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HOW COMMUNISM COULD HAVE BEEN SAVED? AN UNEXPECTED POLITICAL CONSEQUENCE OF AN ELECTORAL LAW

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HOW COMMUNISM COULD HAVE BEEN SAVED?
AN UNEXPECTED POLITICAL CONSEQUENCE OF AN ELECTORAL LAW'

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Abstract: The current analysis reconstructs the impact of the electoral law adopted by Solidarity and PUWP[2] during the 1989 Roundtable talks on the subsequent course of events. The PUWP decision to conduct first in the Soviet Bloc free elections was founded on the flawed (overoptimistic) estimates of the strength of its support. The first project of electoral law was worked out by PUWP analysts and, after a few rounds of bargaining, its modified version was- finally accepted by. Solidarity. -This law was the decisive. factor that lead to an overwhelming Solidarity victory and to the subsequent collapse of communist regime in Poland. Under an alternative law, like PR-party list or STV, the course of events in Poland and the rest of the Soviet Bloc could have been different.

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[2] Polish United Workers' Party = communist party.

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IRIS SUMMARY

This paper attempts to reconstruct the sequence of events that lead to the loss of power by Polish communists in 1989 and the underlying factors that facilitated their fall. Under the given social, political, and economic circumstances, the pivotal role is attributed to the electoral law that was the main outcome of the negotiations between Solidarity and the Polish United Workers' Party (PUWP) during the 1989 Roundtable Talks.

The PUWP decision to conduct first in the Soviet Bloc free elections was founded on the flawed (overoptimistic) estimates of its support that were provided by a special governmental research institute (CBOS). The methodological errors committed by the CBOS and PUWP analysts involved the lack of adjustments for a) high (usually around 30%) non-response rates; b) the fear effect among the respondents that agreed to answer the questions; c) asymmetric access to media of Solidarity and PUWP. These errors resulted in the conviction, widely shared by the communist leaders, that they had at least as high support as Solidarity did.

The finally adopted electoral law created a slight chance for Solidarity to achieve an actual blocking capability in the postelectoral parliament. However, the probability of such an event under the erroneous believes of PUWP leaders was negligible. True distribution of electoral support, the 'impossible' became 'possible', and Solidarity won all the 161 freely elected Sejm (lower house) seats and 99 out of 100 Senate seats. This overwhelming victory lead to the collapse of communism in Poland and contributed

decisively to the subsequent fall of communism in the rest of the Soviet Bloc.

Under an alternative law, like PR-party list or STV, the distribution of seats under the actual distribution of votes would have been significantly different. It is shown that under such a law, the communists in Poland would have been able to form a cabinet, and probably to save their power. Therefore, had the communists had better educated advisors, they would have been probably able to preserve their political system.

The essence of the argument in the paper is that the events were motivated mostly by the errors of the policy-makers who were unable to use skillfully the tools of opinion polls and electoral law analysis. This makes any straightforward policy advice difficult. However, the general message of the paper can be articulated quite simply. Firstly, electoral institutions adopted in all political systems, not only democratic ones, can have tremendous impact on their performance and/or survival. Secondly, the proper use of the electoral research tools requires strong and specific methodological skills. Good or bad, advice of a political scientist can make a difference for rulers, citizens, and the constitutions of political systems.

1. Introduction. The study of long-term, or distal, political consequences of electoral laws already constitutes a separate field in political science (Duverger 1954; Rae 1967; Lijphart 1984, 1990; Taagepera and Shugart 1989). This paper evaluates the predicted one-shot, or proximal, impact of the electoral law on the political regime in the spirit of Nagel's (1994a,b) analyses of New Zealand's political system, Dunleavy et al. (1992) evaluation of Great Britain's electoral reform or the well-known case of the breakdown of the Chilean democracy after 1970 presidential elections. The main thesis of this paper is that the configuration of social, economic, and geopolitical factors that occurred in Poland in 1989 was not a sufficient condition for the fall of communism. The adoption of a different electoral law could very likely have resulted in its survival.

There were two essential mistakes committed by communist negotiators before and during the Roundtable talks. The first one was estimating the level of political support for the rulers from the polls that, under given methodological environment, were doomed to bring an overly optimistic picture. The second mistake by PUWP was the proposal of an electoral law that under any circumstances brings, in the light of information available, an outcome that is not better than, and sometimes strictly worse than, another outcome feasible under other proposal, and still has the same chance of being accepted by the other side. This mistake, the choice of a strictly dominated proposal, may be attributed to the complexity of the decision-making environment, and to the fact that under the flawed distribution of voters' preferences inferred from the polls, both laws produce similar outcomes.

Although I do not provide a formal model, I use- several-game-theoretic tools to analyze the changing parameters of the negotiations at different points of time. The next section, Section 2, introduces the reader to the political climate before the talks. In Section 3, the main outcome of the talks, the electoral law, is described. In Section 4, different consequences of the electoral law are analyzed with the notion of simple game. Section 5 shows how the fruits of electoral victory were consumed by Solidarity. In Section 6, the mistakes by communists are analyzed in detail. The final section assesses briefly the further impact of the 1989 elections in Poland on the communist regimes and concludes.

