Judicial Transformation: Selection or Defection? An Empirical Analysis of Constitutional Review Voting in the Polish Constitutional Tribunal, 2003-2021•

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***Abstract*:**

One important aspect of comparative judicial politics is explaining changes in observable behavior within the same court. One possibility is that new trends mainly reflect a diverse composition of the institution (*selection effect*). A quite different explanation is that the same judges, serving before and after an institutional reform, adjusted their behavior in some palpable way (*defection effect*). In this article, we focus on the case of the Polish constitutional court to investigate which explanation is more likely to describe the controversial judicial transformation since 2015. Using data from constitutional abstract review for the period 2003-2021, we investigate the extent to which composition and defection impact judicial outcomes. Our findings indicate that selection is more pervasive than defection in the case of the Polish Constitutional Court. [*full data analysis and conclusions are pending*]

Keywords: judicial review, constitutional court, institutional reform, populism

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1. Introduction

One important aspect of the scholarship in comparative judicial politics is explaining changes in the behavior within the same court. One possibility is that new trends in judicial behavior mainly reflect a diverse composition of the institution. A quite different explanation is that the exact same judges, serving before and after an institutional reform, adjusted their behavior in some palpable way. Both explanations are plausible, in abstract, but have significant different theoretical and policy implications.

A different composition of a court reflects a selection effect – new political appointers nominate and confirm individuals of a distinct ideology and background. Therefore, the debate should focus on selection mechanisms subject to excessive political interference (for example, court-packing strategies as suggested by Castillo-Ortiz, 2019). It is about remaking judicial coalitions as new members alter the average prevailing attitudes.

Alternatively, faced with a different set of incentives, the same judges adjust their behavior, thus a defection effect. This defection effect is consistent with agency theory (judges adjust behavior to distinct institutional conditions), but not with the attitudinal model (judges vote according to their sincere ideological preferences) and the formalist model (judges vote according to legalism or doctrinalism and not individual preferences about the political branches of government or political regimes).

In this article, we focus on the case of the Polish constitutional court to investigate which explanation is more likely to describe the controversial judicial transformation since 2015. Due to important changes in the Polish political branches of government, the constitutional court has been under a stage of judicial mutation that has attracted the attention of many commentators and legal scholars. In their review of the events in the period 2015-2018, Kovács and Scheppele (2018) point out that the long struggle to control the Polish Constitutional Tribunal was about the ruling party gaining a comfortable majority. The authors suggest that this new majority (8 out of 15) resulted from a combination of changes in composition and regrouping old allies. Once the court was considered amenable to the ruling party, constitutional innovations stopped (Sadurski, 2019a).

In a recent article, Bricker (2020) provided interesting empirical evidence to document modifications in rates and style of separate opinions after 2015. Still, previous empirical literature already shown that the Polish constitutional court tends to reflect judicial politics in line with other European constitutional courts, and in contradiction with the more traditional legalist myth of political insulation. Kantorowicz and Garoupa (2016) detailed and explained party alignments in the court for the period 2003-2013. Falkowski and Lewkowicz (2021, 2022) further verified the impact of possible political variables in organizing adjudicating panels for the period 2005-2014. Therefore, ideology -as often proxied by party affiliation- was shown to be an important determinant (although not the sole determinant) of judicial behavior in the court well before 2015.

This article proposes a different approach. The goal is to assess the extent to which observable changes in judicial behavior are mainly explained by shifts in composition or realignments within the court. Empirically, we can make use of overlapping generations of judges in the court to identify which explanation is more likely to inform judicial transformation.

Our findings provide evidence that judges on the bench previously to the 2015 Polish constitutional court reform did not show any dramatic behavioral shifts in their voting patterns. However, newly (i.e., after 2015 elections) appointed judges embraced voting positions opposed to the judges that were appointed by the majoritarian political coalition in the pre-2015 legislatures.

In section 2, we review the literature and summarize the institutional details. The data, empirical strategy and findings are discussed in section 3. Section 4 concludes the article.

2. Review of the literature

2.1. Theory and evidence of judicial transformation

In the last decades, different theories have been developed, mainly in the context of the United States, to explain judicial decision-making. These theories have been applied and refined with many applications to constitutional courts in Europe. In this respect, there is an important distinction between whether judges are guided by the formal law or by personal ideology. Formalists take the view that judges simply interpret and apply the constitution and the law in a conformist view of precedents. Judges are largely guided by what the law says and abide by a strict legal authori-

tative interpretation. The attitudinal model sees judicial preferences, with special emphasis on ideology, as the main explanatory model. Finally, agency theory recognizes the importance of judicial preferences (broadly defined) but argue that judicial choices consider political and institutional realities (Epstein and Weinshall, 2021).

One possibility is that observable changes in judicial behavior mainly reflect a new composition of the court. For example, Ozan et al. (2017) studied the impact of significant changes in the selection mechanism to appoint judges to the Turkish constitutional court. They concluded that the court seemed more conservative (in the sense of being more deferent to the executive branch) after these changes mainly due to the new composition. Another example is Garoupa et al. (2021). These authors analyzed judicial voting in the Spanish constitutional court in the last four decades. They detect a significant shift in judicial behavior in 2012, but it seems more related to different concerns (namely Catalonia and austerity to a lesser extent) and not so much to modes of collegial or panel composition. In contrast, while many local commentators blamed a transformation in judicial behavior to explain the decisions of the Portuguese constitutional court concerning the austerity measures imposed by the European Union in the early 2010s, Coroado et al. (2017) found no significant statistical evidence to support such perception.

In line with the findings of Ozan et al. (2017), a plausible theoretical explanation for adjustments in judicial behavior is that the underlying median ideology was altered, and so, unsurprisingly, the political nature of the court adjusted accordingly. This effect is consistent with all theories of judicial behavior, including the formalist model (for example, a new batch of judges simply has a diverse understanding of formal law and adjudicates new legislation).

A quite different explanation is that the same judges, serving before and after an institutional reform, have changed their behavior in some tangible way. For instance, a swift evolution in judicial philosophy could be a response to constitutional amendments. A well-known illustration is the so-called strategic defection model (Helmke, 2002 & 2004; Escresa and Garoupa, 2013) – judges realign in the political spectrum as a function of a new regime in office (more precisely, judges defect from their appointer -the previous regime- to join ranks with the judges appointed by the new regime).

In the context of democratic backsliding, the case of the Hungarian constitutional court has deserved attention by scholars, in particular after 2010 (Kovács and Tóth. 2011; Chronowski and

Varju, 2016; Kovács and Scheppele, 2018). Since there were different waves of court-packing strategies (2010 and 2013), changes in composition overlapped with potential internal adjustments (in particular, the right-wing judges selected before 2010). Moreover, the ruling party could nominate and confirm judges after 2010, with the exception of the period 2015-2018 when they lost the two-thirds majority. However, there is empirical evidence that ideology or political inclinations mattered well before 2010 (Pócza et al, 2022).

A study of dissenting coalitions in the Hungarian constitutional court (Pócza et al, 2019) shows a complex geometry: some of the old right-wing judges (elected before 2010) dissented with old left-wing judges after 2010. Nevertheless, left-wing judges formed a more cohesive group even before 2010, and published dissent rather (or almost exclusively) together already before 2010. Dissenting rates have been on the rise after 2013 (as new judges elected by the right-wing constitutional majority became the majority and left-wing judges left the benches, i.e., the court became politically homogeneous and favorable to the ruling party).

2.2. Past and present of the Polish Constitutional Tribunal

2.2.1. The Court in years 1982-2015

The Constitutional Tribunal (Trybunał Konstytucyjny; hereafter TK) was formally (constitutionally) established under the socialist regime in 1982. It took however three more years to promulgate a relevant statuary act (April 1985) and appoint first judges (November 1985). In the end, the first ruling of the TK came about only in 1986. As stressed by Garlicki (2019: 142), in its formative years the TK was institutionally weak. For instance, its judgments were not final as they could be nullified by the parliament. However, the circumstances of late 1980s and the demise of the communist party quickly resulted in the TK gaining more autonomy and taking active role in filling up constitutional vacuum in post-socialist Poland and contributing to institutional stabilization in the first years of transformations (Garlicki, 2019: 143., Sadurski, 2019b). Note that it was only in 1997 when Poland finished a long-overdue process of drafting a new democratic constitution. As a result of gaining enough legitimacy in its early years of functioning and being perceived as an indispensable part of the Western-like institutional setup, there was no opposition as to whether the TK should remain in the new constitution (Garlicki, 2019: 143). The differences among the

drafters revolved, however, around the extent of authority endowed upon the TK. Ultimately, the powers of the TK vis-à-vis the parliament were strengthened so it could properly serve its duty in protecting new constitutional order. According to Garlicki (2019: 143), when establishing the TK prerogatives, the drafters of the 1997 Constitution follow to some extent the logic of the "insurance function" of constitutional adjudication. For them, the TK was supposed to be shielded from abrupt changes due to alternating political majorities. Although abrupt changes are indeed unlikely, the system of appointments does not entirely prevent the TK to be 'politically' captured; it merely slows it down.

In 1999, the TK effectively began operating under the new institutional framework introduced by the 1997 Constitution and the 1997 Constitutional Tribunal Act. From then onwards, statutes or their parts are null and void if they are declared unconstitutional by the TK. The parliament cannot any longer nullify these decisions. Organization-wise, as of 1999, the TK is composed of 15 judges (12 judges before 1999) appointed for a non-renewable term of nine years (8 years before 1999). The nomination and appointment procedures remained intact, thus the candidates to the TK are nominated by a group of at least 50 Sejm (the lower chamber of the parliament) deputies or the Presidium of the Sejm. From the nominees, the Sejm then appoints those candidates who obtain an absolute majority of votes with at least half of the deputies present. What changed, however, was the appointment procedure concerning the President and Deputy-President of the TK. The new statute committed the President of the Republic to appoint those bodies from a group of two judges put forward by the TK itself (selected through an internal voting at the General Assembly of the TK). Previously, this prerogative was bestowed upon the Sejm. Hence, the new system introduced a little bit more of checks-and-balances in cases of divided government, i.e., where the President of the Republic is not from the same party as parliamentary majority. It is worth mentioning that the new law operating from 1999 also restrained the discretion of the President of the TK. Namely, they lost the privilege of composing adjudicating benches and assigning a rapporteur role. In line with new procedures, the composition of benches and the assignment of rapporteur are derived based on an alphabetical order. Nonetheless, as found by Falkowski and Lewkowicz (2021, 2022), some major deviations from this system were common.

Apart from non-renewable judicial terms, there are several other mechanisms in place, which serve to ensure independence of appointed judges. First, they are irremovable from office by politicians

and protected by the immunity. A judge may be subject to a disciplinary punishment and removal from the office only in accordance with the TK internal procedures. Second, judges are entitled to a permanent salary and after their term at the TK to a retirement package given that they do not serve any other functions. Third, judges must not be members of political parties and unions or hold high public offices. Yet, their former political engagement does not exclude judicial appointment. In fact, past political activism is not uncommon among past and current TK judges.

The TK judgments are issued by benches of either three or five judges if cases are not excessively complicated or by a (full) bench of 15 judges if the case is complicated or significant. All 15 judges also decide the cases sent by the President of the Republic for an *ex ante* preventive review. Since in this article we consider only abstract judicial review cases, the benches considering such cases are composed of either five or 15 judges (full benches). There were some cases, however, where the full bench did not count 15 judges either because some judges were involved in the legislative processes of acts under considerations and had to exclude themselves. Although this would normally be the major reason as for why the full bench did not amount to 15 judges, in more recent times some judges were excluded from adjudication by the President of the TK based on the argument that their appointment was unlawful (more on this in the following sections).

Overall, in the period from late 1980s to 2015, the TK managed to establish itself as a trustful and well-functioning institution able to effectively protect democratic process and the rule of law. It is not to say that the TK rulings were always uncontroversial, but that on the whole the assessment of TK was by and large positive. Up until the late 2015, around 40% of the public has been evaluating the activity of the TK as good and only 10% as bad (CBOS, 2020). In contrast, the lower chamber of parliament – the Sejm – was assessed positively by only around 20% of the public and negatively by more than 60% (ibid.).

Much changed when the Law and Justice party (Prawo i Sprawiedliwość; hereinunder PiS), first, won the presidential elections in May 2015 and, second, the parliamentary elections in November 2015[1]. More about it follows in the next subsection. However, 2015 was not the first time when

[1] PiS is the main party of the conservative political alliance called United Right. The United Poland (Solidarna Polska) and the Agreement (Porozumienie) were two junior partners in this alliance; the Agreement formally quit the alliance in August 2021. Importantly, these parties created one voting list in the parliamentary elections in 2015 and 2020, thus formally they did not need to establish governing coalition. It is important to note that the two junior parties would have a hard time to reach the electoral threshold of 5% and enter the parliament as a separate political entity. The major opposition parties to the left from PiS are the Civic Platform (Platforma Obywatelska) and the New Left (Nowa

PiS assumed power in Poland. A PiS nominee – Lech Kaczyński – won presidential campaign in May 2005 and in Autumn of the same year PiS won parliamentary elections, yet with the support of roughly 27% was not able to establish a single party government. The coalition government was formed together with two junior partners – Liga Polskich Rodzin (close to 8% of support) and Samoobrona (11.4% of support). This coalition survived for only two years and new elections were called as early as in 2007. The fact that in years 2005-2007 PiS was ruling in the coalition with two other parties, which had a relatively high public support, could explain why PiS was not yet so radical towards the TK. First, PiS did not manage to entirely monopolize judicial nominations and appointments. Based on the examination of nomination processes performed for the study by Kantorowicz and Garoupa (2016), it is clear that the candidates to the TK were nominated by PiS (4 judicial appointments) and its junior political partners separately (3 judicial appointments). Second, to obtain the support from the coalition partners for its nominees, PiS was likely incentivized to put forward somewhat more moderate candidates than it would have been in the situation when no support from junior coalition partners was needed. What is also important is that years 2005-2007 were PiS's first experience in governing. For a party having majoritarian political tendencies, it clearly became frustrating to be restrained by a counter-majoritarian body such as the TK, which declared unconstitutional and blocked several of PiS legislative proposals. According to Sadurski (2019b: 61), "the memory of these collisions between the PiS government and the TK in 2005-2007 certainly colored PiS's attitude to constitutional review when it turned to power in 2015". It is clear that by derailing some of the PiS legislative proposals, the TK triggered growing antipathy from PiS. Yet, even without it, the PiS's approach towards the TK would be rather negative as, by and large, PiS's circles were and are rather critical of the 1997 Constitution, which gave birth to a more institutionally empowered TK. The fact that President Kaczyński has never filed the petition to the TK for an *ex ante* preventive review during his nearly five year presidential term is interpreted by some as a symbolic expression of discomfort with this institution (Sadurski, 2019b: XX)

Lewica), which are members of two different coalitions, the Civic Coalition and the Left, respectively. The Polish People's Party (Polskie Stronnictwo Ludowe) is another opposition party, which has a relatively good presence in the local governments and was a junior partner to PO in the governing coalition in years 2007-2015. The new Poland 2050 (Polska 2050) party is recently gaining popularity but has a small representation in the parliament as it did not compete in the 2020 parliamentary elections. To the right from PiS, there is another opposition party called the Confederation (Konfederacja).

