# Adapting Legislative Agenda Setting Models to Parliamentary Regimes: Evidence from the Polish Parliament.

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## Abstract

This paper draws on Cox and McCubbins' comparison of floor and cartel agenda models and adapts it to the context of multi-party parliamentary regimes with the goal of clarifying some important differences between the legislative consequences of cohesion and discipline, on the one hand, and the effects of agenda setting, on the other. Internal party discipline and/or preference cohesion receives the bulk of emphasis in comparative studies of empirical patterns of legislative behavior, generally without considering the role of the agenda. In a series of stylized models, this paper highlights important differences between having more unified parties and/or coalitions as a result of discipline and/or cohesion and the successful use of agenda control. We show that cohesion or discipline–understood as the ability to achieve voting unity–does not produce the same patterns of legislative behavior as negative agenda control. Data on legislative voting in the Polish Sejm are used to illustrate some points.

# 1 Introduction

Gary Cox and Matt McCubbins' comparison of floor and cartel agenda models (Cox and McCubbins, 2005) has over the last decade not only become one of the seminal texts on the US Congress, but also sparked the interest of scholars of comparative politics. Adapting the insights from cartel theory to legislatures in Latin America, Europe and elsewhere (Cox et al., 2008; Eccleston and Marsh, 2011; Calvo, 2007; Calvo and Sagarzazu, 2011; Curini and Zucchini, 2011) has caused some concern, however, that authors are applying models of US politics to countries with very different environments. The concern seems particularly relevant when such models are used in parliamentary settings where multipartism, government coalitions and starkly different levels of legislative party discipline can undermine key parts of the foundations of cartel theory. This article explicitly accounts for these unique characteristics of such systems. Using a series of stylized models that explicitly account for (1) majority/minority cabinet status; (2) party cohesion; (3) intra-coalition cohesion and (4) agenda control, I make predictions about the patterns of voting that emerge from each combination of parameters. One of the key theoretical contributions of the models I present is to isolate the observable differences between the direct effects of party cohesion/discipline and successful use of agenda control. In particular, I show that ideological cohesion or discipline (whichever is the instrument parties use to achieve voting unity) does not result in the same patterns of legislative behavior as generated by control of the agenda.[1] My theoretical insights are supplemented with illustrations from the party and speaker activity in the Polish Sejm.

The next section starts with a summary of the Cox and McCubbins cartel agenda model (Cox and McCubbins, 2005). The following section presents a series of stylized models of policy making in multi-party parliamentary systems, focusing on the four parameters outlined above. I use these models to formulate expectations about the rate at which bills will be passed through the legislative process. I then identify examples of Polish cabinets that correspond to several situations depicted in the models. Focusing on pairs of cabinets within the same electoral terms allows for the isolation of the effects of change in agenda setting powers on the rate at which bills are passed through the legislative process while holding the parliamentary balance of power constant.[2] I then present examples from the legislative process in the Sejm, documenting the strength of agenda setting powers. Section 5 concludes.

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[1]Note that by isolating the effects of party unity and agenda setting I am not saying that the two are unrelated to each other. In fact, the very ability to take advantage of agenda setting powers may be predicated on holding a legislative majority. Disciplined parties once large enough—or in cooperation with other unified parties with similar aims can change the institutional organization of the legislature granting to some actors —house speakers or committee chairs— agenda setting powers.

[2]I note that powers of agenda control were formally constant during the 1997-2007 period from which my data come from. However, the extent to which parties in government successfully used those powers to its advantage depends on whether the person occupying the speaker position was indeed a trusted agent of the ruling majority.

# 2 Cox and McCubbins' Cartel Agenda Model

The Cox-McCubbins Cartel Agenda Setting model represents the legislative process in the US Congress, an assembly characterized by two parties (majority and minority) and $n$ policy dimensions. A policy dimension might include the level of minimum wage or the criteria necessary to qualify for welfare payments. The common assumptions are as follows:

**Players**: the players are K legislators, with ideal points $x_j^i \epsilon X_j$ for each legislator $i$ and policy dimension $j$. Among the players, on each dimension of special importance are $M_j$— the majority median, $F_j$— the floor median, and $m_j$ —the minority median.

**Preferences**: Legislator $i$'s utility from policy $z$ is defined as $u_i(z_1, z_2, ..., z_n) = -\sum_{i=1}^{n} |x_i^j - z_j|$. The utility of policy proposal $z_j$ is a function of its distance from legislator $i$'s ideal point. Utility functions are additively separable, which allows one to reduce their choice in the multi-dimensional policy space to a series of independent unidimensional choices.

**Strategies**: Each legislator's strategy is the Cartesian product of two action sets, pertaining to the first and third stage of the game. In the first stage, legislators have the opportunity to introduce bills, $b_j', b_j'', ... \in X_j$. If a bill is admitted onto the agenda, it will get voted on the floor in stage three, where each legislator chooses one of two actions: voting for the introduced bill or voting for the status quo. In the second stage, the action is taken by the agenda setter who decides on whether to admit the bill to the floor.

The sequence of play is as follows:

1. Members of the legislature introduce bills

2. Agenda setters are given the opportunity to block legislative proposals. Examples of such agents in the context of US politics include the Speaker (an agent of the majority party), the rules committee and other committees. In the context of parliamentary systems, the House Speaker (in Poland, the *Marszalek*) serves as such an agenda setting agent.

3. If an item was admitted to the agenda, amendments are proposed and voted against the original proposal

4. The thus amended bill is subjected to voting on the floor of the assembly.

Cox and McCubbins also assume that $M_j < F_j < m_j$, which is that, on average, the majority of party members' ideal points are to the left of the minority party members' ideal points.[3] This kind of sample issue space $X_j$, where, $M_j$ is the majority median, $F_j$ is the floor median, $SQ_j$ is the status quo and $m_j$ is the minority median on dimension $j$ is represented in Figure 1.

[Figure 1 about here]

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[3]They stress however, that it is possible for ideal points of members of the Majority party to be to the right of some ideal points of members of the minority party and vice versa

Members of Congress seek to maximize the utility that they derive from the final policy choice of the House. In other words, they seek to minimize the distances between their ideal points and the outcomes on each dimension. Under the assumption of additive separability, this model can be solved for subgame perfect equilibrium in one dimension and the solution generalizes easily to $j$ dimensions.

Voting on the floor takes place according to the following rule: at final passage, the bill, $b_j$ (which could be an amendment of some original submission $b'_j$) is pitted against the exogenously given status quo bill, $SQ_j$. A member with ideal point $x$ votes for $b_j$ if and only if $u_i(b_j) > u_i(SQ_j)$, which is equivalent to $|x_i^j - b_j| < |x_i^j - SQ_j|$. [4] Thus, the final outcome, once a bill reaches the agenda will be determined by the preferences of the floor median, $F_j$.

Equating the final outcome on dimension $j$ with the ideal point of the floor median is possible under the assumption of *open rule* in legislative decision making. Under this assumption, unlimited amendments can be made once a bill is introduced. Thus, the final amendment that gets pitted against the status quo is the proposal that cannot be improved upon from the point of view of the median. Consequently, the final bill that gets passed coincides with the floor median's ideal point. Since the Majority median can anticipate the outcome of the legislative process once the bill is admitted to the floor, he will keep the gates closed on any legislation such that he prefers the status quo to the median's ideal point.

