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## **Civil Society and Self-Government in Poland**

### **1. Introduction**

The primary conviction which lead active members of the democratic opposition during the years preceding the change of the political system was a great belief in the value of the democratic social system as a base for a civil society. Changes in the political system included all post-Communist European countries. So far, Poland has brought to life many changes, which as far as political system reforms are concerned, have placed it in a leading position among those countries. Nonetheless, many issues which accompany the fight with the remaining aspects of the „real socialism,” need analysing and there is a necessity to draw out barriers on the road to further national socialisation, social subjection, and rebuilding the civil society regained after the year 1989.

In the following article I would like to answer the question: ‘Has restitution of the fundamental civil organisation, namely self-government, brought to life the vision of a civil society, aspired to in the years before changes in the political system, the role of civil structures within that society and the role of the citizens themselves?’. After trying to define the basic characteristics of a civil society and presenting experience in creating self-government at commune level, I would like to present those characteristics of the new order which in its legal constitution the idea of subsidiarity is lodged. Beside this basically positive analysis, it seems necessary to show barriers and objective conditions which hold back the realisation of all expectations and the promised social order as they were at the beginning of the political reforms.

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## 2. Civil society as a form of organising the political system

Discussions held on the topic of civil society have at least one thing in common, namely, opposing this form of social organisation to national structures. As stated in the words of K. Michalski: „*a civil society is a part of social life which cannot be put under national rule and which must be spread.*”<sup>1</sup> This fundamental assumption about opposing the social civil order of state organisation, fell to pieces in the beginning of most movements contesting an organised political order in the last decade. It specifically deals with those forms which were realised by totalitarian states headed by ideas of fascism and Stalinist socialism. Surrendering all aspects of social life to state organisation, destruction of all social ties, creation of all individual views and beliefs according to the requirements of one doctrine, it in effect created a situation in which the system itself came to question its own existence.

But this is no place to mention all the negative issues, from the point of view of society itself and particular individuals, which held back for many years the natural values of social self-organisation. Let us say only that the criticism of the social-political system until recently presented in Central and Eastern Europe, has mainly relied upon its economical inabilities, restriction of political freedom, and the adjustment of present laws to casual political requirements. That is why the existence of fundamental values (still present), in recreating the democratic order was based on the mechanisms of free trade with basic security of private property, political pluralism connected with democratic election procedures, as well as on re-establishing legal norms in their right place. This was connected with the regulation of social life, which was secured by independent jurisdiction and isolated completely from the structure of state organisation. The importance of the free flow of information, not restricted by censorship, in a democratic society was also emphasised.

In the programmes of democratic opposition there also appeared a slogan calling for the building of a civil society understood mainly as a system in which the basic principle would be individual freedom as well as its subjection in terms of creating one's own living conditions. In that vision of civil society a prominent position is given to organisation, understood as an arrangement of corporations in different spheres, given specific aims and a range of powers, as well as possibilities for their realisation. The fundamental corporation is the self-government, as ascribed in the norm for self-government prepared by the Senate and carried out by the „contractual” Sejm (House), it is understood as a governmental community living on a specific territory. The use of the term „community,” which does not

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<sup>1</sup> K. Michalski, *Forward in: Europa i społeczeństwo obywatelskie (Europe and Civil Society)*, Warsaw-Cracow 1994, p.6.

function in legislation, creates the possibility to express values, which stand for natural social ties and the self-consciousness of creating social structures. An important „aspect which helps civil societies to stand out, is that elements are tied together thanks to the common or collective consciousness of participating in society... Citizenship is a specific world view and a disposition of civil society, which came down from individual participation in its collective conscience.”<sup>1</sup>

The new way of looking at state organisation is based on a completely different role of state than the one experienced by Communist countries throughout the whole post-war period, a role completely opposite to the great power which made decisions in all areas of social life and surrendered all scopes of social activity to the realisation of basic issues concerning the ruling class, both politically, economically, and doctrinally. The organisation of a civil society is based on the fundamental value of individual freedom, where each individual consciously participates in social life, which in turn is connected with the natural law of deciding about the forms of that participation and the constructed social order.

