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Modern Mixed Model and Hybrid Systems of Local Self-Government in the Cases of Spain and Latin American Countries

Local self-government in many countries is carried out on the grounds of amalgamated features intrinsic to different systems of local self-government. This permits us to distinguish hybrid systems of local self-government. Hybrid system (from Latin *hibrida* – crossbreed) is the system emerging in the result of combination of forms being „genetically” different. By their origin hybrids can be spontaneous, emerging from accidental combination, and artificial, derived via controlled combination.

Most of the self-government systems represent spontaneous hybrids formed by means of adopting of elements from other systems. Having made a long evolutionary way based on the spontaneous and artificial selection they acquired features of other systems, this way becoming different from traditional („natural”) systems.

Artificial hybrid systems were deliberately constructed by selecting specific forms, elements and their features, depending on the tasks put forward within the process of historical selection. Hybrids are usually formed by way of overlaying of the foreign model (sample) upon the already formed system.

Hybridization is conditional upon multiple factors, the following being most popular: colonial influence of the former metropolitan states and their governmental systems, peculiarities of administrative or state control; territorial growth of the country followed by centralization taking form of liquidation of the local self-rule customs; change of administrative-territorial structure and introduction of new forms of cooperation between local communities and administrative center; correlation between individual and collective elements within local self-government as given in the chosen model of local self-rule; variation in combinations of elective and appointive principles at different levels of territorial-political hierarchy; the method of legal regulation of rights and duties of the local self-government bodies etc.

Hybrid systems can be divided into intragroup and intergroup. Hybrid systems can be: simple – created through combination of elements of two self-

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government systems (these are mainly the systems of modern postcolonial states of Asia and Africa, which underwent stable colonial influence of one metropolitan country), multiplex – created via combination of hybrid forms and new forms (foremost systems of European countries), complex – their formation embraces a series of traditional elements and elements of other hybrids (common in the countries affected by stable though multifold influence of different territorial-political systems). Complex hybrid systems emerge on the basis of the most suitable socio-political systems, which are either easily assimilated or are able of rendering foreign experience.

The type of perception of foreign experience defines their future sustainability. Unfortunately, the principles of selection, absorption rate and constructive adoption are often predicated not upon the needs of community's natural development but upon the needs of state. Artificial overlaying of the elements of other model-constitutive system can cause sociocultural conflict, „collapse” of a governmental system in its entirety, it can result in revolutionary turmoil².

There are hybrid systems of the first, second, third and so on generations. In other words, „hybridization” accompanying modern processes of globalization and integration is a natural process of historical development of sociopolitical systems. Thereby, if a hybrid system is of the first generation then it is usually a simple system as traditional self-rule goes through (renders or rejects) foreign experience for the first time. If a hybrid system is of the third generation then it is complex, wherein completely forgotten traditional elements of self-rule are eclectically combined with diverse elements of other systems.

There have remained almost no traditional systems of self-government (except for the forms preserved within closed tribal cultures of separate African, Asian and Pacific countries), however, some archaic forms and elements of self-government are still present in modern systems.

Hybrid systems are generally difficult to render within the frames of accepted “models” of self-rule as they do not fit these nominal forms and come into conflict over sociocultural particularities. Analysis of the hybridization process requires the complex of historic-political and sociocultural researches of the self-government system development, while structural-functional analysis of the hybrid system provides for certain degree of withdrawal from the entirety of empirical variations and construction of provisional „mixed” model.

Today there exists a series of authorial interpretations of hybrid systems' variety, which are usually focused on the peculiarities of the formation of inter-relations between local self-government and state local administration. For instance, O. Cherkasov distinguishes the „partnership model” as a special hybrid

² Сравнительное изучение цивилизаций: Хрестоматия: Учеб. пособие для студентов вузов, Б.С. Ерасова (ред.), Москва 2001, с. 280-285.

system and its „mixed” model, in which „relations between local and central authorities are viewed as relations of equal partners pursuing common goals and providing certain services for the public”. Thus, nature of the right for self-rule is not expressly defined. It is not clear whether it is „granted” or „acknowledged” by state? The system undergoes the discussion over the allocation of „sovereignty” and thereby it demonstrates its hybridity and transitivity. The system of self-government can be rendered neither within strictly „continental”, nor strictly „dualistic” model. According to O. Cherkasov, given model is primarily intrinsic to such countries as Switzerland (quasi-confederation of cantons), Netherlands (former confederation of seven provinces, quasi-unitary at the moment), which were built, regarding political-legal aspect, on the „bottom-up” basis by means of unification of local communities resulting in spontaneous interpenetration of traditional systems of self-rule³.

