

IDEOLOGY AS CONTROL OF PAST AND FUTURE

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1. Politics is by definition a temporal phenomenon. It is an act of creation and as such is directed towards a future state of affairs. It is a rebellion — future in the name of past ideals or an attempt to shape the future in such a way as to make it resemble the past. Antinomies such as »progressive—conservative», »modern — traditional», all have latent temporal connotations. To qualify as »progressive», one has to adhere to the position that future should be made different — and better — than the past. To qualify as »conservative», one has to believe that the past is predominantly the main source of examples to follow in the future. »Modernization» is probably the most explicitly temporal concept of all those discussed here, since it implies that a certain state of affairs is more »modern» — therefore logically later — than others. Symmetrically, traditionality is also a temporal concept in politics, since it implies that images of the past play a privileged role in politics. Those who perceive political reality in terms of a modern-traditional dichotomy, accept a certain latent assumption about temporal aspect of political systems. To be »modern» means to be in agreement with present conditions and demands; to be traditional means to correspond to past forms of political and social life. Moreover, to be modern is good — a clear case of exploiting temporal connotations for justifying certain political programs.

Still another temporal concept of wide use in politics is that of »youth». »Young Europe» of 1848 or »Young Turks» sixty years later illustrate the tendency of many progressive movements to appeal to the symbolism of youth. For them being young means being oriented towards better future and free from bonds or loyalty to the past.

The study of politics approaches the question of time from two perspectives: from the perspective of *history*, with its emphasis on understanding past stages of human life, and from the perspective of *policy research*, with its emphasis on creating future conditions for mankind. As the bridge between those two perspectives functions the concept of time in politics — or, as a matter of fact, in social life in general — has not been yet fully elaborated.² What we normally do in discussing politics is to use concept of time in its simplest, common sense, version, without as much as thinking about alternative ways of seeing the temporal dimensions of politics. What philosophy

of time considers one of the most complex problems of the universe,³ simply does not exist as a problem for political scientists. I do not advocate here an incorporation into political science of all philosophical and physical debates on the concept of time, its relations to space, to causality etc. Instinctively, political scientists — in a way not so different from that of natural scientists — will choose relationist interpretation of time as the closest to their experiences. This, however, should not mean that in the study of politics we could or should ignore what is specific in the temporal aspects of social and political phenomena. In other words, as parts of the physical world we are under the same rule of time under which the whole natural universe exists, but as political actors we live also in the world of our cultural perceptions of time which are as »real» as anything that is based on popular beliefs. In fact, anthropologists will tell us that our culture with its temporal ordering of events into past-present-future categories is not the only possible one. The Hopi Indians did not know any such notion. In fact, they did not use or need any concept of time.⁴ The way in which we see the universe in temporal and spatial categories cannot, therefore, be considered the only one, or the most natural one. It is the one that is deeply rooted in the dominant cultures of man. Nothing more than this.

It is, however, so deeply rooted in our culture that we cannot liberate ourselves from it — and should not either. Our task is to understand the temporal aspects of politics, not to try to make politics a timeless fiction.

2. Let the first step be a differentiation between four types of time: physical, biological, psychological and cultural. Physical time is an attribute of matter, or — in other words — it is a relation between events characterized by their existence »later than», »earlier than» or »simultaneously with» some other events. Physical time exists independently of man, objectively.⁵ Biological (or physiological) time is an attribute of living matter and is characterized by a relation between particular events and the process of maturing and aging of a live organism. Concept such as »young-old» refer in their biological meaning to state of a living organism, that is, they arrange particular events along the temporal axis of normal transformation from birth to death. A two-years old dog is said to be as old as 14-years old human being. When saying this, we mean that both have already lived the same fraction of their normal life. Psychological time is our subjective way of seeing external reality in temporal categories. For me, events that happened before my birth (or, better to say, before I began to remember things) are more deeply in the past than those I can remember myself. The difference is not quantitative but qualitative. Future also is perceived differently depending on whether we perceive it as our future, the one we may live in, or something we have no chance of experiencing. In physical terms years 2000 and 2100 are both »in the future». But psychologically

years 2100 and 2500 are much more of the same type of »future» than the year 2000 — for the simple reason that we may still be around in 2000 but not in 2100, 2500 etc. Psychological time runs unevenly. We know from our own experiences that there are moments when time »runs fast» and others — when it »stops». Psychological time can, finally, be interrupted — something that is only its characteristic. When unconscious, we do not experience any psychological time, psychologically we are timeless.

Cultural time is a collective notion. It is a relation of events as perceived in a human culture. Not an individual's subjective phenomenon (as the psychological time), the anthropological time exists objectively as a property of human culture, i.e. its ability to arrange events chronologically and as the whole world of symbols associated with temporal relations between events. Cultural time is what a culture makes it to be. In this sense cultural time does not exist without man and his society. But for individuals living in a society cultural time exists objectively. It exists in cultural norms and symbols.

3. Some of the cultural symbols related to time are of special importance for political science. Time can be seen as *secular* or *sacred*, as well as *closed* or *open*. The first dichotomy refers to the distinction between those portions for time that are given specially privileged status as symbolically related to important events and those that lack any specific meaning. The second refers to the perception of time as a temporal arrangement of events beyond our control and to the perception of events as controllable.

Sacralization of time consists of associating with certain moments or periods a symbolic value due to which they differ from ordinary time. Anniversaries of some events become sacred in this sense for those who associate certain symbolic value with the events so celebrated. National days, First of May, or Armistice day are celebrated to refresh in the memory of next generations some important events of the past. In a sense they symbolically allow the past to live in the present. Their principal function is to strengthen group cohesion by ceremonial reference to common past.

Another example of sacralization of time one can find in great religions. A religious event of great importance (like the birth of Jesus or the escape of Mohamed) becomes the central point of the time dividing all history into two parts: those before and those after the central event. Some secular ideologies attempted to substitute their own symbolism for the religious one; French revolutionaries introduced the system of numbering years from the beginning of the revolution.

Still another example of sacralization of time one can find in symbolic value associated with some periods of time, like with Holy Week. Strictly speaking Holy Week is not an anniversary of events that took place in Jerusalem 1943 or so years ago. It is, however, something more than an ordinary week. Through

the power of religious ideology it constitutes a symbolic repetition of events that form the nucleus of Christian history.

