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INSTITUTIONALISING PARLIAMENTS IN CENTRAL AND EASTERN EUROPE

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Introduction
The literature on legislatures in Central and Eastern Europe (hereafter CEE) is part of a broader inquiry into the adoption and implementation of democratic institutions in the aftermath of the collapse of communist political and economic systems between 1989 and the end of 1991. Beginning with a focus on the design of basic constitutional structures (Lijphart 1992, Geddes 1996, Elster et al. 1998), that is, the parliamentary and semi-presidential systems characteristic of new democracies in CEE (Shugart 2005), inquiry quickly expanded to include the development of other institutions essential to parliamentary democracy, especially political parties and party systems (Bielasiak 2002, Tavits 2005), cabinets (Blondel and Müller-Rommel 2001), and implications of the dual executive (Protsyk 2005). Once it became clear that post-communist countries in Europe would have the opportunity to join the European Union (EU) assuming they could meet the Copenhagen Conditions, it was necessary to understand the impact of the EU’s accession process on both institutional design and development, and this inspired a substantial and growing literature in and of itself (Grabbe 2002, Malová and Haughton 2002). Initially, most of this work focused directly or indirectly on the relationship between institutional design and the success of democratisation; even work on the impact of the EU on institutional development was centrally concerned with the success of EU conditionality on democratisation (Schimmelfennig and Scholtz 2008).

Beginning in the second decade of democratic transition, scholars increasingly focused on the degree to which the new parliaments had become sufficiently autonomous, internally complex, and stable to support effective policymaking, a process generally referred to as ‘legislative institutionalisation’ (Mansfeldová 2011). Recognition of the importance of legislative institutionalisation was partly the result of scholarship demonstrating significant variation in acceding countries’ ability to do more than superficially comply with EU conditionality (Dimitrova 2010). Only recently have scholars begun to address the reasons for variation in parliamentary performance across CEE (Jahn and Müller-Rommel 2010).

For the purposes of this chapter, I focus predominantly on analyses of the fifteen post-communist countries which at the time of this writing had experienced at least fifteen years of sustained democratic transition and which are widely considered to be democracies. This set of cases includes five former republics of the Soviet Union (Lithuania, Latvia, Estonia, Ukraine, and
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Moldova), six former satellites (Poland, Czech Republic, Slovakia, Hungary, Bulgaria, and Romania), three former republics of Yugoslavia (Slovenia, Croatia, and Macedonia) and one additional Balkan country, Albania.1

The chapter is divided into three sections, each corresponding to a major phase in the chronological progression of study of legislatures in CEE. The first section focuses on institutional design, the second on legislative institutionalisation, and the third on legislative performance. In the first section, I discuss the early literature on constitutional design and succeeding work on development of related institutions including party systems, the dual executive, and cabinets. In the second section, I discuss literature on legislative institutionalisation, especially as it concerns professionalisation of members of parliament, development of internal structures such as party councils and committees, and the impact of EU conditionality. In the third section, I present a puzzle – given the relative similarity in institutional design of countries in CEE (all are parliamentary or semi-presidential), why is there such significant variation in legislative performance?

Institutional design of parliament

Constitutional design

Taking advantage of the accessibility and transparency of constitutional negotiations in CEE, whether occurring in parliaments, specially elected constitutional assemblies, or in extraparliamentary round tables, scholars contributed to an influential literature on institutional design. One body of work analysed the negotiations themselves, describing a process in which two or more strategic actors, all of whom interested in ensuring themselves a role in the new democratic system, bargained over specific institutional features such as the presence or absence of a directly elected president (Lijphart 1992, Geddes 1996, Elster et al. 1998), presence of an upper parliamentary chamber (Osiatynski 1996), and structure of the state as unitary or federal in nature (Calda 1996). According to the logic of this rational-choice perspective, bargaining by multiple actors in which all are uncertain about their future electoral chances will result in rules that both maximise the chance for each to gain seats in the new legislature (Shvetsova 2003, Andrews and Jackman 2005) and the opportunity for those that do gain seats to participate in policymaking (Geddes 1996). Following this logic, we would expect countries in CEE to adopt proportional electoral rules and parliamentary systems of government. In those cases where one party was popular enough to believe that its leader could win a national presidential contest, we might expect adoption of a semi-presidential system (Geddes 1996, Sajó 1996).

Scholars also focused on a second factor, the influence of Europe’s parliamentary tradition, in some cases embodied in past constitutional experience (e.g. Poland, Estonia, Latvia, Lithuania, and Czechoslovakia), and for others in the influence of West European templates (Malová and Haughton 2002). The two most relevant constitutional templates were those of the French Fifth Republic, with its innovative semi-presidential design, and post-war Germany, which introduced the electoral threshold as a means to limit the access of small parties to national politics (Elster 1991, Olson and Norton 1996). Hence, among the fifteen CEE countries listed in the introduction, all adopted either parliamentary or semi-presidential systems (also Sedelius and Aberg in this volume). Further, all of the CEE countries imposed electoral thresholds on their proportional electoral tiers (also Birch in this volume). For countries that began the transition later, such as the former republics of Yugoslavia, the goal of joining the EU ensured that they would adopt
constitutional designs in line with West European norms (Schimmelfennig and Scholtz 2008, Renner and Trauner 2009, Bieber 2011).

