

To the Questions of State, State Organization, State Activity

The social phenomenon, named State today, has been known under different designations during the historical development. For the Greeks of Antiquity, this nomenclature meant the polis (city-state), in Roman terminology the civitas (community of the citizens of full legal capacity), the res publica and the empire. In the Middle Ages, the term State mainly meant country (regnum, crown).¹ The term stato came into general use in the authority of Machiavelli, in France, Germany, and England, in the 18th century. This term was also used in the Middle Eastern countries, as well.²

In the bourgeois theory of the State of the early 20th century, the State is mainly a type of community, in which a power prevails, ensuring the social order on a definite territory by means of law and, if necessary, under coercion.³ In the bourgeois theory of State, there is an opinion, too, according to which the State is identical with the mechanism of its institutions: Parliament, government, the ruler, self-government, the functionaries of the central state organs (civil servants, state officials). The State is, namely, an abstraction, in the name of which the government, as a part of the organization of the sovereign state power, consisting of people, acts.⁴ Then, it is established, as well that the State is only an organization among other organizations in the society, and not even the most important. Otherwise, they do not acknowledge even the class nature of the State.

The term of State was connected by the classics of Marxism with more than one synonymous expression. Marx appreciated, already in a work of his young days positively Hegel's opinion that the State was an organization, consisting primarily of representative and administrative organs, i.e. of delegates and officials.⁵ And Engels, emphasized that the State was a separate public power, the organization of the ruling class, a machinery, but it was also a force, co-ordinating society.⁶

¹ *Jeřinek*: Allgemeine Staatslehre. Berlin, 1922, pp. 129—135.

² *Zamkowski, W.*: Wstęp do nauk o państwie i prawie. Wrocław, 1972, p. 12—14.

³ *Mac Yver*: The modern State. London, 1926, p. 22.

⁴ *Laski, H. J.*: Studies in Law and Politics. London, 1928, p. 299, 1932, p. 240.

⁵ *Marx*: A hegeli államjog kritikája (Criticism of Hegel's state law). MEM, vol. I. Budapest (Hungarian), 1957, pp. 231, 250. *Marx*: Louis Bonaparte brumaire tizennyolcadikája (Brumaire 18 of L. Bonaparte). MEM, vol. 8. Budapest, 1962, pp. 101—192.

⁶ *Engels*: A család, a magántulajdon és az állam eredete (Origin of the family, private property and State) (Hungarian). MEM, vol. 21 resp. 17, p. 577.

According to Lenin, the State is a separate group of men („the personnel or staff), who are selected to administer others and this group always keeps in hand a certain coercive force, physical strength. The State is also a power, originating from society, comprising the own formations of men, provided with arms.⁷ He established, already earlier, that the State, as an organization, on the one hand, was an organization, in the stricter sense of the word, i.e. it means the separate cell of human community; on the other hand, it was an organization in the wide sense of the word, as well, i.e., the sum of cells, forming a group as a whole, as a kind of social organization.⁸

The State is, therefore, according to the classics of Marxism, a separate group of men, a separate organization, having power, and is connected with a definite territory and population (people, nation) with its economically ruling class. The products of the Marxist political theory after World War II, based on sociological knowledge, have explained the following about the State as a personnel and organization of public power.

The products of the Marxist political theory, published in the 1960s, emphasized that the State in stricter sense as a group of men, separated from society (state apparatus, state machinery, state organization, most closely: repressive organization). The State as a group of men, separated from society, includes the citizens who deal with public (state) affairs, comparatively with permanent character; that is to say: it only contains a number of citizens, namely those who monopolize, directly or indirectly, the possibility of exercising physical force, who exercise state power. Thus, it does not include every citizen. This separate group of men forms the structure of the State, consisting of state organs (minor human groups), the members of which perform their activity strictly in a hierarchical order, determined by the law, as well, under the supervision of the superior organ, ensuring in this way their unity. The state organization is formed by a number of individuals who exercise state power. The organization of the State, the single state organs consist of natural persons but these (the natural persons) take part in this not with their full personality in principle, but only with a part of it and this part is interwoven with state activity. The natural persons active in the state organization may be divided into two groups: those who perform state activity only for the time being, these are generally not professional workers.⁹ These investigate into state power (particularly public power) embedded in the framework of political conditions, in connection with state organization.

