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# INSTITUTIONAL DETERMINANTS OF POLITICAL RIVALRY FOR LEADERSHIP BETWEEN THE PRESIDENT AND THE PRIME MINISTER OF THE REPUBLIC OF POLAND DURING THE THIRD COHABITATION

## Rafał Glajcar – Waldemar Wojtasik\*

#### ABSTRACT

The main purpose of the article is to describe and explain the phenomenon of rivalry for political leadership in the framework of the Polish executive in the years 2007-2010. This period has been defined as a period of cohabitation. Its specificity stems from the fact that the most important actors of this rivalry (president and prime minister) represented political parties with a rather right-wing political orientation. Despite this their institutional coexistence was marked with a compromise deficit. This, in turn, determined the search for sources of tension between the president and prime minister. In order to address this undesirable situation, the political environment focused solely on institutional factors determining the relationship between the key figures within the executive, which resulted in the proposal of specific constitutional changes. The multiplicity of the emerging proposals, however, could not conceal the fact that the causes of conflict were also embedded in behavioural factors.

Key words: political leadership, president, prime minister, political rivalry

The subject of this article is the issue of leadership, namely the competition for leadership on the Polish political scene between the two most important figures within the executive power. As a result of the transformation of the political system in Poland after 1989, the key moment of which was the adoption of the new constitution on 2 April 1997, a very specific model of the executive was created. Its most characteristic feature is the granting of real governmental decision-making authority to both the president and the prime

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minister. The dispute around the point of maintaining such a solution has already been present for the last dozen years. Its authors and advocates mainly point out that such a political system design forces the actors of Poland's political system to search for compromise, which should be treated as a constitutive element of the Polish political system (Piotrowski, 2008, p. 67-70). In turn, its opponents see this to be the main area of weakness of the state. Kazimierz Michał Ujazdowski even notes that *"the division of competences between the president and the prime minister encourages unconstructive conflict"* (Ujazdowski, 2008, p. 37).

In the early 21st Century the political forces which played a key role in the preparation and adoption of the Constitution of Poland of 1997 found themselves at an organisational turning point (this mainly concerned the Democratic Left Alliance (SLD) and the Freedom Union (UW), which was reflected in the parties' poor results in the parliamentary elections of 2001 (UW) and 2005 (SLD), respectively. Under such circumstances the voice of right-wing groups was becoming more and more audible. They began emphasizing the need to review or even change Poland's recently adopted constitution. They have been doing so with great determination (at least declaratively), especially accentuating that they consider the Constitution of Poland unrepresentative of the Polish nation. This is related to the significant deformation of the will of the voters which started to appear in the parliamentary elections of 1993. The electoral system, which was in vigour back then, in combination with the lack of basic understanding of electoral mechanisms by a substantial part of the citizens was the key reason why more than a third of voters did not have their representative in the lower house of parliament. Consequently, the National Assembly which adopted the Constitution in 1997 lacked substantial right-wing group representation.

To the extent to which the above-mentioned compromise, with greater or lesser success, was possible in the first ten years of this Constitution, the early parliamentary elections of 2007 signify a turning point marking the end of *"the era of compromise"*. Two years earlier groups calling for a far-reaching revision of the constitutional foundations had dominated the Polish political scene. However, in the face of a situation in which one party (Law and Justice - PiS) won the parliamentary elections and appointed its person to the office of president and the office of prime minister, as well as took a lead over the government coalition, the mentioned conflict of principles and political structure was effectively neutralised. Meanwhile, in 2007, Poland entered into its third

cohabitation<sup>1</sup>, which was marked by a permanent conflict between the president's and the prime minister's camp. It seems that one of its main reasons was the rivalry between **Lech Kaczyński** and **Donald Tusk**, firstly, for leadership within the executive branch, and secondly (as a consequence of the first), for the position of leader of the Polish nation<sup>2</sup>. As a result, a combination of rivalry for political leadership was created on a mesostructural level (the executive within the organisation) and a macrostructural level (the state) (Kaczmarek, 2001, p. 50-52).

In this context it seems necessary to clarify the concept of "leadership", all the more that research, focused on providing a precise separation between formal authority and political leadership, remains popular. Edward Erasmus points out that "power does not have to, nor should result from the powers conferred by law." (Erasmus, 2005, p. 112) On the one hand, it is difficult to disagree with this assertion, as it is hard to believe that a leader will make use of various forms of coercion in the name of achieving an objective or promoting specific values. The role of the leader will rather be a skilful drawing of attention to a problem; its elaborate presentation and, finally, acting to convince his followers (without resorting to coercion) that the implementation of an objective or the promotion of a value is in their common interest. Authority is an important feature in this relationship and helps the leader garner support (Wiatr, 2008, p. 23). On the other hand, there is some danger here associated with the excessive focusing of attention exclusively on the theoretical aspects of leadership, as a phenomenon which is free of any attempts by the leader to impose his will onto the supporters by using various forms of coercion. Meanwhile, in practice, political leaders use attributes of power, whereas rulers very often try to achieve the status of leader. Understanding this fact draws a more detailed picture of the specificities of political leadership. This applies in particular to a situation in which the source of leadership is "a group of specific, routinised and fixed activities, within which a separation of the roles and rules of behaviour has taken place" (Zuba, 2004, p. 14). If it is assumed that the basic functional premise of power is its directional redistribution, then one of the

<sup>&</sup>lt;sup>1</sup> Being aware of the dilemmas associated with using the term *"cohabitation"* with regard to the Polish political reality (Raven, 1998, p 51-52), the third cohabitation is understood to cover the years 2007-2010. The first cohabitation occurred in 1993-1995, whilst the second one in 1997-2001.