The data critical for the definitive reconstruction of the events came from two sets of

formerly secret documents recently published in Poland (Perzkowski, 1994; Badora et. al., 1994).

2. Polls and thaws: before the Roundtable Talks. Gorbachev's perestroika and glastnost' made possible the changes in other countries of the Bloc. Unlike in the Soviet Union, the target of the Polish gradual 'little thaw' that was announced on September 11, 1986, was not the citizens and party members, but the well-organized political opposition. Consequently, its most important ingredients were not party-managed softening of the censorship, but rather a catholic amnesty for political prisoners, and the political opening to a number of selected non-Solidarity opposition groups. Independently from the green light from Kremlin, the liberalization was also supported by the firm conviction of the rulers that they enjoy a clear social support. This conviction came from a number of social surveys, that were conducted mostly by a special governmental Center for Public Opinion Research (CBOS)[3]. General Jaruzelski, the chief PUWP executive, announced the foundation of CBOS just after he had introduced the Martial Law, in January 1982. "the first and very careful student of every CBOS report"[4] (Sulek, 1994: 18). top communist politician, the future prime minister and the last First Secretary of PUWP, Rakowski, was arguing that "who [ignores polls] should rethink if there is place for him in the administration. " (Sulek, 1994: 18).

However, the support -in an authoritarian -regime cannot be. estimated with simple electoral polls, even though its authoritarianism is relatively mild and the rulers are just thinking about further liberalization. In such a regime, there is no legal political opposition, there is no electoral law, and citizens lack any experience with free elections. Thus, the questions in CBOS surveys were usually about the 'confidence' in different organizations,

[3] Before the end of 1989, CBOS had conducted 134 surveys, and the results were described in 441 reports and a quarterly published *Bulletin.* Between 10% and 63% of CBOS reports a year were classified, for a period of up to five years.

[4] All the subsequent citations were translated from Polish by the author.

including PUWP and underground Solidarity, 'confidence' in 'important political figures', etc.

The patterns of answers in the polls conducted between 1986 and the late 1988 were quite stable (see Table 1 and 2). The PUWP ratings were not impressive, but significantly higher than very poor Solidarity ones. The best ratings were held by the Catholic Church, which was closely followed by the Army. Similarly, the ratings of different political persons were also favorable for the communists. The first two positions were usually reserved for the pope and the primate, but they were followed by General Jaruzelski. Walesa would occupy middle positions with a few communist liberals. Two top Solidarity advisors, Kuron and Michnik, the Siamese-twins targets of the heaviest communist propaganda, and the leader of underground Solidaritv, Bujak, would place at the very bottom of the list.

Politicians	XII '86	VII '87	XI '87	II '88
Primate Glemp	**83.2**	**82.4**	**73.3**	**81.7**
General Jaruzelski	67.6	74.4	58.0	49.0
Premier Messner		**50.6**	**38.7**	26.1
Chairman Walesa	**-28.0**	**-22.1**	**-29.9**	**-16.6**

Table 1. Net confidence in top political figures, as measured by the percent of declaring confidence minus the percent of denying confidence (source: CBOS, quoted in Badora et. al., 1994:322)

Organizations, persons, etc.	VI '85	VII '85	VII '86	XII '86
Catholic Church	**80.0**	**80.3**	**79.6**	**80.0**
Army	**74.3**	**81.0**	**77.8**	**77.3**
PUWP	66.2	52.6	56.4	49.5
Walesa and fellows			**28.5**	**20.1**
Opposition	20.4	20.5	19.3	15.8

Table 2. Percentages of 'yes' answers to the question: does the organization/person serve the society well? (source: CBOS, quoted in Badora et. al., 1994:244)

The economic situation in Poland worsened significantly in 1987 and 1988, and the

polls reflected the changes (see Table 3). The ratings of Solidarity improved a little bit, but more important was a dramatic fall of the PUWP ratings. In May and August 1988, the rulers were also confronted with two strong waves of strikes. These events induced a conviction among the PUWP leadership that a new strategy has to be developed, either a further liberalization, or a frost.

Organizations	VII '87	XI '87	II '88	v '88	VIII '88
PUWP	26.8	7.4	-11.4	-7.0	-25.5
Cabinct	**57.5**	**39.1**	**16.8**	**17.6**	**-17.7**
Ctu	**25.1**	**16.8**	24.3	32.2	8.7
Opposition	-22.9	-28.7	-17.3	-20.5	-11.3

Table 3. Net difference between 'yes' and 'no' answers to the question: does this organization serve the society well?; Ctu = communist (anti-Solidarity) trade union (source: CBOS, Pracy et. al., 1994:367.)