2.2.2. ***The Court under pressure and the new normal***

Shortly after PiS regained power in November 2015, the 'battle' with and over the TK began. The actions undertaken by PiS aimed to pack the TK with its appointees and paralyze its functioning, at least until PiS would secure a safe majority in the court. The timeline of the events follows the meticulous description by Sadurski (2019b: 58-95).

The most consequential decision by PiS was to block the appointments of five TK judges elected by the previous center-right PO-PSL[2] governing coalition. The end of 2015 was marked by the end of term of five TK judges; three judges were finishing their term in early November and two others in the first days of December. The outgoing PO-PSL coalition, anticipating that PiS would win the forthcoming elections, decided in October 2015 to fill all five vacancies, even though the two December judges should have been already appointed by the new parliament, hence by the PiS majority. This dishonest and, what turned out later, also unconstitutional[3] step by the PO-PSL coalition gave an excuse to PiS to fail to recognize all five appointees, even though three out of five of them were appointed correctly. In an attempt to legalize this move, the newly established Sejm adopted a resolution on November 25 declaring the appointment of all five judges invalid and, based on this, President Duda refused to take oaths of office from all. On December 2, PiS pushed forward its own appointees for all five seats[4], despite the fact that three vacancies were filled correctly by the previous parliament and that PiS's prerogative was to appoint only two judges[5]. President Duda swore in all five PiS appointees during the night of the same day, just hours before the TK declared that the appointment of three extra judges was unconstitutional (judgment K 34/15 from December 3). The three wrongly, according to the TK, appointed judges[6] received salaries and offices in the building of the TK, however, they were not assigned any cases for adjudication up until December 2016 when Julia Przyłębska, a PiS appointee, was elected as the President of the TK. Justice Przyłębska was elected as the President by the supposedly full

[2] Platforma Obywatelska and Polskie Stronnictwo Ludowe.
[3] Judgment from December 3, 2015. K 34/15
[4] In the judgment from December 9, the TK found that the law which legitimize the election of three judges unconstitutional.
[5] Two correctly appointed judges were Julia Przyłębska and Piotr Pszczółkowski. The latter - Justice Pszczółkowski - is the only PiS appointed judge whose decisions are not in line with party preferences.
[6] Henryk Cioch, Lech Morawski and Mariusz Muszynski.

bench of judges[7] including, what came to be known in popular parlance, three 'pseudo' judges. Some thus consider the election of Justice Przyłębska as the President to be invalid. The first judgment involving the 'pseudo' judges dates to February 2017. Since then, multiple other judgments were issued with the participation of three 'pseudo' judges, including the judgment finding that some provisions of the Treaty of the European Union are incompatible with the Constitution. It is questionable whether the judgments signed by the 'pseudo' judges are valid and what will happen with them in the future.

The election of Justice Przyłębska as the President of the TK coincided with some successful attempts to 'remove' several judges appointed by the PO-PSL coalition from adjudicating or diminishing their roles in proceedings. The first attempt was orchestrated by the Minister of Justice and the Attorney General – Zbigniew Ziobro – who challenged the validity of appointments of three PO-PSL judges[8] in 2010 who supposedly were elected *en bloc* rather than separately. This challenge was then used to remove all three judges to seat on cases involving a full bench. The petition for removing these judges was supported with an argument that the judges in question may express their prejudices against the office of Attorney General, who is part of TK proceedings even in cases not challenged by the Attorney. The measure to remove the three PO-PSL appointed judges from adjudicating was authorized by a bench of three PiS appointed justices and the duration of the removal was at the discretion of the President of the TK, i.e., Justice Przyłębska. The second attempt was to effectively remove Justice Biernat, a PO appointee and the then Deputy President of the TK, from administrating and adjudicating by obliging him to use outstanding holiday leave entitlements. The decision to send Justice Biernat for compulsory vacations was issued by Justicee Przyłębska in April 2017. Justice Biernat remained *de facto* removed from the TK until the end of his term in June 2017. Lastly, on several occasions Justice Przyłębska replaced judge rapporteurs on pending cases where old PO-PSL judges were assigned this role and she deviated from the statutory rule to assign the cases in an alphabetical order in composing adjudicating benches. The latter strategy was likely to avoid composing the panels where old judges would have the majority,

[7] Justice Rymar did not manage to return to Warsaw from a short leave due to a short notice of calling the General Assembly of the TK. In response to this, eight judges refused to vote resulting in the Assembly not reaching necessary quorum. Further irregularity concerning Justice Przyłębska election to the Presidential position concerns the fact that as an acting President (the position not known in the TK acts), she arguably did not have a competence to convene the Assembly. The convening prerogative was likely in hands of the Deputy President, Justice Biernat.
[8] Justices Rymar, Tuleja and Zubik.

at least in most politically sensitive cases. In June 2018, all remaining old judges issued a letter to Justice Przyłębska contesting her decisions of appointing judge rapporteurs and panels' chairpersons, changing the composition of panels without providing any reasons for these changes and systematically overlooking some judges when composing the benches.

Besides the court-packing operation, PiS had another tactic to derail the operation of the TK until the moment it would gain the majority in the court. This tactic relied on producing new laws concerning the TK with an attempt to paralyze the court as it was supposed to adjudicate on issues involving itself. Between November and December 2016, there were six new statutes concerning the TK. This legislative inflation combined with court-packing successful attempts and refusal by the government to publish certain TK judgments[9] resulted in changing public perception of the TK. In the opinion poll conducted in December 2020, 59% of the respondents evaluated TK negatively and only 20% positively (CBOS, 2020). Furthermore, to demonstrate that the TK is fully captured by PiS and that its decisions should not be taken seriously, in popular parlance the term 'Julia Przylebska's Tribunal' got traction.

In June 2016 when PiS finally gained the majority in the TK, the new era started in the relationship between the TK and the governing coalition. Legislative and court-packing offences stopped, and the TK converted into a helper and rubber stamp for PiS's legislative and controversial proposals. Under this 'new normal', as specified by Sadurski (2019b: 7), constitutional review does not function as a check on power, but rather as a tool to consolidate power and restrain the opposition.

3. Empirical Analysis

3.1. Data

For this study we assembled data on all judges' dissenting opinions in abstract judicial review cases. Judges who disagree with the majority decision of the bench are allowed (but not required) to present their *votum separatum* (dissenting opinion), which is then appended to the judgment. The dissent can be issued for the entire judgment or only part of it. Judges are also allowed to issue

[9] It is important to note that even though, all judgments were eventually published by the government, some of the judgments were still missing in the TK case database when the dataset for this study was collected (December 2020, January and July 2021). These missing cases were K 47/15, K 39/16, and K 44/16.

the so-called concurring opinions, which present a different opinion as to the reasoning of the judgment. In other words, judges may approve the final decision of the bench, but they contest the argumentation presented in the judgment.

Abstract judicial review can be triggered by a broad range of actors[10], of which the most important are the President of the Republic, a group of at least 50 MPs, and the Ombudsman. Note, however, that only the President can trigger preventive (*ex ante*) abstract judicial review. Accordingly, we gather all information on dissents from cases labeled with a K (*ex post* abstract review) and Kp (*ex ante* abstract review) for the period January 2003 to July 2021. [11]

All *ex ante* and *ex post* abstract review final judgments were extracted from the Internet Portal of Rulings (Internetowy Portal Orzeczeń, IPO). The IPO allows to filter relevant judgments by year and label, i.e., K and Kp respectively. Overall, the dataset contains information on 435 final judgments. It is to note that each judgment may consist of multiple decisions and dissenting opinion can be issued as to particular decision. In the analyzed time period, there was nearly three decisions on average per each final judgment.

We started from an original database including 10226 votes on 1248 decisions of the TK taken from 1/1/2003 to 31/7/2021. Nearly 92% of the votes came from *ex post* abstract reviews (K), and the remaining 8% from *ex ante* abstract reviews (Kp). About 37% of votes were on the cases petitioned or co-petitioned by the members of the Lower Chamber of the Parliament (Sejm) and 34% by the Ombudsmen. These two groups of actors were the dominant petitioners for the analyzed cases in the time period under investigation. Justices Cieślak, Łętowska, Niemcewicz, Mazurkiewicz, Hermeliński, Wyrzykowski, Liszcz and Zdziennicki are among the most "active" judges in our dataset as each of them provides more than 4% of the total votes.

[10] Formally, this lists includes: (i) the President of the Republic, (ii) the President of the Sejm or the President of the Senate, (iii) the Prime Minister, (iv) 50 deputies or 30 senators, (iv) the First President of the Supreme Court, (v) the President of the Chief Administrative Court, (vi) the Public Prosecutor-General, (vii) the President of the Supreme Chamber of Control, (viii) the Commissioner for Citizens' Rights (Ombudsmen), (ix) the National Council of the Judiciary, (x) the constitutive bodies of local self-government, (xi) the national bodies of trade unions as well as the national authorities of employers' organizations and occupational organizations, and (xii) churches and religious organizations.

[11] In the empirical analysis, we do not distinguish between K and Kp cases as *ex ante* abstract review (Kp) are too few to be separately analyzed.

Since both the general elections for the renewal of the National Assembly (Sejm and Senate) and the presidential elections took place in 2015 (on 25 October and 10 May, respectively) we compare political ideology of the judges at the TK before and after 2016.[12] Following the electoral outcome of 2015, in fact, the PiS obtained an absolute majority in parliament and for the first time since its restoration to democracy, which took place in 1989, no left-wing party was elected to parliament.

Table 1 reports, for each judge in the original database: the political affiliation of the appointer(s) in column (b); the timing of the mandate (date of appointment, retirement date, leaving empty cells for judges who were still on the bench at the end of the observation period) (columns (e)-(f)), specifying whether a judge has: i) participated in at least one decision of the court before and after 2015 ("yes" vs. "no"); ii) expressed at least one dissent in at least one non-unanimous decision ("yes" vs. "yes not dissenting") (columns (c)-(d)).

Table 1 – Judges appointed in the TK: mandates, votes (before and after October 25, 2015), dissents, observation period and political affiliation of the appointer.

Judges appointed at the TK	**JUDGE CODE**	**Appointer's Political affiliation**	**judges voting in decisions of the court before 2016**	**judges voting in decisions of the court after 2016**	**Starts mandate**	**Finishes mandate**
Name/Surname	(a)	(b)	(c)	(d)	(e)	(f)
Stanisław Biernat	j01	PO	yes	yes not dissenting	2008	2017
Jerzy Ciemniewski	j02	UW	yes	no	1998	2007
Zbigniew Cieślak	j03	PiS	yes	no	2006	2015
Henryk Cioch	j04		yes not dissenting	yes not dissenting	2015	2017
Teresa Dębowska-Romanowska	j05	UW	yes	no	1997	2006
Maria Gintowt-Jankowicz	j06	PiS	yes	no	2006	2015
Mirosław Granat	j07	LPR/SMBR	yes	no	2007	2016
Marian Grzybowski	j08	SLD	yes	no	2001	2010
Wojciech Hermeliński	j09	PiS	yes	no	2006	2015
Adam Jamróz	j10	SLD	yes	no	2003	2012
Grzegorz Jędrejek	j11		no	yes not dissenting	2017	2020
Zbigniew Jędrzejewski	j12	PiS	no	yes	2016	
Wiesław Johann	j13		yes not dissenting	no	1997	2006
Leon Kieres	j14	PO	yes	yes	2012	2021
Marek Kotlinowski	j15	LPR/SMBR	yes	no	2006	2015
Ewa Łętowska	j16	SLD	yes	no	2002	2011
Biruta Lewaszkiewicz-Petrykowska	j17		yes not dissenting	no	1997	2006
Teresa Liszcz	j18	PiS	yes	no	2006	2015
Andrzej Mączyński	j19		yes not dissenting	no	1997	2006
Marek Mazurkiewicz	j20	SLD	yes	no	2001	2010
Lech Morawski	j21		yes not dissenting	yes not dissenting	2015	2017

[12] We use January 1st as a break date. Setting the break to October 25, 2015 (elections for the General Assembly) does not involve a large shift of observations (decisions of the court) from the post-election to the pre-election period and leaves the results of the regression analysis almost unchanged.

Mariusz Muszyński	j22	PiS	yes	yes	2015	
			not dissenting			
Janusz Niemcewicz	j23	UW	yes	no	2001	2010
Krystyna Pawłowicz	j24		no	yes	2019	
				not dissenting		
Stanisław Piotrowicz	j25		no	yes	2019	
				not dissenting		
Justyn Piskorski	j26		no	yes	2017	
				not dissenting		
Julia Przyłębska	j27	PiS	yes	yes	2015	
			not dissenting			
Piotr Pszczółkowski	j28	PiS	yes	yes	2015	
			not dissenting			
Małgorzata Pyziak-Szafnicka	j29	PO	yes	yes	2011	2020
			not dissenting			
Stanisław Rymar	j30	PO	yes	yes	2010	2019
				not dissenting		
Andrzej Rzepliński	j31	PO	yes	yes	2007	2016
				not dissenting		
Marek Safjan	j32	AWS	yes	no	1997	2006
Jadwiga Skórzewska-Łosiak	j33		yes	no	1995	2003
			not dissenting			
Bartłomiej Sochański	j34		no	yes	2020	
				not dissenting		
Jakub Stelina	j35		no	yes	2019	
				not dissenting		
Jerzy Stępień	j36	AWS	yes	no	1999	2008
Wojciech Sych	j37	PiS	no	yes	2019	
Piotr Tuleja	j38	PO	yes	yes	2010	2019
Michał Warciński	j39	PiS	no	yes	2016	
Rafał Wojciechowski	j40		no	yes	2020	
				not dissenting		
Andrzej Wróbel	j41	SLD	yes	yes	2011	2017
Sławomira Wronkowska-Jaśkiewicz	j42	PO	yes	yes	2010	2019
Jarosław Wyrembak	j43	PiS	no	yes	2018	
Mirosław Wyrzykowski	j44	SLD	yes	no	2001	2010
Marian Zdyb	j45		yes	no	1997	2006
			not dissenting			
Bohdan Zdziennicki	j46	SLD	yes	no	2001	2010
Andrzej Zielonacki	j47		no	yes	2017	
				not dissenting		
Marek Zubik	j48	PSL	yes	yes	2010	2019
				not dissenting		

3.2. Empirical Strategy

3.2.1. IRT analysis

According to a consolidated theory regarding judicial ideology,[13] we adopt a Bayesian approach to estimate the posterior distributions of judges' ideal points, using the Item Response Theory (IRT). In particular, ideal points are supposed to reflect judges' ideology on some latent dimension, which is normally conjectured as being of political nature.

