

Harmonious Society versus Conflict-Ridden Society: Marxism and Liberalism

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Marxism and liberalism are ideological foundations of two large social systems in modern civilization. Both doctrines perform their historical role of laying down the roads along which the societies of the East and the West move. These are entirely different roads. It is on this fact that we want to base our comparison of both doctrines. In our study we shall move back to the very sources of both doctrines, trying to show what they have in common but primarily to determine factors behind such different roads of human activity. Our intention does not end, however, with a comparison of both ideas; we also wish to look at their practical embodiment and reveal deep ties linking these ideas and existing political systems. Finally, we wish to point out that it is in the very idea, in this case the Marxist idea, embodied in political institutions of the socialist states that one should search for the source of such fundamental divergence between promises made by Marxism and the reality of societies that tried to realize these promises.

EXPLANATORY NOTES ON TERMINOLOGY

Marxism is closely associated with the early anthropological views of Marx and Engels shaped as a result of disintegration of the early Hegelian doctrine. They accepted the ideas of communism--in our opinion, a key element in logical construction of Marxism--as early as 1843-44; they linked certain ideas of Feuerbach's anthropology (and in this way, also certain ideas of the Hegelian theory since Feuerbach's anthropology was a critique of the Hegelian theory and had its roots in it) with assumptions of so-called utopian socialism and communism. Among the former we include such ideas

as historiosophic optimism, the idea of alienation, which is extremely important in Marxism theoretical construction, the idea of the proletariat as a universal class, and others. From their contemporary socialist and communist doctrines, Marx and Engels derived, among others, their conviction about harmony as a natural state of the society. From this they drew, in turn, a conclusion about the superiority of collectivism to individualism, a thesis about the impossibility of reforming the capitalist system, and a theory about private ownership as the main cause of degeneration of social relations in capitalism. In The Economic-Philosophical Manuscripts of 1844, Marx equipped the above synthesis with economic foundations, while in The German Ideology, he placed it in a scheme of history--historical materialism. As proved by L. Kołakowski (1976), when The Communist Manifesto was published in 1848, the main framework of the doctrine was already prepared. Subsequent works enriched it only by detailed analyses; that is, the ideas formulated in the shape of slogans were transformed into an expanded theoretical structure (exceptions here are dialectics on the nature and philosophical interpretation of materialism, which were created later by Engels). In the next editions of The Communist Manifesto, Marx and Engels did not add many new ideas or revise earlier ones. They changed their political forecasts and added a thesis that the proletariat must destroy the existing state machinery to remain at power. These remarks refer also to Marx's fundamental work, *Das Kapital*, which was a development of the thesis about alienation voiced in the years of 1843-44. Of course, in their later works Marx and Engels, in comparison with the earlier period, were stressing and developing some ideas and abandoning others. They also changed the style and the language, refraining from general and abstract philosophical concepts. Nevertheless, they did not undermine their fundamental theoretical constructions.

The term liberalism should be understood here, following Barbara and Marek Sobolewski (1978), as based on the following component elements: belief in progress; individualistic concept of people; preference given to rights pertaining to liberty; acceptance of private ownership; restriction of state functions; and restricted power of state apparatus. According to the Sobolewskis, these elements appear jointly in all versions of liberalism in the most general way, although they were differently interpreted and emphasized there.

The above-mentioned component elements of the liberal doctrine are not equally important however, and neither are they ordered logically. The crucial element is, in our opinion, the individualistic and naturalistic concept of human beings, according to which every individual possesses fundamental and inalienable rights derived from nature. The possession of such rights implies further important conclusions for liber-

alism. Some of them, such as the idea of the state as night watchman or the idea of the "invisible hand" of the market, are today watchwords of the doctrine.

COMMON AIMS

Far-reaching similarities can be perceived in the sphere of the most general aims: both doctrines are optimistic and wish to make freedom, equality, and happiness a reality; the goal of both is to allow people to realize fully their creative capacities and ensure welfare and social harmony. However, a closer analysis of these aims reveals significant differences.

The first is a difference in terms of the time needed to realize the above aims. Marxists have always been postponing this realization into the future. They have not seen any possibilities of improving the imperfect reality. Capitalist society is for them bad in its very nature, subjected to rules of objective laws of production that enslaved humanity, and does not lend itself to reform. Even at present, the surrounding capitalist world is blamed for dislocations and failures experienced by the states of real socialism. Self-fulfillment, freedom, and personal happiness are not possible until the capitalist society is transformed in a radical, revolutionary way. The liberals perceive things differently. They believe that if human beings are only given a broader field for unrestrained activity, it is possible to improve constantly societies in which they live and operate. Liberals are also convinced that perfect solutions do not exist and criticize visions of perfect societies; they appraise the human nature realistically, knowing well its deficiencies and values. However, they always believe that spontaneous and unrestrained actions of individuals, groups, and organizations may pave the way for progress and adaptation of the society to changing conditions.

Another difference is the extremeness and maximalism of the Marxist doctrine in comparison with liberalism. Marxism promises total liberation and self-fulfillment for humanity. Communism is to be the opposite and negation of "dehumanized" capitalism. The more hateful and inhuman the latter seems to be, the more idealized is communism, with stress being laid on the harmonious and humanized character of communist society. The liberals, on the other hand, emphasize constraints and obstacles on the road to freedom and happiness; they perceive threats in the freedom already achieved and do not promise its full realization in the future.

