fourth chapter, Sanford analyzes the post-1989 constitution formation. His assessment of the final outcome, the 1997 Constitution, is critical: he describes the document as “long, being made up of 243 articles – which are far from consistent with one another – and which often involve much wordiness and ambiguity” (p. 91). Yet he goes on to remark that this “lack of internal homogeneity, precision and sharpness was the inevitable, but by no means damaging, result of a painful and tortuous process – the only way by which a democratic constitution could have been written under Polish conditions” (p. 91). This reviewer happens to share this opinion – and only regrets that the author does not devote a little more attention to the substance of the many controversies involved in and generated by the constitution making process (that is to actual constitutional politics).

Chapters 5 through 8 are devoted to a systematic presentation of various institutions constituting the Polish democratic state: the parliament, the executive (where the emphasis is on tensions between the Sejm, the president, and the prime minister and his/her cabinet), the mechanisms of representation (elections and party system), and the institutions of judicial review and state control. In a brief concluding chapter Sanford looks at the Polish Constitution as a framework for democracy. He observes that “most of institutional controversies of the early 1990s have now been resolved” and notes that “any weaknesses of the Polish political system [...] lie more with its actors than in institutions themselves” (p. 233). Arguably, developments that have taken place since the book was completed seem to confirm this analysis.

Throughout the book, Sanford presents his arguments in an objective way, carefully balancing the pros and cons. He does not, however, shy away from expressing strong opinions, whenever he deems it appropriate. Such is the case with his assessment of Lech Wałęsa’s presidency, which he describes – providing abundant details to support this view – as “an embarrassing failure” (p. 145).

As in any work of such magnitude, one can find certain shortcomings. The way the author cites public opinion data is somehow nonchalant; he tends to cite data out of context, which often leads to the proverbial comparison of apples and oranges. There are also certain editorial oversights that may confuse the reader: AWS’s support for Kwaśniewski’s presidential candidacy is mentioned where the author obviously means its support for Krzaklewski, Kwaśniewski’s main rival (p. 146); Prime Minister Olszewski’s first name should be given as Jan, not Stefan (p. 148); the influential Catholic monthly Wież has been Warsaw-, not Krakow-based (p. 56); the second in the line of Waza (Vasa) kings was Władysław IV, not Zygmunt IV (p. 8). These minor errors notwithstanding, Democratic Government in Poland is an indispensable source for all students of Polish politics. But also those interested in democratic politics in general will be well-advised to read this book and use it as a reference.

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The fall of the Berlin Wall and the crumbling of Communism created a “democratic moment” – an opportunity for the citizens of Central and East European nations to craft systems of governance that reflected individual and collective preferences. The design and selection of rules to order the relationship between the governors and the governed
are perhaps most apparent, and potentially most important, in the process of writing a Constitution, the set of rules that sits atop the hierarchy of laws in a rule-of-law society. A decade after this “democratic moment,” Stefan Voight and Hans-Jurgen Wagener convened a workshop of social scientists, legal thinkers, and practitioners from different countries in the region (e.g., Bulgaria, Hungary and Poland) to assess the process and impact of Constitution crafting. While the contributions to the workshop and ultimately the edited volume Constitutions, Markets and Law tackle various aspects of constitutions and the constitutional design process, the inquiry that connects the chapters together is whether economic theory in its normative and positive variants can identify a universal set of optimal governance rules for constitutions, or whether governance rules are better conceived of as temporary, but cumulative, agreements between competing interests and more reflective of localized societal norms. The answer, as to be expected from an interdisciplinary edited volume, is that it depends.

In engaging this overarching question about first-order principles versus the exigencies and norms of the society on which the rules will be applied, Voight and Wagener have brought together an interesting interdisciplinary group - political scientists, economists, legal scholars, former jurists, constitutional designers, and the like. In addition, their edited volume effectively uses reflective commentary from the authors for most of the substantive chapters. For example, Ruth Gavison’s initial chapter on what belongs in a Constitution (e.g., bill of rights, allocation and separation of powers between branches) is followed by constructive commentary by Horst Hegman, a legal scholar in Germany. The editors follow the same approach for most chapters in the book with great success. The edited volume reads like a conversation about various elements of constitutional design (e.g., the relationship between the state and the economy, the separation of powers, the role of the judiciary in interpreting the constitution, delegated powers, constitutional change) between friendly intellectual opponents. The editors are to be credited for this approach as it allows the reader to engage each set of questions as a debate rather than simply one perspective.

The editors also are to be credited for bringing together scholars and practitioners to wrestle with the basic overarching question. As might be expected, academics put more faith in the prospect that economic theory can identify an optimal and universal set of constitutional rules, while those who have participated in the design process in various Central and Eastern Europe nations are less sanguine about this prospect and more inclined to say that constitutions are contextualized, a function of bargains between competing parties in the design process, and a reflection of the culture and norms in which the rules are adopted.

This juxtaposition and the back-and-forth nature of the edited volume are most apparent in first-rate chapters by Peter Ordeshook (a political scientist), Ivan Krastev (a participant in Bulgaria’s constitutional design process) and Palista Peeva, and Imre Voros (a former member of the Hungarian Constitutional Court). Ordeshook takes a deductive approach in answering the question: “Can constitutions encourage political stability or are they mere ‘parchment barriers’ whose provisions are sustained for reasons wholly exogenous to their design?” (p. 166) Ordeshook views constitutions from a positive economic perspective, as a device for coordinating social action, rather than from the normative social contract perspective, in which constitutions represent an explicit, but incomplete delineation of rights and responsibilities between the governed and the governing. Ordeshook argues that following from the positive economic perspective a set of rules can be derived which all constitutions must have in order to serve as an effective social coordination mechanism. These rules are universal (although rooted in Western constitu-