[13] See, for instance, Martin and Quinn (2002).

We estimate the evolution of each judge's ideology using both static and dynamic IRT. In the static IRT implementation, we assume that x_{ij} is the vote of each Justice j (j = 1, . . . , J) for case i (i = 1, . . . , N). We assign value 1 to dissenting opinions (x_{ij} = 1), and 0 otherwise. According to equation (1), the (random) utility of each judge while deciding on each case brought before the court is a latent variable (z_{ij}) responding to the personal (latent) attributes of the judge as well as the characteristics of the decision:

$$z_{ij} = -\alpha_i + \beta_i \theta_j + e_{ij} \quad (1)$$

In particular, we assume that each judge's ideal point (θ_j) can be measured indirectly by observing the judge's votes (x_{ij}) on decisions of the Court. We assume that x_{ij} = 1 if z_{ij}>0 and x_{ij} = 1 if $z_{ij} \leq 0$. We allow the presence of possible case characteristics that adjust the particular preference of an individual judge to the relevant dimension when faced with a specific decision. In particular, the parameter β_i can be interpreted as a discrimination parameter, which provides information on how effectively a decision on a given issue can discriminate between judges' ideology on the recovered dimension, while accounting for a particular location of the decision in the relevant space (α_i) since it seems reasonable to assume heterogeneity across cases decided by the court. We assume that e_{ij} is a zero-mean error term.

In the dynamic IRT implementation (equation (2)), we assume that x_{ijt} is the vote of each judge j (j = 1, . . . , J) for case i (i = 1, . . . , N) decided at time t (t = 1, . . . , T). Dissenting and non-dissenting votes (x_{ijt}) are coded as above. According to equation (1), the (random) utility of each judge while deciding on each case brought before the court is a latent variable (z_{ijt}) responding to the personal (latent) judges' characteristics and other features related to the case decided by the court:

$$z_{ijt} = -\alpha_i + \beta_i \theta_{jt} + e_{ijt} \quad (2)$$

In particular, we adopt years as time units (t).[14] The definition of z_{ijt} and case characteristics β_i and α_i , as well as the error term are the same as in equation (1). In particular, in the dynamic context, we contemplate the possibility that the excess utility to a given judge can vary across each year.

[14] This will end up with the estimation of one ideal point per year per judge.

In general, the purpose of this analysis, is to verify whether there have been changes in the ideological pattern of judicial behavior and/or whether the new generation judges (especially those appointed after 2015) tends to behave differently from the old generation (comparing the evolution of the ideology of the judges retired before 2015 with the ideology of those who have been on the bench across the 2015 electoral phase).

More precisely, the static IRT will provide two sets of ideal point distributions (one per each judge) before and after 2015. We are interested in observing any possible shifts of the ideal points of judges appointed by each political party along a hypothetical ideological spectrum. Compared to static analysis, dynamic estimation should give a clearer idea of the evolution of ideology over the years of mandate of each individual judge, especially those deciding cases across the electoral time.

Conforming to the consolidated theory on estimation of judges 'ideology, we use the Bayesian Markov chain Monte Carlo (MCMC) method to estimate the posterior probability distributions, assuming standard normal priors for both the error term and the item parameters. The static IRT was performed on the two sub-periods 2003-2014 and 2015-2021, whereas the dynamic IRT was performed on the overall period of analysis (2003-2021).

The static IRT was applied on each sub-period, before and after the 2015 elections and considering only non-unanimous cases (respectively 182 and 52 decisions). In the dynamic IRT was applied to all 234 decisions in from 2003 to 2021.[15] Overall, 3,672 votes were considered in the analyses.

In addition, and unlike previous studies conducted on other courts (e.g., Martin and Quinn, 2002), in the case of TK we experience a relatively high degree of uncertainty regarding the potential drivers that could guide judges' ideology. They could be either of political nature or based on other grounds which cannot be aprioristically detected or inferred. Therefore, we prefer to initially rely on an unconstrained IRT estimation, allowing the unconstrained output to unveil the nature of the laten dimension(s). To this aim, after performing the unconstrained IRT, we correlate the estimated means of the posterior distributions of the ideal points with judges' political affiliations and other judges' characteristics to see if there is any significant correlation between ID points and dummy variables expressing political membership and/or judges' personal traits which may be suggestive

[15] The original non-unanimous decisions were 347, corresponding to 3661 votes. However, the IRT procedure discards judges that, although participating to non-unanimous decisions, never expressed any dissenting opinions.

of some forms of constraints to allow a refinement of the initial IRT at some later stage of the analysis.

Results of both the static and dynamic MCMC models are reported in Table 2 and Table 3, respectively. As for the static analysis, columns (a)- (e) in Table 2 report to IRT estimation conducted on the pre-election sub-period (2003 – 2015), whereas columns (f)- (j) refer to IRT estimation conducted on the post-election sub-period (2016 – 2021). Ideal points estimated for the pre-election period are in the number of 25, while 12 ideal points are estimated in the post-election period.

Regarding the dynamic model, from each judge's posterior distributions obtained in the years in which she voted of the court, we computed the means and standard deviations in each year and averaged them across the two subperiods 2003 – 2015 (columns (a)- (e), Table 3) and 2016 – 2021 (columns (f)- (j), Table 3). Overall, 26 ideal points are estimated for the pre-election period, while 16 ideal points are estimated in the post-election period. [16]

Table 2 – IRT Analysis - Static estimation of judges' Ideal points (2003-2015 and 2016-2021)

Before 2015 elections (2003-2015)					After 2015 elections (2016-2021)				
Judge's code	**Number of votes**	**Political affiliation of the appointer**	**Ideal points: Mean of posterior distributions**	**Std. Dev. of posterior distributions**	**Judge's code**	**Number of votes**	**Political affiliation of the appointer**	**Ideal points: Mean of posterior distributions**	**Std. Dev. of posterior distributions**
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)
j46	127	SLD	-4.11	0.58	j22	18	PiS	-2.09	0.63
j16	127	SLD	-0.47	0.16	j27	31	PiS	-1.82	0.52
j20	122	SLD	-0.34	0.15	j12	35	PiS	-1.8	0.48
j44	128	SLD	-0.33	0.14	j39	17	PiS	-1.51	0.5
j02	102	UW	-0.26	0.14	j28	19	PiS	-0.59	0.29
j36	108	AWS	-0.25	0.14	j41	133	SLD	0.08	0.26
j08	52	SLD	-0.17	0.2	j37	6	PiS	0.14	0.79
j23	129	UW	-0.14	0.12	j43	6	PiS	0.14	0.68
j32	24	AWS	-0.1	0.4	j14	117	PO	1.3	0.42
j07	130	LPR/SMBR	0.15	0.11	j38	142	PO	1.31	0.55
j15	161	LPR/SMBR	0.15	0.12	j29	148	PO	2.24	0.56
j03	228	PiS	0.21	0.11	j42	155	PO	2.27	0.57

[16] Notice that, to estimate a judge's ideal point (static or dynamic) the dynamic IRT requires that at least one dissent is expressed in the overall period (2003-2021) in non-unanimous decisions, while static IRT pre-post elections requires that a judge expresses at least 1 dissent in non-unanimous decisions in each given period. For instance, if a judge was on the bench from 2003 to 2021 but she expressed dissent(s) only before the elections, then one ideal point for the overall period can be estimated. However, considering a separate estimation of static ideal points (pre-post elections) an ideal point can be estimated only in the period 2003-2015, while for the period 2016-2021 the ideal point cannot be calculated. Instead, dynamic IRT can calculate ideal points for each judge and year from 2003 to 2021, regardless of whether the dissent occurred in the pre-period or in the post-period. As a consequence, dynamic IRT can estimate a greater number of ideal points: i) because ideology is estimated for every judge and year, contrary to static IRT, which estimates only one point per sub-period (before and after the elections); ii) because it requires only one dissent to estimate a sequence of Ideal points for the entire permanence of a judge on the bench.

j10	98	SLD	0.22	0.16
j09	224	PiS	0.23	0.09
j18	231	PiS	0.56	0.11
j06	212	PiS	0.83	0.16
j05	29	UW	0.84	0.57
j48	133	PSL	0.88	0.18
j38	142	PO	1.14	0.24
j30	147	PO	1.34	0.28
j31	168	PO	1.49	0.31
j42	155	PO	1.63	0.42
j01	165	PO	1.64	0.41
j14	117	PO	1.68	0.37
j41	133	SLD	1.78	1.11

Static IRT Estimation: pre-election period (2003 – 2015) 182 decisions; post-election period (2016 – 2021) 52 decisions, total votes (overall) 3,672.
MCMC: no. iterations: 1,000,000, discarded iterations: 10000, thinning interval: 10.

Table 3 – IRT Analysis - Dynamic estimation of judges' Ideal points (2003-2015 and 2016-2021)

Before 2015 elections (2003-2015)					**After 2015 elections (2016-2021)**				
Judge's code	**Number of votes**	**Political affiliation of the appointer**	**Ideal points: Means of posterior distributions (average, per judge)**	**Ideal points: Std. Dev. of posterior distributions (average, per judge)**	**code**	**Number of votes**	**Political affiliation of the appointer**	**Ideal points: Means of posterior distributions (average, per judge)**	**Ideal points: Std. Dev. of posterior distributions (average, per judge)**
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)
j02	102	UW	-2.63	0.64	j12	35	PiS	-2.02	0.64
j16	127	SLD	-2.46	0.74	j27	31	PiS	-2.02	0.68
j36	108	AWS	-2.03	0.61	j22	18	PiS	-1.72	0.74
j44	128	SLD	-2.01	0.59	j39	17	PiS	-1.64	0.7
j32	24	AWS	-1.7	0.65	j28	19	PiS	-0.2	0.5
j20	122	SLD	-1.64	0.53	j37	6	PiS	0.01	0.9
j23	129	UW	-1.34	0.44	j43	6	PiS	0.45	0.86
j05	29	UW	-1.04	0.54	j41	133	SLD	0.53	0.3
j08	52	SLD	-1.04	0.49	j48	133	PSL	1.65	0.43
j10	98	SLD	-0.47	0.38	j38	142	PO	2.13	0.61
j03	228	PiS	-0.09	0.27	j14	117	PO	2.14	0.66
j15	161	LPR/SMBR	-0.02	0.3	j30	147	PO	2.26	0.67
j09	224	PiS	0.2	0.28	j31	168	PO	2.91	0.6
j46	127	SLD	0.22	0.34	j01	165	PO	3	0.64
j18	231	PiS	0.35	0.27	j29	148	PO	3.1	0.69
j06	212	PiS	0.42	0.27	j42	155	PO	3.27	0.71
j07	130	LPR/SMBR	0.43	0.34					
j41	133	SLD	0.72	0.26					
j48	133	PSL	1.05	0.32					
j38	142	PO	1.59	0.39					
j30	147	PO	2.13	0.49					
j01	165	PO	2.16	0.6					
j31	168	PO	2.19	0.56					
j14	117	PO	2.27	0.5					
j29	148	PO	2.65	0.54					
j42	155	PO	2.65	0.63					

Dynamic IRT estimation: overall period (2003 – 2015) 234 decisions, total votes 3,672.
MCMC: no. iterations:100000, discarded iterations: 20000, thinning interval: 5.
Per-judge average means, and standard deviations of the posterior distributions obtained in each year 2003 – 2015 (columns (a)- (e)) and 2016 – 2021 (columns (f)- (j)).

3.2.2. Results of the IRT analysis

First of all, having adopted a non-parametric IRT procedure without the imposition of priors, statistics in Tables 2 and 3 should, in principle, provide suggestions for attributing an orientation to the line along which we could think of ordering judges according to their ideological preferences. To facilitate the interpretation of the results, the ideal points corresponding to each judge have been sorted from lowest to highest. The codes associated with each judge make it possible to trace the specific identity of each of them through Table 1.

Let's start with the static IRT output, reported in Table 3. Before the 2015 general elections, a political (left-right) orientation seems to emerge ranging from negative (or at least relatively low) values of the Ideal points of judges nominated by left or center-left parties to positive (or relatively high) values of the ideal points of judges nominated by right or center-right parties. The only exception are the judges appointed by AWS (j32 and j36, respectively Marek Safjan and Jerzy Stępień) who seem to align with the ideology of the allegedly leftist judges (negative signs of the ideal points) and one judge appointed by SLD (j41, Andrzej Wróbel) who seem to align with the ideology of the allegedly rightist judges (columns (a)-(e), Table 2). However, we can reasonably assess that these exceptions are negligible from a statistical standpoint, as confirmed by the relatively high standard deviations of the posterior distributions (especially for Marek Safjan and Andrzej Wróbel, whereas the ideal point of Jerzy Stępień seems less dispersed around the mean of the distribution). Furthermore, this result may reasonably capture the standpoints of the AWS-appointed judges. It has to be noted that AWS was a political party created on the basis of the Solidarity trade union and, thus, on the economic issues, this party was likely to tilt towards left.

Interestingly, judges appointed by center-right or center-left parties (PO and SLD) seem to express a more polarized ideology (they are located towards the extremes of the spatial spectrum on which ideology can be represented) than judges appointed by less centrist parties. Also, in this case, however, we can consider this as a statistically legitimate anomaly, because the standard deviations of the ideal points of some judges appointed by parties at the edges of the political spectrum (LPR/SMBR, PiS, AWS) is relatively low.

Nevertheless, it seems that, before the 2015 elections, judicial ideology was dominated by political components, in the sense of a somehow univocal left-right orientation that drove their voting behavior. An important element, for the purposes of this analysis, is to inspect any possible changes in the ideological pattern expressed by judges after the 2015 elections.

From the estimates in Table 2, it emerges that the new (i.e., after the 2015 elections) judges, especially those appointed by PiS in the post-election period do not seem to locate in an ideological spectrum characterized by a purely political dimension (columns (f)-(j), Table 2). These judges, indeed, tend to show negative ideal points, as if their dissenting votes were aligned with the same ideological principles of those previously appointed by leftist parties. Mostly relevant, they set in opposition with judges appointed by PO, who set on the opposite side of the ideological spectrum (positive ideal points). Technically speaking, from the end of 2015 onwards PiS appointees replaced the lower-negative positions in the ideological spectrum, somehow "filling" those emptied by the previous occupants (mainly judges appointed by SLD, leaving the bench from 2016 onwards).

