



# The Effect of Political Parties on Nationwide Referendums in Poland after 1989


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 This article is the first attempt to describe and compare five nationwide referendums in Poland after 1989 as tools of direct democracy exploited by political parties. The article makes two primary contributions to the literature. The explanation focuses on the circumstances as well as the two main motives of the referendum initiators, that is, to cause trouble for political opponents and strengthen one's own position by legitimising one's own proposals concerning the political system and foreign policy directions. Moreover, the article discusses six methods employed by political parties to use the institution of nationwide referendum for their own political purposes. Interestingly, the Polish example shows that nationwide referendums have twofold effects for their initiators. On the one hand, they allow political parties to effectively realise the aims behind the initiated referendum. On the other hand, both political parties (1996, 1997, 2003) and presidents (1996 and 2015) sustained defeats in the next parliamentary or presidential elections.

 **Keywords:** *nationwide referendum; direct democracy; political parties; Poland*

## Introduction


Applying tools of direct democracy brings forth both positive and negative results.  gives political parties an impulse to increase and adapt their activity.<sup>2</sup> It also provides a perspective of polarization between parties, activating their members and winning new voters both for the governing party and the opposition.<sup>3</sup> On the other hand, however, a nationwide referendum can lead to the rise of new political parties and leaders, as well as strengthening marginal and radical parties, while building their social support and restructuring the political scene in the country.

Referendums constitute a tool of direct democracy and are a sign of citizen participation in the decision process, in addition to allowing citizens to express their will. However, considering the fact that political parties are the most important political actors, one cannot overlook their role in using the institution of the referendum for their own purposes. It is therefore vital to focus on political parties' activity, which will make it possible to look at nationwide referendums from a new perspective. This will allow us to determine to what extent those initiatives are significant for


raising the quality of democracy, and to what extent they are political parties' tools for competition.

Mechanisms of direct democracy were not frequently applied in Poland, either before or after 1989.<sup>4</sup> Five cases in the twenty-five years after the 1989 government transformation indicates that political activity in this area is not particularly high. Yet the number of nationwide referendums as well as the period in which they were held are enough to allow the first attempt at a comparative presentation. The lack of any similar publication on Poland and referendums justifies filling this gap in political studies. The importance of this contribution lies in extending our knowledge of Poland and the connections between its political parties and nationwide referendums.

The case of the most recent nationwide referendum in 2015 constitutes an instance of a negative application of the mechanism of nationwide referendum, an instance that will make it impossible for such a solution to be successfully implemented for many years to come.<sup>5</sup> The most successful nationwide referendum, at the same time the only one analysed quite thoroughly, is the 2003 nationwide referendum in which Poles were asked to decide about Poland's EU accession. The referendum showed political parties' attitudes and their evolution, which was an important point of reference for partisan divisions.<sup>6</sup> One of the features of the voting was its strong correlation with electoral behaviour in the parliamentary elections of 2001 and 2005, as well as with how two Polish Euro-sceptical parties functioned on the political scene.<sup>7</sup> Yet the decisions concerning voting were based more on economic, political, or partisan factors than on demographic ones.<sup>8</sup>

 The main aim of this article, in line with the assumptions of this special issue, is to present examples of how political parties use nationwide referendums for their own purposes. In line with the assumptions embraced for the purposes of this special issue, a referendum is defined as a single specific question on a ballot.<sup>9</sup> Hence two research questions were formulated: (1) Why did political parties initiate nationwide referendums? and (2) Which methods did they choose to make instrumental use of these referendums for their own purposes?

The article combines qualitative content analysis requiring the collection of primary data from party manifestos and desk research for collecting secondary data, such as results of elections from the database of the National Electoral Commission, and legal documents such as acts and resolutions issued by the President of the Republic of Poland or the Polish Sejm.

 The article is divided into seven sections. In line with generally accepted standards there is an introduction signalling the main axis of discourse. Then, in the theoretical part, the current approaches to analyses of correlations between political parties and nationwide referendums are presented. The next step is presenting the legal foundations that regulate nationwide referendums in Poland. In the following section, there is a general background with a special focus on Polish political parties, the nationwide referendums' initiators, camps, and results. In the last stage of the

analysis, an attempt is made to give a comparative perspective on the methods adopted by political parties in Poland to use nationwide referendums for their own purposes, and to formulate conclusions.

## Theoretical Framework and Research Design

The article introducing this special issue presents theoretical and empirical problems related to this matter in a broad and detailed manner, pointing to main arguments and determiners to be analysed further. One of the most important conclusions worth mentioning, as it determines assumptions for further analysis, is that attention should be paid to the typology of instrumental use of referendums by political parties. Two main dimensions, the type of action (party-oriented/opponents) and intended goals (policy/institutional), will constitute an indicator for analysis and complete it.

This does not change the fact that, considering an individual approach to the Polish case, other key issues must be mentioned to complement and adjust theoretical assumptions to the analysis of the discussed case. Apart from the theoretical basis pointed out in the introduction to this special issue, this central argument also implies a need to focus on theoretical aspects of political parties' effect on the referendum campaigns and results.

Voters taking part in referendums do not find any names of politicians or parties on their ballots. The subject of the voting does not consist in a decision on who should be given executive and legislative powers. However, this does not reduce the importance of political parties during referendum campaigns.<sup>10</sup> Although these are not parties that directly fight for votes, one cannot forget that their propositions concerning the subject of the referendum are guidelines for the citizens as to what decision to make.

