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Adam Podgórecki

MEGA-SOCIOLOGY



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Editorial Note

Mega-sociology is the last book written by Adam Podgórecki. He was working on its final version when he died on August 18, 1998, of heart attack. The revisions he intended to make did not concern the main ideas of this book, rather, he planned a thorough re-working of its structure to make their presentation more focused and effective. After much deliberation, I have decided to have the manuscript published without any editing that might have inadvertently distorted the Author's intentions.

The concept of megasociology is about making sociology relevant by placing it in the social context of specific societies and their values and, thereby, enabling a culturally appropriate, organic social action. It grew out of Podgórecki's concern with the 'invasion of dilettantes' in sociology, led by ideologues, who created abstract, detached from social reality pseudo-theories designed primarily for their own aggrandizement. It was also a next step in his almost life-long search for the best way to approach the task of helping societies to live better.

Adam Podgórecki introduced some ideas related to megasociology in his chapter "Wyjaśnianie i rozwiązywanie problemów społecznych. Ku megasocjologii" published (in Polish) in a book edited by Józef Koziński: *Humanistyka przełomu wieków* (Warszawa: Wydawnictwo Akademickie "Żak", 1999).

Jerzy Kwaśniewski explicated the key ideas of Podgórecki's conception of megasociology in a chapter "Perspektywy socjotechniki a megasocjologia" (in Polish) in a book edited by Jerzy Kubin and Jerzy Kwaśniewski *Socjotechnika: Kontrowersje, rozwój,*

perspektywy (Warszawa: Instytut Profilaktyki Społecznej i Resocjalizacji Uniwersytetu Warszawskiego; Polskie Towarzystwo Socjologiczne — Sekcja Socjotechniki, 2000).

Maria Łoś

Ottawa, May 11 2016



Podgórecki's diskette contains the file of *Mega-sociology* and the second book written by Adam Podgórecki in 1998: *Si-Tien Visits the Country of Po Again*, which the Autor handed over to Jerzy Kwaśniewski during his visit to Poland in summer 1998, being his first visit to his homeland after 1977 and the last one in his life, with the suggestion to get the *Mega-sociology* published. This is the version of *Mega-sociology* we publish below.



Adam Podgórecki at the Chair of the Sociology of Norms, Deviance and Social Control in July 1998 with dr Wanda Kaczyńska. Adam Podgórecki held the status of a professor of this Chair throughout his life.



Warszawa, June 1998; Adam Podgórecki, Maria Łoś and Jerzy Kwaśniewski at the Podgórecki's residence

Adam Podgórecki

MEGA-SOCIOLOGY

OTTAWA
1998

By the same author (in English):

- Knowledge and Opinion about the Law*, 1973, (co-author), Robertson, Oxford;
- Law and Society*, 1974, Routledge Kegan Paul, London;
- Practical Social Science*, 1975, Routledge Kegan Paul, London;
- Sociotechnics* (edited by Adam Podgórecki) Special Issue of *Current Sociology/La sociologie contemporaine*, Vol. 23, No. 1, 1975, The Hague: Mouton;
- Multidimensional Sociology*, (with Maria Łoś), 1979, Routledge Kegan Paul, London;
- Polish Burial of Marxist Ideology*, 1981, ORM, London;
- Sociological Approaches to Law*, 1981, (co-author and co-editor with Christopher Whelan), Croom Helm, London;
- Legal Systems & Social Systems*, 1985, (co-author and co-editor with Christopher Whelan and Dinesh Khosla), Croom Helm, London;
- A Sociological Theory of Law*, 1991, Giuffrè, Milan;
- Social Oppression*, 1993, Greenwood Publisher Group, Westport;
- Polish Society*, 1994, Greenwood Publisher Group, Westport;
- Totalitarian and Post-Totalitarian Law*, (ed. with Vittorio Olgiati and co-author), 1996, Dartmouth;
- Social Engineering*, (co-ed. with Jon Alexander and Rob Shields), 1996, Ottawa, Carleton University Press;
- Higher Faculties (A Cross-National Study of University Culture)*, 1997, Praeger, Westport.

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Acknowledgements

This book is based on the author's previous works. Therefore several ideas are have bee) taken from the already published books. In this situation it is not easy to draw a sharp line between small fragments of the selected material that was published here and there and the present synthesis. Besides, the book tends to be an amalgamation of the author's earlier ideas generated mainly in his head under the pressure of the "social laboratory" of the society moulded by the ideologically unaccepted system with the present ex-post view of the processes.

Introduction

One of the main theses of this book is that the causes of the processes which are currently taking place around the globe are hidden from the current social actors. These causes remain hidden behind the screen that separates the visible social reality from the forces which operate in the background. Or in a less pretentious language, the processes that seem to be apparent, contain “hidden agendas,” which are recognizable only after careful scrutiny. Assuming that the structural, post-modernist approach was the basis of modern language, that approach, in a somewhat complicated way, tries to convey this rather than trying to understand its meaning according to the traditional model by analyzing the relationship of words with their referents (i.e., things in the world), Saussure began to tie the meaning more to the relationships of signs (words being merely one type of signs). It is from the differences between signs in a system of signs that the meaning of any given sign arises (de Saussure, 1974). The structuralist method, then, assumes that meaning is made possible by the existence of underlying systems that can function individually as conventions that enable elements to function individually as signs (White, 1991: 14–15).

Not only do the new phenomena which have been generated by the new political and socio-economic processes of the twentieth century need more elaborate and penetrating descriptions as well as explanations, but also a panorama of new concepts is required for an adequate diagnosis.

The conviction that the accumulation of historic events is the main source of current social knowledge is correct only to a limited degree: a new, somewhat opposite belief has emerged. According to this belief history should be interpreted using concepts generated by various social sciences.

Therefore, the main task of this book is not so much to describe activities which can be noticed by the "passive" observer but to scrutinize those slow or dynamic social processes that shape the current reality. In the social sciences the elucidation of the processes of dynamic transmission from one stage to the next should be regarded as one of its main theoretical concerns. Therefore the dynamic transformation of the forces that shape this particular phase should be regarded as the most valid point for an investigation. Investigations that target this point may indicate the crucial economic and political factors of change and elucidate (neglected until now) the activities of secret institutions and their agents, the diplomatic manipulations of high officials that take place behind the scene, and even the unexpected discoveries of isolated scholars.

Obvious risks are involved here. Incorrect processes could be singled out as decisive; disappearing trends could be perceived as emerging; trends of those processes which are singled out as crucial could be only of secondary importance.

However, generally speaking, the proposed approach looking behind the screen should be employed not only because the existing descriptive and explanatory methodologies were found to be not potent enough to fully understand the historic processes, but because all the most interesting observations and generalizations come from the unexpected places. When the social sciences began, it became clear that to properly observe social reality one has to stand a sufficient distance away from it. Now a new requirement has emerged: in order to investigate reality adequately one has to immerse oneself deeply in it.

Therefore, those thinkers who were able to display a peculiar ability to penetrate the existing political and socio-economic

reality or those who have had a particular ability to influence world-wide public opinion should be analyzed first in order to find out why they could be regarded as the precursors of the ideas which they foresaw. Those who have been able to influence academic or public opinion in this way were Karl Marx, Sigmund Freud, Vilfredo Pareto and (potentially) Leon Petrażycki. They presented analyses which penetrated deeper than the analyses those other authors generally recognized as “classics.” Scholars as well as ordinary people try to find the basic layer of human behaviour that constitutes its most “secretive” factor (the “hidden agenda”). The search for this factor (or factors) was the main cause of interest in Marxism, independent of its fan-like popularity in Western academic circles during the 1960s and 1970s /Bronisław Malinowski expressed this particular proclivity of human beings in the following way. “What is the deepest essence of my investigations? To discover what are his [the native’s] main passions, the motives for his conduct, his aims...His essential, deepest way of thinking” (Malinowski 1967: 119).

It may be interesting to develop the method of investigation specific to those precursors not only in the light of the new social, economic and political problems of the twentieth century, but also in the light of the new concepts that have been developed to deal with these problems.

In undertaking this task one can only pity that nowadays there are no thinkers of the quality of Marx, Petrażycki, Pareto or Freud and that instead the academic world is continually bombarded by the self-promoting advertisements of the “horizontally oriented” (not tied to a scientific school) academic individuals. This means that it is bombarded by a variety of individual academics who are united only by the drive to make an academic career.

