

Ryszard Balicki¹

Change of the government model in Poland

Keywords: Constitution, constitutional reform, system of government

Słowa kluczowe: konstytucja, zmiana konstytucji, system rządów

Summary

The Polish model of the executive power presupposes the existence of two pillars of the executive. The Council of Ministers is strong by the virtue of its constitutionally granted competences, whereas the strength of the President is in the direct universal election. This situation creates a zone of conflicts between the supreme organs of the state. The author presents contemporary model solutions of the system of government and on this background he argues for a change in the Polish Constitution and the introduction of the model solutions of the chancellor government.

Streszczenie

Zmiana systemu rządów w Polsce

Polski model sprawowania władzy wykonawczej zakłada istnienie dwuczłonowej egzekutywy, w której rząd jest silny konstytucyjnie przyznanymi mu kompetencjami, natomiast siła prezydenta legitymizowana jest jego wyborem w głosowaniu powszechnym. Sytuacja taka tworzy pole konfliktów pomiędzy najwyższymi organami władzy. Dlatego autor ukazuje celowość dokonania zmian w polskim modelu ustrojowym i wprowadzenia do systemu konstytucyjnego modelu rządów wzorowanego na systemie kanclerskich.

¹ The author is a PhD in Constitutional Law Department of the Faculty of Law and Administration of the Wrocław University, e-mail: balicki@prawo.uni.wroc.pl.

**I.**

The constitution is the most important legal act which a state's political system, and consequently also the entire legal system established by that state, is based on and as such should be a stable document. As is underlined in the constitution stability doctrine, "this arises from the fact that the constitution, being the foundation of social relations, is not a legal act intended for one term, but at least for one generation"². However, the pursuit of constitutional stability cannot be tantamount to *a priori* assuming its permanence³. In such a situation, instead of inspiring citizens, it would only serve as a burden for the occurring – and necessary – social processes⁴. It should therefore be agreed, as is stated in the doctrine, that "stability and reliability of law are undoubtedly precious values, however accepted only when law itself contains provisions which are socially desirable. Stability of law is, therefore, a relative value, as it is not desired by those, who negatively assess the applicable law. Stability of law, therefore, does not equal its permanence"⁵.

So "the issue of amendments to the constitution applies to the correlations of two values – the postulated persistence of the contents of the constitution (constitutional stability) and the actual need to adapt its contents to new conditions (constitutional dynamism)"⁶. Methods of solving this contradiction have also been sought by the creators of the Polish constitution, as "an excessively »rigid« constitution may (contrary to its creators' intents) preserve an undesired state, inadequate to the changing conditions, and in

² J. Filip, *Zasady zmiany Konstytucji Republiki Czeskiej*, [in:] *Zasady zmiany konstytucji w państwach europejskich*, eds. R. Grabowski, S. Grabowska, Warszawa 2008, p. 98.

³ I omit here the role of so called invariable provisions, known to constitutions of certain countries; cf. L. Garlicki, *Normy konstytucyjne relatywnie niezmiennalne*, [in:] *Nature and structure of constitution norms*, ed. J. Trzciniński, Warsaw 1997, p. 137 et seq.

⁴ Cf. R. Hodder-Williams, *The Constitution (1787) and Modern American Government*, [in:] *Constitutions in Democratic Politics*, ed. V. Bogdanor, Cambridge 1988, p. 86 et seq.

⁵ Z. Radwański, *Rola prawników w tworzeniu prawa*, "Państwo i Prawo" 1994, no. 3, p. 4.

⁶ Cf. J. Filip, *Zasady zmiany Konstytucji Republiki Czeskiej*, op.cit., p. 98.

a further perspective may even lead to conflict between the existing factual state and the legal one, in which the latter is doomed to fail⁷. Such a consequence was, e.g. the introduction to the constitution of norms establishing the necessity to conduct regular evaluation of the applicability of functioning constitutional solutions (it was mentioned in pt. V of the Constitution of May 3rd, as well as in art. 125 of the March Constitution).

Currently the Polish constitution has been in force for 18 years, during which time it was subject to detailed and critical evaluation by the doctrine of Polish constitutional law⁸, as well as the direct participants of political life, but also public authority figures⁹. The issue of explicit decision on the model of exercising executive power in Poland.

