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## **Social Reception of the Polish Constitution Presented Against the Background of Public Debate in Poland**

**Keywords:** public perception, Constitution of the Republic of Poland of 1997, amendment of the constitution, CBOS polls

**Słowa kluczowe:** społeczny odbiór, Konstytucja RP z 1997, zmiana konstytucji, sondaże CBOS

### **Abstract**

Social perception of the Polish Constitution of 1997 and the proposals for its amendment. The main purpose of the article was to show the social perception of the Polish Constitution by Poles. The media reports concerning the proposed amendment to the Constitution of 1997 were analyzed. The article includes, inter alia, questions about whether the Polish Constitution is really important for Poles, or is it rather a tool in the hands of politicians, used to evoke social emotions that are to influence the course of political events. The article uses a method of analyzing the literature and the legal acts on the subject and the analysis of the media content concerning Polish people's attitude to the proposed amendments to the Constitution of the Republic of Poland. The analysis of the collected materials shows that Poles know little about the Constitution. The change in the attitude of Poles was influenced by the socio-political situation in the country, divided traditional media and the political opposition.

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**Streszczenie****Społeczny odbiór polskiej Konstytucji z 1997 r.  
na tle debaty publicznej w Polsce**

Głównym celem artykułu było ukazanie społecznej recepcji Konstytucji RP przez Polaków. Analizie poddane zostały przekazy medialne dotyczące proponowanej zmiany Konstytucji z 1997 r. W artykule zostały postawione m.in. pytania o to czy polska Konstytucja jest rzeczywiście ważna dla Polaków, czy też jest raczej narzędziem w rękach polityków, służącym do wywoływania społecznych emocji mających wpłynąć na przebieg politycznych wydarzeń? W artykule zastosowano metodę analizy literatury przedmiotu oraz aktów prawnych, a także analizy treści medialnych dotyczących stosunku Polaków do proponowanych zmian w Konstytucji RP. Z analizy zebranych materiałów wynika, że Polacy niewiele wiedzą o Konstytucji. Wpływ na zmianę postawy Polaków miała sytuacja społeczno-polityczna w kraju, podzielone media tradycyjne oraz polityczna opozycja.

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Poland is the country with the longest and oldest constitutional tradition in Europe. The Constitution of the 3rd of May 1791, the anniversary of which is still solemnly celebrated by Polish people, was a modern document and, at the time of its adoption, pushed Poland to the forefront of countries with regulated legal systems. So, why do talks about the constitution continue to inspire so much controversy despite more than two hundred and thirty years of experience with this document? Is the constitution really important to Poles? Is it a tool in politicians' hands that is used to stir up social emotions with a view to influencing the course of political events? These are some of the questions that the author will attempt to answer in the context of public debate in Poland on the proposed amendment to the 1997 Constitution.

**I. The 1997 Constitution – the socio-political background**

Throughout the history of Poland, the constitution-making process usually took place in extremely dynamic socio-political contexts. Therefore, the very

background for the introduction of constitutional acts determined the way they were perceived – as documents associated with the highest state authority. The frequency and scope of constitutional amendments in Poland indicate a certain regularity which is also characteristic of other contemporary democratic states. The need to introduce constitutional amendments, or rather the conviction shared by politicians that there is no such need, is related to the absence of any breakthrough political events, be it external or internal<sup>2</sup>. In periods of relative socio-political stability, there is a prevailing intent to merely improve the already-existing acts. The configuration of the political environment (with the absence of a clear leading force preventing significant change) and the difficulty arising from the requirements of the established mode of change are also essential in this context<sup>3</sup>.

It is undoubted that the Constitution is the most important document in the country for a number of reasons. The underlying reason is that, because of the regulatory objectives that the Constitution is supposed to fulfil, it has been placed at the top of the hierarchy of sources of law. The attribute of supremacy over other acts, which is vested in the Constitution alone, has allowed its authority and supreme legal force to be automatically reinforced<sup>4</sup>. Another material reason for establishing the Constitution as the most important document is that it is set on a strong and inviolable axiological basis. Over time, this basis came to be served by the standards of a democratic state under the rule of law, considered to be universal<sup>5</sup>. Grounding the state system in universally accepted values which fostered the uninterrupted development of the country and society based on democratic principles made the Constitution even more important.

The 1997 Constitution was drafted in specific and quite challenging socio-political circumstances, eight years after the transition of the political system from the People's Republic of Poland into the free Republic of Poland. Its adoption

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<sup>2</sup> B. Banaszak, M. Granat, *O projektach zmiany konstytucji z 1997 r.*, "Przegląd Sejmowy" 2007, no. 4, pp. 293–294.

<sup>3</sup> B. Banaszak, *Prawo konstytucyjne*, Warsaw 2015, pp. 56–57.

