

Party Institutionalization and Legislative Organization

The Evolution of Agenda Power in the Polish Parliament

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The executive-legislative balance of power is central to the modern comparative study of political institutions, shaping the differences between “consensus” and “majoritarian” models of democracy.¹ Legislative organization regulates the cabinet’s power relative to individual members of Parliament (MPs). It also determines the influence non-government parties have, compared to those in government. In explaining the ability of governing majorities to limit opposition influence, the early literature on parliamentary systems emphasized formal characteristics of legislatures.² Recent research, however, has paid more attention to the role of parties and party organizations in exercising such control.³

The formal structure of many parliaments produces opportunities for non-cabinet actors to influence policy,⁴ but the practice of legislative politics depends on the incentives that parties themselves have to exploit these institutions. Legislative institutions originating out of regime transitions lead to the formation of newly competitive party systems. Over time, the institutions themselves are shaped by their respective party systems. The legislative power of governing coalitions results from a dynamic process in which parties interact with, adapt to, and eventually shape legislative institutions. This feedback loop is particularly important in emerging democracies in which legislative institutions are designed by actors who are uncertain about the relationships between rules and their political consequences. One of the politicians interviewed for this project described the risks associated with this uncertainty in Hungary. She characterized Prime Minister Victor Orban’s practice of changing constitutions to favor ruling majorities as the danger of “petrifying oneself” and elaborated: “you think you will always be enjoying the same majority support, but if you lose it, the majoritarian institutions will cut your party out entirely.”⁵ In light of the events that have taken place in Poland since the new PiS government came to power in 2015, one could make a very similar comment about Prime Minister Beata Szydlo.

In this article, I draw on U.S. Congressional literature to theorize how governing majorities use legislative organization to increase their influence in contexts where the

electoral system personalizes politics and legislative rules afford MPs considerable individual rights.⁶ Extending these theories to the parliamentary context, I argue that parties in new democracies vary in the degree to which party members agree on the long-term collective benefits of organizing to influence the agenda. I then focus on how parties reach agreement on what party members want to avoid. I first present the conditions necessary for a party's ability to prevent consideration of bills it opposes. As I explain below, such negative agenda control does not automatically lead to legislative success because positive and negative agenda power are not opposites: On the one hand, a party could pass all the bills it desires but also see bills it opposes passed (positive agenda control without negative agenda control). On the other hand, a party could be successful at preventing the passage of bills it opposes, but never pass any bills it desires (negative agenda control without positive agenda control). Thus, as a second step, I also discuss legislative success—the ability of a governing majority to enact the bills it wants.

I use data from a transitional legislature, the Polish Sejm, to examine the conditions under which government coalitions have been able to assert majoritarian control. I describe its formal legislative institutions that have been designed in a way that should weaken government control over the legislative process, but identify conditions under which a governing majority could maintain strong control over the chamber using the institution of the Speaker. These conditions, I argue, rely upon a degree of party institutionalization.

To test this argument, I make use of information gathered from the parliament's archives and interviews conducted with political elites, including half of the Speakers of the Sejm since 1997, and three Prime Ministers. I supplement these data with votes cast in the Polish parliament as well as information on all bills submitted during this time.

Poland is an exceptionally suitable case for this purpose. First, unlike most democratic legislatures,⁷ all votes cast in the Sejm since 1997 have been recorded, allowing me to measure a full range of implications for legislative behavior since the ratification of the first democratic constitution in 1997, which sanctioned the Polish regime as a parliamentary democracy.⁸ Second, Poland, as a transitional democracy, exhibits considerable variation in party institutionalization, particularly when comparing the volatile party system emerging from the transition from communist rule to the more recent era of political parties.⁹ I call a party "institutionalized" when it has developed long-term concerns about building a reputation with voters and with other parties, consistent programmatic policy goals, and the organizational capacity to maintain a stable majority coalition.¹⁰

In the earlier transitional environment, dissident groups, who created parties connected to the Solidarity trade union, lagged behind in the transition to democratic party politics, and their parties eventually dissolved. The communist successor party (SDRP, later SLD), while it had a clear organizational advantage over its rivals, also collapsed. By contrast, the major contemporary parties exhibit significantly greater programmatic and organizational coherence. Yet Poland retains a series of institutions that weaken parties and continue to individualize politics both in the electoral and legislative arenas. This evolution makes Poland an ideal setting to examine how party institutionalization influences the way in which parties use legislative institutions to overcome these organizational challenges.¹¹

My results show that the government has increasingly managed to minimize the opposition's influence. First, I describe the instability of support for the transitional parties in contrast to the stable support bases created by their successors, corroborating conclusions in the literature regarding the strengthening of the Polish party system. I then show a pattern of government agenda control and legislative enactment that grows with the emergence of more institutionalized governing parties.

Conditions for Majoritarian Control

Partisan theories of legislative organization developed in work on the U.S. House of Representatives emphasize the interplay between the formal structure of the chamber and party politics. Individual members and committees have often been considered the most important actors in the formal organization of the House.¹² Yet, an organized majority party—even one with diverse preferences—can control the agenda by allocating key positions in the chamber (especially the Speaker and the Chairmanship of the Rules Committee) to trusted agents of the party.¹³ It can then use these institutions to protect the majority from policies passing against its collective interests and, when unified, affirmatively enact the party's agenda. Cooper and Brady explain periods of “Czar Rule” in the House by pointing out that the “key to the Speaker's power lay not simply in his prerogatives under the rules, nor his position as party chief, but rather in the manner in which these two sources of leverage reinforced each other.”¹⁴

In the parliamentary context, if the Speaker acts as the government's agent, the government can avoid votes that would divide it due to lack of cohesion. First, MPs who join strong party caucuses sacrifice some of their individual MP rights in exchange for collective goods that flow from membership in an effective party group. Among these collective goods are the ability to pursue legislative goals and control over the main agenda-setting bodies of the legislature. As I discuss below, however, the benefits of trading MP rights for the sake of party groups capable of pursuing collective goals are not always consistent. When a legislative coalition is composed of parties and individuals who do not agree on the coalition's political goals, its members will lack the incentive to use its numbers to limit opposition interference. Simply put, to delegate to a strong Speaker the task of overseeing the government's interests requires parties with internal consensus upon how to use the legislature to further its political goals—at a minimum, agreement on the long-term political benefits of avoiding issues that divide the party.

As the literature on the U.S. Congress has pointed out, particularly Aldrich and Rohde's “conditional party government,” the positive power of legislative majorities depends on the ebb and flow of consensus on policy goals.¹⁵ But even achieving consensus on merely avoiding opposition interference requires some degree of party institutionalization, which studies of Congressional legislative organization largely take for granted. Before parties can organize and protect a collective record of legislative achievement, they must first be stable organizations with long-term investment in collective goals.

In new democracies, with party systems that are in flux, the weakness and internal conflicts of parties undermine these conditions and, in the case of some parties, threaten their very existence.