II.

The Polish government system, built following 1989 has never been homogeneous in its structure¹⁰. The issue with mutual adaptation of institution was noticeable since the beginning of political changes, when the institution of a head of state was added to the hitherto political model based on the socialist system and a constitutionally defined dominance of the Parliament¹¹.

⁷ Cf. M. Laskowska, W. Sokolewicz, *Procedura zmiany Konstytucji RP na tle porównawczym*, "Studia Prawnicze" 2002, no. 2 (152), p. 21.

⁸ Cf. *Sześć lat Konstytucji Rzeczypospolitej Polskiej*, eds. L. Garlicki, A. Szmyt, Warszawa 2003; *Stosowanie Konstytucji RP z 1997 r. – doświadczenia i perspektywy*, ed. Z. Maciąg, Kraków 2006; *Dziesięć lat Konstytucji Rzeczypospolitej Polskiej*, eds. E. Gdulewicz, H. Zięba-Załużka, Rzeszów 2007.

⁹ Cf. statement by the former Chairs of the Constitutional Tribunal – Marek Safjan, Andrzej Zoll and Jerzy Stępień dated 5th of February 2009 and the amendment project of the Polish Constitution included in Report no. 4/2009 – Experience and Future Seminar dated 3rd of September 2009 (<http://www.rpo.gov.pl/pliki/12524996500.pdf> (5.04.2015)).

¹⁰ Prof. J. Zakrzewska underlines, that resolutions were often passed through inertia, "without a prior explicit decision, as to what resolutions should specific solutions be adapted to"; J. Zakrzewska, *Spór o konstytucję*, Warszawa 1992, p. 125.

¹¹ Polish constitutional law literature underlines that the introduction of the office of the president into the legal system in 1989 was not related to the explicit settlement on the model of the established presidency; cf. P. Sarnecki, *Prezydent jako organ czuwający nad przestrzeganiem konstytucji*, "Państwo i Prawo" 1990, no. 11, p. 14.

There was also a noticeable tendency to maintain the strengthened – compared to the classic parliamentary model – position of the president, already initiated by the April Novelization to the 1989 PPL Constitution¹².

The political system established in the year 1992 based on the so called Small Constitution passed at the time, was in its nature a constitutional compromise¹³. The result was a hybrid model which combined elements drawn from the parliamentary and the presidential system. In relation to executive power it was the realization of the previously established concept of a strong presidency, however limited by the authority of the parliament, and thus resistant to the allure of Bonapartism¹⁴.

The creators of the current Polish Constitution of 1997 have not realized any political model in the classic form¹⁵, thus the currently functioning government system continues to be troublesome in terms defining it within the scope of doctrinal terms. A detailed analysis of the government system inclines the doctrine of Polish constitutional law to state, that it is a parliamentary system in its modified (rationalized) form¹⁶.

It is, therefore, worthwhile to pose the question – is it possible to adapt one of the classic models for the purposes of the Polish government system? And if so, which system would be the most appropriate?

¹² Cf. L. Garlicki, M. Zubik, *Idea parlamentaryzmu zrjonalizowanego w praktyce ustrojowej II RP*, [in:] *Księga pamiątkowa profesora Marcina Kudeja*, eds. A. Łabno, E. Zwierzchowski, Katowice 2009, p. 179.

¹³ Cf. M. Kruk, *Wstęp. Między konstytucją a konstytucją*, [in:] *“Mała konstytucja” w procesie przemian ustrojowych w Polsce*, ed. M. Kruk, Warszawa 1993, p. 8 et. seq.; M. Domagała, *Instytucja Prezydenta Rzeczypospolitej Polskiej w świetle małej konstytucji z 17 X 1992 r.*, [in:] *Instytucja prezydenta we współczesnym świecie*, Warszawa 1993, p. 95.

¹⁴ Cf. W. Sokolewicz, *Pomiędzy systemem parlamentarno-gabinetowym a systemem prezydencko-parlamentarnym: prezydentura ograniczona lecz aktywna w Polsce i Rumunii*, “Przeгляд Sejmowy” 1996, no. 3(15), p. 35.

¹⁵ Cf. B. Banaszak, *Prezydentura w projektach nowej Konstytucji Rzeczypospolitej Polskiej*, “Przeгляд Prawa i Administracji” 1996, vol. XXXIV, p. 109 i n.

