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The State, Subjectivity and Civil Society in Integrating Europe

The state is one of the most important institutions of social order of the contemporary times. It is filled with a mass of elementary functions to be described in this article. In the last ten years in Europe we have observed a specific process of state evolution, heading in the direction of the opening of civil society and the subjectivity of the citizen. At the same time, within the European Union a process of reduction in state functions and competencies is taking place. The Union, being in its own way a federation of Western European communities, is becoming a new, important chain of social order. The state is gradually losing its meaning, dividing its decision-making powers in processes which oppose even as they complement each other: federalisation and regionalisation. The rule which disturbs the traditional types of social order is, first of all, subsidiarity. The competency of the state, formerly undivided, is limited not only by the federation and regions but also by local communities, associations and the most various subjects of social life. The logic of the process of social subjectification on one hand, and the globalisation of economic, political and social relations on the other, is such.

When considering a means of organising society two important trends may be distinguished. The first is connected with the category of the state. A prescription for a „good state” has been searched for since Plato. Belief underlies this, belief that the fate and ingenuity of individual people and of the entire group is dependent upon the forms by which the whole society is organised, from the solutions of the problems of power and independence, the behavioural rules of people and institutions on a macrosocial scale. An analysis of these kinds of conceptions gives a suggestion of the authors’ deep pessimism about the will of human beings and their capability to live a rational life directed

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toward higher values. In strong state institutions, therefore, a capable „curb” is searched for which would keep them in check, incline toward good and restrain from bad. The second way of thoughts based on, I think, individual ways of viewing people’s chances and threats, and first of all on the optimism about the inclination, creativity and sensual powers of human beings. It often, however, is accompanied by scepticism toward the role and meaning of institutional order on a macroscale, also including toward the state and its institutions.

The way in which sociology, as well as the humanities in general, is practised remains in a certain relation to these two „philosophies” of man. As Piotr Sztompka says, the dominating sociology of the twentieth century „*the positivist, organonist and evolutionist orientation on which the perception of society is based as a ‘hard,’ ‘objective,’ ‘organisational’ whole subject to characteristic, autonomous transformation in agreement with the ‘iron laws’ and ‘transformational necessities’; as a characteristic reality beyond human reach, which may be studied both ‘scientifically’ and ‘objectively’ as the world of nature. Such a vision is completely incompatible with the idea of society as a complex, flowing, dynamic effect of human activity*”.¹ This second vision, particularly enriched with „a humanistic element,” meaning with the subjectivism of active subjects which do not only yield to „the iron law” and adapt themselves to macrostructural institutions, but also create the world in which they live, relatively slowly and are late to begin to acquire a proper place in science. There were many reasons for this. Among them the neopositivistic orientation dominating the humanities played an important role, as did the elite’s need for power.

Between these two visions a plane of controversy about the most important values is extended, taking in, first of all, the freedom of people and social groups as well as freedom’s limits. Modern history is the self-liberation of man from the bonds of slavery tied by institutions of social order and contempt for value as it is man, the flourishing of ideals of freedom, the negation of them by barbarian totalitarian regimes and the gradual disintegration of these latter. Perhaps exactly these experiences are the reason that today more than in the past we are inclined to evaluate values, such as the subjectivity of individual persons and entire social groups. Maybe, also, in the euphoria of negation we do not evaluate the necessity of the organisational fundamentals of social order, which could not in reality offer people the opportunity for fulfilment of subjective aspirations and protect them from authoritarian or totalitarian threats. As a result of the promotion of ideals about institutional form I see a great intellectual

¹ P.Sztompka, *Socjologiczna teoria podmiotowości (Sociological Theory of Subjectivity)* in: *Podmiotowość: możliwości, rzeczywistość, konieczność (Subjectivity: Possibility, Reality, Necessity)*, ed. P.Buczowski, R.Cichocki, Warsaw 1989.

problem for contemporary sociology. This problem is not easy particularly in post-communist countries, as we have to deal with the dramatic processes of transformation: from the monopolisation of a single doctrine and a single state party to able democracy to live up to the ideals mentioned above. Also, it may not be said that sociologists were especially well-prepared for this. We have, then, to deal with a particular, though often unavoidable terminological mess with neopositivist bents and obstacles resulting from this, that after all sociologists are not only the observers of history, but also participants engaged in it.

I judge that in the conception of a construction of a vision of a well-organised society reconciling the indispensable level of organisation with people's subjective aspirations, the one which opens up a chance is the conception of civil society. I would like to formulate a hypothesis that the state, though it may be a temporary form, as long as it is a form is indispensable for the functioning of people in general, and for their subjectivity in particular. The problem, however, lies in that the state may theoretically organise free subjects, but also may limit their freedom. What is more, the state is entangled in tension and the mechanical negation of subjectivity. The idea of civil society, I believe, allows for the construction of such a conception of society's organisation, which would ensure a balance between subjective aspirations and claims of subjectivity's limitation.

The subject of the following paper is a sketch of a meaningful relation between notions of the state, subjectivity and civil society. I would also like to describe some mechanisms creating chances and threats from the side of the state for social subjectivity.