Very few scholars realize (one wonders why) that the data that they take into consideration are dramatically crippled. They usually analyze those official events that are recorded by formal agencies, they neglect the data which belong to the so called

“shadowy sphere.” For example, in law they take into consideration those attitudes and behaviours that are in compliance with the binding rules that do not violate the prescribed norms, and these scholars (with the exception of criminologists) do not seem to realize that a whole world of behaviours exists on the border or even inside, the “dark hole.” As a rule, they do not analyze the hidden laws governing the “secret societies,”¹ “societies of captives or closed societies,”² “underground or secret services”³ and other influential elements of the social structure. If humans have to understand society in its totality, then these hidden forces have to be revealed. Quite often these forces do not only operate individually: they function in concert with one another. They may create whole complicated structures that have their own codes, worlds and entities unknown to individuals operating outside. The political, administrative economic forces that are visible may be only the result of a highly complex interplay of factors that remain concealed. There are no reasons why those forces should not be exposed, dissected and anatomized. However from the practical point of view these studies may be dangerous not only because of their political risks and hidden or direct intimidations but because of access to the sources that — from the cognitive point of view — should provide a full theoretical overview.⁴

Additionally, a usual idea about human nature should be accepted as a general premise. This idea is not based on the

¹ As was done, for example, by Erving Goffman, in *Asylums*.

² As was done by Gresham M. Sykes in *The Society of Captives*.

³ As was done, for example, by Vilhelm Aubert in *The Hidden Society*, or by Maria Łoś and Andrzej Zybortowicz in *Privatization of the Police State*.

⁴ Nevertheless one should be aware of the existential limitations of these sources. According to Timothy Garton Ash, who studied the personality and activities of Markus Wolf (so called communism’s greatest spy-master), the diagnostic wisdom of the intelligence services is not too great. Ash approvingly summarizes Wolf’s assessment of this wisdom. “He is skeptical about what intelligence services can ever achieve; you can often learn more, he [Wolf] observes at one point, by carefully reading the press” (Ash 1997: 14).

same premises as the theories of Karl Marx (1818–1883), fighting with the spurious cognitive background of human beings; it is also not based on Max Weber (1818–1920) rooted-in-reality conception of human beings (“rationality”). Human nature should not be viewed as Edmund Husserl (1859–1938) perceived it as a cognitive existence investigated using phenomenological insight, human nature should also not be understood using emotional-intuitive insight as was proposed by Henri Bergson (1859–1941) or Emile Durkheim (1858–1916), using an emotional grasp of reality by “collective representations.” Finally, human nature should not be understood as Frederick Nietzsche (1844–1900) understood it as a volition-guided unit that might be summarized as “all human behaviour can be reduced to a single basic drive: the will of power.”

Here human nature is understood as a cognitive-active, emotional-meditative entity.⁵ The methodology that emerges is “to explain what is known by that which is unknown.”

Also, human nature, being of a double character, should be investigated by taking into consideration its cognitive and active aspects. Thus, from the beginning, this method of understanding⁶ stresses the need to analyze human nature as a thinking and acting unit. It stresses the fact that a human action, in order to be really efficient, needs an adequate social diagnosis, and that the very process of action-realization gives the actor the irreplaceable cognitive experience of learning how to adequately comprehend the processes of his or her social activity. Thus, the contemplative (cognitive) and operative (active) faces of human beings should be regarded as unsolvable ingredients.

⁵This method of understanding human nature resembles the concept of Leon Petrażycki.

⁶This method of understanding human nature will be elaborated more fully later.

Sociotechnics Classics — Precursors

A. Karl Marx (1818–1883)

Marxist propositions (and also those elaborated by Frederick Engels and by Marx and Engels followers¹) are based on the assumption of possible conflicts and the opposite (or as they mistakenly use the term: “contradictory”) interests between various social groups. Such conflicts and oppositions are particularly sharp, it is assumed, between various classes within an antagon-

¹Marxism provided a spectacular example of a huge, international, pathological “scientific school.” Thus Marxism not only created a new, special category of people who had the duty of watching whether other (proper scholars) displayed any features (or even potential symptoms) of un-scientific loyalty, and had the duty to inform the Party executive organs about discovered mental deviations, but also employed special scholar-controllers who, in a collective manner searched for and anticipated all possible doubts and Marxist arguments. Another type of cognitively-oriented scholar-controllers developed quite shrewd lines of reasoning to anticipate possible objections and to neutralize critics in advance (sometimes by anti-logical “dialectic” tricks). Indeed, a group of aggressive, young, talented and pre-selected scholars were alerted — intellectually and politically, to all possible non-conformities in order to attack intellectually and also politically, those people who, according to these controllers’ judgments, departed from the politically pure line of reasoning. In this way a young individual who wanted to enter academia faced a massive body of brains who were not interested in discovering truth, but in keeping in line all those potential scholars who displayed any symptoms of intellectual activity. Such a scientific school undermined, as a result, any other attempts to establish a scientific school; recently one may note some parallels between Marxist practice and the practice of some feminists.

istic social system. This is because these concepts tend to rest on the conception of “class wars.” In the long run, these propositions seek a vision of an optional society and they propose an analytical conceptual scheme which is intended to specify opposite interests and tendencies inside the existing social systems while suggesting at the same time, the possible directions of desired (revolutionary) social changes. These suggestions, that do not need to be indicated, are based on a mixture of descriptive (portraying social reality) and normative (indicating duties and guiding social activities) perspectives.

Nevertheless, Marxist propositions are also based on the intention (of the underestimated importance in sociology) to explain phenomena which are not proved and not externalized by direct observation and are difficult to grasp by naive empirical analyses, if they are revealed. It is claimed that these concealed features have a unique validity since they purportedly constitute factors that may have strategic importance to the purposeful introduction of the desired social changes. Thus, their identification is crucial since it is assumed that only the knowledge (awareness) of these elements could lead to penetrating enough diagnoses which consequently could lead to extrapolations pertinent to the transformation of the existing society.

Additionally, these propositions are designed to apply to various social systems, each of which is taken as an integrated whole. In contrast, hypotheses generated by ‘rival’ traditional theories appear as fragmented and disjointed generalizations, formulated by various separate branches of the social sciences. Since they usually do not have a structurally consistent frame of reference, these rival hypotheses do not provide an adequately consistent picture of a given society. Nevertheless, Marxism aspires to understand diffused propositions in a systematically ordered whole.

Marxism claims that other social philosophies and schools approach social problems in a fragmentary manner, they, as a rule, focus their diagnostic ability only on the sub-questions

which are currently at in the centre of public interest. On the contrary, the holistic and comprehensive visions are (or were) formulated (as it is claimed) by Marxism. This vision arises from the tendency to furnish the ‘masses’ with a global *Weltanschauung* and mainly tries to ‘digest’ methodological reservations by para-scientific arguments. This reasoning mostly appeals to those people who are alerted less to the cognitive truth rather than to the acute questions of social justice. As a result, the Marxist body of propositions, with certain additional specifications, intends to meet political requirements of an integral, centrally co-ordinated, programme of macro-social transformations based on ‘scientific evidence.’

Here is the list of basic and abstract Marxist propositions, as translated into empirical language.²

1) Spontaneous economic development forges ahead of the development of a new superstructure.

2) New material relations oppose the interests of the old strata and classes and enforce, at the same time, the emergence of new structures and forces.

3) Opposing class interests are susceptible to progressive aspirations, thus the rise of ideology, which stimulates and unifies previously isolated aspirations; this ideology could potentially be contained in the ingredients of social psychology.

4) New forces produce not only new ideas but also institutions which cause them to be realized. This happens through a conscious, planned, un-spontaneous process of class-struggle.

5) These processes lead to a revolutionary change, that change destroys the old base and establishes a new superstructure.

6) These processes encounter sharp resistance from the members of the old class structure since none social group

² Adam Podgórecki Maria Łoś, *Multidimensional Sociology*, in Adam Podgórecki’s chapter, “The Sociological Content of Historical Materialism” pp. 41–55.

would accept a new ideology if this acceptance required its members to relinquish their privileges.

7) Social groups deprived of the use of the given privileges tend to develop an ideology directed at combating those groups that start to enjoy those privileges.

8) In the case of conflict between the established interests arising inside a given social system when the obligatory ideology is not being changed, the members of this system will behave in accordance with socio-economic pressures and not in accordance with ideology.