The Cartel Agenda Setting model can be contrasted with a model in which members of the majority lack blocking power, which Cox and McCubbin's call the Floor Agenda Model. In this situation all proposed legislation can be considered on the floor and given sufficient plenary time, such that it could be amended to the point that the final bill that is pitted against the status quo corresponds to the floor median's ideal point.

The most important intuition I derive from the Cox and McCubbins model is that effective agenda control prevents the majority party from seeing legislation pass against its will. In the next section I will see how these implications can generalize to a multiparty and parliamentary setting.

# 3 Agenda-Setting in Parliamentary Systems

The parliamentary context complicates our understanding of and observable indicators of negative agenda powers. This is because, even after controlling for the number and size of parties in the legislature, our theoretical predictions will depend on whether:

1. the prime minister's party holds negative agenda setting powers;

2. there exists cohesion among the parties within the coalition;

3. the party(ies) in government hold a majority in the legislature;

4. the parties in government and in the opposition are internally cohesive.

These four factors alone already yield 16 combinations, even before allowing some parties to be cohesive while others are not. Thus analyzing all these cases will require some simplifying

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[4]ibid. 41

assumptions. The first of these is interpreting negative agenda control as *closed rules of procedure* following the agenda-setting models of (Romer and Rosenthal, 1979) and (Denzau and Mackay, 1983).[5] Second, I will treat disciplined parties as indistinguishable from ideologically cohesive parties. This is not because I believe they are generally equivalent. In other work, I demonstrate that discipline and cohesion are distinct pathways to voting unity and even offer a way to measure the extent of this difference (Carroll and Nalepa, 2013). However, from the point of view of mobilizing to put items on the agenda they are observationally equivalent. Therefore, going forward, I use the terms "cohesive" and "disciplined" to describe parties that would vote in unity in an environment with no constraints on the agenda. Third, I will assume that when one party is cohesive or disciplined, so are the others in the system.

All models will be solved for subgame perfect equilibria. I will present the results in terms of three different intervals of the policy space: (1) an interval containing status quo policies that will be modified to reflect the ruling party's preferred policy, (2) an interval containing status quo policies that will be modified, but only to be brought closer to the ruling party's preferred policy, and (3) an interval of policies that are *grid-locked* and cannot be modified because the ruling majority party will keep the gates on them closed.

The series of simple game theoretic models shows that amending the rules of legislative procedure from open to closed gives governing parties an opportunity to keep off the agenda issues they do not want to see passed and helps change existing policies into ones that are more to their liking. This is called *negative agenda control.* [6] The models will further allow us to see that governing parties are able to maintain this negative agenda control even if they lack cohesion or lose the support of their majority coalition in the legislature, provided they have a trusted Speaker who is capable of setting the agenda in this fashion.

[Figure 2 about here]

In the remainder of this section, I assume there are three parties with ideal points distributed in a uni-dimensional policy space. As shown in figure 2, the opposition occupies the left hand side of the policy spectrum, the junior coalition partner is in the center of the policy spectrum, and the PMs party is located on the right hand side of the policy spectrum. The only assumption that is not without loss of generality is that the junior coalition partner, as opposed to the PM party, occupies the central position in the policy space. This assumption presents a "hard" case for agenda control of the PM party, as it is easier to achieve outcomes closer to one's ideal point if the party includes the legislative median. Later, in section 3.3, I will relax this assumption allowing the party who used to be a junior member of the coalition to abandon the coalition, forcing the PM to lead a minority cabinet. The ideal point of the median legislator is represented by $m_F$, and the ideal points of the

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[5]A key distinction introduced by this literature is one between open and closed rules of parliamentary decision making. Under open rules, any MP can propose bills for consideration to the floor. Open rules are consistent with extensive rights granted to individual MPs as opposed to party caucuses. Under closed rules of parliamentary procedure, proposal power is restricted to the Speaker, a special committee, or another small subset of all members of the legislature. Closed rules of procedure mean that given a proposal authorized by the agenda setter, the median (or whoever is in a position to accept the proposal) has to take it or leave it. If it is rejected the status quo remains law.

[6]Note that the change in Speaker powers by the Polish Parliament which took place in 1997 can be interpreted as an amendment in the direction of negative agenda setting (Nalepa, 2016).

opposition, junior, and PM median are denoted as $m_O$, $m_J$, and $m_{PM}$, respectively. In the models below, I will assume that if a party is disciplined or cohesive, all members of that party vote with the party median. Thus, $m_O$ and $m_J$ are used only with the assumption of cohesive or disciplined parties. In all models, I will be asking the question: what kind of bills will be placed on the agenda, given that that the agenda setter understands the unfolding of the legislative process and can anticipate the outcome of allowing a certain agenda item to be considered on the floor. My ultimate goal is to show that there are instances in which agenda control prevents legislation that would be passed if the PM party relied only on its cohesion or discipline alone.

Throughout the analysis below, I keep the structure of this hypothetical legislature constant. That is, I assume that neither the size of the parties, nor the ideal points of their members change. However, I will allow agenda control, minority/majority government status, intra-party cohesion, and intra-coalition cohesion to vary.

I will also assume that if the PM has a trusted House Speaker to whom he can delegate agenda setting power and that Speaker's ideal point is identical with the PM party's median ideal point. Note that "Speaker" refers to any legislative agent responsible for agenda setting, such as a committee chair, or median voter in the "Konwent Seniorow" or other executive body of the assembly, as long as it has agenda setting powers and is determined by the PM's party. I begin the analysis with cases where such agenda control is lacking.

## 3.1 No agenda control

I begin with a baseline case in which there is no agenda control and the opposition lacks cohesion, making the job of the PM's party somewhat easier. This is represented in figure 3.

[Figure 3 about here]

Since the ruling party has no control over the agenda, all legislation tends towards the floor median's ideal point, $m^F$. Interestingly, even if the cabinet were a majority coalition and had intra-coalition cohesion, as shown in figure 4, it would still not be sufficient to ensure that legislation tends towards the PM party medians ideal point.

[Figure 4 about here]

Indeed, with intra-coalition cohesion, but no agenda control, all legislation will tend toward the median of the coalition, represented by $m^C$, which is, in our example, to the left of $m^{PM}$, though closer to $m^{PM}$ than $m^F$.

Were we to relax the assumption about intra-coalition cohesion, but maintain the cohesion of the PM's party and the junior coalition party but keep the assumption of no agenda control, we still find that all bills will land close to $m^J$, the junior party's median.

## 3.2 Majority cabinets with agenda control

Next, I turn to considering cases where the PM is leading a majority cabinet with negative agenda control. In the first scenario, I assume that no party is cohesive–that is, everyone votes according to their ideal point–and that the PM has a trusted speaker. In the next subsection, I assume that both the PM's party and its junior coalition partner are disciplined, although they do not vote as one coalition bloc. In the final subsection, I assume intra-coalition cohesion.

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### 3.2.1 PM has trusted Speaker and no party is cohesive

This situation is illustrated in the Figure 5.