<sup>&</sup>lt;sup>2</sup> Referring to Jerzy Sielski's typology of leaders, which is based on the extent of political influence, one could speak of a group leader in the first case and of national leadership in the latter (Sielski, 2007, p 36).

driving forces behind this redistribution could be leadership. In this sense, the binding of leadership and power is not only natural, but also pragmatically expected, since, as Anthony Downs claims, the basic motivation of leaders is achieving the benefits associated with governance (Downs, 1957, p. 296), whereas the leadership potential is the capacity of the leader to convince others to the views held. It cannot, therefore, be expressly assumed that a subject having formal authority is unable to achieve the status of leader. What is more, power and leadership are closely related categories in political science. Attempts at their artificial separation seem methodologically unjustified. James MacGregor Burns is right in claiming that "All leaders are potential or current rulers, but not vice versa" (Burns, 1995, p. 266). In this situation it can be assumed that leaders have the right level of support, which, especially in a democratic system, gives them a real chance to be appointed to a governmental post and, consequently, to take over power. This, of course, does not mean that they cease to be leaders at that very instant. This is true as long as the support for their actions and leadership style in office compared with what they originally demonstrated shows no signs of recourse. It is worth noting that in this situation the support awarded to leaders, which is a reflection of their relationship with their supporters, also includes the right to resort to coercion as a constitutive element of power. It therefore turns out that an analysis of political leadership requires taking into account the characteristic mechanism of legitimisation (Zuba, 2004, p. 12) which is based primarily on the supporters' voluntary and not forced; deep and not superficial acceptance of their leader's actions. This is because leadership is a more symmetric type of social relationship, while power is based primarily on asymmetric relations. In this way political leadership guarantees the stability of the political system to a greater extent than "pure power".

The assumption adopted in this article is a reference to the institutional stream of studies on the origins of political leadership, which focuses on the extrapersonal determiners of leadership and, as such, is considered in the literature of the subject as having the most politological significance (lwanek, 2004, p. 113). This assumption seems to be particularly appealing given that political science has been experiencing a renaissance of political perspective since the 70s of the 20<sup>th</sup> Century (Antoszewski, 2004, p. 82). It brought along with itself a new and, above all, a broader look at institutions. This concept currently includes all formal and informal rules, procedures and standards determining political behaviour (Krouwel, Verbeek, 2001, p. 333), and,

therefore, it does not only cover public authorities but also constitutional standards governing the creation of these bodies and the relationships between them as well as their extralegal rules determining political reality. In addition, an important element of the institutional arrangement are the collective political entities, which include political parties (Antoszewski, 2004, p. 85).

James G. March and Johan P. Olsen claim that "Political Democracy depends on [...] the design of political institutions. [...] Political institutions therefore provide the framework for politics" (March, Olsen, 2005, p. 29-30). Witold Morawski also said that "institutions are the rules of the game, which, like a ceremony, allow us to predict the course of events since the actors abide by their rules" (Morawski, 1998, p. 203). It is these rules that political actors act according to and battle among each other to define their shape. Understanding this provides insight into the value of the analysis of the institutional determinants of rivalry for political state leadership between the President Lech Kaczynski and Prime Minister Donald Tusk at a time when Poland was already two decades into its path of democratic development.

Before moving on to the main part of the study, one more important fact needs to be mentioned. It is not the purpose of this analysis to determine to what extent one or another politician is (or can be in the future) a political leader. The main assumption is that the dispute between the president and prime minister concerns their rivalry for political leadership, firstly, at a mesostructural level and, ultimately, at a macrostructural level, which was already referred to above. In light of the above, a few questions can be posed. Is there demand for political leaders in contemporary Poland? Do the politicians of today have a chance of becoming actual leaders, or will they remain only political leaders, such as product leaders in companies? In a situation in which politicians are required to demonstrate a wide array of knowledge and skills in various fields of human activity, while demand for specialists, professionals is on the rise and when political leaders in the traditional sense of the word? These dilemmas, although important, extend beyond the framework of this analysis.

## 1 The political regime

It seems that the above comments about the relationship between political power and leadership allow us to cast a bolder look at the functioning of the political institutions and actions that are taken by them. Moreover, the study of political leadership within the framework of the most important institutions of the political system seems quite essential, especially when talking about a state which only recently entered the path of democratic development. At the same time, it must be remembered that an institutionally based analysis of political leadership in a democratic environment is not a simple task due to the constitutional limitations of leadership (Jakubowska, 2001, p. 39). Additionally, in relation to the Polish political system at the beginning of the 21st Century this issue seems particularly difficult for at least one more reason. From a formal point of view it is correct to talk about a democratic political regime type as a form of political organisation. The quality of such a democracy, however, leaves a lot to be desired. Reference to empirics is very important in this context, because it is the political regime type which determines the type of political leadership (Iwanek, 2004, p. 114). The consequence of the adoption of the division of political regime into democratic and undemocratic, most commonly used in political science, also means the acceptance of the division of leadership into its democratic and autocratic form.