9) By definition, in un-antagonistic societies, the interests of the social classes and strata are not in conflict.

10) Antagonistic societies are divided into classes on the basis of conflicting interests.

11) In the case of extended conflict between the essential interests of one class and its ideology, and when the revolution does not take place, then the ideology will have a tendency to transform itself into 'false consciousness' under the influence of the dominant interests.

12) Those who own particularly large stocks of means of production are in a position to exercise class domination over those who do not own them or use other means of production.

13) Out of all of the antagonistic social classes confronting each other in a given society, the class that prevails is the one that has interests which correspond to the interest of economic progress expressed by the productive forces.

14) An idea that is grafted onto one social system from another, if it remains in harmony with the interests supporting its further development of production relations (determined by the base), is capable of adding impetus to the qualitative advancement of that society by first causing qualitative changes in the superstructure and then causing them in the base itself.

Some propositions are heavily laden with normative content.

15) The un-antagonistic concurrence of the base and the superstructure leads to the emergence of a normative personality

pattern which is the result of a synthetic integration of the base and superstructure.

16) An un-antagonistic superstructure and base favour mutually stimulating changes in both of them, cause the emergence of socially benevolent individual or collective patterns of behaviour.

17) Some elements (for example, law) of the superstructure acquire some independent power (autonomic potency) with time, and subsequently they can influence other elements of social and cultural life without requiring constant support from the base.

All the above mentioned propositions suggest that the *base* is to the decisive factor in crushing, sustaining, changing or revolutionizing social life. Thus the ‘smell’ of a penetrating and an attractive idea comes from that mental construct: smell of penetration because it suggests that if one has the proper “keys” then one (or one’s party) can shape social life according to one’s wishes; smell of attractiveness because it also suggests that one may obtain access to the “keys” of social progress and benevolence.

In this way Marxism promises average people an easy entry to a heavenly bastion which, in fact, has been built on Earth. Also, it aroused aspirations of desperately needy people, and changed the main problem of the twentieth century from the just distribution of goods to the management of productivity (supporting the notion of production by a logical error: since the organization of production is caused by intuitive law³ that decides who, at any given moment, is supposed to do and what).

³ Compare Petrażycki and Dostoevsky: “But we thoroughly grasp that, through there is no legal claim, there is a human, natural claim, the claim of common sense and the voice of conscience. And though that claim may be not written in any rotten human code, yet a generous and honest man, in other words, a man of common sense, is bound to remain generous and honest even on points that are not written in the codes,” (Dostoevsky 1996: 250).

All of this anticipation and these myths, and also the expectations of quick gain which were generated by false beliefs when they did not materialize, produced anger and embitterment. Thus Marxism did not, in fact, dig a grave for capitalism: it dug it for itself.

The twentieth century was the century of fascist, Nazi or communist totalitarianism. In order to monopolize power, totalitarian regimes, using extensive *mass media* coverage, exposed the populations of the countries under their influence to the extremely high expectations, and consequently, extremely high levels of frustration. In effect, the dramatic confrontation between the highest level of expectations of the political and social reality had many disastrous effects. Among these effects was a sudden and very quick increase in the number of people having lived their lives based on dreams. Consequently, almost all segments of the population, when directly confronted with the experience of totalitarianism found that the only real escape available was an escape into a state of total nihilism. This nihilism had transacted all areas of cultural, religious, political, social and private life, even entering into the bedroom.

Also, Marxism gained popularity in the past for a peculiar reason. Let's state that the most precious part of the social sciences are those statements which: 1) are adequate, 2) indicate certain firm relationship and 3) pinpoint certain developmental processes.

Those descriptions which recount all of the particular features that belong to the area in question and which do not encompass anything else, are adequate. Although, these features can be subdivided into many different categories; the categories should remain mutually exclusive. Moreover, these categories should encompass the whole of the described reality.

Statements based on relationships are those which try to describe existing reality according to the scheme "if...then..." These statements indicate how elements of reality would change if other elements of reality were discernibly transformed.

The most interesting statements are those statements which deal with developmental processes. Usually, they deal with longer periods of mega-societal changes. Although sometimes these periods are interrupted, in practice the statements mainly refer to those changes that pinpoint some beneficial goals. In short, these developmental processes are regarded as processes that provide a greater vision of coming political and socio-economic changes.

Marx linked the understanding of reality with the need for immediate and radical change, but why did this seemingly proper recommendation contain, inside itself, the seeds of totalitarianism? The answer is relatively simple: Marx did not understand the importance of the approximations of adequacy; he jumped intellectually straight into high ideas and overly “grand proposals,” without understanding that some in-between steps were needed. In consequence, instead of being a prophet for the poor and needy, Marx became the grand-father of the ruthless ideology based on myths and false assumptions. Among his grand-children (including many professors) he fostered fanaticism supporting empty nihilism. The fanaticism nourished by his successors made many people blind to the reality around them, preventing them from seeing the plethora of negative side-effects which it caused. In short, this ideology deprived them of the wisdom of doubt. Marx also spread nihilism passionately among the masses and also among intellectually shallow “fashion-prone intellectuals.” Pretending to be more rational, nihilism replaced religious and social (some may say useful) superstitions with empty beliefs that permitted any imaginable and impracticable daydream.

Thus, on the whole, Marxist ideas became popular because of their deeply hidden un-scientific features.⁴ One may also note

⁴Nevertheless it remains a puzzle why Marxism gained its remarkable popularity (especially between the 60th to 80th), when its theoretical faults and socio-political failures became clearly visible. What is also astounding is the fact

that advances in methodology are not always accompanied by substantial progress.

B. Vilfredo Pareto (1848–1923)

In a peculiar way, the socio-economic creativity of Vilfredo Pareto may be regarded as a negative reaction to Marxist philosophy and its various emotional consequences. Pareto's ideology was not only a counter-attack on the philosophy of Marx, but also a sceptical counter-action to the socio-political movement generated by Marxist philosophy. When Marx himself (with Frederick Engels and through the works of his followers) undertook the task of diagnosing the current social processes in a highly ideological and passionate manner, Pareto wanted to develop a rational, mostly economical, model of social reality, and consequently tried to present a rational "social engineering" scheme to fight with the evils of the capitalist world. However Pareto, under the influence of the shortcomings of the Marxist model, assumed that the character of social reality is *irrational* and that the human-made ways of dealing with this rationality are, in fact, irrational.

Therefore, Pareto's leading idea is opposite to the idea propagated by the Marxists: although many human actions seem to have a rational character they are, in fact, not grounded in rationality. Although these actions are based on various categories of *instincts* (broadly speaking, material wants), the bases of these actions are carefully dressed in various covering of a "logical" character: they are hidden under a variety

that the leading living Marxist "philosophers" have not so far presented (written in 1998) a descriptive overview of their own activities and that some of them, despite all that, have been able to secure relatively high scientific and social prestige.

of rationalizations, justifications, and myths. These irrational statements, closely intermingled with some rational roots, can only be detected after a careful scrutiny. Pareto labelled all these pseudo-logical covers *derivations*.⁵ They created a whole layer of complicated pseudo-reality. Pareto understands and defines derivations and non-logical actions in the following way:

Derivations can be perceived as crude evidence of human instincts and they serve as camouflage for material interests.

Residuum is, for Pareto, the opposite of logical action:

The relationship of the action to the desired end must be established in the actor's mind by a scientifically verifiable theory or, supposing he does not know this theory, his behaviour's efficaciousness must be verifiable in terms of such a theory. The 'subjective end,' i.e. the state of affairs the actor wishes to bring about, must coincide with the end actually brought about as seen by the detached scientific observer (Pareto #150; Sel, p. 184).