In the case of two of the CEE countries, Moldova and Ukraine, Crowther has noted that a significant delay between collapse of the communist systems and design and adoption of new constitutions meant that neither of these two countries was able to make a radical break with its Soviet past. Instead, these two countries adopted new constitutions under the oversight of parliaments elected during the Soviet period, and in Ukraine also under a powerful president elected during the Soviet period (Crowther 2011, p. 148). Furthermore, dominance of Soviet-era elites led to poorly designed constitutions that failed to demarcate between the powers of executive and legislature (Wolczuk 2001).

In summary, constitutions throughout CEE were the result of negotiation, whether through vigorous and productive debate as in Poland or through tepid and drawn-out discussion as in Ukraine. Case studies of negotiations highlight the paramount role of strategic elites who were more intent on the short-term goal of political survival than on ensuring successful democratisation (Elster 1996). It may be, however, that the process of negotiation, which contributed to adoption of parliamentary forms of government, is itself of paramount importance in ensuring democratic success. This conclusion is supported both by comparison of the quality of democracy across countries in which robust, multi-party negotiations occurred versus those in which negotiations were flawed (e.g. Romania and Bulgaria) or delayed (e.g. Moldova and Ukraine) and by Wright’s systematic analysis (2008). In addition, all of the countries in CEE, including Ukraine and Moldova, were influenced by proximity to Europe and by Europe’s long tradition of parliamentary government, a tradition embodied in the pseudo-democratic structure of these countries’ prior communist systems (Ludwikowski 1996). It is not surprising, therefore, that all adopted some form of parliamentarism.

Among the fifteen post-communist democracies considered in this study, initially six were parliamentary (Albania, Czech Republic, Estonia, Hungary, Latvia, and Slovakia) and nine were semi-presidential (Bulgaria, Croatia, Lithuania, Macedonia, Moldova, Poland, Romania, Slovenia, and Ukraine). All fifteen parliaments were ascribed considerable powers. Except in the case of Poland and Ukraine, heads of state, whether indirectly elected by parliament or directly elected by the population, were given few legislative or non-legislative powers (Metcalf 2000). Further, since the early 1990s, five of the countries have made major changes to the structure of executive legislative relations, which have served either to strengthen or leave undiminished the powers of parliament.2 In fact, a comparison of the institutional powers of parliaments in CEE with those of Western Europe, as captured by Fish and Kroenig’s Parliamentary Powers Index (2009), shows that parliaments in CEE are as strong as or stronger than parliaments in Western Europe (Andrews 2014).

**Characteristics of party systems in CEE and implications for parliament**

Since the onset of the transition, scholars have noted the strikingly high number of parties competing and winning seats in parliamentary elections across the region (Rose and Munro 2003; also Sikk in this volume). Although this was especially true of early elections (Bielasiak 2002, Reich 2004), parliaments in CEE continue to include relatively high effective numbers of political parties (see Table 6.1). Given that in every country in the region, proportional representation or a mixed electoral system involving a proportional tier of substantial size was adopted, a multi-party system was to be expected (Birch 2001, Moser and Scheiner 2012). Nevertheless, stable party systems have been slow to develop (Tavits 2005, Lewis 2007). Many CEE parliaments continue
to experience significant changes in the composition of parties competing and gaining seats in parliament, a phenomenon captured by the volatility in parliamentary membership from election to election (Toka 1995, Mair 1997, Sikk 2005, Tavits 2008, Andrews and Bairett 2014). Thus, high party fragmentation and low party system institutionalisation characterise parliaments in the new democracies of CEE.

Executive-legislative relations and intra-executive conflict

After the adoption of basic constitutional rules in the early 1990s, institutional arrangements including those delineating the powers of legislature and executive took time to stabilise (Kopecký 2004). Given that in most of these countries constitutions could be changed by supermajorities in parliament, significant constitutional changes have continued to occur through the present.

Initially, because the focus of both constitutional design and change lay with newly elected parliaments across the region, parliaments were at the centre of new democratic politics (Ágh 1995). As yet untested constitutional divisions of power between parliament, cabinet, and president, whether elected by parliament or the people, meant that in the early years executives appeared weak relative to legislatures. Party fragmentation and lack of loyalty among party members hampered newly installed governments in their efforts to ensure that their programmes were passed by parliament (Malová and Haughton 2002, Kopecký 2004). However, as countries confronted the daunting task of rebuilding economic and political institutions in line with strict International Monetary Fund (IMF) and EU standards, the role of legislative agenda-setter moved from parliaments to governments (Mansfeldová 2011, Fink-Hafner 2011, Kopecký 2004). Indeed, in the final phase of EU accession, the parliamentary agenda was dominated by passage of EU law, a process directed by the governments of the acceding countries. Thus, the relative power of parliament and executive has shifted since the transition began, with governments becoming increasingly important and powerful actors (Olson and Norton 2007).

With the increase in governmental power has come increased conflict within the executive branch itself in countries with both a prime minister and an elected president. Because much of our prior understanding of the relationship between president and prime minister in semi-presidential systems was based on analysis of France, a country with stable majority government, the creation of many new semi-presidential systems that rely primarily on coalition government provided the opportunity for greater understanding of the dynamics of this increasingly common governmental type. Among the fifteen countries on which this chapter focuses, and taking into account recent constitutional changes, ten are semi-presidential. If we consider also Serbia and Montenegro, that number reaches twelve. Thus, most of the new democracies in CEE have adopted parliamentary systems with a directly elected president. Although it is not inconceivable that conflict could emerge between a prime minister and president, each of which is elected by parliament (Tavits 2009), it is much less likely than when the prime minister and president are answerable to different constituencies.

