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Police In-Between Apoliticality and Politicality¹

Abstract: The paper aims to construct a theoretical tool that allows for possible precise location of relations between the police and the ruling elite in a given country. Their relationship is between the ideal types of apoliticality and politicality. The five stages of the relationship between the ruling elite and the bureaucracy on a continuum between the ideal type of the apolitical Weberian bureaucracy and its antinomic ideal type of politicised system of patronage can be arranged as follows: self-regulation, personal independence, uncertainty, loyalty, and enhanced loyalty. The empirical usefulness test of these stages scheme consisting in the case study of one state characterised by a large range of autocratic and democratic regimes evolution (thus post-war Poland) was positive. Relations between the police, or more precisely: the Citizens' Militia, in the period of the Polish People's Republic can be defined as being at the stage of enhanced, double loyalty. In the period of the Third Polish Republic, relations between the police and the ruling elites can be placed at the fourth stage – loyalty. The few attempts to change this type of relationship and move to the stage of self-regulation or personal independence remained at the level of ineffective and temporary attempts at best.

Key words: apoliticality of the police, politicality of the police, Weber's theory of bureaucracy, patronage system, theoretical tool

Introduction

The paper aims to construct a theoretical tool that allows for precise location of relations between the police and the ruling elite in a given country. By 'police' is meant any structure designed to ensure the security of the population and the political regime in question. The ruling elite can be structured organisationally into a political party (or their coalition). It can also be a communal group, i.e., originating from a given family, tribe, or their alliances, but also a community of residence or obtaining the means to survive. In the latter case, a good example is a criminal gang taking over the state.

Due to the huge variety of relations between police structures and the ruling group, the most appropriate solution is to use the ideal types method created by Max Weber (Beetham, 2018; Bruun, 2001; Rex, 1977). The ideal type is a set of the most important features of a given entity, phenomenon, or social process. In any case, it is possible to create at least one set of opposing most important features. As a consequence, at least two antinomic ideal types are formed. All entities, phenomena, or processes satisfying to any degree these opposing essential characteristics belong

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to the continuum between the two antinomian ideal types (Bäcker, 2019). It is necessary to highlight that only in extreme and very few cases it is possible to almost completely close on this continuum of specific entities, phenomena, or processes to the ideal types. The vast majority is concentrated at a greater or lesser distance from these types.

In order to be able to precisely indicate the distances from ideal types, it is necessary to precisely determine the intermediate stages on a given continuum. They usually are constructed by determining the level of occurrence of the most important features: from the almost full occurrence of a given feature, then significant, being a mixture of a given feature and its antinomy, significant occurrence of the antinomic feature, and in the last stage, almost full of the latter. It is necessary to define the boundaries between the individual stages very precisely.

This paper's basic assumption follows directly from the presented consideration. The relationship of the police and the ruling elite is between the ideal types of apoliticality and politicality. It is necessary to formulate intermediate stages between these two antinomian ideal types and draw very precise boundaries between them. Before that, however, it is worth considering the usefulness of other typologies of relations between the police and the ruling elite, starting with a very general level of relations between the ruling elite and the entire state apparatus. In this case, starting from Weber's understanding of bureaucracy as an ideal type, it is necessary to construct antinomic ideal types and propose intermediate stages on the continuum(s). The result is the creation of a theoretical tool to measure the quality of relations (including the scope of subordination) between the ruling elite and the police.

The final stage is an empirical test to check the possibility of using the created scheme to analyse specific relations between the police and the ruling elites. In this case, it is worth considering the relations between the police and the ruling elites in post-war Poland, characterised by a very significant scope of evolution of autocratic and democratic regimes.

The Five Stages Between the Ideal Types of Apoliticality and Politicality

Weber characterised bureaucracy as an organisational structure with many rules, standard procedures, and requirements, with clearly divided work areas and responsibilities, a strong hierarchy, and substantive, impersonal relationships between employees. This hierarchical structure is intended to ensure the functioning of the state in the most professional, rational, efficient, and orderly manner possible (Weber, 2002, pp. 161–168; Weber, 1991; Udy, 1959).