A positive image of symbiosis between mechanisms of direct democracy and political parties shows how important it is to be able to use it skillfully for their own purposes.<sup>11</sup> On the other hand, lack of such an ability or ineffective participation in referendum campaigns may result in a defeat.<sup>12</sup>

The general system of relationships between parties has also some impact on referendum results.<sup>13</sup> Deciding to engage in the campaign and publicizing their attitude, political parties should consider the current political situation and the shape of the political system. Arranging coalitions and positioning themselves against other groupings in the campaign is indeed a crucial factor for the parties and direct democracy.

Particular political parties—presenting their position and undertaking organisational effort during the campaign—influence the results of the voting.<sup>14</sup> This does not change the fact that explaining the mechanism of party identification is not easy.<sup>15</sup> Positioning themselves against the subject of the referendum is one of the interesting

aspects to be explored—in the context of participating in voting itself as well as the suggested answers to referendum questions.

One of the few proposals that refer to models of partisan rivalry in the context of national referendums is Crum's analysis of referendums on the EU Constitutional Treaty.<sup>16</sup> He proposes a thesis that political parties' behaviour is determined by their ideology and position on the political scene. The scholar also proposes two models of divisions. The first one, defined as competitive, divides parties into government versus opposition and protest parties. The other one, a collusive model, characterizes parties along the division line into government and opposition versus protest parties. This proposal definitely deserves attention and will be included in the scheme of analysis in the present article. However, in the theoretical context, it is worth addressing the second aspect of his research. Ideological divisions between parties and their influence on voters' behaviour during referendum campaigns appear to be important. The author pointed out that belonging to a given family of political parties also determines election strategies pertaining to referendums. Although this aspect is not the main axis of this text's narrative, it can also be implemented through signaling such divisions among parties in the context of Polish referendums.

On the basis of the literature on the subject, complemented with the author's own concepts, it is worth proposing a network of key issues to be analysed. The outlined range of analysis will be of help in subsequent long-term studies of the Polish case, as well as in international comparative studies. Thus, proposing a certain schema of analysis will make it possible to contribute to the discussion of the effect of political parties on referendums. The analyses to follow will be able to critically refer to or creatively develop as well as apply the proposed approach, which in consequence shall enrich knowledge of this phenomenon.

The first research task here is to present the legislative framework and general background. It is particularly important to focus on the formal aspect of the issue as well as on the context. This in turn means that it is important to determine if political parties were the direct initiators of the referendum, or whether they only used the general political situation which determined the need for the referendum in a particular moment. Having in mind the formal conditions as well as the role of the head of state, one needs to ponder the significance of the Republic of Poland President's role. Moreover, to complement knowledge about partisan motives and approaches, the attitudes and positions assumed by political parties during the referendum campaigns will be analysed, referring to possible models of divisions between parties. Among other crucial issues, it is necessary to determine whether the following axes of division can be applied: initiating party versus the remaining parties, government parties versus opposition parties, left-wing parties versus right-wing parties, parliamentary parties versus non-parliamentary parties, mainstream parties versus fringe/extreme parties.

The second research task is to answer two main research questions concerning the initiating actors' incentives and motivations, and identifying and illustrating political

parties' methods of exploiting nationwide referendums for their own purposes. Analysing particular referendums from the perspective of political parties will make it possible to identify the methods they use to achieve their own goals. Comparative discussion of each of the methods will include examples of particular partisan behaviour.

The analysed material includes five announcements of the National Electoral Commission which include particular data and official results. This allowed the author to follow and compare changes in the number of votes, turnout levels, and results concerning particular questions. It was also necessary to point out references to 14 legal acts that regulated the course of subsequent referendums. The acts and regulations issued by the President and Sejm constitute the main basis for understanding the foundations of the formal framework in each of the analysed cases.



## Legislative Framework

The legislative framework of nationwide referendums in Poland is primarily found in two legal acts, the Constitution of the Republic of Poland of 2 April 1997,<sup>17</sup> and the Act of 14 March 2003 on a Nationwide Referendum.<sup>18</sup> Citizens' voting is regulated by the Act of 5 January 2011—Election Code.<sup>19</sup> Moreover, because resolutions are processed in the parliament, it is essential to include the laws found in the rules and regulations of the Sejm and the Senate.<sup>20</sup> The main entity that conducts a nationwide referendum in Poland is the National Electoral Commission, which supervises all the preparations and checks whether regulations concerning the rules and procedure of ordering a nationwide referendum are followed.

The Constitution provides for three kinds of nationwide referendums in Poland. The two first kinds, which concern matters of particular importance to the state and granting consent for ratification of an international agreement, are facultative. The only obligatory kind of nationwide referendum concerns confirming changes to the Constitution of the Republic of Poland. In the first two kinds, the result is binding if more than half of those entitled to vote did so. In the third kind, there is no such criterion. Every citizen who has attained the age of 18 no later than on the day of the elections has the right to vote. Voting is direct, not via intermediaries. The nationwide referendum is held on a non-working day, yet the voting can take place over one or two days. The Supreme Court determines the validity of the nationwide referendum.