Both Marxism and liberalism are optimistic doctrines. Marxism, however, is placing emphasis on the objective laws of social development. The "capitalist crust" has to disinte-

grate through internal contradictions, giving birth to the communist society. Liberalism is more pragmatic. It calls for the removal of ties that bind individuals. In expanding freedom it sees a plan for the achievement of liberation.

According to Marxists, only communism is able to free humanity from the bonds of exploitation, injustice, and subjugation. They claim that it is impossible, anyway, to change the objective laws of history. On the other hand, the liberals believe that spontaneous and unrestrained social interactions allow for the creation of new institutions that respond to needs. It is necessary to safeguard society from the state activity disturbing spontaneous processes.

The theses proclaimed by Marxists carry a potential danger of intolerance and totalitarianism. Proceeding from the assumptions of Marxism, those who reject communist doctrines oppose history, delay its course, and thus delay the birth of a harmonious society.

Both doctrines also interpret social harmony differently. Marxists are saying that it is possible to return to a total harmony, to full unity undisturbed by contradictions and conflicts. For the liberals, harmony is a state achieved by means of tedious and long negotiation processes leading to social compromise. This explains the great importance they are attaching to the elaboration of effective negotiation procedures and mechanisms for cushioning conflicts and reconciling divergent interests. Marxists, on the other hand, striving to accomplish their maximalist vision, tend to treat all alliances, compromises, or cooperation with their political opponents as temporary solutions, without permanent prospects, sometimes even as a necessary but temporary concession.

Finally, Marxists believe that it is possible to realize the aims of their doctrine only in a collective society, managed according to a uniform plan, in conditions of socialization of the private ownership of the means of production. Meanwhile, the liberals perceive in collectivism the greatest danger for personal freedom.

Consequently, the same aims are interpreted by Marxism in visionary, maximalist, and collective form and in a pragmatic and individualistic way to liberalism.

COMMON SOURCES

The naturalists of Enlightenment inquired into the laws of primitive human nature, seeking an answer as to how this nature predetermined the development of the human species. On this basis conclusions were formulated with regard to the "natural" form, which would be "harmonious with the laws of nature" of the sociopolitical system. A common starting point for all these doctrines was the concept of "the state of nature," which was understood to be an original condition, be-

fore political states existed, uncontaminated and untransformed by social life, a state in which each individual enjoyed full sovereignty and was not subjugated to the rule of others. All people are the same; they have the same psychological features, the same emotional reactions, and are directed in their behavior by the same laws of logic. This does not mean that they are identical. Inequalities result, however, not from the species but from individual "natural" characteristics of individuals.

Freedom is accepted to be the basic trait of human life in the state of nature. This thesis was substantiated by pointing to differences between animals and human species: animals respond to the dictates of nature, humans to acts of freedom. The thesis underscored that a person in the state of nature is not constrained by external norms. A predominant majority of those who created the analyzed doctrines (a well-known exception was J. J. Rousseau) claimed that in the natural state the law of nature also existed. This was conceived to be all rules regulating interhuman relations in the state of nature and dictated by common sense. Philosophers could not agree what rights those were to be, and the difference in their viewpoints was sometimes extreme.

Freedom generally ranked first. However, a completely unrestrained freedom is not a norm of law. It was linked with such statements as: the freedom to work for one's own happiness forbids using force in a way harmful to the rights of all other people, or that humans living in the state of nature have no right to destroy themselves or harm other people, and so on. In this way freedom was restricted by considerations of the safety of others. Among other rights of nature were the right to life, property, happiness, and freedom of conscience. The catalog of natural rights was different in various Enlightenment doctrines; their importance was stressed differently; the rights were interpreted in different ways.

MODELS OF HUMAN NATURE AND SOCIETY

Proceeding from common assumptions of the eighteenth century's naturalism, the socialists created a model of the individual and of society that was contrary to the liberal model. Among natural rights they placed a larger emphasis on equality than on freedom. The latter was interpreted, anyway, in a different way. The idea of equality was linked by socialists with faith in God or a fortuitous spiritual calling. Since God is merciful and created the world, as Fourier, Owen, and Weitling claimed, harmony and good are natural and universal; moreover, society is a fragment of the world and should thus be ruled by the same laws. God's intention could only be to create a kingdom of harmony and peace, a

place for cooperation and happiness, with humans being consequently homo homini amicus. Socialists believed that people could not be bad because by their very nature they were socialized, inclined to display sympathy, goodwill, and so on. Moreover, it was people's calling to live in harmony with their nature, in a community that was free from conflict as determined by God and Nature. Thus socialists interpreted human nature in a descriptive and simultaneously a normative way; the more optimistic the interpretation was, the more would reality appear to them as senseless and unjust, and the more severe their judgment would be. They demanded a radical, immediate change and opposed moral relativism. For the socialist and Utopian communists, the world was not an insurmountable barrier or even a constraint; it was an object of free creation and free will. According to this view, human nature would be able to reveal itself fully and return to harmony if the world were arranged according to a certain model (communes, phalanstery, etc.) and if the sources of evil were removed. Private ownership was not recognized as a natural right but considered to be usurpation and lawlessness.

Inasmuch as liberals perceived the necessity of a compromise between respect for and preservation of natural rights and the requirements posed by the social life entailed by evolution, the socialists looked for a chance to organize the state according to "principles of nature." They could, therefore, bypass the problem of a "social contract" and its consequences.