In the tradition of Max Weber the state is treated as a political association.² It is, therefore, a kind of solution to the problem of power within in a certain social community living in a common territory. Max Weber wrote, „*the modern state is an institutional association based on control which on the premises of its territory successfully endeavoured toward the monopolisation of legally valid physical force as a means of control and in this aim assembled in the arms of its directors material means of government*”.³ Contemporary sociologists are equally prepared to maintain this tradition. Jan Szczepański, for example, wrote, „*the state is an assemblage of citizens subordinating sovereign power, residing in the designated territory to which the power is limited*”. Szczepański perceived, however, that although „*among the elements constituting a state, power is the most important*”, it still has a deeper and more

² M.Weber, *Polityka jako zawód i powołanie (Politics as a Profession and Calling)*, Warsaw 1970, p.368.

³ *Ibid.*, p.5.

complicated essence, and is, „*a political collectivity or, it may also be said, a political organisation of territorial collectivities in which at the roots of cultural and most often also ethnic tradition, political power exists*”.⁴

Jacek Kurczewski believes that the „*way of breaking up the influence over community decisions among citizens*” may be understood through the state. The author introduces also notions of a „*good state*”, where „*the influence is distributed equally, where equality of political rights had been realised in full*”.⁵ One may agree with the ascertainment about the fundamental meaning of power for the state, though it is necessary to question who, in what way, to what type of self-legitimation repealing it, performs. Let's try to establish this problem more precisely. The state is a necessary creation, for which the proof is not only its very establishment but also that one may name a range of functions which it fulfils. When these functions stop being important to people, or the state will not be the singular, sufficiently good form for their realisation, then it will not be necessary. It is, still, a question for the eventual future. As a general rule one may acknowledge that a certain degree of complication in the social structure and social life in general requires a more complicated form of social organisation. It must come under the on-going institutionalisation.

As results from the definitions mentioned here, the primary function of the state is the sovereign distribution of authoritative powers, meaning to the access of individual persons and social groups to strategic decisions for the community residing in the given territory. If, then, it would refer to Weber it would be rather about the redistribution of legal force, which nevertheless is decidedly closely related, he who exercises control over sanctions makes this decision. It is worth asking who such decisions concern first of all, and otherwise, for whom is this primary function of the state necessary? This question is a question of fundamental weight for supporters of social subjectivity attached to democratic values. Each supporter of the humanist option, in which human beings are of the highest value, must ask themselves this. It is, therefore, a question of justifications, for which human beings have to suffer undoubted captivation, such as in another way the state imposes for everyone.

It may be said here that independently of force exercised by the authorities, a certain range of co-activity between persons residing in a given territory is irreplaceable. There are, nevertheless, such spheres of life in which co-operation is more advantageous than rivalry for everyone. All communities

⁴ J. Szczepeński, *Elementarne pojęcia socjologii (Elementary Notions of Sociology)*, Warsaw 1970, p.368-369.

⁵ J. Kurczewski, *Dobre państwo jako zagadnienie socjologiczne (The Good State as a Sociological Problem)* in: *O społeczeństwie i teorii społecznej. Księga poświęcona pamięci Stanisława Ossowskiego (On Society and Social Theory. Book Dedicated to the Memory of Stanisław Ossowski)*, ed. E. Mokrzycki, M. Ofierska, J. Szacki, Warsaw 1985, p.314-315.

possess, in addition, a certain range of common interests for which realisation requires at least minimal integration, and therefore arbitrary and co-ordinating functions appear there. Taking most things into consideration, the basic functions of the state are dependent on the notion that through the assurance of that indispensable minimum of integration, the co-ordination of activity and arbitration in the case of divergence of interests which are unsolvable in a normal way, increase their chances of lasting, development and external competition for the community in production, cultural, and political spheres, or outright military trade. Let's underline this: in the modern world the state offers a chance for longevity and development, also why criticism of the institution of the state demands sensibility, and though the omnipotence of the state is highly dangerous for the subjectivity of citizens, conceptions of reducing its prerogative should not throw off balance its fulfilment of basic functions. Naturally, if these functions become accepted by the region or local environment or, on the other hand, the federation of the state, the fears announced here lose their meaning.

We find a similar understanding of the state, I believe, in the work of Adam Podgórecki when he writes that in connection with the collision of different groups' interests, „*the need for such a framework, which would arrange various social groups (religious, economic, political, demographic, and so on) in full, the foreseen global vision of distribution of material and cultural goods*” appears in advance.⁶ While he has the chance Podgórecki touches upon the already mentioned element of reflection in Weber concerning the ability of the state to legally apply force or an outright „*monopoly on the exertion of legally valid physical force*”.⁷ Podgórecki's point of view is still different, as for him it is important that the state, for the prosperity of its citizens, must appoint its representation and delegate its means and competency indispensable to the fulfilment of the functions of co-ordinator and arbitrator. This is why, also, the author claims that „*the state is a social group disposed toward the general division of purposeful activity, calling to life its organs of institution and the formation on it alone the imposed law*”.⁸

Two „ideal” types of conceptions of state may, therefore, be distinguished. The first has set the precedence of the state over citizens, the second oppositively, its service character. They are two models between which reality extends itself, meaning that each existing state organism may be situated on a theoretical *continuum*, for which these two models demark the border points.