The first type of nationwide referendum concerns matters of particular importance to the state. It is ordered by the Sejm, by an absolute majority of votes in the presence of at least half of the statutory number of Deputies, or by the President of the Republic of Poland with the consent of the Senate given by an absolute majority vote taken in the presence of at least half of the statutory number of Senators. The Sejm may undertake a resolution about a nationwide referendum following its own legislative initiative or on the basis of (a) a bill of the Presidium of the Sejm, a Sejm

committee, or a group of at least 69 deputies; (b) a motion of the Senate, whose bill may be issued by a Senate committee, a group of senators or one senator; (c) a motion of the Government; or (d) a motion by a group of at least 500 000 citizens entitled to vote in the referendum. Motions made by the above entities have to be considered, yet this does not mean that the Sejm is obliged to undertake a resolution ordering a nationwide referendum. Moreover, a nationwide referendum following a motion by citizens cannot concern expenditure, income, taxes, and other public impositions or state defence and amnesty. A motion to order a nationwide referendum should determine the proposed questions or variants of the solution addressing the issue which undergoes the referendum. In its resolution about ordering the nationwide referendum, the Sejm determines the questions or variants of solutions addressing the issue that undergoes the referendum. The nationwide referendum is conclusive if there is a majority of valid positive or negative votes in response to a given question; alternatively, if one of the proposed variants of the solution addressing the issue that undergoes the referendum receives the greatest number of valid votes.

The second type of nationwide referendum concerns granting consent for ratification of an international agreement. In such a case, the right to order the referendum is vested in the Sejm following the motion of its bodies as in the case presented above, by an absolute majority of votes in the presence of at least half of the statutory number of deputies; or in the President of the Republic of Poland with the consent of the Senate given by an absolute majority vote taken in the presence of at least half of the statutory number of senators. If the majority of valid votes were for the positive answer, the President of the Republic is granted the consent to ratify the agreement.

The third type of the nationwide referendum consists in confirming a change to the Constitution of the Republic of Poland. This type of referendum is ordered by the Marshal of the Sejm within sixty days after the receipt of the motion which may be made by at least one fifth of the statutory number of deputies, the Senate or the President of the Republic, within forty-five days of the adoption of the bill changing the Constitution by the Senate. A change to the Constitution shall be deemed accepted if the majority of those votes were for such a change.

The above rules describe only the current legislative framework on nationwide referendums from 2003 and 2015. However, it is worth signalling the key legal aspects concerning the 1997 referendum, because of its importance as well as the different character of legal solutions adopted. Its procedure alone was based on the special Constitutional Act of 23 April 1992 on the Procedure, Preparation and Adoption of a Constitution for the Republic of Poland.<sup>21</sup> Its main assumptions concerning holding the nationwide referendum indicate that the president orders the Constitutional referendum within fourteen days of its adoption by the National Assembly in the third reading, or within fourteen days after the period when the president did not issue any proposals after the second reading. The president sets the date of the nationwide referendum for a non-working day, not later than four months after the day the referendum was ordered to be held. The Constitution is accepted in

the nationwide referendum if the majority of those voting are for it. Following a positive result, the President signs the Constitution and orders its immediate publication in the *Journal of Laws of the Republic of Poland*.

## Polish Political Parties

In order to understand the issue addressed in the title, it is crucial to focus readers' attention on basic information concerning the main political parties in Poland.<sup>22</sup> There have been eight democratic elections to the Polish parliament since 1989. Two times, in 1993 and 2007, the parliamentary term was shortened and earlier elections were announced. In both cases, there was a crisis of the government coalition in the middle of term. The number of parties and formations participating in elections has been virtually constant. The highest number (twenty-nine) coincided with the year 1991, when there was no electoral threshold, which was a significant issue. In subsequent elections, the threshold was 5 percent for parties and 8 percent for coalitions. All governments in the years 1991–2015 were based on coalitions (Table 1). The Democratic Union (UD), which represented *Solidarność*, won the first elections after the transformation. This was also the first and the last time when the winner did not form a government. It can be seen that a pendulum effect is observed on the Polish political scene when it comes to the ideology represented by subsequent governments. Only PO won elections two times, in 2007 and 2011.

We can distinguish two periods in the Polish party system. The key date is 2001, when Civic Platform (PO) and Law and Justice (PiS) were created and entered the parliament. Since then, until 2015, these two parties played the most important role. These parties originated as a result of transformations on the political scene, which in turn had been caused by the general political situation as well as ambitions of particular politicians. Disparities in the right-wing coalition centred around Solidarity Electoral Action (Polish: *Akcja Wyborcza Solidarność*, AWS) and the situation inside the Freedom Union (Polish: *Unia Wolności*, UW), both of which initially entered the government coalition after the elections of 1997. Among the main causes behind the emergence of new political parties, one can recall the dissolution of the AWS coalition, which subsequently made space for new parties on the right side of the Polish political scene, considerably facilitating the rise of both PO and PiS. Moreover, if particular politicians are to be mentioned, the establishment of PiS was affected by the figure of Lech Kaczyński (positively assessed as the Minister of Justice), while in the case of PO it was Donald Tusk, who left UW having lost elections for the president of this party, whose popularity was waning.

From a historical perspective, it is important to present the changes on the Polish party scene. Democratic Left Alliance (SLD) and Labour Union (UP) should be considered left-wing parties. SLD is a post-communist grouping that operated in 1990–1999 as a coalition of many groupings and was registered as a party in 1999.



