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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.¹ 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

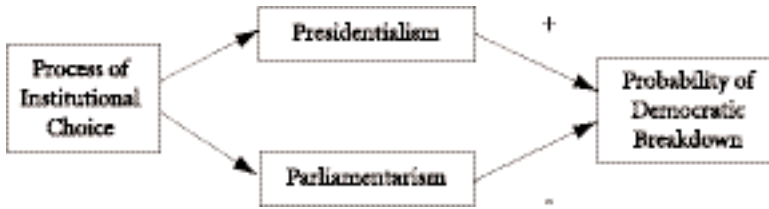


Figure 1.1: Structure of Linz's Argument on Presidentialism

inflated sense of mandate, even when they lack legislative control, leading to ineffective governments in the face of high expectations (1990c, 53–56). Linz's theories on this score are echoed by other prominent scholars of democracy such as Arend Lijphart (1994). The basic structure of this argument is presented in figure 1.1.

There has been some empirical confirmation of presidentialism's negative effect. Alfred Stepan and Cindy Skatch (1993) note that among ninety-three new states that emerged in the period from 1945 to 1979, fifteen of forty-one parliamentary regimes were democratic from 1980 to 1989. In the same period none of the other fifty-two presidential, semipresidential, and monarchical regimes were continuous democracies. Adam Przeworski et al. (1996, 2000) also present evidence that at similar levels of development, parliamentary democracies live longer than presidential democracies.

An earlier literature concerning the nature of party systems and their impact on the stability of democracies also presents a crafting argument. Giovanni Sartori's (1976) typology of two-party and multiparty systems with moderate pluralism, and multiparty systems with polarized pluralism, is central to this argument. Specifically, he argues that under moderate pluralism political competition is directed toward the center and that this works to promote compromise and stable government. Under polarized pluralism, political competition is directed toward the extremes of right and left, and this promotes irresponsible political behavior that undermines governments. Linz makes Sartori's insights one of the centerpieces of his earlier discussion of the breakdown of democratic regimes. He does not, however, make his argument in strictly causal terms: "extreme multipartism alone does not determine the breakdown of democracy but it does increase its probability" (1978, 27). Linz's use of Sartori is bolstered by substantial case evidence drawn from interwar Europe and Latin America (Linz and Stepan 1978).

In understanding why different countries have succeeded or failed in their quest for democracy, crafters have looked at the choice of electoral laws as a

key variable that can determine success or failure. The idea that electoral laws shape party systems can be traced back to Maurice Duverger (1954). His insight is that plurality systems tend to produce two-party systems whereas double-ballot majority and proportional systems tend to produce multiparty systems. While Duverger overstates his case, and as a result garners a certain amount of criticism, his general insight on the ability of electoral laws to shape party systems is an important one. Others, though, quite correctly point out that there are a number of factors that can affect the ability of electoral laws to shape party systems. Sartori's reformulation of Duverger's laws highlights both the underlying pattern of social cleavages and existing patterns of party organization as important factors that also shape party systems (1994a, chap. 3). This argument is presented graphically in figure 1.2 below. Still, his analysis confirms that electoral laws are critical in the shaping of party systems. Many others share the view that electoral systems are an important factor in the stability of democracies and that the choice of the "right" electoral laws is an important component in avoiding breakdown (see Lijphart and Grofman 1984; Grofman and Lijphart 1986).

Institutional Choice

Institutional choice accounts look to the preferences and actions of self-interested political actors to explain why a democracy opts for a specific set of institutions (Kitschelt 1992; Collier and Norden 1992).² Perhaps the earliest author to look at how the political interests of critical actors are central to the evolution of political institutions is Stein Rokkan. In examining the transition from liberal oligarchic regimes to democracies in Western Europe during the late-nineteenth and early-twentieth centuries, Rokkan (1970) explains the choice of proportional electoral statutes. The key actors in this process were older conservative parties associated with established interests and the parties of the emergent working class and other disenfranchised social forces. Proportional representation was a response to the problem of including new, previously excluded social groups into the system of representation.³ The smaller parties of the old order would accept enfranchisement of new populations only under a system with low barriers to representation because of fear that they would disappear from the political scene under a winner-take-all system (89). The working-class parties were amenable to this in the earliest stages of incorporation because they had the strength to win pluralities in few districts and few allies with whom to cooperate under majoritarian systems (157).

The wholesale remaking of democratic institutions in postcommunist Eu-

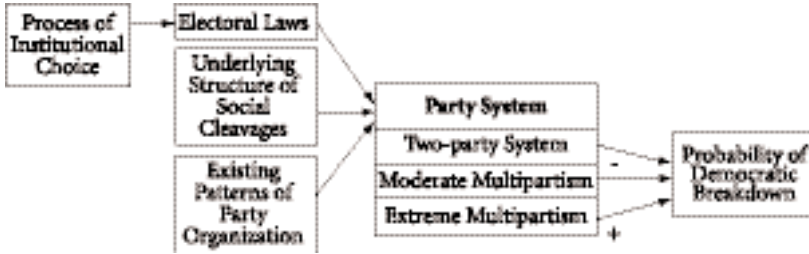


Figure 1.2: Structure of Sartori’s Argument on Party Systems

rope has led many authors to consider the problem of institutional choice. These works look at the general problems of institutional choice from a cross-national perspective (Bernhard 2000; Colomer 1995; Elster 1993; Elster, Offe, and Preuss 1998; Geddes 1995; Lijphart 1992), as well as through in-depth consideration of individual cases (Benoit and Schiemann 2001; Bernhard 1997; Elster 1996; Hibbing and Patterson 1992; Remington 2001; Smith and Remington 2001; Tökés 1999). Another group of authors have specifically concerned themselves with the seemingly strong preference for presidentialism in many postcommunist countries (Baylis 1996; Bunce 1997; Easter 1997; T. Frye 1997).