[Figure 5 about here]

Because parties are not disciplined, the preferences of the floor median are pivotal. This means that of two policy alternatives placed on the agenda, the one that is closer to the floor median's ideal point will prevail. Anticipating this, a speaker acting as an agent of the PM only admits bills that are equidistant from $M_F$ to the status quo if he prefers those bills to the status quo. This results in moving legislation corresponding to status quo points in regions A and D to the PM party's ideal point. This is possible because the floor median prefers $m^{PM}$ to any point in A or D. It also results in replacing any status quo point in region B with legislation corresponding to policy equidistant from $M_F$ in region C. If the PM's party could design and implement a long enough agenda, all legislation in this case would end up in region C. If time constraints are present, at least legislation from region A should be changed, as it is least favorable to the PM's party. Finally, note that since the PM's party controls the agenda, no bills will be considered unless the PM prefers it to the status quo.

If we relax the assumption that the PM party lacks cohesion and suppose that it is disciplined and votes as a bloc, the outcomes will be exactly the same as in the case portrayed in Figure 5. Even if the opposition party is cohesive, as long as the PMs party has control over agenda setting, the final outcome is the same region C.

In the Polish Sejm, this scenario resembles the first Buzek cabinet of 1997- 1999 prior to the departure of the Freedom Union from the coalition. Neither party was particularly cohesive or unified, but thanks to the reform of Speaker powers implemented 1997, they had control over the agenda at least as long as they could place a trusted agent in the Speaker position.

### 3.2.2 Cohesive junior partner and opposition are cohesive, but not PM party

What if the Junior partner is cohesive as well? Note that in this case, the role of the floor median is taken over by the median of the junior coalition partner. Since the party is cohesive, the floor median is a member of party J. In line with our assumptions, the floor median—the pivotal legislator that has to be appeased by the agenda setter—becomes equivalent with the Junior party median. This leads to the outcomes presented in Figure 6:

[Figure 6 about here]

Note that region a, the region corresponding to status quos that are changed as a result of the legislative process with agenda setting, is a subset of Region A from Figure 5. This means that even though region D is the same, the PM's agenda setter is not able to move as many bills to his ideal point as he could if the junior partner were not cohesive. Similarly, the width of region c is greater than region C, indicating that that the proposals the Speaker has to issue to appeal to the new median are further removed from the PM median's ideal point. Yet, similarly as before, the PM party ought to never roll.

This is a somewhat counterintuitive finding. What it says in the Polish context is that in Buzek's cabinet, had the UW been more cohesive, it would have worsened AWS's legislative record—provided, of course, that the AWS maintained control over the agenda.

### 3.2.3    Intra-coalition cohesion

Next, I take into account the possibility of intra coalition cohesion, in other words, suppose the cabinet coalition is so tight that they vote together on all votes. This means that since the floor median is a member of the ruling coalition, he votes with the coalition median, located at the midpoint between the left-most ideal point of the junior coalition partner and the rightmost PM party member. The assumption about the PM party controlling the agenda is maintained. The analysis is summarized in the Figure 7 below:

[Figure 7 about here]

This is clearly the best outcome from the point of view of the PM party, as the region $\gamma$, where all legislation eventually gets moved to is shorter than in any of the previous models. Also, the total area from which status quos are moved towards the PM median's ideal point is wider than in any of the previous models. This case illustrates the cumulative effect of cohesion and agenda setting. Cases considered in section 3.3 and 3.1 will help parse out these effects from one another.

## 3.3    Minority cabinets with agenda control

In this subsection, I look at minority cabinets. To model this, I assume that party $J$ is just another opposition party, although it has the same size and occupies the same position as party $J$ did in the previous models.

### 3.3.1    Minority cabinet with opposition lacking cohesion

I will first assume that that opposition is not cohesive (and the PM party successfully controls the agenda). This is illustrated in Figure 8.

[Figure 8 about here]

Intra-opposition cohesion is interpreted as members of both opposition parties voting together with the median of the opposition party. This is arguably the most difficult opposition a minority cabinet could face. Yet, when equipped in agenda setting powers, the cabinet is still able to move legislation from region b into region c (Any status quo in b will be moved to policy equi-distant from $m^O$ but will be located in region c as opposed to region b). Also, any legislation from region D can be moved to to the PM median's ideal point.

Analyzing the effects of agenda setting under these circumstances leads to exactly the same predictions as in in Figure 5: status quos in regions A and D will be changed to the PM median party's ideal point, while status quos in region B will be moved into region C. The PM party never rolls, but that does not depend on the PM party's cohesion.

### 3.3.2    Minority cabinet with cohesive opposition

Contrast this case with one where the opposition is united against the minority government, although the PM still controls agenda setting, as illustrated in Figure 9.

[Figure 9 about here]

The above example does not have an easy empirical interpretation, because if the opposition is united to such an extent, it should also be capable of passing a vote of no confidence and forming an alternative cabinet. However this example is useful for analytical purposes,

as it shows that even in the most adverse circumstance, a governing party that controls the agenda can still move a substantial amount of legislation closer to its ideal point.

Hence, I have demonstrated that the prime minister looses considerable influence over the kinds of bill that are passed when he does not have control over the agenda and these losses would not be avoided if the ruling party maintained cohesion, even the kind of cohesion that characterizes a majority cabinet with intra-coalition cohesion. In contrast, an undisciplined minority cabinet facing a cohesive opposition can maintain a zero roll rate, as long as it can delegate agenda setting powers to a trusted speaker. Thus, the power of agenda setting although it advances voting unity, does so in observationally distinctive ways than cohesion and/or discipline.

# 4    Empirical Implications

We can now compare the size of the intervals marked A, B,C,D; a,b,c,d; c', b' and $\alpha$, $\beta$, $\gamma$ in figures 5 through 9 (note that the corresponding intervals do not exist for figures 3 and 4 because all legislation tends towards the median). Recall that in these figures, regions c,c', C, and $\gamma$ represent the size of the interval to which legislation will be moved. Since $\gamma$ is the shortest of these intervals, while c is the longest, we can make inferences regarding the volume of legislation that will be allowed on the agenda as opposed to blocked by the agenda setter. Hence, under a majority cabinet when the parties in government enjoy intra-coalition cohesion, very little legislation will be blocked. This is clear from the analysis of figure 5, above. Almost all bill proposals (except for those in region $\gamma$) will be admitted to the floor and modified. The second best scenario for the PM party is either under a majority cabinet with an incohesive junior partner (portrayed in figure 3) or under a minority cabinet with an opposition that is not united, as long as the PM party retains control over the agenda (corresponding to figure 6). Under this scenario, all legislation except for that in region C will be admitted to the agenda. Proposals aiming to modify bills within that region will be blocked. Third in restrictiveness of the agenda (or incentives and opportunities for using blocking power) is the scenario corresponding to figure 4 illustrating a majority cabinet with agenda control and a cohesive junior partner.[7] The types of proposals that will be blocked are represented by region c. Finally, most blocking will take place in the minority cabinet with a united opposition, the scenario illustrated in figure 7. Here, proposals corresponding to region c' will be blocked, while all other proposals will be admitted to the agenda.