Weber's theory of bureaucracy was created at the turn of the nineteenth and twentieth centuries, during the period of fascination with the rapid industrialisation of many areas of social life. It is not surprising that this concept takes on the features of a modern machine (Kłoskowska, 1998) not only in terms of functioning, but also striving for manufactured products unification (and thus the most rational, purposeful, and effective functioning of the state). The Weberian definition of bureaucracy is much broader than concerning only state administration. It can be applied to the factory administration or

the clerical apparatus, e.g., in railways, and to such state institutions as the army and the police.

Bureaucracy understood in this way requires an adequate social environment, including appropriate relations with the elite that rules the state. The key issue is to perform the functions typical of bureaucracy. Everything that interferes, distorts, or delays their implementation should be eliminated. The function's highest efficiency is ensured when any external factors that may interfere with the bureaucracy functioning are eliminated or extremely limited. At the same time, it is important that the mechanisms of self-repair, perceiving, and eliminating errors within the bureaucracy itself worked efficiently.

The conditions are met if the ruling elites limit themselves solely to appointing and accounting for the tasks to be carried out by the state bureaucracy. That statement can be treated as definitional for the ideal type of bureaucracy apoliticality, including the police. It means that the ruling elites should not deal with staffing within the bureaucracy framework. It applies not only to the lack of competence to nominate even the highest bureaucratic positions, but also to the establishment of personnel policy rules. In this case, the relationship between the ruling elite and the bureaucracy can be compared to the factory owner's decision to buy a machine. The owner is not interested in how the machine works. For him, the most important criterion is its effectiveness and the purchase cost, and then functioning cost. Therefore, the ruling elites should not be interested in how the bureaucracy works. It is important only that it works effectively, efficiently, rationally and, let us add, at the lowest possible financial and political cost.

Max Weber created not only the ideal type of bureaucracy, but also the antinomian ideal type – the patronage system (McCulloch, 2016; Mayntz, Derlien, 1989). While in the case of the ideal type of bureaucracy, the most important criterion is the substantive and impersonal resolution of issues, the patronage system treats the level of loyalty as the most important criterion. In Weber's writing about the victorious party, the ruling elite treats the bureaucratic apparatus as a resource that should be subjugated and used to the maximum for its own particular purposes. In this case, the most important competence for the ruling elite is the right to fill as many official positions as possible. The state bureaucracy as an ideal type carries out the tasks set by the ruling elite, which are publicly formulated and have the character of legal norms. It is worth clarifying: therefore, they must comply with the principles of the rule of law. Thus, the purpose of these tasks with a very high probability is to perform general functions. In the patronage system, the ruling elites set out tasks on the state bureaucracy according with their own particular interests. In such a situation, the clerical apparatus becomes an integral part (sometimes predominantly important) of the ruling class. An official in the patronage system is a vassal of his senior – a higher rank senior official or, directly or indirectly, one of the members of the ruling elite. The existence of such a relationship can be formalised (as it was in the late medieval feudal states – Bloch, 1981, p. 271). Creating such a relationship can also be informal, without a ceremonial. However, it always is a conscious act for both sides of the relationship. The political nature of the bureaucracy, understood as the ideal type, consists in a holistic union with the ruling elite.

In my opinion, it is possible to distinguish five basic stages of the relationship between the ruling elite and the state apparatus on the continuum between the ideal types of the Weberian bureaucracy's apoliticality and the patronage system's politicality.

The first stage is a relationship between the bureaucracy in the Weberian sense and the ruling elite that fully enables the former's function to be realised. Thus, the ruling elite does not decide on the appointment of posts and does not control the way the bureaucracy functions. The latter is regulated by internal self-regulation mechanisms. Such mechanisms include, for example, corporate self-government, substantive co-optation and de-co-optation systems, or an extensive system of internal audits. The smaller the scope of internal self-regulation mechanisms, the further distant the relationship between a particular bureaucratic institution and the ruling elite is within this first stage. However, the most important feature of this stage is not the very existence of these self-regulatory mechanisms but the possibility of their creation by the bureaucracy. Thus, the ruling elites have as their only competence the right to create (or liquidate) a given bureaucratic institution and define its goals and the desired level of their implementation. It is also necessary to mention the acceptance of the given institution's functioning costs. The level of achievement of the assumed goals is the basic criterion determining the decision to annihilate or not to do so. All other matters are the competence of the bureaucratic institution concerned.

