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public administration**

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Redigunt

GYÖRGY ANTALFFY, ÖDÖN BOTH, ANTAL FONYÓ, BÉLA KEMENES,
ISTVÁN KOVÁCS, KÁROLY NAGY, ELEMÉR PÓLAY, JENŐ SZILBEREKY

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de Attila József nominatae*

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ANTALFFY GYÖRGY, BOTH ÖDÖN, FONYÓ ANTAL, KEMENES BÉLA,
KOVÁCS ISTVÁN, NAGY KÁROLY, PÓLAY ELEMÉR, SZILBEREKY JENŐ

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1 THE EFFECT OF SOCIETY ON THE PUBLIC ADMINISTRATION

The functioning of public administration is connected with the processes and phenomena going on in the social environment, as well. The fundamental trends of the functioning of administration are determined by the processes and phenomena going on in the society. The social environment exerts a considerable effect, of course, not only on the function of administration but — as earlier demonstrated — on its composition, constitutional superstructure, too. At investigating into the place of administration in the political system, therefore, we cannot leave out of consideration the examination of the element of environment, more exactly: the elements of the social environment making effect on public administration.¹ The administrative environment means, in fact, the system of social factors, the elements of which set going, put into operation the administrative organization.

The investigation into the connections between social environment and administration gives an answer to several questions. To begin with, it furthers to understand what the importance of public administration as one of the elements of the political system is from the point of view of the system taken as a whole. The investigation into the environmental factors of administration puts, in this way, into the limelight the examination of the connections of the internal elements of the political system both with one another and with the external environmental factors.

The public administration, as a very important part of the internal structural elements of the political system, shows several characteristic features of which the comparative independence of public administration is particularly important. Administration has namely also its proper motional regularities, similarly to the organizations belonging to the elements of the political system. It may be the result of the relative independence of public administration that, for example, administration can also become the main element of the change in the political system. As it is already known, conflicts, antago-

¹ Hage, J.: Historical-Sociological General Models of the Environment. Toronto, 1974. (Material of Sociological World Congress VIII). But he approaches the field of problem in a too abstract way. Cf.: Kulcsár, K.: A közigazgatás szociológiája (Sociology of Public Administration). In: Állam és Igazgatás, 1975, No. 1, p. 10. Kulcsár, K.: A szervezet és környezete (The Organization and its Environment). In: Valóság, 1976, No. 11, pp. 1—12. Berényi S.: Az urbanizáció hatása az államigazgatásban (Effect of Urbanization in State Administration). In: Állam és Igazgatás, 1976, No. 1, pp. 47—61, No. 2, pp. 155—174.

nisms, contradictions can also occur between the administrative organs within the administrative organism. Administration, taken as a whole, can and also does have a peculiar role in the political system and this peculiar role may be in connection with the possibility of realizing the administrative decision with compulsion. With this is connected the outstanding role of administrative organs in connection with the negotiations (transactions) in the society, as well.

Hereupon, it is right to raise the question which the environmental social factors are that exert a considerable effect³ on functioning, activity, decision of administration. Of these factors, the following are first of all to be emphasized: 1) the class (different class interests, different conditions of consciousness), stratum (the different interests of strata, different conditions of consciousness) and settlement relations (different settlement interests, peculiar characteristics); 2) the public opinion of the socialist society and, within the framework of this, the traditions, historical peculiarities, specific characteristic of consciousness manifested in the socialist society; 3) the social political organs functioning in the socialist society (particularly the organizations of Party, Trade Union, and youth); 4) the socialist organs of state power and of people's representation (central-local ones); 5) the work organizations functioning in the socialist society. All these take a prominent part in the effect mechanism of the interest relations and public opinion. The scientific-technical development in the socialist society, as well as the influence of nationals on public administration are primarily realized indirectly, through the above-mentioned organizational canals — although they have some importance individually, as well. The concrete historical situation is also a considerable environmental factor, the effect of which cannot be left out of consideration.

As it appears from these facts, there are several environmental factors that exercise an influence on administration, particularly in the process of the administrative decision and also in the execution of decision, and even it is justified to differentiate between macro- and micro-environmental effects.

It is already visible from the above facts that the socialist administration cannot be indifferent to the environment, milieu, cannot lose its sensitivity to the transformation of society. However, there may be some impersonal rules, too, there may be manifested some isolation between the different layers or, in some cases, an exaggerated centralization of deciding — it is nevertheless possible to connect the outer environmental effect with the inner professional training in the course of the process of deciding, although this outer environment is in the state of a constant change. The socialist public administration namely requires the sensitivity to the changes taking place in the external environment, the dynamical equilibrium between inner and outer processes, the continuous taking up of new things. Although it can come into conflict from time to time with its environment but this does not result in a crisis of the organization because the conflicts can be solved and do not become the brakes of social development.

² Kulcsár K.: A politika és a politikai rendszer (Policy and Political System). In: Társadalom, politika, jog. Budapest, 1974, p. 33.

2) THE INTEREST RELATIONS OF SOCIETY AND PUBLIC ADMINISTRATION

Of the environmental factors first of all the effect of the relations of class-layer, resp. settlement are to be investigated, mainly in connection with the process of deciding, with special regard to the interest.

A) The administrative decision is a social phenomenon that brought into the focus of social environmental effects — particularly into that of the interest relations. It is just one of the highly important tasks of sociology to help in making (and also executing) the administrative decisions, to explore the problems of these decisions.

The making of administrative decisions is primarily divided into sections (cycles), similarly to the types of decisions. Taking into consideration the hierarchical construction of the administrative organization, it is a very important problem in connection with making an administrative decision, how much the sections of administrative deciding are divided among the different hierarchical levels. It is to be investigated, too, how leading within the administration and the status of leaders are connected and how these are joined with the qualification of making administrative decisions.

There is generally distinguished more than one section of making decisions in the legal literature. We consider three sections as acceptable.³ The first section is primarily connected with recognizing the necessity of decision and initiating decisions. The second section of deciding is to elaborate the draft resolution resp. the variations of decisions. The third section is, at last, the choice between the alternative versions of deciding. The above three elements of the process of making decisions — which latently comprehend also the elements of other divisions into stages — are present in the public organization, but also in the single administrative organs. As compared with the economic

³ Rozgonyi T.: A vezetési rendszerek, a gazdasági döntések és az információk rendszer szociológiai problémái (Systems of leadership, Economic Decisions and Sociological Problems of the System of Information) In: A gazdaságsszociológia egyes kérdései. Budapest, 1973, Fascicles 1—2, p. 86. Afanasev V. G. disintegrates in his paper: Irányítás és döntés (Direction and Decision) in: Társadalmi Szemle, 1975, No. 10, p. 88 the process of deciding into seven parts. These are: 1) determination of tasks (aims), 2) determination of the quantity and quality of informations, necessary to deciding, 3) collection and elaboration (systematization) of informations, 4) creation of the models of informations, 5) selection of criteria (criterion-groups) for evaluating alternatives, 6) evaluation of alternatives, 7) selection of alternatives and making the decision. Cf., as well, Doktor K.: Szociológia organizaczi. Wrocław, Warszawa, Cracow, Gdansk, 1975, pp. 121—126, where he differentiates between four phases of deciding. Others (e. g. the Polisch Lupacycz and the Soviet Dadamyán G. G.) differentiate between seven phases of deciding. The process of deciding in the administrative organization was also investigated by Simon H. A.: Administrative Behavior. New-York—London, 2nd ed., 1964, pp. 1—19, 45—60, 172—197. Cf. also with the opinion of Markov M., who places the elaboration and acceptance of the directing decision into the second phase of the directing cycle. Op. cit. p. 295. — Lebedev, M. P.: Gosudarstvennye rezheniya v sisteme upravleniya socialisticheskim obshtchestvom. Moskva, 1974, p. 296. Cf.: Lebedev, M. P.: SGP 1972, No. 1, p. 81. with his paper of similar title; Szegő, Andrea: Alternatívák szerepe a tanácsi döntésben (Role of alternatives in the decision of the council: Summary of the discussion), in: Állam és Igazgatás, 1973. No. 9, p. 829, and: Alternatívitás, informálás és részvétel a testületi döntés folyamatában. (Alternativity, information and participation in the process of the corporative decision) ibid., 1976, No. 8. pp. 724—731.

and cultural organizations, for instance, they have some different properties, too.

Every phase of the process of making administrative decisions is first of all connected with the formalized (normative) structure of public administration. From among these it is mainly necessary to take into consideration the formalized information and the formalized norms. It is not to be questioned that the non-formalized information, as well as the non-formalized expectations exert their influence on the process of making the administrative decisions. We should like already here to refer to that in the process of making the decisions of public administration, or in connection with these, legal rules have a very important part, too. In order to make administrative decisions, further definite faculties and abilities are needed which can be acquired in different ways, by means of theoretical education and practical experience. It is also important that the employees in public administration know the interest-connections in the socialist society, the hierarchy of interest, and they should also have the readiness to ensure the harmonization of these and even their own personal interestedness. Anybody who prepares administrative decisions must know the facts of the social milieu. It is therefore important to draw those affected by the administrative decisions into the making of these decisions. That is to say, the opinions of certain persons or of their representatives are to be heard and pondered over.

Examining the types of decisions, we can first of all establish that — in respect of the circle of persons — we can speak, as generally, of administrative decisions made individually and in groups.⁴

Both to the one-man and group decisions, information is necessary. In case of the decisions in the public administration, the needed information is collected from the following sources within and outside the organization: a) from single persons, b) from the written professional advice of experts, c) from the debate, opinion in the commission, d) from the collective debate, opinion.

The collective decision (in group) may be made, in the organizations of public administration, too, in different forms: a) when more than one person decides independently of one another: b) when the commission decides; c) when the given collective decides.

It is necessary to differentiate between individual and group decisions in the administrative organizations, as well, because it is connected with several advantages. First of all it helps exactly determine the cases in which it is possible or impossible to commit decision to the trust of a commission or to base it on the opinion of a collective or to decide whether it is necessary at all to ask for the opinion of a commission. In the second place it helps establish whether the administrative decision was founded on sufficient (or insufficient) information. At last, it helps determine the optimum levels where the administrative decision is to be placed in.

⁴ Rozgonyi, T.: *Op. cit.*, p. 98; Szamel, L.: *Demokratikus vezetés, bizottsági rendszer, társadalmisítás* (Democratical leadership, committee-system, socialization). In: *Valóság*, 1965, No. 9. pp. 22—23.; Markov, M.: *Op. cit.* pp. 290—337, where he differentiates between 16 kinds of essential decisions. Tikhomorov, Yu. A.: *Informacia v gosudarstvennom upravlenii. Pravovedenie*, 1971, No. 5, pp. 19—27. He emphasizes the legal regulation of information in public administration and classifies information.

It can generally be established that the forms of decision, wide-spread in the administrative organization, are: the oneman decision and that of a public-body (commission).

One-man decisions appearing in the public administrative organization are, for instance, the decisions of the heads of a department or group or the decisions of an executive. These decisions can be founded on an information obtained from different places. Thus, the decisions of the head of a group or of the department can also be based on a debate in the commission or on the opinion of that. The one-man decision presents itself primarily in the affairs of public authorities.

Collective (group) decisions appearing in the organs of public administration are, e.g., the decisions of commissions. Here are to be mentioned the decisions made by executive committees. And the group decisions in the organization of public administration are first of all connected with the activities of administrative organs as proprietors, i.e., with the material, objective conditions. Thus, for example, they are connected also with the plan for development and improvement. They are, anyway, in connection with the decisions concerning the rights of employers, too.

Taking into consideration that the decision of the executive committee, in fact, belongs to the conceptual field of group decisions, we ought, just therefore, to investigate into the normative course (model) of group decisions in connection with the decisions of the executive committee.

The normative course of the group decision in public administrations takes place as follows.

1) The head of a special public administration department gets an instruction from the executive committee to make the draft of a decision;

2) The head of the commissioned department refers the prepared draft of decision to the heads of the other interested departments to report on.

3) Having got the opinions, observations, completions form the interested departments, the department in question examines these carefully and after harmonizing the partial interests, the commissioned head of department builds in the feasible remarks into the draft, the different alternatives of decision and rejects the others;

4) The different alternatives of decision will be submitted to the executive committee for being deliberated and decided (it is possible, at any rate, that it is only referred to the executive committee for getting a corporative opinion and the secretary of the executive committee or the head of the department has to decide, taking into consideration the opinion of the committee);

5) Then follows the drafting of the final text of the decision or resolution by the committed head of department or secretariat. Finally, the decision or resolution is sent to the interested parties.

The course of the public administrative decision has, however, not only a normative but also a functional model. The formalized (normative) structure does namely not reflect the real (sociological) mechanism of the making of decisions. J. Wróblewski⁵ calls the attention to that the course of admini-

⁵ Cf.: Wróblewski, J.: Rola czynnika społecznego w podejmowaniu decyzji w systemie Rad Narodowych. Problemy Rad Narodowych. 30. Warszawa 1974, pp. 257—287.

nistrative decision is to be investigated both of formal (normative) and of functional (actual) points of view and, consequently two main models of public administrative decisions are to be distinguished. The formal model of the administrative decisions takes into consideration the prevailing legal rules, on the other hand, the functional model of the administrative decisions investigates jointly into the formalized and non-formalized (functional) sides of administrative decisions. In this way, the normative and the sociological sides present themselves together. In the complicated functional model of administration the following elements have — in his opinion — a part: 1) more than one formal initiator; 2) more than one non-formalized initiator; 3) the formalized subject of making the decision; 4) the non-formalized subject of solving the conflict formally; 6) the subject functioning at a higher level of hierarchy. The latter may also be — in our opinion — both formalized and non-formalized. Between the above elements of the complicated functional model of administrative decisions there are definite connections. Thus, for instance, the non-formalized factor, solving the conflict, is in connection with the non-formalized, as well as formalized initiators and with the formalized subject, solving the conflict. The aim of the non-formalized connections is a compromise between the drafts of decision expressed in the contrasted opinions of initiators or giving preference to one of these.

It is also analysed by Wróblewski that the public administrative decision is connected partly with the decisionless situations, partly with the situations changing the earlier decision and these result in a conflict, clash of interests. He establishes, too, that the citizens, the party and the different social organizations can exert an effective influence on the public administrative decisions. This influence may expand, tighten the alternatives of decisions and participate in solving the produced conflicts, clashes of interests which are not pathological in the socialist society, either. Taking into consideration, as well, that the decisions of the executive committee are prepared by the special public administrative agencies of the executive committee, the matter in question is, how the members of the executive committee, as well as the higher special administrative agencies take part in the work of preparation, as a result of the double subordination. It was demonstrated by the Polish investigations that the professional members of the executive committee have a talk some hours long a day with the heads of the special administrative agencies. From this they have drawn the conclusion that the professional members of the executive committee sociologically belong to the special administrative agencies and the executive committee forms a unit only legally. As a consequence of this, the executive committee does „penetrate” through its professional members into the competence of the special administrative agencies.⁶ The decision of the executive committee is the more formal, the more professional members the executive committee has (who direct the special administrative agencies). The connection, relation, periodical clash between the administrative and representative (lay) elements can also be investigated, therefore, in connection with the executive committee. The Po-

⁶ Smoktunowicz, E.: Zagadnienia funkcjonowania prezydiów rad narodowych. PRN 1967, No. 9. Cf.: Raft, M.: A községi tanácselnök és a vb-titkár tevékenysége ... (Activity of the president of village council and of the secretary of the executive committee...). Op. cit. p. 177.

lish examinations have also demonstrated that primarily the professional members of the executive committee show administrative attitude, disposition, their special organizing ability is recognized, they perform a rotary motion at the different special administrative levels and in the public administrative premisses. It follows from these that the „lay” member of the executive committee may fall into the background beside the professional members of the executive committee. And the upper hierarchical special administrative organs take place through the different orders in the work of the special administrative organs preparing the decisions — as a result of the double subordination — although as a result of the centralist elements those under a double subordination do preponderate in the double subordination — as it is stated by the executors of the Polish administrative investigation.

The group decisions in administration have, of course several advantages but also disadvantages. The advantages of the group decision of administration can be summarized as follows: a) it pushes into the background one-sidedness and subjective elements, although it does not exclude these entirely; b) it ensures that the special professional points of view, represented by the functional classes, clash with one another in the course of selecting the optimum version of decision. This means, on the other hand, that the subjective order of rank of the factors participating in deciding is replaced by the objective hierarchy of these; c) at last, the group decision multiplies the quantity of information available.

On the other hand, the disadvantages of the public administrative group decision are to be summarized as follows: a) it pushes into the background the taking into consideration of human factors because it does not enable in every case to trace back the rationality points of view to the everyday interests of those interested in the decision; b) the alternative versions of decision elaborated by experts may be fetishized by those who do not take part in elaborating them, and even they may give the impression of irrevocability if the version of decision was motivated by some part-interests; c) it can thrust into prominence the „rule” of experts and this may be expressed in the consolidation of the autonomy of the functional organs of the special administration, as well as in some „independence” against the social forces, as well as in the loss of importance of the practice of democratic rights.

With regard to that the principle of hierarchy is of great importance in the public administrative organs, it is questionable whether the division of the single elements of the course of the administrative decision between different (central and local) levels is carried out in connection with the concrete administrative case or it is preserved at one level. Further on, it is important and to be investigated, what is the division of deciding between the administrative organs (e. g., the executive committee) and the social organs (e. g., the executive committee of the party).⁷ It can generally be established that the division, of labour penetrates into the courses of the public administrative decision, inducing the following effect: a) It makes the decision impersonal; b) divides the phases of the administrative decision between the hierarchical levels, making thus formal the decision and responsibility; c) ren-

⁷ Rozgonyi, T.: Op. cit., p. 92; Kolosi, T.—Szabó, B.: Kerületi döntés és munkamegosztás. (District decision and division of labour). In: Szociológia, 1977, No. A szovjet szociológia ma (Soviet sociology today). Budapest. 1971. p. 166.

ders more difficult the appearance of the micro-environmental social forces, taking part in the decision; d) it may also form non-formalized ways.

The above effects can prevail in the course both of the one-man and of the group administrative decision. This is the result of that some elements of the course of public administrative decision are divided between the different hierarchical levels and even between individuals and groups. In the latter case, the question is: what are good grounds: who decides and who is actually responsible for the decisions. Before answering this question, we have to classify the administrative decision, taking the division of labour, manifested in the course of the administrative decision, for our basis. In this respect, the administrative decisions — although not all of them can be classified among these — may be of three types: a) the co-operative decision; b) the co-ordinative decision; c) the supervising decision. We speak of co-operative decisions when two or more co-ordinated classes (groups or persons) make decisions without drawing the representatives of the higher level immediately into making the decision. The subjects participating in the decision are here obviously also the representatives and carriers of part-interests at the same time. And we speak of co-ordinative decisions if some public accepts by majority vote a draft decision or chooses one of the draft resolutions. It belongs here, too, if a person decides after hearing the corporative opinion. The collision of part-interests is possible in both cases. The decisions of the executive committee belong to this type. We speak of supervising decision if the approval of the variants of decision elaborated at lower hierarchical levels takes place at a much higher level, without a possibility of the collision of part-interests. Thus, the approval at the higher level is, in fact, a formal decision and those who elaborated the draft decision or the different variants of decision, made a real decision.⁸

Co-ordinative and Co-operative decisions suppose personal responsibility much more than supervising decisions. The spreading of supervising decisions has, on the other hand, some positive and negative sides. Their positive side is in connection with that they impede effectiveness of unjustified part-interests and push abuses into the background. And its negative side is in connection with the kind of „ideology” that the interests of the total society can only be represented by the higher level because at the lower level selfish, individual points of view can become the motives of decision, resp. there can occur there some abuses. It is also in connection with that at the lower level the deciders may in some cases be afraid of the responsibility connected with the decision. This latter presents itself primarily when they are not interested in making the decisions. It is to be mentioned here, as well, that — despite the legal regulation — it may be the result of the principle of hierarchy that the decision is transferred, actually and automatically, on a higher level.