Charles Powers undertook the difficult task of translating Pareto's writings into a list of verifiable hypotheses dealing with various relationships. In Power's words in the area of social sentiments, the hypotheses are as follows:

- (1) The more equivocal norms become, then the less constrained people are in their behaviour and the more likely actions of potential but unproven detriment to others are to be tolerated.
- (2) The less constraining norms are and the more tolerant people are of actions of potential but unproven detriment, then the more

⁵One should note the far-reaching structural similarity between Marx and Pareto's works: Marx proposes specific cognitive instruments like "base" and "superstructure," whereas Pareto advances "residua" and "derivations." However one should note that this similarity does not have a deeper substantial character: it is mainly limited to the structure of epistemological approaches. What constitutes an essential point is the new emerging paradigm that in order to see social reality more sharp, one has to construct a cognitive instrument which can penetrate deeper to detect those features which may influence other elements which are visible on the surface.

confusion there is likely to be over definitions of appropriate behaviour and the more likely people are to be injured by the imprudent actions of others. (3) The more confusion there is over definitions and appropriate behaviour and the more injury and offence people sustain due to the imprudent actions of others, then the more likely people are to seek coherent traditions and unequivocal prescriptions. (4) The less equivocal prescriptions become, then the more likely people are to fear of being blamed for the anticipated and unanticipated consequences of their actions. (5) The more constraining norms are and the more inhibited people are out of fear of blame, then the more likely people are to question the rationality of normative beliefs and [the] more likely [people] are to avoid helping others. (6) The more people question the rationality of beliefs and the more hesitant people are to cooperate with others, then the more likely they are to seek relaxed prescriptions and freedom of autonomous action (Powers 1987: 108).

And:

(1) The more equivocal norms become, then the less constrained people are in their behaviour and the more likely actions of potential but unproven detriment to others are [to be] tolerated. (2) The less constraining norms are, the more tolerant people are of actions of potential but unproven detriment, then the more confusion there is likely to be over definitions of appropriate behaviour and the more likely people are to be injured or offended by the imprudent actions of others. (3) The more confusion there is over definitions of appropriate behaviour and [the] more injury and offence people sustain due to the imprudent actions of others, then the more likely people are to seek coherent traditions and unequivocal proscriptions. (4) The less equivocal proscriptions become, then the more constrained people [are] and the more likely [they] are to fear of being blamed for the anticipated and unanticipated consequences of their actions. (5) The more constraining norms are and the more inhibited people are out of fear of blame, then the more likely people are to question the rationality of normative beliefs and the more likely people are to avoid helping others. (6) The more people question the rationality of beliefs, and the more likely they are to

seek relaxed proscriptions and freedom of autonomous action (Powers 1987: 148).

The main goal of Pareto's inquiry was to understand human nature. According to him the structure of an individual's self is formed by: sentiments, residues (actions) and derivations. He identifies the following types of sentiments: combinations, persistence of aggregates, activity, sociality, integrity, and sex. According to him: *combinations* should be understood as an ability to pursue something with inventive cunning, craftiness and foresight. *Persistence of aggregates* hold a conservative character: they intend to keep various states of affairs as they are.⁶ *Activity* (which differs from "action") deals with the need to voice ("self-expression"). According to Pareto, "the impulse to 'do something' is overwhelming" (Pareto 1984: 1092). Those who are not engaged in social activity cease to exist. *Sociality* is understood by Pareto as a tendency to be affiliated; people have a tendency to share, to communicate, to be engaged in common activities. People tend to belong: to someone else, to an association, to an institution or to a party. *Individual integrity* is a tendency to protect one's own character, to fight against all unwarranted impositions, to act on the basis of one's own will. The loss of one's own integrity transforms an individual into a manoeuvrable automaton. The value of integrity is clearly visible not only in ordinary life: it becomes especially important in pathological conditions. Then, strangely enough, survival depends almost all on the strength of one's integrity and not on one's physical strength. According to Pareto, *sex* is a persistent, if not compulsive, drive. Sex not only shapes everyday life,⁷ it lends colour to almost all cultural activities.

⁶Combinations and the persistence of aggregates correspond with Weber's actions based on means-ends rationality and actions based on value-rationality, and also with Petrażycki's fundamental and teleological motivations.

⁷One respected scholar towards the end of his life, which had been rich in practical activities and academic productivity, told the author that, according to

This sketchy overview of basic ideas concerning Pareto's view on human nature shows that he regarded a human being as the fundamental actor of social behaviour: an individual, not the masses should be regarded as an atom. Like Weber, Pareto was inclined to assume that social reality has many causes and he was opposed to the Marxian idea of mono-causality.

Pareto's ideas tended also to be value-free: he did not connect his theoretical visions with any particular ethical point of view. Probably this is why some fascists tried to portray him as their grand ideological father.

C. Sigmund Freud (1856–1939)

Freud used a similar approach: he tried to specify those crucial variables that operate on a more decisive level which shape, as a result, the dependent variables. However, unlike Marx but like Pareto and Petrażycki, Freud was not looking for a *mono*-variable (while Marx virtually always was, since he was almost exclusively thinking about “material interests”): he was looking for an apparatus that combines a *block of variables*. This is because Pareto presents a specific block of variables that is able to demonstrate a cognitive apparatus capable of creating a spectrum for a global *Weltanschauung*. In the case of Marx there are “interests” linked by a materialist motivation; in the case of Pareto there are “instincts” existing as a group of motives that have the power to build an externally-visible edifice of motivations and attitudes; in the case of Petrażycki there are emotions which supposedly play a fundamental role in shaping the specific and visible cultural world of an individual's exterior interactions.

Although one could have the impression that the “intellectual system” constructed by Freud is mainly targeted at an individual,

his judgment, sex occupies 90% of our life and the rest belongs to our political, social and economic interests and activities.

it appears to be much more complicated. Indeed, on the surface, the individual is the proper target of a psychoanalyst's interest, but, in fact, that individual is perceived as a member of his own social milieu.⁸ In that case, the level of civilization, religion, the nationality of the individual have to be taken into consideration. According to his original formulation, the individual's awareness was shaped by its corresponding unconsciousness. Later the unconsciousness was changed to a complicated cognitive battery of "id," "ego" and "superego." Walker Pruner says,

The World War marked a rough dividing line in the course and tenor of Freud's work.... After the war, although he never ceased to function as a great observer, his principal preoccupation became the formulation of psychoanalytic theory and the application of this theory to the interpretation of society as a whole (Walker Pruner 1947: 167).

Roughly summarizing the basic principles of Freud's theory one may say that: the main function of the "id" is to fulfil the function of the "pleasure principle" in order to release an individual from tension and to furnish him or her with available quantities of excitation. Thus the organism is equipped with many reflexes that automatically help to discharge accumulated tensions or provide access to resources of excitement. The ego — being the executive of the personality, is in charge of its current "policy." It is governed by the reality principle or, in other words, by the recognition (and assessment of possibilities and

⁸One should add that the popularity of Freud's ideas was not so much the result of their superiority, but rather the effect of his clientele: it consisted mainly of Jewish bourgeois women worried with psychological problems. However not only women — the whole bourgeoisie, when it discovered that financial success is only part of a generally successful life tried to find out whether it could be successful in erotic matters as well. In the beginning of his scientific career, Freud had many troubles stemming not so much from strictly academic circles, but from the attitudes of the *sui-generis* Viennese, anti-Jewish medical community. Thus, his final international popularity was created by his popularity generated outside of the country and by the specific Jewish-bourgeoisie existing inside the Viennese community.

restrictions) of the existing means. The reality principle is based on the primary process supplementing the id with its energy. Constantly testing reality, the ego accumulates power to carry out for its activities. In this way the ego takes over the process of coping with organic and external affairs for this individual's personality. The ego may go in any direction that seems attractive to it. However, the function of the super-ego is to control the ego and that control is carried out from a moral and *social* perspective. Through receiving its structure from society the super-ego introduces society's standards into the ego's atom. This atom is not isolated: it is under constant and conscientious control based on societal standards.

Thus, all the features of the ego and the super ego like reality anxiety (experiences of insecurity connected with encountering reality); neurotic anxiety (fear of what might happen, should the ego fail to prevent it); moral anxiety (fear of guilt or shame triggered by the super-ego); the mechanism of repression (a pressure of the ego to remove from the consciousness factors which threaten it); a projection (an attempt to attribute the pressure from the super-ego to external reality); a reaction-formation (an attempt of the ego to utilize certain experiences by shaping them through experiences of an opposite character); a fixation (holding on to an old situation caused by the fear that a new situation could be threatening); a regression (a retreat to an earlier stage of development because of fear of new development), are constructed to describe their various possible actions and reactions.

So Freud comes to a sociologically-tainted conclusion: a human being is composed of a package of irrational motives, kept together by an individualistic, executive centre and controlled by a set of socially-oriented norms. Whether these norms can govern that executive centre of dispersed motives efficiently depends on the level and intensity of earlier socialization. Thus, a given individual, diagnosed and moulded by various psychological instruments, is an entity with a social nature as its genesis.

