

REFLECTIONS OVER THE PHENOMENON OF STATE POWER

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Abstract

Power is perceived as a very interesting phenomenon for those scientists who make research on contemporary states. This problem strongly influences their internal organization, as well as their functioning effectiveness. The phenomenon is undoubtedly multidimensional and has remained in the field of interest of not only lawyers and state theorists, but also of political scientists, psychologists, sociologists, as well as representatives of various other fields of science and disciplines. The herebypaper aimsat taking up an effort of making a sort of selection and verificationof very different approaches in defining of this complex concept among those exisiting in the doctrine, as well as determining its sources, analyzing this issue in its various dimensions and categories, such as: state power, political power, public power, also from the perspective of confronting it with other directly related to it notions, such as: legitimisation, ruling and forms of its overtaking. These deliberationsmight help us to better comprehend this phenomenonwhich may result in its more effective exercising for the benefit of the common good of thestate, which still remains the main form of societies' political organization.

***Keywords:** sources of power, state power, political power, public power, ruling, legitimisation, form of overtaking power.*

Introductory remarks

The phenomenon of power¹is inseparablyconnected with the functioning of a state. Nowadays, among theoreticians, in principle, there is no larger dispute as to the fact that power remains a social phenomenon, and is based on the relations between individuals, social groups and institutions². It goes without saying, that power strongly influences the internal organization and effectiveness of the states functioning. And it is also an unquestionable fact, that this phenomenon is very multidimensional, therefore it has remained in the field of interest and focus of not only lawyers and state theorists, but also of political scientists, psychologists, sociologists and representatives of various other fields of science and disciplines.

¹About the issue of power more extendedly see: V. Serzhanova, S. Sagan, *Nauka o państwiwspółczesnym*, Warszawa 2013, pp. 104-115.

²J. Filip, J. Svatoň, J. Zimek, *Základystátovědy*, Brno 2006, p. 13.

The hereby paper aims at taking up an effort of making a kind of selection and verification of very different approaches in defining of this complex concept among those existing and well known in the doctrine of various sciences, as well as of determining its sources, analyzing this issue in its various dimensions and categories, such as: state power, political power, public power, etc. – also from the perspective of confronting it with other notions directly related to it, such as: legitimisation, ruling, forms of its overtaking, etc. These deliberations might help us to better comprehend the modern phenomenon of power and might also result in finding some methods and forms of its more effective exercising for the benefit of the common good of the state, which still remains the main form of societies' political organization.

1. The Concept and Sources of Power

There are various approaches in defining the concept of power in the subject literature. These include: a normative, sociological, theological, instrumental, structural, conflictual approach, etc.³.

However, most accurately the essence of power seems to be reflected in the behavioral approach⁴. According to it, power should be understood as a characteristic relationship binding two positions, or two people occupying specific positions in a group, that exert a particular type of influence on each other. It consists in the fact, that the person occupying one position controls the behavior of the person occupying the other one and vice versa. Control is understood broadly here, not only as supervision over someone's behavior, but also as exerting influence on it, manipulating it. Generally speaking, the power is the difference between the degree of control of the intended behavior of one person by another and the degree of control of the behavior of the other person by the first one. In consequence, certain positions, from the point of view of the power assigned to them, occupy higher places in its hierarchy, while others lower ones. It also means, that people occupying higher positions can control the behavior of those in lower positions much more strongly and vice versa⁵.

³More extendedly see: M. Chmaj, M. Żmigrodzki, *Wprowadzenie do teorii polityki*, Lublin 1996, pp. 112 & the subs.; A. Redelbach, S. Wronkowska, Z. Ziemiński, *Zarys teorii państwa i prawa*, Warszawa 1993, p. 26; P. Dobrowolski, S. Wróbel, *Wprowadzenie do nauki o polityce*, Katowice 1987, pp. 72–73.