On the opinion of O. Cherkasov „Agent model” is constructed upon the advantages of the state influence (indirect) over traditional system of self-rule. The logic of the system is not univocal, hence its hybridity, which is usually intragroup, simple and of the first generation. Community is acknowledged as an original holder of the right for self-rule, however its „sovereignty” is a subject for constant discussions within the system, and state authority having supervisory function is always present at the local level. Local self-rule authorities are regarded as agents of the central authorities at the local level, thus they act as natural extensions of the governmental machinery structure, which is nonetheless designed to tackle not only state issues but also to consider the interests and problems of the local public. The state acts in this regard as a guarantor of the local authorities effectiveness and as a facilitation of political and socio-economic stability (flexible centralization of Italy, quasi-unitarity of Spain)⁴. It is emphasized thereby that the local self-government is merely an administrative tool for carrying out managerial functions locally, which is oriented not so much towards securing local representation as towards delivery of services.

The „model of interconnection” according to O. Cherkasov is grounded in different primary points, defining a nature of interrelations between the state authorities and local self-rule authorities. First, it is stated that whatever the general character of activities they have certain degree of autonomy and independence. Second, there exists interdependence within the activities of both the local self-government authorities and state authorities. It is defined by the presence of authoritative powers on both sides and by possibility of their delegation

³ А.И. Черкасов, *Сравнительное местное управление: теория и практика*, Москва 1998, с. 115-116.

⁴ А.И. Черкасов, *Контроль центральных властей над местным управлением и его разновидности (сравнительный анализ зарубежной практики)*, „Муниципальное право” 1998, nr 3, с. 82.

accompanied by delegation of financial resources and responsibilities (Ukraine). This is what makes them seek cooperation and define the areas of common interest grounded in negotiations and achievement of compromise. Generally, the system is conflict prone as the responsibility for implementation of local interests is not defined. Hybridity is caused by the transitional historic situation and ambiguous theoretical background of regulatory definitions. This kind of hybridity can be both intergroup and intragroup, of first and third generation, simple and complex.

Construction of hybrid systems of local self-rule took place within the territorial borders of former Spanish America and within the majority of the continent's countries, which took the path of centralization. Unitary structures of the Latin American countries helped them, given specific historic circumstances, to achieve societal consolidation, form national statehood and strengthen national sovereignty and political independence. The system of local self-government in these countries is of two kinds: legal status of administrative-territorial formations composing a state is being defined by the central administration or the central authorities control activities of the local self-government authorities on the grassroots level.

Notwithstanding the unitary composition of Latin American states there can be found flexible and multifold systems of local self-rule. Most of the states have secured in their constitutions, dated by the end of the XXth century, the public rights for the local self-government. Legislation of several countries provides for the possibility of governmental interference – „intervention” – with the local authorities.

Hybrid systems of Brazil, Portugal and partly of Spain are combined today under „Iberian model”, which envisages the administration of all sub-regional levels to be carried out by the representative public institutions elected by people – councils, and correspondent chief executive officials of local self-rule – mayors, prefects and alcaldes. These officials chair the councils and simultaneously get approved by the central state authorities in the capacity of representatives of the state authority within administrative-territorial units. In modern Spain and Latin American state the Head of the municipal administration – called alcalde – being publicly elected and then approved by the government, or sometimes appointed by the Head of State, carries out administrative and some of the judicial functions.

Local self-government authorities in Spain are tightly related with the historical tradition of local independence. Since long ago Spaniards have been primarily committed to their local communities and only in the second turn to the region and country at large. This posed obscure obstacles for the process of local self-rule formation. The state has never actually united the regions around the ruling center. In the medieval ages a range of kingdoms located at the terri-

tory of would-be Spain (Castile, Aragon, Catalonia, Navarre and others) created collections of laws largely having local significance. The most known was the collection of legal norms „Fuero Juego”. Fueros means right, privilege, as well as a law confirming the right of provinces and municipalities.