The insights from Congressional literature are particularly relevant for legislatures emerging from authoritarian rule, where the designers of new democratic institutions have often established broad rights for individual legislators at the expense of cabinet prerogatives.¹⁶ Many of these parliaments have formal rules enabling significant influence for MPs in parliamentary decision making, rendering the consensus required to streamline the legislative process to the advantage of the governing coalition even harder. Given this, government control over the agenda depends on legislative allies ensuring that chamber institutions operate on behalf of governing parties. The weakly institutionalized party systems in emerging democracies present a particularly strong challenge for governing majorities wishing to shift the executive-legislative balance in their favor.

Formal Legislative Institutions in the Polish Sejm

The institutions of the Sejm exemplify the conditions that could inhibit a majoritarian parliament. Poland's parliamentary institutions that strongly favor the rights of individual MPs and small factions at the expense of parties are the product of a compromise formed between communist politicians who anticipated losing popularity through democratization and former anticommunist dissidents who lacked strong party organizations. Hanna Suchocka, who served as an MP both before the transition and in three of the first terms following the transition, describes that assembly as follows:

A host of our arrangements and decisions reflected wanting to go in the completely opposite direction of the rubber-stamping communist legislature. Because up to 1989 parties—well, *the party*—were a disciplined voting machine, following 1989, we wanted to break away with mechanisms that would allow parties to control individual MPs. The second motivation for creating a strong—in terms of individual rights—Sejm was that in that first period only PZPR and later its successor SLD were organized into party structures. The rest of us had been elected as part of not a party but a social movement. We did not want to make the legislative process contingent on discipline.¹⁷

According to the Sejm's formal rules, the government's agenda control is potentially hindered by the proportional distribution of committee chairs and vice-chairs, who set the committees' agenda. The Sejm's standing rules afford committees opportunities to influence legislation because every bill that survives a first reading enters committee deliberations, which set the agenda for the second reading. According to these rules, even though the committee reports just one bill to the floor (by majority vote), amendments that the majority refuses are nevertheless submitted to the second reading as "minority reports." In addition to the committee bill and committee-sponsored minority report, opposition party members who are not serving on any committee can still submit regular amendments during that second reading. As a result of these rules, organized

extra-governmental forces in the legislature retain potential influence at both the initiation and modification phases of the legislative process.

Although the Sejm's formal rules provide ample opportunities for legislative influence to the opposition and to individual members, the government can nevertheless use its majority status and informal organization to capture control over the Sejm. As in the U.S. House, where formally strong committees and individual members are counteracted by partisan control of the chamber, the government's *de facto* control of the Sejm is greater than the formal rules suggest. First, thanks to reforms made to the standing rules of the Sejm, the Speaker (*Marszalek*) has scheduling discretion over all bills and amendments and can unilaterally control most aspects of the agenda. As one MP put it, "The position of the Speaker is very strong, and he can block virtually any legislation he does not like."¹⁸

The reforms date back to the 1997 elections when a loose electoral coalition of anti-communist groups called Solidarity Electoral Action (AWS) won a plurality of seats. AWS formed a fragile majority coalition with another party composed of former Solidarity dissidents, the Freedom Union (UW).¹⁹ At the time, the opposition (ex-communist SLD) had the strongest party organization in the Sejm. My archival research of transcripts from the SLD caucus meetings in 1997–1998 revealed that SLD was preparing to be an active opposition by creating party committees charged with analyzing and sometimes preparing legislation as well as commenting on government bills. The caucus leadership put a lot of effort in coordinating the caucus members' floor and committee activity and for the first time, started keeping tabs on MPs breaking ranks in important votes. The Communists' experience with the legislative process in the pre-democratic period provided its successor, the SLD, with an advantage in organizing both their caucus and the chamber as a whole. This gave them a significant advantage relative to the weak parties based on dissident groups. While personal vote incentives and other contextual factors had led other parties to rely on popular personalities to win electoral seats, SLD's technocratic advantage allowed it to use the party organization itself as an electoral vehicle. The pre-1997 standing rules vested agenda-setting powers in the Sejm's *Prezydium*, a body consisting of the Speaker and four vice Speakers. Even under these nonrestrictive rules of parliamentary procedure, the SLD, for as long as it was in government, was able to control the agenda through appointing agents loyal to the governing majority to the Sejm Presidium. The loosely-organized AWS, however, could not exploit the existing rules with such ease, which is why in 1997, together with UW, it amended the standing rules of the Sejm: in more than ten clauses references to "the Sejm's *Prezydium*" were replaced with "The *Marszalek*" or "The *Marszalek* after consulting the Sejm's *Prezydium*."²⁰ In addition to centralizing control of the agenda, these reforms also removed the requirement that the Speaker send all bills to a legislative committee and gave the Speaker discretion over a bill's committee jurisdiction. In practice, the revised rules enabled the Speaker to prevent any MP's bill from entering committee consideration "for no reason whatsoever."²¹ Should the Speaker choose to place an item on the agenda, he or she might do so with the expectation it would fail in first reading. If it survives, he or she may still assure that it gets sent without deadline to a committee

controlled by the government. The committee chairman may then charge a special subcommittee to work on the bill and then fail to call a meeting of that subcommittee.²²

What precipitated the change was that AWS would not have been able to control the agenda under the old standing rules as effectively as SLD had. Since the formal rules allowed for opposition intervention in the agenda, it is quite likely that under the old rules, even from the trenches of the opposition, the SLD would stymie the new government's agenda.

However, even though after 1997 the Speaker's powers provide considerable potential for a government to control the agenda, parties must be organized to exploit the powers of this office.

Conditions for Government Dominance: The Party System

According to my adaptation of Mainwaring and Scully's criteria of party institutionalization,²³ the early Polish party system was far from institutionalized. In 1991, the ability of voters to identify with any given party was as low as 17 percent.²⁴ Rules of interparty competition were destabilized by early parties' attempts to reform electoral systems whenever these reforms promised a boost in their seat share.²⁵ Electoral volatility in Poland was initially among the highest in Post-Communist Europe,²⁶ and parties clearly lacked the strong social roots envisioned by Mainwaring and Scully. According to my adaptation of their criteria to individual parties,²⁷ the parties were not institutionalized either, as parties with ambiguous reputations organized around short-term connections to voters, rather than a stable set of party supporters and programmatic platforms. One consequence of this was that with one exception, in the first three decades of Polish democracy every incumbent government lost the subsequent election, in some cases even failing to win seats.²⁸

Yet, as this section demonstrates, the process of developing a Sejm in which the government can capitalize on controlling the speakership has gone hand in hand with the emergence of a party system that has developed a more regularized pattern of interparty competition. What distinguished governments in 2005–2011 from governments of the former transitional period was their departure from narrow electoral organizations toward developing a programmatic reputation.