In explaining postcommunist institutional outcomes, all these accounts argue that the essential determinant is the self-interest of the politicians who control the process of institutional choice. Their preferences during extraordinary moments when the institutions of democracy are created, or when an existing system is reformed, are a product of what institutional configuration best serves their interests. Through the process of institutional choice, the interests of relevant actors are molded into a single institutional framework through agreement, compromise, or force, or some combination thereof. The general structure of institutional choice arguments is depicted in figure 1.3 below.

Limitations of Crafting

Linz’s arguments concerning presidentialism have been subjected to a thorough discussion, and the evidence assembled in support of his hypothesis has struck many as overstated. For instance, the data on which Stepan and Skatch, and Riggs, make their arguments is limited. It covers only the postwar period and does not include most of the new democracies of the last twenty-five years. Thus, the results they present may be the product of the specific era from which they draw their evidence. Depending on the time period selected, results on

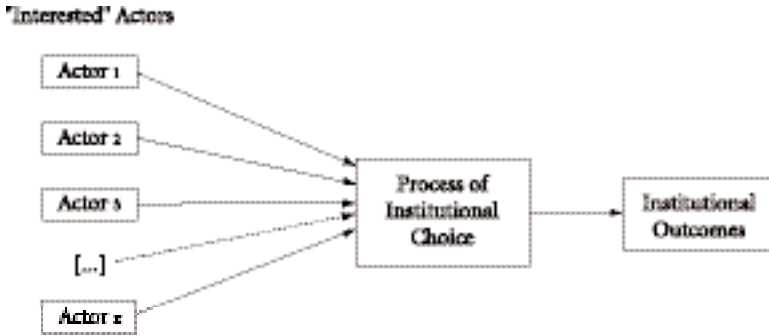


Figure 1.3: Structure of Institutional Choice Arguments

the survivability of presidential and parliamentary democracies vary. Indeed, if a similar study were done on new democracies in Europe in the interwar period, parliamentary democracy would seem like a failure. More comprehensive samples, such as those carried out by Matthew Shugart and John Carey (1992, 38–43), show a much more mixed picture on the performance of presidential and parliamentary democracies. My work with Timothy Nordstrom and Christopher Reenock, covering the period 1918–1995, also did not show much difference in how presidentialism or parliamentarism affected democratic survival on their own (Bernhard, Nordstrom, and Reenock 2001).

The way in which Stepan and Skatch (1993) construct their comparisons works to the advantage of parliamentarism. They report the results for presidential, semipresidential, and monarchical regimes in the same category, while treating parliamentarism separately (14–15). Parliamentary rule is almost always democratic (except for a handful of competitive oligarchies and ethnic democracies). Presidential rule is not necessarily democratic. Modern dictators are prone to take the title of president and exercise power through a freestanding executive apparatus. Rarely do they opt to exercise power through a parliament as prime minister. The data on which Riggs draws his conclusions is open to similar criticism. He does not carefully differentiate between authoritarian and democratic presidential regimes. He describes all of his cases as “open polities” (1993, 219), yet they include a number of regimes that never approached institutionalized democracy or whose “democratic” constitutions never acquired any real force, for example, Singapore and Lebanon (220).

Another potential criticism of the Riggs data is that his list of surviving parliamentary regimes is largely composed (two-thirds) of insular microstates (224). The third-world parliamentary regimes that maintained democracy through-

out the 1980s identified by Stepan and Skatch also share this distinct demographic profile, and of the fifteen, India is the only large country. In the period studied by Stepan and Skatch, states within India with populations larger than the other fourteen parliamentary democracies had their constitutions suspended by states of emergency imposed by the national authorities. The other fourteen countries combined had a population under fourteen million (smaller than many of the world's largest cities).⁴

Other authors have pointed out that many features attributed to presidentialism generally are a product of complex of institutions. Both Donald Horowitz and Giovanni Sartori point out that the critique of presidentialism sometimes lacks a subtle understanding of how the elements for the selection and exercise of executive and legislative power combine and work together in an individual system. Horowitz addresses this limitation in a rejoinder to Linz in which he presses issues like how is it possible to criticize presidential systems for being both "winner take all" and weakened by "divided government." He stresses that divided government under presidentialism is as much a function of electoral law as of the separation of powers (1990, 75-76).

In a similar vein Sartori (1994b) argues that the critique of presidentialism is based on an unrealistic assessment of a pure type of presidentialism and that modifications like semipresidentialism⁵ help to correct its inherent problems. He argues that pure parliamentarism would be as equally flawed and that it is only departures from it, like the strengthening of the executive, as in Germany's broadly imitated chancellor democracy, or the development of a disciplined party system, that make it successful. Both of these variations curtail parliamentary sovereignty and make the system workable by concentrating power in the hands of the prime minister or party leaders. The lesson here is that the way in which the broader elements of executive and legislative power and party and electoral systems work together is what produces the stability or instability of democratic rule.