Disintegration of the Hegelian doctrine produced similar results. This resemblance of schemes in thinking and a critical attitude to the social reality fostered the already mentioned Marxist reconciliation of the communist and the early Hegelian ideas. Synthesis became possible owing to transformation of the Hegelian doctrine. The most important breakthrough was made here by L. Feuerbach, who radically transformed the Hegelian scheme of history. In Feuerbach's anthropology, the sole goal of the creator of the world was that the human species should acquire its self-knowledge and awareness of its nature in the course of historical development. Feuerbach maintained that his times were unique, as for the first time the transcendental values binding the human species could be demystified and the happiness sought in the heavens and in the sphere of pure thought (i.e., Hegel's philosophy) could be achieved in a harmonious community of all people. He was seeking the causes of social conflict, selfishness, and atomization of people, dehumanization of humanity, first of all, in religion, in which people placed their most precious values. Thus, if we demystify religion, if people realize that what they worshipped in God is their own nature, then self-affirmation ensuing from natural selfishness may be realized in a harmonious community.

Marx, criticizing Feuerbach, stated that religious poverty was a result of social poverty and that consequently all social relations enslaving humanity should be abolished. Both Marx and Engels were attracted by radicalism, an uncompromising critique of the bourgeois society, and consideration of the social question. In turn, the ideas of the young Hegelian Left provided better argumentation and promoted the expansion of communist ideas.

However, what is most important from the point of our analysis and what places Marxism in fundamental opposition to liberalism is a conviction that the essence and immanent characteristic of society are moral harmony, identity of individual and general interests, lack of contradictions, and, further on, a conviction that this harmony could be restored if only the sources of evil were removed (first of all, private ownership). Marx added to that a thesis that the return to social harmony was also inevitable. This has far-reaching consequences for the Marxist doctrine: it outlines a specific set of questions, it equips Marxism with strong normative undertones, and, finally, it affects the form of institutional solutions of the political and economic systems possessed by the society of the future--the society of communism.

Marx substantiated the harmonious character of the human society in two ways, that is, logically and empirically, making reference to studies on the primitive community. In the first case, a starting point of his analysis was that the human species was part of nature. Marx pondered what distinguished humans from animals and what constituted the former's essential features among species. He maintained that the essence of human beings lay in a different way of assimilating nature as compared to animals, namely, human work. However, this work cannot be realized by the individual in isolation, but only through cooperation with other people. By its very nature, work has a social character with the act of work being a manifestation and objectivization of the individual's energies and goals. The product of work means survival for other people as well, who by means of it enter into specific, necessary, and harmonious mutual relationships.

In the second case, Marx and Engels believed that the findings of studies on the primitive community confirmed their thesis about the harmonious existence of a society. They contrasted these communities with the alienated capitalist society, subjected to dictates of unrestrained social laws. They would point to the directly social character of work in primitive societies and underscore that members of these communities were free people knowing only one form of subordination--subordination to nature. These people were seeking their self-fulfillment in the family and in productive lives so that their elementary culture did not subdue their own nature.

Today, both these logical and empirical studies can hardly be trusted as convincing. The reader is shocked by their

vagueness and logical inconsistencies. For instance, the fact that work shapes interhuman relations does not imply that they must be harmonious. The consequences of this idea are still important, as shall be seen below.

Development of liberal thought went in a different direction and produced contrary results. Most authors--unlike those with socialist inclinations--did not outline a vision of the state of nature as an idyllic, harmonious community. An extreme case was the philosophy of Hobbes, who argued that people were ruled by emotions, and even the mind was unable to oppose them. The emotions were pushing people toward partiality, conceit, revenge, the exploitation of others, and lust for power. Accordingly, the state of nature can be treated as a war. Natural rights were also derived by Hobbes from emotions--fear of death, and especially violent death inflicted by others. He claimed that fear also expressed the strongest and the most basic of all natural drives--the instinct of self-preservation. These rights could not be reconciled with people's innate passions; however, in their mutual conflict the latter were winning.

Locke reasoned in a different way. His vision of the state of nature was more optimistic than that of Hobbes. He believed that basic principles of social coexistence ensuing directly from human nature had been already obligatory in the state of nature. God implanted into the very nature of humanity its desire for self-preservation, its drive for happiness and disgust with poverty. Moreover, the mind taught that since people were equal and independent, nobody should harm other human beings as far as their life, health, freedom, and property were concerned. The mind desired peace and security. If some people, in Locke's opinion, were harming others, then they were renouncing their mind and could be punished by everybody; the wronged party could take revenge. Due to the fact that every individual was a judge in his or her own matters and that social actions were divergent and filled with conflict, the state of nature became unbearable and the only remedy was creation of the state. This last conclusion was common also for other philosophers. Maintenance of the state of nature was becoming impossible, and creation of the state became a necessity. On the other hand, social development has made return to the state of nature impossible.