Conflict between presidents and prime ministers in CEE is not uncommon and was an object of study soon after democratic transition began (Baylis 1996). Reasons for such conflict include ambiguity in the constitutional responsibilities of president and prime minister, differences in the constituencies to which each executive is responsible, incongruence of electoral cycles, and the legitimacy conferred on the president by direct election (Elgie 2011).

Protsyk analyses how the composition of cabinet, whether single or multi-party, majority, minority or technocratic, and the relative party affiliation of president and prime minister, impact the potential for conflict (2005, 2006). Building a dataset of intra-executive conflict based on
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reports in the *East European Constitutional Review*, Protsyk finds that conflict is least likely when the prime minister heads a majority coalition and when the president and prime minister are from the same party. Conflict is most likely when the prime minister and president are from different parties, even if the prime minister heads a majority government. Thus, cohabitation is a major contributor to intra-executive conflict. Even so, Protsyk finds that in CEE, “presidents challenge prime ministers, who are backed by a solid parliamentary majority, more often than the French experience of cohabitation would suggest” (2005, p. 151). There is some evidence that presidents are more likely to challenge prime ministers when the prime minister heads a minority or technocratic cabinet. According to Protsyk, parliamentary fragmentation contributes to intra-executive conflict, because it is strongly related to occurrence of minority and technocratic governments (2005, pp. 152–153).

Using an expanded set of sources, Sedelius and Mashtaler (2013) generate a dataset of seventy-six instances of intra-executive conflict between 1991 and 2011. They are primarily interested in the frequency as well as the subject of conflict over the time period. They categorise conflict as being ‘low’ or ‘high’, and they report few differences in their own assessment of the degree of conflict with that of Protsyk (2005), thus confirming the validity of their coding. They too find that cohabitation is associated with heightened conflict, as is minority government. In addition, Sedelius and Mashtaler find that the rate of intra-executive conflict has remained constant from the early to later periods. Most interestingly, they find that throughout the twenty-year period, struggles between president and prime minister erupt most often when presidents attempt to expand their powers by broadening the interpretation of the their constitutional prerogatives against the resistance of prime ministers who view this as encroachment into the proper domain of prime minister and cabinet (2013, p. 118). Conflict over policy is almost as frequent (2013, table 6.4). Finally, they find no difference between the two sub-types of semi-presidential systems, premier-presidential and president-parliamentary (Shugart and Carey 1992) in rate and type of conflict. Although most studies of intra-executive conflict examine the causes of conflict, Sedelius and Ekman (2010) find that such conflict is itself a significant predictor of cabinet instability, the subject of the next sub-section.

In summary, studies of intra-executive conflict in CEE have provided a framework in which to understand the nature and causes of intra-executive conflict, which has greatly expanded our understanding of executive dynamics in semi-presidential systems. However, debate continues as to the implications of intra-executive conflict for democratic performance (Elgie 2011).

**Government stability**

Few would disagree with the statement that party governments in CEE have been relatively unstable (Blondel and Müller-Rommel 2001, Nikolenyi 2004, Grotz and Weber 2012). Data collected by Müller-Rommel et al. (2004) on twelve CEE countries demonstrates that government turnover is generally quite high (Grotz and Weber 2012, table 6.1). For example, the proportion of governments that survived until the end of their terms ranges from a low of 21 per cent in Latvia to a high of 63 per cent in Hungary. On average, only 38 per cent of all governments in these twelve countries survived until the end of their terms. Somer-Topcu and Williams show that among the CEE countries that joined the EU in the fourth enlargement, the average cabinet duration was about fifty days shorter than the average duration in Western Europe (2008, table 6.1).

If caretaker governments are included in the calculation of government duration, as Conrad and Golder argue they should be, the duration of cabinets in CEE is shortened (2010, p. 126). Conrad and Golder modify the Müller-Rommel et al. data by including duration of caretaker
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cabinets as well as those installed following an election. According to Conrad and Golder, in an environment such as CEE in which there is a high level of government turnover, it is important to differentiate the duration of electorally installed governments from caretaker governments that under these circumstances may occupy cabinet for substantial periods of time (2010, p. 132).

Efforts to clarify the impact of party system fragmentation on cabinet duration find that while the effective number of parties in parliament has no direct effect on cabinet, the number of parties in government significantly shortens the expected duration (Somer-Topcu and Williams 2008), and this finding holds when studies include duration of caretaker governments (Tzelgov 2011, Grotz and Weber 2012). Further, Tzelgov finds that inclusion of former communist parties in the cabinet increases cabinet survival, a finding confirmed by Grotz and Weber. These authors suggest that in CEE, cabinet duration is affected by the complexity of the transitional environment – a part of which consists of the unique role of former communist parties, which must be incorporated via interactions with standard predictors of cabinet stability (Grotz and Weber 2012).

What are the consequences of cabinet instability? Are these consequences deleterious to democratisation and parliamentary performance? Initially, scholars believed that cabinet instability would hinder the ability of newly independent post-communist countries to adopt a coherent program of economic policy reform (Alesina et al. 1996). Conrad and Golder assert that extensive experience of caretaker governments (which will occur in countries with high government turnover) may impede a country’s ability to implement economic reform (2010, p. 132). Meyer-Sahling and Veen find that in those countries where government change is frequent and involves change in ideological composition of the cabinet, incoming ministers seek to politicise the senior ranks of civil service (2012). However, Hellman finds that “postcommunist countries with a greater dispersion of political power and a larger number of veto points in the policymaking process have stabilized faster and more effectively than countries in which political power is more concentrated” (1998, fig. 6.8). Mirroring Hellman’s findings, Jahn and Müller-Rommel find that the number of parties in government had no impact on economic policy output, but it increased numbers of institutional veto players and so improved economic policymaking (2010).