Sacred time has some characteristics of its own. Behaviour that normally is considered neutral gets a particular meaning if it takes place during sacred time (for instance — eating meat on Holy Friday). For those who share particular ideological beliefs the sacred time is privileged because it serves to manifest and strengthen their ideology.

Important as it is, the dichotomy of sacred and secular time plays a less politically consequential role than the dichotomy of closed and open time, I am going to discuss now.

4. In politics — albeit not only in it — we are confronted by the asymmetric relations between past and future. Future is said to be »open» in the sense that there are possibilities for action that would bring results not yet fully determined by the existing conditions, while the past is »closed» in the sense that nothing we can do will change it.⁶ The asymmetry of past and future exists, however, only as long as we consider political events as external moments, not as a part of our political world. In reality we tend to modify not only our future but our past as well. One of the functions of ideology in respect to cultural time is precisely this: to reinterpret our past in such a way that it changes in correspondence with changes in our present and anticipated (future) political situation. Since political reality is always someone's reality in the sense that subjective evaluations are integral parts of political world, ideological re-evaluation introduces new elements in the political reality of the past. »Living Story»⁷ exists now and only now, but it produces changes in the only political part we know: in our perception of political past.

In this sense, ideology controls the political past. More precisely, it does this in the four following ways:

First, it defines, what is »our» past. When I attended the secondary school, history began with ancient Greeks and Romans. For my son the beginning of mankind's political past has been put much further back (and, incidentally, also much further East). Ideology defines what our past is, not only by establishing rules that define the temporal limits of the past, but also by selecting the content of past events that we consider »ours». Every great turning point of history brings new dimensions of our political past, by establishing in a new way, what from the past we consider ours. This is done by redefining the temporal dimensions of political groups we belong to, like nation, class, political movement, humanity. Since past exists for us only as our selection of those past events which we consider important — which we value in some way — this function of ideology controls the content of political past.

Second, ideology reinterprets the past. Facts do not change, what changes is a) our knowledge of them, b) our selection of them and c) our evaluation of

them. Ideology is important because it gives us new ways of interpreting political past of ours and in this sense controls it. This is particularity visible during and after great political revolutions, which always produce new evaluations of history. Marxism as the ideology of Socialist revolution is not an exception here. It has been documented many a time that our evaluations of past events — including value loaded statements of facts — reflect our ideological options, or — to put it more strongly — are controlled by our ideology. Witness the debates on the French Revolution and its sources.⁸

Third, ideology defines »how past is the past». We know from our own experience that the subjective feeling of temporal distance depends on factors other than the objective number or time units separating us from this fact. *Plato* and *Caesar* are less distant in our past than some figures of the Middle Ages even if our knowledge of history tells us that the opposite is objectively true. They are in a very real sense still with us — or not too far behind us — while others, because of their less lasting influence on future generations belong to distant past. How past is the past, is therefore a question which can be answered only on the basis of some ideological assumptions built into our political reality.

Fourth, ideology discovers also the future is the past. By this I mean that ideologies look for the roots of new political ideas in the past forms of political life and recreate them as elements of the future. This is what *Karl Marx* referred to in his »Eighteenth Brumaire of Luis Bonaparte» when speaking about the dead who embrace the living.⁹ It is, of course, not the dead who embraces us, but our ideological perception of the elements of future still hidden in the darks of the past. Without ideology, the past would be totally »closed». Because of the impact of ideology it becomes to some extent »open» for future option. An important aspect of this function of ideologies is their ability to undo the past. When a political leader proclaims the policy of overcoming past backwardness or when a nation dedicates itself to making another holocaust impossible, the past enters future-oriented thinking — and acting — as something that symbolically speaking can and should be corrected by future actions. This also means making past more open, that is — more controllable by us.

5. Let me now consider the functions ideology has toward the future. Here, three main forms of controlling the future deserve special attention.

First, ideology influences the way in which we form predictions of the possible futures and, therefore, builds a basis for the future-oriented action. Social engineering is not — contrary to neopositivistic fallacies — a value-free endeavour. It is always based on some ideological beliefs about what is desirable.¹⁰ Forecasting future reflects — to some degree at least — our ideologically based expectations and/or fears. Utopias and anti-utopias — from *Thomas Moore* to *George Orwell* and Club of Rome reports — can serve as examples.

Moreover, ideologies influence also, albeit in a more subtle way, our concepts of what is possible. One of the reasons in this case is that what is possible depends partly on our evaluation of human costs involved. Depending on how you evaluate those costs — and this directly reflects ideological priorities — a certain policy, like for instance rapid industrialization, is perceived as within possibilities or beyond them. Therefore, successful sociotechnics depends not only on the quality of technical knowledge involved, but on the type of underlying ideology as well. In this sense, ideology is one of the conditions for efficient future-oriented action. Marxism-leninism as a comprehensive, future-oriented ideology can be seen in this context as a sociotechnics of mass political movement designed to bring about a new social order.

Second, ideology not only allows us to predict the future and to act according to these predictions, but also creates future. It creates future insofar as it creates the collective will of people. To quote *Antonio Gramsci*: »In regard to a strange reversal of perspective it is 'believed' that, since the natural sciences allow for forecasting the development of natural processes, historical methodology ought to be considered as scientific only to the extent to which it allows abstractively for forecasting the future of society... In reality, one can 'forecast' the future only to the extent to which one acts and undertakes conscious efforts supporting the 'forecast' result. Foreseeing proves to be not a scientific, cognitive act but an abstract expression of effort, a practical method of formulating the collective will».¹¹

Gramsci's statements ought not to be taken literally. Forecasts relating to social life appear in two forms: as concerning phenomena which are not really affected by the forecast themselves, and as forecasts of phenomena which are formulated, among other things, under the influence of existing ideas concerning them. Gramsci's thesis could not be applied to the first type of forecasting but is of greatest value for understanding the nature of the second type. To my way of thinking, Gramsci has formulated the problem with deeper insight and broader perspective than *Robert Merton* in his famous notion of self-fulfilling and self-denying prophecies¹² and he did this long before Merton. However, a word of caution is necessary. To formulate the collective will effectively an ideology must reflect at least some aspects of objective reality adequately. If it does not, the results produced by its influence on the masses will differ sharply from this vision of the future which the ideology postulates. The failure of Nazism to materialize its »one thousand years Reich» forecast can serve as an example. In other words, to be able to control the future, ideology has to be realistic, or to put it differently, has to be adequate to the objective forces of history.