⁶ A.Podgórecki, *Istota państwa (The Essence of the State)* in: *Podmiotowość ... (Subjectivity ...)*, op.cit., p.199.

⁷ M.Weber, op.cit., p.2.

⁸ A.Podgórecki, op.cit., p.328.

It may, therefore, be said that a serving state in the society is the solution favouring subjectivity. Still, even if for the time being we set aside the question about concrete mechanisms and institutions of such a state, the problem of power and the threats to democracy eminently connected with it always remain. Even the most democratic state requires a formed elite, which will exercise control over economic and legal means and constraint indispensable to the execution of government in the name of the interests of the entire group. The idea of a service state requires that authorities do not exercise more control over means and entitlements than necessity requires that this common government as well as more than individual social groups are prepared to voluntarily delegate. This government should concern only the sphere of common intergroup interests and only those walks of life which for the good of co-operation, longevity and development of the whole should be included in it. Still, as experience teaches, the elite powers, once formed, have a tendency to accumulate means and entitlements, degenerating into a separate social class and broadening their control.⁹

This dilemma, however, is grasped by Leszek Nowak in this way: *„power fulfils socially a dual role. On one hand it is the mechanism generating violation, liquidating civil society and tending toward - by the strength of its own macrosocial mechanisms - a state of totalitarianism. And it concerns all power, even if it is characterised in the above model in clearly materialistic terms: a monopoly on the disposition of means of constraint as well as control (violation) growing out from here. (...) On the other hand, however, power also fulfils a positive function - it protects the community from anomaly, directly ensuring the existence of the society (...). With the moment when singular people can successfully materially overwhelm others, the majority of them take advantage of this chance and an authoritative class is formed. And its interest is not any kind of ‘general good’, but control over people. It is, still, a fact that doing all of this the class of authorities holds up a certain social order”*.¹⁰

I announce such fears here in relation to the state and power concerning threats which can flow from here for social subjectivity.

1. The notion of subjectivity

The notion of subjectivity is very unclear. It is difficult to differentiate it from emancipation, freedom, identity and many others.¹¹ In psychology,

⁹ See: L.Nowak, *Jednostka a system spo³eczny (Individual and the Social System)* in: *Podmiotowość ... (Subjectivity ...)*, op.cit.

¹⁰ *Ibid.*, p.104-105.

¹¹ See: K.Wielecki, *Zdrowie i choroba psychiczna jako instytucja spo³eczna (Health and Psychiatric Disease as a Social Institution)*, „Prze³egląd Psychologiczny” no.2 1986 and *Podmiotowość spo³eczna i jej makrospo³eczne uwarunkowania (Social Subjectivity and Its*

subjectivity is „*the opposite of behaviourism and the theory originating from it of the type „S-R” treating human beings as passive organisms reacting only to outer pressures. It becomes, however, the central category of these theories, which put an accent on the identity of the individual, its self-consciousness, its unique identity, in one word being oneself*”.¹² This alone as non-subjective it is necessary to define an intense version of psychoanalysis, for which man acts as the sole subject of dark games and most often is not made aware of social impulses and commands. Psychologists link the category of subjectivity with human activity directed toward change in the real world. With the awareness of a subject (activity must be conscious *ex definitione*) and with normative as well as intentional autonomy.¹³ Janusz Reykowski believes that subjective activity is „*one of the fundamental attributes of human existence*”. He defines subjective activity, then, as directed „*by chosen goals or created by the subject itself*”. „*That activity - Reykowski writes - gives man’s environment a stigma of his individuality. Thanks to subjective activity man’s fate stops being defined exclusively and univocally by outer surroundings, and he himself stops being a passive object of manipulation - fate’s toy*”.¹⁴

In sociology subjectivity is the opposite of the overrated conceptions meaning social structure, perceived as only one-directional, perpetrated dependency: structure - man. „*Subjectivity - writes Piotr Sztompka - in the sociological meaning of the term, is an essential, active influence on human activity, on the shape of social structure. From this basic sense certain derivative meanings are derived, for example the subjectivity of individuals, classes, masses, and social movements - understood - as ability (exercising control over means, skills, and motivations) to the exertion of influence on the shape of social structure, or social subjectivity - understood as the compliance of social structure to this kind of influence (its plasticity and reformability)*”.¹⁵ The idea of subjectivity is mainly connected with a humanistic orientation in science. In sociology one must call upon the traditions of the theories of activity of Florian Znaniecki, the symbolic interactionism of George H. Mead, the dramatist’s theory of E. Goffman, the ethnomethodological orientation of H. Garfinkel as well as the social phenomenology of A. Schutz. Among the

Macrosocial Conditioning) in: *Podmiotowość ... (Subjectivity ...)*, op.cit.; *Rzecz sporna (Controversial Matter)*, ed. K. Wielecki, Warsaw 1989.

¹² P. Sztompka, *Podmiotowość społeczeństwa (Subjectivity of the Society)*, „Zdanie”, no.6 1988.