⁴ The behavioral approach in defining the concept of power is most frequently found in the legal, political, sociological and psychological doctrine. One of the representatives of such an approach was Max Weber. See: N.P. Barry, *An Introduction to Modern Political Theory*, London 1989, p. 97; R. Bendix, *Max Weber. An Intellectual Portrait*, New York 1960, p. 294 i n.; C. Castoriadis, *Philosophy, Politics, Autonomy*, New York 1991, p. 149; J.K. Galbraith, *The Anatomy of Power*, London 1994, p. 2; A. Heywood, *Politologia*, Warszawa 2006, p. 7, 14; J. Isaac, *Conception of Power*, in: M. Hawkesworth, M. Kogan (ed.), *Encyclopedia of Government and Politics*, New York 1992, v. I, p. 57; in the Polish literature: P. Andrzejewski, P. Deszczyński, K. Gołata, M. Szczepaniak, *Europejskie systemy polityczne*, Poznań 1996, p. 30; P. Andrzejewski, P. Deszczyński, K. Gołata, *Wybrane zagadnienia z nauki o polityce*, Poznań 1991, p. 30; M. Chmaj, M. Żmigrodzki, *Wprowadzenie ...*, p. 112; J. Mielecki, *Władza polityczna*, in: J. Mielecki (ed.), *Podstawowe kategorie teorii polityki*, Wrocław 1979, p. 33; F. Ryszka, *Delimitacja władzy politycznej*, in: K. Opalek (ed.), *Elementy teorii polityki*, Warszawa 1989, pp. 83–87; C. Znamierowski, *Prolegomena do nauki o państwie*, Poznań 1947–1948, p. 112.

⁵ S. Mika, *Wstęp do psychologii społecznej*, Warszawa 1972, pp. 258–259.

There are various sources of power, through which one ought to understand certain measures leading to the intended control, or some grounds on which the power of one person over another is based. In the doctrine five such sources are distinguished⁶.

The first one consists in the observance by the persons in the structure of power of certain social forms assimilated in the childhood. Such habits as, for instance, obedience to parents or elder people, or higher persons in terms of their position in the structure of power, are adopted by us as basic values taken from homes and families, schools and the surrounding environment. During the childhood, therefore, we easily learn the hierarchical structure of power and the acceptance of control of our behavior by people standing above us.

The second source of power of one man over another is his knowledge, which is called 'expert power'. It consists in allowing a competent person with expertise in a specific field to control our behavior, since we assume that they actually have and use it properly. A characteristic feature of the expert power is that it is naturally restricted to a certain specific scope of matters, to which the knowledge possessed by him is related. Quite often, however, the opinions of experts are used in various areas of our everyday life.

The third source of power is based on a reward, or rather on a possibility of rewarding a person in a lower position by a person occupying a higher one. It is based on the fact, that if certain acts of subordination to the power of another person were somehow rewarded in the past (e.g. by satisfying one's needs), then later a person standing lower in the hierarchy expects a reward for submission to the hierarchical control exercised by a person in a higher position and therefore behaves according to his instructions. This is the basis of power, for example, in a situation where a child tries to do his homework in a particularly careful and thorough way, expecting praise or other rewards from his parents or teachers. Rewarding also creates a positive attitude of the controlled person to the person in power.

The fourth source is the opposite one to the power based on a prize, because it is based on a penalty. It consists in surrendering to the control of a person located higher in the hierarchy on the basis of the conviction from the past, that if he had not, he would have received a severe punishment from the person in a higher position, which caused him distress or fear. Thus, the fear of receiving a penalty and the desire to avoid it leads to compliance, because it reduces the probability of its use. Such a base of power may be some motivation to carry out professional orders by some subordinates. At the same time, with the application of penalties it leads to the weakening of the positive attitude of a person situated at a lower level of the hierarchy to the person exercising power⁷.

Finally, the last, fifth source of power consists in identifying of a person below with a person standing higher in the hierarchy of power. This means that the subordinate one possesses a very positive attitude, and even a strong emotional bond with the person exercising power over him, which is the reason of his being subject to the control and performing orders. This kind of power takes place in cases of children towards their beloved parents or subordinates in relation to their fond supervisor, although the latter situation does not happen very often.

In practice, this division, quite artificially delimiting various foundations of power, does not occur in classically separate forms, because in natural conditions the exercising of power

⁶ Competently the grounds of power are determined and discussed by F.E. French and S. Mika, *ibidem*, pp. 259 & the subs.

