

# **Institutions and the Fate of Democracy**

**GERMANY AND POLAND IN  
THE TWENTIETH CENTURY**

**MICHAEL BERNHARD**

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Germany and Poland in the Twentieth Century

**MICHAEL BERNHARD** 

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## In Memory of Joseph Rothschild

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# Abbreviations

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<b>AWS</b>	Solidarity Electoral Action (Akcja Wyborcza "Solidarność")
<b>BBWR</b>	Nonparty Bloc in Support of Reforms (Bezpartyjny Blok Wspierania Reform)
<b>BMRzP</b>	Minority Bloc of the Polish Republic (Blok Mniejszości Rzeczypospolitej Polskiej)
<b>Chjena</b>	Christian Union of National Unity (Chrześcijański Związek Jedności Narodowej)
<b>BP</b>	Bavaria Party (Bayern-Partei)
<b>BVP</b>	Bavarian People's Party (Bayerische Volkspartei)
<b>CDU</b>	Christian Democratic Union (Christliche Demokratische Union)
<b>ChD</b>	Christian Democracy (Chrześcijańska Demokracja)
<b>ChSR</b>	Radical Peasant Party (Chłopskie Stronnictwo Radykalne)
<b>CSU</b>	Christian Social Union (Christlich-Soziale Union)
<b>DDP</b>	German Democratic Party (Deutsche Demokratische Partei)
<b>DP</b>	German Party (Deutsche Partei)
<b>DNVP</b>	German National People's Party (Deutschnationale Volkspartei)
<b>DVP</b>	German People's Party (Deutsche Volkspartei)
<b>FDP</b>	Free Democratic Party (Freie Demokratische Partei)
<b>FVP</b>	Progressive People's Party (Fortschrittliche Volkspartei)
<b>KLD</b>	Liberal Democratic Congress (Kongres Liberalno-demokratyczny)
<b>KLL</b>	Club of the Peasant Left (Klub Lewicy Ludowej)
<b>KNP</b>	Polish National Committee (Komitet Narodowy Polski)
<b>KPD</b>	Communist Party of Germany (Kommunistische Partei Deutschlands)
<b>KPK</b>	Club of Constitutional Work (Klub Pracy Konstytucyjnej)
<b>KPN</b>	Confederation for an Independent Poland (Konfederacja Polski Niepodległej)
<b>KZPMiW</b>	Communist Union of the Urban and Rural Proletariat (Komunistyczny Związek Proletariatu Miast i Wsi)
<b>LPR</b>	League of Polish Families (Liga Polskich Rodzin)
<b>MKS</b>	Interfactory Strike Committee (Międzyzakładowy Komitet Strajkowy)



MSPD	Majority Social Democratic Party of Germany (Mehrheitssozialdemokratische Partei Deutschlands)
NChSL	National Christian People's Party (Narodowo-Chrześcijańskie Stronnictwo Ludowe)
ND	National Democrats (Narodowa Demokracja)
NPP	National Labor Party (Narodowa Partia Pracy)
NPR	National Workers' Party (Narodowa Partia Robotnicza)
NSDAP	National Socialist German Workers' Party (Nationalsozialistische Deutsche Arbeiterpartei)
NSR	National Workers' Party (Narodowe Stronnictwo Robotnicze)
NZL	National Popular Union (Narodowe Zjednoczenie Ludowe)
NZR	National Workers' Union (Narodowy Związek Robotniczy)
OHL	Military High Command (Oberste Heersleitung)
OKP	Citizen's Parliamentary Club (Obywatelski Klub Parlamentarny)
OPZZ	All Poland Alliance of Trade Unions (Ogólnopolskie Porozumienie Związków Zawodowych)
PC	Center Alliance (Porozumienie Centrum)
PChD	Party of Christian Democrats (Partia Chrześcijańskich Demokratów)
PKL	Polish Liquidation Committee (Polska Komisja Likwidacyjna)
PL	Peasant Alliance (Porozumienie Ludowe)
PL-S	Peasant Alliance - Solidarity (Porozumienie Ludowe-Solidarność)
PO	Citizens' Platform (Platforma Obywatelska)
POC	Center Civic Alliance (Porozumienie Obywatelskie "Centrum")
Polish Center	National People's Union and Catholic-People's Party in Małopolska "Polish Center" (Narodowe Zjednoczenie Ludowe i Stronnictwo Katolicko-Ludowe w Małopolsce "Polskie Centrum")
POW	Polish Military Organization (Polska Organizacja Wojskowa)
PPG	Polish Economic Program (Polski Program Gospodarczy)
PPS	Polish Socialist Party (Polska Partia Socjalistyczna)
PPSD	Polish Social Democratic Party (Polska Partia Socjaldemokratyczna)
PSK-L	Polish Catholic People's Party (Polskie Stronnictwo Katolicko-Ludowe)
PSL	Polish Peasant Party (Polskie Stronnictwo Ludowe), in the interwar era there were three different Polish Peasant Parties, the PSL "Lewica" (Left), the PSL "Piast" (Piast), and the PSL "Wyzwolenie" (Liberation)
PSL-PL	Polish Peasant Party-Peasant Alliance (Polskie Stronnictwo Ludowe-Porozumienie Ludowe)

