example, in contrast to the initial eight parliamentary parties that were in the Federal Assembly in the former Czechoslovak Federal parliament in 1990, there were no fewer than sixteen parliamentary parties by the end of 1991. In Slovakia, eighteen parties and coalitions registered for the elections

in 1994 but in fact represented 31 parties and movements. In addition, the composition of parliamentary parties (clubs) frequently changed: members either switched to another parliamentary group or became independent. In Slovakia, for example, 44 parliamentary seats (out of 150) shifted from one parliamentary party to another between the elections of 1990 and 1992; between the 1992 and 1994 elections 28 seats shifted from one party to another. The parties themselves often fractured into several sub-groupings, or disappeared altogether¹.

The fragmentation of parties and the party system caused a good deal of confusion among voters and effectively prevented the formation of stable ties between the representatives and the represented. However, it also affected the internal functioning of parliaments because in the wake of such instability parliamentary party leaders had to struggle to impose the party line on parliamentary party members.

Consequently, individual MPs introduced their own legislation, often against the wishes of their party or the government coalition they represented, more frequently than they tend to in the established parliaments of Western Europe.

The links between parliament and the electorate are also shaped by the electoral system. The system of proportional representation (PR) based on party lists combined with large constituencies generally favors representation by parties rather than the emergence of strong links between individual MPs and their constituencies.

In contrast, the majority system with single-member districts, such as the British first-past-the post, is more favorable to the formation of such links. The countries of Central and Eastern Europe have various electoral systems, but most have adopted, for elections to the lower house, either a PR electoral system (e.g. Bulgaria, Croatia, Czech Republic) or a mixed electoral system, where a part of the house is elected on the basis of a PR system and a part in single-member constituencies (e.g. Hungary).

However, the key problem with electoral systems in the region has always been the relatively frequent changes they have experienced. Manipulation of the electoral system has been most visible in connection with establishing the legal thresholds for entering parliament. For example, Poland raised these barriers during the 1990s in order to reduce the number of parties in parliament. The Czech Republic has done so for coalitions of parties. The result of these changes has been a reduction in the number of (parliamentary) parties, which is certainly a positive development given the scale of party fragmentation that existed in some countries, such as Poland. However, other effects of this electoral

¹ Kopecky, P. (2005). Parliaments in Central and Eastern Europe: Changing Legislative Institutions. *Czech Sociological Review*, 41, 365.

engineering are somewhat more questionable, for example, the large proportion of votes «wasted» on the small parties that did not make it into parliament. Most importantly, frequent tinkering with the electoral rules, for instance changing the size of electoral districts, or making changes in how preferential votes count, has also made it difficult for MPs to form links between themselves and their local constituencies.

Nevertheless, certain patterns are now emerging across the region as parties and party systems have relatively stabilised and as the institutional framework of the new democracies has become more and more settled. Parliamentarians are now primarily anchored in their political parties, not least because MPs now owe their career to the party rather than to their own personal qualities and personalities. Voters also note vote primarily for a political party rather than a particular individual.

Parties are therefore slowly emerging as the key agencies of representation, as they are in most countries in Western Europe. Although the various forms of constituency representation tend to be relatively underdeveloped in the region, research in this area also suggests that some form of territorial and sectoral representation is becoming part of MPs' working routines, for example, in Slovakia and Poland and other countries that use the mixed electoral systems¹.

Many of the deputies that were in the first post-communist parliaments in CEE came from the ranks of the opposition movements that existed in the region. In some parliaments these movements won a majority after the first free elections (e.g. Czechoslovakia, Poland), in other parliaments it was the (ex-)communist parties that dominated (e.g. Bulgaria). The opposition movements themselves were largely composed of intellectual elites, independent professionals and artists, who had constituted the backbone of anti-communist dissent. As a result, the early parliaments, especially those in which the opposition was victorious, managed to acquire legitimacy in the eyes of the population. In some cases, like in the former Czechoslovakia, the replacement process actually occurred before the first democratic elections, as a result of agreements between the outgoing communist regime and the opposition during round table negotiations after the Velvet Revolution. The Federal Assembly and the Czech and Slovak National Councils purged themselves, and between one-third and one-half of the MPs in the federal and national councils were replaced by candidates supported by the anti-communist opposition.

However, the gains in terms of democratic legitimacy were offset by the inexperience of these new members in operating in a large

¹ Музиченко, Г.В. (2013). Вплив виборчих цензів на формування інституту парламентського представництва сучасних європейських країн. *Перспективи. Соціально-політичний журнал*, 4(58), 63.

organization. Moreover, former dissidents were elected alongside a sizeable group of prominent actors and musicians, and their presence lent the electoral lists of newly formed and largely unknown parties extra visibility and popularity. Although dissidents and artists often displayed convincing rhetorical skill in parliamentary debates, they nonetheless had poor organizational skills, and the loyalty they had to organizations like parliamentary parties or parliamentary committees was weak. Ironically, it was the MPs of the (ex-)communist parties that often turned out to be the more effective parliamentarians, as they had already learned the necessary skills of negotiation, deal-making and constituency representation under the previous regime.