The liberals, adherents of Locke and philosophers close to him, tended to evaluate people's desires, passions, and inclinations realistically. They would perceive contradictions of interests and egoism, lust for power, but also willingness to cooperate, social solidarism. Unlike the socialists, they did not look for a harmonious community. Egoism, lust for power, desire to accumulate riches, and so on were perceived as intimately connected with human nature. Such an attitude led

to other questions and other problems. A good example here are the writings of the Founding Fathers (Osiatyński 1983). Jefferson believed that a social person was different from one living in the state of nature. In society interests and ambitions appear; people strive to achieve benefits, multiply their wealth, and increase their power. Through this process the strong and the weak are appearing. The former are, as a rule, wicked; they exploit the weaker and strive to expand their power over the weaker. Adams maintained that freedom was endangered primarily by natural weaknesses of human nature. People are directed in their activity not by altruistic considerations or ideals but by their own interest, ambitions, prejudices, and emotions. They become easily subject to corruption, seeking honors, supremacy, and power over others. The rich are striving to preserve their dominant position; the poor envy the rich and wish to win power over the rich, deprive them of their freedom, and replace them. Hamilton's evaluations were even stronger. The masses are wicked, ignorant, unbalanced, and aggressive. They are primarily directed by egoism and the desire to attain their own objectives. A similar argumentation was given by Madison.

These two contrasting visions of a harmonious community and of a society torn by conflicting interests naturally led to separate questions and problems.

Marx and Engels claimed that a society was by its very nature a harmonious community but that it had lost these characteristics. They had to explain causes of this situation and consider whether return to that community was at all possible. In their description of dehumanization of the capitalist society, they employed the concept of alienation that supplanted the vision of a harmonious society. They sought the causes of alienation in spontaneously developed division of labor and the establishment of private ownership (the texts do not allow one, however, to determine explicitly which of the causes they considered to be more important) that led to the foundation of antagonistic class societies. Past history was epitomized by class struggles.

History in Marxism circles round in a way returning to its starting point--the state of lost unity and harmony. Everything has to change: level of productive forces, culture and human civilization, and so on. However, the essence of human relations itself is to remain unchanged.

The liberal vision of society produced different consequences. If preservation of the state of nature was no longer possible and establishment of the state became necessary, then the problem arose about how to construct the sources of state power in order not to undermine people's natural rights. The same answer was common to all thinkers: the social contract could be treated as the only legal source of power. However, there was no agreement on whether only

the democratic political system, that is, one based on people's sovereignty, ensured implementation of natural rights. In the later development of the doctrine, this form of the state was no longer questioned. The second consequence was attitude to the role, functions, and scope of power possessed by the state. If people were entitled to their fundamental and inalienable rights, derived directly from the laws of nature, then the state should ensure the best possible conditions for realization of these rights. The state protects them, it guarantees but does not create them, and neither can it deprive people of their rights. This leads, in turn, to the idea of negative freedom, the idea of the state as a night watchman, and to principles of free competition. Thus the scope of power and activity of the state is restricted by its very nature in two ways: by people's inalienable rights and by the aims imposed on the state when it is established. Finally, the third consequence of the liberal vision of society is the postulate of introducing political mechanisms that would prevent the negative effects of human nature--people's drive to power over others, egoism, inclination to oppress others, and so on.

The idea of natural rights--being of fundamental importance in the liberal doctrine--did not play any major role in Marxism. After all, a harmonious society was characterized by unity, cooperation, and identity of particular and general interests. The problem was not to realize and protect citizens' fundamental rights but to determine causes of the observed injustice, exploitation, and poverty and to consider whether it was possible to restore "true" freedom. Marx and Engels considered natural rights to be an ideological mystification, an expression of class aspirations of the bourgeoisie. Therefore, they always opposed these rights against poverty, oppression, and dehumanization of the proletariat. They also failed to perceive that this idea held universal and timeless values. Rather, they sought improvement of the existing conditions not through expanding people's rights and their actual realization but through overthrowing the capitalist order.

DIFFERENT MODELS OF POLITICAL INSTITUTIONS

Different concepts of human nature and society resulted in different prescriptions, referring among others, to the way of organizing the economic and political activity. The structure of the formalized political institutions is a scheme of activities determined a priori. These are activities that are to occur among elements of the political system or, in other words, a set of behaviors anticipated and encrusted by law in this system. Assuming here the unity and harmony of

social interests (Marxism with reference to the socialist society) or, conversely, assuming their differences and incompatibility (liberalism with reference to any society), we obtain different pictures of human behavior, which will be reflected in different formal structures.

The liberal concept assumes that trends of conflicting interests constantly clash in society. "Public will," as H. Kelsen (1963) writes, "if it is not to express unilaterally the interests of only one group, it may be solely a resultant, a compromise between these conflicts of interest." Thus one resultant of different trends may appear. There is no place for public well-being standing above and beyond group interests, the ideal of solidarity of interests shared by all group members; when the unity is absent such an ideal would be only a political fiction. Recognition of these principles calls for application of specific procedures and, consequently, for establishment of a system of institutions corresponding to them. They must guarantee freedom of articulating their own interests by different social groups, the role of the highest arbiter or sovereign to the society, and the durability of this system. The Marxist conviction that, after abolition of the private ownership of means of production, unity and harmony of social interests will exist in the socialist society has far-reaching consequences for the shape of political institutions. The assumption of unity removes from the very beginning many problems related to the divergence of interests. Ignorance of these problems leads logically to the postulate of eliminating procedures (institutions) whose task is to solve them. This results either in elimination of the entire system of these institutions or in their major remodeling. This is clearly shown in the states belonging to the Soviet bloc. Their analysis makes it possible to discover an assumption made a priori about unity and harmony of interests. Our analysis will be mainly based on the constitution of the Polish People's Republic.

