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## **The Government and Politics of Poland in the Light of the Constitutional Perspective since 1989**

**Keywords:** government and politics, Constitution, Poland, political reform, institutional development

**Słowa kluczowe:** rząd i polityka, Konstytucja, Polska, reforma polityczna, rozwój instytucjonalny

### **Abstract**

The article analyses the characteristics of the Polish constitution and government since 1989. This study empirically discusses the dynamics of the constitutional framework and Polish political system in the light of the outcomes of the parliamentary elections and the formation of the government in the Republic of Poland. The article describes Samuel P Huntington's theoretical-speculative theory as the primary level of political development in Poland. According to Samuel P Huntington, between 1989 and 1990, several countries from Central, Eastern and Southern Europe moved from totalitarian rule to the democratic forms of government. The constitution was formulated according to the rule of the law and is based on democratic norms. This democratic revolution is probably the most important political trend and Poland was also affected by this wave of democratisation in 1989. The main purpose of this study is to describe the political transformation which is resulted in the democratic government. How does Poland establish the rule of law and a sustainable popular government that follows constitutional norms? The result of this article is that the political parties, creating the opposition in parliament, must propose a new strategy of behaviour in

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such circumstances, in particular by tackling the compromise of a democratic system on the basis of the Constitution of 1997, e.g. distribution of powers, elections, party politics, the position of the Constitutional Court and functioning of the judiciary in the country.

## Streszczenie

### **Rząd i polityka Polski w świetle perspektywy konstytucyjnej od 1989 r.**

W artykule dokonano analizy charakterystyki polskiej Konstytucji i rządu od 1989 r. W artykule omówiono empirycznie dynamikę ustroju konstytucyjnego i polskiego systemu politycznego w świetle wyników wyborów parlamentarnych i formowania się rządu w RP. Artykuł opisuje teorię spekulacyjną Samuela P. Huntingtona jako podstawowy poziom rozwoju politycznego w Polsce. Według Samuela P. Huntingtona w latach 1989–1990 kilka państw Europy Środkowej, Wschodniej i Południowej przeszło od rządów totalitarnych do demokratycznych form rządów. Konstytucja została sformułowana zgodnie z rządami prawa i opiera się na normach demokratycznych. Ta demokratyczna rewolucja jest prawdopodobnie najważniejszym nurtem politycznym, a Polska została dotknięta tą falą demokratyzacji w 1989 r. Głównym celem niniejszego opracowania jest opisanie transformacji ustrojowej, której efektem są demokratyczne rządy. W jaki sposób Polska ustanawia rządy prawa i trwały rząd ludowy przestrzegający norm konstytucyjnych? Wynikiem niniejszego artykułu jest to, że partie polityczne, tworząc opozycję w parlamencie, muszą zaproponować nową strategię postępowania, w szczególności poprzez zmierzenie się z kompromisem systemu demokratycznego w oparciu o Konstytucję z 1997 r., m.in. podział władzy, wybory, polityka partyjna, pozycja Trybunału Konstytucyjnego i funkcjonowanie sądownictwa w państwie.

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## I.

After the fall of communism in 1989, everyone agreed that Poland needed a new constitution. However, there was little consensus on the structure of government or the nature of rights under a new constitution. There was also widespread disagreement over the adoption and ratification process<sup>2</sup>. Re-

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<sup>2</sup> The period of political change began in Poland during 1989, after years without democratic institutions at the various levels.

nowned constitutional law scholar Ewa Łętowska has suggested that the new constitution “escapes immediate assessment” not because of its content but because of the political climate in which it was adopted. In particular, Łętowska points to the defamation of the Constitution by disgruntled political groups and the Catholic Church. Their politically induced distaste for the Constitution is, according to her, the first factor to be taken into account in assessing the chances of the development of genuine constitutionalism in Poland<sup>3</sup>. The Constitution can be amended through a special procedure as an act of the highest state authority<sup>4</sup>. It offers citizens a sense of security, predictability of government activities and legal certainty. Moreover, an overly easy process of amending the Constitution allows the ad hoc implementation of unfavourable solutions without further reflection and can lead to the temptation of abuse of power<sup>5</sup>. On the other hand, a rigid constitution, unresponsive to political and social changes, can become an ornament circumvented by those who apply the law<sup>6</sup>. The former Polish President and Solidarity leader, Lech Walesa called the new constitution a mistake for Poland<sup>7</sup>.