1997 to 2005: The 3rd and 4th Terms

The conditions that initially hindered the institutionalization of parties in the Sejm originate in the Polish transition to democracy, beginning with the 1989 round-table negotiations between the communist government and the dissident opposition, Solidarity. Solidarity's dissident organization, crippled by the Martial Law crackdown, lagged far behind the Post-Communists in party organization, leading Solidarity leaders to support single-member districts. The Communists also supported single-member districts, despite the potential that such a system could lead to the over-representation of Solidarity in government, because

a proportional party list system would have forced them to recognize Solidarity as an official party.²⁹ Although it cost them executive power in the short term, a single-member-district system offered the Communists a further organizational advantage.³⁰ Thus, the Communists' transitional election strategy delayed the emergence of centralized parties, particularly on the right. The electoral laws changed four times in the ten-year period following the transition,³¹ rendering the rules of electoral competition anything but stable.

The nature of the subsequent PR-list system further dampened incentives for parties' consolidation. Prior to the introduction of legal thresholds in 1993, nothing discouraged small factions from running as separate parties, frequently changing labels from one election to the next and magnifying the already high voter volatility. Second, the PR system is open list, which introduces competition among individual candidates from the same list competing for personal votes. This strengthened the position of regional leaders and stimulated competition within parties. One of my elite respondents described the most significant cost of this system as follows: "when the voter gets to influence who from the party he is supporting gets a seat in the legislature, he ignites rivalry among candidates on the same list. There is a second, electoral campaign going on in OLPR, one that splinters the party further."³²

Solidarity's societal roots (which it had by virtue of being a trade union) did not translate into ideological cohesion in the AWS, its electoral vehicle. Following its 1997 electoral success, AWS continued to exist as a loose set of factions, with a caucus divided into several legislative circles. Key decisions regarding the legislative process were made by an executive body (referred to in Sejm circles as "the G-7"), where the Prime Minister had only one vote. The remaining six votes were apportioned among trade union representatives and leaders of the AWS factions. The G7 would not deliberate on cabinet proposals until were submitted to the Speaker, which meant that the decision that the party in the legislature would support proposals made by the party in government would be taken after legislation was formally submitted for consideration. As far as legislative success is concerned the odds were stacked against the AWS-UV cabinet.³³ The cabinet itself consisted of a loose network of fiefdoms, each led by a leader of a different ex-dissident group. There were eight coordinating cabinet committees, and sponsoring legislation by a cabinet member could take up to nine months³⁴ This diffuse structure followed from the fact that AWS was a vehicle for disparate anti-communist forces to win legislative seats and cabinet offices, rather than a policy-oriented party. Cabinet sponsorship in no way ensured legislative passage, as AWS members felt no pressure to support cabinet bills, foreshadowing their anticipation of the organization's demise.

As a result, compared to subsequent governing parties, AWS was in an extremely weak position—in terms of both consensus and capacity—to organize the Sejm with long-term policy goals in mind. By the end of its term in office, the AWS label had become so vacuous that defectors from the party who formed Law and Justice (PiS) and Civic Platform (PO) almost instantly overtook the party in public opinion polls.³⁵

When the SLD came to power in 2001, it was much better organized than its predecessor. For example, the cabinet committee system replaced the four committees created

in February 1997 with a Permanent Committee that met every week.³⁶ One of the vice-premiers in the caretaker cabinet concluding the fourth term explained that “the Permanent Committee ... ‘tightened’ the proposals that the cabinet put forward” and handled “inter-departmental mediation conferences that usually were effective in settling disputes.”³⁷

Despite its organizational strength, I still consider SLD a “transitional” party because it lacked ideological cohesion that would have allowed it to develop into a programmatic party. Izabela-Jaruga-Novacka, an MP from Labor Union (SLD’s electoral coalition partner, which it eventually absorbed) whom I interviewed for this project said:

Some of the MPs could just as easily be in parties 180 degrees in the opposite direction. These parties have no ideological backbone. In the entire Sejm, there are probably fewer than twenty people who cannot switch parties. They are respected by the opposition, but because of the clarity of their positions, they cannot switch. But contrast this with a vast majority of my colleagues from SLD, who, during SLD’s crisis, without hesitation accepted SRP’s offers to switch because it gave them a better shot at a legislative seat in the upcoming elections.³⁸

The comment above illustrates that instead of drawing members with similar programmatic goals, SLD attracted politicians seeking a firm organization that could overcome the collective action dilemmas plaguing its post-dissident competitors. This organizational advantage attracted office-seeking opportunists rather than politicians committed to a long-term policy program. As a result, the party lacked a foundation to withstand challenges to its electoral viability, and office-seeking politicians fled SLD when it faced a major crisis. SLD remained dependent on the reputation of its leaders, evidenced by its dramatic fall in public opinion polls³⁹ following the exposure of Prime Minister Leszek Miller’s connection to a corruption scandal. The scandal involved media magnate Lew Rywin, a powerful lobbyist with SLD connections, who allegedly lobbied Miller himself (via the editor of *Gazeta Wyborcza* daily) for 17.5 million USD in exchange for legislation favorable to *Gazeta Wyborcza*. Once “*Wyborcza*” publicized the scandal in March 2003, SLD’s junior partner, PSL, left the coalition, forcing Miller to lead a minority cabinet for fourteen months.

2005–2011: the Fifth and Sixth Terms

In contrast to the AWS and SLD, the PiS (Law and Justice) formed as a coherent opposition building what appeared to be a strong party organization that avoided the contradictions and baggage faced by the transitional parties. PiS’s initial Speaker, Marek Jurek, clearly used the role as an agenda-setting opportunity. Another former Speaker interviewed for this project identified Jurek as the first Speaker who “used his office as an extension of majoritarian power” and served as “a true emissary of PiS.” Pundits coined the term “*zamrazarka*” (“the freezer”) to describe his practice of keeping opposition proposals off the agenda. Yet a few months into his speakership, Jurek started pursuing an independent path, forcing votes to add anti-abortion provisions to

the constitution against an earlier consensus. Consistent with the interpretation that Jurek was expected to function as an agent of PiS, he was promptly replaced with Ludwik Dorn. Although this also coincided with the beginnings of an internal conflict within PiS, Dorn's selection reflected an emphasis on loyalty to the cabinet.⁴⁰ Dorn was one of the founders of the party and had been the first caucus chairman to introduce disciplinary measures. Indicative of his efforts to create a government in control of its legislative reputation was his requirement that PiS MPs obtain permission from the caucus to co-sponsor bills with MPs from PiS's coalition partners, because such bills appeared to be government sanctioned and their failure on the floor would embarrass the government.