The dynamic IRT estimation (Table 3, same structure as for table 3) confirms the evidence obtained through the static model. The pattern of ideal points is also confirmed by Figures A1-A33 in the Appendix, reporting the evolution of judicial ideal points estimated through the dynamic IRT technique. In particular, it emerges that, with the exception of Justices Pszczółkowski, Sych and Wyrembak, all newly PiS appointed judges show extremely negative ideal points since the beginning of their mandate, in opposition to those appointed by the same party before the 2015 general elections. Nevertheless, even the ideology of some PiS' appointees who decided cases in both periods (pre- and post-elections) seem to have evolved towards positions that previous to the 2015 elections were filled by the leftist and center-leftist appointees (i.e., their ideal points took on lower and tending to negative values), but this evolution seems less significant than the evidence observed for the more recently appointed judges.

One possible explanation of this ideological change could be that the PiS newly appointed judges who "replaced" those appointed by the PO-PSL (Justices Rymar, Tuleja, Zubik, and Biernat) who were removed or limited in their adjudicating role by the various attempts by PiS to "subvert" the political dynamics in the court, thus pressured by the public opinion to demonstrate their impartiality. In order to avoid public stigma, this may explain why they might have diverted from by

aligning with the ideology of the previous PiS appointees. However, this explanation seems to be inconsistent and poorly supported by the facts. Indeed, if the shift towards neutrality was a credible explanation, these judges would be set in intermediate positions of the ideological axis such as PiS judges appointed in years 2005-2007.

There are two more plausible explanations as to why newly PiS appointed judges differ from PiS appointed judges in 2005-2007 and, likewise, why the new PiS appointees occupy positions of older left endorsed judges. First, one should note that appointments in years 2005-2007 were pursued in the situation where PiS was in the coalition with two junior parties (LPR and SMBR). That could mean that the PiS appointees were more moderate they could have been otherwise since they needed to be proved by the junior coalition members. Second, it is likely that PiS ideological position has shifted between 2005 and 2015. It should not be unexpected given that PiS was created only in 2001 and in its early years could still have been in the ideology formative period. This explanation seems to be reasonable. For instance, according to the Manifesto Project, currently PiS observes much higher scores on the planned economy aspects and much lower scores on the market economy aspects.

A final possible explanation is that after 2015 other important ideological elements, in addition to the political one, took over in the judges. From a technical point of view, this would translate into the existence of a second dimension in the ideological spectrum estimated with the IRT analysis.

3.2.3. Robustness analysis: Two-dimensional and constrained IRT estimation

To test the last hypothesis mentioned in the previous sub-section, we estimated the basic IRT model by imposing the existence of two dimensions. The result is not particularly insightful (see Table A1 in the Appendix). Specifically, the two estimated dimensions tend to reflect the same ideology: before the 2015 elections, judges predominantly appointed by left-wing parties are placed at the negative end of the ideological spectrum, and judges appointed by right-wing parties towards the negative end (columns (a) - (c) and columns (d) - (f), Table A1), assessing the existence of a one- dimension ideology driving the votes of the TK in the period investigated in this study. This single dimension possibly changes in some respect, as like in the main analysis the ideal points estimated after the elections tend to set the judges (especially newly) appointed by the

PiS, in opposition to those appointed by the OP in both dimensions (columns (g) - (i) and columns (j) - (l), Table A1).

For further robustness check, we also conducted IRT analysis by constraining the positions of some judges to have ideal points of a given sign. In the first constrained analysis, we imposed that Justice Julia Przyłębska (j27), president of the court after the 2015 elections and well-known aligned with the PiS majority, had a negative ideal point in opposition to the judges appointed by PO, as indicated by the previous unconstrained estimates. Confirming what was previously found, the ranking of the judges does not change, assuming a predominantly political connotation before the elections (columns (a) - (d), Table A2) and contrasting PiS appointees to PO appointees after the elections (columns (e) - (h), Table A2).

Finally, to go deeper into the sign obtained for the ideal points of the the PiS appointees after the elections, we conducted an IRT analysis by constraining two judges who have been on the bench in both pre- and post-electoral periods (but not PiS appointees) at extremes of the interval. The first, Małgorzata Pyziak-Szafnicka (j27), appointed by PO (center-right), was bound to have a positive ideal point, as opposed to the second, Ewa Łętowska, appointed by SLD (center-left), was bound to have an ideal negative point.

Again, before the elections the output of the dynamic IRT analysis suggests a predominantly traditional political connotation distribution of the judges' ideology on the ideological spectrum (left-right, columns (a) - (d), Table A3), while, like the previous analyses, the ideal points estimated after the elections tend to assign negative ideal points to the judges (especially newly appointed) appointed by the PiS, as opposed to those nominated by the PO, who assume positive values (columns (e) - (h), Table A3).

3.2.4. Regression analysis

We now turn to the regression analysis to explain variation in judges' ideal points. We initially ran regressions on separated periods, before the 2015 elections (period 2003-2015) and after (2016-2021) using judges' dynamic ideal points (θ_{jt}) (estimated using the unconstrained IRT analysis) as

a dependent variable and dummies for the political affiliation of their appointers ($PolAffiliation_j$) as explanatory variables (equation (3)).[17]

$$\theta_{jt} = \beta_0 + + \beta_2 PolAffiliation_j + e_{jt} \quad (3)$$

where e_{jt} is a normally distributed error term.[18]

To better capture possible changes in ideology occurring after the 2015 elections, we adopted a Difference-in-differences (DiD) model (equation (4)). As above, the ideology of each judge is expressed as her ideal point θ_{jt}. We used a dummy variable *Post_el*, which takes value 1 in the period 2016-2021 and zero otherwise, to capture possible effects of the electoral break. Again, we included dummy variables reflecting the political affiliation of each judge's appointer ($PolAffiliation_j$) and interacted *Post_el* with political affiliation, as follows:

$$\theta_{jt} = \beta_0 + \beta_1 Post\_el_t + \beta_2 PolAffiliation_j + \beta_3 Post\_el_t * PolAffiliation_j + e_{jt} \quad (4)$$

We further conducted robustness analysis including personal characteristics of the judges (x_j) different from the political affiliation of the appointer which may contribute to the explanation of the voting choices (such as age, gender and profession previous to appointment at the TK)[19] and their interactions with *Post_el*, as in equation (5).

$$\theta_{jt} = \beta_0 + \beta_1 Post\_el_t + \beta_2 PolAffiliation_j + \beta_3 Post\_el_t * PolAffiliation_j + \beta_4 x_j + \beta_5 Post\_el_t * x_j + e_{jt} \quad (5)$$

3.2.5. Results of the regression analysis

The results of the regression analysis conducted on two separate periods (pre-elections, 2003-2015, and post-elections, 2016-2021) are reported in Table 4. Looking at the evolution of each judge's Ideal points in the pre-electoral period (columns (a) and (b), Table 4) and the post-electoral period (column (c), Table 4), results seem in line with our previous interpretations of the IRT estimates.

[17] The reduced number of ideal points obtained from the static ideal point estimation limits the possibilities of performing the regressions analysis. In particular, the fact of having only one observation per judge does not allow using the variable *Post_el*. Instead, the dynamic IRT procedure computes a much larger number of time-variant Ideal points compared to the static one, which in turn provides a satisfying number of observations in the dependent variable used in the regression stage (234, against a maximum of 33 using static Ideal points as dependent variable).
[18] Standard errors will be clustered at the judge level.
[19] See Table A4 in Appendix.

In particular, the dummy variables *PolAffiliation* taken individually indicate a predominantly political orientation of traditional type (left-right) in the ideology of judges before the 2015 elections. The only exception is the judges appointed by the AWS party (2 judges, corresponding to 10 observations), who seem to align with the leftist ideology of the SLD and UW parties (column (a), Table 4, negative sign of the parameters). For this reason, we exclude them from the sample in the next column ((b), Table 4). The results do not change concerning the ranking of judges appointed by the remaining parties.

In column (c) of Table 4, the reference time is the post-electoral period (from 2016 to 2021, when, a President of the PiS party was in charge, and the PiS party had the majority of seats in the Parliament.[20] As noted in the interpretations of the output of the IRT analysis, after the elections the ideal points of the judges appointed by the PiS party (driven by those of the new generation) tend to assume negative values and their voting behavior appears in contrast with the ideal points of the remaining judges in the court.[21]

This outcome is confirmed by the regressions conducted using the DiD approach. Results of the baseline DiD model are reported in Table 5. The evidence does not seem to differ from what was previously obtained. Again, the ranking of judicial ideal points in the period 2003-2015 seems to reflect a traditional political dimension, with judges appointed by left-wing parties reporting negative values of the estimated parameters and judges appointed by right-wing parties reporting positive values of the parameters (column (a), Table 5 for the baseline model and column (b), excluding AWS-appointed judges). We then eliminate the interaction term (*Post_el*PolAffiliation*) for an old-generation SLD appointee who remained on the bench after the elections, as he represented a minority (columns (c) and (d) Table 5). The results still show a contrast between the ideology of

[20] Note that in the post electoral period the judges appointed by AWS, LPR, UW parties casted no votes as they finished their mandate before 2016, corresponding dummies have been therefore discarded from the set of explanatory variables. In column (c) of Table 4 we do not even include the PSL dummy due to the small number of observations (1 judge, 6 observations).

[21] Having conducted an unconstrained estimate of the judges' ideal points, one may suppose that the result obtained in the post-electoral period derives from an arbitrary ranking with which judges are ranked in the ideological axis in the two different periods, pre- and post-elections. This is not plausible from a computational point of view, especially in a dynamic setup, because if the ideological axis were reversed, in the period preceding the elections the appointing parties would be ranked according to a logic bearing positive signs for the ideal points of the judges appointed by leftist parties and negative ideal points for the judges appointed by the rightist ones.

the PiS appointees (negative and statistically significant signs of the parameters) with the rest of the court.

Finally, in Table 6, which has the same structure as Table 5, we also include covariates that reflect other personal characteristics of judges (age, gender, and previous profession)[22]. The results confirm the previous evidence, nor do these personal factors seem to significantly affect the vote expressed by the judges, apart from gender.

Table 4 – Regression Analysis - Dynamic estimation of judges' Ideal points and political affiliation of the appointer Separated samples (2003-2015 and 2016-2021)

VARIABLES	Before elections (2003-2015)	Before elections (2003-2015) Excluding AWS appointees (2 judges, 10 obs)	After elections (2016-2021) AWS, LPR, and UW appointees: no votes after 2015 Excluding dummy PSL (1 judge, 6 obs) Excluding J41 (SLD) in the post-2015 period (3 obs)
	(a)	(b)	(c)
PolAffiliation: AWS_rr	-1.899***		
	(0.114)		
PolAffiliation: LPR_rr	0.194	0.194	
	(0.294)	(0.295)	
PolAffiliation: PO_cr	2.050***	2.050***	2.576***
	(0.119)	(0.119)	(0.175)
PolAffiliation: PSL_cr		0.779***	
		(0.001)	
PolAffiliation: PIS_rr	0.264***	0.264***	-0.909**
	(0.091)	(0.092)	(0.329)
PolAffiliation: SLD_ll	-1.103***	-1.103***	
	(0.373)	(0.374)	
PolAffiliation: UW_cl	-1.650***	-1.650***	
	(0.366)	(0.367)	
Observations	152	142	79
R-squared	0.756	0.735	0.838

Standard errors are clustered at the judge level in parentheses. *** p<0.01, ** p<0.05, * p<0.1
Political ranking: _rr = right; _cr = center-right; _cl = center-left; _ll = left

[22] See Table A4 in appendix for details on individual judges.

Table 5 – Regression Analysis – Baseline DID – Dynamic estimation of judges' Ideal points and political affiliation of the appointer (2003-2015 and 2016-2021)

VARIABLES	Excluding J41 in the post-2015 period (3 obs)	Excluding AWS appointees (2 judges, 10 obs) Excluding J41 in the post-2015 period (3 obs)	Excluding SLD appointees (7 judges, 56 obs) Excluding J41 in the post-2015 period (3 obs)	Excluding AWS appointees (2 judges, 10 obs) Excluding SLD appointees (7 judges, 56 obs) Excluding J41 in the post-2015 period (3 obs)
	(a)	(b)	(c)	(d)
Post_el	0.277	0.277	0.277	0.277
	(0.428)	(0.428)	(0.432)	(0.432)
PolAffiliation: AWS_rr	-1.899***		-1.899***	
	(0.114)		(0.115)	
PolAffiliation: LPR_rr	0.145	0.145	0.145	0.145
	(0.256)	(0.256)	(0.258)	(0.258)
PolAffiliation: PO_cr	2.050***	2.050***	2.050***	2.050***
	(0.119)	(0.119)	(0.119)	(0.119)
PolAffiliation: PSL_cr	1.008***	1.008***	1.008***	1.008***
	(0.214)	(0.214)	(0.216)	(0.216)
PolAffiliation: PIS_rr	0.264***	0.264***	0.264***	0.264***
	(0.0912)	(0.0912)	(0.0919)	(0.0919)
PolAffiliation: SLD_ll	-1.103***	-1.103***		
	(0.373)	(0.373)		
PolAffiliation: UW_cl	-1.650***	-1.650***	-1.650***	-1.650***
	(0.366)	(0.366)	(0.369)	(0.369)
*Post_el *PolAffiliation*: PO_cr	0.249	0.249	0.249	0.249
	(0.447)	(0.447)	(0.450)	(0.450)
*Post_el *PolAffiliation*: PIS_rr	-1.449**	-1.449**	-1.449**	-1.449**
	(0.546)	(0.546)	(0.550)	(0.550)
Observations	231	221	178	168
R-squared	0.808	0.798	0.876	0.868

Standard errors are clustered at the judge level in parentheses. *** p<0.01, ** p<0.05, * p<0.1
Political ranking: _rr = right; _cr = center-right; _cl = center-left; _ll = left

Table 6 – Regression Analysis – DID with covariates with judges' characteristics – Dynamic estimation of judges' Ideal points and political affiliation of the appointer (2003-2015 and 2016-2021)

VARIABLES	(1) Excluding J41 in the post-2015 period (3 obs)	(2) Excluding AWS appointees (2 judges, 10 obs) Excluding J41 in the post-2015 period (3 obs)	(3) Excluding SLD appointees (7 judges, 56 obs) Excluding J41 in the post-2015 period (3 obs)	(4) Excluding AWS appointees (2 judges, 10 obs) Excluding SLD appointees (7 judges, 56 obs) Excluding J41 in the post-2015 period (3 obs)
	(a)	(b)	(c)	(d)
Post_el	0.187	0.196	0.00912	0.0872
	(1.666)	(1.664)	(1.514)	(1.478)
PolAffiliation: AWS_rr	-1.859		-1.762	
	(1.499)		(1.230)	
PolAffiliation: LPR_rr	0.150	0.133	0.280	0.172
	(1.448)	(1.452)	(1.172)	(1.116)
PolAffiliation: PO_cr	2.073	2.057	2.101	1.981
	(1.790)	(1.792)	(1.482)	(1.414)
PolAffiliation: PSL_cr	0.984	0.980	1.189	1.128
	(1.243)	(1.242)	(1.025)	(0.979)
PolAffiliation: PIS_rr	0.350	0.330	0.169	0.0419
	(1.644)	(1.649)	(1.340)	(1.280)
PolAffiliation: SLD_ll	-1.122	-1.134		
	(1.859)	(1.858)		
PolAffiliation: UW_cl	-1.585	-1.606	-1.627	-1.752
	(1.467)	(1.478)	(1.164)	(1.103)
Post_el **PolAffiliation*: PO_cr	0.0746	0.0784	0.203	0.231
	(0.661)	(0.662)	(0.674)	(0.675)
Post_el **PolAffiliation*: PIS_rr	-1.659**	-1.651**	-1.320**	-1.282*
	(0.661)	(0.666)	(0.626)	(0.632)
female	-0.179	-0.175	0.546**	0.557**
	(0.525)	(0.531)	(0.256)	(0.258)
prof	0.165	0.141	-0.0796	-0.146
	(0.302)	(0.339)	(0.266)	(0.292)
age	-0.00202	-0.00141	-0.00200	0.000888
	(0.0276)	(0.0279)	(0.0219)	(0.0208)
Post_el *female	0.498	0.494	-0.229	-0.241
	(0.702)	(0.707)	(0.573)	(0.574)
Post_el *prof	-0.244	-0.220	-0.00215	0.0625
	(0.597)	(0.618)	(0.579)	(0.592)
Post_el *age	0.00548	0.00495	0.00587	0.00323
	(0.0311)	(0.0312)	(0.0276)	(0.0266)
Observations	231	221	178	168
R-squared	0.812	0.802	0.887	0.880

Standard errors are clustered at the judge level in parentheses. *** p<0.01, ** p<0.05, * p<0.1
Political ranking: _rr = right; _cr = center-right; _cl = center-left; _ll = left

4. Conclusions

When courts change observable behavior, there are two possible effects – *selection* or *defection* (or a combination). In this article, we have explored the case of the Polish Constitutional Tribunal for the period 2003-2021. Our findings indicate a predominant selection impact, that is, a change in composition of the bench rather than some form of strategic defection by older judges. Moreover, the results seem to suggest that the cohort of judges appointed after 2015 by the ruling party are somehow different from the judges selected by the same party in earlier periods.