Based on the above analysis, one can order the types of cabinets from those with most blocking to least blocking taking place as follows:

1. Cabinet lacking agenda control;

2. Majority cabinet with agenda control and intra-coalition cohesion;

3. Majority cabinet with agenda control, no cohesion or Minority cabinet with agenda control and incohesive opposition;

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[7]I note here, however, that the fact that c is more restrictive than C is in part a function of the assumption about the relative size of the party in the center of the issue space.

4. Majority cabinet with agenda control and cohesive junior partner;

5. Minority cabinet with agenda control and united opposition.

It is worth pointing out that although "No agenda control" and "Majority cabinet with agenda control and intra-coalition cohesion" are ordered in succession, the reason there is little blocking under these two scenarios are completely different. When the PM party has no agenda power, it doesn't block legislation because it cannot. But under the second scenario, it does not block legislation because it does not have to. It can amend almost any bill placed on the agenda and move it close to its ideal point.

The reason I ordered cabinets with respect to their predicted blocking activity this way is dictated by the type of data I wish to utilize to illustrate my theory. I will use the Polish Sejm's bill level data obtained from terms 3, 4, and 5. During this period, 6 non-caretaker cabinets were in office for at least six months and each of them can be associated with one of the situations presented in figures 5-9. In order to make comparisons between cabinets illustrating the predictions based on my formal model, the electoral term (responsible for the distribution of legislative seats) must be held constant. I compare the following three terms, in which all governments had negative agenda control:

1. Buzek 1997-1999 (AWS-UW) and Buzek 2000-2001 (AWS), which is a comparison of a majority cabinet with agenda control and incohesive coalition to a minority cabinet with incohesive opposition.

2. Miller 2001-2003 (SLD-UP-PSL) and Miller 2003-2004 (SLD), which is a comparison of a majority cabinet with cohesive opposition to a minority cabinet with an incohesive opposition.

3. Marcinkiewicz 2005-2006 (PiS) and Kaczyński 2005-2007(PiS-LPR-S), which is a comparison of a minority cabinet with an incohesive opposition to a majority cabinet.

I do not analyze the implications of my model for the Belka 2004-2005 cabinet because the usual blocking incentives would not apply to a caretaker cabinet.

Lacking spatial data on the location of bill proposals, we can approximate their location by classifying them according to their sponsor. I distinguish between three kinds of sponsors: MPs from the Prime Minister's party, MPs from junior coalition partner's party, and MPs from an opposition party. Because cabinet bills go through a different legislative process, which can sometimes take longer than private bills, I will not consider them here at all [8] First, I show for each sponsor, what proportion of bills submitted to the Speaker came to vote (as opposed to being blocked in one way or another).

[Figure 10 about here]

These data, only show the end result of blocking, however, without revealing how this blocking may have taken place. To shed light on the mechanism through which the speaker blocks proposals, I reconstructed the bill's fate following submission to the Speaker. The Speaker powers of the Polish Sejm allow him to send bills to committee and he has wide

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[8]Some of the MPs interviewed for this project admitted that on more that one occasion a cabinet bill has been submitted as an private MP bill to avoid the extra scrutiny given to cabinet bills, which may delay the process (see interview with Kraśnicka, 2011)

discretion over which committee gets to work on a bill. The committee system in the Polish Sejm is set up differently than in the US. Whereas in the US all committees are chaired by members of the majority party, the Sejm's committee chairmanships are allocated in proportion to seats won by particular parties. This results in a situation where some committees are chaired by the PM's party, while others are not. Because committee chairmen have considerable discretion over whether— if at all—amended bills make it onto the agenda, I interpret the execution of agenda control as sending a proposal to a committee chaired by a member of the PM party and refraining from exercising agenda control as sending a proposal to a committee not chaired by a member of the PM party. We thus present data for each cabinet on the proportion of bills of each sponsor type sent to committees chaired by members of the PM party.

[Figure 11a and 11b about here]

Since 1997, the Speaker of the Sejm (the *Marszałek* ) has had scheduling discretion over all bills and amendments. Reforms made to the standing rules of the Sejm in 1997 empowered the Speaker to control most aspects of the agenda unilaterally. [9] As one MP put it, "The position of the Speaker is very strong and he can block virtually any legislation he does not like."[10] While the Speaker's powers provide considerable potential for a government to control the agenda, parties must be organized to exploit the powers of this office (Nalepa, 2016). Taking control over the agenda requires a little bit of finessing on part of the PM party. Sometimes to avoid voting on a certain bill, the Speaker must place an item on the agenda. If it survives the first reading, he can send it without deadline to a committee controlled by the government. The committee chairman can then charge a special subcommittee to work on the bill but refuse to call a meeting of that subcommittee.[11] Because negative agenda control is possible according to these rules, but requires stepping over and above what is stipulated in the formal rules of the legislature by a speaker who acts as a trusted agent of the PM party, a lot of the success will depend on whether the party in government succeeded at appointing such an individual.

Building on these insights, for the period of electoral terms 3,4, and 5, I present the proportion of bills that reached the final vote as a function of government sponsor but with periods broken down by the identity of the speaker.

[Figure 12 about here]

Similarly, I present data on the proportion of bills sent to a committee chaired by a member of the PM party as a function of bill sponsor, also for periods broken down by the identity of the Speaker.

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[9]Radosław Zubek, in his comparative study of parliaments in the region, notes that "the Polish Speaker may prevent the floor reading of some types of bills by referring them to a committee first reading or by keeping them off the Sejm's agenda. In this latter case, the opposition may request a floor vote on the decision, but the Speaker may delay such a vote up to six months."(Zubek, 2011)Since 2009, this is four months. Yet even if the bill is placed on the agenda, governing majorities can prevent any bill reaching a second or third reading, effectively, preventing the passage of any bill. As a result, Zubek concludes that the Polish government has considerably more formal negative agenda power than most Post-Communist parliaments, including the Czech Republic, Slovakia, and Estonia, and is surpassed only by Hungary.

[10]Jacek Janiszewski, personal communication December 2009

[11]According to the standing rules of the Sejm, the committee chair is the only person who can schedule a subcommittee meeting. One of our elite respondents gave an example of a bill that has been delayed this way for almost three years (Wiesław Tchórzewski, personal communication, June 2011)

[Figure 13a and 13b about here]

## 4.1 Buzek 1997-1999 and 2000-2001: Majority cabinet with no cohesion followed by minority cabinet and incohesive opposition

In the aftermath of the 1997 elections when a loose electoral coalition of anti-communist groups called the Solidarity Electoral Action (AWS) won a plurality of seats in the Sejm, it formed a fragile majority coalition with another party composed of former Solidarity dissidents, the Freedom Union (UW). At the time, the opposition (ex-communist SLD) had the strongest party organization in the Sejm, which could have allowed it to stymie the newly-elected government's agenda under the 1992 standing rules. The earlier standing rules vested agenda-setting powers in the Sejm's Presidium (*Prezydium*), a body consisting of the Speaker and four vice Speakers. AWS and UW reformed the standing rules of the Sejm so that, in more than ten clauses references to "the Sejm's Presidium" were replaced with "The *Marszałek*" or "The *Marszałek* after consulting the Sejm's Presidium."(Uchwała Sejmu, z dnia 28 Października 1997 roku, *Monitor Polski* Nr 80, Poz 778 and 779). In addition to centralizing control of the agenda, these reforms also removed the requirement that the Speaker send all bills to a legislative committee and gave the Speaker discretion over a bill's committee jurisdiction. In practice, the revised rules enabled the Speaker to prevent any MP bill from committee consideration "for no reason whatsoever" (Marek Borowski and Ludwik Dorn, personal communication 2009 and 2010). Thus, this was the first cabinet in Poland to operate with full control over the agenda.

