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## GLOBAL POPULATION MIGRATIONS AS A THREAT TO THE EXISTENCE AND PROPER FUNCTIONING OF CIVIL SOCIETY INSTITUTIONS. SELECTED ISSUES

## GLOBALNE MIGRACJE LUDNOŚCI ZAGROŻENIEM DLA ISTNIENIA ORAZ PRAWIDŁOWEGO FUNKCJONOWANIA INSTYTUCJI SPOŁECZEŃSTWA OBYWATELSKIEGO. WYBRANE ZAGADNIENIA

**Summary:** The aim of the article's author is to reflect on the essence of civil society in the context of social migration. There are many concepts in the literature on the description of citizenship and the definition of the phenomenon of population migration, which the author cites in the article, however, the assumption of this publication is to induce reflection on the impact of population migration on the implementation of citizens' rights and obligations. It is impossible not to notice the huge range of impact of migration on many areas of life, and in particular on the functioning of civil society. Nowadays, social and economic changes are constantly occurring, causing society to mix, and in addition to the fact that they obviously become theoretically unified in the community, it should be noted that in practice the situation of civil society in individual countries is becoming increasingly complicated. Migration of the population should therefore be considered as a factor limiting the citizen in terms of his civil rights and obligations, without which the institution of civil society collapses.

**Keywords:** migrations, globalization, civil society, constitution, global migrations, the idea, the principle of civil society, the rights and obligations of the citizen

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**Streszczenie:** Celem autorki artykułu jest podjęcie rozważań na temat istoty społeczeństwa obywatelskiego w kontekście migracji społecznych. W literaturze występuje wiele koncepcji opisu obywatelskości oraz definicji zjawiska migracji ludności, które autorka przytacza w artykule, jednakże założeniem niniejszego opracowania jest skłonienie do refleksji na temat wpływu migracji ludności na realizację praw i obowiązków obywateli. Nie sposób bowiem nie zauważyć ogromnego zasięgu oddziaływania migracji na wiele dziedzin życia, a w szczególności na funkcjonowanie społeczeństwa obywatelskiego. W dzisiejszych czasach nieustannie zachodzą przemiany społeczne oraz gospodarcze powodujące mieszanie się społeczeństwa i oprócz tego, że oczywiście stają się one teoretycznie wspólnotowo ujednoczone, to należy zauważyć, że w praktyce sytuacja społeczeństwa obywatelskiego w poszczególnych państwach staje się coraz bardziej skomplikowana. Migracje ludności należy zatem uznać za czynnik ograniczający obywatela w zakresie jego praw i obowiązków obywatelskich, bez których instytucja społeczeństwa obywatelskiego upada.

**Słowa kluczowe:** migracje, globalizacja, społeczeństwo obywatelskie, konstytucja, globalne migracje, idea, zasada społeczeństwa obywatelskiego, prawa i obowiązki obywatela

## INTRODUCTION

There are a number of publications dealing with migration of people, its origins, development, changes associated with it and the psychology of migration. However, very few people still consider the issues of civil society institutions in the context of social migration. It is necessary to consider whether a person leaving the country of which he is a citizen for various reasons has the prospect of fulfilling social obligations and rights towards the state outside its borders? Undoubtedly, the situation of citizens who have been forced to leave their country due to ethnic or armed conflict or ecological disasters is difficult. In the face of such serious events, it is impossible to consider the rights of individuals to decide about their country, let alone the needs of local communities. Many people decided to go to another country for work purposes and a significant number of them remained abroad. Can a civil society institution function properly in such a situation? This article is to prompt reflection on civil society today. One can indefinitely recall the various definitions of civil society created by the greatest philosophers of this world, which I allowed myself to quote. However, one should consider whether in the present day the meaning of the idea of civil society is still valid?

How does society fulfill its civic obligations towards the state? Is it able to implement them properly while living in another country or on a distant continent?