PZL	Polish Peasant Union (Polskie Zjednoczenie Ludowe)
PZPR	Polish United Workers' Party (Polska Zjednoczona Partia Robotnicza)
PUS	Polish Social-Democratic Union (Polska Unia Socjaldemokratyczna).
ROAD	Citizens' Movement-Democratic Action (Ruch Obywatelski-Akcja Demokratyczna)
ROP	Movement for the Rebuilding of Poland (Ruch Odbudowy Polski)
RdR	Movement for the Republic (Ruch dla Rzeczypospolitej)
SChL	Christian Peasant Alliance (Sojusz Chrzescijansko-Ludowy)
SD	Democratic Party (Stronnictwo Demokratyczne)
SDKPiL	Social Democracy of the Kingdom of Poland and Lithuania (Socjaldemokracja Królestwa Polski i Litwy)
SdRP	Social Democracy of the Republic of Poland (Socjaldemokracja Rzeczypospolitej Polskiej)
SL	Peasant Party (Stronnictwo Ludowe)
SLD	Alliance of the Democratic Left (Sojusz Lewicy Demokratycznej)
SPD	Social Democratic Party of Germany (Sozialdemokratische Partei Deutschlands)
SPK	Party of Communist Deputies (Stronnictwo Posłów Komunistycznych)
SPR	Party of Constructive Politics (Stronnictwo Polityki Realnej)
SRP	Socialist Reich Party (Sozialistische Reichspartei)
UD	Democratic Union (Unia Demokratyczna)
UP	Union of Labor (Unia Pracy)
USPD	Independent Social-Democratic Party of Germany (Unabhängige Sozialdemokratische Partei Deutschlands)
UW	Freedom Union (Unia Wolności)
WAK	Catholic Electoral Action (Wyborcza Akcja Katolicka)
ZSL	United Peasant Party (Zjednoczone Stronnictwo Ludowe)
ZChN	Christian National Union (Zjednoczenie Chrześcijańsko-Narodowe)
Zentrum	Center Party
ZL-N	Popular-National Union (Związek Ludowo-Narodowy)

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# Institutional Choice and Democratic Survival in New Democracies

Why do new democracies pick particular institutions? Why do some vest executive power in presidents, whereas others choose prime ministers? Why do some have electoral systems that yield a large number of parties and others choose systems that limit their number? One purpose of this book is to explore issues of this nature, which political science calls the problem of institutional choice. But this inquiry goes one step further. Institutional choices have important ramifications for the success or failure of democracy; a democracy's initial institutional choices affect whether it survives or breaks down. Whereas contemporary political science has studied both how democracies choose institutions and how certain patterns of institutions affect democratic survival, it has separated these two questions. This study connects them. After discussing both literatures, this chapter will develop a theoretical framework for understanding the impact of institutional choice on democratic survival. The usefulness of this framework will be tested by applying it to four cases—Weimar Germany, interwar Poland, postwar Germany, and postcommunist Poland. These case studies will not only explain how institutions were chosen in each episode but will also show how the particular choices contributed to democracy's success or failure.

Democracies succeed or fail on the basis of how initial institutional choices interact with the broader complex of economic, social, and political conditions

following a democratic transition. The survival of democracy may strike some as perhaps too narrow a notion of success. However, the existence of imperfect real-world democracy brings benefits to those who live under it. And while democracy does not automatically solve the many problems that human societies face, dictatorship suffers the same limitations while political power remains the monopoly of a small elite. To talk to someone who has lived under a dictatorship is to appreciate what the "mere" survival of democracy means in human terms.

The problem in talking about imperfect real-world democracy is that the dividing line between democracy and dictatorship is not always clear. Because real-world democracy often falls short of its ideals, many dictators have argued that the substance of their rule is more democratic than "formal," "bourgeois," or "corrupt" forms of democracy. So that this slippery slope does not present a problem, the notion of democracy used here is based on Robert Dahl's (1971) "polyarchy." He reserves the term "democracy" to describe the ideal of government that is fully responsive to its citizens, using polyarchy to characterize real-world systems that were highly responsive despite imperfections.