<sup>4</sup> L. Garlicki, *Aksjologiczne podstawy reinterpretacji konstytucji*, [in:] *Dwadzieścia lat transformacji ustrojowej w Polsce*, ed. M. Zubik, Warsaw 2010, pp. 85–105.

<sup>5</sup> J. Galster, *Propedeutyka wiedzy o konstytucji*, [in:] *Prawo konstytucyjne*, ed. Z. Witkowski, Toruń 2009, p. 43.

was significantly influenced by the events of 1980–1981, including the establishing of the *Solidarność* (Solidarity) movement and other opposition groups, as well as the reformation of the political system at the Round Table Conference of 1989<sup>6</sup>, during which social contracts were also signed. According to Czesław Jaworski, the most important normative acts and related events included<sup>7</sup>:

- a new electoral law adopted by the Sejm on 7 April 1989 and amendments to the 1952 Constitution, which introduced the following functions and institutions: the President, the Senate and the National Assembly thoroughly reforming the judicial system by introducing the principle of the independence and non-removability of judges, and the independence of the courts. The National Council of the Judiciary was also established;
- the parliamentary election of June 1989, and the appointment of Tadeusz Mazowiecki's government that launched far-reaching reforms of the political system, including thorough economic reform and the reconstruction of the economic system to one based on the principle of the freedom of economic activity for all entities and on the principle of equal rights for all forms of property;
- further amendments to the Constitution introduced by way of the Act of December 29, 1989, including the restoration of the historical name of the Republic of Poland, the changing of the National Emblem, the changing of the constitutional definition of the sovereign (“working people of cities and villages” to “the nation”), the introduction of a new constitutional definition of the state (the Republic of Poland is a state governed by the rule of law which implements the principles of social justice), and others;
- amendments introduced on 8 March 1990 resulting in the decentralisation of administration by dividing it into government and local

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<sup>6</sup> Their scope and shape was established within the framework of the contract concluded in the form of the “Round Table Agreements” on 5 April 1989. These reforms were aimed at launching the process of developing a new political system of the Third Republic of Poland; *Polskie prawo konstytucyjne*, ed. W. Skrzydło, Lublin: Verba 2006, p. 67 et seq.

<sup>7</sup> Cz. Jaworski, *Na dwudziestolecie Konstytucji Rzeczypospolitej Polskiej*, “Palestra” 2017, no. 4, <https://palestra.pl/pl/czasopismo/wydanie/4-2017/artukul/na-dwudziestolecie-konstytucji-rzeczypospolitej-polskiej> (03.03.2022).

government administrations. Notably, the Constitution recognised local governments as the basic form of organisation of public life in local structures;

- the Act of September 27, 1990 amending the constitutional principle of presidential elections and enacting a new law for presidential elections based on the principles of universality, equality, directness and secrecy of voting. It was under this law that Lech Wałęsa became President of the Republic of Poland as a result of universal election. Elections to the Sejm and Senate were also held.

This stage of the transformation process, sometimes referred to as an “experiment on a living body”, ended with enacting the “Small Constitution” (the Constitutional Act on Mutual Relations between the Legislative and Executive Powers of the Republic of Poland and on Local Self-Government) on October 17, 1992. It was established in an atmosphere of very vivid disputes between the Parliament and the President, which ended in a compromise. It envisaged that, “in order to streamline the activities of the State authorities, until the new Constitution of the Republic of Poland is enacted”, only a fragmentary regulation of mutual relations between the authorities need happen; at the same time, it constituted in the culminating point of the transformation of the state from an authoritarian one to a liberal-democratic one, and had an impact on the transformation processes between 1992 and 1997, providing the testing ground for the systemic solutions adopted in the Constitution of April 2, 1997<sup>8</sup>.

Work on the new constitution, which would repeal the Constitution adopted on July 22, 1952 in its entirety, was conducted under quite challenging circumstances marked by socio-political changes, the distinctive symbol of which was Soviet troops ultimately leaving Poland in 1993. Among other things, a great debate on the most important constitutional issues had been planned, however these plans fell through due to the Sejm being dissolved by the President on May 31, 1993, thus triggering the need to hold new elections leading to a change in the balance of political power. In consequence, the draft version of the new Constitution became the subject of editorial and

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<sup>8</sup> Cz. Jaworski, *Na dwudziestolecie Konstytucji Rzeczypospolitej Polskiej*, “Palestra” 2017, no. 4, <https://palestra.pl/pl/czasopismo/wydanie/4-2017/artukul/na-dwudziestolecie-konstytucji-rzeczypospolitej-polskiej> (3.03.2022).