While cabinet instability is especially high in CEE, we do not yet know if this is a neutral result of competitive multi-party democracy in a region with very little prior democratic experience and only weakly institutionalised political parties (with the notable exception of former communist parties) or a sign of institutional dysfunction (see also Enyedi and Deegan-Krause in this volume). It is worth noting that there appears to be no relationship between cabinet stability and success of democratisation. In Table 6.1, I present data on average number of parties in the cabinets of fifteen CEE countries (which include the twelve analysed by Grotz and Weber 2012), and demonstrate that not only are multi-party cabinets the norm in CEE, but cabinets range in size from one or two members to as many as five, six, or seven. In addition, Table 6.1 presents the high level of prime ministerial turnover across the region. Countries with highly unstable cabinets include almost equal numbers of those struggling to consolidate democracy (e.g. Ukraine, Moldova, and Albania) and those widely deemed to be consolidated (e.g. Poland, Latvia, Lithuania, and the Czech Republic).

In summary, CEE is characterised by strong parliamentary government, fairly high levels of intra-executive conflict in those countries that adopted semi-presidential systems, fragmented party systems, and high government turnover. While some scholars are concerned that intra-executive conflict and cabinet instability may prove deleterious to democracy, it is also possible that we are witnessing a ‘new normal’ given historical circumstances unique to the region and the institutional combinations installed in the wake of communism’s collapse.
<table>
<thead>
<tr>
<th>Country</th>
<th>Years constitutional democracy</th>
<th>ENPP First election and Most recent election prior to 2013</th>
<th>Number of parties in cabinet, lowest to highest</th>
<th>Average number of parties in cabinet, start of transition to 2012</th>
<th>Number of prime ministers, beginning of transition to present</th>
<th>Prime ministers per year</th>
<th>Average checks: DPI(^2) measure of veto players</th>
<th>Polity 2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>Poland</td>
<td>1990 to present</td>
<td>10.86 to 2.82</td>
<td>2 to 7</td>
<td>2.6</td>
<td>17</td>
<td>.65</td>
<td>4.25</td>
<td>10</td>
</tr>
<tr>
<td>Czech Republic</td>
<td>1992 to present</td>
<td>4.8 to 4.51</td>
<td>1 to 3</td>
<td>2.2</td>
<td>10</td>
<td>.43</td>
<td>5.5</td>
<td>8</td>
</tr>
<tr>
<td>Slovakia</td>
<td>1992 to present</td>
<td>3.19 to 4</td>
<td>1 to 4</td>
<td>3.4</td>
<td>7</td>
<td>.3</td>
<td>4.25</td>
<td>10</td>
</tr>
<tr>
<td>Hungary</td>
<td>1990 to present</td>
<td>3.79 to 2</td>
<td>1 to 3</td>
<td>2.2</td>
<td>9</td>
<td>.36</td>
<td>3.5</td>
<td>10</td>
</tr>
<tr>
<td>Bulgaria</td>
<td>1991 to present</td>
<td>2.41 to 3.34</td>
<td>1 to 3</td>
<td>1.6</td>
<td>11</td>
<td>.44</td>
<td>2.75</td>
<td>9</td>
</tr>
<tr>
<td>Romania</td>
<td>1993 to present</td>
<td>4.78 to 3.61</td>
<td>2 to 5</td>
<td>3.15</td>
<td>14</td>
<td>.56</td>
<td>6.25</td>
<td>9</td>
</tr>
<tr>
<td>Estonia</td>
<td>1993 to present</td>
<td>5.9 to 3.84</td>
<td>1 to 3</td>
<td>2.5</td>
<td>9</td>
<td>.36</td>
<td>3.75</td>
<td>9</td>
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<tr>
<td>Latvia</td>
<td>1993 to present</td>
<td>5 to 3.93</td>
<td>3 to 7</td>
<td>4.5</td>
<td>15</td>
<td>.65</td>
<td>5</td>
<td>8</td>
</tr>
<tr>
<td>Lithuania</td>
<td>1993 to present</td>
<td>3 to 5.79</td>
<td>1 to 4</td>
<td>2.5</td>
<td>13</td>
<td>.57</td>
<td>3</td>
<td>10</td>
</tr>
<tr>
<td>Ukraine</td>
<td>1994 to present</td>
<td>10 to 3.3</td>
<td>1 to 3</td>
<td>1.7</td>
<td>14</td>
<td>.61</td>
<td>4.5</td>
<td>6</td>
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<tr>
<td>Moldova</td>
<td>1994 to present</td>
<td>2.62 to 3.23</td>
<td>1 to 4</td>
<td>1.6</td>
<td>13</td>
<td>.57</td>
<td>2.25</td>
<td>8</td>
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<td>Slovenia</td>
<td>1990 to present</td>
<td>6.61 to 4.43</td>
<td>2 to 6</td>
<td>3.9</td>
<td>10</td>
<td>.48</td>
<td>4.75</td>
<td>10</td>
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<tr>
<td>Macedonia</td>
<td>1994 to present</td>
<td>3.65 to 2.9</td>
<td>3 to 5</td>
<td>3.2</td>
<td>7</td>
<td>.28</td>
<td>2.25</td>
<td>9</td>
</tr>
<tr>
<td>Croatia</td>
<td>2000 to present</td>
<td>2.92 to 2.99</td>
<td>1 to 6</td>
<td>3.6</td>
<td>10</td>
<td>.48</td>
<td>2.75</td>
<td>9</td>
</tr>
<tr>
<td>Albania</td>
<td>1991 to present</td>
<td>1.88 to 2.21</td>
<td>2 to 7</td>
<td>4.6</td>
<td>12</td>
<td>.5</td>
<td>2.25</td>
<td>9</td>
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</table>
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Legislative institutionalisation