On a broader discussion about judicial transformation, our findings are consistent with explanations emphasizing court packing with new appointees rather than disciplining or incentivizing older judges (even those appointed by the same party in the past). In this respect, when faced with threats of democratic backsliding, limited tenure in conjunction with concentrated government (by virtue of selection mechanisms) facilitate unwelcomed judicial shifts in constitutional review.

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APPENDIX

Table A1 – IRT Analysis - Static estimation of judges' Ideal points (2003-2015 and 2016-2021)
Two - dimensional model

Before 2015 elections (2003-2015)						After 2015 elections (2016-2021)					
First dimension			Second dimension			First dimension			Second dimension		
Judge's code and political affiliation of the appointer	Ideal points: Mean of post. distr.	Std. Dev. of post. distr.	Judge's code and political affiliation of the appointer	Ideal points: Mean of post. distr.	Std. Dev. of post. distr.	Judge's code and political affilia-tion of the ap-pointer	Ideal points: Mean of post. distr.	Std. Dev. of post. distr.	Judge's code and political affiliation of the ap-pointer	Ideal points: Mean of post. distr.	Std. Dev. of post. distr.
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)	(l)
j16 SLD	-2.29	0.55	j46 SLD	-3.34	0.61	j22 PiS	-2.09	0.63	j27 PiS	-1.04	1.29
j41 SLD	-2.10	0.57	j15 LPR/SMBR	-0.54	0.19	j27 PiS	-1.82	0.52	j22 PiS	-0.92	1.38
j02 UW	-1.42	0.42	j41 SLD	-0.14	0.74	j12 PiS	-1.80	0.48	j12 PiS	-0.92	1.28
j44 SLD	-1.39	0.33	j20 SLD	-0.02	0.34	j39 PiS	-1.51	0.50	j39 PiS	-0.84	1.12
j42 PO	-1.18	0.40	j08 SLD	0.03	0.28	j28 PiS	-0.59	0.29	j41 SLD	-0.24	1.18
j32 AWS	-1.08	0.55	j07 LPR/SMBR	0.10	0.23	j41 SLD	0.08	0.26	j28 PiS	-0.14	0.93
j14 PO	-1.05	0.40	j36 AWS	0.25	0.34	j43 PiS	0.14	0.68	j37 PiS	-0.05	0.99
j01 PO	-0.96	0.35	j09 PiS	0.27	0.13	j37 PiS	0.14	0.79	j43 PiS	0.11	0.70
j20 SLD	-0.88	0.25	j10 SLD	0.31	0.31	j14 PO	1.30	0.42	j38 PO	0.74	1.06
j30 PO	-0.84	0.42	j44 SLD	0.31	0.58	j38 PO	1.31	0.55	j14 PO	0.75	1.01
j10 SLD	-0.81	0.23	j23 UW	0.31	0.33	j29 PO	2.24	0.56	j29 PO	1.22	1.33
j23 UW	-0.81	0.24	j16 SLD	0.36	0.89	j42 PO	2.27	0.57	j42 PO	1.22	1.30
j36 AWS	-0.80	0.29	j38 PO	0.39	0.28						
j31 PO	-0.80	0.37	j02 UW	0.41	0.57						
j08 SLD	-0.56	0.23	j32 AWS	0.47	0.69						
j46 SLD	-0.55	1.21	j03 PiS	0.51	0.21						
j38 PO	-0.55	0.24	j14 PO	0.67	0.59						
j18 PiS	-0.49	0.62	j01 PO	0.69	0.45						
j48 PSL	-0.43	0.65	j05 UW	0.71	0.46						
j05 UW	-0.30	0.54	j42 PO	0.78	0.51						
j15 LPR/SMBR	-0.15	0.26	j31 PO	0.87	0.40						
j09 PiS	-0.12	0.15	j30 PO	0.94	0.40						
j07 LPR/SMBR	0.17	0.16	j48 PSL	1.52	0.51						
j06 PiS	0.32	0.63	j18 PiS	1.61	0.36						
j03 PiS	0.37	0.22	j06 PiS	1.76	0.36						

Static IRT Estimation: pre-election period (2003 – 2015) 182 decisions; post-election period (2016 – 2021) 52 decisions, total votes (overall) 3,672.

Table A2 – IRT Analysis - Dynamic estimation of judges' Ideal points (2003-2015 and 2016-2021)
Constraints on Judges' Ideal points – J27 (-)

Before 2015 elections (2003-2015)				After 2015 elections (2016-2021)			
Judge's code and political affiliation of the appointer	political affiliation of the appointer	Ideal points: Means of posterior distributions (average, per judge)	Ideal points: Std. Dev. of posterior distributions (average, per judge)	Judge's code and political affiliation of the appointer	political affiliation of the appointer	Ideal points: Means of posterior distributions (average, per judge)	Ideal points: Std. Dev. of posterior distributions (average, per judge)
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)
j02	UW	-2.634	0.653	j12	PiS	-2.036	0.646
j16	SLD	-2.474	0.751	j27	PiS	-1.998	0.670
j36	SLD	-2.022	0.592	j22	PiS	-1.729	0.744
j44	AWS	-1.993	0.598	j39	PiS	-1.625	0.690
j32	AWS	-1.731	0.660	j28	PiS	-0.205	0.507
j20	SLD	-1.634	0.516	j37	PiS	0.034	0.900
j23	UW	-1.346	0.437	j43	PiS	0.417	0.859
j05	SLD	-1.045	0.488	j41	SLD	0.521	0.298
j08	UW	-1.037	0.525	j48	PSL	1.647	0.431
j10	SLD	-0.468	0.376	j38	PO	2.132	0.617
j03	PiS	-0.094	0.267	j14	PO	2.147	0.661
j15	LPR/SMBR	-0.021	0.300	j30	PO	2.246	0.659
j09	PiS	0.201	0.277	j31	PO	2.905	0.607
j46	SLD	0.217	0.342	j01	PO	3.066	0.653
j18	PiS	0.353	0.270	j29	PO	3.097	0.698
j06	PiS	0.420	0.275	j42	PO	3.310	0.738
j07	LPR/SMBR	0.434	0.338				
j41	SLD	0.716	0.263				
j48	PSL	1.039	0.319				
j38	PO	1.600	0.391				
j30	PO	2.108	0.471				
j01	PO	2.198	0.556				
j31	PO	2.212	0.623				
j14	PO	2.283	0.500				
j29	PO	2.636	0.549				
j42	PO	2.679	0.647				

Dynamic IRT estimation: overall period (2003 – 2015) 234 decisions, total votes 3,672.
MCMC: no. iterations:100000, discarded iterations: 20000, thinning interval: 5.
Judge 27 is constrained to have a negative ideal point.
Correlations with ideal points in the unconstrained model before the 2015 elections (2003-2015): 0.99.
Correlations with ideal points in the unconstrained model after the 2015 elections (2016-2021): 0.86.

Table A3 – IRT Analysis - Dynamic estimation of judges' Ideal points (2003-2015 and 2016-2021)
Constraints on Judges' Ideal points – J29 (-) J16(+)

Before 2015 elections (2003-2015)				After 2015 elections (2016-2021)			
Judge's code and	political affiliation of the appointer	Ideal points: Means of posterior distributions (average, per judge)	Ideal points: Std. Dev. of posterior distributions (average, per judge)	Judge's code and political affiliation of the appointer	political affiliation of the appointer	Ideal points: Means of posterior distributions (average, per judge)	Ideal points: Std. Dev. of posterior distributions (average, per judge)
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)
j02	UW	-2.639	0.635	j12	PiS	-2.042	0.651
j16	SLD	-2.482	0.726	j27	PiS	-2.000	0.671
j36	SLD	-2.020	0.613	j22	PiS	-1.732	0.740
j44	AWS	-2.011	0.581	j39	PiS	-1.620	0.687
j32	AWS	-1.714	0.654	j28	PiS	-0.198	0.504
j20	SLD	-1.637	0.531	j37	PiS	0.032	0.908
j23	UW	-1.333	0.433	j43	PiS	0.431	0.853
j05	SLD	-1.040	0.533	j41	SLD	0.521	0.297
j08	UW	-1.038	0.487	j48	PSL	1.662	0.430
j10	SLD	-0.465	0.377	j38	PO	2.142	0.623
j03	PiS	-0.091	0.266	j14	PO	2.162	0.661
j15	LPR/SMBR	-0.019	0.301	j30	PO	2.247	0.658
j09	PiS	0.201	0.276	j31	PO	2.929	0.614
j46	SLD	0.219	0.342	j01	PO	3.042	0.668
j18	PiS	0.355	0.270	j29	PO	3.088	0.699
j06	PiS	0.421	0.273	j42	PO	3.316	0.741
j07	LPR/SMBR	0.436	0.338				
j41	SLD	0.715	0.264				
j48	PSL	1.049	0.318				
j38	PO	1.606	0.398				
j30	PO	2.102	0.474				
j01	PO	2.196	0.637				
j31	PO	2.212	0.564				
j14	PO	2.291	0.500				
j29	PO	2.642	0.550				
j42	PO	2.694	0.651				

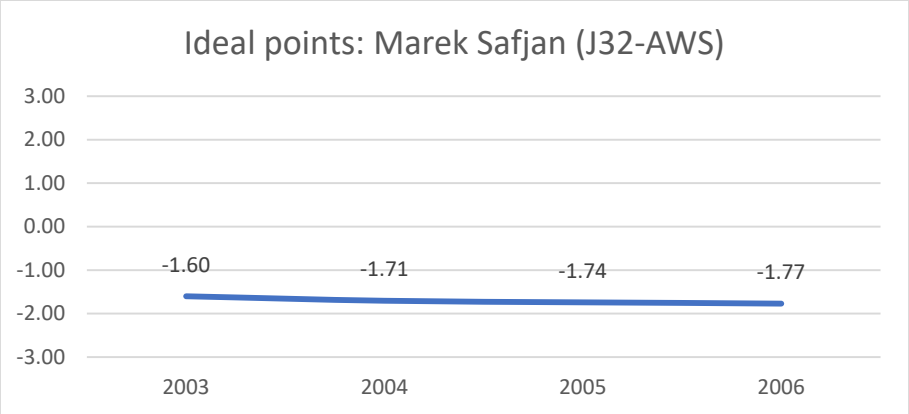
Dynamic IRT estimation: overall period (2003 – 2015) 234 decisions, total votes 3,672.
MCMC: no. iterations:100000, discarded iterations: 20000, thinning interval: 5.
Judge 29 is constrained to have a negative ideal point; Judge 16 is constrained to have a positive ideal point.
Correlations with ideal points in the unconstrained model before the 2015 elections (2003-2015): 0.99.
Correlations with ideal points in the unconstrained model after the 2015 elections (2016-2021): 0.86.