Similarly, the literature on Latin America argues that its historic difficulties with democracy are not due only to presidentialism but to problems of overall institutional design. Both Scott Mainwaring (1990) and Arturo Valenzuela (1993) attribute the fragility of presidentialism in Latin America to the combination of a plurality system for electing the president and a proportional system for electing the legislature. This condition often leads to fragmented multiparty legislatures that cannot form stable majorities and thus have difficulties cooperating with the executive. As a result, Latin American presidentialism periodically experiences political paralysis because presidents elected by only a plurality lack consistent support in the legislature.

Mainwaring and Shugart offer an alternative explanation for the seeming merits of parliamentarism. While not disputing that there have been more stable parliamentary than presidential democracies in the postwar period, they posit that this success is not based on the merits of parliamentarism itself, but on several other factors that happen to coincide with parliamentary government. These include small size, a British colonial legacy, and higher levels of development. Still, Mainwaring and Shugart do not provide any sort of conclusive test of whether these background conditions or parliamentarism itself are responsible for democratic stability (1997, 456–58).

There is, however, research that explicitly tests the effects of multiple factors on the survival of democratic regimes. At least three different lines of research directly address this issue using the statistical methods of “event history” to study a large number of democracies over long periods of time. The work of Adam Przeworski, Michael Alvarez, José Antonio Cheibub, and Fernando Limongi (1996, 2000) argues that parliamentarism contributes to the duration of democratic regimes. They present evidence that presidentialism leads to shorter life spans for democratic regimes given similar levels of development and annual economic performance. They also present evidence that presidentialism is more vulnerable to break down when there is greater religious fragmentation, when no single party holds a legislative majority, and where the largest party in the legislature has only one-third to one-half of the seats. The only thing that seems to make parliamentary democracies more vulnerable is past failures with democracy (2000, 131–34). However, they run their tests on two samples, one containing presidential regimes and the other containing parliamentary regimes. In statistical analysis this is equivalent to testing whether the interaction of presidential and parliamentarism with other independent variables has an effect on survival. It does not tell us whether presidentialism or parliamentarism alone help to explain democratic survival.⁶

Two other projects using similar samples and methods do not see major differences in how presidentialism and parliamentarism affect democratic survival. Mark Gasiorowski and Timothy Power do not find, in three separate articles, that presidentialism has an effect on democratic breakdown or consolidation in the third world (Gasiorowski 1995; Power and Gasiorowski 1997; Gasiorowski and Power 1998). In an article devoted to the relationship between institutions and democratic consolidation, Power and Gasiorowski (1997) present evidence that institutions do not explain much. They find no difference in rates of consolidation for presidential or parliamentary regimes, that the multi-party presidential configuration identified by Mainwaring and Valenzuela did not prejudice a democracy’s chances for consolidation, and that more rather

then fewer parties enhanced the prospects for democratic consolidation. In the last of their articles, Gasiorowski and Power conclude that “Presidentialism and party system fragmentation do not seem to affect consolidation, suggesting that the emphasis on these institutional variables in some of the consolidation literature has been misplaced” (1998, 766).

Another line of this type of research, one in which I have been involved, has never found that presidentialism versus parliamentarism, number of parties, or combinations thereof⁷ explain democratic survival on their own (Bernhard, Nordstrom, and Reenock 2001; Bernhard, Reenock, and Nordstrom 2003a, 2003b; Bernhard, Reenock, and Sobek 2002). In an article devoted to whether different patterns of institutions could protect democracies from breakdown during declines in GDP, we found that two forms of democracy, majoritarian (corresponding to the Westminster model) and pluralist (corresponding to Mainwaring’s pathological model of multiparty presidential democracy), behave quite differently. Specifically, majoritarian forms of democracy proved to be resistant to the effects of economic performance (whether positive or negative), whereas pluralist forms were much more prone to breakdown during periods of economic contraction but displayed a much higher probability of survival when they performed well economically (Bernhard, Nordstrom, and Reenock 2001).

This cross-national statistical literature on democratic survival also raises another problem with the Linz thesis. There is little or no evidence that presidentialism on its own is bad for democracy. Przeworski et al. (2000) and Bernhard, Nordstrom, and Reenock (2001) find that presidentialism can have negative effects on democratic survival *in conjunction* with other factors. The findings that Gasiorowski and Power present are far more negative on this score. There is not much large-n empirical support for the party system variant of the crafting argument either. The forms of party system that should be more stable, two party and moderate multipartism, should have on average substantially fewer parties than extreme multipartism. Yet none of the studies cited here show a negative relationship between number of parties and democratic survival.

Limitations of Institutional Choice

The literature on institutional choice also suffers from certain limitations. Generally speaking, the search for parsimonious explanations that are easily applied to a range of cases in different times and places has led to conceptual and theoretical problems that have resulted in inaccurate or misleading accounts of the process of institutional choice. Here the literature’s notions of what constitutes

“interests” and how actors’ preferences are determined will receive particular scrutiny. Additionally, the question of what sort of evidence is adequate to verify theories of institutional choice bears further reflection. In particular accounts the empirical side of the analysis has been plagued by shortcomings.