The second major body of work on legislatures in CEE concerns the degree to which parliaments have developed the capacity for consistent and effective policymaking, a process generally known as institutionalisation. The concept was first introduced by Polsby (1968), and although his original definition has been continually debated and revised (Copeland and Patterson 1994), legislative institutionalisation is generally operationalised in terms of stability and professionalisation of membership and staff, and development of internal rules and structures to facilitate lawmaking and ensure autonomy from other institutions especially the executive (Olson and Norton 1996). Scholarship has focused on three main aspects of institutionalisation: stability and professionalisation of members of parliament, development of committees, and the influence of the EU and the accession process. I discuss each in turn.

Parliamentary membership

Although the literature on parliamentary membership in CEE does not yet include a systematic analysis of predictors of professionalisation, multi-country case studies provide sufficient information to compare levels of professionalisation across parliaments. I summarise findings across a number of these studies and draw several general conclusions.

It is necessary to recognise the impact of low party system institutionalisation on instability of parliamentary membership. Electoral volatility in CEE is comparatively high; in fact, levels of volatility were initially historically the highest recorded in any of the world’s regions (Bielasiak 2002) and, unlike post-democratisation levels of volatility in Latin America, continue to be unusually high today (Andrews and Bairett 2014; also Enyedi and Deegan-Krause in this volume). By definition, high levels of electoral volatility, such as the 20 per cent to 60 per cent common in CEE over the first six democratic elections (Andrews and Bairett 2014, fig. 6.1), lead to high levels of turnover from parliament to parliament. Thus, low levels of party system institutionalisation in CEE have impeded the development of a stable core of experienced representatives in many if not most of these countries.

A number of scholars have confirmed that professionalisation of parliamentary representatives, especially in terms of parliamentary experience, is quite low across CEE (Ilonszki and Edinger 2007), although there is important variation across cases (Chiva 2007, Protsyk and Matišescu 2011, Crowther 2011, Khmelko 2011).

Ilonszki and Edinger (2007) present a multi-country study comparing professionalisation and parliamentary service of MPs across Croatia, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Russia, and Slovakia. In general, they find that although the professionalisation of deputies prior to entering parliament has increased considerably since founding elections, stability of parliamentary membership remains low. Relating to experience, they find that across all nine CEE parliaments over the first five terms, the proportion of MPs with prior experience in at least one political office had risen considerably in all parliaments since the founding election (Ilonszki and Edinger 2007, p. 155 discussion, table 6.4), with the exception of Poland where the proportion was very high in the first parliament (86 per cent) and remained high. Relating to stability of membership, they find considerable instability across all parliaments. Turnover in parliamentary membership ranges from 31 per cent in Hungary’s fourth term to 60 percent in Estonia’s fifth term, although since the founding elections it has declined in all of the CEE countries except Estonia (2007, table 6.5). Mansfeldová reports similar trends (2011, table 6.1), as do Shabad and Slomczynski for Poland and the Czech Republic (2002, tables 6.4 and 6.5). Ilonszki and Edinger express a concern shared by other scholars:
High turnover rates in most of the post-communist parliaments more than a decade after regime change limit professionalization of the representative elites. Thus, the masses of newcomers regularly entering the parliament after each and every election have become a major concern. (2007, p. 157)

In a study of MPs in Hungary and Romania, Chiva argues that MPs in Romania have been active in their parties for long periods of time; therefore, professionalisation in Romania is increasing despite high levels of parliamentary turnover (2007). Unfortunately, an alternative interpretation is possible. Protsyk and Matichescu describe political parties in Romania as clientelistic, fostering close connections with the business community (2011). They report that political corruption involving the relationship between political parties and business is a recurring topic in the Romania media (Protsyk and Matichescu 2011, p. 211). Furthermore, they suggest that business experience is not an indicator of increased professionalisation of parliamentary membership but of the corruption of the relationship between business and the political system (2011, pp. 211–213). “Unlike parties in consolidated Western European democracies, the Romanian parties rely heavily in their candidate selection practices on very small and highly elitist groups of business managers” (2011, p. 220). They argue that it is important to retain concept validity when defining professionalisation of parliamentary membership; experience within the party may not offer the same kind of ‘professionalisation’ as parliamentary experience.

In a similar vein, Crowther demonstrates that stability of parliamentary membership is not a sufficient measure of professionalisation. Over several articles, Crowther has argued that legislatures in Moldova and Ukraine are poorly institutionalized, even though statistics on turnover in parliamentary membership for Moldova (Crowther 2014, table 10.4) and Ukraine (Semenova 2014, table 12.2) show a similar downward trend to that of other CEE countries. Crowther explains poor legislative institutionalisation in Moldova and Ukraine not in terms of MPs experience in the post-communist period, but in terms of their connections to the communist-era elite and Communist Party (2011, 2014). Khmelko echoes Crowther in asserting that in post-Soviet countries (e.g. Ukraine and Moldova) the new elites are actually just the old elites in new clothes, and they have perpetuated patronage systems based on the same regional and industrial groupings that they represented in the Soviet era (2011, pp. 194–195). According to this line of reasoning, an important characteristic of highly institutionalised legislatures is not only stability of membership but a complete or near-complete break in membership with old communist-era institutions.