Only towards the end of Freud's life did it become evident that he intended to efficiently release or disclose many of his own, individually accumulated but collectively generated frustrations. It also became clear, at least for those who closely observed the development of the psychoanalytical movement, that this technique was not totally efficient. Pruner says,

And he came to the conclusion that it almost looks as if analysis were the third of those "impossible" professions in which one can be sure only of unsatisfying results. The other two, as has long been agreed, are the bringing up of children and the government of nations... (Walker Pruner 1947: 211).

Nevertheless, during his long life (83 years) he was alone. He was especially alone as a medical man. Only later, when he gained considerable recognition, did his colleagues have to officially acknowledge him. Nevertheless he remained, to the end of his life, an "extraordinary" professor (i.e. not a full professor).⁹ "In spite of the magnitude of his discoveries, any of which should have been sufficient to bring him fame, he stood, at the turn of the century, alone and unhonoured" (Walker Pruner 1947: 106). Not only the fact that his explanations were quite new (sometimes even shocking), the fact that he was a Jew was considered a serious argument against him. "He comforted himself in a typical fashion — with the characteristic withdrawal of a Jew into hurt pride intensified by the hurt" (Walker Pruner 1947: 107). This withdrawal probably only intensified his wish to show "them" who he really was and probably mingled with some elements of "revenge." "As a matter of fact, Freud once in an unguarded moment acknowledged the fact that it was 'perhaps no mere chance that the first psychoanalyst was a Jew'. For the Jew, driven inward by his sense of segregation from the outside world, he turns back upon himself and builds an inner world in which he finds comfort, courage and heroism" (Walker

⁹Something like an associate professor in the U.S.A.

Pruner 1947: 111). It is necessary to remember that Jewishness was a powerful element of his creativity. Again, what Walker Pruner, probably the best biographer, says on this topic is significant. “Thus Freud’s children were raised as Jews. They were raised as Jews at the same time as their father published article after book after monograph enlarging upon and documenting his thesis that the best of all religion is an illusion, at worst a universally practised form of obsessional neurosis.” (Walker Pruner 1947: 156). This attitude shows as well that his beliefs regarding ethnic origin were, for him, more significant than the content of his scientific convictions (since the first attitude remain and the convictions are changeable).

Despite this turbulence, or maybe because of it, Freud was very consistent and rigid in his policy concerning the development and dissemination of psychoanalysis. One can even compare his strong insistence on the “purity” of his ideas with that insistence which was later exhibited by guardians of Marxist ideology. He expelled those who did not agree with him or he split up an organization in order to keep the “pure” away from the “contaminated.” These difficult amputations were executed by Freud with great sociotechnical skill. He also insisted that the incidence of sexual violence in the early lives of children should not be disclosed to its full extent. Apparently Freud did not like to spoil the name of psychoanalysis by this type of disclosure. Again, he was quite a shrewd social engineer: first he wanted to make psychoanalysis established and recognized only later to allow some revelations which tarnish its image. In the light of recent disclosures coming from the United States and Canada, it is highly probable that Freud knew about the sexual harassment of children and did not counteract the continuous policy of covering this harassment.¹⁰ If this conjecture is correct, then

¹⁰Of course the problem of whether Freud knew about these events is relevant but, taking into consideration his knowledge of the field, it is difficult to imagine that facts of this nature would escape his attention.

it is evident that Freud should be treated as the direct precursor of sociotechnics.

Willingly or not, Freud furnished the bourgeoisie with the new, seemingly cheap but in fact very expensive, luxury of self-gratifying attitudes. The bourgeoisie started to enjoy that luxury and this is an additional reason why their members became so involved in a cocoon of spurious activities or passive consumerism. Thus they were successfully diverted from contributing something essential to the real task of developing a social policy which is beneficial to the whole of society. This is also the reason why the bourgeoisie so quickly started that narcissistic “self.” It did it by adoring in itself that which had earlier seen restricted or condemned (especially by the ethos generated by the Catholic Church). That is also the reason why so many empty human beings started to verbalize, in an empty way, the need for their own “self-expression.”

It might be interesting to note that when Isaiah Berlin started to write a book on Marx, Lewis B. Namier (a well-known British historian) came to him and enquired why Berlin wanted to write such a book. “Marx appeared to him as unworthy of such attention: he was a poor historian and a poor economist, blinded by hatred. Why was I not writing about Freud? Freud’s importance for historical and biographical science had still been insufficiently appreciated” (Berlin 1982: 64).

D. Leon Petrażycki (1867–1931)

Leon Petrażycki, born April 29, 1867, in Kollatajewo; died May 15, 1931, in Warsaw is the unrecognized father of sociology of law¹¹, law theoretician, philosopher, creator of emotional psy-

¹¹Although Pitirim Sorokin called him, “Petrajitzky, possibly the greatest scholar of law and morality in the twentieth century” (Sorokin 1963: 73).

chology and a human rights theoretician. Petrażycki first studied medicine in Kiev and then studied law. Later he studied in Berlin with Heinrich Dernburg, an authority on civil law and a specialist in Roman law, and continued his studies in Heidelberg and Paris (1890–96). Petrażycki received a Masters in law in Kiev in 1896, and Ph.d. in law in St. Petersburg in 1897. In 1901 he became a full professor in St. Petersburg. He was also a member of Russian Duma (1906–1908) as the member of a Constitutional Democratic Party. In 1907 he was imprisoned, and he was removed from his academic post when he signed the Vyborg Manifesto in 1906. In 1919 Petrażycki became the first professor of sociology in the liberated Poland. He committed suicide on May 15, 1931.

Petrażycki's original idea was to create legal policy: a science to accomplish desired social goals and a science capable of guiding society toward "rational and active love." Petrażycki applied rules of legal policy created by himself to a successful critique of the *Bürgerliches Gesetzbuch* (German Civil Code). This critique made him famous in Germany. He postulated a "Renaissance of Natural Law" — an influential idea although it was never attributed to him. Petrażycki developed a new logic and methodology applicable to all natural and social sciences. In logic, he maintained that its elementary parts were "positions." According to him positions, (particles of a sentence), and not the whole sentence can be true or false. His methodology taught how to build adequate theories, which are neither "lame" theories or "jumping" theories. A theory is lame when *explanandum* (what is to be explained) is targeted at too narrow a class (when something is maintained about a species when it should be asserted about a *genus*). One can list many theses (even write many volumes) about cigars weighing 10 grams as, for example that they fall with a speed proportional to the time it takes for them to fall, but this particular thesis is incorporated into the more general thesis pertaining to all existing material things. Only those theses are scientifically valid which relate exclusively to them. A theory is

“jumping” when the *explanandum* reaches beyond the *explanans* (the explanation) class (when something is maintained about a *genus*, when it should be maintained about a species — like Marxism which utilizes only economic factors to explain all social, national and cultural phenomena).

Petrażycki’s psychology distinguishes between unilateral elements (cognition, feelings and will) and two-sided elements (emotions) and he distinguished two types of emotions: appulsive (attractive, appealing) and repulsive (revolting). Recently, emotions were reinvented – everything indicates that independently — by Daniel Goleman (*Emotional Intelligence*, 1995). Emotions are the basis of morality and law and they constitute the basis of legal and moral attitudes and actions. Thus, law is made up by a mutuality of “duties and claims” while morality is created by “duties.” Law generates the active psyche of a citizen, convinced of his rights, while morality induces behaviour generated by an internal duty. Before Eugene Ehrlich coined the concept of living law, Petrażycki formulated the distinction between intuitive law (not supported by the state law) and positive law (supported by the state norms). According to Petrażycki law plays several crucial social functions. They are 1) training people to behave correctly in society (the motivational function), 2) training on how to socialize behaviour to societal standards (the educative function), 3) training how to distribute goods and services (the distributive function and creating an economic system), 4) training on how to construct social institutions (the organizational function), and 5) creating the state. According to Petrażycki, law, throughout history, is characterized by a) the tendency to adjudicate increased demands (the tendency to attest to more rights and duties), b) the tendency to change various types of incentives (to utilize more lenient penalties), and c) the tendency to diminish motivational pressures in order to obtain the same effects.

