

Geopolitical aspect of reforming the polish senate

Abstract. *The Senate is the upper house of the Polish parliament, which has relatively small powers in comparison with the lower house - the Sejm. In the world, only a few countries are electing the second chamber in direct elections, which is the case in Poland with the use of the majoritarian voting system. In the public debate, there is a discussion about changing the manner in which the Senate is elected and the scope of its competencies. The Senate has a long tradition in Poland. In the current formula, with the use of 100 single-member constituencies, it has been operating since 2011. Among the possible directions of changes, it is possible to indicate a switch in the electoral law from a majoritarian system to a proportional system or complete abolition of elections to the Senate. Instead, the composition of the chamber could be appointed by local government bodies, in particular the provincial government, or by appointment by the president or the Sejm. The chamber could include "senators for life" - people of merit for the country and former presidents and possibly prime ministers.*

Key words: *polish Senate, upper house, electoral system, majoritarian system, senator for life*

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Introduction

Upper houses in the countries of the world.

The Senate is the upper chamber of the Polish bicameral parliament. The role of the Senate, however, is relatively small, often referred to as "the wise house" or the "chamber of amendments". In practice, the role of the Senate is reduced to the submission of comments to acts of law created by the Sejm (the lower house of the Polish parliament). The Sejm, however, can reject the Senate's veto against almost any case. Indeed, the Senate deals with the correction of mistakes that have arisen as a result of rash legislation. Although Senat has the right to proceed with a new law, he rarely uses it, because the final decision still belongs to the Sejm. Almost the only competence of the Senate, independent of the Sejm, is the procedure of nationwide referendum proposed by the President [1]. An additional problem is the issue of the very democratic legitimacy of elections, in which the electoral law may play a more important role than the preferences of voters [2, p. 79-80]. For example, the presidential election in the United States has already won a candidate several times who received fewer votes, but more electoral votes [3, p. 63]. Similar problems could have occurred in the past with the election of city presidents by councilors (elections in a sense by electors), later changed to direct elections [4, p. 229-230; 5, p. 50-53]. However, the issue of the choice of voting rules primarily affects the results of local [6] and parliamentary elections. Assuming that the essence of democracy is elections that implement the electoral preferences of the electorate, the issue of adopting the appropriate electoral law determines the process of shaping civil society [7] and the actual choice of the party that will win the parliamentary majority and exercise power in the country [8].

In this situation, the Polish public debate asks more and more often whether the Senate is needed for anything at all? There are proposals to liquidate this chamber or to thoroughly reform it to make its role

more important. Analyzing the possibilities of change, it is worth taking a look at the higher chambers in other countries. It turns out (Fig. 1) that the Polish Senate is one of the few higher chambers in the world that are elected by direct elections. Apart from the USA, where the role of the local Senate is completely different from the Polish one, only in a few European countries, most South American countries, and individual countries from other regions, the upper house is elected. In many countries with recognized democracy, the upper house takes the role of a representative of local government (the so-called "chamber of self-government") or is nominated by the head of state or other bodies and includes representatives of merit for the country or who have performed important political functions in the past. The system of election of this chamber also raises doubts. Poland is one of only a handful of countries that apply the majoritarian system to elect the upper house of parliament.