This article aims to summarise the proposed amendments to the Constitution of the Republic of Poland to date and to analyse the constitutional regulations and people’s government in the country. Although it requires amendments to the Constitution, an interesting solution is the adoption of a separate constitutional law. It would contain a comprehensive regulation of issues related to Poland’s accession to the EU. Such a solution has several advantages, for example, the proposed changes would not be linked to the system of the current Constitution<sup>8</sup>. Moreover, the adoption of such a law would make it

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<sup>3</sup> E. Łętowska, *A Constitution of Possibilities*, “East European Constitutional Review” 1997, no. 2/3, pp. 79–80.

<sup>4</sup> Art. 235 of the Polish Constitution of April 2, 1997 (Dz.U. No. 78, item 483, as amended).

<sup>5</sup> M. Jackowski, *Typologia zmian konstytucyjnych*, [in:] *Konstytucjonalizm polski. Refleksje z okazji jubileuszu 70-lecia urodzin i 45-lecia pracy naukowej Profesora Andrzeja Szymta*, eds. A. Gajda, K. Grajewski et al., Gdańsk 2020, p. 1218.

<sup>6</sup> *Ibidem*.

<sup>7</sup> *Walesa: New Constitution is Mistake for Poland*, PAP News Wire, Apr. 2, 1997, available in LEXIS, News Library, Curnws File.

<sup>8</sup> W. Orłowski, W. Skrzydło, *O potrzebie i możliwościach stworzenia „rozdziału europejskiego” w Konstytucji RP z 1997 r.*, [in:] *Konstytucjonalizm polski. Refleksje z okazji jubileuszu 70-lecia*

possible “to modify its rules more frequently without worrying about the coherence of the rules of other provisions of the constitution. It would also ensure the good realisation of the principle for the supremacy of the constitution, set out in Art. 8 of the constitution, as subsequent treaty amendments, could be included in the postulated constitutional act<sup>9</sup>. The arguments given above are convincing for the adoption of a separate constitutional act. However, the content of the current Constitution of the Republic of Poland does not indicate such a possibility<sup>10</sup>. A constitution “closed to innovation”, excluding the possibility of amendment/adaptation to a new socio-political situation, does not fulfil its basic functions<sup>11</sup>. Paradoxically, the openness of the Constitution and the related possibility of adapting its text according to emerging needs make it a permanent act<sup>12</sup>.

The methodology approaches use qualitative research methods and these are applied to understand the constitutional perception and new governments’ policy in Poland and the role of the European Union (EU) towards the stronger political settlement in the country. The content analysis provides a meaning of the reading of the primary and secondary data, so one can draw a realistic conclusion about the research. This article used qualitative content analysis to interpret the meaning of the political settlement and legislative works in Poland and the content of text data includes the primary and secondary sources of data. The analytics has offered several features characterizing the functions of the Polish government in the context of election processes and other legislative works. To prove an argument, the study includes primary data, such as press releases from government officials, press releases from the Ministry of Foreign Affairs, statements from the Minister of Foreign Affairs and other government officials, reports and official websites. Secondary data includes articles, books, pieces of literature, magazines, reports,

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*urodzin i 45-lecia pracy naukowej Profesora Andrzeja Szmyta*, eds. A. Gajda, K. Grajewski et al., Gdańsk 2020, p. 561.

<sup>9</sup> Ibidem.

<sup>10</sup> Article 235 of the Constitution of the Republic of Poland provides only for an act on amending the Constitution. Moreover, the catalogue of constitutional sources of law does not contain such an act, Chapter III of the Polish Constitution.

<sup>11</sup> J. Szymanek, *Zagadnienie „otwartości” konstytucji V Republiki Francuskiej*, “Państwo i Prawo” 2010, no. 10, p. 47.

<sup>12</sup> Ibidem, p. 49.

think tank articles, and newspaper excerpts. Furthermore, would a new constitution be subject to popular ratification or, like all previously promulgated constitutions in Polish history and would it simply be promulgated by the vote of the people's representatives in parliament?