legislative work, carried out by a group of experts and the editorial and general subcommittee, in July and August 1996. Finally, the Constitutional Commission presented the draft constitution, together with minority proposals, to the President of the National Assembly on January 16, 1997, and the principal debate within the framework of the National Assembly was held between February 24–28, 1997. During the debate, nearly five hundred amendments were proposed, 100 of which, along with two minority motions, were eventually adopted. Some amendments (41) were then suggested by President Aleksander Kwaśniewski. Once they were taken into consideration, in the third reading, the National Assembly passed the new Constitution on April 2, 1997. It was very important that an active role in the drafting of the new Constitution was played, *inter alia*, by professional self-governing bodies representing the professions of public trust (e.g., doctors and lawyers), whose aim was to bring about the inclusion in the Constitution of an appropriate provision concerning professional self-governing bodies and local governments, as well as guarantees for the judiciary and broadly defined human and civil freedoms, rights and duties<sup>9</sup>.

## II. Is the 1997 Constitution a document tailored to the 21st century?

The 1997 Constitution has been called a constitution of political compromise due to the procedural methods used which were aimed at creating the broadest possible constitutional coalition where, regardless of political preferences, efforts were made to recognise most of the reasonable proposals, including those of the Catholic Church and the extra-parliamentary opposition<sup>10</sup>. This was undoubtedly its greatest success as it appealed to supporters of a variety of value systems (liberal-democratic, social-democratic, Christian-democratic). It also contained provisions of a patriotic-national character and those enabling Poland to join the European Union. It is worth stressing that the solutions adopted in the Constitution are in line with current international regulations and standards regarding civil rights and freedoms. It also in-

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<sup>9</sup> Ibidem.

<sup>10</sup> P. Kardas, M. Gutowski, *O relacjach między demokracją a prawem, czyli kilka uwag o istocie demokracji konstytucyjnej*, "Palestra" 2017, no. 1–2, p. 28 et seq.

troduced, as a means of protecting civil rights and freedoms, constitutional complaints and two-instance administrative jurisdiction. A very important feature of the 1997 Constitution is the fact that it is normative, and not ideological, in nature. It is therefore a document whose solutions are characterised by unambiguous normative content whilst at the same time allowing it to be interpreted by taking into account the social, political, economic and legal changes that are taking place<sup>11</sup>.

So, the question arises as to why the need to amend the Constitution is so often voiced in the public domain. The demand for the derogation of the Constitution was put forward as early as in May 1997, i.e., immediately after its enactment, as an openly formulated political plan, in connection with the referendum campaign and the election campaign to the Sejm and Senate which followed shortly after<sup>12</sup>. The presented doubts were of an axiological nature and were raised by political forces which, due to their minor representation in the Parliament, had failed to advance their political ideas. The first proposal to amend the Constitution was submitted in mid-November 1997<sup>13</sup>, but following the victorious election in 1997, these organisations abandoned their demand for thoroughly amending the Constitution.

Initial drafts of new constitutions appeared in 2004–2005. The political parties which were then represented in the Parliament submitted as many as three of them, with one draft envisaging a thorough amendment. These drafts were presented by the following political parties: *Liga Polskich Rodzin* (League of Polish Families), *Samoobrona* (Self-Defence), *Prawo i Sprawiedliwość* (Law and Justice)<sup>14</sup> and *Platforma Obywatelska* (Civic Platform). However, none of these were submitted to the Sejm as an official constitutional initiative, but they were merely documents of a programmatic na-

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<sup>11</sup> P. Kardas, M. Gutowski, *Konstytucja z 1997 r. a model kontroli konstytucyjności prawa*, “Palestra” 2017, no. 4.

<sup>12</sup> P. Winczorek, *Czy zmieniać Konstytucję Rzeczypospolitej Polskiej z 2 kwietnia 1997 r.?*, “Ruch Prawniczy, Ekonomiczny i Socjologiczny” 2004, no. 3, p. 35.

<sup>13</sup> The draft submitted by a group of MPs representing the AWS party in November 1997 (printout no. 72, the 3rd Term Sejm) concerned the limitation of parliamentary immunity, including the abolition of formal immunity. Legislative work was interrupted by the ending of the Sejm and Senate terms of office.

<sup>14</sup> Organisational Office of the General Board of the Law and Justice Party, *Konstytucja Rzeczypospolitej Polskiej. Projekt Prawa i Sprawiedliwości*, Warsaw 2005.

ture<sup>15</sup>. According to researchers, the underlying catalyst of this need for change was the upcoming presidential elections of 2005<sup>16</sup>. It is likely that the enactment of the new constitution was meant as a new beginning, with President Aleksander Kwaśniewski, also acting as Chairman of the Constitutional Committee of the National Assembly, finishing his second term of office, and also as a new stage in Poland's history, with the constitution itself treated as a symbol of change. The first amendment to the Constitution was eventually adopted in 2006<sup>17</sup>.