In democratic states, *law* plays a key role. *Law* guarantees the sustainability of a leader, whose powers *law* strictly defines. Secondly, in democratic regimes it is of high importance that the public (or at least its major circles), the political elites and the potential or actual leaders demonstrate acceptance for the fundamental rules which the political system is based on. These rules, in most cases, take the form of legal standards.

In these terms Poland, after more than twenty years since the inception of its system change, still paints a vague picture. As far as the functioning of the executive power is concerned, the controversy concerning the precise separation of powers between the president and the prime minister has already been mentioned at the beginning of this article. This can also be considered as one of the sources of weakness in the domestic democratic political regime. A deeper analysis of the scope of competence of the two entities, however, calls for caution in formulating such straightforward judgments. The main issue here is the attitude of the political elite and the political leaders they produce towards *law*. Political practice leaves no illusions that regardless of party affiliation, an instrumental attitude towards *law* is one of the distinguishing features of the Polish political elite<sup>3</sup>. There are numerous examples to support this affirmation.

<sup>&</sup>lt;sup>3</sup> In this context it is worth mentioning Karol B. Janowski's observation that "competition, cooperation, political bid, alliance, coalition, profit and loss, change of government as a result of the creation of a

One is enough, however, to unveil the real face of those who often try to reach the public with the message that they are protectors of the legal rules which are in place.

In the summer of 2007, before the parliament passed a bill shortening its term, members of the Civic Platform, in their efforts to dissolve **Jarosław Kaczyński's** cabinet, cleverly bypassed a provision requiring them to hold a constructive vote of no confidence. Had they not done so, they would have had to seek consensus with the Self-Defence party and the League of Polish Families, which had by then already lost much of their popularity. The trick involved holding a vote of no-confidence against the individual ministers. In a situation when **Jarosław Kaczyński's** cabinet was a minority government, and all the largest parliamentary clubs, apart from Law and Justice were against it, the removal of the ministers was in fact a foregone conclusion. Had these votes been made, the government of **Jarosław Kaczyński** would have stopped functioning. Political practice came to show that a constructive vote of no-confidence is not the only way to legally stop the functioning of a cabinet holding little popular support.

This particular case, of course, had its own outcome. The government of **Jarosław Kaczyński** had quietly survived up to the first sitting of the newly elected parliament, which occurred in the fall of 2007. The relatively stable functioning of the cabinet was provided for by President **Lech Kaczynski**, who, aware of the motions for votes of no-confidence against the ministers, first removed them from their offices, only to reinstate them within the next several hours. The described involvement of the president in this dispute with the government and the majority of the parliament made irrelevant the motions for votes of no-confidence against the ministers.

The above example perfectly illustrates the previously mentioned instrumental approach of Polish politicians towards law. Being aware of the fact that it is impossible to presume all the potential situations that can occur in political reality and have them regulated by law it would be unfair to state that the existing provisions on the powers of the various actors in the procedure of dismissing the government are not precise enough. The events described

majority coalition, but also instrumentation and manipulation - are mechanisms which, together with the rejection of real socialism, entered political life. Thus, the political world >>without politics<< was called into question. At the same time, however, ethical constraints became frail." (Janowski, 2002, p. 351)

above show the actual intentions of the Polish political elites. On the one hand they are supporters of the democratic rules of the game, expressing disapproval for any actions which violate these rules. On the other hand, they stretch the rules to unprecedented proportions for the sake of satisfying their own (personal, party-specific) vested interests. This is reminiscent of the *"self-contradiction"* syndrome, which **Karol B. Janowski** referred to when describing the *ancien régime* (Janowski, 2002, p. 354-355). It is characterized by the revocation to democratic axiology in the declarative realm and a contradiction to it in political reality.

As can be observed, political reality cannot be characterised in black and white. It turns out that in terms of the principles governing the functioning of a political authority, a political regime type can be considered as democratic. Given, however, the existence of other permissible, relevant and informal mechanisms allowing for a flexibility of such rules, the aforementioned consideration is no longer so obvious. This observation is seconded by a 2008 report of Freedom House, in which Polish democracy received the lowest rating from among all the countries of Central and Eastern Europe, which had joined the European Union four years earlier (Freedom House, 2008).

In the context of the above one can wonder what type of leadership (democratic or autocratic) is dominant in Poland. Political practice in this area proves that it is difficult to make an explicit indication. This is equally true of both the president and prime minister. On the one hand, the scope and extent of their leadership is defined by law. There are extensive social control mechanisms which they are subject to, while on the other hand the competences at their disposal tend to be subject to relaxed interpretation and public opinion is often manipulated. The resulting conclusions are as follows: (1) the likelihood of model types of political leadership is quasi-democratic, although the behaviour and ruling style of the leaders shows certain features of an autocratic style of leadership; (3) a dominating, transitional type of political leadership is typical for countries in which system transformation processes are underway; (4) past experiences, which find reflection in the area of political culture, have a significant impact on the dominating type of political leadership in Poland.

