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Sweden and Poland from a European Perspective

Some Aspects on the Integration Process

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List of acronyms

CFI	Court of First Instance
CFSP	Common Foreign Security Policy
EC	European Community
ECB	European Central Bank
ECJ	European Court of Justice
ECHR	European Convention of Human Rights
ECSC	European Coal and Steel Community
EEC	European Economic Community
EMU	Economic and Monetary Union
EP	European Parliament
EU	European Union
IGC	Intergovernmental Conference
JHA	Justice and Home Affairs
MEP	Member of European Parliament
NGO	Non-Governmental Organization
TEU	Treaty of the European Union (Treaty of Maastricht)
TEC	Treaty of Economic Community (Treaty of Rome)
WEU	Western European Union

Preface

The enlargement process of the European Union is a very relevant issue of the contemporary political discourse. Most of the political leaders in the present member countries have expressed a sincere devotion to the growth of the Union by no less than 12 countries, primarily from Central and Eastern Europe. Most of the applicant countries, however, differ in certain respects from the typical Western European members. Apart from the political and administrative heritage from the period of Soviet Union dependency, they have also generally less efficient economies and democratic institutional solutions, higher unemployment, and considerable environmental problems. Although these issues are of great relevance in the member countries too, there is also an extensive need for a broad approximation process among the applicant countries.

During September 11-12, 2001, an international workshop was held at Södertörn University/College in Stockholm, Sweden, where Polish and Swedish relationships with each other and with the European Union were extensively analysed and discussed. The main focus was put on the approximation process of Poland towards an eventual membership in the Union. Drawing on the experiences gained by Sweden as comparably new member of the European Union, critical aspects of the Polish approximation process were identified and analysed from different perspectives. The results from previous studies and the concentrated discussions during the workshop are presented in this volume in the form of eight separate articles. Although they cover a broad spectrum of issues, they are all related to the characteristics and prospects of Sweden and Poland in the European Union.

The most fundamental rationale behind the creation and development of the European Union from an economic perspective is mutual gains from cooperation. When economic perspectives are interpreted in a wide sense, efficiency gains in many different areas become relevant. Not only does a reduction of trade barriers of different kinds enrich countries through production diversification determined by comparative advantages, harmonization of rules and regulations facilitates regional political administration and makes it possible for people to enjoy a higher level of freedom. In this research report, the focus is set on the tension between the potential collective gains from cooperation within the European Union and the issue how these gains are to be distributed among the actors. More precisely, the main interest has been placed on the Polish approximation process in relation to the EU, but this

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process is also related to the experiences of Sweden, a relatively new member of the Union.

The fact that cooperation often promises collective gains to those cooperating does not mean that the attainment of these gains is straightforward. It can reasonably be assumed that what drives the individual countries in Europe to increase the level of integration is not so much an urge to obtain collective benefits, as a way to augment individual gains. This means that the existence of potential collective gains is not by itself sufficient for explaining the adoption of cooperative or uncooperative national policies. National strategies might very well be understandable from the perspective of this particular actor, but it might nevertheless jeopardize the best interests of the collective. In this volume the tension between individual countries and European Union interests is taken as the point of departure. This tension is often the reason for the difficulties in reaching agreements on common rules and regulations, especially when simple majority decisions are not applied. In other words, the inability often observed to reach settlements that would benefit all countries might not be caused by a lack of appreciation of common interests, but rather the unwanted outcome from negotiations where the actors place their individual interests before what is best for the collective. Different aspects of this tension between individual country and EU interests are discussed in this report, as well as similar conflicts within the political system of Poland.

The outcome of the interaction process within the EU, as well as between the Union and the applicant countries, is not only determined by the interests of the individual countries but by their capabilities as well. Therefore, this report also discusses different aspects of the political, administrative, and judicial capability of Poland. First of all, it is clear that it is the EU that determines the minimum requirements for membership. These requirements, however, are not completely impossible to influence to some extent by the applicant countries. If this were not the case, negotiations would not be needed. The applicant countries would simply have to decide whether they accepted the terms for membership or not. Rather, the approximation process is a prolonged series of negotiations of different Chapters, albeit between quite unequal actors.

It should be noted, that the negotiating power of the actors is very complex. It might seem as if Poland, for example, had a much weaker position than the Union in the negotiation process regarding membership. This is not, however, necessarily true. First, the EU is not a homogenous actor. In other words, the strength of the European Union as a negotiating actor is not de-

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terminated by the sum of its individual member countries' capability, but rather the outcome of the internal negotiation process within the Union regarding membership requirements. Decision-making procedures as well as diverging interests among key member countries might substantively influence negotiating power. Second, the power in a negotiating process an actor is able to exert is not only determined by actual capability but also by the salience of the issue being negotiated. Generally, the more salient an issue is to the actor, the weaker is its power in the negotiations. The reason is that the other actors in the negotiations can be assumed to take advantage of this and try to push for a settlement closer to their respective ideal points.

In order to understand the approximation process between Poland and the EU, internal Union decision-making procedures and the efficiency of the Polish democratic system, as well as issues related to how important membership is to each party, has to be taken into consideration. The level of support amongst the Polish electorate, for example, thus influences membership negotiations in important ways. More precisely, declining support in recent years might very well have strengthened the Polish position. On the other hand, inefficient democratic institutions in Poland might decrease negotiating power. This makes the studies of the present Polish institutional solutions in this study important for the understanding of the approximation process.

This research report addresses a number of important issues. Different aspects of the internal decision-making procedures within the Union, support for Polish EU membership and political capacity in terms of democratic institutional solutions, and critical issues in the negotiation process between Poland and the European Union are addressed. References are furthermore made to comparisons between Swedish experiences and Polish prospects for membership. A short summary of each contribution is given below, as an introduction to the separate articles.

In many, if not most, international issue areas, there is a potential for mutual benefits if the states choose to cooperate. In situations characterized by attempts to achieve absolute rather than relative gains, agreements are generally at least possible to reach where all actors are made better off. In *Gains from bilateral cooperation – A tentative research agenda*, Dr. Björn Hassler elaborates theoretically on the potential for mutual gains from bilateral cooperation. It is shown that when the focus of interest in international relations shifts from the almost exclusive interest previously given to security issues, cooperative strategies often become reasonable also to self-interested and sovereign states. Transboundary pollution and trade issues are just two examples of areas where self-regulated coordination or cooperation might

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make the states better off. In order to facilitate cooperation, a wide range of different kinds of international institutional arrangements has evolved. Moreover, these institutions are today furthermore influencing state incentives and behaviour in various ways. Therefore, an increased understanding of international institutions will enhance our comprehension of the potential for further mutual gains and the incentives for cooperation.

It is argued by Dr. Hassler that existing institutions cannot *à priori* be assumed to be optimal in terms of aggregated benefits. Rather, the individual actors, the states, can be assumed to have strong incentives to attempt to form institutional solutions that are particularly beneficial to them. This also means that the actors could be assumed to try to frame specific issues in different ways, in order to optimise their individual pay-offs. These theoretical suggestions offer a point of departure for empirical interpretations, which most likely would increase our understanding of the essence of international cooperation.

In all democratic political systems there is a tension between efficiency and representativity. The balancing of these goals is particularly problematic in the European Union due to its considerable size in terms of member states and individuals, its heterogeneity, and the pivotal role of national parliaments and governments. In *The Treaty of Nice and a Sweden-Poland Axis within the European Union*, Dr. Yonhyok Choe shows that the process of finding institutional solutions acceptable to all member countries at the Nice Conference was characterized by give-and-take negotiations. In the end, the smaller countries were able to keep the principle of equal representation in the Commission intact. The price they had to pay, however, was a decrease in their voting power in the Council.

The enlargement of the Union will increase the tension in the institutional system significantly, since contemporary members most likely must reduce their number of representatives and votes in most political bodies in order to allow for the entrance of the applicant countries. No clear solution to this reduction of representatives and votes has yet been agreed upon. The admission of the new member states will almost certainly induce the creation of new political alliances between countries. One such alliance, Dr. Choe argues, could be a vertical axis with Sweden and Poland as dominating countries, and the neighbouring smaller states as additional coalition partners. Due to the diverging interests of Sweden and Poland on, for example, security issues, however, this axis would presumably be of most relevance in issue-areas such as trade and environmental regulation.

When evaluating pros and cons of membership in the European Union,

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Poland has to, like all other applicant countries, estimate the cost in terms of reduced freedom of action and the benefits in terms of economic gains and sense of belonging. In *The Public Debate and the Attitudes of the Societies in Sweden and Poland Regarding EU Membership* by Tomasz R. Szymczynski, the Swedish pre-membership political situation is compared with the present situation in Poland, where membership negotiations have reached a rather advanced stage. Despite the many differences in historical, cultural, economic, and political dimensions, the Swedish and the Polish cases share at least one interesting feature: a relatively equal distribution of citizen opinions for and against membership. The primary puzzle addressed in this paper is that while the sense of economic crisis seemed to favour pro-membership sentiments in Sweden, economic downturns in Poland have consistently been *negatively* correlated with popular support for EU membership. The solution to this puzzle suggested here is based on the observation that Sweden and Poland moved toward the European Union, so to speak, from different angles. In Sweden, the economic crisis in the early 1990s made it appear clear to many voters that Swedish economic performance might not be possible to sustain outside the Union. Thus, previously sensed hesitation because of fears of having to lower social welfare ambitions in various dimensions was weakened by the economic slump. In Poland, the “entrance angle” is quite the opposite. One of the main fears has been that Poland will become a second-class member of the Union. Weakened economic and political performance tends to undermine national self-esteem, thus increasing fears of a second-class membership.

Democracy is, in a way, an ancient political system, dating back to Athens in the 5th century BC. Dr. Stanislaw Zyborowicz reminds us in his article *Democracy in the European Perspective* of the many similarities between the political system of ancient Greece and that of contemporary Europe, but he also points out the important differences. In Athens, the will of the citizens was expressed and decided upon through a process of direct democracy. Although the size of the modern nations has made representative political systems necessary, the issue of public participation is still at the heart of the discourse on present-day political legitimacy and efficiency.

A distinction is made in the paper between minimalist democracy, where the representativity of the elected officials is the pivotal issue, and a social definition of democracy, where the active participation by ordinary citizens in political decision—making is a key variable. Dr. Zyborowicz calls attention to the fact that these definitions have a significant normative content. Depending on which definition that is perceived as the most legitimate one

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in public and elite discourses, transformative processes such as, for example, increasing financial, physical and cultural mobility will affect the political systems, as we know them today, in very different ways.

As pointed out in *European Standards of Political Systems in Relation to Polish Reality* by Dr. Tadeusz Wallas, the political systems of the European Union member states are not uniform. They differ, for example, in terms of how the head of state is appointed, the parliamentary system, and written constitutional rights. Despite this heterogeneity, however, comprehensive cooperation has been possible, and a common view on legitimate political system fundamentals has, to a large extent, been achieved in the European Union. The contemporary political system of Poland is not incompatible with this view, which means that Polish membership in the EU is in this respect not overly problematic. This is not to say, however, that the present political system of Poland is perfect. The major areas where further reform is needed are identified by Dr. Wallas, and are found to be: comparably widespread corruption, a shortage of local and regional administrative capacity, insufficient civil society activity, and unsatisfactory judicial aptitude. The common denominator of these shortcomings is their relation to structural and cultural causes rather than to the lack of legislative and political reform. Shortage of financial resources and the heritage of a repressive political system during the occupation by the Soviet Union have made it difficult to reach significant progress in these areas.

One of the most fundamental rationales behind the creation of the European Union is the efficiency gain obtained by allowing the free movement of people and capital. From this perspective, the hesitation expressed by Germany and Austria to let the citizens of the applicant countries settle wherever they want when enlargement has been implemented is surprising. In his paper, *Learning from the Past – the EU Enlargement and the Question of Free Workforce Movement*, Wojciech Szrubka suggests that this reluctance could be explained by the recent historical experiences of Germany and Austria. After the liberation of the former Eastern bloc countries, Austria and Germany received considerable numbers of immigrants. The other EU countries did not experience similar waves of immigration during this time period. The suggestion is then, that recent phenomena form future expectations, thus producing a correlation between previous immigrant flows and a hesitation to allow free labour movements, including future members as well. It is concluded, however, that the anticipation of massive labour movement from the former socialistic countries seems largely unfounded. When the comparably less affluent countries of Greece, Portugal and Spain became members of the

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EU two decades ago, immigration flows to Northern Europe were far from dramatic. The economic stimulus provided by their membership status strongly decreased labour force migration incentives. By implication, then, large influxes of people from the CEE countries should thus not be expected.

The ultimate quality criterion of a democratic political system is its ability to reflect the will of the people. In *Election Laws and Elections in Poland in Relation to European Standards*, Andrzej Stelmach shows that the Polish electoral system has matured considerably during the 1990s and today is quite comparable with most modern Western political systems. The first democracy law was passed in 1989. The election system stipulated by this law, though, could most adequately be described as semi-democratic, since only about 35 percent of the seats in the Sejm (parliament) are allocated according to a fully competitive election procedure. The election of the Senate is, however, free and competitive.

The election laws of 1991 specified an almost completely proportional system where all parties were allocated seats strictly in accordance with their percentage share of the votes, but since no thresholds were set up for parliamentary representation, the result was a considerable atomisation in both the Sejm and the Senate. The large number of political parties made the creation of an efficient government very arduous. The incremental process of refining the election system was continued in the 1993 laws, where thresholds were introduced targeted at the reduction of the plethora of political parties and coalitions in the parliament.

The Polish election laws have largely been kept intact since the 1993 reforms. Although the formulation of election laws is always influenced by contemporaneous political power distributions, the passing of time makes it possible for the actors to adapt to the institutional situation, thus making expectations – at least approximately – converge. Contemporary challenges to the democratic electoral system of Poland are quite similar to those of most Western countries, e.g. low degrees of participation in elections, a tension between parliamentary representation and governmental efficiency, and issues related to the legitimacy of public and private funding of political parties and their election campaigns.

The agricultural sector is almost certainly the area where Poland has to make the most comprehensive adjustments before becoming a member of the European Union. In *Polish Agricultural Policy in a EU Perspective – A Study of the Polish Implementation of the Common Agricultural Policy (CAP)*, Emil Plisch shows that the adaptation needed is not only a matter of legislative and institutional reform. A considerable transformation of tradi-

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tional life-styles in the countryside is needed as well. Today, more than a quarter of the population in Poland earn at least part of their living from agriculture. The typical Polish farm is considerably smaller than the EU average, and often characterized by a shortage of capital. To become a EU member, the agricultural sector in Poland has to decrease notably in terms of number of people employed. Considering that the educational level among people in this group is comparably low, finding employment in another sector will often be problematic.

The question whether some kind of transitional rules in this issue-area should be employed has been one of the hardest questions in the membership negotiations between Poland and the EU. European Union representatives have been reluctant to offer Polish farmers equal status from day one, because of the massive transfer of financial resources that would then be needed. The Polish negotiators, on the other hand, have not been willing to accept a settlement that would, according to them, make Polish farmers second-rate members of the Union. No mutually acceptable solution to this issue has yet been found.

Björn Hassler, 2003

Björn Hassler

Gains from bilateral cooperation – A tentative research agenda

One of the most prominent themes in the study of international relations in modern times has been the issue of how to assess cooperation between sovereign states. Is the achievement of cooperation between sovereign states reflections of altruism or pursuit of self-interest? Under what circumstances should we expect to find cooperation, and when should we instead predict a breakdown of negotiations and the loss of potential mutual gains? In this paper, an attempt is made to map out the potential for cooperation between two or more sovereign states. The emphasis is put on theoretical and general factors influencing cooperative behaviour, rather than on the particularities of interactions between Poland, Sweden, and the European Union. By pursuing this theoretical approach, at least three important advantages are achieved. First, by using a more general framework for analysis, theoretical insights gained by other researchers become useful instruments in the identification of factors that might not be easily observable by studying only empirical data from the Polish-Swedish case, or from the Polish EU accession case. Second, a general framework for the identification of potential gains from bilateral cooperation makes it possible to use the same model for analysing the pursuit of joint gains in different empirical areas. Third, by elaborating a framework in close relation with contemporary theoretical models of interstate interaction, spurious correlations and invalid ad-hoc explanations are easier to identify and discard from further analysis. The framework selected in this article is the rational choice approach. This approach is the most general approach used in international politics, which makes it particularly well

suitied for a broad analysis where different aspects of gains and losses from international cooperation can be integrated.

It is assumed in this article that the actors (i.e. the states) can be assumed to be unitary actors. This is a heroic assumption, since the fundamental unit of analysis in rational choice theory is the individual. The rationality of collectives such as states does not follow from the assumed rationality of the individual, since preferences of collectives might very well be intransitive (Hassler 2000). If, however, the preferences of the sub-national actors can be assumed to be reasonably homogeneous, than the unitary actor assumption can be defended, since the larger the homogeneity in preferences, the smaller the probability for intransitivity. In cases with a low level of homogeneity, the domestic situation must be modelled as a game before the interaction between states can be analysed. The outcome of the game in the domestic arena will then be the input in the international game, thus giving us a so-called *two-level* game (Tsebelis 1990). In this article, however, the benefits and costs from cooperation are only described in general and very abstract terms, which means that the issue whether the actor can be assumed to be a unitary actor will not be considered. The states are here simply assumed to be unitary actors.

It should be emphasized that the theoretical discussion of potential gains from bilateral cooperation is not limited to cooperation between two countries only. The framework laid out here could be used for gauging potential gains from collaboration between any numbers of actors.¹ Unless otherwise explicitly stated, the arguments presented below are valid irrespective of the size of the set of countries. This framework could be used for assessing the

¹ In the early work on collective action, some general propositions were made regarding the relation between the number of actors and the achievement of collective goals. Mancur Olson, for example, suggested that collective action would be easier with smaller sets of actors, *ceteris paribus* (Olson 1965). Later research has showed, however, that such simplistic propositions are not generally valid. The key aspect in this regard is rather the individual incentives facing the actor, and these incentive patterns are in most cases not related to the size of the set. In other words, findings on models with only two actors is in most cases possible to generalize also to larger sets of actors.

potential gain from bilateral cooperation between Sweden and Poland, but it could equally well be used to uncover rationales behind observations of European Union cooperation in general. In order to increase parsimony, however, most arguments will be offered in terms of interaction between only two actors, since this makes the discussion more lucid.

After an assessment of the relevance of the collective good concept in bilateral relations, the Prisoner's Dilemma will serve as a starting point for further elaboration. It is then shown that parts of the cognitive prospect theory approach can be used as a supplement to the traditional theory of rational choice.

From hegemony to cost-benefit assessment

In all situations where joint gains are attainable through interaction between two or more actors, issues of collective choice are relevant. The accomplishment of goals that requires action from others as well as oneself always has a strategic component. Suppose, for example, that a cleaner Baltic Sea is positively valued by Poland, as well as by Sweden. It is quite clear then, provided that the actors can be analytically perceived as mainly interested in their own welfare and that the costs of the needed mechanisms to curb pollution are borne by the actors individually, both Poland and Sweden would prefer that the other party would decrease pollution as much as possible, irrespective of the other's costs. The reason is that benefits from decreased pollution of the Baltic Sea are *collective*. Although these benefits in most cases are unevenly distributed between the actors, action taken by one of the actors alas influences the other. If this were not the case, this issue would be an internal affair, in the strict sense of the word, of the actor undertaking the initiative. In other words, the existence of a collective good is a precondition for cooperation to be of any interest to the actors in this context, provided

that they are only interested in their own well-being.² And where there is a potential gain from cooperation between self-interested actors, there are also incentives for strategic behaviour. Gains and costs from cooperation can always be distributed in different ways, a fact that profoundly influences the actors' choice of optimal strategies (Knight 1992).

Strategic behaviour related to the potential for mutual gains from cooperation abounds in relationships between states. A few examples from various issue-areas are trade negotiations, where all actors want the others to reduce their trade barriers, while not necessarily wanting to do this themselves, foreign security issues, where increased strength of an allied is typically positive, while net gains from increasing its own strength might very well be negative, environmental cooperation, where positive achievements from others are always positive. Despite the many differences between such diverse issue-areas, the fact that they can all be viewed through the twin concepts of collective goods and strategic choice makes it possible to analyse them with a single, theoretical model.

Dating back to the classical works of Thomas Hobbes and David Hume respectively, the nexus of the cooperation problem has been centred around the issue whether self-interested, rational, and sovereign actors need an external enforcer to realize mutual gains, or if self-enforcing institutions without such an enforcer might evolve or be created (Hobbes 1968; Hume 2000). The Hobbesian argument, stating that an external enforcer is required, was in the context of international relations picked up by the realist school, and later by the early neo-realism school. A leading power, a hegemon, was, depending on one's interpretation, needed either to compel the actors to choose cooperative strategies, or to make cooperative outcomes sufficiently likely to make the actors perceive cooperative strategies as furthering their own self-interest (Keohane 1984). The Humean argument emphasizing the potential for cooperation without an external monitoring agent was elaborated by, for

² The mirror image of joint gains (collective goods) is collective bads. Since collective goods and bads from the perspective of incentives for choosing cooperative strategies are identical, however, only the collective good label is used.

example, Michael Taylor, Elinor Ostrom, James Morrow, and Bruce Bueno de Mesquita. These authors all made extensive use of the instruments of game theory. Although the neo-realism approach in most cases was also built upon a game theoretic foundation (e.g. the Prisoner's Dilemma model), game theory served here more as a heuristic tool than as a stringent analytical instrument.

During the last decade or so, the issue whether a hegemon is needed to foster cooperation between states has become less pronounced. Although the existence of a strong actor might facilitate cooperation, mainstream analysis has gravitated towards the Humean view, where interstate cooperation is explained rather as the outcome of self-interested strategies, than by coercion exerted by a hegemonic state. The reason to this increased emphasis put on voluntary cooperation is twofold.³ First, during recent decades, US capability has probably decreased relatively in most areas, with a possible exception for military capability (Keohane 1984). This does not mean that the US is not the most powerful country in a large number of areas, but rather that other actors have narrowed the gap between them and the United States. In relation to, for example, Japan and the European Union, the US share of total economic production has decreased. Even though it is questionable whether the EU can be regarded as a single actor, it is nevertheless true that the combined GNP of Europe is nowadays considerably larger in relation to that of the US compared with the situation a few decades ago.

Since the focus of interest has shifted from being almost exclusively on military capability during the Cold War, to being either a power assessment based on capability in different areas or issue-specific capacity, the concept of hegemonic power cannot capture this increased complexity. Most issues in most regions were to a considerable extent influenced by the conflict between the United States and the Soviet Union. Because the foreign security

³ The term voluntary cooperation in this context is analytic rather than empirical. A situation that might be perceived as coercive in ordinary language could still be modeled as a voluntary agreement as long as the "coerced" actor can choose between at least two alternatives, how ever bad these are.

issues were so prominent in international relations during this time, military capability became the natural focal point for analysis of interaction between states. Today, however, issues where the application of military power in most cases is not even considered, such as for example environmental, trade, and migration matters, have taken a higher place on the international agenda. There are issues that might have foreign security aspects attached to them, but these aspects are not of central importance for the understanding of the outcome of negotiations, conflict management, and the like. Somewhat paradoxically then, despite the fact that the US is the only superpower at present, its power in several areas has diminished.

While the first reason for the decreased focus on hegemony was related to changes in the international system, the second was intra-scientific, and caused by the refinement of existing theories in international relations. The first attempts in the rational choice tradition to model issues related to hegemonic stability and institutional change in the international system were based on comparably simple games such as one-shot Prisoner's Dilemmas (Keohane 1984). As models of international issues as games became more elaborate, however, the focus changed from hegemonic competition and towards models emphasizing assumptions of utility-maximizing behaviour by the states. The issue was now not so much whether a particular state had the necessary capability to influence other states behaviour, but rather whether they *wanted* to do so or not. The point is although an actor, a state for example, would like to influence some other state to change its behaviour, such influence seldom comes without a cost. This cost is in most cases not a monetary cost, but rather a loss in terms of lower expected gains from future interaction with this and other actors who have observed their interaction. The calculation before attempting to influence another actor must, in other words, be based upon a cost-benefit analysis. The actor can only be assumed to attempt to influence another actor not only if the gain is larger than the cost, but also if the expected net gain is larger than what could be expected from other alternatives.

Defining international institutions

The study of institutions has attracted huge interest among scholars in international relations. The primary issue has been to better understand the pattern of interaction between two or more actors. Why do states accept certain rules and norms guiding behaviour, thereby decreasing their freedom of action? What characterizes the rules and norms that become observable patterns or formalized into conventions or international laws? Are the institutions we observe optimal responses, or merely anything preferable to completely uncoordinated behaviour?

It seems rather clear that despite the considerable efforts to explain the emergence and continued existence of international institutions, no generally accepted explanations have been put forward. In fact, not even a precise definition of what constitutes an international institution has emerged, or rather; various scholars have suggested a plethora of definitions. None of these have taken clear precedence over the others. Other concepts, such as for example international regimes, have furthermore been introduced, although the difference between regimes and international institutions seems unclear (Haas 1980; Ruggie 1982; Krasner 1983; Young 1991; Levy 1995; Feinberg 1999).

A rather broad understanding seems to have emerged within rational choice analysis of institutions, however, of the advantage of distinguishing between organizations and institutions (North 1998). Organizations are physical entities such as, for example, the World Trade Organization (WTO) or the European Bank of Reconstruction and Development (EBRD), while institutions are either structures that restrict the freedom of action of the actors or the outcome of the interaction between actors. Organizations can be actors, but never structures, while institutions can never be actors. When institutions are perceived as restrictions put on the actors, these restrictions serve to delimit the number of available strategies among the actors, thus making it easier to coordinate their behaviour. In other words, the institutional structure increases the information available to the actors. Without an

institution, the formation of mutual expectations about the behaviour of others becomes more difficult (Rogowski 1999).

Institutions are typically beneficial to most of the actors involved. Without them, coordination and the potential of the actors to make reasonably probable predictions about other actors' choice of strategies would be most difficult. These difficulties would produce losses, since the cost of obtaining additional information about the preferences of other actors would decrease net benefits from any potential concerted action. The fact that an institution is valuable to the actors concerned is not, however, an explanation why it has emerged. Sometimes this functional fallacy has led observers to jump to the conclusion that the materialization of an institution has been explained. But this is not a valid conclusion, since it would not necessarily be rational for the individual to contribute to the creation of an institution, even though he might gain from its existence. The simple explanation is that the same individual would gain even more, if others bore the costs of institution creation, provided that the benefits generated by the institution are collective (Olson 1965).

Several scholars - Hayek is probably the most often cited - have suggested that that if we assume for the moment that an institution has emerged, this institution would be functionally optimal (Hayek 1978). The mechanism making it optimal is, in simple terms, evolutionary pressure. In analogy with the Alchian notion of competition among firms in a perfect market, institutions are assumed to be evolutionary pressured into optimality. Those not adapted to their environment will succumb to the competition among institutions. The result would thus be an optimal solution, that is, no other kinds of institutions would be preferable from a societal point of view.

It is not obvious, however, that the analogy between firms in a market and institutions in the international system is valid. In fact, they could be understood as opposite outcomes of a Prisoner's Dilemma game. In a perfect market, the firms have strong incentives to cooperate with each other, to collude. The most lucrative situation for each of them would be to achieve a monopoly status. However, since consumers are assumed to always choose a given

product at the lowest price, competition among the firms will force them to sell at marginal cost. The perfect market is, in other words, the result of a failure among the firms to cooperate. Flourishing institutions, on the other hand, are the results of successful cooperation between relevant actors. The analogy with the market would thus rather be with a market failure, where the actors are colluding effectively, since the corollary to the creators of the institution is the firms, and not the consumers. If it were true that institutions are not exposed to an evolutionary pressure that over time makes them optimal, we have no reason to believe that social optimality would be an accurate characterization of existing institutions.

Because of the lack of valid micro foundations explaining the behaviour of the individual actors in several of the most common approaches (e.g. regime analysis, epistemic communities, traditional realism), neither the emergence of international institutions, nor the adaptation of them to changing external conditions have been adequately explained. The most important reason for this is that the individuality of the actor's interests has not been modelled in a consistent way. Outcomes at the macro level have often not been logically deduced from micro assumptions regarding individual actors. This is somewhat odd, since the explanatory power of neoclassical economics, for example, is directly derived from such a separation between analytical levels. The functions of a perfect market are, very simplified, explained by the self-interest of the individual producers. The functions of international institutions have not, however, similarly been based on the incentives facing the individual actor. Consequently, the characteristics of international institutions have not been sufficiently explained.

Recently, however, adequate micro foundations designed to explain macro observations have been suggested (Knight 1992; Sened 1998). This approach takes the assumptions about individual rationality and utility-maximizing behaviour as its point of departure. It is assumed that the individual actors will only contribute to the creation or change of institutions if it is in their private interest to do so. This means that individual actors will in general not contribute to the creation of institutions aimed at creating collective goods,

since they are trapped in collective action dilemmas. They will only do so in so far as (1) private net gain from collaboration is positive and (2) the strategic situation does not make it rational to free ride. The individual actor will thus not intentionally create collective good institutions. Instead, the emergence of institutions is a side effect of rational actors' seeking private gain (Knight 1992). These institutions would in the characteristic case not be optimal societal solutions, but rather reflections of actors' preferences and nature's restrictions.

Institutions as strategic equilibria

Game theory is a powerful tool to model interdependent interaction between actors that are assumed to act in accordance with utility-maximizing criteria. Not only can complex single situations be formulated as games, but also sequential and repeated types of interaction can be formalized (Kreps 1990). One of the most fertile areas of research during the last two decades or so has been the application of rational choice theories to the analysis of institutions (Knight 1992; Calvert 1998; Sened 1998). It has been suggested in this field of study, that institutions can be defined as strategic (Nash) equilibria in an iterated sequence of underlying games (Schotter 1981; Calvert 1998).⁴ Firmly in line with traditional rational choice assumptions, the emergence of institutions can thus be explained as the result of various actors' pursuit of individual self-interest in the setting that nature endows them with. The individual actors choose strategies in accordance with their private, self-interested utility functions. When it is in their private interest to choose strategies that stimulates the creation of institutions they will do so, otherwise they will not.

This will be elucidated by the following example on trade strategies, which is limited to only two actors in order to simplify the line of reasoning. The general conclusions, however, are also valid for larger sets of actors. It

⁴ In modern game theory terminology, Nash equilibria have been relabeled to strategic equilibria, since the latter gives clearer connotations as to what is actually meant. Both terms are, however, in current use.

could be noted that precisely this example, where an actor cannot choose trade strategy without taking other actors' choices of strategy into consideration, was given attention to by one of the founding fathers of modern economics, Antoine Augustin Cournot, as early as in 1838:

The question will no longer be the same if the establishment of a threshold for the benefit of A producers might provoke, by way of retaliation, the establishment of another threshold for the benefit of B producers, against whom the first threshold was raised. The government of A would then have to weigh the advantage resulting from the first measure to the citizens of A against the drawbacks caused by the retaliation. (Cournot 1899:164. Cited in Shubik 1989:121)

The tools of game theory had at that time, however, not yet been developed. The same analytical situation will therefore be presented below, but here it is described and analysed within a game theoretical framework.

Suppose two states, say Sweden (S) and Poland (P), are negotiating a trade agreement. For simplicity, it is assumed that these two states have no history of trade agreements, which in this case means that their behaviour is not influenced by previous interactions. They both know that it would be preferable for each of them if a free trade (FT) agreement was reached, compared with a breakdown in negotiations which would result in no agreement reached, and mutual trade barriers (TB) remaining unchanged. The most preferable outcome to both states, however, would be if the other state adopted a FT policy while keeping TB for itself. The worst outcome for both states would be if a FT policy were adopted, while the counterpart kept its TB policy. This hypothetical situation is an example of a Prisoner's Dilemma and is depicted in Figure 1 below.

Figure 1. A Prisoner's Dilemma between Sweden and Poland regarding trade policy.

		P	
		FT	TB
S	FT	b,b	d,a
	TB	a,d	c,c

S: Sweden, P: Poland, FT: Free trade,
 TB: Trade barriers
 Preferences (both actors): $a > b > c > d$

The unique strategic equilibrium in this one-shot game of Prisoner's Dilemma is when both states choose their TB strategies.⁵ The interesting feature of this outcome is its Pareto inferiority, that is, both actors would benefit from choosing their FT policy.⁶ Because of both actors' fear of being caught in the worst situation where the counterpart matches a FT policy with a policy TB, they have no rational alternatives but to choose their TB strategies.

This one-shot Prisoner's Dilemma, however, is too simplified to serve as a model of reality. It should rather be perceived as a heuristic tool, describing one of the most important underlying dilemmas of cooperation on collective

⁵ A strategic equilibrium is defined as an outcome where no actor can benefit from unilaterally changing strategy.

⁶ It is assumed in this normal form game that both actors choose strategies simultaneously. If the same situation were depicted as a sequential game, where one of the actors makes its move first, the outcome, however, would be the same. In this case, the first actor would not dare to choose FT, since this would give the other actor the opportunity to choose TB, thereby creating the worst outcome for the first actor (Hirschleifer 1989).

goods. In reality, most interactions are not occasional and independent of each other. Interaction between states could more realistically be modelled as a sequence of iterated games, for example, of Prisoner's Dilemmas. Not only would this make each actor's choice of strategy depend on projections of the repercussions from alternative strategies on future outcomes from other interactions, but it would also serve as a signalling device to other actors. By observing the behaviour of these actors, other states would receive information that would potentially affect their strategies in future interactions with those actors. This has to be taken into consideration when choosing from among available alternatives in the first place.

The change from a single-shot to an iterated Prisoner's Dilemma fundamentally alters the prediction of outcomes. When the actors have to take into account how present action influences available future strategic alternatives, a more complex estimation of benefits and costs has to be made. An attempt to cheat on the other actor in the first game might, for example, make it harder to achieve mutually beneficial outcomes in future games. Actor reputation thus becomes important. Depending on the *type* of opponent one is facing, different strategies might be optimal.⁷ Against an opponent that, for example, uses a so-called tit-for-tat strategy, the best counterstrategy is often to also use a tit-for-tat strategy (Axelrod 1984). Against another actor, that for example always chooses defection, the optimal strategy is also to always defect, while unconditionally cooperative strategies most successfully are met by the same strategy. In other words, the prime issue facing the actors is

⁷ The type-concept in game theory defines what precise strategy a particular actor plans to use in an iterated game sequence. An actor's strategy is a complete description of that player's choices in all stages of the game, and towards all possible counter-strategies. Various potential strategies in this way are condensed into a limited number of types. For example, a tit-for-tat player always begins with playing cooperatively, and then responds with the same kind of move as the opponent chose in the previous game. A so-called saint always plays cooperatively, irrespective of how the opponent plays. Other strategies might be to always defect, or to always counter defection with a given number of defections in subsequent games. Even though the possible number of strategies in an infinitely iterated game is infinite, this procedure makes it possible to deduce logical consequences from a number of simplified strategies.

to try to find out what type the opponent is. Only then can an optimal strategy be implemented. In real-life situations, the actors presumably use all available information sources to make as adequate predictions as possible of the opponent's type. Previous interaction with this actor might be a valuable source of information, but also different kinds of statements about him, estimates of his evaluation of future outcomes (discount factor), and observations of his prior interactions with other actors can be useful.