¹³ K. Korzeniowski, *O uwarunkowaniach zmienności i stabilności w czasie poczucia podmiotowości - alienacji politycznej (On the Conditioning of Change and Stability in the Time of Feeling of Subjectivity - Political Alienation)* in: *Podmiotowość ... (Subjectivity ...)*, op.cit., p.199.

¹⁴ J. Reykowski, *Podmiotowość - szkic problematyki (Subjectivity - a Sketch of a Problematic)* in: *Podmiotowość ... (Subjectivity ...)*, op.cit. p.199.

¹⁵ P. Sztompka, *Podmiotowość społeczeństwa (Social Subjectivity)*, op.cit., p.13.

authors who contemporarily study this problematic one must name: Tom Battomer, Jeffrey Alexander, Walter Buckley, Crazier, Friedenberg, M.Archer, T.Burns, A.Etzioni, Alain Touraine, and Anthony Giddens.

The problematic of subjectivity found particularly fired supporters in representatives of what is known as the critical theory of the Frankfurt school. They saw the main sense in practising social science in the creation of useful knowledge in efforts of social subjectivity, and in particular in the disclosure of mechanisms and instruments of incapacitation of human individuals and entire communities. The solution of this problem could have been, then, the liberation of the individual from a similar dependency.¹⁶ As I have written, however, insisting upon the liberation of man from dependence is, of course, valid by social structure. It is worth, however, noticing that these dependencies have not only a negative meaning for human individuals, but also positive, as well as have in a certain scope a necessary character, meaning that even a minimal level of integration and co-ordination is needed. Integration builds up the possibilities for singular people, but at the same time marks out their limitations.

In as much as the representatives of the early Frankfurt school trusted that social emancipation may take place through social education, their continuator Jurgen Habermas is just not such an optimist. He understands subjectivity rather as an endeavour toward human being's autonomy through the transgression of what is, and the lack of acceptance for the vision of the present world as the only one possible.¹⁷

We retrieve in many sociologists the proper understanding of the entire Frankfurt school, understanding subjectivity as a lack of acceptance for the present-day. For Piotr Sztompka, for example, subjectivity is „*an ability to self-transform, the crossing of one's own limits, or - to put in yet another way - self-development*”.¹⁸

I judge that subjectivity is the suitability of a certain social system (about which we state whether or not it is subjective) reliant upon that in creating it human individuals are subjects of the social structure. All people may be subjects, or only a larger or smaller segment of them. One may be a subject, then, to a smaller or greater degree (rather never in full, and also never - while a human being retains consciousness - is completely deprived of it). This is also why the subjectivity of a certain whole may have a defined magnitude, and may grow larger or smaller.

To be a subject is to be an actor possessing a certain influence on the contents, form and run of events of social relationships in which one

¹⁶ See: J.Mucha, *Socjologia jako krytyka spo³eczna (Sociology as a Social Criticism)*, Warsaw 1986, p.107.

¹⁷ Ibid.

¹⁸ P.Sztompka, op.cit., p.4.

participates. An actor is therefore a person who fulfils a certain social role, meaning acts in a way agreeing with his/her own role but also functionally in relationship to the „social whole,” meaning - for which this paper is important - to the state and local community in which one lives. This activity is intended for human being's self-development, permanently broadening the range of one's own subjectivity, yet with a certain reservation. Individual subjectivity (in agreement with the humanistic tradition of subjectivity) establishes at the same time social subjectivity, which is the democratisation of „the social whole” in order that the range of possible subjectivity for all subjects would be the greatest.¹⁹

In this sense subjectivity may not, however, serve directly as a category of „defined description.” It is, therefore, rather a value, a postulate, to which reality may cohere better or worse. The description of society with the use of a subjective category may, therefore, rely only on the ascertainment of how much the collection of data fulfils the established postulate of subjectivity. The axiological sense of the category of subjectivity does not have to eliminate it from science. On the contrary, scientific progress is indispensable in order to perfect diagnoses of the state of subjectivity of a certain collectivity, define the social effects of its lower or higher level, as well as examine the processes and mechanisms conditioning the factual state. A pragmatic function of the scientific theory of subjectivity would also require the presentation of real, able strategies to set in motion concrete processes leading to the broadening of the range of social subjectivity. It may not, however, forget even for a moment about the axiological character of this notion. The function of science dealing with subjectivity may not be an obliteration of the axiological and ideological context of the conception of subjectivity.

One of the basic difficulties connected with the problematic of subjectivity is the conflict between the subjective aspirations of human beings and social groups. The finding referred to here that the subjectivity of one human being may not limit the subjectivity of another, and even should make it easier, is as aristocratic as it is utopian. Although one may not negate the positive role of much utopia (much may be, it is true, said of its negative role), it is worth attempting a possible precision. Particular interest searches should, I believe, go in the direction of constructing a conception of intersubjectifying subjectivity.