Answers	VII '87	IX '87	II '88	V '88	VIII '88
yes + fiily yes	18.2	18.5	24.1	23.8	25.7
no+firmly no	40.3	48.4	40.7	13.2	**44.7**
diff. to say	35.8	32.5	35.0	32.8	29.1

Table 4. Distribution of answers to the question: does the activity of Walesa and his group serve the society well (source: CBOS, quoted in Badora et. al., 1994:366)

The surveys helped the-leaders to convince the communist elite' that-although the support for the opposition did not increase dramatically, there is a possibility of its revival, and that the breakdown in the public sympathies for the regime can be reversed to restore its 'normal', high level. The strategy chosen was a 'big thaw'. To crush the resistance of the part of Central Committee members against the 'big thaw', Rakowski on August 25 used the results of the latest CBOS polls that "the public opinion is not as favorable for us as you think. At least half of the society supports the strikes, since they think that this is the only way to force the rulers to reform the system." (Rakowski, 1991: 118). The promise

of 'Roundtable Talks' with the opposition was announced by the **communist Minister of the** Interior, General Kiszczak, on **August 26, 1988.** The crucial question then became the one about the potential electoral support in the possible partially-free elections.

The next unexpected and troublesome shift in CBOS indicators was shown after the November 30 television debate between Walesa and the leader of the communist trade unions, Miodowicz. The debate was intended to cautiously sound the public opinion reaction to the first television appearance of Walesa, and its relative importance was probably higher than that of US presidential debates. According to the poll (Badora et. al., 1994: 384), 63.8% of respondents agreed with the opinion that Walesa won the debate, against a mere 1.3 % that Miodowicz won. A big attitude change towards the idea of re-legalization of Solidarity was also detected: in August, the difference in percentages of respondents supporting and opposing re-legalization was +12, whereas in December, after the debate, it jumped to +32.4.

December 1988 was probably the most critical moment in the pre-Roundtable negotiations, The post-debate shift in the ratings undermined the party leaders unshaken conviction that they still enjoy a clear majority of popular support. However, the CBOS special comprehensive report stressed that the process of liberalization is too advanced to terminate it rapidly: "Public opinion [expects the talks] and will make responsible the rulers for their termination" (Perzkowski, 1994:216). In case of termination of the talks, the scenario described by the report was extremely, unpleasant: steady deepening. of social frustration and narrowing of support, that finally would result in a wave of strikes, probably as early as in March 1989 (Perzkowski, 1994:222-3). The continuation of the talks was estimated to be a better alternative.

Even with a bit of anxiety, the general optimism of the communists' leadership was not challenged dramatically. The potential electoral support was estimated by a PUWP analyst to be solid: "[On the eve of the talks] it was estimated, on the basis of different empirical data, that PUWP and its allies have a support of about 30% of electorate; the opposition, according to earlier data, had a support of 20-25 % of electorate, although its

ratings were improving [. . .] . " (Perzkowski, 1994:445). At the same time, the chief communist politicians were still getting higher, on average, ratings than the Solidaritv ones, although the differences were not as striking as earlier.

3. Roundtable Compact electoral law. Before the talks began, the PUWP politicians had attempted to influence the identity of their future partner. Their main goal was to exclude 'extremists', but get a partner with enough social support. After a few months of secret negotiations in Magdalenka, the partner was finally agreed to be the trade union Solidaritv, with Walesa as the chairman. The propaganda would depict the talks as government-trade union rather then political negotiations.

The talks were held in Warsaw between February 6 and April 5 and concluded in the signing of the Roundtable Compact. The Compact resembled a provisional constitution, but also specified in detail the economic and social policies that the communists declared they would follow as the price for the social peace provided by Solidarity. The political life of this document was short: in a few months nobody even remembered these useless policy items. Out of a few hundred pages of regulations, commitments, demands, and declarations that were negotiated out at many "subtables" and "subsubtables", only four short pages had a real and truly profound impact on the future constitution of the political system: those concerning electoral law.

The Roundtable electoral law talks between Solidarity and PUWP can be modelled as bargaining of two unitary players over a set of games they would play on the political scene after the elections. The first out of two parameters that define a game, electoral law, was a subject of bargaining. The second parameter, the popular votes in the elections, was unknown in advance, and the players continuously were estimating their support and making adjustments on the basis of available information. The informational resources of PUWP were incomparably larger than these of the opposition. Both players evaluated outcomes in terms of their expected political consequences.

The key elements of the finally accepted electoral law were as follows

(Porozumienia... 1989). The lower house (Sejm) elections were "35 %-free". The seats were reserved for the communists and their satellite parties. PUWP got 38 % , and its satellite parties the remaining share of seats: ZSL (peasant party) 15%, SD (private pro-communist business party) 7 % , and the three tiny "catho-marxist" (catholic organizations under the communist control) formations 5% together. 35 % of the seats were to be elected freely. The voting rule was single-member district plurality runoff (SP), with a small modification: every voter would cast ballots separately for a few single-member districts (Porozumienia... :7-9). The elections to the Senate were completely free, and the voting rule was pretty similar to SP. The details of the Senate rule are less important for the course of action.