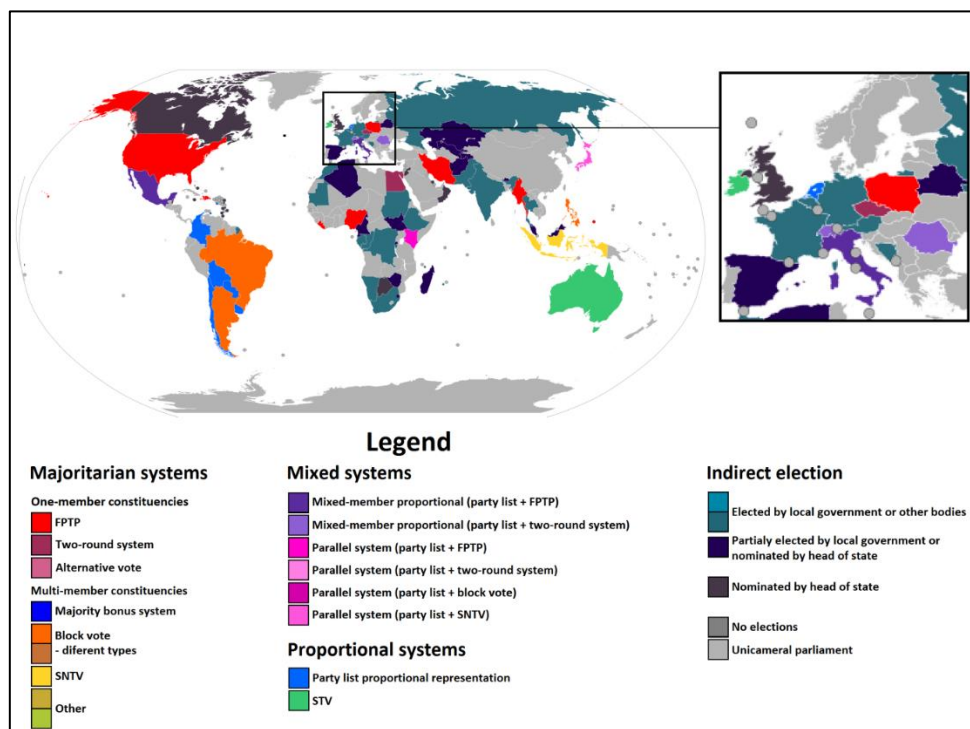


Figure 1. Upper house electoral systems in the world [00]

Results and discussion

Polish Senate system of election

The Senate is a constitutional body with a centuries-old tradition. It emerged as a product of the royal council of the Middle Ages. The beginnings of the bicameral Polish Sejm (historically consisting of the Chamber of Deputies, now called the Sejm and the Senate), according to various researchers, date back to 1493 [9] or already to 1468 [10]. The role of the Senate was constantly developing and it became well-established after the unification of Poland and Lithuania in 1569, after the creation of the Polish-Lithuanian Commonwealth. From its foundation until the final fall of Poland in 1795 r., the Senate consisted of dignitaries appointed by the King [11, p. 27]. After Poland regained independence, in the years 1918-1939 the Senate came from the elections for the first time in the history of Poland. The powers of the chamber were however small as today. After the May coup of 1926, in the 1930s, a correction was introduced allowing the president to appoint 1/3 of the Senate [12]. After 1945 when the communists took power, the Senate disappeared, and its revival took place only in 1989, as a result of the agreement between the government and the democratic opposition [13].

After 1989, the electoral law for the Senate was changed several times (Fig. 2), always in the majoritarian electoral system. In the first four elections (1989, 1991, 1993, 1997), senators were elected in two and three-member constituencies [14] and [15]. In the next three elections (2001, 2005, 2007), the Senate was elected in two, three, and four-member constituencies [16]. A significant change was introduced before the 2011 elections, by liquidating multi-member constituencies and introducing 100 single-member constituencies [17].