The subsequent years saw a gradual increase in the number of new constitutional drafts. Along with documents submitted by political parties, drafts created by social organisations and even private individuals began to appear. The climate favourable for making summaries, connected with the 10th anniversary of the Constitution's adoption, can be mentioned among the prevailing reasons for this phenomenon. The fact that the Internet became increasingly widespread also significantly facilitated citizens' participation in national legislative processes<sup>18</sup>. In 2010, another constitution draft was presented by the Law and Justice party<sup>19</sup>. In the end it was not brought to the Sejm, but it did serve as a comprehensive programme of a party that, at that time, was the largest opposition party. In 2013, a draft of a thorough amendment of the constitution was also presented by the *Solidarna Polska* (Solidarity Poland) party<sup>20</sup>. It was not brought in front of the Sejm either, but it formed part

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<sup>15</sup> R. Chruściak, *Prace konstytucyjne w latach 1997–2007*, Warsaw 2009, p. 131.

<sup>16</sup> *Ibidem*.

<sup>17</sup> *The Act of 7 May 2009 on amending the Constitution of the Republic of Poland* (Dz.U. No. 114, item 946).

<sup>18</sup> Examples: A. Zoll, *Projekt zmiany Konstytucji RP przygotowany przez Radę Programową Konwersatorium „Doświadczenie i Przyszłość”*, „Ruch Prawniczy, Ekonomiczny i Socjologiczny” 2009, no. 4, p. 17 et seq.; *Projekt zmian w Konstytucji Rzeczypospolitej Polskiej*, „Liberte!” 2009, no. 9, <http://liberte.pl/projekt-zmian-w-konstytucji-rzeczypospolitej-polskiej> (5.09.2015); M. Zubik, *Projekt ustawy o zmianie Konstytucji RP posłów Klubu Parlamentarnego Platformy Obywatelskiej* (printout no. 2989, the 6th Term Sejm), „Przegląd Sejmowy” 2011, no. 3, p. 15; *Poselski projekt ustawy o zmianie konstytucji z 19 lutego 2010 r.* (printout no. 2989, the 6th Term Sejm).

<sup>19</sup> *Konstytucja Rzeczypospolitej Polskiej. Projekt Prawa i Sprawiedliwości*, January 2010, [http://www.pis.org.pl/download.php?g=mmedia&f=konstytucja\\_2010.pdf](http://www.pis.org.pl/download.php?g=mmedia&f=konstytucja_2010.pdf) (3.03.2022).

<sup>20</sup> *Solidarna Polska Zbigniewa Ziobro, Nowa Konstytucja Rzeczypospolitej Polskiej*, Warsaw, May 2013 r. <http://www.solidarna.org.pl/wp-content/uploads/2013/06/Konstytucja-Solidarna-Polska.Pdf> (6.03.2022).



of the programme documents. Two years later (in 2015), Janusz Korwin-Mikke also submitted his draft<sup>21</sup>.

The seventh term of the Sejm has gone down in the history of Polish direct democracy as the one during which numerous requests for ordering nationwide referendums were submitted by citizens, MPs and the President. The two presidential referendums in 2015 were particularly heated debates, with questions being raised about the problematic shape ascribed to direct democracy institutions in the Polish Constitution and legislation in general. Direct democracy and the extent of citizens' participation in the political decision-making process became key topics of public debate, and Andrzej Duda, during his presidential campaign, advocated, *inter alia*, the idea of increasing citizens' participation in ruling the country<sup>22</sup>. This opened a favourable period for advocates of changes to current regulations aimed at increasing citizens' participation in governance.

### III. Social debate on amending the Constitution of the Republic of Poland

The history of the 1997 Polish Constitution, briefly described above, indicates that its devaluation and the need for change have been raised for many years<sup>23</sup>. These issues have also been pointed out by citizens themselves in surveys regularly conducted by the Centre for Public Opinion Research (CBOS). So, what happened in 2017 that caused Poles to protest so violently against these amendments?

According to a CBOS survey conducted in 1994, i.e., before the constitutional referendum, familiarity with the Constitution among Poles was rather poor. Although the respondents surveyed were convinced of the need to know the Constitution (87%), as many as 86% of them indicated that they

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<sup>21</sup> *Tekst projektu Konstytucji nowego Państwa Polskiego*, May 2015, [http://korwin-mikke.pl/blog/wpis/tekst\\_projektu\\_konstytucji\\_nowego\\_panstwa\\_polskiego\\_\\_art1\\_art49/2627](http://korwin-mikke.pl/blog/wpis/tekst_projektu_konstytucji_nowego_panstwa_polskiego__art1_art49/2627) (7.03.2022).