The origin of the free Senate elections idea is unclear. According to an insider (Beres and Skoczylas 1991:264), this proposal was brought about unexpectedly by one of the PUWP leaders, next withdrawn, and finally, probably after a short struggle at the highest level, was supported by general Jaruzelski. It is likely that 'optimists' defeated 'pessimists' and that freely elected Senate was intended to be an experimental structure "designed to institutional& political opposition in a way least harmful for the political system" (Perzkowski, 1994: 171).

The initial PUWP offer of an electoral law was different from me finally accepted one in essentially one detail. The secret project of the Sejm electoral law, dated February 16, assumed that 31.9 % of seats would be elected freely. In the second version of the-project, the opposition would have guaranteed 15.9 % of the seats and the remaining 16 % would have been elected freely (Perzkowski, 1994:289-292). But both versions of electoral law couldn't have been accepted by the opposition. To explain concisely the reasoning behind these numbers and rules, we need a notion of simple game.

4. Power to win, power to block. The most important post-electoral political decisions expected from the new parliament were the election of a president and a cabinet. Therefore, the expected distribution of power in the future parliament was evaluated in terms

of prospects to create a cabinet and to elect a president.

The distribution of power in a parliament can be modelled with the notion of a simple game (von Neumann and Morgenstern 1944; Ordeshook 1986). With a qualified majority clause of two third votes in the Senate required to overrule the Sejm's decisions, the fundamental question is: is a coalition able to pass a normal bill, i.e., a bill that does require majority in both houses or qualified majority in a lower house? This criterion defines the cabinet game. Every coalition that is able to pass a normal bill is called winning; it is called losing if the complementary coalition is winning; otherwise it is called blocking. For some divisions of the seats into two sets a winning coalition does not exist--- both coalitions are blocking. This is the case when one coalition enjoys a majority, but not a qualified majority, in a lower house, and the second one has a majority in the Senate. Similarly to the notion of cabinet game, for parliamentary systems with indirect presidential elections, a presidential game can be defined. In the case of 1989 electoral law, a president was to be elected at a common session of the National Assembly, a joint meeting of both houses, by a simple majority of votes.

Even under least favorable circumstances of winning all freely elected seats in both houses by the Solidarity candidates, 65 % of Sejm seats had guaranteed the 'old regime' coalition a majority in the National Assembly to elect a communist president (see Table 5). The price for the sure winning of the presidential game was paid in a more complex cabinet game.

COALITION	MINIMAL POWER	MAXIMAL POWER
SOLIDARITY	LOSE	LOSE
PUWP+SATELLITES	WIN	WIN

Table 5. Different outcomes of the Presidential Game under the 1989 electoral law.

The initial offer of fully free Senate elections and 3 1.9 %-free Sejm elections would have guaranteed to PUWP and its satellites a winning coalition even under the least favorable

circumstances of Solidarity winning all the freely elected Senate and Sejm seats. y , this was not acceptable for the opposition. The approval of such an offer would have resulted in a huge loss of legitimacy in the eyes of the opposition electorate. Having had no chance of influencing significantly parliamentary outcomes even with 100% electoral support, they would have risked the loss of many supporters to more radical anti-communist groups that did not participate in the Roundtable talks and demanded fully free elections. The threat of the loss of legitimacy was credible, and softened the PUWP position, since they strongly preferred Walesa and his Solidarity as a partner in the talks to other options. a different partner, or with weak Solidarity, the target of the Roundtable manoeuvre, the neutralization of possible social turmoil, could have been missed. Thus, 35 %-clause was finally reluctantly accepted. For similar reasons, and to stress the pluralist character of the elections, the assigned seats were divided among PUWP and its allies in such a way that PUWP alone had guaranteed itself only a minority of Sejm seats. e f i n a l arrangement was then as follows: although the elections were far from being free, there was a slight chance that Solidarity would win a blocking coalition in the cabinet game, and there was also a chance that PUWP alone, without its allies, would not win a blocking coalition. In other words, there was a chance that Solidarity would be able to successfully oppose forming a communist cabinet, and a chance that PUWP would not be able to oppose the formation of a cabinet that was not communist controlled.[5] (compare Tables 6 and 7)

COALITION	MINIMAL POWER	MAXIMAL POWER
SOLIDARITY	LOSE	BLOCK
PUWP	LOSE	WIN
PUWP+SATELLITES	BLOCK	WIN

Table 6. Different outcomes of the Cabinet Game under the 35% agreement.

[5] The PUWP designers were fully aware of the properties of potential games created by the electoral law, and the first project of February 16 includes an entire explicit section on the future voting power of different coalitions under different circumstances (Perzkowski, 1994:292).

COALITION	MINIMAL POWER	MAXIMAL POWER
SOLIDARITY	LOSE	LOSE
PUWP	LOSE	WIN
PUWP+SATELLITES	WIN	WIN

Table 7. Different outcomes of the Cabinet Game under the 31.9% proposition (not accepted by Solidarity).