Thus, I use the term democracy to refer to that imperfect real-world variant that Dahl calls polyarchy. The concept includes a number of formal and substantive criteria that allow the distinction of democracy from dictatorship with democratic trappings. First, polyarchies must allow a high degree of what Dahl calls contestation and participation, which means that the system must permit a political opposition able to compete with the sitting government for power. Further, the overwhelming majority of adult inhabitants must be able to freely avail themselves of this system. Because Dahl's conditions for polyarchy are minimal conditions, they sometimes are misinterpreted as being purely formal. This interpretation, to my mind, is a misreading, in that his criteria have a weighty substantive content. For contestation to exist Dahl expects that citizens must be able to formulate their preferences, express them, convey them to others (including to those in power), and have them weighed equally. In order for this to be so, the full range of civil liberties that have come to be associated with democracy must be in place. Thus, while polyarchy falls short of full responsiveness, it has real substance grounded in rights that goes beyond mere formality.

It is important to distinguish survival from related concepts like democratic stability and consolidation. Democratic survival in this study is defined as the continued existence of a political regime that meets the criteria for polyarchy. Survival is different from stability. Democratic regimes can be unstable, suffering a range of problems that impede effective government. Such instability

seems to be a necessary condition for breakdown but is by no means sufficient. Some democracies survive periods of instability.

The concept of democratic consolidation has been difficult to define and measure, and there is little empirical evidence that it exists in the real world, which is indeed why I rely on the simpler concept of survival. As Andreas Schedler (1998) has pointed out, there are at least two different conceptions of consolidation commonly used in the study of democratization. Some authors conceive of it as a state of enhanced resistance to breakdown, whereas others think in terms of the “deepening” of the quality of democratic institutions. In the former case, one should expect that as democracies exist for a period of time and institutionalize their patterns of rule, they should become less prone to breakdowns. However, recent statistical studies that have tracked democracy in many countries over substantial periods of time have not turned up evidence that the longer democracies exist, the less prone they are to break down (Gasiorowski 1995; Przeworski et al. 1996; Bernhard, Nordstrom, and Reenock 2001; Bernhard, Reenock, and Nordstrom 2003a).

The deepening of democracy is clearly an important aspect of democratization. The survival of nondemocratic features from the past, such as privileges for the supporters of the old authoritarian regime, the persistence of anti-democratic attitudes, and the existence of strong authoritarian political actors committed to undermining the democratic system, can pose serious problems. This notion has been notoriously difficult to apply consistently across a range of cases, and its significance, when uncoupled from the persistence of democracy, is unclear. Additionally, the quality of a democracy may fluctuate over time, even deteriorate, while the regime itself persists. For all these reasons, I will utilize the simpler concept of survival.

## Comparative Politics, Democratization, and Institutions

There is already an extensive literature in comparative politics on institutions and democratization. This literature approaches the question of institutions and democratization in two ways. The first of these approaches, “crafting,” treats institutional features as causal, as the independent variable. Crafters argue that certain institutional features abet or complicate the persistence of democratic regimes, and that avoiding them will improve a democracy’s chances of survival. The second approach, “institutional choice,” looks at institutions as an effect, as the dependent variable. It seeks to explain the configuration of emer-



gent democratic institutions on the basis of the interests and interactions of important political actors. The theoretical framework that will guide this investigation will make use of elements from both of these approaches.

### *Crafting Institutions*

Crafters believe that new democracies can pick their institutions so as to minimize the chances of a breakdown. They argue that certain institutional features will increase a democracy's propensity to break down. Inherent in this position is the idea that if democracies avoid such problematic institutions, they face better prospects for democratic stability, consolidation, and survival. The term "crafting" is popularized in an influential essay by Giuseppe DiPalma (1990) on how elites can mold institutions to affect positive outcomes of democratization. He attributes the idea to Juan J. Linz who also makes use of it extensively in his later work with Alfred Stepan (1996).

The most prominent of the crafting arguments concerns the difference between presidential and parliamentary democracy. Fred Riggs (1988) was the first to make an empirical connection between presidentialism and democratic breakdown. He notes that there are few examples of stable presidential democracy.<sup>1</sup> He also argues that presidentialism in America has worked not so much because of formal constitutional arrangements, but because of a unique set of paraconstitutional practices. In a follow-up study on the developing world, Riggs (1993) provides even more evidence on the instability of presidential regimes and contrasts it with the more satisfactory record compiled by parliamentary regimes. Of the thirty-three developing countries that had adopted presidential constitutions at the time of his study, not one had avoided a serious disruption. In contrast, thirty of forty-three parliamentary regimes (69 percent) avoided any serious disruption (220–21).

The most visible critic of presidentialism has been Juan Linz, who in a work coedited with Arturo Valenzuela proclaims "the failure of presidential democracy" (Linz and Valenzuela 1994). Linz's rationale is outlined in a series of influential articles (1990a, 1990c, 1994) in which he discusses the features that he considers responsible for presidentialism's poor record. Among the features that Linz identifies are the "winner take all" nature of presidential elections and the potential for divided government. He also brings attention to the potential for interbranch conflict because of separation of powers and the competing legitimacies produced by separate presidential and legislative elections. Linz also notes how fixed terms of presidential office could transform governmental crises into systemic crises. Finally, he argues that direct elections give presidents an