Modern European solutions base their understanding of organising social order in terms of „state help,” which in turn is one of the fundamental values of social church teachings. According to the statement given by Pius XI, written in the encyclical *Quadragesimo Anno*, „the highest law of social philosophy is inviolable and invariable: that which the individual can on its own initiative and with its own hands should not be taken away by society; accordingly, taking away from the smaller and lower communities the aims they can aspire to and giving them to bigger and higher communities is unjust, socially harmful and violates the peace. Each social action by nature and aim is helpful; it should help members of social organisation, and not destroy them nor incorporate them.”<sup>2</sup>

In these civil social concepts, self-government is (especially in the communal dimension) a basic structure. At the same time, self-government „apart from autonomy, is regarded as one form of decentralising the government. The emphasis is put on legally authoritative property independence (legal personality) and public-legal individuality, which means independence of corporate governments from government authority. The term - modern government - is commonly associated with development of the constitutional form of government in the XIX century, which set legal base to individual and

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<sup>1</sup> E.Shills, *Co to jest spo<sup>3</sup>eczeństwo obywatelskie (What is a Civil Society)* in: *Europa i spo<sup>3</sup>eczeństwo obywatelskie (Europe and Civil Society)*, op.cit., p.11.

<sup>2</sup> Pope Pius XI, *Quadragesimo Anno Encyclical*, „Znak”, no.7-9 1982, p.707-708.

*independent co-ordination of local issues from the administrative authority, by institutions outside of state administrative organs.”*<sup>3</sup>

The issue of subsidiarity in relation to self-government means that self-communities should be given all tasks which they can do for the benefit of the citizens themselves and with their consent. Directing problems to higher authorities of the social organisation can only take place, if they are to be dealt with more effectively, with smaller amounts of funds and more professionalism. According to the fully ratified by Poland European Charter of Local Self-Government, being the European constitution of local authorities, *„the co-ordination of public issues should generally belong to authorities closest to the citizens. Giving this function to an organ of authority, the character and range of tasks should be established, as well as the expected effectiveness and economy.”*<sup>4</sup> According to Catholic views, the issue of subsidiarity comes down from natural law, *„the freedom to organise private communities is given to man by the law of nature, and government does not exist to destroy nature’s law, but to protect it.”* But, *„those ruling should be sure, gradual reforms of the system between particular societies should be based on help, and the more this is obeyed the greater the social authority and social energy shall be, and likewise the joy and good fortune of the state of government.”*<sup>5</sup>

In discussions held today on the definition and the use of subsidiarity, it is shown that it appears in basically two opposite meanings and *„it also combines, sometimes quite contradictory implications, which should be looked up in its Latin etymology.”* The first meaning, which refers to „replacement” suggests a situation, in which *„a higher authority, especially the government, can intervene only as far as the lower authority (or unit) has shown or proven its incompetence ... The second meaning creates associations with the word „help” (subsidy) and is connected with the meaning of intervention. In this case we must decide not whether the authority has the right, or only a duty to intervene.”*<sup>6</sup>

But this seems to be a deceptive contradiction, based on the common understanding of state institutions in its historical development. For the state has taken on many tasks (as for totalitarian systems, most) in its history, which naturally should have been given to individuals and social groups directed by them. The inability of the centralised state organisation to manage everything

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<sup>3</sup> E.Bagieńska-Borkowska, *O spoźeczności obywatelskim dawnej Polski (About Civil Society in Early Poland)* in: *Samorz’d terytorialny drog’ do demokracji (Self-Government as the Road to Democracy)*, ed. P.Buczkowski, R.Sowiński, Poznań 1994, p.11.

<sup>4</sup> *Samorz’d terytorialny w Polsce a standardy europejskie (Self-Government in Poland and European Standards)*, Warsaw 1994, p.102.

<sup>5</sup> Pope Leon XIII, *Rerum Novarum Encyclical*, „Znak”, no.7-9 1982, pp.672,708.

<sup>6</sup> *Definition and Range of Subsidiarity. A report prepared for the Managing Committee for Local and Regional Authorities (CDLR)*, Council of Europe, Strasbourg 1994, pp.8-9.

placed attention on the problem of decentralisation, and began to deal with the issue of giving back authority to society, the social groups which create it and most of all, individuals. Authority itself was from the very start inherent to these individuals, based on the law of nature. Directing issues to higher levels of organisation can only be done as a result of the sovereign decision of all citizens. This kind of understanding of the issue assumes that „*self-government means individual execution of power by those interested. Self-government is the boundary of state supremacy.*”<sup>7</sup> The state, on the other hand, should function as an institution, appointed and controlled by the citizens, assuring the realisation of issues exceeding the executive abilities of self-governing communities. In this, the authority of state comes from these communities sovereign consignment to government administration by the citizens themselves and institutions appointed by them.