Notions of Interest

The interests of actors in institutional choice models are often presented as instrumental and singular in nature. One example of this is Barbara Geddes’s notion of “politicians’ interest,” the idea that all politicians are motivated first and foremost by furthering their own careers (1995, 240–41). The singularity of this notion can be problematic. For a politician seeking power, which is more important, the fortune of the party or the politician’s individual chances in the election? The two do not always coincide, and the answer will be very different depending on the individual, the party, the country, the situation, and so forth. Jon Elster gets much closer to reality when he conceptualizes interests as a complex multidimensional phenomenon that can include personal interests, constituent interests, institutional interests, and party interests (1993, 181ff.). Such an approach to interests, particularly in the context of extraordinary moments of constitutional politics, makes much more than sense than modeling all politicians in all contexts as if they were incumbent American congressmen in a period of routine politics.

Even Elster’s more complex understanding of interest may not be sufficient for purposes of understanding the motivations of actors in all situations of institutional choice. Particularly at moments of crisis in existing institutions—systems change, revolution, and other moments of extraordinary politics—there are some human actions that cannot be explained on the basis of narrow instrumental self-interest.⁸ At such junctures people often act on the basis of their values. Thus, accounts of institutional choice must also hold out the possibility of value-oriented, not just interest-oriented, behavior. This view is akin to what Max Weber describes as “value-rational action” based upon “a conscious belief in the value for its own sake of some ethical, aesthetic, religious, or other form of behavior, independently of its prospects of success” (1978, 24–25). To anyone who has studied the transformation of Eastern and Central Europe in the period since 1989, the importance of such orientations becomes obvious in trying to identify those who would benefit materially from the construction of a market economy. Those actors most strongly committed to it were often intellectuals whose subsidized positions in Soviet-type systems were threatened by marke-

tization. Their interests in a market economy were ideal, not material (Rychard 1993; Kolarska-Bobińska 1994; Eyal, Szelenyi, and Townsley 1998).

Another good example of value-, rather than interest-based action, is inherent in the choice of democracy over dictatorship. Politicians, if they were just interested in holding power, would favor dictatorship under which they do not have to periodically subject themselves to election or suffer institutional checks and balances. Yet, democracy is the dominant regime type at this juncture in time. This paradox is easily explainable with reference to values, though some might see it as self-interested behavior. However, given the frequency with which former dictators and their nastier minions have avoided prosecution worldwide, the source of politician's interest in democracy over dictatorship is not readily apparent.

Determination of Actor Preferences

Another problem with the institutional choice literature lies in how actor preferences are determined. Different authors have very different ideas about this. It is indeed exceedingly difficult to predict what actors will favor what institutional mechanisms generally. Rokkan's discussion of the interests that lead to the adoption of proportional representation applies only to smaller, Northern European countries around the time of full enfranchisement, that is, to a few countries at a particular historical juncture (1970, 77).⁹

The literature on the postcommunist countries, which also looks only at a small number of countries at a particular critical juncture in their development, contains several different views about which actors will support what institutions. Following Rokkan, Lijphart argues that proportional representation (PR) and presidentialism will emerge in Eastern Europe because they will facilitate power sharing between entrenched communist elites and new democratic actors. Presidentialism potentially allows for divided government with different parties controlling the legislature and the executive¹⁰ and PR insures that all parties with any strength will achieve some sort of representation (1992, 209–10). Josep Colomer makes exactly the same prediction in terms of what kinds of institutions he expects to emerge in Eastern Europe but gives drastically different reasons. He argues that presidentialism and PR are evidence of radical institutional reform away from the old system (1995, 76–77).¹¹ This argument has nothing to do with the power-sharing logic that Lijphart outlines. In contrast to both, Geddes sees presidentialism as the sort of mechanism favored by dominant parties seeking to enhance their power, not share it, whether they support re-

form or the status quo. She sees PR as the sort of electoral system that is favored by parties that are weak or highly uncertain about their future prospects (1995, 261). Thus, there is little in the way of any sort of consensus about what actors will have what interests even among a small group of countries at the same historical juncture.

Issues of Evidence

There are issues raised by the level of and kinds of evidence brought to bear in the testing of theories in the institutional choice literature. These problems appear much more often in cross-national literature rather than in the thickly descriptive accounts. In a survey of that cross-national literature, I noted a number of inherent problems in the way evidence was selected and utilized. These included: confirming theory in the face of weak evidence, errors of fact leading to misinterpretation, weak historical understanding leading to theory misspecification, and fitting the facts to theory (Bernhard 2000).

One potential problem—confirming theory in the face of weak evidence—may involve two separate complications. Data may be declared to support an argument when it does not. For instance, Lijphart's theory predicts presidentialism and proportional representation to be the expected outcome of the process of institutional choice. Despite that in six observations only two or three outcomes conform to the predictions of the theory, he declares the theory supported by the evidence (Bernhard 2000, 322–23; Lijphart 1992, 219). Additionally, outcomes that are consistent with the logic specified by a theory of institutional choice are considered to confirm a theory. However, when the causal process that led to those outcomes is investigated, sometimes the logic at work can be demonstrated to be different from that specified in the theory. When a causal process other than the one outlined in the theory leads to the outcome predicted by the theory, this should not automatically be read as confirmation (Bernhard 2000, 321–22).