## THE CONCEPT OF CIVIL SOCIETY IN PHILOSOPHY – AN OUTLINE OF THE PROBLEM

The Aristotelian ideal of citizenship assumed that the most important plane in the value system of the citizens of polis is the good of the state community, while their active political participation is the fullest form of self-realization<sup>1</sup>. In turn, according to the philosophy of I. Kant, the ideal of civil society is implemented in two stages. At the first stage, the citizen's practical freedom must be secured by law even by coercive measures. And Kant emphasizes that a society based on the power of positive law is provisional. Then only some individuals understand that the implementation of the law of nature is the destiny of humanity. Only free people in a rational way, guided by the will controlled by the law of categorical imperative, are really free, because the others must be forced to respect the law. However, the second stage distinguished by I. Kant will take place when everyone becomes subjects of rational freedom. In turn, according to G. Hegel's assumptions, civil society is the antithesis of the family, which should be understood as a purely external organization of individuals created to protect private interests. Bonds in civil society should be governed by law enacted, with the help of justice, for settling disputes between citizens. In turn, the needs of civil society imply the need to select individuals operating in the public sphere, for which the highest goal is the good of the community for which they give up their private interest. G. Hegel's theory – in contrast to the philosophy of I. Kant indicates that the individual must ultimately identify with the community. In addition, the law ceases to be an autonomous category created by an autonomous entity and then becomes a community category whose content is completely subject to the judgment of the community<sup>2</sup>.

From a historical point of view, it should be admitted after Z. Kowalewski that „(...) the present is a child of the past and a tangle of present powers underestimated or unknown at that time. Polish civic culture reaching back to the Republican achievements of Rome and the sociological and political thought of ancient Athens benefited in building its statehood also from the experience of the early Middle Ages, as well as the Eastern Roman and Roman-Latin tradition of dual power; res publica and res ecclesiastica. Hence the subjectivity of civil society (societas civilis) in the teachings of law (also through the Byzantine legacy - the Justinian institution), the tradition of enlivening, but also opposition against power, especially when it opposed sacred matters when it was contrary to natural order, divine order”<sup>3</sup>.

<sup>1</sup> K. Dziubka, *Teoria demokratycznej obywatelskości – zarys problemu*, [in:] W. Bokajło, K. Dziubka (ed.), *Spółeczeństwo obywatelskie*, Wrocław 2001, p. 102.

<sup>2</sup> Ibidem, p. 63.

<sup>3</sup> Z. Kowalewski, *Spółeczeństwo obywatelskie w doświadczeniu historycznym*, Warszawa 1991, p. 358.

According to the views presented today, for a society to function properly it is necessary to have the infrastructure of a modern, liberal political system, that is, such institutions and principles as the rule of law, constitutionalism, the separation of powers, the permanent and extended scope of all freedoms (association, assembly, mass media, circulation of persons, ideas, goods and services), decentralization of the state, free-market economy based on private property, and free elections. According to M. Migalski, „all this entourage to which we are so used to and – at least some of us – attached appears to be a *conditio sine qua non* for the proper functioning of civil society”<sup>4</sup>.

## MIGRATION AND IMPLEMENTATION OF CIVIC OBLIGATIONS

Migration is a historical phenomenon, a segment of the historical process, development and transformation of human society. Humanity in its development is shaped by the strong participation of various types of migration. According to J. Zamojski, it is in its shape a kind of migration product, „both great - populating continents, creating but also removing nations and states from history, but also annihilating cultures as well as those small, individual, unnoticed, by its multitude and the continuity of changing faces of countries and societies”<sup>5</sup>. Migration cannot be treated only as population movements, described by demographers, but above all economic, social and cultural processes that deserve the attention of many other disciplines<sup>6</sup>. The consequences of migration should be considered from the point of view of an immigration and emigration country. It can cause a different effect in the form of gaining benefits or recording losses. There are of course many positive aspects of migration. Undoubtedly, it has an impact on the growth of national income, increases the size of employment, which contributes to the possibility of increasing investment and labor productivity. In addition, it affects the development of production and services as well as the economy and agriculture. Migration also increases the efficiency of resources and production factors due to the fact that migrants are not competitive when it comes to jobs for employees in the host country. Foreigners are considered flexible employees, while their employment often influences the promotion of local employees. Migration also has a positive effect on demographic processes<sup>7</sup>. A number of positive aspects of migration can be mentioned, but the purpose of this article is to analyze its impact on civil society. It must not be forgotten that, in addition to all the goods it brings, it causes irreparable losses – even to local governments. Thus, one can be tempted to say that it causes

<sup>4</sup> M. Migalski, *Obywatel – społeczeństwo – demokracja*, Sosnowiec 2006, p. 21.