The weakest area for the PiS government proved to be its junior partner, Samoobrona (SRP), which was a small agrarian populist party built around its leader Andrzej Lepper. Dorn was not Speaker for long before the coalition was brought down by the "land scandal" (*Afera Gruntowa*) involving Lepper, serving at the time as minister of Interior, and a lobbyist seeking land reclassifications to benefit developers. Lepper was forced to resign as vice-premier and minister of agriculture. PiS decided to protect its reputation by replacing Lepper with a member of PiS, breaching the coalition agreement and leading to new elections. However, from that point, "every next day of the fifth term that the Sejm remained in session, was devastating to PiS."⁴¹

In the remaining months, despite his close ties to the party, Dorn refused to serve the cabinet's interests. He used opposition proposals "as a credible threat to pressure the cabinet to come up with its own proposals," because "a cabinet that feels shielded by its Speaker gets lazy."⁴² In one instance, Dorn gave his own cabinet two months to come up with a counterproposal to SLD's bill on contracts for healthcare employees. When the PiS finance minister refused to cooperate on Dorn's terms, he allowed the popular SLD proposal to pass. As a result, in the following term, Dorn was suspended from PiS, leading him to start a new party.

Like PiS, The Civic Platform (PO), which came into power in 2007, formed in response to post-transition political dynamics and emerged as the main opposition to the PiS in the fifth term. The Speaker appointed by the PO government, Bronisław Komorowski, was a core member of the party who subsequently became its candidate for President. PO's coalition with PSL proved far more resilient than PiS's coalition with Samoobrona, even in the face of scandal. In November 2009, a "gambling scandal" emerged when one of the national dailies recorded an exchange between a cabinet minister and a gambling lobbyist seeking to prevent regulation of the gambling industry. The revelation of the scandal led to the PM's dismissal of seven ministers, followed by the appointment of an investigative committee in the Sejm and, eventually, to a cabinet bill severely restricting gambling. These actions allowed PO to contain the scandal, despite creating internal tensions. One of the dismissed ministers in the scandal, Grzegorz Schetyna, even went on to become a caucus leader and later, when Komorowski ascended to the presidency in 2010, Sejm Speaker.

The narrative above suggests that the emergence of PiS and PO as the major parties since 2005 has brought with it much more emphasis on ideological consistency and reputation building than the pre-2005 era.⁴³ The institutionalization of the PiS and PO

and under-institutionalization of AWS and SLD, the shallow electoral vehicles characterizing the transitional period, are corroborated further by analyzing the stability of their support during their terms. The transitional parties—SLD and AWS—faced dramatic declines in electoral support when scandals surfaced that brought down their governments. PiS and PO, meanwhile, each retained their status as the main contenders for prime ministership throughout their terms (five and six), with the latter being the first incumbent prime minister's party to retain that post after an election.⁴⁴

Empirical Implications

To review, the formal rules of the Sejm have consistently provided for a great deal of opposition and MP influence and appear to create a relatively balanced executive-legislative structure. At the same time, since 1997, the agenda-setting powers of the Speaker have enabled the majority to substantially limit opposition influence.

In this section, I examine the evolution of government dominance in the Sejm and the corresponding behavior of the opposition. My expectations regarding legislative organization relate to two types of legislative activity: floor (negative) agenda control and legislative success (or positive agenda control). The former refers to preventing legislation from passing when the government opposes it, and most of my theory, particularly the part pertaining to the role of the Speaker, leads to expectations of negative agenda control. However, it is reasonable to expect that as parties become more institutionalized, they not only agree on what bills to avoid, but also reach agreement on their policy goals, leading to expectations for the successful enactment of bills supported by the government. The empirical evidence for floor agenda control comes in the form of patterns of roll call voting. Evidence for legislative success is interpreted as the introduction and passage of bills. In the period under study (1997–2011), there were 36,247 votes taken and 3,569 bills submitted to the Sejm. These represent all publically available data on these measures from electoral terms completed before 2015.⁴⁵ I break each bill down by its introduction by the cabinet versus members of parliament and, for the latter, the party of the lead author. I focus on three categories of bills: 1) cabinet bills, 2) parliamentary bills from government MPs, and 3) parliamentary bills from opposition MPs to measure the degree to which each of these groups is able to enact its proposals. For votes, I isolate the votes on the final passage of a bill, their success on the floor, and whether the prime minister's party supported the vote. This allows me to measure the opposition's ability to enact outcomes the government opposes.

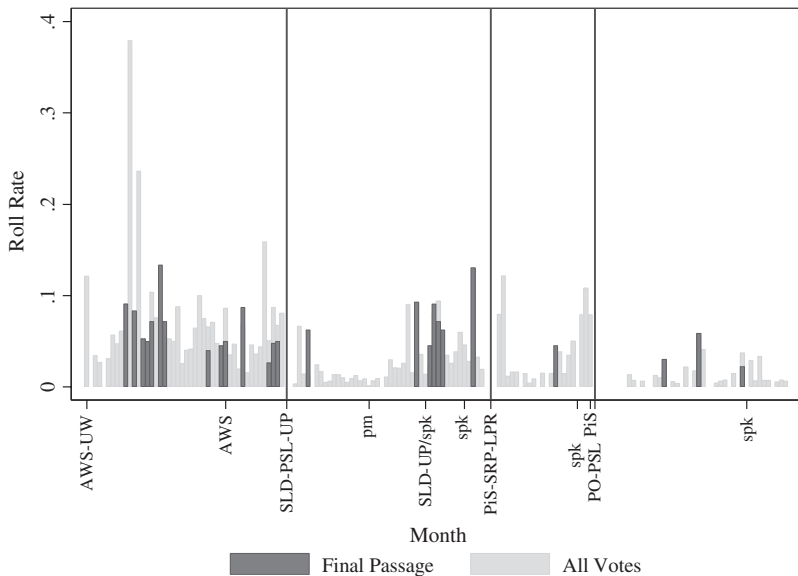
Roll Rates

First, I examine the degree to which the opposition manages to pass legislation against the will of the government. The ability of the government to prevent losses on votes is captured by its "roll rate," or the proportion of bills it opposes that pass. This measure

was developed by Gary Cox and Mathew D. McCubbins⁴⁶ and is used in a number of comparative settings⁴⁷ to assess the extent of majority power in the assembly: as more government-opposed bills are allowed on the agenda and succeed against the preference of the government, the roll rate increases. While a strong majority coalition is important for advancing a positive agenda in the legislature, parties without majorities can maintain negative agenda control provided the Speaker keeps bills the government opposes off the agenda. This measure has also come under severe criticism from scholars such as Keith Krehbiel who demonstrates that inferences based on roll rates can overstate party influence and exaggerate the influence of the majority party relative to the minority.⁴⁸ Here, however, my goal is not to compare the power of the legislative majority to the power of parties in the opposition in absolute terms, but rather to assess changes in the strength of parties in government over time. As long as roll rates are correlated with negative agenda-setting power, which even the few critics of using this measure do not dispute,⁴⁹ using roll rates to demonstrate changes in party influence over the agenda is warranted.

A comparison of roll rates for the prime minister’s party for all final passage votes versus all other votes shows that, in general, the government is rarely rolled, especially on final passage votes. Figure 1 below presents these roll rates, using monthly averages to distinguish short- and long-term differences, showing a bar for each monthly rate across time. The horizontal axis marks changes in government composition as well as Speakership changes, represented as “spk.”