### **3. Experience in building self-government during the Parliament's first term**

Most reforms in Poland introduced in 1989, were based on this social philosophy which was generally accepted by the public administration organisation and the authorities in Western European countries. Communities had duties and powers which they should have naturally executed; citizens were given the fully democratic possibility of choosing their representatives, to whom they consigned the execution of rights. But when thinking about rebuilding the political system the main emphasis was put on decentralising the state itself, which at the time was natural, taking into consideration the years of experience in the Communist system. Not much attention was paid to the fact that the distance between local authority and the citizen was in many cases too big, to fully realise the principles of subsidiarity. It was not taken into consideration that further decentralisation of the socio-political system consists not only of the creation of new levels of self-government (district authorities, regions), but also of the decentralisation of the local form of government itself, especially the main one. In the case of big towns, hundreds of thousands of citizens were concentrated there.

The principle of subsidiarity directly references individual and social group subjectivity. It is based on the concept of a person for whom the freedom to decide about the ways and forms of fulfilling one's needs creates a sense of dignity and satisfaction from self-realised tasks.

This dignity, understood in a subjective way, does not have to be connected with the necessity of subjection to socially (group) defined standards.

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<sup>7</sup> A.Kroński, *Teoria samorz'adu terytorialnego (Theory of Self-Government)*, Warsaw 1932, p.8.

The standards of realising communal tasks are connected with authoritative responsibility, not with an individual sense of responsibility for one's own life.

Almost immediately after the parliamentary elections in 1989, activity was started on one of the most important acts for the new system, namely the self-government act. Senate legislative initiative, accepted and passed by the Sejm on March 8, 1990, opened areas of social activity for all those who for many years were engaged in oppositional activities, but also for those who wanted to participate in the difficult process of rebuilding the civil and local subjectivity. Preparations for local elections covered many social circles, engaging thousands of people who in their own circles had great authority. Their previous engagement in local and small communities could be finally appreciated by fellow citizens, who gave them authority in the first ever democratic elections.

The expectations of citizens, as well as those thousands of newly chosen councillors in the elections of May, 1990, were much higher than the new reality was able to offer. It seemed like almost the political will itself to build a democratic and civil society, encompassing the introduction of a market economy, creating democratic legal norms and rejecting a monocentric political system, would be enough for success. But soon a great hiatus came about between the expectations and real possibilities of action. The best way of picturing it is through the issue of unemployment, which for the majority of citizens at the end of the 80's was considered a natural mechanism helping economic development, and which has created a problem for millions of Poles today. It is a problem they cannot accept, and one that has pushed many of them to the margins of social life. It is also the problem of privatising national companies, which until recently were the subject of common criticism because of their economic irrationality and waste, and which today for many stand for the only support of normal life, assuring employment and wages higher than unemployment benefits.

The reality faced by new councillors after elections turned out to be completely unexpected. It soon turned out that they did not have the necessary legal and financial instruments enabling them to realise the primarily established norms. Straight after the government elections, it turned out that specific acts, the so called competence act, stripped local authorities of a major amount of tasks and powers which were to enable the realisation of a fully competent local policy. And soon it turned out that a gap in the centralistic system, which recreated self-government in a short time created recentralistic tendencies. The first „disappointment” came about with the appointment of regional structures of administrative government which were given authority expected by communities and necessary to run proper local policy. Later, a special administration began to expand very fast growing completely out of social control, also excluding from

voivodships' control. These factors greatly slowed down the speed of reforms and the conversion of the system.

The most important aspect, being the effect of self-government restitution was the fact that local communities got back their subjective rights in the field of appointing their representatives. Self-government elections, held on May 27, 1990, had for the first time in years a fully democratic character, based on modern, democratic electoral law, ensuring universality, equality, immediacy, and secrecy. And for the first time, these norms really meant that which was already practised for years in democratic societies. The nation-wide electoral attendance was 42,27% of those with the right to vote. Groups involved with the civil committees movement had a decisive victory - they had 23,83% votes in the single-mandate circles, and 25,30% in the multiple-mandate, in which lists of candidates were given.