**Table 1**  
**Parties and Voting in Poland in 1991–2015**

Elections to the Sejm	1991	1993	1997	2001	2005	2007	2011	2015
Number of formations in the Sejm	29	6	5	6	6	4	5	5
Winner	UD	SLD (coalition)	AWS (coalition)	SLD + UP	PiS	PO	PO	PiS
Government coalition	3	SLD + PSL	AWS + UW	SLD + UP + PSL	PiS + S + LPR	PO + PSL	PO + PSL	PiS + SP + PR
Left-wing or right-wing government	Right	Left	Right	Left	Right	Center	Center	Right
Presidential elections	1990	1995	1997	2000	2005	2010	2015	2015
Referendums		1996			2003			2015



Another left-wing party is UP, functioning since 1992. Its activists, although representing left-wing views, derived mostly from the anti-communist opposition.

Parties situated in the center of the political scene and having seats in the Sejm included the Democratic Union (UD), the Freedom Union (UW), and Civic Platform (PO). The first of them was created in 1991. It was founded by Tadeusz Mazowiecki and gathered activists of the anti-communist opposition. In 1994, as a result of its merging with the Liberal Democratic Congress (KLD), which was headed by Donald Tusk, they established the UW. On the other hand, PO was founded when some members led by Tusk left UW in 2001.

The greatest changes, numerous coalitions, and break-ups concerned the right wing of the political scene. Significantly, a strong right-wing party had never been created until the foundation of PiS, constituting a notable example of such a grouping. Parties functioning before that, Confederation of Independent Poland (KPN) and Movement for the Reconstruction of Poland (ROP) and the League of Polish Families (LPR), played only a transitory role and they never won permanent or broad social support. Importantly, 1997–2001 is the period when a coalition of right-wing groupings, namely, the Solidarity Electoral Action (AWS), was active.

Additionally, the members of parliament who have held their seats in the Sejm for the longest time are representatives of Polish Peasants' Party (PSL), a party appealing to the rural electorate. This party is capable of entering coalitions with both left- and right-wing partners. So far, it has created governments twice with SLD and twice with PO.

The last of the parties that require a comment is Self-Defence (Samoobrona), which is a populist party. Founded in 1999 under the leadership of Andrzej Lepper, it focuses its activity on challenging the current political situation and the elites behind it.

The above classification is a simplified division of the Polish political scene as it does not take into consideration more developed schemes and criteria. Naturally, when the party system was taking shape, particular parties frequently revised their programmes or incorporated new postulates. Thus, looking back in greater detail, one can point to centre-leftist parties (UD, UW, SLD) and centre-rightist parties (PO). Additionally, taking into consideration the populist dimension, it is necessary to mention, most importantly, populist-leftist Samoobrona and populist-rightist LPR, both of which were active between 2001 and 2007.



### General Background—Initiators, Camps, and Results

To understand the background of each of the nationwide referendums held in Poland in the years 1996–2015, Table 2 presents them in a comparative way. The narration of this section shall focus on three elements. Firstly, it will include a comparative description of the nationwide referendums. Then their initiators and their



**Table 2**

**Comparison of Nationwide Referendums Held in Poland**

Date of Referendum	18 February 1996		25 May 1997		7–8 June 2003		6 September 2015	
	Topic	Electorate	Topic	Electorate	Topic	Electorate	Topic	Electorate
Obligation Initiative	Do you approve the enfranchisement of citizens?	28,009,715	Are you for or against: Obligations towards retirees, pensioners, annuitants and employees of public sector, pursuant to rulings of the Constitutional Tribunal, will be fulfilled with the privatised state-owned assets?	9,085,145 (32.44%)	Are you for or against: The value of joint stock certificates in National Investment Funds will be increased?	9,085,145 (32.44%)	Are you for or against: Part of state-owned assets will be assigned to public pension funds?	9,085,145 (32.44%)
Referendum question	Do you approve the introduction of a general principle whereby any legal doubts in interpreting tax law would be resolved in favour of taxpayers?	30,565,826	Are you in favour of introducing a general principle whereby any legal doubts in interpreting tax law would be resolved in favour of taxpayers?	2,384,780 (7.8%)	Do you approve of the accession to the European Union?	17,576,714 (58.85%)	Do you approve of the accession to the Republic of Poland's accession to the European Union?	17,576,714 (58.85%)
Total votes cast	9,076,004 (32.40%)		9,085,145 (32.44%)		12,137,136 (42.86%)	17,576,714 (58.85%)	2,384,780 (7.8%)	
Total valid votes	8,923,326 (98.32%)		8,574,126 (94.38%)		11,967,134 (98.60%)	17,450,527 (99.28%)	2,323,930 (97.45%)	
Valid votes in favour	8,580,129 (94.54%)		1,985,567 (27.48%)		6,396,641 (53.45%)	13,514,872 (77.45%)	1,829,995 (78.75%)	
Valid votes against	343,197 (5.46%)		6,588,559 (72.52%)		5,570,493 (46.55%)	3,935,655 (22.55%)	493,935 (21.25%)	

premises will be presented. Finally, divisions between parties engendered during nationwide referendum campaigns will be shown, as they are an important element in understanding the issue.