In the course of XIX-XX centuries regional conflicts plagued Spain, civil war of 1936-1939 sharpened regional sentiments in the country. After the fall of the caudillo Franco's regime, which was hostile to the regions and transit to democracy the country got long-awaited regional autonomy and self-government⁵. That's why in order to prevent regional conflicts and unite the country, the unitary structure was introduced in Spain though the strive of the regions toward autonomy has always had strong standing. Securing of the traditional right caused the formation of the local self-rule system (prototype) on the basis of traditions and customs but the adopted model (image-sample) was continental with centralized vertical power structure. Legal system of Spain was formed on the basis of adoption of the Roman law and traditions of the German tribal-common self-rule, and later – French system of administrative rule.

Before the adoption of the 1978 Constitution a French model was functioning in Spain. Federal ministries were acting at local level via public governors and representatives in the local administration. Democratization was accompanied in Spain by decentralization and introduction of self-government at regional and local levels. Under the „fuerolistic” legal tradition Spain is „de-jure” a unitary state, however, it is „de-facto” acknowledged to be „regionalistic state” „quasi-federalistic” state. New system allocated power between central, regional and local levels. Constitution of Spain stipulates three-layered system of territorial-administrative division of the country with new governing bodies allocated at the second level. Since that time, the government has been entitled with the power to form municipalities, provinces and autonomous regions. At the local level the self-rule is exercised via a series of elected authorities and special intermunicipal and sub-municipal units.

The Constitution of Spain only superficially mentions first two levels of the local self-government – municipalities and provinces. Nonetheless the Constitution guarantees their autonomy and the right for creation of intermunicipal special districts, and it also defines in general manner the sources of local funding. Principal controlling and regulative functions are divided among the central government, adopting main national-level laws and having considerable financial-budgetary functions, and autonomous regions, entitled with the right of setting and regulating municipal borders, creating new municipalities and inte-

⁵ Л. Полях, *Визначення і розмежування повноважень між органами держави і місцевого самоврядування: досвід романської Європи*, „Людина і політика” 2002, nr 2, с. 144.

grating them. In reality, many functions assigned to the regional governments are exercised to the date jointly with the local self-government bodies.

The autonomies are divided into the provinces and municipalities. The provinces are governed by the elected councils, which are subordinate to the governments of autonomous communities. In relation to the municipalities, the provinces are supplementary and coordinative bodies. Upper municipal officials and local deputies are elected directly, while the Council elects a mayor out of its membership and usually the head of a ruling party becomes elected. Responsibilities of the local self-rule are defined by the common legislation on local self-rule and by the field legislation. Bodies of local self-rule are entitled with the right of contesting in the courts of administrative jurisdiction of any state or regional regulatory acts adopted against the interest of the local autonomy.

Development of the financial-budgetary component of local self-government lags behind the development of political component. Regions, provinces and cities do not have enough incomes from their own sources. Local and regional authorities mainly control small local taxes and that is why tax revenues are usually supported by substantial governmental donations. In accordance with the law on local finances of 1988, municipalities are authorized to set the amount of property taxes. The central government fixes the rate and basis of business tax, while municipalities can collect an additional tax in their own discretion. Madrid grants unconditional subsidies to municipalities via administrative units⁶.

Thus, notwithstanding the management potential and abundant traditions of self-rule, a rigid and centralized system of local self-rule was introduced here during the transitional periods. A tendency towards concentration of political power is inherent for Latin American municipalism. Thereby a unitary structure with strong centralized system of administration, which preserved though local self-rule and its distinctive features, was developed.

The Iberian model was also partly introduced in Ukraine. The practice of self-rule in Kiev, which is the city of special status, is the practice of mixed horizontal (French) and Iberian models. The heads of local councils are elected directly by the inhabitants of the city community, later they acquire the status of the head of state administration, the same way *alcaldes* do this within Iberian model. Therefore, they simultaneously appear in the capacity of local self-rule officials (as the heads of city communities) and state officials (as the heads of local city state administration). To the date, however, this feature can be found only at the level of city councils.