The victory of civil committees in most communities meant the fall of the Communist centralism on a basic level of social organisation. The subjection of local communities mainly meant the subjection of local authority structures. No matter how much the democratic procedures of appointing authorities are the basic element influencing the feeling of subjection, they are not the sole element. Equally important, if not more important, are the possibilities of controlling and deciding about the execution of local policy. Emphasised by K. Mularczyk: „*the traditional model of governing communities, based on a functional resort structure, concentrates authority in the hands of a small group of management.*”<sup>8</sup> In the case of our reform, an important issue in the forming of democratic institutions was the lack of developed political structures of civil organising. Civil committees, created for the gain of power, very quickly turned out to be useless for keeping direct contact with the voters, and the decisions taken on higher levels of the post-Solidarity movement caused the decay of most territorial structures.

In this situation keeping civil activity was mostly up to the councillors themselves. But with time the traditional forms of contact between local authorities and the voters, in the structure of contacts, consulting and councillors' visiting hours were more and more vague. A certain excuse for the new councillors can be the „opening balance” they had to face, which was connected with a catastrophic state of the communal infrastructure in most communities, needing a great amount of activity and initiative, leaving little time for other forms of civil activity. Additionally, there were completely unknown problems connected with the functioning of self-government in conditions of great freedom and independence for building organisational structures. This difficult test in civil

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<sup>8</sup> K.Mularczyk, *Decentralizacja zarz'adzania miastami - zagrozenia i moqliwoæci (z doœwiadczeñ zachodnich (Decentralisation of Town Governing - Threats and Possibilities {from Western Experience})*), „*Samorz'd Terytorialny*”, no.1-2 1992, p.64.

growth was passed exceptionally well by the local authorities. Achievements in this field lead to common acceptance for the reform itself and the local authorities.

The first term local authority achievements were impressive, despite presented legislative and financial restrictions. Communal authorities proved to be heading further in economic rationality than the government administration. Savings, collected during most financial operations reached a dozen percent, sometimes even a few dozen. The year 1991, according to estimations of the National Regional Council of Self-Government, was closed by most communities with a minimum 20% surplus budget of savings on tasks appointed to the communities based on agreements with government administration organs. A comparison of the expenses for running schools can also be a spectacular example. At the end of 1993, schools run by the government administration showed liabilities of over 2,5 billion old Polish zlotys, whereas schools run by 346 communities, which decided to undertake this task earlier, showed no debts. A similar phenomenon was observed in the following year, during which primary schools were run by over 640 communities. There is no doubt that this was also due to the fact that large sums of money were paid from community budgets for the welfare of education, but in most cases there was still a more rational and effective financial policy.

An indisputable achievement of the self-government authorities was the fact that they showed great responsibility for the fate of their inhabitants, as proven by their additional financing of tasks which should have been subject to the duties of the government administration. Communal authorities gave a lot of money from their overloaded budgets for tasks connected with the functioning of welfare, education, the police, etc. In 1993 alone, communities gave money for tasks assigned by norms, given in the form of agreements, as well as for other outside tasks in the sum of 6 billion zlotys, which came to more than subventions from the national budget.<sup>9</sup> The greatest achievements of the first term were noted in the field of undoing social negligence in the field of communal infrastructure. In comparison, most communities managed the same, if not more, than what was done during the whole post-war period within a period of four years. It dealt with areas such as water-supply, the sewage system, telephone services, the road system, the power engineering network, etc.<sup>10</sup>

#### **4. Self-government and civil activity**

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<sup>9</sup> RIO Report: *Dofinansowanie zadań zleconych ustawowo, powierzonych i innych niewłasnych przez gminy w roku 1993 (Additional Financing of Tasks Assigned by Law, Given in the Form of Agreements, and Other Non-Communal Tasks in 1993)*, Bydgoszcz.

<sup>10</sup> See Z.Gilowska, *Gminy gospodaruj'ce (Administering Communities)*, Poznań 1994.