¹⁶ Cf. M. Masternak-Kubiak, J. Trzciniński, *System rządów w Konstytucji RP z 2 kwietnia 1997 r.- Analiza kompetencji Sejmu*, “Przeгляд Sejmowy” 1997, no. 5, p. 45; and M. Kruk, *Przyczynek do rozważań o inspiracjach Konstytucji RP z 1997 r.*, “Państwo i Prawo” 2002, no. 12, p. 13. However, literature also contains appeals to the moderately used term of “rationalized parliamentarism” in relation to the Polish model; cf. M. Granat, *Konstytucja RP na tle rozwoju i osiągnięć konstytucjonalizmu polskiego*, “Przeгляд Sejmowy” 2007, no. 4(81), p. 26.

Analyzing the existing models of governance, constitutional law doctrine distinguishes four primary systems of government¹⁷:

- the presidential system – applicable to the USA. In the system creators' intent it is possible to see the tendency towards a precisely defined separation of power, especially between the legislative and executive;
- the parliamentary system – developed within English political practices. A characteristic feature of parliamentary system states is the very weak position of the head of state, which can be equally observed in a monarchy (e.g. Great Britain), as well as republican systems (e.g. Federal Republic of Germany). There have been many modifications made to this basic-classic-model, which initially aimed at creating a superiority of the legislative branch, however currently an opposite tendency occurs – there is a perceptible strive towards strengthening the executive branch. This is due to the fact that the legislator notices the value of a stable government. Rationalization has, therefore, become an element which distinguishes parliamentary systems in individual countries. “Rationalized parliamentarism” itself is sometimes treated as a separate system of government, or at least it qualified variety, next to which also the “non-rationalized” model exists¹⁸. Within the parliamentary system it is possible to distinguish many varieties characteristic to different countries, such as, for example: the British parliamentary cabinet model or the German chancellor system.
- the semi presidential system (also called the presidential-parliamentary, half presidential or mixed). The system is distinguished under the influence of French doctrine only since the 1970's. It is also worth noting, that in its initial stages the system was considered to be only a modification of the classic parliamentary system, an outright “return to the roots” and elimination of the rules of legislative dominance

¹⁷ On the position of the head of state in different government systems, see also: R. Balicki, *Głowa państwa w rozwiązaniach konstytucyjnych różnych systemów rządów*, [in:] *Systemy rządów – dylematy konstytucyjnej regulacji i praktycznej funkcjonalności*, eds. T. Mołdawa, J. Szymanek, Warsaw 2007, p. 7 et seq.

¹⁸ Cf. J. Szymanek, *Racjonalizacja parlamentarnego systemu rządów*, “Przegląd Sejmowy” 2007, no. 1(78), p. 35 et seq. and A. Łabno, *Parlamentaryzm zrationalizowany*, “Przegląd Prawa i Administracji” 2005, vol. LXXV, p. 7 et seq.

which have distorted it¹⁹. The specific of the V Republic's system is the undoubtedly strong position of the president.

- the assembly system (directorial) – this system is applicable to modern Switzerland. In this model the government is in itself an executive body of the parliament, thus the parliament fulfills not only a legislative function, but also the function of governing the country, laying out – in a binding manner – the direction of the government's actions.

III.

The choice of a system of government must correspond not only to the adopted axiological assumptions contained in the constitution, but also arise from Polish (and European) constitutional tradition²⁰. A modern state is often directly identified as a democratic state under the rule of law²¹, which is why, when constructing an individual model of government, it is important to consider elements, such as: the approach to the rule of separation of power (also expressed in mechanism of cooperation and mutual checks and balances); ensuring the possibility of efficient and effective administration while clearly defining the responsibilities of individual government bodies and people in positions of power, as well as subjecting the authorities to mutual control and control exercised by a sovereign entity²².

The assembly system, due to its far reaching specificity, occurs extremely rarely, and was never taken into consideration as a possible political system

¹⁹ Cf. M. Debré, *La nouvelle constitution*, "Revue Française de Sciences Politiques" 1959, no. 1, p. 8 et seq.