FREEDOM OF ARTICULATION

A precondition for formulating the socially accepted public will is that all differences of interests should be presented at a public forum. This would allow society to assess alternative propositions concerning a possible shape of this will. Implementation of this postulate leads to the creation of political parties, mass media, social organization including trade unions and self-management organs, as well as all more or less formalized centers through which an influence on the public opinion and state organs can be exerted. Their independence ensures freedom of action for citizens.

An isolated individual does not have a real *raison d'être* from the political point of view as he is unable to exert the slightest influence on the state will. Such an influence is possible only when individuals in order to gain an influence on the public will organize themselves into action groups. These collective formations squeeze themselves between the individual and the state, and . . . they unite the will of individuals aiming in the same direction [Kelsen 1936, p. 27].

Both these preconditions, which make it possible to elicit and present all differences of interests at a public forum, find their reflection in the sphere of values in the form of inalienable human rights. The most fundamental among them are the right to freedom of thought, conscience, and religion, the right to freedom to hold opinions without interference, the right to freedom of opinion and expression, which includes the right to freedom of receiving and imparting information and ideas through any media, and the right of freedom to peaceful assembly and association.

The fact that these rights are derived from the innate dignity of human beings has given them a superior and absolute value, making them fully inalienable for every individual. This is the strong protection of a citizen and safeguarding the freedom of articulation in the sphere of values. Such a solution, as suggested by L. Dembiński (1979, p. 97), has been aimed from the very beginning against any eventual threat of undermining them and has imposed an obligation on all people not to infringe upon these rights. This also referred to the state, which is to safeguard and observe them.

A contrary assumption, suggesting social harmony, appears in the constitutions of the Soviet bloc countries. Recognition of society as a harmonious, united community defending itself and all its members obviated a special axiological defense of these rights against particular groups of society and its organs. L. Dembiński has the following comment to make in relation to the constitution of the Polish People's Republic.

In these provisions [of the constitution], we could hardly find recognition of the individual's inherent and inalienable rights as superior values guaranteed by the constitution and safeguarded by state apparatus. On the contrary . . . citizens' rights have their source in the will of the Polish People's Republic, that is to say, they have been granted by it. . . . They have their source in the constitution and are not superior in relation to it. . . . In this re-

spect, the introductory article of this chapter [Basic rights and responsibilities of citizens] is quite characteristic, when it says, "The Polish People's Republic, while consolidating the achievements of the working people, strengthens and expands citizens' freedoms" [Dembiński 1979, pp. 97-98, 100-01].

Almost identical phrases can be found in the constitutions of North Korea and Czechoslovakia (Kedzia 1978). The constitutions of many socialist states apply a formula that the state ensures citizens' rights. This phrase can be found in the constitutions of Poland, Bulgaria, Albania, and Hungary (Kedzia 1978). "The sense of the word 'ensured,'" as Dembiński states (1979, p. 98), "is explicit with reference to the Polish constitution: this right does not exist by itself but its source is the Polish People's Republic. [These rights] are based on the legislative act and not on man's nature as they would not have existed if the legislative act had not protected them." This thesis is supported by even more explicit formulation in Cuban and Yugoslavian constitutions. In the Cuban constitution, Article 52 states that these rights are granted to citizens; the Yugoslavian constitution asserts that they are determined by the constitution (Kedzia 1978). However, the wording of other constitutions (for example, Czechoslovakia, Mongolia, and the Soviet Union) does not mean explicitly that the state grants these rights. Consequently, we have a wide range of formulations, which are sometimes completely different. Taking into account basically similar sociopolitical solutions, these different formulations testify to the fact that their authors did not attach any greater significance to these phrases.

SOCIETY AS THE HIGHEST ARBITER

Society verifies propositions presented to it and chooses those that win its approval. However, since society does not represent a unity, the idea of social verification must be based on a compromise solution contained in the principle of majority vote. A practical realization is the institution of free election of the parliament. Through this election, representatives of particular political trends are chosen proportionately to the social support obtained by them, and the parliament shapes the public will according to the majority principle. The majority principle is not fully exhausted in ascertaining that the public will should be understood as a victory of the will of a numerical majority. Equally important is the fact that the moment this victory is won the members of a social aggregation form two groupings, and the tendency to win the major-

ity results in the antagonism of the two basic groups, which fight for power. In this process countless factors differentiating the society are neutralized. The compromise implies pushing aside factors dividing individuals, in favor of that which unites them. In this way the social integration within the framework of two antagonistic camps (majority and minority) becomes possible, while the main conflict arising between them is channeled by means of adequate procedures that give a chance to a minority. This diminishes the danger of the conflict of an explosion and disintegration of the social order.

The problem of elections and parliament looks completely different if these institutions are functioning in a system derived from the Marxist tradition. Let us look at this problem in the example of Poland. The institution of elections and the multiparty system connected with it is related to the institution of the Patriotic Movement of National Revival. This organ serves as an institutional reflection of the assumed unity of interests. Its establishment at the Sixth Plenary Session of the Polish United Workers' Party in 1951 was accompanied by a slogan providing justification for it: the moral-political unity of the Polish nation.

This idea was to promote the awakening of the socialist national awareness being a determinant of the socialist patriotism. It was recognized that only the socialist patriotism was of the most nation-wide character expressing most fully the harmony of interests of the individual and the society, the individual and the nation and unity of interests of working masses constituting a nation [Redelbach 1978].