The democratic model realised today is a representative one. In general, this means that through democratic elections society appoints its representatives, who are given the right to authority, which, among other things, includes the creation of rules and norms of behaviour obligatory within a specific society. Although there is a possibility of verifying the appointed representatives, a lot of social research shows that according to most voters a democratically chosen authority rarely does what it declares during the elections, realising only its own strategy, correlated with the interest of a specific political group. This model is in the majority, which means that it gives favour to the overwhelming majority, creating a potential threat which had already been pointed out by A. de Tocqueville 150 years ago.<sup>11</sup> This means its tyranny over groups which don't have political representation. A democratically chosen authority is pressured by many groups with great social strength, as, for example with money.

The functioning of a representative model came in time with the situation, in which most opinions and competence connected with the organisation of social life, found itself in the hands of a centralised state authority, which additionally favours a selective solution of social problems. Only recently a concept re-establishing the norms of natural law, expressed in subsidiarity, has appeared in Europe. This norm states, as I have already emphasised, that all tasks which can be done by individuals of the lowest degree (especially the family) should be given to them. This kind of philosophy reverses the notion already rooted in modern tradition in which it is the central authorities that decide when the lower level groups will be mature enough for independence.<sup>12</sup>

It is rarely observed that the concept of subsidiarity is connected with a completely different model of social organisation. It is one similar to the model of representation, but it is more participatory, enabling the individuals themselves, as well as social groups, to negotiate the structure of the organisation of social life. But active participation requires the expansion of the negotiative dimension. For in a natural situation of conflicts of aims, interests and systems of values of different social groups, with the possibility of negotiating rules of behaviour, there must be a limit for adapting restrictions and an acceptance of differences. So the issue should not be the best realisation of one's own interests and preferences, but working out an optimum in which the majority of individuals and social groups don't have any losses. In an extreme situation it should lead to an agreement under which all individuals constituting the global society would have a more or less similar possibility of realising their own values.

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<sup>11</sup> See A.deTocqueville, *O demokracji w Ameryce (Democracy in America)*, Warsaw 1976.

<sup>12</sup> P.Buczkowski, *Forward in: Samorz' d terytorialny ... (Self-Government ...)*, op.cit.

The basic problem of bringing into life the participatory model, which we can say most fully realises the ideals of a civil society, is the creation of mechanisms which would be connected with a common view of effective participation in social life, and thanks to that obtaining individual and group benefits. The participatory model enables authorities to have better knowledge of life expectations, and for citizens it gives acceptance of the existing barriers and limitations. It also allows for limiting the range of responsibility of authority and its acceptance by the citizens themselves.

A fact observed during the first term (and I think this is also characteristic of the present term) is the negligence of contacts with voters by representatives of local authorities. Rarely do meetings of councillors with residents take place during the so called councillors' duty hours or open meetings for the verification of undertaken local policy, or even the construction of development programmes or establishing priorities with residents, which as shown by research would be the most effective way of introducing the participatory model. Additionally, local authorities rarely inform residents about what has been realised, whereas in Western societies, the conduct of preparing yearly „reports” about local authorities' activities is common and creates a feeling of individual subjectivity and resident participation. For residents the notion of direct connection with the chosen authority representatives is very important. And this does not mean the realisation of placed postulates or demands each time, but the very possibility of making one's own suggestions, which can be rejected by authorities because of limitations and analysed conditions. For the ordinary citizen, the knowledge itself that he can go to a councillor or major and present his problem, that he will be heard out, is a very important aspect of democratic stability.

Despite these issues limiting the expansion of the participatory model, the way the local authority is received as well as its social acceptance, is very good and has been getting better since the beginning of the first term. This view is expressed by over half of the population, which cannot be said about the perception of many other public officials (government, provincial administration), for whom trust is diminishing.<sup>13</sup> Research shows that „*there was a rise in public opinion on issues like: local authorities' orientation in local problems, effectiveness of solving communal problems, possibilities of communal development created by local authorities and representing communal interests in contacts with the government administration.*”<sup>14</sup> Only in issues of the inhabitants'

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<sup>13</sup> R.Cichocki, *Œwiadomoœæ reformy ustrojowej mieszkañców gmin (Communal Inhabitants' Awareness of System Reforms)* in: *Samorz' d terytorialny ... (Self-Government ...)*, op.cit., pp.71-73; *Opinia spo³eczna o samorz' dzie terytorialnym (Public Opinion on Self-Government)*, OBOP-Profile, Warsaw, March 1995.