It has been shown in the so-called *Folk theorem* that in an indefinitely or unknown number of iterated Prisoner's Dilemmas,⁸ cooperation (mutual free trade strategies in the example above) to various degrees can be strategic equilibria, provided that the discount factor is not too large (Kreps 1990).⁹ Patterns of cooperation can thus be sustained, and it is these patterns that we call institutions.¹⁰ This does not mean, however, that cooperative outcomes are guaranteed. The absence of cooperation, as well as combinations of cooperative and non-cooperative strategies can all be part of equilibria, depending on the type of opponent. In terms of the example on trade policies discussed above, this means that observations of free trade as well as trade barriers are congruent with the model this far.

Standard game theory does not offer any obvious solutions to the problem of multiple equilibria in an iterated sequence of Prisoner's Dilemma. If no additional information about the game or the actors is available, the eventual

⁸ It has been empirically observed in a significant number of experiments that individuals also often tend to choose cooperative strategies in a finite and known number of iterated Prisoner's Dilemmas, despite the fact that mutual defection is the only strategic equilibrium in such a game sequence. This observation can be explained, however, if it is assumed at the initial stage of the game that at least one of the actors assigns a slight probability to the possibility that the opponent might not be fully rational (he might, for example, be a tit-for-tat type). If this assumption is made, it can be shown that cooperation is rational until near the end of the game sequence (Kreps, Milgrom, Roberts & Wilson 1982).

⁹ The discount factor measures the importance the actors put in future outcomes, the so-called shadow of the future.

¹⁰ It should be noted that an additional restriction has to be placed on the Prisoner's Dilemma game when it is iterated in order to make mutual cooperation an equilibrium. In reference to Figure 1, the inequality $2b > (a+d)$ must hold. Otherwise, both actors would gain from alternating between cheating each other, compared with mutual cooperation.

outcome of the interaction thus cannot be predicted. It should be noted that this inconclusiveness has bearing on the discussion whether institutions should be assumed to be optimal solutions or not. As far as the institutions are perceived as equilibria in an iterated series of Prisoner's Dilemmas, this assumption cannot be defended *à priori*. The reason is that many of the possible equilibria are not Pareto-optimal. Mutual defection is, for example, one possible Pareto-inferior equilibrium under standard assumptions in such a supergame (Brams 1985; Mertens 1989).

Inputs from prospect theory

The issue how to systematically eliminate unreasonable strategic equilibria has been a major research topic in game theory for several decades. Most of this research has been undertaken within the traditional rational choice framework and has resulted in solution concepts such as subgame perfect, sequential, and Bayes equilibrium (Rasmusen 1994). Sometimes, these solution concepts produce different outcomes. This does not mean that some of them are wrong, and one is right. Rather, they reflect different aspects of a purely theoretical and abstract model that is used to illuminate various empirical observations (Aumann 1989). A single observation can be interpreted in an infinite number of ways.

The solution concepts mentioned here are but a few. Although these solution concepts have produced significant theoretical progress, another path, however, will be followed in this paper; a path focused less on stringent solution concepts, and more on assumptions regarding rational behaviour and on the context of the game situation. The context of the game situation is particularly emphasized, since this might influence the strategy chosen by the actors. From a non-myopic perspective, the actors have to take all relevant factors into consideration. Although only a limited number and highly stylised set of such factors can be integrated in the theoretical framework, it will be argued that their incorporation might increase the empirical validity of the study substantively. These contextual factors might furthermore raise

research issues not usually analysed in traditional rational choice studies.

Proponents of the so-called prospect theory have questioned the standard assumptions on the rationality of the individual in rational choice theory (Kahneman 1979). The assumption that the individual maximizes expected utility is challenged. Different kinds of cognitive limitations make the assumption of strict rationality dubious, according to this school. More importantly here, however, is the significance prospect theory puts on the context of the game.¹¹ Mainstream game theory is not concerned with contextual issues. Since all relevant parameters should be made internal to the game model, there is no need to dwell for example on the context of the decision situation:

The model should contain all relevant aspects of the situation; in particular, any possibility of (pre)commitment should be explicitly included (Van Damme 1989:139).

In fact, to do so would make the model less stringent. Nevertheless, there have been significant attempts to bridge the gap between traditional rational choice theory and prospect theory (Geva 1997).

Two of the most significant issues in the debate between rational choice and prospect theorists are concerned with preference formation and intensity on the one hand, and context dependence on the other. Both aspects will be discussed below, and the focus will be put on the generation of tangible research issues and testable hypotheses rather than on theory development. Since the concepts of preference intensity and context dependence primarily have been analysed theoretically and validated data from laboratory settings, this procedure seems sensible. The concepts have been properly defined and theoretical implications have to some extent been drawn. What is to a considerable extent still lacking, however, is validation against empirical data from natural settings, and to achieve this, theoretical implications with clear

¹¹ The term framing is sometimes used when discussing the context of a decision situation. The framing concept, however, have been defined in several different ways, depending on the scientific approach. Therefore, the terms context and reference dependence are used exclusively in this paper, in order to enhance clarity.

empirical relevance have to be formulated. The issue in what ways preference intensity matters will be discussed first.

Returning to the Prisoner's Dilemma game on trade policy discussed above, it is clear that the preferences of the actors are only given on an ordinal scale. Nothing whatsoever is known regarding the cardinal differences between the outcomes. Although the actors are assumed to be choosing strategies according to Von-Neumann-Morgenstern expected utilities, this does not change the fact that the outcome in a single Prisoner's Dilemma is insensitive to actors' intensity of preferences (Kreps 1990). Only the ordinal ranking of the outcomes matters.

In an iterated game sequence of Prisoner's Dilemma games, however, it seems almost obvious that preference intensity matters. If the compounded gain from repeated cooperation is very large, or the loss from defection is considerable, the incentives for choosing cooperative strategies increase, *ceteris paribus*. Furthermore, preference intensity could differ significantly between the actors. One of the actors might, for example, gain very much from cooperation, while the other's potential gain is almost negligible. Similarly, one of the actors might lose heavily from non-cooperative strategies, while the other's risk from failure to cooperate is very small. Assuming that preference intensity is directly correlated with the magnitude of potential gains and losses, it might be reasonably suggested that it will matter to the actors whether there are large discrepancies between them in preference intensity over different outcomes.

When an actor chooses a cooperative strategy (that is, free trade) in such a game as the one described above, he knows that two things could happen. If his counterpart chooses not to cooperate (trade barriers) he will get his worst outcome. If he chooses to cooperate, he will get his second-best outcome. If he instead chooses not to cooperate (trade barriers policy), he could either get his best outcome or his second worst outcome. Now, it might seem to be a reasonable assumption that the more the actor has to gain from a cooperative outcome as compared with a non-cooperative (trade barriers), the more likely he will be to gravitate towards choosing a cooperative strategy. This,

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however, is not necessarily the case. Consider a situation where one of the actors would gain considerably from mutual cooperation, while the other one would only benefit marginally. This case is depicted in the Prisoner's Dilemma game with unequal gains from cooperation between actor A and actor B in Figure 2 below.

Figure 2. A Prisoner's Dilemma game with unequal gains from mutual cooperation

		B	
		Cooperate	Defect
A	Cooperate	100, 51	49, 101
	Defect	101, 49	50, 50

Assuming utility-maximizing behaviour, the actor with the highest degree of leverage would in this situation be the actor with the *least* to gain from cooperation (B), since this actor could threaten A not to cooperate with higher credibility. Actor B would furthermore and under given circumstances, potentially be able to request considerable side-payments, provided that transferable utility is assumed. In an iterated game sequence, this would mean that the initial game is gradually transformed into a Prisoner's Dilemma where the gains from cooperation are more equally distributed. The transaction costs in such a transformation, however, could be significant. Aggregated gains from cooperation thus decrease.

It should be noted that the purpose here is not to suggest formal statements

on credible threats, but rather to suggest hypotheses on marginal outcomes, statements that make suggestions about the expected outcome directions, rather than point predictions (Shapiro 1994).¹² When one of the actors has little to gain from cooperative outcomes, he would presumably be more inclined to take risks, and thereby would potentially stall cooperative processes. The actors might obviously have such incentives to “take a chance”, since the potential gains from cooperation in most cases can be distributed between the actors in a large number of ways. One or both actors might then perceive risky negotiation strategies over spoils as optimal (Schelling 1960).

The suggestion here is that when the potential gains from cooperation in an iterated Prisoner’s Dilemma are fairly equally distributed between the actors, the level of cooperative outcomes will correlate positively with the size of these gains. A highly unequal distribution of gains will, although both actors potentially could benefit from cooperation, tend to decrease cooperative behaviour. Although allowing side-payments could potentially increase the expected level of cooperation by levelling out initial inequalities in the distribution of gains, transaction costs would nevertheless, as a rule, cause enough friction to reduce the expected level of cooperation. The size of the transaction costs could furthermore be assumed to correlate positively with the size of the initial difference in gains, which means that the correlation between equality in gains and the level of cooperation is not negated with the assumption of transferable utility. The absolute level of cooperation could be affected by allowing side-payments, but since we are only interested in marginal predictions – whether there is in fact a positive correlation between equality in gains and level of cooperation – and not their magnitude, this issue is outside the scope of this paper.

This prediction furthermore seems to be strengthened by the argument in prospective theory that risk aversion tends to favour cooperation in an iterated Prisoner’s Dilemma (Raub 1997). The more risk averse the actors are

¹² An accessible discussion on credible threats and similar issues concerning various refinements of strategic equilibria can be found in (Morrow 1994).

and the higher they perceive the risks involved, the more they will tend to choose cooperative strategies.¹³

The actors in a particular decision situation are, according to traditional rational choice theory, supposed to be pure utility-maximizers. They are not supposed to be influenced by factors such as *reference dependence* (actors evaluate outcomes from a particular reference point rather than from a strict expected utility perspective), *loss aversion* (gains and losses are treated differently although changes in expected utility are identical), or *instant endowment* effects (actors adapt to gains more swiftly than to losses), as suggested by prospect theory (Levy 1997). An understanding among scholars still awaits, whether it is possible to throw away such suggestions in traditional rational choice theory, without a too much loss in theoretical parsimony. It seems, however, that each of these propositions has gotten considerable support in quite a large number of laboratory settings, which make it difficult to discard them without further consideration, although few of these results have been corroborated in natural settings (Levy 1997).¹⁴ These propositions seem to have a substantial intuitive appeal, which makes it worthwhile to explore them further. This is especially important to do in close reference to empirical observations, since the main interest hitherto has been regarding purely theoretical issues and laboratory experiments. The focus will here be put on the concept of reference dependence.

The phenomenon of reference dependence has mainly been observed in laboratory settings and refers to the finding that people often base their deci-

¹³ This conclusion might, however, be jeopardized if it is very easy for the actors to switch partners to cooperate with. Risk averse behavior might lock actors in sub-optimal relations, since they are not willing to change partners when this could have been to their gain (Flache 2001). Regarding trade relations, however, switching trade partners is a rather complex issue, which means that considerable (sunk) costs have been invested in the trade relation, making switches costly. Therefore, risk aversion tends to foster cooperation in this, and other similar comparably rigid, contexts.

¹⁴ This is quite natural, since most work on prospect theory has been undertaken in cognitive psychology (and to some extent in economics), where laboratory experiments are part of the mainstream discipline to a much higher degree than in contemporary political science. This also means that the number of applications in political science has, so far, been limited.

sion on some prior notion of “reasonable outcomes”, e.g. initial endowment, rather than on a strict calculation of expected utility (Kahneman 1991). The reference dependence axiom furthermore violates traditional assumptions on rational behaviour, since people often seem to overestimate losses compared to gains. In simple words, people tend to avoid potential losses even though expected utility is positive, and to gamble on gains even though expected net benefits are negative (Kahneman 1979). Identical outcomes in terms of expected utility might thus induce different strategies depending on the subjective notion of risk involved. This kind of behaviour is difficult to explain within the traditional rational choice framework and is one example of the contemporary debate between cognitive and rational choice theorists (Levy 1997).

The importance of context

Reference dependence seems to be an important aspect influencing bilateral cooperation. The issue-area where the cooperation takes place, however, would not affect predicted behaviour from a pure rational choice perspective, even though “...it is clear that the context and the presentation of the game matter” (Kreps 1989:171). It would not matter whether the interaction concerned mutual benefits from, say, environmental investments, trade, or increased security, since the actors would maximize their utility in a self-interested manner in all cases. From an intuitive perspective, this does not seem fully congruent with empirical observations. Depending on the particular issue-area, diverging sets of commonly accepted norms for cooperation possibly have emerged. This does not mean that the general assumption of self-interested and rational behaviour as the most general description of actors’ incentives has been abandoned. Rather, the point is that the kind of self-interested and rational behaviour is influenced by the particular context where the interaction takes place. The meaning and content of rational self-interested behaviour is, to some extent, influenced by contextual factors, simply because these factors affect restrictions on behaviour in terms of costs

and benefits. In a discussion on the Nash solution concept, a centrepiece in mainstream game theory, the distinguished game theorist John C. Harsanyi (1989:66) states that,

...predictions are based on the assumption that both sides' expectations about each other's behaviour are *endogenous*, that is, are based on the intrinsic parameters of the bargaining situation (game situation) as such. But in many cases this may not be true. For example, the two parties may live in a society where it is customary for an older person to receive twice the payoff his younger opponent will receive [irrespective of what would be expected from the Nash solution). If each player *expects* the other player to follow this rule, it will become rational for him to follow it too." (Emphasis in the original)

It could be argued that these traditionally exogenous factors could very well be made endogenous to the rational choice model, if preference formations were allowed to be influenced by such factors. Thus far, however, this has not been systematically attempted.

There is almost always a trade-off between theoretical parsimony and empirical realism. By simplifying a decision situation into a tractable model, information is inevitably lost. Where to draw the line between parsimony and realism is not possible to determine in a positivistic way, but is rather a matter of judgment (Aumann 1989). The argument here is that as long as the attempts to integrate contextual factors of the type discussed in this paper have not been proven successful, a productive research strategy might be to analyse how contextual factors influence the actors' perception of optimal strategy choices in a more tentative way.

Consider, for example, the difference between environmental bilateral cooperation and trade policies. Different kinds of environmental disturbances often have considerable transboundary effects. Inadequately managed farmlands in southern Sweden, for example, contribute considerably to the increasing eutrophication of the Baltic Sea (HELCOM 1997). The effect is disturbed ecosystems, not only in Swedish waters, but in Polish and other countries' as well. Now, in this issue-area, a mutual understanding emerged during the late 1980's and early 1990's, where it was perceived as reasonable by all involved parties that the more affluent Western countries should provide

the former Soviet Union countries with considerable sums of assistance (Stockholm Environment Institute 1994; Berg 1995; Hassler 2000). Although most of these support programs had significant facets of self-interested considerations by the donor countries, these programs were nevertheless initiated in a framework where assistance was perceived as appropriate. The governments of the Western donor countries apparently interpreted the contemporaneous situation as a state of affairs where traditional foreign policies emphasizing state interests were not fully legitimate (Hassler 2000). This has generally not been the case in regard to, for example, trade issues. Although considerable assistance targeted at economic development has been provided, preferential trade agreements have generally not been part of the discourse (Berg 1995). Instead, the free trade norm has been the obvious focal point, and has not been open to discussion to any significant extent. The “support” in this area has thus been various kinds of trade liberation agreements, which hardly can be seen as part of an assistance discourse.

A typology of some different kinds of bilateral interaction contexts will be outlined in the remaining part of this paper. This typology is intended as an instrument to facilitate comparisons of strategic behaviour between different issue-areas. The most important features of these contexts are their differing implications regarding the distribution of gains (Knight 1992).

Definition of four general contexts

Various contexts imply the emergence of different institutional solutions. Therefore, depending on the nature of the situation and the preferences of the actors, each actor will try to mold a particular issue of cooperation into the context most beneficial to him, according to subjectively predicted outcomes. In other words, these contexts are defined in a similar way as institutions were above. They are the result of the interaction between self-interested actors, and are defined as equilibria of an iterated game sequence. This means that they cannot be a priori assumed to be optimal from the perspective of any particular actor. Only in rare cases where one actor has been

extraordinary influential over the outcome, can the observation of a particular outcome be explained by a single actor's preferences. On the other hand, when a specific empirical context is identified, this observation can serve as a starting point for the further analysis of actors' interests. From the tentative assumption that the actor gaining most from this observed context is the actor that has been able to influence the interaction process to the largest extent, further tracing of actors' preferences and power can be performed.

This interpretation of reference dependence is somewhat different from the ordinary use of the concept in prospect theory. In most cases, reference dependence is seen as a component of the human psyche, and is thus not open for strategic action or conscious manipulation. The actors are typically not assumed to take this knowledge into consideration when they formulate their strategies. Whether or not the individual's preferences are influenced by reference dependence, has been one of the primary research questions in prospect theory. These research efforts have been mainly directed towards questioning traditional rational choice rationality assumptions. Although these studies can be of considerable value, it is rather surprising that so few studies have been undertaken where reference dependence is taken as a point of departure. In other words, the notion of reference dependence is assumed to be valid in similar ways that traditional rationality assumptions are assumed to be so, and the analysis will then show the value of this postulation. This approach opens up possibilities for some quite interesting research issues. When reference dependence has been assumed to be part of individual rationality, the actors must be assumed to take notice of this. They will thus adapt to a situation where all actors are influenced by reference dependence and use this knowledge to further their individual interests. This makes it rational for the actors to try to portray a decision situation in such a way that reference dependence serve their interests. Thereby, the context of a particular decision situation becomes contested ground among the actors. In order to evaluate this approach, the next step is to define some general characteristics of these contested grounds.

At least four general contexts with relevance for bilateral cooperation processes can be identified. We call these *liberal, realistic, responsibility, and solidarity* contexts. Each of these is defined below, and examples are provided in order to make their specific features more easily discernible. It should be noted, that these contexts are empirical, not analytical or ideological. These contexts are the outcomes of the interaction between the relevant actors.

The liberal context is based on the characteristic that all actors should be obliged to follow the same rules. In analogy with the classical liberal society where all individuals are supposed to be governed by identical rules, this context presupposes that all states should have identical obligations to follow a common set of rules. This is probably the most common context. In the issue-area of international trade, for example, negotiations taking place in a liberal context would have free trade as a natural focal point, or at least an identical set of rules covering different kinds of trade barriers. Such a liberal norm would probably be more attractive to some countries than to others, even though the Ricardian theory of comparative advantage states that all countries would benefit from free trade. Countries with a high degree of dependence on foreign trade, for example, would most likely be differently affected by a liberal trade regime than countries that are more self-sufficient. Similarly, small countries would most likely be more inclined to support such a regime than larger countries, since the latter have a larger potential to make credible commitments regarding the punishment of unwanted behaviour. Hence, the large state is less dependent on a uniform set of rules, since it has a higher potential to impose restrictions on others' behaviour also in ad-hoc type of interactions. Furthermore, a more economically developed country could possibly attain a more beneficial outcome in a liberal context, compared with developing countries. This so-called *infant industries argument* is, however, only accepted as valid by some scholars (Todaro 1989).

In a realistic context, the norm pattern has a different flavour. Here, the equality before the law is not the main feature. Rather, the guiding principle is that those harmed bear the costs themselves. There is really no moral code

here, which makes this context akin to how the anarchic international system in general is often perceived (Goldmann 1978). An example from the environmental issue-area will make the argument clear. PCB's and DDT's have been found to have negative effects on both humans and on animals. These substances have been found to become very widely dispersed over time, by sea currents and transportation through various biological food chains. This means that different countries will be differently affected by continued emissions of PCB and DDT. Not only are these substances unevenly distributed due to a multitude of factors regarding, for example, geographical and meteorological conditions, temperature differences, and type of biota, but also different countries are unequally affected due to the country's particular socio-economic conditions. One country might rely significantly more on the resources threatened by the PCB's and DDT's than some other country.

Now, in the realistic context, the context of the situation is characterized by the perception that no one will cover someone else's losses. An actor that has experienced considerable damages from PCB's and DDT's might try to influence the behaviour of those countries responsible for the emissions, but they will not likely be very successful. Since there are in most cases no enforceable regulations in this context, emitting countries will be reluctant to cover costs for alternative production methods and similar measures, as long as they are not themselves negatively affected. As often is the case, however, mutually beneficial solutions are available in this context as well. If all actors perceive the realistic norm as legitimate, such a solution would most likely entail some kind of side-payments (i.e. transferable utility is assumed) (Bernauer 1996). As long as the negatively affected country benefits from, for example, subsidizing investments in the other country to decrease those negative effects, the transfer of resources would be mutually beneficial. These kinds of transfers of resources have been characterized as an example of the so-called VPP (Victim Pays Principle), which is a direct corollary to the PPP (Polluter Pays Principle) (Mickwitz 1998). The strong incentives of the victimized actor to appeal to other normative contexts, however, should be noted.

The third identified context is that of responsibility. This kind of reference dependence is, in a way, a mirror image of the realistic context. The main feature here is the moral obligation to take responsibility for all costs that one is the cause of. Using the same example as above on DDT and PCB, this would imply that a country emitting such substances would have to pay compensation to all affected countries for all negative effects. This is the international variation of the familiar Polluter Pays Principle (PPP). The difference is that while this principle in most cases can be enforced in the domestic context, this is generally not the case in bilateral relations. It should finally be noted, that there is no analytical difference between realistic and responsible contexts - between VPP and PPP - in terms of efficient outcomes (Coase 1960). If side-payments are allowed and transaction costs are assumed to be zero, the outcome in terms of the reduction of emissions would be identical under both principles. The only difference would be who covers the costs. It would be either the country suffering from the emissions (realistic context) or the emitting country (responsible context).

The last of the four identified general cases of reference dependence is the one we have called solidarity context. This kind of reference dependence is characterized by a perception among key sub-national actors that a moral responsibility to provide support might be warranted. A representative case in this category would be a bilateral interaction between two countries with very unequal capability. This capability could be of very diverging nature, depending on the issue-area analysed. One of the countries in the bilateral relation might, for example, have a very limited military capability. Suppose the other country has a significant capability, and that the relation between these countries is comparably congenial. It could then be argued, in both the strong and the weak state, that the more powerful country has a moral imperative to provide the less fortunate state with some kind of security assurances. A tentative proposition could be, that the larger the difference in potential/actual capability, the larger the imperative for support, all other factors given.

Implications for practical research efforts

The issue whether preference intensity in an iterated Prisoner's Dilemma matters has been elaborated in this paper. It has been suggested that in situations where the potential gain from mutual cooperation is great and approximately equally distributed between the actors, cooperative outcomes will be more likely.

Four general types of contexts in bilateral relations have furthermore been briefly described: liberal, realistic, responsibility, and solidarity contexts. These contexts, or institutions, are all defined as strategic solutions in a sequence of iterated Prisoner's Dilemmas. This means that they are not to be seen *à priori* as optimal from a societal perspective, but rather as the result of the actors' self-interested individual strategies. Depending on to what extent the actors have been able to promote their particular interests, different institutions will evolve. It should be noted, however, that the iterated game sequence is not assumed *à priori* to be a traditional supergame, that is, a game sequence where identical games are repeated one after another. Rather, the assumption is that although the game situation starts with a traditional Prisoner's Dilemma, it might, at later stages, evolve into other kinds of games. Factors such as external shocks, changed information levels, reputation building and the like, might cause the original Prisoner's Dilemma to transform into, for example, a coordination game. It is furthermore quite possible that the evaluation of different outcomes might change over time, due to similar factors, without changing actors' preference orderings. This means that changes of intensity of preferences have taken place, although the fundamental incentives remain unaltered in this particular game. Incentives for cooperation in future games might, however, have been affected due to these intensity changes. Irrespective of whether the game has transformed into another kind of game or if only intensity changes have occurred, the actors' original preferences, their "tastes", have not, however, changed. What drives the changes here is not endogenous taste transformation, but exogenous changes in information level, structural alterations caused by external shocks, or the like.

It is important to notice that the institutions, or contexts, discussed here are seen as endogenous variables. They are not part of a given structure where the actors interact, but open to strategic manipulation. The actors are assumed to continuously try to mold present contexts into ones more favourable to themselves. At the same time, however, all decision-making is interdependent. At a given time, optimal strategies are determined by actor preferences and ability to influence the strategic situation, estimates of the opponent's preferences and ability, but also by how the present context is perceived by the actors at that time.

The last factor, concerning the present context, should formally be interpreted as the history of the game up to that point. The actors are assumed to have complete information about all previous moves by all actors. In this research approach, however, this formal interpretation serves as a point of departure, rather than as a complete guide for analysis. This means that the present context should be understood as assumptions of how the actors subjectively perceive the situation. In other words, this provides the analysis with a considerable degree of dynamism. The preferences of the actors are not assumed to change, but as the context continuously transforms in accordance with interaction outcomes and potential external disturbances, optimal strategies might vary over time.

Following the research strategy suggested here, the first step is to estimate the objective potential gains from bilateral interaction in the issue-area being studied. This estimation is objective in the sense that it is inferred from the assumptions concerning actor preferences over outcomes, rather than from their strategic incentives. It only concerns whether a joint gain from interaction is possible or not. Issues of distribution of these potential gains are, for the moment, disregarded.

In terms of trade issues, for example, it can reasonably be assumed, based on the utility functions of the actors, that there is a potential gain from increased trade, or from reduced trade barriers. The basic premise here is the Ricardian notion of comparative advantage. Another example is potential gains from cooperation on environmental issues. The objective estimation of

these gains would be based on actor preferences regarding this issue; to what extent these environmental benefits are collective in their nature, and the cost of measures undertaken.

The second step would be to evaluate the distribution of net benefits on a similar abstract level. The critical issue here is how the distribution of the gains from cooperation varies with the different contexts defined above. In what way, and to what extent, does the institutional solution influence the distribution of gains? What implications would a liberal context, for example, have, as compared with a realistic one on the distribution of gains related to this particular issue? If the issue being studied is, for example, environmental cooperation, how would the benefit accrued to each actor vary with type of the context. How would the costs be distributed? If the issue/area is environmental cooperation, say, for example, protection of the Baltic Sea, to what extent does each actor gain from joint action? How would these gains be related to potential solutions within different contexts?

The third, and final, step would then be to compare empirical data with theoretical predictions. Empirical data would most likely primarily consist of information about action taken by the actors, but additional clues on actors' motivation should be sought also from other sources, such as, for example, official statements, public reports, parliamentary bills and the like. These data should then be compared with what would have been the best interest for each actor according to what has been stated during set one and two as described above. Here, preference intensity among the actors becomes important, as one factor influences not only strategic choices within a particular context, but also attempts to change the existing context into one more favourable to this actor.

In order to include the dynamic elements mentioned above, data cannot be analysed statically. In addition, the process of changing incentives has to be traced over time; otherwise it will not be possible to understand why actors sometimes choose strategies that seem sub optimal, when the context is seen as given. Through attempts to change contextual factors, this actor might increase net benefits in the future. In this way, what is perceived as structural

factors from a static perspective becomes endogenized from a dynamic point of view. In order to be able to more fully grasp these sometimes very complicated, dynamic aspects, it is necessary to also take the history of the game situation into account. This does not imply, however, that the actors are not assumed to be purely forward-looking utility maximizers.¹⁵ Taking history into account here means that it could be necessary to consider prior action in order to understand present incentives. The actor might, so to speak, have a “grand plan” covering several iterations of the game, and this might explain observations of sub-optimal choices in some particular single game.

By following these three steps, an understanding of the contextual influence on rational behaviour can be reached. The traditional assumptions regarding utility-maximizing behaviour are kept intact, but by making certain structural factors endogenous, the importance of context can be integrated in the research effort. As has been stated above, the research strategy suggested here sacrifices theoretical rigor to some extent in order to achieve empirical relevance. Considering the huge research efforts that have been invested in rational choice theory development and prospect theory laboratory experiments as compared with empirical testing in natural settings, this sacrifice seems justifiable.

¹⁵ It has been suggested that the traditional rational choice assumption regarding forward-looking maximization of expected utility could be replaced by an assumption that the actors instead continuously adapt to prior experiences (Kanazawa 1998). In our opinion, however, it does not seem reasonable to assume that the actors only learn from experience and are not able at all to make reasonably accurate predictions of future outcomes when they have no prior experience of such particular situations. Since an integrated approach where the actors are assumed to be both backward- and forward-looking has yet to be formalized, the approach used in this article is the traditional one, where actors only try to estimate future outcomes.

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The Treaty of Nice and its impact on building a Sweden-Poland axis within the European Union

Poland is one of the 12 candidate states knocking on the door in the fifth enlargement process of the European Union.¹⁶ Historically, Poland has been an important neighbouring country to Sweden. Even though the two countries were kept apart during the Cold War era, they swiftly initiated closer relationships after the collapse of Communist rule in Poland.¹⁷

In fact, Poland has been one of the most important countries in the Swedish assistance program to Central Europe during the 1990s.¹⁸ In conjunction

¹⁶ The twelve candidate states in addition to Poland include: Estonia, Latvia, Lithuania, Czech, Slovakia, Hungary, Rumania, Bulgaria, Slovenia, Malta, and Cyprus. In December 1999, Turkey also acquired status for membership under the condition that Turkey should continue the political and constitutional as well as economic reforms, and it has to reach EU standards. Turkey must achieve a fully-fledged democracy and eradicate human rights abuses before it starts membership talks with the EU. The constitution written by the military after the 1980 coup is also criticized for its restriction of democratic freedoms. Legal decisions in five south-eastern provinces still under emergency rule after a 16-year rebellion by the outlawed Kurdistan Workers' Party (PKK) should be open to appeal. According to the Helsinki agreement in 1999, without sweeping democratic reforms of the country, entry talks may not come about.

¹⁷ During the entire Cold War era, Sweden remained a neutral state, while Poland was one of the active members of the Warsaw Pact under the rule of the former Soviet Union. After the defeat of the Communist Party in the Sejm election held in 1989, democratic transition was embarked upon in Poland. See details on the post-Communist era, Linz and Stepan (1996), Plasser, Ulram and Waldrauch (1998), and Tóka (1997).

¹⁸ During recent years, Poland has ranked third place after Russia and Ukraine in the total budget of the Swedish international aid program in Central and Eastern Europe. See details, SOU 2000:122.

with Poland's entry into the EU, how large is the space for cooperation both states within the EU? In what sectors can a common interest be pursued within the EU? What strategies can be selected, not only by Sweden and Poland, but also by other Nordic neighbours such as Finland, Denmark, Estonia, Latvia and Lithuania to expand their roles in an enlarged European Union with 27 member states? In order to improve our comprehension of the plausible cooperation strategies, space and possibility of building of the Sweden-Poland axis, the content of changing rules settled in the Treaty of Nice on power distribution among, and decision-making process within, different EU institutions seems necessary to address.

The Treaty of Nice signed on February 2001 is the fourth European treaty adopted during the last 13 years.¹⁹ In the Treaty of Amsterdam signed in 1997, however, several issues on the future of the enlarged Community remained unsolved. Thus, five crucial questions discussed in the Inter-Governmental Conference (IGC) of the member states will be addressed in this chapter.²⁰ These five controversial questions relate to: 1) the composition of the Commission; 2) the composition of the European Parliament; 3) the weighting of votes in the Council; 4) the extension of qualified-majority voting related to the co-decision procedure; and 5) closer cooperation between the member states.

Thus, one of the central concerns of this chapter is how the rules and regulations settled in the Treaty of Nice by the 15 member states and 12 applicants on the status of the new member states are defined. After examining the changing circumstances in conjunction with Poland's and other candidate states' entry to European Union, our concern is to what extent the axis of Sweden-Poland plus other Baltic Sea states would potentially be relevant in the formation of common policies and interests areas within the European

¹⁹ The Single European Act (1987) and the Treaty of Maastricht (1993) were signed by the then 12 union member states. Four years later, the Treaty of Amsterdam was signed by the 15 member states in 1997.

²⁰ The IGC is the formal mechanism for revising the treaties, which are the constitutional texts of the European Union. The role of the IGC involves negotiations between the fifteen governments of the Member States, which currently belong to the Union.

Union. Closely related to the axis dimension, plausible policy sectors where cooperation between the states in the Baltic Sea Region can be formed will also be discussed at the end of this chapter. In what policy areas would the cooperation strategies be plausible for the regional members?

This chapter is based on a content analysis of three Swedish and one British daily newspaper covering the negotiation process of the IGC during the period between January 1 in 1997 and June 30, 2001.²¹ Unless otherwise stated, the date of event in question is cited from one of these newspapers.

The negotiation process and the impact of the Treaty of Nice on the power structure of the EU institutions

The Composition of the Institutions: The size of the Commission

The Commission is one of the most powerful organs in the European Union. The commissioner plays a role of policy initiator as well as regulator or supervisor of policy implementation. The composition of the future Commission has long been a sensitive question, because it will determine the power structure in conjunction with the EU enlargement. The most controversial issue was the number of commissioners, which increased gradually in relation to European enlargement. As illustrated in Table 1, the number of commissioners increased from 9 to 13 after the first enlargement of three countries – the United Kingdom, Ireland and Denmark. The number increased successively after each enlargement: 14 (after 1981), 17 (after 1986), 20 (after 1995) and 28 (after the Treaty of Nice). The main principle was that large member states should have two commissioners and the small states only one. This principle was challenged in relation to the entries of new members, since without any amendment the total number of commissioner would increase to 33 with a view to giving two seats to Poland. What strategies were

²¹ The three Swedish newspapers include: Dagens Nyheter, Svenska Dagbladet, and Dagens Industri. The one British paper is Financial Times.

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chosen by the different member states during the negotiation process prior to the Treaty of Nice?

Table 1. Evolution of composition of the Commission.

<i>Years</i>	<i>Number of Commissioners</i>
1951 starting members	9
1973 enlargement	13
1981 enlargement	14
1986 enlargement	17
1995 enlargement	20
2001 Treaty of Nice (as proposed after the fifth enlargement)	28

Note: 1. 1973 (Denmark, Ireland and the United Kingdom); 1981 (Greece), 1986 (Spain and Portugal), and 1995 (Austria, Finland and Sweden).

2. Two seats were allocated to larger member states (France, Germany, Italy (1951), UK (1973), and Spain (1986)), while one seat was allocated to smaller member states (Three Benelux countries (1951), Ireland and Denmark (1973), Greece (1981), Portugal (1986), Austria, Finland and Sweden (1995)).

The Treaty of Amsterdam stated that the Commission could be composed of one commissioner for each member state, as long as the total number of member states did not exceed 20. This issue has a close link to the weighting of votes, to organizational structure of the future Commission, to the extension of the powers of the president of the Commission, and to the rotation between member states and the possible creation of hierarchy of commissioners.

On the matter of the distribution of power within the EU, the main split was between small and large states. During the negotiation process among the IGC representatives, the controversial positions regarding the composition of the Commission became apparent. The ten smaller member states robustly defended the right to retain one commissioner per country, while the larger member states, argued vigorously for an upper ceiling of 20 commis-

sioners and a rotation system. In the meantime, Italy was more inclined to accept the principle of the equality defending a rotation for every member state, while Spain insisted that rotation would apply only to the smaller states. None of the large countries were willing to discard its second commissioner if a “one commissioner per member state system” were to be introduced.