Morality and law furnish an individual with orders which supposedly “come from above” (have a mystic character). Moral-

ity points to certain duties (“I should forgive him his wrongdoings”) but does not give someone the right to demand that. Morality and intuitive law also designate such patterns of behaviour that later can be formalized by the positive and official law (official law may lose its public character but retains its moral force). Petrażycki also developed a new sociology. This sociology asserts that the evolution of law and morality is based on the adjustment of a character “of puzzling purposefulness.” This three-fold adjustment is grounded on a modification of Darwinian natural selection in the struggle for existence. However, 1) the adaptation of the species inherited from our ancestors corresponds to the ancestors living conditions but does not necessarily fit present day conditions, 2) the individual-egocentric adaptation tends to react aversively to pain or loss and is attracted by pleasure or gain, and 3) as the socio-oriented adaptation is oriented by the good of the group, this type of adaptation is “contagious” (being emotional it spreads quickly on an “infectious” emotional level not through cognitive channels) and therefore is able to adjust rapidly and flexibly. Social adaptation generates, on the basis of mutual communication and emotional contamination, values, norms and attitudes that are functional for the group as a whole. In effect, the social system is a system of the coordinated behaviour of people guided predominantly by legal emotions.

Because Petrażycki wrote in German, Russian and Polish, taught in Russia before the Revolution, spent some time in Finland, and eventually taught in Poland, he was not recognized enough outside these countries. In Poland, due to his uncompromising character, he was disregarded by many. His defence of the rights of women and Jews, his fighting for the autonomy of the university and the independence of science did not make him very popular. In Poland he was followed by several generations, first generating followers and critics. The first generation of followers were: Jerzy Lande, Jerzy Licki, Henryk Pietka, while biased and one-sided critics were: Czesław Znamierowski, Józef Zajkowski, Mieczysław Manelli, and Marek Fritzhand.

The second generation of followers included Jan Górecki, Jan Klimowski, Adam Podgórecki, and later, although being the followers originally (and then, under pressure or lured by gains, converting to Marxism) the 2nd generation of enemies and vulgarizers included: Maria Borucka-Arctowa, Grzegorz Seidler, and Jerzy Wróblewski. The third generation of followers were Andrzej Kojder, Jerzy Kwaśniewski, Waclaw Makarczyk, and Krzysztof Motyka.

It is significant that all of the basic ideas of Petrażycki dealt with the following problem: how to find or specify those phenomena that are crucial to the development of society. According to Petrażycki these phenomena have been contained in a dense form of emotions. Social life generates emotions and inculcates in them the individual and society's wisdom, attaches to them elements of extraordinary dynamics and puts all these elements into motion. According to him, if someone properly diagnosed the real design of the currently valid emotions, and if someone was able to recognize the strength and direction of their activities, he or she would be able to steer the whole society in the direction of mutual support and rational love.

Like Marx and Pareto, Petrażycki brought new cognitive instruments to analyze the changes in social reality. In his sociology he proposed utilizing the concept of "emotions" (different from sentiments or feelings) and the concept of "projections" (socio-psycho elements generated by the emotions). Emotions were the basis (or: residuum, unconsciousness) whereas projections were the superstructure (or: derivation, awareness). As it has been said, Petrażycki's cognitive apparatus was quite elaborate and sophisticated. He distinguished phylocentric (appropriate for the larger biological-social body), egocentric (useful for the given individual,) and socio-centric (useful for the social group) adaptations. These adaptations produced the basis for the phenomenon of the "puzzling purposefulness" and the "contagiousness" of the emotions, functioning inside the given social group. Thus, neither an individual nor a social group gave

him proper theoretical goals. It was human nature as it was elaborated by the complicated processes of psycho and social adaptation: these constituted the basis of Petrażycki's sociology. This sociology did not provide an attractive and engaging vision, it did not promise a quick "revolutionary change," and it indicated the possibility of negative facts. It provided room for "sporadic events" (individual events which may halt or turn back elaborate "social trends") and on this basis he was able to forecast the emergence of the Nazi movement in Germany and its consequences. However, due to his tragic personal life, due to the fact of existing in a "socially and scientifically unresponsive environment" and due to his highly complicated theories, his ideas remained virtually unknown.

Nevertheless Petrażycki made substantial contribution to the development of the idea of global ethics (see Chapter 3) by promoting his idea of "neighbourly rational love" (emotional love guided by the principles of systemic rationality) and to the development of an idea of sociotechnics (analyzing the potential of the law as an instrument for introducing social and economic, and in the long run, political changes).

It is significant that sometimes brilliant ideas do not become internationally known. As a rule for an innovative idea to gain general, international recognition it first has to have acknowledgment in its national "academic-market." Second, it should cross into other countries. Third, the tensions inside national academia should catapult it into the international market of ideas that has achieved this type of prominence. Certainly this was not the case with the ideas of Leon Petrażycki. His limited recognition was based exclusively on his creativity.¹²

¹²It might be interesting to investigate whether those ideas that reach the international academia "supermarket" deserve it, to try to assess what percentage of valuable ideas that never gain general recognition and to try to assess what percentage of recognized ideas consists of pure garbage.

Since Petrażycki achievements are scarcely known, it is quite easy to observe that Petrażycki's ideas, as a rule, were unable to cross the boundaries of the Eastern bloc.

E. Summary

The above presented overview of the leading ideas of Marx, Pareto, Freud and Petrażycki shows that these authors have had several features in common.

They tried to explain “x” by “y,” when “x” was tangible, visible, regarded as obvious and “y” was elusive, hidden and evasive. They did not try to explain something by reducing it to something else (one simple variable to another simple variable), but they tried to explain a set of variables by another set of variables. They took the Platonian idea of shades in a cave seriously. For them those components that remained hidden and which were able to act from behind were relevant and not mere appearances.

They consistently tried to keep “an eye” on the schemes of the set of visible variables in confrontation with a hidden set of invisible variables. Translated into modern language, that scheme had the consistent pattern of a teleological paradigm (a relation that indicates which means lead to expected ends, and on what premise that expectation is based).

They also further developed the point consistently stressed by Max Weber: “rationality” as an important factor in dynamic socio-economic transformations. Weber claimed that,

We have to remind ourselves in advance that ‘rationalism’ may mean different things. It means one thing if we think of the kind of rationalization the systematic thinker performs on the image of the world: an increasing theoretical mastery of reality by means of increasingly precise and abstract concepts. Rationalism means another thing if we think of the methodical attainment of a definitely given and practical end by means of an increasingly

precise calculation of adequate means. These types of rationalism are very different, in spite of the fact that ultimately they belong inseparably together (Weber 1946: 293).

The second understanding of rationalism as described by Weber is developed in this work. Nonetheless, one should keep in mind the illuminating remarks of Reinhard Bendix in his comments on Weber's perception of rationality. Bendix says,

Weber pointed out that the Protestant ethic was only one of several phenomena that pointed in the direction of rationalism in various phases of social life. Rationalism have had a many-sided development peculiar to Western civilization and more or less directly related to the development of capitalism. For example, knowledge and observation had been developed in many lands, but the Greeks were first to relate astronomy to mathematics and to develop a rational proof in geometry; Babylonian astronomy lacked mathematics and Indian geometry remained without proof. Similarly, the experimental method was first introduced in western Europe, although natural science based on observation alone, without experimentation, was developed in many countries. Again, the West took the lead in the formulation and use of rational concepts in historical scholarship and jurisprudence (Bendix 1977: 68–69).

In this work that type of rationality is developed which takes into consideration the relationship between means and ends: this is teleological rationalism.

Rationalists of this type, as social engineers have an inclination to use those peculiar blocs which operate as premises of a united paradigm (not as its elements). These points of view, new social phenomena and the new theoretical notions that had surfaced in the twentieth century will be analyzed subsequently. In this work an attempt will be made to single out those phenomena and notions which gained a special notoriety in the twentieth century, and which also played a special dynamic role in shaping the history of this century.

Social Problems: Most Characteristic Phenomena of the Twentieth Century

The twentieth century generated and accumulated a large number of problems which were unsolvable without the help of the social sciences and especially sociotechnics. Nevertheless many obstacles actively worked against the smooth introduction of the sociotechnics paradigm into academia and the consciousness of public officials.