## II.

There is a discussion in the literature whether the cooperation of the Sejm and the Senate with the Council of Ministers in matters related to the welfare of the people within the framework of the legislative and control function toward good governance in the country<sup>13</sup>. Communism disintegrated in Poland in stages, the first of which occurred on the 1<sup>st</sup> January, 1989, when a new law on economic activity came into force. The constitutional amendments of April and December 1989 and the “Small Constitution” of 1992 effectively converted Poland from a communist totalitarian system into a constitutional *Rechtstaat*. The April 1989 amendments, enacted to implement the “Round Table” agreements, changed the electoral system to introduce political pluralism and marked the end of the totalitarian phase of Polish political life<sup>14</sup>. It is necessary to reiterate the importance of Poland's status as a first-mover in the transition, and hence the protracted period of transition to what appeared to be the consolidation of democracy. Analytically, it is useful to distinguish the three distinct phases of this process as described by Samuel Huntington (1991): (1) the “totalitarian exit mode”; (2) the creation of a particular “political-institutional infrastructure”; and (3) the development of specific “consolidating” traits. Poland, unlike other Central and Eastern European countries except for Hungary, saw each of these phases unfold over a long period of time, and their significant overlaps<sup>15</sup>.

The first Solidarity government led by Tadeusz Mazowiecki was in power, and although General Jaruzelski was still president, he was, for all intents and

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<sup>13</sup> I. Grądzka, *Amendments to the Constitution of the Republic of Poland Concerning Poland's Membership in the European Union*, “Przegląd Prawa Konstytucyjnego” 2021, no. 6 (64), p. 36.

<sup>14</sup> M. Brzezinski, *The Struggle for Constitutionalism in Poland*, London 1998, p. 83.

<sup>15</sup> S.P. Huntington, *how countries democratise*, “Political science quarterly” 1991, no. 4, pp. 579–616.

purposes, a non-party president. A completely new constitution was needed to reflect the new political realities in Poland. Recognizing that this would take some time, the Sejm enacted another set of interim amendments to the 1952 Constitution. The December 1989 amendments erased virtually all vestiges of communism from the Constitution. The December 1989 amendments also changed the name of the country from the Polish People's Republic to the Republic of Poland<sup>16</sup>. Further constitutional amendments were needed to more clearly define the balance of power among the president, government and parliament. In February 1992, the Sejm set up a Constitutional Commission to draft a replacement draft of the 1952 Constitution (as amended). But before it could even begin drafting a replacement, the Commission had to deal with the immediate politico-constitutional crisis, which it did by drafting the "Little Constitution" of 1992. The Little Constitution was intended to resolve the paralysis of existing policy caused by differences between President Wałęsa and Prime Minister Olszewski by proposing a formula of productive cooperation and balance between the three highest authorities of the State<sup>17</sup>. These economic, social and cultural goals were not really legal rights, because citizens could not enforce them. But the government was responsible for achieving them on the ground of economic capabilities<sup>18</sup>.

Parliament warmly welcomed the charter proposed by President Walesa, but was unable to enact it, because the President dissolved the Sejm and called for new elections. After the election, Walesa resubmitted the Charter as part of a larger draft constitution. It was referred to the new Constitutional Commission, where it lingered, competing for attention with six other draft constitutions, for the next three years. In the meantime, the need to promulgate a new constitution had become less pressing due to the hybrid framework created by the April and December amendments and by the Little Constitution, which laid the foundations of a Polish political system modern as well as institutional stability during a period of extraordinary politics<sup>19</sup>. Un-

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<sup>16</sup> This provision was later engrafted into Art. 2 of Poland's 1997 Constitution. See *infra* note 176 and accompanying text.

<sup>17</sup> M. Brzezinski, *op.cit.*, p. 96.

<sup>18</sup> *Ibidem*, p. 164.

<sup>19</sup> D.H. Cole, *Poland's 1997 Constitution in Its Historical Context*, "Articles by Maurer Faculty" 1998, no. 589, p. 32.

surprisingly, it took a few years for the Constitutional Commission to resolve these various problems. Needless to say, his determination didn't sit well with everyone. However, he eventually approved an entirely new constitution for consideration with the full support of Parliament on the 16<sup>th</sup> January, 1997, by a vote of forty-five to two, with an abstention. The National Assembly (composed of the Sejm and the Senate sitting together) promulgated it on the 2<sup>nd</sup> April 1997, by 451 votes to 40, with 6 abstentions<sup>20</sup>. The new Constitution was then approved in a public referendum by 52.7 per cent of voters on the 25<sup>th</sup> May, 1997<sup>21</sup>.

