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"Pozycja ustrojowa i funkcje Sejmu Rzeczypospolitej Polskiej po akcesji do Unii Europejskiej", Joanna Marszałek-Kawa, Warszawa 2012 : [recenzja]

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REVIEWS

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(rev.) Joanna Marszałek-Kawa, *Pozycja ustrojowa i funkcje Sejmu Rzeczypospolitej Polskiej po akcesji do Unii Europejskiej* [Constitutional Status and Functions of the Sejm of the Republic of Poland Following the Accession to the European Union], Dom ELIPSA Publishing House, Warsaw 2012, pp. 713

Mrs. Dr. Joanna Marszałek-Kawa, the author of numerous multidisciplinary publications balances mainly between legal and political science. Undoubtedly, her latest book is a real masterpiece of writing not only because of its volume. The problems she describes cover fundamental topics of the constitution of contemporary Poland. By leading her reader through a huge number of events to the end of the first decade of the XXI century, the author assumed the accession of our state to the European Union (1st May 2004) as a caesura defining the time horizon of her considerations. The book is also abundant in time references to the period before 2004 and in issues that appeared, literally, in the last months before the book was published. This proves that the Author manages to conduct the most current analysis, which obviously enhances its attractiveness and the relevance of the book.

All the considerations included both in this part of the writing which is a constitutional analysis of normative considerations shaping the position and functions of the Sejm of the RP and in the European “plot” are subject to a few introductory assumptions. Their purpose is to present the constitutional transformations of the Polish Sejm and its functions in the context of the ongoing processes in the European Union. Already in the *Introduction* the Author states that the transformation of the Union and its entities by “building a thick network of trans-national dependencies must (...) lead to serious changes concerning the position of national authorities”; she also adds that “Their full exclusivity of decisions/competences (...) in the advanced integration/unity would be non-functional in the need of transnational unity” (p. 8).

As it is generally known, not only did these changes concern national parliaments but also brought crucial transformations of other public authorities mainly of governments of EU Member States as well. These processes led to the shaping of new relations between parliaments and governments on the national forum, new forms and methods to perform their functions within the EU and new connections and

references between authority bodies on the European scene. According to the Author, a significant and more visible phenomenon is a “specific remodeling of relations between legislative and executive powers” (Ibidem). As a result, the supremacy of governments and ministers in building and integrating the European structure appeared. The parliaments of EU Member States became authorities that had to accept the information to set representatives of national executives constituted in accordance with original Treaties of Communities (later the European Union) as bodies with the highest decision-making power.

One must agree with further assumptions that the Author made by conducting a detailed multi-layered analysis of current processes in our country. In fact, Polish practice and experience in this field are a textbook illustration of the phenomenon in which the existing paradigm of functions, tasks and decision-making order are skipped within the frames of the public authorities system. It was directly connected with an active presence of Poland in Union bodies and institutions. Becoming a Member State of the European Union and following ratification of the Treaty of Lisbon (10th October 2009) obliged Poland not only to a new theoretical outlook on the question of its role in the constitutional rank of the Sejm, government and other bodies. The need to build a coherent set of relations between them both from the point of view of the Constitution of the RP and the EU model appeared as well. This also raised the question about the necessity of constitutional revision and a range of constitutional laws.

The hypothesis of the writing is very interesting although a bit questionable. The author assumes in it that as a result of the accession of Poland to the European Union, serious changes in a constitutional position and function of the Sejm occurred. Part of the competences of the Sejm was shifted towards the government, which resulted in dominance over the legislative. And that is the sentence that exactly describes the situation and is an introductory assessment verified during the analysis of the process! However, does the partial acquiring of European Union competences of the Sejm by the Council of Ministers mean that “the prerogatives of the Sejm were significantly reduced in favour of the government” and that “The fall of the legislative sovereignty took place (...)” (p. 11). This statement, bearing the phrase which alleviates the categoricalness of the assessment (“as the changes were becoming more and more often assessed”, Ibidem), may raise concerns due to its “radicalism” and categoricalness. The processes described and analysed by the Author derive from a wish to participate in European integration, which implies the need to recourse to new tools and methods in decision-making bodies of the European Union. In the post-accession reality, one needs to once again read and redefine the traditional functions of particular national authorities system as well. This system resembles an institutional construction “written” in the constitution, so it must be functional for the interests of the state and for challenges resulting from the current internal and international situation. Being part of the European Union, which is a result of adhesive accession, inevitably involves the necessity of a series of changes in the mechanisms and functioning rules of authorities in Member States, and the necessity of modification of “competency fields” and their interrelationships.

