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Local Self-Government as a Problem of Political Theory

Abstract: The article aims at restoring local self-government as a research problem of political theory. In contemporary political science literature, local self-government is not treated as one of its normal, standard research problems. The main obstacle of its ambiguous position within political theory is, as I argue, the forced and imposed apolitical character of local self-government considered as a part of public administration. Despite some degree of organizational, especially institutional and legal, self-determination, the local self-government is not a political, i.e. sovereign entity. However, its non-sovereign status, which is legally established, does not exclude the existence of political potency in it.

Keywords: *local government, political theory, sovereignty, legitimacy, Charles Taylor, Carl Schmitt*

Introduction

In this article, I would like to attempt at discussing local self-government as a problem of political theory. Local government studies are conducted on the margins of political science, located on the borders between law, public administration and public policy. It is a somewhat unjustified situation because local government studies seem to have their own subject of research. Moreover, the problem of local government or local self-government has political potency which deserves the attention of political theorists.

This assumption of the political character of local government differs the approach adopted in the article from contemporary studies on the local government, which can be defined as normative theories of local government (Wolman, Goldsmith, 1990; Chandler, 2010; Erlingsson, Ödalen, 2017). While they focus on the question how should be the relations between central and local authorities organized in order to make them more democratic (Chandler, 2008; Erlingsson, Ödalen, 2013), I offer a more general perspective that focuses on the question how an existential political conflict within the state is possible. This means that for them the horizon of the political remains within the state, while for me, to paraphrase Schmitt's words, the state presupposes the political (Schmitt, 2007, p. 19).

In the article, I argue that the main reason of disregard toward the problem of local self-government is its forced and imposed apolitical character as a part of the public domain. Historically, local self-government has been developing since the 19th century as part of the state domain. Despite some differences in particular countries, its status has not changed toward greater self-determination. Its political situation was negatively determined by the process of state centralization discussed by Alexis de Tocqueville (2009).

In the following discussion, I refer to Charles Taylor's concept of social imaginaries to explain how the grassroots understanding of local self-government may differ from the dominant notion present in public discourse and legal doctrine. The empirical research on political legitimacy partly confirms this difference. The reason for this phenomenon is inherent exclusivism of contractualism as a political theory that justifies the existence of political power in a modern sovereign state. From this perspective naturalistic understanding of politics (typical for Aristotle, natural-law theorists, libertarians or some anarchists, etc.) seems to be more appropriate for grassroots political entities.

Methodology

Because I formulate statements about social imaginaries in the remainder, one can raise the objection that I do not rely on empirical research. This charge, however, should be considered in this case as irrelevant, because the argument and discussion remain in the sphere of ideas or discourses, which, I assume, can and do translate into empirically verifiable opinions of individual people, groups and societies. By their very nature, we just assign them normative precedence in political theory. The assumption of discrepancies between the state-centric and the local ideas of politics or power is well justified by the fact that in opinion polls, the level of trust in the self-government and central authorities when examined separately is highly divergent (Wiśniewski, 2015). Apart from the contemporary empirical data, we have at our disposal historical knowledge of local government models which variety may also be an argument for our assumption (Faliński, 2014). Social imaginations are not a new category in political theory. To name just one substantial example we may refer to the well-known typology of political cultures (Almond, Verba, 1995).

Absence of Local Self-Government in Political Theory?

From the perspective of broadly understood social sciences, an independent, "science of local self-government" ontologically would be the closest to political science. It would obviously concern power relations, political changes (even if only in the local dimension) carried out by coercive measures (administrative authority), with other analogous problems of legitimization, institutionalization of power as in the case of the state.