To the raised question — who, namely, decides, resp. who is responsible

⁸ Rozgonyi, T.: Op. cit. 9. 95. Szamel, L.: Jog és felelősség (Law and responsibility). In: Valóság, 1969, No. 7, pp. 41—48. In respect of the political responsibility cf.: Panov, A. T.: O sushnosti politicheskoy otvestvennosti pri socializme. (Nekatorye filosofskie problemy gosudarstva i prava. Sbornik statey. VYP. 2, Saratov, 1974, p. 156.). Nagy, E.: Közigazgatás-szociológiai kutatások Lengyelországban (Administration-sociological researches in Poland, 1975, (manuscript), where he emphasizes the efforts to eliminate the clashes of interests, in connection with decisions.

for the decision in public administration, taking into consideration the division of the course of administrative decision making into levels — the following answer may be given. According to the legal rule, he decides who the right of deciding was conferred on. The responsibility for the consequences of the decision falls on this person or „group”. From sociological point of view, however, the decision according to the legal rule and the actual decision may separate from each other because some persons or corporations make decisions only formally and the actual decision is made by those who elaborate the alternatives of the decision. The responsibility of these is, however, not fixed by the legal rule. It is easy to survey according to the legal rule, who has decided or who is responsible for it; but from sociological point of view, it is difficult.

The main characteristic of the administrative decision is that it is a political decision being always connected with a definite political aim and the given possibilities. This means with other words that the decision of public administration, as a political decision, is of relative characteristic. The variant of administrative decision must namely always be selected correspondingly to the given possibility. Deliberation has, therefore, a considerable role in the administrative — and generally in the political — decision. In a socialist society, however, where the political aim is fixed by the Marxist—Leninist ideology, it cannot be expected of the administrative decision to reflect always and immediately the political aim — only within the given bounds of possibility.

Deciding and leading are in a close connection with every activity element of public administration. Decision is namely an entitlement to lead, to direct.

Leading within the administrative organization comprehends the whole of the administrative organization, the direction of administrative organizations. Its direct subject-matter is „to direct direction”.⁹ Leading makes its decisions for ensuring the formation of the outer environment through the administrative organs, built on its work preparing the decision, i. e. leading issues, enforces its decisions, directs the organizations subordinated to it, through the administrative organs. In this sense, leading is also a direction and in respect of their aim and content they are identical: both of them have to ensure also all the conditions of the continuous and undisturbed functioning of the administrative organization. Leading is, however, more than administration what is expressed in the entitlement of leading to decide as an entitlement to lead. There are two kinds of administrative decisions: to decide

⁹ Berényi—Martonyi—Szamel—Szatmári: Magyar államigazgatási jog (Hungarian administrative law), Bp., 1971. pp. 10—12. Among of the different functions of administration decision takes a considerable place according to Tikhomirov, Yu. A., as well (cf.: Upravlentcheskoe resenie. Moskva 1972, pp. 4—5). The decision is, in our opinion, as well, an immanent element of every administrative function. Madarász, Tibor rightly differentiates in his work: Városigazgatás és urbanizáció (Town management and urbanization), Budapest, 1971, three — fundamental functions: official function, town-preservation and town-development. Cf. also: Bacsiló, J. L.: Sistemno-funkcionalnyi analiz processa upravleniya. Pravovedenie, 1972, No. 2, pp. 34—42, and Drago, R.: Missions de l'Etat et missions de l'administration. Traité de science administrative. Paris—La Haye, 1966, pp. 225—249. It seems so to us that functions and tasks are to be delimited and the decision is the substratum of all the functions and tasks.

concerning the inner relations and to decide concerning the outer relations. The activity of those in the public administration who have no entitlement to lead, their possibility to act, extend in both cases of decision only till the decisions. They cannot decide in cases at issue, in solving the contradictions between the units of the organization, in designating new tasks, determining the new direction of work and even in the affairs of the personnel or in financial affairs and in entering into relations outside the organization with the exception of the delegated competence.

The entitlement to decide, as a right to lead, is in connection with all elements of public administration, both in inner and in outer relations. It follows from this that the entitlement of leaders to decide is connected with all administrative functions. Outside, however, only the decision of the leader appears. The other content-elements fall into the background (e. g., acquisition and elaboration of information, the division and co-ordination of labour do not appear outside the decision).

Leading and the entitlement to decide appear at two levels in the administrative organization: at the level of direct leading (e. g., leading of the head of department) and at that of directing.

We speak of directing if an administrative organ at the upper level of hierarchy performs a leading activity towards an administrative organ at the lower level of hierarchy (e. g., a ministerial major department towards a department at county level). Direction reaches the directed organ, e. g. a factory, through the direct leading. The aims and contents of the direct leading and directing are, of course, identical. The subject of the directing activity is, however, always a superior organ which always has more than one subordinate and these may take place at more than one level. We can speak, consequently, of direct and indirect directions. An administrative organ may, however, have direct directing organs not only in vertical but also in horizontal directions. The direct directing organs differ from one another, in this case, in respect of their competence. In connection with direction, we also distinguish direction in principle and operative direction (leading). The concept of direction in principle is, at any rate, used in a different sense, as well, for instance if the administrative organs are directed by the party and the organs of state power, but also if the organs of public administration direct the organizations and persons subordinated to them.

The statements in connection with leading belong primarily in the framework of the science or theory of organizing and are not free from debates. We are concentrating our attention first of all on the sociological problems.¹⁰ It seems to us that from sociological point of view, one of the common elements of the administrative activity is decision because this element is in connection with all elements of the administrative activity, and even with those of the activities of state powers, public bodies, the representative; as

¹⁰ *Kazimircsuk, V. P.*: A vezetés szociológiai szempontjai (Sociological Points of view of Leadership). In: *Állam és Igazgatás*, 1972, No. 5. A good harmonization of the points of view of general and special sociologies is given by: *Kulcsár, K.*: *Az ember és társadalmi környezete* (Man and his social environment), Budapest, 1969. and to the theoretical and practical relations of organization, cf.: *Frackiewicz, J.*: *A munka szervezése és vezetése* (Organization and leading of work), Budapest, 1973, pp. 211—214.

well as judicial organs and the organs of the Public Prosecutor and social organizations.

Taking for our basis the external relations, and taking into consideration that the public administration is realized in different fields of society,¹¹ the decision in public administration may be: a) an economic decision, b) cultural, hygienic, social decisions, c) a decision connected with the external security and the internal order. The administrative decisions of economic character are connected with the direction of people's economy (direction of industry, agriculture and forest economy, water conservancy, building management, communal management, the direction of housing administration, transport and communication, post-office administration, foreign trade and labour administration). And the decisions of cultural, hygienic, social character are connected with the administration of public education, adult education, liberal arts, scientific organization, physical education, health service and social welfare, etc. On the other hand, the decisions connected with the external security and internal order are in connection with the administration of national defence, police, fire-protection and administration of justice, etc.

Investigating into the main characteristics of industrial management, we may establish that it needs administrative means in a socialist society, too. The socialist industrialization, and the process of urbanization connected with that, exert namely a considerable effect on public administration, more exactly on the system and activity of the administrative organs of people's economy. It is to be taken into consideration, too, that before the socialist revolution the socialist countries were economically but also culturally underdeveloped. This circumstance has still more increased the role and importance of administration in the course industrialization. The agricultural management was, on the other hand, in a close connection with the collectivization of agriculture and this process also required some administration. Both the administration of industry and that of agriculture have passed through considerable changes during a short time. This was also expressed in the transformation, the fast change of the organs functioning in the field of economic administration. Particular in connection with industrialization, for instance in this country, has lately changed the part of administration, connected with the wide-sphere recognition of the independence of undertakings. We shall particularly think here on the economic system of undertaking character, replacing the economic system of administrative type and that of independent economic clearing procedure. The formation of the latter ones has namely considerably changed the part of administrative organs in the industrial management. And as regards the agricultural cooperatives, their formation, it can be ascertained that, in a comparatively short time, there has similarly

¹¹ *Berényi—Martonyi—Szamel—Sztalmári*: Magyar államigazgatási jog (Hungarian administrative law). Különös rész. Budapest, 1972. As to the economic decisions, a good typology is given by Tamás Rozgonyi: Op. cit. p. 100 and, at the same time, he analysis the conflicts manifesting themselves in economic decisions, at a high level. Cf. also: Ronge V.—Schmieg, G.: Tervezés és demokrácia (Planning and democracy). In: Társadalmi tervezés és szociológia. Gondolat ed. 1973, p. 292), Sicinski, A.: Prognózis és társadalmi tervezés a szocialista gazdasági rendszerben (Prognostic and social planning in the socialist economic system: Op. cit., pp. 485—498).

followed a change in the role of administration. And this is easy to understand — in respect of our home relations — because in the period of organizing the co-operative farms the importance of public administration became more manifest than in the period of their consolidation, in the time of their more developed level. As seen above, the role and importance of administration — depending upon the concrete historical situation — have been transformed, resp. was narrowed down or grew wider in other fields.

Considerable changes followed in the field of communal administration, as well, for instance in our country, with special respect to the increase in the role and importance of local administrative organs. This particularly appeared in the field of the housing management, water supply economy, power supplies, transport and communication services. Certain elements of the labour, transport, housing management are obviously to be included among these, and even the administration of water and environmental (forest, meadow) conservancy.

The affairs of cultural and hygienic affairs and social welfare institutions have an increased importance in the socialist society. In the socialist society, in contrast to the capitalistic society, the administration of education has also got a great importance what is connected with the formation of the socialist consciousness, the general education. The hygienic and social administration have also passed through a peculiar development. The fields of the administrations of national defence, policing, justice have also changed, developed considerably.

The different branches of public administration could be investigated from other points of view, as well. It can generally be established that the extension of public administration can be observed in every State and is connected with the social processes, the formation of, and change in, these. There can, of course, be mentioned not only the extension but also the narrowing down of the public administration in some fields. And this double process is connected with the social processes and typically with the fact that, in the social processes and phenomena, political tensions, clashes of interests may get on the surface, cease to exist, and be pushed into the background.

Administration, as an external administrative activity and the whole of the society, as the object of the public administrative decision, as well as the economic, political and cultural sphere of that, take place together with the organizations connected with them. Taking, however, into consideration that the society lives in smaller communities, settlements, i. e. in towns, communities and villages, etc., the different settlements as the parts of society, also appear as objects of public administration, both at central and local administrative levels. The objects of the external administration of public administration are the state-owned (national) enterprises and the institutions, as well. These state-owned enterprises and institutions are managed by the public administration upon more than one ground. These grounds and rights manifest themselves in the general direction, in the direction by the owner, as well as in the administration of official character.

¹² In connection with the above ideas, cf.: Kulcsár, K.: A politika és a közigazgatás összefüggésének kérdései (Problems of the connection between policy and public administration), in: Társadalom, politika, jog, Op. cit. p. 99, p. 108, and Madarász, T.: Szakigazgatás a városokban (Special administration in towns), vol.

It is not to be questioned that the other organizations in the society, and even the co-operations and associations, play a part as objects of the external administration. In respect of these organizations, the public administration generally appears as a general direction, resp. as such instituted by public authorities. Here we have to note immediately that the different social organizations, as well as co-operations — but the associations, too — may be invested with administrative competence — and this also occurs in case of state-owned enterprises and institutions. In this case the above organizations can become subjects of the administrative activity. This, at any rate, raises several sociological problems. And the objects of public administrations as internal administrations are the administrative organs at different levels. This may also be named internal direction and its sociological problems were already mentioned.

Further on, we shall analyse from among the environmental factors the relations of interest affecting the function (decisions) of public administration. These take generally an effect on the administrative decisions in formalized and non-formalized ways.

B) The administrative decision is connected with the relations of interest in the socialist society, as well, and one of its essential tasks is just in connection with satisfying the interests (needs, claims). The interest-relations of the socialist society are — as already referred to — multifold. We shall only analyse, just therefore, the connection of some rather important interest-groups with public administration

We shall investigate first of all the interests, needs rising from the class- and layer-relations of the socialist society, within this the interests and needs, connected with the distribution of the national income, the questions, how these interests make function the administration, how they determine the administrative decision. We also advert briefly to, how the economic interests affect the cultural interests and how the cultural interests make function the administration. We shall analyse, as well, the interests rising from the local-territorial conditions of interests of the socialist society, as well as the demands, mainly the interests and demands that are connected with the distribution of national income. From among the territorial conditions of interests, the interest-relations, needs improving the economy are out-standingly important. We shall investigate, therefore, how these affect the administrative decisions. At investigating into both interest-relations, we shall take into consideration that the economic interests are also differentiated and that there are, therefore, interests of productive forces, of owners, of the division of labour and of distribution. We also take into consideration that the economic interests appear condensed into the political interest-level, as well, and thus classes, layers, and even the different settlements have political interests, demands (e. g., the development of democracy).

The objective criterions of the formation of social classes are connected in the socialist society, as well, with: a) the relation to the means of production; b) the place occupied in the social organization of labour; c) the way of

I—II. Budapest, 1971—1972); *Fonyó, Gy.*: Községi igazgatás (Communal administration), Budapest, 1970, pp. 79 et seq.; *Varga, József*: A hatósági tevékenység és a hatósági szervezet (Official activity and official organization), Budapest, 1968. Theses of Cand. diss. p. 6).

participating in the social goods. These criteria, however, become standardized, equalized in the midst of the unfolding of the socialist social-economic relations.¹³ This is primarily expressed in that classes make approaches to one another in respect of their relation to the means of production. Moreover, everybody becomes gradually a working one and the source of his (her) income is first of all his (her) own work. And the classes approach one another in respect of the character of work, too. Apart from this unification process, at any rate, in our socialist society, some differences between the social classes will survive: in respect of the relation with the means of production, the place taken in the social organization of labour, as well as concerning the participation in the social goods. From the different situations of the working class and the peasants some contradictory interests, conflicts arise which can be expressed in the different economic interests of the two classes (and within this in the different interests of propriety, distribution, price, wage, market). These make administration function in order to that the antinomies, discrepancies between the classes and the various social layers be solved on the basis of social values. Owing to the connection between the proprietor's interest and public administration, it is obvious that the strengthening of social property presents itself in this country, and in respect of the interest of the personal proprietor: one of the tasks of the administrative decision is to withhold the ambitions of acquiring landed property surpassing the demands of family. The conditions of distribution, price, wage and market make administration function from the point of view, too, that on the basis of differences it dissolves the conflicts, contradictions so that the income of the working class and peasantry proportionately increases.

After the reduction of the class-stratification of the socialist society, the layer-structure of the society comes to the foreground. In the state sector, the co-operation sector, as well as in the private sector the relation to the property is formed differently and society is stratified by this circumstance, too. From among the class-forming criteria of society primarily the relation to the means of production becomes unified. In the socialist society a special part in the stratification within classes but also within intelligentsia is played by the place taken in the social structure of labour (scope of activity: leading, executive work, resp. the levels of these) and the form, size of the participation in goods. The branch of the people's economy, where the individuals work, i. e., industry, building trade, communication, commerce, service with their own peculiar conditions, characteristics have anyway a part. It is not to be questioned that the character of work (physical and intellectual works and the different levels of these), the way of life, the social-political behaviour, the reflection of layer-situation in the consciousness, social origin, trade or profession, domicile, age of life also take part in stratification. The forgoing are — with the exception of the last two — the already mentioned class-criteria, that is to say, the place occupied in the social structure of work, respectively

¹³ Cf.: *Kravtchenko, J.—Trubicia, C. N.*: Problemy izmeneniya socialnoi strukturi sovetskogo obshtchestva. Vopr. Filosofii. Jun. 1972, p. 137. *Entelis, G. S.*: Preobrazovanie socialno-klassovoy struktury polskogo obshtchestva. (Sociologicheskoe mysl. v. polskay narodnoy respublike. Moskva, 1969). *Wesolowski, W.*: Az osztály-szerkezet átalakulásainak tervezése és előrejelzése a szocialista társadalmakban (Planning and prognostic of changes in class structure in socialist societies), in: *Társadalmi tervezés és szociológia. Gondolat ed., 1973, pp. 499—518.*

the concretizations of the way of participation in the social goods.¹⁴ In the process of terminating class differences, the elimination of the fundamental differences appearing at class level does not result (as seen) in an undifferentiated socialist society but the social stratification, formed on the basis of the above-mentioned criteria becomes considerable in it. The social strata take shape within the class, as well (e. g., according to origin, domicile), apart from the class background (e. g., according to the age of life) and on the basis of taking into consideration other characteristics. The working class and peasantry, e. g., are stratified according to social origin, the length of time of their belonging to the class, the income relations, trade and the age of life, etc. But they are forced together into one class by several factors (e. g., the form of property, household farming, etc.). The different social strata or layers — i. e. not only social classes — also have some interests, needs given from their objective situation and expressed in different demands, aims, aspirations, etc. The social layer-interest also becomes conscious and appears as an aim, getting in this way the driving force of the activity, deeds, actions of the social layers. The degradation of social classes is only liquidating the essential social differences but some social differences, inequalities still remain. These differences and inequalities derive from an objective situation but they are manifested in differences of consciousness and conduct, as well. The primary place — in order of importance — is due to the objective factors. In the socialist society the classes and the layers are in a peculiar connection with one another, turning into one another and carrying some contradictory interests, unequalities.

It is questionable, how the interests, interest-contradictions, interest-conflicts of the different social layers affect the activity of the administrative organs of the socialist State.

It can generally be established that the socialist State — and within this the administration — partly assert different claims in connection with the different social layers, partly however takes part in dissolving the clashes of their interests. The interests, disparate claims of the different social layers and the conflicts between these are in a close connection with the distribution of the material values and cultural values. Marx has also emphasized the part of the State in this connection and laid stress on that law has got an important role in this process.¹⁵

Investigating into the question of the distribution of material goods, values (incomes) and in connection with these the activity of the socialist State, the central administrative organs, we have to start from the objective fact that the principle of distribution founded on ownership, no more functions in the socialist society. Instead of this, the principle of „to everybody accord-

¹⁴ *Ferge, Zsuzsa: Társadalmunk rétegződése (Stratification of our society), Budapest, 1969.* In this work, she many-sidedly presents the above-mentioned field of problems, pp. 17, 77, 164, 199, 250. *Glezerman, G.: Ellentmondások a szocializmusban (Contradictions in socialism), In: Béke és Szocializmus, 1972, N. 3, pp. 103—111.* *Tikhomirov, Yu. A.: Socialno-politicheskaya priroda upravleniya. SGP 1972, No. 7, pp. 3—12.*

¹⁵ *Zherebin, V. Zh.: Protivorecheniya pri socializme i pravo. Vladimir 1972, p. 249.* *Brinkmann, J.: Konflikt, Konfliktregulierung und Recht. Soziale Welt. 1973, No. 1.* *Works of Marx—Engels (Hungarian), Budapest, 1967, p. 669.* *Szabó, Imre: Marx első megnyilatkozása a jogról. (First manifestation of Marx on law). In: Szociológia 1974, No. 3, p. 333.*

ing to his work" serves as a basis for distributing the material goods. The distribution of material goods is primarily realized through wage policy, the establishment of the wage-system, it is also connected with price policy and the price-system. The principle; „to everybody according to his work" serves for a foundation of the activity of the socialist state and public administration at preventing and dissolving the conflicts. And at regulating the distribution of material goods, the guiding principle is: „to everybody according to his work". The outbreak of tensions must be prevented by means of a right wage policy and wage-system and by the elimination of disproportionateness.

