

This article was downloaded by: [Mansfeldov, Zdenka]

On: 8 June 2011

Access details: Access Details: [subscription number 937902717]

Publisher Routledge

Informa Ltd Registered in England and Wales Registered Number: 1072954 Registered office: Mortimer House, 37-41 Mortimer Street, London W1T 3JH, UK



The Journal of Legislative Studies

Publication details, including instructions for authors and subscription information:

<http://www.informaworld.com/smpp/title~content=t713719040>

Central European Parliaments over Two Decades - Diminishing Stability? Parliaments in Czech Republic, Hungary, Poland, and Slovenia

Zdenka Mansfeldová^a

^a Department of Sociology of Politics, Academy of Sciences, Czech Republic

Online publication date: 23 May 2011

To cite this Article Mansfeldová, Zdenka(2011) 'Central European Parliaments over Two Decades - Diminishing Stability? Parliaments in Czech Republic, Hungary, Poland, and Slovenia', *The Journal of Legislative Studies*, 17: 2, 128 – 146

To link to this Article: DOI: 10.1080/13572334.2011.574023

URL: <http://dx.doi.org/10.1080/13572334.2011.574023>

PLEASE SCROLL DOWN FOR ARTICLE

Full terms and conditions of use: <http://www.informaworld.com/terms-and-conditions-of-access.pdf>

This article may be used for research, teaching and private study purposes. Any substantial or systematic reproduction, re-distribution, re-selling, loan or sub-licensing, systematic supply or distribution in any form to anyone is expressly forbidden.

The publisher does not give any warranty express or implied or make any representation that the contents will be complete or accurate or up to date. The accuracy of any instructions, formulae and drug doses should be independently verified with primary sources. The publisher shall not be liable for any loss, actions, claims, proceedings, demand or costs or damages whatsoever or howsoever caused arising directly or indirectly in connection with or arising out of the use of this material.

Central European Parliaments over Two Decades – Diminishing Stability? Parliaments in Czech Republic, Hungary, Poland, and Slovenia

ZDENKA MANSFELDOVÁ

This paper compares the development in four Central European parliaments (Czech Republic, Hungary, Poland, and Slovenia) in the second decade after the fall of communism. At the end of the first decade, the four parliaments could be considered stabilised, functional, independent and internally organised institutions. Attention is paid particularly to the changing institutional context and pressure of 'Europeanisation', the changing party strengths, and the functional and political consequences of these changes. Parliaments have been transformed from primary legislative to mediating and supervisory bodies. Though Central European parliaments have become stable in their structure and formal rules as well as in their professionalisation, at the end of the second decade their stability was threatened.

Keywords: *parliamentarism; democracy; institutional development; European Union; two decades.*

This paper compares the development of parliaments in the Czech Republic, Hungary, Poland and Slovenia over two decades. Was it possible at the end of the first decade of democratic parliamentarism to conclude that, compared to other post-communist countries, the parliaments of Czech Republic, Poland, Hungary and Slovenia could be considered stabilised, functional, independent and internally organised institutions (Olson and Norton 2008)? This paper examines how their parliaments have developed over the second decade. Three of the four countries are parliamentary systems in their formal constitutional structure (Czech Republic, Hungary, and Slovenia). The fourth (Poland) was semi-presidential in constitutional form in the first decade; after adoption of the new Constitution in 1997 Poland moved towards a parliamentary system.

In May 2004, eight post-communist countries in Central and Eastern Europe became members of the European Union, including the four countries in this study. In addition, Slovenia was the first post-communist country to become a

member of the European Monetary Union on 1 January 2007. It was also the first post-communist country to hold the EU presidency in 2008, followed by the Czech Republic in 2009. All of these countries also became members of the Schengen Area on 1 January 2008.¹

Accession to the EU was confirmation that the transition to democracy and a market economy were successful, including institutional changes. Accession was preceded by many years of detailed monitoring of political, economic and social development by the European Union, which regularly pointed out flaws and the necessity for correction. These so-called 'Monitoring Reports' or progress reports prepared by the European Commission assess progress by each country in preparation for accession. The changes affected both legislation and the parliaments themselves.

Adaptation by national parliaments to the process of European integration resulted in numerous constraints in procedural, functional as well as structural terms. In contrast to the first decade, which was mainly characterised by frequent changes (often revolutionary ones – depending on the course of the transformation), the second decade in the development of the four democratic parliaments was marked by a much greater degree of continuity and a trend towards stability, which, however, diminished towards the end of the decade.

In general, in these four countries, the transformation from 'rubber stamp' legislative institutions of the communist states to institutions that matter in new democratic systems was successful.

There remains, however, a question of how to characterise stability. What does stability mean for the functioning of a parliament and the political system? Is it the stability of institutions and rules of internal organisation, or evolution instead of radical change and manipulation? Is there a constant number and composition of parties in the lower chamber and low inter-parliamentary party group (PPG) mobility? If the answer to all of these questions is a resounding yes, does this automatically imply the stability of the whole political system? Does representation of the same parties in the parliament mean that party representation is stable?

Consider the street protests in Hungary in 2006, party conflicts over the Czech presidential election in 2008, and shortening of the term of the Lower Chamber in Poland in 2007, which was also attempted in the Czech Republic in 2009. We can also point to the problematic relationship between parliament, president and government in Poland, burdened by political and positional differences. Also, towards the end of the second decade (2010), election results in Hungary and the Czech Republic provide evidence of diminishing stability. In Hungary, conditions for thorough constitutional changes emerged only after the 2010 elections, from which the winning parties (Fidesz and the tiny Christian Democrats) have the constitutional majority of seats.

The structure of this paper is based on a study of the first decade of post-communist and post-Soviet parliaments which created a typology of post-communist parliaments and defined four main areas of change: (1) constitutional

and party systems; (2) members; (3) internal organisation; and (4) parliament and government (Olson and Norton 2008).

This paper attempts to find similarities and differences between this model from the initial decade and the actual situation in the four parliaments in the second decade.

The Institutional Contexts

Constitutional Stability and the EU Challenge

'By the end of the initial decade, both the Constitution and the party system appeared to have become stable' (Olson 2008). In the second decade, there was continuing stability in constitutional design. Constitutional amendments were primarily concerned with EU accession. A wide package of EU-related amendments was adopted in the Czech Republic and Slovenia, while medium range amendments were adopted in Poland and Hungary (Albi 2005, p. 9). The EU, which was, at the beginning of the second decade, an external factor, became an integral part of the national legislative process by the end of the decade.