⁶ Л. Полях, *Визначення і розмежування повноважень між органами держави і місцевого самоврядування: досвід романської Європи*, „Людина і політика” 2002, nr 2, с. 144.

That is why Ukrainian model is mixed and oriented towards the combination of the most natural and traditional elements of the Ukrainian political culture. This model is substantiated in the theory of „municipal dualism” and is secured within legal-constitutional definition by the amount of rights and status of local self-rule authorities.

Thus, formation of the hybrid system and mixed model of local self-government offers the countries, which have not constructed their own model (sample) due to various reasons (statelessness, colonial dependence etc.), an opportunity to synthesize and combine their own developmental tendencies with the outside (foreign) model-constitutive system. Adoption of elements of other model (sample) for domestic system causes hybridization of the system and formation of the type of „mixed” model as separate image-sample.

Thus, local self-government is built upon various conceptual grounds with consideration of historic experiences, traditions, customs and people’s mindset. The most widespread is the horizontal (or continental) model of local power development. This model is used within the systems of local self-government in the most of European countries, Francophone countries of Africa, some of Latin American countries and in the large part of post-socialist countries. Dual (Anglo-Saxon) model is the oldest system of local self-rule. Historic aspects of its development and preservation of the traditions make dual model remarkably different from other systems of local self-rule. At the present moment, this model is considerably spread among „emigrant” countries and countries, which used to be a part of British colonial system, where this model was introduced.

Mixed system with the dominant admixture of the elements of colonial model is different from the mixed model with the dominant admixture of Anglo-Saxon model by the higher degree of power centralization and existence of a so-called administrative vertical. The difference involves also combining of local self-rule and direct governmental rule at the local level, which stipulates governmental control over local self-rule authorities, i.e. it is permitted to do anything that is not prohibited by law.

Hybrid systems of self-government can be found in the majority of the countries worldwide. This illustrates the developmental dynamics within socio-cultural systems, in which local self-rule as an institute of public authority is organized structurally by means of its constant cooperation with the institution of state power, thereby forming original functional ties. Continental and dual systems of local self-rule have become the model-constitutive systems for other countries and we can consider them therefore to be hybrid systems of local self-government.

Współczesny model mieszany i hybrydowe systemy samorządu lokalnego na przykładzie Hiszpanii i państw Ameryki Łacińskiej	
Streszczenie	Abstract
W artykule przeanalizowano teoretyczne aspekty powstania modeli samorządu lokalnego, ich konceptualne podstawy i czynniki, które sprzyjały hybrydyzacji modeli przedstawiających systemy samorządu lokalnego w różnych państwach świata. Wyróżniono podstawowe formy hybrydalne: proste, złożone i kompleksowe; wyodrębniono model zmieszany samorządu lokalnego i przeanalizowano go na przykładzie państw Ameryki Łacińskiej i Hiszpanii.	The article provides analysis of theoretical aspects of the development of local self-government models, as well as of their conceptual basis and factors, which have contributed to the hybridization of model-constitutive cases of local self-government in different countries of the world. Main hybrid forms were defined: simple, multiplex and complex, at the same time, mixed model of the local self-government was distinguished and its application in the Latin American countries and Spain was analyzed.
Słowa kluczowe	Key words
model, system, system hybrydowy, samorząd lokalny, hybrydyzacja, ustrój terytorialny, modelowy system, model kontynentalny, model iberyjski, model kontynentalny	model, system, hybrid system, local self-government, hybridization, territorial structure, model-constitutive system, continental model, Iberian model, Anglo-Saxon model.

Bibliografia

Сравнительное изучение цивилизаций: Хрестоматия: Учеб. пособие для студентов вузов, Ерасова Б.С. (ред.), Москва 2001.

Черкасов А.И., *Сравнительное местное управление: теория и практика*, Москва 1998.

Черкасов А.И., *Контроль центральных властей над местным управлением и его разновидности (сравнительный анализ зарубежной практики)*, „Муниципальное право” 1998, nr 3.

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