As can be seen from figure 10, there is hardly any difference in the proportion of bills sponsored by MPs from the Prime Minister's party that make it to a final vote under Buzek's majority and minority cabinets. However, the minority Buzek cabinet did a better job preventing opposition bills from reaching a final vote.

AWS was able to exert this control, even though the AWS-UW coalition and even AWS itself was a loose network of fiefdoms, each led by a leader of a different ex-dissident group. We see from figure 11, that there is hardly any difference government sponsored bills sent to committees chaired by members of the PM's party and to committees not chaired by members of the PM's party. However, when AWS was in a coalition with UW, the Speaker was much more effective at sending bills to committees chaired by AWS members. As can be seen in figure 11, only a very small number (fewer than 5 %) of opposition bills were sent to such committees when Buzek was ruling alone. Many more were sent to AWS-controlled committees when AWS remained in a coalition with UW. This is somewhat puzzling as no such divergence is apparent in dealing with bills sponsored by MPs from the Prime Minister's party.

There is not much that can be gleaned from the speaker data presented in figures 12 and 13 for the Buzek cabinet, as the Speaker (Maciej Płażynski) remained the same for the entire period. One thing to point out is that although more AWS member sponsored bills came to a final vote under his watch than opposition sponsored bills, he did not send bills sponsored by the opposition to committees chaired by AWS members of more frequently than government sponsored bills..

## 4.2 Miller 2001 and 2003: Majority cabinet with cohesive opposition followed by minority cabinet with incohesive opposition

Next I consider two successive cabinets that were in office after the Democratic Left Alliance (SLD) came to power in 2001. In the first cabinet, Leszek Miller of SLD, led a coalition with UP ans PSL. In the second, following PSL's departure, he stood at the helm of a minority cabinet.

Interviews with members of the coalition, suggest that SLD along with PSL were much better internally organized than AWS and UW. Changes were visible in the cabinet committee system, which replaced the four committees created in February 1997.[12] with a Permanent Committee that met every week. [13] One of the vice-premiers in the caretaker cabinet concluding the 4th term explained that "the Permanent Committee ... 'tightened' the proposals that the cabinet put forward" and handled "inter-departmental mediation conferences that usually were effective in settling disputes."(Izabela Jaruga-Nowacka, personal communication November 2009)

Thus, we see in figure 10 that although the proportion of government sponsored bills that reached a final vote under the Miller I cabinet was similar to the previous two cabinets, fewer opposition sponsored bills made it to a final vote and in addition this proportion declines even under the minority cabinet. Figure 11 indicates that under the Miller cabinet, opposition bills were sent to committees chaired by members of the SLD much more frequently than government sponsored bills, suggesting that this was a common way of blocking opposition initiatives. Nearly 80% of opposition sponsored bills were blocked this way (under the minority cabinet) compared to 30% government MP sponsored ones.

The tenure of the Miller cabinets also overlapped with only one speaker—Marek Borowski who clearly acted as an emissary of his party sending, as indicated by figure 13, roughly 45% of opposition sponsored bills to committees chaired by members of his party and only directing fewer than 30% of bills sponsored by members of his own party that way, a trend that was reversed by his successors under the caretaker (Belka) cabinet. This temporary cabinet assumed office after SLD's electoral viability took a severe blow following the scandal known as the "Rywin affair."[14] Consequently, PSL left the cabinet. This left Miller in charge of a minority cabinet for 14 months. Reacting to the scandal, SLD Speaker Marek Borowski, published an open letter calling for a make-over of the party and a return to socialist values. Despite this expression of disloyalty, Borowski continued to serve as Speaker until leaving the party in 2004. SLD also experienced a dramatic fall in public opinion polls[15] following the exposure of Prime Minister Leszek Miller's involvement in a corruption scandal. Shortly, fearing for the viability of their seats, many office-seeking politicians fled SLD.

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[12]Rozporządzenie Rady Ministrów z dn.*11 lutego 1997 r. w sprawie utworzenia stałych komitetów Rady Ministrów*

[13]The reform took place in June 2002. See Zarządzenie Nr 77 Prezesa Rady Ministrów z dn. *27 czerwca 2002 r. w sprawie stałego komitetu Rady Ministrw*

[14]In March 2003,, news surfaced that Polish film producer-turned lobbyist Lew Rywin tried to extract a 17.5 million PLN bribe from the editor of Polands largest Polish daily, Gazeta Wyborcza, in exchange for legislation that would give the publication priority in purchasing a leading public television station

[15]Between October 2002 and October 2003, SLD's polls fell by more than 50% (from 36 to 17). In November of 2003, the opposition PO, became the polling front-runner (Centrum Badania Opinii Społecznej, BS/128/200).

## 4.3 Marcinkiewicz 2005-2006 and Kaczynski 2006-2007: Minority cabinet with incohesive opposition followed by majority cabinet with incohesive coalition

The next two cabinets were led by PiS (Law and Justice), who emerged victorious in the 2005 elections. The first cabinet was a minority one, led by Kazimierz Marcinkiewicz. The conditions resembled those described in Figure 8. Since the opposition was made up of PO, on the one hand —another new party that had grown out of the AWS breakdown—on the one hand, and SLD and PSL on the other, the opposition was not united.

Later, in the beginning of 2006, two parties —LPR and Samoobrona— joined the PiS cabinet under the leadership of the late Lech Kaczyński.

Figure 10 indicates that 80% of government sponsored bills made it to a final vote under Marcinkiewicz. The proportion of bills sponsored by a member of the government party, however, fell in half under the majority cabinet of Kaczyński, even though the prediction for blocking power based on our theoretical models is about the same. The reason for that could be the lack of coalition cohesion under the Kaczyński cabinet.

A few months into the Kaczyński cabinet the coalition with Samoobrona (SRP)—-a small agrarian populist party built around its leader Andrzej Lepper, appointed to serve as Minister of Interior– proved to be more of a liability than benefit. The "land scandal" (*Afera Gruntowa*) involving Lepper and a lobbyist seeking land reclassifications to benefit developers broke in July 2007. Lepper was forced to resign as vice-premier and minister of agriculture. PiS decided to protect its reputation by replacing Lepper with a member of PiS, breaching the coalition agreement and leading to new elections. However, from that point, "every next day of the fifth term that the Sejm remained in session, was devastating to PiS."(Dorn, personal communication, June 2010) According to the polls, between May and October 2007, when early elections were held, PiS and PO were neck to neck competing for the position of the front runner, hovering around 30% (CBOS, BS/140/2007). Just a week before the elections PO shot up to 39% overtaking PiS by 5% (CBOS, BS/156/2007).

Moving to the interpretation of speaker data presented in figures 12 and 13, we see how skillful Dorn was, even when compared to Jurek, at getting a high proportion of government MP sponsored bills to a vote. Jurek also sent a smaller proportion of government sponsored bills to committees chaired by members of his own party than opposition sponsored bills (see figure 13).