A similar split was apparent in national positions on the equality or hierarchy of commissioners. However, it was less controversial on the subject of granting more powers to the president and increasing the number of vice-presidents. If the rotation system were to be adopted, all the small countries, supported consistently by Italy, supported the idea of strict equality in the conditions of rotation, so that each member state would be deprived of representation in the Commission for the same length of time. The larger member states took a robust stance on the idea that this would constitute reverse discrimination unless other arrangements were made to compensate for their under-representation in the community executive.

In this context, the possibility of introducing a hierarchy of commissioners was considered – junior and senior commissioners - with the obvious but undeclared intention of earmarking the most important posts for the larger member states. The larger member states, except Italy, preferred this option in the event of a failure to adopt a differential rotation, whereas the smaller states strongly protested against it. Most extremely of all the large countries, Spain considered this possibility only on a non-egalitarian basis. Spain repeatedly defended comparative advantages for the larger member states.

The final settlement set a ceiling to be applied at a later date by retaining the status quo up to 2005. What will happen after 2005 seems, however, unclear. One plausible scenario is that as of 2005 the larger member states will concede their second commissioner and that all the member states will have one commissioner each until the number reaches 27. From then on, the number of commissioners will be cut and a system of egalitarian rotation will be installed amongst all the member states. However, neither the size of the reduction nor the detailed arrangements for rotation have been decided after

the negotiations settled in the Treaty of Nice. It would imply that this question could be settled only after a future IGC or by the unanimity of the Council. One way or another, a definitive ceiling for the Commission's membership must be decided after 2010.

In addition to these changes to the Commission's membership, the IGC reached an agreement on a number of measures concerning the organization of its internal proceedings, and in particular strengthening the president's power in order to guarantee the consistency and to enhance effectiveness of the Commission's decision-making process. The president may now reshuffle portfolios during the term of office, appoint vice-presidents and ask a commissioner to resign, albeit after obtaining the approval of the College (Article 217).

It is unclear, however, whether these measures will offset the loss of effectiveness arising from the increase in the number of commissioners. It should be noted that, at the request of the smaller member states, proposals on the president's power to lay down the political guidelines to be followed and the re-evaluation of the role of vice-presidents in supervising and coordinating entire policy areas were abandoned in favour of the greater collective responsibility of the institution.

Another triumph seems to be that applying qualified majority voting to appointments was extended to include that of the president of the Commission, which, as a consequence, ensures that a single country can never block such an appointment.²² This can be regarded a positive step toward a more democratic structure in appointment of president of the Commission.

The composition of the European Parliament

Under the provisions on the establishment of the ECSC (1951) and the EEC (1957), the EP was a purely consultative assembly consisting of representatives of the national parliaments. It was decided in 1976 that its members would in future be elected by direct universal suffrage. In the 1979 election,

²² This was a case when the United Kingdom under John Major administration blocked JeanLuc Dehaene in his appointment to the presidency in 1994.

the principle of direct election was applied in the European Parliament (hereafter EP) elections, when only nine states were members.

Although the principle of direct election by the European citizens was fulfilled, the EP held a weak position in comparison to other organs. The Single European Act (1987) conferred new powers to the EP by introducing the co-operation procedure. The power of the EP was extended by the gradual extension of the co-decision procedure by the Maastricht (1993) and Amsterdam (1997) treaties. At the same time, the number of EP members has also increased from the 518 initial members, with the unification of Germany (1989) and the accession of the three new member states, to a total of 626 members of the EP (hereafter MEP).

Article 190 of the Treaty lays down the principle of the representation of the MEP. It provides that the system aims to ensure appropriate representation of the people of the member states brought together in the Community. This principle, however, does not seem to be fulfilled, since the actual composition is broadly based on a relative proportionality principle giving a slight comparative advantage to medium-sized and small member states.²³

Another controversial issue was the size of the EP. Based on the current number of MEPs, the proportional allocation of seats to the new 12 members would imply that the total number of the EP would increase to 881 seats. Thus, the IGC strove to cut the number of MEP in conjunction with the enlargement of the member states. In 1997, the Amsterdam Treaty imposed an upper limit of 700 MEPs. In order to remain below this ceiling after further additions, the distribution of seats between all the member states had to be drastically revised. Another aspect to be considered in the negotiation

²³ The allocated number of MEPs for Germany (99) consists of 15.8% of 626, while the population size of Germany consists of 21.8% of total population of the 15 member states. The pattern is similar for large member states such as the United Kingdom, France, Italy and Spain. To the contrary, the allocated number of MEPs for Luxemburg (6) is 1% of 626 members, while the population size of Luxemburg consists of 0.1% of the total population of the 15 EU member states. The same pattern can be found for the small member states such as Ireland, Finland, Denmark and Sweden.

process was to respect the “appropriate representation of the peoples” criterion laid down in Article 190 of the Treaty.

According to provisions reached by the IGC prior to the Treaty of Nice, the composition of Parliament will be changed from the next European elections in June 2004, with reductions in the number of seats from all member states except Germany and Luxembourg. These two countries will keep their present number of MEPs – 99 and 6 respectively. The total number of MEPs of the 15 member states will then be reduced from the current 626 to 535.

During the 2004-2009 term of office, the total number of MEPs will increase to 732 seats. The final figures are based primarily on each country’s population with a certain bonus for the smallest countries to allow for the representation of all political tendencies.²⁴ As a result, the importance of the EP in the EU decision-making process has also increased. This highlights not only the defensive attitude of the member states, but also the increasing role of the EP/Council in tandem in the initiation of European legislation and the diminishing of the role of the Commission.

At the same time, the EP has obtained two long sought-for prerogatives. As laid down in Article 230, the EP extended its right to bring court actions with the member states and the other institutions. Furthermore, the EP has the power to ask the court for an opinion on the compatibility with the treaty of an international agreement (Article 300 Paragraph 5). These clauses, which stemmed directly from the Treaty of Maastricht and the Treaty of Amsterdam, have given a massive boost to the EP’s role as a real actor in the decision-making process. After the fifth enlargement, the EP will play an increased role, together with the Commission, as two driving forces in European politics.

The weighting of votes in the Council

It was stipulated in the Treaty of Rome that the qualified majority was adopted by allocating votes on the basis of population weighted in favour of

²⁴ Luxembourg argued that it was necessary to maintain six members to include all political spectrums in its party system.

the less-populated countries. This system was modified with successive enlargements, but the fundamental assumption remained. As shown in Table 2, the current allocation of votes in the Council consists of a total of 87 votes. When a qualified majority is to be applied, 62 votes is the minimum number of votes for a decision, while 26 votes can block a decision.

In the negotiation process at Nice, the issue emerged quickly that weighting of votes would be the most complicated subject, since the new weightings would form the basis for the future balance of power. In the sense that this issue would also affect the applicant countries in the topic of prefiguring the plausible alliances after the enlargement of the EU, the 15 member states showed great interest and vigour to get more influence in the future power structure.

Up to now, the system has proved sufficiently representative and balanced. The size of the qualified majority has varied from 67% with the six founding member states, to 70% with ten member states. At present, a qualified majority equals 71.2%, with fifteen member states. Decisions have always had to gain the support of a large majority in terms of population and at least half of the member states, while the blocking minority required to stop any decision could be obtained only by the three member states with the largest population or by a larger group of small member states.

Table 2. The Allocation of Votes in the Council before and after the Treaty of Nice

<i>Countries</i>	<i>Current number of votes</i>	<i>After 12-plus</i>
Germany	10	29
France	10	29
Italy	10	29
United Kingdom	10	29
Spain	8	17
Belgium	5	13
Greece	5	12
Netherlands	5	12
Portugal	5	12
Austria	4	10
Sweden	4	10
Denmark	3	7
Ireland	3	7
Finland	3	7
Luxembourg	2	4
Total numbers	87	237
12 new member states		105
Total		345

The positions taken by Germany, Spain, the Netherlands, and the small countries made it more difficult to reach agreement in the negotiation process. Germany wanted to ensure predominance over the other large countries based on the effects of reunification, while the Spanish and Dutch aspirations were to improve their respective positions between the larger and smaller countries by the decision of all the large countries to offset the possible loss of a commissioner through better representation in the Council. The concern

of the small countries was primarily to safeguard a certain degree of influence in the decision-making process in the Council.

Four questions were the main issues: 1) Should a qualified majority always encompass a majority of member states (the position supported by the ten member states with the smallest populations)?; 2) Where should size of the smallest blocking minority be set? The larger member states wanted to maintain the present level; 3) Should the present groupings of member states be retained in the event of re-weighting, or should more flexibility be introduced into the system in order to differentiate further between larger and smaller member states? And finally, 4) which model should form the basis for an agreement? To avoid a deadlock between the member states, a compromise was reached in a kind of “triple majority” for a decision to get through in the Council. For a decision to be adopted it must have the support of: 1) a majority of the total number of the member states; 2) a qualified majority between 71 and 74% of weighted votes; and 3) if a member state so requests, 62% of the total EU population.

It was also agreed that after the successive waves of entries of the 12 candidates, the requisite percentage of weighted votes would increase to a maximum of 73.4%. This means that three large member states and one small State will be able to oppose a decision that has the support of all the others. Thus, out of 345 votes, the qualified majority is set at 258 votes and the blocking minority at 88, which will increase to 92 with the entry of the 27th member states (See Table 3).

One drawback of this compromise is that the decision-making process will be more cumbersome. Prodi was one of the most critical opponents of the compromise by arguing that “firstly, because it made a qualified majority more difficult, and a blocking minority accordingly easier, where the goal should have been the opposite in an expanding Union; secondly, because it has made decision-making even more complex, something that runs counter to the legibility and transparency for which the citizens have been calling.”²⁵

²⁵ See the speech made to the European Parliament on December 12, 2000.

The extension of qualified-majority voting related to the co-decision procedure

The original treaty of Rome (1957) provided for unanimous decisions in the Council for most of the areas covered. Nevertheless, a few provisions were already subject to qualified-majority voting, and the treaty foresaw the introduction of majority voting in many cases after the end of the transitional period in 1966. This led to the crisis caused by De Gaulle, who opposed the launch of the majority voting system in the Commission.²⁶ This event resulted in the development of a “veto culture” which severely held back the progress of European integration during the next decades.

However, qualified majority was seen as a necessary corollary to the successive enlargement of the EU. The idea of the qualified majority system was to reduce the so-called democratic deficit of the European Union institutions. Even though qualified-majority voting already applied to a very large range of policies, several important and sensitive issues remained subject to the unanimity rule. There are currently 75 provisions subject to unanimous voting in the Treaty. The bulk of these articles are in the areas of Pillar II and III.²⁷ It may be said that the French presidency made substantial progress in this field, which was one of the keys to the success of the IGC. This issue turned out to be less complicated than the composition of the Commission or, especially, the weighting of votes in the Council.

During the negotiation process, Italy, Belgium, and the United Kingdom argued strongly, despite strong pressure from the Commission, that taxation and social security were matters for national governments and parliaments to decide upon and not suitable for qualified majority voting. Finally, 15 mem-

²⁶ The crisis was resolved by an initiative taken by Luxembourg, which resulted in a compromise. The Council made a statement that where very important interests of one or more partners are at stake, the members of the Council will endeavour, within a reasonable time, to reach solutions, which can be adopted by all of them.

²⁷ These areas include: common foreign and security policy, visas, asylum and immigration issues, police and judicial cooperation, taxation and social security. For more details, see Table 5 of this chapter.

ber states decided that they would retain the unanimity requirement for all treaty provisions relating to the coordination of social security systems and taxation. As far as the common commercial policy is concerned, the final compromise includes the negotiation and conclusion of international agreements in the area of trade in services and the commercial aspects of intellectual property. These agreements are concluded by a qualified majority, except when they include provisions for which unanimity is required for the adoption of internal rules, or when the agreement concerns an area on which the Community has not yet exercised its responsibilities. In addition, the agreements related to the harmonization of cultural and audiovisual services, education services, social and health services continue to be the subject of responsibility shared with the member states.

The unanimity rule was also kept in the more controversial areas of migration and asylum. The less developed countries, including Greece, Spain and Portugal, succeeded in keeping their veto on the financing of the structural and regional funds, at least until 2007. In the end, qualified majority voting procedures were introduced in only 27 provisions out of the 50 initially proposed by the Commission and the 75 cases where the unanimity rule still prevailed in the treaties. The co-decision procedure will be applicable only to seven provisions, changing from unanimity to qualified majority voting procedures (Articles 13, 62, 63, 65, 157, 159 and 191).²⁸

Closer cooperation within European Union

The idea of close cooperation between member states has existed during a long period. Such possibilities were defined under the original treaty laid down in Article 306 of the Benelux Paradigm. Cooperation patterns have deepened in conjunction with open border policy across member states. In 1985, the removal of internal border controls was formalized by the Schengen Agreement. This agreement was initiated by five member states, but the

²⁸ In a speech to the European Parliament made after the summit on December 12, 2000, Prodi was very critical of the narrow-minded attitude that prevailed at Nice in respect to closer integration and more effective institutions.

number of signatories subsequently increased to 13.²⁹ Although the Treaty of Maastricht includes clauses on closer cooperation of the member states, however, it contains some negative tones. It allowed some member states to opt out of specific common policies. In contrast to the Treaty of Maastricht, the Treaty of Amsterdam provided for the possibility of closer cooperation within the single institutional framework subject to strict conditions.³⁰ Subject to these conditions, the member states may establish closer cooperation in the first and third Pillar within the institutional framework of the EU (Articles 11 EC Treaty and Articles 40, 43-45 Treaty on European Union).³¹

After the current enlargement, the EU will become even more heterogeneous. Thus, there seems to be necessary to extend the scope for closer cooperation in order not to delay the integration process within the EU. The main aspect was to relax the conditions referred to above and no longer allow a single member state to block the possibility of further cooperation.

The Commission proposed removing the veto, setting the minimum number of member states that can establish closer cooperation at one-third of the total membership of the EU, except for the area of CFSP. The counter-arguments, supported mainly by the small member states and the countries applying for membership, stressed the risk of a less cohesive, less mutually supportive Europe. So far, there has been little experience of the mechanisms provided for by the Treaty of Amsterdam, which have not yet had a chance to operate properly and have a real impact.

At the Nice summit, however, this issue was one that made the most progress during the negotiations. A number of smaller and medium-sized member states that were initially suspicious of an initiative emanating essentially

²⁹ The total number of signatories to the Schengen Agreement is 15 including Norway and Iceland. The United Kingdom and Ireland are excluded in the Schengen Agreement.

³⁰ The following conditions are included: 1) It may not apply to areas of exclusive Community competence; 2) there must be no discrimination among European citizens or restrictions on intra-community trade; 3) it is subject to control by the Commission and review by the Court of Justice, open to all member states wishing to join and subject to a veto by the member state referring the matter to the European Council for unanimous decision.

³¹ The constructive abstention mechanism of Article 23 of the Treaty of European Union gives member states the same possibility in the second pillar (CFSP).

from their larger counterparts were gradually won over to the movement in the hope that it might help them consolidate a relative advantage over the applicant countries. The relevant provisions of the Amsterdam Treaty can be divided into four categories: 1) The general principles governing the whole mechanism (Clauses A-F); 2) Clauses applicable in the context of the Economic Community Treaty (Clauses G-I)³²; 3) Clauses which may be applicable under Title V of the Union Treaty (CFSP; Clauses J1-18); and 4) Clauses applicable under Title VI of the Union Treaty (Justice and Home Affairs; JHA).³³

In the general clauses, it is worth noting two important new developments: the minimum number of member states required to instigate closer cooperation is established at eight and the unanimity requirement has been discarded. Other provisions stipulate that areas where the Community has exclusive powers must be preserved, that the internal market must not be affected, and that the mechanism must be open to all member states (Clause A). The other clauses state that closer cooperation may be engaged only when it has been established that it is impossible to follow the normal procedures provided for in the treaty (B), that the participation of the greatest possible number of member states must be encouraged (C), that the relevant operational expenditures should in principle be borne by the participating countries (E), and that consistency with Union policies must be guaranteed (F).

³² The clauses were laid down under the provisions on the establishment of the European Economic Community (EEC), European Coal and Steel Community (ECSC) and European Atomic Energy Community (Euratom).

³³ Tony Blair persuaded the French Presidency to remove defence from proposals for closer cooperation. This question remained a deep scar and disagreement during discussions on the independence of Europe's military capabilities vis-à-vis NATO, with France and Germany pleading in favour of an independent European military force, in opposition to the United Kingdom standing close to the American stance. As a result, such fields as implementation of a joint action or a common position in the CFSP area were included in the closer cooperation. Concerning the relationship between the EU and the WEU, see Article 7 of the Treaty of the EU. The WEU is neither an integral part of the Union nor a body of common military operation. For CFSP in common military operation for peaceful purpose, see Article 25 of TEU.

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Regarding closer cooperation under the EC Treaty, the transition to majority voting is offset by the possibility for any member state to refer a question to the European Council before the Council of Ministers takes a decision (G). Furthermore, when closer cooperation concerns an area that comes under the co-decision procedure, the assent of the European Parliament is required.

Two other points were discussed at the summit meeting: 1) the possible exclusion of certain matters from the scope of closer cooperation (e.g. the internal market and cohesion policy issues), and 2) the role of the Commission and Parliament when closer cooperation is triggered or non-participating member states seek to join it. Clause A states that closer cooperation must undermine neither the internal market, nor economic and social cohesion. According to Clause K, the Commission maintains the right of proposal and the Parliament preserve the role of consultation in the decision-making process. In matters of the second pillar areas, however, the Commission merely gives an opinion, while Parliament is simply informed. Thus, by preserving the core Community framework and internal cohesion, the closer cooperation mechanisms appear capable of keeping Europe on track towards ever-tighter integration, while allowing each country to go along this route according to its own preferences and special needs.

The Treaty of Nice and its impact on the Sweden-Poland relation

The Treaty of Nice resulted in a pattern of quid pro quo, as illustrated in Table 4. Germany gave up additional votes in the Council in return for 27 more MEPs than the other large countries; France had to make concessions on the common commercial policy to ensure parity with Germany in the decision-making process; and the small member states had to accept a reduction in their relative weight in the Council to safeguard their equal representation in the Commission. However, the real issue at stake was the balance of power between Germany and France and the other member states.

The most far-reaching effect of the settlement laid down in the Treaty of Nice can be detected in the clauses concerning decision-making in the Coun-

cil. In order to reach a decision in the Council, according to the proposal that is meant to be implemented after the full enlargement process, two requirements have to be fulfilled. First, the requirement of majority of member states must support it and, second, 258 votes are required to fulfil the qualified majority of the total 345 votes. Another requirement, which can be activated if one member state wants to, is the support of 62% of the entire population of the member states. In other words, in order for a policy proposition to pass the decision-making process, it must be supported by 62% of the total EU population. On the other hand, in order to block a proposition in the Council, 88 seats have to be against the proposal. In the wake of the population requirement, 38% of the population size is the minimum level for blocking a proposal.

This agreement laid down in the Treaty of Nice caused much controversy. As mentioned in Prodi's speech, the most ferocious criticism was targeted at the intricacy of the decision-making process in the Council. It was argued that the combination of both votes and the population requirement would slow down the decision-making process. Furthermore, it was argued that it would in principal be possible for the four largest member states to steer the direction of the EU's future partly because of the size of the qualified majority for a proposal to get through the decision-making process and partly because the ineffectiveness of the population requirement. Without the involvement of at least one of the largest member states, blocking a proposal in the Council would technically be impossible. Thus, the criticism of the small member states was ferocious.

Table 3. Allocation of Seats and Weights of Different EU Institutions after the Treaty of Nice and the Fifth EU Enlargement

	<i>No. of Representatives in EU Parliament</i>	<i>No. of Representatives in EU Council</i>	<i>Weight of a representative in EU Council (/mil. inhabitants)</i>	<i>Population (Millions)</i>	<i>% of EU-27</i>
Germany	99	29	0.35	82.8	17.2
United Kingdom	72	29	0.49	59.3	12.3
France	72	29	0.49	58.5	12.1
Italy	72	29	0.50	57.6	12.0
Spain	50	27	0.68	40.0	8.3
Netherlands	25	13	0.82	15.9	3.3
Greece	20	12	1.13	10.6	2.2
Belgium	22	12	1.18	10.2	2.1
Portugal	20	12	1.20	10.0	2.1
Sweden	18	10	1.12	8.9	1.9
Austria	17	10	1.23	8.1	1.7
Denmark	13	7	1.32	5.3	1.1
Finland	13	7	1.35	5.2	1.1
Ireland	12	7	1.84	3.8	0.8
Luxemburg	6	4	10.0	0.4	0.1
EU-15	531	237		376.6	78.3
Poland	50	27	0.69	39	8.1
Romania	33	14	0.61	23	4.7
Czech Rep.	20	12	1.20	10	2.1
Hungary	20	12	1.20	10	2.1
Bulgaria	17	10	1.25	8	1.6
Slovakia Rep.	13	7	1.40	5	1.0
Lithuania	12	7	1.75	4	0.8
Latvia	8	4	2.00	2	0.4
Slovenia	7	4	2.00	2	0.4
Estonia	6	4	4.00	1	0.2

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Cyprus	6	4	5.00	0.8	0.2
Malta	5	3	7.50	0.4	0.1
EU-27	728	345		481.8	100
7 Baltic Sea States	120 (16.5%)	66 (19.1%)		65.4	13.6

Source: Treaty of Nice and UN Statistical Yearbook.

In this respect, is there any possibility for Sweden and Poland to build an axis as a core of the Baltic Sea Region to pursue common interests? What can it entail at the political scene within the EU? Geographically, this region except Germany consists of seven countries – Denmark, Finland, Sweden, Estonia, Latvia, Lithuania, and Poland. According to the “closer cooperation” principle set forth in the Treaty of Nice, eight countries are the minimum number for a policy initiator. To obtain close cooperation between member states within this region, one more member is necessary to create the minimum number to initiate a policy proposal. With the support of one small or medium-sized member state, the Sweden-Poland axis would be an important actor in the formation of the future power structure in the EU. A plausible obstacle seems to be, however, that the interest of Poland in Pillar II areas is different from that of Sweden. The NATO membership of Poland and the Swedish, as well as the Finnish, neutral foreign policy could hinder close cooperation in this area. Except for this CFSP area, the common interest of the two countries seems to be extensive especially concerning the environment, traditional EC areas, and some of the Pillar III areas.

The traditional EC sectors would provide an extensive scope for cooperation among the seven Northern European countries within the EU. Issues such as the environment, agriculture and fishing would lead to a closer relationship. Welfare and bureaucratic reform would also provide an extensive ground for far-reaching cooperation. Fighting corruption and increasing accountability and effectiveness in the public sector would also provide a good opportunity for the Nordic neighbours to build a close relationship with their Baltic and Polish neighbours.

Table 4. Policy Areas according to the Three Pillars and Scope for Cooperation for Baltic Sea States

	<i>Pillar I Area</i>	<i>Pillar II Area</i>	<i>Pillar III Area</i>
<i>Policy areas</i>	Trade Agriculture Fishing Market regulation Competition Industrial policy Monetary issue Environmental policy Equal opportunities Working conditions and labour market Consumer protection Movement across external borders Energy Transport Education and training Culture	Foreign policy Defence policy Security policy	Health Social welfare Housing Civil liberties Police Domestic crime International crime Combating terrorism and drugs Immigration policy Asylum policy
<i>Scope for Cooperation of Sweden-Poland-Baltic Sea States</i>	Extremely active cooperation in reservation of certain limitation in policies such as monetary; One policy area within which an active coopera-	Extremely limited cooperation; Poland as NATO member; Three Baltic States are interested in membership in NATO;	Active cooperation in policies such as health, social welfare, housing and domestic crime; Even extensive cooperation with other member

	<p>tion will be expected is environmental and agricultural area; Three Baltic States and Poland would join EMU in conjunction with the EU entry.</p>	<p>Finland and Sweden would continue to be out of NATO</p>	<p>states in policies such as international crime and combating terrorism and drugs</p>
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Note: The issue areas were taken from the Treaty of Rome. See also Dinan (1994), Andersen and Eliassen (1993).

One issue that could complicate closer mutual cooperation in the Baltic Sea region seems to be the EMU membership of the new and old member states after the fifth enlargement. Denmark and Sweden decided to stay outside the common monetary cooperation, while Finland joined, as one of the twelve initial members. It is likely that this split between EMU antagonists and proponents in this region will persist. In the former, Denmark and Sweden seem to probably remain outside for the nearest future, whereas the new members, such as the three Baltic countries and Poland, probably will join the EMU as soon as possible. However, since domestic economic policy such as labour market policy, currency policy, and economic growth is closely linked to the globalisation process of the world economy, it seems to be very likely that Sweden and Denmark will sooner or later join the EMU. In this respect, the EMU question would not be an obstacle to the states of the Baltic Sea region in building a close cooperation mechanism within the EU. To sum up, there is a great possibility for cooperation between the Nordic members and the candidate states in the traditional Pillar One area, as illustrated in Table 6. Especially, the policy areas of fishing and environmental protection in the Baltic Sea is one of the issues containing the most likely common interests. The Swedish and Polish interests seem to have much

more of a common denominator in this policy area. A challenge to build such a cooperation mechanism is the different national interests among the Baltic Sea States. Without a doubt, one issue area with sprawling interests in this region seems to be the security dimension and NATO membership and. Even though the Baltic elites and the general public have shown a high level of support for becoming a member of NATO, Russia has issued warning signals regarding the Baltic candidacy for NATO membership.³⁴ The Baltic Sea States will probably have diverging opinions in this issue.

Pillar Three areas would also open extensive possibilities for a close cooperation among the Baltic Sea members. However, these areas, which include fighting drugs and terrorist attacks, is a common European cooperation sector, especially after the September 11th terrorist attack to the World Trade Center in the United States. Traditional Pillar Three sectors such as health and welfare section, police and judiciary matters, civil liberties and minority issues, and asylum and immigration policies would form a limited potential for cooperation, since they touch on the domestic problems and diverse value priorities among the Baltic Sea States.

Structurally, the most critical obstacle in building an European axis for Sweden and Poland on the one hand, and all the Baltic Sea States on the other, seems to be the limited number of votes in the Council, and the small size of the total population. As illustrated in Table 4 above, since the total votes of the seven Baltic Sea States is only 66 consisting of 13.6% of the total votes in the Council, association with one of the largest EU member states seems to be necessary to block a proposed policy in the Council. There seems to be little or no chance for the Northern European axis itself to form a driving force regarding EU policies, since the requirement of qualified majority can only be fulfilled by the three largest and one small member state. At worst, its role would constitute a blocking group. In that sense, such an axis consisting of only small member states as a future blocking group would be perceived as an anti-Europeification force. At best, this axis would pursue

³⁴ The Baltic Barometers carried out in 1999 and 2001 show that a majority of the Baltic public expressed a desire to get access to NATO and EU. See Loftsson and Choe (forthcoming).

Conclusion

The formation of the future power structure within the European Union seems to be closely related to the new phases rooted in the changing relationships between member states, and rules of the decision-making process in the Council.

Firstly, the Franco-German axis has been severely weakened during recent years. The Germans, who failed at the outset, are trying to assert their hegemony. After reunification, a primary German interest has been to expand its influence over the enlargement process to the East, which has been a traditional interest area. In contrast, the French are desperately trying to preserve an equal or extended role in this new balance of power.

Secondly, the UK and Spain seem to be determined to play a central role. The United Kingdom has been pursuing an anti-Community role and has been supported in this ambition by Spain. The majority of Scandinavian countries traditionally rejected the idea of supranational integration. In contrast, a new pro-Community axis is being prompted by Germany with its leadership ambition. Italy, the Benelux countries and a number of smaller countries have supported this idea. As a natural corollary after enlargement, new alliances are likely to emerge with Germany in search of a dominant position, whereas France will at least attempt to preserve the status quo. The United Kingdom will aspire to influence the direction of moves towards integration from the inside. Therefore, the Treaty of Nice seems to mark an interim stage in this process. There is no doubt that a new intergovernmental conference scheduled in 2004 will create a base for the formation of a new power structure and the future of “constitutional” or “federal” United Europe.

Closely related to these two aspects, there are a wide range of opportunities and obstacles for building a Swedish-Polish axis, as well as deepened cooperation between the Baltic Sea States in different policy areas. The reason is that Poland, with the sixth largest population, may play a key role in building a Northern European axis with other neighbouring countries. How-

ever, this block seems to be powerless without the support of one of the largest member states. In this sense, the Northern European axis would be a latent and symbolic actor in the formation of the new power structure in European politics.

Generally, the opportunities of the small member states to build this type of axis are considerable, because of the fact that the four largest member states may otherwise easily dominate EU politics. Since the building of this type of new axes in the EU would form an anti-Europeification block, the diversification of member states into different groups seems inevitable. Therefore, not only the large, but the small member states as well, ought to realize that closer cooperation on diverse levels and among different actors must be encouraged between national political parties, between civil NGO groups, and between agencies at the regional and local governmental levels. These different types of cooperative networks seem to be of great use for narrowing the gap between pro- and anti-European groups as well as between “driving forces” and “outsiders” or “newcomers” after the full-fledged expansion of the European Union. The pluralistic network of the EU, in combination with national and local institutions, would bring people closer in building a common European identity.

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The public debate and the attitude of Sweden and Poland regarding EU membership

Introduction

In January 1, 1995, Sweden became a member of the European Union. The incorporation of the Nordic countries (Sweden, Finland) and Austria was the fourth enlargement of the European Community (known also as the Third Wave of Enlargement and the Second Northern Enlargement). It was also the first enlargement of the European Union after the Maastricht Treaty came into force on 1st of November 1993.

This event was preceded by a debate among Swedish citizens about the attitude and position of Sweden towards the European integration process. A decision about the proper strategy for information about the EU was also taken.

At the end of March 1998, the EU accession negotiations for Poland and five other candidate countries started. This seemed to be the last opportunity for the Polish government to make the necessary decisions concerning the strategy of providing information about the European Union, the integration process and the possible consequences the future Eastern enlargement would have for Polish society.

Therefore, a comparison between the situation in Sweden before accession and the contemporary situation of Poland in terms of the attitude of each society seems worthwhile. The difficulty of such a comparison is – among others – the significant differences between these two countries in terms of a variety of crucial factors.

Another type of important difficulty is that a particular subject emerges from the methodological approach. The analysis of the debate on European integration raises a valid question about the proper selection of information sources.

However, both in the case of Sweden and Poland, the above-mentioned problems are – as Petersson suggests – “... slightly more easily dealt with due primarily to the absence of any wide-ranging and comprehensive debate that might prove difficult both to survey and to summarize”³⁵. Furthermore, the author concludes that political parties and special interest groups were the main actors that shaped the debate on this issue in Sweden. In this respect the situation in Poland may be seen as a little bit more complicated, due to profound and quick changes in the nineties, which to a considerable extent originated in the process of system transformation. On the other hand, the real debate about the European integration process in Poland up until now has been so insufficient that it is also possible to narrow the important sources of direct influence on that subject to political parties and special interest groups. The most important differences between the two countries on this level of analysis are perhaps the special role of the official commissions of inquiry in Sweden and the significant position of the Catholic Church in Poland.

The comparison of the European debate in these two countries also needs to take into account some very important differences regarding the historical backgrounds of Sweden and Poland that seem crucial for the societies’ attitudes towards the integration process.

Although it perhaps may seem obvious, it is of no lesser importance to recollect the status of neutrality in Sweden, with a special emphasis on the neutral role of this country during both World Wars, and the role of such a tradition during the discussion about the possible entrance of Sweden into the EC in the beginning of the sixties.

³⁵ O. Petersson, *The European debate in Sweden*, Groupment D’études et de Recherches, Notre Europe, Research and Policy Paper No 12, December 2000, p. 3.

In the case of Poland, its absence from the political map for one hundred and twenty-three years (1795-1918) and the control of the Soviet Union for forty-five years after World War II (1945-1990) also indicate a very particular attitude toward the notion of sovereignty among Polish citizens.

It is also important to state that from the methodological point of view, it is highly problematic to compare the two phenomena, when one of them – the accession of Sweden into the European Union – has already taken place, while the other – the Polish road into the EU – remains an open question. Therefore, the main reason for adopting such an approach is to draw some conclusions from the Swedish experience, which may be useful for the Polish elites responsible for the EU integration process.

Reasons for the EC membership application of Sweden

At the turn of the eighties, the new geopolitical situation profoundly influenced the position of political elites in neutral countries towards membership in the European Community (EC).

Sweden has a long history of adopting a neutral position in its foreign security policy. Since the beginning of the nineteenth century, it has not been involved in a military alliance of any kind³⁶. The neutrality status, however, did not prevent Sweden from active involvement in international activities of an economic nature. Sweden joined the OECD and then signed the Stockholm Convention, resulting in the creation of EFTA.³⁷

Membership in this purely economic organization achieved a high level of

³⁶ As opposed to Switzerland and Austria, Sweden, as well as Finland and Ireland, are considered to be the states that adhere to a continuous policy of neutrality without a legal basis. For example, in 1683, the king of Sweden promised the Danish king to enter into an alliance for the defence of Schleswig, although one year later Denmark was left alone against the Germans. See: K. Wahlbäck, *The Roots of Swedish Neutrality*, Stockholm: The Swedish Institute, 1986, pp. 17-18.

³⁷ R. Matera, Droga Szwecji do Unii Europejskiej, „*Sprawy Międzynarodowe*”, No 4 (LIII), Warszawa 2000, p. 49.

acceptance in the Swedish society within the next two years.³⁸ Additionally – as Pedersen pointed out – “The birth of EFTA effectively killed the plans for a Nordic economic community, which had been prepared since 1947, illustrating the fundamental logic in Nordic cooperation that when faced with a choice between smaller Nordic and wider European cooperation, the leading actors in Scandinavia always opt for wider European cooperation”.³⁹ It is perhaps worth mentioning that Pedersen’s “always” refers only to the cooperation of a strictly economic nature.

A breakthrough for Sweden occurred when the United Kingdom – the most important EFTA founding member – applied for EC membership. When important other EFTA members – Denmark and Norway – followed suit, it became obvious that the Sweden needed a more precise strategy towards the European Community.

The Swedish approach towards the EC was articulated by the Swedish prime minister and leader of the Social Democratic Party - Tage Erlander - in his speech to the Metal Industry Workers’ Union in August 22, 1961. Erlander stated that the Swedish membership in the EC would be a violation of Sweden’s neutrality doctrine. Swedish EC membership was thus out of the question.

This speech, which is known as “the Metal Speech” remained valid until 1994 for a significant part of Swedish society, including the dominating political elites.⁴⁰ However, this event should not be regarded as a complete end of the discussion on Sweden’s relations with Europe. Swedish interest in free trade with the continent, as well as major progress on the British, Danish and Norwegian road to the EC, resulted in the initiation of official membership talks on November 10, 1970. During these negotiations, however, the Swedish government had no intention of giving up the principle of neutrality.

³⁸ A. Widfeldt, Sweden and the European Union. Implications for the Swedish Party System, in: L. Miles (ed.), *The European Union and the Nordic Countries*, London and New York: Routledge, 1996, p. 101.