In the socialist literature, *Wesolowski* pointed out that seeing theoretically, the socialist State, the central administrative organs may act in the course of distributing the material goods in the following way.¹⁶

The socialist State, public administration can first of all allow in the course of determining wage policy, the wage-system that the guiding principle: „everybody according to his work" should be applied to the benefit of those with higher qualification, that is to say that some social groups should be overpaid. This is connected with that we have no means for evaluating the exact quality of a work, taking into consideration the level of education, qualification, responsibility, the degree of risk. In other words, the different measures are intuitive, it is therefore not easy to say, to what extent the wage of each work corresponds to the principle of the distribution according to work. The public administration of the socialist State may therefore allow that some social layers be overpaid. This has, of course, several consequences that cannot be left out of consideration. From among the consequences, it rises first of all that some layers will be more satisfied than others and in case of the malcontents the conflict-consciousness opposite to the socialist state administration, as well as opposite to the overpaid employees may increase. The people of low income blame the socialist State, resp. administration and not the group of the overpaid ones for the above situation.

In the second place, the socialist State may allow that the principle: „to everybody according to his work" should be applied to the benefit of the uneducated layers, underpaying other social layers or groups of higher education. Here will the consequences be similar to the above-mentioned ones, that is to say, some social layers, having higher qualifications, will be dissatisfied. The conflict-consciousness against the socialist state administration appears because of the under-, resp. overpayings. The new technique, the automatization also induces conflict-consciousness.

The administration of the socialist State may, in the third place, apply the principle: „to everybody according to his work" strictly and consistently. In this case, it must ensure a differentiated regulation of prices, wages and

¹⁶ *Wesolowski, W.*: Les notions de strates et de classe dans la société socialiste. *Szociologie du travail*. 1967. No. 2, p. 144; *Timár, M.*: Gazdaságpolitika Magyarországon (Economic policy in Hungary) (1967—1973), pp. 243, 273; *Jakab, Z.*: Jövedelmek és hiedelmek — Információtól a közéletig (Incomes and beliefs — From information till public life). Budapest 1973, p. 126; *Makaro, F.—Moing, J.*: Életszínvonal és közgondolkodás (Standard of life and the general way of thinking): Op. cit., p. 107. The regulation of wages and incomes takes a considerable part in manpower mobilization, as well. (*Losonczy, Károly*: A munkaerőmozgósításról (On manpower mobilization), Budapest 1973, p. 157). Income is a factor having a considerable effect on the formation of demand, as well. (*Forgács, Tibor*: Áruforgalom és értékesítés (Exchange and marketing of goods), Budapest 1972, p. 17).

incomes. This, however, also results in a conflict-consciousness, aversion. But this is inevitable. The main aim is to prevent, eliminate the high-degree tensions, disproportions.

The above-mentioned dispositions of the state-administration are in a close connection with claims, interest-conflicts, under- and overpayings as compared with works. It is to be established that if the socialist state, the central administration allows overpaying or underpaying, with this it permits a deviation from the principle of the distribution according to work. The over- and underpayments — which result in legal privileges, advantages, disadvantages and are particularly failures in applying the principle: „to everybody according to his work” — may induce strong conflicts, although these — taking into consideration the given historical situation — can correspond to the interests of socialism. The circumstance, for instance, that those, working in a place of work that is far from their domicile, receive special grants in excess of wages, does not correspond to the principle of the distribution corresponding to everybody's work but it corresponds, as seen from a broader perspective, to the interests of building socialism. The unequal distribution of goods in the socialist society has originally been intentional. But it is primarily not this but the non-satisfying application of this principle that leads to conflicts. The differences of wages, with regard to the large differences in the price-system, as well, result in different ways of life and this also engenders conflicts, tensions. It is also to be established that in the socialist society the characteristics of the social position of the individual lose of their unambiguity because the physical and non-physical employees may, resp. do earn the same sum of money and some physical trades enjoy a higher reputation than certain non-physical works. The social action-mechanism of the principle of distribution according to work is demonstrated — at the level of consciousness — by the empirical sociological investigations, as well.¹⁷

As regards the problem of the distribution of cultural goods, values, and in connection with this the part of the socialist-state administration, the situation is as follows. An object of the clashes of interests between classes and layers is, for instance, the criterion of being admitted into the institutes of education, mainly the universities. The socialist State, the central administration may take — as demonstrated by Weselowski¹⁸ — the following steps.

The socialist State, resp. administration may have full respect, — in the course of establishing the policy of education, the system of admission — for the principle of talent and gratuitousness concerning the admission to the institutes of education. The respect for this principle is particularly accepted by the highly educated intellectual layers. This system of selection is namely founded clearly upon the results of ability tests and does not interfere with the prospects of the children of intellectuals to admission. But it does not take

¹⁷ Héthy, L.—Makó, Cs.: Munkásmagatartások és gazdasági szervezet (Workers' Behaviour and Economic Organization). Budapest, 1972, p. 194.

¹⁸ Cf.: Weselowski, W.: Op. cit. p. 151. Miller, S. M.—Riesmann, F.: Social Class — Social Policy, 1968. p. 69. Szczepanski, M.: A felnőttoktatás szociológiai problémái (Sociological problems of the higher education). Budapest, 1969. pp. 25—71. Subkin, V.—Konsztantynovszkij, D.: Az ifjúság továbbtanulási esélyeinek előrejelzése (Social prognostic of the prospects of young people to continue schooling). In: Társadalmi tervezés és szociológia. Gondolat ed. 1973, pp. 519—531.

into consideration the peculiar social circumstances that exert an effect on the criteria of being admitted to the institutions of education.

The socialist State, resp. administration may, in the second place, act in a way that it allows deviations from the principle of the talent and gratuitousness for the benefit of certain layers. This is connected with the peculiar social circumstances that affect the criteria of being admitted to the institutes of education. The physical workers, in a broader sense the working class and the class of peasantry and, as compared with them, the intelligentsia, too, live under differentiated cultural conditions and this generally determines the starting level of their children. That is to say, this creates in integrating relation some inequalities in respect of the criteria of being admitted to the institutes of education. In order to repair these unequalities, the State, resp. administration may accept different systems of the admission to the institutes of education, thus counteracting the social milieu. The system elaborated in this way may, however, hurt the interests of other layers, namely the admission-prospects of the children of non-physical employees but increase the chagres of the children of physical workers to admission.

In the socialist society, the distribution of cultural goods, resp. values is also unequal. This is connected with the requirement that a wide range of goods belonging here (e. g., qualification, preferential recreation) can also be acquired for money, and so the distribution of income determines the distribution of cultural goods and values, as well, although in the socialist society the difference between the size of incomes and the participation in the cultural goods is considerably decreasing, perspectively weakening. This means, in other words, too, that in the socialist society the role of income as a tool transforms. Civilization, education are wanted values in the socialist society, too, by the population. This is so, because education is, in fact, a means of acquiring other values. In the socialist society the citizen takes generally part in income, prestige, employment, political influence according to the measurement of his education, although the above values are distributed independently of one another, i. e., not always the same person takes part in them. In the socialist society, therefore, the distribution of the above-mentioned values is not accumulating and not coinciding. It is at any rate, to be noted here that income is determined by the working activity through education. And even we should call the attention to that income is determined not only by work but by other circumstances, as well. There belong to these, e. g., in agricultural farms the quality of farming, the quality of soil, the geographic situation of the co-operatives, the existence of household farming. And this leads to that the principle: „to everybody according to his work” suffers an „injury”. The above-mentioned circumstances enable, namely, „overpayments” but also „underpayments” (incomes) as compared with the work. Education is important in the socialist society not only in intragenerative but also in intergenerative relation. The education even in intragenerative relation (within a generation) is a factor determining professional position and income. And as regards the intergenerative relation (between generations), the level of education highly depends upon the income of parents, although the scholarship system modifies this dependence considerably. In a society, however, where education is not gratuitous, this dependence considerably exists. In intergenerative relation, therefore, the different education may

appear as compared with the size of the income of parents and thus the size of income has a state-stabilizing function, too, in the proportion of the size of the income.

Taking into consideration that the distribution of cultural goods induces clashes of interests, resp. these are objects of interest-controversies in the socialist society, as well, the regulating part of the socialist State and administration in solving the interest-conflicts is very considerable. The regulating part of the socialist State insures a privilege, if they permit some deviations from the principles of talent and gratuitousness for the benefit of certain layers. The cause of this legal privilege is the inequality of the social conditions which subsists, for instance, between the layers of physical workers and non-physical employees. It follows from this that, for ceasing legal privileges, we should first weaken the economic-social foundations of these. The differences in education — with respect to the differences in wages and incomes similarly result in the formation of a different way of life. It is to be established, at any rate, that education (knowledge) can be acquired not only in educational institutes but also from immediate experience. Besides the „sanctified knowledge” there is also a „lay knowledge”. It is shown by the empirical investigations into the distribution of cultural goods that this is a living problem.

In the socialist society, the income, standard of life of the social layers groups and individuals is not only affected by the work carried out, however fundamental be this factor, but also by other factors, independent of the performed work. Thus, for instance, the number of dependants, disease or disablement, the level of education, the conditions in the settlement, that is to say the fact that the individual lives in town, village or farmstead. Here can be classified the belonging to a region, too. Some social layers get — owing to the different income relations — for instance a flat under more advantageous or disadvantageous conditions. It follows from this that advantageous and disadvantageous, that is different situations are formed in the mode of living, as determined by the historically formed customs, as well. This circumstance allots a task on the socialist State, administration, which this counteracts by forming social-political¹⁹ principles and system. The purpose of the social-political administration is, to liquidate the above differences more and more, to decrease or eliminate the negative effects because in case of inequalities these may lead to political tensions from time to time. We find other conflict-inducing factors, too, thus e. g. in the relation between producers and consumers. This can present itself in the form, for instance, that the producer is given preference and this induces tension. Administration is also directed to reduce the political tension due to above circumstances. It prevents, solves conflicts.

The distribution of material goods is also realized through the national and territorial development policy, the system of areal development. The basis of the administrative activity is here, too, the principle of proportionate developing. It is true here, too, that the beginning of tensions between the national and local territorial interests must be prevented with a right policy and system of territorial development, by eliminating disproportionateness.

¹⁹ Ferge, Zsuzsa: A társadalompolitika fogalmáról (On the concept of social policy). In: Társadalmi tervezés és szociológia, Op. cit., pp. 430—484.

Engels emphasized, as well, that the appearance of the State also brought the territorial restriction of people with itself. People were attached to the territory of the given State after its appearance, obviously as compared with other States; on the other hand the internal territorial division of the State was formed, and this also means a peculiar areal restriction. The areal localization of people is affected by quality of the area in question, as well. It is therefore not a matter of mere chance if people from time to time change their inner areal restrictions. One area has namely better, the other less good fundamentals. In the given area the structure of society can, of course, be also formed in a peculiar way, that is to say, the class and layer relations and the conditions of interest may also have peculiar traits. The areal fundamentals — the areal interest, first of all the interests of producers and investors — cannot be left out of consideration at investigating into the administrative activity. It must namely be taken to consideration that the state organs also differentiate and, within this, the administrative organs, as well. It follows from all these that the activity of the administrative organs built up at different levels and located in different areas — at any rate realizing the central will — is stained as a result of the peculiarity of the area. It is not to be questioned if this staining is connected with the natural fundamentals, i. e. with those presenting themselves in the area in question, more concretely with the natural forces but also with its being supplied with manpower. The function of the administrative organization (and even its construction) is considerably affected by the fact, under which natural conditions the population is active, what kind its climatic and geographical fundamentals are. It is also to be taken into consideration, anyway, that the administrative organization takes also part in changing the environment. The activity of administrative organs is also stained by how the ownership relations, division of labour, as well as the methods and sizes of the distribution of goods in the area in question take shape. In this connection, the public administrative activity is also affected by what kind of professional branches there are in the area in question and how the layer-interests of the persons of different trades and professions in the given area take shape, change and level up. In connection with all these, the problem of social equality and inequality in a definite area, as well as the fact how the realization of the common interest takes shape, is particularly considerable. Administration, therefore, just as the State, taken as a whole, is immediately determined and affected by the objective factors, out of which economy is the final definite factor. This is namely the factor that can break through the activity of the State, administration, as well. In other words, this means that the economic development plays a determinative role in regard of the State, administration, although the connection between both of these is of non-mechanical character. Economy affects the activity of the State, administration, the administrative will, the power of administration as a political power and the state interest as a political, administrative interest decisively through the economic power and the system of economic interests. It is by this, of course, not excluded that the State and administration do not appear as independent economic factors.

The areal restriction has as a result the formation of areal interests. The areal interests are first of all connected with the problems of the development of the administrative area and this development can be equal and

unequal as compared with other administrative areas. In connection with the existence, several questions are raised. It is questionable, first of all, if there are in objective sense such areal interests or the areal dismembering simply serves for making the administrative activity easier. It was demonstrated in literature that the area takes measures as a carrier of real territorial interests and this is connected first of all with the development of the given area, supplying it with establishments (including the economic and cultural establishments) and supplying the given population with (material, intellectual) consumption groups.²⁰ Taking into consideration that there are really some territorial interests, a further question is, in what relation this areal interest is with the general social interest, how much it promotes the realization of central interests, to what extent it retards, impedes the realization of general social interests and aims

On the basis of the former expositions the question rises, how the areal interests exert their effect upon the activity of the socialist state, and within this upon that of the administrative organs.

The socialist state can act in connection with the territorial interests as follows.²¹

The socialist State, in the course of determining administration, the policy of areal development, the economic system of areal development, can partly induce such an economic system in which material goods, social services are drawn from some producing co-operatives functioning on different territories, and distribute these centrally (at national or country level). The public administrative organs exert, in this way, an economic activity, systematically intervene in the economic activity and ensure the traffic of material goods from the producer till the consumers in a sub- an superordinated, i. e. centralized system of bonds. In the course of this, they make economic decisions, either with ad hoc character — taking into consideration the discretionary points of view — or with normative character. In case of the latter, the centre (ministry, county) determines the goods which are to be used in own or local administrative competence on the basis of exactly fixed principles. Consequently, it distributes not the goods themselves but, in fact, the power of disposing of them. This is connected with the public administrative decisions of (ad hoc) apportionment, of divided system and of mixed economic character. The relations between the levels of the administrative hierarchy are formed in the economic system in the way that the independence of the lower levels is of low grade and the independence of the farmers' agricultural co-operative is missing, there is no connection of mutual interest between the farmers' agricultural co-operative and the public administrative organs. This solution may thrust into prominence the conflict between the central and local organs, that is to say, the territorial organs may be unsatisfied with the

²⁰ Kolos, T.—Szabó, B.: Op. cit., p. 322.

²¹ Szelényi, I.: Regionális fejlődés, gazdálkodás, igazgatás (Regional development, management, direction). Budapest 1973 (Manuscript). Kárpáti, Zoltán: Területi hátrányok és az életforma urbanizációja (Territorial disadvantages and urbanization of the way of life) (An example from County Békés), In: Szociológia 1972, No. 4, pp. 504—525. Hegedűs, Miklós: Gazdasági fejlődés és urbanizáció (Economic development and urbanization). Budapest, 1973, p. 34. In: Városszociológia. Budapest, 1973.

central organs what increases the consciousness of conflict with the central administrative organs, and even with other areas.

In the course of the policy of territorial development, the determination of the system of territorial development, the administration of the socialist State can, on the other hand, also introduce such an economic system in which the values, loaded *in situ*, will be used in the given area and the distribution of these within the community (e. g., county, community) will be effectuated by means of market connections based on the interchange of goods between the local economic units. The public administrative organs do not exert in this case any economic activity but make an effect with other measures on economy. This solution decreases the conflicts between the local administrative organs but nevertheless also induces some clashes of interests.

The administration of the socialist state may use, thirdly, the advantages of both economic systems, shown above. This is connected with whether the local council organs have or have no self-government — although this question cannot be conceived one-sidedly as a problem of economy. In this country, the councils — and in connection with this also the administrative organs — are of self-governing character.²² This means that the administrative organs of councils make use of both above-mentioned economic systems. Partly they form a considerable foundation of town development in the form of a general financial assistance which enables first of all the deliberation and taking into consideration of the local interests, resp. demands in the course of the local economic decisions. On the other hand, however, the investments remain centralized in the form of the aim-support of development. The power of disposing over the material goods is, therefore, due not exclusively to the central administration but the lower administrative organs also dispose of that and it is thus possible that the local territorial interest relations have a real role in making some decision concerning the area, as well. Administration may also be characterized by that this double economic system is not only realized in the relation of county and ministries but also in that of county and the organs of communities. There are some differences between counties in respect, too, that the development of communities may be based on ad hoc decisions or on normative ones. It can also be observed that there are mixed solutions, as well.

The above-mentioned domain of problems, namely what part the socialist State, administration, has and in what way, in the development of areas — apart from determining the territorial development system — was approached in the way of empirical investigation.²³ It was analysed, what kind of influence the members of councils and the official employees of administration exert upon the decision on development at county level. And it was analysed, as well, with which interest-distributions, which settlements some independent areal interests are connected. One of the most important establishments is that the members of councils, and the employees in the administration, too, attribute but a symbolical importance to the representative body in making the decisions on development at county level. They evaluate the organs, resp. bodies of councils as only confirmative organ

²² Cf. with Par. 1, Art. 2. of Act No. I. of 1971.

²³ Szegő, Andrea: Területi érdek, területi igazgatás és fejlesztéspolitika (Territorial interest, territorial direction and policy of development). Budapest, 1974 (Manuscript), p. 275.

and attribute no influence to the specialized agencies and productive organizations of local administration. It is not questionable that this requires further investigation, and even one beyond the level of consciousness. It may be interesting, too, that the members of councils denied during the investigation, while the members of the administrative apparatus asserted, that the settlements have separated interests, and even the members of council have provided the existence of settlements with a negative attribute. The truth is, on the other hand, that the members of the council, themselves, too, mediate group interests when, for instance, they visit the office-bearers and the employees of the specialized agencies of the local administration in the affairs of a settlement and not in those affecting the whole county. It is shown by this that the clash of interests and the reconciliation of those, that is the integration of different interests occur not in the corporative meetings of councils but out of these. It was established by the investigation, as well, that the self-assertion of communal interests — like the settlement interests — is realized first of all through the local administrative sections of county councils. And it was also shown by the investigation that reality is not always synchronized with legal regulation. This means, for instance, that an administrative organ, taking place at an administrative level, can have independence according to the legal rule, but in reality this cannot prevail owing to other factors. It is not questionable, either, that the historical factors, historical heritage, too, take part in this process. The investigation has called, therefore, the attention to that the distribution of the power of disposing, as an adjective right, among the administrative organs is extremely important. The investigation drew attention to the role of non-formalized ways, as well, in connection with decisions.

Further on, we shall deal from among the external environmental factors with the connections of public opinion with administration.

----- 3) PUBLIC OPINION AND PUBLIC ADMINISTRATION -----

The revealing of the concept of public opinion and its main characteristics is fundamental for investigating into the relation between public opinion and the function of public administration.

In literature, there are to be found several opinions and ideas in connection with the concept, nature of public opinion.²⁴ Taking into consideration the innumerable conceptions concerning public opinion, it is necessary to give a generally acceptable concept of this social phenomenon, factor, because a generally accepted conception, like this, may serve as a basis for investigating the relation between public opinion and public administration.

Public opinion is primarily a value judgement in connection with a certain social problem, having its effect in the sphere of the everyday (practical) consciousness. It is the product of a communication-process and is actualized in its fullness in concrete situations. This is a very essential conceptual ele-

²⁴ Childs, H. L.: *Public Opinion: Nature, Formation and Role*. Princeton, 1965, pp. 10—13; Bourdieu, F.: *L'opinion publique n'existe pas*. Les Temps Modernes 1973, No. 1. Haberman, J.: *A társadalmi nyilvánosság szerkezetváltozása* (Change in the structure of social publicity). Budapest 1971, pp. 339—359.

ment of public opinion but alone not satisfactory. It belongs to the concept of public opinion, as well, that public opinion elaborates the facts of society, connected with the given social problem. This element of public opinion is in an organic connection with the functions of public opinion. Grusin²⁵ differentiates between more than one function group of public opinion, although not exactly limited. The first group of functions appears in connection with the effect of public opinion and public opinion has control, advisory and deciding functions. The latter, however, may be disputed. The second group of functions is connected with the content of the decision in public opinion. In this sense we can speak of the evaluating, analysing, proposing and normative functions (elaborating and stabilizing norms) of public opinion. It is shown by all these that public opinion is not only and not simply evaluating but is a much more composed, complicated social phenomenon, having a multifold effect, function in society.