<sup>5</sup> J. Zamojski, *Upadek imperiów i rozwój migracji. Migracje i społeczeństwo* 8, Warszawa 2003, p. 5.

<sup>6</sup> J. Isański, *Migracje i transfery kapitału społecznego*, Poznań 2015, p.20-21.

<sup>7</sup> E. Bielak-Jomaa, Z. Góról (ed.), *Zatrudnianie cudzoziemców*, Warszawa 2015, p. 43-48.

a kind of slow destruction of civil society institutions. In a pluralistic state, at a local level, civil society cannot function properly or its functioning can be significantly impeded. The society scattered all over the world usually has no knowledge about the budget of its commune, does not raise any objections, it does not belong to cooperatives or local communities. In addition, it does not make decisions relevant to the local population who lives in a given commune for various reasons, e.g. due to too distant place of residence, lack of awareness, lack of time, the need to take leave to participate in this type of meeting, lack of desire and motivation to change the place where maybe they will never live again. Of course, nowadays, by means of mass media, the awareness of the necessity to participate in elections is happily increasing, but then the question should be asked: what knowledge about the needs of the local community does a person living in another city or state have? What is the motivation of the citizens – economic emigrants casting their vote and making binding decisions for the country in which they do not live and receiving only the rudimentary, often distorted information reaching them through the media.

Man is a political being – a citizen, which is why he should exercise the rights related to active participation in political life and be able to influence the constitution of the state and the right to co-decide on the form of government, free discussions and systemic searches. In addition, he should enjoy equal political rights, uninterrupted access to public offices, free choice of profession or association with political parties<sup>8</sup>.

In practice, however, unfortunately, one cannot always talk about the implementation of the above, because there are a number of factors limiting the citizen in terms of his rights and civic obligations, without which the institution of civil society collapses. One of such factors is just the migration of the population. People have been moving and migrating since the dawn of time. Initially, their goal was to colonize more and more fertile areas, acquire food. At that time clusters, tribes and entire numerous families were moved. Over time, permanent settlements began to be built, and people began to gain awareness of community life. A national identity was created and with it – a civil society caring for it. One cannot forget about patriotism either. As a manifestation of the national bond, it constitutes a kind of strengthening of civil society, which could not exist without a significant dose of patriotism. Like citizenship, it confirms the importance and strength of society. In turn, the national bond and the patriotism that confirms it result in attachment to the broader territorial political whole – the state<sup>9</sup>.

In the constantly changing world, people were forced to leave their homeland for various reasons. With the emergence of a global society and thus the emergence of

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<sup>8</sup> R. Tokarczyk, *Podstawy prawoznawstwa, teorii i filozofii prawa. Reinterpretacja krytyczna*, Sosnowiec 2017, p. 192.

<sup>9</sup> E. Schills, *Co to jest społeczeństwo obywatelskie? Europa i społeczeństwo obywatelskie. Rozmowy w Castel Gandolfo*, Kraków 1994, p. 30-31.

a new social unit - „world citizen” – certainly smaller communities p – countries have felt the effects even at the level of local governments. To illustrate this problem, it is enough to use the example of a citizen of the Republic of Poland who lives most of their adult life, even in Great Britain, working and paying taxes there. On the basis of such arrangements can it be assumed that he will exercise his citizenship rights and obligations towards his home country each time? Will he be able to make decisions appropriate for the civil state by staying permanently outside his homeland? Although it is difficult to categorically say what this citizen could do in a given situation, experience and practice shows that it is impossible to answer the above questions in the affirmative.