<sup>14</sup> R.Cichocki, op.cit., p.72.

influence on public opinion there was a noted fall, which however, as stated above, is the consequence of the local authorities lack of acceptance of the realisation of the participatory model: „Over half of the respondents (55%) perceive a lack of possible influence on decisions, taken up in communes. Only every third Pole is convinced that citizens can participate in decisions made in their territory.”<sup>15</sup>

## 5. Concept of subsidiarity in Polish self-government legislation

Basic laws describing the place and role of self-government in the national system are written in the constitution. The so called „Small Constitution” described the basic role of self-government in organising public life; according to Article 70.1, „Self-Government is the basic form of local organisation of public life.”<sup>16</sup> The subjective character of a self-governing community is defined by norm regulations on self-government, according to which the community:

- performs public tasks in its own name and under its own responsibility,
- has legal personality,
- has independence subject to judicial security.

As shown by A. Piekara: „in consequence the local community becomes legally and politically subjected, which in an axiological aspect of great importance the range of freedom and creativity expands and becomes more real, both for individual citizens, as well as for their organisations and local institutions. A subjected citizen, inhabitant of a specific territorial unit, observing, ensured by law, real and concrete possibilities for deciding together and influencing the local issues and needs, sees sense in getting involved. In this way one can become a catalyst, creating together local development.”<sup>17</sup>

The basic issue is the constitutional rule, laying down the so called „general competence” stating the communal character in all public matters not reserved by statute in favour of other subjects. All tasks in this area are performed by self-government in its own name and under its own responsibility. In order to carry out its tasks, it has been equipped with financial resources, made up of shares in state taxes (income tax from natural and legal persons), taxes and local payments, as well as subsidies. In specific areas, self-government financial tasks are subsidies from the national budget, where this kind of form

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<sup>15</sup> *Opinia społeczna ... (Public Opinion ...)*, op.cit.

<sup>16</sup> *Constitutional Law of October 17, 1992, on Reciprocal Relations between Legislative and Executive Authority in Poland and on Self-Government*, „Dziennik Ustaw”, no.84 1992.

<sup>17</sup> A.Piekara, *Decentralizacja i samorządność społeczna lokalnych a lokalna jakość życia (Decentralisation and Self-Government in Local Communities and the Local Quality of Life)*, „Samorząd Lokalny”, no. 5 1995, p.58.

has recently been growing. This is not very good from the point of view of self-government structural independence.

In light of the constitutional rules, the community is the basic unit of self-government. Communal statute is given to both country communities with a few thousand inhabitants, as well as to big towns with a few hundred thousand people. In the present legislation there is a lack of communal categorisation, which makes the functioning of particularly big town bodies difficult. The statute of self-government from March 8, 1990, allowed the creation of the so called subsidiary units within communities, which include village, estates, and districts administrations. This principle, including the realisation of the subsidiarity idea, left the decision of assembling those units optional and in the hands of communal councils. There was a possibility of giving the subsidiary units specific tasks and provinces, but the lack of possibilities for furnishing them with financial resources which they would independently manage created a situation where most of these rules were not abided by. At the same time, the lack of regulations authorising communal councils to give the subsidiary units financial resources for the realisation of assigned tasks, disabled the further subjection of those lower forms of social organisation in which the distance between the elected authority and the citizens is much smaller than in the commune. It was also reflected in the jurisdiction of the High Administrative Court and the practice of regional supervision, evading the resolutions of communal councils in reference to the described problem.

These issues almost „forced” the amending of the self-government act, in the direction of further subjection of self-government subsidiary units. Other reasons for amending were problems also observed in Western societies connected with limiting the traditional model of local authorities, which, as noted by K. Mularczyk, „*is repudiated as a consequence of:*

- *a growing interest in creating small units managing specific districts,*
- *questioning existing district-towns as actual self-governments,*
- *initiatives of state authorities in the scope of restructuring management,*
- *a challenge, which is the lack of trust toward specialists and councillors on the local level,*
- *an increasing consideration for consumer rights and the new style of management, based on the independent and creative work of the staff,*
- *the observation made by both the right as well as the left wing policies, of the dominance of decentralisation as an instrument for forcing radical changes in the structure of town administration.”<sup>18</sup>*

An amendment of the act on self-government from September 29, 1995, creates the possibility for real activity of communities smaller than the