³⁹ T. Pedersen, *European Union and the EFTA Countries*, London and New York: Pinter Publishers, 1994, p. 20.

⁴⁰ See: O. Ruin, *Tage Erlander 1946-1969*, Stockholm: Tiden, 1986, p. 301.

Therefore, the publication of the Davignon Report⁴¹ and the Werner Plan⁴² ruled out the possibility of Swedish entrance into the EC.⁴³

As a result of the Swedish ‘No’ to full membership in the EC stemming from the neutrality principle, the parties signed an agreement, which initiated a gradual tariff reduction on industrial goods within a period of four and a half years.⁴⁴ The so-called Free Trade Agreement – FTA - came into force on January 1, 1973.⁴⁵

The next significant step toward closer cooperation between Sweden (and other EFTA countries) and the EEC took place in Luxembourg in April 1984, when the EC and EFTA member states organized their first meeting at a ministerial level. The formal initiative of the summit came from Sweden. This idea emanated from the fact that it was the time when the FTAs were successfully implemented – after the final elimination of tariffs on the last sensitive product – paper products – and “...it provided ministers with an opportunity for looking ahead and identifying new common tasks”.⁴⁶

Although the results of cooperation of the joint EC–EFTA High Level Contact Group (HLCG), founded in 1984, were impressive, the limitations of the institutional ad hoc method became evident in the late eighties.⁴⁷ As EFTA’s export dependency on the EC continued to increase, and integration within the EC continued to develop, Sweden and the other EFTA members

⁴¹ Viscount Etienne Davignon, the Belgian public servant, as political director of the Belgian Foreign Ministry in 1970 chaired the Committee of Member-State Representatives that drafted the so-called Davignon report, which laid the foundation for European Political Cooperation (EPC).

⁴² Pierre Werner, Prime Minister of Luxembourg, was asked at the summit in December 1969 by the EC heads of state and government to prepare a report on an Economic and Monetary Union (EMU).

⁴³ F. Wendt, *Cooperation in the Nordic Countries. Achievements and Obstacles*, Stockholm 1981, p. 156.

⁴⁴ Sweden was also interested in doing away with tariffs for agricultural products, which was rejected by Brussels.

⁴⁵ See more in: *Trade Policy Review. Sweden 1995*, GATT, Geneva 1995, Vol. I, p. 15.

⁴⁶ T. Pedersen, *The European...*, *op. cit.*, p. 26.

⁴⁷ *Ibid.*, pp. 27-28.

were – according to Christopher Preston – “...increasingly faced with the dilemma of adapting to a process in which they were economically engaged but politically excluded”.⁴⁸

New possibilities for the EFTA countries appeared after the Commission President Jacques Delors suggested a more structured partnership involving a formal institutional framework in his speech to the European Parliament in January 1989. The idea was to create the “economic space” of the combined EC and EFTA areas in which the “four freedoms” of the EC’s internal market would be the basic regulation.⁴⁹

Although only the former EFTA countries (United Kingdom and Denmark) and West Germany among the EC members manifested a positive approach to the project of another expansion of the EC, the Council agreed on the Commission’s mandate for negotiations in May 1990. The guideline was to maintain the autonomy of the two sides’ institutions within the framework of the two-pillar approach.⁵⁰

The Swedish attitude toward the EC at that was positively described in the governmental statement to the Riksdag, where it was underlined that on the one hand unilateral alignment with the single market of the EC is required,⁵¹ but that on the other one the “membership of the Community is not an objective for the negotiations, which are now starting”.⁵²

As mentioned above, the beginning of the nineties brought many new circumstances, internal as well as external, for this Scandinavian country. Although as late as in 1988 the leader of the Social Democrats and the prime minister of Sweden, Ingvar Carlsson, during his visits to the capitals of the EC, reasserted that neutrality remained an insurmountable obstacle to his

⁴⁸ C. Preston, *Enlargement & Integration in the European Union*, London and New York: Routledge, 1997, p. 89.

⁴⁹ J. Delors, Debates of the European Parliament 1988-1989 Session, Proceedings from 16 to 20 January 1989.

⁵⁰ C. Preston, *Enlargement...*, op. cit., p. 90.

⁵¹ Government of Sweden, *Sweden and European Integration: Proposition 1987/88: 66*, Stockholm 1987.

⁵² C. Preston, *Enlargement...*, op. cit., p. 91.

country's membership, it took only two years for the situation to appear quite different.⁵³

As Lee Miles notes "The speed with which the Carlsson government moved from ruling out the prospect of membership (1989), to considering the merits of accession (1990), to finally submitting a full membership application (1 July 1991) was exceedingly quick (at least by Swedish standards)".⁵⁴ This was especially evident when compared to the previous domestic debates on the possibility of Swedish accession into the EC in the period of 1961-1963, in 1967 and 1971.

Lee Miles argues that the main factors that influenced such a huge shift of attitude in Sweden were as follows:

- The frustration of Swedish elites that resulted from the ongoing EEA process;
- Increased attractiveness of full membership in the EC due to the limitations of any of the proposed alternatives (EFTA, EEA, Nordic cooperation);
- Major external changes in Eastern Europe with vital effects on European security and, consequently, on the neutrality doctrine in Sweden;
- The leaders of the key opposition parties to the governing Social Democrats – Carl Bildt of the Moderates and Bengt Westerberg of the Liberals – announced in May 1990 that their parties would demand a full membership application in their manifestos in the forthcoming 1991 general election;
- Widespread criticism of the total lack of ambition expressed in the article by Prime Minister Ingvar Carlsson, published on May 27, 1990 in "Dagens Nyheter" under the audacious title: "EC membership will become impossible – Sweden cannot be a member of the Community if the political union becomes a reality";
- Last but not least, the deep economic recession in Sweden, described as the country's longest and deepest since the 1930s, emphasizes Lee Miles's conclusion that "...it was economic factors that supposedly provided the next

⁵³ B. Huld, Sweden and European Community-building 1945-92, In: S. Harden (ed.), *Neutral States and the European Community*, London: Brassey's, 1994, p. 114.

⁵⁴ L. Miles, *Sweden and European Integration*, Aldershot and Brookfield: Ashgate, 1997, p. 179.

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step and allowed the government to announce that it would seek full membership”.⁵⁵

It seems important to add to this list that the EC membership application of Austria in July 1989 also provided some arguments for the emerging new Swedish approach. As Paul Luif states: “Several experts marvelled at the temerity of the Austrian in applying, as their neutrality was thought to offer far less freedom of action than that of Sweden....”⁵⁶

All these factors influenced the decision of the Ingvar Carlsson Social Democratic government to apply for EC membership in 1991. One cannot help wondering, however, about the method of communicating this decision to Swedish voters, especially in the light of the Swedish tradition of extensive consultation on major issues concerning citizens. As Jakub Świącicki remarks, the Swedish government “performed it in a peculiar way, unawares, with no introductory signals, as one of the elements of the economic policy aiming at curbing economic crisis and unemployment, as a tool for economic stability, almost as a footnote to the economic recovery programme”.⁵⁷

Reasons for the EU membership application in Poland

The so-called “Sinatra Doctrine”, introduced by Mikhail Gorbachev, changed the Brezhnev doctrine (necessitating military “assistance” in the case of any internal problems of the Eastern bloc countries) and paved the way for later changes in Central and Eastern Europe and, consequently, for geopolitical changes all over the world.⁵⁸

⁵⁵ *Ibid.*, pp. 180-182.

⁵⁶ P. Luif, *On the Road to Brussels. The Political Dimension of Austria's, Finland's and Sweden's Accession to the European Union*, Vienna: Braumüller, 1995, p. 206.

⁵⁷ J. Świącicki, *Doświadczenia Szwecji*, In: Stanisław Miklaszewski (ed.), *Doświadczenia negocjacji akcesyjnych państw UE*, Kraków: Meritum, 2000, p. 73 (quotation translated from the reference in Polish).

⁵⁸ The name of “Sinatra Doctrine” comes from a Frank Sinatra song “My Way”. It was popularised by Giennadi Gierasimov and meant the Moscow approval of „individual solutions” to be applied by the satellite states.

Poland was first to take its historical chance among the Eastern bloc countries. It is quite remarkable that the release of Soviet control and then the collapse of the entire Communist bloc occurred almost without bloodshed.⁵⁹ Even in the 1980's it was almost impossible to predict that the fall of the giant would take place so fast and so peacefully.

In 1989, the countries of the former RWPG (the Council for Mutual Economic Aid) and the Warsaw Pact started the process of transition from central economy and "people's democracy" to a market economy and the democratic rule of law. For the newly emerged political elites it was obvious from the very start that they would only be able to achieve this objective by getting admitted to the elite international organizations, primarily NATO and the European Union.⁶⁰

Diplomatic relations between Poland and the European Economic Community were officially established in September 1988. Representation of the Republic of Poland at the European Community in Brussels was established in July 1989. On September 19, 1989, a trade and economic co-operation treaty was signed in Warsaw. The implementation of the treaty resulted in a huge increase of trade between the EC members and Poland. The EC Council of Ministers' directive provided a legal basis for the economic assistance to Poland and Hungary in December 18, 1989. The PHARE programme, which was later extended to other Central and Eastern European Countries (CEECs), was followed by the launch of the European Bank for Reconstruc-

See: S. Croft, J. Redmond, G. Wyn Rees, M. Webber, *The Enlargement of Europe*, Manchester: University Press, 1999, p. 25.

⁵⁹ In the spring of 1989 the Round Table talks took place that resulted in the so-called "contract elections" held in June 1989. The result of the elections was that the opposition took over in the parliamentary way, which was received with approval and surprise in the world. More in: S. Parzymies, *Stosunki międzynarodowe w Europie 1945-1999*, Warszawa: Dialog, 1999, p. 155.

⁶⁰ The name of the European Union originated on November 1, 1993, i.e. when the Maastricht Treaty, that is the European Union Treaty and the Treaty on Creation of the European Union, came into force. The treaties are published in: *Prawo Wspólnot Europejskich. Dokumenty*, (eds.): W. Czapliński, R. Ostrihansky, Anna Wyrozumska, Warszawa 1996 (quotation translated from the reference in Polish).

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tion and Development (EBRD), which was created to support the process of transformation in Eastern Europe. Poland filed an application to begin negotiations in May 25, 1990, which eventually resulted in the “Agreement Establishing an Association between the Republic of Poland and the European Communities and their Member States”. The Agreement came into force on February 1, 1994, although the section concerning trade – the so-called Interim Agreement – became effective as of March 1, 1992.⁶¹

Although the preamble of the document contains the provision that full membership is Poland’s ultimate objective, there was no official sign on the part of the EC on that matter. The conclusions of the European Council at the Copenhagen Summit of June 21–22, 1993 appeared highly important in this respect. This was the place where the heads of governments and states of the EU officially decided to open the possibilities of accession for CEECs. Prospects of full EC/EU membership for the countries of the former Eastern bloc remained rather minimal, however, for a long time. As Rollo and Wallace observed at the beginning of the nineties: “In essence all policies are aimed at avoiding the question of membership. That has led to a series of proposals which attempt to offer some of the aspects of Community membership without allowing the recipient countries any political or institutional place in the process of determining the aquis which will affect their daily economic life”⁶².

⁶¹ See: *Accession Negotiations. Poland on the Road to the European Union*, Warsaw: Government Plenipotentiary for Poland’s Accession Negotiations to the European Union, Chancellery of the Prime Minister Republic of Poland, 2000, pp. 9-10.

⁶² J. M. C. Rollo, H. Wallace, *New Patterns of Partnership*, In: G. Bonivici, O. Diehl, K. Kaiser, et al., *The Community and the Emerging European Democracies. A Joint Policy Report*, London: The Royal Institute of International Affairs, 1991, p. 64.

Table 1. The state of Polish accession negotiations as of July 27, 2001.

1 Free movement of goods	closed
2 Free movement of persons	open, under discussion
3 Free movement of services	closed
4 Free movement of capital	open, under discussion
5 Company law	open, under discussion
6 Competition & state aid	open, under discussion
7 Agriculture	open, under discussion
8 Fisheries	open, under discussion
9 Transport	open, under discussion
10 Taxation	open, under discussion
11 EMU	closed
12 Statistics	closed
13 Social policy & employment	closed
14 Energy	closed
15 Industrial policy	closed
16 SMEs	closed
17 Science & research	closed
18 Education & training	closed
19 Telecommunications	closed
20 Culture & audiovisual	closed
21 Regional policy	open, under discussion
22 Environment	open, under discussion
23 Consumers & health protection	closed
24 Justice & home affairs	open, under discussion
25 Customs union	closed
26 External relations	closed
27 Common foreign & security policy	closed
28 Financial control	closed
29 Financial & budgetary provisions	open, under discussion
30 Institutions	to be opened

Source: EurActiv.com

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Finally, after a lengthy process, the accession negotiations commenced in March 31, 1998. At the end of July 2001, seventeen closed chapters are the result of this process. At the same time, it ought to be pointed out that the most difficult chapters are still under negotiation (see Table 1).

The comparison of the reasons for membership aspirations in Sweden and those in Poland appears to be a rather intricate exercise. This is mainly due to an enormous difference between these two countries on the geopolitical level. On the one hand, there is Sweden with two centuries of no involvement in any military conflict and with an extremely strong, established democratic system, combined with impressively high economic standards and the famous welfare system, known as a Swedish model. On the other hand, there is Poland with recently regained sovereignty and an economy that could only be described as disastrous after forty years of Communist bloc management.

From this point of view the conclusion must embrace the differences on the standpoint of these two societies while considering the EU membership. In Sweden it is commonly assumed that as it accesses "Europe", standards will be imposed on the Swedish citizens that are lower than their national standards. In the case of Poland, the main factor adversely affecting the attitude towards integration is the fear of failing to meet the above standards, thus becoming a "lower category" of citizens. These differences also had a great influence on attitudes during the debate on European integration in both countries.

The European debate and the EU membership referendum in Sweden

Even before the official EU membership application was submitted, the government headed by Ingvar Carlsson declared a referendum on Sweden membership in the EU. Thomasine Hindmarsh emphasizes that "[a]ll the political parties that were represented in the Parliament agreed that the referendum would set the future of the state, despite its advisory character. It was also

decided that the citizens would only have two options: YES or NO to the Sweden membership in the European Union”.⁶³

Political parties

Although statistical data indicate that there is a growing lack of popular confidence in political parties in Sweden, it is still a fact that the parties retain their dominant position with respect to political decisions and they also may be seen as the engine of public debate. On the subject of European membership, two of the seven parties represented in the parliament were against. The other five were for membership, although they varied with respect to the conditions that ought to be fulfilled according to their opinion.

One of them, the Left Party (*Vänsterpartiet*), was of opinion that the EU is becoming a superstate that is subordinated to the power of capital. Therefore, it is unable to solve the problems referring to “... *unemployment, the divisions between social classes and the weakening of democracy which affect the member states*”.⁶⁴

Another party, the Greens (*Miljöpartiet de Gröna*) considered the structure and aims of the European Union as the antithesis to their fundamental values, such as decentralization, environmental issues (because of the EU’s growth plans) and peace (because of the creation of new barriers). The party opts for Sweden’s secession from the EU.

The fast shift of the approach toward Sweden’s membership in the early nineties may constitute an accurate reflection of the position of the Social Democrats (*Socialdemokraterna*) in the face of the integration process. It is also the best reason for the great gap on that issue between the elite of the party and its electorate. Additionally, from a political standpoint the party

⁶³ T. Hindmarsh, Informowanie społeczeństwa na temat Wspólnoty Europejskiej. Świadomość opinii publicznej w okresie poprzedzającym przyjęcie Szwecji do tej organizacji, In: S. Björck, Ryszard Ławniczak (eds.), Kampania informacyjna przed integracją z Unią Europejską – lekcja z doświadczeń Szwecji, Poznań 1999, p. 7(quotation translated from the reference in Polish).

⁶⁴ Quoted after: O. Petersson, *The European...*, *op. cit.*, p. 4.

wishes that the institutional organization in the EU should remain on the intergovernmental level with an exception for environmental policy.

The Centre Party (Centerpartiet) reveals a generally positive attitude to the matter under analysis, as it states that: “The founding principle of the EU, to promote democracy, welfare and stability through greater integration, is a historic contribution to a peaceful social order based on cooperation”.⁶⁵ The major opposition within the Centre Party is caused by the common currency policy, which in their opinion will decrease the economic influence and flexibility of the member states.

The Christian Democrats (Kristdemokraterna) are also in favour of the EU, while at the same time they argue for stronger control of the market by political instruments. An important reason for the Christian Democrats to support the integration process was that they would gain a more influential position when they become a part of the European People’s Party.

The Conservatives (Moderata samlingspartiet) with their leader at that time, Carl Bildt, are among the strongest supporters of the project of uniting Europe. The party is also in favour of Swedish participation in the third stage of the EMU and manifests its positive feelings about the future eastern enlargement.

The Liberals (Folkpartiet) present the most enthusiastic attitude towards the European Union. This party is also the only Swedish political group that supports the supranational arrangements including the European Constitution.

The referendum campaign

The referendum was preceded by the general election in September 1994. It was influential – as Lee Miles⁶⁶ characterizes – in three ways:

- Firstly, there was a general consensus amongst the major political parties that this election was conducted solely on domestic issues, such as the budget deficit, the level of the national debt, and rising unemployment;

⁶⁵ *Ibid.*, p.5.

⁶⁶ L. Miles, *Sweden...*, *op. cit.*, pp. 243-245.

- Secondly, the Social Democrats won a resounding victory, capturing 45.3 percent of the votes and 161 of the 349 parliamentary seats. This event, somewhat ironically, increased the chances of a positive referendum outcome. *"It was argued that given the fact that the Social Democrats were split on the EU issue, there was a greater chance of a 'Yes' vote with the Carlsson government"*.⁶⁷ On that matter Björklund's arguments also sounds convincing: *"The opposition to full membership had interfered with opposition to the Conservative Prime Minister Carl Bildt. ... [If] the Social Democrats were in charge ... the membership alternative would appear more acceptable"*;⁶⁸
- Thirdly, those parties which opposed full membership did well in the elections and those identified as pro-EU generally suffered. *"The elections increased the number of anti-EU MPs from around 20 to between 60-65"*.⁶⁹

All these factors resulted in quite an interesting situation. On the one hand, chances for a positive outcome of the referendum on membership grew, which was reflected by a slight dominance of 'yes' votes in the opinion polls of September 1994, for the first time since the spring of 1992.

On the other hand, the Social Democrats' victory, strange as it may seem, in a way confirmed the growing popularity of anti-EU parties during the parliamentary election. This paradox is due to the fact that approximately half of Carlson's party voters voted against the integration at the same time.

Eventually, the results of the referendum on membership settled the question of Sweden's entrance into the EU, however, only marginally (See Table 2).

⁶⁷ *Ibid.*, p. 244.

⁶⁸ T. Björklund, The Three Nordic 1994 Referenda Concerning Membership in the EU, *Cooperation and Conflict*, March 31, 1994, p. 14.

⁶⁹ L. Miles, *Sweden...*, op. cit., pp. 245.

Table 2. Overall Results of the November 13, 1994 Referendum on EU Membership.

	<i>Absolute Numbers</i>	<i>Percentage</i>
'YES'	2 833 721	52.27
'NO'	2 539 132	46.83
BLANK BALLOTS	48 937	0.9
VALID VOTES	5 421 790	
INVALID VOTES	2 297	
TOTAL VOTES	5 424 087	
ELECTORATE	6 510 055	
TURNOUT	5 424 087	83.3

Source: Embassy of Sweden, London (1994) quoted after L. Miles, *Sweden and European Integration*, Aldershot and Brookfield: Ashgate, 1997, p. 248.

To simplify the matter, a typical supporter of membership was a well-educated male, working in the private sector, living in a city in the south of Sweden. A typical opponent, however, was a slightly less educated female, working in the public sector and living in the country in the north.

Table 3. *Voting Outcome of the 1994 Referendum by Party (Percentage)*

<i>POLITICAL PARTY</i>	<i>'YES'</i>	<i>'NO'</i>	<i>BLANK</i>
<i>MODERATE PARTY</i>	86	13	1
<i>LIBERAL PARTY</i>	81	18	1
<i>SOCIAL DEMOCRATS</i>	50	49	1
<i>CENTRE PARTY</i>	45	54	1
<i>CHRISTIAN DEMOCRATS</i>	41	59	0
<i>NEW DEMOCRACY</i>	34	62	4
<i>GREEN PARTY</i>	15	84	1
<i>LEFT PARTY</i>	10	90	0

Source: Embassy of Sweden, London (1994) quoted after L. Miles, Sweden and European Integration, Aldershot and Brookfield: Ashgate, 1997, p. 251.

The lower acceptance of membership among women seems understandable, especially in the light of respect for women's rights that is higher in Sweden than in the rest of Europe and in the anticipation of the potential worsening of the women's situation after membership. The distribution of the referendum votes by party is also of particular interest. The example of the Social Democrats' electorate may provoke a debate on the dilemmas concerning the notion of democracy at the turn of the century (See Table 3.).

Information strategy about the EU in Sweden

For at least two centuries, Sweden has enjoyed peace and democracy, therefore the motives for integration of the other European countries were almost incomprehensible for many Swedes. Under these circumstances it is not surprising that the most valid arguments for Swedish EU membership were of an economic nature. Hence the position of Swedish entrepreneurs, who have been the strongest supporters of Swedish membership in the Community

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since the mid-1980's. Christian Bratt⁷⁰ narrows down the above pro-integration motives to three basic elements:

- First and foremost were factors of an economic nature. Export orientated Swedish companies were willing to achieve full access to the Common Market, which was established in 1992;
- Second, the entrepreneurs realized that Sweden had to become a member for political reasons, otherwise "... Swedish interests will not have any influence upon a growing number of decisions about the future Europe, decisions to which our country and our companies will have to adjust";⁷¹
- Third, it was commonly believed that integration had to be implemented for personal or cultural reasons, as all too often neutrality may become isolation.

The pro-membership groups also agreed that membership allows to tackle the problems connected with the protection of the environment at the international level.⁷²

The opponents of membership, however, expressed some doubts about the Common Agriculture Policy, the Common Trade Policy, as well as the Common Defence Policy and, last but not least, the common currency: the Euro. In addition, the negative result of the Danish referendum of June 4, 1992 concerning the ratification of the Maastricht Treaty strengthened the anti-EU opinion. As Håkan Larsson argues, opposition to Swedish membership "*was not 'against' Europe, but against creation of the new formation of states, the United States of Europe, Fortress Europe*".⁷³ Ulf Wallin remarked in turn that anti-EU arguments concerned mostly the concerns of private in-

⁷⁰ C. Bratt, Kampania „ZA” przystąpieniem Szwecji do Unii Europejskiej, In: S. Björck, R. Ławniczak (eds.), Kampania..., op. cit., pp. 32-40.

⁷¹ *Ibid.*, p. 34 (quotation translated from the reference in Polish).

⁷² A. Bieler, Globalisation and Enlargement of the European Union. Austrian and Swedish social forces in the struggle over membership, London and New York: Routledge, 2000, p. 116.

⁷³ H. Larsson, *Strona NIE kampanii referendalnej*, In: S. Björck, R. Ławniczak (eds.), Kampania..., op. cit., pp. 43-44 (quotation translated from the reference in Polish).

dividuals, such as food quality, social security, women's rights, the alleged increase in alcohol and drug problems as well as the alleged importation of organized crime.⁷⁴

The "No to Europe" platform also rejected the argument that Sweden could contribute to any meaningful extent to the final shape of Europe in the future. They were of the opinion that: "*A country as small as Sweden would have no say. Rather than Sweden influencing the EU, the EU would influence Sweden, causing lower environmental standards and undermining the welfare state via the harmonization of systems*".⁷⁵

After the referendum, opponents of integration made many critical remarks about the manner in which the referendum had been organized.

For example, H. Larsson believed that referenda in the four candidate countries should have been carried out on the same day instead of at four different dates, starting with Austria, in which opinion polls showed the highest level of support for integration, then in Finland, where support was lower than in Austria but higher than in Sweden; then in Sweden and finally in Norway, where support was the lowest.

Moreover, the referendum date was decided only on March 18, 1994, which in the opinion of anti-EU groups left too little time for the campaign, especially as the Swedish parliamentary elections took place during that period.⁷⁶

Of no lesser importance was the financial aspect of the information campaign. Within three years (1992-1994) the Swedish government spent a total of 181 million *kronor*.⁷⁷ However, the distribution of funds among the non-governmental groups of supporters and opponents of the integration did not start until May 1994 and amounted to 60 million *kronor* distributed as fol-

⁷⁴ U. Wallin, H. Larsson, Doświadczenia z kampanii poprzedzającej szwedzkie referendum z 13 listopada 1994 r. w sprawie członkostwa w Unii Europejskiej, In: S. Björck, R. Ławniczak (eds.), *Kampania...*, op. cit., p. 29.

⁷⁵ A. Bieler, *Globalisation...*, op. cit., p. 117.

⁷⁶ H. Larsson, *Strona...*, op. cit., p. 45.

⁷⁷ T. Hindmarsh, *Informowanie...*, op. cit., p. 8.

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lows: 22 million for the 'yes' campaign, 26 million for the 'no' campaign and 12 million for political parties.⁷⁸

From the Polish perspective, such a solution seems almost perfect in terms of democratic principles, yet highly improbable. The financial strategy of the Swedish government did not save it from criticism on the grounds of objective discrepancies between the amounts at the disposal of supporters and opponents of Swedish EU membership, which was brought about by substantial financial support from Swedish industry and which clearly indicated a dominant position of pro-integration groups. Bieler argues that: "*an academic investigation found out that the ratio was about twenty to one in favour of the 'yes' side*".⁷⁹

Therefore, the opponents of Swedish EU membership accused the government of a lack of impartiality in the course of the referendum campaign, which they deemed unethical.⁸⁰

The European debate before the EU membership referendum in Poland⁸¹

As was the case in Sweden, the final decision on the Republic of Poland's membership in the European Union will most likely be taken by Polish society in a national referendum. It is most likely as the Constitution of the Republic of Poland provides for the "*national state organs competencies on certain matters ... to be vested in an international organization*" stipulating in Article 90, passage 3 that the consent for such an agreement to be ratified "*may be enacted by a referendum...*".⁸² The only alternative to a referendum, provided by Article 90, passage 2 of the Constitution of Poland, is that the

⁷⁸ H. Larsson, *Strona...*, *op. cit.*, p. 46.

⁷⁹ A. Bieler, *Globalisation...*, *op. cit.*, p. 118.

⁸⁰ H. Larsson, *Strona...*, *op. cit.*, p. 47 (quotation translated from the reference in Polish).

⁸¹ See: T. Szymczyński, Droga Polaków do Unii Europejskiej: świadomość, nadzieje, obawy, In: Robert Kmieciak (ed.), *Polska w XX wieku. Politologiczna charakterystyka dokonań i perspektyw rozwoju*, Poznań: UAM INPiD, 2000, pp. 163-176.

⁸² The Constitution of the Republic of Poland, Article 90, Warsaw, April 6, 1997 (quotation translated from the reference in Polish).

Sejm approves of the ratification by a two-thirds' majority vote, in the presence of at least half of the statutory number of Deputies. The Senate must also approve the same by a two-thirds' majority vote, in the presence of at least half of the statutory number of Senators.⁸³

Since the approval of Polish society for the integration of Poland into the EU fell below the critical level of 50 percent⁸⁴ in October 1999, there have been suggestions to take the opportunity provided by the Constitution and not to leave the decision to the voters and the emotions of the people that most frequently accompany this form of direct democracy. It seems, however, that in the case of Poland's membership in such an extensive international organism as the present European Union it would be inadvisable to follow the letter of the law exclusively. One should also bear in mind the political consequences that would probably be enormous in such a case. Therefore the possibility of abandoning the referendum is close to zero.

Political parties

A very interesting phenomenon on the Polish political stage is a visible recent process of consistent consolidation of the left, particularly of the SLD (Democratic Left Alliance) with its communist roots, and increasing divisions on the right of the political stage, among the parties that originated from the opposition of the Polish People's Republic. The latest example to confirm these tendencies is the emergence of a new political force in Poland – the Platforma Obywatelska (Civic Platform).

Regardless of the changes stemming from the above developments it should be assumed that the largest groupings in Poland are for integration. The differences in this respect apply mainly to the degree of their support for

⁸³ Ibid.

⁸⁴ The results of the Institute for Public Matters, published on October 18, 1999, demonstrated that the number of the opinions „for” the Polish membership in the EU fell under 50 per cent.

the integration.⁸⁵ The Unia Wolności⁸⁶ is considered to be most in favour of integration. It follows from the 1996 survey that the UW Deputies assessed that the integration consequences for the geopolitics are 100 percent beneficial and those for economy are beneficial to 98 percent.⁸⁷

Also the oldest opposition party – the SLD⁸⁸ – has a positive view of Poland's membership in the EU. A certain trend should be noted, as the SLD seems to be increasingly convinced of the sense of the membership. It is most likely influenced by the attitude of the president of the Republic of Poland, Aleksander Kwaśniewski, whose origins are in this party. He is in favour of integration.

The Unia Pracy (Labour Union) has gone through quite a metamorphosis

⁸⁵ On September 23, 2001 a general election to the Polish Parliament (Sejm and Senat) took place. The event had a strong influence on the political scene in Poland. The two parties that ruled before the election: AWS-P (Solidarity Election Action-Right) and UW (Freedom Union) achieved less than 5% of the vote and therefore did not obtain the right to have representation in the Polish Parliament.

The current Polish government is a coalition dominated by the Democratic Left Alliance (SLD), which captured 41% of the vote and put together a coalition that includes the Union of Labour (UP) and the Polish Peasants' Party (PSL).

There are also two political parties that obtained relatively strong support in the general election. The representation of 'Self-defence' (Samoobrona) and the League of Polish Families (Liga Polskich Rodzin) are members of Parliament for the first time. Although often regarded by the media as populist formations, it is to soon to analyze the real attitude towards the European integration process of these new political units.

⁸⁶ Freedom Union (UW): UW left the governing coalition with the AWS (Solidarity Election Action) in June 2000. Its origins are in the Solidarity movement. UW pursues a socially liberal, free market course. Its membership is a mix of liberal free market thinkers, intellectuals, social activists, feminists, and Christian nationalists. Although the party has no representation in the Sejm after the September election it still remains an influential political group in Poland.

⁸⁷ E. Skotnicka-Illasiewicz, *Integracja europejska jako oś podziału sceny politycznej*. In: W. Wesołowski, B. Post, (ed.), *Polityka i Sejm, formowanie się elity politycznej*, Warszawa 1998, pp. 93-94.

⁸⁸ Democratic Left Alliance (SLD): the largest opposition party in the Sejm, the SLD is a coalition composed mostly of successor parties to the communist-era Polish United Workers' Party (PZPR). It is headed by the former Minister of Internal Affairs - Leszek Miller. The party's leadership supports liberal economic policies but stresses the importance of cushioning of the harsher effects of the economic reforms.

in recent years. The party has addressed certain issues other than employment and the budget.⁸⁹ The transformation of the attitudes inside the UP may be seen by its entering into a coalition with the Democratic Left Alliance.

The ruling AWS⁹⁰ presents a heterogeneous approach to EU matters. This is a result of the complicated structure of the party, to a large extent. Surveys have shown that although the AWS deputies have a favourable assessment of the influence of integration on the geopolitical situation of Poland (91.2%), they are more critical about its economic consequences (43.8%) and the least favourable opinions concern the consequences of integration for national identity (3.1% favourable opinions).⁹¹

The strategy of the Polish Peasant Party⁹² towards European integration may be described as favourable at the declarative level yet reserved at the practical level.⁹³ Inside the party there are two clashing concepts of what image the party should ultimately have. The first one sees the PSL as a nationwide party that is open to Europe. Another one approves of the party as a kind of trade union of farmers that would focus exclusively on the representation of rural interests.⁹⁴

It should also be pointed out that the Platforma Obywatelska, which emerged largely from liberal factions of the UW and the AWS, is positively in favour of Poland's integration with the European Union.

⁸⁹ E. Pietrzyk-Zieniewicz, A. Zieniewicz, Wizerunki autoprezentacyjne ważniejszych ugrupowań politycznych w telewizyjnej kampanii wyborczej w roku 1993, In: S. Gebethner, (ed.), *Wybory parlamentarne 1991 i 1993 a polska scena polityczna*, Warszawa 1995, pp. 98-99.

⁹⁰ Solidarity Election Action (Akcja Wyborcza Solidarność – AWS) has been heading a minority government since June 20, 2000. It is a coalition of over 30 political groupings allied with the Solidarity trade union. The AWS was the big winner of the 1997 parliamentary elections, winning 201 out of 460 seats in the Sejm.

⁹¹ E. Skotnicka-Illasiewicz, *Integracja...*, *op. cit.*, p. 94.

⁹² Polish Peasant Party (PSL): headed by former Deputy Prime Minister Jaroslaw Kalinowski. The PSL has grown from a communist-subordinated party into a classic European agrarian party.

⁹³ See: A. Stępińska, *Deklarowany stosunek do integracji Polski z Unią Europejską jako element wizerunków polskich partii politycznych*, study in print.

⁹⁴ K. Urbaniak, *Polskie Stronnictwo Ludowe – między rządem a opozycją*, In: S. Gebethner, (ed.), *Wybory '97, Partie i programy wyborcze*, Warszawa 1997, p. 130.

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It is a definite victory for the Polish political system that the five strongest leaders concluded an agreement on cooperation in the integration process of Poland and the Community structures. W. M. Orłowski, who describes the achievements of Ireland and the opportunities Greece never took, notes that the Irish success was significantly affected by the fact that “... *as drastic and unpopular changes were implemented over 1986-89 the government could count on the absolute support from the opposition*”.⁹⁵ The experience of the collaboration between the ruling party and the political parties in opposition in Sweden certainly confirms the importance of such cooperation.

The referendum campaign.

Every year the number of potential votes for Polish membership in the EU tends to decrease. This process may be observed when the replies in the surveys on this matter are analysed (see Table 4.1 and 4.2.).

Over the last year the approaches to the integration of the Republic of Poland and the European Union have relatively levelled off. After the November increase of optimism in this respect (by 4 percentage points), the surveys of February 2000 are identical to those of May 1999.

⁹⁵ W. M. Orłowski, Polska w Unii Europejskiej. Między Grecją a Irlandią, *Gazeta Wyborcza*, November 27, 1998. More in: W. M. Orłowski, *Problemy społeczno-gospodarcze związane z wejściem Polski do Unii Europejskiej*, Warszawa 1998 (quotation translated from the reference in Polish).