<sup>22</sup> Z. Krygier, *Strategia sukcesu Andrzeja Dudy w wyborach prezydenckich w 2015 roku*, "Refleksje. Pismo naukowe studentów i doktorantów WNPiD UAM" 2019. pp. 89–100.

<sup>23</sup> K. Sobczak, *Prof. Tuleja: Konstytucja wymaga zmian, ale do tego potrzebny jest moment konstytucyjny*, <https://www.prawo.pl/prawnicy-sady/zamiany-w-konstytucji-do-tego-potrzebny-jest-moment,495826.html> (8.03.2022).

had insufficient knowledge of it<sup>24</sup>. Three years later, the majority of Poles (70%) claimed that a new constitution should be adopted, and the majority (79%) believed that no country could function efficiently without a constitution. At the same time, Polish society did not overestimate the significance of this document and did not attach particularly high hopes to its creation. Participation in the constitutional referendum was declared by 67% of the respondents, and more than two-fifths (42%) of its participants would be in favour of accepting the parliamentary draft constitution, one in nine (11%) would be in favour of rejecting it, and almost half (47%) would not be able to decide about this issue<sup>25</sup>. In accordance with the provisions of the Constitutional Act of April 23, 1992, the Constitution of the Republic of Poland was adopted as a result of a universal referendum held on May 25, 1997. It was attended by 42.86% of those eligible to vote, and 52.71% of them were in favour of adopting the new Constitution.

However, it seems that with the passing of 20 years, the event has largely been forgotten. A substantial group (43%) of those who were entitled to vote in 1997 could not remember whether they had in fact used this right or not. A further 13% could not remember which option they had voted for. A quarter (27%) declared they had supported the introduction of a new constitution, while only one in 100 (1%) claimed to have voted against it<sup>26</sup>. In 2017, more than two-thirds of the respondents (68%) believed that the principles and provisions in the constitution had a significant impact on the lives of ordinary citizens, and 30%<sup>27</sup> of the respondents were of the opinion that the Constitution should be amended. This group was smaller than both in 2008 (37%)<sup>28</sup> and in 2004 (45%)<sup>29</sup>. In contrast, almost half of the respondents (49%) opposed the amendment, and they spoke critically about Poland's adherence to the constitution. The majority (60%) claimed that its provisions were not

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<sup>24</sup> CBOS report, *Co Polacy wiedzą o Konstytucji?*, Warsaw, February 1994, pp. 2–3.

<sup>25</sup> CBOS report, *Polacy o Konstytucji i referendum zatwierdzającym*, Warsaw, March 1997, p. 2.

<sup>26</sup> *Ibidem*, p. 5.

<sup>27</sup> CBOS report, *Dwudziesta rocznica uchwalenia Konstytucji RP*, Warsaw, March 2017.

<sup>28</sup> CBOS report, *Polacy o proponowanych zmianach w systemie politycznym*, Warsaw, April 2008.

<sup>29</sup> CBOS report, *Wzrost poparcia dla członkostwa w UE i przyjęcia europejskiej konstytucji*, Warsaw, November 2004.

abided by, with only just over a quarter of the respondents (28%) claiming otherwise<sup>30</sup>. At the same time, there was widespread conviction that the Constitution had a significant impact on the lives of ordinary citizens. The vast majority of respondents (75%) believed that citizens should know the Constitution, but despite this fairly common belief, only one in seven respondents (14%) declared that they had read it in its entirety; a bigger group (41%) claimed that they had read parts of it, but the largest group (45%) had not read the Constitution at all<sup>31</sup>.

Shortly after the survey, on the anniversary of the adoption of the Constitution of the 3rd of May, President Andrzej Duda quite unexpectedly launched an initiative to hold a consultative referendum on the directions of political changes in Poland<sup>32</sup>. Right after the announcement, public support for constitutional amendment temporarily increased (to 37%)<sup>33</sup>, but it fell again after publishing the exact questions to be asked in the referendum. In July 2018, 31% of the respondents were in favour of amending the constitution – six percentage points less than in June 2017 and practically the same as in March 2017, in a survey marking the 20th anniversary of the adoption of the present Constitution<sup>34</sup>. Opinions on a possible constitutional amendment depended overwhelmingly on political and party identification. The need for adopting a new constitution was mainly perceived by those with right-wing orientation (50%). Most of the respondents declaring left-wing or central political views were against it (72% and 63%, respectively). This implies that, over the course of the year, support for amending the constitutional act decreased primarily among those identifying with the right-wing (by 10 percentage points) and with the political centre (by 6 percentage points), and among those that are politically indifferent and unable to expressly define their political views (by 7 percentage points)<sup>35</sup>. This

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<sup>30</sup> CBOS report, *Dwudziesta rocznica uchwalenia Konstytucji RP*, Warsaw, March 2017.