Public opinion, as a social phenomenon, has some peculiarities,²⁶ the investigation of which cannot be left out of consideration at investigating the connections between public opinion and administration, resp. the effect of public opinion on the administrative activity. The question arises: which are these peculiarities. The first, very important peculiarity may be summarized in that public opinion is a very peculiar form of the social consciousness in which the elements of the everyday social consciousness are reflected in the form of a „mixture”. This means that public opinion takes an independent place in the system of forms of the social consciousness. As it is well-known, social consciousness has different forms, as e. g. political consciousness, moral consciousness, legal consciousness, etc. Public opinion is however, not identical with any of these forms because there prevail in it some factors of such character which are casual, subjective connected with the evaluated phenomenon (affair), although public opinion is socially determined, too. The second, very important peculiarity can be summarized therein that public opinion, as a social phenomenon, has the character of interest. It is known that interest is nothing else than the connection of social classes, layers, groups, individuals with their own vital condition, primarily with their needs, expressed in the form of claims. Consequently, public opinion is connected with social existence and the fundamental interests are connected with the class structure of society. That is to say: the fundamental interest is the class interest and consequently, in public opinion, too, the class interest is expressed. Public opinion performs its functions according to class interests. Interests are, of course, extremely differentiated. In the society there are, namely, different interests. Without differentiating the interests — what may be done on another occasion, too, although differentiation could be made on the basis of other criteria, as well — it can be established that we can speak of the systems of the developing, approaching, departing interests of social classes,

²⁵ Grusin, B. A.: *A vélemények világa* (World of opinions), Budapest 1971, pp. 108 et seq. Heberle, R.: also emphasizes the state-will-forming character of public opinion. (*Hauptprobleme der politischen Soziologie*. Stuttgart 1967, pp. 301—310.)

²⁶ Kulcsár, K.: *A közvélemény, mint szociológiai jelenség*. (Public opinion as sociological phenomenon). In: *Társadalom, politika, jog*. Budapest 1974, pp. 167 et seq. Szecskő, Tamás: *Kommunikációs rendszer — köznap kommunikáció* (Communication system — everyday communication). Budapest, 1971. pp. 151—163. Fodor, G.: *Közvélemény és értékorientáció* (Public opinion and value orientation). In: *Társadalomtudományi Közlemények*. Budapest 1974. No. 3—4, pp. 93—95.

social layers, social groups. Interests, and among these the individual but also social interests, as well, do not affect automatically the formation of public opinion. The degree of recognizing the interest and the fact if we speak of direct or indirect, nearer or farther interests, are of great importance in this process. It is to be emphasized, too, at investigating into the system of interests that the interest-character of public opinion can be blurred by some factors, — what can bear putative interests. In this process, of course, emotions obtain great importance. Seeing public opinion from the side of the structure of interests, we may establish that in a society that socially differentiates, there are many kinds of public opinion and we can differentiate dominant and non-dominant public opinions. The third characteristic of public opinion is connected with that public opinion is not of constant character, i. e., it fast changes in time. Consequently, we cannot speak of a state character of public opinion. This is connected with that public opinion primarily appears connected with a concrete phenomenon, a concrete event, that is to say, not generally, this differentiates it from general feeling. Public opinion expresses social conscience, always in connection with a concrete problem. Investigating further peculiarities of public opinion, we should like to emphasize first of all (the fourth time) that public opinion is devoid of consideration and this is connected with that public opinion is, in connection with some phenomena, events, quick, superficial, credulous and uncritical, as well as it is of subjective character. These characteristics are connected with the state of consciousness of society, the position of the social layers (the opinion of which is in question), with the character of the problem (to which the public opinion applies.) It is to be established, namely, that the situation of social classes, layers, groups often induces a contradictory conscious state owing to the historical development. The subjective character of public opinion is in connection with the age of life, and other factors, too, and it shows itself more subjectively in connection with some films, theatrical events, novels than, for instance, with State and law. In this relation the question rose that public opinion is, perhaps, not a conscious phenomenon but of irrational, mainly emotional character, i. e. that in public opinion prejudices play the leading role and not rational factors. There were some opinions, too, that public opinion is nothing else than a feeling to life, saturated emotionally by memories. This is, however, not-acceptable. Although public opinion contains irrational elements, we can find in it the rational elements, as well. With this is connected a further — fifth — peculiarity of public opinion, namely that public opinion may be organized or unorganized. In the public opinion appearing in an organized form, consciousness comes much into prominence. The result of this is also that public opinion appearing in organized form, contains the social responsibility for the opinion declared about an event, phenomenon. All this also involves that the organized public opinion is of less subjective character because the connected organization filters out of it the subjective traits. On the other hand, the unorganized public opinion is of more subjective, irrational character. A very important — sixth — peculiarity of public opinion is that public opinion is differentiated according to classes, layers, groups, affected also by the political and legal — forms of consciousness. But public opinion and its political character cannot be narrowed down to the fact that public opinion would only be connected with political-state-legal phenomena.

An idea like this is namely wrong because public opinion is manifested in connection with all the problems of social life. The opinion of *R. Angelusz*,²⁷ according to whom: the manifestations of the different layers of population, appearing directly or indirectly, on a massive scale, affecting the decisions of government, or being affected by these, concerning some concrete question, appearing in different forms of communication and containing different standpoints are considered as public opinion, is near to the above-mentioned definition — although his approach is very considerable from the point of view of our theme. This definition emphasizes otherwise rightly that public opinion is connected with a certain social problem, that it has some functions (action-reaction, directly and indirectly). But it does not emphasize that public opinion is a peculiar form of social consciousness, that it is of interest-character, changing, impetuous, superficial, credulous, uncritical, resp. that it may also appear both in organized and in unorganized forms. It emphasizes, on the other hand, rightly the differences between public opinion and the sentiment of people (popular feeling, as well as communal opinion), the social conditions of their formation, and expounds remarkable ideas about the types of public opinion, manifestations of public opinion, as well about its actuality and publicity.

He regards as current of the present day the circumstance that leads to a mass interest in connection with some event, emerging thus from the multitude of public opinions, where the indifference towards the event (object) is of limited character and the proportion of those having no opinion is low, on the other hand, the demand on the information connected with it is high and the communication is massive. The timely public opinion is also characterized by the sharp polarization of opinions, the clash of the opposite opinions and that these appear at the institutional instances, as well. Concealed (latent) is, however, the public opinion that is not expressed at the instances of the expression of views or only sporadically, resp. only as a declared opinion. The declared opinion may differ from the real one and then the real opinion is circulating in the intimate sphere. It follows from this that the latent opinion does not mean passivity because it is expressed in human conduct in an active form, as well. As regards the so-called resting public opinion, it does not mean anything else than such a public opinion that exists in a massive form and concerning a definite concrete question but it is characterized by a low level of timeliness and publicity, i. e. the shown public interest turns away from the given concrete question, there is no interest shown towards the question, although it may be an object of sporadic conversations but not necessarily in the intimate sphere. And the preferred public opinion is characterized by that the formed opinions become but rarely objects of the public interest. But these domains of questions — owing to their particular official taking into consideration — systematically engage the attention at the organized instances of the expression of ideas and the given domain of questions (events) can, therefore, arouse the public attention, again.

The above-mentioned types of public opinion do, as a rule, not occur; of course, in their clarity and even, one of them can be transformed into another and there can be among them because of the transitory types, as well.

²⁷ *Angelusz, R.: Közvélemény és társadalom (Public opinion and society). In: Valóság 1976, No. 11, p. 6.*

It is our opinion that in the course of investigating into the relation of public opinion and public administration, attention is to be paid to the above typifying. It is namely really shown by the empirical investigations that a considerable number of population have no own opinion on several problems, thus either on public administration generally or on certain objects of the administrative activity. The possession or non-possession of opinions is, of course, considerably determined by the level of obtained education, by sex, and town or rural environment. The number of those who have own opinions may, at any rate, be raised by higher education or if the inquired are males and townspeople. But the existence of opinion also depends upon the quality of the object and how it affects the interests of the wide ranges, layers of population. And this can be differentiated among the people. We meet phenomena, too, where the questioned people have no opinion but nod their assent to the possible answers offered by the given question. With this they wish, in fact, to conceal that they have no opinion. We have met cases, too, when not the real opinion of the questioned one appeared in the possible answers. On the other hand, the declared missing opinion does not mean always the want of any opinion. It may mean, as well, that he (she) wants to avoid the answer to a question. It is to be established that the high proportion of those having no opinion is, in this way, one of the indices of the latent public opinion.

We may speak in connection of administration; as well, of crystallized or hesitating opinions. resp. of open or concealed missing of these. Those having a crystallized opinion can or do namely take a considerable part in the formation of public opinion in connection with administration. There belong here the citizens who consequently stick to their opinion, in whatever form the question might be raised them in relation of a concrete object. The crystallized opinion depends upon school education most strongly, where the dividing line is the completion of the eight classes. It also depends upon the place taken in the professional hierarchy the quality of intellectuals (upper-level leaders). This type has obviously a higher part in forming public opinion in connection with administration, as well, than other types, for instance those with hesitating opinions (who do most adhere consequently to their declared opinion but their deviation from that is comparatively moderated).

It is indisputable that the value-orientation is one of the central elements of public opinion because it takes part in the formation of that and in the evaluation of the given public opinion by others — behind what classes, layers and the interests of these are hidden. But we are not dealing here exhaustively with the question of value-orientation, however important it is to emphasize that the questionnaire method alone is not sufficient for becoming acquainted with public opinion, even in case of investigating State, administration, and public opinion.

From the point of view of the public opinion which is connected with the administrative activity, the information, level of knowledge and the felt needs of population to be informed are fundamental.²⁸ The information of popula-

²⁸ Afanaszjev, V.: Társadalmi információ és társadalomirányítás (Social information and the direction of society) Budapest 1976. Particularly p. 316. Fodor, G.: Inform. Op. cit. p. 84.

tion may be realized by administrative organs at different levels: institutionalized and non-institutionalized. Population can be informed by communication. In the course of communication, the following kinds of information can be passed towards population: a) some information orienting that on the way, means of the administrative activity, b) some information, orienting that on values, bias, attitudes of the administrative employees.

The information of citizens by the administrative organs can be realized on more than one line. e. g., the information of the central administrative organs is primarily effective through the media of mass communication: press, wireless, and television. Through these informative media first of all the information connected with the way and means of realizing the administrative activity reaches citizens. Through the canals of social organs, e. g. trade unions, a considerable quantity of information can also reach the population. Along this line of information, first of all the information, connected with the activity of the administrative employees can reach citizens. Through the non-official canals (non-formalized ways) partly the information connected with ways and means of the administrative activity, partly those containing particularly the values, attitudes of mind of the employees of public administration reach the citizens, primarily in verbal way.

Citizens can get information from administrative employees in different staffs, in formalized ways, as well. The level of information is a function of several factors. The informed state of citizens depends, for instance, on the claim of population to be informed, its capacity of receiving information, the quickness of information, the ability to elaborate information, and the distortion of information. Public opinion can namely become paralysed for lack of information, and the overinformation of population may lead to that the results of information cannot be appraised. The information streaming to the population through non-formalized canals is enabled by personal, friendly, as well as interest-connections. A system of information like this develops first of all if the information does not stream suitably through the formalized canals of communication towards the population on the activity of administrative organs. In this case is, namely, the information streaming towards the population in non-formalized ways of the character filling a gap. And even its character is to regulate the behaviour, in respect of the conduct towards the administrative organs. The information streaming through non-formalized canals may forward and disseminate also some knowledge enabling inspection into the atmosphere of the place of work of the administrative employees, the conduct-system of those working there. The non-formalized system of information can namely complete the formal system of communication towards the population, although even these may filter the information. The information presenting itself in a non-formalized system of communication can also indicate difficulties and possibly irregularities, as well. All these can lead there that beyond completion and filling gaps, the information appearing through the non-formalized canal of communication may even modify the information streaming through the formalized canals towards the population. The information directed towards the population can be modified by several factors from the part of the administrative organs which are connected with the hierarchical construction of the administrative organs. The modification of information is also in connection with the activity of

different non-formalized groups being active in the organization of public administration because these may evaluate the official information peculiarly, may remodel, change, decrease, resp. increase the expected and planned effect of them.²⁹

Lenin has emphasized that the information of population on the work of administration as an essential characteristic of the socialist democracy. And the information of society is also in a close connection with the principle of publicity. Lenin had already in 1903 sharply disapproved that the organs of the bourgeois administration functioned without the knowledge of people which was the serf of officials.³⁰ This was the factor, emphasized Lenin, that resulted in the detachment of citizens. He established as a fundamental principle that everybody has to know what government and generally administration thinks.

In the socialist society citizens must have enough information for being able to declare opinion of the work of public administration. Information, at any rate, must be such that it communicates the real facts on the work of the administrative organs. From this point of view, it is to be referred to that the domain of information is much wider than the principle of publicity because publicity in itself does not communicate anything with citizens. That is to say, it is possible that there comes a situation in which the function of administrative organs is public but citizens have almost no information on the work of the administrative organs. It follows from this that the information on the activity of administrative organs must primarily spread on the initiative of administrative organs. In this way a general opinion can be formed e. g., on the resting public opinion. The information obtained from the organs of public administration is, namely, a stimulating force in the development of the administrative knowledge and skill. It follows from this that information is necessary in order to that citizens learn the practice of public administration, recognized its work or, as Marx Weber said, acquire the knowledge of public service. The higher, therefore, the degree of giving information is, the higher is also the degree of the informed character of public opinion, as well. The information on the activity of administrative organs promotes the expertness of citizens in administrative affairs, develops their political and legal knowledge so that they should be also to evaluate the social events independently. The information, directed towards citizens, must give communication on some concrete social problems. It can namely promote in this way alone such a transformation of public opinion which can later be taken into consideration in its work.

The possible social control over the administrative activity of the organs of public administration. Without being informed, public opinion is namely not in position to hold under supervision the organs of administration. For this, it must, of course, have some data because it is impossible to carry out any real administrative control without any data. It is rightly emphasized

²⁹ Kulcsár, K.: Az ember és társadalmi környezete (Man and his social environment). Budapest 1969. p. 348. Kulcsár, K.: Szociológia (Sociology). Budapest 1972, p. 110. Buda, B.: A közvetlen emberi kommunikáció szabályszerűségei (Regularities of the direct human communication). In: Tömegkommunikációs Kutatóközpont, Szakkönyvtár. Budapest 1974 — Simon, H. A: Applying Information to Organization Design, Public Administration Review, 1973, No. 3, p. 368.

³⁰ Collected Works of Lenin, V. I. (Hungarian). Budapest 1975, p. 128.

by K. A. Safarov that the more society will recognize of the work of state organs, the more these organs can count on public opinion and may depend on that, the more the mentioned organs get into such a position that all their activities will be evaluated, appreciated by public opinion.³¹ The information on the activity of administrative organs is at the same time, — a means for making the administrative employees recognize the needs and interests of citizens, as well. The prestige of administrative organs cannot be imagined without informing society of their work. Thus their prestige will, namely, be higher and an administrative organization with prestige can only count on that public opinion approves of its activity.

It is an important question, on which concrete affairs the administrative organs must primarily inform citizens. By this is raised the problem of the structure of information, as well. The formation of the structure of information supposes the revelation of the level of knowledge of the population, as well, establishing what information claims are laid by citizens in respect of the work of the organs of public administration. We agree with the supposition of K. A. Safarov that the informative model on the activity of administrative organs should be created. This model of information may be the basis both of legal regulation and of the practical activity. The legal regulation of the activity of parties taking place in the informative process is really necessary. Taking into consideration that the activity of the different subjects is to be regulated, it is important that we outline the structural elements of the informative model. According to K. A. Safarov's opinion, the informative model has first of all the following important elements:

Population should be informed on:

- a) the economic plans and the results of their carrying out;
- b) fulfilling the directions required by the electorate and the results of this;
- c) the motives of appointing, moving, dismissing the leading persons;
- d) content and character of the letters received from the different citizens and social organizations;
- e) fate and results of the issued decisions and different resolutions.³²

The above informative model indeed outlines the considerable points of information that are necessary for the development of public opinion concerning a given field of problems. This model can, however, be made still better resp. more concrete (e. g., according to the subject, object, etc. of the communication of information). It is a further question, namely, in what form the information belonging to the elements of the above-mentioned informative model, is communicated. We think that the informative model cannot dispense with fixing, either, at what instances it is practicable to give the different informations. It is very important, in our opinion, too, in connection with the quality of information, to take into consideration the following statement: If people can give an answer, echo to the information, that is an important peculiarity of the well-functioning public opinion.³³ The delibera-

³¹ *Safarov, R. A.: Informirovanie naseleniya o deyatelnosti gosudarstvennykh organov. SGP 1974, No. 2, p. 24.*

³² *Safarov, R. A.: Op. cit. p. 26.*

³³ *Safarov, R. A.: Op. cit. pp. 26 et seq.*

tion of the information received must, of course, always be made possible. It can be ensured in this way people compare informations with their own claims, interests, their fulfilment.

It is connected with these, as well, that public opinion presents itself first of all in the course of the preparation of administrative decisions concerning the activity of administrative organs. This also means that public opinion gets into touch with the activity of the organs of public administration through the leading levels of these organs. If the public opinion directed towards the administrative organs different social interests, needs, resp. claims are formulated, the taking into consideration of which may be fundamental from the point of view of the activity, decisions of the administrative organs are right but also from the point of view of the situation of the dependence of these organs.

The declared opinion of citizens has, of course, several peculiar characteristics and, in this way, public opinion, due to its function, may result several effects in connection with the activity and decisions of the administrative organs. These effects are the following:

1. Public opinion can call our attention to the defects, gaps appearing in the work of the organs of public administration;

2. Public opinion can suggest methods, means in order to show the way of eliminating or modifying the defects and mistakes of the work of the administrative organs;

3. Public opinion can contain some ideas concerning the right solution of some field of problems, independently of whether these are necessary or not under the given conditions.³⁴

The above phenomena are or can be, of course, in a close connection with the prejudices contained in the everyday conscience or similar phenomena. Consequently, we must pay attention to this in the course of investigating the above effects. Speaking more concretely, public opinion can also contain, beyond the expression of the right claims, interests, wills, — not right claims, putative interests, wrong evaluations. These must be filtered out of it. The information obtained from public opinion, after being evaluated in this way, can be connected with the formation of administrative decisions. K. A. Safarov, at investigating into the effect of public opinion, takes into consideration the main elements, functions of the activity of the administrative organs. He separately deals with the connection between some functions of the ad-

³⁴ Savarov, R. A. performed a public opinion poll in the Soviet Union which is interesting in connection with the decisions of the organs of public administration, as well. He posed the following question to 1500 workers: „Who should participate, in your opinion, in the elaboration of the decisions of executive committees, departments, and offices? (Mistake; \pm 3 per cent). The answers given to the question are: The following have to participate: the co-workers of the executive committees, departments, offices (16 per cent); the representatives of television, wireless, press (5.8 per cent); the experts who have the special knowledge necessary to the investigated question (23.2 per cent); the leaders of factories, works, institutions (9.2 per cent); the deputies of the councils of territorial, district, town, village settlements (14.6 per cent); the street, parent and other social committees, boards and councils (8.6 per cent); trade unions, the organs of Komsomol and co-operatives (7.4 per cent); the population of the area, district, town, settlement or village (9.6 per cent); no answer: 4.6 per cent. Cf.: *Safarov, R. A.: Obshtshestvennoe mnenie v vyrobotka upravlentcheskikh reshenij. Pravovedenie* 1972. No. 5, p. 19.

ministrative organs and public opinion. This paper is investigating into the effect of public opinion on the activity of the administrative organs rather generally, analysing mainly its effect on the administrative decision and leaving in the course of this out of consideration (e. g., the function of acquiring information, the planning function, the organizing function at dividing labour, the co-ordinating and control-functions), as well as the hierarchical levels of the administrative organs. Later on, however, it will be necessary to investigate into the effect of public opinion, for instance, on ministries, the organs at county level, the administrative organs at town level, etc. Among the points of view of investigating the effect of public opinion on administration can take place the direct and indirect effects, as well. K. A. Safarov has — rightly — also investigated into how public opinion is evaluated by the employees of public administration (leaders and those attached to the administration for service). In the course of investigation, he took also into consideration that the readiness to compliance can be missing from administration — as it is also missing from any other organization — and it therefore resists to the external phenomena, thus to the effect of public opinion, as well. It follows from this that administration has some comparative independence. As regards public opinion, it can be said of it that it also has some self-movement, self-regularity — what can, of course not be regarded as absolute. It is shown by the empirical data that in the Soviet Union the employees of public administration attach a considerable value to public opinion because it refers to mistakes (42.3 per cent), calls the attention to mistakes (20.8 per cent), demonstrates the ways of eliminating mistakes (19.8 per cent), advises the way of solution.³⁵ The data of this investigation are also instructive that show how the officials evaluate public opinion from the point of view of realizing the administrative functions. From this point of view the main consequence is that taking into account and utilizing public opinion are evaluated in a different way by the administrative leaders and the experts working in administration.