The margin above 33⅓% was tiny, but still distressing. The acceptance of the fatal 35% was decisively influenced by the underestimation of the Solidarity's support. After significant changes in the public opinion were detected at the end of 1988, PUWP leaders were optimists. A top communist politician reports with some exaggeration: "Before the 1989 elections, the government was afraid only how not to win elections too heavily and give the opposition a fair chance." (Beres and Skoczylas 1991:265; also Urban 1990:28) Also, Solidarity leaders underestimated the strength of their support and the terrific effect of the SP rule. Even during the last weeks before the elections, when the polls began to show steeply increasing support for Solidarity, Walesa expected 20-25 % of seats in the Sejm and about 70% in the Senate (Kaczynski and Rnchwic 1991:22). At the time of the talks, both sides unanimously regarded the 35 %-free and 38 %-communist-guaranteed clauses as symbolic from the point of view of the composition of Sejm, but important for legitimizing the agreement in the eyes of the opposition electorate.

The election date was fixed by the government on June 4, less than. two months after the last day of Roundtable talks. This hurry was intended to shorten the time for Solidarity to organize its campaign. The timing of elections turned out to be another Trojan horse bred in the Roundtable barn.

5. Elections and the formation of a winning coalition. Two months appeared to be perfectly sufficient for Solidarity to organize its campaign. The last months were changing rapidly, and the polls conducted at the end of May predicted the results with great precision. With many voters undecided, the ratio of firm Solidarity supporters to PUWP

supporters was estimated by CBOS as 31: 12 and by Promotor as 32: 14 (Kolarska-Bobinska et al, 1990: 18,35). However, it was too late for the PUWP leaders to deduce the scale of the forthcoming defeat and to react appropriately. The elections took place with no major disruptions on June 4, and the first estimates in the Solidarity's electoral headquarters, cafe "Surprise", brought a picture astounding to most of the observers on both sides.

After a few runoffs, Solidaritv won all of the freely elected 35 % seats in the Sejm and 99 out of 100 seats in the Senate, which gave it actual blocking capability. In the first round, only a few of the PUWP coalition candidates, all of them liberals supported to some extent by Solidaritv, received a simple majority of the popular votes required for a scat. For a moment, it was quite likely that, due to an omission in the electoral law, PUWP coalition would have lost 7.6% out of total of 65 % of their guaranteed Sejm seats. However, most of the Solidarity leaders were embarrassed with the elections' results not less then the communists were, and they agreed quickly to a compromise solution. At the first post-electoral meeting, the communist leaders reproached newly elected opposition representatives: "How could you allow for this to happen, your campaign was so aggressive, instead of being democratic and non-confrontational! " Wnlesa would apologize: "Gentlemen, we are very sorry, we will try to fix it now. " (Beres and Skoczylas 1991:266-7)

There was no need to "fix" the situation. The signals that were coming from Moscow were clear: no more repetitions of the Brezhnev doctrine. In this context, the costs of unilaterally breaking the contract turned out to be too high for the rulers. The-political negotiations were long and involved many twists (Domaranczyk 1990), but they were structured by the parameters of the post-electoral game. In about ten weeks, it became clear that what really mattered on the political scene were exclusively the properties of the parliamentary games, not the Soviet or internal intervention threats. The players learnt finally that the games could be played in a usual way: on the basis of the power- of different coalitions.

At first sight, the situation in the cabinet game resembled a stalemate: the voting power in the Parliament was divided between two blocking coalitions. But coalitions consist

of single players who can switch and give birth to a new structure. Thus, the attempts of both coalitions were to break the other one into smaller parts, and to recruit its leading figures. The PUWP bloc attempted to form a cabinet with Kiszczak as a prime minister, playing on the military intervention threat. When the threat turned out to be non credible, the Solidarity coalition's cohesiveness made the Kiszczak's mission a failure. Geremek, the leader of Solidarity's parliamentary club, predicted this failure in response to Kiszczak's question: "nobody will agree. We are bound by the internal discipline." (Beres and Skoczylas 1991:273) This discipline was founded on the representatives' rapidly emerging expectations of the likely breakdown of the regime. The interests of the individual members of the communist coalition were precisely the opposite. The rising number of individual defections from this coalition resulted in its breakdown. The "symbolic", at the time of the Roundtable Talks, decision to split the guaranteed seats among the communists and their allies was revealed to have a profound political importance. The 'old regime' coalition was still able to win the presidential game: General Jaruzelski was elected a president by a narrow margin of two votes on July 19. But the cabinet game was won by a different coalition. Walesa's plenipotentiary Kaczynski, the sharpest Solidarity political analyst, had negotiated an agreement with the so far puppet satellite parties. ZSL and SD soon left the communist coalition and formed with Solidarity a winning coalition and a cabinet (see Table 7). On August 24, the first noncommunist prime minister in a Soviet-dominated country was accepted by Sejm.

COALITION	CABINET GAME	PRESIDENTIAL GAME
SOLIDARITY	BLOCK	LOSE
PUWP	LOSE	LOSE
PUWP+SATELLITES	BLOCK	WIN
SOLIDARITY +SATELLITES	WIN	WIN

Table 8. The parameters of the actual post-electoral Presidential and Cabinet Games. The actual outcomes are underlined.