Table 4.1. Potential results of a referendum on Poland's accession to the EU*

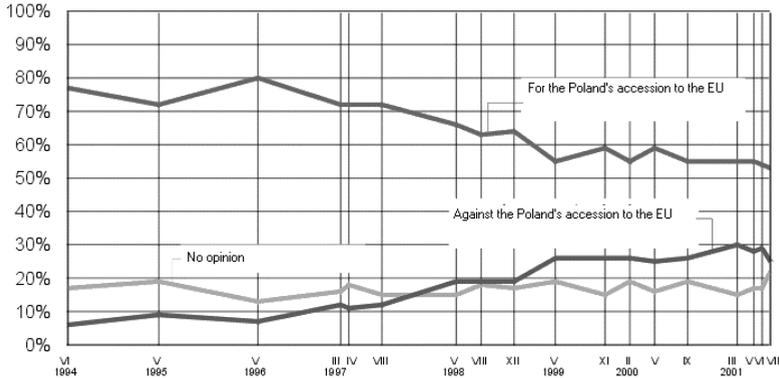
If a referendum on accession to the EU was held in Poland now, would you vote:															
	VI 94	V 95	V 96	II 97	III 97	IV 98	V 98	XII 98	V 99	XI 99	II 00	V 00	X 00	VI 01	VII 01
For Po-land's ac-cession to the EU	77	72	80	59	72	71	66	64	55	59	55	59	55	54	53
Against Po-land's ac-cession to the EU	6	9	7	9	12	14	19	19	26	26	26	25	26	29	25
Hard to say	17	19	13	32	16	15	15	17	19	15	19	16	19	17	22

*Interviewee's replies in percent. Source: CBOS 1994-2001

The results of the CBOS public opinion polls of May 1999 demonstrated a nine-point fall in support for Poland's integration into the EU over a period of six months (since December 1998). Over the period of 1996 – 1999 the number of EU supporters decreased by 25 percentage points, while the number of opponents increased by 10 points.⁹⁶

⁹⁶ CBOS, June 1999.

Table 4.2. Potential results of a referendum on Poland's accession to the EU



Source: CBOS 1994-2001

Over the past four years, the number of integration opponents among farmers has clearly grown. Forty-eight percent of them would vote ‘against’ in a potential referendum. People on a higher social and economic level, those with a higher education, members of managerial staff, the intelligentsia, and private entrepreneurs, invariably declare the greatest support for integration. In addition, membership is approved most by dwellers of larger cities and among younger people. Among party voters, integration is most supported by the followers of UW (95%) and is least favoured by the followers of PSL. Thirty-nine percent of them are ‘for’ and 41% are ‘against’. It should be noted that the support of the PSL voters has fallen dramatically; from 65% ‘for’ and 16% ‘against’ in the second half of 1997.⁹⁷

It should be emphasized that over the past decade the degree of support for European integration has been significantly correlated to the spirit of the society in Poland. The Council of Ministers’ Office Center for Analysis and

⁹⁷ See: CBOS 1997-2001.

Studies demonstrated that the increased support for membership in the EU noted in the first half of 1994 coincided with a positive spirit of the society at that time. A definite decrease in this support took place in the second half of 1993, when the degree of satisfaction with the direction of the country's development was significantly lower. This thesis got further confirmation in the observations of February 1997. Both the society's spirit and the support for integration definitely fell, but recovered to 70% in June 1997, when the degree of social optimism increased. Also the data for October 1999 are interesting, since both the degree of support for Poland's membership in the Community and a negative assessment of the situation in Poland were unprecedentedly negative. Only 23% of those interviewed (a decrease of 7% over a month)⁹⁸ were of the opinion that the situation in Poland was going in the right direction, while nearly three times more (67%) were of a contrary opinion (6 percentage points more than in September 1999).⁹⁹

The correlation that was observed between the two factors seems to confirm the thesis of Marek Ziółkowski, who states that the "*present normative order ... is characterized by a definite predominance of a pragmatic orientation over the axiological one*".¹⁰⁰ It may be expected that the relation between particular satisfaction and support for integration will continue in the future.

Strategy of information about the EU

The Head of the Council of Ministers, Jerzy Buzek, has said in his inaugural address that "...the priority of our politics will be both the NATO and a possibly quick integration into the European Union structures. The forecast that negotiations with selected countries will soon begin and Poland being included in this group of countries obligates us to coordinate activities and ac-

⁹⁸ CBOS, October 1999.

⁹⁹ *Unia & Polska*, November 8, 1999, No 22 (25), p. 8.

¹⁰⁰ M. Ziółkowski, *Pragmatyzacja wartości w społeczeństwie polskim*. In: *Ludzie i instytucje. Stawanie się ładu społecznego*, Lublin 1995, p. 27-46 (quotation translated from the reference in Polish).

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celerate the adjustment processes...”.¹⁰¹ Particular government actions aiming at the dissemination of the idea of integration should be noted. In mid-1997 the Centre for European Information was founded at the European Integration Committee Office. The Centre runs information and education activities directed at a broad range of addressees. Until now the Centre has published a series of free information brochures aimed at farmers, entrepreneurs and the youth. In August 1997, it started publication of the Eurobiuletyn [Eurobulletin], which contains the most crucial information about the European Integration Committee Office’s activities and the negotiation process. In October 1998, the Eurobiuletyn was substituted by the Integracja [Integration] monthly with a circulation of 10,000. Unfortunately, the concern with informing society stated above is overshadowed by the tendency of making declarations, which are not implemented in due course. For example, in September 1997 the Council for Information Strategy was founded, but it never reconvened after its inaugural sitting.¹⁰² Another example of neglecting the “practical side” is the fate of a document of the European Integration Committee Office, Information and Social Communication Department, entitled “Project on Informing Society” (abbr. PIS). The document was adopted in May 1999, but it has not yet been implemented, although it says “the negotiation stages and the referendum are the key issues for the PIS as are the periods of spreading and reinforcing social knowledge and awareness about integration into the EU”.¹⁰³

Conclusions

Both in qualitative and quantitative terms the comparison of information campaigns in Sweden before membership and the current situation in Poland

¹⁰¹ The inaugural address of the Prime Minister Jerzy Buzek of November 10, 1997 (quotation translated from the reference in Polish).

¹⁰² *Unia & Polska* October 25, 1999, No 21 (24), p. 8.

¹⁰³ Program Informowania Społeczeństwa, Warszawa, May 3, 1999 (quotation translated from the reference in Polish).

in this respect demonstrates a considerable gap between the Republic of Poland and the democratic standards valid in the Scandinavian state. It seems that the reasons for this are the poor tradition concerning the culture of the ruling elites actually consulting Polish society and the significantly smaller financial resources to be allocated for this purpose.

It is a paradox that the above observation does not necessarily mean that the membership referendum planned in Poland is already bound to bring negative results. This may result from numerous prerequisites. Some that emerge in the analysis of the Swedish experience attract attention.

Firstly, the criticism expressed by the opponents of membership of the way the information campaign was run in Sweden is to a large extent caused by the very high standards in such matters that Swedish society is accustomed to. It also seems as if the political elites of the state, whose situation has been so stable over the past two centuries, have been somewhat surprised by the dynamic changes they faced in the beginning of the nineties. Particularly the lack of a clear definition of the agreement that created the European Economic Area as a step towards full membership could have provoked antagonistic approaches to the Union.

It remains an open question what the relation between the quality of democratic procedures and the level of welfare is. What follows from the above analysis is that it is the economic crisis of the Swedish welfare state itself, which used to be a model, that has been the key factor in changing the hitherto approach to EU membership by the Social Democrats, the most influential party in Sweden.

Another probably crucial issue that emerges when analysing Sweden's road to the European Union is what the essence of a democratic issue is. According to Jakub Świącicki, the Swedish experience demonstrates that *"...democracy does not mean that the state does not need leaders or that politicians can afford only to express and promote the opinions of their voters ... In order to attain long-term development objectives, it is necessary to have enlightened and courageous politicians who can secure the support of*

public opinion".¹⁰⁴ However, it seems that the current world situation needs to be treated as a great challenge for the democratic system. The process of the constantly growing international interdependence in economy and in politics on the one hand, and a general "world acceleration", which means less and less time to make decisions by means of traditional democratic methods on the other, demonstrates the area where it is difficult to offer simple solutions on the right method of making decisions in the future. This is so regardless of whether it takes place within the framework of international organisations, states or local communities.

The method of conveying information is another crucial issue. Particularly after the Austrian post referendum negative experiences in Poland, a definite majority opts for information and not for propaganda. Even here, however, the situation is equivocal. E. Skotnicka-Illasiewicz is of the opinion that "*in order to achieve and conclude a permanent consensus it is necessary ... to make reference to values*".¹⁰⁵ Regardless of the highly specific Polish approach to "common values" and a certain fatigue after the forty-five years of the Polish People's Republic making reference to these values, the strong existence of pragmatism in Polish society should be borne in mind.¹⁰⁶ Thus, pragmatic arguments should be referred to. Moreover, if we remember the possibility of a relative perception of values, G. Sartori's opinion concerning the method of discussion in the democratic system seems very relevant: "*...we should beware of imposing a highly abstract and sophisticated understanding of values on everybody*".¹⁰⁷ Every discussion on values involves strong emotions, which tend to favour propaganda rather than conveying factual information. Bearing this in mind, and referring to Sartori's opinion on the method of discussion on democracy, it may be stipulated that as we in-

¹⁰⁴ J. Świącicki, *Doświadczenia...*, op. cit., p. 82 (quotation translated from the reference in Polish).

¹⁰⁵ E. Skotnicka Illasiewicz, *Droga...*, op. cit., p. 147 (quotation translated from the reference in Polish).

¹⁰⁶ M. Ziółkowski, *Pragmatyzacja...* op. cit., pp. 27-46.

¹⁰⁷ G. Sartori, *Teoria demokracji*, Warszawa 1998, p. 334 (quotation translated from the reference in Polish).

form the public about the benefits and costs of Poland's becoming a member of the EU "...we do not have to address the issues of absolute categories; it suffices to limit oneself to comparative issues".¹⁰⁸ However, when analysing the benefits and costs of membership we encounter two fundamental problems. Firstly, "*numerous significant conditions of membership will have to be negotiated in the future. Therefore it is impossible to present the consequences of membership in the form of a single, synthetic ratio*".¹⁰⁹

Secondly, the European Union has to be perceived through its dynamics, which means that it is impossible to say today what the European Union will look like tomorrow. Under such circumstances it seems most appropriate to present the European Union in comparison to alternative solutions. The benefits and costs of Poland's membership in the EU should be compared to potential benefits and costs of remaining outside of these structures. It is enough to imagine the security status of the Republic of Poland, particularly in view of the still indefinable political and economic situation of Russia, or imagine the social and economic prospects of Poland deprived of the EU funds that may significantly support the restructurisation of agriculture, the raising of standards in the backward regions or improving the standards of environmental protection, that is, these reforms that will have to be implemented whether or not Poland becomes a member of the European Union.

¹⁰⁸ Ibid. (quotation translated from the reference in Polish).

¹⁰⁹ L. J. Jasiński, ZKK: korzyści czy koszty, *Unia & Polska*, November 22, 1999, No 23 (26), p. 9 (quotation translated from the reference in Polish).

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Democracy in the European perspective

Since the very beginning of human civilization the notion of democracy has caused emotions thus expressing one of the psychological needs of a human being as an individual, but also as an element of a larger community. This need has been exceptionally persistent as the passage of time has not decreased this need but – on the contrary – has marked its growth.

Europe has been a significant centre of the development of human civilization. The ideas and solutions concerning the shape of social life were born on the old continent and have spread across new areas, following political and economic expansion. This particular Occidentalism leads to a synthesis – a universal meaning of the democratic idea, in conformity with Hegel's principle of a dialectic triad. It does not and cannot mean that democracy has only one shape. It is an equivocal notion, both with respect to its content and form. However the very idea is strictly connected with its etymological meaning.

What was democracy?

The origins of democracy date back to the reforms of Solon (594 BC) and Cleisthenes (507 and 506 BC). Regardless of one's attitude to this form of democracy it must be borne in mind that such institutions as *ekklesia*, *bule*, *heliia* come to mind when we direct our thoughts to the idea of democracy.

The ancient Athenian approach to democracy is strictly connected with a political practice of the 5th century BC. *Demos* and *kratein* (*kratos*, *kratei*) are two key words that mean the *rule of the people*. A question arises here – who are the people? The answer to the question what rule is does not pose such a serious theoretical difficulty. However, during times of transformation

it may turn out that the present terminology requires modification.¹¹⁰

Let us turn to the issue of who the people are. In ancient Athens, people meant a collection of citizens, and citizens comprised the male offspring of Athenian citizens. Their approximate number reached 25,000. The *Metoids*, that is permanently settled foreigners, constituted a population well under a hundred thousand. The slaves, referred to as *speaking tools*, were a group of nearly a hundred thousand people. They originated from slaves' children and war prisoners. Political rights were vested exclusively in the citizens. In order to become an Athenian citizen one had to reach the age of 20 and be registered at the *attic demas*. The Athenians introduced an additional condition for a group of citizens to become the people – they would have to attend the people's assembly.¹¹¹ The term of office in the assembly was life long and membership was in no way connected to an individual's economic status. The conclusion of this is that the *people* were actually only a minute portion of Athenian society in ancient times. Why then is the model of Athenian democracy constantly referred to? Maybe it should be forgotten and this experience ought to be treated as a historical political system that was not democratic in its essence? This could be done if there had been another, i.e. better, model of democracy. However, absence of this accounts for our constant reference to the Athenian model.¹¹²

It has to be pointed out that institutional solutions are most focused upon in contrast to the aspect of an individual's participation in public matters. This participation was connected with the Athenian citizens' holding *offices*. Before a citizen could assume an office, which was usually a result of draw-

¹¹⁰ When the notion of *globalization* appears in a common individual's consciousness it may significantly affect his thinking in terms of the remaining social categories. See more in: S. Zyborowicz, *Demokracja w procesie globalizacji*, in: Świat. Europa. Dolny Śląsk. Wyzwania milenijne, ed. T. Koś-Nowak, M. S. Wolański. Wrocław 2002, pp. 23-32.

¹¹¹ See more in: S. Zyborowicz, *Patrycypacyjny model demokracji*, in: *Między historią a politologią*, Poznań 1998, pp. 332-334.

¹¹² I treat a model (from Latin *modulus*) as a construct serving the purpose of presentation of theoretical research results. See: S. Nowak, *Metodologia nauk społecznych*, Warszawa 1985, pp. 443-444. For the application of this attitude in political science see: S. Zyborowicz, *Patrycypacyjny...* op.cit., pp. 329-330.

ing lots,¹¹³ he was subjected to *dokimasis*, i.e. an appraisal. It consisted of examining whether a given person was an actual Athenian citizen and also contained a moral assessment. The officers were only supposed to execute the laws and the will of the people that had been expressed at the people's assembly. The supreme state officers – *archonts* – had power only within the scope of family law and probate and they could assume sacral functions or preside over judicial trials.

The collectivity of offices was a significant democratic principle. There were 10 *strategs*, 10 *astynoms*, in charge of streets and buildings and 10 *agoranoms* who supervised markets and commodities.¹¹⁴ The officers were not paid, although after Pericles they would receive dailies for their duties. They were accountable to the assembly and served in one-year terms of office. Neither the officers nor the board had too much power – they would prepare matters for consideration and preliminary bills (*probuleuma*) for the people's assembly and execute the statutes passed by the assembly.¹¹⁵

The people's assembly constituted a valid sovereign power that comprised the citizens who had not been deprived of their rights (*atimia*). The assemblies were held at Pnyksos, initially once a month, later – four times a month. The assembly would assume its duties in the presence of at least six thousand citizens. The following principles were observed: 1) only the motions prepared by the board were discussed (initially) and the speaker could only

¹¹³ More in: S. Zyborowicz, Wybory jako centralna instytucja demokratyczna, *Problemy Humanistyki WSNHiD* in Poznań, 2/1997, pp.39-42.

¹¹⁴ K. Kumaniecki, Historia kultury starożytnej Grecji i Rzymu, Warszawa 1964, p. 147.

¹¹⁵ The board was as old as the monarchy, where it existed as an aristocratic board of the elderly (*areopagus*). Later on, the officers sat there. After Solon the great board (*bule*) emerges. After the Kleisthenes reforms it comprised 500 members, fifty from each territorial *phyla*. It would work permanently as the head of the state that represented the people's assembly (*ekklesia*) when it was not convening. The board was divided into ten teams (*prythans*) that would permanently reside at the government edifices for one tenth of a year. The board would supervise the officers and deal with numerous, urgent matters. See more in: J. Walachowicz, Państwo antyczne, in: K. Krasowski, M. Krzymkowski, K. Sikorska-Dzięgielewska, J. Walachowicz, Historia ustroju państwa, Poznań 1994, p. 21.

move for amendments to the motion, recommend that it be rejected or move for an opposite solution; 2) every citizen had the right to accuse the initiator of a bill of the unconstitutionality of the bill– *grapha paranomon*; 3) there was a principle of freedom of speech (*isegoria*), which was one of the political rights of the citizens, together with the equality of rights to hold offices (*isotimia*) and equality in the face of the law (*isonomia*).¹¹⁶

However, a significant role in public life was played by unique individuals who most often would not hold any formal office but would address the assemblies and convince citizens to accept or reject motions. They were called *demagogs*, that is people's leaders (e.g. Pericles, Cleon, Demosthenes). The notion of a demagog was not pejorative in ancient Greece, unlike now.

The two fundamental features of Athenian democracy are the people's control of public decisions and the maximum common participation in the decision-making process and in access to state offices.

The merchant republics of Medieval Italy and monastic orders must not be neglected here either, although it was commonly believed that this political system was only viable in small communities.

The revolutions of the townspeople of 18th and 19th centuries elevated the democratic ideal to an axiom of political thinking. Democracy was a dominating slogan nearly everywhere. The idea of democracy is general in a sense that it reflects certain permanent tendencies in social development. There is a close connection between democracy and elections. An element of representation of a defined social group, particularly society, appears in the definition of democracy. Consequently, here is a necessity of electing the representatives to hold public functions.¹¹⁷

¹¹⁶ K. Kumaniecki, *Historia...*, op.cit., p. 148.

¹¹⁷ S.M. Lipset assigns the following meaning to the notion of democracy: "As a complex notion democracy may be defined as a political system which assumes correct, legal and constitutional opportunities for the change of the rulers, and as a certain social mechanism it allows possibly the largest proportion of people for appointing the most appropriate applicants for a political office by means of a selection among a number of candidates and guarantees that the nation exerts influence on the most significant social solutions". Quotation from: T. Filipiak, *O ewolucji idei demokracji*, Warszawa 1967, p. 10 (quotation translated from the reference in Polish).

The idea of democracy has consisted of certain permanent elements in all historical periods. These elements shaped a general notion of democracy that would acquire new meanings, transform and develop, depending on the degree of social advancement. The forms of democracy up until now comprised different systems of values in different types of states.

Democracy may be differentiated with respect to the forms that have occurred over its social development. When the citizens make a direct decision about the matters of the state we call it direct democracy. This is a relatively early form, which was particularly well developed in the small city-states of Greece, where the direct participation of all the citizens in solving the matters of the state was technically feasible. Direct democracy is usually applied in order to select the representatives or make decisions on certain exceptional matters, e.g. by means of a referendum.¹¹⁸ In larger state organizations where a democratic form of government emerged indirect democracy was applied.

What is democracy?

The present phenomenon of democracy relates to an intermediate approach or model. The reservations concerning small communities are deeply rooted, primarily in common beliefs, but also in the current academic thinking. Attempts are being made to change this approach, in particular on the basis of theories of participatory democracy. However, these are definitely on the defensive. This is not to mean that no supporters of the model can be found. However, the arguments are too weak to convince a significant group of intellectuals.

One contemporary view of democracy refers to the character of ruling mechanisms. Democracy is defined by reference to a *political regime* and *political procedures*.¹¹⁹ Ideas about the nature of people's rule were transferred to the history of political thought.

¹¹⁸ G. K. Roberts, *A Dictionary of Political Analysis*, New York 1972, p. 61.

¹¹⁹ *Demokracje zachodnioeuropejskie. Analiza porównawcza*, ed. A. Antoszewski, R. Herbut, Wrocław 1997, p. 16 and further.

The nature of democracy encompasses a broad range of problems, in particular the content and form of participation of the society in ruling the state, governing functions and mechanism.¹²⁰ However, this limits the notion of democracy to its legal and political meaning. Thus democracy is defined as a certain form of political organization, in particular the form of creating the government of the state stipulated by the state legislature. There is also a social and moral understanding of democracy, as a certain type of mutual relations that connect members of any community, or members of a defined social group.¹²¹

The supporters for the free political market apply a notion of democracy in terms of classlessness. L. R. Lewis describes democracy as government by rules. He proves that the current understanding of freedom as the government protection of a human being corresponds more to political practice. According to him: *freedom in the contemporary world ... can no longer simply mean a freedom from government. This must be the freedom by the government.*¹²² S. M. Lipset believed that democracy cannot operate without subjecting the ruling party to the control of an appropriate opposition: *When active and permanent opposition cannot survive, limitless power of the rulers grows and the nation's influence on politics is reduced to zero.*¹²³

K. Jaspers focused on the moral and ideal aspects of democracy. He believed that the task of democracy is to raise the whole nation so that every individual, in proportion to his abilities, can attain the ability of thinking, judging and acting in a group. Democracy cannot do without the openness of opinions, and in particular without people communicating with each other, discussing, proposing or accusing. However, the common sense is constantly in use and only by improving all the citizens can it lead to democracy that is understood as thinking and acting in a group. Therefore – Jaspers continued – democracy guarantees the rights of an individual and makes sure that they

¹²⁰ T. Filipiak, *O ewolucji...* op.cit., Warszawa 1967, p. 5

¹²¹ A. Burda, *Demokracja i praworządność*, Wrocław – Warszawa – Kraków 1965, p. 16.

¹²² T. Filipiak, *O ewolucji...* op.cit., Warszawa 1967, p. 16 (quotation translated from the reference in Polish).

¹²³ *Ibid.*, p. 17 (quotation translated from the reference in Polish).

are not infringed upon. Democracy ensures the safety of an individual, it also provides for the minority right to oppose the arbitrary decisions taken by the majority.¹²⁴

A general notion of political democracy that would correspond to various types of states would be as follows: democracy is such a form of ruling in which all the citizens (at least in terms of a single social class) directly or by means of their representatives participate in an institutionalised manner in (and exerts influence on) making decisions about the state.

As mentioned above, the dominating model of democracy is an intermediary form. Let us briefly present the models of democratic government. The form of rule refers to the structure and functioning of supreme state authorities. The distinction between a monarchy and a republic is one of the fundamental divisions. By means of this criterion five basic forms of rule may be identified: parliamentary-and-cabinet one, chancellor, presidential and parliamentary-and-committee rule. The former three forms of rule are based on Montesquieu's principle of the division of power, which stipulates that the legislative, executive and judiciary powers should be independent from one another. Their mutual relations are based on the principle of restraint and limitation. In the parliamentary-and-committee system, the principle of the uniformity of power is in force. This means that there is a supreme authority – a parliament – to which all the remaining state organs and institutions report directly or indirectly.

Political science also applies a notion of a political regime, which is all of the relations between the citizens and state organs. This encompasses the methods and means of executing power in the state. Political regimes are divided into democratic and autocratic ones, which simultaneously reflect the division of the forms of state. In democratic regimes, the selection of officers and the activities of state authorities are at least formally subjected to the control of the citizens. There are certain legal procedures to secure the citizens' participation in the decision-making process concerning the state. In

¹²⁴ Ibid. pp. 11-12.

democratic regimes, the institutions of the state that make the key decisions have a representative character. The regimes may also be divided with respect to a degree and thoroughness of intervention and control of the state into those that intervene to a maximum or to a minimum degree.

Let us begin our presentation with the parliamentary-and-cabinet form of government. It originated in Great Britain in the 18th century. At present it has been adopted by numerous states, such as Canada, New Zealand, Australia, Belgium, the Netherlands, Norway, Sweden, India, Japan, Italy and – with certain modifications – Finland. In this form the legislative and executive powers are in theory relatively balanced. Formally, the parliament has a slight advantage over the government. This, however, depends on the party system of the given state. In a two-party system the status of the parliament is low, while in a multi-party system it is higher. In the former case, the leaders of the winning party form the government and the deputies are obliged to observe party discipline. The parliament passes practically all the bills proposed by the government. In the latter case the actual decisions are made by the legislative power due to the diversity of parties in the parliament and the necessity to achieve compromises among the political parties. There are two levels of executive power: the head of state (a monarch or president) and a collective body – the government – that is separate from the head of state. If the president is the head of state, the holder of the office is usually appointed by the parliament. A monarchy is usually hereditary and rarely elective. Formally, the government is appointed by the head of state who takes the current distribution of political power in the parliament into consideration. In practice the head of the government (the prime minister who is “*primus inter pares*”) is appointed first and ministers are appointed only after he nominates them. Both the government and the individual ministers have to enjoy the confidence of the parliament, and the ministers need to be trusted by the prime minister. The head of state does not execute his/her executive power him/herself. This is done jointly by the prime minister and the ministers of the government. This is the instrument of a countersignature. This means that any official act issued by the head of state requires the sig-

nature of an appropriate minister who assumes accountability vis-à-vis the legislature for a given act. The government, the prime minister and ministers, are all politically accountable to parliament. This refers to joint accountability both for government actions and for official acts of the head of state, countersigned by a member of the government. The conclusion is that the government is supposed to resign when it loses the confidence of the parliament. The above principle of balance of powers is the reason for vesting in the government such rights that permit the limitation of the power of the parliament. Under particularly justified conditions the government may turn to the head of state moving for the dissolution of the parliament and for parliamentary elections to be held ahead of time. The government can also introduce legislation and thus affects the parliament. The head of state and the government members have constitutional accountability. They may be held accountable for violation of the constitution or legislative acts as well as for treason.

Another form is chancellor democracy. It is an intermediary form between parliamentary-and-cabinet democracy and presidential democracy, closer to the former one. It found practical application in the Federal Republic of Germany and in Austria. The superior position in the system of the state organs is assumed by the chancellor, who is appointed by the president in cooperation with the parliament. The chancellor proposes candidates for ministerial offices, to be formally appointed by the president of the state. The principle of equity of the prime minister and the ministers is rejected in favour of the chancellor to whom the members of the government report. They are politically accountable to the chancellor, who is individually accountable to the parliament. In practice the parliament has scarcely any influence on the appointment of the government as the candidates for ministers do not require parliamentary approval. Parliament also has little influence on the dismissal of the government. This is brought about by a constructive vote of no confidence in the chancellor and his/her policy. This institution gives the opportunity of expressing a vote of no confidence exclusively when the initiators propose and support a candidate to be a new chancellor.

A presidential form of government has been transferred to Europe from the United States. It was introduced by the Constitution of the United States in 1787. It has survived with few modifications in North America. It has also been adopted in many countries of Latin America, Africa and Asia. In Europe it is present in France and Finland, although it is called a presidential-and-cabinet form of government due to numerous deviations. Legislative power is vested in the legislature that is elected in general elections. The president, who is also elected in general elections, holds executive power. He/She is treated as a body that is equal to the legislature. The head of state, which is the head of the executive at the same time, is not politically accountable to the legislature. This means that the legislature may not dismiss him/her. In the United States there is no institution of prime minister or of a government as a collective body. Consequently, a notion of the *federal administration* is used which means government in the American system. In France there are both the prime minister, as the head of the cabinet, and the government as a collective body. It may be assumed, however, that there is only one level of the executive. The president appoints the members of the executive – cabinet secretaries in the United States and ministers in France. In this system the ministers do not countersign the decisions of the president. The members of the executive are politically accountable to the president. The president has no legislative initiative, yet his addresses on the condition of the state always contain certain legislative suggestions. In the United States the president may veto the laws passed by Congress. The bill becomes law provided that Congress passes it again by a 2/3s majority. The president and the other members of the executive branch may be held constitutionally accountable. The party of the president is considered to be the ruling one.

The model that contains most elements of direct democracy is the parliament-and-committee form of government. It is also referred to as an assembly form of government. It was adopted in the French Jacobinic constitution in 1793, next in the Paris Commune of 1871, and in the constitution of the Swiss Confederation of 1874. Similar stipulations were provided for in the Russian Federation of 1917, although certain solutions adopted there denied

the principles of democracy. Currently this form of government is adopted in Switzerland. It assumes the unity of powers. Thus within the framework of existing structures only one institution takes a supreme position, while all the remaining ones are subordinate. Parliament is the supreme organ of the state. Next in authority is the head of state, whether it is a single person or a collective body. The government is directly appointed by the parliament and treated as the executive committee of the parliament. Depending on specific procedures, the members of the government may also be the members of the parliament, or they may come from the outside. In practice, however, the government is more than just an executive instrument of the legislative. It also initiates the policy to be finally approved by the parliament. The government is politically accountable to the parliament. Both the whole government and individual ministers may be dismissed by the parliament at any time. On account of the character of the government, which is an executive committee of the parliament, there is no need for the procedure of the vote of no confidence. Both the head of state and the members of the government are constitutionally accountable.

The above distinctive features serve the purpose of typology and idealization with an assumption that the types of government forms and political regimes are ideal. In practice there are solutions that diverge from the model.

What may democracy become?

The best solution would be to present a normative model that would encompass all the reservations and solve all the methodological and – primarily – practical difficulties relating to democracy. The indestructible formula by Abraham Lincoln in his Gettysburg speech of 1863 has never lost its relevance – it has become a *credo* for the participatory model. This American president demonstrates that the above-mentioned mechanism of intermingling cultures is not a mere slogan. The essence of democracy should be to broaden the sphere of subjectivity of a human being as an individual who constitutes an element in a community.

Two authors who dispute American democracy point out that ideas about democracy are based on the following assumptions: 1) common participation in making decisions that affect the individuals' lives in society; 2) governance based on the majority will while respecting the rights of the minority; 3) respect for the dignity of the individual and protection of liberal values, freedom and property rights; 4) respect for equal opportunities for everybody in the process of developing their skills.¹²⁵ The above principles are not exhaustive, but they constitute the core of our contemporary understanding of democracy.

If we agree that our contemporary understanding of democracy differs from the ancient approach, we have to bear in mind that at present we have varied approaches to this notion. Let us discuss some of them.

Schumpeter's democracy is *an institutional structure that serves the purpose of making political decisions and giving the decision-making power to the individuals as a result of a competition for people's votes*.¹²⁶ The fundamental role of democracy is assigned to political competition. Thus, democracy in principle is *procedural minimalism*, while the ideal of democracy is abandoned. Another approach is populist democracy, which is another political procedure combined with the idea of a free and equal people who rule themselves and are neither subjected to an external power nor to a usurping minority that has emerged from them. This concept is connected with certain requirements that are supposed to ensure that the will of the people is expressed: the freedom of speech, press and assembly, rule of law, the formal equality of votes and electoral rights.¹²⁷ A third approach is a liberal one. Its definition contradicts the populist approach to a certain extent as the rule of the people is not the ultimate political value. A set of fundamental values

¹²⁵ Compare: T. R. Dye, L. H. Ziegler, *The Irony of Democracy. An Uncommon Introduction to American Politics*, Monterey 1984, p. 10.

¹²⁶ Quotation from A. Gutman, *Demokracja*, in: *Przewodnik po współczesnej filozofii politycznej*, ed. R. E. Goodin & P. Pettit, Warszawa 1998, p. 531 (quotation translated from the reference in Polish).

¹²⁷ *Ibid.*, p. 532.

dominates over the rule of the people.¹²⁸ In this manner the primacy of values over the democratic decision-making policy is acknowledged, thus creating foundations for appeals and controls.¹²⁹ A fourth approach is participatory democracy that calls for the increased participation of people in public life. One if their condition is a reconstruction of contemporary democratic life so that it offers increased opportunities of direct participation in politics to the citizens.¹³⁰ The Athenian model of *polis* democracy is frequently referred to since the officers were only supposed to execute the law and the will of the people that was expressed at the people's assembly.¹³¹ Its followers refer to the political ideas of J.J. Rousseau, who in *The Social Contract* declared that political participation constitutes the core of a human being's good life. Participatory democracy reminds us of two fundamental features of Athenian democracy: people's control over public decisions and a maximum degree of political participation in the decision-making process as well as access to public offices. A renowned American publicist, Robert D. Kaplan, forecasts that within a hundred years the city-state will become a *principle to organize the world*.¹³² A fifth definition is that of social democracy that consists of expanding the realms of life traditional liberals considered private, namely family and business.¹³³ A sixth approach is discursive democracy. This is an attempt at the integration of populist and liberal ideals. S. L. Hurley, J. Cohen and J. Rogers maintain that individual freedom and political equality are values as far as they express or support an individual's autonomy, readiness and ability to shape his own life by means of a rational discussion.¹³⁴ The rule of the people is only a means to stimulate a public debate on the

¹²⁸ J. Rawls, *Teoria sprawiedliwości*, Warszawa 1994; R. A. Dahl, *Polyarchy: Participation and Opposition*, New Haven 1971.

¹²⁹ A. Gutman, *Demokracja...* op. cit., pp. 533.

¹³⁰ *Ibid.*, p. 535.

¹³¹ More in: S. Zyborowicz, *Partycypacyjny model...*, op.cit., pp. 332-334.

¹³² Quotation from: A. Smolar, *Nie odchodzi, nie umiera*, *Gazeta Wyborcza* No 275.3576 of November 25-26, 2000 (quotation translated from the reference in Polish).

¹³³ A. Gutman, *Demokracja...*, op. cit., pp. 536-537.

¹³⁴ Quotation from: *ibid.*, p. 538.

matters that are best understood as a result of public, discursive processes.

What will democracy be?

This is one of a series of questions involving the future that have relatively arbitrary answers since practice is the fundamental verifier of the truth. Practice will only take place in the future, so there is a great intellectual potential in this area. A holistic approach is very common, therefore it does not make sense to discuss social facts in isolation. Democracy has to be perceived as the result of numerous political, economic, psychological or even biological factors. The process of globalisation we are experiencing now is also going to make its impact on the shape of democracy in the future. At present it is frequently perceived as a threat to the development of democracy, although there are also contrary opinions in the political market.

What should democracy mean tomorrow? There are few people who are as courageous as Socrates or Plato to criticize democracy. Sometimes even dictators try to assign the features of democratic models to their political structures. The 20th century saw the conflict of two opposing models: that of *communist democracy* (Soviet and Chinese model) and *non-communist democracy*.¹³⁵ Non-communist democracy in principle has an intermediary character and frequently takes the form of the *domination of political elites*, where a specialized group of decision-makers plays a significant role. This group is legitimised by the institution of popular elections that allow for the periodical verification of the ruling elite. This model does not solve the fundamental problem that may be expressed by a single question: *Quis custodiet ipsos custodes* (Who will guard the guardians)? A question arises then: can we be sure that those vested with the authority to solve conflicts peacefully will not take advantage of their power to tyrannize everybody?¹³⁶ Another model is the *participatory one (democracy of participation)*, which is an attempt at the direct and possibly broadest involvement of citizens into the de-

¹³⁵ More in: S. Zyborowicz, *Partycypacyjny model...*, op.cit., pp. 330-332.