### 2 The system of government

The ongoing rivalry for political leadership in Poland between President **Lech Kaczyński** and Prime Minister **Donald Tusk** was largely determined by the system of government formed on the foundations of the Constitution of Poland adopted in 1997. The foundations determining the relationship between the executive and the legislative branches, as well as within the latter itself are defined by the principles of the parliamentary-cabinet system (Kopecký, 2004, p. 142). These principles, however, do not always find reflection in reality. The solutions adopted are not free from features specific to presidential or semi-presidential systems<sup>4</sup>.

In the classic parliamentary-cabinet system, the body which is responsible for running the current affairs of the state is the government, whose responsibility for its political activity is kept in check by the parliament. The key instruments which decide the fate of the cabinet are "the vote of confidence" and "the vote of no confidence". The stability of government is thus determined by the existence of a parliamentary majority providing it with firm support.

In turn, the head of state is void of any real governing powers. His role is limited, in principle, to representation and ceremonial functions. The adoption of this type of solution provides for a clear separation of competences between the bodies of a dual executive and consequently effectively limits the chances of any dispute over leadership between the president and prime minister.

At the start of democratic political change in Poland in 1989 a discussion was opened on the most desirable system of government. It was characterised by a dispute between advocates of a weak and a strong presidency. The first of the two claimed that the president should not be granted excessive powers, as this would constitute a return to an autocratic style of governing. It was mainly the negative experience of the past which made them opt for a system of mutually dependant powers. In their view, if kept relatively close to each other, the particular branches would keep each other in check and maintain a right level of balance (Stepan, Skach, 1994, p. 29-30). The latter, in turn, pointed out that the concentration of power in the hands of one person would contribute to efficient governance, which in the conditions of a young democracy was becoming a key issue. The concentration of power in the hands of one authority would also make clear who is responsible for decisions and actions. To answer

<sup>&</sup>lt;sup>4</sup> Oleh Protsyk presents an interesting analysis of the relations between the president and prime minister in the former Eastern Bloc States (Protsyk, 2006, 219-244).

the question which opinion is right it would be fair to say that neither of the two, as the dispute is pretty much irresolvable, for one cannot make the assumption that one single system of governance, i.e. presidential or parliamentary is by definition good or bad. Although most political scientists believe that the more flexible parliamentary system is more suitable for countries entering the path of democratic development<sup>5</sup>, the specific features of the political system need to be taken into account before such a solution is adopted. Only an analysis of the local conditions will point to the superiority of one system over the other.

As a consequence of the ongoing disputes during the transformation of political system in Poland a set of accommodating solutions was adopted. In this way, a system of government, which was formally created on the grounds of a parliamentary system, contained solutions granting the president the possibility to autocratically engage in current political affairs. This structure basically defined all the situations of conflict that occurred henceforth between the main representatives of the executive. On the one side was the prime minister, the head of the body seeking to maintain power and responsible for the implementation of the current policy of the state. On the other side was the president, who not only acts as the highest representative of the state, but above all is a politician representing a specific political option, wishing to contribute to his party's gaining or maintaining power. It has to be remembered that a politician's actions mainly depend on their effectiveness. Hence, it is difficult to expect that a politician serving in a specific public office will easily relinguish the powers granted to him. Moreover, the expansion of real power done within the confines of law should also be considered normal.

In this situation, only if the president and the prime minister are from the same party, there exists some chance for relatively harmonious cooperation. Cohabitation, on the other hand, with full force would unveil the competition between the head of state and the prime minister. As previously noted, the subject of this rivalry is political leadership within the executive which ultimately determines who rules and sets the course for the political affairs of the state. In the period of the third cohabitation this conflict was mainly visible in the field of the state's foreign affairs. A perfect example was the dispute between **Lech Kaczyński** and **Donald Tusk** concerning Poland's participation in the Summit of the European Union in October 2008, or rather their differing opinions

<sup>&</sup>lt;sup>5</sup> The dangers of adopting a presidential system of governance are presented in e.g.: (Diamond, Lipset, Linz 1987, p. 14; Linz, 1990).

concerning Poland's strategy in electing **Anders Fogh Rassmusen** for the position of NATO Secretary General in April 2009. These types of situations, of course, do not make the main representatives of the domestic political scene look any good in the eyes of the international community. Most importantly, however, they do not guarantee success in foreign policy, for not only did Poland not convince its NATO partners for **Radosław Sikorski** to be elected as head of the organisation, but Poland also failed to receive any tangible benefits in return for the support of the Prime Minister of Denmark.

The dispute between the president and prime minister in the field of foreign affairs was of an interpersonal nature. Although a case was filed at the Constitutional Court to settle the powers dispute, it was highly unlikely from the very beginning that a decision of the court would improve cooperation between the President Lech Kaczyński and Prime Minister Donald Tusk. As it turns out, the sources of the disputes between the two politicians were found not to be the legal and institutional foundations<sup>6</sup> defining the functioning of the state, but rivalry for political leadership. The division of competences relating to the foreign policy of the state is very precise. Firstly, "the Council of Ministers exercises general leadership over the relations with other countries and international organisations" (article 146, section 4, item 9 of the Constitution of Poland). Secondly, the government runs the state's foreign affairs (article 146, section 1). Thirdly, the principle of the presumption of competence applies with regard to the Council of Ministers (article 146 section 2). Fourthly, "the president of the Republic of Poland interacts with the prime minister and the competent minister with regard to foreign policy" (article 133, section 3.) The existing Constitution of Poland clearly states that the president does not have the competence of creating his own, government-independent, foreign policy of the state. At the same time, however, the president has the status of "the supreme representative of the Republic of Poland" (article 126, section 1.) Therefore, any attempt to deprive the president of his right of involvement in the international arena is unacceptable. What is important, however, is for the president not to take any actions which are contrary to the vision of the state policy adopted by