In practice, the Front of National Unity has functioned as an annex to the Communist Party set up to arrange elections. Within its framework the single election program common for all political parties was elaborated, as well as the single common lists of candidates for members of the parliament for particular constituencies.

The multiparty system cannot be based on the principle of rivalry, since according to assumptions the society is not torn into groups possessing antagonistic interests and political goals. The remaining parties are functioning in alliance with the Polish United Workers' Party (PUWP), abandoning beforehand the struggle for power with it. Thus they are not differentiated platforms of uniting individual citizens on the basis of political goals, and they perform their function of allied parties accepting the hegemony of the PUWP. As a result, they do not put forward separate programs or separate electoral lists. The elections cease to be an institution channeling conflict and instead become a manifestation of the unity of the entire society integrated around common goals.

The initial assumption of a community of interests also exerts its unique impression on the position held by the parliament in the constitution of the Polish People's Republic. It stands on the top of an absolutely homogeneous pyramid of political power. It wields full and exclusive legislative rights and also performs exclusive control over the government by its ability to appoint and recall. "Finally, the Council of State," as Dembiński writes (1979, p. 103), "which is elected by the parliament [Polish Sejm] and which is subordinated to it in all its activities, maintains absolute control over the jurisdiction appointing and recalling judges, the Supreme Court, and the attorney general."

In the entire structure of the state, there is not even one organ of power that would be independent of the parliament. In the period between its sessions, the supreme power is wielded by the Council of State, which passes legal decisions and submits them for approval to the parliament at its next session. The assumption about absence of conflicts in the society and the ensuing harmonious operation of the state institutions must have been the reason that the constitution does not determine the procedure of adopting decisions of the Council of State and, all the more so, the consequences of not adopting them.

In the constitutions of the other European socialist countries, the problem of adopting decisions of this kind by the parliament is either not stipulated at all (Bulgaria, East Germany, the Soviet Union) or equally vague formulas are used (Albania, Rumania, Hungary). Only the Czechoslovak constitution stipulates that unless such a decree is adopted by the parliament it loses its validity (Burda 1967).

The parliament, and thus a relatively narrow group of people, is equipped with full legislative powers and full control over executive authorities and jurisdiction, as well as with a right of freely changing the constitution. This sheds some light on an assumption regarding the character of Polish society, which is implicitly involved in such a solution. An unlimited confidence for activities of this organ is exhibited in this country. If the society were not united by its common will but divided according to particular interests, such a degree of confidence would be out of the question. Everybody would be then interested in something quite different, namely, in such restriction of the parliament's prerogatives that none of the remaining groups, even in the most favorable arrangement, could utilize its prerogatives to secure permanent domination. There is a close interrelationship between three elements: absolute power of the parliament, unlimited confidence of the whole society looking calmly and confidently at its activity, and freedom from internal conflicts caused by differences of interest.

GUARANTEES OF PERMANENCE

The permanence of the institutions themselves is taken for granted. This refers to those institutional guarantees and constraints that will protect the already mentioned solutions against the eventual attempt on them by the present majority remaining in power. In practice, these constraints are rights to which the minority is entitled. Partly connected with it is the division of power. The minority rights equip it with considerable powers in case of attempts at passing regulations that aim at changes in procedures of formulating the public will (the so-called constitutional acts) or that enter into the sphere of interests recognized as fundamental for the entire aggregation of the individual. Many practical solutions can be adopted here. One of them is a concept of forbidding the easy passing of resolutions by an ordinary majority vote.

This solution, aimed at protecting parliamentary procedures based on the majority principle and election procedures based on the majority principle and election procedures giving chances to the present minority, is usually applied when attempts are made to interfere in rights recognized as inalienable to the individual.

The next protection of the minority and all members of the society is the legalism principle; it is aimed at the defense of the parliamentary system and, especially, the minority and all members of the society against alienation of the executive. An institution safeguarding lawfulness conceived in such a way is the administrative jurisdiction.

Alongside it, there exists the constitutional jurisdiction also based on the idea of legalism, although not oriented at control of the executive but at control of legislative acts themselves from the point of their compatibility with the constitution. Its importance, according to Kelsen, is very big as

respect for the constitution in the legislative practice lies primarily in the minority interest, which is protected by regulations concerning quorum, qualified majority, etc. Thus, the minority must be given an opportunity of appealing either directly or indirectly to the constitutional jurisdiction, if its existence and political activity—so significant for the very essence of democracy—are to be protected and if it is not to be exposed to the lawlessness of the majority [Kelsen 1936, p. 98].

The idea of control over legality of dispositions and decrees of the executive and control over compliance of decrees with the constitution places the jurisdiction in the position of

an arbiter. Protection of the rights of citizens and the parliamentary minority and, thus, of the entire demoliberal system bears fruit here, as we can see, in the next important institutional solution--independent jurisdiction, in which independent or irremovable judges are subordinated exclusively to legislative acts and the constitution.

The last solution safeguarding procedures of formulating the public will is the separation of legislative and executive functions divided between two separate organs, for example, the parliament and the government. Although genesis of this solution points rather at antidemocratic motives of its initiators, in the contemporary practice this division contributes to consolidation of the demoliberal system,

first of all, as division of power, which prevents its concentration and abuses in its exercising. Next, because it aims at depriving the government of its direct impact on the significant stage of shaping the state will by all citizens allowing them to influence it directly, with the government function being restricted to execution of legislative acts [Kelsen 1936, p. 107].