¹³⁶ A. N. Dragnich, J. S. Rasmussen, *Major European Governments*, Pacific Grove 1986, p. 9.

cision-making process. The above-quoted words of Abraham Lincoln are valid here. Each of these forms of democracy is treated as an answer to the question of what democracy should become in the future. There are arguments against the possibility of everybody making decisions, both on account of the complexity of the process and the lack of the professional know-how of the people. The elitist concepts prevail that *point to the elites, distinguished by their technical efficiency in competing with others* and thus exerting a decisive impact on public life.¹³⁷ Despite what the supporters of this approach maintain the new ways of breaking the *necessity* to be ruled by the political elites emerge. The new opportunities are provided by modern communication technology.¹³⁸

The state will lose the power of its economic sovereignty. Today, states try to pursue an active economic policy, e.g. by means of legislation. However, the actual threat of potential problems forces the states to respect the interests of transnational corporations. Therefore, according to Z. Bauman the sole economic task of the state is to provide *a balanced budget* by means of supervising and monitoring local lobbies, allowing for more efficient state intervention in the policy of an enterprise. Additionally, the concentration of activities that generate added value in the developed countries, which is typical of globalisation, further increases the gap between income and level of economic development all over the world.¹³⁹ The loss of sovereignty therefore does not ensure economic benefits. John Kavanagh believes that globalisation generated even more opportunities for the rapid enrichment of the rich. A certain paradox emerges here: Globalisation brings great benefits to few while excluding or marginalizing 2/3's of the world's population. If we

¹³⁷ More in: A. Stelmach, S. Zyborowicz, Problem społecznej akceptacji dla elit politycznych w Polsce w okresie tranzycji systemowej, in: Polska w procesie przeobrażeń ustrojowych, ed. S. Wróbel, Katowice 1998, pp. 125-126.

¹³⁸ M. Marczevska-Rytko, Demokracja elektroniczna, *Zeszyty Naukowe Puławskiej Szkoły Wyższej* 2/2000, pp. 89-101.

¹³⁹ A. Zorska, Ku globalizacji? Przemiany w korporacjach transnarodowych i w gospodarce światowej, Warszawa 2000, pp. 216-218.

agree with this British political scientist the consequences will be even more serious for democracy. This process of the incapacitation of a community, and consequently of individuals, may lead to the negation of democracy and the adoption of an oligarchic model on an international scale.

F. Fukuyama presents another concept. As an enthusiast of globalisation, he believes that not only does it promote a fuller provision of material goods to each individual, but it is a factor that promotes the individual's political subjectivization; hence it promotes democracy.

Globalisation brings threats, or rather traps, for democracy. The economic dictates of transnational companies are not overwhelming at this stage. However, in the future the weaknesses of democratic states may be exposed and these states will not be able to limit the power of capital. Depending on how democracy is defined, the emerging threats bring about different consequences. The threats are smaller in the Schumpeter's, populist and discursive approaches of Schumpeter. They are greater in the case of liberal, social democratic and – especially – participatory concepts. The achievement of a democratic model, however, does not necessarily have to occur on the level of the individual. It may stop at the level of the elite. This elite does not have to be a collection of individuals who work for the common good. On the contrary, these people are increasingly often trying to achieve their own individual objectives. The processes of democratisation, however, force this group to restrain their egocentrism.

Final remarks

Is it possible to discuss the issue of European democracy and avoid the risk of criticism when the world has become or will soon become a *global village*? It is definitely intellectually possible. Considerations that may seem allegedly irrelevant in the view of *discursive democracy* are a useful exercise and may bring a general profit in the future.

Democracy is a necessary condition for justice, which is the banner of numerous contemporary ideologies. Therefore, globalisation poses a serious

threat to democracy. A free market with no restraints would practically lead to the rejection of democracy.

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European standards of political systems in relation to Polish reality

The main purpose of the activities of European Community is to conduct a common social and economic policy that results in uniform conditions of operation in the member states. These activities result in the ongoing integration of both economic and political life. This process is further supported by the fact that its foundations are the ideas and values observed by the European Union and each of its member states.

However, it has to be noted that despite the ongoing integration, the EU member states retain their individual approach to matters concerning their political systems. They vary with respect to the following:

Models of the political systems

- The EU countries comprise either monarchies or republics. The former include Sweden, Denmark, Great Britain, Belgium, the Netherlands, Luxembourg and Spain. All these countries are hereditary parliamentary monarchies, where the ruler is restrained by constitutional stipulations and by the rights of the parliament and government. Such a model of monarchy should be considered as a certain standard for the EU states. The remaining EU members are republics, where the president acts as the head of state. In France, Finland, Portugal, Austria and Ireland the president is appointed in popular elections, while in Italy, Greece and the Federal Republic of Germany the president is appointed by the parliament or an assembly that is summoned for this very purpose. Both monarchies and republics that form the EU are democratic, which is an unquestionable standard of political system for the members of the EU.
- The EU states also vary with respect to mutual relations between the supreme powers. Great Britain, Sweden, Spain, Greece and Italy have parlia-

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mentary-cabinet systems. Germany and Austria have the parliamentary-chancellor system, while the political reality of France and Finland conforms to a semi-presidential model.

- The EU members are also significantly diversified with respect to their territorial system. The EU states comprise unitary and federal states. The former include among others Finland, Sweden, Spain and Great Britain. Belgium, Austria as well as Germany on the other hand are federations. The fifteen countries of the EU comprise both states with a two-level administrative division of the country and states with a three-level administration system.

Models of the electoral systems

Elections are universal, equal, secret and rather direct throughout the entire EU. Indirect elections are rare and they apply, for example, to the elections for the Senate in France. Significant differences exist in the method of establishing the election results. The seats in the House of Commons in Great Britain are given to candidates who won a simple majority in single-member constituencies. On the other hand, the condition to enter the French National Assembly is to win over half of the valid votes. Proportional elections for parliament are held in Sweden, Greece and Spain. It has to be noted that the upper chamber of the British parliament is not elected. Its members are appointed by a monarch, whose power is not legitimised by elections either. Yet Elizabeth II grants lordship with the approval of the Prime Minister, whose seat in the House of Commons comes from the electorate.

Models of the party systems

The political situation of the EU countries is relatively stable. The parties that strive for power tend to be well known parties that have been active for many years. They have gathered experience in ruling or co-ruling and society is familiar with their leaders with moderate political views. The fact that a populist and nationalistic Freedom Party has recently been admitted to the government in Austria should be treated as an exception not to be repeated in the near future. This incident is however a kind of warning to the EU leaders about the extremist groups that do exist in the EU and that may take political

advantage of social discontent. The political situation in the Union member states is diversified. It takes the form of a two-party or multi-party system.

Types of constitutions

In contrast to a majority of the EU members Great Britain does not have a written constitution that could be considered the supreme source of the state system. Constitutional matters are regulated by a number of equivalent legal sources. These comprise common law rules and court precedents. In some countries the constitution is enacted by the parliament (e.g. in Belgium and Finland), while in others directly by the society via a referendum (e.g. in Denmark and Ireland).

The EU states are also differentiated with respect to a number of other issues pertaining to their political systems. One could refer to a varied approach to the organization, the term of office of state organs, the number of their members, the method of financing political parties and the institutions of direct democracy. Such differences in no way impede the integration of the EU member states. The power of the EU is constructed “with respect for ... the rights rooted in the constitutional traditions that are shared by all the Member States ...” and protecting “national identity”.¹⁴⁰ Thus it is not true what some opponents of European integration in Poland say when they try to discourage the public by claiming that as the EU is enlarged, incorporating Poland, we will be threatened by the loss of state and national identity and it will be necessary to adapt to the standards which will totally unify social life of an integrated Europe¹⁴¹.

Despite the above differentiation, the collaboration and political integration of the EU states is possible since the political life of its members and the EU itself is based on the ideas and values that are commonly observed there.

¹⁴⁰ See more in: Treaty of the European Union (consolidated version), in: Dokumenty europejskie. Vol. III, in a study by A. Przyborowska-Klimeczak and E. Skrzydło-Tefelska, Lublin 1999, pp. 53-55.

¹⁴¹ It is fortunate for the idea of Poland's accession to the EU that this argument is rather coyly used by extremist groups that are deprived of a larger influence in politics.

They form a certain foundation for politics in the EU societies. The values that are universal for the EU countries mainly include the following:

- *Democracy.* This value is included among the fundamental ones by the “Treaty of the European Union” in article 6(F). Democratic institutions and mechanisms operate in all the EU countries. Government belongs to and comes from society. The society exercises its power mainly by means of indirect democracy that is through the representatives elected by the society from within. The popular vote is not restricted by any criteria that used to exclude women, national minorities or certain professions from elections in some countries in the first half of 20th century. All countries, except for Germany have introduced a referendum and the so-called people’s legislative initiative to their constitutional arrangements. By means of these direct democracy institutions the EU citizens may participate in making decisions or propose that they are made without the mediation of deputies, senators or councillors.
- *The idea of rule of law.* In the EU member states law is enacted and executed in conformity with binding standards. There are no real problems with the execution of laws. The enacted legal norms do not apply to the past. The institutions that protect the rule of law operate efficiently.
- *The idea of the division of power.* This is one of the fundamental principles of the political systems of all the EU member states. The division of power pertains both to organization and competence. The legislative, executive and judicial powers are balanced and they restrain each other. The executive of the member states is not affected by means of decrees.
- *Respect for human rights and fundamental freedoms.* This matter is stipulated in relative detail in EU law and the documents that deal with political norms. European standards in this respect are mainly determined in the European Convention on Human Rights and Fundamental Freedoms, which was ratified by all fifteen countries although it was not signed by the EU itself. Another source is the Charter of Fundamental Rights signed in Nice. For the time-being it is not a binding law but a declaration, yet a special one since the courts are allowed to refer to its contents. European standards of human and citizen rights and freedoms include among others the following:

1. The right to life
2. The abolition of capital punishment

3. Prohibition against cloning
4. The right to education
5. Equality between men and women
6. The right to negotiate conditions of work and pay and the right to strike
7. The prohibition of child labour
8. The right to health care
9. The right to natural environment
10. The right to property
11. The freedom of expression and information
12. The right to an effective remedy
13. The right to freedom of movement and residence in the EU

The protection for ethnic, religious and other minorities, including sexual minorities is also included. Members of ethnic minorities are free to develop their own languages and establish their own cultural, religious and educational institutions. National minorities also have the right to election preferences. The protection of religious minorities is supported by the secular character of a EU member country and its institutions. In Denmark, Holland and Germany sexual minorities are also entitled to enjoy numerous rights that heterosexual couples enjoy.¹⁴² This is a highly controversial matter, however, even among EU citizens;

- *The idea of a civic society.* It is mainly implemented by developing self-government and support for social initiatives
- *The separation of church and state and secular character of the state*
- *The freedom of political parties.* The acknowledgement of free competition between political parties in their striving for power
- *The principle of the welfare state*

¹⁴² In Denmark and Holland homosexual couples that have lived in a registered union for at least three years even have the right to bring up children with all the legal consequences and have the right to apply for adoption. See more in: T. Walat, Skandynawski spór: na co pozwolić małżonkom tej samej płci, *Polityka* 2001, No 33, pp. 41-42.

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- *Civil control over the army and other armed forces*
- *Free media*

The European Union refers to the above values in a more or less clear way in the primary legal norms of the Community as well as in instructions, directives, decisions, recommendations, opinions and decisions of the Court of Justice. These very values are also present in the constitutional law of the EU member states. They are usually stipulated in preambles or first chapters of constitutions. The “Treaty of the European Union” considers the values and laws that are common for the member states to be “general rights of the Community”.¹⁴³ Thus the European standards for political systems have not been stipulated exclusively in the Union norms and other documents. The sources of such standards also include the norms of the member state laws and political norms observed there as long as they are common to all the Union member states.

Due to their common character the above values may therefore be considered the political standards of a united Europe. How does Polish reality correspond to these conditions? The general picture is satisfactory. This finds confirmation in the Commission Report on Poland’s Application for Accession to the EU “Agenda 2000 – European Union Enlarged and Strengthened”. It says that the “political institutions in Poland function efficiently and under stable conditions. The institutions mutually respect their competence and collaborate. ... As a result of elections the opposition candidates smoothly took over power. The opposition plays a proper role in the institutions. However, further efforts need to be taken in order to improve the judiciary and fight corruption more efficiently. There are no serious problems concerning the respect for fundamental rights. Yet certain limitations of freedom of the press occur. Particular attention needs to be paid to the implementation of a new law that restricts access to public offices for certain

¹⁴³ Treaty of the European Union..., op. cit., p.55 (quotation translated from the reference in Polish).

individuals. Poland should also finalize the process of granting compensations to those whose property was seized by the Nazis or the communists. Poland is a democratic country that has stable institutions guaranteeing the rule of law, respect for human rights and protection of minorities.¹⁴⁴

The EU documents and speeches of Union politicians emphasize numerous positive results of the transformation of the political system that have adapted Polish reality to the conditions that have been compulsory in Western Europe for a long time. The April 2, 1997 Constitution of the Republic of Poland which guarantees the stability of the political system conforms to such conditions. The Constitution stipulates the foundations of the political system, the social and economic order of Poland as well as basic citizen rights and freedoms in a way that is typical of modern and democratic states. However, a fierce and aggressive political battle that took place at the time of the enactment of the Constitution could have meant an unfortunate future of this legal act.¹⁴⁵ However it was enacted and today its stipulations do not raise emotions any more. No significant political force endeavours to alter the foundations of the political system that are stipulated in the Constitution. It proves that they fulfil social expectations and meet the needs that result from Poland's prospective accession to the EU.

The election system is another guaranty of democracy. It also conforms to the world democratic standards. Elections in Poland are universal, equal, direct and secret. The advantage of such solutions is that they prevent excessive political schisms and – consequently – the paralysis of the executive in the first place. This is possible since only the groups that win at least 5% of the votes nationwide are given seats in the Sejm (the lower chamber of the

¹⁴⁴ Agenda 2000 – European Union Enlarged and Strengthened. Report from the Commission on Poland's Progress Towards Accession, in: Europejskie Centrum Uniwersytetu Warszawskiego, Dokumentacja akcesyjna, vol. 4, pp.163-164 (quotation translated from the reference in Polish).

¹⁴⁵ The Constitution of the Republic of Poland was approved in a referendum held on May 25, 1997. Only 42.86% of the authorized electorate took part in it. 53.45% voted for the new constitution. The low participation and the small majority of constitution supporters was a result of the political battle itself and the firm opposition of the significant right-wing parties to some of the stipulations.

Polish parliament). In the case of election coalitions the threshold is 8%. These requirements bring about the marginalisation of extreme groups, which usually fail to win the number of votes that would enable them to get seats. Thus, they are not allowed to use the parliamentary platform for the propagation and popularisation of populist or nationalist slogans. It should also be noted that the other chamber – the Senate – is elected in majority elections. The main characteristic of majority elections is that people favour outstanding individuals even if candidates do not belong to political parties. Attention is paid to the regular holding of elections, i.e. to holding them after legally stipulated terms of office expire. Over the last decade there has not been a single complaint about the honesty or appropriateness of polls. The citizens may exert direct influence upon the content of laws by means of a referendum or the so-called people's legislative initiative. As few as 100,000 individuals are allowed to propose an ordinary bill to be discussed by the parliament.

A positive result of the political transition is the adaptation of Polish society to the idea of democracy. Despite the negative phenomena which have emerged or intensified after 1989 (such as unemployment, decreased real income, relatively frequent clashes among political leaders, crime rate) and are experienced by many citizens, Polish society remains convinced that democracy is superior to other political systems. This opinion was expressed by 71% of those who were interviewed in a survey held by the renowned Centrum Badania Opinii Społecznej – CBOS [Public Opinion Research Center] (approximately 60-70% of society has been of the same opinion for the last 7 years).¹⁴⁶ Such results confirm that democracy has been profoundly desired in Poland and the positive results of democratisation have been observed and experienced by many. This is an advantageous forecast for further reforms and transformations that will adapt Polish reality to EU standards.

Another success of transformation is that Poland applies the rule of law. Law is enacted in conformity with binding procedures. It is protected by ordinary courts and courts of particular judicial decisions, especially by the

¹⁴⁶ CBOS data in *Gazeta Wyborcza* 2000, No 201, p. 3.

Constitutional Tribunal, whose decisions have become final under the provisions of the present constitution.

Also Polish political life conforms to EU standards. Although approximately 80 political parties are registered, fewer than a score of them take an active part in political life. As we analyse their objectives we may observe that they have highly varied platforms, which relatively reflect divisions in society. All the significant social groups have their political representatives. Since the very beginning of the transformation, the coalitions comprising a moderate left wing, moderate right wing or the centre parties take part in government. Despite the divisions it is possible for significant political powers to collaborate to achieve their most essential objectives. This has been demonstrated with respect to Poland's attempts at becoming a member of NATO. The maturity of Polish parties and their elites is illustrated by the fact that arranging elections ahead of time due to the disintegration of political support for the government has not been required since 1993. Extremist parties do not destabilize the state, since their influence is negligible. They do not participate in government even on a local scale.

The procedure of party registration does not divert from solutions adopted in the EU member states. Groups that are organized and function according to democratic principles and those that acknowledge values stipulated in the constitution are entitled to operate legally.

It is a successful outcome of transformation that self-government was restored in Poland. Territorial self-government was the first to expand and did so at the fastest pace. Even at the beginning of transformation in 1990 municipal [gminny] self-government started to operate. The March 8, 1990 law on territorial self-government vested "... all public matters of local significance that are not reserved by law for other subjects" in the municipality. One of the internal tasks of a municipality was "to fulfil common needs of the community". Self-governing is confirmed by the fact that residents of a municipality make decisions by means of popular vote (in elections, referenda or by means of municipal organs). Approximately one-third of all public administration tasks were transferred to municipal self-government in

1990.¹⁴⁷ Although the representatives of self-government did not find it satisfactory, the process of decentralization started to progress at a varied pace. The development of self-government was supported by the establishment of district (“powiatowy”) and province (“wojewódzki”) self-government on January 1, 1999. Article 4 of the June 5, 1998 law on district self-government mentions quite numerous tasks of a district that are above the level of a municipality. Also the June 5, 1998 law on province self-government vested considerable competence of government administration in province self-government. Thus, although the system of territorial self-government has been established, the process of the improvement of its functioning is going to take a long time on account of numerous obstacles. The most important one is the insufficient source of finance for self-government. Another problem is the excessive political orientation of self-government organs. The matters brought by local sections of political parties to self-government frequently discourage many citizens from any involvement, which is a prerequisite for the development of the idea of self-government.

Poles have an opportunity to exercise human and citizen rights and freedoms to an extent comparable to that of EU citizens. The range of such rights and freedoms conforms to current standards that mainly result from the contents of international law.¹⁴⁸ Poland ratified the European Convention on Human Rights and Fundamental Freedoms as early as 1991. By now it has also ratified a majority of additional protocols to the Convention and in part the European Social Charter. A Polish citizen may claim his rights before the Court of Justice. He may also request the assistance of the European Court of Human Rights. The citizens do not face any serious problems exercising the freedom of speech, assembly, association or religion. In 1997 the death penalty was abolished although it had not been used for a long time before. The personal data of citizens are protected by law. Also national minorities are free to exercise their rights.¹⁴⁹ The Constitution provides them with the “...

¹⁴⁷ B. Banaszak, *Prawo konstytucyjne*, Warszawa 1999, p. 589.

¹⁴⁸ See more in: *Polskie prawo konstytucyjne*, ed. W. Skrzydła, Lublin 1998, pp. 183-192.

¹⁴⁹ National minorities constitute only approximately 1.3% of the population in Poland.

freedom to retain and develop their own language, customs and traditions and to develop their own culture". National minorities take advantage of special election preferences. Certain misunderstandings that occasionally emerge on a local scale with respect to nationality are addressed by the authorities aiming at solving the conflict. The European Commission could therefore assess in their report that "national minorities do not encounter any particular obstacles in Poland".¹⁵⁰

The present analysis illustrates only selected aspects of the political system in Poland. It confirms the assumption that Poland has already met political criteria for membership in the EU. This does not mean that we are an ideal candidate, though. In the opinion of the Union agencies on Poland's preparation for accession there are reservations regarding both social and political life.

Most of the comments concern the judiciary. The particularly long wait for court decisions in commercial and civil matters is highly disturbing. What happens is that serious crimes are sometimes prescribed as the court is unable to start proceedings in the stipulated period of time (2 years). This is caused by a shortage of personnel. Low salaries in the judiciary make the profession of a judge hardly attractive for an educated lawyer. The serious backlog in the courts results from the fact that new cases have recently been transferred to courts that formerly used to be prosecuted by the public prosecutor's office, the police or the boards judging petty offences. This transfer of cases had not been preceded by the enlargement of judiciary personnel and court organization or appropriate financial support. Over the next months court cases may be still prolonged, since the constitution requires abandoning the boards for judging petty offences. They used to prosecute approximately 700,000-800,000 cases annually; usually those are petty thefts, traffic collisions, disturbances at night and other small offences.¹⁵¹ These cases are soon going to be prosecuted by the courts, which might ef-

¹⁵⁰ Agenda 2000... op. cit., p. 163.

¹⁵¹ B. Wróblewski, Sądne kolegia, *Gazeta Wyborcza* 2001, No 197, p. 6.

fectively paralyse them, since the courts have not employed several hundred judges, who are necessary to meet the new challenges. However, it is necessary to abandon the boards for judging petty offences in order to adjust Polish judiciary policy to the standards of the democratic world. The boards operate at the district courts but they are not courts themselves, although they are authorized to pass sentences of custody up to three months or a fee up to PLN 5,000.

Corruption is a serious weakness of social life in Poland.¹⁵² This phenomenon is hard to measure on account of the obvious lack of evidence and witnesses of such offences. Social habits as well as a considerable share of the state-owned sector (e.g. in medical services) or low salaries in this sector play some role in retaining this phenomenon. The large scale of this problem finds confirmation in the results of a survey conducted in August 2001 by the CBOS, presented in Table 1.

Table 1. Social perception of the scale of corruption in Poland

<i>Is corruption a serious or a minor problem in Poland?</i>	<i>July 2000 (% of answers)</i>	<i>July 2001 (% of answers)</i>
<i>A very serious one</i>	46	68
<i>Rather a serious one</i>	40	25
<i>Rather a minor one</i>	6	2
<i>A minute one</i>	0	1
<i>Hard to say</i>	8	5

Source: CBOS in Gazeta Wyborcza 3091, No 194, p. 2.

The results demonstrate that 93% of adult Poles consider corruption to be a highly significant problem. Also the comparison of the survey results to

¹⁵² Also in the view of the European Commission, corruption is the most serious weakness of social life in Poland, next to the delayed judiciary reform and the lack of transformation in agriculture. These are the findings of the annual Commission Report on the Progress of the Candidates for the EU, published at the end of 2000. See more in: J. Safuta, *Unia Europejska o Polsce, Polityka* 2000, No 42, pp. 45-46.

those of a similar survey conducted one-year earlier yields distressing conclusions. The problem seems to be growing in the opinion of society. This finds frequent confirmation in recent media coverage and the anti-corruption steps taken by the district attorney's office.

The ongoing political transformation has not yet resulted in a definite decentralization of the state. Although greater competence is vested in local government bodies, they have not obtained appropriate financing for their activities. A district (powiatowy) or province (wojewódzki) government is unable to operate deprived of grants and subsidies from the state budget. It further hinders development of actual local government. Retaining centralization is reinforced by the recent expansion of the central organs of the state administration. In some realms of social life there are numerous institutions that deal with similar issues and tasks. In agriculture, a similar range of activities is dealt with by the Agricultural Market Agency, the Agricultural Property Agency of the State Treasury, the Agency for Restructuring and Modernization of Agriculture, the Chief Inspectorate of Seed Production Inspection, the Chief Inspectorate of Plant Protection, the Chief Inspectorate of Agricultural Products Purchase and Processing and – finally – by the Ministry of Agriculture.¹⁵³ Agriculture is by no means the only area where such a situation occurs. The establishment of new institutions, however, permits the creation of political sinecures. Fortunately, the Democratic Left Alliance (SLD) coalition, which is likely to take over after the next election, is for a significant reduction of employment in the state central administration and the liquidation of numerous offices. In a few months we will have an opportunity to check how real these objectives are.

We still face the problem of creating civil service personnel in administration. Although the law on civil service was passed in 1996 its implementation encounters numerous obstacles. These are mainly the result of the fact that recruitment to the civil service has frequently applied political rather than professional criteria. A person appointed to the civil service had fre-

¹⁵³ P. Kudzia, G. Pawelczyk, *Do kasacji*, *Wprost* 2001, No 15, pp. 30-31.

quently resigned from membership in a ruling party.

Although freedom of speech is provided for by the Constitution and by inferior legal acts, the European Commission can still observe certain weaknesses in this aspect of social life. Reservations are frequently made concerning the civil code regulation that allows for the sentencing of a citizen for up to 8-years of imprisonment for derision or insult of State organs. Freedom of the media may be threatened by the Supreme Court decision of 1995 which forces journalists to reveal the sources of information on demand of the court or the prosecuting attorney.¹⁵⁴ A certain difficulty results from the fact that the electronic media market is dominated by public television, which is controlled by the state authorities to a certain extent. However, despite the accusations by politicians that television favours their political competitors, especially during election campaigns, it has to be said that they are most frequently unconfirmed.

The creation of a civic society is a significant issue in the development of democracy. Such a society calls for the significant activity of citizens. It turns out that Poles still have considerable room for improvement in this area. There are approximately 20,000 non-government organizations that operate in Poland. In comparison to Finland (100,000), Sweden (200,000) or Great Britain (180,000) it is a relatively small number. Two-thirds of all citizens are estimated to remain socially inactive.¹⁵⁵ This is likely to be the result of habits and manners developed in the old times, when totalitarian or authoritarian rulers would approach social activity with apprehension and see it as a threat. The condition of apathy and dejection is reinforced by further negative results of reforms that are experienced by large social groups. The decision-makers are facing a serious problem of decreasing approval for the lowering of living standards and for new sacrifices. In 1989 and 1990 Poles accepted decreased and diversified income, unemployment and reduced social benefits. Most of them believed that these afflictions would be temporary. Since large social groups have not observed any improvement in their

¹⁵⁴ Agenda 2000, op. Cit., p. 161.

¹⁵⁵ T. Bogucka, Państwowe czy społeczne?, in: *Gazeta Wyborcza* 2001, No 209, p. 12

conditions, despite the above positive results of transformation, the patience of the society is nearly exhausted. A large number of citizens are likely to consider a decade of reforms to be a period sufficiently long to observe their benefits. Therefore a large number of citizens (according to Ośrodek Badania Opinii Publicznej - OBOP [Public Opinion Research Service] approximately 81% in August 2001) believe that the situation of the country is unfavourable. Public opinion polls reflect the increasing percentage of people who experience the negative results of reforms, which is demonstrated in Table 2.

Table 2. The influence of reforms implemented after 1989 on the lives of citizens (in percent)

<i>Year</i>	<i>1997</i>	<i>2000</i>
<i>Highly unfavourable</i>	12.2	19.2
<i>Rather unfavourable</i>	42.0	46.2
<i>Rather favourable</i>	27.4	20.0
<i>Highly favourable</i>	5.4	2.4

Source: "Diagnoza społeczna 2000" report, quotation after Gazeta Wyborcza, August 12-13, 2000.

The army, police and special forces are under civilian control in conformity with democratic standards. Still, from time to time (especially during the election campaigns) the ruling politicians are accused of using the special forces for political battles. Such accusations are relatively easy to justify as the secret service is supervised by a member of the government, who is a prominent member of a ruling party. In my opinion this problem may be solved exclusively by a reform of the political system that would result in transferring supervision of the special service to an apolitical organ, such as the Constitutional Tribunal.

The discussion of the above negative phenomena of political life in Poland is not exhaustive. European institutions also point to other faults that need to be eliminated or minimized before we are granted EU membership. Among these faults one may include increasing organized crime, the weak technical support of the police to fight this problem, delays in the alignment of Polish law to European law, the significant backlog in legislative work, and the low quality of laws.

The reservations concerning political life, however, do not disqualify our country as a candidate for accession to the EU. It should also be noted that the reality of the EU members is not free from various pathologies. It is significant that the political system and life in Poland are based on solid foundations that guaranty the further progress of democracy and enable integration into the European Community. Thus political reality is certainly not going to be an obstacle on Poland's path to the EU. The condition of our economy, however, is a serious impediment and it has recently deteriorated. The decline of the world economy, the increasing unemployment rate (currently 16%), the decreased rate of economic progress, the growing deficit of the state budget and limited investments contribute to this condition. If we do not manage to stop this negative trend in the near future membership in the EU may be delayed.

A decade of the transition of the political system and the transformation of the economic system in Poland has unquestionably been successful. The fundamental transformation objectives that were assumed, that is, the transition from an authoritarian system to a democratic one and from central planning to a market economy, have been attained. However, the pace of transition and its outcome in various realms of social life have been diversified. The successful transformation of social and political life was the first to occur. Economic reforms have encountered numerous obstacles, therefore their success is perceived in a different way by various social groups. It turns out that it is much easier to organize and conduct free elections, abandon censorship and achieve political pluralism than bring about privatisation, restructure economy and implement market mechanisms. The advance of political

reforms over the economic ones was not specific to Poland. Also other countries of Central and Eastern Europe observed a similar phenomenon.

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Wojciech Szrubka

Learning from the past: EU enlargement and the question of the free workforce movement

Introduction

The enlargement of the European Union to include the countries of the former Eastern Bloc is high on the agenda of the organization. Only the pace and the process as well as its exact way of implementation are still a matter of discussion among the member states, not the ultimate aim itself: the Union is to accept new members. To the visionaries of European unity (economic as well as political), the step is a logical consequence of the end of the Cold War; Western Europe is to reunite with its Eastern European neighbours putting an end to the dividing line separating the two parts for more than four decades since the end of World War II. The visionaries see the project first and foremost as a political one; it is a moral obligation of Western Europeans to share the fruits of stability, peace and economic prosperity with their poorer neighbours, to whom these benefits have long been denied as a result of power politics, but who nevertheless should be regarded as obvious members of the European family.

The visionary idealism, however strong, will not suffice, if the decision about expansion cannot be motivated by solid economic and political benefits, especially if the idea of expansion is to be “sold” by the political elites to the general public of the current EU member states. And this might prove to be hard. However bright the future of common Europe might eventually be, in the short term, the road to expansion is likely to be a bumpy one. There are numerous problems originating from the fact, that 40 years of iso-

lation from the core of world trade and finance has left the economy of the candidate countries in a miserable state. In the case of Poland, the often-mentioned hurdle on the way towards full EU membership is the country's inefficient and technologically underdeveloped agricultural sector. Removing this, as well as other obstacles will require a lot of investment, where the EU is expected to be the main sponsor. If expansion is to proceed smoothly, winning over the support of the average EU citizen for the plan is a crucial task for the EU visionaries.

Another problem mentioned in the context of the forthcoming EU enlargement is the implementation of the key principle constituting the present EU system: the principle of free movement of people within the Union. Two countries situated in the eastern periphery of the present Union, Germany and Austria, have raised serious concerns about the consequences the principle might have for their respective labour markets, if it were implemented in the context of the present economic gap which separates them from the candidate countries. The spectre of mass emigration inundating the already strained economies of those states with cheap labour, thus aggravating the problem of unemployment, has prompted the countries to act. A demand has been made for an initial seven-year transition period, during which the citizens of the new member states would be excluded from the benefits of being able to settle down and work wherever they want within the European Union. The interesting fact is that the two countries – Germany and Austria – are quite isolated in their demands. Even EU countries situated in relative proximity of the old socialist bloc, notably Denmark and Sweden, have not raised similar concerns; the latter country has even indicated it is firmly against the transition period and will not implement the restrictions on the free movement of labour from the new member states. How can the split within the Union on the issue of free movement of people be explained? Why do Germany and Austria have concerns, which the majority of EU-members do not share? The hypothesis of this paper is that, while some concerns of those countries may indeed be well founded, the main reasons for this fear are **irrational** and are to be found in recent history. The fresh mem-

ory of recent historical experiences is shaping the perception of dangers by politicians as well as by the general public.

Irrational or not, the fear is real and its consequences for the prospective members of the EU might prove substantial. The aim of the present paper is to offer an explanation of the German and Austrian behaviour, based on the well known theory of learning from history by Robert Jervis (Jervis 1976). Of course, the explanation offered here does not do justice to every aspect of the problem and should not be viewed as final. Nevertheless, it is my conviction that Jervis' theory might offer a genuinely useful insight into the reasons behind this recent stumbling block on the way towards EU enlargement. The theory (or rather a tiny portion of it) is presented in the first part of the article. In the second part, we will try to apply the theory; some relevant historical facts are presented which, according to the theory, might be assumed to explain the German-Austrian behaviour. Finally, we look briefly at what substantial reasons there might be for the fear of mass emigration. Is all this simply irrational or are there any real reasons for concern? The article ends with a summary and conclusion.

Lessons from the past

Historical events and experiences are very important for a politician, because they provide him with a number of typical situations; they help him to discover a pattern and a causal context, which will help him/her to understand his world. We cannot understand our surrounding world without assuming that the future somehow will resemble the past. However, a too narrow understanding of history may be dangerous; an underestimation of changed circumstances may result in "a tyranny of the past over the fantasy".

It has been proved that the more abstract and general the learning process is, the more suitable knowledge will be obtained to solve future problems. Ideally, learning should be based on the analysis of a huge number of events and situations so that we can get the proper idea of the complexity of the present situations and the many unanswered questions. This type of abstract

learning however is extremely rare. Instead, the political decision makers are usually very familiar with only a small number of historical events, which are then used as analogies for a large number of current situations. An over-generalization takes place of a small number of known events and situations. The whole complexity, the myriad of details gets lost – instead, the simple connections between just some factors are overemphasized. The result of this type of learning is a set of rigid rules, which do not offer any real help in making the right decisions concerning a current situation.

What kind of lessons is learned?

The first type of lesson that the actors often learn from previous events is to avoid at any price the policies, which have failed in the near past. The long- and middle-range goals remain unchanged, but the opposite tactics are used to achieve them. In some situations such a reaction to a failure may be justified – for example when it is necessary to modernize military forces after a lost war. Most often however, that may be wrong way to react. The question which should be asked is whether the new tactics could really have been more effective had they been applied in the past situation. Another important question is whether the new situation really resembles the old one or whether the similarity is a false one. More often than not, the answer is no to both of these questions.

The second type of lesson is the opposite of the one just described. The policy which in one situation has proved to be effective will be applied time and again, even in a different set of circumstances and problems. But the old solution used to solve new problems will most often end up in failure. The reasons for that are several. The actors are often unaware of what components in the past situation have made the success of the old solution possible. On the other hand, the new situation may too easily be perceived as similar to the old one, even though they are totally different. The risk of failure is further aggravated by the fact, that the previous success might have fundamentally changed the conditions (for example the conditions on the international arena) in a way, which renders the old policy pointless.

In short, the lessons drawn from previous events often lead to a failure due to oversimplification – which in turn may be caused by stress and lack of time to act and not necessarily by the ignorance of a politician.

In this section we have described a short fragment of what in reality is an extensive body of theory. There is no point developing the theme further in the present article, as the fragments just presented will suffice for our purposes.

Before we proceed with the main point of the article – trying to find an explanation for the stance taken by Austria and Germany on the issue of free movement of labour from Eastern Europe to the old Union members in the West — we will take a quick look at the historical events which may have influenced the minds of the decision makers (and public opinion) in the two countries.

Historical perspective: Are the emigration waves from Eastern to Western Europe something confined to our own time?