It is shown by the Hungarian investigation, in the course of which 53 members of the council and 352 inhabitants were questioned in a town, that the opinion of inhabitants was not known by the makers of administrative

³⁵ *Safarov, R. A.: Obshtchestvennoe mnenie i funktsii gosudarstvennogo upravleniya. Pravovedenie 1974, N. 4, pp. 21—30.* The answer to the following question was also interesting: „To what extent take, in your opinion, the executive committees, departments and administration into consideration the opinion of population?” The answers are:

Degree of taking into consideration	Employees of Population of the organs of administration	
	answers in percentage	
1. taking into consideration fully	5.4	6.9
2. taking into consideration partly	80.8	55.1
3. They do not take into consideration	4.0	11.4
4. it is difficult to answer	7.6	22.3
5. no answer	2.2	4.3
Sum total:	100.0	100.0

(*Safarov, R. A.: Organy gosudarstvennogo upravleniya i obshtchestvennoe mnenie naseleniya. SGP 1975, No. 1, pp. 20—27.*)

decisions, in case of communal, developmental decisions.³⁶ Further on, in the course of the investigation, the great majority of inhabitants did not claim the declaration of their opinions before the administrative decision was made.

It can be established in connection with the first finding, that the administrative organs can measure needs even independently and can form a developmental program. Thus skill, expertness — it seems so — make superfluous public opinion. In connection with the second finding, we may establish that the consciousness of competence, the claim to participate in the decisions of public administration are missing from the population. And even if administration knows the claims of the given community, these claims only make their way by chance, resp. individually. It was also shown by the investigation that the members of the council not always know the most general claims and base their decisions first of all on their own local knowledge. They don't discuss the diverse claims with their voters and don't qualify, classify the manifold claims with the help of these.

The knowledge of public opinion, as seen from the above-mentioned examples, is useful from the point of view of the administrative activity, resp. decision. Just therefore, the taking into consideration of public opinion is to be ensured in higher degree, filtering out of it the false consciousness (the pseudo-public opinion, the public opinion of influential groups). It is, however, to be established that every kind of claims cannot be satisfied even if public opinion were known. But it also cannot be left out of consideration that, by taking into consideration the general claims, the contentment with the decisions of the administrative organs increases, they bring administration nearer the population. The culture-level of citizens, the level of their knowledge concerning administration, must however be raised up to these, in order that citizens can use their rights. It is shown by measuring the level of knowledge of public law³⁷ that political knowledge depends upon social stratification, as well as upon the level of school education. Thus, in order of succession, the level of knowledge is affected by the level of school education in University, middle school or eight classes of the so-called general school. And as respects the social stratification, it may be ascertained that knowledge considerably decreases descending from the intellectuals (intelligentsia), although sometimes it can be observed that in case of certain themes where the matter in question is a problem that immediately and strongly affects the interests of definite groups of people, the members of these groups have higher knowledge in this relation than the members of other groups even with higher school qualifications. The concrete opinion may namely be based on a different level of information. Some people have even an opinion in such themes on which they have no elementary information, either. The informative foundation of opinions can partly be ensured by raising the level of school qualification and by creating in this way the equal conditions that are

³⁶ Laki, Teréz: A lakosság véleménye a városfejlesztési döntésekről. Felmérés egy alföldi városban (The opinion of population on the town-development decisions. Survey in a lowland town). In: Szociológia 1974/3, p. 387. Angelusz, R.—Váradi, L.: Kisvárosi közélet (Public life in a small town), In: Információtól a közéletig: Op. cit. pp. 179, 227.

³⁷ Kulcsár, K.: A jogismeret vizsgálata (Investigation into the knowledge of law). Budapest, 1967. In: MTA Állam- és Jogtudományi Intézet Kiadványai. Társadalom és jog. No. 1. p. 23.

necessary for taking in the information, and partly by intensifying the efforts of strengthening the rate of news-consumption. The levels of satisfaction or dissatisfaction with information must, of course, always be examined, although a higher satisfaction cannot reassure administration, either.

Returning to the functions of public opinion, we have first of all to call the attention to its historicity and, together with this, to its volitional character. „In such a phase of the socialist building — writes Gábor Fodor — when not only economy but the whole public life is characterized by over-centralization, there is some public opinion but a functionless public opinion the pressure of which can anyhow be felt). At least all its formal functions serve for sustaining such an appearance, as if the decisions essentially affecting the living conditions were created with the approval of an entirely unitary public opinion”. Therefore — writes he — „the socialist State does not liquidate in the above-mentioned period the idea inherited from the bourgeois society according to which the modern State needs a legitimation by public opinion under any conditions, on the contrary, it confirms this conscience by referring constantly to be supported by a uniform public opinion in every major political question”.³⁸ In such a phase of the socialist construction, on the other hand, when „the political publicity develops”, the structured nature of public opinion becomes visible — what does not mean that there was no uniform public opinion in essential affairs — and, with the more vigorous development of the socialist democracy, the problems of the real functions of public opinion comes into prominence. The legitimizing function of public opinion becomes problematical — as public opinion is structured, not uniform — and the formation and preservation of a belief, like that, may only be realized by a manipulation, although the approval by public opinion is no condition of the socialist society and State, either. Taking into consideration Safarov's investigations, as well as the establishments of Grungshin and G. Fodor, and starting from the volitional character of the functions of public opinion, we can see them mainly in control (revealing mistakes) and advice (making suggestions). The evaluation and analysis, emphasized by Grushin, are the inner immanent characteristic of the former, i. e. control and advising functions. In case of the advisory function, at any rate, the false, non-rational conscious elements must be filtered out of public opinion because advising (suggestion) — for being somewhat usable — must reflect a confinable, supporting-opposing will. The controlling (mistake-revealing) function must involve the restriction of power, as well. There are, namely, in socialism, too, some bureaucratic elements of exerting power that have need of restriction. But this function can also participate in ensuring the hegemony (leading role) of State and administration. „It may generally be said — writes G. Fodor — that the stronger public opinion prevails in socialism. the more vigorously hegemony is effective opposite to exclusiveness, and vice versa: the more the state must make an effort to have exclusiveness, the less it can tolerate the institutionalized existence of public opinion.”³⁹ As public opinion is primarily connected with decisions and conducts affecting the conditions of life, and in connection with these it exerts some pressure in certain direction, state and

³⁸ Fodor, G.: A közvélemény és értékorientációi (Public opinion and its value orientations). Op. cit., p. 97.

³⁹ Fodor, G.: A közvélemény, etc. Op. cit., p. 99.

administration have also to reckon with it because an existing force is in question. On the other hand, we cannot speak of a deciding and norms-elaborating function of public opinion — as Grushin does — because public opinion can only support and analyse something, even in the course of controlling and advising, although it has a confirming function, too.

In the relation between public opinion and State, resp. public administration, we never must leave out of consideration that public opinion first of all declares directly the will of those who take part in making the decision of State and administration in the problems essentially affecting the conditions of life only indirectly — through the socialist system of the representative democracy.

The interests, needs, claims, opinions expressing public opinion are also „drawn into” the public administration by several organizations. Among these all the organizations belonging to the political system can be found, their co-operation in this process is considerable. Further on, we shall speak of these organizations.

4) THE CITIZEN, THE SOCIAL-POLITICAL ORGANS AND PUBLIC ADMINISTRATION

From the point of view of influencing the activity of the administrative organs, the individual (citizen) and both types of the social organization (those of political and of non-political character) are considerable but we are dealing with the individual and the social-political organizations.⁴⁰ The social-political organizations — and through them the individuals — have namely an outstanding importance in respect of their effect on the administrative activity. The social-political organizations, like e. g. the party and trade union, as well as the youth organization, mediate first of all the general interests, claims, activity of some class or layer of society⁴¹ towards the administrative organs. The social-political organizations are active with the purpose, too, that they can control, affect the state organs, within these the administrative organs, in order to make realize by these organs their own policy. On the other hand, the effect of the social-political organization on administration mediates the effect of individuals, as well.

In the socialist society, from the point of view of forming the state tasks, the organs of the state, and among these the organs of public administration, as well as the social-political organs form functionally a unit, although there is division of labour between the single organs. The human behaviours realizing both organizational systems are in this way connected closely together.

⁴⁰ Kulcsár, K.: Az ember és társadalmi környezete (Man and his social environment). Budapest, 1969, p. 217. Zavadszki, S.: Az állampolgárok részvételének formái a szocialista állam kormányzásában. (Forms of the participation of citizens in the government of the socialist State). In: Res publica 1973/1. vol. XV, p. 139. Kulcsár, K.: Laikus részvétele a szervezeti döntésekben (Participation of laymen in organizational decisions). In: Szociológia 1972, No. 3, p. 317. Tikhomirov, Yu. A.: Upravlenie gasudarstvom: obshtchestvennye i professionalnye natchala. Pravovedenie 1974, No. 2, p. 7).

⁴¹ Wirth, A.: Érdek és ideológia a szocializmus építésében (Interest and ideology in the building of socialism). In: Érdekvviszonyok a szocializmusban. Budapest, 1973, p. 14.

The different social-political organs, at the same time, connect the individual citizens into the process of affecting the administrative activity, the preparation and carrying out of the administrative decisions.

The social-political organizations are, in this way, such mechanisms through which the citizens individually but also their definite layers and groups, as well, can exert an effect in different degrees on the administrative organization, its decisions. The social-political organs are therefore very important among the several factors affecting administration.

The social-political organizations — as emphasized by C. A. Yampolskys in another relation⁴² — play a considerable part in satisfying the fundamental rights of citizens, as well as their interests (claims).

The social-political organizations take a part — from among the fundamental rights of citizens — particularly in the realization of the right of participation in the political life, the right to work and social supply, resp. to take a rest, as well as the right to innovation. Thus, for instance, the members of the social organization have an effect on the formation and function of the organs of state power, e. g. on the composition of the election committees, the selection of the parliamentary candidates, they may be members of these committees and take part in the debate of draft bills, as well as of other central draft decisions. It can generally be said that every social organization promotes the realization of civil rights, obviously corresponding to its profile, although the individual wishes to reach by entering the social organization not primarily the realization of his civic rights but his individual interests (demands). Thus, for instance, by entering the youth organization, the claim to collectivity and the unity of activity is satisfied.

An important task of the social-political organizations is also the satisfaction of claims of the individual which are extremely differentiated. Connected with this, several associations function. In this relation the question can primarily be raised, how the social organization affects the formation of the individual interests (claims) of its members, what its effect is on them. It may generally be established that social organizations may awake, instigate the realization of various claims of their members both within and outside the organization. Thus, for instance, the youth organization, and even the trade union, may play a considerable role in satisfying, stimulating the activity-claims of its members, first of all by ensuring their participation in the social-political activity. From this point of view the knowledge of the situation of democracy, prevailing in collectivity, in the social organizations is extremely important, as well as the practical realization of that. It is not questionable that if the activity of the simple members is replaced by the overactivity of the leaders of the social organization, and this can push into the background the unfolding of activity of the members of the social organization.

The legal rule can regulate several sides of the above-mentioned tasks.

⁴² Yampolskaja, C. A.: A társadalmi szervezet, a jog, az egyén (Social organization, law, individual). In: SGP 1976, No. 3, pp. 15—22. *Ivanov, E. A.*: Also emphasizes that trade unions are the fundamental form of drawing workers into the direction of state and social affairs, although their place in the political system has got new peculiarities under the conditions in the state embracing the whole population, cf.: A szakszervezetek a szocializmus politikai rendszerében (Trade unions in the political system of socialism). Budapest, 1977, pp. 79—83.

From this point of view it is particularly important to investigate whether the legal rules are sufficient in this field and whether they have enough efficiency.

From among the social-political organs, in the socialist society, thus in our country, too, the Marxist party emerges. The Marxist party performs the direction of society in the interest of the whole society. Depending from the degree of composition of the political system, it forms the socialist society in particular forms, relying on the scientific results.⁴³ The party-direction of the activity of the organs of public administration is at the same time the canal of the participation of citizens in administration, the influencing of administration, as well. The Marxist party, as a mechanism mediating the class and layer interests of society towards the administrative decision, is also a definite organization and as such, is organized hierarchically, like the state organs; it has an administrative apparatus too, which has a great importance in forming and carrying out the policy of the party. As it follows from the hierarchical organization, there are different organizational levels within the communist party, too, having different powers of deciding and acting on the basis of the principle of democratic centralism. Within the communist party, the prevalence of democracy ensures the participation in making the different party decisions and enables the free debate, the expression of the members' own opinion but the minority is obliged to subject itself to the majority and the decisions of the upper party organs are obligatory to the lower party organs as well. Deciding is anyway divided within the communist party, too. It is, therefore, an important question, how deciding and the division of competences is formed between the party organs at different levels. The division of deciding is expressed between the central and local organs and in the relation of local, intermediate and lower organs, as well as between the elected corporate bodies and the different „administrative” departments. The decisions of party organs, similarly to the decisions of the state organs, are connected with problem fields within and outside the party. The decisions in personal questions are particularly important in both fields of problems. The economic, political, cultural and ideological decisions, standpoints of the party organs in non-personal questions, as compared with the administrative and generally the state decisions are of more general, global and strategical, rather programme- (project-) character.⁴⁴ In this relation, the administrative

⁴³ Pozsgay, Imre: Gondolatok a pártszervezetek döntési módszereiről. (Thoughts on the deciding methods of the party organizations). In: Társadalmi Szemle 1970. No. 3. (He emphasizes that science and expertise need rely on the opinions of scientists and scholars but this is not the only requirement of political decisions. In the course of making political decisions, it is important to investigate whether the conditions of realizing those are ripe under the given conditions. In this way, the scientific and political interests must be reconciled at making decisions: this may modify the effect of the results of science. It follows from this that experts cannot replace party democracy (party public opinion), although this need not be taken into consideration at deciding any smaller or larger question. The connection of scientific and political points of view ought to be ensured by the good co-operation of the elected and „executive” party organs (the apparatus), where policy is represented by the elected body, and expertise is, by the party apparatus. (Referring to political interests, any suggestion, even if right from both points of view, can of course be rejected).

⁴⁴ Markov, M.: Szocializmus és társadalomirányítás (Socialism and the direction of society). Op. cit., pp. 290—337.

decision and generally the state decision, as well, is more concrete, more „operative”. The decisions made by the corporative organs of the party are more general, more fundamental than the decisions of the administrative departments, both at national and at regional (county-town-village) levels.

The communist party, as mentioned above, plays a mediating role, too, in the relation of citizens and administrative organs.⁴⁵ The party — makes nemely possible that through it both the party-members and non-party persons exert an effect on the activity of the socialist State. In the political activity of the Marxist party the effect of society manifest itself towards the socialist administrative organs, in the course of mediating the interests of classes, layers, groups. This mediating role of the Marxist party manifests itself through the decisions concerning the policy to be followed. The communist parties exert their power in the way of making different political decisions and these political decisions are obligatory to the party members working in the administrative organization.⁴⁶ It follows of all these that both the socialist state and the administrative organization are institutions made function by the citizens through the communist party, as well, determining what they have to do. It is of fundamental importance, too, that the key-positions of the state. It is not possible to agree with such an opinion that challenges the leading part of the party in the form of questioning, whether or not it is right that be decisive influence of the citizens of the socialist state on the activity of the socialist administrative organs can „only” be manifested through the communist party.⁴⁷ The protagonists of this opinion think that this phenomenon — restricts the initiative of the citizens of the socialist State. They regard therefore as right if the will of individuals, resp. citizens manifests itself immediately in connection with the administrative organs. This conception is connected with that the communist party does not contain all the citizens. But we cannot accept this conception because it leaves out of consideration the limits of the individual participation of citizens and, at the same time, the advantages of the participation of individuals through the party organs. On the other hand, it cannot be accepted because, apart from the party, other organs also ensure the participation of citizens in public administration. Among these organs, the organs of state power are also to be mentioned. It follows from this that the party does not monopolize the influence on the activity of administrative organs. The party unfolds and mediates not only the wills of party members but also those of non-party men to the administrative organs. The leading role of the party as well as the mediation of the will of citizens by the party to the administrative organs is necessary. It is necessary because the citizens not always recognize at once the essence of the happening social process and they can less initiate such processes. It is true, as well, that without the party an atomized interest and will of citizens (interest of the class, of a branch, of a trade, of a place of

⁴⁵ Papp, Ignác: Az állampolgár és az államszervezet viszonyának szociológiai problémái (Sociological problems of the relation between the citizen and state organization). Acta Jur. et Pol. Szeged 1971. pp. 74 et seq.

⁴⁶ Biszku, Béla: A párt és az állam a nép szolgálatában (Party and State in the service of people). Budapest 1972, pp. 251—252.

⁴⁷ Lukity, R.: Politika teorija drzave. Op. cit. p. 85. Cf.: Redford, S. S.: Democracy in the Administrative State. New York—London—Toronto. 1969. pp. 132—178.

work or undertaking, of a dwelling-place)⁴⁸ would be mediated towards the administrative organs and, therefore, the common and objective line of the manifold differentiated interests of citizens would be pushed into the background or would not be expressed towards the administrative organs. It must therefore not be left of consideration that the citizens are members of different classes, layers and thus, in the decisions of the administrative organs, as well, the average interest of citizens must be expressed.

The communist party mediates first of all average interests, collective interests towards the State and within that the organs of public administration, because it can connect in this way the class rule with state, resp. administrative activity, the administrative decisions and their execution.

The social-political organizations of non-party character (e. g., the Communist Youth Organization, trade union) also affect the decisions of the administrative organs. Through the decisions of the administrative organs. Through the mentioned organizations — which are similarly applied to by the material of knowledge of the organization-sociology — citizens can also take part in forming the administrative decisions. The participation of the social organs in the activity of administrative organs also contributes to the solution of the conflicts between the administrative organ and the citizens, to ensuring the harmony of interests, to revealing of the peculiar layer-interests, the transformation of the layer interest into the administrative decision. Taking into consideration that social organizations have also administrative organs, it is important that these — like the state organs, too — have some expertness (suitability). They should connect in their work the administrative methods with scientific methods and some prudence (regularity) should characterize their work. „The scientific methods of leading cannot be harmonized (in case of social organs, either: I. P.) with the formal-bureaucratic methods. In case of applying these, the live, concrete activity, the work continued directly with people will be replaced by the series of meetings and speeches, directives and directions”.⁴⁹

The participation of social organs in making the decisions of the organs of public administration is generally differentiated due to the hierarchical construction of the social organs.