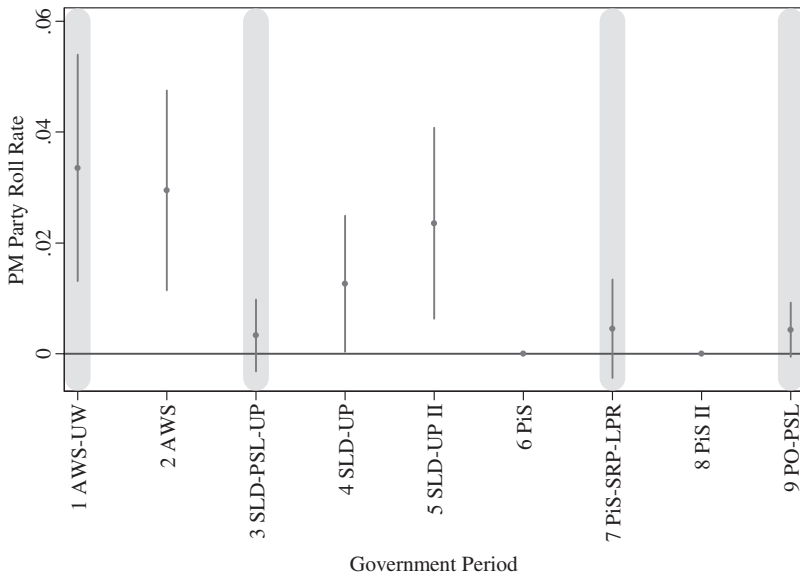
Figure 1 Monthly “Roll Rate” for PM’s Party, 1997–2011 (4th-6th Sejm)



The government has usually been able to prevent the passage of bills it opposes. However, rolls were consistently more frequent for AWS (the third term), even when the government had a majority. This suggests the governing party did not agree on using the Speaker as a gate keeper for proposals that could pass against the will of the prime minister’s party. A decrease in the PM party’s roll rate in the first government period of the fourth term (SLD-PSL-UP) suggests that the relatively more streamlined cabinet of the SLD led, at least initially, to a more effective use of agenda control to limit opposition interference. This changed after Miller resigned in the midst of the media scandal and the departure of SLD’s junior partner, when roll rates returned to levels similar to those under AWS. The fifth period (PiS-SRP-LPR) shows a solidification of negative agenda control for the PM’s party, as the PiS is rolled only once during this time. Even when their ability to enact new bills falters during the last months of the government, no final passage votes it opposes are successful. This is consistent with the suggestion that their first Speaker, Marek Jurek, acted as an agent of the government in terms of negative agenda control, despite eventually trying to use his power to further his own anti-abortion agenda. Similarly, his replacement, Dorn, did not allow final votes on bills that were opposed by a majority of the PiS, even though he also eventually used the institution independently. By the sixth term, PO also appears to have consistently restricted the agenda to bills its members supported.

Figure 2 presents the final passage roll data using predicted values generated by a probit regression on dummy variables indicating the government periods (determined by change in either partners or the prime minister).

Figure 2 Predicted Values of Roll Rates by Government Period



Gray vertical lines indicate periods where the parties in government held a majority of seats. First, it is apparent that the transition from AWS to SLD is a stark one, with SLD's initial majority marking a clear reduction in the roll rate for the prime minister's party. In line with our expectation, SLD was considerably more organized in the chamber, though this broke down as the coalition collapsed in the wake of scandal as the party faced mass defections. Recall that even without the necessary cohesion to promote a positive agenda, a speaker acting on behalf of the government can prevent legislation it opposes from passing. In at least three instances after the fall of the AWS, the government lacked a floor majority: Miller/Belka (SLD-UP), Marcinkiewicz (PiS), and Kaczynski (PiS). These cases allow us to observationally distinguish between negative agenda power and pure floor majorities in mitigating the weakness of governing coalition. Unlike both the SLD and AWS minority governments (and even the AWS majority government), the two PiS minority governments had roll rates of zero, indicating these governing parties were consistently able to rely on the Speaker to avoid floor votes on bills they opposed despite lacking a reliable majority to defeat them.

Legislative Success

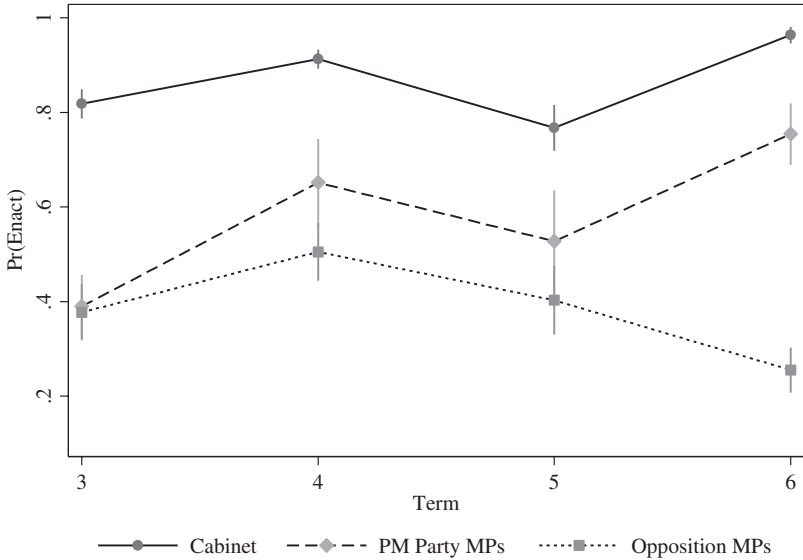
A majoritarian (or cabinet-dominant) legislative pattern consistent with my conjecture about institutionalized parties reaching consensus about policy goals would lead to the following empirical expectations: As the government-opposition relationship is becoming increasingly majoritarian, one would first expect the cabinet to be uniformly successful in passing bills. Second, one would expect coordination between executive and legislative sides of the government ensuring that MP proposals are an extension of the cabinet's agenda.

Analysis of successfully passed bills between the third and sixth terms⁵⁰ indicates that the AWS, SLD, and SRP cabinets suffered a sharp drop in legislative success during each scandal, suggesting weak incentives on the part of parties in government to pass cabinet bills. In the third term, this decline was gradual from the start of the coalition break-up. In the fourth, the pattern was apparent in the period after the government change and later. In the fifth term, the coalition break up coincided with a particularly sharp decline in the success of cabinet bills under that minority government.

To examine the emergence of government control of the legislative process, it is important to determine the extent of advantage in legislative success for the cabinet and government MPs on the one hand, and non-cabinet MPs, on the other. A probit regression of enactment on a series of dummy variables indicating bills from the cabinet, from members of the PM party, and from members of the junior coalition partner (with bills from opposition MPs as the excluded category) is used to examine this. Each of these variables is interacted with a dummy variable for each term, allowing me to compare the size of these effects across terms.⁵¹ I also control for the days remaining toward the end of a term. For comparability, I exclude bills related to EU membership, though the results are robust to including them.