Another potential problem is that errors of fact can lead to mistaken interpretations. For instance, failure to fully understand the motivations of actors can lead to mistaken conclusions about what the outcome of processes of institutional choice meant or even the significance of the outcome in general (Bernhard 2000, 323ff).¹² Also, weak historical understanding can lead to the misspecification of theory. Failure to adequately understand the historical background of a process of institutional choice can lead to mistaken interpretations of the significance of outcomes and in turn can lead to formulation of erroneous conclusions (326ff).¹³

Finally, evidence may be “fitted” to theory. Specifically, evidence may be selectively interpreted as confirmation of a theory despite not fitting it very well. So for instance, Geddes claims that in Romania the National Salvation Front (NSF), a party with overwhelming strength in a founding election, chose a majoritarian electoral system to maximize its representation in parliament. Yet despite that strength, the NSF actually put a proportional system in place. In the election it still took over two-thirds of the popular vote and received a similar percentage of seats in the parliament. This choice is strongly at odds with what the author’s theory predicts, and yet she reads the evidence of support nonetheless (Bernhard 2000, 341; Stokes 1993, 175; Geddes 1995, 263).

These problems are not inherent to accounts of institutional choice in general but do seem to have plagued a number of the early accounts of this process in postcommunist Europe. In order to avoid duplicating them, we need to be aware of them.

A Theoretical Framework Linking Institutional Choice and Democratic Survival

This theoretical framework is cast at a medium level of abstraction (Sartori 1970, 1053) so it should be applicable to a large range of individual cases yet allow for the advancement of theories about institutions and democratization. It is cast at this level to avoid the limitations of theorizing at a high level of abstraction, where potentially meaningful differences between politics in different contexts can become blurred. It is also cast at this level to avoid the pitfall of lowering the level of abstraction to such a degree that the wealth of concrete details at the level of the individual case becomes so singular as to make generalization difficult. While I am very concerned with the specifics of my cases, I want to derive theoretical insights from them rather than see each as so unique that it constitutes a case of “exceptionalism.” Working at higher and lower levels of abstraction on the problems of democratization and institutional choice is obviously worthwhile (as a look at the list of sources used in this study will attest), but because of the centrality of context to the framework elaborated below and the desire to contribute to general theory that is applicable to understanding individual cases of democratization, this medium level is the most appropriate for this study.

It is also appropriate to cast the study at a medium level of abstraction because certain reasonable assumptions can be made about any country undergoing a process of democratization. Despite the fact that transitions to democracy

have now occurred for a substantial period of time (the first full-blown polyarchies emerged at the end of the First World War) and in every region of the world, they should all share several important attributes. All such countries should have, at least, begun the process of embarking upon modernity broadly conceived in political, economic, and social terms. Thus, certain assumptions can be made about the context of democratizing societies. Of the four cases, elements of traditional society are most present in interwar Poland, but it was clearly a country that had embarked upon the path to modernity. Traditional elements are also present and significant in the Weimar case. The postwar German and the postcommunist Polish cases are unambiguously modern. Because all the cases share this developmental context, the level of detail necessary to explain differences between vastly disparate cases is not required.¹⁴

Medium-level analysis as chosen here can rely on case-based narrative to provide its evidence, but it must remain focused on the key explanatory variables highlighted by theory. Thus, in crafting my accounts of institutional choice and its effect on democratic survival, I will be relying on a method known as *structured, focused comparison* (George 1979). This method uses detailed case studies but focuses on specific elements within them, in order both to capture the idiosyncrasies of the cases studied and relate them to general political phenomena, thus contributing to broader understanding of critical problems in the study of politics.

The framework will make use of the respective strengths of both the crafting and institutional choice approaches to explain the success or failure of democratization in Central Europe. Institutional choice is well suited to explain why a particular set of institutions emerged in a specific context. Here, it will serve to explain the choice of central political institutions (executive, legislative, electoral) in interwar Poland, Weimar Germany, postwar Germany, and post-Communist Poland.

Institutional choice models look to political actors and the processes through which they frame postauthoritarian institutions to explain the form a new democracy takes. The preferences of actors and their strengths relative to each other will explain why a particular set of institutions emerged. Choosing an enduring set of institutions is difficult politically, because politicians seek to design institutions that privilege their own interests. The view of interest in this account will be broader than in most discussions of institutional choice that concentrate on politicians' narrow interests. A narrow notion of interest is fully appropriate to many established political systems. However, in extraordinary moments of regime change a more broadly inclusive notion of interest not only must include the narrow interests of parties and politicians in attaining

and holding power but also needs to take into account the material interests of the constituents politicians represent, as well as ideal interests based on values.

Many of the previously published accounts of institutional choice do not get deeply into the process of institutional choice but posit simple algorithms to explain complex choices. Geddes, for instance, asserts "If one knows who makes institutional choices and how they expect the various alternatives to affect their interests, then one can predict what choices will be made" (1995, 239). While who makes institutional decisions and what their preferred configuration of institutions looks like is absolutely critical to understanding which institutions result, the ability to predict an outcome on this basis alone is perhaps too optimistic. In any real process of institutional choice there are, at least, several different relevant actors involved and discrete decisions that need to be taken on a large number of issues. Under such circumstances, there is often more than one possible configuration of institutions that can result.¹⁵

Real processes of institutional choice are highly complex in the number of actors and issues that come into play. In each chapter a substantial section will outline the procedures by which institutions were chosen. Where decisions were made, who made them, and under what rules they were decided are all of great importance. Outcomes can sometimes differ depending upon what margin is necessary to put a certain institution in place. The number and strength of actors affects whether institutional outcomes are imposed by one actor on others, whether a consensus develops, or whether compromises are necessary. And decisions taken regarding one set of institutional issues may affect the subsequent positions that actors take regarding unresolved ones. When multiple issues are in play, compromises are possible not only within certain issues but also across issues. Thus, actors may compromise not only by splitting their differences on a single issue but also by exchanging support on one issue in order to achieve a preferred outcome on another.