In this case, one can fully talk about a kind of machine. The factory owner buying a machine does not decide what parts it consists of. He is interested only in the machine cost and performance. Other issues lie beyond his competence and the ability to manage his time and authority.

The second stage of the relationship between the bureaucracy and the ruling elite consists in the general observance of the principle of personal independence of the former. The ruling elite does not decide on staff appointments within bureaucratic institutions. However, this feature should be treated as gradual since it is possible to apply the mildest form of personnel policy, which is the right of veto over proposals presented by a bureaucratic corporation. The next step is the right to appoint the head of a given bureaucratic institution, and the next is his deputies and heads of territorial branches from among the candidates presented by a given corporation. Further steps of reducing the principle of lack of personnel permissions can be enumerated. However, it is much more important whether the principle of lack of competence of personal appointments by the ruling elite is generally respected and, more importantly, what criteria determine the right to veto or consent to a given personnel appointment. If the most important criteria are substantive issues, i.e., the level of candidates' professionalism, then in such a case, it is possible to assign specific relations between the bureaucracy and the ruling elite to the stage of personal independence.

The third stage – uncertainty – is the period of indeterminacy of the validity of any rules. This uncertainty concerns not only the application of the substantive principle in the filling of posts, but also the compatibility between the general objectives pursued by the bureaucracy, compliant with the principles of the rule of law, and the originally assumed objectives. On the other hand, it is not clear whether particular objectives based on the principle of prerogative state (Fraenkel, 1943; Rak, Bäcker, 2022, p. 194), largely inconsistent with the set goals, are primarily pursued. It is also uncer-

tain whether the antinomic principle of substantivity applies in the first place – and so, the principle of loyalty. This uncertainty results, on the one hand, from the ruling elite's attempts to subjugate the bureaucratic apparatus and, on the other hand, from the (relatively effective) resistance put up by the bureaucracy and groups opposite to the ruling elite. In this case, we are dealing with a situation of uncertainty resulting from the state of non-resolution of this general conflict, often consisting of hundreds or thousands of decisions and disputes.

The fourth stage is the state of bureaucracy's personal subordination to the ruling elite. The latter decides on any personnel changes and thus acquires the competence to carry out follow-up or preventive control of any decisions taken by the bureaucracy. The basic principle of the functioning of the bureaucracy at this stage is loyalty to the ruling elite. Lack of loyalty is a sufficient and most important basis for making de-recruitment decisions. The principle of loyalty can be applied in a variety of ways. It can encompass the entire bureaucratic apparatus without exception, and may, in the mildest phase, concern mostly people in managerial positions.

The fifth stage is special. It consists in further strengthening the bureaucracy's personal subordination to the ruling elite. In this case, one can speak of at least a double, and in an extreme form – a holistic subordination to the ruling elite. Such a situation occurs when, in addition to the loyalty of the clerical type, there are types that strengthen the former. It may be loyalty resulting from the existence of a corruption system, one in which a subordinate has an unwritten right to take bribes provided that a certain part of them is handed over to his superior. This dual corruption-officials loyalty can be strengthened by the loyalty resulting from belonging to a *de facto* mafia structure seated within the bureaucratic-ruling apparatus. A good example of this type of enhanced loyalty is the tribal ties that encompass all aspects of life and thus make officials and bureaucratic functionaries completely dependent on the ruling elite. A peculiar type of this type of pedigree-tribal addiction are the parantelistic ties found in the totalitarian party-state apparatus (Bäcker, 2011, pp. 46, 54, 128).

It is also necessary to indicate that all these types of enhanced loyalty can occur individually (and then we are talking about double loyalty: clerical and of a given type). It is also possible to present them in a multiplied form, and then we should talk about triple, quadruple, and finally, holistic loyalty.

It is impossible to treat the presented enumeration of enhanced loyalty as hierarchically ordered within this stage. In fact, the types can be located throughout the continuum delimited by the boundaries of the fifth stage. Their approximating or distancing from the boundaries of this stage does not depend on the type of strengthening of loyalty but on its intensification and multiplication. The greater the intensity, multipliability, and universality of enhanced loyalty, the more one can speak of approaching the extreme limit of this stage, which simultaneously is an ideal type of system of politicised patronage.

