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Polish Journal of Political Science is included in:



Table of Contents

Articles

- 4** Krzysztof Śliwiński
From Securitization to Securitism. Analyzing
the Evolution of the Securitization Theorem. Part II
- 22** Muhammad Ichsan Fadillah
Beyond Transparency: How Governance
Complexity Shapes Corruption's Political Consequences
- 52** Osazee Christian Edigin
The Role of Political Parties in National Integration
and Development in Nigeria
- 83** Cezary Smuniewski, Błażej Bado
The Defense Potential of the Polish Diaspora
and Poles Living Outside the Borders of
the Republic of Poland. Research Concept

Book review

- 116** Bartłomiej Zimny
Public Accountability and Constitutional Law
by Anna Młynarska-Sobaczewska and Jacek Zaleśny,
Routledge 2025

Bartłomiej Zimny*

Public Accountability and Constitutional Law

by Anna Młynarska-Sobaczewska
and Jacek Zaleśny, Routledge 2025.

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The monograph *Public Accountability and Constitutional Law*¹ by Anna Młynarska-Sobaczewska and Jacek Zaleśny is a profound and timely contribution to constitutional studies in the 21st century. The authors, both respected Polish scholars, present a conceptually rich, multidisciplinary exploration of the meaning, forms, and limits of accountability within constitutional democracies. Their central thesis is compelling: that accountability is not merely a political virtue but a constitutional necessity – the structural condition without which no democratic delegation of power can be legitimate.

What makes this work particularly relevant is its recognition that traditional models of public accountability – rooted in elections, parliamentary oversight, and judicial review – are no longer sufficient to regulate contemporary power structures. The book's conceptual starting point is the observation that the term “accountability” is omnipresent and normatively attractive, yet dangerously vague. Its usage has become ceremonial, often serving as a discursive shield for those in power rather than a genuine check. The authors assert that if we are to treat accountability as an operational legal principle, it must be normatively and institutionally sharpened – something they attempt with great sophistication throughout this volume.

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1. A. Młynarska-Sobaczewska,
J. Zaleśny, *Public Accountability and
Constitutional Law*, Routledge 2025.

Rather than confining their analysis to classical legal frameworks, the authors navigate the interstices between law, political science, and democratic theory. They question widely accepted assumptions, such as the idea that representative democracy inherently ensures accountability through periodic elections. Drawing from Schumpeterian skepticism, they demonstrate how elections, in their current form, often fail to provide real mechanisms of responsibility. Voter passivity, media manipulation, partisan polarization, and the entrenchment of political elites all weaken the supposed feedback loop between citizens and the state. Instead of offering empowerment, electoral rituals may reproduce the illusion of control while allowing structural impunity. This skepticism is mirrored in the analysis of parliamentary scrutiny mechanisms. Parliaments – historically established as counterweights to monarchic or executive authority – are shown to have lost much of their corrective potential. In systems with strong executive dominance, parliamentary tools such as interpellations or hearings are often symbolic. The authors are careful not to idealize historical models; they acknowledge that even in mature democracies, legislative oversight frequently lacks both political will and institutional capacity. Accountability, in such contexts, risks becoming a procedural formality devoid of substantive content.

A particularly illuminating section concerns the ex post assessment of legislation. Although theoretically promising as an instrument of rational governance, in practice it is frequently circumvented, instrumentalized, or reduced to a bureaucratic exercise. Młynarska-Sobaczewska and Zaleśny underscore the paradox: the legislator's principal duty is to craft norms that produce foreseeable and desirable social effects, yet the actual evaluation of those effects is sporadic, politically inconvenient, or conducted without rigorous standards. The chapter conveys a strong normative appeal – that accountability must not end with the passage of law but continue through a systematic inquiry into its outcomes.

In their treatment of judicial accountability, the authors do not shy away from controversy. They engage with the tension between judicial independence and the need for responsibility in exercising judicial power. The judiciary, as the guardian of legality, holds immense interpretive authority; yet unlike the legislature or executive, it often exists outside the typical structures of democratic accountability. The authors acknowledge the delicate balance that must be maintained: courts must remain insulated from political pressure, yet they should not be immune to critique, transparency, or standards of justification. This discussion resonates strongly in post-authoritarian or illiberal contexts, where judicial institutions are either captured by political interests or falsely presented as untouchable arbiters.

Perhaps the most forward-thinking part of the book lies in its discussion of non-state actors. The authors argue convincingly that Big Tech companies and transnational platforms now wield forms of power that rival, and sometimes surpass, that of the state. These actors control vast amounts of data, influence electoral processes, regulate speech, and shape public discourse. Yet they remain structurally unaccountable, governed by corporate interests rather than public law. The authors make an urgent call for the constitutional imagination to evolve – to develop new categories capable of subjecting such entities to democratic oversight. This part of the analysis echoes broader debates in global constitutionalism and digital governance, placing the book at the forefront of contemporary academic discourse.

In parallel, the authors consider civic movements and bottom-up forms of accountability. While often celebrated as expressions of democratic vitality, these too are ambivalent. Grassroots protests and social mobilizations can hold governments to account, but they lack institutionalization, sustainability, and normative coherence. Młynarska-Sobaczewska and Zalesny stress that accountability cannot be outsourced solely to public pressure or spontaneous activism. What is required is a rethinking of institutions themselves – making them more open, dialogical, and responsive without compromising legality or procedural safeguards.

From a methodological standpoint, the book is remarkable for its interdisciplinary fluency. It weaves together constitutional doctrine, political theory, comparative law, and normative philosophy. The writing is both precise and readable, with conceptual depth that avoids the trap of academic insularity. While some sections would benefit from empirical illustrations or case studies – for instance, a deeper engagement with Polish or EU institutional realities – the generalizations are cautious and substantiated. The book is also a model of internal coherence. Each chapter, while focusing on a distinct institutional sphere, returns to the central question: how to make the exercise of power reportable, contestable, and subject to shared standards? There is no naïveté in the analysis; the authors are fully aware of the forces resisting accountability: legal formalism, political clientelism, bureaucratic inertia, and private economic interests. Yet they refuse to adopt a purely critical stance. Their ultimate argument is constructive: to propose a vision of accountability that is dynamic, adaptive, and central to the constitutional project.

In sum, *Public Accountability and Constitutional Law* is not just a legal monograph. It is a manifesto for those who believe that democracy must be more than periodic voting and that constitutional-

ism must address the full spectrum of power in modern societies. The authors offer a comprehensive and intellectually ambitious account of a principle that too often remains underdefined and under-enforced. Their work will resonate with scholars of law and political science, as well as with practitioners seeking to reinvigorate democratic institutions. At a time when cynicism toward politics is growing and institutional trust is in decline, this book restores confidence in the law's potential to illuminate, restrain, and ultimately civilize the exercise of power.

Bibliography

Młynarska-Sobaczewska A., Zaleśny J., *Public Accountability and Constitutional Law*, Routledge 2025.