In conclusion, although turnover in parliamentary membership is decreasing across CEE, it is still high overall. Furthermore, variation in rates of turnover is significant, implying an increasing gap between those countries in which a professional core of deputies is evolving and those countries where this has yet to happen. Significantly, countries with the lowest level of professionalisation appear to be those that had the closest ties to the Soviet Union and hence the deepest experience of the Soviet model of patrimonial communism (Kitschelt et al. 1999).

**Institutional complexity: party factions and committees**

Party factions and committees exist in both semi-presidential and parliamentary systems, but their relative importance to policymaking depends on the institutional and partisan characteristics of the system (Olson 1980, Shaw 1990). According to Norton and Olson, scholars have found an ‘interrelationship’ between institutional and partisan features, “with the most important variable being that of party” (2007, p. 7). In situations of single-party dominance, committees are weak and dominated by the majority party. However, in many of the countries in CEE, multi-party...
coalitions are the rule, and in these cases the interrelationship between parties and committees is more complex. Where parties are particularly weak, as in Ukraine, committees may emerge as the focal point of legislative activity; however, the quality of policymaking is low (Olson and Crowther 2002, Whitmore 2006). Committees are most effective when parties are strong and exercise control over their membership and agendas. Thus, the effectiveness of committees depends, in part, on the organisation of party factions.

In a study of seven parliaments from the Czech Republic, Hungary, Moldova, Poland, Russia, Slovenia, and Ukraine, Khmelko reports that by the end of the second decade all seven had formed a “collegial parliamentary leadership council responsible for agenda setting, prioritizing and scheduling legislative activities” (2011, p. 201). The names of these councils differ, but all are the result of efforts by parliament to improve its effectiveness and enhance the role of political parties vis-à-vis other parliamentary elites such as the speaker (2011). Strengthening of the parliamentary party groups (or factions) has also been a priority of parties across the seven countries in Khmelko’s study. To the extent that the party factions remain coherent and avoid excessive party switching, they are able to play a significant role in the assignment of committee leadership positions.

Changes in committee membership are common due to significant changes in composition of legislative membership from election to election. In addition, although committees tend to reflect specific government ministries, there has been considerable adjustment in the number and jurisdiction of committees in almost all countries during the time period (Zajc 2007, Nalewajko and Wedolowski 2007, Ilonszki 2007). Thus the role of committees varies considerably across CEE. In general, however, the internal organisation of parliaments throughout CEE has increased substantially over the past two decades (Mansfeldová 2011).

**EU conditionality**

No discussion of legislative institutionalisation in CEE is complete without review of the impact of EU conditionality on institutional change and development, a process that is ongoing in countries even after accession. Of course, the prospect of EU membership – which required newly independent post-communist countries to embrace both democratic institutions and a market economy, two of the three conditions for accession (Grabbe 2002) – had a profound impact on the adoption of parliamentary government, embracing of press freedom, and implementation of market reform across CEE (Malová and Haughton 2002). However, it was the accession process itself, which requires a country to adopt and implement the entire body of EU law, that has had the most impact on legislative institutionalisation (Grabbe 2002, pp. 254–256). This undertaking requires massive legislative activity and output, and it requires the creation and augmentation of many other institutions including the judiciary and state bureaucracy.

However, as a number of scholars have noted, while the process of EU accession clearly prompted successful democratic transition (Schimmelfennig 2007, Schimmelfennig and Scholtz 2008), which is especially evident in problematic cases such as Slovakia and Romania (Pridham 2002), the process has been less uniformly successful in ensuring widespread and deep institutional change (Dimitrova 2010). As Pridham noted, “Accession countries respond formally by making necessary institutional changes and passing relevant legislation such as on minority rights. But their full satisfaction, including their implementation in practice, is not always easy to achieve” (2002, p. 959).

After the accession of eleven post-communist countries to the EU, the most relevant question is whether formal rule adoption will lead to continued institutional and long-term policy change (Dimitrova 2010, p. 138). As Dimitrova describes, EU conditions and the adoption of the *acquis*
Communautaire required the creation of an “institutional framework supporting the functioning of EU politics,” but it did not and could not determine future interpretation of these rules or future changes to them. Furthermore, post-accession, domestic political actors are on their own in terms of continued institutionalisation (2010, pp. 139–140). Scholars have already noted significant problems for certain countries in complying with EU rules with regard to democracy (e.g. Hungary and Romania; Sedelmeier 2014) and corruption control (e.g. Bulgaria; Vachudova 2009). Thus, we should expect, and indeed find, significant variation with regard to continued institutionalisation of both acquis and non-acquis rules (Dimitrova 2010, p. 145).

Explaining variation in institutional performance: agenda for future research

Despite the fact that the institutional power of parliaments in CEE, both in the countries that have so far joined the EU as well as those hoping to join, is as high as that found in Western Europe, widespread variation exists in how well these parliamentary democracies are running their countries. We see emerging a group of relatively high-performing parliaments in the former Soviet satellites of Poland, Hungary, the Czech Republic, and Slovakia; in the former Baltic Republics of Estonia, Latvia, and Lithuania; in two exceptionally low-performing parliaments in Moldova and Ukraine; with the rest ranging in between.