In the process of European integration, the role of the Central and Eastern Europe (CEE) national parliaments has gradually shifted from serving as the founding institution of a legal state to adjusting national law to EU legal norms in the pre-accession period, and towards becoming mediating and supervisory agencies rather than primary legislative bodies after accession. As O'Brennan and Raunio (2007, p. 16) pointed out, 'the ability of the legislature to control the government in European affairs depends on a variety of factors that include the constitutional rules and established "ways of doing things" and party-political factors such as the composition of the governments and the cohesion of political parties'.

Another problem in parliaments concerns knowledge of foreign languages and expertise in EU matters. However, unlike in many other areas where EU demands on the governments of the CEE states have been quite high (Grabbe 2001, Vachudova 2005), requirements regarding institutional linkages to national parliaments can be described as 'minimum democracy' standards.

All four national parliaments have developed legislative procedures for adopting EU laws and formed European Union Affairs Committees. In Poland, the European Union Affairs Committee replaced the European Affairs Committee, and special parliamentary European Legislation Committees were created (Lazowski 2007, p. 205). In the Czech Republic, the agenda was divided into two bodies – the European Integration Committee and the European Affairs Committee. The Hungarian parliament was the first to start the preparation. A specialised EU Integration Committee was established in 1992, 'which, i.e. submitted a draft resolution, in order to oblige the government to present annual reports on its integration policy and activities' (Liebhart and Pribersky

2004, p. 136). In Slovenia, the Commission for European Affairs was created in the same year as their application for EU membership in 1996.

Given the relatively short-lived democracies in Central and Eastern Europe and the lack of historical experience with western parliamentarism (in comparison to the old EU member states), EU accession was a crucial opportunity and event in shaping institutional structures, including the relationship between parliament and government and relationships between PPGs and political party organisations.

In the Czech Republic, the Constitution was altered and the Accession Treaty was ratified in a national referendum. They transferred some policy jurisdiction, hitherto exercised by national authorities, to EU authorities (Syllová and Kolář 2008).

As mentioned above, parliamentary European Affairs Committees were created and important procedures were modified. For example, the method of 'preliminary consultations' was introduced. This method allows the government to hold informal consultations with the European Affairs Committee on draft legislation on European issues before the bill is brought to the Chamber of Deputies (Syllová and Kolář 2008). The position of parliament was constitutionally secured in the process of integration into the EU through the adoption of an amendment to the Constitution (No. 395/2001 Coll. 'Euroamendment').

On the basis of the Euroamendments, some state powers were transferred to bodies of the European Union. However, the Euroamendments also laid down some fundamental responsibilities for the government towards the parliament following entry into the European Union. The information obligation is that the government regularly and in advance, informs parliament about questions related to their commitments stemming from membership of the Czech Republic in the EU. Furthermore, the Euroamendment establishes the right of the chambers to contribute their views to the decisions of the international institution (Syllová and Kolář 2008).

In Hungary, EU-related constitutional amendments, adopted on 17 December 2002, provided that Hungary can, to the 'necessary degree', 'exercise certain constitutional powers jointly with other member states' (Art. 2A). The same Article requires a two-thirds majority of all parliament members for the ratification of such an international agreement. This amendment represents a minimal solution, as a wider package of amendments had also been considered. The choice of a minimal solution appears to reflect a sudden change after the 2002 elections. Fidesz, one of the leading parties, resigned from government, and when it was in opposition, it took a markedly more Eurosceptic stance to the accession process (Albi 2005, pp. 10–12).

In addition to constitutional amendments, another important but temporary institutional change was the formation in 2002 of another parliamentary organ for EU matters, the Grand Committee, under the chairmanship of the speaker of the House. Its members were the political groups' leaders and the chairs of the committees for foreign, EU and constitutional affairs. The foreign minister

and the prime minister were permanent participants of this body. The Grand Committee also played an important role during Hungary's EU referendum campaign in 2003. After Hungary joined the EU, this body was dissolved (Györi 2007, p. 223).

Poland adopted a new Constitution in 1997. Of all the states in question, Poland was perhaps the best prepared to incorporate the necessary amendments swiftly. Article 90(1) provides that Poland may 'delegate to an international organization or international institution the competence of organs of State authority in relation to certain matters'. The Constitution leaves a number of problems with EU law unresolved, which has led to debates about revising the Constitution again (Albi 2005, pp. 10–12). Except for EU matters, no further substantial changes have been made either to the Constitution or to the electoral system.

Slovenia adopted constitutional amendments for EU accession without the usual left–right party struggles in February 2003. The amendment allows Slovenia to transfer the exercise of part of its sovereign right to international organisations.

National Assembly thus obtained a potentially important and empowering role in the domestic procedure for the adoption of EU decisions and in this sense followed the example of Germany, France, Sweden, Austria, Finland and Hungary, where the relationship between the executive and the legislature in terms of EU matters was also specified constitutionally. (Vehar 2007, p. 246)

Later, in 2004, the Law on Collaboration between the National Assembly and government in European Union Matters was adopted (Fink-Hafner and Krašovec 2010).

Party Political Transformation

Institutional stability in the four countries does not mean that parliaments necessarily serve complete terms, as demonstrated by early elections in Poland in 2007 and the attempt to have early elections in the Czech Republic in October 2009.² Unlike institutional stability, the political environment was less stable and there was a permanent threat of early elections. Essentially, the previous situation has been continued in the second decade, that is, fragile governments are created due to a fragmented and in some cases not very stable party system.

During the second decade, the stability of institutions and the continuation of the government coalition after the 2006 elections did not lead to a stable political situation in Hungary, but quite the opposite. Mass protests against the socialist-liberal government escalated into unprecedented violence.³ The post-election trauma of the prime minister's speech in autumn 2006 – in which he admitted knowingly playing down the national debt in the run-up to the elections – was not left behind. In September 2006, Hungary was shaken by a semi-violent wave of demonstrations. The conservatives, who have been in opposition since 2002, are more frequently questioning the parliamentary system. The gap

between the two parties is exacerbated by disputes over the past that conceal fundamental differences on national politics (von Ahn 2007). The extreme right groups became more organised; they established their own paramilitary organisation, the so-called Magyar Gárda (Hungarian Guard). The new extremist right-wing party Jobbik Magyarországért (For the Right Hungary) created in 2008 was based on this paramilitary organisation (Kurtán and Ilonszki 2009, pp. 973–979). In the 2010 parliamentary elections, Jobik was the third successful party with 12 per cent of seats (47 mandates).