<sup>31</sup> *Ibidem*, p. 8.

<sup>32</sup> Demagog, *Czy możemy zmienić Konstytucję?*, [https://demagog.org.pl/analizy\\_i\\_raporty/jak-moze-byc-zmieniona-konstytucja-rp/?cn-reloaded=1](https://demagog.org.pl/analizy_i_raporty/jak-moze-byc-zmieniona-konstytucja-rp/?cn-reloaded=1) (3.04.2022).

<sup>33</sup> CBOS report, *Referendum konsultacyjne w sprawie konstytucji – pierwsze reakcje*, June 2017.

<sup>34</sup> CBOS report, *Zainteresowanie referendum konsultacyjnym ws. konstytucji*, July 2018.

<sup>35</sup> *Ibidem*, p. 4.

clearly indicated a high degree of social polarisation due to political views that divided society<sup>36</sup>.

Meanwhile, protests to defend the Constitution, the independence of courts and the rule of law began all over the country<sup>37</sup>. They followed earlier waves of protests that swept across Poland in 2016–2017. The first wave of protests, referred to as the *Black Protest*, was triggered on 23 September 2016 by the rejection by the Polish Parliament of the Save the Women Committee's voters bill initiative to liberalise abortion laws<sup>38</sup>. Nowadays, protests continue to be organised in the context of proposed changes to make anti-abortion laws in Poland more rigid<sup>39</sup>.

The second wave of protests was related to the adoption of amendments to the laws on the National Council of the Judiciary and on the system of common courts, as well as to the law on the Supreme Court during the eighth term of the Sejm by MPs of the ruling parties (Law and Justice, Solidarity Poland and the *Porozumienie* (Agreement) party established by Jarosław Gowin)<sup>40</sup>. On 20 July 2017, protests began which lasted for several months in many Polish cities and in front of buildings of the Polish diplomatic missions in oth-

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<sup>36</sup> Prof. Antoni Dudek: "The result of this survey almost perfectly reflects the political division we have in Poland: the supporters of the Law and Justice and Kukiz parties are in favour of changing the present Constitution, while those supporting the liberal camp and the left-wing views are against it. The rest - in this case, a relatively small number - are indifferent to this division and have no opinion on the Constitution *Sondaż: Czy już pora zmienić konstytucję*, <https://www.rp.pl/kraj/art9738281-sondaz-czy-juz-pora-zmienic-konstytucje> (4.04.2022).

<sup>37</sup> AP, *Protesty w obronie konstytucji w Polsce*, <https://www.rp.pl/kraj/art9723981-ap-protesty-w-obronie-konstytucji-w-polsce>; *Perspektywy, Studenckie protesty m.in. przeciwko łamaniu konstytucji*, [https://perspektywy.pl/porta1/index.php?option=com\\_content&view=article&id=3367:studenckie-protesty-m-in-przeciwko-lamaniu-konstytucji&catid=24&Itemid=119](https://perspektywy.pl/porta1/index.php?option=com_content&view=article&id=3367:studenckie-protesty-m-in-przeciwko-lamaniu-konstytucji&catid=24&Itemid=119) (4.04.2022).

<sup>38</sup> RMF24, *Sejm odrzucił projekt komitetu „Ratujmy kobiety” liberalizujący przepisy aborcyjne*, September 23, 2016, [https://www.rmf24.pl/fakty/polska/news-sejm-odrzucil-projekt-komitetu-ratujmy-kobiety-liberalizujac,nId,2279607#crp\\_state=1](https://www.rmf24.pl/fakty/polska/news-sejm-odrzucil-projekt-komitetu-ratujmy-kobiety-liberalizujac,nId,2279607#crp_state=1) (4.04.2022).

<sup>39</sup> *Wyborcza.pl*, „Czarny wtorek”. *Kobiety protestują w całej Polsce*, October 3, 2017, <https://wyborcza.pl/7,154385,22461905,czarny-wtorek-kobiety-protestuja-w-calej-polsce.html> (4.04.2022); M. Kolanko, *Czego domaga się Strajk Kobiet? 13 postulatów*, *Rp.pl*, <https://www.rp.pl/polityka/art442971-czego-domaga-sie-strajk-kobiet-13-postulatow> (4.04.2022) and the like.

<sup>40</sup> Ministry of Justice, *Sejm uchwalił ustawy reformujące sądownictwo*, July 12, 2017, <https://www.gov.pl/web/sprawiedliwosc> (5.04.2022).

er countries. The Constitution, which protesters called for to be respected, became the symbol of these protests. A number of international institutions expressed opinions against the situation regarding respect for the rule of law in Poland, and on 29 April 2020, the European Commission instituted proceedings against Poland for the violation of European Union law<sup>41</sup>. Subsequent waves of protests (in 2021) were connected with changes to the Broadcasting Act in Poland, which were proposed by a group of MPs representing the Law and Justice party<sup>42</sup>, also referred to as protests to defend free media<sup>43</sup> and protests against the anti-TVN lex<sup>44</sup>, and Lex Czarnek (2022) related to changes in the education system. In the subsequent wave of protests, the Constitution again became the protesters' symbol.