⁷ About the abilities to reward and punish from a slightly different perspective, i.e. on a strict identification them with power see: A. Heywood, *Politologia...*, p. 7.

usually follows from several different sources simultaneously. Both parents' power over children or teachers' over students, as well as superiors' over subordinates can arise not only from certain behaviors acquired in the childhood, but also from a desire to receive a prize, fear of punishment or a positive attitude towards the ruler.

2. State Power and Ruling

An issue, being one of the most important for the state power functioning, is the concept of political power. It is such a category of power, which has an indirect or direct connection with the conflicts following from the division of various types of public goods⁸, occurring in large social groups, such as states, nations, religious groups, trade unions, etc.⁹. It appears in all interdependent social structures in which it is necessary to overcome the contradictions of the interests of individuals and groups subject to the same decision-making centers and applicable standards of conduct¹⁰.

The main criterion, which characterises political power, is that at least one of the subjects within a power relationship should be equipped with a real possibility of making important political decisions, essential for the society, regulating the behavior of the large groups of people. An additional, but not less important, criterion is that this subject should have a real ability to execute the decisions taken with the help of a fully organized apparatus, in order to enforce certain behavior, including the use of state coercion¹¹.

Political power should therefore be understood as a system of social relations between the subjects of power, which consists in a possibility of applying a permanent institutional coercion in order to enforce the other party to behave in a specific manner¹².

The explanation of the concept of political power is so important in the context of considerations about the state, because the state is its carrier, and the citizens, as well as large groups and social organizations, are its subjects in the internal and inter-state structures. Within the relations of political power, one can speak of the subjects of command powers, which are state authorities and social organisations performing state tasks, as well as subordinate subjects, such as the society, nation or citizens¹³.

⁸ Competently the concept of public goods, both substantial and non-substantial, as well as the essence of political power in this context is explained by K. Patecki, *Wprowadzenie do normatywnej teorii władzy politycznej*, in: B. Szmulik, M. Żmigrodzki (ed.), *Wprowadzenie do nauki o państwie i polityce*, Lublin 2007, pp. 203–204.

⁹ M. Chmaj, M. Żmigrodzki, *Wprowadzenie ...*, p. 115 after: P. Andrzejewski, P. Deszczyński, K. Gołata, *Wybrane ...*, p. 30; J. Kowalski, W. Lamentowicz, P. Winczorek, *Teoria państwa i prawa*, Warszawa 1983, p. 86; N. Nizio-Baron, *Podstawowe kategorie nauki o polityce*, in: J. Misztal (ed.), *Nauka o polityce*, Gliwice 1985, p. 35.

¹⁰ M. Gulczyński, *Nauka o polityce*, Warszawa 2007, p. 59; P. Winczorek, *Wstęp do nauki o państwie*, 2nd ed., Warszawa 1997, p. 27.

¹¹ The criteria distinguishing political power are paid attention to by M. Chmaj, M. Żmigrodzki, *Wprowadzenie ...*, p. 115 and A. Korybski, Z. Szeliga, M. Żmigrodzki, *Współczesne państwowe systemy polityczne*, Lublin 1987, pp. 23–24.

¹² The definition of political power used in the herby paper is taken after: M. Chmaj, M. Żmigrodzki, *Wprowadzenie ...*, p. 116. Compare also: M. Karwat, *Podstawowe problemy metodologiczne języka nauki o polityce*, in: P. Georgica (ed.), *Wprowadzenie do teorii polityki*, Warszawa 1982, v. I, p. 103.

¹³ M. Chmaj, M. Żmigrodzki, *Wprowadzenie ...*, p. 116; M. Gulczyński, *Nauka ...*, p. 59.

A broadly understood concept of political power (*sensu largo*) encompasses the following categories of power¹⁴:

- 1) political power in a narrow sense (*sensu stricto*);
- 2) state power;
- 3) public power.

Sensu stricto political power belongs to the political party which won the parliamentary elections, or to the parties forming a government coalition¹⁵.