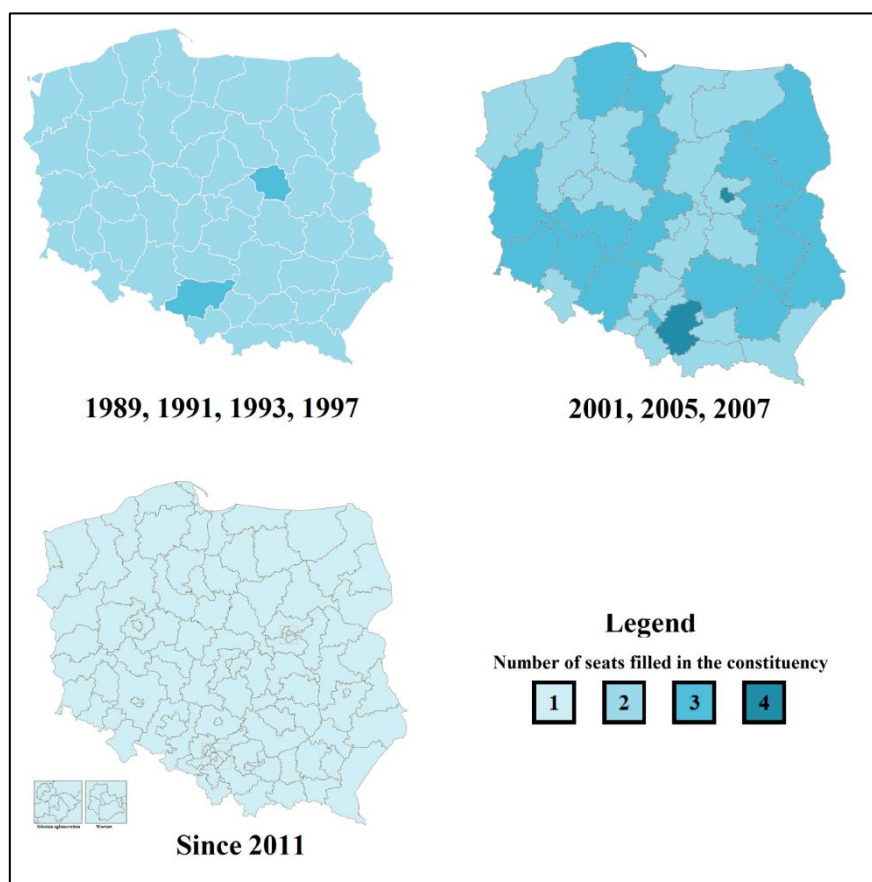


Figure 2. Constituencies for Polish Senate election. (Source: Own work)

Since 2011, the electoral law (to the Senate) known as First Past The Post (FPTP) has been operating in Poland, i.e. the same as used in the elections to the US Congress (both houses) and the House of Commons in Great Britain. The FPTP was finally formed in Great Britain in 1885 [18, p. 154], as a result of another of many reforms of the electoral law in that country. The basic idea of the system is the election of only one senator in each constituency, in one voting round, by a relative majority of votes, where the mandate is obtained only by the candidate with the highest number of votes, regardless of whether he obtained an absolute majority or only the first result among the candidates [19, p. 109-110]. This system is assessed differently by researchers. Żarnowski J. [20, p. 145] positively evaluates this ordinance on the British example, appreciating the technical and political efficiency of the British system, and at the same time describes it as "eminently two-party". According to R. Małajna [21, p. 38], this system in Great Britain contributed to the formation of a system of stable cabinet rule and a clear division into government and opposition, and government coalitions are treated as anomalies throughout the Anglo-Saxon culture group. Meanwhile, A. Antoszewski [22, p. 215-217] indicates that such a system leads to the phenomenon of an "unnatural majority" as a result of overrepresentation (gaining the majority of seats, despite not having an

absolute majority of public support). The author describes such a system as discriminatory, i.e. with significant deformation of voters' will. In fact, it does ensure stable governance and most of the mandate to the most inferior committee, on the other hand, it is highly disproportionate.