The intersubjectification of conceptions of subjectivity may lie in the notion that in the complicated network of intersecting interests and influences of various subjects of the social structure the theorist accepts, to build his/her conception, a more general plane of interests than the interests of specific

¹⁹ See: K. Wielecki, *Podmiotowość społeczna ... (Social Subjectivity ...)*, op.cit.

individuals and small social groups. But here again we return to one of the basic elements of these ponderings: values, which would replace the right of strength as a foundation for the repression of egoism of people remaining with themselves in social relationships. One may, therefore, accept as a more important value the good of the local environment, social groups or classes of the nationality or some other kind, more superior to the levels of people's self-organisation. We will, then, define as subjective that which serves common interests of smaller or larger segments of the accepted social whole as well as the whole itself: humanity. The larger the segment of social structure the conception will serve, the more it will be intersubjective. This sort of conception speaks, of course, to the state's advantage, but even more in the name of the states' federation.

One may, of course, ask if a state serving the interests of the whole (e.g., of the nationality) is possible, and contradictory to the understanding in the above way with the good of the segment (e.g., of individual human beings)? Let's set aside the cases where under the pose of ideology, for example national or class, the interests of a concrete group of people are realised. It is not, therefore, about the subjectivity of, for example, a nationality, there, but also of people. Of course the contradictions of such aspirations which are recreated are a compromise taking into account the good of others. However in considering these there is more utopia than realism, at least generally one may say that in the longer perspective and in the range of basic matters a certain level of co-ordination of particular and general interests is necessary even from a particular point of view. One must, however, admit that the smaller social whole we analyse, the less it is straightforward. The bill of profits and losses, for example of the dominating social class, rarely inclines it to approve changes in the arrangement of social strengths, though this was even evidentially advantageous for the entire country, and therefore also directly for the representative of the outgoing class. The role of vision and ideological constructions, including the conception of subjectivity, does not serve, however, for a faithful description of reality, but rather as a pattern which allows one to define how far reality strays from the state established as valuable, allows also to grade the processes and events as nearing to or receding from the pattern.

Ensured acceptance of the most intersubjective conception of subjectivity could also give as an exit point for global interests: civilisation and the entire human species. With certainty, however, it is not easy to define human interests in general. Their content is, after all, historically and subjectively differentiated and dependent upon the aspirations, in fact, of the dominating

social groups which have more opportunities of imposing their ideology.²⁰ Such a seemingly intersubjective conception in reality reflects in itself the average of interests of all subjects of social structure in designated proportions with the real arrangement of social strength. In spite of these difficulties I do not judge, however, that the global point of view mentioned here about the problematic of subjectivity would be completely held in contempt. Looking from such a global point of view we perceive that superior value, rationally based on the postulate of subjectivity, is ensuring the human species a full chance of existence and competition in the world of nature. The future of the human species and social subjectivity depends one way or another on the case, outer surroundings, and on interests, wisdom and preparation for compromise of these social groups which exercise the greatest social force.²¹

I think that with regard to citizens' subjectivity the main problem connected with the state could lead to an indispensable range of intervention in citizens' life. By this I mean if on one hand the state's institutions do not limit citizens' subjectivity, and on the other hand if they fulfil their functions as coordinator and arbitrator for the society. That indispensable range of intervention indicates that it has to be not larger nor smaller than this needed for the increase of chances for the realisation of citizens' needs and interests. If, therefore, to separate out three models of the state: democratic, autocratic and anarchist, the differing criteria would be the range and rules of legitimisation of state intervention in the life of people and social groups. A democratic state could, then, define as a form of sovereign organisation of the society residing in the given territory, brought up in a common cultural tradition, intended for the realisation of collective goals (continuation and development), increasing citizens' chances in life. In such a state the arrangement of basic concretised goals are known, socially approved superior goals: continuation and development, as well as the main strategies for their realisation. This self-organisation is dependent on management, for which the representatives are a socially appointed and controlled representation possessing socially delegated competencies and means of performance for the management not greater than this completely indispensable for the realisation of common goals and strategies.

I will write more about the weaknesses, chances and threats of such a conception. Right here I am only noticing that the less a state is a form of social self-organisation, meaning also that the more means and competencies the elite power possesses beyond the minimum mentioned above and in spite of the citizens, the less it is a democratic state, and the more autocratic. However, the

²⁰ See: P.Bourdieu, J.-C.Passeron, *Reprodukcja. Elementy teorii systemu nauczania (Reproduction. Elements of the Theory of the System of Teaching)*, Warsaw 1990.

²¹ K.Wielecki, op.cit.

lower the ceiling of means and competencies is than the necessary minimum, meaning the more the state loses the ability to steer oneself and the realisation of basic goals and strategies (or in general their appointment), the less it is democratic, and the more it is anarchist. As results from here, democracy is a certain range of balance between autocracy and anarchy. As I judge, the institutional conditions for social subjectivity in the sense about which I have already written, may only create a democratic state.

One of the basic functions of the state which counts subjectivity into fundamental values should be, then, the organisation of the society for the creation of a compromise between the subjective claims of citizens and social groups. It should also regulate social and economic processes so as the range of subjectivity embraced with compromise would be stable and protected. Although, of course, the range alone may be put under modification together with needs, interests and the arrangement of political force in the given territory.