The participation of social organs in making the decisions of the public administration manifests itself in the following main forms.⁵⁰

It manifests itself first of all in that the social organs reveal, emphasize, determine and indicate from the regulated and non-regulated field of social life the problems that are ripe for being decided, primarily by organizing discussions and initiating their solution. The social organs help and facilitate the work of the administrative organs with their activity, in the course of forming the alternatives of decisions and promote that the activity of the administrative organs is getting on, parallel with the changing and transforming social life, corresponding to the social demands. The initiatives of social

⁴⁸ Glezerman, G. J.: A történelmi materializmus és a szocialista társadalom fejlődése (Historical materialism and development of the socialist society). Budapest 1975, pp. 110—121.

⁴⁹ Afanajev, V.: A társadalom tudományos irányítása (The scientific direction of society). Budapest 1969, pp. 35 et seq.

⁵⁰ Papp, Ignác: Op. cit. p. 88. Stetinín, B. V.: Grazhdanin i socialisticheskoje gosudastva. SGP 1975, No. 2, p. 3.

organs are continuously analysed and generalized by the organs of the public administration before making the decision. This is important because the initiatives of the social organs do not express necessarily rightly the social interest, the objective reality in every case; it is not sure that the claim to the administrative decision is justified and well-founded in any case. It is to be taken into consideration, too, that the social organs also represent partial interests and that these partial interests are to be made consistent with the common interests of citizens. The initiatives, marks — according to M. Markov's terminology: descriptive informations — are only forming, therefore, the basic material of the decisions, prescriptive dispositions of the administrative organs. This basic material promotes, namely, that in the decisions of the organs of the public administration the common interests and will of the working class and its allies be expressed. The basic material, the descriptive information is just therefore continuously analysed and generalized in the activity of the organs of public administration.

The participation of social organs in making the decisions of the organs of public administration also appears in organizing the discussion of the draft-decision prepared by the administrative organs. In the debates new suggestions, opinions may arise, for instance concerning the relation between the aim and means and this can promote such formulation of the administrative decision that it will really express the common objective interests of the citizens. From this point of view, the high level of the development of democracy within the social organizations is very essential.

The social-political organizations take part in the decisions of the organs of public administration in such way and through such forms, too, like e. g. the joint decision.

Taking into consideration that the inner democracy of the social-political organizations — as referred to before — is essential from the point of view of mediating the interests and claims of the social classes and layers, as well as of individuals, it is necessary to analyse the real-objective conduct (activity, deeds) of the members of the social-political organs as personalities, resp. the subjective sides of their conduct.⁵¹ The objective behaviour of the members of the social-political organizations manifests itself mainly in the expression of the opinion and proposal of the members of the social-political organizations. It is therefore very important to analyse the frequency of the expression of opinions. The expression of the opinion of the members of social organizations is connected with the level of their education, civilization and informed position. This namely affects and enables the expression of opinion and it is even a condition of taking part in the preparation of administrative decisions. And the proposals expressing the collective will, offered by the members of the social organizations, give alternatives to the decisions and may therefore be extremely valuable in the process of preparing

⁵¹ Bukhalov, J. F.—Jakuba, E.: *Oschtchestvennaya aktivnosty ee sodержanie i kriterii*. Filosofskie Nauki. 1968. No. 4, pp. 78—87. Molnár L.—Nemes Ferenc—Mrs. Szalai: *Ipari munkások politikai aktivitása* (Political activity of industrial workers). Budapest 1970. Interesting data are to be found to this field of themes at: Módrá, László: *A vidéki értelmiség politikai-közéleti tevékenysége. A vidéki értelmiség helyzete* (Political and public-life activity of the country intelligentsia. The situation of country intellectuals). Budapest 1973, vols. VI—VII. Társ. Tud. Int., p. 8.

the administrative decisions. It is thus important to analyse the coincidence or difference of the individual will and collective will of members.

On the other hand, the subjective side of the conduct of members of the social-political organizations is connected with the motivations of the activity, opinions, knowledge, orientations, mental attitudes. In the course of evaluating the different aims and possibilities, motives and opinions are concentrated in orientations and similarly the knowledge and the attitude of mind of the individual himself, too. It is possible, therefore, to catch in this way the objective political action, the essence of proposal in the political orientation which is also showing purpose and means of the activity to be carried out.

Through the social-political organizations, however, not only the members of these organizations but the citizens outside the membership relation, resp. some groups of these, can also exert an effect on the administrative decisions.

It is shown by the empirical investigations, as well, that through the social-political organizations even those being not in membership relation can intervene in making administrative decisions and possibly in changing the already made decisions, too, etc.⁵²

To the question, which of the different possible interventions is considered as effective by the citizen, concerning the intervention in the affairs of the town, 30 per cent of the questioned ones were of the opinion that to be in „good relation” with the leaders of the social-political organ is an efficient way of intervening in the affairs of the town and obviously is making the administrative decisions, as well. And 52 per cent of the questioned ones regarded this as useful. This proportion is very considerable. The importance of this cannot be blurred by the circumstance, either, that the questioned persons considered the connection with the members of the council in the course of intervening in the affairs of the town as very useful, as well as the connection with the officials and leaders of the council. In this the confidence in the members of council and the leaders of council is also obviously expressed.

It was also questionable in the course of the empirical investigation that if the town council made such a decision that you found harmful and dangerous, what you could do in connection with this affair. A considerable number of the questioned persons saw it possible to intervene through the political organizations in the different decisions regarded as harmful or dangerous, and within this obviously in the decisions of public administration, as well. It can be established, in spite of this, that almost one-third of the questioned persons (33 per cent) did not see possibility for any action. It is incontestable that the party organizations have nowadays some role of reconciling the interests and this activity of the party organizations and of other social-political organizations, as well, is extremely important, particularly in the relation between the state-administrative organs and the population. The party organs and the leaders and members of other social-political organizations play, of course, a central role in the reconciliation of interests also by explaining the necessity of the issued decision (order), its usefulness (not dangerous quality), lone-range effectivity from the point of view of developing the town.

⁵² Papp Ignác: Állampolgár, demokrácia, államigazgatás (Citizen, democracy, state administration). In: Állam és Igazgatás, 1971, No. 7, pp. 633—638.

The party organs and other social-political organs form, therefore, an informative canal between the population and the organs of public administration, they mediate the wishes, claims, reflections of masses towards the state, administrative organs and vice versa. This is extremely important because as a consequence of that the socialist society is also a structured society, there are also here some differences in interests, tensions which are primarily solved through the political activity of the party and through the activity of other social-political organs.

The next question in the course of the empirical investigation was the following: „If there is a functionary in the town council of whom you think that he does no appropriate work, is it possible that you do anything in the affair?" A considerable number (21 per cent) of the questioned persons have thought that it would be possible to do something at a higher level if a functionary of the town council, and obviously also an administrative employee, is not doing any appropriate work. This problem is connected with the hierarchical structure of the administrative organizations and of the social-political organizations, as well. The organs at lower level, resp. the functionaries are, indeed, in a state of technical subordination towards the higher organs and their work is judged, therefore, by the higher organs, as well. As a result of the hierarchical structure, the functionaries at higher level have an appropriate right to decide and initiate even if they had transferred this to their subordinate employees. The hierarchical structure of organizations breaks namely through the equality of the members of the organization, as well. It may generally be established that citizens know the importance of the hierarchical structure and thus also the fact that at a higher level the rationality of deciding is more possible, precluding the possibility of that an individual administrative decision, made in personal questions, can be influenced by individual factors. It was shown by the investigation, as well, that a number (23 per cent) of the questioned persons would not do anything and can even not imagine that it could be done anything at all if an administrative employee had not done his work well. Taking into consideration that in the answer-types of the question the party organs and the social-political organs are not separated, it does not turn out, at which organ, at the higher party or higher state organ the citizen would make „complaints".

There was a question: „Has it already occurred that your opinion was asked in connection with a national or local problem? If it has, who was interested in your opinion at last?" From the answers it turned out that first of all the functionaries of the town party organization (10 p. c.) have asked the opinion of citizen in various national and local problems.

It was shown by the investigation, as well, that in a high percentage (83 p. c.) they were never asked for any opinion as yet. Consequently, it is desirable that the activity of the state resp. administrative organs in this field be increased, possibly, from time to time, using even the means of direct democracy, as well, e. g. the referendum organized by the Patriotic People's Front. It cannot be, however, left out of consideration that the answers given to the above questions are considerably determined by the following conditions: Since when the citizen has lived in the town; what the interest of the answering citizen in the public affairs of the town is; the member of which social, political organization he is; what qualifications he has; how often he

reads newspapers, various political books and how often he looks at television; what the degree of activity of the responding citizen is; what his school qualification, age of life, etc. are.

It has turned out from the above data that the social-political organs are able to mediate not only the claims, opinion of their members but also those of the non-member citizens towards the organs of public administration, at any level of these. It is important, just therefore, that their activities be satisfactory and the legal regulation also should help this mediation. It is also important, to approach the relation between the individual and the administrative organization from the side of the considerable persons, too, who are asked by the groups of persons, interested in the decision, for supporting their affairs.⁵³ This problem needs further investigations.

The socialist administration — as seen above — is penetrated into, parallel with the professional requirements, by the „lay” elements of the society, too, through the social organizations. Citizens and administration endeavour to co-operate with each other, mainly in the field of social politics and culture but also in that of control. It is shown by this that in the course of the socialist construction the fulfilment of the content of activity of the administrative organs with the experience (activity) of the citizen, the working people, is showing the direction of the perspective fusion of leaders and led persons. This — i. e. socialization — is an objective regularity and cannot be comprehended simply as the question of the division of labour or narrowed down to a transference of the administrative tasks to social organs. This can take also place, of course, in the process of socialization. But it cannot be left out of consideration that — as already referred to — the social organs do represent not the whole society but only a part of that and, consequently, they bring branch, group, resp. layer interests into connection with the social interests, as well as that they are based on self-activity and their main method is to convince. And although the peculiarities of the social organs change under the conditions of the all people's socialist political system but they preserve their voluntary character, independence and their spontaneous action.

5. REPRESENTATIVE ORGANS OF THE STATE POWER AND PUBLIC ADMINISTRATION

At investigating into the relation between the representative organs of the state power and the organs of public administration, we ought to start of that the organs of state administration are directed by the representative organs of state power.

The representative organs of state power are created in way of elections. Election is one of the classical forms of the participation in the political power.

It is known that, in socialist countries, the election⁵⁴ is general, equal

⁵³ Cf.: *Pjotrowski, W.*: Spoleczne mechanizmy podejmowanie decyzji miejscich rad narodow. *Studa Socjologiczne*. 1972. 5. (57), pp. 227—243.

⁵⁴ *Angelusz, R.*: Választói magatartás, vélemény-nyilvánítás, közvélemény (Voters' behaviour, expression of opinions, public opinion). In: *Valóság* 1973, No. 10. Cf.: *Kulcsár, K.*: A politikai aktivitás társadalmi tényezői (Social factors of political activity). In: *Társadalom, politika, jog*. Op. cit. p. 60.

and wicht a vote by secret ballot. Without analyzing the characteristics of election in detail, we establish the following. The general and equal ballot, resp. election takes as its starting point the legal equality of people. It follows namely from this that the legal norms, legal rules do not pay any regard to the differences, characterizing people, resp. citizens. Citizens are, however, not equal in the socialist society, either, and thus their differences e. g. their places in the division of labour, resp. in the different organizations, their status, school education, their state of information affect the conduct of the citizen as a voter. It can, however, be established that the difference in information is to be eliminated only with difficulty because, partly, human interest is differentiated, and partly there are some informations, too, which are bound to a status occupied within the organizations. The importance of this is manifold. It is to be found fundamentally in that some persons can more comprehend the consequences of the proposals for decisions. And in connection with secret ballots, it can be established that these enable such decisions for which no responsibility is to be assumed before the public or group opinion. On the other hand, they are connected with the consequence of enabling irresponsibility, the evasion from responsibility.

The activity of the organs of public administration is directed — according to the legal rules — by the representative organs of state power, created by general, equal suffrage and secret balloting. It is questionable, however, whether, this is realized in this way. Of late, in the literature of sociology, taking into consideration both the western and the socialist relations, the problem was raised that the leading of administrative organs by the representative organs of state power is not unambiguous, i. e. that the direction has lost its unambiguousness, although the directing, leading role of the representative organ of state power still continues. As the representative organs of state power are also constructed on hierarchical basis, it was also raised that this hierarchical construction itself queried direction, resp. its unambiguousness.

First of all, it is to be emphasized that the draft decisions getting before the representative organs of state power are prepared and laid before the representative organs of state power by the organs of public administration.

It may be established in connection with the preparation of draft decisions that these need many-sided, generally legal and, in addition, economic or cultural, etc. special knowledge, as well. Without these, namely, the draft-decision or decision alternatives cannot be elaborated. It follows from this that the draft, or decision variants submitted to the representative organs of state power, serve as starting-points for deliberations. The discussions, remarks, questions are bound to the draft, resp. variants and it can, therefore, generally be said that they are determining, may make shorter deliberation in the representative bodies of state power, but they may also decrease the possibility of modifying the draft decision in so far as the choice is not from the variations of decision. The effect of the legal rule can also be felt in this process, because the debate against the skeleton legal regulation in the representative organs of state power is narrowed by the cogent legal rules, as well. It is true, too, that overregulation can also lead to a decrease in the activity of members of the representative organs of state power.

The organs of public administration not only prepare the draft decisions

getting before the representative organs of state power but they also submit these in the representative organs of state power. Consequently, the experts submit these and give answers to the raised question, conclude the unsettled questions, resp. they take sides concerning posing a question. This circumstance means that the experts of different qualifications working in the organization of public administration, the leaders of the specialized agencies of local administration, as well as the council leaders take part as opinion-carriers in the representative organs of state power.

All the particularities of administrative organs make their way in connection with the preparation and submitting of draft-decisions, as well. From among these particularities, the principles of construction and function of the organs of public administration are to be emphasized. The preparation of draft-decisions cannot be abstracted, namely, from the principles of the construction and functioning of the administrative organs, either, resp. from their hierarchical construction. It is namely to be seen that the conflicts between the administrative organizations may also exert their effect in the course of preparing the draft-decisions (e. g., the conflicts originating from the devision of competences between the administrative organs at one level). On the other hand, external factors, too, exert their effect in the course of preparing draft-decisions, e. g., some outer social forces that are interested in preparing, submitting draft decisions.

In the literature, some questions of the relation of the representative organs of state power and of the organs of state power are investigated in detail, for instance the question whether with the increase in the role and importance of expertness the part of the representative organs falls into the background or not. On the other hand, however, the question is also raised whether the rule of experts can develop beside the representative organs of state power, opposite to those. It is not questionable that the above questions require answers. There are some — e. g., the experts — who put on primary place the „rule” of the specialist apparatus, resp. the development of that, saying that experts, resp. the special apparatus or its members have particular interests. Others speak of a contradiction between democracy and expertness, saying that these exclude each other.

In connection with these questions, the following are to be taken into consideration: „in the modern State... the organs (generally corporative organs) deciding on political-social aims can only decide with the intensive help, preparative work and possibly the influence of the experts of the establishing practice (gathered over-whelmingly in the executive power)”⁵⁵ „The history of development of the socialist political systems is unambiguously showing that after the stabilization of class power, the formation of the comparative stability of the newly established order, the role of the specialist apparatus increases in the relation of the activity which forms and recreates the institutions adjusting itself to the social requirements (i. e. expressed in legislation, most generally) and the activity which endeavours to influence the social movements, correspondingly to the institutions, norms (i. e. manifested in the first line in state administration, in the

⁵⁵ Görgényi, F.: Megjegyzések a szakigazgatás és a politikai hatalom viszonyával kapcsolatban (Notes in connection with the relation between special administration and political power). In: Társadalomtudományi Közlemények, 1971, No. 2, pp. 25—43.

function of the executive power). Within the socialist state organisation we ought to refer in this connection partly to the developmental process in the course of which the impossibility of creating the uniform organizations of the legislative and executive functions became obvious both in theory and in practice or at least the contradictory character of this). On the other hand, in close connection with the latter problem, we ought to refer to the debates which take place in connection with the difference of the formal and content participations in the political decisions.⁵⁶

There are who allege that it is not possible to elaborate any system of criteria for separating the professional and political sides of decisions and to draw the line between the tasks of the representative organs of state power and the organs of public administration. By our opinion, every decision has both professional and political sides. It is therefore not right to separate these. Consequently, in case of the decisions of the representative organs of state power we have first of all to concentrate on these. That is to say, at submitting the draft decisions, the representative organs of state power need not be informed primarily on the professional connections of the decision in detail but the political connections or — with other words — the interests affected by the draft-decision are to be emphasized and deliberation must be centralized on these. It is, at any rate, necessary to this that in the course of submissions the members of the organs of state power should be informed on the effects of the political decisions to be expected.⁵⁷ To this the general motivation is doubtless suitable where it is possible to explain the political side of decisions in detail. This appears first of all in respect of the draft-decisions. And if alternative draft-decisions are submitted to the representative organs of state power for being decided, it is most important to emphasize the essential positive and negative political relations of the decision, specifying, the acceptance of which of the alternatives has the optimum political consequence to be expected.

All this is connected with that, as well, how wide publicity is ensured before the elaborated alternative decisions for the ideas of decisions, affecting community. This can, namely, make possible the enfolding of the opinion of population and that, too, that the council-members recognize the opinion of population better and become, in this way, good canals of communication.

The influencing of political interests can be made obvious in the way, as well, that the council-members are drawn into the elaboration of draft-decisions or variations. By trusting the political side of decisions into prominence, it will be possible that in the representative organs of state power, expertness and democracy develop in harmony, that is to say, democracy and competency become in this way reconcilable and thus the activity of the members of council increases, as well. The influence of the members of council can in this sense be stronger in the organs of public administration, although this influence, resp. activity is determined by innumerable factors.

⁵⁶ Op. cit. p. 29.

⁵⁷ *Tóth, István: A testületi döntések információs problémái (Informative problems of the corporative decisions).* In: *Állam és igazgatás*, 1974, No. 1. p. 69; *Dzoczenidze, G. S.: Sovety massovye vlasti.* SGP 1974. No. 6. pp. 11—24. Cf. also: *Tikhomirov, Yu. A.: A hatalommegosztás vagy munkamegosztás (Division of power or division of labour).* SGP 1967. No. 1, pp. 14—25.

From among these factors, we should only like to refer to that in this country peculiar historical causes can also take part in this process and the existence of the scientific technological revolution, industrialization, as well as of centralization is obviously limiting the activity of council-members in the organization of the council. It is not questionably, anyway, that the clearing up and discussion of the role of interests in the session of the representative organs of state power promote the effectivity of the work of administrative organs, it is just therefore necessary to realize and consciously promote the realization of the above facts.