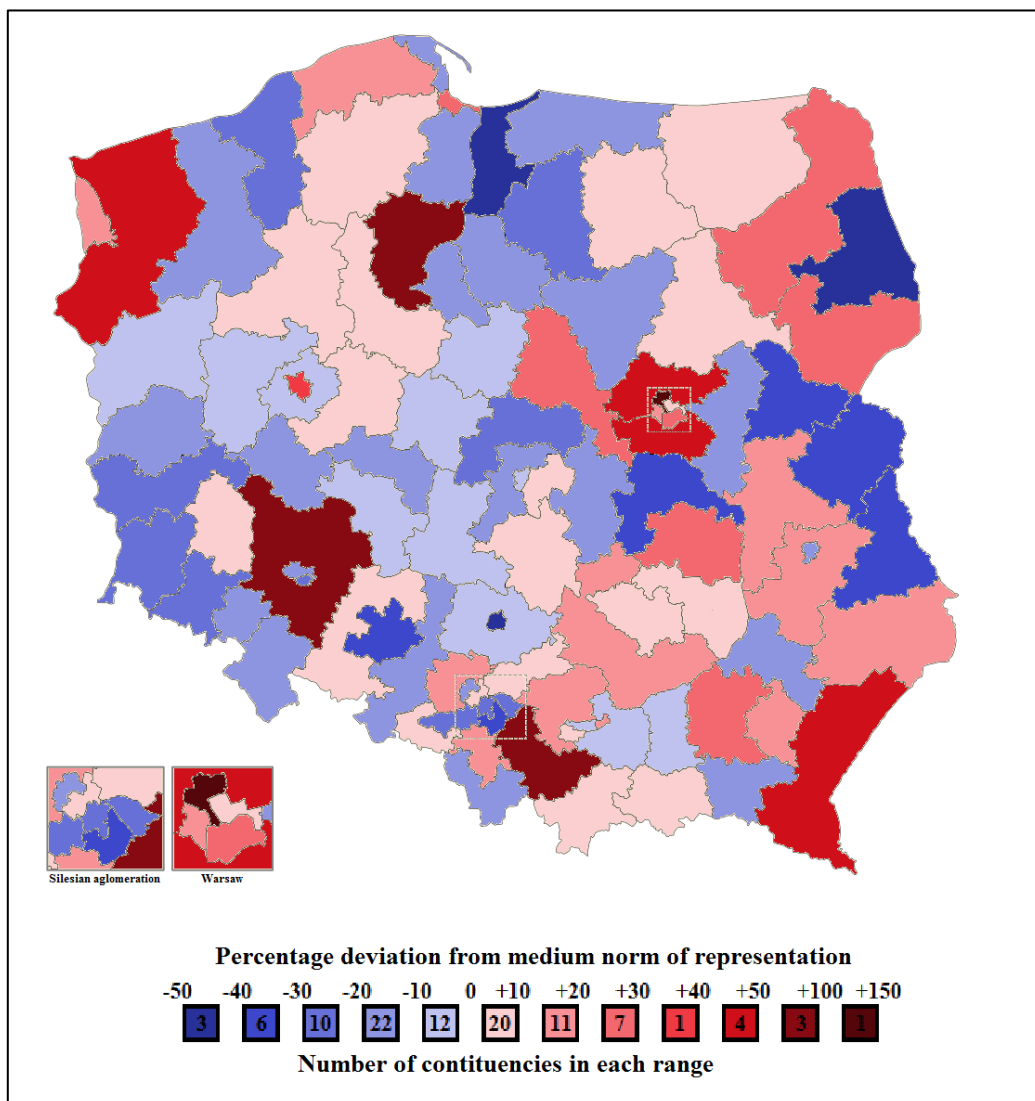


Figure 3. Constituencies for polish Senate election with percentage deviation from medium norm of representation. (Source: Own work)

An important research issue is the shape of constituencies in such electoral system. A serious problem of the FPTP system (especially in the USA) is the phenomenon of gerrymandering, i.e. manipulating the constituencies shape in such a way as to strengthen a specific group. As a result of this practice, it can succeed in a situation where one party enjoys much greater support than the other and obtains fewer seats [23, p. 61-63]

Also in Poland, it can be noticed (Fig. 3) large inequalities between the delineated constituencies. The average standard of representation in Poland is about 303,000 people per one Senator. Meanwhile, in some districts, the percentage deviation from this number can even reach 50-150%. Only a little more than half of the senate constituencies are within the range of +/- 20% of the average standard of representation. The remaining 46 exceed this value, with 11 of them having a deviation of 50% and more. The main problem

when creating constituencies in Poland is the necessity to base their border on the border of administrative units, in this case - counties (or parts of them in the case of large cities that are also counties). Such fundamental disproportions make it much easier to become a senator in some districts, as there is a need to win a much smaller number of votes.