The government may undoubtedly exert a considerable influence on legislation--such a form is assumed in the state by the leading role of its leadership. But it is already characteristic that it must put into motion another organ to ensure possibility of its activity. On the other hand, the mechanism of the parliamentary apparatus--characterized by opposition of the majority and the minority--constitutes an effective barrier even for the government based on the majority. Here lies not an insignificant difference in comparison with such political system in which a monarch or a dictator issues laws by himself, and they are executed either by him or by the administrative apparatus subordinated to him [p. 103].

The institutions guaranteeing permanence of solutions to ensure freedom of articulation for the society and the position of a sovereign, constructed from fear of an eventual attempt on them, become unnecessary when unity of interests is assumed. After all, in a society characterized by unity, nobody need be afraid of intentions of other citizens being unfavorable for them. In accordance with this reasoning, taking its roots in the Marxist concept of the harmonious nature of society, we can observe a decay of the institution of guarantees in the constitutions of the socialist states.

In the constitution of the Polish People's Republic, the first step in this direction was made when the individual's civic and personal rights were treated as rights granted by an act of law and not as rights to which people were entitled by their very nature. Such a solution completely reverses the direction of dependencies. These are not human rights, which would restrict freedom of the state. Rather, it is the state will, which is their source. The freedom of articulation and public activity is, thus, not guaranteed in the Polish constitution or in the constitutions of other socialist states. In this context additional restrictions imposed on those rights in these constitutions assume a peculiar character. These are no longer a protection against those who would like to undermine human rights, but these are restrictions limiting these rights in order to protect the value superior to them, that is, the state will.

Also the procedural rights lose their justification and, in fact, disappear from the constitutional provisions. However, only one remnant of these rights can be found, namely, a requirement of an increased quorum in the parliament and of the qualified majority as a condition of changing the constitution itself. But this requirement neither has any practical significance nor is reflected in the constitution. It is but a remnant or, if you prefer, a democratic facade since the parliament is not divided into majority and minority. In this situation, preservation of a procedure, the essence of which lies in the idea of obtaining approval of the minority concerning problems of vital importance, does not seem to be necessary any longer. It can only be explained as a desire to provide a ceremonial decoration to underscore the importance of the act by changing the constitution. Anyway, it implies a fundamental change in the function of this procedure, that is, from protecting basic principles to a decorative one. Almost identical and equally rudimentary provisions concerning conditions of changing the constitution can be found in all the remaining European socialist countries (Burda 1967).

In the Polish constitution, in accordance with the assumption about unity and harmony of interests, there is no other guarantee of the minority's and the individual's rights—the constitutional jurisdiction. It cannot be found in any other constitution among those analyzed here either, with the exception of Yugoslavia. In Czechoslovakia, East Germany, and Rumania, compliance of legislative acts with the constitution is examined by parliaments themselves (Burda 1967; Konstytucja Rumunii 1978). With absence of division into the ruling majority and the opposition minority, this solution becomes illusory. The parliament, constituting an aggregation without any divergences, due to appropriate election procedures, is to determine by itself whether its acts comply with the constitution it approved. Such a body of persons can hardly be treated as an impartial arbiter.

The principle of independence of jurisdiction has disappeared from constitutional provisions. Its basic guarantee is considered to be a common principle of the irremovability of judges and their subordination exclusively to legislative acts and the constitution. Although the Polish constitution has a general declaration about independence of judges and their exclusive subordination to legislative acts, it is not accompanied by any provisions guaranteeing it. In fact, the constitutional provisions imply something quite the opposite, namely, that the jurisdiction is subject to full control by the parliament, with the Council of State performing direct supervision over it. Anyway, the forms of this control has undergone some evolution. According to the constitution of 1952, judges were elected but only for a specific judicature (power of dispensing justice by legal trial). Their subordination was considerably increased by the 1976 revised constitution, when the election principle was replaced by a stipulation that they were appointed and recalled by the Council of State. Moreover, their term of office is not specified, and the key positions in the jurisdiction are controlled by the Council of State. It appoints the Supreme Court, and by fixing its terms at five years it has reserved its unrestrained right to remove from this organ some judges and replace them by others. The 1976 revisions further consolidated the control exercised by the Council of State over the Supreme Court; it introduced a principle of recalling chairmen by the Council of State and a principle of determining by the Council who from among the composition of the Supreme Court is to hold the office of the first chairman and the remaining chairmen.

The position of a judge is similar in the constitutions of the other European socialist countries. With the exception of East Germany, Yugoslavia, and partly Rumania, they perform their functions only through a certain judicature. Almost as a rule they are elected by representative organs of the local power (in the Soviet Union, through common and secret ballot and some of them in open ballot) and by the parliament in the case of the Supreme Court judges. In East German, Yugoslavian, and Rumanian constitutions, there are no provisions about their judicature, but simultaneously there are no more explicit indications and more precisely determined guarantees of their irremovability and sovereignty (Burda 1967; Konstytueja Rumunii 1978).

ROLE OF THE PARTY

Acceptance of the Marxist thesis about return of society to the state of natural unity and harmony of interests after abolition of the private ownership of means of production implies that the socially accepted public will is treated officially

as a natural state of a socialist society. This will simply exist and does not appear as a result of strenuous compromise efforts. The preservation of external characteristics of demoliberal institutions (parties, election, parliament, and so on) is accompanied by simultaneous elimination of procedures aiming at the elaboration of the accepted public will on the way of compromise. The divergence of interests does not have a chance to be manifested. The principles of compromise and polarization, the majority and the minority, lose their *raison d'être*. This directly affects the manner of appointing the parliament, its functions and mode of work, as well as the functioning of the multiparty system (providing it survived).