This is consistent with the new type of party in power that PiS exemplified. In contrast to the AWS and SLD, while in trenches of the opposition in 2001-2005, PiS offered a coherent alternative to the government. It built a strong party organization that avoided the contradictions and baggage faced by the transitional parties. PiS's initial Speaker, Marek Jurek, clearly used the role as an agenda-setting opportunity. Another former Speaker interviewed for this project identified Jurek as the first Speaker who "used his office as an extension of majoritarian power" and served as "a true emissary of PiS." (Oleksy, personal communication, June 2011) Pundits coined the term "*zamrazarka*" ("the freezer") to describe his practice of keeping opposition proposals off the agenda.

Yet, we see a quite high proportion of bills sponsored by members of the opposition making it to a final vote in the penultimate speaker period associated with PiS. This was the period when Jurek was replaced with Ludwik Dorn. Elite interviews conducted for this

project indicate that, a few months into his speakership, Jurek started pursuing an independent path, forcing votes to add anti-abortion provisions to the constitution against an earlier consensus. Consistent with the interpretation that Jurek was expected to function as an agent of PiS, he was promptly replaced with Ludwik Dorn. Although this also coincided with the beginnings of an internal conflict in PiS, Dorn's selection reflected an emphasis on loyalty to the cabinet (Jozef Oleksy, personal communication, June 2010). Dorn was one of the founders of the party and had been the first caucus chairman to introduce disciplinary measures. Indicative of his efforts to create a government in control of its legislative reputation was his requirement that PiS MPs obtain permission from the caucus to co-sponsor bills with MPs from PiS's coalition partners, because such bills appeared to be government sanctioned and their failure on the floor would embarrass the government. This also could be responsible for improving the proportion of bills sponsored by a government partner making it to a final vote under his speakership, as illustrated in figure 12.

## 5   Conclusion

Although cohesion and discipline are generally strong in parliamentary regimes, agenda setting powers allow cabinet parties to substantially reduce their dependence on these factors. In a series of stylized models building on Cox and McCubbin's work, I have shown conditions under which relying on a trusted speaker can allow a Prime Minister's party to streamline legislative output into an interval which is very close to the party's ideal policy.

The conditions for delegating agenda power to a Speaker in order to limit opposition influence rely heavily upon governing parties reaching an agreement on the long-term collective benefits stemming from enhancing the legislative power of the cabinet. In the particular case of Poland, governments have not always been easily positioned to coordinate the use of Sejm institutions such as the Speaker to protect their collective interests and limit opposition interference. Yet, as the party system institutionalized, there has been a gradual change in the organizational capacity of governments.

To illustrate my argument, I used the case of Poland, where formal rules of the Sejm have consistently provided for a great deal of opposition and MP influence and appear to create a relatively balanced executive-legislative structure. At the same time, since 1997, the agenda setting powers of the Speaker have enabled the majority to substantially limit opposition influence. Furthermore, the process of developing a Sejm where the government can capitalize on controlling the speakership has gone hand in hand with the emergence of an institutionalized party system.

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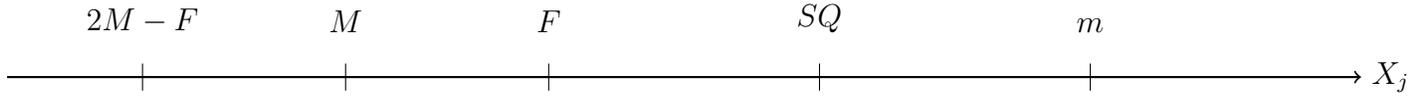
## Figure 1: Cartel Agenda Setting Model

$2M - F$ $\qquad$ $M$ $\qquad$ $F$ $\qquad$ $SQ$ $\qquad$ $m$ $\qquad$ $X_j$

## Figure 2: Multiparty Agenda Setting Model

$O$ $\qquad$ $J$ $\qquad$ $PM$ $\qquad$ $X_j$
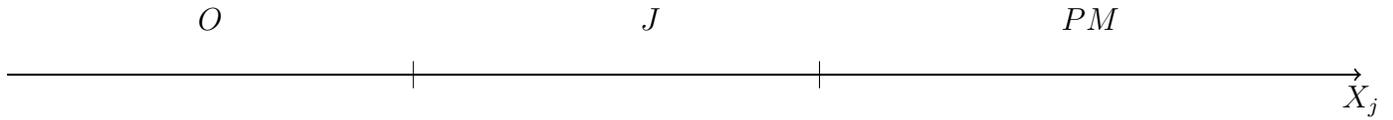
## Figure 3: No agenda control in minority cabinet and Incohesive opposition

$m^F$ $\qquad$ $m^{PM}$ $\qquad$ $X_j$

$O_2$ $\qquad$ $O_1$ $\qquad$ $PM$
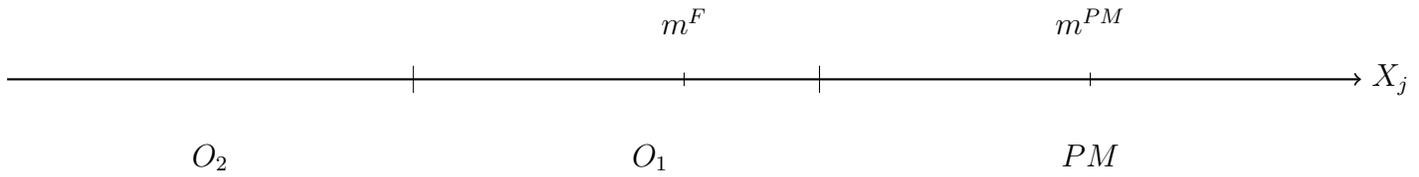
## Figure 4: No agenda control in majority cabinet with intra-coalition cohesion

$m^C$ $\qquad$ $m^{PM}$ $\qquad$ $X_j$

$O$ $\qquad$ $J$ $\qquad$ $PM$
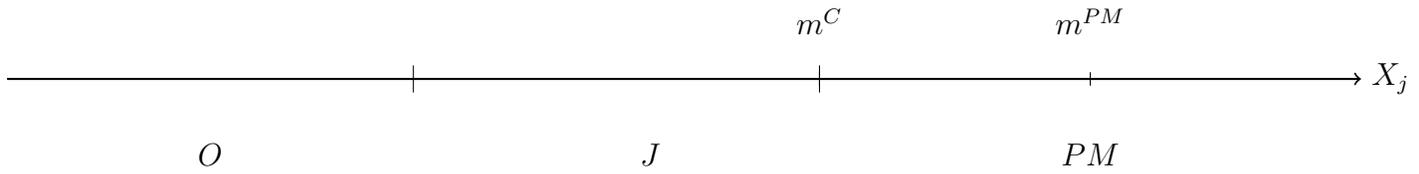
## Figure 5: Majority cabinet with agenda control, no cohesion