6. The mistakes. The first mistake committed by the communist leaders was due to the misinterpretation of the 'confidence' polls before the Roundtable, and the underestimation of Solidarity's organizational potential. The second mistake was the unwise choice of a strictly dominated, from their point of view, electoral law.

The revealed patterns of confidence were in fact very bad indicators of true support or potential electoral support. The CBOS 'confidence' polls of the 80s, when interpreted at their face value, were flawed in many respects (Sulek 1989, 1994). However, the scale of these flaws was not recognized and investigated carefully enough by governmental researchers, and the necessary adjustments in the reports were not provided. The lack of analysis of the resulting bias produced stable, but inaccurate, proxies for the support for the communist regime.

Firstly, the non-response rates were usually as high as 30%, and sometimes were reaching even 50% ! The major cause of non-responses can be attributed to a catholic refusal of the majority of Solidarity supporters to interact in any way with governmental institutions. This refusal was a direct consequence of the Solidarity program of building independent society, adopted after the Martial Law in 1982, and backed by all underground Solidarity authorities. [6]

Secondly, another systematic factor was the fear effect among the respondents who agreed to answer the questions. In an authoritarian regime, the guarantees of "secrecy" of a poll. by a governmental interviewer are -not -taken seriously by a significant proportion of respondents. Thus, the fears of respondents are another source of bias in favor of the rulers. The indirect evidence for this effect comes from the comparison of CBOS and university polls. The universities were perceived as relatively independent from the communist

[6] Some of the CBOS surveys, conducted under pressure, contain so few answers that the authors give up in reports the analysis of the collected answers and, instead, focus mostly on the presumed causes of non-responses. Sometimes their relations are humoristic: "[Interviewers] at the Assembly Department did not get any answer, even though they approached respondents many times. They were asked to show their documents by a supervisor and to leave the Department immediately. Since the incident happened in the presence of most of the workers, the interviewers decided to terminate their activity in this environment." (Badora et al, 1994:42)

pressures, and their polls were bringing results less flattering for the rulers (Sulek 1989, Kaminski 1987). The strength of fears can be estimated on the basis of the effect of denying the 1981 Solidarity membership (Sulek 1989:25). Solidarity members declared in surveys was usually about half of the expected one.

Finally, the last factor was an asymmetric political status of both sides and, as a consequence, asymmetric access to media. The ratings of Solidarity were additionally lowered by unfavorable communist propaganda and could have been expected to increase had Solidarity gained better access to media during the campaign.

The three factors combined produced a picture of public opinion that was systematically and seriously distorted, although consistent across different studies. The shift in revealed ratings, unfavorable to the communists and favorable to the opposition, that started in 1987, had its first jump in December 1988 and the second one in April-May 1989, was not only due to the worsening of economic conditions. To some extent, it can be attributed to weakening of the influence of the three factors described above. When this influence disappeared completely, what took place during the final eight weeks of campaigning, the ratings changed dramatically.

The last eight weeks turned out to be sufficient for Solidarity to send a bold message against the "three fears": 'be active, say what you think, we are even more responsible politically than the communists are'. The PUWP clearly underestimated the organizational potential of -the Solidarity's underground civil- society- to prepare--and send the message around. The resources of thousands of so far illegal Solidarity committees, one hundred underground publishing houses, underground Radio Solidarity and Television Solidarity, were easily converted into a very efficient propaganda machine. Short TV Solidarity programs would send to a voter signals opposite to those he had receive during the past 45 years: 'everybody is against communist rule', by simply showing a variety of well-known actors declaring their full support for Solidarity. Solidarity also received strong support from the Catholic Church.

But the course of events was not inevitable. The overwhelming Solidarity victory was

not so impressive in terms of popular votes. The proportion of the votes for Solidarity in the free part of Sejm elections was 71.1% , the corresponding proportion for PUWP can be estimated around 20% .[7] In Senate elections, PUWP candidates did better, with the estimated support of 25 % (Gebethner, 1989; quoted in Raciborski, 1991: 118); Solidarity candidates received about 67% of popular vote (Raciborski, 1991: 118). SP rule converted these votes into 100% of the freely elected Sejm and 99% of the Senate seats. With districts of a typical magnitude of 4-5 seats, and with allocation formula, or a quota, friendly for small parties (for instance, Sainte-Laguë algorithm or Hare quota), practically any PR rule would have resulted in a division of seats roughly proportional to popular votes, regardless of the further details of the electoral law. The outcome of the elections measured in terms of seats would have been very different. PR would have practically guaranteed both a significant Solidarity representation and a margin of safety for the communists for a very wide variety of distributions of popular votes, including the actual one. Given strong risk-aversion of both players, the game was not a zero-sum one at the moment of the Roundtable talks and it seems that PR should have been preferred by both of them. Why wasn't it chosen?