However, political theory does not treat local government as one of the normal, standard research problems (Mackenzie, 1975). If we juxtapose the lack of political theory literature on

local self-government with the fact of prevalence of legal, administrative and public policy studies on the problem we may say that local self-government is not considered by political science as a *political* problem. The reason for this is obviously non-substantial. In a world dominated by the state, local self-government functions within the legal and institutional framework constitutionally and legally defined by the central authorities. If the state is a monopoly of violence and coercion, as Max Weber perceives it, or a monopoly of political decisions, as Carl Schmitt understands it, the local self-government participates in the first kind of monopoly, while it does not have any participation in the scope of the second (Weber, 2002; Schmitt, 2012; Świącicki, 2015). The existence of a state monopoly seems to exclude the possibility of perceiving local self-government in a strictly political perspective.

The only reason for difficulties with the simple recognition of “science of local self-government” as a subdiscipline of political science is therefore the question of sovereignty in the Schmittian sense, understood as the ability to decide upon the whole of its existence, i.e. its lack in the case of local self-government (Schmitt, 2012). Local self-government is not sovereign, it does not define by itself all its legal and political possibilities of functioning, but the framework of its activity, and even existence itself, depends on the central authorities, that is, on the state in the strict sense. This situation seems to place our reflection closer to the science of public policy as a specific discipline dealing with instrumental, non-political actions of the state (public administration), where the territorial self-government is in the political and ultimate sense, only part of the larger state domain (Paziewska, 2011). Local self-government is therefore “political” only in the sense of *policy*, but not *politics*, because this sphere belongs only to the state (central government) (Cf. Schmitt, 2017).

The legal analysis of local government focuses on the legal basis of action, competencies, tasks, organization of the system and a number of other statutory frameworks for the functioning of this level of public administration. Political analysis recognizes relations between “big” and “small” politics, the condemnation of elections and collegial bodies of self-government bodies, the politization of individual activities. On the verge of a political analysis the positive impact of political selection at local level, ascribing a possible positive impact of the presence of local politicians in national policy may be noticed.

From the perspective of political theory, it can be noticed that the problem of political subjectivity of local communities and their authorities is practically silent. It does not happen so by accident. It is even a sociologically normal and correct behavior of the state (especially unitary) to repress the problem, afraid of possible separatist tendencies. For the purposes of the scientific discussion, let us try to consider the status of local government from the perspective of basic questions and problems of political theory, such as the origin of power, sovereignty, legitimization.

The mentioned categories and concepts typical of political science do not actually appear in the reflection on local self-government. As I pointed out, it does not mean that they are actually absent, but that they are repressed, they remain hidden on the unconscious level of pre-assumptions in the common perceptions of local self-government. Unconscious as-

sumptions may be of course positive for the functioning of a given political order, especially when they contribute to its consolidation and legitimization. However, the presence of unconscious assumptions in theoretical reflection, that has to be a scientific and critical reflection, seems to be a serious drawback of it. There is therefore a need to reveal hidden pre-judgments about the political sense of local self-government (Gadamer, 2013).

The Problem of Imaginaries

The fundamental premise of this article is that the claims proposed by scholars are not the only form of socially-perceptive imaginaries. Some researchers can easily fall into the false belief that the theories by which they describe and explain the world are valid for all empirically existing people, so that if these people do not know these theories, it means that in their minds there is a void that only requires to be filled. It is a typical Enlightenment belief that progress and enlightenment of humanity will be accomplished through education of the ignorant, that is, those who are just waiting to learn the truth about reality, because they do not have such truth at all. It seems, however, more modest and somehow realistic to assume that, as Eric Voegelin writes, “Man does not wait for science to have his life explained to him and when the theorist approaches social reality he finds the field pre-empted by what may be called the self-interpretation of society” (Voegelin, 1992).

Thus, society, whether on a large or small scale, is a little world, a universe, constantly illuminated from the inside by people-made meanings. These meanings are constituted by symbols, and therefore of some kind of ideas that are both created by society through experience, and at the same time express this experience. Existence in a community or society is not just a matter of convention or chance, but a participation in a symbolic experience that exceeds a single existence. These kinds of ideas, often treated as contemptuous as unscientific, remain actually affecting social life. Moreover, they exist independently of any scientific reflection. The researcher’s task is to state the existence of such or other symbols, organize them, define them and then refer to the proposed theories.