<sup>&</sup>lt;sup>6</sup> Mariusz Gulczyński noticed that "out of the two main pillars of modern democracy: institutions and legal norms - constituting the form - and a pluralistic system of political parties - filling this form with politically active social content - transformation proved to be successful only with regard to the first of the two. The system of state institutions and legal norms of the Third Polish Republic is grosso modo consistent with the characteristics of modern democracy and has the capability to flexibly adapt to the requirements of European integration " (Gulczyński, 2008, p 229).

the government. The role of the president, therefore, should be to use his authority to emphasise government's policy in situations where both executive bodies are in unison with regard to specific actions to be taken. If, however, disagreement between the two cannot be eliminated, the president should by no means take actions which are contrary to those being taken by the government. The function of the head of state granted to the president is not sufficient ground to deem him as possessing unlimited powers in the field of foreign policy. This type of reasoning is wrong. Conversely, and by way of consistency, one would need to accept that the president has the right to assume the powers of other state authorities. Besides, this would mean that the only way to prevent competence disputes in the area of foreign policy would be to give the president absolute power. Consequently, it should be concluded that in democracy only the presidential system guarantees that the aforementioned conflicts do not appear. Meanwhile, as pointed out by Juan J. Linz - "the only presidential democracy with a long history of constitutional continuity is the United States" (Linz, 1990, p. 31).

This brief analysis of the powers of the president and the prime minister in the area of foreign policy shows that rivalry for political leadership inside the executive is associated with the search for substitute reasons of lack of compromise. The easiest solution is to point to institutional factors; all the more that such an approach turns the attention away from individual errors, improper conduct, etc. Moreover, as claimed by Piotr Sztompka, domestic transitology is dominated by an approach stressing the need for institutional and organisational changes, which he calls "hard" variables. Meanwhile, "soft" variables are worth looking at as well. They include: culture, mentality, awareness and the collective sub-consciousness. (Sztompka, 1999, p. 266) In this sense the current article falls under the popular trend of the "hard variables" analysis. However, one cannot forget about the mutual dependency between the organisational/institutional and the mental/cultural spheres of impact (Sztompka, 1999, p. 266-267). Only then do descriptions, explanations, diagnoses and forecasts stand a chance of moving beyond the superficial analysis, which itself does not reach the root of the problem.

In the context of the aforementioned comments, it is worth noting that the rivalry between the President Lech Kaczyński and Prime Minister Donald Tusk had a specific nature. It seems that even in the years 1997-2001, i.e. during the second cohabitation, despite the difference of opinions between the President Aleksander Kwaśniewski and Prime Minister Jerzy Buzek, the

cooperation between them was more or less balanced. It appears, therefore, that the organisational/institutional level was not an obstacle in their relations. In addition, it has not undergone any changes since then. As such, the rivalry between **Lech Kaczyński** and **Donald Tusk** over political leadership was positioned on a mental and cultural plane. The effects of this rivalry shifted with time more and more clearly from a mesostructural to a macrostructural level. This was now becoming a rivalry for leadership of the state (national leadership).

Such a bipolar struggle for state leadership defined the proposals for institutional change which appeared henceforth. Consequently, concepts for the adoption of solutions typical for the presidential system, or the chancellor democracy, characteristic of the German political system, appeared. These types of institutional projects show that political elites perceive the realm of politics as a zero-sum game. On a mental and cultural level it can be observed that it is more attractive to perceive politics as a field of conflict, rather than a place of compromise. This, on the one hand, is a legacy of the communist period, when politicians often used the Manichean division along the US and THEM lines. However, the negative impact of the political and constitutional practice of the years 2005-2007, often known as the construction of the Fourth Polish Republic, also took its toll. The Law and Justice party acted to neutralise the moves of the party's political opponents. This found reflection not only in the party's proposal to change the system of government, but was also reflected in the functioning of the political regime, and, consequently, in the nature of political leadership.

An analysis of the proposals of change to the system of government, aiming at strengthening the power of one authority (i.e. the prime minister, and especially the president) in conjunction with the weakness of democracy on a socio-cultural level leads to the danger that a "delegative democracy", i.e. a leadership model described by **Guillermo O'Donnell**, may form. According to **O'Donnell** "delegative democracies rest on the premise that whoever wins election to the presidency is thereby entitled to govern as he or she sees fit, constrained only by the hard facts of existing power relations and by a constitutionally limited term of office. The president is taken to be the embodiment of the nation and the main custodian and definer of its interests." (O'Donnell, 1994, p. 59-60) An observation of political practice in the period of the third cohabitation gave rise to the recognition that this type of conduct became attractive for part of the Polish political elite.