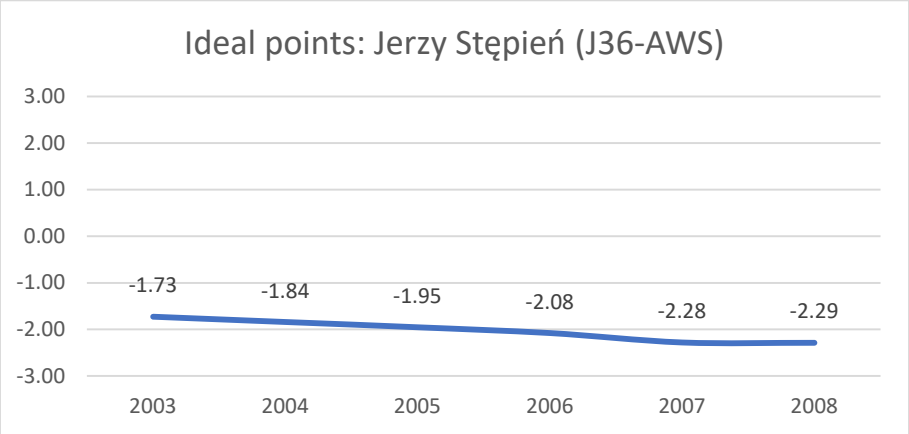
Table A4 – Judges included in IRT and Regression analysis: Personal Characteristics and Political Affiliation of the Appointer

Code (see Table 1 in the text)	female	prof	age
	(a)	(b)	(c)
j01	0	1	61
j02	0	1	59
j03	0	1	52
j05	1	1	56
j06	1	1	67
j07	0	1	51
j08	0	1	56
j09	0	0	57
j10	0	1	57
j12	0	1	58
j14	0	1	64
j15	0	0	50
j16	1	1	62
j18	1	1	61
j20	0	1	70
j22	0	1	51
j23	0	0	51
j27	1	0	57
j28	0	0	45
j29	1	1	55
j30	0	0	69
j31	0	1	61
j32	0	1	48
j36	0	0	55
j37	0	0	56
j38	0	1	47
j39	0	1	37
j41	0	1	57
j42	1	1	67
j43	0	1	51
j44	0	1	51
j46	0	1	57
j48	0	1	36

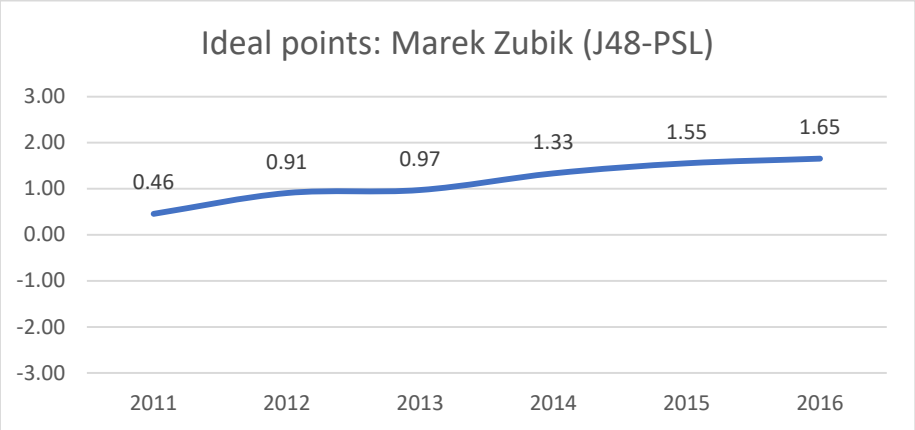
FIGURES A1 – A33: Evolution of dynamic ideal points
(Judges grouped according to the political affiliation of the appointer)

AWS (2 judges)

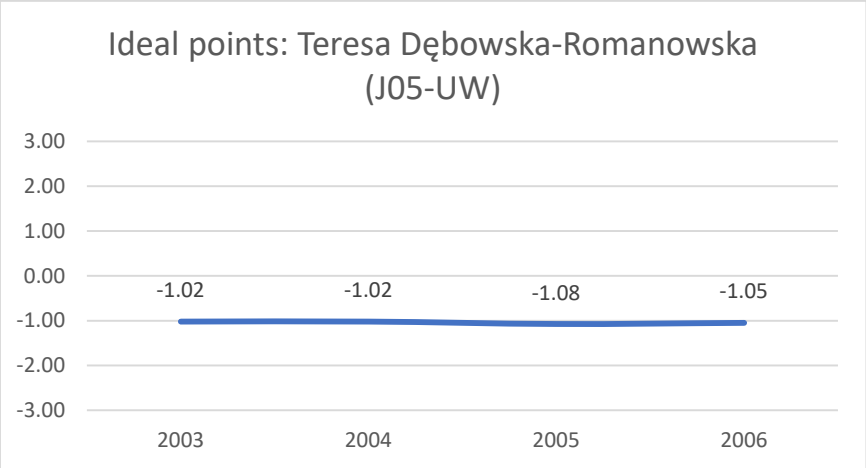


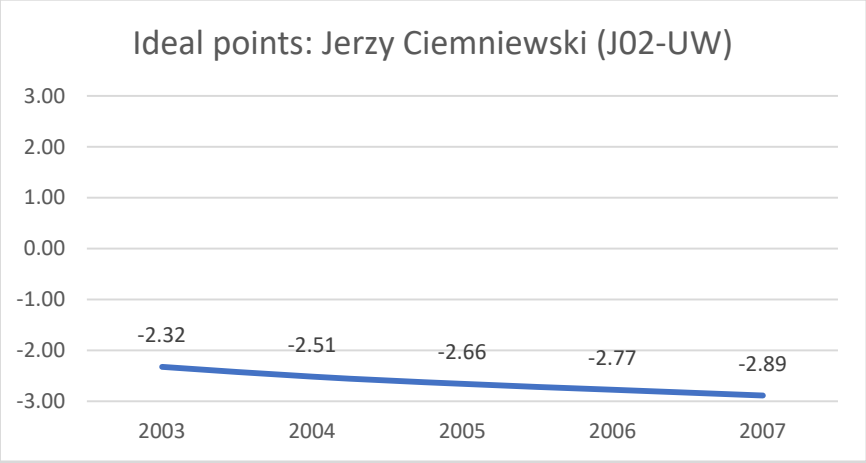


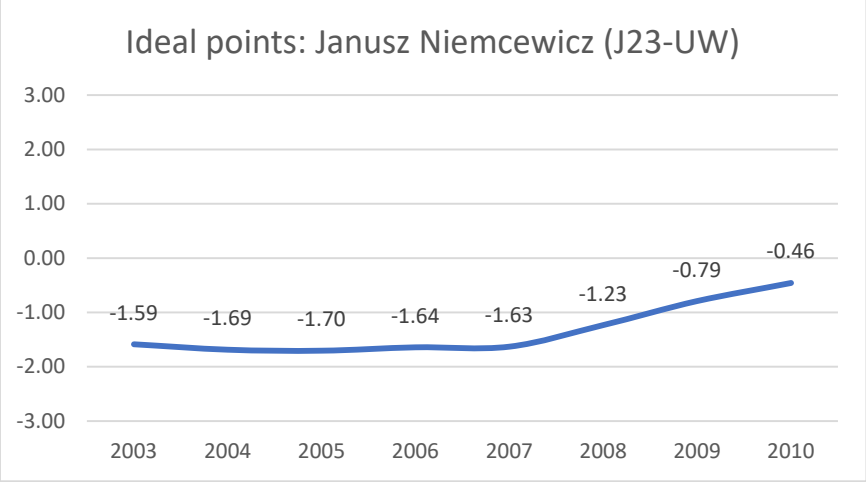
PSL (1 judge)



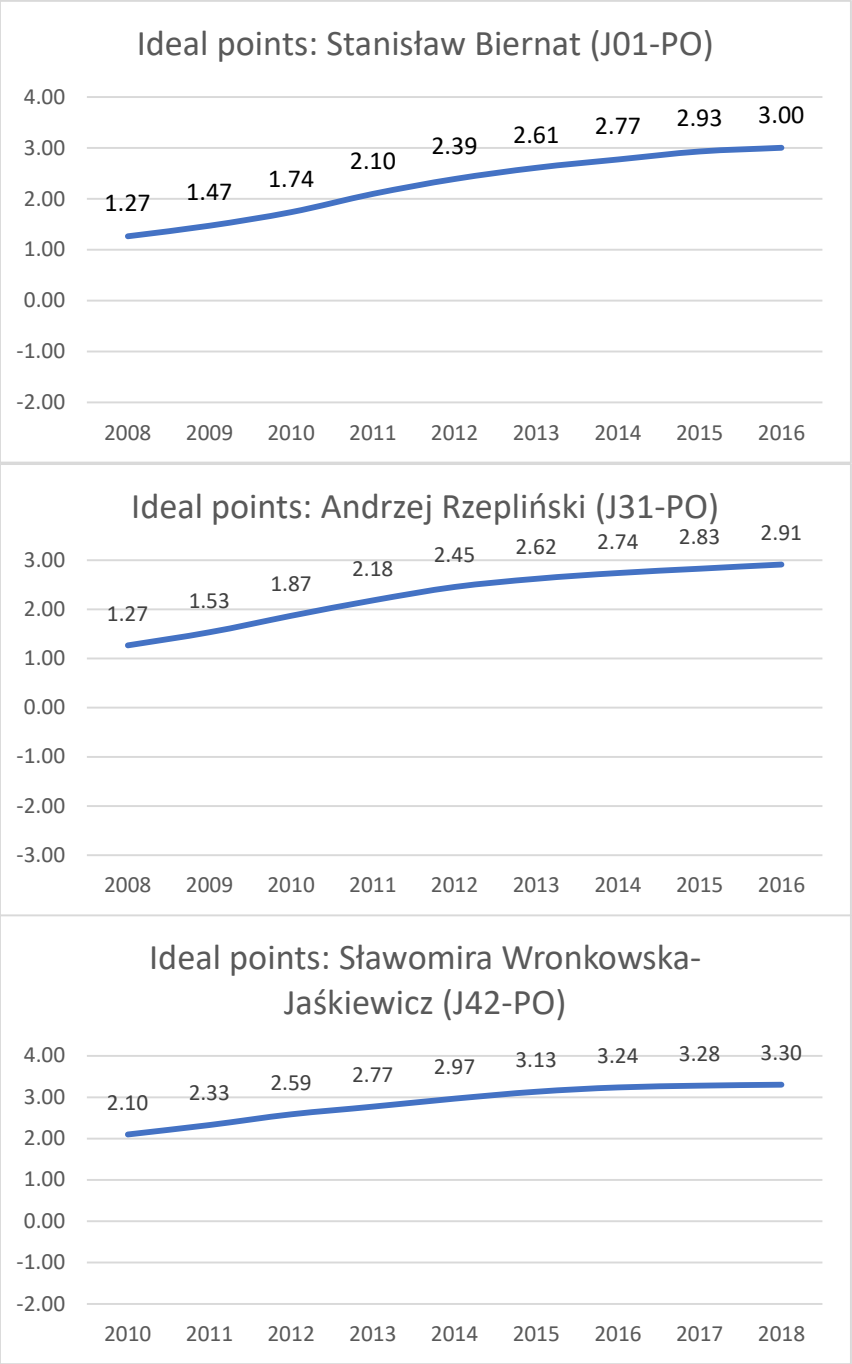
UW (3 judges)

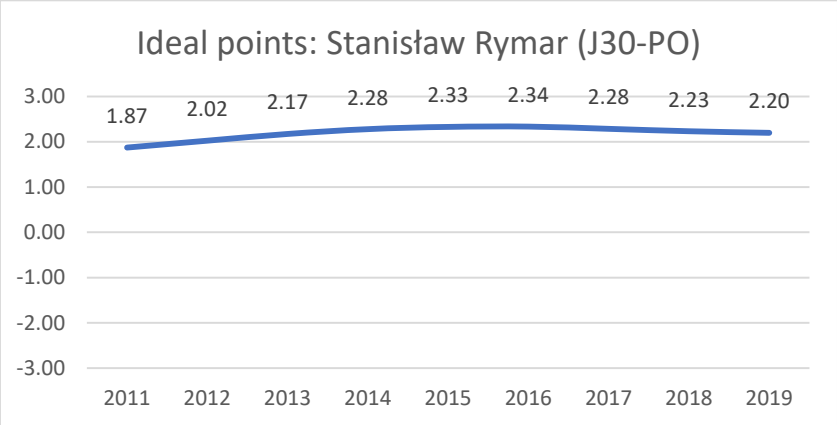

Ideal points: Teresa Dębowska-Romanowska (J05-UW)
3.00
2.00
1.00
0.00
-1.00
-2.00
-3.00
-1.02
-1.02
-1.08
-1.05
2003
2004
2005
2006

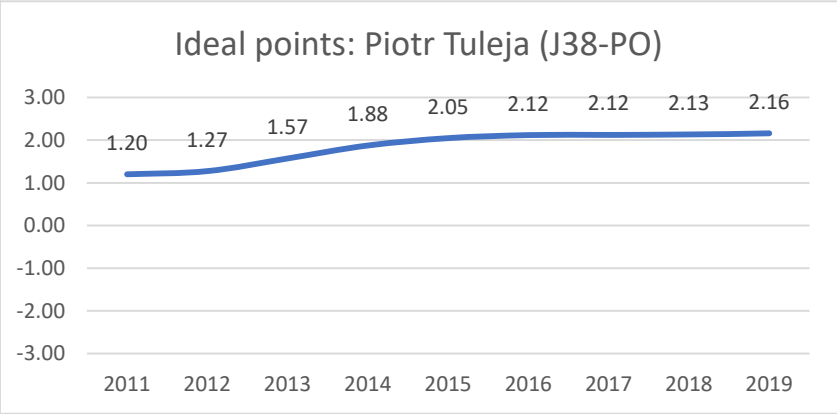

Ideal points: Jerzy Ciemniewski (J02-UW)
3.00
2.00
1.00
0.00
-1.00
-2.00
-3.00
-2.32
-2.51
-2.66
-2.77
-2.89
2003
2004
2005
2006
2007

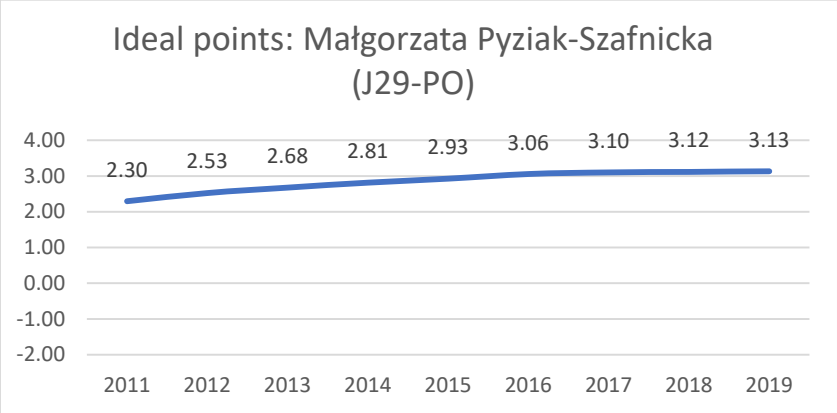

Ideal points: Janusz Niemcewicz (J23-UW)
3.00
2.00
1.00
0.00
-1.00
-2.00
-3.00
-1.59
-1.69
-1.70
-1.64
-1.63
-1.23
-0.79
-0.46
2003
2004
2005
2006
2007
2008
2009
2010

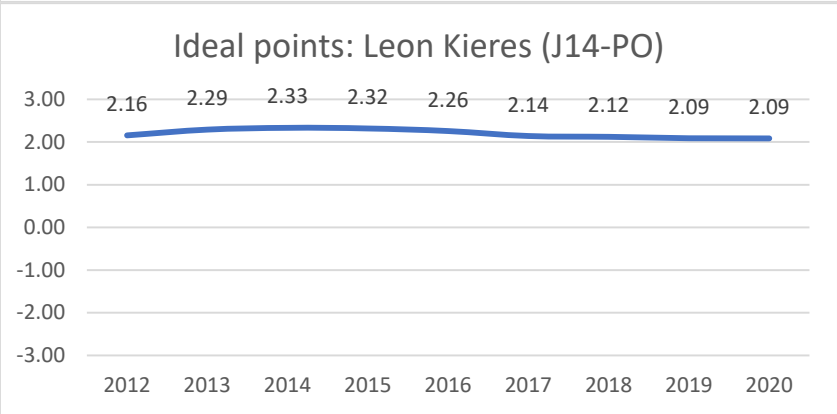
PO (7 judges)