The results of all the nationwide referendums, with the exception of the Constitutional referendum, clearly showed the preferences of those who voted.<sup>23</sup> The referendums in 1996 and 2015 were not legally binding because of failure to meet the required turnout, which had to be half of those who had the right to vote.

Referendums differed both in their topics and the number of questions asked.<sup>24</sup> Each of the referendums held so far has concerned a different subject: economy (1996), a new constitution (1997), accession to the EU (2003), and the political system (2015). Moreover, looking more closely at the referendum questions, it is clearly visible that the institution of nationwide referendum was used two times for exceptionally crucial purposes (1997 and 2003), yet also for more indirect purposes that were less understandable for voters (1996 and 2015). In three cases, there was only one question (1996, 1997, and 2003). In the parliamentary referendum of 1996, there were four questions, while in 2015, three. The number of questions did not improve their clarity and precision, which did not make it easier for citizens to make their decisions.

Only the constitutional referendum was obligatory, all the other were facultative. The first (1996) and the last (2015) of these referendums were held following motions made by Presidents, while the others were initiated by political parties (1996, 1997, 2003). This shows that it is not formal requirements but political decisions that are at the core of employing the tools of direct democracy in Poland. Trying to present a more detailed view of the background of the referendums, one needs to pay attention to the following circumstances.

Focusing first on the referendum initiators, one obviously needs to start from President Lech Wałęsa, who was the initiator of the first referendum in 1996. On 19 October 1995, Wałęsa proposed organising a referendum concerning enfranchisement of citizens. The first bill of the regulation was, however, rejected by the Senate. Only the second one, of 3 November, simplified and containing only one question, was approved. The Senate of the Republic of Poland in the Resolution of 17 November 1995 agreed to hold a referendum (Senate Resolution 1995). As a consequence, on 29 November 1995, President's Resolution on holding a referendum on enfranchisement of citizens was issued, and it included the referendum question, the calendar of procedures, and the date of the referendum, which was announced for 18 February 1996 (President's Resolution 1995). In response to this, members of parliament proposed a number of bills of resolutions and amendments whose aim was to hold another referendum. Thus, formally, there were two referendums that were to take place on the same day. Both wanted the citizens to make a decision related to the economy, and both were tools in a multi-aspectual political rivalry rather than about giving voice to the sovereign people. Also, they were primarily a result of the presidential campaign.

It may thus be assumed that political parties played a significant and direct role in initiating the referendum of 1997, although formally it was held pursuant to the resolution of the President, according to the rule included in the new constitution.<sup>25</sup> Considering the whole legislative process, it was SLD that was the main party completing the work and finalising the bill of the constitution. Debates concerning the shape of the new political system accelerated in mid-1989. It was commonly agreed that fundamental changes had to be implemented. All the sides realised that the currently binding 1952 Constitution did not reflect in any way the structure and challenges of the democratic state. Passing the new fundamental law was the aim of political parties already in the first term of the Sejm in 1991–1993. Yet it was achieved only partly, since this parliament passed the so-called Small Constitution.<sup>26</sup> In 1996, work on the Constitution was intensified. On 16 January 1997, the Constitution Committee of the National Assembly passed the bill of the Constitution. On 22 March 1997, the National Assembly accepted the parliamentary text of the Constitution. At this stage, the President sent his amendments. On 2 April 1997, the National Assembly enacted the Constitution and the President passed a resolution on holding a referendum.<sup>27</sup>

In the case of the 2003 referendum, the role of political parties in initiating the referendum was indirect and resulted from the general political situation. The union referendum followed many years of preparations and general political direction embraced in Poland. However, effective negotiations conducted by SLD, UP, and later also PSL certainly facilitated seeing political parties as instrumental in holding the referendum. Similarly to the constitutional referendum, in this case as well the parties counted on people attributing the positive results of the negotiations and a successful conclusion of the accession process to their activity. In 2003 the citizens were to voice their opinions in a national referendum for the fourth time. This time, the subject concerned Poland's joining the EU, so the nation was asked to address an issue that was important for the further direction of Polish foreign policy. One needs to remember that Poland applied to join the EU in 1994. In December 1997, the European Council made the decision to start negotiations that commenced in 1998. In 2002, the negotiations came to an end and in 2003 the European Parliament agreed for Poland to join the EU. On 17 April 2003, the Polish Sejm passed a resolution on holding a referendum.<sup>28</sup>

In the case of the 2015 referendum, political parties did not play any part, direct or indirect, in initiating the referendum. In this case, the President of the Republic of Poland had the unequivocally leading and direct role. The cause that directly led to ordering the referendum in 2015 was the result of the elections for the President of Poland, which took place on May 10, 2015.<sup>29</sup> The leader of pre-election opinion polls, the current President Bronisław Komorowski, received fewer votes (33.77 percent) than his main opponent Andrzej Duda (34.76 percent). However, it was the result of the third candidate, Paweł Kukiz, (20.8 percent) that mattered the most. This active rock musician, not so far involved in political activity, had participated in the

presidential campaign on a platform of implementing single-member constituencies in the Sejm elections, generally gathering voters disappointed with present politics. A day after the May elections, President Komorowski made an immediate decision to hold a national referendum. He explained that he saw the high support for Kukiz as a signal that the citizens wanted changes and pointed out that politicians should pay attention to opinions of their voters. The impulse to order it, as well as the choice of questions, was aimed at winning higher support and polarizing the positions of the two remaining candidates.<sup>30</sup>

Going on to the other issues in focus, it can be said that the models of divisions between parties concerning national referendums vary (see Table 3). In the referendums of 1996 and 1997, these divisions resulted from parties' positioning on the left–right axis. In the case of the 2003 referendum, the division was based on the juxtaposition of parties characterised as mainstream versus populist and radically right ones. The last of the referendums analysed here, which took place in 2015, provided scholars with an interesting observation, namely, that there was no common denominator for parties perceived as grouped together.