Charles Taylor is undoubtedly the most famous theorist of social imaginaries. By the term social imaginarium he understands a collection of ideas about the world that is present, secretly and pre-reflective, not only in thinking, but first of all in spoken word, cultivated tales or collective memory. Imaginaries are socially valid representations that provide people with an understanding of themselves and the world around them (Taylor, 2010). Taylor looks at imaginaria in the perspective of a dominant literate culture, associated with the intellectual and political elite of a given country, that is, one that somehow imposes a way of understanding reality from the top. Although this does not contradict his theory, he does not pay much attention to the fact that some communities may not have necessarily accept the dominant way of understanding social reality. Some superficial acceptance of, for example, cultural patterns or moral norms, the way of understanding oneself as a member of the community, a citizen, an entity participating in a collective culture may be even dominant.

Imaginations of local community and state may even, as I argue, be irreconcilable with each other, for example, when it comes to collective memory, understanding past events, identifying and naming specific problems.

Perhaps the recognition of the existence of local imaginaries, which do not coincide with national or state imaginaries, would allow to explain a series of differences between individual communities. Differences in imaginaries of specific communities do not have to be synonymous with cultural differences: culturally there may be some similarities, or even identity between particular studied communities. The difference is rooted in distinct historical, institutional, social or private experiences. Communal experience is twofold: direct (knowledge of events which are contemporary to individual lives) and indirect (inherited in language and particularly in the so-called world view). Experience, especially the personally remembered, but also inherited in the language and way of perceiving the world, determines the functioning of a given community in a larger community or society (state).

While Taylor focuses on the evolution of imaginaries in a whole historical epoch like modernity, here I would like to discuss the problem of local imaginaries developing in a much shorter period of time. Some representations may of course be permanent as products of many generations or even centuries, but their identification may be impossible in the case of a community which does not possess its own self-reflexive potential (e.g. illiterate community, community on the verge of physical and/or cultural extinction). Hence the predilection of researchers to look at macrostructure and to omit imperceptible, hidden and invisible microstructures. In the case of local community its imaginaries evolve effectively in much shorter time. They may be a part of experience of even one single generation. So, constituted they remain under influence of the functioning of local self-government in a given area.

The main imaginary that functions in almost every local community, remaining unarticulated, is the belief that there is an opposition between what is local and what is central. Legal science omits this problem because from its point of view sociological elements as not purely legal, are scientifically irrelevant. Referring to social phenomena would expose the research to the accusation of lack of methodological purity. Such an opposition, between local and central, does not occur to the eyes of lawyers because it is covered by the notion of public domain or public authority, which forms a legal fiction of state legal unity. Any possible opposition between local and central structures is imperceptible at first sight, so that theoretical extraction of it would have to be preceded by a deep hermeneutic analysis.

The existence of an opposition between what is local and what is central may be proved also by empirical data. For example, the research conducted in most European countries on the problem of legitimacy of power showed that people distinguish between the legitimacy of central and local authorities (Lidstrom, Baldersheim, 2016). This is also evident in public opinion polls, where questions about trust in local authorities and central government give different results (Wiśniewski, 2015).

State-Centered Political Theory

The indicated opposition should not be considered as a revelation to political theorists. Most political theories are explicitly or implicitly state-centered, i.e. they presuppose the state as a special, unique form of political organization. By the domination of violence and coercion the state-oriented way of thinking about politics and law dominates alternative interpretations, which have to remain either in the sphere of repression or as utopian thinking, and they are not considered seriously. The fact of domination of state-centred theories drew attention of Max Weber and Carl Schmitt. In their opinion the concept of a state, typical of modern era and its theory of sovereignty, which emerged as a monopoly of final decisions and violence, is improperly referred in discussion of political organizations from pre-modern epochs and non-western civilizations (Weber, 2002; Schmitt, 1957). If this is true in case of historical phenomena, why then should we not refer the same diagnosis to local communities? Their social existence is organized only within political dimension defined by the state. As Schmitt points out, the modern state “relativizes every other status inside of itself. It cannot recognize a status internal to its own that is prior to or superior to it and has a public law character equal to itself” (Schmitt, 2013, p. 290).