This discussion of the complexities of institutional choice makes evident that there are at least four different mechanisms by which a particular institution or set of institutions can be chosen. Institutions can be chosen by *consensus*. They can also be put in place by *imposition*. In such cases the decision rules make it possible for an actor or coalition of actors that share a preference for a particular institutional feature to compel other actors to accept it. Institutions may also be chosen by compromise. Compromise can come in two varieties, by splitting differences and by trading support across issues. *Splitting differences* occurs when two sides on a given issue which have a decision-making majority compromise on that issue and choose an institutional structure that falls between their pre-

ferred positions (e.g., advocates of a single-member district electoral system and proportional representation sometimes compromise on a mixed system that combines elements of both). Compromise can also be arranged by *trading support across issues*. Sometimes actors will support the position of another actor on an issue of less importance to them in order to secure the support of that other actor on an issue that is critical to them (e.g., an actor that strongly wants a more proportional electoral system may support an actor that wants a presidential system in return for support on the electoral statute).

The potential intricacies of processes of institutional choice highlight the importance of careful consideration of context as central to a full understanding of why a particular set of institutions was adopted. First, if interests are seen as complex rather than simple, a deep appreciation of the central political actors and their motivation is necessary. Also, if identifying actors and their interests is not in itself sufficient to explain a particular institutional outcome, the analyst must delve deeply into the process of choice in order to understand the complex combination of decisions that yielded an ensemble of institutions rather than just a single feature.

From crafting, this account adopts the central insight that the particular institutions that a new democracy chooses are significant for whether it survives. However, it does not adopt it in unadulterated form, assuming a priori that certain institutional configurations (e.g., presidentialism) will exert a negative effect in all contexts. In fact, the large-n research on democratic survival, while ostensibly motivated to uncover regularities that hold across many cases, actually shows that the performance of democratic institutions is strongly conditioned by context. My own work (Bernhard, Nordstrom, and Reenock 2001) shows that different patterns of institutions perform quite differently depending on whether there is economic growth or contraction. Similarly, the differences between presidentialism and parliamentarism with respect to the duration of democracy detected by Przeworski et al. are based on tests that showed that institutions work better or worse depending on their context. Neither of these studies presents evidence that institutions on their own effect democratic survival but that they are highly significant depending on the context in which they are situated. For this reason the explanation of why the institutions chosen in the cases considered succeeded or failed will take account of how they interacted with the larger political, social, and economic context in which they operated.

Przeworski (1991, 52–53) has explored the logical possibilities of what an initial choice of institutions means in terms of democratic survival. If one simplifies his argument somewhat, there are three possible outcomes. It may be that no set of democratic institutions can manage the structure of conflicts in a given

society. It also may be possible that some set of institutions could lead to stable democracy in a society but that political forces agree on a different one that will not support democracy given the context of that society. Finally, the founders of democracy may be lucky enough to choose a set of institutions that can manage the fundamental conflicts of their society in a democratic fashion. Przeworski's discussion of the logical possibilities means that there are two possible ways in which democracy can break down. The first situation outlined above can be thought of as *doomed democratization*. If there is no set of democratic institutions that can provide for a satisfactory solution to society's conflicts, then democracy will inevitably break down. The second possibility can be thought of as *defective institutional choice*. Sometimes the institutions chosen will be ill suited to managing society's conflicts. This situation can develop immediately after transition or can develop when institutions that initially functioned adequately cease to do so. Such a situation can lead to breakdown, but this can be avoided through what Linz calls reequilibration (1978). One way to reequilibrate democracy is through institutional reforms. The French Fifth Republic is a well known case of successful reequilibration (Keeler and Schain 1997; Suleiman 1994), and the postcommunist Polish case discussed here includes elements of this as well.

What lies behind the problem of poor institutional performance under democracy is a basic conflict between the logic of institutional choice and the logic of functioning democracy. Institutional choice is about obtaining a set of institutions that reflect one's political interests or values, or both. It is a contest in which political actors attempt to see to the adoption of institutional elements that will bring them a privileged position in future political competition. The logic of an effectively operating democracy is not one where political actors automatically gain advantages on an institutional basis. Effective democratic institutions create compromises between political forces that maintain broad political support for the system. Institutional choice thus involves a seeming paradox. Self-interested political actors must create a set of institutions that will cause them to compromise with each other once the system is installed even though they seek to create institutions that will privilege their interests or values. When institutions are chosen, if one political actor (or set of actors) manages to impose a set of institutions on other actors that makes it difficult for the latter to ever attain their desired ends under the system, this will imperil democracy as soon as the political forces that imposed the institutions weaken. The losers in the process of institutional choice will move from competition for power within the system, to a struggle against the system.