The five stages of the relationship between the ruling elite and the bureaucracy on the described continuum between the ideal types of the Weberian bureaucracy's apoliticality and its antinomic ideal type of politicised patronage system can be arranged as follows: self-regulation, personal independence, uncertainty, loyalty, and finally, enhanced loyalty.

Bureaucracy and the Ruling Elites in Post-War Poland

The post-war Poland period includes at least two clearly distinct political regimes. The first is totalitarian, weakening after 1956, and the second is, to a greater or lesser extent, democratic, prevailing since about 1989. How were the relations between broadly understood bureaucratic institutions and the ruling elites shaped in these two different political regimes?

In the Stalinist period (1948–1956), one can speak of the hegemony of the official apparatus's enhanced loyalty to the ruling elites. Loyalty resulting from the need to submit to the nomenclature's mechanisms was strengthened by the belonging of a significant part of the officials and functionaries of the clerical apparatus to the ruling party, and all – to its buffer zone (e.g., trade unions). It is also necessary to mention the very high interiorisation level of totalitarian political gnosis. After 1956, this last factor strengthening loyalty began to lose on meaning and from the turn of 1980/1981, lost it entirely. With the disappearance of the Polish United Workers' Party's (hereinafter: PUWP, org. *Polska Zjednoczona Partia Robotnicza, PZPR*) ability to operate in the 1980s, the state bureaucracy gradually moved from the fifth stage – enhanced loyalty to the fourth stage – loyalty.

Along with the collapse of the Polish People's Republic and the emergence of democratic elections, pluralism of ruling parties and coalitions, and local government administration, there was also a reduction in the scope of imperious control by the state administration, i.e., a part of state-party apparatus. In the period of radical economic and political reforms lasting more or less in 1988–1991, one can talk about the stage of uncertainty. Abandoning the criteria of the so-called ideological commitment to the construction of socialism in favour of substantive criteria would allow us to assume that it is possible to situate the state bureaucracy in the period from about 1991 on the stage between uncertainty and relative personal independence. Since the creation of the civil service under the 1996 Act, there has been a formalised existence of a civil service with its own self-government. The existence of the Civil Service Council and the qualification and disciplinary committees indicate a formal transition to the stage of self-regulation. The entry into force of the new law in 1998 did not change the situation in formal terms, but allowed the new ruling coalition to increase the level of personal supervision over the corps of senior state officials. The political significance of the Civil Service Act passed in 2008 was similar. The practice of all subsequent governments of the Third Polish Republic consisted primarily in striving to maximise the personnel competences (recruitment and de-recruitment), especially senior state administration officials (Burnetko, 2003; Gadowska, 2009; Wójcik, 2020; Solarz, 2013; Kacprzak, 2020).

Thus, we can talk about the location of the actual (not legal) relations between the state bureaucracy and the ruling elites at the stage of uncertainty rather than very moderate personal independence.

Relations between the ruling elite and the bureaucracy in the period of the Polish People's Republic can be placed at the stage of enhanced loyalty, which increasingly disappeared in the 1980s. On the other hand, in the period of the Third Polish Republic, relations between the state bureaucracy and the ruling elites can be placed at the third stage – uncertainty – rather than the second – of personal independence and the predominance of substantive criteria.

Relations Between the Police and the Ruling Elites in the Polish People's Republic and the Third Polish Republic

The Citizens' Militia was created by the PKWN² decree of October 7, 1944. Earlier ideas that it would be a self-governing organisation of citizens were blocked by Soviet functionaries exercising control over Polish pro-Soviet politicians forming the PKWN (Czop, Sokołowski, 2013). The core of the emerging militia were partisans of the People's Army – an armed formation of the Polish Worker's Party (hereinafter: PWP, org. *Polska Partia Robotnicza, PPR*). Right after the war, robberies, extortions, and rapes were not only the transfer of survival patterns of the armed units of the Sovietised party from the occupation, but also a way to force the population to obey (Karłowicz, n.d.). This period ended quite quickly, and from 1946, the process of "partisanship" of the Citizens' Militia, i.e., recruiting militiamen to the PWP, began abruptly. From then until 1989, militia officers were mostly members of the ruling party, first the PWP, and from 1948 – the PUWP. The Citizens' Militia was in fact subordinated to the Central Committee of the PUWP (more precisely: to the Secretary of the Central Committee responsible for the so-called administrative matters) and individual provincial committees of the PUWP (Lichwa, 2017; Majchrzyk, 2020). Relations between the Citizens' Militia and the ruling elite during the communist period can be generally situated within the stage of enhanced, double loyalty.