Even though there have not been any substantial changes to the electoral law in the four countries, some leading parties were losing broad support and were attempting to maximise their expected seat share through electoral law modifications. Changes have been made in both the electoral formula and in the number of constituencies, all favourable to the large and medium-sized parties.

In Poland, the d'Hondt formula was changed to a modified Sainte Lagun formula in the 2001 election and later in 2005 elections changed back to the d'Hondt formula (Sokolowski and Poznanski 2008, pp. 114–115). The number of constituencies was decreased from 49 to 41 in 1999. One possible explanation is the reform of the administrative structure of the country introduced on 1 January 1999 (Wasilewski and Betkiewicz 2003, p. 40).

In the Czech Republic, the proposed electoral reform of 2000 would have made the largest change to the electoral system with potential significant consequences for the electoral success of individual parties.⁴ Changes were made from the Hagenbach-Bischoff formula to the d'Hondt formula⁵ and in the number of constituencies from eight to 14.

In the second decade we see a trend to bipolarisation in the strengthening of the two biggest parties. The share of 'lost votes', that is, votes for the parties that did not reach the electoral threshold, is declining. However, there are exceptions.⁶ In the Czech Republic, the effective number of parties declined and the two largest parties became stronger. In the 1998 elections, the two biggest parties, Czech Social Democratic Party (ČSSD) and Civic Democratic Party (ODS) together obtained 68.5 per cent of the seats. In 2002 this was 64 per cent and by 2006 it had risen to 77.5 per cent of seats. The 2010 elections brought a change, because new parties entered parliament and the two largest parties received only 54.5 per cent of the seats. The two new parties in the Chamber – TOP 09⁷ and VV⁸ together received 32.5 per cent of seats.

In Hungary, the position of the two strongest parties was even greater; in 1998, Fidesz and MZSP together obtained 73 per cent of seats; in 2002 they obtained 88.6 per cent and in 2006, 85.7 per cent. In 2010, these two parties received only 74.1 per cent of seats, but on the other hand, there was a clear winner (Fidesz) which was able to create a coalition. In Poland and Slovenia, the position of the two largest parties was not as strong as in the Czech Republic and Hungary.

Slovenia has had a very stable institutional and political system, in spite of the large number of parties in the parliament. Though the effective number of parties

is the highest among the four countries, that number is now declining. There have been no modifications of fundamental principles of the constitutional and electoral system. The only changes have been related to the ongoing process of modernisation of parliament and to changing party-system characteristics (Fink-Hafner and Krašovec 2009).

Government – Parliament Institutional Design

As a result of the Euroamendments in the constitutions of the four countries, some powers of the national states were transferred to the supra-national EU level. EU accession modified the relationship between governments and parliaments for all new members. This government supervision was particularly important in deciding national positions towards proposed European directives and regulations.

Parliaments also cooperated with special bodies within the government to ensure the adjustment of draft bills with EU law, as for example the Government Legislative Council in the Czech Republic.⁹ These bodies ensured that bills were not in violation of constitutional principles, international treaties and EC norms and standards. A sign of the consolidated executive–legislative relations is the increasing number of proposed and passed bills where the initiator was the government (Zubek, this issue).

The degree of cooperation between parliaments and governments differed across the region. However, it was customary that the government bill was presented to the parliament together with a letter issued by the special government body confirming that the bill was in accordance with EU legislation. In Slovenia, for example, the relationship between the National Assembly and the government for adopting legal acts and decisions of the European Union is elaborately regulated by the Act on Cooperation between the National Assembly and the government in EU Affairs, which became effective on 23 April 2004. The Parliament of Hungary has used different ways to supervise the government within the constitution, such as interpellations (Ionszki 2009).

The relationship between government and parliament is also influenced by the EU presidency held by Slovenia as the first country from the post-communist countries (first half of 2008) and by the Czech Republic (first half of 2009); Hungary will be leading the EU in 2011. At the national level, cooperation between government and parliament is of special importance. The presidency needs a wide political consensus and a close mutual cooperation between government and parliament. Contrary to the cooperation in Slovenia during its EU presidency, there were political conflicts between the two largest parties in the Czech Republic during its presidency. Midway through the Czech EU presidency, the government coalition lost a close vote of confidence, and the remaining time of the Czech EU presidency was administered by a ‘caretaker’ government (Špicarová Stašková and Mansfeldová 2009).

The Impact of the Institutional Context

The Members of Parliaments

In examining MPs in the four parliaments, we need to look at the degree of stability or change in the career patterns, incumbency, and composition of the parliaments. Contrary to the dramatic socio-structural changes in the parliamentary composition at the beginning of the 1990s, we can speak of ‘political development’ in the second decade of democratic parliamentary systems in ECE.

Unlike the first decade marked by relatively short incumbencies (which slightly changed over the course of the decade), the second decade was marked by longer and relatively stable incumbencies. The fluctuations observed in Table 1 can be explained by the departure of ‘long-serving’ MPs, a circulation of elites. The circulation means motion in three respects: between the chambers of a bicameral parliament, between the parliament and the government and then, in 2004, after the first election to the European Parliament, in new EU member states between the national and EU parliaments.

The initial period of democratic parliamentarism in post-communist countries witnessed the rapid decline in the number of women represented in the parliaments from the communist period. Many discussions and actions to change this situation can be observed, including debates on the usefulness of setting quotas or introducing the principle of parity. In spite of those steps, the percentage of women in parliaments has essentially remained unchanged (see Table 1).