Among the proposed divisions of the political scene, in the case of the 1996 referendums, the most adequate seems to be the one juxtaposing left- and right-wing parties. The right wing parties were clearly for participating in the referendum, both when it came to the parliamentary and non-parliamentary opposition. The main forces were here NSZZ Solidarity, Nonpartisan Bloc for Support of Reforms (BBWR), ROP, KPN, as well as the centre UW. It is worth emphasising that the Catholic bishops also encouraged voters to cast their ballots. When it came to suggesting particular answers to referendum questions, the division into the left and the right also holds. The key point was the attitude to the third question, which concerned increasing the value of joint stock certificates of National Investment Funds through including more companies in this programme. The right-wing parties encouraged people to give a negative answer to this question.

When it comes to the partisan divisions over participation in the referendum in 1997, there were none, as all the parties encouraged Polish citizens to take part in voting. However, there were various recommendations concerning the question posed in the referendum. The important parties that encouraged participation and supported the proposed bill of constitution included four groupings: SLD, PSL, UP, and UW. On the other hand, those participating but rejecting the bill were KPN, BBWR, ROP, and AWS. Thus, there is a division line setting apart the initiating parties, in this case supporting the bill, and the remaining ones. Such a division is also a result of the situation on the political scene back then, and polarization between the left-wing versus right-wing parties. To be precise, it needs to be pointed out that there was a division into the leftist and central parties (with the latter supporting the proposed bill) as opposed to the rightist parties (rejecting the bill).

Party divisions resulting from the attitude to the referendum question in 2003 were clear and referred to the criterion grouping the mainstream parties. The

governing SLD, PSL, and UP as well as the centre opposition PO and the right-wing opposition PiS belonged to this group. The remaining parliamentary parties approached European integration with serious doubts, like the populist Samoobrona, or had a straightforwardly negative approach, like the rightist LPR. Obviously, they showed their positions with various degrees of fervour. However, it can be said that the division into the group supporting and the group not supporting the integration, no matter how strongly they felt about the issue, functioned during the campaign before the referendum.

Considering the attitudes of all the political parties towards participation in the referendum in 2015, one may point out two main groups. The governing PO and Kukiz, Komorowski's opponent in the presidential elections, were clearly for the citizens' participation. However, while PiS politicians claimed that they would participate in the referendum, this party did not pay much attention to motivating their electorate. In turn, representatives of PSL, SLD, and Your Movement (TR) stated that they would not vote at all. When it comes to the attitude towards the questions, the main axis of debate concerned the attitude towards single-mandate constituencies. PO and Kukiz were clearly for such a solution. PSL, PiS, SLD, and TR were against. The second question reflected a very similar division, with PO, Kukiz, and TR against financing political parties from the state budget. There was no controversy with reference to the last question; that is, everybody was for strengthening the position of the citizens in their contacts with the tax office.

In the 2015 case none of the proposed axes of divisions can be applied. The governing centre PO was for participation and voting yes, and the same position was assumed by Kukiz's group—a new, non-parliamentary, anti-establishment, rightist initiative. To a lesser or higher degree, the co-governing PSL was against, with the right-wing (PiS) and left-wing (SLD, TR) opposition sharing their views.



## **The Motives of the Political Parties and Chosen Methods of Exploiting Nationwide Referendums**

Focusing on the main aim of this publication in line with the assumptions of the special issue, it will be shown how nationwide referendums were used by political parties for their own purposes. Thus, answers will here be given to two main research questions: What motives do parties have initiating nationwide referendums (see Table 4)? What methods do they use to achieve their goals (see Table 5)? This section shall be organised accordingly.

Analysing the behaviour and perspectives assumed by the initiators of the five nationwide referendums in Poland after 1989, one needs to differentiate between an official motion to hold a referendum made by the president and that made by political parties. At the same time, it is worth remembering that the actual role in the process is in any case played by political parties. Irrespective of the initiator, ultimately, it is

members of parliament from parties holding the majority in the Sejm and Senate who take the decision to order a referendum. Hence, referendums initiated by the president are held pursuant to the approval granted by the parliamentary majority.

In the case of referendums held in 1996 and 2015, the original initiative was that of the president. In both cases, the then head of state was running for a second term. The political motive of their undertakings was to increase their chances of being re-elected. While President Wałęsa proposed the referendum three weeks before the first round of the elections, President Komorowski did it soon after the results of the first round had been announced. Their motives were quite clear, as presented in the general background section of this article.