### III.

Joining the EU was not the only factor, but it was certainly one of the most important determinants of the development of democracy building and changing the dynamics of the political party system in Poland<sup>22</sup>. In the 1997 parliamentary elections, several right-wing parties combined their efforts under the umbrella of Electoral Action "Solidarity" (Akcja Wyborcza Solidarność – AWS) and won the elections (33.83%), creating a coalition government with the Freedom Union (UW). He introduced systemic reforms (education, pensioners, administration, health care) which, to some extent, were extremely unpopular and diminished support for this government. The election was held in 2001, the Democratic Left Alliance and Labour Union (SLD/UP)<sup>23</sup> alliance won the election (41.04%) and formed a coalition popular government in Poland with the support of the Polish People's Party (PSL)<sup>24</sup>.

The government fell, because it was weak, divided and ineffective, while the opposition SLD proved capable, professional and united. The fragmenta-

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<sup>20</sup> Ibidem, p. 33.

<sup>21</sup> Ibidem.

<sup>22</sup> A. Antoszewski, *Parties and Party Systems in the EU Member States at the Turn of the 20th and 21st Centuries*, Toruń 2010, p. 25.

<sup>23</sup> A. Szczerbiak, "Poland's Unexpected Political Earthquake: The September 2001 Parliamentary Elections". *Journal of Communist Studies and Transition Politics* 2002, no. 3, pp. 41–76.

<sup>24</sup> J. Jaskiernia, *Transformacja system partyjno-politycznego w Rzeczypospolitej Polskiej*, [in:] *Procesy społeczno-polityczne we współczesnej Europie Zachodniej*, eds. M. Gołoś, W. Sokołowski, Chełm, 2016, pp. 21–23.

tion of the post-Solidarity right and centre provided opportunities for populist formations to make gains amid lingering transition anxieties. The election marked the end of the historical division between the heirs of communism and the heirs of Solidarity<sup>25</sup>. The 2005 elections in Poland saw the defeat of the incumbent government, but unlike previous elections, they marked the end of the Solidarity-successor party that had characterized Polish politics since 1989<sup>26</sup>. The contemporary practice of representative democracy in Poland failed to engage the electorate and mediates the systemic exclusion which has been produced by post-socialist neoliberalism<sup>27</sup>. The dissolution of Parliament after the break-up of the ruling coalition (Law and Justice – Self-Defence – League of Polish Families) paved the way for early elections. The 2007 Polish parliamentary election is the best way to understand as a plebiscite over the government led by the polarizing Right and Justice Party and its controversial “Fourth Republic” political project<sup>28</sup>.

However, Poland still exhibited very high levels of electoral volatility and low voter turnout, as well as low levels of party institutionalization and extremely weak ties between parties and their supporters. It has, however, been suggested that it is too early to tell whether the election also marks the emergence of a stable Polish party system based on a new bipolar divide between two large centre-right groups, with the containment of the left to the status of a minor actor<sup>29</sup>. Key to the centrist Civic Platform’s victory in the 2011 Polish elections, the first won by a ruling party in post-communist Poland, was still its ability for the fear of the possible consequences of the party’s return to power right Law and justice. Although many Civic Platform’s supporters

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<sup>25</sup> F. Millard, *The Parliamentary Elections in Poland, September 2001*, “Electoral Studies” 2002, no. 2, p. 372.

<sup>26</sup> J. Jaskiernia, *Wybory parlamentarne 2005 roku a tendencja do cofania legitymizacji partiom rządzącym w Polsce*, [in:] *Polacy wobec wyborów 2005 roku* Kielce, ed. A. Kasińska-Metryka, Kielce 2007, p. 29.

<sup>27</sup> M. Fleming, *The 2005 Parliamentary and Presidential Elections in Poland: The Geography of Abstention*, “Debate: Journal of Contemporary Central and Eastern Europe” 2006, no. 2, p. 91.