The answer is that SP elections can be held among individuals who do not need to be designated by parties. A PR party list system requires legal parties. the price of legalization of an independent opposition party was too expensive for the communists to pay at the time the project of electoral law was discussed.- "[Communist negotiators] were repeatedly declaring that they would not accept the registration of a political party under any circumstances." (Kurski and Semka 1993: 18) The maximal concession the communists were reluctantly prepared to make was the legalization of the trade union Solidarity. under legal restrictions that would have removed the threat of repetition of 1981 events. The constitution

[7] The mean (unweighted) popular support for Solidarity's candidates was calculated by the author on the basis of official elections results by districts (Monitor 21). The exact calculation of PUWP support is not possible due to the lack of candidates party affiliation; in the case of Solidarity candidates such identification was easier since 260 out of 261 won seats. No official aggregate data on the relative performance of Solidarity and PUWP are available.

of the regime was not supposed to change dramatically. On the contrary, it was intended to be saved by the means of a relatively deep, but controlled, and reversible, thaw. It was clear for every political insider at that time that "Kiszczak's offer was only an element of a strategy of sharing the power. The course of events changed it unexpectedly into a spectacle of the full dismantling of communism [in Poland]." (Kuczynski 1992:29) Thus, party list PR was not preferred to SP by the communists under their erroneous estimates of Solidarity's strength at the time of talks, even though they would have preferred PR to SP ex post, in the light of the future course of events. Another argument for SP versus PR list electoral law were relatively lower ratings of PUWP comparing to higher ratings of individual communist politicians.

But there exists another PR system, single transferable vote, that does not require legalization of -parties and makes possible voting for individuals. Under STV, as used in Australia, Estonia, Ireland, Malta, and some local elections in the U.S.A., a voter has to rank all the candidates in multimember districts. The procedure of calculating the outcomes on the basis of this input is quite complex, but definitely manageable even in a communist country with no serious electoral experience (see, for instance, Taagepera and Shugart [1989:26-28] for a concise explanation). The application of this rule would have brought outcomes that would have dominated, from the point of view of PUWP, every outcome under SP. Given the Solidarity leaders' risk aversion and expectations at the time of the talks, STV would have been most likely regarded,-also by Solidarity as an ex ante better rule than SP! The elections under STV would still have had legitimacy of the opposition electorate; no opposition parties would have been registered; and the expected final outcome would have been more satisfactory for both partners than a risky lottery between full-victory and complete-defeat outcomes. STV would definitely have been accepted by both sides of negotiations. The reasons why it was not proposed are not clear. The most likely cause is the lack of expertise of communist negotiators.

Moreover, under the underestimated support for Solidarity, the absolutely critical salience of the plurality versus PR choice was not recognized. Of course, the electoral law

was widely discussed at the Secretariat of the Central Committee of PUWP meetings, especially on January 27 and February 16. The discussants were clearly aware of different partial dangers flowing from the proposed electoral law. In the complex decision-making situation, they were unable to put the pieces together and to choose a strategy that would work better for all contingencies. The threat of the defeat induced only helpless declarations: "We cannot loose power with a ballot." (Perzkowski, 1994:284)

Let's briefly develop the likely consequences of adopting an STV electoral law under the actual distribution of popular votes. Instead of 65 %, the communists and their allies collect about 72-75 % of the Sejm seats and, regardless of the distribution of Senate seats enjoy a winning coalition. The "margin of safety" for this coalition is about 25-40 seats over qualified majority and is sufficient to preserve its cohesiveness. Kiszczak forms a cabinet, with a few renegade Solidarity ministers, who could have or have not finally got Walesa's approval. Two scenarios of the subsequent events seem most likely. First, in the next few months, the communist cabinet fails, Solidarity takes over power, and the breakdown of Polish communism is only delayed. In the second, more likely scenario, the levels of support for Solidarity and for rapidly reforming communists slowly converge, and the "socialist democracy" is transformed into a "perestroika democracy", with a unique, and grotesque, two-party system with one party-party and one party-trade-union. The current 'revival' of the support for the postcommunist parties provides an additional argument for this scenario, under which communism in Poland, 'and-possibly-elsewhere. is saved.

7. The fall of communism. The spiral of events between February and August 1989 showed that communists can loose power and not use the army to restore the old regime. The parallel thaw in Hungary reinforced this signal and resulted in the chain-reaction revolutions in the other East-European countries which in June seemed to be oases of orthodoxy. In October and November, the waves of strikes and demonstrations in Czechoslovakia and East Germany spread across the countries. On November 9, the Berlin Wall was breached. In a few weeks, the communists lost power in both countries, and, soon thereafter, in Bulgaria

and Romania. In several months, the Soviet Union fell apart, and communism in the Soviet Bloc collapsed.

Ironically, the communists lost power when they began to experiment with the classical devices of democracy: polls and electoral laws. They played with these devices without the necessary skills, what resulted in a series of mistakes. The old, nasty Lenin's saying about capitalists selling to communists a rope to be hung on, received an inverse fulfillment.