²⁰ Cf. e.g. W. Skrzydło, *Historyczne uwarunkowania nowej Konstytucji Rzeczypospolitej Polskiej*, [in:] *Studia z historii państwa, prawa i idei. Prace dedykowane Profesorowi Janowi Marlarczykowi*, eds. A. Korobowicz, H. Olszewski, Lublin 1997, p. 345 et seq. It should be noted however, that the "normalization" of national constitutions may also lead to the depreciation of native traditions; cf. J. Szymanek, *Tradycje konstytucyjne. Szkice o roli ustawy zasadniczej w społeczeństwie demokratycznym*, Warsaw 2006, p. 39 et seq.

²¹ More on the specific idea of *Rechtsstaat* cf. e.g. M. Wyrzykowski, *Zasada demokratycznego państwa prawnego*, [in:] *Zasady podstawowe konstytucji polskiej*, ed. W. Sokolewicz, Warsaw 1998, p. 65 and E. Morawska, *Klauzula państwa prawnego w Konstytucji RP na tle orzecznictwa Trybunału Konstytucyjnego*, Toruń 2003, p. 13 et seq.

²² Cf. A. Jamróz, *Demokracja współczesna. Wprowadzenie*, Białystok 1993, p. 85.

model for Poland. Thus three possible government system models remain, which also (in their different variations) were frequent topics of deliberation and projects by entities authorized to make binding decisions, as well as authorities in the area of constitutional law studies and regular citizens²³.

We can, however, agree with the standpoint presented by W. Sadurski, that: “the discussion regarding possible changes in the division of the president’s and prime minister’s competences would, therefore, have to be a derivative of more substantial systemic discussion: regarding whether Poland should transition towards a fully parliamentary cabinet system, or a fully presidential one”²⁴.

What system should be chosen? Scholars studying the transition from an authoritarian to a democratic system have observed, that mode countries which regain their independence or undergo democratization adopt parliamentary solutions²⁵. This model provides greater opportunities of quick consolidation of a democratic system and, what is important – is safer for states which are only beginning to shape their democratic system, as it minimizes the risks arising from the authoritarian leanings of the entity in power²⁶.

A closer analysis of the presidential system’s structure, however, leads to the conclusion that this model does not have a universal quality. It works in the USA, but attempts to adopt it to other countries too frequently failed to yield positive results. This system, in terms of its practical functioning, turned out to be less favorable to building a stable democracy compared to parliamentary systems²⁷. “Presidentialism requires

²³ Cf. *Projekty konstytucyjne 1989–1991*, ed. M. Kallas, Warszawa 1992; *Jaka konstytucja? Analiza projektów Konstytucji RP zgłoszonych Komisji Konstytucyjnej Zgromadzenia Narodowego w 1993 r.*, ed. M. Kruk, Warszawa 1994; *Projekty konstytucji, 1993–1997*, part I i II, ed. R. Chruściak, Warszawa 1997.

²⁴ W. Sadurski, *Kwestie konstytucyjne*, [in:] *Co warto, co należy zmieniać? Poprawa jakości demokracji w Polsce*, ed. L. Kolarska-Bobińska, Warszawa 2008, p. 18.

²⁵ Cf. A. Milardović, *Presidentialism or Parliamentarism in Central and Eastern Europe in the Age of Globalisation?*; <https://www.yumpu.com/en/document/view/34417681/presidentialism-or-parlamentarism-in-central-and-eastern-europe-in->, (11.10.2015).

²⁶ It was also the conclusion of long-term studies by Juan J. Linz of Yale University; cf. J.J. Linz, *The Perils of Presidentialism*, “Journal of Democracy”, Winter 1990, vol. 1, no. 1, pp. 51–69.

²⁷ On government systems and democracy, as well as their correlations see especially: A. Stephan, C. Skach, *Modele konstytucyjne a umacnianie demokracji (Parlamentaryzm – system prezydencki)*, “Państwo i Prawo” 1994, no. 4, p. 30.

a specific kind of political culture. This type of culture is present in the United States, but would be difficult to find elsewhere”²⁸. Experiences also show difficulties in the functioning of a presidential system in a multi-party democracy. Attention is also drawn here to negative consequences involving: (1) the possible occurrence of a so called “legislative deadlock”, which destabilizes democracy and hinders the process of effective governance, (2) the establishment of destructive political atomization of society, and (3) difficulties in the possibility of building a majority coalition, essential to stable government²⁹.