One of these obstacles is the fact that sociotechnics, as such, is virtually unknown. If vaguely known, it is perceived as “social engineering.” However this very name does not attract and gather supporters especially now, when a large number of specialists live under a regime of mass media “technicians.” Although they do not know too much about it, they are very quick and efficient in coining labels that mainly express their own level of apprehension. They are eager to attach the label of manipulation to sociotechnics and they are not ashamed of the fact that such a label mainly indicates their ignorance.¹

Also, sociotechnics is too young and too “inexperienced” part of the social sciences to be supported by competent sociotechnicians. Lawyers or physicians, who have the support of large and rich professional lobbies, can afford many university chairs, institutions, books and publications which are eager to explain

¹ They do not understand the concept of sociotechnics, rather, they remember Stalin’s phrase when he said that writers were “the engineers of the human soul.”

what they are doing, what the general population can expect from them, and sometimes even to discuss their own authentic and inherent weak points. Thus they are not too vulnerable to labels attached to them by outsiders.

Currently, sociotechnics is still judged by sheer ignorance, or is tainted by mass media “specialists.” As such, sociotechnics is compelled to show its usefulness and demonstrate its potential.

Therefore, a demonstration of the real virtues of sociotechnics should begin with a discussion of the problems (issues) into the nutshell of which sociotechnics can enter competently and show its unquestionable usefulness.

A. The Role of Intelligentsia — Defensive Intellectuals

The intelligentsia, although it existed only in Poland and in traditional Russia, is a good starting point for a discussion on collective experts of premeditated social action. The main task of the intelligentsia was to act in a benevolent way on behalf of the needy people of the land.

The intelligentsia did not have at its disposal cognitive instruments of diagnosis, measurement, planning and assessment of effectiveness of its collective activities. It only had an emotional *imperative to act altruistically for others*. Therefore, the social segment of the intelligentsia can be regarded as a naive collective social expert and it has to be studied as a forerunner of the large socio-political revolutions of the twentieth century.

The intelligentsia, as such, is not strictly a sociotechnical problem, it should be discussed rather as an opening for the new totalitarian creature which was generated as a hunch on the shoulders of the modern social structure — the *nomenclature*.

Among several characteristic phenomena of the twentieth century, the occurrence of the intelligentsia is one of the most intriguing. According to Gella, the intelligentsia should be under-

stood in the following way: “The old intelligentsia was a culturally united (through not homogeneous) social stratum of educated people characterized by a charismatic sense of calling and a certain set of values and manners” (Gella 1989: 132–133).

However it was Isaiah Berlin who gave it its most suggestive, colourful and descriptive picture. Answering this author’s letter, he wrote,

Dear Professor Podgórecki,

Thank you for sending me a copy of *Oficyna Poetów* with your article on the intelligentsia, which I read with great interest and attention, and in particular, of course, the note in which you refer to my attribution of the intelligentsia — both the word and the reality it denotes — to nineteenth century Russia. You may well be right, and, in consequence, I may be mistaken; but I am not clear about why you think so. I think that my concept of the intelligentsia is perhaps somewhat different to that which you indicate in your article. The sense in which it refers to writers, artists, thinkers, academics, intellectuals of various kinds, critics of society, etc. is far wider than the group to which I wish to refer. In your sense of the word, it goes back to French *philosophers* in the eighteenth century, to the German *Aufklärer*, perhaps to the *libertines* sceptics in France in the seventeenth century, perhaps even to the humanists of the Renaissance. I wish to speak of something much more specific and narrow: a self-conscious group of thinkers who see themselves as directly opposed to it, but by a commitment to rational thought, social and intellectual progress, a belief in, and a deep respect for, the methods of the natural sciences, dedication to such values as civic and personal freedom, personal integrity and the pursuit of truth no matter what the consequences — and therefore opposition to the established government, established churches, to tradition, prescription, reliance upon uncriticized intuition, and irrationality of every kind. In this sense, to take the English alone, neither Dickens nor Carlyle nor Ruskin can be regarded as members of the intelligentsia — besides which, in England the very notion of intelligentsia is thin and unconvincing, inasmuch as there has not been a modern powerful clerical establishment to be at-

tacked, nor an arbitrary government, at any rate in the nineteenth century. In Russia, neither Gogol nor Dostoevsky nor Tolstoy nor even Chechow would have thought of themselves as members of the intelligentsia — Tolstoy is very hostile to it, the same applies to the nationalist school of countless doctors, schoolmasters, agricultural experts, economists, etc., who regarded themselves as disciples of this central oppositional Fronde, on which they looked as leading in the war against obscurantism, despotism, bureaucratic rule, philistinism, etc. I do not know if the Poles used this word before the Russians — I should be much interested to know whether they did — I had always assumed that it was first used by someone in Russia in the 1860s, whether by Boborykin (to whom it is usually attributed) or someone before him. I do not believe, for example, that a Polish poet like Mickiewicz would have identified himself with a group of this type, any more than would his contemporaries Silvio Pellico, Byron, Pushkin or the Decembrist poets — they may have fought against despotism, but they were not committed to idealisation of the natural sciences and scientists, nor a faith in material progress. The major values of the eighteenth century Enlightenment certainly formed *sine qua non* of the Russian 'intelligentsia' and had a powerful sense of internal loyalties, in terms of which they could regard men like Katkov, at times even Turgenev, as traitors or backsliders, and Slavophiles, however intelligent, intellectual, pure-hearted, brilliant, influential, would be regarded as members of this movement. If it is not a Russian phenomenon or a Russian word, I should like to be corrected.

Yours sincerely,

Isaiah Berlin

(Podgórecki, Łoś 1979: 315–316)

What is essential in any attempt to understand this problem adequately is to realize that intelligentsia is perceived here as a social stratum that is defined by its task and function and not by its social features. The fact that intelligentsia is perceived in such a way is evidently connected with its origin. Influenced by the lack of Polish independence and the strong desire to regain that sovereignty and by Russian backwardness, this notion was

originally strictly connected with the historical developments of these two societies. One may note that the intelligentsia acquired a defensive mission: it was supposed to defend people who lived in the same social system, to help them to overcome the oppression which attached the weak and needy. The Jewish missionary attitude is somewhat similar: it is concerned with others, but it is also both defensive and offensive. The Jewish missionary attitude is defensive because the Jews have been persecuted continually and it is offensive because those who defend themselves know that the “offensive is the best sort of defence.”

The situation which occurred in Poland after it lost its independence (1795–1918), during the German occupation (1939–1945) and under the Marxist “sovereignty” over the minds of the people who belonged to the Soviet bloc. These events also deprived this notion of the intelligentsia of any possible objective meaning. The origin of this additional confusion (possibly planned in advance) was simple: the populations of the Soviet bloc countries had been divided into three administrative categories: peasants, workers and working intelligentsia.² Subsequently, that administrative and political use of the term “intelligentsia” contaminated the concept of the intelligentsia which was introduced into the social sciences of the Soviet bloc.

Thus, the answer as to whether the “intelligentsia” did exist in the Soviet bloc was highly complicated. From the point of view of its traditional definition (the collective and individual missionary attitude toward the social “underdogs” — the intelligentsia understood as an agent fighting for social justice), in

²Everyone who applied for any type of public assistance while attempting to find a job, financial help or an administrative position, had to give a description of his or her social background. This demand molded the minds of the social scientists (including sociologists) in such a way that they started to perceive themselves accordingly. That biased concept was repeatedly employed in the works of professor Jan Szczepański, and of all the people who had been subordinated to him as the Head of a Soviet-type research centre (the Instytut Filozofii i Sociologii Polskiej Akademii Nauk).

other words the intelligentsia as a social stratum did not exist in the Soviet bloc.³ If the intelligentsia was understood as a social segment consisting of those people who were able to express the needs and desires of the population as a whole or who were able to say something in a competent manner about society's cultural life (intelligentsia as an articulator), intelligentsia certainly *did* exist.

One may even note that intelligentsia, understood as "articulator," consisted of two conflicting subcategories. Those people, who were trained as technical and intellectual supporters of the new communist social and administrative structures belonged to the first subcategory: they have been trained as potential members of the *nomenklatura*.⁴ This subcategory added a new dimension to a real disaster during the period of socio-political transformation. Being a "new political class," it appeared to be almost completely nihilistic, totally pragmatic and utterly elastic. Those people who had been the "carriers" of the potential values of the traditional intelligentsia belonged to the second subcategory. Of course, there was a sharp contrast between the values and interests of these two groups (although this conflict, being suppressed, was not visible since the second subcategory did not have a chance to express its own values).

