

The project seeks to analyze how the content of legal norms is shaped in the relationship between political actors and judicial or quasi-judicial institutions. Modern liberal democracy is characterized by multiple trends affecting the dynamics of the lawmaking process. Not only the number and complexity of regulations is increasing, but the process of their creation and interpretation is becoming more complex and multidimensional. Interpretation frequently affects the content of the legal rule, sometimes in a manner that can be considered rather inconsistent with the original purpose of the political actors initiating the regulation in question. This is particularly important in the area of constitutional law, where the legal norms in question are the basic rules of ordinary politics, limiting the capacity of the democratically responsible political branches to translate their will into law.

Prior research in this field focused on two related areas. The role of the courts engaged in legal and constitutional interpretation in shaping the political environment and resolving political disputes is analyzed under the heading of the *judicialization of politics*, while the relationships and interactions between political actors and constitutional interpreters (with both parties seeking to influence constitutional meaning and its interpretation) are known as *constitutional politics*. We propose to generalize this conceptual framework by focusing on the concept of *constitutionalization of politics*, extending to all cases where constitutional arguments are employed to block or affect public policy formulated by the political branches. Of particular importance are those cases where constitutional objections are raised by institutions having:

- formal power to bind other actors in their interpretation of the constitution,
- informal persuasive authority recognized to such extent that other actors follow their interpretive pronouncements even if not formally bound by them.

Those institutions not only effectively have the power to alter the meaning of constitutional norm through its interpretation, but do so in such context that the impact of such interpretation upon public policy is expressly known. To underline their role, we refer to them as constitutional interpreters. Such interpreters not only become *volens volens* political actors, but have – assuming that other actors abide by the rule of law – an absolute advantage over other participants in the political process. In this context we seek to answer the following questions:

1. What is the impact of constitutional interpreters on the public policy in modern democracies?
2. What are the factors influencing such impact (institutional position, mode of operation, informal sources of authority)?
3. Which kinds of considerations enter into the interpreters' decision-making processes?
4. What instruments do political branches have to check the influence of the interpreters, and does a state of balance where political actors and constitutional interpreters agree to the role of both parties in influencing public policy exist?

The project will end in a comparative account of the constitutionalization of politics in four countries, representing different legal systems, constitutional traditions, governmental systems, and political cultures: United States, France, Germany, and Poland. All of them, despite institutional differences, are generally counted among liberal democracies governed by the rule of law. At the same time, each of them implements that rule through different institutional arrangements (case-by-case judicial review, abstract review by a political body, and abstract review by a specialized court). In the course of the project, we will seek to answer the question whether those institutional differences lead to functional ones, whether the impact of constitutional interpreters (usually related to the legal elites) is different or similar, and whether there are comparative mechanisms of assuring balance among the interpreters and political actors. In this last aspect the project results can contribute to explaining the causes and course of the ongoing constitutional crisis in Poland that started in 2015.