Refugeeism<sup>10</sup> should be spoken of as global in relation to the number of victims of forced eviction, because an estimated 13-20 million people are struggling to survive outside their home country. The number of internal refugees (migrating within their own territory) is also unidentified and the number of economic refugees who returned from exile to their countries is still growing<sup>11</sup>. The situation of refugees is complicated in the social, cultural, political, economic, legal and psychological dimensions. Undoubtedly, the view of Z. Baumann is correct, according to which refugees do not change, but rather lose their place on earth, are thrown out „nowhere”<sup>12</sup>.

However, they do not find a permanent place on earth, nor can they be referred to as those seeking their place on earth. They are not settled, have no competence or their motivation is spread, which is a natural consequence of social, economic and legal suspension in a vacuum resulting from the lack of a global, institutionally legitimate network of democratic control, a global legal system and globally binding ethical rules<sup>13</sup>. In the context of migration, mention should be made of social loneliness, which is often referred to as social isolation<sup>14</sup>. The main migration movements in post-war Europe were economic. Economic migration is a civic phenomenon that has been around the world for a long time. It is one of the manifestations of people seeking better conditions to meet their own needs and implement their intentions or life plans. The number of migrants in the world in the first half of the 1980s was estimated at 23 million – of which 6.5 million were in Western Europe and the USA. The rest, to the Middle East of Europe, West and South Africa and Latin America. In turn, at the

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<sup>10</sup> Refugee – a person who, as a result of a justified fear of persecution because of his race, religion, nationality, belonging to a specific social group or because of political beliefs, stays outside the country of which he is a citizen and cannot or because of concerns, cannot or does not want to enjoy the protection of that country. Cf. Convention on the Status of Refugees, drawn at Geneva on 28 July 1951. Journal Laws of 1991 No. 119 item 515.

<sup>11</sup> E. Wysocka, D. Lalak (ed.), *Migracja, uchodźstwo, wielokulturowość. Zderzenie kultur we współczesnym świecie*, Warszawa 2007, p.15-16.

<sup>12</sup> Z. Baumann, *Żyjąc razem w przepelnionym świecie*, „Z obcej Ziemi” 2003, No. 19; E. Wysocka, D. Lalak (ed.), *Migracja, uchodźstwo, wielokulturowość. Zderzenie kultur we współczesnym świecie*, Warszawa 2007, p.19.

<sup>13</sup> E. Wysocka, D. Lalak (ed.), *Migracja...*, p. 20-21.

<sup>14</sup> *Ibidem*, p. 237.

beginning of the 90s, according to data from European Trade Unions in Europe, there were 4.8 million migrants from European Union countries, and a further 9.8 million from third world countries. Therefore, labor migration reached enormous proportions in the second half of the 20th century and became a global phenomenon<sup>15</sup>.

## EUROPEANIZATION OF SOCIETY AND CIVIL SOCIETY

As mentioned before, for the proper functioning of civil society in the light of the considerations led by M. Migalski, principles such as the rule of law, constitutionalism, the separation of powers, the permanent and extended scope of all freedoms (association, assembly, mass media, movement of persons, ideas, goods and services), decentralization of the state, free market economy, based on private property, free elections to representative bodies<sup>16</sup>. Of course, this view cannot be disagreed. However, one should consider whether in the era of progressing globalization and social processes being a consequence of progressing European integration, is the movement of people not an obstacle to the functioning of civil society? Civil society is a concept that is widely used in Europe today, and even abused, and the implementation of the ideals of civil society has become one of the objectives of the social policy of the European Union and its Member States<sup>17</sup>. The concept of a modern democratic state contains a specific model of relations between the state and society. This model is based on the assumption of the existence of impassable borders for state interference in the area of rights and fundamental civil liberties, and at the same time establishes the right balance between the group interest and the public interest<sup>18</sup>. Nowadays social and economic transformations are constantly taking place causing cultures and societies to mix, and apart from the fact that these societies are of course becoming theoretically unified in the community, it should be noted that in practice the situation of state civil societies is becoming more and more complicated. One of the most remarkable forms of individual civic activity with a social dimension is participation in elections (voting act), voting in a referendum, submitting a complaint or application, appearing in the media, publishing an article, as well as personally dealing with someone's affairs, interventions, list petitions<sup>19</sup>.