<sup>28</sup> R. Markowski, *The 2007 Polish Parliamentary Election: Some Structuring, Still a Lot of Chaos*, “West European Politics” 2008, no. 5, p. 1059.

<sup>29</sup> A. Szerbiak, *When in Doubt (Re-) Turn to Domestic Politics? the (Non-) Impact of the EU on Party Politics in Poland*, Brighton 2008. p. 3.



were disappointed with its slow progress in modernizing the country, most of the voters saw the party as the best guarantor of stability in times of crisis and continued to have deep concerns being rooted in the main opposition party. The election seemed to provide further evidence of the consolidation and stabilization of the Polish party system around the Civic Platform-Law and Justice divide<sup>30</sup>.

In the 2015 parliamentary elections in Poland, the Law and Justice Party (PiS) became the single largest party and earned 37.6 per cent of the vote share. And it was difficult to form a single-party government. The PiS gained popular support in 2015 after a gap of eight years<sup>31</sup>. The paradox of the result of the 2015 legislative elections is linked to the observation that for several years Poland enjoyed good press, and became a sort of poster child for economic success in the post-communist region. In the elections held on the 25th October 2015, the ruling coalition of the centrist Civic Platform (PO) and the agrarian Polish People's Party (PSL), in power since 2007, suffered a crushing defeat. The right-wing populist Law and Justice (PiS) party formed the new government in Poland. It was the first-ever since 1989 to win a majority of seats in the lower house of parliament. PiS also won sixty-one seats of the hundred Senate seats. And their candidate, Andrzej Duda, won the presidency in 2015<sup>32</sup>.

Poland's constitution and various other PiS statements have made it clear that its ambition is to transform Poland's political institutions in a manner similar in their illiberal spirit to those that occurred in Hungary under the rule of Prime Minister Viktor Orbán. Although the PiS failed to secure the 2/3 parliamentary majority required to make constitutional changes, it did win majorities in both houses of parliament. At this point, the analyses suggest that Polish voters are re-examining the two fundamental democratic values: freedom and equality. Since the fall of communism, a quarter of a century ago, Poles have enjoyed an unprecedented expansion of freedom, not

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<sup>30</sup> A. Szczerbiak, *Poland (Mainly) Chooses Stability and Continuity: the October 2011 Polish Parliamentary Election*, "Perspectives on European Politics and Society" 2013, no. 4, p. 502.

<sup>31</sup> R. Markowski, *Creating Authoritarian Clientelism: Poland After 2015*, "Hague Journal on the Rule of Law" 2019, no. 1, p. 111.

<sup>32</sup> H. Tworzecki, R. Markowski, *Did Poland just vote in an authoritarian government?*, "The Washington Post", November 3, 2015, p. 20.

only in a political nature but also in social mores and lifestyles. The PiS won its victory by responding to this combination of fear and need with promises to increase economic redistribution to the less fortunate and to protect traditional cultural values<sup>33</sup>.

The victory of the PiS in the 2015 election and the formation of the majority government have an important significance for the functioning of the political party system in Poland. For the first time in Polish history after 1989, there was no balance in the power situation that the coalition governments brought about. Political parties, creating the opposition in parliament, must come up with a new strategy for behaviour in such circumstances, especially challenging the PiS policy to undermine a democratic system based on the 1997 Constitution, e.g. distribution of powers, the position of the Constitutional Court and functioning of the judiciary. The political situation after the 2015 elections also paved the way for new civil society initiatives, such as the Committee for the Defence of Democracy<sup>34</sup>.

The discussion continued in the context of the 1997 Constitution about the interpretative decisions of the Constitutional Court. There have been no cases so far where the Supreme Court has openly refused to accept an interpretation established by the Tribunal. Two main obstacles prevent the elaboration of a coherent *modus vivendi* between the two Polish jurisdictions. On the one hand, the constitutional delimitation of the competencies of the various courts is not clear. The authors of the 1997 Constitution did not provide a solution; they were not prepared to grant the Constitutional Court a superior position within the judiciary. As a result, each of the jurisdictions can claim the same powers. On the other hand, the Tribunal does not have a mechanism allowing it to impose its legal positions on other jurisdictions. The outcome of these conflicts depends mainly on the general environment in which the judiciary operates in the concerned country. The established rules of the political culture, the influence of the legal tradition of the country, the authority of the national constitution and the authority of the parliament delimit the domain left to the judiciary and determine the ways and means of resolving

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<sup>33</sup> Ibidem, p. 2.