The products of the Marxist state theory, published in the 1970s, started from that one of the kinds of the lasting social relations between men is: the social relations of connection-character, in which the connections are either of personal or of non-personal character. The State is the formalized social big-group, i.e. organization, falling into the framework of the latter. From a political point of view, the organizations in the following sense are the most important ones: (a) those consisting of men, playing certain parts, (b)

⁷ *Lenin: Állam és forradalom (State and revolution). Lenin's Complete Works. Hungarian, 2nd ed. Budapest, 1965. Vol. 33, pp. 1—111.*

⁸ *Lenin's Works, vol. 7. Budapest (Hung.), 1953, p. 267.*

⁹ *Lukity, R.: Théorie de l'Etat et du droit. Paris, 1974, 1974, pp. 195—6, 217—226. Lukity: Uvod u pravu. Beograd, 1966.*

¹⁰ *Kovács, I.: A szocialista államfejlődés új elemei (New elements of the socialist development of State) Budapest, 1962, pp. 176—7.*

they who have some premises, equipments at their disposal to perform the work, (c) where people are interlinked by the common norm of behaviour, (d) where the activity of the members of the organization is directed by common values, (e) where there are common symbols for people, (f) where there are institutionalized control methods, as well, guaranteeing that the activity corresponds to the rule of behaviour. They establish, too, that the men working in the organization may change but the organization survives further on. The state organization may be characterized with the above traits and is connected with the problems of state power.¹¹ It is emphasized, as well, that the characteristic traits of state organs are that their composition is formed by the special collectivity of the men dealing with guiding, with extraordinary, authorized power and with a peculiar organizational composition.¹² It is emphasized, too, that the State is a complicated social phenomenon, its definitions reflect, therefore, the different sides of this, like, e.g., the organization of the public power and also the politically organized community of people.¹³

We are of the opinion that the conception of the State as public power, as personnel and organization, should be preserved further on, as well. But the investigations in connection with the mentioned characteristics should also be widened.

Investigating into the problems of the *State as public power*, it is important to conceive it as a social relation, in which one of the subjects (e.g. the state organization), being superior, subordinates the other subjects (e.g. the population) and, in case of disobedience, employs force against them. The conception of those in superior position, as leaders (heads of affairs, governing bodies), and of those, being in a subordinated position as directed (led, governed) persons is, further on, considerable. It is important for the future, too, to deal with the connections of the public power, like those of the political state power, with the economic and ideological power and particularly with the interests of the different social classes and layers but also with other value systems as well. The subjects of the public power, as state power, within the state organization should also be analysed because the social classes, particularly the ruling class, but the people or nation and the directing party, as well, are important in connection with this. The problems of rule should also be analysed separately from power.

The analysis of the *State as a personnel* is important in state theory, as well: as state power, as a public power, cannot be exercised without any personnel. It should also be analyzed, how the subordination of the state per-

¹¹ Lang, W., Wróblewski, J., Zawadski, S.: *Theorie państwa i prawa*. Warszawa, 1979, 3. 1. 2. *Wiatr, J.*: A politikai viszonyok szociológiája (Hung.). (Sociology of political conditions). Budapest, 1980, pp. 145—153. *Kulcsár, K.*: Szociológia, 1976, pp. 10—103.

¹² *Zamkowski, W.*: Op. cit., p. 106, *Antalfy, Gy.*: Állam, politikai rendszer, társadalom (State, political system, society). Budapest, 1979, pp. 103—104. *Samu, M.*: A hatalom és az állam (Power and State). Budapest, 1977. *Bihari, M.*: A hatalom és az állam (Power and State). Budapest, 1977. *Bihari, M.*: A döntésmechanizmus szervezeti, hatalmi és érdekkörnyezete (Organization, power and interest, as the environment of the mechanism of decisions). Társadalmi Szemle, 1979, No. 3. *Bihari, O.*: Képviselői rendszer (Representative system). Állam- és jogtudományi enciklopédia. Budapest, 1980, p. 981.

¹³ *Tikhomirov, Yu. A.*: Obshenarodnoe gosudarstva is upravlenie sotsialno-ekonomitsheskimi protsessam. SGP 1976. No. 11, p. 11.

sonnel to the the social subjects of public power is realized, respectively what they are characterized with, apart from not taking part immediately in production, receiving wages (salary) for their work, and their selection being connected with different conditions.