<sup>15</sup> Ibidem, p. 107-108.

<sup>16</sup> M. Migalski, *Obywatel...*, p. 21.

<sup>17</sup> Z. Sokolewicz, *Obywatelstwo a narodowość. Uwagi w związku z ustanowieniem obywatelstwa Unii Europejskiej*, „Studia Europejskie” 1997, No. 1; A. Krasnowolski, *Spółczesność obywatelska i jej instytucje*. Opracowania tematyczne nr OT-627, Biuro Analiz i Dokumentacji, Zespół Analiz i Opracowań Tematycznych, Warszawa 2014, p. 3.

<sup>18</sup> J. Blicharz, *Administracja publiczna i społeczeństwo obywatelskie w państwie prawa*, Prace naukowe WPAiE Uniwersytetu Wrocławskiego, Wrocław 2012; A. Krasnowolski, *Spółczesność obywatelska i jej instytucje*. Opracowania tematyczne nr OT-627, Biuro Analiz i Dokumentacji, Zespół Analiz i Opracowań Tematycznych, Warszawa 2014, p. 3.

<sup>19</sup> S. Iwanowski, *Prawne formy organizowania się społeczeństwa*, „Samorząd Terytorialny” 2010, No. 1-2, p. 23-24.

Shaping the institutions of civil society has become an important goal of NGOs, central authorities and local government. In practice, all actions taken concern the issues of social capital, which is the society's instruction to cooperate, determined by the level of trust and functionality of public institutions. There is a noticeable number of implemented projects activating the local community in Poland, such as social consultations or civic budgets proposals. However, do they affect the development of social participation or are they merely political initiatives aimed at winning public favor and winning new voters? Citizens have repeatedly expressed their willingness to participate in public consultations, but this was hampered by the lack of information about where and when they take place. The reluctance of local authorities to organize social consultations is also noticeable, due to their significant extension of the time of dealing with cases. Often, public consultations are an instrument for private entities to pursue their own interests, which is facilitated by a small number of people engaging in this type of social activity<sup>20</sup>. The high failure of public consultations prevents them from being used to develop civil society.

## CIVIC ORGANIZATIONS SUPPORT PROGRAM

Participation in society is a key substrate of civil society, extremely needed by modern democratic states because it gives the public the feeling that they are taking part in making decisions about their place of residence. Therefore, it is necessary to create and support citizens' activities as early as possible<sup>21</sup>. In order to increase the increase in the involvement of citizens and civic organizations in public life, strengthen civic organizations in a strategic dimension, improve the financial stability of civic organizations, increase the participation of civic organizations in the implementation of international programs, a resolution was adopted on the establishment of the Civic Organizations Development Program for 2018-2030. The assumption of this program is to support the construction of an efficient civic sector, which while remaining independent will be recognized as an equal partner for the institutions of political, economic, media, local government and will become the decisive support for civil society organizations. The assumption of the program is to support over 11 thousand civic organizations during the program implementation period. The most common and the most important forms of civic dialogue are currently consultations conducted by public administration offices and functioning at the offices of consultative, advisory and initiative bodies. Unfortunately, Research

<sup>20</sup> M. Radziszewski, *Wybrane instrumenty wykorzystywane w procesie budowy społeczeństwa obywatelskiego*, „Samorząd Terytorialny” 2016, No. 6, p. 49-50.