The answer is, of course, a resounding No! The present migrations are nothing compared to the events which followed the end of World War II, when perhaps the biggest ethnic cleansing of all times was carried out under the auspices of the Allies. About 12 million ethnic Germans were forced to leave their homes in present-day Poland, Russia and the Czech Republic and emigrate to Germany. At the same time, about 2 million ethnic Poles faced a similar fate: They were forced to leave the territories which were to become the new provinces of the Soviet Union and settle down in present day Poland.

Economically motivated movements are of course nothing new either and are as old as the history of Europe itself. The industrial revolution, for example, unleashed a potent wave of immigrants from the Slavic parts of Europe – mainly the Ukraine, Poland, the present day Czech Republic – to the prosperous industrial centres of England, Belgium, France and Germany.

Most of them were quickly assimilated and today only their Slavic family names remind us of the fact that a substantial share of the population in, for example, the Ruhr region (Middle-Western Germany) is of Eastern European origin. (Frassman and Münz 2000)

Perhaps even more important for our present discussion are the events of the last few decades, which directly and indirectly affected the European Union (formerly the European Economic Community). The Cold War had initially stopped any substantial migrations between the two political blocs, but the stop was never a total one. Time and again temporary liberalization and periods of weakness of the state-socialist systems led to minor immigration waves to America and Western Europe. In the West, those immigrants were more than welcome; in the on-going propaganda war with the Communist East they were seen as a concrete proof of the superiority of the market economy and liberal parliamentary systems over the soviet model socialism (Münz 2000). Another important fact to keep in mind about the Cold War is that non-communist South- and Western Europe was not free from migration movements either. The migrations were both politically and economically motivated. The prosperous industry centres of Germany, France and Britain were the destination of dozens of thousands of immigrants from Portugal, Spain and Greece.

Interestingly, the latter stream of immigration has been put ended by the admission of the above-mentioned countries to the European Community. The countries, similar to the present candidates, were admitted in the 1980s with severe restrictions in place on the right to settle and work in the remaining member states of the EEC. The fears of, among others, Germany and France have proved to be unfounded though; the wave big of immigration from Southern Europe simply never came. According to Theo Sommer, this is due to the unprecedented economic boom, which has been unleashed by EU membership. (Sommer 1999) The rapid economic development of those countries created plenty of opportunities at home, thus removing the necessity for many Spaniards, Portuguese and Greeks to seek higher living standards elsewhere.

The end of the Cold War in 1989 initiated a new chapter in the recent history of intra-European immigration movements. Dramatic increase in the number of immigrants from Eastern Europe had several reasons, economic as well as political. Hundreds of thousands of ethnic Germans and Jews emigrated to Germany from Russia and the Ukraine. The civil war in the former Yugoslavia has unleashed a wave of refugees of unprecedented scale in post-war Europe. Between 1982 and 1992 the annual number of immigrants from Eastern Europe rose from about 100 000 to around three million. (Fassman and Münz 2000) Germany was hit especially hard by the new wave of immigration; the main reason for that was the fall of the Berlin Wall and the consequent German reunification. As a consequence, the countries of Western Europe radically changed their strategy. Political leaders, who previously proclaimed the vision of “One Europe without borders”, started to implement the opposite strategy: Many countries restricted the right of political asylum and reintroduced entry visas for the citizens from Eastern Europe. The confrontation of political and economic systems was over; the Western world was no longer in need of any proof of its superiority and, as has been pointed out earlier, the immigrants were previously regarded as such proof.

This brand of restrictive immigration policy is pretty much today’s reality.

How can the German and Austrian stance on the issues of free movement of labour force be explained?

Or, is it possible to explain their tough stance on the issue of free immigration from the Eastern European states on the grounds of their recent experiences? The hypothesis of this article is that this indeed is the case. The fresh memories of the events from the early 1990s, when immigration from Eastern Europe to Germany reached its peak, probably still influences the perception of the political decision makers in that country. That could probably explain the differences in this respect between Germany and Sweden; the latter country has not raised the same objections against allowing people from

Eastern Europe to work and settle in Sweden once they have become citizens of the EU. On the contrary, the Swedish government has proclaimed several times during its EU presidency (January – June 2001) that its aim is to achieve a consensus on the issue of the free movement of labour right from the start, without transition periods. If we are right in our hypothesis about the reason for the German and Austrian scepticism, then the behaviour of politicians and the public in those countries seems to confirm the theory Robert Jervis quite well: The last dramatic event is being referred to, with little consideration of the changed circumstances. The underlying assumption is that the history will repeat itself: Once the borders are open, Germany will be inundated with a cheap labour force from the East.

A more sophisticated analysis of recent history would reveal that this scenario may not necessarily come true. The strongest argument against the German stance is no doubt the example of Portugal and Spain. At the time those two countries were admitted to the EEC, there were similar fear across much of northern and Western Europe. Yet, the fears proved to be largely unfounded. The big wave of economic migrants never came, which may be attributed to the fact that after EEC admission, the countries' soaring economies created enough opportunities for people to stay at home.

Is there any risk that the Portuguese and Spanish scenarios will not repeat themselves? It is of course very hard to say. Historical analogies may give us a hint, but will never say the whole truth. Before we end this article, let us therefore review and discuss some basic facts about the countries ranking highest on the list of candidates for EU membership.

Basic facts¹⁵⁶

Altogether there are about 70 million people living in the Baltic countries, Poland, Slovakia, Slovenia, the Czech Republic and Hungary, among them about 59 million who will be older than 14 years by time their countries become members of the EU. About 4.7 million people have declared their in-

¹⁵⁶ The figures quoted here come from (Münz 2000)

terest in emigrating to the West. How serious the desire to emigrate is, is not clear. Only about 820 000 people have concrete plans as to what they would like to do in the West and where they would like to go. About half of them have desire to emigrate to Germany, around one third to Austria – the rest would like to go Scandinavia, Switzerland or North America. The potential migrants will as a rule work in the West on a temporary basis, many would commute if they had an opportunity to do that.

There are also similar estimates coming from economists, which are based on previous experience rather than opinion polls. A 10% difference in wages sets between 0.05 and 0.15 percent of people in motion annually in the country whose wages are lower. With the difference of 20 percent the corresponding figures are between 0.1 and 0.3 percent. If we transfer these estimates to the present EU and candidate countries the result would be about 4 million immigrants from Eastern and Central Europe. The estimates from sociologists and those given by economists are thus similar.

According to Heinz Fassmann and Rainer Münz, of the Berlin Humboldt University, after EU enlargement the number of immigrants will no doubt go up, the question is, however, whether this would really be a bad scenario, considering the shrinking populations of Germany and the other present EU members. Even if the “worst” scenario would come true and 4.7 million people would indeed choose to emigrate, this alone could not reverse the decline in the population numbers of Germany, Austria and Italy. On the other hand, the countries of Eastern and Central Europe should not be treated as permanent suppliers of immigrants. In the long run, with the imposition of market economies, the population growth in those countries is likely to come to a halt, which would adversely influence the immigration rates from those countries still further. According to Fassman and Münz, “in 15 – 20 years from now, when someone in the West will be looking for a cleaner, a gardener or a qualified specialist, he/she is likely to have to look for them in the Ukraine, in Turkey, in North Africa or in India”. (Fassman and Münz 2000)

Alternative explanations

This article would of course not be complete without giving space to some alternative explanations, of the Austrian and German behaviour. While there are many similarities between the situation of the early 1980s, prior to the admission of Spain and Portugal to the EEC and the situation of the present day EU, standing on the threshold to admitting several new member states – there are also important differences. In this situation, the Austrian and German politicians may have reasons for concern, which do not necessarily depend on a mistaken interpretation of recent history.

First of all, they have to take into account the current state of public opinion, which is afraid of growing unemployment, if the citizens of the candidate countries are granted the right to work in the old member states. Especially in the case of Germany, this fear may be well founded. The fact that only a small percentage of Poles declare an interest in emigration does not tell us much about the number of Polish citizens willing to take jobs in Germany on temporary basis, without taking the big step of leaving the homeland permanently. The phenomenon of cross-border commuting exists already and is likely to grow even more if work would be officially permitted. To make matters worse, the eastern part of Germany, which nowadays is severely affected by economic recession and unemployment, is likely to be hit strongest by the arrival of the Polish *Gastarbeiters*.

In this sense there is a difference between the admission of Poland to the EU and the admission of Spain and Portugal to the EEC in the 1980s: The employment situation in parts of Germany is too strained to take the risk of making it still worse. For Germany's part especially, the geographical closeness of Poland, combined with a sizable Polish community already established inside the country, makes the situation appear slightly different from that preceding the admission of geographically remote (in a relative sense) Spain and Portugal. All this may also, though to a lesser degree, apply to Austria.

Although the latter country does not have any recent experience corresponding to German reunification, the influx of immigrants there has cooled

down the enthusiasm of public opinion concerning the planned EU enlargement. Faced with a sceptical public opinion and a EU-hostile right-wing party inside the government, the Austrian politicians have to act carefully. In short, public opinion in both Germany and Austria demands caution and the decision makers have to take these demands into account. The politicians may share the same fear – making the historical parallels or using the common sense explanation just discussed – but even if they personally would not share the same concern, the state of public opinion is a fact they simply cannot ignore.

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Andrzej Stelmach

Election law and elections in Poland in relation to European standards

Elections as the core democratic institution

In the modern world where the progress of globalisation unifies many structures, systems and principles, democracy also becomes a social category that is perceived as one of the fundamental features of a global society. Although the very notion of democracy is easily defined, the particular features that distinguish this category raise certain doubts. One could enumerate at least the most fundamental adjectives that describe democracy, yet even in this case we may encounter problems. If we focus on a single aspect of democracy, that is political democracy, the problems of definition will probably not disappear, yet the category itself will become easier to determine. If the notion is narrowed to only the ruling processes, there is an opportunity to find some universal features of democracy. It is composed of four fundamental elements concerning the political participation of citizens.

The first one concerns the guarantees that the society takes part in decision-making procedures. Depending on the scope of authority and technical facilities to exercise this authority direct and indirect democracy may be distinguished. In the former a citizen takes part in making a decision, which is ultimate in character. In the latter the individual participation in making decisions is relinquished and the individual vests his/her rights in a trusted person who will make an independent decision on that individual's behalf or will become part of a collective body to make a certain decision.

Another element that is closely connected with indirect democracy is appointing the people who represent the citizens and make the decisions that

concern them for government posts. A very significant issue concerns the method of making such appointments. This is connected both with the acknowledgement of such general values as equality, popular elections, secrecy, etc., and with the technology of selection. Both of these first two elements are extremely significant since they exert significant influence on the level of democratisation of social life and on the ultimate result of the election.

A third highly significant element of democracy, which is also its guaranty, is the mechanism of affecting changes in the structures of power. Firstly, the decisions of the electorate cannot be irreversible. Secondly, the election for each post or function must be effective for a certain term stipulated in advance. After this term expires the next elections are to be held. This is a self-evident procedure and in no way does it constitute a vote of no confidence in the persons elected. It is a natural sequence of events. A fourth element of the effective political participation of citizens is control. Every power has a tendency to alienate. In order to constrain it in respect to political authorities it is necessary to develop efficient mechanisms of social control over the authorities. Such mechanisms are indispensable in a democratic society, the more so since it is a principle that the individuals in power execute the will of the majority of the citizens. It is by their empowerment, on their behalf and for their benefit that authority should be executed.

What follows from the above is that one of the most significant elements of political democracy is how members of society express their opinions and how the decisions are made. These aspects are enforced by election law. It has to provide for an actual reflection of different opinions in society. The competition of various social groups in order to meet their particular objectives results in their representatives taking power. Primarily the objectives of the majority that won this competition are met. Authority is vested in those individuals or political forces that were victorious in the elections. They enjoy the support of the majority or of the largest social group. The next election gives an opportunity to change rulers and implement a different political platform. Election cycles are a significant condition for democratic society.

The holding of periodic elections in itself does not provide for full democracy. Election procedures have to meet certain additional criteria to be considered fully democratic. The actual competitiveness of political platforms and the possibility of their effective differentiation are important elements of democratic elections. In practice it means the presence of various interests and ideologies of organized political parties. The presence of alternatives means that when the majority elects a determined political option, it is this option's platform that will be implemented by those candidates who won the support required.

Another equally important guaranty of democratic election procedures are the mechanisms ensuring that the electorate will not be distorted by means of certain election techniques. The election law has to guarantee that the majority decision be respected and effectively executed.

There are several basic requirements that allow for a given election system to be acknowledged democratic. The following are among the commonly accepted standards:

- elected representatives have constitutional control over the political decisions of the executive,
- the representatives are elected and dismissed by free and fair elections held with no violence,
- all adult citizens have an active election right,
- most of them are able to be candidates,
- the citizens have real freedom of speech, particularly with respect to politics, criticism of the government, the method of ruling, the economic and social system and the dominating ideology,
- citizens have free access to all information sources that cannot be monopolized by the government or any particular group,
- citizens have real rights to form independent organizations and associations, e.g. political parties, interest groups that try to exert influence on the policy of the government by means of the electorate and other peaceful methods.¹⁵⁷

¹⁵⁷ Compare: A. Żukowski, *Systemy wyborcze. Wprowadzenie*, Olsztyn 1999, p.12.

Elections are a significant element of democratic mechanisms. If they are conducted in conformity with certain principles of equality, justice and clear standards they become a core institution of a democratic state. As a result of the election a certain group that represents the largest proportion of society is vested with formal authority to rule. Democracy is characterized by the rotation of power. This means that it is a natural sequence of events that the authorization to rule expires at a certain time and new elections are held.

Periodic elections are an indispensable condition to treat a given democracy as a democratic one. This element however is not sufficient. Society also has to have real influence on the ruling process. This is manifested by making a joint decision about who is going to rule on behalf of society. This law applies to all organs at every level. In addition, the citizens have to feel that they may take an active part in the political game without serious obstacles.

Some political scientists treat free elections as a fundamental category of democracy. According to Samuel P. Huntington, appointing governments in elections is the very essence of democracy and democracy is true only when those in power are ready to relinquish their power as a result of elections.¹⁵⁸

Sources of the democratic election law in Poland

The parliamentary election of 1989 that was considered to be the beginning of the political transition in Poland was based on a special election law.¹⁵⁹ The electoral system that was adopted then was not fully competitive. It was based on the political agreement made by the government and the political opposition on the division of the members of parliament. Those in power at that time obtained 65% of deputies' seats on the basis of this "contract".¹⁶⁰

¹⁵⁸ *Ibid.*, p. 13.

¹⁵⁹ The April 7, 1989 Law – The election law for the Sejm of the Polish People's Republic in the 10th term for the period 1989-1993, Official Journal 1989, No 19, item 102.

¹⁶⁰ The following political groups were included: the Polish United Workers' Party (PZPR), the United Peoples' Association (ZSL), the Democratic Party (SD), the PAX Association, the Polish Catholic and Social Union, and the Christian and Social Union.

The remaining 35% of the seats in the Sejm were to be taken by the people outside of the parties by means of a fully competitive election. Consequently, the allocation of seats in the Sejm did not result from sovereign decisions of the electorate but from a political agreement between the authorities and the political opposition.

One of the fundamental assumptions of the April 7, 1989 law was the distinction of two parallel election procedures. One of them was based on fully democratic and competitive elections. The other provided for an election mechanism that appeared competitive, yet it ensured that only people connected with a certain political option would win the seats. The actual influence the electorate had on the results referred to the personal preferences for candidates.

Only the elections to the newly founded upper chamber of the Parliament – the Senate – were fully competitive.¹⁶¹ The system of unreserved majority and single-member constituencies was introduced.¹⁶² Formally the constituencies appointed two seats. Only the katowickie and warszawskie voivodships elected three senators each. An elector had two votes (in the katowickie and warszawskie voivodships – three) to be given to various candidates. Votes could not be cumulated. Consequently, it may be assumed that each elector made each vote in two single-member constituencies. Those who won the largest number of votes over 50% and found themselves in the quota of seats for a given constituency were elected.

In the June 4 1989 election to the Senate, 555 candidates were registered. Eight constituencies did not manage to elect senators and the election was repeated on June 18.

The conclusion from the analysis of the election to the Senate is that the principle of unconditional majority combined with single-member constitu-

¹⁶¹ The Senat was constitutionalized by amending the Constitution of the Polish People's Republic on April 7, 1989, Official Journal 1989, No 19, item 101.

¹⁶² A. Antoszewski, *Ordynacje wyborcze do parlamentu i ich polityczne konsekwencje*, in: *Ewolucja polskiego systemu politycznego po 1989 roku w świetle komparatystycznej teorii polityki*, ed. A. Antoszewski, Wrocław 1994, p.53.

encies results in a significant distortion of the electorate preferences and favours large groups. S. Gebethner claims that Solidarity won 67.69% of votes and obtained 99% of the seats.¹⁶³

A similar phenomenon occurred with the elections to the Sejm. The constituencies were multi-member districts (ranging from 2 to 5 seats) yet there was separate voting for each seat. Consequently, the system worked in a similar way as when combining single-member constituencies with the unrestricted majority of votes. This system results in overt preferences for large, very popular groups. However, it significantly distorts the election results. This follows from the principle that the winner takes it all even when his/her domination over the competitors is minimal. However, the principle that the winner is required to win the support of over half of the voters is a certain restraint here. As a result of this very provision of the election law, the authorities failed to appoint a significant majority of candidates in the Sejm within the quota of seats reserved for them in the first round of the elections.¹⁶⁴ In the second round the principle of relative majority was in force.

The bipolar division of the political stage that stemmed from the contract of the “round table” formally collapsed at the beginning of 1990 as the Polish United Workers’ Party dissolved. This process started as early as in the second half of 1989 which was demonstrated by the collapse of the ruling coalition of PZPR – SL – SD (Polish United Workers’ Party, United Peoples’ Association, Democratic Party). The ZSL and SD withdrawal from the alliance with a communist party was the actual beginning of the collapse of the distribution of power in the Sejm. This process was then yet intensified by a progressing atomisation of the Citizens’ Parliamentary Club (OKP).¹⁶⁵

¹⁶³ S. Gebethner, Wybory do Sejmu i Senatu 1989 r. Wstępne refleksje, *Państwo i Prawo* No 8 of 1989 r., p. 10.

¹⁶⁴ The candidates supported by Solidarity appointed all the seats for non-party candidates with one exception. The ruling coalition led by the Polish United Workers’ Party was able to do so only for 3 of the 262 seats reserved for them.

¹⁶⁵ The Citizens’ Parliamentary Club was founded immediately after the 1989 election. It comprised all the deputies and senators who were elected to parliament following Solidarity’s recommendation.

The year 1990 saw a clear division of the Club, which resulted in a number of deputy clubs, and circles set up in the Sejm.

Given the organizational atomisation of the parliament and a number of various, still weak political groups it was necessary to adopt such solutions in the election law that would provide for small political groups participating in government. An additional argument was that the first competitive election should give an opportunity to reflect the political preferences of the citizens in the parliament. Another factor was also the intention of political parties to confirm their social support. In this way the right of the newly elected parliament to pass the Constitution would also be justified.

As a result of the above assumptions, the election law for the Sejm of June 28, 1991 was passed.¹⁶⁶ Its provisions were close to the fully proportional election law. The creation of a national list was continued as in the 1989 election principles. The character of this list, however, was fundamentally changed. Each election committee that registered its lists of candidates in at least five constituencies had the right to apply with a national list. Ninety-six seats from the national lists were appointed. In order for a committee to participate in the allocation of seats from these lists, the committee had to win the support of at least 5% of electors nationwide or to win seats in at least 5 constituencies. The seats were distributed by application of a modified Sainte Lague system.¹⁶⁷ The system to establish the election results in multi-member constituencies was based on the Hare-Niemeyer's formula.¹⁶⁸

¹⁶⁶ The June 28, 1991 Law – The election law for the Sejm of the Republic of Poland, Official Journal 1991, No 59, item 252.

¹⁶⁷ It consisted in dividing the total number of nationwide votes for a given committee by 1, 4, 3, 5, 7 and the next odd numbers. The quotients from such operations in relation to all the authorized committees generated a series of 69 largest numbers. Each list was assigned a number of seats that corresponded to a series of largest quotients related to this list. The seats from a given national list were assigned to the candidates in the order of their names on the list. The candidates who already obtained a seat in a constituency were neglected.

¹⁶⁸ This method results from the modification of Hare's system by a German mathematician Horst Niemeyer. In the literature it is most often called the method of the largest rest or that of mathematical proportion.

The election law provided for multi-member constituencies. There were 35 of them with 7 to 17 deputies elected from each. The total gains of the political parties were consistently calculated in a proportional system. The constituencies were relatively large. Thus the Hare-Niemeyer system applied to determine the election results was a nearly perfect reflection of citizens' electoral preferences.

The June 29, 1991 election law provided highly advantageous conditions for small groups. It has to be borne in mind that such groups prevailed in the Sejm at the time the law was passed. During the election campaign, 85 political parties representing 111 political groups were fighting for seats in the parliament.¹⁶⁹

The new election law applied also to elections to the Senate. However, the fundamental principles of the first election law for the upper chamber of 1989 were maintained. Instead of the requirement for an unconditional majority, the principle of relative majority was introduced. Thus a potential need for the second round of the elections was eliminated.

In the 1991 election there were 612 candidates to the Senate. Seventeen political groups were represented in the upper chamber of the parliament. They elected 1 to 21 senators. The political stratification of the Senate became a reality.

Further atomisation of the political stage resulted from the parliamentary elections. In the Sejm of the 1st term, 29 groups were represented immediately after the elections. They founded 17 parliamentary clubs and circles. Given such a scattered parliament it comes as no surprise that it was difficult to form the government that would enjoy majority support. The mission of government formation that was vested by the president with the representative of the largest group in the parliament – the Democratic Union (UD) failed. The parliament decided to support a minority government headed by Jan Olszewski. The government survived until June 1992. The collapse of the next government headed by Hanna Suchocka made President Lech Wałęsa dissolve the Sejm and announce elections ahead of time.

¹⁶⁹ Ibid., p. 475.

The election law and elections as factors to stabilize the Polish political stage

The May 23, 1993 election law for the Sejm assumed multi-member constituencies to cover the area of a voivodship or its part. The National Election Commission decided to establish 52 such constituencies in the parliamentary elections of 1993.¹⁷⁰ 391 deputies were elected from regional lists while the remaining 69 seats were appointed from national lists.

Depending on the population of a constituency, 3 to 17 deputies were appointed. An election committee was required to collect a minimum of 3,000 signatures on the application lists of candidates. This amounted to 2,000 signatures less than in the former election law. An election committee that registered its lists of candidates in at least half of the constituencies was no longer required to collect the signatures on the lists in the remaining constituencies.

The right to register the national lists of candidates was vested in those political parties that registered their regional lists in over half of the constituencies. The persons on a national list had to also run from a regional list. The election committee determined the order of the candidates' names on the regional and a national list.

The so-called threshold clauses introduced on a much broader scale were a very important element of the new election law. In order to participate in the allocation of seats in a constituency, an election committee had to win the votes of at least 5% of the electorate nationwide. For the committees of coalitions of several groups, the threshold was 8%. Those political parties that won the votes of at least 7% of the electors nationwide had the right to the seats from the national lists (whether they were coalitions or not).

The introduction of the above stipulations to the election law was greatly justified since the number of political parties had increased dynamically

¹⁷⁰ The warszawskie voivodship was divided into two constituencies and the katowickie into three constituencies.

since the previous elections. During the parliamentary elections in 1993 there were approximately 200 political parties. Additionally, also the traditional groups on the political stage were active. Divisions occurred and coalitions were formed. It seemed that the parliamentary elections would stabilize the political stage as early as during the election campaign. This was not the case.

The election results in a constituency and those from the national lists were established by means of d'Hondt's system. Only those political parties that met the requirements stipulated by the appropriate threshold clauses took part in the allocation of seats from both constituency and national lists.

It may be concluded that the election law overtly preferred larger groups. Consequently, a large number of parties were excluded from the Sejm although they had won considerable popular support yet failed to exceed the threshold. Thus, approximately 35% of the electorate who voted for such political parties did not obtain political representation in the Sejm. In other words, 35% of the popular votes were "wasted". In fact they were so to say captured by those groups that won the largest number of votes. Firstly, the constituencies were unequal. Assuming that a constituency corresponds to the area of a voivodship a varied number of seats was assigned for constituencies in order to maintain their equal power. The disproportion was quite considerable ranging from 3 to 17 seats.¹⁷¹ The largest number of constituencies – 37 – elected 3 to 8 deputies so the constituencies were small.

Another reason for inequalities in the election law were the threshold clauses, which excluded parties unable to exceed the threshold. In the elections of 1993, this stipulation of the election law deprived 19 political parties. Consequently, those groups that did surpass the thresholds obtained a larger proportion of seats than what followed from a direct proportion to the number of votes. The strongest committees won the most. All the votes for the groups that did not enter the parliament were "transferred" to the largest political parties. The Alliance of the Democratic Left (SLD) and the Polish

¹⁷¹ Compare: R. Konieczny, Ordynacje wyborcze do Sejmu i Senatu. Mechanizmy, ciekawostki, felery, *Rzeczpospolita* No 80 (4334) of April 3, 1996, p. 5.

People's Party (PSL) together won 35.8% of votes but they were allotted as many as 65.9% of the seats. The SLD won four times more votes than the Non-Party Bloc for Reforms (BBWR), which produced 11 times more seats to the former.

The elections to the Senate were based on the election law of 1991. All the principles were maintained. The results of the elections were utterly different than those of 1991. A dozen of political parties were represented in the Senate. As many as 6 of them had a single representative. Three senators were independent. The Alliance of the Democratic Left (SLD) and the Polish People's Party (PSL) won a considerable number of seats in the upper chamber of the parliament – 37 and 36 respectively. The third party to win the largest number of senators was Solidarity with 9 seats.

In the parliamentary elections of 1993 the leading political parties applied a similar strategy as in the former election campaign. Due to new stipulations in the election law their activities frequently turned out to be ineffective. Even some popular and apparently well-rooted political parties failed to fulfil the election requirements. For most of them winning the support of at least 5% of voters nationwide turned out to be unattainable.

Only the Alliance of the Democratic Left (SLD) as an election coalition and five other political groups were able to win sufficient social support to elect their representatives to the Sejm.¹⁷² Such a result came as a shock to the right-wing parties which were suddenly reduced from influential or even co-governing political parties to the margins of political life. Most of them faced a very serious financial situation. They had no means for further operations. The parties in the parliament however were in a much better position. As stipulated by the election law of 1993 for the Sejm the political parties that elected their representatives to the parliament were granted a subsidy from the state budget. The subsidy was treated as a partial reimbursement for the

¹⁷² The following political parties were represented in the Sejm: The Alliance of the Democratic Left (SLD), the Polish People's Party (PSL), the Liberty Union (UW), the Confederation of Independent Poland (KPN), the Non-Party Bloc for Reforms (BBWR). There were also 4 deputies who represented the organizations of the German minority in the Sejm.

expenses borne during the election campaign.¹⁷³ The amount of the subsidy corresponded to the number of deputies and senators elected. The Alliance of the Democratic Left (SLD) and the Polish People's Party (PSL) were able to obtain additional means for their activities. In other cases the subsidies were too little to cover actual expenditures.

After 1993 certain attempts were made at uniting the parties with similar political origins and political platforms in order to combine their efforts in fighting for power. Initially this process was very slow and rather unsuccessful. But the presidential campaign and the election results in 1995 as well as the prospect of parliamentary elections accelerated the integration of right-wing parties.

The results of the election in 1997 were entirely different. Although the same election law was in force, the distribution of the electorate votes was completely different due to the altered organization of the political stage. Firstly, the right-wing parties were organizationally consolidated. Most of them formed a united election bloc named Solidarity Election Action (AWS).¹⁷⁴ As a result, these consolidated parties easily won the support of 8% of the votes, required by the election law. The very good election result of the right wing was a result of the integration of their supporters' votes on a single election list. The votes that were formerly scattered among more than a dozen different political parties were concentrated on a single, joint list.

The 1997 elections for the Sejm and the Senate were the first elections in the period of the transition of the system held at a constitutionally stipulated time, that is after a full term of the legislature had expired. The number of voters was barely impressive and amounted to 47.93%. As many as 6,433 candidates from 556 regional lists ran for seats. There were more than 16 candidates for a single seat,¹⁷⁵ which was much fewer than in former years.¹⁷⁶

¹⁷³ See: The May 28, 1993 Law – The election law for the Sejm of the Republic of Poland, art. 155

¹⁷⁴ AWS comprised 36 parties and political groups.

¹⁷⁵ Compare: R. Chruściak, *System wyborczy i wybory w Polsce 1989-1998. Parlamentarne spory i dyskusje*, Warszawa 1999, p.195.

Twenty-one political parties took part in the elections. Only 10 of them registered the lists of their candidates in all the constituencies.¹⁷⁷ Thus there was a definite tendency to decrease the number of national political parties. Consequently, fewer national lists were registered.

As in 1993, the election results were far from the results of the voting. This time two large committees of the AWS and the SLD captured the votes for smaller groups. The difference was that the number of these smaller groups was much smaller than in the 1993 elections. As already mentioned a majority of right-wing political parties formed the AWS. This time the political parties which collected a total of 12.41% of the votes were excluded from the parliament. This was nearly three times less than in the former elections. However, it was still a considerable vote. The election law allowed for the capturing of these votes by large coalitions.

Another factor that caused a significant deviation from the principle of proportion in translating the number of votes into the number of seats was the d'Hont's system and the big differences in the size of constituencies, which resulted in a different number of seats in individual constituencies. As a consequence of these factors, large political parties are preferred.¹⁷⁸ They have a definite advantage in terms of the number of seats in relation to the number of votes.

The success of the AWS should not be considered only in formal terms. It was also a political success. After four years of defeats the right wing finally managed to consolidate and take power once again. It was confirmed that the right-wing electorate is large in numbers and determined. What was lacking was the politicians' common sense and long-sightedness.

The results of the elections to the Senate were similar to those to the Sejm.

¹⁷⁶ In the elections to the Sejm in 1991 there were nearly 18 candidates for each seat in a constituency. In 1993 an average of over 22 candidates contested each seat.

¹⁷⁷ In 1991, 47 out of 111 political parties had nationwide support. In 1993 in the next parliamentary election 25 political parties were registered. They presented 15 national lists.

¹⁷⁸ Compare: R. Matykowski, A. Tobolska, Geografia elektoralna, *Geografia w szkole* No 4 (250) 1996, p. 213.

The AWS was an unquestionable winner with 51 seats. The SLD ranked second with 28 seats. The Liberty Union (UW)¹⁷⁹ won 8 seats in the upper chamber. The Movement for the Reconstruction of Poland (ROP) won 5 seats and the PSL won 3. Five seats in the Senate were allotted to independent candidates.

The elections of 2001

Following many discussions in a heated atmosphere of party disputes on April 12, 2001 the Sejm passed a new election law for the Sejm and Senate.¹⁸⁰ It was high time since after the administration division of the country changed, the former election law was not adjusted to the new conditions. A new election law needed to be passed or at least amended.

As early as when discussing the new administration of the country, the ruling parties, that is the AWS and UW, were accused of manipulating the borders of the new voivodships in order to adapt their area to the distribution of votes in 1997. In this way they were trying to increase their chances in the next parliamentary elections. Such measures to establish or change the borders of constituencies in order to achieve maximum benefits are far from new and they are even referred to in the literature on the politics. This is so-called gerrymandering.¹⁸¹ The new territorial division of Poland was a compromise of the most influential political forces.

An equally tempestuous discussion concerned a new election law. The in-

¹⁷⁹ The Liberty Union was formed after the 1993 elections as a result of the merger of the Democratic Union and the Liberal and Democratic Congress.

¹⁸⁰ The April 12, 2001 Law – The election law for the Sejm of the Republic of Poland and the Senate of the Republic of Poland.

¹⁸¹ The name comes from the Governor of Massachusetts, Elbridge Gerry, who set the district borders in the county of Essex in order to provide benefits for the Democratic Party. The shape of the district was similar to that of a salamander and the whole maneuver was called gerrymandering after the name of the governor. As a result of the new bordering in the elections for the Senate the Democratic Party won 29 seats and 50,164 votes, while the Republican Party got 51,766 votes but only 11 seats in the Senate. Compare: A. Żukowski, *op.cit.*, p. 149.

terests of individual groups and parties clearly clashed here. As the drafting of the bill was lengthy, the position of individual political groups was significantly affected by the changing political situation. The evolution of the views on the most significant stipulations for elections was particularly evident in the AWS. Firstly, the AWS was a relatively united political group, although the particular interests of its component organizations were always manifested. Despite its diverse composition, the AWS always constituted a strong political bloc outwardly. Therefore it supported such stipulations of the election law that favoured large groups and parties. The situation changed dramatically after the election defeat of the AWS leader, Marian Krzaklewski.¹⁸² His extremely weak result in the presidential elections was the last straw and caused strong disintegration tendencies within the AWS. The change of political forces brought about revised expectations concerning the new election law. The AWS used to support the preferences of the large parties. Following a definite decrease of popularity it decided to promote such election principles that would prevent the success of the SLD in the first place. Consequently, the AWS supported the solutions that favoured smaller groups and parties.

As compared to the former election law for the Sejm the current law introduces a number of considerable changes. Only a minimum number of deputies elected from a given constituency is determined – a minimum of 7 deputies. The upper limit of deputies elected in a single constituency is not established. The election law stipulates that the area of a voivodship or a part of it constitutes a constituency. This permits the free establishment of constituency borders and thus a free number of deputies elected.¹⁸³ An amendment to the law stipulates the territory of constituencies so that a maximum of 19 deputies may be elected.¹⁸⁴ Constituencies of 9 and 12 seats prevail. The larger the number of deputies elected in a single constituency the better it is for

¹⁸² In the presidential election of October 8, 2000 he won 15.56% of the votes and ranked third.

¹⁸³ Assuming the principle of equality, stipulated by the law, which means a unified standard of representation.

¹⁸⁴ 41 constituencies are planned. As many as 37 of them fall within the range of 8 to 14 seats.

the smaller parties, since they stand a better chance of winning a seat than in a smaller constituency.

The election law abolished the so-called national list from which 69 seats in the Sejm were allotted. A voter had no influence whatsoever on which candidates from this list would get a seat since it was composed by an election committee and a voter could vote on it only indirectly. The votes that the candidates from the district lists of a given committee won translated into the support for a national list of this particular committee.

The national lists always caused disputes since they were a “back door” for the individuals who did not enjoy the support of the electorate. Only the largest political parties could benefit and thus they increased their power in the parliament even more.

The most important amendment to the election law is the method of translating votes into seats. The hitherto used method of d’Hondt was highly advantageous for large groups at the expense of those that did not enjoy such voter support. After many discussions and the AWS opting for a different solution, the Sejm adopted the so-called modified method of Saint-Lague.¹⁸⁵ It is a variation on the d’Hondt method. In the modified version, Saint-Lague divides the number of votes for each list in a constituency by subsequent odd numbers starting with 1.4 (1.4, 3, 5, 7, etc.) until the quotients yield a series of largest numbers corresponding to the number of seats to be allotted among those lists. Each list is allotted the number of seats that follows from the largest subsequent numbers in the above series of quotients. Such a system of allotment of seats is relatively objective and prefers neither large nor small political parties. It has been provided for in the election law after a long discussion. Only the Alliance of the Democratic Left upheld the former principles. Given voter social support at that time for this political party, to give up the method of d’Hondt meant the loss of an unconditional majority

¹⁸⁵ The method of Saint-Lague consists of dividing the number of votes for each election list by sequential odd numbers (1, 3, 5, 7, etc.).

of seats in the future Sejm.¹⁸⁶

The same thresholds of 5% for a party and 8% for a coalition were maintained in the new election law. It remains an acute impediment for smaller parties. In public opinion polls in mid-2001 only four or at most six parties had the support of a sufficient number of voters to meet these figures.¹⁸⁷ In this respect the thresholds do what they are supposed to do; namely they prevent an excessive atomisation of the parliament.