<sup>34</sup> I.P. Karolewski, *Protest and Participation in Post-Transformation Poland: The Case of the Committee for the Défense of Democracy (KOD)*, "Communist and Post-Communist Studies" 2016, no. 3, p. 265.

conflicts. It hardly needs repeating that there are deep differences in this respect within the Polish Constitutional Court<sup>35</sup>.

At the end of 2019, the Polish Sejm approved another law aimed at defining the structure and function of the judiciary. The new law, commonly referred to as the muzzle law, empowers a disciplinary chamber to bring charges against judges for questioning the ruling party's platform, aiming at the judiciary, or to question the legitimacy of new judicial appointments. The so-called muzzle law on judicial discipline is part of a political process that spans several years. Since 2015, the Law and Justice party has targeted the Polish judiciary with laws aiming at limiting the courts' ability to act as a check on legislative and executive power. He did it in various ways. It has imposed procedural rules that cripple the courts, filled the courts with pro-PiS appointees, and in some cases refused to follow or issue official notices<sup>36</sup>.

#### IV.

Poland's political climate is proving too unfavourable for the new Constitution to survive, which remains to be seen. So far, however, even after important national elections that have significantly altered the balance of political power in Parliament and the government, the Constitution appears immune to impend nullification or replacement. Ordinary Poles may simply be fed up with constitutional politics for now. If it either means the end of Poland's most recent constitutional moment and its return (relatively speaking) to normal politics. Populist tendencies are present in Poland as well as in other Central and Eastern European countries. The analysis reveals that Poland has faced a massive deterioration of liberal democracy. The distinction mentioned above stems from the extent of populist parties' influence on domestic politics and the perception of liberal democracy. Populist parties deteriorate Central and Eastern European countries and govern independently or as a major coalition partner. In Central and Eastern European countries with a slight decrease in liberal democracy, populist parties are one of the cabinets' mul-

<sup>35</sup> L. Garlicki, *Constitutional courts versus supreme courts*, "I.CON" 2007, no. 1, pp. 44–68.

<sup>36</sup> A.K. Duncan, J. Macy, *The Collapse of Judicial Independence in Poland: A Cautionary Tale*, "Judicature" 2020–21, no. 3.

ti-coalition partners. In Poland and in the CEECs with stable liberal democracies, the populist parties are minor partners in the cabinets or are absent.

The typical socialist (social democratic) and PiS represents to some extent a social attitude, with part of the program including a populist message, but with the combination of a conservative approach to several issues and a nationalist position on the perception of patriotic mood. Important significance has support for the PiS by the Catholic Church, especially at the local level. The ideological importance of nationalism in Poland makes it a striking example of the interaction among the conflicts of the definition of the political community, on the one hand, and the European attitudes of the parties, on the other hand. The last remark is that the constitutional courts appear as weaker actors in this process and, in case of conflict, they are not always able to pronounce the last word. Thus, for the Constitutional Court, dialogue and persuasion seem more effective than open conflicts and confrontations with other jurisdictions. The article finds the government has been successful in accelerating the democratic institutions according to the rule of law of the Constitution of Poland. In 2004, the country successfully became part of the European Union. The Copenhagen criteria had been fulfilled by the Polish administration in the prism of constitutional provisions. Finally, the article highlighted the issue regarding the Constitutional Court, the new government changed the five-member judges of the Constitutional Court. Its reflection resulted in constitutional instability began in the country and populism became a reality.

Furthermore, this article concludes that populism shows liberal democracy and the rule of law are in danger in the country. Since a long time, Poland and neighbouring countries stand on the verge of populism. The characteristics of populism diminish the constitutional norms and curtail the democratic rights of the common people. Ultimately, Constitutional laws have provisions to provide equal opportunities to ordinary people and protection of the values of liberal democracy in the country.

## Literature

Antoszewski A., *Parties and Party Systems in the EU Member States at the Turn of the 20th and 21st Centuries*, Toruń 2010.