Slovenia introduced a system of intra-party quotas by law, by National Assembly Election Act (Röder 2008) and gender quotas were applied for the first time in the 2008 national elections. In other countries, there were some attempts by individual parties to improve the situation by intra-party

Table 1: The Members: Second Decade Central European Parliaments, Lower Chambers by Term

Parliament	Term	Female (%)	Average Age	With Higher Education (%)	Incumbency Rates
Czech	1998–2002	15.00	45.00	74.50	57.00
<i>Poslanecká sněmovna</i>	2002–2006	17.00	46.90	81.00	57.00
	2006–2010	15.00	49.00	78.50	55.50
	2010–	22.00	47.20	82.00	43.00
Hungarian	1998–2002	7.80	46.40	93.30	51.40
<i>Országgyűlés</i>	2002–2006	9.70	46.60	92.70	66.00
	2006–2010	10.70	49.80	93.20	71.40
	2010–	9.10	47.30	87.00	54.40
Polish <i>Sejm</i>	2001–2005	20.20	48.20	80.70	45.40
	2005–2007	20.20	49.20	76.70	58.30
	2007–	20.40	47.80	92.80	65.70
Slovenian	2000–2004	13.30	47.40	77.80	54.40
<i>Državni zbor</i>	2004–2008	12.20	48.10	74.40	45.50
	2008–	13.30	49.90	64.40	45.50

Source: Author’s own – with help from data collected by colleagues named in Acknowledgements.

regulations.¹⁰ The highest percentage of women in parliament is in Poland; the lowest percentage in Hungary. There was some increase within the Czech parliament after the 2010 election; the proportion of female deputies increased from 15 to 22 per cent. This result might be explained by higher use of preferential votes; 14 of the 44 women in the Chamber of Deputies are there thanks to the preferential votes. Compared with the 2006 elections, when the voters had two preferential votes to use, in the 2010 elections they had four preferential votes at their disposal and they used this opportunity.

The vast majority of deputies have university degrees; the number of deputies with a university education in the four parliaments has not undergone any substantial change. This proportion demonstrates both the human potential of political parties, the people who devote themselves to political careers and are successful in the hierarchy of political parties, and also the preference of voters who decide whether highly educated candidates will become their representatives. The highest percentage of deputies with university degrees has consistently been in Hungary (90 per cent).

We commonly assume that re-election is a factor of professionalisation and stabilisation of the lawmaking body. We suppose that higher professionalisation in this sense leads to a closer link between an MP and his/her party and the electoral district. The longer-serving MPs are usually characterised by a greater degree of professionalism¹¹ as they can use both their political capital and expertise. The question is whether professionalism also automatically implies a stable political life, whether repeated nomination and election results from an evaluation of the MP's professional performance and as a benefit for his electoral district, or an expression of loyalty to the party, or rather to its leadership. A high degree of political incumbency could also mean a long-term 'colonisation' of politics by particular interest groups, which would be followed by dissatisfaction with top politicians and politics by the citizens.

Such developments could be seen in the Czech 2010 parliamentary elections, when the citizens did not vote against the parties they preferred but refused to vote for politicians who had represented these parties for a long time. One possible solution was the use of preferential votes.¹² A computerised appeal 'Vote for the last four candidates on the party list (Don't vote for political dinosaurs)' was placed on Facebook.¹³ The result was that 13 regional leaders on party lists were not elected to parliament and came behind candidates who were seemingly in unelectable positions on the ballot. The incumbency rate declined from 55.5 per cent to 43.0 per cent. Another result is more female deputies elected (22 per cent) but also more inexperienced politicians now in the Chamber.

Internal Organisation

Critical elements in internal parliamentary organisation include: committees, PPGs, presiding officers and steering bodies, rules of procedures, and the cameral structure (Olson 2008). The next section reviews two important elements of internal organisation; committees and PPGs.

Committees. Committees in each of the parliaments are the basis for their legislative and oversight functions and are the ‘focal points’ of their legal activities (Mattson and Strøm 1995, p. 149). They are the main platforms for fundamental decisions about most bills. In the second decade, parliamentary committees were reorganised, and their portfolios redefined, especially for those committees whose portfolios included European integration. The number of committees and sub-committees has changed, as well as their size (see Table 2), related to rules allowing membership in multiple committees.

The number, size and jurisdiction of committees vary among parliaments; there are also differences in the creation of new committees. Committees may form sub-committees, commissions, temporary committees and the like (Khmelko, this issue). Unlike the first decade, when committees developed as functioning new democratic institutions within parliaments (Olson and Crowther 2002), the second decade is more concerned with committee power and connected occupation of leading positions in them by parties, committee types and numbers, their durability, size of membership, and process of committee assignment, amongst other things.

The stability in committee number and portfolios differs among the countries but in all four countries special parliamentary bodies were formed to deal exclusively with the European agenda. A change also gradually took place concerning the content of their activities, which focus particularly on the supervision of the government in adopting national positions in EU bodies.

Table 2: The Committees: Second Decade Central European Parliaments, Lower Chambers by Term

Parliament	Size of Chamber	Term	No. of Standing Committees	No. of Committee Seats	Average Size of Committee
Czech <i>Poslanecká sněmovna</i> ¹	200	1998–2002	13	245	18.80
		2002–2006	14	258	18.40
		2006–2010	18	320	17.80
		2010–	17	345	20.30
Hungarian <i>Országgyűlés</i>	386	1998–2002	23	500	21.70
		2002–2006	25	495	19.80
		2006–2010	18	383	21.30
		2010–	19	400	21.10
Polish <i>Sejm</i>	460	2001–2005 ²	25	779	30.00
		2005–2007 ³	28	771	27.50
		2007– ⁴	25	704	29.80
Slovenian <i>Državni zbor</i>	90	2000–2004	20	309	15.50
		2004–2008	23	298	12.30
		2008–	23	316	13.70

¹<http://www.psp.cz> (accessed 7 July 2009); calculated by Lukas Linek.

²At end of term; <http://www.sejm.gov.pl> (accessed 7 July 2009), author’s calculation.

³At the beginning of term; <http://www.parlament.hu/angol/committees.htm> (accessed 7 July 2009).

⁴<http://orka.sejm.gov.pl/SQL.nsf/udzial6> (accessed 30 June 2009), author’s calculation.

In the Czech Republic, PPGs propose candidates for the committees. Candidates for the key committees are a matter of political negotiations and agreement that follow every election. The choice of members for specific committees also reflects the prestige of each committee.

According to the Rules of Procedure, a deputy can be a member of two committees, excepting the Steering Committee, Committee on Petitions, and the Mandate and Immunity Committee (Syllová *et al.* 2008, p. 161, Linek and Mansfeldová 2008). The result can make it difficult for the government coalition to have a majority in each committee, as their ministers and Chamber presiding officials cannot be members of parliamentary committees. Further, multi-committee memberships can lead to an excessive workload for a deputy and hinder the development of his/her specialisation, which is crucial for the functioning of the committee. In addition, deputies are also members of various sub-committees, commissions and delegations.