2. The civil society

The conception of a civil society remains in close connection with such a conceived state. In the tradition of Hegel these notions remain in a specific type of conflict. Civil society was treated as a community of interests of people connected with the „*system of interpersonal ties spontaneously forming in the course of production and exchange; it is also a system of institutional guarantees of individuals' interests, their properties, safeties, and authorisations by them, concluded by it contracts. To put it the shortest way possible, one may define civil society as grasped by Hegel as the entirety of social - economic relations together with their legal - institutional guarantees*”.²² The state, then, is the realisation of Reason through conscious and free people, is a more perfect form than civil society. In the simplified interpretation it is thought that Hegel opposed the real life of people directing themselves totally by their needs and interests, submitting to some kind of suspicious „higher” idea of the state. It is made, therefore, from Hegel a precursor of the idea of a total state. This is, of course, a great misunderstanding, resulting from the rather barbaric simplification of Hegel's thoughts.²³ When the understanding introduced here is pertinent, the opposition of state and civil society by Hegel is not of great interest. Both of these notions are, then, understood differently here, in a fixedly different tradition.

²² J.Szacki, *Historia myśli socjologicznej (The History of Sociological Thought)*, vol.1., Warsaw 1981, p.207.

²³ *Ibid.*, p.208-209.

It seems that a better exit point for considerations on the subject of civil society and state will be Andrzej Siciński's conception concerning the „desired society;” if not identical, it is very close each time to the notion of civil society. It would be, therefore, „such a society which would ensure people the maximum of freedom - not only „negative” freedom (freedom from force, various types of outer limits, and so on), but also „positive” freedom (freedom toward uninhibited imagination, dreams, ambitions, freedom both of thought and of action)...establishes equally yet a certain kind of limitation to freedom, it is the freedom of other individuals”.²⁴ In such a community the problems of freedom and power, administration as well as navigation with social life also exist. An overbalance of community forms based on co-participation and co-ownership would be, however, characteristic for it, where individual institutions, organisations and associations of citizens would co-operate on the basis of their own „federation.” The processes of being in power in such communities also would remind the government of the „federation” over the free, voluntarily federated subjects, where the structure of social life would be based on the rule of „the domination of functioning, not then hierarchical, dependencies”.²⁵

To the range of common authority only such matters would belong for which a solution on a lower level is impossible. The scope of competency of individual links of social life's organisation „would not result from this, that the solution to certain problems must be left to a lower level, but from this, that certain problems do not allow themselves to be solved on lower levels”, however the activity (also including the permitted, even needed competition) could not threaten the interests of the broader society. In the life of such a society, and particularly in the process of making a decision about various levels of its organisation, where it is possible forms of democracy participating more than passively (e.g. plebiscite) range of decisions undertaken would than be closely connected with the spheres connected with this responsibility (the idea of such a society reconstructs on the basis of the work of Andrzej Siciński).²⁶

As you see there exists a close connection between social subjectivity and civil society which is also a rather certain vision, utopian, which does not allow itself to ever be realised in full, but to which one may come closer (or go further). I believe that both of these visions are of a character of subjective vision resulting from the acceptance of similar values.

²⁴ A.Siciński, *O wizji poźdanego społeczeństwa. Przyczynek do konstruowania współczesnej utopii (On a Vision of the Desirable Society. A Contribution to the Construction of a Contemporary Utopia)* in: *O społeczeństwie ... (On Society ...)*, op.cit., p.305.

²⁵ S.Ossowski, *Ku nowym formom życia społecznego (Toward a New Form of Social Life)*, Warsaw 1947, p.44. *O społeczeństwie i teorii społecznej... (On Society and Social Theory...)*, op.cit., p.305.

²⁶ A.Siciński, op.cit., 305-306.

If we interpret well, both of these notions are that civil society is a specific form of people's self-organisation which produces an elastic social structure, possibly „flat” or without hierarchies, policentric (pluralistic) which does not ossify but remains in a state of constant formation, in agreement with the needs of people. Civil society produces institutions, but rather in a functional sense more than in a bureaucratic, which exists only for the time that they are needed by people. They serve with regard to citizens. A higher level of the hierarchy of power possess - as Andrzej Siciński wrote - competencies only in such matters which may not be settled on lower levels. Decision-making processes are here, then, communitised in this sense that forms of participatory democracy overwhelm. I judge that among the characteristics of a civil society which

I touched upon here, for Siciński the type of dependence is of unusual importance, which puts people in order in a functional matter. As one can suppose, the stiff social structure to a high degree of hierarchy does not come into being here for the reason that, actually, social positions are closely connected with the actually realised functions and assignments.

The differentiation of the positions and the distribution of social roles, on the basis of which a group admits the position results from the contents and character of these assignments and results to a large extent from social „attractiveness” meaning its ability to be put to use for others. The high degree of decentralisation of social structure and decision-making processes causes that in the majority of social roles and the arrangement resulting from their position is connected with local matters. There is not, therefore, cause for institutionalisation in a way excessively hierarchialised, and with regard to the situational and changing character of assignments in small communities in general the processes of such institutionalisation does not have to come too close, even in a way too lasting. Supposedly this way of organising a civil society, a loose „federation” of not too many social groups (local communities, neighbourhood, professional, and friendly groups and so on), is the reason why people most often voluntarily undertake social roles. They do not have to be forced when they are either subjectively attractive in themselves (e.g. a high degree of creative element in the regulations, or agreement with interests), or also link themselves with attractive social gratifications (e.g. position or prestige), material or other. One may also judge that social functions will be realised by the possibly low degree of institutionalisation, and therefore rather through the social movements appearing for the realisation of the given function, than hierarchical, permanent and bureaucratic organisation. Civil society is based, then, mainly on community bonds and the „familiocentric” type of organisation.