Figure 3 presents the predicted probabilities of success for bills from the Cabinet, members of the prime minister’s party, and opposition MPs. By the sixth term, cabinet bill designation is a far better predictor of success than in the third.

Figure 3 Predicted Probabilities of Enactment in The Polish Sejm, by Bill Origin: 1997–2011



In the fourth term, government MP bills (from the SLD) had a visibly higher passage rate than other MP bills for the first time. Overall, success drops again in the fifth term (for PiS MPs), which ended with early elections. By the sixth term, however, the success rate of MP bills from the PM’s party (PO) is far greater than that of opposition party MPs. This suggests that the coordination between executive and legislative arms of the PO is stronger than prior governments, especially the one led by AWS, where the executive-legislative distinction was far stronger than the government-opposition divide.

By the sixth term, many bills coming out of the legislature from the PM’s party are *de facto* “government” bills, which have been vetted by the cabinet for compatibility with the party agenda.⁵² My interviews confirm that, at least in recent years, many MP bills from the governing parties are indeed proposals prepared by cabinet members with cabinet resources. Forgoing cabinet sponsorship and employing an MP from the party to submit the bill⁵³ bypasses intra-governmental negotiations, which delay the legislative process. This same pattern holds for junior coalition parties. While it is not possible to say exactly how many MP bills from the government party are *de facto* cabinet bills, the practice exemplifies how legislative agenda control increases with integration between the legislative and executive sides of the PM’s party.

With future elections in mind, opposition parties often design popular legislation that the government has an incentive to support. Hence, these opposition parties can pass a substantial portion of their MP bills in absolute terms. Yet, these successes have declined in recent years, partly due to the government's power to exclude or defeat opposition bills and in part due to the governing parties' ability to co-opt popular proposals. The decline in legislative success of the opposition also reflects the opposition's persistence in submitting bills that are not expected to be considered. Despite growing government control over the agenda, the proportion of submissions from the opposition has actually increased over time. In the sixth term, 61 percent of MP bills originated in the trenches of the opposition, while in the third through fifth terms 40.99, 56, and 47 percent of bills, respectively, were initiated by the opposition. The phenomenon of more frequent submissions with declining legislative success is consistent with parties using bill proposals to establish their policy positions, rather than to effect policy change.

In general, the above results show that while opposition MPs are frequently capable of passing bills, the government is increasingly able to pass its agenda without interference (including bills submitted by MPs from the prime minister's party). The cross-temporal pattern of the government's success in reducing opposition influence indicates that this success has been conditional on stable majorities composed of institutionalized parties. The least institutionalized of the prime-ministerial parties, the short-lived AWS, corresponds to the least successful period for legislative enactment from the cabinet and government MPs. Subsequent governments, when unshaken by scandals, have coordinated cabinet agenda control and secured an advantage for MP bills from the Prime Minister's party. Periods in which the SLD and PiS governments faced crises also caused substantial failures, despite initial success. Finally, the PO government in the sixth term has had unprecedented success in passing its agenda both through cabinet and MP bills.

Conclusion

Theories of legislative organization suggest that delegating agenda power to a central authority in a chamber can protect the collective goals of governing majorities and overcome tendencies of individualism or coalition divisions. These theories have received considerable support from US congressional data. Yet, in the American context, all these data are examined within a static party framework. This article tests whether scope conditions of these theories can be stretched beyond the US context to a parliamentary regime with a rapidly changing party system and strong incentives for delegation but varying levels of parties' institutionalization. Using data from the Polish Sejm I have provided clear indicators of party evolution and traced the correspondence of these indicators with a systematic analysis of roll call votes.

Formally, the Sejm is highly decentralized—empowering individual MPs and small factions rather than the cabinet—which means that majoritarian agenda control must rely on parties making effective use of the Sejm's leadership institutions. However,

in the initial years following Poland's transition to democracy, parties were weak and under-institutionalized.⁵⁴ MPs were able to represent their constituencies using the individual rights each member was accorded. Consequently, scholars have often characterized Poland's legislature as particularly strong vis-à-vis its executive.⁵⁵ I argue that party institutionalization—and the consolidation of a programmatic party system—has provided parties with a collective benefit to limit MP and opposition behavior.

As parties grew stronger and consolidated their executive and legislative arms, the opposition was able to exploit these decentralized legislative institutions at the expense of the government. As better-organized parties took advantage of the strong individual rights, they also acquired the potential to influence legislation, thwart the government's agenda, and advance alternative platforms. Since 1997, however, a powerful Speaker has the potential to counter the interference from the opposition in the government's agenda. Yet, using the Speaker to control the agenda requires a stable and well-organized governing coalition that agrees on delegating power to this office. This means selecting an "emissary of the ruling majority" as Speaker.⁵⁶

The conditions for this have varied considerably in the Polish case and have changed with the institutionalization of the party system. In particular, the first loose coalition (post-Solidarity AWS) did not use these institutions effectively, but the most recent government has managed to avoid losses and division much more systematically. As more institutionalized parties came to control both the government and the parliament, they were able to effectively limit the legislative influence of the opposition.

I highlight several main empirical findings. First, the government has restricted opposition influence in the legislative process beyond what formal legislative institutions suggest. Its use of the Speaker imposes strict agenda control and counteracts formal prerogatives of the opposition. While the opposition has often been successful in enacting bills, this has declined as increasingly more institutionalized parties entered the cabinet.

Second, consistent with the assumptions behind positive and negative agenda powers, my results suggest that the government has lost positive agenda control whenever the party system has been in flux. Negative agenda control is also at its weakest prior to cabinet collapses and during scandals that threaten the survival of the prime minister's party. However, the first government formed by one of the current major parties (PiS) was able to use the power of the speaker to prevent the final passage of bills it opposed even when it lacked a majority.

In the recent terms of the Sejm, the incentives for delegation of government MPs to the cabinet and from the cabinet to the Speaker are greater and more consistent than ever before, as demonstrated particularly by patterns of negative control. The empirical patterns corroborate qualitative evidence of growing coordination between MPs and the cabinet in legislative production, speaker selection, and the emergence of intra-party rules giving precedence to the collective goals of the party.

The findings presented here are also key for interpreting recent events in Poland that have been taking place since the PiS government returned to power in 2015 after winning an absolute majority of seats in the Sejm. In a very close succession of votes,

the new government managed to pass a bill severely undermining powers of the Constitutional Court, a bill reforming the Civil Service with the effect of replacing all civil servants appointed by its predecessor, and a bill taking over control of public radio and television. The sweeping reforms came so dangerously close to violating the rule of law, that they prompted a special investigation of the European Commission into “whether Poland has violated the EU’s democracy laws.”⁵⁷ The bulk of this legislation was passed despite the active protests of the parliamentary opposition, led by incumbent PO. However, due to the formal and especially informal majoritarian turn in legislative-executive relations described in this article, there is little the parliamentary opposition has been able to do. Indeed, the interpretation of current events in Poland suggested by my findings is that the seeds of the authoritarian turn of events we are witnessing in Poland at the time of writing were sown many cabinets earlier, probably as early as 2005, and that the current opposition is as responsible as PiS for the departure from a legislative model in which rights of the opposition are effectively recognized.