Ideal points: Stanisław Biernat (J01-PO)
4.00
3.00
2.00
1.00
0.00
-1.00
-2.00
1.27
1.47
1.74
2.10
2.39
2.61
2.77
2.93
3.00
2008
2009
2010
2011
2012
2013
2014
2015
2016
Ideal points: Andrzej Rzepliński (J31-PO)
3.00
2.00
1.00
0.00
-1.00
-2.00
-3.00
1.27
1.53
1.87
2.18
2.45
2.62
2.74
2.83
2.91
2008
2009
2010
2011
2012
2013
2014
2015
2016
Ideal points: Sławomira Wronkowska-Jaśkiewicz (J42-PO)
4.00
3.00
2.00
1.00
0.00
-1.00
-2.00
2.10
2.33
2.59
2.77
2.97
3.13
3.24
3.28
3.30
2010
2011
2012
2013
2014
2015
2016
2017
2018

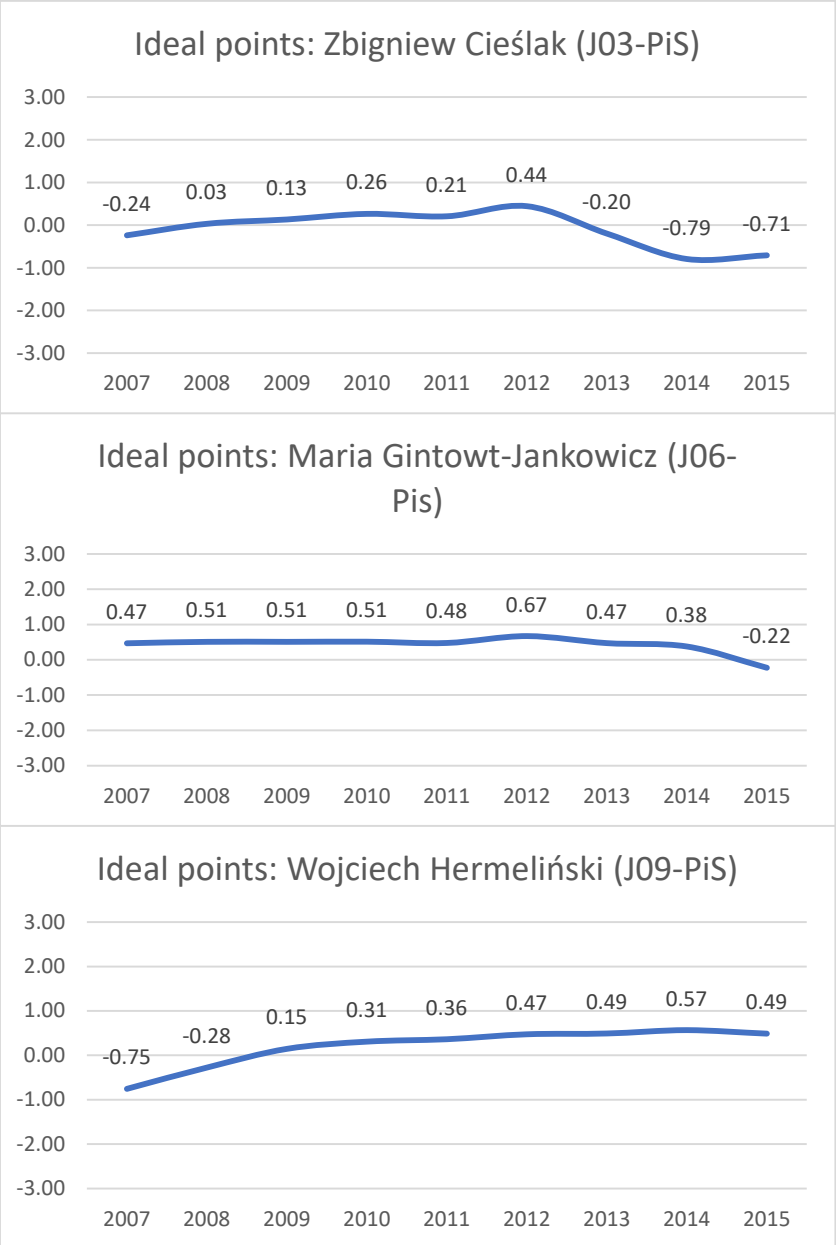

Ideal points: Stanisław Rymar (J30-PO)
3.00
2.00
1.00
0.00
-1.00
-2.00
-3.00
1.87
2.02
2.17
2.28
2.33
2.34
2.28
2.23
2.20
2011
2012
2013
2014
2015
2016
2017
2018
2019

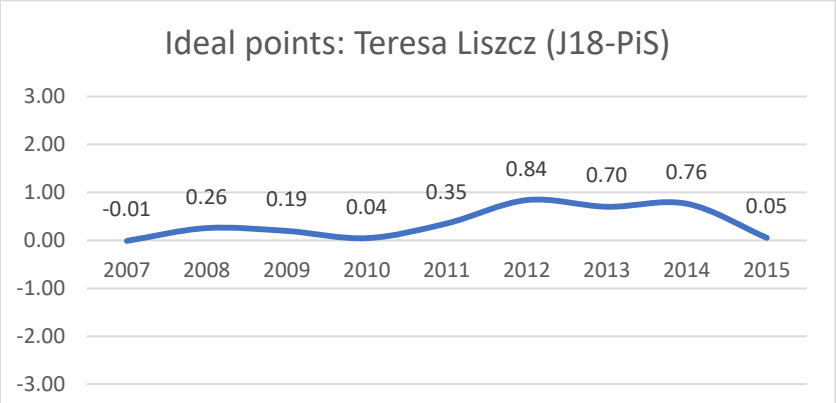

Ideal points: Piotr Tuleja (J38-PO)
3.00
2.00
1.00
0.00
-1.00
-2.00
-3.00
1.20
1.27
1.57
1.88
2.05
2.12
2.12
2.13
2.16
2011
2012
2013
2014
2015
2016
2017
2018
2019

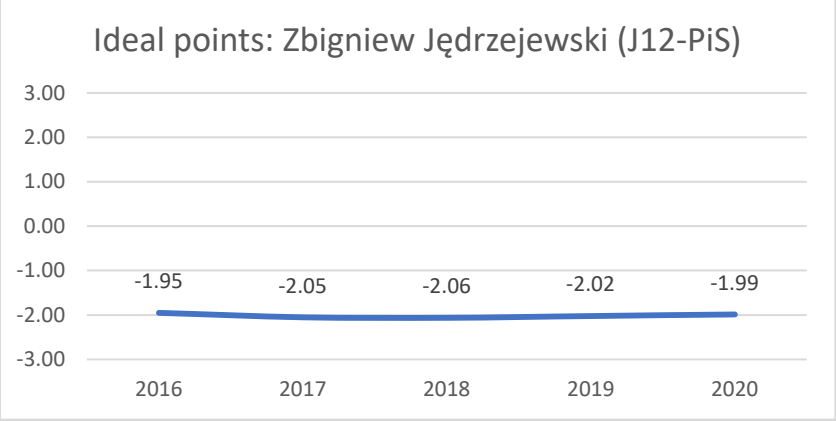

Ideal points: Małgorzata Pyziak-Szafnicka (J29-PO)
4.00
3.00
2.00
1.00
0.00
-1.00
-2.00
2.30
2.53
2.68
2.81
2.93
3.06
3.10
3.12
3.13
2011
2012
2013
2014
2015
2016
2017
2018
2019

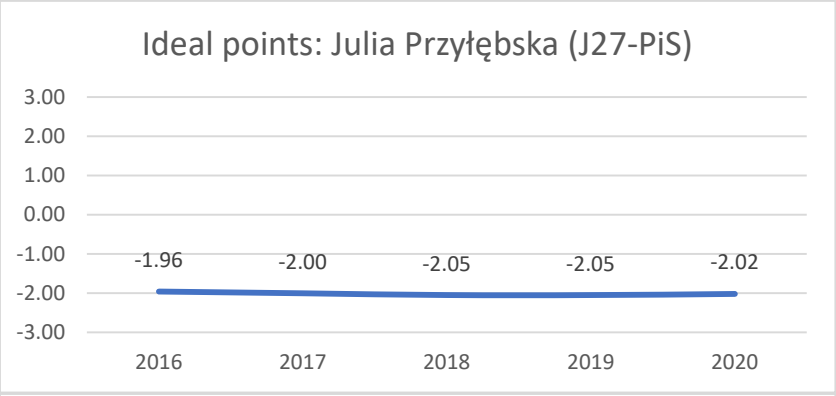

Ideal points: Leon Kieres (J14-PO)
3.00
2.00
1.00
0.00
-1.00
-2.00
-3.00
2.16
2.29
2.33
2.32
2.26
2.14
2.12
2.09
2.09
2012
2013
2014
2015
2016
2017
2018
2019
2020

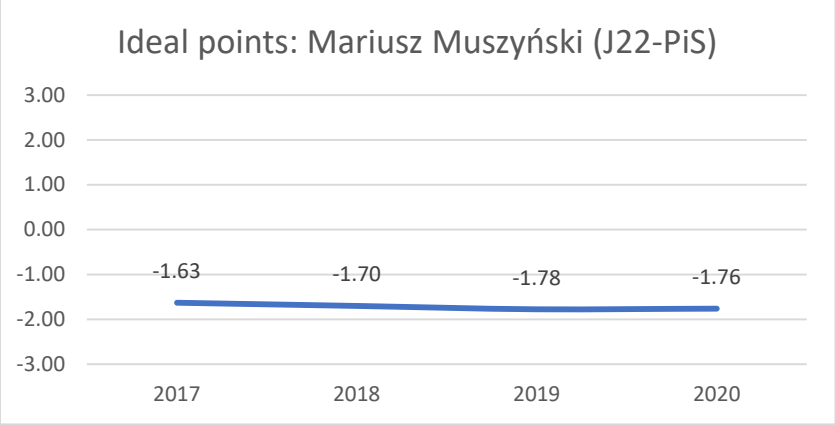
PiS (11 judges)

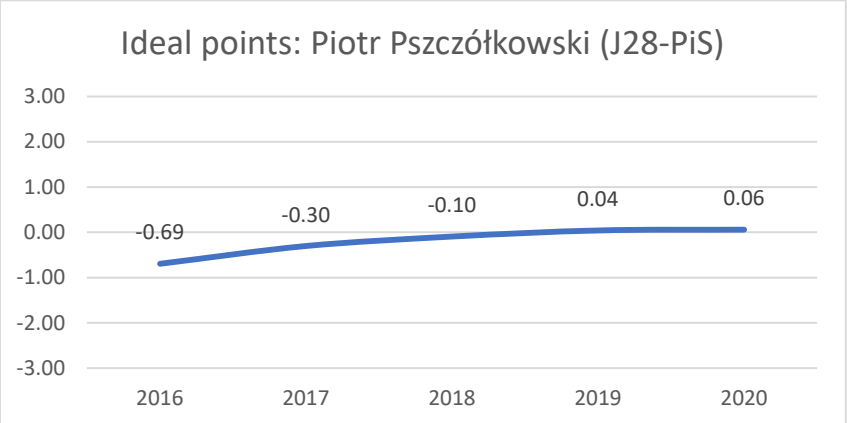


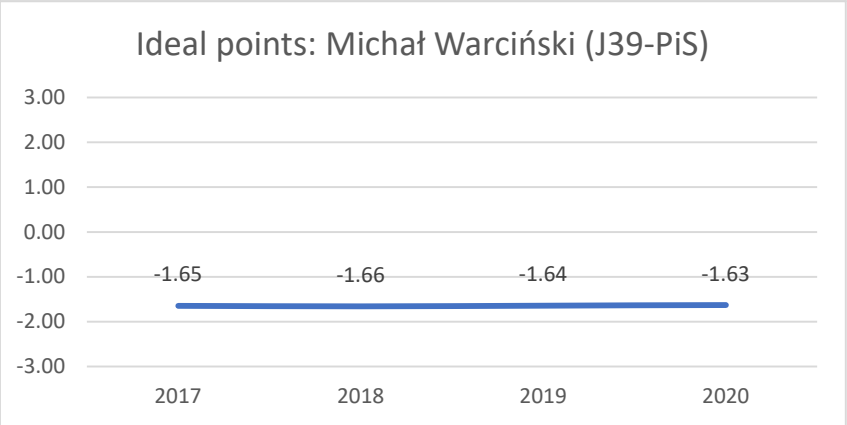

Ideal points: Teresa Liszcz (J18-PiS)
3.00
2.00
1.00
0.00
-1.00
-2.00
-3.00
-0.01
0.26
0.19
0.04
0.35
0.84
0.70
0.76
0.05
2007
2008
2009
2010
2011
2012
2013
2014
2015

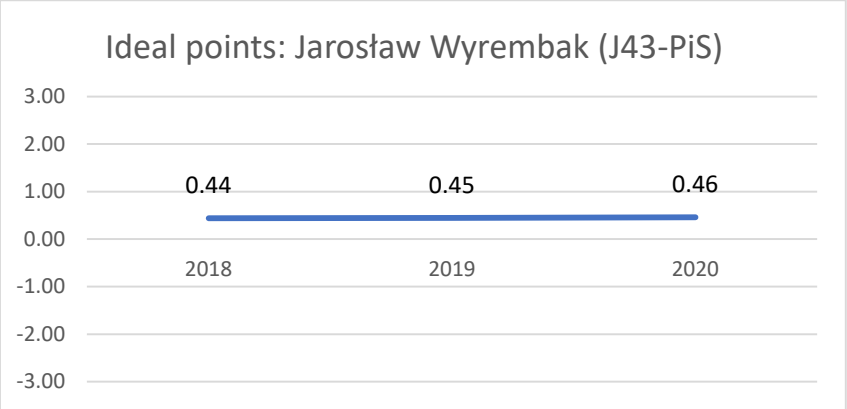

Ideal points: Zbigniew Jędrzejewski (J12-PiS)
3.00
2.00
1.00
0.00
-1.00
-2.00
-3.00
-1.95
-2.05
-2.06
-2.02
-1.99
2016
2017
2018
2019
2020

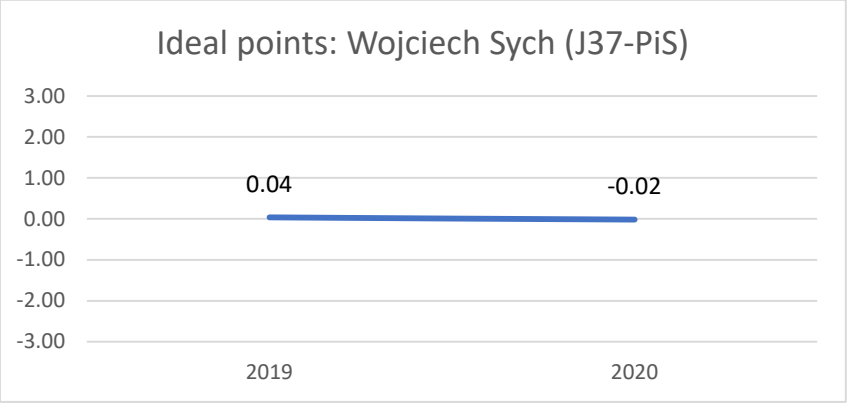

Ideal points: Julia Przyłębska (J27-PiS)
3.00
2.00
1.00
0.00
-1.00
-2.00
-3.00
-1.96
-2.00
-2.05
-2.05
-2.02
2016
2017
2018
2019
2020