Third, the ideology defines also »how future is the future». It gives us the feeling that certain future states of affairs are nearer than others. It does not have to reflect the objective temporal ordering of events in the material world.

Quite to the contrary: it is our ideological perception of the future that makes us feel that something will come »soon«, while something else belongs to a distant future. Revolutionary thinkers, including Marx, always tended to see the victory of their cause as due to happen soon. Objective temporal ordering influences these perceptions but does not explain them totally. Here again our ideological beliefs control the way in which future is present in the political world.

6. In this discussion I have emphasized the impact which political ideology has on what I call the cultural time. This is not to say that politics is subject only to temporal ordering of the cultural type and that, therefore, ideology controls the time totally. Political events take place within the framework of natural world, an attribute of which is the physical time. Regardless of our ideological perceptions, *Napoleon Bonaparte* lived before *Charles de Gaulle*. One of the consequences of this simple fact is that while the later was strongly influenced by the former, the opposite could not have been true. However, when we discuss the dimension of politics it is the cultural time (and, albeit to a lesser extent, the psychological time) that is particularly interesting. Since politics belongs to the sphere of human-made history it is the impact of ideology on the human-made, cultural time that is of special interest.

NOTES:

¹ Hegel attacked this concept denying that man could or should learn from the past. Every epoch, he argued, is so unique that the reminiscences of the past are powerless in relation to the free current of the present. Cf. G. W. F. Hegel, *Lectures on the Philosophy of Time*, Polish translation, »Wykłady z filozofii dziejów«, Warsaw 1958, vol. I, pp. 10—11.

² »Time has intrigued philosophers, at least since persons of a speculative disposition left any records, and conceptions of time are distinctly variable from one culture to another. Yet the temporal ordering of social behavior has received only sporadic or intermittent attention by the sciences dealing with man«. W. E. Moore, *Man, Time, and Society*, John Wiley and Sons, New York—London 1963, p. 5.

³ The philosophy of time can be, with not too much simplification, considered as composed of three main trends. First, we have a school of thinking that postulates the objective existence of time as *ens per se* (neoplatonic school in ancient times, Newton etc.). Second, there is a school that negates the objective character of time (Immanuel Kant for instance). Third, there are all relationist theories of time which postulate that time has an objective character not as an independent »thing« but only as an attribute of events (Aristotle, Leibnitz, modern relativistic physics, Marxism etc.). Cf. Irena Szumilewicz, *O kierowaniu upływu czasu* (»The Arrow of Time«), Warsaw: PWN 1964, in Polish with English summary, p. 10—11. One can also mention as a separate trend some tendencies in the analytic philosophy which argue that time does not exist at all. McTaggart's paradoxical argument for the unreality of time, first published in 1908, is the best example; cf. J. M. E. McTaggart, *The Nature of Existence*, Cambridge Univer-

sity Press, 1927, vol. II, book V, chapter 33, reprinted in Richard M. Gale (ed.), *The Philosophy of Time*, London—Melbourne: MacMillan 1968, pp. 86—97.

⁴ Benjamin Lee Whorf, »An American Indian Model of the Universe«, first published in the *International Journal of American Linguistics*, vol. 16, 1950; reprinted in R. M. Gale, op.cit., pp. 378—386.

⁵ Cf. Zdzisław Augustynek, *Własności czasu* (Properties of Time), Warsaw: PWN 1972, in Polish, with English summary and Zdzisław Augustynek, *Natura czasu* (The Nature of Time), Warsaw: PWN 1975, in Polish with English summary. The author develops there a new interpretation of the marxist philosophy of time based on the current physical theories, particularly on the special and the general theory of relativity.

⁶ An asymmetric notion of past and future has been elaborated by H. Weyl in his *Philosophie der Mathematik und Naturwissenschaft*, 1927, and H. Reichenbach, *Kausalstruktur der Welt und der Unterschied von Vergangenheit und Zukunft*, 1925. Gale says on the asymmetry of past and future the following: »It is interesting to note that no one is a fatalist about the past. No one has ever felt the need to deny the universal applicability of the law of the excluded middle to statements about the past so as to allow for human freedom. We believe that there are future, but not past, possibilities subject to our choice. The reason for this is found in the ... logical asymmetric between the past and future which concern human action: we can bring about (cause), deliberate, plan, intend, and choose in regard to future events, but not past ones«, R. M. Gale, op.cit., p. 173.

⁷ Cf. Nina Assorodobraj, »Living History/Historical Consciousness: Symptoms and Research Proposals/«, *The Polish Sociological Bulletin*, no. 2/8/, 1963, pp. 11—30.

⁸ Cf. Adam Schaff, *Historia i prawda* (History and Truth), Warsaw: Książka i Wiedza 1970, in Polish, particularly the introduction, pp. 9—58.

⁹ Karl Marx's concept of the impact of past events on political future has been further developed by a Polish Marxist, Kazimierz Kelles—Krauz (1872—1905) in his theory of »retrospection« according to which all ideas of revolutionary movements are inherited from the past — particularly from popular longing for the past »golden« ages. Cf. Kazimierz Kelles—Krauz »La Loi de la Rétrospection révolutionnaire vis à vis de la théorie de l'imitation« in *Annales de l'Institut International de Sociologie*, Paris 1896, vol. II, pp. 315—337.

¹⁰ Cf. Bertrand de Jouvenel, *L'art de la conjecture*, Monaco 1964.

¹¹ Antonio Gramsci, »Critical Remarks on the Popular Outline of Sociology«, in the Polish translation of his collected works/Warsaw: Książka i Wiedza, 1962, vol. I, pp. 121—122. The quotation is from Gramsci's critical review of N. Bucharin's *Theory of Historical Materialism*.