3. Summary

One may, therefore, say that subjectivity is property which in a different capacity characterises community. If to add that social subjectivity is a compromise between the subjective claims of citizens and social groups this conclusion may lead from here as such, that social subjectivity may be most fully realised in a civil society. Most fully means that the compromise to the greatest degree will take into account the aspirations of all citizens, to the lowest degree will institutionalise the spheres which do not require this from intersubjective considerations, to the lowest degree will dislodge people from their privacy, to the greatest, then, will validate the emancipatory claims of people and social groups. When, then, civil society stops being subjective (in a scope which is probably difficult to settle precisely and dependent to a large degree on the subjective feelings of citizens) it stops being a civil society and starts an authoritarian, totalitarian or starts to be so anarchic that it is difficult to define as a society. This notion entitles, nonetheless, people (with essential, connected and to an extent institutionalised, connections).

What, then, in this context may a state be? What is the relation between the ranges of notions of civil society, the state and subjectivity? I believe that the state in the conception connected with the idea of subjectivity should be an organisational form for civil society. Civil society delegates for institutions the competencies of the state, in such a scope in which indispensable for the realisation of basic functions are the creation of conditions for survival and community development, its competitiveness with other states as well as the realisation of strategic functions allowing directly for them to lead out of basic functions and requiring at the same time co-ordination on a higher level of institutionalisation than this which characterises institutions of civil society. The state intervenes, then, in citizens' lives only in a completely indispensable scope with regard to its functions. The range of state authorisations include, also, somewhat other functions than civil society.

The state, then, in its internal functions has to regulate and stabilise the negotiated and socially divided scope of compromise between the subjective claims of citizens and social groups. It has, then, to stabilise and regulate socio-cultural and economic processes so as to hold up the, embraced with compromise, range of social subjectivity.

A fundamental problem for subjectivity sheds light on, then, the balance between the range of state authority and the autonomy of civil society. I have already mentioned that it may rely on the relative breaking up of its functions. The institutional protections of the autonomy of civil society from the eventual - and probably inescapable - expansion of the state, and concretely the elite state powers are, still, important. The mechanisms are already known, how the social

recruitment of the elite powers, became, though resulting from concrete assignments, a rotation of positions in the apparatus of power, separately judicial, legislative and executive powers, social control acting out by executive powers, they are all institutions possessing many faults, but indispensable. It is also unusually important that all authoritative institutions, just as in general all citizens are subject to the law which is based on the main law, socially accepted and codified, the range of compromise between the subjective aspirations of citizens and social groups, meaning the range of subjectivity as well as the legally guaranteed scope of civil society's autonomy through the state.

The state should at least fulfil one more function for social subjectivity: protect, on the strength of the democratically comprised law, citizens and social minority groups from civil society if it would limit the subjectivity of people above the limit designated with the interests of social subjectivity. It is true that state functionaries have a tendency to go beyond their competencies and accumulated authorisations as well as means to their realisation, meaning to the limitation of civil society's subjectivity. It does not submit, however, to doubts that the subjectivity of people may also be limited by the community which is deprived of rules regulating what it should do and is authorised to do in relation to citizens, its control of compliance with these rules, and citizens and individual groups of possibility to dismiss the decisions of the community to the democratic authority of law and institutions called to the control of its compliance. One may, of course, say that a community which allows for the limitation of subjectivity of people and minority groups is a civil society, this therefore *ex definitione*, is intended for the realisation of social subjectivity understood as the already described compromise which honours the needs of human individuals and small social groups. One may say that such understood subjectivity is a fundamental value for civil society. One must, therefore, formulate that regulating state function in another way: its assignment is the creation of conditions for civil society, controlling it, and making up a revocatory institution in the cases where civil society degenerates into a totalitarian community.

Support for social order in communities organising themselves in the attitude of social movements may, then, equally well be an instrument of democratic order as totalitarian. As Pawe³ Koz³owski wrote, „*the carrying over of the organisational rule of the Greek policy or local administrations to contemporary society this idea was understood as a reaction to the authoritarianism of the state, but also, a term of sentimental longing for the community, direct relationships between people, the consideration of the community centre as close executives of the will of the collective whole. (...) The model is the family, the reality of life, suitably, which carries on in it. (...) Similarly as in a family, also in the entire society the basic factor of*

shortcomings are the poor attitudes of people".²⁷ The danger of such a myth, as Kozłowski writes, is found in that the community becomes the centre of attention instead of each individual human being. It gives an illusive freedom. Not a single authoritative power is able to control people as efficiently as their own communities. We touch upon an unusually complicated problem of state function here. It seems as though the conception of a subjective state which is based on democratic institutions is a conception balancing two radical and pathological forms of the state: the autocratic and totalitarian state. Autocracy means the control of the minorities over the majority. Elite powers make the state and its institutions their own in the aim of subordinating the majority. They do their best to control these structures of people's social self-organisation, which they cannot liquidate, and to liquidate those which they can (compare the consideration of a mass, monocentric society by Edmund Wnuk-Lipiński²⁸). In such a state social movements and strong communities are a positive occurrence when they impose a monopoly of authoritarian power.²⁹