State power is exercised by the subject indicated in the basic law which scope of competence is determined by legal norms¹⁶. Therefore, the basic criterion for distinguishing the state power is its normative character. This means, that the state power differs from other power categories by its normative factor, it follows from legal regulations, and its exercising is determined by constitutional provisions and other legal norms¹⁷. The basic features characterising the notion of the state power include:

- 1) universality;
- 2) lack of responsibility;
- 3) atomicity;
- 4) supremacy¹⁸.

Public power is both a legal and sociological category, showing on one side a formal bond with the state power and – on the other – a factual connection with the political power¹⁹.

Some authors perceive state power from the point of view of its subject as a category of broadly understood public power. The state remains its carrier, and therefore the subject of the highest public power²⁰.

The concept of ruling (governance), which is directly related to the considerations over both political and state power, does not raise specific controversy in the subject literature. It is understood as a process of exercising state power, consisting in taking decisions and their effective performance with the help of the state apparatus²¹. In particular, ruling consists in resolving conflicts and disputes arising from meeting the needs of the society, ensuring a permanent position of the state in international relations, as well as guaranteeing peace, order and internal security. In addition, ruling includes activities that provide securing financial

¹⁴ The abovementioned classification is created by: M. Chmaj, M. Żmigrodzki, *Wprowadzenie ...*, pp. 116–117. Different conceptions, typologies and characteristic features of political power are presented by other researchers of the essence of this phenomenon. Compare: A. Czajowski, *Władza polityczna. Analiza pojęcia*, in: A. W. Jabłoński, L. Sobkowiak (ed.), *Kategorie analizy politycznej*, Wrocław 1991, p. 35; *Politologie*, Brno 1993, pp. 67 & the subs.

¹⁵ M. Chmaj, M. Żmigrodzki, *Wprowadzenie ...*, pp. 116–117.

¹⁶ *Ibidem*.

¹⁷ J. Filip, J. Svatoň, J. Zimek, *Základystátovědy...*, pp. 17–18.

¹⁸ E.S. Rappaport, *Państwo i prawo. Zarys krytyki radykalnej*, Warszawa 1909, p. 16. These features are also paid attention by M. Chmaj, M. Żmigrodzki, *Wprowadzenie ...*, p. 115.

¹⁹ M. Chmaj, M. Żmigrodzki, *Wprowadzenie ...*, p. 115.

²⁰ About a state as an original carrier of the public power see: J. Filip, J. Svatoň, J. Zimek, *Základy ...*, p. 18; D. Hendrych, *Právníckéosobyveřejnehopráva. Správníprávo*, Praha 1996, č. I, p. 8; V. Veverka, J. Boguszak, J. Čapek, *Základyteoriepráva a právnífilozofie*, Praha 1996, p. 111; J. Becker, *GewaltenteilungimGruppenstaat*, Baden-Baden 1986, p. 103.

²¹ See: X. Szaniawski, *O rządzeniu y radzeniu*, Warszawa 1810, p. 4; A. Redelbach, S. Wronkowska, Z. Ziemiński, *Zarys ...*, p. 56; M. Chmaj, M. Żmigrodzki, *Wprowadzenie ...*, p. 120; W. Pietras, *Władza polityczna i jej przedmiot*, Studia Nauk Politycznych 1985, No 3–4, p. 90.

resources for the functioning of the state apparatus and the performance of its tasks, in particular legislative, administrative and judicial activities²².

3. Legitimation of Power

The term 'legitimation' comes from the Latin *legitimus*, which means 'in accordance with the law' (from *lex, legis* – law).

The legitimation of power includes two aspects:

- 1) legal;
- 2) social²³.

In fact, legal legitimation means the legalisation of power. This, in consequence, means that the rulers have taken power and carry it out in accordance with the law being in force, i.e. first of all with the norms contained in the Constitution and laws, especially those issued on the basis of the Constitution itself, which refer to the legitimation (legalisation) of public power exercising (electoral regulations, laws on political parties, assemblies, referenda, the procedures of appointing certain public authorities).