¹² R. K. Merton, »The Self—Fulfilling Prophecy«, *Antioch Review*, vol. 8, 1948, pp. 193—210.

LAW AND POLITICS IN TIME AND SPACE

Kazimierz Opalek

1. The older trend in political science, one that has scarcely any followers nowadays, tended to reduce politics to the activities of the State. This trend, markedly influenced by the study of law, connected political science with the juristic science of government (*allgemeine Staatslehre*), which resulted in establishing a narrow scope of the subject-matter of the former.¹

According to this conception the relation of law to politics would simply amount to the relation of law and State, the latter relation being sufficiently elucidated in its functional, genetic, and conceptual aspects by the theory of State and law. The temporal-spatial dimensions of this relation were also thoroughly investigated into, the most important contribution being here the Marxist theory of the historical types and forms of State and law.²

Reducing politics to State's activities, however, is evidently an over-simplification, as testified to by the very practice of present investigations in political science, the subject of these investigations being plainly not the activities of the State but the complex functioning of what is called 'the political organization of the society', or else 'the political system' with its inputs and outputs in relation to its environment.³ Attention is paid here not only to State's institutions and their functioning but also to interactions of State and other social organizations as well as informal movements with their ideologies, and to the attitudes, orientations, and citizens' participation in the political system thus broadly conceived.⁴ This enumeration of the subjects of research is by no means a complete one, the author's intention being only to show the complexity of what the term 'politics' is nowadays referred to. When this complexity is taken into account, the relation of law to politics cannot be reduced to the relation: State-law, and is no longer a simple matter. The problem becomes still more difficult since the term 'politics' has a second meaning, and a relevant one from the point of view of the present consideration (see below, 3).

2. These considerations have to be preceded by some preliminary remarks about the concepts in question. It has to be stressed that conceptual investigations are not here 'an end in itself', that the solutions to our problem will not result from simply comparing the meanings of the terms 'law' and 'politics' —

neither the reconstructed nor regulated current meanings, nor some stipulated new meanings.⁵ Conceptual investigations will have only an auxiliary character. The corresponding concepts will be tools enabling us to shed light on the aspects of social reality examined here, that is to say, on law as related to politics, including temporal-spatial dimensions of this relation.

2.1. Consequently, we do not intend to enter here into controversies connected with the concept of law.⁶ For the purpose of further consideration it will be sufficient to define law as norms genetically and functionally connected with the activities of the State's apparatus of compulsion, norms which in their contents and functions are determined by the class structure and standard of civilization.⁷ One has to mention three essential aspects ('planes') in which law can be considered: firstly, as specific statements — verbal acts of influencing behaviour (logical-linguistic plane), secondly, as phenomena of legal consciousness — knowledge of law, its valuation, and legal motivation of conduct (psychological plane), and thirdly, as phenomena of social functioning of law (sociological plane).⁸ These aspects are of importance in characterizing the relation of law to politics.

2.2. Similarly we omit here the discrepancies in the definitions of 'politics', although they are — according to our opinion — even more serious than in the case of 'law'. We concentrate on the significant dualism in conceiving 'politics', a dualism which quite frequently is veiled and not realized while in need of being underlined.

By politics we understand, firstly, activities programmed by the decisional centre of a formalized social group (organization), aiming at the realization of established goals by determined means. The decisional centre assigns to the members of the organization tasks serving the fulfilment of the program, directs the course of its realization, controls the latter and corrects, if necessary, the program and its execution.

By politics we understand, secondly, the sphere of mutual relations and interactions — those of support, of conflict, or of compromise — between the State and other organizations — as to goals and means of the State's activities and the character of the State's power.⁹ Political science is interested mainly in 'politics' in the latter meaning but the former one has also to be taken into account as interrelated with the latter in a relevant way.

3. What does the relation of law to politics in the first meaning consist in? In order to explain it one has to characterize, however shortly, the main component of politics in this sense, namely the political decision-making process. The model of the rational political decision will appropriately serve this purpose ('rational' means here: based on sufficient knowledge and successive stages of correct reasoning passing from the establishing of goals to the means for their attaining).

3.1. The model of the rational political decision can be reduced to the following stages:

(a) Acceptance of the goal. The conditions of rationality are here, firstly, basing the decision as to the goal on the knowledge of respective sociological laws (the stress has to be laid here on the Marxist theory of social development), and secondly, formulating the goal not in a vague, but in a concrete and precise way, the latter being a necessary condition for a precise formulation of means serving the realization of the goal.

(b) Establishing nexus between the state of affairs constituting the goal and other phenomena (human conduct and other facts) bearing upon its realization in a positive or negative way. Detecting of all possible nexus is neither possible, nor practically needed. The scope of nexus taken into account is determined by their relevance relative to the adopted goal. In particular, one has to consider the ways of eliminating phenomena hindering the realization of the goals as well as the ways of taking advantage of and 'reinforcing' phenomena conducive to its realization.

(c) In this way, means of realization of the goal are being established — the 'negative' ones (counteracting obstacles in reaching the goal), and the 'positive' ones (consisting in making use of, in reinforcing and producing phenomena and processes having a positive influence on the realization of the goal). These means undergo a selection from the point of view of their effectiveness and costs of using them. Among the costs one has to take into account, firstly, the immediate material ones, when considering their profitability in relation to the importance of the goal; secondly, the indirect costs which can either be material (losses resulting from accessory effects of using the given means), or moral resp. social ones (negative bearing of the given means upon valuation and attitudes of people).

(d) The product of three preceding stages is the political decision — the act of fixing determined means to attain the adopted goal, this act constituting a binding rule of action for the performers of the decision. In big organizations and decisions pertaining to vast areas of social life the decision in the stage of its execution undergoes further concretization as being realized by many agencies of the organization in varied circumstances (local-environmental, etc.).¹⁰

3.2. In the light of the above consideration among the rules of conduct inherent in politics in the sense now under discussion the most important role is played by teleological directives ordering the given action as means of attaining the established goal.¹¹ The role of legal (and other social) norms, as well as of valuations, is less important but still significant. The problems dealt with here are of a complicated nature. One has to observe that legal norms are directly the factor of the State's politics only. Their bearing upon politics of other social organizations is but an indirect one, consisting mainly in determining the scope of permitted activities of the latter, and only incidentally in

ordering activities of some kinds. Within these limits such organizations in their political decisions and in their execution make use of their own 'organizational' norms.¹² One has to mention here, however, also politics of organizations illegal from the point of view of a given State and its law; such organizations in their politics make use of counter-legal norms. In order to consider thoroughly the role of social norms and valuations in politics in the sense presently discussed one has to examine, from this point of view, the successive stages of the political decision.