The second diametrically separate means of organising society is the totalitarian state - as Hannah Arendt wrote³⁰ - which is a form of understanding between the atomised mob (the populace) and the elite powers above the institutions of the state. The state rather fulfils the role here of a decorated framework from which, in fact, aside from the law and state administration comes a process of management in the spheres of politics, economy and in general the society as a whole. This is why the elite powers intend to break up the state which is not only unneeded for them, but outright makes the extension of total control on all spheres of social life difficult. Totalitarian terror is not needed by the institutions of the state when it enjoys majority support. In totalitarianism social movements take on other functions. They are an instrument of holding up lawlessness. They leave for the specialised organs an executive branch of terror with institutionalised means. They alone, then, organise violence and support for commands through the mobilisation of mechanisms of compromise in human beings' natural environments: neighbourhood groups, the local environment, family, social organisations and the workplace. Paramilitary social movements which dislodge the weakened state from its functions play a particular role in these processes. Those specialised institutions of force also

²⁷ P.Kozłowski, *Rodziny wzór (Family Model)*, in: *Rzecz sporna (Controversial Matter)*, op.cit., p.109.

²⁸ E.Wnuk-Lipiński, *Osobliwości struktury monocentrycznego społeczeństwa masowego (The Particularities of the Structure of a Monocentric, Mass Society)*, in: *Rzecz sporna (Controversial Matter)*, op.cit., p.79-98.

²⁹ See: A.Rychard, *Władza i interesy w gospodarce (Power and Interests in Economics)*, Warsaw 1987, p.19 passim.

³⁰ H.Arendt, *Korzenie totalitaryzmu (The Roots of Totalitarianism)*, vol.1, Warsaw 1989, p.269.

rely, what is more, on social movements, at least in the sense that all of the allowed social movements create in essence one total social movement. Its loose internal organisation suits social movements, together with the institution of the commander strengthens the real power of the elite, and at the same time gives the crowds the nice illusion of influence and participation. Hannah Arendt wrote that „*neither national socialism nor Bolshevism ever proclaimed the new form of governments and did not make their assignments known as fulfilled with the moment of acquirement of power and control of the state machine. Their conception of control made demands for which no single state nor usual apparatus of force was able to match, but only social movements kept in unstable suspense. This marks out an unstable control over each individual in all of the most minute occurrences of life*”.³¹

If, therefore, the elite authoritarian powers in order to extend their control tried to make from state institutions instruments guiding in informal connections and in this way controlling people, which is actually as much for totalitarianism as also those institutions have a secondary role when their functions are accepted by social movements with huge success. They do their best to take the entire life of citizens under their control. They make use of this so effectively that they call themselves off to natural social control mechanisms on the level of communities.

It seems, therefore, that the subjective state should be a regulator of social processes which protect civil society from authoritarian aspirations of the governing elite, and citizens from the totalitarian attempts of social movements, among which the most dangerous are paramilitary movements. One may, therefore, admit that there exists a certain area of social life which should be left to the free self-organisation of community groups, inasmuch as they do not force the law. This law must, then, protect the interests both of the entire collectivity (social subjectivity) and individual citizens as well as smaller community groups. Minority groups and people of different outlooks and interests than the majority of the society require, then, particular protection.

The processes of European integration, their advanced states, cause that many intellectuals and politicians ask themselves the question, does the state as a form of self-organisation of the society not become a barrier to indispensable integration? An idea which supporters of state revision vote in the present form is the federation. In contemporary Europe it takes in two, differing by degree of radicalism, attitudes. It is said, then, about a „native Europe,” meaning closer and closer co-operation of states retaining, however, their sovereignty. Institutions working beyond the state would have in this case as many authorisations as the governments would give them. The conception of the

³¹ Ibid., p.260.

gradual drifting of the separate state characters, however, continues, and each time the systematic broadening of spheres in which the authorities of European institutions would possess competencies for comprising the law and control over its realisation, their decisions, then, permanently in a broadening range, would have connecting strength.

The problem of democracy, some say, lies not in how to not limit the sovereignty of states, but of individual people. A human being, therefore, is the main object of care in a democracy. Among the needs it, however, possesses an everyday, equal need for belonging to an ethnic or national community as well as the need for cultural identity. There exists, therefore, a fear of disturbing important citizens' interests, and also, as is already visible, the opposition in the attitude of growth of nationalistic or chauvinistic moods.

One may also ask, in what way in such a radically understood federation will the processes traditionally managed by the state be organised. With certainty a part of the functions will be taken in by institutions on a federal level. These, naturally, being those which require such distance from the citizen for coordination. The remaining matters should, however, be determined on the closest possible level to people. The complementary rule for federalism would serve this aim - regionalisation.