Thus, in the states deriving from the Marxist traditions, the demoliberal institutions preserved there have been deprived of a possibility of working out the public will, which was their original task. Instead, their task is to announce the ready public will be introduced to them from the outside. There is a major role of the external element in relation to the described institutions, which has been established to announce the public will. This element is the Communist Party performing the functions of a medium through which the common will reveals itself.

Placing outside the state structure an institution announcing the public will is the most important factor, which predetermines the whole political system in the socialist state. The mapping out of goals and directions of activity is not a prerogative of the state institutions but of the Communist Party. This is a structural cause determining the direction of subordination and equipping the party with a superior position in relation to the rest of the system. Its remaining elements serve the realization of the public will announced by the party. They are executors of this will.

A structural reflection of the superior position held by the party (the so-called leading role of the party) can be seen by the three attributes it has been equipped with.

The first may be called the superior authority of the party. It is expressed in possessing rights by the party in the sphere of: determining general goals and detailed tasks for the system as a whole and for particular institutions; controlling execution of programs outlined by the party and directives issued by it; selecting and allocating managerial cadres, which is necessary for the party to exert its influence on the state institutions and social organizations "from inside."

The second attribute of the leading role of the party consists in its presence everywhere. This means that its units are installed in all formal institutions of the system and enjoy certain elements of a superior position, relative to the level at which a given institution operates. In the

opinion of Soviet authors (Kaizerov, Lebediev, and Malcev 1976), this makes it possible to join the entire social organism with the central party organs and allows the party to exert its influence on all areas of the social life and coordinate the work of all state organs and social organizations. It also makes it possible to mobilize the masses to implement set tasks and steer the social initiative and guarantees the undertaking of uniform political decisions. Owing to its presence everywhere, the party safeguards unity of political goals; it guarantees absence of divergences in this field.

The last attribute of the leading role of the party is that, in declaring the public will and next transforming it into practical decisions, the party is not restricted by law since it is an institution superior to it. Law does not outline the methods of activity allowed for the party, and neither does it determine limits of its competences (Rybicki 1975). Moreover, law is subordinated to the party that can freely shape its norms and performs supervision over the jurisdiction apparatus. The essence of this supervision is described by Soviet authors after Kalinin, who said that a judge who is unable to fight strongly enough to have the party's decisions carried out is just useless (Kaizerov, Lebediev, and Malcev 1976).

Contrary to the Marxist thesis about return to the state of natural unity and harmony of interests after abolition of the private ownership of means of production, real societies in the socialist countries--similar to all others--have a differentiation and divergence of interests. However, the structure of political institutions in socialist states has been constructed as if for another society, the one envisaged in the doctrine, full of harmony and free from conflicts.

This situation has far-reaching consequences. The formal structure does not allow the divergence of interests and conflicts; it also does not condone expression of disapproval for the party evaluations, diagnoses, interpretations, programs, and decisions. There is no determined procedure for reaching a compromise solution of a conflict revealed in this way. Accordingly, disclosing on a public forum such behaviors on a mass scale constitutes a tremendous threat to the described political structure as it undermines its *raison d'être* in its traditional shape.

Disclosure of divergences and conflicts would be synonymous, among others, with disclosure of objection to the party's will. Still, since it has guaranteed exclusive rights of expressing it, this would be tantamount with objection to its monopolistic position in this sphere. Since the concept of the leading role of the party also includes solutions guaranteeing that the party's will will be implemented practically, disclosure of conflicts would simultaneously mean disclosure of objection to these solutions as well. It can thus be seen that

disclosure of the divergence of interests existing in reality involves inevitably a structural conflict. As its axis is negation of the party's position in the name of democratic solutions that are adequate to the state of absence of unity, such a conflict carries a threat to the principal assumptions of the sociopolitical system, as it strikes a blow to the fundamental structural solutions. It carries a danger of a violent destabilization process and, next, of disintegration of the existing structures.

Such a threat is, moreover, present everywhere and anytime as the real lack of unity is common and lasting. Consequently, if the structure in its form described here is to survive, a constant fight with dangers threatening from all sides is necessary. It is impossible to liquidate divergences and conflicts. Thus everything should be done to preclude their violent outbreaks on a wider scale anywhere. This is especially true with regard to formalized political procedures (parliamentary procedures, elections, forum of local authorities, etc.) and on the forum of other institutions (universities, trade unions, mass media, etc.), where they could spark off destruction. Conflicts are forced to disappear from the system's surface (although pushed underground, they do not disappear but are felt in decreased effectiveness of the system and periodical revolts as in the case of Poland). Due to its direct significance for existence of the socialist system, the task of conflict suppression must be considered one of the basic problems faced by the Communist Party daily. It attempts to solve this quandary one way or another, wishing to avoid destruction of the system, which it has constructed and from which it benefits the most. The party executes this task by blocking free articulation of interests, which by its very nature would have to disclose divergences and conflicts. This blockage is facilitated by law enacted by the Communist Party, mechanisms of atomizing the society, and lack of freedom (Drygalski and Kwasniewski 1983).

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