Ad (a). Ethical valuations and norms are an important factor in the establishing of goals. As to legal norms, they demarcate admissible goals of the activities of the State and other organizations. One has to mention in this connection the instances of conflicts between 'legality' and 'expediency' as two values of which the former or the latter is being preferred. Quite another question is that of politics of the organizations which in principle negate the legality while introducing in its place own counter-legal norms and values. The role of legal norms can be not only negative but also positive, when the adopted goal amounts to expansion and concretization of the given norms. This can occur both in politics of the State and in that of other organizations. The latter can, however — within limits of what is legally permitted — establish their goals according to their own 'organizational' (e.g. statutory) norms.

Ad (b). There are numerous kinds of phenomena relevant from the point of view of the realization of the given goal. Among them one has to mention such phenomena as the existing normative regulation, legal convictions, etc. There are various ways of eliminating the negative ones, and of reinforcing the positive ones. One has to mention here, on the one hand, appropriate changes in the normative regulation, and, on the other, educational, propagandist, and other ways of influencing orientations and attitudes of people.¹³

Ad (c). It follows from the above that law (and norms of other organizations) is one of the tools of politics in the sense under discussion, belonging to means of attaining the established goals. The political decision-makers have to choose, from among possible normative solutions, those constituting an optimum from the point of view of their effectiveness and costs of using them. Apart from material costs special attention has to be paid to social and moral ones. In the choice of legal (normative) solutions one has to reckon with legal convictions and ethical valuations widely shared in the society. On the one hand, it can be justified, for the sake of socially progressive goals, to introduce norms contrary to traditional, conservative convictions, this being accompanied by suitable informative-persuasive actions.¹⁴ On the other hand, the resistance of existing beliefs has to be taken into consideration. Such beliefs can impair the effectiveness of new norms. It is also possible that the new regulation may have some negative accessory effects by bringing about destructive changes in normative convictions and ethical valuations.

Ad (d). Law (and norms of other organizations) play an important role at the stage of execution of the political decision, while fixing respective sanctioned duties of the performers. Apart from classical legal norms there is a possibility of making use of norms — instructions, establishing some 'tasks'. Complex problems of the specific traits of such norms can not be discussed here.¹⁵

3.3. Politics in the sense now considered, and its legal (normative) component, depends in its character on different temporal-spatial conditions. We deal here with problems which can (and ought to) be subjected to comprehensive studies, mostly detailed historical ones, while in this paper we have to limit ourselves to some general theoretical-methodological remarks.

We have purposively started our investigation with the model of the *rational* political decision. Rationality in the sense presented above (3) is an important point of reference in research on political decisions as they are *de facto* made in different conditions of time and space.

In politics (political decisions), as in any purposeful activity, consciousness constitutes the necessary condition for identification of goals and their instrumentalization. This consciousness can be, however, of different 'quality'. It can be superficial when one does not perceive further and wider effects of the given activity. It can be only 'haphazard', reflecting immediate, inconsiderate reactions on some phenomena which leads up to inconsistent occasional decisions as to goals and means. It can consist in a wrong estimate of the possibilities of reaching a goal, or else in choosing wrong means to reach it. It can (comp. 3.1. (c) above) leave out of account unprofitableness of the decision from the point of view of the costs of its realization and/or its negative accessory effects.

In such instances we deal with deviations from the rationality of political decisions. When taking into consideration the spatial-temporal dimension one can speak about the process of increase of the rationality of these decisions. The prerequisites of this process are: (a) progress in knowledge of general laws of social development; (b) progress in detailed scientific knowledge of phenomena (and their causal nexus) relevant from the point of view of political decisions. What is involved here is not only the progress of social science but also that of natural and technical ones; (c) progress in obtaining information on current facts, as to the rate and regularity of getting them and their reliability.

In earlier periods of history the standard of the politician's consciousness was not very high. Not only the temporal but also the spatial aspect is worth considering. What one was dealing with were, on the one hand, global deficiencies in knowledge (of kinds characterized under (a), (b) and (c) above), and, on the other, great disproportions in attainability, in spatial dimensions, of leading achievements of knowledge in the given time; it was due — apart from other factors — to the insufficiency of the communication processes, both in transmitting information from country to country, and within a given country.

Hence, the success of politics was in these periods dependent principally on

the practical experience and intuition of the politician. Consequently, politics was (and even is sometimes now) treated as an 'art' in which intuition and practical skill play the decisive role. Admittedly, in earlier periods marked by a less complicated character of social life and a slower rate of social change the requirements as to the scope of knowledge of the politician were not as high as they are nowadays. Nevertheless, even then the level of this knowledge lagged behind the needs, as testified to by postulates dating already from antiquity, of substituting for the 'art of politics' politics based on knowledge and general reflection on society ('reign of philosophers' and similar conceptions).¹⁶

In our times, social matters subjected to political activities become very complicated and have been undergoing rapid changes. Hence the demands addressed to the politician have increased, these demands being met, however, by progress of science standing at his disposal. We have already mentioned (3.1. (a)) attainments in discovering general laws of social development. As to the opposite pole of obtaining current concrete data, one has to mention the rapid development of the techniques of transmitting, storing and processing information. The intermediate link between these two is the scientific knowledge of different categories of natural and social phenomena and of their causal nexus. Here progress can be observed, too, although uneven in different disciplines, and still insufficient in social science. That is why one can speak about a gap between the level of general theory and that of 'raw' factual data. The needs — although in a qualitatively different situation — continue to outpace the state of the scientific knowledge of social phenomena. And in politics, as in any other sphere of social practice, one cannot wait for filling this gap, and has currently to find necessary solutions. Hence the practical skill and grasp of the situation are still of importance in political activities. On the one hand, they substitute scientific knowledge not yet existing. On the other hand, one has to assume that these factors will always play a significant role in political decision-making. The real problem is that of the possibility to base political decisions to a still greater extent on scientific data supplied by specialists — advisers as to respective aspect of the matter of the given decision. In opposition to Utopian conception of the reign of philosophers, or scientists, one has to stress the peculiarity of the political activity as irreducible to specialistic standpoints, characteristic of scholars, but requiring an overall approach not devoid of practical skill and intuition. Anyway, the tendency in the temporal-spatial dimension is that of increase of the rationality of political decisions, this increase being due to the progress of science, to a more intensive use of its attainments in political activity, and to the development of communication processes, enabling a rapid transmitting in space of data required for making sound political decisions. These data become widely accessible, and are at the disposal not only of politics in developed countries but also in those belated in their development. At the same time, however, one has to underline that process of increase of the