Czech committee membership has been constantly increasing in the second decade: from the average rate of 1.13 in 1992 and 1996 to 1.23 in 1998 and 2002, and 1.29 in the period 2002 to 2006. During the last term, the average membership was 1.60, and had almost reached the limit of membership of two committees. During this term several MPs also served as ministers who cannot serve as committee members. With the increasing number of committees, the jurisdiction of some committees was divided between two committees. In the last term, 2006–10, the committee structure corresponded almost completely with the ministries, unlike the first decade.

In Hungary, the system of standing committees essentially follows the structure of the government. The work of the committees is coordinated through regular weekly meetings of the committee chairpersons. At the beginning of the 1998–2002 term, the parliament had 22 standing committees and created one more committee within the term. In the next parliamentary cycle between 2002 and 2006, the number of committees reached its peak with 25 standing committees.

The new National Assembly of 2006 created only 18 standing committees. The number of MPs with multiple committee memberships had continuously grown in every term. The new parliament adopted a new philosophy to create a simpler and more cost-effective committee system. The general principle was to have each MP in only one standing committee, so that the total number of seats equalled the total number of MPs (386). The number of committees was reduced to 18, but there were 43 MPs (including the Speaker, most of the deputy speakers, some of the PPG leaders, ministers and undersecretaries of state) who were not committee members.

Poland has more committees than the other three parliaments; 25 in the current term but 28 in 2005–7. Considering the number of Polish deputies (460), the number of committees does not constitute higher workload than in the other countries. In addition to the Standing Committee for European Integration, both chambers of the Polish parliament created a special Committee for European Legislation; after the 2001 elections; however, the Committees

for European Integration in the Sejm and Senate resumed their functions, and the special committees were never re-established.

Slovenia has the heaviest committee workload (see Table 2), with a large number of committees compared to the small number of deputies (90). In the 2000–2004 term, the rate of membership reached 3.4 and in the next term, 2004–8, the rate was 3.3.

Parliamentary Party Groups (PPGs). A significant factor in the internal order and life of parliaments is the creation and functioning of PPGs, their stability during the electoral term, and the changes in the number of their deputies. Parliaments have tried to regulate their functioning, and especially their creation, aimed at supporting large PPGs and preventing them from splitting. The regulation (Table 3) varies with the size of Chamber and the electoral threshold. In some cases (Czech Republic and Hungary) the rules were not fully consistent with electoral law; parties had reached the electoral threshold and thus entered in parliament but did not meet the criteria for PPG formation. In these cases, amendments to the standing orders were adopted so that each party elected to parliament has the right to form its own PPG at the beginning of the term.

In the Czech Republic, the initial minimum of ten deputies was changed to three after the 2006 elections in order to accommodate the Green Party (SZ). This small party with only six MPs did not fulfil the minimum condition for forming their own PPG. As a result, the minimum number of MPs required was changed: ‘all deputies elected to the Chamber of Deputies for independent political parties are entitled to establish political groups at the beginning of every new electoral term’. To form a PPG in compliance with this clause, any such political group must have at least three members.¹⁴ Thanks to this amendment, the Green Party was allowed to form its own PPG in the Lower Chamber. This change applies only to the beginning of each electoral term. During the term, ten MPs are still required to form a new PPG.

In Hungary, PPGs were constituted by no fewer than ten members. To avoid parliamentary fragmentation, this limit was raised in 1994 to 15 members. An

Table 3: Electoral Threshold and Minimum Size of Parliamentary Party Groups: Second Decade Central European Parliaments, Lower Chambers

Parliament	Threshold %	Minimum No. MPs
Polish <i>Sejm</i>	5	15
Hungarian <i>Országgyűlés</i>	5	15 (10) ¹
Czech <i>Poslanecká sněmovna</i>	5	10 (3) ²
Slovenian <i>Državni zbor</i>	4	3

¹Changed in 2007.

²Changed in 2006.

Source: Rules of Procedure of the Chamber of Deputies of the Parliament of the Czech Republic; The Standing Orders of the Parliament of the Republic of Hungary.

amendment in 2007 again made it possible to form a PPG with a minimum of ten MPs, adding that a party which crossed the five per cent electoral threshold (thus winning a minimum of nine seats) could form a PPG even if it had fewer than ten MPs).¹⁵

In the Czech Republic, there have been very few transfers of MPs between PPGs. There have been, however, demonstrative resignations from a PPG to show disagreement with a party policy or leadership. Nevertheless, there is a difference between transfers from one to another PPG and leaving the PPG and remaining without affiliation for the entire electoral term. The unaffiliated MPs are very often decisive persons in governments with a narrow majority.

At the Hungarian constituent session of the 2006–10 term, only five PPGs announced their formation (the Hungarian Socialist Party, the FIDESZ – Hungarian Civic Union, the KDNP – Christian Democratic People’s Party, the Hungarian Democratic Forum and the Alliance of Free Democrats). Although there were voluntary resignations and expulsions, the four PPGs remained throughout the entire term. Unlike the Czech Republic where immediate transfer between PPGs is possible, in Hungary it is possible to join another PPG only after six months. This provision is intended to prevent ‘headhunting’ as used by parties in the Czech Chamber of Deputies.

In Poland, a Sejm PPG can be established by at least 15 deputies; fewer than 15 deputies may form a so-called Group of Deputies that must have at least three members.

In Slovenia, a PPG can be formed by at least three deputies. Groups of Deputies may also be formed by deputies irrespective of their number. The two deputies elected for the Italian and Hungarian national communities together have the status of a Group of Deputies. According to the Rules of Procedure, unaffiliated deputies may also form a deputy group (Fink-Hafner and Krašovec 2009).

MPs in both Hungary and Poland can also form other groups (for example, based on profession or geographical area) for parliamentary activity. However, these non-party groups do not enjoy the rights of PPGs. Their activities are not regulated by the Standing Orders, nor are they guaranteed any special rights. The Sejm Rules of Procedure enable the establishment of deputy groupings based on different principles than the shared political views of their members (for example, the Parliamentary Women’s Group, Parliamentary Grouping for the Consumers, and Parliamentary Grouping for the Restructuring of the Power Industry).¹⁶

Standing Orders do not regulate the organisation and operation of PPGs; it only defines general rules of formation and cessation. Rules of organisation and operation are decided by the PPGs themselves. PPGs elect a leader and other officials from among their members.