For the legalisation of the functioning of state authorities, it is essential to create and determine the scope of their competences by way of statutes, and not lower-level acts. Similarly, the mechanism for holding elections and referenda must be laid down in an act. The forms (procedures) for exercising public power must also have their foundation in an act of law.

Social legitimation consists in recognizing, that the rulers and the way they exercise their powers are regarded as legitimate and worthy of acceptance by the public opinion. An important aspect of legitimation is the conviction of people, that their material and spiritual development depends on the preservation and support of the existing social system.

Power can never count on the total acceptance of all people. Support for power is changeable and it must constantly strive for it.

The legitimation of power in the sense of majority support determines the effectiveness of public authorities' activities. Legitimation is gained, but it can also be lost.

Legitimation of power can be obtained thanks to:

- 1) submission to a social verdict, expressed through a referendum;
- 2) obtaining international recognition;
- 3) effectiveness in exercising power;
- 4) the passage of time.

Legitimation of power can be lost due to:

- 1) a serious violation of norms on which the authority is based by the rulers;
- 2) low efficiency (ineffectiveness) in exercising power;
- 3) emergence of a popular alternative²⁴.

A test of the social legitimation of power can be: massive, often spontaneous activities of the society, manifesting in demonstrations, rallies or actions of civil disobedience.

²² M. Chmaj, M. Żmigrodzki, *Wprowadzenie ...*, p. 121 and A. Redelbach, S. Wronkowska, Z. Ziemiński, *Zarys ...*, p. 57.

²³ E. Zieliński, *Nauka o państwie i polityce*, Warszawa 1999, p. 156; also M. Orzechowski wrote an interesting monograph dedicated to the doctrine of power elaborated by M. Weber, *Polityka, władza, panowanie w teorii Maxa Webera*, Warszawa 1984, *passim*.

²⁴ J.J. Wiatr, *Socjologia polityki*, Warszawa 1999, pp. 144-145.

Low voter turnout can also be an important signal for the authorities. The conducted research indicates, that participation in the elections was more often refused by the people, who were critical towards the institutional order and negatively assessing the situation in their country²⁵. Sometimes a different way of perceiving the levels of the legitimisation of power can be found in the doctrine, like for instance the one seen by David Beetham. He determines, that power is legitimised, provided that:

- 1) it complies with the established rules;
 - 2) these rules find their justification in the convictions of both those who exercise power and those who are subordinate to it;
 - 3) there are signs of acceptance of certain relations of power on the part of the subordinates²⁶.
- In contemporary political systems, we can distinguish two types of support: the one being a part of the electoral process and support of a mobilising type. These forms have separate logics and different consequences. The institution of elections usually combines two functions: direct or indirect choice of government and expression of support for it. In most cases political mobilisation only fulfills the latter function. This involves a different role played by political parties in both processes²⁷.

In case of the mobilisation model of the legitimisation of power, the strength of collective convictions, and not democratic choice, is of fundamental importance, which is why this type of legitimisation is associated with the monopolistic claims of the ruling party in the doctrinal, organisational and political sphere. Legitimation through democratic elections not only allows, but even requires pluralism of ideas and political formations. In case of the mobilisation pattern, public expressing of alternative views or opposing the official policy of the government outside the institutions of the ruling party is a threat to the legitimisation of its power. Therefore, legitimisation through mass mobilisation requires an extensive system of supervision and repression, which is not an alternative to it, but a necessary complement²⁸.

4. Forms of Taking Power in a State

Taking power in a state can be done in a legal or an illegal way.

The legal methods include:

- 1) inheritance;
- 2) elections.

Both forms have legitimisation in the law being in force.

The inheritance, characteristic for a monarchy, is usually regulated by the constitutional acts which determine the rules for overtaking the throne by legitimate dynastic descendants. They are found in the Constitutions (Spain, the Netherlands, Belgium, Norway, Morocco) or in separate Constitutional Acts – on the Succession to the Throne (Sweden, Denmark).

Today, throne inheritance is allowed in the feminine line (Denmark, Sweden, Great Britain, Monaco).

²⁵ K. Korzeniowski, *Psychospoleczne uwarunkowania zachowań wyborczych*, in: K. Skarżyńska (ed.), *Psychologia polityczna*, Poznań 1999, p. 212.