<sup>21</sup> P. Pospieszna, *Wspieranie demokracji przez polskie organizacje pozarządowe na Ukrainie: aktywizacja społeczności lokalnej*, [in:] J. Jakubowski, B. Pająk-Patkowska (ed.), *Aktywność polityczna i jej przejawy we współczesnych państwach*, Poznań 2018, p. 97.



by the KLON / JAWOR Association in 2015 showed that only 39% of organizations participated in consulting resolutions, documents, strategies or plans prepared by the local government. The organizations that did not participate in any consultations, 40% declared a lack of knowledge about this possibility<sup>22</sup>. The above shows that in practice the implementation of civic competences even within specialized civic organizations creates problems. The above shows that in practice the implementation of civic competences even within specialized civic organizations creates problems. The most common of these is the lack of awareness about the possibility of effective consultations. It is therefore difficult to assume that a citizen living outside the country shows this awareness of the possibility of action.

## CIVIL SOCIETY IN THE LIGHT OF THE BASIC LAW. A RULE OR AN IDEA?

The Constitution does not use the term „civil society”, but in a number of formulations it expresses the basic elements of this idea. In relation to the organizational aspect, this idea is based on two initial assumptions. It assumes that every citizen functions simultaneously in several primary social, political, labor and territorial systems. In each of them has specific interests and aspirations, and in each of them the citizen should have instruments to implement them. It also assumes that interests and aspirations are characterized by a diverse, often opposite nature, therefore the process of expressing them should be pluralistic, consisting in the possibility of parallel formulation of competitive programs and creation of organizations serving their implementation. Civil society is a pluralistic society in which everyone has the opportunity to act in organizations and structures of their choice to implement their subjectivity as a citizen, employee or resident<sup>23</sup>. It is impossible not to notice that the society of a given country, often scattered all over the world, often does not have the opportunity to act in organizations and structures conditioning its nationality, mentioned by L. Garlicki, and then the pursuit of civil society remains in the sphere of ideas, which, though elevated and in essence glorious is unfortunately getting harder to implement.

## CONCLUSIONS

Civil society is a special kind of society characterized by collective cognitive and normative self-awareness, which plays a significant role for the functioning of the state<sup>24</sup>. The collective self-awareness of society is characterized by interest in the common good,

<sup>22</sup> K. Kubicka-Żach, *Specjalny program wesprze organizacje społeczeństwa obywatelskiego*, <https://www.prawo.pl/samorzad/jakie-sa-narzedzia-wsparcia-dla-organizacji-spoleczenstwa,289519.html>.

<sup>23</sup> L. Garlicki, *Polskie prawo konstytucyjne. Zarys wykładu*, 16th ed., Warszawa 2012, p. 66.

<sup>24</sup> E. Schills, *Co to jest społeczeństwo...*, p. 10-11.

which is not easy to talk about in the context of a pluralistic, diverse, global and distributed society. A necessary condition for the existence of civil society is the awareness of belonging to this society as a whole, which in turn will not be possible in the event of fleeing your country for political reasons, armed conflicts or natural disasters. The development of civil society is an essential condition for the development of the country. Only a society aware of its rights and responsibilities, and thus obligations towards the homeland will be able to meet the challenges of a constantly changing world. Each of us has the obligation to participate in public life and to participate in resolving our own local affairs. All communication channels between local authorities and citizens should be as wide open as possible<sup>25</sup>. The above assumptions are becoming more and more difficult to implement for various reasons. Apart from the aspects of citizens' trust in the state and the opportunistic attitudes of individual individuals, which are not the subject of this publication, migrations are undoubtedly a distortion of the proper functioning of civil society institutions. Although they also bring many benefits, it is difficult to talk about benefits in relation to the local community. Local government is the right and ability of the local community, which must be able and willing to manage its own affairs<sup>26</sup>, which is not possible in an unconscious, dispersed society.

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<sup>25</sup> J.Regulski, *Samorządność i społeczeństwo obywatelskie – kilka pytań i wiele wątpliwości*, „Samorząd Terytorialny” 2013, No.3/5-9, <https://sip.lex.pl/komentarze-i-publicacje/artykuly/samorzadnosc-i-spolesczenstwo-obywatelskie-kilka-pytan-i-wiele-151162933>.

<sup>26</sup> Ibidem.

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