#### IV. Summary

The above analysis shows that Poles, despite the passage of twenty-five years since the enactment of the 1997 Constitution, still know very little about it. In 2022, so after the period of particular interest in the Constitution, only 14% of Poles declared that they had read the whole of it, and 43% had not read it at all<sup>45</sup>. It is worth stressing that this is not a trend prevailing only in recent years. Since 1989, constitutional awareness among Polish people has been low,

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<sup>41</sup> *Rule of Law: European Commission launches infringement procedure to safeguard the independence of judges in Poland*, ec.europa.eu, April 29, 2020, <https://ec.europa.eu/commission/presscorner/home/en> (5.04.2022).

<sup>42</sup> *Lex anty-TVN. Rada Przedsiębiorczości protestuje przeciwko zmianom w ustawie o radiofonii i telewizji*, tvn24.pl, August 10, 2021, <https://tvn24.pl/biznes/najnowsze/lex-anty-tvn-rada-przedsiębiorczości-protestuje-przeciwko-zmianom-w-ustawie-o-radiofonii-i-telewizji-5173551> (6.04.2022).

<sup>43</sup> *Protesty w obronie wolnych mediów w całym kraju. 'To nasz sprzeciw'*, wiadomosci.gazeta.pl, August 10, 2021, <https://wiadomosci.gazeta.pl/wiadomosci/14,166794,27436681.html> (7.04.2022); *W obronie wolnych mediów. Protesty w dziesiątkach miast*, rp.pl, August 10, 2021, <https://www.rp.pl/kraj/art18696211-w-obronie-wolnych-mediow-protesty-w-dziesiatkach-miast> (7.04.2022).

<sup>44</sup> *Demonstracje przeciwko lex anty-TVN także w mniejszych miejscowościach*, August 11, 2021, <https://fakty.tvn24.pl/fakty-po-poludniu,96/lex-anty-tvn-protesty-przeciwko-lex-anty-tvn-takze-w-mniejszych-miejscowosciach,1073568.html> (7.04.2022).

<sup>45</sup> CBOS report, *Dwudziesta piąta rocznica Konstytucji RP*, Warsaw, November 2022.

the document has not been commonly read or analysed, and the Constitution itself has not been a subject of particular public interest over the years. Poles know that they have a constitution, but they express no particular expectations of it, leaving its establishing, analysis and interpretation to lawyers. In addition, at no point in the history of free Poland had discussions on amending the Constitution been particularly controversial, that is until 2017. So, what caused the growing interest in this most important document among Poles and why do the changes announced raise so much controversy, although the need to introduce them has been expressed by jurists for years?

The analysis of media messages and social observations reveals that the shift in Poles' attitudes has been, to a large extent, influenced by the socio-political situation in the country, which has led to a significant polarisation of society. A large group of citizens, despite the fact that they did not vote in the 2015 elections<sup>46</sup>, disagreed with the introduced amendments, especially of a social nature (the so-called black marches) and concerning the judicial reform proposed by the ruling party, elected by less than 38% of voters (with less than 51% attendance). That disagreement resulted in mass protests, the organisation and conduction of which were facilitated by widespread access to social media. They were also influenced by the divisions present in the traditional media – as in society as a whole – which further consolidated the division of Poles, as well as the political opposition. It was during the protests related to the reform of the judiciary system that the Constitution became a symbol of the struggle against the ruling coalition, giving it an important place in Polish people's minds. But, when it comes to the most important national document, has this affected citizens' awareness? Social surveys seem to deny that. On the one hand, Poles have come to understand that the Constitution is important and it has firmly established itself in their consciousness; on the other hand, it has not significantly affected their knowledge and understanding of the Constitution. It can be assumed that the next government's attempts to amend the Constitution will no longer cause particular public controversy, and the discussion of the Constitution itself will gradually die out.

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<sup>46</sup> It should be remembered that only 50.92% of eligible voters cast their votes in the 2015 parliamentary election, 54.90% in the 2018 local government elections, 61.74% in the 2019 parliamentary election, and 64.51% in the 2020 presidential election.