If Voegelin is right that all theories must confront opinions which are well-established and effective in explaining reality to people, then the contemporary researcher does not confront naturally born opinions of a given community about the state, but the coerced ones. Their forced status contributes to the expulsion of natural social imaginaries. The researcher may seem helpless, unable to look beyond the horizon of his or her time. This situation can be compared to the one described by Leo Strauss. In his view the modern man is not in a condition comparable to the one described in Plato’s *Republic*, i.e. to men imprisoned by the power of habits, myths and opinions in a cave, but to people who are somewhere beneath this cave. Thus, our study of reality does not lead directly from an opinion toward a predetermined scientific truth. Our task is to return first to the cave of false (we would say non-scientific) imaginations, and only then to attempt to free ourselves from them (Strauss, 1952).

It can therefore be said that original social imaginaries, which may also have impact on the researcher, remain under influence of modern imaginaries described by Taylor. In our analysis, we should turn to the naturalist, Aristotelian concept of state as an alternative to the now prevalent contractualist state theory (Aristotle, 2004). In modern political science theories of political power are determined by the state-centric paradigm as if the naturalistic paradigm was irrevocably overthrown, and did not offer an intellectually valid alternative. For the purpose of theoretical considerations, however, one should not reject this paradigm in advance.

In the perspective of naturalism any explanation of political reality is based on the first, natural human experience. The political community takes its origin from the family as an institution that is prior to it. Families, in turn, merge into a larger organism and then

form a “state”. One can see here a different theoretical approach than in case of modern contractualists. A classical political scientist considers social facts, the closest ones, the most knowable and understandable, and starts his reflection from them. He does something different than a modern researcher whose theories tend to be constructivist. Aristotle’s sociological definition of state is in fact irreconcilable with the modern way of understanding the state. According to Hobbes, the state begins with a large disorganized group of people, living in anarchy or state of nature, which only by some external intervention of a sovereign may turn into the state (Hobbes, 2009).

It is striking how modern understanding of the state lacks any empirical grounds. Hobbesian state of nature could never actually exist, it is purely hypothetical and in fact serves contractualist theory only to justify the already existing power and not to create any actual social contract, let alone explain the nature of political things. One can say that the contemporary definition of the state, adopted not only by theorists, but also reflected in constitutions, in the inner logic of the legal system, court decisions, public debate, the way political actions are justified, is simply contrary to experience, constructivist and abstract, not to say ideological (as a complete denial of scientific reflection). It does not come from observation of political life, but it imposes a certain way of thinking, in order to adjust reality to it. In political theory there is a hidden tension between two ways of perceiving the genesis of political life. The classic solution can be called local (naturalist), while the modern and contemporary one - statist or centralist.

Modern State as the Victory of Centralism over Localism

It seems that the social imaginaries of local communities should be naturally of a localist character. It is proved by historical knowledge about the various forms of political order as well as the process of emergence and development of the modern state (Leoni, 2016; Jouvenel, 2013). If the social imaginaries are not localist in their readable manifestations, as it is in the case of contemporary local self-government, they remain such at the hidden level. The bottom-up construction of political order is a kind of political thinking that has been almost forgotten, although it was present and even dominant in history, especially in pre-modern times. Nowadays, the state absorbs all localist tendencies and only entrusts its monopoly of power to local authorities. In modern times something that would be incomprehensible to a man of the ancient time has happened: a process of monopolizing the political by state, so that local communities were deprived of the ability to make truly political decisions about their own being (Schmitt, 2017). This change was achieved through the creation of nationwide imaginaries, in which local imaginaries, by nature weaker, had to be marginalized in the consciousness of given communities, and essential content was repressed (Ziętek-Wielomska, Wielomski, 2017).