The concept of ‘governance’ is now widely used to capture variation in the quality of government performance in such areas as corruption control, rule of law, spending on education and healthcare, and economic reform. Work on the impact of constitutional design on governance finds that parliamentary systems promote higher quality governance than do presidential systems. Several studies find that parliamentary systems are associated with lower corruption than presidential systems (Gerring and Thacker 2004, Lederman et al. 2005, Kunicova and Rose-Ackerman 2005). Persson and Tabellini (2004) find that parliamentary systems spend more consistently on public goods such as education and healthcare, which leads to more robust human development. In a study of multiple indicators of government performance, Gerring, Thacker, and Moreno find that parliamentary systems are associated with significantly higher rule of law and bureaucratic quality, slightly lower corruption, and significantly stronger economic and human development than presidential systems (2009).

In the parliamentary context of CEE, insofar as governments are constituted by and responsible to parliament, the quality of governance reflects the effectiveness of both the parliamentary majority in its ability to articulate a coherent policy programme for its government to implement and of the opposition in holding the government accountable. Thus, the quality of governance is an appropriate measure of legislative performance. As already discussed, legislatures in CEE are institutionally strong; thus, we might expect consistently strong performance on governance indicators across the region. Instead, we find that the quality of governance in these new democracies is generally much lower than that in Western Europe, and there is considerable variation across CEE. Furthermore, and most problematic, the quality of governance has improved little since the beginning of transition.

The Worldwide Governance Indicators are a widely used source for cross-country data on governance. Among the six indicators, ‘Control of Corruption’ captures one of the most politically salient problems affecting countries throughout the region (Hellman 1998, Hellman et. al. 2000, Kostadinova 2012, Bagashka 2014). Across CEE the general lack of progress on controlling corruption is remarkable (Figure 6.1; also Kostadinova and Spirova in this volume). Even CEE countries in which economic growth has been consistently strong have not been immune to serious corruption.
The evidence presented in Figure 6.1 strongly suggests that in the area of corruption control, those countries that were the worst performers initially tend to be the worst performers today. The eight CEE countries that joined the EU in 2004 entered the Union substantially below the EU average for corruption control but above the average for Romania and Bulgaria, both of whom joined in 2007. Corruption control in Croatia, which joined the EU in 2013, has remained somewhere between the average for those that joined in 2004 and those that joined in 2007, despite substantial improvement in the years prior to 2002. Corruption control in the two CEE countries not yet on a path to membership, Moldova and Ukraine, remains abysmal. The increase in corruption control in Romania and Bulgaria in the years prior to signing the Accession Treaty, and the steady increase in the two candidate countries Albania and Macedonia as they progress towards signing an Accession Treaty, underscore the powerful impact of the accession process (Renner and Trauner 2009). Just as dramatically, the lack of continued improvement across all of the countries after accession underscores the EU’s inability to force new members to continue the political, economic, and social reforms that were conditions of their entrance. It is now generally accepted that EU criteria should require more progress on administrative reform prior to accession than was the case for those CEE countries that have already joined, especially Romania and Bulgaria (Vachudova 2009). As Batory discusses, the process of EU accession changes the formal institutional framework within an acceding country, but implementation of EU law post-accession has so far fallen outside the EU’s control (2012).

Figure 6.1 Worldwide Governance Indicator ‘Control of Corruption’ for CEE 1996–2014
Countries included in EU 2004 are Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia, Slovenia; in EU 2007 are Bulgaria and Romania; in EU 2013 Croatia; in EU Candidate Albania and Macedonia; and in EU Associate Moldova and Ukraine.
Although it may be possible to explain the lack of continued progress on corruption control on the shortcomings inherent in the process of EU accession, an important puzzle remains: why have countries’ quality of governance changed so little relative to each other over the course of the past twenty years? Countries in the Southern Balkans have continued to perform worse than those in the Central and Northern regions of Eastern Europe, and Moldova and Ukraine have remained profoundly corrupt.

It is tempting to attribute these patterns to each country’s Soviet-era legacy of communism. Differences in post-Soviet performance across countries deeply integrated into the Soviet system, such as Ukraine and Bulgaria, to those more economically and politically independent, such as Poland and Hungary, call attention to the possible explanatory importance of recent history. In their investigation of predictors of economic policy reform, Jahn and Müller-Rommel (2010) find that the strongest predictor of policy reform was communist legacy. That is, a country’s starting point after the collapse of communism was the best predictor of its parliament’s ability to pass a comprehensive program of economic reform. Spendzharova and Vachudova make a similar argument in explaining the failure of EU accession to reduce corruption in Bulgaria and Romania (2012).

However, an explanation of legislative performance that rests on a country’s communist legacy is theoretically unsatisfactory. Consider the cases of Estonia, Latvia, and Lithuania, which were Soviet Republics like Moldova and Ukraine, yet are far less corrupt. The former republics of Yugoslavia were more integrated into the European Common Market than any of the other post-communist countries, and yet they are among the worst performers today. Poland emerged from communism as one of the poorest countries in Eastern Europe, yet it has improved its quality of governance more than any of the other CEE countries. And, as already mentioned, constitutional variation across all of the cases is minimal. Thus, explaining variation in legislative performance remains an enticing question for future research.