In explaining whether a particular set of institutions proved to be effective

in promoting compromise between political actors in the cases discussed here, a great deal of attention needs to be paid to the larger political, social, and economic context within which the political actors are operating. It could not be otherwise given the importance of the ability of the new set of institutions to manage conflict. In the immediate posttransitional context, the strength of what will be called the *initial institution-framing coalition*, the group of political forces responsible for putting in place the particular set of institutions chosen, is key. If that coalition loses substantial political strength relative to forces opposed to the initial institutional settlement or to new political forces not yet incorporated into the system, this will lead to substantial difficulties in the ability of institutions to manage conflict.¹⁶

Quite clearly, the relationship between political actors and the constituencies they represent is a key component of whether conflict is manageable within the context of a set of institutions. The weakening of the institution-framing coalition can come about in a number of ways. First, actors excluded from the institutional decision-making process can be brought under those institutions. Their presence may upset the way institutions were expected to work in the assumptions of those framing them by changing the balance of power between the other political actors. Moreover, if the salient political issues in the period following the initial democratic transition change radically, the parties of the institution-framing coalition may become so divided that political cooperation become difficult. Under such circumstances institutions may not function in the way anticipated by their authors and problems could develop in terms of forming stable governments.

Quite often the weakening of the institution-framing coalition is connected with the rise of antisystem parties committed to the subversion of the democratic institutions (Linz 1978; Capoccia 2002). Political actors originally supportive of the institutions chosen may defect from support of the system due to disappointment over how the institutions have affected their interests. This defection may involve an evolution from a position of semiloyalty into disloyal antisystem behavior for some parties (Linz 1978). In other instances, social forces that support political actors committed to the democratic system may defect to the leadership of other parties or may no longer participate, thus weakening a democratic political actor. At other times, political actors that reject democracy a priori may gain new strength. Given the right conditions they may be able to draw support away from committed democratic actors or mobilize previously apathetic constituencies. Such antisystem parties may include established political forces, like supporters of the old regime who remain unreconciled with

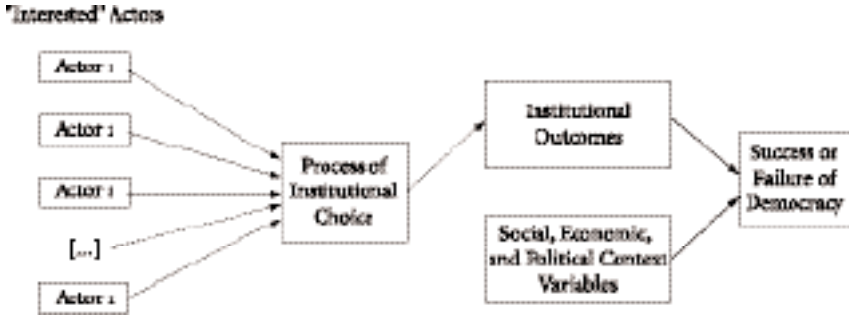


Figure 1.4: Bringing the Two Arguments Together

democracy, or new political forces that arise in response to changing conditions. Finally, the possibilities discussed, while analytically distinct, are not mutually exclusive. It is not uncommon to see combinations of these in practice (in fact the last two may be part of the same problem if social forces previously organized under democratic actors begin to defect to antisystem parties).

The framework used in this account to explain the specific institutional choices that resulted in the four cases and how they affected the success or failure of the particular attempt at democratization is depicted schematically in figure 1.4 above. Each account will include a discussion of actors and interests and how conflict and cooperation between them yield a particular complex of institutions. The success or failure of those institutions to sustain democracy will then be explored with reference to the broader context of regulating social conflict among actors in the posttransition period.

The lumping together of a range of social, economic, and political context variables may appear too amorphous. However, this is why context is so significant. There are a broad range of significant variables that may affect the way in which a given configuration of institutions function. For that reason there will be substantial variation in what contextual variables will be significant in different cases. This variation will become apparent in the discussion of the success and failure of each of the cases considered. What remains critical in each case are the political fortunes of the coalition of political forces responsible for framing the initial institutional choices.

One potential advantage of this framework is the ability to directly incorporate international-level variables directly into the analysis. Many highly abstract studies of democratization take note of the international dimension and then characterize it at a certain juncture as being favorable or unfavorable for

democracy (i.e., Huntington 1991) without directly documenting its impact. In contrast, analysis at a medium level of abstraction can directly gauge the impact of international actors and their effects can be directly incorporated into the consideration of the cases. The impact of international factors will be visible in both the institutional choice component of the framework and in the analysis of the ways in which that framework processes conflicts once democracy is established.

Finally, I will discuss how this framework will be applied at the level of the four cases analyzed in the book. Each of the case chapters will be organized according to a consistent pattern that will elucidate the individual elements of the theoretical framework. Each will begin with a short overview of the origins of the democratization process in each country, a discussion of the configuration of institutions chosen, and the fate of democracy in that case. This discussion of the institutional pattern chosen in each case will, at minimum, discuss executive and legislative powers, and the electoral statute. As warranted by each case, other institutional features that played an important role in the overall process of choice will also be discussed.

This preliminary discussion of the outcome of each case and institutions selected will be followed by a detailed accounting of the process by which institutions were chosen. Here, attention will be paid to what processes were used to choose institutions, how the processes themselves were arrived at, what decisions were taken at each phase in the process, and what set of actors took those decisions. Following this discussion of the overall procedural framework for institutional choice, the actual institutions' outcomes of the process will be explained in detail. In this discussion the origins of each element in the institutional configuration will be traced. The constellation of political actors that supported it will be discussed, and their motivations for that support will be explained. In this discussion, the positions of actors who opposed the outcomes will be explored as well.

The final section of each case chapter will explore the reasons for the success or failure of democracy in each case. As highlighted earlier, this discussion will discuss the ability of the set of institutions chosen to process the major conflicts in the given society. Of particular importance to this ability in the period directly following democratization is the political fate of the coalition of actors which framed the initial choice of institutions. Attrition in the strength of this coalition is a key indicator of problems in successfully processing conflict. Over time, however, the fortunes of this coalition should be less critical as the underlying bases of conflict in a given society may change and give rise to a realignment of the structures of political representation under democracy.