The *State as an organization* is many times divided into parts, into smaller groups of men between (and within) which even conflicts are possible. It should be analysed whether the state organization may be divided into two organ types, i.e. into representative-corporative and bureaucratic organs. The latter division should be referred — depending on the answer to the question — to Courts of Justice and attorney's departments, as well, and not only to the administrative organization. We should investigate into the statuses, formed in the state organs, the alterations (rights and duties — competences) in connection with them, as well as the individual conceptions of roles, their main types. It is also to be explored whether the persons can or cannot be entirely identified with the State as a whole. The State is, namely more permanent than they are. The inner hierarchical system of the state organisation is an important condition of the unity of the state organization. It is further on necessary to analyse recollectedly the personality marks, promoting the performance of state activity. Namely, that not all the traits of the personality of the state staff should be necessary in principle to perform state activity. Besides, the State subsists independently of that the staff, forming it, is permanently interchangeable. This is the result of the non-full personality, as well. The official person remains namely the same, independently of who he be personally. His official activity is prescribed by rules of law, these fix, what is and what is not to be considered as an official state activity.

The products of the Marxist state theory, following World War II, were founded on the theory of leadership and analysed the questions of state activity independently.

In the 1960s, it was emphasized by the Marxist state theory that every activity, aimed at leading, directing the society in a definite direction, directly or indirectly, is a state, political activity. It called the attention to the fact that state activity has two bearings: (a) making the decision or resolution, (b) implementing the decision or resolution. These two bearings of state activity are centralized in the function of the State, they lead the actions of citizens, direct them in social processes.¹⁴ They emphasize, as well, other questions of state activity (e.g. the effects, effectivity, the necessity of investigating into them).¹⁵

In the 1970s, the Marxist political theory continued to analyse the questions of state activity and expounded that difference should be made between power and non-power political activity. But within the framework of exercising state power, the conception of the 1960s was also conserved.¹⁶ The standpoint was also expressed that the political activity served the realization of the aims fixed and by it direction-leading was meant in a wider sense. Direction and leading should, therefore, not be narrowed down to the activity of the administrative organs. They should also be interpreted more widely, in

¹⁴ Lukity, R.: *Politicka teorija drzva*. Beograd, 1962, pp. 117—206.

¹⁵ Antalffy—Samu—Szabó—Szőtácky: *Állam- és jogelmélet (Theory of State and Law)*, Budapest, 1970, pp. 102, 114, 139.

¹⁶ Zamkowski, W.: *Op. cit.*, pp. 107—108. *Wiatr*: *Op. cit.*, pp. 180—186.

connection with other state organs. And the political directing-leading contains all the elements of direction and leading, dealt with by the theory of leadership and organization. Thus, it contains particularly acquaintance with information, deciding, organizing, and supervising.¹⁸

We are of the opinion that, in the Marxist political theory, the categories of state activity should be preserved further on, in addition to the category of state or political functions. But here, the research work should be deepened.

Examining the questions of state activity, it is important to interpret it as a directing—leading activity. The state activity, as a directing—leading activity, is a particular working activity which enables the unification of social forces to start or prevent changes or other definite aims. But it should not be left out of consideration that political activity is a preserving activity, as well. While, namely, the representative and governmental activity is primarily of directing character, the activity of Courts and attorneys is first of all directed towards preserving, conserving the legally regulated living conditions.

Investigating into the questions of state activity, as a directing—leading activity, it is also important to understand it as a process, including the following phases: (a) preparation of the decision with knowing the information and planning, (b) making the decision, (c) implementing the decision with planning and supervision. The state or political activity is, in this way, connected with input and output factors, in which the public-power personnel-organization of the State has a part as a factor, framing inputs into outputs, corresponding to the peculiarities of the personnel-organization of the State. This, of course, also raises the question of transformation of the interests-claims into state organs and the questions of the comparison, ranging from interests-needs, i.e. that the state organ promotingly intervenes in the arrangement of social relations with state-political activity, corresponding to the political aims.

The state activity is of many layers, the grouping of which is justified, as well. We may only abstract the functions of the State and explore them from the manifold state activity after performing such a preliminary scholarly task.

¹⁷ Kask, J.—Nikolaeva, L. V.: O nekotorykh voprosa ponyatia funktsiy gosudarstva. Vestnik LGU, 1974. No, 11. pp. 103—104.

¹⁸ Tikhomirov, Yu. A.: Op. cit., pp. 11—19. Bihari, O.: Az állam működése (Functioning of the State). Állam- és Jogtudományi Enciklopédia. Op. cit., pp. 347—349. Szamel, L.: Államigazgatás (közigazgatás) (Administration). Állam- és jogtudományi enciklopédia. Op. cit., p. 152—153.