Conclusion

There are a number of proposals on how to change the Polish Senate. Due to many years of tradition, it is difficult to simply eliminate this chamber. It also has significant merits, because immediately after the political transformation, the Senate played a significant role in reforming the communist system of the state. Due to the questionable method of filling the chamber (especially in the context of a completely different electoral law to the Sejm), it can be imagined to make elections to the Senate in a proportional system (Fig. 4). In such a case, due to the small number of Senators, the constituency should be the area of the entire voivodship, and in the case of Mazovia (the largest voivodship), with the division into the "capital" district: Warsaw with the surrounding counties and the second one containing the rest of the voivodship. In this way, both the disproportions between the regions would decrease, and the elections would have a uniform legal character with the Sejm election.

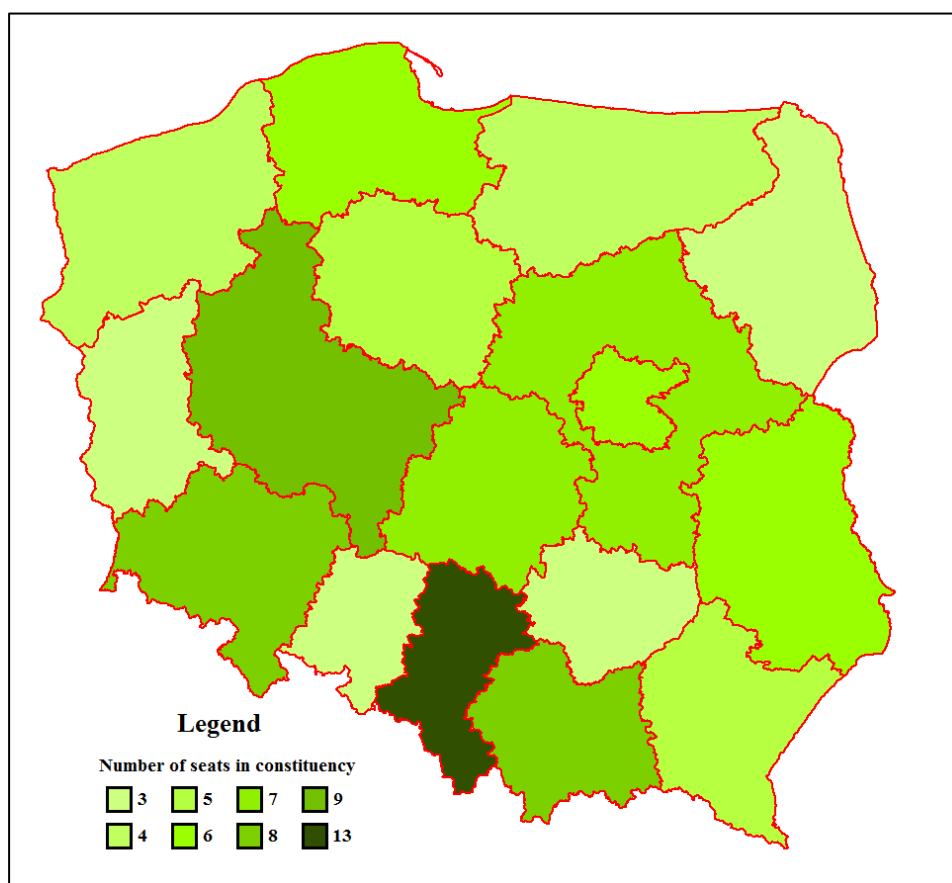


Figure 4. The proposition of constituencies to the Senate in a proportional system.
(Source: Own work)