$m^F$ $\qquad$ $m^{PM}$ $\qquad$ $X_j$

$O$ $\qquad$ $J$ $\qquad$ $PM$

Region A $\qquad$ Region B $\qquad$ Region C $\qquad$ Region D

17
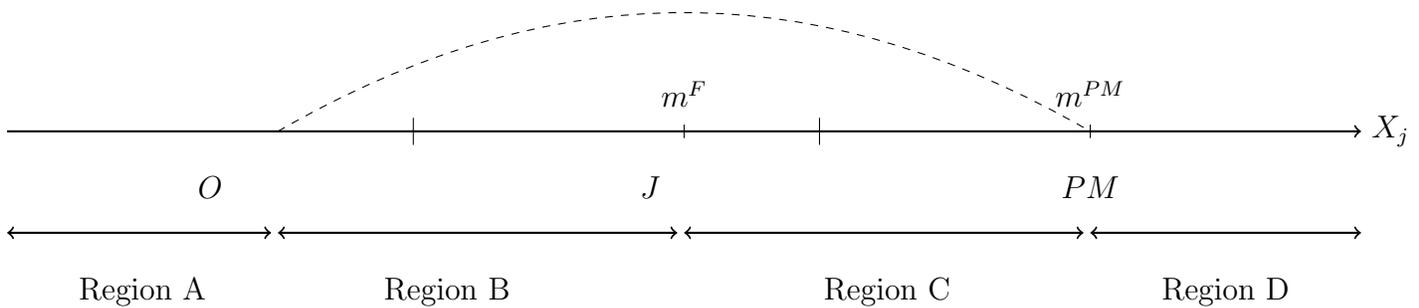
Figure 6: Majority cabinet with agenda control and cohesive junior party

$m^J$  $m^{PM}$  $X_j$

$O$  $J$  $PM$

Region a    Region b    Region c    Region D
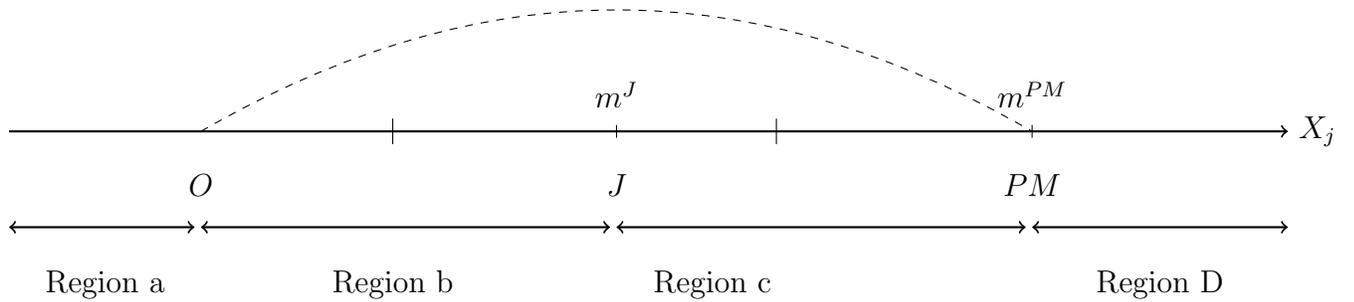
Figure 7: Majority cabinet with intra-coalition cohesion

$m^C$  $m^{PM}$  $X_j$

$O$  $J$  $PM$

Region $\alpha$    Region $\beta$    Region $\gamma$    Region D
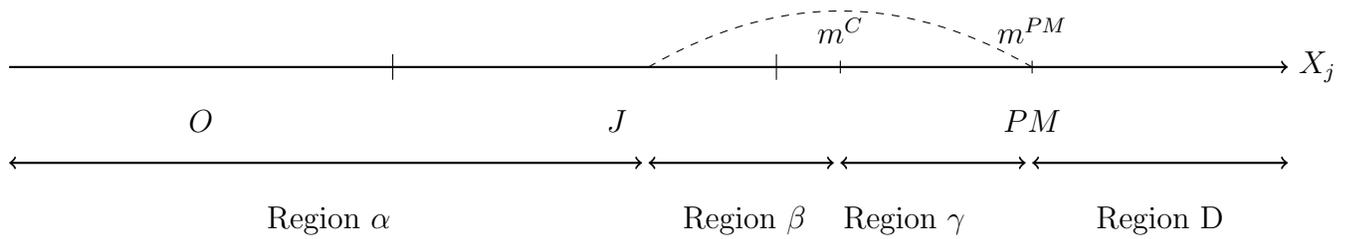
Figure 8: Minority Cabinet with agenda control and incohesive opposition

$m^F$  $m^{PM}$  $X_j$

$O_1$  $O_2$  $PM$

Region A    Region B    Region C    Region D
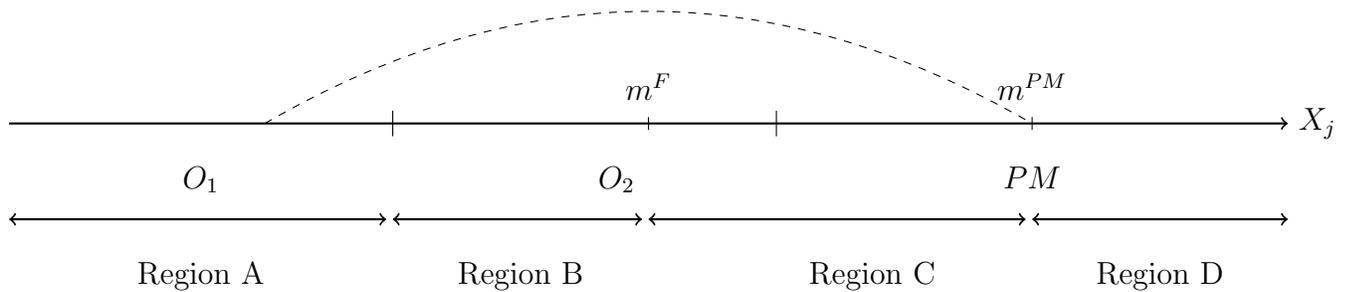
Figure 9: Minority cabinet with agenda control and united opposition

$m^O$

$m^{PM}$

$x$

$O_1$

$O_2$

$PM$

Region b'

Region c'