Another question which must be asked relates to assessing the functioning of a system based on elements drawn from different model solutions. Unfortunately, those studies are also not particularly encouraging. The implementation of a parliamentary-presidential model (since the passing of the 1997 constitution), or the parliamentary model with a strong head of state chosen through general elections (on the grounds of the 1997 constitution) have shown their dysfunctionality. What is important – constitutional law doctrine features a standpoint, that hybrid systems (combining elements specific to different classic political system models) are transitional solutions in nature, heading through evolution towards one of the typical solutions – the parliamentary or presidential model³⁰. However, different opinions, treating “mixed” systems as permanent solutions, most frequently only cite the French (semi presidential) system as an example³¹. It should be mentioned, that it exhibits such far reaching specificity and flexibility in functioning, that it is currently treated as one of the model systems, but separate from classic presidential or parliamentary systems.

²⁸ M. Bankowicz, *Demokracja. Zasady, procedury, instytucje*, Kraków 2006, p. 72.

²⁹ Cf. S. Mainwaring, *Presidentialism, Multipartism and Democracy*, “Comparative Political Studies” 1993, vol. 26, no. 2, p. 198 et seq. This standpoint is, however, questioned, T.J. Power and M.J. Gasiorowski based on their studies of democratic transformation taking place in the Third World in the years 1930–1995 conclude, that there is a lack of correlation between the choice of the government system and the permanence of democracy; cf. T.J. Power, M.J. Gasiorowski, *Institutional Design and Democratic Consolidation in the Third World*, “Comparative Political Studies” 1997, vol. 30, no. 2, p. 123 et seq.

³⁰ Cf. J. Blondel, *Dual Leadership in the Contemporary World*, [in:] *Parliamentary versus Presidential Government*, ed. A. Lijphart, Oxford University Press, New York 1992, p. 162 et seq.

³¹ Cf. W. Skrzydło, *Ustrój polityczny Francji*, Warszawa 1992, pp. 244–246.

However, even in this case it is possible to find authors postulating, that: “changes to the constitution enabling better specification and distribution of power within the scope of the executive branch of government, increasing the control of parliament and strengthening the role of the Constitutional Council as a guarantor of adherence to the separation of power could improve the functioning of the system established in 1958 and reduce its excessive presidentialization”³².

Which system would then be most appropriate for Poland? What modifications to the constitutional system of government should be introduced in order to gain the ability of efficient governing of the state, while maintaining the expected transparency in terms of functioning and – what is especially important to citizens – taking responsibility for the decisions made? How to remove from the Polish constitution the destructive competition between the head of state and the head of the cabinet, a competition which is integrally written into the current structure of Polish executive branch of the government? The resolution of the above problems is essential. Such far reaching eclecticism in a functioning legal system cannot be maintained for long – it is not possible to build a state, in which both the president and the head of the cabinet have a strong position³³.

The above issues are not only specific to Poland – experiences of rivalry between the head of state and the head of the cabinet have also been noticed in the constitutional regulations of several post-communist countries (e.g. Slovakia or Hungary). Literature on constitutional law underlines, however, that such a situation has resulted in the strengthening of the chancellor system, not the presidential one³⁴. As a result of those actions, the “domination of the parliamentary model rather than hybrid systems in Central-Eastern Europe is clear at the present time”³⁵.

³² Cf. L. Philips, *Reforma instytucji V Republiki*, “Przegląd Sejmowy” 2008, no. 6(89), pp. 118–119.

³³ Cf. B. Banaszak, *Egzekutywa w Polsce – stan obecny i uwagi de lege fundamentalis ferenda*, “Przegląd Sejmowy” 2006, no. 3(74), p. 9.

³⁴ Cf. R.R. Ludwikowski, *Prawo konstytucyjne porównawcze*, Toruń 2000, p. 390. The author also underlines, that “Gaullist presidentialism was an exception rather than a rule and resulted not from constitutional solutions, but rather the charismatic leadership qualities of individual heads of state”, *ibidem*, p. 389.

³⁵ *Ibidem*, p. 390.