Increasing PPG control over the deputies and party discipline is seen in all four parliaments. In the Polish Sejm, for example, there has been a progressive development of intra-party controls by changing the leadership style and introducing centralisation of leaders’ control in the Democratic Left Alliance

(SLD), the Polish Peasants' Party (PSL), and the Freedom Union (UW) (Zubek 2008, p. 152).

Chamber Leadership

How parties share and allocate leadership positions in the parliament is an important feature of parliamentary life. In general, opposition parties have access to parliamentary positions. There is a trend towards proportional representation, varying, however, with the strength of the governing party or coalition.

In the Czech Republic, the division of positions in the Chamber of Deputies among parliamentary party groups is not guided by legal regulation; it is a matter of political bargaining. The distribution of positions expresses the relation of power between the government and opposition. If the government/governing coalition has a safe majority, the positions are distributed among coalition parties. On the contrary, with a narrow majority the division of positions is more consensual, as in the 1998–2002 term. The leader of the opposition became the Speaker of the Chamber as a result of the 'Opposition Agreement'.

The assignment of MPs to committees is in the power of the PPGs, and the ruling parties have a clear majority in almost all committees. In 2008, this principle was further reinforced. The Czech ruling parties pushed through a change in the number of seats in each committee so that their number is now odd and the ruling coalition has the majority.

In Hungary, the principle of parity is applied in committees having special authority (for example, the Committee on Immunity or the committees of inquiry), with an even number of members from the governing coalition and the opposition party/parties. On the other hand, in the majority of standing committees the principle of proportionality applies and committee membership is distributed in proportion to the parties' seats in parliament. Thus MPs of the governing coalition have a majority in the committees.¹⁷ But some committee chairs have also been allocated to opposition parties.

Each parliament has its own rules which have been changing throughout the two decades. The aim of these changes has been to stabilise PPGs and also to respond to the altered power distribution after elections and the entry of new political parties (for example, in the Czech Republic). Strict rules, high incumbency rates, nomination procedures in parties, and increasing party discipline, have an impact on PPGs' stability; transfers among parliamentary party groups and dissolution of parliamentary party groups with the creation of new ones – typical during the first decade – have declined substantially in the second.

Rules of Procedure

The Czech Republic, Poland and Slovenia have two-chamber parliaments. The division of power between the chambers has not changed, and in none of the four countries has the electoral system been fundamentally transformed. In the Czech case, the implementation of the Constitution has not fully taken

place through adoption of the Inter-Cameral Relation Act,¹⁸ which would regulate the method and way of communication and cooperation between the two chambers. However, there were changes in procedural rules.

Parliamentary rules together with political parties are two factors which structure parliamentary decision-making. The rules govern the work of legislators and help to manage parliamentary battles. In European democratic systems, parliamentary rules of procedure change quite frequently (Müller *et al.* 2009), as is also the case in our four countries. The Czech Republic and Poland have the most liberal procedural rules, while Hungary and Slovenia have the most restrictive procedural constraints (Zubek and Stecker 2009).

There have been two main periods in the development of parliamentary rules. In the first period, the statutory rules have defined MPs' status and behaviour; internal organisation of the parliament; and relationships with other political institutions – especially the executive. In the second period, coinciding with the second decade of democratic parliamentarism, some redesigning of rules reflects institutional adaptation to the EU integration process and supported rationalisation of parliamentary functioning (Fink-Hafner and Krasovec 2010).

In the second decade, the Czech Parliament has gone through ten changes in the Rules of Procedure, though they were not of any substantial nature. As mentioned above, the most important change was related to the formation of PPGs after the 2006 elections.

In Hungary, changes in the Standing Orders were inevitable with accession to the European Union. A new chapter regulates processes in relation to EU matters. Other changes include the extension of transparency, in that committee sessions' minutes will be published on the internet. The latest and perhaps most important amendments of the second decade were in December 2007, to clarify rules of forming PPGs and committees, rules applying to independent MPs, and time limits on speeches.

In Slovenia, eight changes were made in the rules during the second decade, some of which have significantly altered how Slovenia's political system functions (Fink-Hafner and Krašovec 2009, p. 1). Major reform of parliamentary procedures in 2002 included: (a) rationalisation of the legislative process; (b) the empowerment of working bodies in the legislative process; (c) the diminishing role of civil society actors in the legislative process; (d) the growing role of parliamentary party group leaders; and (e) limits on the time available for speeches and replies (Fink-Hafner and Krašovec 2010, p. 12). The slightly more restrictive character of the changed rules is also mentioned by Zubek in this issue.

Conclusion

In the first decade of democratic parliamentarism, the main tasks were to establish parliamentary structures; for the second decade the main task has been to manage entry into the European Union and to find the place for a national parliament in

relation to the EU. The second decade of parliamentary development in the CEE countries has been marked by two significant external factors, first, accession to the EU and, second, for Slovenia and the Czech Republic, exercise of the EU presidency. Parliaments have been transformed from primary legislative to mediating and supervisory bodies. The supranational function of European institutions has dramatically reduced the dominant legislative function of national parliaments.

In the process of European integration in CEE, the role of national parliaments has gradually shifted from serving as the founding institution of a legal state to adjusting national law to EU legal norms in the pre-accession period, and, finally, towards becoming mediating and supervisory rather than primary legislative bodies after accession. The EU presidency (Slovenia, Czech Republic) made special demands on the work capacity of the parliaments. There was a special need for mutual cooperation between the parliaments and governments.

Stability does not mean the absence of change, but that changes were rather minor. These were caused, on the one hand, by external influences, and, on the other, by an attempt to resolve stalemates resulting from either small majorities in the parliament or minority governments. There were changes in parliamentary rules and measures to avoid the splitting of parliamentary party groups and to help to increase party discipline. We also observe the tendency towards bipolarisation, both to strengthen the two largest parties, and to develop two ideological blocs (Czech Republic, Hungary and Slovenia).

However, is the stability of party composition in parliaments a sign that the political scene is consolidated? In the Czech example, the formation of coalitions and acquisition of the voting majority necessitated large transaction costs. With small majorities, the parliamentary floor became a battle-ground between the coalition and the opposition.