rationality of political decisions is by no means a simple one, being not solely a function of the progress of science and communication processes. The said development undergoes disturbances caused by conflicts (class conflicts in the first place) of the social forces influencing political decisions, by the traditional attitude and beliefs dominating in some social strata, etc. These matters, however, belong rather to problems of politics in the second sense, to be discussed below.

3.4. As already stated, law (and some other social norms) is an important element of political decision at all its stages. Hence, the increase of rationality of political decisions is dependent, to a significant extent, on laying down these norms while making use of the attainments of science. This problem is so important that it gives rise to the development of a distinct sphere of politics called legal politics, combining efforts of practitioners and scholars.¹⁷ The process of rational decision-making in legal politics is composed of the already discussed stages of the general model of rational political decision. Now, one has to stress here the specific traits of the rational decisions in making law (and other social norms).

As to the establishing of goals, we do not deal here with any autonomous — legal or normative — goals, but with goals adopted in a given sphere of social relationships, the norms serving the purpose of contributing to the attainment of these goals.

As to discovering the causal nexus, a decisive role is played here by psychological and sociological empirical research on legal (normative) consciousness, on law as a motivating factor of human conduct, on the social functioning of law and on the conditions of its effectiveness.

In deciding which norms would appropriately serve the realization of establishing goals one has to take into account, on the one hand, teleological considerations (costs and effectiveness of a given normative regulation), and, on the other, those of principle, mostly ethical ones (conformity of the given regulation to principles of equity and social justice). The situation is most favourable when considerations of both sorts lead up to the same solutions but quite frequently the choice of norms is settled by way of compromise which is — or rather ought to be — dictated by the principle of maximization of gains and minimization of 'losses'.¹⁸

The decision in the sphere of legal politics has to meet some special requirements of formal-institutional character (specific procedures of enacting norms, legislative technique, etc.).

The above remarks do not exhaust the vast problem of legal politics. They demonstrate, however, not only close relations between law and politics (in the sense discussed now), but also the convergence of striving towards the increase of rationality of politics and law, as well as of factual augmentation of this rationality in our time. We cannot touch upon interesting historical problems

of rational and irrational elements of law in various spatial and temporal conditions.¹⁹

4. Now we shall consider the relation of law and politics in the second sense (comp. 2.2. above). Politics in this sense is not conceived like in traditional conceptions — as 'the State's activity', nevertheless, the State-goals and means of its activities and the character of its power is 'the axis of politics'. It is so because of the quite exceptional position of the State among social organizations in the framework of the global society. The State extends its activities to the whole of this society; these activities do not pertain to one or some important spheres of social life but to all such spheres; for the realization of its goals of such wide scope the State has at its disposal the monopoly of means of compulsory influence. Other social organizations as a rule limit their activities to some parts of global society, these activities pertain only to some spheres of social life, and the means of coercion of such organizations are restricted and dependent on the State's power.

Apart from the exceptional position of the State one has to stress the specific character of this organization and of the conditions of its functioning. The global society, ruled by the State, is not homogenous but composed of many groups of differing interests, the class interests in the first place. The State, ruling the global society, is an overall organization but at the same time one governing for the sake of realization of some specific class interests. It amounts to a contradiction between the overall and 'partial' character of the State (undergoing gradual changes in the course of development of the socialist society).²⁰

The extensive influence of the State on the global society brings about the response of the latter, consisting in striving after an influence over the State's activities by manifold social organizations, such striving being easily understood in view of the exceptionally important position of the State in social life. These organizations represent differentiated group-interests, vary in their attitudes towards the State, in the scope of their activities, in the range of their goals and aspirations, and in the potential of resources standing at their disposal. Some of these organizations support the State, their support including supplementing State's activities in some directions, approved by the State. Some of these organizations tend towards correcting the State's activities, either on broad scale or else on a narrow one (e.g. for the sake of some regional or professional interests, and the like). Some of these organizations tend towards fundamental changes in the character of the State, or else solely towards attaining the power, resp. a share in the State's power; the latter do not strive after fundamental changes but only after some forms of the State and its activities. One has to discern, however, while evaluating the character of the organizations in question, their tactical and strategic goals.

In the formation of the mutual relations and interactions of the State and the global society in spatio-temporal dimensions one has to take into account, above all, two factors. Firstly, an important role is played here by the organizational development both of the State and of the society. It will be noteworthy in this connection to confront the extent of organization of the contemporary State with the primitive, and deficient in many spheres, organization of the State of the early periods of feudalism. It will be also illuminating to compare the spontaneity (resulting in small effectiveness) of the social movements of past periods of history with the thick net of organized interests in our time. Secondly, a relevant factor — both on the part of the State and of the society — is that of the historically increasing rationality of their activities, this factor being an important trait of the evolution of interactions between the State and developing social organizations. These complex problems are here treated of necessity but in a sketchy way.

5. Law is an essential factor in the State's activities, esp. in social control exerted by the State;²¹ this matter has also to be considered historically. In the past a much greater role than today was played by extra-legal control (persuasive influence of irrational character on the one hand, casual decisions, non-institutionalized acts of compulsion, and the like, on the other). The increasing degree of rationality in the State's activities brought about the growth of the role of law. It was so because legal institutionalization contributed to the heightening of the power and stability of the rule of the State, to the steadiness and security of the social order advantageous from the point of view of the interests represented by it, to the effectiveness of the control over society. The above does not mean that the State was initially an 'extra-legal' organization which only gradually acquired the properties of a legal one. The State was always a legal organization but the extent of its employing the means of legal control was continually widened and strengthened.