The departure from localism to centralism underlies the emergence of the modern state. The state that monopolizes politics does not have actual exclusivity for politics (revolutions

may prove that violently), but it only asserts a claim to this exclusivity. This subtle difference explains the state's dominance in political theories, not to mention legal doctrines. Politics, or rather the political (as a translation of German "das Politische") is hidden in everyday life as a kind of potential that can reveal itself under certain conditions.

The present state of local imaginaries does not have to appear to our eyes as localist. In fact, as there were perverted by the influence of centralist thinking about politics, it is rather rarely localist in its dominating manifestations. However, for political theorist it is obvious that localism may reveal itself if its opposition to centralism turns out to be fully political (if it gains, as Schmitt would say, an appropriate degree of intensity). The fact that centralism is today dominant and claims to be the only rightful paradigm of political thought, is possible only because of the way this paradigm legitimizes itself, which takes place not only in the sphere of fact (possible use of violence) but also in the sphere of ideas.

The exit from the cave under the cave in which, due to the domination of centralism, we find ourselves, is possible by reconstructing centralist method of gaining legitimacy, and then by confronting it with an alternative solution, a hypothetical construction of local political community.

The Legitimacy of Power and the Disintegration of the State

The centralist paradigm derives its legitimacy from contractualist political philosophy. The critique of the dominant political imaginary of state genesis and justification of power would require undermining the arguments on which it is based. Contractualism is a subject of radical criticism in libertarian political philosophy which rejects entirely (in the case of anarcho-capitalism) or partly the institution of the state. In the following part of the article I will refer to the arguments of this philosophy in order to define possible conditions for restoring the political status of local community. It should be noted that the libertarian arguments will be used here for analytical reasons, without the need to accept their normative substance. The anti-state libertarianism will serve only as an analytical tool to reveal the aporia of the dominant paradigm.

Contractualism is based on the assumption of the hypothetical social contract, alleged consent of the people for the existence of state power. The democratic system is based on the principle of people's sovereignty, according to which political power (specifically legislation) comes from the people. The liberal limitations of this principle typical for the state of law (*Rechtsstaat*) are considered as corrective or even denying its very essence (Tocqueville, 1976, Schmitt, 2012). This argument is raised today by populists in order to delegitimize liberal democracy (Müller, 2017). Noteworthy is the difference between the criticism of the contemporary state expressed by populists and libertarians. Populists, often referring to autarkic or separatist sentiments, do not act against the state as such. Their "localism" is therefore not naturalistic, but remains in the horizon of centralism and contractualism.

They aim to redefine the conditions or content of the alleged social contract, to improve the dominant paradigm but not to refute it.

Anti-state libertarianism turns out to be useful for our considerations, because it appears to be, to use a Weberian term, an antinomy to contractualism. Libertarian critics raise many arguments against social contract: lack of a real, historical social contract, change of parties without any change of the contract itself, the consent of majority is not the consent of all, etc. (Hoppe, 2006; Rothbard, 2016). The only way to defend contractualism against its critics may be the transition to the based-evidenced arguments: the social contract is only hypothetical and justification of power is based on implicit, silent consent (Locke, 2015; Porebski, 1999).

The only normative alternative proposed by anti-state libertarianism is a secessionist strategy (Hoppe, 2006). The strategy presupposes not a direct transition from the state to a stateless society, but rather some indirect solution. According to libertarian political philosophy, local communities should have right to separate from nation states, which should lead, step by step, to the decomposition of the unjust state order.

The secessionist strategy meets the concept of the right of nations to self-determination. Popular sovereignty, considered as the sovereignty of a particular nation, seems to be the only sound foundation for the legitimacy of the modern state. Today it is the only possible, socially effective, way of justification for the existence of political power. The principle of self-determination of nations may one day be developed to the principle of self-determination of local communities. It is not difficult to imagine today the possible effects of such a principle.