With struggles for the majority at times of fragile political balance, and repetitious early elections (Poland, Czech Republic), we can ask whether the stability of party composition is a sign of low stabilisation or an indicator of overall stability.

Stability in the four parliaments at the end of the first decade has changed into collapsing stability at the end of the second decade. There has been stability in the constitutional design of the parliament and of election law. At the end of the second decade, however, changes in the party composition in the Chamber of Deputies have occurred (Czech Republic, Hungary, Poland). Parties have gained and lost seats, and in some cases they have disappeared.

Note on Author

Zdenka Mansfeldová is Senior Researcher and head of the Department of Sociology of Politics at the Academy of Sciences of the Czech Republic, email: zdenka.mansfeldova@soc.cas.cz

Acknowledgements

Work on this paper was supported by research project No. 407/07/1395 'The Europeanisation of Political Representation in the Czech Republic', granted by the Grant Agency of the Czech Republic. The author is grateful to Petra Rakusánová Guasti and Drago Zajc for valuable comments and help. Many thanks also to Jessie Hronesová and Krzysztof Kasianiuk for their kind help. Grateful thanks are due for the data and expert judgements provided by Danica Fink-Hafner, Alenka Krašovec, Gabriella Ilonszki, Drago Zajc, Krzysztof Kasianiuk, and Michael Edinger.

Notes

1. The Schengen Area comprises the territories of 25 European countries (2010) that have implemented the Schengen Agreement signed in 1985. Schengen cooperation has been incorporated into the European Union legal framework by the Treaty of Amsterdam, 1997. The Schengen Area operates very much like a single state for international travel with border controls for travellers moving in and out of the area, but with no internal border controls; it represents a territory where the free movement of persons is guaranteed.
2. Unaffiliated deputy Miloš Melčák interposed a complaint to the Constitutional Court about the decision of the President to proclaim early elections and proposed to repeal a Constitutional Act, shortening the term. The Constitutional Court granted this request. After this, the parliamentary parties had to come to a consensus on how to dissolve the Chamber of Deputies and enable the early elections. They were not able to agree and the chance to stage early elections fell through, in the middle of the election campaign and just one month before the scheduled date.
3. http://www.bertelsmann-transformation-index.de/fileadmin/pdf/Gutachten_BTI_2008/ECSE/Hungary.pdf
4. The change reinforced the majority elements of the electoral system and thereby ensured the advantageousness of the Election Act for larger parties. The number of electoral districts was increased to 35; mandates were divided up according to the d'Hondt divisor, whose first number was raised from 1 to 1.42; and the legal thresholds were increased to ten per cent for two-party coalitions, 15 per cent for three-party coalitions, and 20 per cent for coalitions of four or more parties. The Constitutional Court, based on a petition by the President of the Republic, cancelled those provisions that changed the mechanics of the voting system with the exception of the legal thresholds for coalitions (for more information about the reform, see Novák *et al.* 2005).
5. The practical consequences of the chosen method of redistribution of votes can be demonstrated in the allotment of seats after the 2006 elections, where the parties that later formed the governing coalition (ODS, KDU-ČSL and SZ) received 200,000 votes, that is, more than the opposition parties, but both camps in the end received equally 100 seats in the Chamber of Deputies.
6. In the Czech Republic, the share of lost votes has increased from 6 per cent in 2006 to 18.8 per cent in the 2010 elections.
7. TOP 09 – Tradice, Odpovědnost, Prosperita (tradition, responsibility, prosperity) with support of mayors was officially founded in November 2009 and belongs to the youngest subjects on the Czech political landscape.
8. VV – Věci Veřejné – Public Affairs calling itself the party of direct democracy, was founded in 2001 and active at a local level. The party is unpredictable in many areas and has a rather populist character.
9. <http://www.vlada.cz/en/ppov/lrv/uvod-en-24877/> (accessed 8 October 2010).
10. In the Czech Republic the Social Democrats have a quota of 20 per cent women for their participation in ballots, and the Green Party has in its Nomination Rules support of equal opportunity.
11. Professionalism also in the sense of mandate perception, see Rakušanová and Mansfeldová (2008).
12. The Czech electoral system uses fixed candidate lists, but it is possible to use preferential votes. In the years 1990–1998 each voter had four preferential votes, in the years 2002–6 the possibility

was restricted to two preferential votes. In 2006 there was an amendment to election law No. 480/2006 Coll., which increased the number of preferential notes again to four and decreased the gain of such votes necessary for pushing the candidate forward on the party list from 7 per cent to 5 per cent. This new arrangement was used first in parliamentary elections in May 2010.

13. 'Volume 4 ze zadu', <http://www.4zezadu.cz>
14. http://www.psp.cz/docs/laws/1995/90.html#_1
15. http://www.parlament.hu/cgi-bin/insurl?angol/factions.htm#_Toc214874306
16. http://english.peopledaily.com.cn/200704/15/eng20070415_366579.html
17. http://www.parlament.hu/cgi-bin/insurl?fotitkar/angol/general_info.htm#_Toc141002434
18. The existence of a law defining the principles of transactions and contacts internally between the two chambers is mentioned in the Constitution in Chapter 2, Art. 41, but the Act has not yet been adopted.