**Literature**

- Banaszak B., Granat M., *O projektach zmiany konstytucji z 1997 r.*, “Przegląd Sejmowy” 2007, no. 4.
- Banaszak B., *Prawo konstytucyjne*, Warsaw 2015.
- CBOS report, *Co Polacy wiedzą o Konstytucji?*, Warsaw, February 1994.
- CBOS report, *Dwudziesta piąta rocznica Konstytucji RP*, Warsaw, November 2022.
- CBOS report, *Dwudziesta rocznica uchwalenia Konstytucji RP*, Warsaw, March 2017.
- CBOS report, *Polacy o Konstytucji i referendum zatwierdzającym*, Warsaw, March 1997.
- CBOS report, *Polacy o proponowanych zmianach w systemie politycznym*, Warsaw, April 2008.
- CBOS report, *Referendum konsultacyjne w sprawie konstytucji – pierwsze reakcje*, Warsaw, June 2017.
- CBOS report, *Wzrost poparcia dla członkostwa w UE i przyjęcia europejskiej konstytucji*, Warsaw, November 2004.
- CBOS report, *Zainteresowanie referendum konsultacyjnym ws. konstytucji*, Warsaw, July 2018.
- Chruściak R., *Prace konstytucyjne w latach 1997–2007*, Warsaw 2009.
- Galster J., *Propedeutyka wiedzy o konstytucji*, [in:] *Prawo konstytucyjne*, ed. Z. Witkowski, Toruń 2009.
- Garlicki L., *Aksjologiczne podstawy reinterpretacji konstytucji*, [in:] *Dwadzieścia lat transformacji ustrojowej w Polsce*, ed. M. Zubik, Warsaw 2010.
- Jaworski Cz., *Na dwudziestolecie Konstytucji Rzeczypospolitej Polskiej*, “Palestra” 2017, no. 4.
- Kardas P., Gutowski M., *Konstytucja z 1997 r. a model kontroli konstytucyjności prawa*, “Palestra” 2017, no. 4.
- Kardas P., Gutowski M., *O relacjach między demokracją a prawem, czyli kilka uwag o istocie demokracji konstytucyjnej*, “Palestra” 2017, no. 1–2.
- Konstytucja Rzeczypospolitej Polskiej. Projekt Prawa i Sprawiedliwości*, January 2010, [http://www.pis.org.pl/download.php?g=mmedia&f=konstytucja\\_2010.pdf](http://www.pis.org.pl/download.php?g=mmedia&f=konstytucja_2010.pdf).
- Krygier Z., *Strategia sukcesu Andrzeja Dudy w wyborach prezydenckich w 2015 roku*, “Refleksje. Pismo naukowe studentów i doktorantów WNPiD UAM” 2019.
- Organisational Office of the General Board of the Law and Justice Party, *Konstytucja Rzeczypospolitej Polskiej. Projekt Prawa i Sprawiedliwości*, Warsaw 2005.
- Polskie prawo konstytucyjne*, ed. W. Skrzydło, Lublin: Verba 2006.
- Projekt zmian w Konstytucji Rzeczypospolitej Polskiej*, “Liberte!” 2009, no. 9 <http://liberte.pl/projekt-zmian-w-konstytucji-rzeczypospolitej-polskiej>.
- Sobczak K., *Prof. Tuleja: Konstytucja wymaga zmian, ale do tego potrzebny jest moment konstytucyjny*, <https://www.prawo.pl/prawnicy-sady/zamiany-w-konstytucji-do-tego-potrzebny-jest-moment,495826.html>.

Solidarna Polska Zbigniewa Ziobro, *Nowa Konstytucja Rzeczypospolitej Polskiej*, Warsaw, May 2013 r. <http://www.solidarna.org.pl/wp-content/uploads/2013/06/Konstytucja-Solidarna-Polska.pdf>.

*Tekst projektu Konstytucji nowego Państwa Polskiego*, May 2015, [http://korwin-mikke.pl/blog/wpis/tekst\\_projektu\\_konstytucji\\_nowego\\_panstwa\\_polskiego\\_\\_art1\\_art49/2627](http://korwin-mikke.pl/blog/wpis/tekst_projektu_konstytucji_nowego_panstwa_polskiego__art1_art49/2627).

Winczorek P., *Czy zmieniać Konstytucję Rzeczypospolitej Polskiej z 2 kwietnia 1997r.?*, "Ruch Prawniczy, Ekonomiczny i Socjologiczny" year LXVI, 2004, no. 3.

Zoll A., *Projekt zmiany Konstytucji RP przygotowany przez Radę Programową Konwersatorium „Doświadczenie i Przyszłość”*, "Ruch Prawniczy, Ekonomiczny i Socjologiczny" 2009, no. 4.

Zubik M., *Projekt ustawy o zmianie Konstytucji RP posłów Klubu Parlamentarnego Platformy Obywatelskiej* (printout no. 2989, the 6th Term Sejm), "Przegląd Sejmowy" 2011, no. 3.