5.1. The State by means of legal duties (positive and negative ones) permissions and competences,²² establishes the character of its power, of its organs and their relationships, the relations between State's organs and citizens and their organizations, 'inner' relations among citizens and social organizations, within limits in which legal control is in the latter instance possible and relevant from the point of view of the interests represented by the State. The vast economic social, educational, cultural-ideological activities of the modern State, essentially extra-legal ones, are also marked by the use of legal forms. Consequently, law is an important aspect of politics in the sense now considered. Since legal regulation is the basic tool of the State's activities of all kinds, this regulation also determines directly the shape of the mutual relationships of the State and other organizations as to the goals and means of the activities of the State and as to the character of its power. The character of the relations in

question is determined by the social structure and interests, but the law is, firstly, an important factor in fixing politically the actual position of the given social forces in the State, secondly, in preparing their advantageous initial positions for the future, and thirdly, in the realization of their economic and social interests.

5.2. Considering the matter from the point of view of the activities and attitudes of other social organizations towards the State, one has to note what follows. Activities of organizations supporting the State consist — to a considerable extent — in backing up the legal foundations of the State and the legal regulation of its activities in the spheres already mentioned. It is also characteristic of the relationships of the State with these organizations that the State creates, protects and consolidates them as well as entrusts them legally with special tasks supplementary to the State's activities.

Now we are going to characterize the activities of organizations which — for the sake of specific interests of some social forces (interests non-antagonistic in principle to the existing State) — aim at bringing about certain modifications in the activities of the State. Such organizations typically employ non-formalized (but not transgressing the limits of what is legally permitted) means of pressure, or else institutionalized means of legal control towards the organs of the State. We deal here both with activities aiming directly at the given goals and with complex, gradual and indirect activities (aiming at widening the scope of legally permitted activities of the organization; undertaking or supporting activities aiming at such changes in the composition of certain State's organs which can bring about in the future desirable — from the point of view of the interests of the given organization — changes in legislative, administrative, or judicial decisions). Such organizations are called pressure groups (groups of interests).²³

There is a marked difference between pressure groups and organizations aiming at acquiring the power in the State — political parties in the first place (although in borderline cases this difference is somewhat blurred).²⁴ From the point of view of the goals of organizations now under discussion one can discern among them, firstly, organizations striving for power (or a share in it), while not aspiring after a fundamental change of its character (of the type of the State). Secondly, one has to distinguish organizations which aim at changing the type of the State and at establishing power appropriate to it. Among these organizations one has to discern progressive ones, aiming — in conformity with the laws of social-economic development — at creating a State of the new type (e.g., communist parties, having as their goal the formation of the socialist State); one the other hand, one has to discern reactionary organizations, aiming at the restoration of the State of the bygone type (e.g., of the feudal State in place of the existing capitalist State). The activities of the latter kind are either futile

or of ephemeral effects because they run counter to objective laws of social-economic development.²⁵

The change of the type of the State as the goal of activities of the given organizations transcends the existing legal-institutional framework; from its point of view such a goal is a counter-legal one. It would be, however, a mistake to presume that in this instance we deal with an absolute divergence of law and politics: organizations now under discussion tend towards creating the State, i.e., a legal organization, only one differing from the hitherto existing. And the means serving this purpose can be, as we shall see below, partly or even wholly in keeping with legality.

Using counter-legal means is not conclusive of the goal of the given organization being the change of the type of the State. This is testified to by the activities of quite a number of organizations which, while using such means, not infrequently violent ones, strive for power compatible in its fundamental features with the hitherto existing type of State, and many a time achieve such power by way of a *coup d'Etat*, or a palace revolt. We can refer in this connection to the activities of fascist organizations, military juntas, etc. The intended and, in some cases, attained changes consist here solely in modification of the form of the State (mainly in the structure of the central organs of the State, and in the political régime), or else in the change of the political team only. The example in the first instance can be that of a change of the republican form of the State into a fascist one, and in the second — the abolishing of the role of one military grouping by another, without change in the way of existing power.

At the same time, the use of legal means is not exclusively characteristic of organizations which strive for power while not attempting at changing the type of the State. Such means are also employed by organizations which tend towards changing the type of the State, while the scope of application of these means depends on various spatio-temporal factors. Here belongs, in particular, the extent to which the activities of these organizations are legally admissible in a given State, and further, on concrete historical stages and social circumstances of these activities. In some situations, bringing about the change of the type of the State by exclusively legal means is not excluded.²⁶

5.3. An essential feature of politics in the sense now discussed is what—adopting the term coined by R. Ihering — can be called 'fight for the law' (*der Kampf um das Recht*).²⁷ This fight is going on between the State and organizations sustaining it, on the one hand, and organizations striving for reforms or for fundamental changes of the State, on the other. It is a fight for the preservation of the existing law, not infrequently at the price of concessions leading up to its partial modifications, and also a fight for a new law in the State of another type. It is fought in all areas, including law-making. On the part of the State it is the fight for securing, to the greatest possible extent in given conditions, the realization, by the aid of law, of class interests represented by

this organization. The State is sustained in this respect by organizations and social forces the interests of which it favours. On the part of organizations it is the tactical fight for legally solidifying their position, and the fight for the legal realization of their strategic goals. This fight is running the course of mutual concessions, clashes and conflicts.

A very important component of the 'fight for the law' is the struggle between democratic and anti-democratic social forces. In this struggle one has to discern its principal aspect — that of affirmation of the value of human dignity — and the instrumental one, that of consolidation of the progressive mass-organizations by legal guarantees of wide political participation.²⁸

The fight for the law on the part of organizations representing a partial or a fundamental opposition towards the State is not solely a fight for the changes in law but also a fight for the State's adhering to law laid down by the State itself — so that the so-called self-limitations of the State by law would be not a delusion, but reality. Here enters the important problem of legality in functioning of the State's organs, and so both in law-making (the question of conformity of normative acts of the lower level with these of the higher level, esp. with the constitution and statutes), and in administrative and judicial activities.²⁹ It is a matter of great political importance to secure the realization of what was gained in the 'fight for the law', which implies also the fight for the rights of the individual.