Region D
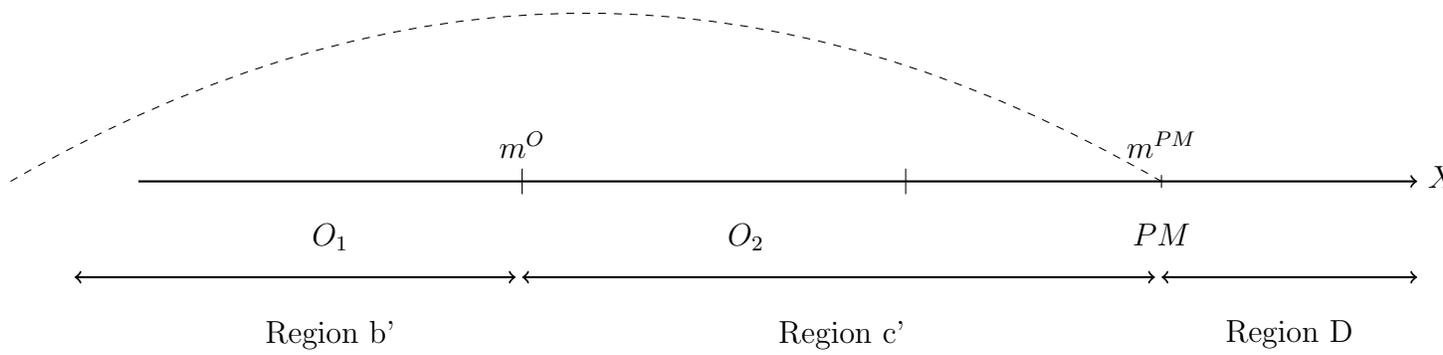
Figure 10: *Bills submitted to speaker that came to final vote, by type of sponsor and cabinet*
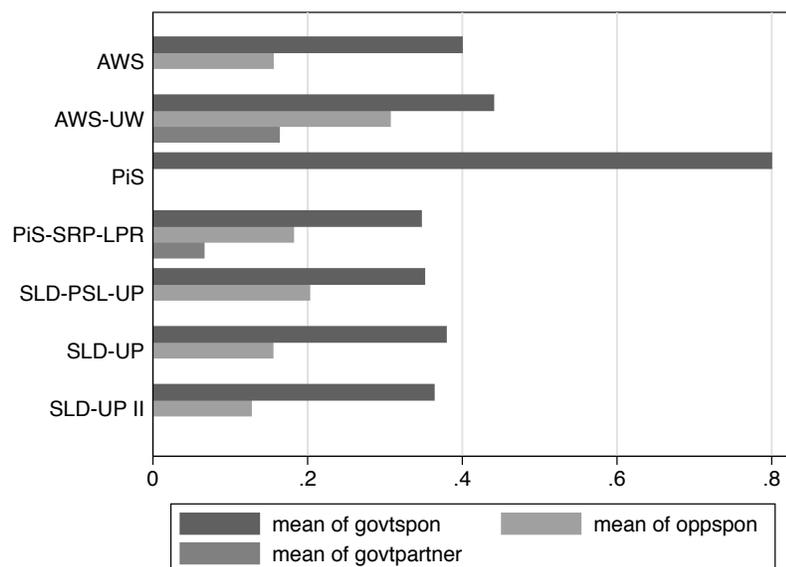
Figure 11: *Proportion of bills submitted to committee chaired by PM party member for PM party sponsors (top) and opposition sponsors (bottom)*
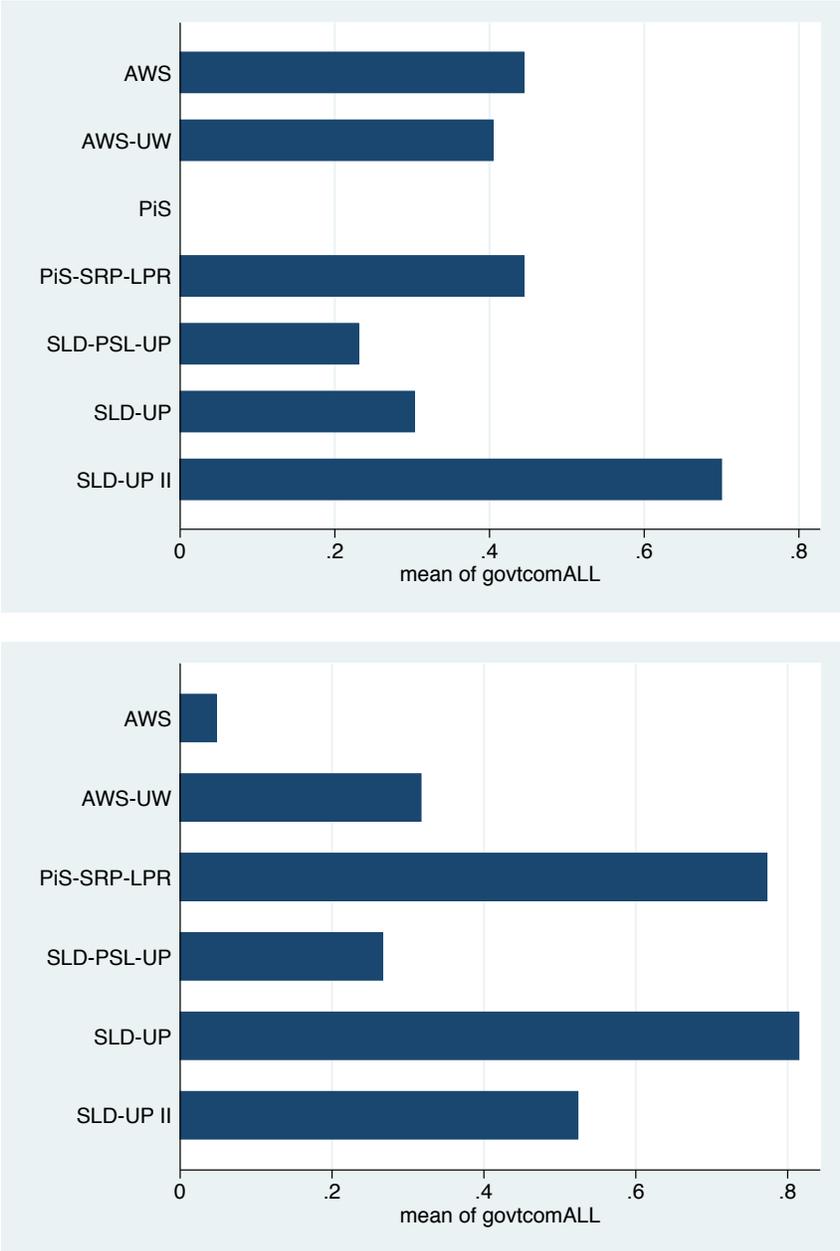
Figure 12: *Proportion of bills submitted to speaker that came to vote, organized by speaker*
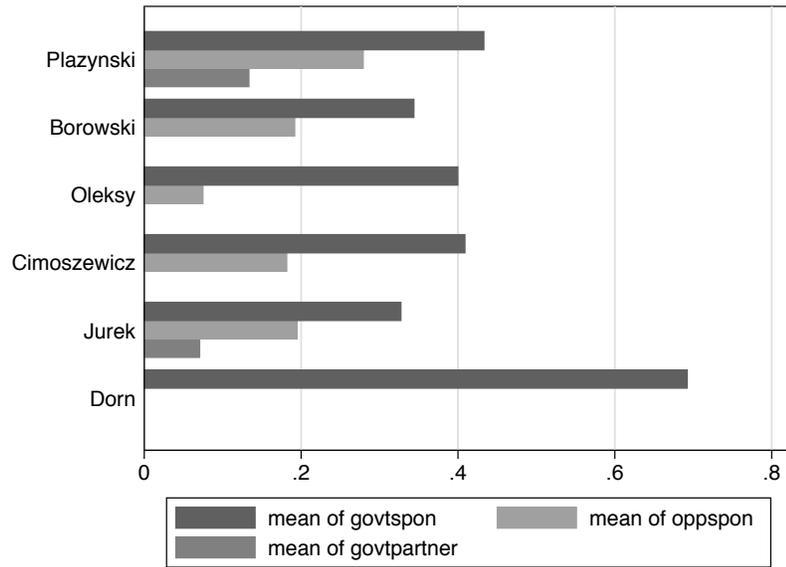
Figure 13: *Proportion of bills submitted to committee chaired by PM party member for PM party sponsors (top) and opposition sponsors (bottom), organized by speaker*