Serious changes were introduced to the system of financing political parties. Firstly, the sources of finance for election campaigns were definitely constrained. The money may only come from the election funds of political parties and from natural persons. A single donator may annually contribute no more than 15 times the value of the lowest legal salary, an amount officially announced by the government.¹⁸⁸ All the campaign-financing sources are public. Political parties may only spend limited amounts for the election campaign. The quota on expenditure amounts to 1 zloty for each elector nationwide.¹⁸⁹ The spending of an election committee however may not exceed 80% of the quota.

The election law introduces the principle of the state budget financing the political parties. The amount of this subsidy directly corresponds to the election result of a given party. If a party established an election committee on its own it is granted the right to receive subsidies provided that it wins at least

¹⁸⁶ According to the public opinion polls run by various institutions in February 2001, the SLD would win approximately 245 seats using the d'Hondt method. This would mean an absolute majority for the SLD in the Sejm. Given the same voter support but applying the Saint-Legue method, the party would win 226 seats, therefore it would be unable to govern on its own. Compare: J. Paradowska, *Obsadzamy Sejm, Polityka* 8/2001, pp. 20-24.

¹⁸⁷ Namely: The Alliance of the Democratic Left (SLD), the Civic Platform (PO), the Polish Peoples' Party, Law and Justice, the Liberty Union, and Solidarity of the Right Election Action.

¹⁸⁸ The April 12, 2001 Law – The election law..., op. cit., art. 113, item 3.

¹⁸⁹ The election law distinguishes two types of quota: a regional one and an over-regional one. The regional quota is calculated by dividing the number of the registered voters nationwide by 560 (460 deputies and 100 senators) and multiplying the result by the number of representatives elected in a given region, where a committee has registered its candidate(s). A trans-regional quota for a given committee is a total of regional quotas.

3% of the valid votes nationwide. When the party is a member of a coalition the threshold increases to 6%. The amount of an annual subsidy is established in proportion to the number of votes for the district lists of candidates from a given party or coalition. The system of calculation is rather complicated. The subsidy is paid for the duration of the term in four equal instalments paid quarterly.

Financing the parties from the state budget caused aggravated disputes and conflicts. The majority in the parliament decided that if the parties were financed exclusively by the state budget and directly by the citizens it might prevent them from corruption and lobbying by various groups. These arguments are scarcely convincing. I do not believe that the financing of the parties by the state budget will obliterate lobbying by various groups of interests. This may be done by influence exerted directly on the politicians, and not the party structures. The subsidies are going to become a serious burden for the state budget. As a result, this burden of maintaining political organizations will be borne by all the citizens including those who support the political parties that did not surpass the required level and will not obtain subsidies from the state budget.

The stipulations adopted in the new election law clearly intend to transfer the burden of maintaining the political parties to the state and thus to the whole society. It is advantageous for smaller groups that do not have a strong supporting organization and financial resources or the opportunities to obtain financing from other sources since they do not play a significant political role and thus they are not interesting for the lobby groups, which might finance their operations.

One might suspect that the financial solutions in the election law result from a profound clash of interests between various political groups. The prohibition of running businesses, including property leasing, is mainly directed against the SLD and PSL. Both these parties inherited enormous assets after their predecessors from the Polish Peoples' Republic period. The remaining political parties are deprived of such resources. The new regulations on financing of political parties may result in creating equal opportunities in the

future. Will this be so? For the time being it seems rather unlikely. The results of the public opinion polls a month before the elections point to a definite success for the SLD. By this token, this very party will be granted the largest subsidy.¹⁹⁰

The election system – Representation or deformation?

Considering these matters in theory we should assume that the election system ought to comprise such mechanisms that will reflect the proportion of political forces present in society in an elective state organ. In this way an ideal reflection of the society on a micro scale would occur. A question arises whether this should really take place and whether such a “picture” is a guaranty of complete representation. After all, the very action of voting may be considered from different angles. Firstly, it is the manifestation of the will of a voter who opts for a certain platform. Secondly, the voter opts for a certain candidate. Thirdly, the voter’s choice of the two above is limited by a restricted list of platforms and personal proposals he/she may choose from. Fourthly, a voter makes a selection between alternative yet frequently highly similar platforms. His/Her decision may frequently be influenced by factors that are actually secondary from the social perspective, yet significant for him/her. Fifthly, a citizen makes a certain calculation before making a decision on which party to support in the election. This calculation frequently results not in supporting a certain option but rather in voting against another one. Sometimes it takes the form of selecting the so-called lesser evil. When the party supported by a voter does not really stand a chance of winning a seat, the voter opts for another one whose platform is similar but which is more popular. Thus the voter does not take the risk of “wasting” his/her vote.

What follows from the above presentation is that the very action of voting is a result of numerous factors and may not be treated as an absolutely objec-

¹⁹⁰ The system used to calculate the subsidies given to a certain party is based on a progressive principle. It means that the more votes a given party wins the smaller the increase of funds due for each vote. Still, in terms of absolute numbers the sums will be high.

tive expression of the voter's will. An individual's election behaviour is determined by a whole range of conditions. The level of political culture is also quite significant here and this refers both to the political culture of the society as well as that of the elite. Neither of them is very high in Poland.

What is very important for the progress of democracy is the active participation of a large proportion of the society in these procedures.¹⁹¹ The ratio of social participation in the election is one of the fundamental measures of political culture of the society. The active participation in elections is understood as exercising one's passive and active election rights. Running in an election requires a thorough involvement in the political activities. In order to exercise one's active election right it is enough to be willing to participate in taking decisions about the country and thus, about oneself.

The development of democracy in Poland is understood as providing increasingly exhaustive opportunities of citizen participation in decision-making procedures. It does not result in an increased interest of citizens in political participation. If voting in an election is considered to be an indication of political involvement, we have to observe that the citizens are not quite interested in making decisions. Their participation in the elections ranges from 40% to 50%. The only exception is the presidential elections, which attract approximately 60% of the electorate. One could dare conclude that voters are more interested in elections when they vote for a concrete individual. On the other hand, however, participation in the elections to the Senate, where one votes for a concrete candidate, is as low as in elections to the Sejm. This may be explained by the fact that voting for the deputies and senators is simultaneous. The procedures are identified with each other and perceived as strictly political rather than personal decisions. This phenomenon does not occur with respect to the presidential elections. The candidate's

¹⁹¹ According to a 1995 COBOS survey on how important the elections are for the democracy in Poland 33% of interviewees considered it to be of great importance and 53% believed it was important. More on this subject in: A. Stelmach, S. Zyborowicz, *Problem społecznej akceptacji dla elit politycznych w Polsce w okresie transycji systemowej*, in: *Polska w przeobrażeniach ustrojowych*, ed. S. Wróbel, Katowice 1998.

personality is of much greater importance while his/her political origins are of lesser significance. This also follows from the character of the presidential office. The president is to represent the state as opposed to a single political option.

The political culture of the elite may be illustrated by their tendency to use the law for their current political objectives. This was also the case when passing the election law in the past and this year. The work on the new election law was postponed for a very long time. When it was finally tackled, different political options clashed. Consequently, the new law that was passed reflects the interests of the current majority in the parliament. The principles that were adopted are most advantageous to the ruling parties. The opposition criticized the policy of treating the law as an instrument in the hands of the parliamentary majority and the opposition has already signalled that such behaviour authorizes similar steps in the future.

Each election system results in a certain distortion. The application of a certain election technology in the form of admission for competition, financial requirements, the principles of election campaigns, the method of voting and – finally – the way of calculating the number of seats on the basis of the votes results in a deformation of the voters' will. This phenomenon is common and to a large degree, it is the result of the deficiencies of representative democracy. The only reason for the imperfectness of the system is the lack of technical means to reflect the will of all the citizens. That is where the representative form of the authorities comes from. When we analyse the reasons for and results of distortions, we usually think of those faults, which are not a result of a lack of opportunity but from intentional activities aimed at obtaining certain benefits by one group at the expense of the others. Such falsifications are the most dangerous enemy of contemporary democracies. Under the mask of free and fully competitive elections, a performance is sometimes given that has nothing in common with the actual elections.

The durability of institutions that guaranty the practical implementation of democracy is a significant element of political culture. The permanence of the election law is one of them. In the societies with stable democratic insti-

tutions, it is obvious that the principles of the election contest are permanent and not subject to temporary changes. Young democracies frequently take years to find optimal solutions. The point is, however, that the search should not be too long and its objective not be overlooked. The objective is to create a citizen society that is able to make conscious election decisions as well as to take an active part in effecting these decisions. The election law is supposed to form the foundations for a democratic system to represent social interests and help create a stable political system. This may be attained only if both the election law and the remaining institutional guaranties of democracy are adjusted to the conditions and expectations of a given society and facilitate an optimal and efficient way to meet these expectations.

Poland is still at the beginning of this path. It seemed that Poland managed to meet the requirements of a democratic and efficient election law in 1993. Under the stipulations of that same election law, first left-wing parties and then the right wing were in power. After a serious fragmentation of parliament and a series of weak governments in 1991 – 1993 we managed to form stable parliamentary majorities in 1993 and 1997. In the Sejm of the present session the executive has been in the hands of a single government, something that was unprecedented under the conditions of the system transition in Poland and elsewhere. One could hope that the short-term political objectives would not prevail over the stability of the state. It turned out that there was no unanimity even on such important matters. It can be said of course that future improvement may be the enemy of what is good today. Maybe the new election law will actually turn out to be even better than the former one. If it results in strong and stable parliamentary majority emerging and stabilizes the Polish party system, it may be said that it was worth drafting a fourth election law since the beginning of the system transition of our country.

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The Polish agricultural policy in an EU perspective

A study of the Polish implementation of the Common Agricultural Policy (CAP)

At present, Poland is the largest country in Central and Eastern Europe that is negotiating to become a member of the European Union. Poland is part of the first group of candidate countries with expectations to formally enter the EU by January 1, 2004. The question is however if this goal is realistic. Will Poland have the time to fulfil all the criteria, set by the European Union, in such a short period of time or is more time required to complete all the negotiations?

One of the most delicate questions of the negotiations is agricultural sector. The Polish agriculture is characterized not only by its small-scale farms and the high quality of its agricultural products, but also by the inefficiency in the production sector and the lack of modern equipment.¹⁹² 38% of Poland's population of 39 million are living in the countryside and about 25% of those people work in the agricultural sector. The central question is if Poland can fulfil the criteria, set by the European Union, in the agricultural sector to become a member of the EU and what are the problems connected with this. That Poland and the EU will have make substantial concessions is obvious, but the question is what consequences these concessions will have for Poland. Is there a political will to carry out the considerable changes in the agricultural sector that are needed before Poland can be a member of the

¹⁹² Krzyzanowska, Alicja, 2000. Problemy integracji rolnictwa. Page 28.

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EU? In the negotiating process, Poland will stumble against many problems that must be solved. Everything from large structural problems, such as for example how the organization of the agriculture should be changed, to smaller fields, or how the milk production should be adapted to the EU standards.

Another interest for the Polish farmers is the freedom of competition on the single European market. Can the Polish farmers compete under the same conditions as farmers in the other EU countries or is the EU going to prevent open competition and initiate some form of provisional regulation when it comes to the direct support of the Common Agricultural Policy (CAP)? This would make the Polish farmers "second class EU farmers", something the Polish negotiation delegation will never accept.

The purpose of this study is to analyse what way is the best for Poland to implement the Common Agricultural Policy (CAP) and what criteria have to be fulfilled for Poland to become a member of the European Union. The aim of this chapter is also to analyse what problems are connected with fulfilling these criteria, what concessions Poland and the EU will have to make and what consequences these concessions will have for Poland. Poland is, apart from being the biggest candidate country applying for membership in the European Union, also a country that for the EU will imply the biggest problems. One of the most delicate questions of the negotiations will be agricultural sector.

This study is largely based on secondary materials in the form of documents, reports, investigations, analyses, newspaper reports and other information. The largest part of materials is official documents published by national ministries (e.g. the Polish Ministry of Agriculture) and the EU Commission as well as newspapers like Svenska Dagbladet and the Financial Times.

Theoretical overview

In this study a theory about *Europeification* is used which constitutes an obstacle for the Polish rapprochement to the EU. The theory about Europeifica-

tion can be described as a ‘collection of rules and ideas’ that obviously change the conditions for a state’s activities regarding regulation, organization and communication in a regional community, which the EU constitutes.¹⁹³ Europeification can also be understood as a process in which Europe, and especially the EU, becomes a more important centre for political exercising for the parts on membership- and candidate country level.¹⁹⁴ Furthermore the Europeification can be seen as the way national governments adapt their domestic issues to the policy proposals of the EU.¹⁹⁵

The Polish implementation of the Common Agricultural Policy (CAP) would mean that the Polish State link itself to very extensive and quickly changing legislation, where the things implemented change in the process. Decisions made in Brussels have to be implemented on the national level, a process that might be complicated by a lot of factors. One such factor is if the decision itself is a compromise, which often has some built-in conflicts in the formulation. This can make it difficult or even impossible to later carry through the decision. Europeification consequently leads to increased uniformity. The European rules however will be translated and interpreted in a Polish context, but the space of action is very limited. Indeed Europeification leads to national policy being brought closer to European co-operation.

There are different types of rules, everything from treaties with common formulations, more specific rules, to precise standards that have to be fulfilled. Europeification can also be described by using the conceptions *interwovenness* and *fragmentation*. The state authorities are often interwoven in different networks, which are often transnational. Fragmentation, however, is used to describe that the state is no longer seen as a coherent and hierarchical unity, but rather as pieces of a state. Instead we can observe tight connections inside different networks, e.g. between different agricultural organizations and ministries in different countries.¹⁹⁶

Europeification focuses, on the one hand, on how the relations between

¹⁹³ Goldmann, Kjell, 1999. Politikens internationalisering. Page 103.

¹⁹⁴ Hanf, Kenneth – Soetendorp, Ben, 1998. Adapting to European Integration. Page 1.

¹⁹⁵ Schneider, Gerald – Aspinwall, Mark, 2001. The Rules of Integration. Page 73.

¹⁹⁶ Goldmann, Kjell, 1999. Page 121-124.

different institutional parts within the EU should be organized, and, on the other, on how the state should adapt to the legislation of the EU. Europeification would also lead to a greater influence on how the policy processes on the national level work and how the different policy actors act in different situations. To adapt the Polish agricultural policy to the EU standards will mean a harmonization of the national legislation to reach the EU level. A strong effort is going to be required to get national preferences, aims and strategies incorporated into the European legislation.

Europeification will also lead to new structures of decision-making and different forms of adaptation. We can distinguish between three different types of adaptation: *state*, *political* and *strategic*. *State* adaptation is the national government's organizational and institutional capability to adapt to new challenges. *Political* adaptation has to do with the capability of the political decision-makers and the will to change their behaviour to meet the new requirements. Is there a difference between the image of the political leadership and the image of the public concerning Europeification? Is there a political consensus regarding what the idea of Europeification stands for? *Strategic* adaptation has to do with whether the decision-makers have understood the possibility to develop and negotiate a strategy to take care of the interaction between national and European levels of decision making and the more frequent informal, transnational contacts between decision-makers outside the formal diplomatic channels.¹⁹⁷

Europeification can thus be best understood as a constant ongoing process where the individual member and candidate countries through different forms of legislation and on different levels have to adapt to the guiding principles and the legislation of the EU to implement the policy decided by the EU.

From the EU perspective, Poland has a very extensive agricultural economy with a large number of the population directly or indirectly employed in the agriculture. Nowhere else in Central and Eastern Europe does the countryside play such an important role as in Poland. There are more than two

¹⁹⁷ Hanf, Kenneth – Soetendorp, Ben, 1998. Page 8-12.

million farms and 4.4 million people that support themselves from agriculture in Poland. 38% of Poland's population of 39 million live in the countryside. According to the official statistics, 27.4% of the population is employed in agriculture, in comparison with, for example, Sweden, where the corresponding figure is 3% and the EU where it is 5%. The Polish agricultural sector stands for 4.8% of GNP, which should be compared with 0.7% in Sweden and 1.8% in the entire EU. In comparison with the EU, the majority of Polish farms are small. The private farms have on average no more than seven hectares of arable land, in comparison Sweden (35 hectare) and with Great Britain (70 hectare).¹⁹⁸

As opposed to other Central and Eastern European countries, the collectivisation of private farms was never completed in Poland. According to the statistics from the latest census of the population which was carried out in the agricultural sector 1996 (PSR), there are more than two million private farms, which is approx. 82% of the total arable land. Collective farms and state-owned farms account for approx. 15% of the arable land.¹⁹⁹ A stereotype of frequent occurrence about Polish agriculture is that many Polish farmers only pretend to be "real" farmers and that only a small part of their income comes from agriculture. This is to some extent true but should not be considered negative because it shows the variation of the Polish agriculture, which is emphasized in the EU model of agriculture and manifested in Agenda 2000, a reform package for agriculture prepared by the EU. According to PSR 1996, the latest available statistics, 40.3% of all individual farms received their income exclusively from agriculture while 5.7% received their income mainly from agriculture. The remaining incomes came from social allowances and pensions (28.6%) and paid work outside the agriculture sector (21.4%).²⁰⁰

A big problem in Polish agriculture is the high level of unemployment. In addition to the official unemployment for all types of businesses in Poland,

¹⁹⁸ Svenska Dagbladet, 2001-04-23. Page 12-13.

¹⁹⁹ The Polish Ministry of Agriculture "Note on Polish Agriculture", 2000.

²⁰⁰ FAPA, 2000, Stereotypes in the EU concerning Polish Agriculture.

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which in April 2001 was 17%, there is a large hidden unemployment in the countryside, which is estimated to be at least 800 000 and maybe as much as 1 million people. This is a big social problem, which is expected to increase even more in the future.²⁰¹

The criteria set by the FAPA (Foundation of Assistance Programmes for Agriculture)

What criteria for its agricultural policy will Poland have to fulfil to become a member of the EU? To answer this question one has to look at two different aspects of the same problem. First you have to look at what criteria the Polish government via the Polish Ministry of Agriculture has set up and second what criteria the EU Commission has set up for Poland to fulfil. In this chapter I will present the criteria, which Poland will have to fulfil and in the next chapter I will analyse the best way for Poland to implement the Common Agricultural Policy (CAP) and the problems connected with it.

FAPA is an organisation under the jurisdiction of the Polish Ministry of Agriculture. In several reports and expositions, FAPA has presented extensive information about how Poland should implement the Common Agricultural Policy (CAP). According to FAPA Poland will have to make a lot of sacrifices and adaptations in the agricultural sector. For example it is required that Poland harmonize its legislation, and make institutional adaptations i.e. change the decision making and organisational structures as an adaptation to the CAP and the structural funds of the EU. The agricultural sector has to be reformed in order to make it easier for the Polish farmers to compete on the same conditions as other EU farmers on the single European market. It is important that Poland prepare a policy on agriculture and the countryside which encourages the integration process and at the same time leads to the modernization of farming and the countryside as an adaptation to the criteria set by the EU. It is also important that other organizations and in-

²⁰¹ Svenska Dagbladet, 2001-04-23. Page 12-13.

stitutions, in addition to the central administration, participate in the integration process.

The preparation process should be split in two different fields, one economic and then the social, according to FAPA. The preparations to integrate Polish agriculture should not be seen as uniform. There are differences, e.g. in the size of the farms, the low level of specialization in production and a small awareness of how competition works.

Polish agriculture is characterized by many problems, according to FAPA. Profits from agriculture are small, since there are too many ineffective farmers and unemployment rate in agricultural sector is too high. At the same time there is a lack of resources to convert the existing farms to ecological farms, although the small use of biocides strongly speaks in favour of turning to ecological production. Many of the farms have problems with production of quality goods, since the purchase of high and new technology and equipment means a big investment for the individual farmers. The ongoing recession furthermore means an overproduction in different fields, which means that the necessary investments are kept at a low level. The Polish government encourages investments in the agricultural sector by giving, for example, generous loans, but as the situation looks today with low prices for agricultural products, this is not enough, according to FAPA. They furthermore argue that the agriculture sector must be reformed in order to reduce the number of people directly employed in it. Investments in the infrastructure and the possibility to offer other types of employment outside the agricultural sector will be essential. The level of education is extremely low among farmers and people living in the countryside. Only 1.9% of the farmers have a higher education and almost 52% have only completed compulsory education. One of the questions of the utmost priority consequently is to raise the level of education in the countryside.

FAPA furthermore claims that the adaptation to the single European market, apart from extensive reforms in the agricultural sector, also requires that most of the farmers understand the importance of initiating new cultivation techniques in agriculture to enhance productivity and to increase income. It

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is also important to raise the level of competition for Polish agricultural products both on the domestic and the European market. This is important not only for the liberalization of the individual farm but also for the opening up of foreign markets.

The Polish government strives for reforming the following fields:

- The policy on structure and development of the countryside
- Problems with veterinary controls
- Sanitary questions
- The modernization of selected sectors, investments to increase the quality of meat and milk production
- Ecological aspects of agriculture
- Preparation for the introduction of the Common Agricultural Policy (CAP)

The following tasks are among the most important to realize as part of the EU adaptation:

- An increase in the number of available jobs outside the agricultural sector
- Local and regional initiatives to guarantee the development of the farms
- Measures to increase the level of education in the countryside
- Measures to improve the environment
- To develop small and middle-sized farms
- To develop the infrastructure in the countryside²⁰²

The negotiations between Poland and the EU about the membership in the European Union started on March 31, 1998. In the first *decision* the EU Commission made it clear what criteria Poland would have to fulfil, what expectations the EU has on Poland and how fast and with what methods the process should proceed. After the first decision comes the "*screening*". This means that Poland will have to adapt its legislation to EU law and that the commission and the Polish delegation together go through the legislation on every single field of co-operation, in this case the agricultural policy. They form an opinion of where and how the national legislation will have to be

²⁰² Krzyzanowska, Alicja, 2000. Page 27-30.

adapted to EU law, and identifies possible problems i.e. fields where Poland for different reasons might have problems adapting its legislation. After this *negotiations* are started, where Poland presents its bargaining position for every field of co-operation. It is the EU Commission that draws up proposals for the bargaining positions.²⁰³

In September 1998 the overhaul of the Polish agricultural sector legislation started. The legislation on the agricultural sector accounts for 40% of the total EU legislation *acquis communautaire*, i.e., around 3000 documents with legislation, which constitutes approx. 25000 pages. The negotiations between Poland and the EU in the agricultural field started in Brussels on December 16, 1999. In the negotiations, Poland binds itself to fulfil the demands and the legislation that is put on the candidate countries.

At the same time Poland binds itself to:

- adapt Polish agricultural production to the limit, fulfil the environmental demands and give the farmers reasonable compensation for their products
- adapt Polish agriculture to the Common Agricultural Policy (CAP)
- connect the Polish market to the single European market

Poland's bargaining position is to avoid transition rules for agriculture. Open competition on the same conditions as other farmers in the EU is very important. A limitation of exports and other restrictions would make the Polish farmers second-class EU farmers, according to FAPA, which also points to the importance of giving Poland access to the EU structure funds. It is important that the differences between the countries in the EU are equalized.²⁰⁴

Criteria set by the EU Commission

The EU Commission also presents a number of criteria that Poland will have to fulfil when it comes to agricultural policy. In "The opinion by the Commission on the Polish application for membership in the European Union" it

²⁰³ The Swedish Parliament, 2001. "Practical Information Sheet nr 9, the Enlargement of the EU.

²⁰⁴ Krzyzanowska, Alicja, 2000. Page 30-33.

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is stated that big efforts are required to adapt the Polish legislation to EU legislation, even though progress has been made in order to take the measures, which are mentioned in the White Book. The commission emphasizes however that special efforts are required when it comes to:

- creating a consistent policy for structure and countryside development to find solutions to the problems that affect the Polish agricultural sector
- carrying through the veterinary and sanitary demands and improving the enterprises so that they fulfil the standards set by the EU, in particular the inspection and control measures to protect the outer border of the EU
- improving the administrative structures to guarantee the essential capacity to implement the political instruments of the Common Agricultural Policy
- and further restructuring the agricultural food industry to improve its competitiveness.

The Commission furthermore writes that if changes of this kind are made, membership after the average length of time would probably not be followed by any greater difficulties for an adequate application of the Common Agricultural Policy (CAP). But it will take longer to solve the Polish structure problems.²⁰⁵

In "The recurrent report from the Commission about the Polish progress towards an access" it is stated that when it comes to agriculture it is rather a social and regional problem of the development of the countryside than a problem of agricultural policy itself, but that the progress in the agricultural sector is not yet satisfactory and should be given more attention.²⁰⁶

Criteria set by the EU parliament

In "The resolution of the EU Parliament about Polish membership in the European Union and the position of negotiations" which was written in Oc-

²⁰⁵ The EU Commission, 1997. "The opinion by the Commission on the Polish application for membership in the European Union". Page 73-74.

²⁰⁶ The EU Commission, 2001-05-10. "The recurrent report from the Commission about the Polish progress towards an access".

tober 2000 it is stated that the negotiations with Poland about membership in the EU have reached a decisive stage, while the negotiations about every chapter, including the important chapter of agriculture, have started. Furthermore it is written that employment outside the agricultural sector is needed and a reform of the countryside, not only as part of the preparations for membership in the EU but also for the survival of the entire sector on the world market.

The EU Parliament also notes the efforts Poland has made to modernize the agricultural sector, but indicates that there are difficulties because there is a lack of a concrete strategy of finance and that the overall structure reform of the Polish agriculture in general is going slowly. Poland is also encouraged to make bigger investments to the countryside to reduce the social consequences of restructuring and in a larger extension to pay attention to the future development of the countryside and the effects on the labour market in Poland and the EU. The EU Parliament also considers that the restructuring of the agricultural sector and the measures for the development of the countryside first of all must be concentrated on preventing the extensive depopulation of the countryside, something that can be done by using local resources.²⁰⁷

Structural and institutional problems of Poland's agricultural policy

Polish agriculture is characterized by substantial structural problems as well as problems in individual fields. Considerable sacrifices from the Polish side are going to be essential to adapt the agricultural sector to EU legislation. What criteria for its agricultural policy will Poland have to fulfil to become a member of the EU and what are the problems connected with fulfilling these criteria?

²⁰⁷ The EU Parliament, 2001-05-10. "The resolution of the EU Parliament about the Polish membership in the European Union and the position of negotiation.

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One of the biggest problems is on the structural level. It is going to be a gigantic task for the Polish government to restructure the agricultural sector. To be able to fulfil the criteria set by the EU, Poland will be forced to harmonize its legislation and adapt its agricultural sector to EU legislation. This legislation is a part of *Europeification*, i.e., a theory that states to that the national policy through regulation, organization and communication is linked closer to European co-operation. The Polish negotiators cannot exercise much influence on this process because the space for action when it comes to the implementation of the legislation is relatively limited. Indeed Poland might receive special transition rules and a gradual adaptation of the legislation, but this is not going to lead to Poland having more to say about the content of the legislation that they have to impose, but instead will make the implementation of the legislation go slower. The Europeification leads consequently to increased uniformity.

Other problems exist on the institutional level, which is going to see changes in the structures of decision-making and organization in the agricultural sector when Poland enters the EU. Poland has an institutional structure with a number of departments responsible for different aspects of Polish agricultural policy under the supervision of the Ministry of Agriculture. There are also a number of agricultural organizations, which help the farmers. All these departments and organizations will be forced to adapt to the EU structures of decision-making and organization and be doing so create a new way of administration of agricultural policy. Europeification would also in this case lead to increased uniformity.

Possibilities for competition

Another criterion that has to be fulfilled is the reorganization of the agricultural sector in order to make it easier for the Polish farmers to compete on the same terms on the single European market. This is positive for the individual farmer whose products can be sold on a big market with many consumers with great purchasing power. Recently there have been some progressions from Brussels that the direct support for agriculture should not be

given to Poland and the other applicant countries before a longer period of transition.

This would lead to an impediment for the Polish farmers who are not going to be able to compete on the same terms as farmers in other EU countries. The central steering which Brussels exercises together with the Europeification leads to unfair competition and would make the Polish farmers "second class" citizens of the EU. Another problem is that Poland would have to reduce its domestic protection of agriculture to meet the requirements of the EU. Subsidies and import protection are indeed not typical for Poland but they have nevertheless played an important role in preventing incomes from agriculture from falling by more than the 30% by which they have fallen from 1996. Europeification means that the policies of the EU towards Poland in the future will lead to a situation where Polish farmers will not only find it more difficult to compete on the single European market but also to earn their living from agriculture.

Other consequences for the Polish agricultural sector brought about by the adaptation to the EU are for example that the Polish farms would have to invest greatly in new equipment to make production more effective. Most of the farmers do not have the resources needed for the required investments and because their acreage is small the inevitable consequence will be that the biggest farmers will buy the smaller farms. As a consequence it will be the 2-3 biggest farmers in every district, which will be favoured. Those farmers are going to get agricultural subsidies from the EU but, the smaller farms, which will not be able to fulfil the demands of the EU, will not get any benefits at all.

This shows that Europeification, instead of being something positive, is a negative aspect and an imperative process of regulations and legislations. This would make the individual Polish farmer forced either to sell his/her farm to bigger, financially stronger farmers or only produce for household needs and then not receive any agricultural subsidies. The consequences of these concessions will lead to social destitution with disruptions and unemployment as a result. Europeification will mean that personal initiatives and

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solutions on how to run an efficient farm will be subordinated to central decisions where the individual Polish farmer will have little or nothing to say to influence the decision-makers.

One way of finding a niche in the tough agricultural sector is to make an adaptation to ecological farming. The possibilities for this are good because the usage of biocides is little and Polish small-scale farming is suitable for this type of farming. A problem however, is that to make a profit the farms must be of a certain size and the question is how many of the Polish farms would fulfil this criteria.

An important criterion that Poland will have to fulfil is to reduce the number of people employed in the agricultural sector and work to attract more companies to the countryside. A condition for that is that the population in the countryside is well educated, something that unfortunately is a problem. Furthermore a lot of investments in the infrastructure, for example with new improved roads, are needed. Europeification can in this case lead to a positive development because the open borders and the uniform rules make it easier for companies from other countries in the EU to start businesses in Poland.

Concessions

What concessions will Poland and the EU have to make when it comes to the implementation of the Common Agricultural Policy (CAP)? This is a very interesting and topical question because of the negotiations between Poland and the EU. The negotiations between Poland and the EU are a very sensitive question, which will cause conflicts and anger on both sides. The will to compromise will be put to a test because neither party will initially surrender. Two different cultures will meet in the negotiations, which could lead to culture clashes.

Poland's EU negotiator and under secretary of state responsible for questions concerning the EU, Jacek Saryusz-Wolski, maintains that patience is important in the negotiations. Poland takes it for granted that no new mem-

bers will join the EU before Poland does, and that because of that they can increase the pressure on the EU to make compromises with Poland to conclude the negotiations.²⁰⁸

Poland will be forced to make a lot of sacrifices in the negotiations with the EU about the Common Agricultural Policy (CAP). Europeification will leave traces on this process by the clear indications from the EU about what criteria Poland will have to fulfil. A probable concession for Poland, even if the country will do anything to avoid it, is that some form of transition rules for the direct support to the agricultural sector are going to be implemented. This would lead to a negative influence on the possibilities for the Polish farmers to compete on the single European market and lead to the deprivation of the smaller farms. In this case it is probably the EU, which will be forced to make some form of concession before a compromise proposal can be made.

According to the proposals of the European Commission, unveiled on January 30, 2002, to finance the enlargement expected to take in 10 new countries by 2004, Poland and the other candidate countries will only receive 25% of the direct payments to the farmers compared with the veteran European Union members. Poland and the other candidate countries will also have to wait 10 years before receiving full direct aid, but will benefit from market support measures and enhanced rural development funds.²⁰⁹

In a survey carried out in April 2001, the Polish public opinion institute CBOS, asked Poles if they would vote yes or no to membership in the EU. 55% would vote yes and 30% no. 15% of those surveyed said they were uncertain if they would vote yes or no. In the same survey, the institute asked what the relation between Poland and the EU looks like today and which of the parties has benefited the most. 55% of the subjects answered that the EU has benefited the most from the relation and only 6% answered Poland.²¹⁰ These remarkable numbers are a possible result of the tough ongoing nego-

²⁰⁸ Svenska Dagbladet, 2001-04-30. Page 9.

²⁰⁹ Financial Times, 2002-01-31. Page 4.

²¹⁰ Financial Times, 2001-04-20. Page 3.

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tiation between Poland and the EU and the frustration that many Poles feel about membership in the EU.

The purpose of this analysis was to illustrate and explain what criteria Poland will have to fulfil regarding the Common Agricultural Policy (CAP) to become a member of the EU and the problems connected with this. It also showed in what way Europeification influences this process and what concessions Poland and the EU have to make and what consequences these concessions will have for Poland.

Conclusion

What conclusions can we draw after we have investigated how Poland should implement the Common Agricultural Policy (CAP)? A clear conclusion is that Poland will have to make a lot of sacrifices to be able to fulfil the criteria set by the EU to become a member of the European Union. Agricultural policy will be the most difficult question for the negotiations and also the question, which in the end will decide when Poland is ready to join the EU.

By using a theory about Europeification, the aim is to explain and analyse how this process influences the Polish implementation of the Common Agricultural Policy (CAP). Europeification constitutes an obstacle for the Polish rapprochement to the EU because it makes it more difficult for Poland to implement the Common Agricultural Policy (CAP). Furthermore Europeification leads to an increasing uniformity inside the EU and at the same time to a limited scope of action for national and local interpretations of EU legislation. The theory about Europeification can consequently be used to explain the problems Poland have when it comes to agricultural policy.

Polish agriculture is characterized by its small-scale farming with both household and industrial production. To fulfil the criteria set by the EU, it is required that the farms must increase in size and be more effective, something that would lead to many smaller farms going out of business because they neither have the financial resources or the acreage needed. Furthermore it is required that the farms invest in modern equipment to make production

more effective. This would also be a problem because the loans provided from the Polish government are not enough. The number of people employed in agriculture must also decrease and other forms of employment must increase. It is already today very difficult to find jobs in the countryside, where unemployment in some regions is very high.

The Polish goal to become a member of the EU by January 1, 2003 is today not realistic. Even this goal however could change if the negotiations between Poland and the EU do not show any signs of progress in the near future. A lot of things are at stake for both Poland and the EU. One thing is nevertheless totally clear. With its strategic location in the heart of Europe, Poland will play a very important role in shaping the new Europe.

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Sweden and Poland from a European Perspective

Some Aspects on the Integration Process