The empirical sociological investigation into the problem also took place in this country in 1966.⁵⁸ On the basis of questionnaires, 286 members of the council were questioned. The investigation was of experimental character but gave nevertheless an insight into the empirical field of the problem. In the course of the mentioned investigation, the representative organs of state power were analysed in two dimensions. One of the dimensions has dealt with the relation between voters and the representative organs of state power. The other dimension has, on the other hand, approached the relation between the representative organs of state power and the organs of public administration. In connection with the second dimension, the following questions were raised: 1. Did he ask the convocation of the council? 2. How many times did he vote against the proposal of the executive committee? 3. How many times did he participate in the deliberations in the council-meeting? To the first question 99 per cent of respondents gave a negative answer. To the second question, from among the answer-types "several times, twice, once and never" the answer "never" was given by 91 per cent. To the answer-type "never" of the third question 27 per cent gave an answer. It is therefore visible that 27 per cent of the members of the council never took part in the deliberation of the council-meetings, and 91 per cent never voted against the proposal of the executive committee. What consequences may be drawn from the above facts? Primarily, that the proposals of the executive committees have generally become decisions (i. e. directives) of the representative organ of state power without contrary votes. And as regards the 9 per cent, the investigation has revealed that contrary vote only took place during discussing unimportant problems. The establishment is also important that a number of council-members manifest themselves as a "passive block" at the meetings of the representative organs of state power, accepting the proposals without any contrary vote, individual standpoint. Taking into consideration that there is open ballott in the council-meetings, this in itself strengthens the acceptance without contrary votes. It is also to be established that the intellectual workers and party members have generally been more active in the council-meetings as com-

⁵⁸ Kulcsár, K.: A községi tanácsok döntéseinek szociológiai vizsgálata (Sociological investigation into the decisions of the community councils). Manuscript. N. d. — Further on: Sociologitscheskoe izutchenie funktsionalnykh problem mestnikh organov narodnogo predstavitelstva. Upravlenie, sociologia pravo. Moskva, 1971, p. 176 (Pod. red Pavlov J. V.—Kazimirtshuk, V. F.): gives a good inspection into this field of problems. Cf. also: Laky, Teréz: A tanácsstagok kapcsolatai (Connections of the members of councils) (in district VIII of Budapest). Budapest 1972, vol. I, pp. 26—27; vol. II, pp. 63—90. and Tikhomirov, Yu. A.: Vlaty, demokratiya, professionalism. SGP 1968. No. 1, p. 28.

pared with the physical workers and activity generally increased together with the level of school education. The interesting tendency could also be observed that activity has decreased parallel with the length of time spent in the council organization. The latter may, of course, have several sides and can also be connected with the personal experience gathered in the council because there are unsaid, non-formalized expectations, as well. The investigation has also comprised, in what cases the members of the council intervened during the deliberations and what kind of motion they forwarded. 37 per cent of the members of council made no suggestion at all, at any time, in the council-meetings. And as regards the cases, the objects of remarks or debates have generally been first of all the problems of town (village) development and other local economic questions, local cultural and hygienic, social questions, as well as the granting affairs. It is also shown by this, in which direction the competence of decision of the representative organs of state power can be extended at communal level. It is not questionable that the activity of council-members in council-meetings is also connected with the frequency of connections between the members of the council and the electorate. In connection with this, the mentioned first dimension ought to be investigated in more details. The questions posed were the following: 1. How many times did he account as a member of the council? (No account at all in 22.8 per cent). 2. How many times was he visited by his voters? (Never, in 29 per cent). 3. How many times did he mediate voter-declarations? (Never in 52.1 per cent). The relation of the voting citizen and the members of the representative organs of state power is considerable just from the point of view of recognizing and mediating the interests of voters. It can be established from the above data that a considerable number of the members of the council — in case of interpellations more than 50 per cent — are not active in the relations between the electorate and the members of the council. We have of course, to take into consideration, as well, that there can also be non-formalized connections between the voting citizen and a member of the council. Apart from the formalized connections, the non-formalized connections are also considerable from the point of view of the effectiveness of interests and desires of the voting citizen. The majority, however, as seen above, is in connection with voters and in this way the representation of the interests of voters is possible. It can also be established from the empirical data that in mediating the reportings of voters the physical worker members of the council are in majority as compared with the intellectual worker members of the council. It is shown by this that the connection of intellectual workers with their environment is looser than that of the physical worker members of the council. It is to be taken into consideration here that the distribution of the council-members according to their trade or profession has not corresponded, either, to the occupational distribution of the given population. The ratio of the population of intellectual profession has namely been lower than that of the council-members if intellectual profession. On the other hand, the physical workers are more passive, in which the difference in the level of school education has obviously taken part. It may generally be established that the activity of a member of the council is increased by the frequent connections of the council-members with voters but it can also be demonstrated that in the

connection of the elected member and the voters passivity may be resulted by a rather long membership in the council.

It can also be established from the above investigation that the political investigation into, and analysis of, the decisions of the council and administration, i. e. those of interestedness, are extremely important. This considerably contributes to the unfolding of the activity of the representative organs of the council, helping avoid that the acceptance of the draft decisions proposed by the organs of public administration become merely formal and not real i. e. not only a confirming decision. But it is of course, necessary to this that the members of the elected organs depend more upon their electors.

It is shown by our own analysis⁵⁹ — as referred to above — that 37 per cent of population have regarded as very useful and efficient the good relation formed with the members of the council concerning the intervention into the affairs of the town (the relation was considered as useful in 45 per cent and non-useful only in 10 per cent). This statement to a certain degree weakened by the finding connected with the question: „Who asked for your opinion?” Among these, the complex of council-members and functionaries presented themselves only in 5 per cent, although the number of persons whose opinion was so far never asked for, was strikingly high.

The administrative activity, as a controlling, i. e. organizing, the labour dividing and co-ordinating activity, is a state activity and is in a close connection with the different functions of State. The tasks of administration are always set by the representative-corporative organs of state power. The organs of public administration display their activity as subordinated to the above-mentioned organs. It follows from this that the activity of the fixed tasks, ensuring the conditions of realizing the tasks, determined by the representative corporative organs. The performance of the aims and tasks fixed by the representative corporative organs and the guarantee of performing the conditions of this, always requires an activity of jetting this in a positive form. It follows from this that the organs of public administration carry out a disposing, normative activity, as well. The tasks of the administrative organs are fixed in normative acts, i. e. in the constitution, statutes, orders, etc. When the administrative organs display their disposing activity in order to realized the tasks set by the representative organs of state power, they create normative acts, particularly orders or directions.

The empirical investigation carried out in 1972,⁶⁰ in the course of which questionnaires sent back by 141 members of the council were elaborated, included five large villages constituting and ministrative division each. From the point of view of our themes the most important results of this investigation have been the following: the overwhelming majority of the members of the council consider the quality of this membership as a field of public life, as a possibility of self-realization and do not feel burdensome this commission; for performing his charge, the member of the council spends 9 hours a month on average; the members of the council are mostly

⁵⁹ Papp, Ignác: Állampolgár, demokrácia, államigazgatás (Citizen, democracy, state administration). Op. cit. p. 636.

⁶⁰ Hatvani, Dániel: Nagyközségi népképviselő (Representation of the people in a large village). In: Szociológia 1974, No. 1. pp. 86—101.

satisfied with the acceptance, realization of their proposals and a high number of them see so that in questions of public life they can say their opinions frankly and in case of a critique — according to the majority — they need not be afraid of any disadvantage. (Those who see so that they do be afraid of any drawback, particularly in case of criticizing their leaders, belong primarily among the employees or those having rather high incomes or being in a dependent relation on the higher organs of special administration; resp. they have some negative experiences). Half of the voters are entirely satisfied with the leadership of the large village, the other half only to some extent. The main causes of content are: that the community has developed economically, in the domain of hygieny and the affairs of civilization; that the leaders, owing to their education, are suitable to lead; that in the leadership various layers of population are represented. On the other hand, the main causes of a certain degree of discontent are: that there is no harmony between the leaders, a change of leaders is frequent, the composition of the executive committee is too leader-centric (consisting of the leaders of other units); that the local inhabitants are set aside, the leaders are but rarely among the voters (some leaders do not even know the members of the council); that their special knowledge, qualification, preparedness, ideological and political training, their furniture of the mind and proficiency are in certain cases poor; that they devote little for industrializing the village, for developing special co-operatives, are not „energetic and determined upwards”; that the connections between friends and relations impede good leadership. It is not questionable that the above-mentioned opinions are also affected by several factors, thus, e. g., the age of life, school education, occupation or profession of the member of the council, the particularities of the given settlement (e. g. a peculiar network of group interests, the clash between population and the interests of the organization, the specialties of the horizontal and vertical regroupings, etc.). All these create several conflicts. The questions raised by members of the council must therefore always be discussed in their essentials. This contributes, in fact, to raising the sense, authority of the commission of a member of the council because otherwise some apathy would conquer the member of the council, and even the sense of representation would also be questionable.

It may be established in summary that for asserting the ideas of population the administrative employees are necessary who are suitable to perform such tasks, as well. On the other hand, the representative organ of state power similarly requires such council-members who are able to mediate the claims, ideas of population towards the organs of public administration, whether in the council-meeting or among them. In this way, there can namely be solved the demands to the optimum of development, industrialization, the social problems, etc. by the organs of public administration.

The administrative activity, as an executive-disposing activity, always takes place between the main tasks set by the representative-corporative organs and the concrete realization of these main tasks. In respect of the legal situation, however, the sociological picture of the organs of public organization can be formed in another way, as well, and this picture, every now and then, raises the organs of public administration over the representative-corporative organs of state power.

6) ORGANIZATIONS OF WORK AND PUBLIC ADMINISTRATION

In society, there are functioning not only political organizations but other economic and cultural organizations, as well, although these do not belong to the political system of society. It is, however, a fundamental question in respect of these economic and cultural organizations of work whether or not they take a part in affecting the administrative activity and if they do, in what degree they do this and whether this activity may be regarded or not as a political activity.⁶¹

The economic and cultural organizations of work are directed in the socialist society by the organs of public administration through planning, as well. At any rate, the organizations of work also endeavour to affect administration in the interest of their activity, and the administrative decision through different formalized and non-formalized canals. The work organizations and particularly the economic organizations have some possibility to do this, although their essential activity is not to exert such an influence, their construction, functions are not determined by this.

The influence of the large economic organizations on the organizations of public administration is analysed theoretically and also empirically by the bourgeois sociology. Thus, for instance, the Dutch sociologist, *Braam*, has investigated into the influence of Dutch commercial houses on Government and measured this influence. He attempted to do this first by revealing the problems of commercial houses, their determinants, secondly he has emphasized which problems had led to attempts in influencing and what requests had been lodged with the Government by the different commercial houses. Finally, he has also looked for whether the demands of the houses had been fulfilled by the different governmental decisions. In connection with this, he has considered the Government as a distributing mechanism because the Government has material means and with this it supports with material one of the commercial houses in proportion of the influence of this and consequently the other house can get into a disadvantageous situation as compared with the former one.⁶²

It is important, in our socialist society, as well, to investigate into the effect of the economic organizations on the decisions of the organs of public administration. The problem was analysed by *J. Kulpinska* primarily concerning the state industrial factories. He started from the right thesis that an industrial undertaking carries out two functions: „producing and non-producing functions”.⁶³ The non-producing functions are partly within the factories,

⁶¹ *Kulcsár, K.*: A politika és a közigazgatás összefüggésének kérdései (Problems of the connection between politics and public administration). In: Társadalom, politika, jog, pp. 112–133. *Papp, Ignác*: A demokrácia elméleti és gyakorlati kérdései a termelő szervezetekben (Theoretical and practical problems of democracy in productive organizations). Acta Jur. et Pol. Szeged, 1968. p. 107 has also raised this field of problems. Cf.: *Héthy, L.—Makó, Cs.*: A vállalat szociológiai elméletének fejlődése (Development of the sociological theory of undertaking). In: Valóság 1975, No. 6, pp. 18–28; *Gyenes, Antal, Jr.*: A környezeti követelmények és a gazdasági szervezetek változása (Change in the environmental requirements and economic organizations). In: Szociológia 1975, No. 3, p. 319.

⁶² *Braam, G. P. A.*: Influence of Business Firm on the Government. Sociologia Neerlandica. Vol. X. 1. 1974, p. 72.

⁶³ *Kulpinska, J.*: Industrial Workers' social activity. The Polish Sociological Bulletin. 1968. No. 2. *Blumberg, P.*: Industrial democracy. The sociology of par-

partly they are connected with its functions in the environment of the factory. The latter function implies several relations. There belongs here the connection with the organs of public administration, the effect exerted upon the decisions of the administrative organs. In addition, the industrial factory can, of course, also make an effect on the other elements of the outer environment. Thus, it may, for instance, patronize various school organizations, as well as agricultural organizations, etc.

The effect of factories on the organs of public administration is exerted through the following canals. First of all, the employees of the industrial factories and the agricultural producers' co-operative can or do take part in the activity of the local councils and their committees. Secondly, the workers of the industrial factories and producers' co-operatives may or do also take part in the work of the social-political (and non-political) organs that are outside the economic organizations. It is in close connection with this that there function social-political organs within the different economic organizations, as well. The effect of industrial factories on the organs of public administration takes place through the leaders of those, as well. The prestige of leaders takes a considerable part in the different administrative decisions, although this is not formalized in every case. All this means that the industrial factories and agricultural producers' co-operatives permeate, illumine the outer environment and inside this the organization of public administration, too. The influence on the decisions of the administrative organs is also enabled by the hierarchical construction of the social-political organs functioning in different economic organizations. This influencing occurs, of course, under complicated conditions because it is sometimes to be carried out besides a hard and complicated productive work. First of all, it is to be established that from among the social-political organs in the economic organizations of industrial character the party and trade union can or do play an important part in influencing the administrative decisions beyond affecting the decisions of the inner economic organs.

In the economic organization of agricultural character and particularly in case of the producers' co-operatives, the interest-protecting organ of producers' co-operatives can or does play an important part in influencing the agricultural decisions. Through both economic organizations the claims and needs of workers can also be immediately expressed, resp. their expectations can reach the administrative organs and give an informative basis for affecting the administrative decisions.

Influencing through the economic organizations is considerable because this is also a kind of participation in public administration.

In connection with influencing the organs of public administration, particularly when the influence of economic organizations on the administrative decisions is investigated, two essential circumstances cannot be left out of consideration.

One of the essential circumstances is, what part the active personality, the „man of the organizational public life” plays in the process of influen-

icipation. 1969. p. 278; Belyaeva, Z. S.—Kozyr, M. J.: *Novoe v razvitii kolkhoznoy demokratii*. SGP 1974. No. 6. pp. 49—56. Kopeytchikov, V. V.: *Socialticheskaya demokratiya i trudovoi kollektive*. SGP 1974, 6. pp. 25—32; Blumberg, P.: *Industrial democracy. The sociology of participation*. 1969. pp. 278.

cing public administration. It may also be established, first of all, that the influencing activity of the man of the organizational public life is formed by several factors, whichever way of influencing be taken into consideration. Of these the structure of the given industrial or agricultural plants and within this the social stratification and the function of the economic organization are to be emphasized particularly. The question belongs here, as well, how the active personality as a „man of the organizational public life” attains the expectations and rules raised to him within the economic organization and which stimulations affect him in „performing” his influencing role. It is to be emphasized of these, why he accepts the activity affecting the decision of public administration. How much he identifies himself with the formalized and non-formalized groups, the influencing role he forms and what variances and conflicts follow from this role. The active personality, as a „man of the organizational public life”, ought to promote the fulfilment of inner requirements (interests of work organizations), as well as the outer radiation of the economic organization.

The other very essential circumstance, resp. factor is the character of the connection between the economic organs and the public organization. Taking into consideration the socialist development, it can namely be established that we may speak of a vertical and a horizontal connection-dominance in the relation of public administration and economic organizations.⁶⁴ The dominance of the connection between economic organizations and public administration is related to the hierarchical construction of the organs of public administration. Between the administrative organs and economic organizations is a vertical connection when the economic organs, resp. their registered offices less depend in the course of their operation upon the local territorial administrative organs. This means that the economic organizations, in the course of organizing their water supply or their road network proceed independently, i. e. irrespective of the local territorial public administration. But between the local administrative organs and the large economic organs some clashes and conflicts can develop in this case, as well. As the large economic organizations are also constructed in hierarchiacal way, they strive to attain the decisions suitable for them primarily through their own national organs so that these reach the local-territorial organs of public administration already as commands, instructions. This problem is connected with the first factor, too, namely that in a vertically integrated economic system the employees of economic organizations which have a large and national network, look for their identification in the given economic organization and not in territoriality (locality). It follows from this that the economic organizations and their employees only deal as much with the development of the given areas, as they solves the individual interests of the organization and its members. The connection of co-operation can, of course, take shape in these questions but the economic organizations and public administration may also be adversaries. The various economic organizations endeavour to put pressure on public administration so that it gives preference in its decisions to their peculiar organizational interests, for instance, by ensuring that in the new housing estates their employees get accomodations — obviously with the support of

⁶⁴ Warren, G.: *The community in America*. New York 1965, p. 90. Df.: Zaganov, L. G.: *Socialistitscheskoe gosudarstvo i ekonomika*, SGP 1972, pp. 46—56.

the economic organization. The interest of the economic organizations and the communal interest can, however, also be opposed to each other. And a horizontal connection between the administrative organs and the economic organs is formed if the local administrative organs get a decisive role in solving the conflicts between the local economic organizations. Nowadays, this connection comes to the front in the relations between the large economic organizations and public administration — what at the same time enables the development of the independence of the local administrative organs. On the other hand, this process promotes the change of the „man of organizational public life“ into a „local man“, resp. the unification of both in the individual working in economic organizations.

The investigation of the effect of the economic organizations on public administration is important and necessary even from empirical point of view. The empirical approachment of this problem may, of course, be many-sided, too. At an empirical investigation, the effect of economic organizations on public administration ought to be observed in the long run and we must concentrate on, what changes have been induced by the effect concerning the administrative decision. We must, of course, not leave out of consideration that the change is the result not only of the influence of the economic organization because this can have different advantages without the change, as well. In the course of the empirical investigation, the influence is to be regarded as a process which process also distinguishes the phases of the planned or real influence. It is not questionable that, in the course of the empirical investigations, it is possible to reveal the different connections, thus e. g. whether the size of the economic organizations increases or not the influence of the economic organs on the organs of public administration or on their decisions. But we think, in connection with these, of the number of people on the staff of the economic organizations, as well. It would also be interesting to investigate into, what the different influences mean in forint value which the expensive, which the cheap influences are. But the problem may be investigated from the point of view of the success of influence, too. In the centre of influences power and money stand and the economic organizations wish also to use these in their own interest. It is unquestionable that the central and local influence, resp. the immediate and mediate ones deserve separate attention. Influence is however, only successful if the administrative decision is suitable for the wished aim, that is to say if it is directed to reach a support or to ensure the own force.

Influencing of the activity, resp. decisions of the organs of public administration can be investigated from another point of view as well. Here is primarily the question to be raised, what it means from the point of view of the economic organizations if the different members of the council come from among their members. Without giving answer to this question at present, a question of empirical character is raised here for an example. The question is the following: „Why is a worker elected to a member of the council?“ From among the answer-types, the type: „he (she) enjoys the confidence of workers“ got 37.1 per cent. As it is to be seen, the confidence of workers is considerable in the process that somebody can become a member of the council. In the course of the investigation was, unfortunately, not given such an answer-type as: „because he (she) is able to struggle for the

interests of the undertaking". We think, namely, that such an answer-type would rather give an answer to the field of problems raised by us.⁶⁵ In an earlier investigation a question was raised, not expressly in connection with the members of a producers' co-operation but at village level, whether the questioned person „would take up council-membership with pleasure". The result was: 7.7 per cent „not", 19.1 per cent „yes", 4.2 per cent „conditionally say much. In our opinion, it would have been better, to approach the field say much. In our opinion, it would have been better, to approach the field of the problem in another way. It should have been seen, first of all, why it is or would be seen necessary that from his producers' co-operation somebody be a member of the council. From this could, namely, be drawn some consequences for, to what extent this connection is suitable for the representation of the interests of the given producers' co-operation in the representative organ of state power. In the course of an empirical investigation, a digression was made on claiming the opinion of presidents and leaders of the producers' organizations by the administrative organs of the council.⁶⁶ The investigation was contracted with other organs, thus with the upper political and co-operative organs. The most important results are the following: systematic expert's opinions were required from 38.4 per cent (50.3 per cent was asked for an opinion only occasionally and 9.2 per cent was not asked at all); 28.9 per cent of co-operative leaders were not asked for any opinion, although differentiatedly, depending upon if the leader in question was an upper or middle grade leader. The leaders of higher level asked for their opinion in higher proportion than the leaders at lower level. 42.2 per cent of presidents were asked by the organs of the party, the council and the co-operations for their opinion, special or political proposal (the leaders of co-operations were first of all asked for proposals concerning trade). 87.6 per cent of the proposals of presidents were realized entirely or partly and 72.9 per cent of those of the leaders of co-operatives. It obviously contributes to this, as well, that presidents and the higher-level-leaders have political functions or political office in a higher proportion as compared with the middle-level leading.