The only significant attempt to change this relationship was the establishment of founding committees in May and June 1981 – first in Kraków, and then in Warsaw – a nationwide Trade Union of CM Officers. One of the postulates of the national founding committee concerned not using the Citizens' Militia for political games. This union was not registered and its founders were persecuted, including dismissals from the service (Majer, 2021; Majchrzak, n.d.). The initiative was an attempt to situate the police formation on the side of the bureaucracy in the Weberian sense (with striving for the hegemony of substantive issues). In the case of relations with the ruling elites, it can be placed at the stage of at least personal independence.

On April 6, 1990, the Sejm adopted a package of the so-called police laws, e.g., dissolving the Citizen's Militia and establishing the Police as an apolitical institution, with the most important task to take care of the safety of citizens. Apoliticality cannot be understood in this case only as a ban on conducting political activity by police officers, including electoral sympathies and speaking on political issues. A much more important issue is the extent of the relationship between the ruling elite and the police. The key issue in this case is the appointment of the Police Commander in Chief and Provincial Police Commanders.

The Police Commander in Chief is appointed by the Prime Minister on the proposal of the competent minister. Provincial Police Commanders are appointed by the competent minister at the request of the Commander in Chief. Thus, these are positions of a political nature. The ruling party or their coalition decides which of the high police officers (or generals – Sprengel, 2019) has the will to cooperate (or more precisely – the appropriate level of loyalty), so that he can be given the right position. In this case, loyalty to the ruling party is a key issue.

² The Polish Committee of National Liberation.

A specific feature of the relationship between the ruling elites and the police for almost the entire period of the Third Polish Republic was the verbal desire for reforms. Their essence was an articulated desire to increase the real resources of the direct fight against crime (“from desk to street”). The results of the implementation of the reform projects presented in this way were quite small. They usually were limited to only one issue. After the post-election change of government, there was a staff exchange of the highest officials, primarily in the Police Headquarters (Misiuk, 2018; Otrębski, 2008).

Relations between the police and the ruling elites in the Third Polish Republic can generally be placed at the stage of loyalty. After the Law and Justice (hereinafter: PiS, org. *Prawo i Sprawiedliwość*) took power in 2015, it cannot be claimed that the relationship between the ruling elite and the police has changed significantly. However, the way the police are used for social protests has changed, especially during the pandemic (strike of entrepreneurs and during mass protests of the National Women’s Strike – Rak, 2021a; Rak, 2021b; Szczepaniak, 2022). Thus, the police is treated in the public consciousness as an institution subordinate to the ruling party to a greater extent than in previous periods.

However, it is necessary to mention one exception. After changing the state’s administrative structure, liquidating 49 provinces, and creating local governments at the provincial and district level, an attempt was made to reform the relations between the ruling elite and the police. For the first time in the post-war history of Poland, competitions were held for the positions of 17 provincial commanders (16 provinces and the capital command) and district commanders. The commissions were to assess the level of substantive preparation for directing the relevant commands and present two personnel proposals to the province governor, of which the same governor chose one (Otrębski, 2008, pp. 11–12). This procedure may have become one of the most significant for the possibility of defining the relationship between the police and the ruling elite as being at the stage of very moderate self-regulation. Meanwhile, the commissions carried out numerous manipulations and instead of eliminating the errors, the procedure was abandoned in 2003 (Otrębski, 2008, p. 12).

Relations between the police (or more precisely: the Citizens’ Militia) in the period of the Polish People’s Republic can be defined as being at the stage of enhanced (more precisely: double) loyalty. In the period of the Third Polish Republic, relations between the police and the ruling elites can be placed at the fourth stage – loyalty. The few attempts to change this type of relationship and move to the stage of self-regulation or personal independence remained at the level of ineffective and temporary attempts at best.