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<sup>18</sup> K.Mularczyk, op.cit., p.62.

commune. According to the terms of this act, the commune can create subsidiary units on different levels, depending on the size. The catalogue of government subsidiary units has been expanded. Apart from village administrators' offices, districts, and estates - present up till now - a category of „other” subsidiary units has been created leaving the government council (after consulting the residents) freedom and sovereignty in terms of creating this kind of administrative division within the commune, which will take into consideration local conditions. So, it was allowed to create, for example, „block” subsidiary units within estates or smaller units within the village administrators' offices with a developed territorial, residential, and productive structure. The commune council can also give them specific tasks for realisation, together with financial resources, which treated as additional are passed by the council together with the commune budget. According to its resources, the help council can carry out individual activity within limits stated in the statute by the commune council. The self-government act amendment ensuring financial resources for the realisation of given tasks (together with the Budget Law amendment, providing for separate expenditure for subsidiary units, is passed in the form of a budget act schedule) guarantees the substantial independence of those units.

In the described situation the issue of subsidiarity has been fully reflected upon. For, despite the possibility of transmitting tasks and powers together with financial resources to self-government subsidiary units, the commune council in its last instance is responsible for budget execution. The plan of subsidiary units' expenses is an integral part of the commune budget. On the one hand, the free realisation of tasks has been included here, free from requirements and necessities of the resident groups. On the other hand, the administration and the commune council are obliged to watch over the adequate standard of public services, which places members of the help community on an equal position, in legal terms, with other commune inhabitants.

Chairman participation in subsidiary units' council meetings has been sanctioned. The accepted regulations still place the possibility of facultative creation of those units and the transmission of their tasks together with the resources. Time will show how much of the legal possibilities will be realised in practice. For the commune councils, this means dismissing certain territories of executing authority, which in practice will expand the process of decentralisation to the communes themselves. Recently observed activities of many commune councils seem to indicate that these solutions will be common and together with positive experience can lead to further, statutory subjection of those smallest local communities.

A separate problem, exceeding the intentions of this outline, is the problem of statutory strengthening of other self-government forms (for example, profession) for the realisation of public tasks and co-operation with

outside-government organisations by assigning them some administrative powers.

## 6. Final comments

It may seem that all those positive aspects of recreating the communal self-government will be inclined toward the continuation of decentralising reform. But reality is far from it, despite the logical consequentiality of the observed aspects. In Poland, the political arena has undergone a complete reorganisation. The 1993 September elections brought about parliamentary victory for post-Communist groups, which appeared at the same time with decentralising tendencies. It would seem that one of the basic aspects for this complete change in social moods was the growth of a very optimistic view for a quick civilised success. The scale of unemployment, brutality of free competition market mechanisms, faulty functioning of the legal system, as well as the growing disability of political parties, threatened the values which only a few years ago were in the leading position among public opinion research.

This opening of social expectations and the possibilities for their realisation, eased the accomplishments of local self-government authorities, which in turn exceeded the primary reform assumptions of the inhabitants. Local authorities, with great effort and the use of reserves from decentralisation and social control over public resource expenditure, became a damping device for system reforms. At the same time there was a shift of expectations towards self-governments, due to the growing social appreciation of local authorities' accomplishments. The local authorities are more and more expected to solve the problem of unemployment, stimulation of economic development, and rationalisation of social services, meaning issues that stand outside of the self-government rights. These expectations are reflected in the respondents' answers in a public opinion survey, which for example, concerned in regard to primary schools 61% of respondents, high-schools - 42%, cultural institutions - 59%, renovations and conservation - 65%, social support - 55%, and assurance of order and public security - 46%.<sup>19</sup>

It is worth mentioning that in most fields where there is an increase in the expectations of the local authorities, tasks and powers are presently being realised by the government administration. In the situation where the decentralising reform is being held back, lowering the commune income, etc., the lack of commune activity can further increase social disillusionment with system reforms. The stabilising role of self-government can soon lose the character of „a damping device,” which in consequence can lead not only to the

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<sup>19</sup> *Opinia społeczna ... (Public Opinion ...)*, op.cit., p.1.

blocking of further, necessary system reforms, but can even re-establish elements of the centralistic execution of power, which in turn can be disastrous to the already obtained achievements.