The influencing activity of the leaders of the different economic organizations (undertakings, co-operatives) affecting the administrative activity was also investigated. To the question, what the „good relation" of citizens with the leaders of undertakings and co-operatives means from the point of view of affecting the administrative decisions, the following answers were given: it was considered as very useful by 30.4 per cent of respondents, useful, by 43.5 per cent, non-useful by 7.3 per cent, and 18.8 per cent could give no answer to our question. It is shown by the above finding that the leaders of the economic organizations may have influence on administration and, through that, on influencing the administrative decisions, intervening into the

⁶⁵ Molnár, L.—Nemes, F.—Mrs. B. Szalai: Ipari munkások politikai aktivitása (Political activity of industrial workers). Op. cit. p. 101; Hegedűs, A.: Változó világ (Changing world). Budapest, 1970, p. 138.

⁶⁶ Cf. Simó, Tibor: A termelőszövetkezeti elnökök véleménye saját helyzetükről — társadalmi kapcsolataik és tevékenységük néhány jellemzője a szabad időben (Opinion of the presidents of productive co-operative societies on their own situation — Some characteristics of their social connections and activity in their free time). In: Társadalomtudományi Közlemények, 1976, Nos. 1—2, pp. 134—135.

affairs of the town.⁶⁷ In the literature, the relation between the co-operative leaders, more correctly, the leaders of producers' co-operatives and the administrative activity was also investigated. It was demonstrated that not only the leaders of producers' co-operatives but also the apparatus of the specialized agencies of the local administration have some part and importance in this influencing activity. This influencing is, in fact, the activity of experts and this cannot be left out of consideration. This influencing can, of course, result in conflicts, as well, between both organizations and, the leaders of the apparatus of the specialized agencies of local administration. The induced conflicts are determined by several factors. For the time being, the centre of gravity of power can be transferred either to the productive co-operative society or the organization of public administration. From this, however, cannot be concluded that in villages a „double-power structure is to be found”.⁶⁸ Then further analysis of this field of problems is also justified and it is necessary to enrich it with several new approaches, for the sake of revealing the truth entirely, from the point of view of developing right ways of influencing. It must be seen, namely, that the interests both of the economic organizations and of the administrative organs coincide, in ultimate analysis, although the interests of the economic organs can differ from the interests of the organs of council administration, representing the interests of the whole population. Thus it is important to harmonize the interests.

7) SOCIAL ENVIRONMENT — LEGAL RULE AND PUBLIC ADMINISTRATION

In the administrative activity the legal rule has an important part. And by the legal rule regulating activity and function of public administration,⁶⁹ the social claims, requirements, expectations, formulated in the political aims and aspirations are, *in ultima analysi*, expressed. Lenin emphasized, as well, that law is a political measure, political rule. There are, namely, comprehended in the political aims the social claims, needs and there is graded the fulfilment of those. The political aims are of peculiar character, they always reflect the given needs of social development. Taking in consideration, as well, that in our society there can also be different class and layer interests. The political aims reflect, therefore, some contradictions, as well. The political aims are always mediated by political decisions through the political institutions towards the administrative creation and application of law. There are some political aims, as well, which do not assume necessarily the legal form but they yet exert their effect on public administration, even without

⁶⁷ Papp, Ignác: Állampolgár, demokrácia, közigazgatás (Citizen, etc.). Op. cit. p. 634.

⁶⁸ Hegedűs, A.: A változó világ (Changing world). Op. cit. p. 120.

⁶⁹ Alekseev, S. S.: Pravo i upravlenie v socialisticheskom obshtchestve. (Obschesteoreticheskie voprosy). SGP 1973. No. 6, p. 18; Szabó, Imre: Jog és közigazgatás (Law and public administration. Op. cit. p. 401—407; Auby, J. M.: Le milieu juridique. Traité de science administrative. Op. cit. p. 172—219. In this work, he examines the subordination of public administration to law; Lunev, A. E.: (Pod. red.) Administratsionno pravo. Op. cit. p. 204. Cf. also: Stojanovic, A.: Organizacija i funkcionisanje javne uprave. Beograd, 1972. Vedel, G.: Droit administratif. Paris 1973, p. 902.

this, and even they are differentiated according to political aims, classes and layers, although one of the social classes and layers may express the aims and aspirations of the other class, resp. layer, as well.

The legal element is indispensable in public administration. We cannot agree, therefore, with some opinions that emphasize that administration has only principles of particability according to which administration is merely a policy. It is also a wrong opinion according the essence of the administrative activity to which the essence of the administrative activity is discretion, none the less that it is a legally regulated activity. According to the adherents of the above-mentioned opinions, discretion is always led by political expediency. We cannot agree with the conception, either, according to which the administrative activity is politically neutral, despite the legal regulation. This conceived with denying the political character of the legal rule. It is impossible to agree with this conception because law itself is always connected with the interest of one of social classes and it can, therefore, not be politically neutral. Such a separation is also wrong, according to which the political element is represented by the representative organs of state power and the element of expertise is only represented by public administration. We meet such a variant if this, as well, that policy is changing but legal regulation resrepresents stability, legal security.

Bourgeois theoreticians also admit that the part of legal rules in public administration is extremely considerable, legal rule being one of the means, by means of which the whole and the units of the administrative organization are directed by the organizations embodying the central power. These theoreticians of late also investigate the political character of legal rules and, consequently, the political character of the administrative activity, as well.⁷⁰ Policy, at any rate, streams not only through the central regulators, i. e. through the legal rules, towards the administrative activity but from the local environment, as well. And even the organs of public administration have their own policy. They do not only carry out the policy of central organs but they form it, too, together with the other organs functioning in the local environment. The legal element and the political aims, expressed in that, manifest themselves in two ways in connection with administration: partly through the legal rules created by the upper organs, partly through the rules created by the local organs and concerning the construction and functioning of the organs of public administration.

The political aims are always mediated by legal policy towards the legislation regulating the administrative organization and activity, although there originate some effects on administration even immediately from the economic policy, administration policy (which is only partially legal policy), as well as from culture policy (policy of education, of the University), settlement policy, commercial policy. The content of administrative policy depends upon legal policy. The legal political aim is, namely, to induce such legal rules which can regulate the social relation as being optimum at the given date.⁷¹ The administrative policy is, therefore, in a mutual connection

⁷⁰ Nigro, A. F.: *Modern Public Administration*. Op. cit. p. 531.

⁷¹ Dágel, P. S.: *Dialektika pravovogo regularinovanija obhtschestennykh ot-noshenij*. (Pravovedenie 1971, No. 1. p. 51); *Peschka, V.*: Gazdasági-társadalmi viszonyok és a jogszabály (Economic-social relations and the legal rule). In: *Gazdaság és jogtudomány*, 1976, 1—2, pp. 35 et seq.; *Dreyshev, B. V.*: O pravotvortsches-

with all the factors of the sectoral policy, containing the concrete directions of the activity of the administrative organs. Legal policy and administrative policy contain, of course, some theses for the quality of the creation and execution of administrative law, as well. We wish to emphasize that one of the highest organs of carrying out general policy is public administration. Policy, whether sectoral or general policy it is, is always rendered into an administrative task, although not always in a legal form. From this the consequence may be drawn that administration is a function of social-political conceptions. Its activity depends upon that and the administrative organs are therefore induced to realize the social-political tasks.

In respect of the whole of the administrative organization and activity, the legal rule expresses the most general relations of social claims, the demands that are directed to solve the problems, tensions induced in society. These claims must obviously be formalized and weighted. There can follow only after this the satisfaction of social claims with the means of legal rules. It is also extremely important to investigate during the legislation concerning administration, to what extent the earlier legal rules on the administrative activity express social claims, resp. to what extent they function as political norms, whether it is not possible to invalidate them, to create a new regulation, to construct new legal institutions. It should be seen clearly, with what interest relations and political aims the rule concerning the administrative activity is connected, how it reflects the dialections of interests in connection with the objective laws of society, as well as the political aim, and to what extent it expresses a compromise between the different interests, resp. political aims. It is necessary to see clearly and analyse the reflection of different interests and aims in the consciousness of the administrative employees. The political ideas, opinions, interests as political aims are namely realized primarily through the activity of administrative organs which are, of course, influenced by several conscious and other interest-relations (e. g. international interest-relations), as well. And as regards the manifestation of the interest-relations, it is to be established first of all that democracy has a great part in recognizing, verifying and realizing the interest- and political aims, taking into consideration, as well, that the interests are differentiated; there are, namely, individual, group and social (national) interests, as well. It is to be seen from the above data that the legal rule, determining the administrative organization and particularly the administrative activity, is connected with complicated interest relations, even the expression of which is peculiar and extremely differentiated.

In our days, the central creation of law concerning administration, besides its differentiated state, is characterized by its „frame” character, too.

kom processe organov gosudarstvennogo upravleniye (Pravovedeniya 1974, No. 2., p. 62—68); Szabó, Imre: A jog társadalmi funkciói (Social functions of law). In: Állam és Jogtudomány 1973, p. 537—553; Kovács, István: A törvény és a törvényerejű rendelet problematikájához (Contribution to the problems of Act and Decree of Legal Force). In: Állam és Jogtudomány 1973, No. 3, pp. 333—390; Kulcsár, K.: A népesedéspolitika jogi eszközei (Legal means of the demographical policy). In: Szociológia 1974, No. 1, pp. 1—17; Samu, M.: Politika-jogpolitika-jog (Policy, legal policy — law). (A MJSZ VIII. orsz. munkaért. Siófok 1974, p. 403; Varga, J.: A jogpolitikai irányelvek érvényesülése az államigazgatásban (Assertion of the guiding principles of legal policy in state administration (Op. cit. p. 55).

The legal regulation of the administrative activity is connected with two fields of problems. One of these is the possibility of creating the so-called structural and functional regulations. And the other is the possibility of administrative discretion.

The legal rules regulating the activity of the administrative organs make possible to create codes of organization and function, i. e. to create other rules beyond the general regulation concerning the administrative structure and activity. In the course of creating the codes of organization and function, it is namely possible to take into consideration the local ideas within the limits of the general legal framework. The matter in question is, namely, that in the code of the organization and function, created on the basis of the „framework”-regulation, an opportunity presents itself to express the given administrative unity, the local political aims, interests, too. This „creation of law of executive character” is also controlled by legal policy. And the legal policy, directing the application of administrative law of non-legislative character gives directives to the administrative law execution, adjusting itself to the social changes and mediates the changing-developing political aims (interests) in the domain of the administrative application of law. The administrative legal policy always reflects, of course, the ideological, political and legal aims and requirements, too, which are to be taken into consideration in the course of legislation and execution concerning public administration. The rightness of a legislative and executive activity of definite direction is always verified by ideology.

Discretion is, in fact, based similarly on a general legal regulation.⁷² The administrative process ensures the freedom which is necessary in the course of deciding in definite cases for reconciling the interests. The power of making discretionary administrative decisions endeavours, therefore, to eliminate the clash between the legal rule and the given legal case.

The local creation of rules, however, as well as the legal possibility of administrative discretionary decisions raise several sociological problems in the administrative organization, as well, and may result in some disfunctional effects. This means in a concrete sense that in the administrative organization and function, as well as in the course of discretionary decisions, such factors may be discretionary, too, that can bring into another direction the effect of legal rules, and even the intended (manifested) effects or consequences. That is to say, the different factors liberated by them may divert the effect of legal rules from the effect, intended originally. The environmental peculiarities react, namely, upon the effectiveness of legal rules, i. e. the specific features of the environment in which the administrative organization functions. These peculiarities reflect the feature of the given settlement, village, town, county and the historical characteristics of these. The connection between the different levels of the hierarchy can also be formed in a peculiar way. These also affect the efficiency of the administrative activity and form the inner relations of the administrative organization. These have partly a positive, partly a negative importance, because they provide for the manifested aims, as well, but take part in different results, too, i. e. they can lead to a dysfunctional effect, as well. It is not questionable, either — as

⁷² Nagy Endre: Diszkréció és bürokrácia (Discretion and bureaucracy) In: *Állam és Igazgatás*, 1972, No. 3. p. 219.

already mentioned — that the political, economic and cultural organizations which are active in the given area, exert their influence generally and locally, as well. These organizations strive, namely, to satisfy different interests, claims through the given administrative activity.

As a result of the above expositions, it is to be established that it is not enough, to examine the activity of the administrative organization only as a function of legal rules but it is also to be examined beyond the means of the central effects, as a function of the local influences, directed to the administrative organization because both the central and the local means of influencing determine the activity of the administrative organs jointly. This leads there, too, that the effect of the central aim, determined by legal rules, will result in a different effect in each case.

It is questionable, what the disfunctional effect of legal rules can be explained within the administrative organization, connected with the activity of this. Without summarizing these causes, with a claim to completeness, we wish to emphasize the following: 1) The effects unsuited to the aim can be first of all explained with the peculiarities of the environment, namely of the environment in which the given administrative organization functions. (We wish to emphasize here that the political element in the administrative organization manifests itself not only in the central legal rule but in all the course of the formation of the local code of organization and function, even if not formalized legally. In this the local party and social organs obviously have a considerable part. 2) The effects, which are not suitable for the aim, are also in connection with such factors within the administrative organization as, for instance, the peculiar organizational interest.⁷³ It is generally to be established that — due to the differentiation of the peculiar organization interest — even such processes can develop in the administrative organization which may lead the originally intended aims into a different direction. From among the problems of the peculiar organizational interest, we emphasize the positive and negative characteristics of these, if only because the realization of the peculiar organizational interest can modify the originally intended aim. It is an example for this that the received material means are not always used by the administrative organization corresponding to the originally intended aim.

The central and local regulation concerning the activity of the administrative organization resp. the creation and realization of such rules are jointly affected by the environment, as well as by inner characteristics of the given administrative organization. All these lead to the consequence that the administrative organization is such a centre or meeting-point or centre of gravity which is in the centre of effect-systems, between it and society there are several mediating elements. In the course of this mediation, the party and its different organs are, as already referred to, in our socialist social relations, of outstanding importance.

In case of the power of administrative organs to decide with discretion, the legal rule concerning the administrative activity gives a wide possibility to the decision. It obviously follows from this that an effect of different factors may occur which factors are suitable to trust the individual peculiari-

⁷³ *Antalfy—Samu—Szabó—Sztóczyki*: Állam- és jogelmélet (Theory of State and Law). Op. cit. p. 380; *Dreyshev*, B. V. also emphasizes in connection with the

ties into prominence. The typology of factors, prevailing in the course of the discretionary administrative decision, cannot be given entirely, but we should like to emphasize from among the environmental factors the social-historical situations (both the central and the local ones), i. e. the situation in which the given administrative decision was created. With this is connected the idea — as already raised in the literature — that every decision, being affected by the social-historical circumstances, the concrete social state, are of relative characteristic.⁷⁴ This means that from among the alternatives never the solution, which can ideally be considered as best solution, will become a decision but in best case the comparatively most suitable solution. The above fact is connected with that the alternative prevails which is enabled by the social-historical conditions. And this emphasizes a particular character of decisions, namely their compromise character. It follows from all these that the administrative decision is also always the comparatively best decision which is only attainable under the given conditions. All this requires, of course further analysis because the species, typology of decisions can be taken into consideration here, and the field of questions is to be looked over accordingly to this. The processes, phenomena appearing within the administrative organization, the formalized structure of the administrative organization, and its non-formalized structure, as well, exert an effect on the activity and particularly on the discretionary decisions of the administrative organs, passing beyond the concrete social-historical situation. In this connection, particularly the individual traits of the administrative employees as personalities are to be emphasized. These are, in fact, the personal characterizers of the official persons. As regards the formalized structure of the administrative organization, it is to be emphasized first of all that within this organization, too, in the course of the transaction of each affair, more than one administrative organization may be interested. In the formalized structure, in the course of the administrative decisions, each case can be decided by the co-operation of more than one organization. This means that also the elements of the formalized administrative structure make an effect on one another in the course of the administrative activity, resp. the administrative decisions. And by the non-formalized structure of the administrative organization several factors are laid into prominence in connection with the activity and decisions of public administration. These factors are primarily individual factors which can, however, be „collectivized” by the formation of the non-formalized group-relations and through other, non-official formations (e. g., through the non-formalized hierarchy and non-formalized norms). Collecting these factors, we have to emphasize first of all the following. From among the characteristics or the official person or personality the following make effect: the sex, age of life, technical expertise, peculiar ability, psychical constitution, sympathy-antipathy relations, social connections, level of information, qualification, knowledge, individual ambition and aspirations, political standpoint, etc. of the administrative employee. These individual and several other factors form the basis of the auto-stereotype of the official person working in the organization of public administration, of the way as he evaluates his own role in the administrative organization.⁷⁵ The above-mentioned indivi-

⁷⁴ Kulcsár, K.: Szociológia. Op. cit. p. 133.

⁷⁵ Secord, P. F.—Backman, C. W.: Social-psychology. Op. cit. p. 387.

dual factors are the basis of the way, too, how the official person working in public administration realizes his own conception of his role (auto-stereotype) in the course of making the administrative decision.

The activity of the administrative organization is, therefore, determined by the law-material concerning public administration. This means that the administrative activity, the administrative power is limited by legal rules, the administrative organization cannot exceed these limits in the course of its activity. This prevents the deviation from the class interests, expressed in the legal rules. The political power is, of course, not limited by the legal rule because it is ultimately entitled to change the legal rule. The legal restrictions of the administrative activity may be in harmony with the administrative policy. If this harmony exists, than public administration cannot exceed the frames of legal rules without violating legality. This also means that the norms of the valid law are in harmony with the social claims. The limiting role of the rules of the administrative law presents itself in the framework of legal security because it is the interest of citizens that the prevailing norms be respected by the organs of public administration; a contrary situation would namely lead to legal insecurity. It is very important, and this is to be emphasized strongly, that policy requires calling to account, as well, if some deviation from the legal norm is observed. The omission of calling to account increases, namely, the legal insecurity. There are some cases, at any rate, when the legal regulation of the administrative activity is not in harmony with administrative policy, with the social claims, needs expressed in this policy. In this case, it is required by legality that the law-material concerning public administration should be changed because there is no legal rule that could prevail against administrative policy. Taking, however, into consideration that the change in the legal rule cannot be a fast process, it is unavoidable that conflicts may take place between law and reality and the administrative practice may for the time being⁷⁶ differ from the legal rules concerning public administration. This means that the development of public administrative law may make way to itself through the practice of the administrative law, as well, exceeding the framework of the settled (positive), law. This is connected with the fact that administrative policy is more elastic, more changing than law. The conflict of such a character is a necessary phenomenon of the construction of society, although it can be mitigated by so-called avant-garde (pioneer, innovator) legislation and a clear, lucidly arranged, not too detailed legal regulation.

⁷⁶ *Antalfy—Samu—Szabó—Sztóczyki: Állam- és jogelmélet (Theory of State and Law). Op. cit. p. 380; Dreyshev, B. V. also emphasizes in connection with the normative acts of public administration that these realize in legal form the policy of the party in the sphere of the executive-commanding activity, the policy that expresses the requirements of the objective social development. (Rol normativnyikh aktov upravleniya sovet'skogo gosudarstva. Vestnik LGU, No. 11. Ek. Fil. Pravo Vyp. 2, 1971, p. 100). In the course of solving the recognized contradictions with scientific method, the dynamics of social development is to be taken into consideration.*

**A SZEGEDI JÓZSEF ATILA TUDOMÁNYEGYETEM
ÁLLAM- ÉS JOGTUDOMÁNYI KARÁNAK E SZOROZATBAN
ÚJABBAN MEGJELENT KIADVÁNYAI**

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