Now, it is easy to see that, while the 'juristic outlook', reducing politics to the legal plane only, would be erroneous, a close connection between politics as the sphere of mutual relationships and interactions between the State and other social organizations and the law is nevertheless undeniable. The essential element of politics in this sense is that of struggle in matters of various relevance — up to fundamental ones. An inseparable and important aspect of this struggle is 'the fight for the law'.

NOTES

¹ Cf. G. A. Almond, G. B. Powell, *Comparative Politics. A Developmental Approach*, Boston 1966, pp. 16 f.; H. Crozyk, *Francuska koncepcja nauki politycznej* (The French Conception of Political Science), Warszawa 1968, pp. 51 f.

² Cf. *Marksistsko-leninskaja obszczaja teorija gosudarstwa i prava*. Osnownyje instituty i ponjatia, (coll. work), Moskwa 1970, ch. V. 4, pp. 223 f., and the literature cited there.

³ Cf. D. Easton, *A System Analysis of Political Life*, New York 1965; J. Kowalski, Podstawowe tendencje rozwoju i zasady funkcjonowania socjalistycznego systemu politycznego (Basic Tendencies of Development and Principles of Functioning of the Socialist Political System) in: *Sutdia Nauk Politycznych*, 3, 1972, pp. 49 f.

⁴ Cf. O. Cetwiński, A. Bodnar, Z marksistowskiej teorii polityki i stosunków politycznych (Some problems of the Marxist theory of politics and of political relations), *Studia Nauk Politycznych*, 1, 1973, pp. 75 f.

⁵ On conceptual problems in political science see G. Sartori, *The Tower of Babel*, COCTA, *working paper no 5*, Honolulu 1972; K. Opałek, Problematyka pojęciowo-terminologiczna nauk politycznych (Conceptual-terminological problems in political science), in: *Metodologiczne i teoretyczne problemy nauk politycznych* (Methodological and Theoretical Problems of Political Science), coll. work, Warszawa 1975, pp. 9 f.

⁶ On this subject see V. A. Tumanov, *Contemporary Bourgeois Legal Thought. A Marxist Evaluation of the Basic Concepts*; Moskwa 1974.

⁷ Cf. K. Opałek, J. Wróblewski, *Zagadnienia teorii prawa* (Problems of Legal Theory), Warszawa 1969, p. 38.

⁸ K. Opałek, The complexity of law and of the methods of its study, *Scientia*, vol. CIV, 1969 and the literature cited there.

⁹ See: *Podstawy nauk politycznych* (Foundations of Political Science), coll. work, Warszawa 1975, ch. I.

¹⁰ The above model of the rational political decision was constructed along similar lines as J. Wróblewski's model of the rational law making process (cf. K. Opałek, J. Wróblewski, op.cit., ch. VI, pp. 191 f.). I feel indebted here to my co-author.

¹¹ Cf. A. Delorme, *Dyrektywy celowościowe a normy społeczne*, (Teleological Directives and Social Norms), Wrocław 1975, esp. ch. VI, p. 60 f.

¹² Cf., e.g. W. M. Karlielskij, O charakterie norm sozdawajemych obszczestweinnymi organizacijami, *Sowietskoje Gosudarstwo i Prawo*, 9, 1963.

¹³ Cf. F. Studnicki, *Przeptyw wiadomości o normach prawa* (Flow of Information on Law Norms), Kraków 1965, pp. 21 f., 35 f.

¹⁴ F. Studnicki, l. c.

¹⁵ Cf. K. Opałek, Über Probleme der Normentheorie des sozialistischen Rechts, *Wissenschaftliche Zeitschrift der F. Schiller Universität Jena*: IV 3, 1966, pp. 459 f.

¹⁶ Cf. A. Ross, *On Law and Justice*, London 1968, ch. XIV (Science and politics), pp. 297 f.

¹⁷ Cf. M. Borucka-Aretowa, *O społecznym działaniu prawa* (On Social Functioning of Law), Warszawa 1967, ch. I, II.

¹⁸ K. Opałek, J. Wróblewski, o.c., pp. 195 f.

¹⁹ See: L. Petrażycki, *Wstęp na nauki polityki prawa* (Introduction into Legal Politics), Warszawa 1968.

²⁰ Cf. S. Zawadzki, *Perspektywy państwowości socjalistycznej* (Perspectives of the Socialist State), *Państwo i Prawo*, 1961, 11.

²¹ K. Opałek, J. Wróblewski, o.c. ch. V.

²² Cf. Z. Ziemiński, *Uprawnienie i obowiązki* (Right and Duty), Poznań 1962; same author, *Kompetencja i norma kompetencyjna* (Competence and the norm of competence), *Ruch Prawniczy, Ekonomiczny i Socjologiczny* 1969, 4.

²³ Cf. S. Ehrlich, *'Grupy nacisku' w strukturze politycznej kapitalizmu* ('Pressure Groups' in the Capitalist Political Structure), Warszawa 1962; same author, *Władza i interesy* (Power and Interests), Warszawa 1967.

²⁴ Cf. M. Sobolewski, *Partie i systemy partyjne świata kapitalistycznego* (Parties and Party-Systems of the Capitalist World), Warszawa 1974, ch. I.

²⁵ See in connection with these problems comprehensive work of J. J. Wiatr, *Marksistowska teoria rozwoju społecznego* (Marxist Theory of Social Development), Warszawa 1973.

²⁶ See: J. J. Wiatr, o.c., pp. 370 f.

²⁷ R. Ihering, *Der Kampf um's Recht*, Wien 1872 (II ed.).

²⁸ See: K. Opalek, Participation, — paper presented at the *World Congress on Legal and Social Philosophy*, Saint-Louis, Aug. 1975, ed. Saint-Louis 1974.

²⁹ See: e.g. O. S. Joffe, M. D. Szargorodzki, *Woprosy teorii prawa*, Moskwa 1961, ch. V; A. Burda, *Demokracja i praworządność* (Democracy and the Rule of Law), Wrocław 1965.