In the referendums initiated by political parties, in each case a different motive dominated. In 1996, it was the wish to counteract the initiative of the president. This gave the initiators a chance to strengthen their position and hence support their candidate in the presidential elections. In 1997, the main motive consisted in legitimising the systemic solutions proposed by the left-wing and central parties. The political circumstances back then, such as being the parliamentary majority and having their own president, Aleksander Kwaśniewski, were conducive for the new constitution to take its final shape. The aim of the referendum was thus increasing public support before the parliamentary elections scheduled that year. In turn, the 2003 referendum was an occasion to legitimise the foreign policy of the state, and as a consequence increase Polish society's support. The issue of joining the EU enjoyed public support and there was no opposition among the main political parties, and that is why it fostered reputational success.

It is yet another crucial issue to identify the methods used by political parties. It is of utmost importance to determine how parties try to employ this tool of direct democracy.

The most basic and simplest method that must be mentioned is the initiative to hold a nationwide referendum voiced by the party. As presented in detail in the previous section of this article, parties used this method three times (1996, 1997, and 2003).

The second important instrument exploited by political parties is accepting or rejecting the motion of the president in the Senate. Such a legal solution gives them significant impact on the decision whether and in what shape the initiative of the president will be implemented. The 1996 and 2015 referendums can be considered good examples of this method. In the first case, it was only the second proposal of President Wałęsa that was accepted by the senators and effectively led to the first referendum in the history of Poland after the 1989 political breakthrough. On 19 October 1995, Wałęsa proposed organising a referendum concerning enfranchisement of citizens. The first bill of the regulation was, however, rejected by the Senate. Only the second one, of 3 November, simplified and containing only one question, was approved. The Senate of the Republic of Poland in the Resolution of 17 November 1995 agreed to hold a referendum (Senate Resolution 1995). As a consequence, on 29

November 1995, the President's Resolution on holding a referendum on enfranchisement of citizens was issued, and it included the referendum question, the calendar of procedures, and the date of the referendum, which was announced as 18 February 1996 (President's Resolution 1995).

Political parties effectively employed this method twice in 2015: once accepting President Komorowski's proposal (already described in detail above) and soon afterwards rejecting the motion of the newly elected president Duda. He came up with a motion for the Senate to agree to order a nationwide referendum to be held on October 25 together with the already planned parliamentary elections. On September 4, the second chamber of the Polish parliament did not grant its permission to do so. The majority of the senators who represented the opposition did not allow President Duda to fulfil his goals.

The third method was used in 1996. It consisted in holding another referendum on the same day, in addition to the one initiated by President Wałęsa. It seems that such a procedure most visibly shows that parties want to exploit the institution of direct democracy with a view to using it for one's own purposes. In 1996, the party aim was to deprecate the initiative of the president, who came from the opposing political camp, to discredit him in the presidential campaign that was taking place at the time, and thus to support their own candidate to the highest office.

The fourth method is used when some of the main parties advocate voting against the solutions proposed in the referendum. On the one hand, such an attitude allows the parties to polarise the political scene and be more recognisable. On the other hand, it allows them to recruit voters who are against the proposed solutions. In Poland, this method was employed in 1997. It is worth noting additionally that this also coincided with a division into the left- and right-wing camps (see Table 3). The right-wing parties encouraged the citizens to participate in the voting and to reject the proposals of the left-wing side of the political scene.

The fifth method employed by Polish political parties consisted in discouraging citizens from voting at all. Such an attitude would not be surprising if adopted by marginal or anti-establishment parties. However, these were primarily main parties. Yet this was never done in their official statements. Making their approach openly clear might have led to accusations of antidemocratic character and could have resulted in negative repercussions in the future. Thus, their unofficial activities manifested themselves in less important politicians from the main parties negating the sense of the referendum, and these parties not conducting any active campaign. They believed that the turnout at the polls would be lower than required and that this would result in a defeat of their opponents. This was seen in 1996 and 2016. It is a sort of paradox that SLD, the initiator of the referendum in 1996, was the least engaged in encouraging citizens to vote. Such an attitude could have resulted from the fact that the main motivation behind the Sejm referendum lay in deprecating the very idea of referendum proposed by President Wałęsa. A similar strategy was adopted by PiS in 2015, when this main opposition party distanced itself from encouraging citizens to



 **Table 3**  
**The Divisions between Political Parties**

Divisions	1996	1996	1997	2003	2015
Initiating parties vs. remaining parties	No	No	Yes	No	No
Government parties vs. opposition parties	No	No	No	No	No
Left-wing parties vs. right-wing parties	Yes	Yes	Yes	No	No
Parliamentary parties vs. non-parliamentary parties	No	No	No	No	No
Mainstream parties vs. fringe/extreme parties	No	No	No	Yes	No


 **Table 4**  
**Motives for Ordering Nationwide Referendums in Poland**

Initiative	Year	Motivations	Result
President	1996	Electoral success of the president in office	No
Political parties	1996	Putting the president's initiative in a bad light	Yes
Political parties	1997	Legitimising the proposed systemic solutions	Yes
Political parties	2003	Legitimising the foreign policy	Yes
President	2015	Electoral success of the president in office	No

 **Table 5**  
**Chosen Methods of Exploiting Nationwide Referendums by Political Parties in Poland**

Chosen Methods	1996	1996	1997	2003	2015
A referendum is initiated	No	Yes	Yes	Yes	No
The Senate accepts or rejects the motion of the President to order a nationwide referendum	Yes	No	No	No	Yes
Another referendum is ordered for the same day	Yes		No	No	No
Main political parties encourage society to vote against the proposed solutions	Yes		Yes	No	No
Main political parties unofficially discourage citizens from voting	Yes		No	No	Yes
There are attempts to increase the number of questions or change their content	Yes		Yes	Yes	Yes

vote, thus counting on the referendum being invalid as a result of poor turnout. PiS wanted this invalidity to prove the failure of the idea supported by President Komorowski and the governing party he was close to. Then they would put themselves in a better position before the parliamentary elections in one month.