I also emphasize the implications for the larger literature on political institutions and parties, specifically, the literature on how party institutionalization influences legislative organization. Modern scholarship on the US Congress has largely accepted the view that parties shape legislative organization in a dynamic fashion, with or without formal changes in the rules. Meanwhile, the literature on party institutionalization has confirmed that parties vary greatly in their incentives and capacity to act united towards a set of collective goals. However, scholars know far less about how these conditions change across time. Using the parallel development of a post-communist party system and legislature, I have integrated these ideas to contribute to a more general theory of the relationship between parties and legislative organization.

NOTES

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1. Arend Lijphart, *Patterns of Democracy: Government Forms and Performance in Thirty-Six Countries* (New Haven: Yale University Press, 1999); G. Bingham Powell, *Elections as Instruments of Democracy: Majoritarian and Proportional Visions* (New Haven: Yale University Press, 1999).

2. Herbert Doering, *Parliaments and Majority Rule in Western Europe* (New York: St. Martin’s Press, 1995); Steven Fish and Matthew Kroenig, *The Handbook of National Legislatures: A Global Survey* (New York: Cambridge University Press, 2009).

3. William Chandler, Gary W. Cox, and Mathew D. McCubbins, “Agenda Control in the German Bundestag, 1980–2002,” *German Politics*, 15 (March 2006), 89–111; Gary W. Cox, William B. Heller, and Mathew D. McCubbins, “Agenda Power in the Italian Chamber of Deputies, 1988–2000,” *Legislative Studies Quarterly*, 33 (February 2008), 171–98; Gary W. Cox, Mikitaka Masuyama, and Mathew D. McCubbins, “Agenda Power in the Japanese House of Representatives,” *Japanese Journal of Political Science*, 9 (2000), 1–21.

4. Kare Strøm, *Minority Government and Majority Rule* (Cambridge: Cambridge University Press, 1990); Doering.

5. Interview with Premier Hanna Suchocka, October 2014. Elite interviews were conducted in November 2009, May 2010, December-January 2010/2011, June 2011, and November 2011 in Warsaw, Poland, and, in October 2014, in Chicago.

6. See, in particular, David W. Rohde, *Parties and Leaders in the Postreform House* (Chicago: The University of Chicago Press, 1991); Gary W. Cox and M. D. McCubbins, *Legislative Leviathan: Party Government in the House* (Berkeley: University of California Press, 1993); John H. Aldrich, *Why Parties?: The Origin and Transformation of Political Parties in America* (Chicago: The University of Chicago Press, 1995).

7. Consider that, in contrast, only 10% of all votes cast in the U.S. Congress are recorded as roll calls, and they hardly comprise a representative sample: Clifford J. Carruba, Mark Gabel, and Larry Murrain, "Off the Record: Unrecorded Legislative Votes, Selection Bias and Roll-call Vote Analysis," *British Journal of Politics*, 36 (2006), 691–704.

8. Earlier, Poland operated under the so-called "Small Constitution," an interim document that did not undergo a ratification process: George Sanford, *Democratic Government in Poland: Constitutional Politics since 1989* (New York: Palgrave, 2002); Ewa Nalewajko and Włodzimierz Wesolowski, "Five Terms of the Polish Parliament, 1989–2005," *The Journal of Legislative Studies*, 13 (2007), 59–82. The period under the small constitution also included a more powerful President (Kopecky, 2004).

9. Ibid., P. G. Lewis, *Party Development and Democratic Change in Post-communist Europe: The First Decade* (London: Routledge, 2001); Conor O'Dwyer and Branislav Kovalcik, "And the Last Shall be First: Party System Institutionalization and Second-Generation Economic Reform in Post-communist Europe," *Studies in Comparative International Development*, 41 (November 2007), 3–26; Iain McMenamin and Anna Gwiazda, "Three Roads to Institutionalisation: Vote-, Office- and Policy-seeking Explanations of Party Switching in Poland," *European Journal of Political Research*, 50 (December 2011), 838–66.

10. I believe that this understanding adapts to the level of an individual party the criteria developed by Mainwaring and Scully to describe the institutionalization of party systems: stability in interparty competition, roots in society, electoral legitimacy, and overcoming personalism. See Scott Mainwaring and Timothy Scully, *Building Democratic Institutions: Party Systems in Latin America* (Stanford: Stanford University Press, 1995).

11. Ibid.

12. David R. Mayhew, *Congress: The Electoral Connection* (New Haven: Yale University Press, 1974); Morris Fiorina, *Congress: Keystone of the Washington Establishment* (New Haven: Yale University Press, 1977).

13. Gary W. Cox and Matthew D. McCubbins, *Legislative Leviathan: Party Government in the House* (New York: Cambridge University Press, 2007).

14. Joseph Cooper and David W. Brady, "Institutional Context and Leadership Style: The House from Cannon to Rayburn," *The American Political Science Review*, 75 (June 1981), 411–25, 413.

15. David W. Rohde; John H. Aldrich, *Why Parties?: the Origin and Transformation of Political Parties in America* (Chicago: The University of Chicago Press, 1995).

16. Radoslaw Zubek, "Parties, Rules and Government Legislative Control in Central Europe: The Case of Poland," *Communist and Post-Communist Studies*, 41 (June 2008), 147–61; Kopecky, 2004.

17. Interview with Suchocka.

18. Interview with Janiszewski.

19. The AWS was described by one of our elite respondents as "inspired by the 1993 defeat" to the SLD and PSL.

20. "Uchwala Sejmu, z dnia 28 Pazdziernika 1997 roku," *Monitor Polski*, 80 (1997), paragraphs 778 and 779.

21. Interviews with Borowski and Dorn.

22. According to the standing rules of the Sejm, the committee chair is the only person who can schedule a subcommittee meeting. See interview with Tchorzewski.

23. Recall, these include stable rules of party competition, low electoral volatility, and strong social roots in society. See Nalewajko and Wesolowski, who apply these criteria to the Polish party system.

24. Samuel H. Barnes, "The Mobilization of Political Identity in New Democracies," in Samuel H. Barnes and Simon Janos, eds., *The Post-Communist Citizen* (Budapest: Erasmus Foundation and Institute for Political Science of the Hungarian Academy of Science, 1998), 117–38. Consistent with the notion of increasing institutionalization since then, this figure has grown to 47% by 2008.

25. Marek M. Kaminski and Monika Nalepa, "Learning to Manipulate Electoral Rules," in Josep Colomer, ed., *Handbook of Electoral System Choice* (London: Palgrave-Macmillan, 2004), 369–81; Nalewajko and Wesolowski.