Apolitical Character of Local Self-Government

Local self-government is considered by law as a part of public authority, although it has a separate legal personality and functions in many areas independently from the central authority. Thus, it becomes for political theory an interesting political and legal construct. In spite of its organizational independence, in principle it remains dependent – it is not a sovereign entity, and therefore, according to Schmitt's notion of sovereignty, it is not (in a normal situation) a political entity. However, in the public discourse, and even on the normative level, certain political attributes are assigned to it, e.g. local authorities are generally chosen in public election according to the principle of democratism.

In a contemporary state such as Poland, local self-government is in a sense an intermediate institution between citizens and the central authority. It claims to derive its power from the bottom-up, but rules of its functioning, organizational and legal framework are defined by the state. In the administrative sense, local self-government bodies are independent but in the political sense they are subject to legal regulations of the central authority of a sovereign state. Although then local self-government declares to derive its legitimacy "from below", legally it draws its authority *de facto* from the "top". One can imagine that in the extreme

case, the constitutional majority could easily limit or even liquidate the local self-government in general. The analogous situation for a political entity *par excellence*, that is the state, is unthinkable. In fact, local self-government is a completely depoliticized institution.

However, one should ponder the presence of democratic legitimacy potential in the case of local self-government being only a part of state domain and state-oriented imaginarium. It seems that the meaning of this potential is different than in the case of a local imaginarium. In this discrepancy might be hidden a possible source of political dispute. It is purely hypothetical to consider how local authorities would react to their legal liquidation. Would not the negation of their existence mean elevating them from a legal (and apolitical) to political status?

De facto limited democracy (if as a criterion one takes the principle of popular sovereignty) in local self-government can be the subject of criticism of populists demanding its democratization. If the suggested here discrepancy between the state and local imaginaries is factual, it is not difficult to politicize the relationship between the central and local authorities. The politization (in Schmittian sense) of local self-government would be a kind of paradox, as it would refer to the same principle that laid the foundation for the birth of the nation state. It can therefore be said that the survival of the modern state, which is sovereign and usually unitary, will depend on the radicalization of this principle. It turns out that the social imaginations which determine self-identification of particular collectives are of decisive or even vital importance.

Conclusions

The absence of local self-government in political theory results from its enforced normatively apolitical status. The local self-government as we observe today is a product of centralization of power, which arbitrarily defines the framework for the functioning of entities within the state. The special status of the local self-government could not be noticed without reference to Carl Schmitt's notions. We can see now that the standard, widely accepted understanding of the state as monopoly of violence does not explain the apolitical status of local self-government. Only the concept of monopoly of political decisions, which the local self-government obviously lacks of, can fully explain its status. In terms of political notion of sovereignty, it is unable to self-determine its political existence.

Due to the naturally occurring differences in social imaginaries between those official, state-oriented, and those unofficial, hidden, local, we may presume that local communities have hidden potential for being political. Its activation is possible only in the event of an intense confrontation between the central and local authorities regarding the survival of the latter. Local self-government as a manifestation of independence from the state, although in the course of a historical process it was a subject of the processes of neutralization and apolitization (Schmitt, 1999), retains its political potential.

The existence of contemporary local self-government is not only legally but also in terms of legitimacy dependent on the existence of state (central) authority (Haus, 2016). The emergence of political potential in local communities is possible only if the dominant way of legitimacy of local authority remaining in close conceptual relation to the state would be abandoned, and its place would be taken by imaginaries powered by naturalism. On the other hand, the postulate of democratization of local communities would have to be informed by a constructivist set of ideas, including the concept of self-determination of nations.

From the point of view of the distinction between the state and naturalistic concept of local self-government (Bosiacki, 2006; Paziewska, 2013) and, more broadly, the naturalist and contractualist state theory (Porębski, 1999) autonomic tendencies within the nation state will not be referring to naturalism or localism for a long time in the future. It seems that the return to naturalism is possible today only in theory, hence the great utility of anti-state libertarian political philosophy as an analytical tool.

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