- Brzezinski M., *The Struggle for Constitutionalism in Poland*. New York: St. Martin's Press. Buchanan, JM (1951). *Knut Wicksell on marginal cost pricing*, "Southern Economic Journal" 1998, no. 18.
- Cole D.H., *Poland's 1997 Constitution in Its Historical Context*, "Articles by Maurer Faculty" 1998, no. 589.
- Duncan A.K., Macy J., *The Collapse of Judicial Independence in Poland: A Cautionary Tale*, "Judicature" 2020–21, no. 3.
- Fleming M., *The 2005 Parliamentary and Presidential Elections in Poland: The Geography of Abstention*, "Debatte: Journal of Contemporary Central and Eastern Europe" 2006, no. 2.
- Garlicki L., *Constitutional courts versus supreme courts*, "I.CON" 2007, no. 5.
- Grądzka I., *Amendments to the Constitution of the Republic of Poland Concerning Poland's Membership in the European Union*, "Przegląd Prawa Konstytucyjnego" 2021, no. 6.
- Grądzka I., *Amendments to the Constitution of the Republic of Poland Concerning Poland's Membership in the European Union*, "Przegląd Prawa Konstytucyjnego" 2021, no. 6.
- Huntington S.P., *How countries democratize*, "Political science quarterly" 1991, no. 4.
- Jackowski M., *Typologia zmian konstytucyjnych*, [in:] *Konstytucjonalizm polski. Refleksje z okazji jubileuszu 70-lecia urodzin i 45-lecia pracy naukowej Profesora Andrzeja Szmyta*, eds. A. Gajda, K. Grajewski et al., Gdańsk 2020.
- Jaskiernia J., *Transformacja system partyjno-politycznego w Rzeczypospolitej Polskiej*, [in:] *Procesy społeczno-polityczne we współczesnej Europie Zachodniej*, eds. M. Gołoś, W. Sokołowski, Chełm 2016.
- Jaskiernia J., *Wybory parlamentarne 2005 roku a tendencja do cofania legitymizacji partiom rządzącym w Polsce*, [in:] *Polacy wobec wyborów 2005 roku Kielce*, ed. A. Kasińska-Metryka, Kielce 2007.
- Karolewski I.P., *Protest and Participation in Post-Transformation Poland: The Case of the Committee for the Défense of Democracy (KOD)*, "Communist and Post-Communist Studies" 2016, no. 49.
- Łętowska E., *A constitution of possibilities*, "East European Constitutional Review" 1997, no. 2/3.
- Markowski R., *The 2007 Polish Parliamentary Election: Some Structuring, Still a Lot of Chaos*, "West European Politics" 2008, no. 5.
- Markowski R., *Creating Authoritarian Clientelism: Poland After 2015*, "Hague Journal on the Rule of Law" 2019, no. 1.
- Millard F., *The Parliamentary Elections in Poland, September 2001*, "Electoral Studies" 2002, no. 2.
- Orłowski W., Skrzydło.W., *O potrzebie i możliwościach stworzenia „rozdziału europejskiego” w Konstytucji RP z 1997 r.*, [in:] *Konstytucjonalizm polski. Refleksje z okazji ju-*

- bileuszu 70-lecia urodzin i 45-lecia pracy naukowej Profesora Andrzeja Szmyta*, eds. A. Gajda, K. Grajewski et al., Gdańsk 2020.
- Szczerbiak A., *Poland (Mainly) Chooses Stability and Continuity: the October 2011 Polish Parliamentary Election*, "Perspectives on European Politics and Society" 2013, no. 4.
- Szczerbiak A., *Poland's Unexpected Political Earthquake: The September 2001 Parliamentary Elections*, "Journal of Communist Studies and Transition Politics" 2002, no. 3.
- Szczerbiak A., *When in Doubt (Re-) Turn to Domestic Politics? the (Non-) Impact of the EU on Party Politics in Poland*, Brighton 2008.
- Szymanek J., *Zagadnienie „otwartości” konstytucji V Republiki Francuskiej*, "Państwo i Prawo" 2010, no. 10.
- Tworzecki H., Markowski R., *Did Poland just vote in an authoritarian government?* The Washington Post, 3 November 2015.
- Wałęsa: *New Constitution is Mistake for Poland*, PAP News Wire, Apr. 2, 1997, available in LEXIS, News Library, Curnws File.