## 3 The nature of the presidential election

In 1990, in the process of accelerating democratic change as a result of the departure from the implementation of the provisions of the Round Table, which in turn defined the evolution of a new party system, the rules for choosing the President of the Republic of Poland changed. The system in which the head of state was elected by the National Assembly (used only once during democratic transformation) was replaced by the general election. The point was to have a president, who, as opinion polls demonstrated, would be either **Lech Wałęsa** or **Tadeusz Mazowiecki**, elected by the nation. In this way the transitional period defined by the arrangements arrived upon at the Round Table was to be finally closed. After all, it would be hard to imagine the president, a leader of the former anti-regime opposition, to be elected by a parliament chosen in only a partly competitive election.

The system of electing the head of state adopted in 1990 has not undergone any change with regard to its key elements. This comes as no surprise since out of all the other general elections the presidential election has the most personalised character. This is, for instance, reflected in the voter turnout. In comparison with the other elections, the presidential election produces the highest voter turnout in Poland, although an analysis of the powers of the president leaves no doubt that the impact of this particular institution on the life of the average citizen is incomparably weaker than that of the chambers of parliament, or regional governments<sup>7</sup>. This is one of the best examples of how political power tends to become personalised, which is often understood as being caused by the mediatisation of political life, which, in consequence, promotes the creation of political leaders. This is easy to notice taking into account the relational nature of leadership described by **James MacGregor Burns** (Burns, 1995, p. 265-269).

The general presidential election, in the way it is conducted in Poland is, in principle, not contested by the major political groups. The different concepts of political change, which appear every now and then, do not include any adjustments to the way the president is elected (Kuciński, 2006, p. 50). Meanwhile, it is the way the head of state is elected which is one of the constitutive elements of the dispute between the president and the prime minister over political leadership. Dual democratic legitimacy (Linz, 1990, p. 43), which is characteristic of presidential systems of government and which is

<sup>&</sup>lt;sup>7</sup> More information about the importance of particular election types is presented in (Wojtasik, 2011).

blended into a system based on parliamentary rules is, as rightly noted by Steven Saxonberg, less efficient (Saxonberg, 2003, p. 23). When a president, elected directly by the people, and the prime minister, an MP sharing the trust of the parliament, which is comprised of representatives of the nation, both justify their actions by making references to their mandates, then conflict is inevitable. It is impossible to answer the question whose legitimacy is more powerful. This dilemma cannot be resolved by using arithmetic to determine who received the support of the greater part of the population. After all, the president is elected by the nation as a whole, whereas an MP is elected out of a local constituency such as a province or its part. Consequently, during cohabitation, this irresolvable dilemma generates conflict between the prime minister and the president as to who has the ultimate leadership over the nation.

Although there is no simple relationship between the way the head of state is elected and his political and constitutional position (Dziemidok-Olszewska, 2003, p. 144), there are at least few reasons why this relationship cannot be disregarded when analysing Polish political reality. First of all, in the general election each major political group puts forward one of its leaders as a candidate for president. This comes as no surprise, as parties somehow need to confirm their presence on the political stage 8 (since 1990, Stanisław Tymiński was the only major candidate in the presidential election who was not a representative of any significant political force; Lech Wałesa in 1990 was a representative of most of the "Solidarity" movement groups) (Wojtasik, 2012, p. 218-220). In this way, the candidate becomes permanently linked to the political party supporting him. It would be hard to expect him to forget his political roots and act contrary to his beliefs after eventually becoming president. Positive relations between the incumbent president and his original political party are beneficial for both sides. The president, by supporting his party, reserves himself a place as candidate in the next presidential election, and the party, through its own person in the office of president, controls a major part of the country's political affairs and holds the capability to implement its own agenda. This type of situation was brilliantly illustrated by the positive relationship between president Lech Kaczyński and the members, supporters and electorate of the Law and Justice Party. This was undoubtedly conducive to the

<sup>&</sup>lt;sup>8</sup> The importance of putting forward a candidate for president by a political party is emphasised by Marek Migalski, who claims that "the root cause of the Freedom Union party's political demise was its failure to propose a candidate for the 2000 presidential election" (Migalski, 2006, p. 227).

shaping of the political leadership of Lech Kaczyński at a macrostructural level.

Secondly, a general election makes the president independent of all the other authorities. His legitimacy is equal to the legitimacy of the parliament, and as such his opinions carry the same strength as the opinions of the legislature. In the case of the young Polish democracy this led to attempts to extend the constitutionally guaranteed competences, which manifested itself by president **Lech Kaczyński** frequently reminding his political adversaries that he is the head of state. This sensitivity on the point of *"who is more important"* was mainly caused by the way the head of state is elected and by the strength of the social mandate at his disposal.

Thirdly, taking **Lech Kaczyński**'s term in office as an example, we can see how the president's legitimacy, the source of which is the direct will of the sovereign, strengthens the head of state's sense of power and makes him see the function of president as a mission that has to be completed (Dziemidok-Olszewska, 2003, p. 147). The desire to fulfil this mission leads to a fight for leadership with those who seek to deprive the president of his impact on shaping state politics.

Fourthly, as pointed out by **Maurice Duverger**, "One does not elect a president by universal suffrage to open flower shows, but to act" (Sarnecki, 1996, p. 416). In the Polish political system, this basically means that the president is given sovereign powers which he is not held politically accountable for in front of parliament. In this way the president can effectively compete with parliament, which is dominated by his political opponents, and with the government, which has the support of the parliament. This, as already mentioned above, reduces the effectiveness of the political system during cohabitation. The powers of the president such as legislative initiative, suspensive veto, preventive review of the constitutionality of a law, and optional shortening of the term of parliament, make him involved in ongoing political conflict.