 **Figure 1**  
**How political parties use referendums in Poland**

		Intended goals	
		<i>Policy</i>	<i>Institutional</i>
Type of action	<i>Centripetal (party-oriented)</i>	Legitimacy and popularity (1997; 2003)	-
	<i>Centrifugal (vs. opponents)</i>	Popular mobilization and electoral gains (1996, 2015)	Deadlocks and by-pass institutions (1996)

Source: Adapted from Gherghina (forthcoming).<sup>31</sup>

The sixth method consists of attempts to propose one’s own variants of the proposed questions or add more questions. This form of political parties’ activity accompanied each of the referendums. Used so often, this method allows parties to show their diversity and take an active part in the political debate by promoting their own solutions. The debate in Poland assumed both formal and informal forms. The former consisted of members of parliament making proposals, while the latter was seen in media discourse. It seems that every political party aimed at presenting its own version of referendum questions and using this opportunity to promote itself.

Having completed the analysis, the typology formulated in the introduction to this special issue can be implemented. One may state that political parties initiating referendums use them in various ways (see Figure 1). The Polish case indicates that two times (in 1997 and 2003), partisan activity was aimed at gaining benefits for the party, intended to legitimize their policy and increase their support among society. The case of the 1996 referendum can be attributed to activities aimed against party opponents. This case especially shows the activity of political parties aimed clearly against the initiative and electoral chances of Lech Wałęsa; this activity used institutional tools and a parliamentary majority. In the case of referendums initiated by presidents (1996 and 2015) political parties tried to use this tool of direct democracy in a way that would increase their candidates’ chances in the upcoming presidential elections.

## Discussion and Conclusions


Laws regulating nationwide referendums in Poland give parties the key role in the process. Irrespective of whether the referendum is initiated by citizens, deputies, or the president, the final decision to hold it or not belongs to the political parties that have a majority in the Sejm and the Senate.

The cases of Polish nationwide referendums analysed here allow one to differentiate between two main motives inciting political parties to initiate a nationwide referendum. In the first case (1996), the motive was to cause trouble to the president who came from the opposing political camp. The second main motive was to legitimise their own concepts concerning the political system in the country (1997) or its foreign policy (2003), which in turn was to win them more social support. One can then propose a thesis that political parties use nationwide referendums for their own political purposes and select certain methods to realise their goals effectively. In all three cases the parties which initiated the nationwide referendums managed to realise their main aim.

Six methods employed by political parties in Poland to benefit from the referendums were identified when analysing the issue. They include obvious and well-known behaviour: for example, a referendum was initiated by a party; one political camp encouraged the citizens to vote against the solutions proposed by its political opponents; or there were attempts to increase the number of questions or change their content. Apart from that, it is worth mentioning that political parties used their rights and decided to hold another referendum on the same day or to reject the motion of the president to order a nationwide referendum in the Senate and to unofficially discourage citizens from voting.

The discussion concerning the analysis undertaken should also point to a broader political context and directions for further studies. Using referendums instrumentally has had a big impact on politics in Poland. The examples of the Constitutional referendum in 1997 and the EU accession referendum in 2003 played an important part in shaping citizens' awareness and their role in legitimizing the directions of state policy. However, the latest case from 2015, which was clearly subjected to rivalry during the presidential campaign, led to devaluation of the concept of a nationwide referendum and met with a really negative response. The next initiative and its intended goals and type of action will be of key importance in building a positive image of direct democracy in the future. One can only hope that this initiative will focus on important issues and will not be governed solely by individual and electoral gains.

Political parties play a key role in processes related to direct democracy in Poland. Ultimately, these are political parties that take decisions in the parliament concerning the shape and future of nationwide referendums. Parties also decide about the course of other instances of citizen participation, such as a civic referendum initiative and a civic legislative initiative. That is why, in the Polish context, it is crucial to focus on the issue of semi-direct democracy. The final decision whether a civic initiative will proceed or not belongs to representatives of political parties in the parliament.

 Further research seems crucial in the context of the conclusions that have been published so far. The results of the analysis contribute to the literature on the subject, providing new knowledge as well as indicating next steps that should lead to a more thorough understanding of the problem posed in the title. It is especially important to consider two new directions of research. Firstly, analyses of partisan activities should

be extended to include unfulfilled referendum initiatives that were abandoned on various levels of public debate or parliamentary work. This would allow researchers to gain a deeper insight into the way political parties use nationwide referendums for their own purposes. Secondly, it is worth paying more attention to the behaviour of political parties and their voters in the context of participation in referendums. Knowledge of the effectiveness of parties' platforms and instructions for voters as well as on the consolidation of electorates would increase our understanding of the ways political parties use referendums for their own purposes, this time with reference to elections.

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24. For the purpose of this special issue, it was assumed that every single question means one referendum. The Polish case differs from this definition. In line with the solutions embraced in Poland, a referendum can include several questions, while all of them are on one ballot paper. Hence the referendums presented here have different numbers of questions.

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