26. See Anna Gwiazda, "Poland's Quasi-Institutionalized Party System: The Importance of Elites and Institutions," *Perspectives on European Politics*, 102 (July 2009), 350–76.

27. Recall, these encompass the development of long-term concerns about building a reputation with voters and with other parties, consistent programmatic policy goals, and the organizational capacity to maintain a stable majority coalition.

28. This trend ended with the 2007 government who won reelection and continue to face the same main opposition party.

29. Herbert Kitschelt, Zdenka Mansfeldova, Radoslaw Markowski, and Gabor Toka, *Post-Communist Party Systems: Competition, Representation, and Inter-Party Competition* (Cambridge: Cambridge University Press, 1999); Edmund Wnuk-Lipinski, "Elites after State Socialism. Theories and Analysis," *Europe-Asia Studies*, 54 (May 2002), 644–45; Interview with Iwinski.

30. On the organizational advantage of the communist party over the dissidents, see, for instance, Anna M. Grzymala-Busse, *Redeeming the Communist Past: the Regeneration of Communist Parties in East Central Europe* (Cambridge: Cambridge University Press, 2002).

31. Kaminski and Nalepa 2004.

32. Interview with Suchocka.

33. Interview with Tchorzewski.

34. Interview with Janiszewski.

35. According to CBOS, 5% of the electorate declared readiness to support AWS in August 2001, down from 11% in June 2001. Over the same time period, PiS's support almost doubled (from 6 to 10%), while PO averaged 14%, Centrum Badania Opinii Społecznej, Report from public opinion survey BS/107/2001.

36. The reform took place in June 2002. See "Zarządzenie Nr 77 Prezesa Rady Ministrów z dn. 27 czerwca 2002 r. w sprawie stałego komitetu Rady Ministrów," *Monitor Polski* 27 (2002), paragraph 447.

37. See interview with Jaruga-Nowacka.

38. Ibid.

39. Between October 2002 and October 2003, SLD's polls fell by more than 50% (from 36 to 17). In November of 2003, the opposition PO became the polling front-runner (Centrum Badania Opinii Społecznej, Report from public opinion survey, recorded in Archives of the Sejm, reference BS/128/200).

40. Interview with Oleksy.

41. See interview with Dorn. The strategy worked: according to the polls, between May and October 2007, when early elections were held, PiS and PO were neck to neck competing for the position of the front runner, hovering around 30% (Centrum Badania Opinii Społecznej, Report from public opinion survey BS/140/2007). Just a week before the elections PO shot up to 39% overtaking PiS by 5% (Centrum Badania Opinii Społecznej, Report from public opinion survey BS/156/2007).

42. Interview with Dorn.

43. Table A1 in the online appendix offers a timeline of legislative terms three through six including the cabinet composition, changes in the Speaker and PM, and the timing of three major corruption scandals that rocked cabinet politics. The online appendix can be found at <http://monikanalepa.weebly.com/>.

44. Figure A1 in the online appendix uses opinion polling results to show the rapid fading of electoral viability for these governing parties well before their eventual collapses in terms three and four, respectively.

45. As of February 2015.

46. Gary Cox and Matthew McCubbins, *Setting the Agenda: Responsible Party Government in the U.S. House of Representatives* (Cambridge: Cambridge University Press, 2005).

47. See, in particular, Cox, Masuyama, and McCubbins, 1–21; Octavio Amorim Neto, Gary W. Cox, and Mathew D. McCubbins, "Agenda Power in Brazil's Camara Dos Deputados, 1989–98," *World Politics*, 55 (June 2003), 550–78; Mark P. Jones and Wonjae Hwang, "Party Government in Presidential Democracies: Extending Cartel Theory Beyond the US Congress," *American Journal of Political Science*, 49 (April 2005), 267–82.

48. Keith Krehbiel, "Partisan Roll Rates in a Nonpartisan Legislature," *Journal of Law, Economics, and Organization*, 23 (January 2007), 1–23.

49. Sean Gailmard and Jeffery A. Jenkins, "Negative Agenda Control in the Senate and House: Fingerprints of Majority Party Power," *Journal of Politics*, 69 (October 2007), 689–700.

50. Figure A2 in the online appendix shows a lowest plot of the monthly average proportion of successful bills in Poland from the 3rd through 6th terms, ordered by the date of submission, with government periods separated. To date each bill, the figure uses the date of submission, admittedly a somewhat crude indicator of when the key moments of the legislative process took place. Only months with at least 5 cabinet bills are included.

51. Table A3 of the online appendix presents these results.

52. Interview with Krasnicka.

53. In the case of SLD, MP ideas for bill proposals had to be vetted by leaders of the party caucus even when the party was in the opposition (See “Stenogramy z Posiedzen Klubu SLD”, available in Sejm Archives). Even under-institutionalized parties, such as UW, could sanction MPs proposing bills outside of the party program (see interview with Rulewski). MP sponsored bills have always required signatures from 14 other parliamentarians, but since 2007, the requirement has been tightened and at least 15 parliamentarians have to be from the *same* caucus, further reducing the ease of creating cross-party bill sponsorship coalitions. By the fifth term, the requirement to clear cosponsored proposals with caucus leadership was even formalized in the standing rules of the largest party caucus, PiS, interview with Dorn, 2010.

54. Paul Lewis, “Democratization and Party Development in Eastern Europe,” *Democratization*, 1 (1994), 391–405; O’Dwyer and Kovalcik; McMenamin and Gwiazda; Radoslaw Markowski, “Party System Institutionalization in New Democracies: Poland—a Trend Setter with no Followers,” in P.G. Lewis, ed., *Party Development and Democratic Change in Post-Communist Europe: The First decade* (London: Frank Cass, 2001); Gwiazda.

55. David M. Olson and Philip Norton, “Post-Communist and Post-Soviet Parliaments: Divergent Paths from Transition,” *The Journal of Legislative Studies*, 13 (January 2007), 164–96; Klaus H. Goetz and Radoslaw Zubek, “Government, Parliament and Law-making in Poland,” *The Journal of Legislative Studies*, 13 (2007), 517–38; Anna M. Grzymala-Busse, *Rebuilding Leviathan: Party Competition and State Exploitation in Post-Communist Democracies* (Cambridge: Cambridge University Press, 2007); Juan Linz and Alfred Stepan, *Problems of Democratic Transition and Consolidation: Southern Europe, Latin America, and Post-Communist Europe* (Baltimore: Johns Hopkins University Press, 1996); Conor O’Dwyer, *Runaway State-Building: Patronage Politics and Democratic Development* (Baltimore: The Johns Hopkins University Press, 2006); Fish and Kroenig, 539–44.

56. In the words of one of our elite respondents, interview with Oleksy.

57. “EU launches probe into new Polish laws,” *BBC News*, Jan. 13, 2016, <http://www.bbc.com/news/world-europe-35303912>, accessed January 18, 2016.