The above clearly shows that the general election played an important role in defining the 3-year-long rivalry between the president and prime minister for executive leadership and, consequently, for the leadership of the state.

## 4 Party system and political parties

The above considerations on the political impact of the regime and system of governance on issues relating to leadership did not focus on the problem of

political parties and the party system. Such an approach served to provide for a more accurate description of the relationships in the areas presented below, especially if we consider the different roles parties play in the particular areas of the system of governance. The discussion here deals with the strategies implemented by political parties and the consequences of their introduction, depending on the current system of government. The distinction is based on the assumption that formulation of party strategy, among other factors, also takes into account the institutional frame of reference for the bodies of the executive.

In presidential systems, where executive power is concentrated in one institution of the political system, the political parties introduce strategies to maximize the effect achieved in the presidential election. After the election, the party, whose candidate wins office, achieves the status of the presidential party (Herbut, 2000, p. 133) and has decisive impact on governance for the entire term. The determination of political parties following a presidential election often results in a binary schematisation of the party scene. In such a reference system there is the possibility that bipolar political competition takes shape, which, as Ryszard Herbut aptly notes, can lead to the creation of a two-party or two-block system giving rise to the so-called presidential effect, in which previously formed political parties or coalitions try to strengthen the political position of the president by providing him with an absolute majority in parliament (Herbut, 2000, p. 133). If this strategy fails and the parties opposed to the president win the majority of the parliamentary seats, then besides the natural shift towards cohabitation, consensus mechanisms take effect, under which political parties must seek solutions reconciling different, often conflicting, interests. In such a situation the importance of party leaders increases. They become essential in the search for solutions which can satisfy a possibly wide political spectrum.

The strategies implemented by different political parties in the parliamentary cabinet system assume a greater importance of parliament in political contention. Parliamentary regimes are characterised by the relatively weak position of the president (or lack thereof), in which the division of powers in the executive is determined by the position of the government and is controlled by parliament. Sometimes the president is also symbolically granted exclusive powers, giving a sense of autonomy to his office. The mechanisms of government creation in the case being discussed are based on the subordination of the executive to parliament. The parliament calls the government into office, has an impact on its composition, at least indirectly

affects its lines of action, and has the power to dismiss it. The shift of competence inside the executive is generally in the direction of a collegial body (government, cabinet, council of ministers, etc.), whose composition is to some extent a representation of the majority in parliament, frequently involving the representatives of more than one group in the government.

Party systems in parliamentary regimes are usually characterised by a greater degree of fragmentation, which may be the result of e.g. the absence of, or as previously mentioned, low significance of the presidential election and their concentric impact on political rivalry. The importance of political parties increases when considering their role in building a parliamentary majority and forming sustainable cabinet arrangements. Parliamentarism also strengthens the role of political leaders, in particular the leaders of parliamentary parties. They usually occupy the most prominent positions in the different systems of power and the effectiveness of political parties is also evaluated by their activity. Finally, parliamentarism, through the consensualisation of politics, contributes to a greater personalisation of leadership, in contrast to the personalisation of its institutional character in the case of presidentialism.

Poland's political regime is not purely presidential or parliamentary. Most of the solutions adopted point to a parliamentary nature of power in Poland. However, the dualism of the executive and the relatively powerful competences of the president are somewhat indicative of Poland having a mixed parliamentary system with an addition of presidentiality. As a result, after 2005 the party system in the parliamentary arena began showing signs of concentration and dichotomous schematisation into a pro-presidential and an anti-presidential camp. The parliamentary election of 2007 led to permanent political stalemate between the president and the parliamentary majority, which was somewhat of a reversal (of course on a relatively smaller scale) of a state of paralysis of the regime, which can occur in a presidential system.<sup>9</sup> In the Polish case, because of the different relations within the political system it was the president who was blocking the PO-PSL government coalition, all the more

<sup>&</sup>lt;sup>9</sup> A "paralysis of the regime" is described by Ryszard Herbut as a situation in a residential regime, in which anti-presidential parties dominating parliament do not only inhibit the president, but also lead to a paralysis of the regime." As he writes, "the president's policy-making initiatives are thwarted by the opposition, and political deadlock becomes part of the political game. One way to solve this dilemma is to parliamentarise presidentialism. Parlimentarisation is nothing more than assuming the superiority of multi-party competition, the logic of which induces adjustments to the regime "(Herbut, 2000, p 133-134).

that PiS had the potential to sustain presidential veto in the parliament. This situation opened a discussion on the possible ways of reforming the political regime in order to guard against a similar scenario in the future.