Why Poland and Germany?

This theoretical overview must address the choice of the twentieth-century histories of Poland and Germany as the material on which this framework will be tested. The issue of what makes one case meaningfully comparable to another case surfaces with some regularity in social science. Geographic proximity does not insure that Poland and Germany are comparable. The utility of comparison is not inherent to particular cases but is imposed on them by the questions that we seek to answer. The key test of whether a particular set of comparisons is meaningful is whether it better elucidates the thing observed or yields observations that allow the analyst to theorize in a way that augments or refines our knowledge of a social phenomenon. As Dankwart Rustow noted over thirty years ago, comparability “is rather a quality which is attributed by the point of view of the observer” (1968, 45–46). And indeed his seminal work on the process of democratization was based on his observations of Turkey and Sweden, a pairing that does not immediately jump to mind as obvious for comparison (1970).

Why are Germany and Poland apt objects to compare in order to understand the problem of institutional choice and its effect on durable democracy? The most important consideration is the dependent variable—whether democracy survives or breaks down. In a span of just over seventy years (1918–1989), the two countries provide four cases of attempted democratization. Interwar Poland and Weimar Germany are notable failures. The postwar Federal Republic of Germany has been a conspicuous success. The case of postcommunist Poland also seems to be a success. Poland’s postcommunist democracy has endured for twice as long as its interwar counterpart, and its economy does not show the kind of severe chronic problems that contributed to Piłsudski’s coup d’état. This combination of success and failure provides greater comparative leverage and avoids the problem of making false inferences by induction when only cases of success are compared.¹⁷ The combination of success and failure in both countries also means that the countries can be compared to themselves at different points in time. Longitudinal comparison can be just as powerful an analytic tool as comparison across countries.¹⁸

Another reason to utilize Poland and Germany is that social science tries to explain anomalous cases. Anomalies demarcate the lines of what is possible in the social world. With regard to democracy, both Germany and Poland are anomalies. Conditions in Germany in the first half of the twentieth century should have been conducive to democracy: it was one of the world’s most developed, modern, and culturally innovative countries. Yet its interwar democ-

racy succumbed to one of history's most pernicious dictatorships, and only its ruinous defeat in a total war finally led to stable democracy. Poland, on the other hand, has lacked many of the advantages that Germany enjoyed. It was substantially less developed than its neighbor to the west. It was denied state sovereignty for lengthy periods of time, and its physical and human infrastructure was severely damaged in two world wars. Still, a substantial part of Polish society remained hopelessly and romantically attached to democracy.

This anomalous status of both countries is tied to their geographic position. Both Poland and Germany fall into an intermediate developmental zone in Europe, between those lands in the west in which the crisis of feudalism paved the way for capitalist modernity and those lands in the east in which it prolonged the existence of feudal society and traditional rule (Szucs 1988; Halecki 1952). Their status as lands between the earliest modern states of the West and the traditional autocratic states of the East makes them cases whose outcomes are not so academic and thus highly interesting from a theory-testing point of view. This intermediate zone includes cases that are problematic yet hold out the prospect of success in creating democracy. Because their outcomes are not easily explained or anticipated, they promise to be fruitful for exploring the prospects for democratization. Germany represents that part of Central Europe that was closest to the western patterns that produced democracy early in historical terms, yet it diverged violently from that pattern. Poland, which had a lower level of development and lacked a history of self-government due to its partition, would seem to have great material disadvantages in building democracy yet has somehow managed to do so.

Also, in using Germany and Poland, it is possible to limit comparison to a fairly compact number of cases (four) in two neighboring states over an eighty-year period, allowing for the use of detailed interpretive methods that do full justice to the history of the two countries while relying on comparison to generate a midlevel explanatory framework relevant to the study of institutional choice in general. Such a study can be rigorous enough to contribute to our general knowledge about the effects of institutional choice on democracy's prospects while providing an account of the struggle for democracy in Germany and Poland that will not do damage to the view that the meaning actors attribute to their actions must be interpreted to be fully understood. In doing so I will try to overcome the tension between "individualizing" and "generalizing" in comparative analysis described by Sartori (1991, 254). Doing so is also essential given the errors that accounts of institutional choice have been apt to make in the past and the critical role that context plays in the framework elaborated above. Specifically, context is critical to whether institutions survive or fail, and

in understanding the behavior of political actors engaged in the process of institutional choice.

In addition, taking cases from several different eras in the twentieth century, as with Germany and Poland, represents a chance to demonstrate the utility of the framework. The cases come from three critical moments in the development of democracy as a global phenomenon. The two interwar cases come from among the large number of short-lived transitions to democracy in Europe that followed the collapse of the four great empires (Ottoman, Romanov, Hohenzollern, and Habsburg) at the end of the First World War. The case of the Federal Republic of Germany comes from the era of Cold War democratization that followed the defeat of the Axis in the Second World War. And finally, the postcommunist Polish case was the earliest and, in some ways, the most influential episode in the democratization of Central and Eastern Europe in the 1980s and 1990s. Should the framework be useful in understanding four cases representing such different historical moments, this will help to demonstrate its broad utility in the same way that a set of comparisons of several geographically dispersed countries would.