The first two chapters of the book convince us that the dramatising statements about reducing the prerogatives of the Sejm and the fall of its legislative sovereignty should be treated as a hypothesis verified only as a whole. While discussing the change of the position and the function of the Sejm after 2004 the Author states: "We face (...) a completely new situation which resulted mainly from shifting the traditional role of parliament to EU institutions" (p. 231). So these are not only the prerogatives of the Sejm that were reduced. These were the European Union bodies that acquired part of the legislative competences of national parliaments. That is where the source of the so called "fall of the legislative sovereignty" of the Sejm is to be found, because "also in the EU, an organisation of inter-governmental character, there is a necessity to shift some of the roles concerning legislative function of the Council of Ministers" (p. 238). It also has to be pointed out that this part of the book contains comparative fragments which show transformations and solutions applied in other Member States as well. This significantly enhances the cognitive qualities of the writing.

Did the described phenomena mean degradation of the constitutional status of the Sejm of the RP, which would be equal to undermining constitutional regulations? Was the range of supervision over government carried out by the Sejm limited to a national level only, while in front of the EU the Council of Ministers could be an autonomous participant of the decision-making process and Union legislative? The range of the real power of the Polish parliament would be diminished in this way. The Author is critical of the fact that the Polish parliament did not make any effort in order to establish a new model of Sejm and Senat relations on EU matters with the Council of Ministers (*Ibidem*). Later events and decisions made by the Polish parliament and EU bodies, especially the Treaty of Lisbon, had new contributions while defining the roles of national parliaments and their constitutional status in the country both in front of the European Union and its authorities. The importance of advisory, supervisory and control competences of parliament was increased. The Sejm obtained new entitlements in the decisive mechanism of the EU. These are mostly: participating of the procedure of modifying EU treaties, acceptance of international agreements, the right to participate in EU legislative activity, giving opinions on EU laws or co-deciding on the EU budget (p. 585 and 629). The role of parliament to implement the norms of Union law into the Polish system is of vital importance. The Author sees this role as a way to compensate a prejudice of the legislative bodies which parliaments of EU Member States had to face (p. 629).

This comprehensive and richly documented study of constitutional, legislative, supervisory and creative functions of the Sejm of the RP (Chapters III-VI) after the accession of Poland to the European Union is a "masterpiece itself". A reader will find here an expertly analysed, complex compendium of knowledge on the contemporary Polish Sejm: its organisation, principles for action, achievements and issues requiring deeper attention, so that this authority could fully perform its functions assigned by the Constitution of 2nd April 1997. In accordance with the title of the book, the Author reports on further issues presenting changes that follow our accession to the European

Union. The book also presents solutions included in the Treaty of Lisbon which significantly modify the role of national parliaments in the EU decision-making process so that their roles could be valued.

Chapter VII (“New roles of the Sejm of RP after the accession to the European Union”) and Ending Chapter (which synthesises different aspects of assessments, conclusions and requests) create a homogenous sequence of analysis with numerous, sometimes brilliant, aspects that are a punch line of all the discussed matters. Special attention should be given to: the catalogue to the “new roles of the Sejm after the accession to the European Union” (pp. 594–602, 622) and remarks and recommendations about the methods and means to fulfil the new tasks (pp. 602–622).

The Annexe and list of data sources and literature increase the value of the whole book showing the abundance of sources that the Author used while preparing her work. The way those sources are discounted in the text proves the Author’s excellent writing skills. Certainly the book will be read by political scientists, lawyers, historians and everyone interested in the way the system of public authority was remodelled in connection with Polish membership in the European Union. A communicative title precisely describes the content of the book.

This work certainly deserves to be recommended to students of various faculties and specialities. Accessible language, clarity, consistency of conclusions and the Author’s easy narration to formulate even the most difficult issues – are also important advantages of the reviewed book. Such advantages are quite uncommon with scientific research. The Aesthetical way of editing fully corresponds with the serious content of this work, which encourages to careful study.

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(rev.) Marc Lynch, *The Arab Uprising: The Unfinished Revolutions of the New Middle East*, Public Affairs, New York 2012, pp. 304

The latest book by Marc Lynch is one of the many works published after the events of the Arab Spring in 2011 that aspire to describe this phenomenon and to explain its roots and origins. What distinguishes *The Arab Uprising: The Unfinished Revolutions of the New Middle East* are a few facts. First, Marc Lynch writes the book not only from the position of a scholar, a professor at George Washington University, but also as an active blogger. He utilized his blog on foreignpolicy.com and his Twitter channel to observe and cover up to date the subsequent stages of the Arab uprisings. Frequent travels to the Middle East on the other hand, gave him an invaluable insider view on the course of events. Second, being an advisor to the members of the administration of the President Barak Obama during the time of the Arab revolts, he is able to approach the events from the point of view of a policy maker and a security advisor.