The period of the third cohabitation led to the creation of a specific set of relations in the party system. In contrast to Lech Wałesa and Aleksander Kwaśniewski, Lech Kaczyński showed his ties with the political group he originated from most explicitly. This was favoured by the parliamentary presence of two major groups (PO and PiS), which were the initiating parties, and of the complementary SLD and PSL. The two small parties could not overcome the inertia caused by their low standings and were no real competition for the leaders of the party scene. They were more occupied with their struggle to prevent from falling below the electoral threshold. PSL was part of the ruling coalition and had a clear pro-government affiliation. SLD, on the other hand, was not that well defined. The diarchy demonstrated by Grzegorz Napieralski and Wojciech Olejniczak became a pretext to gain the support of SLD by two of the competing groups virtually in every important vote in parliament. It cannot be objectively concluded whether the mechanism leading to the formation of party dualism (in this case, a system of two dominant parties) was a factor which generated conflict over political leadership between the president and prime minister. However, following the escalation of conflict after 2007, it is fair to say that this mechanism surely did not contribute to its depletion.

From the point of view of the research addressed in this paper, it is relevant to look at the influence of the model of political parties in Poland on the type of political leadership. The history of the particular parties poses somewhat of a difficulty in this respect, especially when we take into account the evolution of their ideologies and platforms. The two major parties were founded on the Solidarity movement, whereas the small ones are post-communist. Having made this distinction, an analysis of the domestic parties in universal categories can be made. Within this framework we can distinguish three basic party models: cadre party, mass-based party and the catch-all party. The different party types display certain tendencies in their response to changes in the social environment or demonstrate different styles in creating a supporting electorate (Antoszewski, Herbut, 2001, p. 97). For the purpose of the current discussion, an attempt will be made to define the relations between the existing party model and its impact (or lack thereof) on the type of leadership.

Ryszard Herbut claims that political parties in Central Europe are mainly of

the catch-all type but the reasons why they have evolved into such are different from those in Western Europe. They are parties which follow a type-specific election strategy; they are dominated by a party in office, and have at their disposal a bureaucratic subsystem. It consists of a bureaucratic apparatus and a group of professional staff who are responsible for carrying out specific tasks (Herbut, 2002, p. 105-110). Such a structure may be indicative of a functional evolution of this party type, which is undergoing a process of professionalization and is becoming more open towards the electoral market. These activities remain the main focus of a catch-all party's activity and their success defines the party's effectiveness, particularly in relation to the observed reduction in the number of parties in parliament (Mazur, 2006, p. 168-169).

The professionalization of catch-all parties, their orientation towards voters and the dominance of a parliamentary faction creates one more interesting phenomenon from the point of view of the current considerations. The increase in the powers of the leaders brings with it the personalisation of power, in which the personality of the leader is often exploited in election campaigns (Herbut, 1007, p. 90). The personalisation of leadership in catch-all type parties, through its use in elections, may contribute to an increase in the conflict potential in politics, particularly if taking into consideration the fact that differences between parties dissipate as a consequence of the reduction in their number in parliament. In the years 2005-2010, PiS and PO grew closer to each other, both in terms of organisational structure and ideology. However, the personalities of their leaders kept the parties at a distance. The differences between them become even more pronounced after the electoral campaign of 2005 (especially the presidential race), where **Lech Kaczyński** and **Donald Tusk** were being presented as political opposites.

The personalisation of leadership was one of the main sources of political conflict during the third cohabitation. It can also be observed that in at least some cases this conflict worked in favour for both major parties, marginalising other political forces and excluding them from public discourse. The situation was unique to the extent that the relationship between the president and the leader of PiS extended far beyond family ties and became a foundation for the creation of party strategy of both PiS and PO. Therefore, the conflict for leadership between the president and the prime minister was equally real and politically necessary for the formation of strategies of both PO and PiS. In addition, it led to the domination of the party system by these two political parties.

## Conclusions

The rivalry for political leadership in Poland between President Lech Kaczyński and Prime Minister Donald Tusk was characterised by both the politicians and their administrations focusing on the complete elimination of their adversaries. The rivalry came to an abrupt end when the presidential plane with president Lech Kaczyński and nearly 100 other people crashed near Smolensk on April 10, 2010, killing everyone on board. The cohabitation of 2007-2010 shows that conflict in democracy may be something natural, or even necessary. Nonetheless, the ability to reach compromise remains particularly valuable ability. Both the political actors and their administrations certainly lacked this skill.

The said "compromise deficit" led both the political groups (and others as well) to point to institutional flaws as the main cause for the lack of agreement between the president and the government. From the point of view of political science such an assumption seems, first of all, hasty; secondly, it is too simplistic and diverts attention from the substance of the issue. Thirdly, the emerging proposals for change in the institutional system often were (are) inconsistent or impossible to implement in practice. The above comments are not a defence of the current institutional structure. What is more, the ability of a political system to adapt to changing conditions is a decisive factor determining its stability. However, institutional changes (which, after all, are not impossible) must be carefully planned. Meanwhile, it appears that more than twenty years after the start of democratisation Polish political parties are very short-sighted in terms of their approach to correcting the institutional system and only see what could be of benefit to them in the short term.

The question now is whether the fourth cohabitation, which is to sooner or later arrive, would be as *"bloody"* as the third one. Should political practice be analogous to the one in the years 2007-2010, it would be advisable to review at a meso- and macrostrucural level the institutional determinants described in this article which shape the relationship between the head of state and the prime minister. If, however, it turns out that cohabitation deprived of unacceptable levels of conflict is possible, then the rivalry of 2007-2010 should be read as the inability of the actors of that particular conflict to function in a democratic environment.

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