Ideal points: Mariusz Muszyński (J22-PiS)
3.00
2.00
1.00
0.00
-1.00
-2.00
-3.00
-1.63
-1.70
-1.78
-1.76
2017
2018
2019
2020

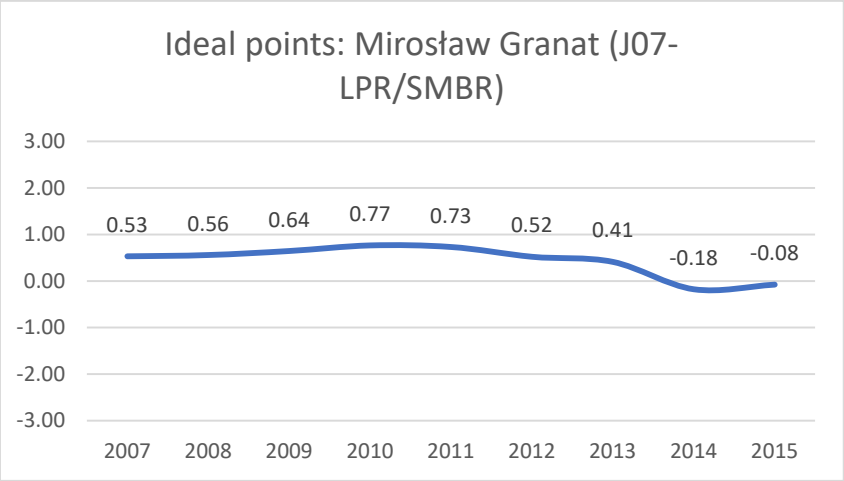

Ideal points: Piotr Pszczółkowski (J28-PiS)
3.00
2.00
1.00
0.00
-1.00
-2.00
-3.00
-0.69
-0.30
-0.10
0.04
0.06
2016
2017
2018
2019
2020

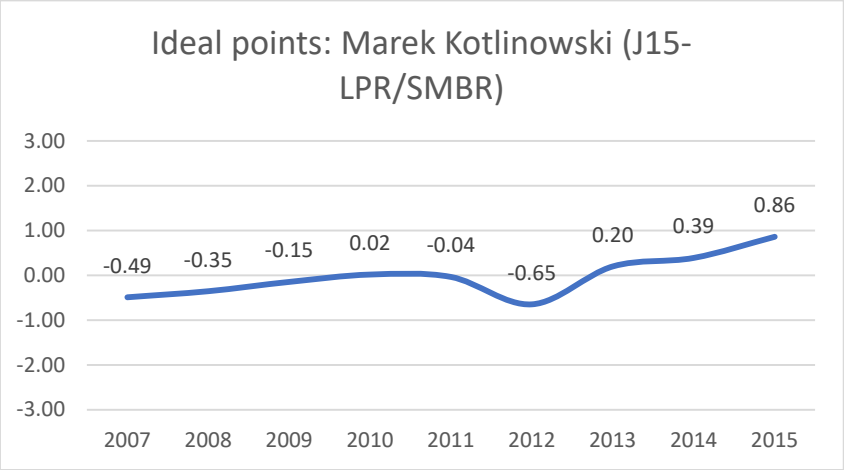

Ideal points: Michał Warciński (J39-PiS)
3.00
2.00
1.00
0.00
-1.00
-2.00
-3.00
-1.65
-1.66
-1.64
-1.63
2017
2018
2019
2020


Ideal points: Jarosław Wyrembak (J43-PiS)
3.00
2.00
1.00
0.00
-1.00
-2.00
-3.00
0.44
0.45
0.46
2018
2019
2020

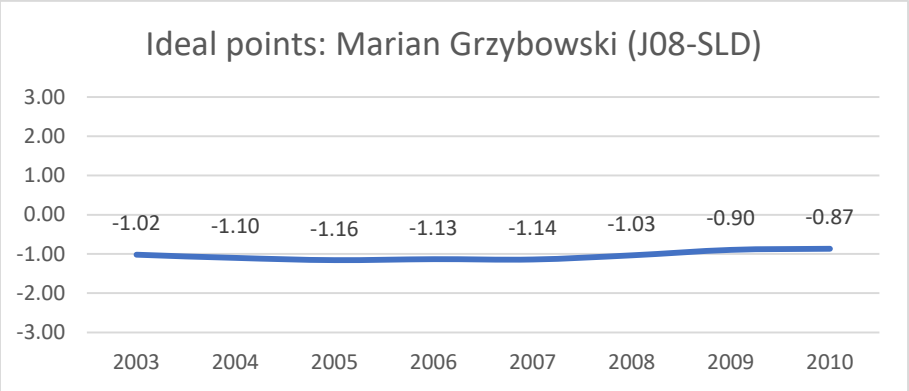

Ideal points: Wojciech Sych (J37-PiS)
3.00
2.00
1.00
0.00
-1.00
-2.00
-3.00
0.04
-0.02
2019
2020

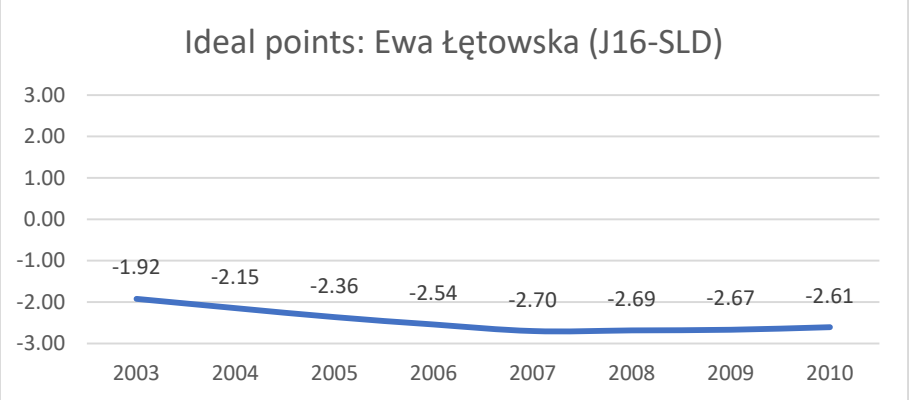
LPR/SMBR (2 judges)

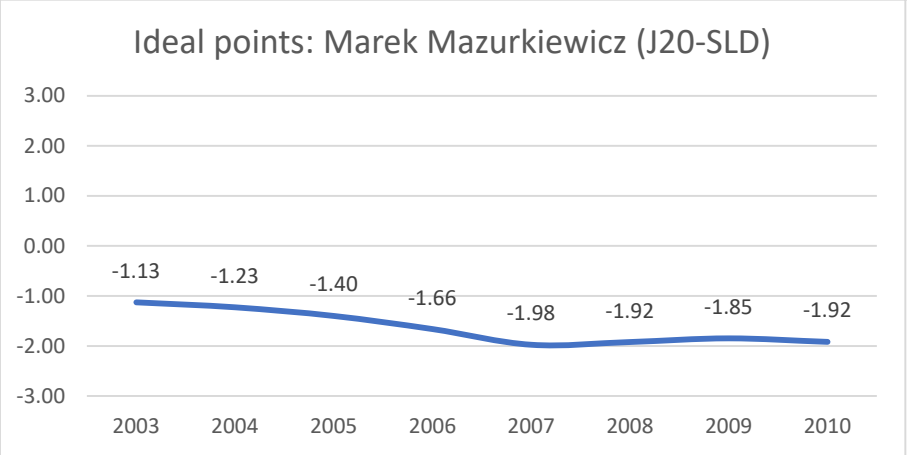


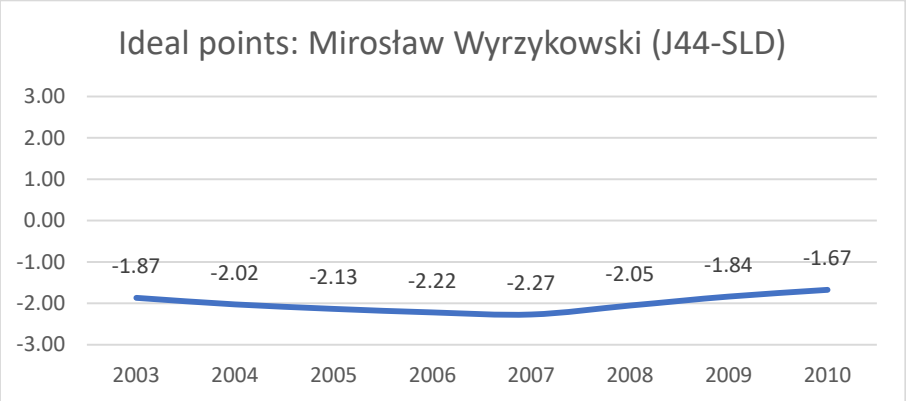


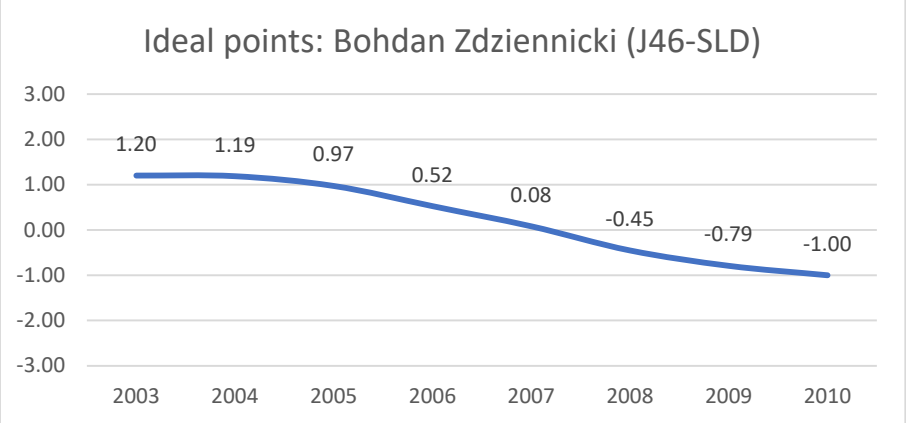
SLD (7 judges)

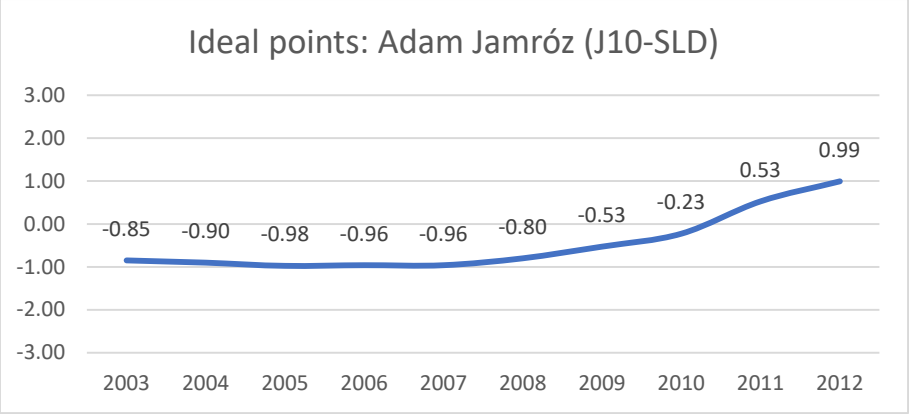

Ideal points: Marian Grzybowski (J08-SLD)
3.00
2.00
1.00
0.00
-1.00
-2.00
-3.00
-1.02
-1.10
-1.16
-1.13
-1.14
-1.03
-0.90
-0.87
2003
2004
2005
2006
2007
2008
2009
2010

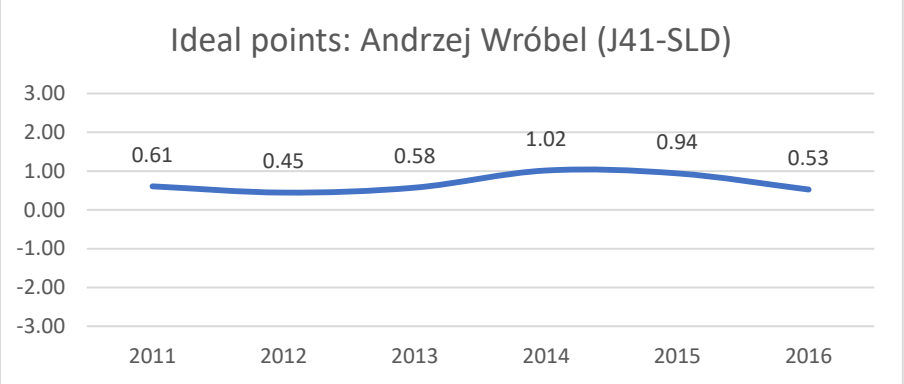

Ideal points: Ewa Łętowska (J16-SLD)
3.00
2.00
1.00
0.00
-1.00
-2.00
-3.00
-1.92
-2.15
-2.36
-2.54
-2.70
-2.69
-2.67
-2.61
2003
2004
2005
2006
2007
2008
2009
2010


Ideal points: Marek Mazurkiewicz (J20-SLD)
3.00
2.00
1.00
0.00
-1.00
-2.00
-3.00
-1.13
-1.23
-1.40
-1.66
-1.98
-1.92
-1.85
-1.92
2003
2004
2005
2006
2007
2008
2009
2010


Ideal points: Mirosław Wyrzykowski (J44-SLD)
3.00
2.00
1.00
0.00
-1.00
-2.00
-3.00
-1.87
-2.02
-2.13
-2.22
-2.27
-2.05
-1.84
-1.67
2003
2004
2005
2006
2007
2008
2009
2010


Ideal points: Bohdan Zdziennicki (J46-SLD)
3.00
2.00
1.00
0.00
-1.00
-2.00
-3.00
1.20
1.19
0.97
0.52
0.08
-0.45
-0.79
-1.00
2003
2004
2005
2006
2007
2008
2009
2010


Ideal points: Adam Jamróz (J10-SLD)
3.00
2.00
1.00
0.00
-1.00
-2.00
-3.00
-0.85
-0.90
-0.98
-0.96
-0.96
-0.80
-0.53
-0.23
0.53
0.99
2003
2004
2005
2006
2007
2008
2009
2010
2011
2012


Ideal points: Andrzej Wróbel (J41-SLD)
3.00
2.00
1.00
0.00
-1.00
-2.00
-3.00
0.61
0.45
0.58
1.02
0.94
0.53
2011
2012
2013
2014
2015
2016