²⁶ D. Beetham, *Legitymizacja władzy*, in: D. Beetham, M. Burton, R. Gunther, J. Higley, A. Lijphart, S.M. Lipset, S. Rokkan, B.I. Page, *Elity, demokracja, wybory*, selection and elaboration by J. Szczupaczyński, Warszawa 1993, p. 7.

²⁷ *Ibidem*, p. 20.

²⁸ *Ibidem*, p. 23.

In the Nordic states, the Constitutions require belonging to the Evangelical-Augsburg Church (Denmark, Sweden, Norway). Likewise, the Constitutions of Muslim states set the requirement for Islam confession (Jordan, Morocco, Saudi Arabia, and Brunei).

Aside the inheritance, the other form of power taking is an election which essence lies in the democratic rivalry for power. It takes place on the basis of the regulations contained in the basic laws and special election statutes.

On the other hand, non-legal methods of interception of power include a coup d'état, which consists in a non-constitutional sudden method of obtaining (or attempting to acquire) the state power by an individual or a group most often by the way of force. It also happens to use non-military ways of obtaining it, for example in the form of election fraud.

The term 'coup d'état' has been disseminated by the French language (*coup d'État*). The Englishmen adopted it in the changed pronunciation. In Italian it is known as *colpo di Stato*, in Spanish – *golpe de estado*.

The aim of the coup is to overthrow legal authorities and take over ruling in the state. Most often, armed forces and police are used here. Coups have always been a way to gain power in the states with unstable democracy, where there is no civil society.

There are many premises and reasons for contemporary military coups. Among them, the most important is attributed to weak statehood, both in the dimension of efficiency and the effectiveness of state structures, and (primarily) to the low level of state consciousness of the nation. Underdevelopment in the socio-political sphere is usually accompanied by economic undergrowth. The best organised, and sometimes even the only political force of such countries is their armies. Socio-political hypoplasia makes it impossible to limit the role of the army and subordinate it to civil power²⁹.

Coups differ in the ways of seizing power³⁰. If members of the armed forces do this, then we deal with a military coup. But it can also be a group of civilians, who are interested only in the change of the monarch or his overthrow. Often these are members of the royal family, then we deal with a palace revolution. Sometimes a coup is done in a form of putsch, which is a word of the German origin and means 'a blow'. Usually it is a poorly prepared (ineffective) attempt to overthrow the authorities by a part of the army. An example here can be the Kapp-Lüttwitz coup in March 1920 in the Weimar Republic or the one of 13 December 1960 in Ethiopia.

Such a method of taking power is legally unacceptable without any exceptions. Power is gained through the use of violence and – what is more – it is based on the use of force methods of extorting obedience to it. It brightly violates the existing political system based on the Constitution.

In the 19th century, coups were a frequent method of overtaking (interception) the state power in the so-called 'third world states', in particular in Latin America and Africa³¹. Bolivia beat a certain record, with 190 coup d'états in the last 170 years.

Currently, this form of overtaking power is used rather seldom. The only continent, where the coup d'état is still relatively frequent, is Africa. However, one can presume, that the conjuncture for coups may return in the future, especially in such regions of the world, where

²⁹ B. Balcerowicz, *Sily zbrojne w państwie i stosunkach międzynarodowych*, Warszawa 2006, p. 52.

³⁰ M. Gulczyński, *Panorama systemów politycznych świata*, Warszawa 2004, pp. 347 & the subs.

³¹ A. Ławniczak, *Ustroje polityczne państw Latinoamerykańskich*, Wrocław 2008, pp. 165 & the subs. The analysis of the African coups has been made in: Z. Dobosiewicz, T. Łętocha, M.J. Malinowski, *Rola armii w Afryce*, Warszawa 1970, p. 90.

this method of reaching for power has a rich tradition. It can be referred to Latin America, as well as to Asia and Africa. No social and political problems have been solved there permanently, democratic procedures have not taken root deeply and large parts of these societies consider them to be unfamiliar, and the implemented style of political leadership is consistently low and is widely questioned.

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