Consequently, the composition of the first democratic parliaments partly contributed to the comparatively high turnover of MPs that has occurred since then. Each successive parliament in the region has been largely comprised of different MPs, which undermines the ability of MPs over the long term to specialize in specific areas or issues and hinders legislative continuity and stability. Many of the former dissidents and the majority of artists did not view their position as MPs in terms of a life-long career, and they consequently did not even seek re-election.

Moreover, the organizational instability of political parties and the relatively high level of electoral volatility has meant that incumbency rates among the CEE parliamentarians have remained relatively low, though perhaps not as low as in the early years of post-communist transformation.

For the most part there are no quotas pertaining to the representation of particular sectors of society in the new parliaments of the region. There are, however, several exceptions, as Poland, Hungary and Romania have introduced measures aimed at either guaranteeing or encouraging the representation of their ethnic minority groups. In comparison with the communist period the representation of women has suffered, but the number of female MPs in parliament is not uniformly low throughout all the CEE countries when compared to the European average. In June 2002, in the countries of Europe, including the Scandinavian states, the average percentage of women in both houses of parliament was 16.7 %. In the CEE countries, also in June 2002, this figure was exceeded significantly by Bulgaria (26.25 %), Poland (21.62 %) and Croatia (20.53 %). In 2014, the average percentage of women in both houses of parliament in EU-countries is 26,4 %¹.

¹ Музиченко, Г.В. (2014). Гендерний аналіз інституту парламентського представництва в сучасних країнах Європи та пострадянського простору. *Політологічні записки: збірник наукових праць*, 1(9), 18.

In CEE countries generally the position of MP is acquiring the attributes of political professionalism. The shift towards professional MPs and politicians has been furthered by significant increases in the salaries of MPs, the introduction of travel and accommodation allowances, and by a general improvement in their working conditions, for instance, with the creation of new parliamentary buildings. Croatia is a good example of dramatic developments, as the position of MP was given professional full-time status, accompanied by a full salary, in 1992, shortly before the elections to the second post-communist parliament. Until then, MPs had only been entitled to per diem payments and other small reimbursements of costs. These changes mean that being an MP is now a lucrative job, which makes parliamentarians more dependent on their party organizations and also less likely to defect from the party or even to vote against it. In addition, professionalism empowers parliamentarians in the region to perform their representative duties on a more consistent and solid basis. It improves the conditions for serving both the sectarian interests of various social, religious, professional and sectoral organizations, and the territorial interests of an MP's constituency.

Finally, the institutional context in which individual MPs operate has been consolidated and is now fixed. It is more difficult now for an MP to leave a party and/or to set up a completely new party. In Hungary, for example, the number of MPs required to form a parliamentary party and thus also to receive a financial subsidy and other administrative support from the parliamentary budget was raised from ten to fifteen in recent years. Similar measures have been introduced in the Czech Republic, where parliamentary parties newly formed during the legislative term do not moreover receive any financial subsidy from the parliamentary budget. In the Polish Sejm – the parliament perhaps most notorious for party fragmentation – the minimum number of MPs required to form a parliamentary party (club) has also been increased, from the initial three to fifteen. It was in Poland also that during the second legislative term several MPs from every parliamentary party but one were expelled for breaking with voting discipline¹. Indeed, expulsions of MPs have occurred in all countries in the region, and this indicates that parliamentary parties and their leaderships have obtained at least some leverage to control the behavior of their members.

The picture of flux and instability that dominated in most accounts of the first democratic parliaments in the region has now given way to accounts that stress the emergence of distinct parliamentary cultures, settled institutional structures and established parliamentary routines.

¹ Kopecky, P. (2005). Parliaments in Central and Eastern Europe: Changing Legislative Institutions. *Czech Sociological Review*, 41, 361.

The first post-communist parliaments experienced numerous problems that typically affect institutions in transition societies. They initially had to function under a provisional or highly disputed constitutional framework. They were constrained in their actions by their own as yet unsettled internal procedures, by the presence of inexperienced MPs, and by the fragmentary character of parliamentary parties at the time. They were also under significantly less external control from established political parties and powerful interest groups and less influenced by strong executives, as these institutions were still underdeveloped or in the process of transition.

The bulk of scholarship on the first post-communist parliaments reflected this transitory state of affairs in research predominantly on the role of parliaments in the transition to democracy, in the peaceful resolution of conflicts, and in establishing the norms and procedures of new democracy.

The contemporary parliaments in Central and Eastern Europe are different. Their internal structures and procedures are more defined and settled. Legislative tasks are performed in an increasingly routine process. The system of parliamentary committees is in place. Large groups of MPs have by now served for one or more parliamentary terms, which together with the generally improved conditions for MPs' work have contributed to stability and continuity in the legislative process.

Parliamentary parties have also become more accepted as the means whereby parliament and individual MPs organize the legislature's operations. It is partly as a result of these political developments that legislative studies on contemporary CEE parliaments have come to resemble studies on parliaments in already established democracies.

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