Among the number of other possibilities, two should be distinguished: transforming the Senate into a chamber of self-government or a chamber of merits. In the first proposal, which is interesting considering the international situation (Fig. 1), it can be imagined that the composition of the chamber is elected either at the regional level (communes, counties, and voivodship colleges) or at the central level by delegates

separately for communes, counties, and voivodships. Alternatively, in proportion to the population size, Senators could be appointed only by voivodship self-government. This solution is supported by the need to empower local governments in Polish politics, where decisions on spending their money are often made without consulting the regions. The presence of local government representatives in parliament, therefore, seems justified. The second proposal is a response to the problem of the retirement of Polish politicians. Many people who held important offices in the past or who were especially distinguished for the state are now outside the mainstream political sphere. Such a Senate could include: former presidents and possibly former prime ministers (as senators for life), as well as other persons of special merit appointed, for example, by the Sejm by a 2/3 majority of votes or nominated by the president (with the number of nominations limited during one term).

It is possible that the Senate would include, for example, Nobel Prize winners, outstanding public or artistic activists, distinguished local government officials, and national heroes. A third option is to combine the first and second options and create a mixed one in which part of the seats would be elected by regions and some as described above. The question of the number of people in such a Senate remains open. In the "self-governing" variant, the number of senators should be rather constant - perhaps the same as now, in the second and third variants - variable, depending on the number of senators for life.

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Геополітичний аспект реформування Сената Польщі

Аннотация. Сенат – это верхняя палата польского парламента, обладающая относительно небольшими полномочиями по сравнению с нижней палатой, которая называется – Сейм. На практике в мире только несколько стран избирают вторую палату на прямых выборах, как это имеет место в Польше, с использованием мажоритарной системы голосования. В настоящее время в публичных дебатах идёт дискуссия об изменении порядка избрания Сената и объёма его полномочий. Но в тоже время, Сенат имеет давние традиции в Польше. Действующая формула с использованием 100 одномандатных округов избрана в 2011 году. В данной научной работе предложены возможные направления изменений в избирательное законодательство с переходом с мажоритарной системы на пропорциональную или полная отмена выборов в Сенат. Оптимальным решением предложено проводить назначение в состав палаты органами местного самоуправления, в частности провинциальным правительством, либо по назначению президента или Сейма (нижней палатой). В состав палаты могли бы войти «пожизненные сенаторы», к ним можно отнести заслуженных людей страны, это – бывшие президенты и, возможно, премьер-министры.

Ключевые слова: польский сенат, верхняя палата, избирательная система, мажоритарная система, пожизненный сенатор.

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Аннотация. Сенат - поляк парламентінің жоғарғы палатасы, оның төменгі палатамен салыстырғанда салыстырмалы түрде аз өкілеттігі бар, ол Сейм деп аталады.

Тәжірибеде дүние жүзіндегі санаулы елдер ғана екінші палатаны мажоритарлық дауыс беру жүйесін пайдалана отырып, тікелей сайлау арқылы сайлайды, Польшадағыдай. Қазіргі уақытта қоғамдық Сенатты сайлау тәртібі мен оның өкілеттіктерінің көлемін өзгерту мәселесі талқылануда. Бірақ сонымен бірге Польшада Сенаттың ежелден қалыптасқан дәстүрі бар. Бір мандатты 100 округті пайдаланатын қазіргі формула 2011 жылы сайланған. Бұл ғылыми жұмысында Сенат сайлауын мажоритарлық жүйеден пропорционалды немесе толық жоюға көшу кезінде сайлау заңнамасына өзгерістер енгізудің ықтимал бағыттарын ұсынылады. Оңтайлы шешім ұсынылады - палатаны жергілікті үкіметтің, атап айтқанда провинциялық үкіметтің немесе президенттің немесе Сеймнің (төменгі палата) тағайындауы. Палата құрамында бұрынғы президенттер және мүмкін премьер-министрлер сияқты елдегі ең көрнекті тұлғаларды қамтитын «өмір бойы сенаторлар» болуы мүмкін.

Кілттік сөздер: Польша Сенаты, жоғарғы палата, сайлау жүйесі, мажоритарлық жүйе, өмір бойы сенатор

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