I therefore believe that this is the appropriate direction of changes for Poland. The chancellor government model (chancellor system) is the variation on the parliamentary system, in which the strengthening of the head of the cabinet³⁶ has resulted in the most far reaching changes in terms of the structure of competence³⁷. The change made resulted in taking away the parliament's dominant position among the separated branches of government, however the model still maintains the basis of a parliamentary system, including the rule of political reliance on a parliamentary majority³⁸. The chancellor system is also one which is the most secure against exuberant parliamentarism, which threatens the transformation of democracy into anarchy³⁹.

IV.

A detailed substantive scope of changes will in every instance depend on reaching a constitutional consensus in parliament, which is necessary to pass an act to amend the constitution (in the Polish Sejm it will be necessary to achieve the support of at least 2/3 of votes, with the presence of at least half of the statutory number of Sejm deputies; while in the Senate the amendment proposal must be supported by at least an absolute majority of senators, with the presence of at least half of their statutory number).

If, however, there occurred an opportunity to change the constitution, this "constitutional moment" mentioned previously in the writings of Bruce

³⁶ Strengthening the position of the head of the cabinet is such a distant notion, that sometimes the chancellor is treated as a third executive member, beside the president and the government; cf. E. Zwierzchowski, *Prawnoustrojowe stanowisko kanclerza NRF*, Katowice 1972, passim.

³⁷ Cf. J. Szymanek, *System rządów parlamentarnych (ewolucja polityczno-prawnych mechanizmów współpracy i równoważenia legislatywy i egzekutywy)*, [in:] *Systemy rządów – dylematy konstytucyjnej regulacji i praktycznej funkcjonalności*, eds. T. Mołdawa, J. Szymanek, Warszawa 2007, p. 150.

³⁸ Cf. L. Garlicki, *Ustrój polityczny Republiki Federalnej Niemiec*, Warszawa 1985, p. 203 et seq.

³⁹ Cf. T. Borkowski, *System rządów w nowej Konstytucji*, "Państwo i Prawo" 1997, no. 11/12, p. 71 i n.

Ackerman⁴⁰, that opportunity should be taken in order to introduce a tried and reliable political system – the chancellor government model – into the Polish constitution system.

Literature

- Balicki R., *Głowa państwa w rozwiązaniach konstytucyjnych różnych systemów rządów*, [in:] *Systemy rządów – dylematy konstytucyjnej regulacji i praktycznej funkcjonalności*, eds. T. Mołdawa, J. Szymanek, Warsaw 2007.
- Banaszak B., *Egzekutywa w Polsce – stan obecny i uwagi de lege fundamentalis ferenda*, “Przegląd Sejmowy” 2006, no. 3(74).
- Banaszak B., *Prezydentura w projektach nowej Konstytucji Rzeczypospolitej Polskiej*, “Przegląd Prawa i Administracji” 1996, vol. XXXIV.
- Blondel J., *Dual Leadership in the Contemporary World*, [in:] *Parliamentary versus Presidential Government*, ed. A. Lijphart, Oxford University Press, New York 1992.
- Debré M., *La nouvelle constitution*, “Revue Française de Sciences Politiques” 1959, no. 1.
- Filip J., *Zasady zmiany Konstytucji Republiki Czeskiej*, [in:] *Zasady zmiany konstytucji w państwach europejskich*, eds. R. Grabowski, S. Grabowska, Warszawa 2008.
- Garlicki L., *Normy konstytucyjne relatywnie niezmiennalne*, [in:] *Nature and structure of constitution norms*, ed. J. Trzciński, Warsaw 1997.
- Garlicki L., *Ustrój polityczny Republiki Federalnej Niemiec*, Warszawa 1985.
- Granat M., *Konstytucja RP na tle rozwoju i osiągnięć konstytucjonalizmu polskiego*, “Przegląd Sejmowy” 2007, no. 4(81).
- Hodder-Williams R., *The Constitution (1787) and Modern American Government*, [in:] *Constitutions in Democratic Politics*, ed. V. Bogdanor, Cambridge 1988.
- Jamróz A., *Demokracja współczesna. Wprowadzenie*, Białystok 1993.
- Kruk M., *Przyczynek do rozważań o inspiracjach Konstytucji RP z 1997 r.*, “Państwo i Prawo” 2002, no. 12.
- Kruk M., *Wstęp. Między konstytucją a konstytucją*, [in:] *“Mała konstytucja” w procesie przemian ustrojowych w Polsce*, ed. M. Kruk, Warszawa 1993.
- Laskowska M., Sokolewicz W., *Procedura zmiany Konstytucji RP na tle porównawczym*, “Studia Prawnicze” 2002, no. 2 (152).
- Linz J.J., *The Perils of Presidentialism*, “Journal of Democracy”, Winter 1990, vol. 1, No 1.
- Ludwikowski R.R., *Prawo konstytucyjne porównawcze*, Toruń 2000.