To date, there are very few multi-country empirical investigations into the predictors of corruption control and other types of government effectiveness across CEE; thus, it is premature to attempt an explanation of variation in parliamentary effectiveness. However, those studies that do exist underscore the importance of a multivariate, multi-country approach. In their three-country study of party patronage, Kopecký and Spirova analyse expert survey data covering the Czech Republic, Hungary, and Bulgaria and an additional twelve West European countries. Comparing an index of patronage (constructed from survey responses) across all fifteen country cases, the authors find that patronage levels in the three CEE countries fall within the range of index values for Western Europe. Furthermore, the authors find complex variation across the three CEE countries in levels of patronage within institutional type and policy areas. Thus, although Kopecký and Spirova do not rule out the importance of CEE countries’ communist-era legacy, they conclude that expectations based strictly on communist-era legacy cannot explain variation they observe, especially the lack of clear differences between Hungary and Bulgaria (2011).

In their ten-country analysis of policy performance, using an alternative measure of legislative effectiveness, Jahn and Müller-Rommel find that government strength (related to parliamentary strength) does not increase policy performance, but rather the number of extra-parliamentary institutional veto players does. An index constructed of three components including communist-system type (following Kitschelt et al. 1999), prior democratic experience, and type of regime breakdown has a strong and significant impact on policy performance. Finally, they find that foreign direct investment (FDI) and economic openness increase policy performance. Thus, the predictors of good governance are complex. Certainly a country’s communist past matters, but so do other historical factors, and the impact of history on governance depends on other country characteristics such as diversity of extra-parliamentary institutions and investment climate.
Mirroring Kopecký and Spirova’s findings, Jahn and Müller-Rommel show that importance of predictors varies across policy areas.

Although the literature on legislative performance is in its infancy, early studies show conclusively that no single factor can explain variation across CEE. To begin to understand variation in legislative and democratic performance across CEE, scholars must carry out multi-country studies and incorporate multivariate research methods. It is especially important to unpack the influence of history. Studies of political networks like that carried out by Kopecký and Spirova seem especially promising.

Concluding remarks

Taken in its entirety, scholarship on the new parliaments in CEE has greatly expanded our understanding of how strong and effective legislatures are created, from initial institutional design through evolution of internal parliamentary structures. The importance of early multi-party constitutional negotiations cannot be overstated. In those CEE countries in which a balanced institutional design emerged early in the transition, elections have remained competitive, and the internal institutions of effective legislatures, especially committee systems organised by parties, have developed accordingly. The two least institutionalised legislatures in CEE are in Moldova and Ukraine, neither of which managed to establish a stable, balanced constitution at the beginning of its transition. Despite the fact that all of the parliaments in CEE, with the exception of Moldova and Ukraine, have managed to pass an economic reform programme sufficiently effective to promote growth, and all have either joined the EU or are on track to join, most continue to experience a high level of government instability as well as turnover in parliamentary membership. Traditionally, political scientists have considered such instability to be deleterious to effective governance. Without further study, we can only speculate about the contribution of internal instability in CEE parliaments to the low quality of governance in CEE today. Given the richness of institutional and organisation detail covered by the extant literature, it is up to the next generation of scholarship to identify those features of parliamentary systems that most promote good governance and in so doing address a question central to comparative politics.

Notes

1 Although Belarus, Serbia, Montenegro, Bosnia and Herzegovina, and Kosovo are geographically located in CEE, I mostly exclude them from my analysis because they lack sufficient democratic experience and/or have not yet established clear sovereignty. After a single election, the post-communist government in Belarus reverted to strong authoritarianism, and the legislature has never functioned as a representative deliberative body. Serbia and Montenegro did not establish independence until 2006, and neither Bosnia and Herzegovina nor Kosovo has yet emerged as a clearly sovereign entity. Likewise I exclude Russia, which spans two continents and vies with both the EU and China for respective regional dominance. Furthermore, Russia is not a democracy.

2 For example, Moldova’s 1994 constitution included a directly elected president with considerable powers; however, in 2000 the election of the president became the responsibility of parliament. Although both Slovakia and the Czech Republic added a directly elected president to their parliamentary systems (Slovakia in 1999 and the Czech Republic in 2012), neither altered the powers of the parliament. Ukraine, which adopted a semi-presidential system with the most powerful president in Eastern Europe, altered its constitution in 2006 to reduce the power of the president and augment the power of parliament, although the power of the president was temporarily restored from 2010 to 2014. Hungary introduced a new constitution in 2012 that increased the power of parliament.

3 In Conrad and Golder’s data, a government begins on the date it is installed (the date of investiture) and it ends on the date that new elections are held (and the mandate of the prior government ends). The cabinet that remains in office between the date of the most recent election and the date that the new cabinet takes office is a caretaker cabinet, regardless of whether or not it includes the incumbent parties.
4 Except for data on DPI variable 'Checks' and values from Polity, all data were collected by the author.
6 I do not include Ilonszki and Edinger’s (2007) results for Russia in my discussion.
7 Because only parliament has the right to dismiss the government in all of the semi-presidential systems in CEE, these systems fall into Shugart and Carey’s category of premier-presidential (1992). The only exceptions occurred in Ukraine between 1996 and 2006 and between 2010 and 2014.
8 The Worldwide Governance Indicators are created by aggregation of over thirty data sources, especially surveys of enterprises, citizens, and experts created by independent institutes, think tanks, non-governmental organisations, and private firms. Although susceptible to criticism as indirect measures of government, the Worldwide Governance Indicators are generally considered superior to single-source measures. For a description of the methodology and interpretation of indicator values as well as access to the data see the following web site: http://info.worldbank.org/governance/wgi/index.aspx#home.
9 Data on World Governance Indicators ‘Rule of Law’ and ‘Government Effectiveness’ show similar trends.

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Josephine T. Andrews


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