References

- Albi, A., 2005. 'Europe' Articles in the Constitutions of Central and Eastern European Countries. *Common Market Law Review*, 42, 399–423.
- Fink-Hafner, D. and Krašovec, A., 2009. Determinants and Consequences of Institutional Adaptation: The Case of the Slovenian Parliament. Paper presented in the Workshop 26 'Institutional Design of Parliamentary Rules and Party Politics' at the ECPR Joint Workshop Sessions, Lisbon, Portugal, 14–19 April.
- Fink-Hafner, D. and Krašovec, A., 2010. Factors Influencing Changes in Parliamentary Statutory Rules in Slovenia. *Politologicki časopis*, XVII (1), 3–23.
- Grabbe, H., 2001. How does Europeanization affect CEE Governance? Conditionality, Diffusion and Diversity. *Journal of European Public Policy*, 8 (4), 1013–1031.
- Györi, E., 2007. The Role of the Hungarian National Assembly in EU Policy-making after Accession to the Union. In: J. O'Brennan and T. Raunio, eds. *National Parliaments within the Enlarged European Union. From 'Victims' of Integration to Competitive Actors?* Abingdon and New York: Routledge, 220–240.
- Ilonszki, G., 2009. European Citizenship. Short Term and Long Term Consideration. In: A. Ágh and J. Kis-Varga, eds. *The Global Crisis and the EU Responses: The Perspectives of the SBH Team Presidency*. Budapest: 'Together for Europe' Research Centre, 251–271.
- Kurtán, S. and Illonszki, G., 2009. Hungary. *European Journal of Political Research. Political Data Yearbook 2008*, 48 (7–8), 973–979.
- Lazowski, A., 2007. The Polish Parliament and EU Affairs. An Effective Actor or an Accidental Hero? In: J. O'Brennan and T. Raunio, eds. *National Parliaments within the Enlarged European Union. From 'Victims' of Integration to Competitive Actors?* Abingdon and New York: Routledge, 203–219.
- Liebhart, K. and Pribersky, A., 2004. Europeanization of Parliaments or Parliamentarization of Europe? A Comparative Perspective from East and West. In: A. Ágh, ed. *Post-Accession in East-central Europe. The Emergence of the EU-25*. Budapest: Hungarian Center for Democracy Studies, 129–152.
- Linek, L. and Mansfeldová, Z., 2008. The Parliament of the Czech Republic, 1993–2004. In: D.M. Olson and P. Norton, eds. *Post-Communist and Post-Soviet Parliaments. The Initial Decade*. London and New York: Routledge, 1–26.
- Mattson, I. and Strøm, K., 1995. Parliamentary Committees. In: H. Döring, ed. *Parliaments and Majority Rule in Western Europe*. New York: St. Martin's Press, 249–307.
- Müller, W.C., Sieber, U., and Becher, M., 2009. Engineering Parliamentary Rules. A Theoretical Framework and Macro Patterns in 20 European Democracies. Paper presented at Workshop 26 'Institutional Design of Parliamentary Rules and Party Politics' at the ECPR Point Workshop Sessions, Lisbon, 14–19 April.
- Novák, M., et al., 2005. *Volební a stranické systémy. ČR v komparativní perspektivě*. Dobrá Voda: Aleš Cenek.
- O'Brennan, J. and Raunio, T., 2007. Introduction: Deparliamentarization and European integration. In: J. O'Brennan and T. Raunio, eds. *National Parliaments within the Enlarged European Union. From 'Victims' of Integration to Competitive Actors?* Abingdon and New York: Routledge, 1–26.

- Olson, D.M., 2008. Paths of Legislative Development in Second Decade Post-Communist Parliaments: Some Questions. Paper presented at the conference 'Development of Parliaments and Legislatures: Approaches and Findings', Research Committee of Legislative Specialists, International Political Science Association, Dresden, Germany, 17–19 September.
- Olson, D.M. and Crowther, W.E., 2002. Committees in New Democratic Parliaments: Indicators of Institutionalization. In: D.M. Olson and W.E. Crowther, eds. *Post-Communist Democratic Parliaments. Comparative Institutionalization*. Columbus, OH: Ohio State Press, 3–18.
- Olson, D.M. and Norton, P., 2008. Post-Communist and Post-Soviet Parliaments: Divergent Paths from Transition. In: D.M. Olson and P. Norton, eds. *Post-Communist and Post-Soviet Parliaments. The Initial Decade*. London and New York: Routledge, 153–185.
- Rakušanová, P. and Mansfeldová, Z., 2008. The Elite Perception of Democracy and Representation in the Czech Republic: General Overview of the First 15 Years. Paper presented at the IPSA and RCLS International Conference 'Development of Parliaments and Legislatures: Approaches and Findings', Technical University of Dresden, Germany, 17–19 September.
- Röder, I., 2008. Revoluce v politice je nutná: chceme polovinu moci. Rozhovor se Sonjou Lokar. *Gender/rovné příležitosti/výzkum*, 9 (1), 33–38.
- Sokolowski, J. and Poznanski, P., 2008. *Wybrane aspekty funkcjonowania Sejmu w latach 1997–2007*. Krakow: Krakowskie Towarzystwo Edukacyjne.
- Syllová, J. and Kolář, P., 2008. Analýza změn ústavního a právního prostředí v České republice v souvislosti se vstupem do Evropské unie (s důrazem na parlamentarismus, občanství a soudnictví). In: Z. Mansfeldová and A. Kroupa, eds. *Proměny reprezentace zájmů po vstupu do Evropské unie*. Praha: Sociologické nakladatelství, 19–52.
- Syllová, J., Kolář, P., Kysela, J., Georgiev, J., and Pecháček, Š., 2008. *Parlament České republiky*, 2nd ed. Praha: Linde.
- Špicarová Stašková, B. and Mansfeldová, Z., 2009. Parlament a vláda. In: Z. Mansfeldová and L. Linek, eds. *Český parlament ve druhé dekádě demokratického vývoje. Sociologické studie 09:8*. Prague: Sociologický ústav AV ČR, 78–94.
- Vachudova, A.M., 2005. *Europe Undivided: Democracy, Leverage, and Integration after Communism*. New York: Oxford University Press.
- Vehar, P., 2007. The National Assembly of the Republic of Slovenia and EU Affairs Before and After Accession. In: J. O'Brennan and T. Raunio, eds. *National Parliaments within the Enlarged European Union. From 'Victims' of Integration to Competitive Actors?* Abingdon and New York: Routledge, 241–254.
- Von Ahn, T., 2007. Democracy or the Street? Fragile Stability in Hungary. Available from: <http://www.eurozine.com/articles/2007-05-07-vonahn-en.html> (accessed 10 October 2010).
- Wasilewski, J. and Betkiewicz, B., 2003. Five Terms of the Polish Post-Communist Parliament. In: H. Best and M. Edinger, eds. *Representative Elites in Post-Communist Settings*. Universität Jena, SFB 580 Mitteilungen, No. 8, 33–46.
- Zubek, R., 2008. Parties, Rules and Government Legislative Control in Central Europe: The Case of Poland. *Communist and Post-Communist Studies*, 41, 147–161.
- Zubek, R. and Stecker, C., 2009. Legislatures and Policy Predictability: Evidence from East Central Europe. Paper presented at Workshop 26 'Institutional Design of Parliamentary Rules and Party Politics' at the ECPR Point Workshop Sessions, Lisbon, Portugal, 14–19 April.