⁴⁰ Cf. B. Ackerman, *The Future of Liberal Revolution*, Yale University Press, New Haven 1992, *passim*.

- Łabno A., *Parlamentaryzm zracjonalizowany*, "Przeгляд Prawa i Administracji" 2005, vol. LXV.
- Mainwaring Cf. S., *Presidentialism, Multipartyism and Democracy*, "Comparative Political Studies" 1993, vol. 26, no. 2.
- Masternak-Kubiak M., Trzciński J., *System rządów w Konstytucji RP z 2 kwietnia 1997 r. – Analiza kompetencji Sejmu*, "Przeгляд Sejmowy" 1997, no. 5.
- Morawska E., *Klauzula państwa prawnego w Konstytucji RP na tle orzecznictwa Trybunału Konstytucyjnego*, Toruń 2003.
- Philips L., *Reforma instytucji V Republiki*, "Przeгляд Sejmowy" 2008, no. 6(89).
- Power T.J., Gasiorowski M.J., *Institutional Design and Democratic Consolidation in the Third World*, "Comparative Political Studies" 1997, vol. 30, no. 2.
- Projekty konstytucji, 1993–1997. part I i II*, ed. R. Chruściak, Warszawa 1997.
- Projekty konstytucyjne 1989–1991*, ed. M. Kallas, Warszawa 1992
- Jaka konstytucja? Analiza projektów Konstytucji RP zgłoszonych Komisji Konstytucyjnej Zgromadzenia Narodowego w 1993 r.*, ed. M. Kruk, Warszawa 1994.
- Radwański Z., *Rola prawników w tworzeniu prawa*, "Państwo i Prawo" 1994, no. 3.
- Sadurski W., *Kwestie konstytucyjne*, [in:] *Co warto, co należy zmieniać? Poprawa jakości demokracji w Polsce*, ed. L. Kolarska-Bobińska, Warszawa 2008.
- Sarnecki P., *Prezydent jako organ czuwający nad przestrzeganiem konstytucji*, "Państwo i Prawo" 1990, no. 11.
- Skrzydło W., *Historyczne uwarunkowania nowej Konstytucji Rzeczypospolitej Polskiej*, [in:] *Studia z historii państwa, prawa i idei. Prace dedykowane Profesorowi Janowi Malarczykowi*, eds. A. Korobowicz, H. Olszewski, Lublin 1997.
- Skrzydło W., *Ustrój polityczny Francji*, Warszawa 1992.
- Sokolewicz W., *Pomiędzy systemem parlamentarno-gabinetowym a systemem prezydencko-parlamentarnym: prezydentura ograniczona lecz aktywna w Polsce i Rumunii*, "Przeгляд Sejmowy" 1996, no. 3(15).
- Stephan A., Skach C., *Modele konstytucyjne a umacnianie demokracji (Parlamentaryzm – system prezydencki)*, "Państwo i Prawo" 1994, no. 4.
- Stosowanie Konstytucji RP z 1997 r. – doświadczenia i perspektywy*, ed. Z. Maciąg, Kraków 2006.
- Sześć lat Konstytucji Rzeczypospolitej Polskiej*, eds. L. Garlicki, A. Szmyt, Warszawa 2003.
- Szymanek J., *Tradycje konstytucyjne. Szkice o roli ustawy zasadniczej w społeczeństwie demokratycznym*, Warsaw 2006.
- Wyrzykowski M., *Zasada demokratycznego państwa prawnego*, [in:] *Zasady podstawowe konstytucji polskiej*, ed. W. Sokolewicz, Warsaw 1998.
- Zakrzewska J., *Spór o konstytucję*, Warszawa 1992.
- Zwierzchowski E., *Prawnoustrojowe stanowisko kanclerza NRF*, Katowice 1972.