The final wrong choice of SP electoral law during the Polish Roundtable talks was obviously only one among the many social, economic, and political factors underlying the 1989 events in Eastern Europe. Its importance could have been revealed only under the favorable political configuration of the other factors. However, one special property distinguishes the electoral law: its relatively easy manipulability. Whereas economic and social policies cannot be changed easily, and their interaction with politics is difficult to assess, the impact of an electoral law is much clearer. It can be said that, ceteris paribus, a different choice of electoral law would have deeply affected the course of events, and possibly delayed or restrained the fall of communism.

REFERENCES

Badora. B., L. Kolarska-Bobińska, K. Kosela, A. Paczkowski, A. Sulek (eds.). 1994. *Society and Rulers* of 80s *in the. CBOS Reports.* [Społeczeństwo i wladza lat osiemdziesiatych w badaniach CBOS] Warszawa: CBOS. (Polish)

Beres, W., and J. Skoczylas. *1991. General Kiszczak mówi... prawie wszystko...* Warszawa: BGW. (Polish)

Domaranczyk, Z. 1990. *100 dni Mazowieckiego.* Warszawa: Wydawnictwo Andrzej Bonarski. (Polish)

Dunleavy, P., H. Margetts, and S. Weir. 1992. "How Britain Would Have Voted under Alternative Electoral Systems in 1992. " *Parliamentary Affairs* October v. 45 n 4.

Duverger, M. *1954. Political Parties.* N.Y.: Wiley.

Gebethner, S. 1989. "Wybory do Sejmu i Senatu 1989 r." *Państwo i Prawo,* **August.** (Polish)

Kaczynski, J., and T. Bochwic. *1991. Odwrotna strona medalu.* Warszawa: MOST-VERBA. **(Polish)**

Kaminski, M. 1987. "The Political Awareness of Youth in the Surveys of 80s". **Unpublished research report, research** projcct **no. CPBP 08.18, section 1 .5: Political** Attitudes of Youth, the University of Warsaw. (Polish)

Kolarska-Bobińska L., P. Lukasiewicz, and Z. W. Rykowski (eds.). 1990. *Wyniki badań - wyniki wyborów* 4 *czerwca 1989.* Warszawa: OBS. (Polish)

Kuczynski, W. 1992. *Zwierzenia zausznika.* Warszawa: BGW. (Polish)

Kurski J., and P. Semka. 1993. *Lewy czerwcowy*. Warszawa: Editions Spotkania. (Polish)

Lijphart, A. *1984. Democracies. Patterns of Majoritarian and Consensus Government in* ***Twenty-One*** *Countries.* Yale University Press: New Haven and London.

Lijphart, A. 1990. "The Political Consequences of Electoral Laws, 1945-1985." *American Political Science Review.* Vol. 84 2:481-496.

Nagel, J. 1994a. "What Political Scientists Can Learn from the 1993 Electoral Reform in **New Zealand.** " ***Political Science and Politics.*** Septembcr.

Nagel, J. 1994b. "Predicting the Political Consequences of Electoral Reform: How Many **Parties Will New Zealand Have Under Proportional Representation? " Paper prepared** for delivery at the 1994 Annual Meeting of the APSA.

Ordeshook, P.C. 1986. *Game Theory and Political Theory. An Introduction.* Cambridge University Press: Cambridge.

Porozumienia Okrąglego Stolu . 1989. Olsztyn: NSZZ "Solidarnosc" . (Polish)

Perzkowski, S. (ed .) ***1994.*** *Secret Documents of Politburo and the Secretariat of the Central Committee. The Last Year 1988-1989.* [Tajne Dokumenty Biura Politycznego i Sekretariatu KC. Ostatni rok wladzy 1988-1989.] London: Aneks. (Polish)

Raciborski, J. 1991. "Zachowania wyborcze Polaków w warunkach zmiany systemu politycznego . " In: J. Raciborski (ed.) *Wybory i narodziny demokracji w krajach Europy Srodkowej i Wschodniej,* pp.112-124. Warszawa: University of Warsaw Press. (Polish)

Rae, D.W. 1967. The Political Consequences of Electoral Laws. New Haven: Yale University Press. Second edition: 1971.

Sulek, A. 1994. "CBOS w latach osiemdziesiatych." In: Badora et al. (eds.) *Society and Rulers of* 80s *in the CBOS Reports.* Warszawa: CBOS. (Polish)

Sulek, A. 1989. "O rzetelności i nierzetelności badań ankietowych w Polsce. Próba analizy empirycznej , " *Kultura i Społeczeństwo*, nr 1. (Polish)

Taagepera, R., and M.S. Shugart. *1989. Seats and Votes. The Effects and Determinants of Electoral Systems.* Yale University Press: New Haven.

Urban, J. 1990. *Alfabet Urbana.* Warszawa: BGW. (Polish)

von Neumann, J., and 0. Morgenstern. 1944. *Theory of Games and Economic Behavior.* Princeton: Princeton University Press; 2nd ed., 1947.