Conclusions

The results of the analyses concerning the relations between the police and the ruling elites in the Third Polish Republic deserve a more detailed clarification. It is necessary not only to analyse the recruitment and de-recruitment processes of the Police Commander in Chief and Provincial Police Commanders, but also the key decisions they make. The latter include the policy of reporting, proceedings during investigations of social and political importance, and the adopted strategies of hard and soft repression against social protests. Perhaps the conclusions will then undergo minor rather than ma-

major modifications, concerning rather short periods than the entire period of the Third Polish Republic.

The analysis does not claim high precision. The aim was not to precisely situate the relationship between the police and the ruling elite in some part of one of the distinguished five stages. It was more about showing the method of analysis than formulating comprehensive conclusions. The most important task of this paper was to check whether it is possible to empirically apply the scheme of continuum division between the ideal types of the Weberian bureaucracy's apoliticality and its antinomic type of politicised patronage system. It turned out that division into five stages (self-regulation, personal independence, uncertainty, loyalty, and finally, enhanced loyalty) is useful for determining the level of relations between the broadly understood bureaucracy and the ruling elites. The same can be said in the case of the relationship between the police (regardless of its official name) and the ruling elites.

It is worth considering the following issue. Is it possible to find an empirical example of the permanent functioning of the relationship between the ruling elite and some segment of the bureaucracy at the stage of self-regulation? The closest to the ideal type within this stage is undoubtedly the scientific community in the US. The ruling elites do not even try to establish legal regulations concerning, for example, assessing the quality of scientific works (Bozeman, Sarewitz, 2005; Chubin, Hackett, 1990). It is also possible to place the relations of other professional corporations with the ruling elites at the stage of self-regulation, not only in the US. It also applies to many bureaucratic institutions, including, for example, to some extent local government public authorities. However, is it possible for the police and the ruling elite to permanently function at the stage of self-regulation? It would be worth examining more closely the empirical cases of relations between institutions caring for public safety and ruling elites classifying themselves to this stage.

Regardless of these remarks, it is possible to conclude that the test of the empirical usefulness of the five-stage scheme on the continuum between the ideal types of the Weberian bureaucracy's apoliticality and the politicised patronage system was positive. However, it is worth preparing more precise research tools that would allow for more accurate positioning of relationship data at a specific time and place on the continuum. It will then be possible to situate them not only within one of these five stages, but also to place them precisely in one of several parts of a given stage.

As part of the next research task, it is also worth paying attention to the explanatory potential resulting from the use of theoretical categories existing in the literature, such as political neutrality understood as a separation between policy making and, on the other hand, policy execution (Triantafyllou, 2015; Baddeley, James, 1987). However, it seems, that the antinomic ideal types of the civil servants and the spoils system are more or less identical to the ideal types of the Weberian bureaucracy and the system of patronage presented in the paper.

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Policja pomiędzy apolitycznością a politycznością

Streszczenie

Celem tekstu jest skonstruowanie narzędzia teoretycznego pozwalającego na tak precyzyjne, jak tylko to możliwe usytuowanie relacji w danym państwie pomiędzy policją a elitą rządzącą. Relacje pomiędzy policją a elitą rządzącą mieszczą się pomiędzy typem idealnym apolityczności a typem idealnym polityczności. Pięć etapów relacji elit rządzących z biurokracją na continuum pomiędzy typem idealnym apolitycznej Weberowskiej biurokracji a antynomicznym mu typem idealnym upolitycznionym systemem patronażu można uszeregować następująco: samoregulacji, niezależności personalnej, niepewności, lojalności i wzmocnionej lojalności. Test empirycznej przydatności schematu powyższych pięciu etapów polegający na analizie przypadku jednego państwa charakteryzującego się dużą rozpiętością ewolucji reżimów autokratycznego i demokratycznego (a więc powojennej Polski) wypadł pozytywnie. Relacje między policją, a dokładniej: Milicją Obywatelską, w okresie PRL-u można zdefiniować jako znajdujące się na etapie wzmocnionej, bardziej precyzyjnie: podwójnej, lojalności. W okresie III RP relacje pomiędzy policją a elitami rządzącymi można usytuować na etapie czwartym – lojalności. Nieliczne próby zmiany tego typu relacji i przejścia na etap samoregulacji lub niezależności personalnej pozostawały na poziomie w najlepszym przypadku nieskutecznych i tymczasowych prób.

Słowa kluczowe: apolityczność policji, polityczność policji, weberowska teoria biurokracji, system patronażu, narzędzie teoretyczne