All of the above-presented problems, connected with various semantic definitions of intelligentsia, although important, are not as crucial as the concept of the *social catapult*. For sev-

³One should remember that according to Soviet policy after September 17 1939, when the Soviet Army entered Poland to take over this part of the country which had been divided between Germany and the Soviet Union, the policy was to liquidate the entire Polish intelligentsia. This was an unknown Holocaust that preceded the Jewish Holocaust.

⁴Therefore George Konrad and Ivan Szelenyi in their influential book *The Intellectuals on the Road to Class Power (A Sociological Study of the Intelligentsia in Socialism)*, 1979, New York, Harcourt Brace Jovanovich, have made a grave mistake. This mistake is developed later in studies coordinated by Szelenyi. These studies are based on an inability (aided by ignorance) to distinguish between instrumental and articulate intelligentsia.

eral reasons this new concept should be introduced into the social sciences. At least in Poland there existed (and still exist) various relatively small communities that cherished highly the “snobbish” pictures of some outside communities that existed on the edge of their awareness. Some members of those smaller communities being, due to special circumstances, alienated from them, or being, due to their own talents or to direct influences from the outside, alerted to matters of taste, justice or art, did revolt violently against their original “ghetto” situation. If the conflict between communities which arouse those individuals and their environment was not appeased but continued to the point of eruption, the process of the social catapult emerges. The social catapulting phenomenon meant that the given individual, after accumulating many small and large inner frustrations connected with his or her own *status quo* would erupt and would be “elevated” to the point he or she had dreamed of reaching. Of course, this phenomenon might take on several forms. It could appear as an individual protest, it could take on the form of a conspiratorial action which involved several actors or it could surface after a long preparatory mobilization in the form of an organized, complex activity. The place to which an individual would be catapulted might satisfy of his or her former aspirations; or it might only indicate that this place pinpointed certain expectations and dreams as a stepping stone to subsequent catapulting activity. If the next step or stage do not satisfy the individual, he or she may move to an abstract, imaginary level. It might be interesting to analyze the biographies of various creators of different religious groups, schools of art or circles of scientific discoveries from this particular point of view, and to speculate on why Polish creators, as a rule, were not able to reach yet the level of universal values.

At least in Poland one can single out several catapult sites. Usually, they were characterized by an atmosphere of a need to “escape,” of danger and of “suffocation” which is specific to the cultural and social climate in these communities. In fact, some-

times some individuals, after rising their expectations and leaving these communities which had functioned as their springboards were able to produce some outstanding and creative lasting results.

The dynamics of some of the social and political changes may possibly explain why that phenomenon of suffocation (after distinguishing its individual and group forms) could trigger some spectacular catapulting processes and explain more adequately the recent, unexpected results of many political, cultural, social and economic changes.

Another factor which plays quite an important role in shaping the content of social life or the social processes and also the content of the social sciences inside the academic community, are the unwritten community (societal) codes. In social sciences it is very difficult (and sometimes impossible) to establish a criterion according to which certain statements have to be categorically accepted or rejected. In this situation, sometimes, completely accidental elements come to the fore.

In that case, in order to find an acceptance for certain ideas, the power of argument does not seem to be proper nor the nature of the evidence involved nor the line of the argument. In that case what appears to be decisive is the *community code*.⁵

What is the meaning of that elusive concept? The existence of the community code causes various academic communities to be governed by different scientific atmospheres, different standards of scientific procedure and different types of authorities regarded as binding and, in the last resource, all of these types of elements proclaim what is scientifically valid and what is not. Paradoxically enough, in the social sciences these elusive features seem to have more decisive power than it is generally recognized.

Of course, different community codes exist. Since in the West some people would maintain that it is better to mention one's own name than to see it omitted (in this way people recog-

⁵The term coined by Ms. Teresa Mellerowicz Gella.

nize the validity of the advertisement principle), one of the community codes intending to “kill” (remove all memory of) someone would proclaim that the person in question should be passed over in silence: that could be done on the principle that matters discussed by that person could be at least unsettling for some important institutions, that these matters could trigger the need for further painful investigations, that they might produce demands for compensation etc. These “neutralization” techniques have also been generated in the East, or transplanted to the East. Especially when some problems of “lustration” or “setting accounts” become hot political topics. Therefore some opinion leaders (especially those who gained their positions of leadership during the blossoming of the ideology of the Marxist *ancien regime*) and also some social groups think that in this case a community code may proclaim that the issue raised by someone is his or her entirely private matter and that he or she enters the public arena with issues which inherently belong in his or her own private domain. This technique belittles the problem at hand, calling it minute, and implies, at the same time, that the person who raises that problem is an academic “trouble maker.” More complicated community codes may indicate that the suggested problem is obsolete, that it is typical of academic circles that are not very well intellectually advanced, or that it emerges in circles that are not aware of what currently is the centre of public academic attention.

Therefore, those people who wanted to put forward their ideas had to use all possible unexpected ways, manners, or even tricks to capture the attention of the academic community. Of course, in the natural sciences, attention could be captured by making a significant discovery. In the social sciences and humanities attention could be caught by gaining a real or fictitious charismatic position of authority by building up a spurious scientific school, by creating and controlling one’s own clientele (a group of dependent scholars support-

ing their existence by belonging to the group established by the leader), by the accumulation of semi-academic stations or by playing the official roles of supervisor, referee, dean, rector etc.

Case Study

Let us once more use the present Polish academic polygon as a field of inquiry. The time and place is quite illuminating since the tremendous changes which took place in Poland between 1945 and 1989 (virtually unknown to Western scholars) furnishes humanists with some very rich and almost “exotic” material. Professor Leszek Kołakowski worked in totalitarian Poland until 1968; he was partially trained in Moscow and then worked at Warsaw University until 1968 when he was dismissed).⁶ He was regarded as a prominent Marxist; published several articles and books on Marxism (it is interesting to note that only few substantive issues written about in these articles or books are quoted in competent Marxist literature). Recently two scholars, Józef Tischner, professor at the Papal Theological Academy and a priest of peasant origin, and Zygmunt Bauman, a professor at Leeds University — wrote about him. Bauman, in a rambling way says,

Reader, you should know that this book is different. This is the book that you have searched for. Kołakowski wrote it for you. He is sharing his wisdom with you. From the enormously large arsenal of knowledge, [sic] that he has amassed — one of the most competent scholars of our, and possibly not only our [sic] times – and distilled, evidently not to amaze [his] colleagues or blind intruders, [gives you one of those instruments] which you need, not to impress others with your wisdom [dis-

⁶Connelly John “Internal Bolshevisation? Elite Social Science Training in Stalinist Poland” in: *Minerva* 1996: 323–346 provides more details about Kołakowski’s Stalinist background.

played] on Sundays, but to survive during the coming day (Bauman 1997: 11).

This is written in a Polish daily journal, *Gazeta Wyborcza*, by Bauman, a sociologist, the former deputy colonel of the Polish security forces. The fact that he left Poland as one of the leading Marxist professors in 1968; that he was a person suddenly dismissed from his university position, that he was a person of a Jewish background, today — when in Poland to say something against Jews is almost sacrilegious — provides him with practically total immunity. But in shaping Kołakowski's aura of sanctity, Bauman is not alone. An army of young beginning scholars help him greatly. Among them is the above-mentioned Józef Tischner. He praises Kołakowski's peculiar speed in catapulting to the academic "heaven" in this way,

[The] lectures of Leszek Kołakowski are related to the idea of [the] virtues of wisdom. They are an exercise in those virtues.... And that is very important. It's not enough to deliberate about *virtues*, but [how] one should be trained [sic] to accomplish them... And to diaoethical virtue [diaoethical virtues — according to Aristotel — ennoble man's wisdom] he is trained in the professorial way, by practising it publicly' (Tischner 1997: 11).

Kołakowski, during the totalitarian period, practised this particular virtue in the following way: he publicly criticized Professor Władysław Tatarkiewicz, then a well-known Polish philosopher, and asked him to "reform himself, if he wanted to stay at the University." Shortly after that, Tatarkiewicz (evidently unable to "reform" himself), lost the right to lecture at Warsaw University.⁷ What is interesting here is not the spectre of the reasons used by some people to climb to power, or reasons why certain people have been blackmailed with threats of loss of their academic existence, or the reasons why certain individuals simultaneously received three salaries (as was the case with

⁷ *Przegląd Filozoficzny* [documents] 1995: 87–101.

Kořakowski). It is rather useful to remember that those measures remained as established patterns for the subsequent disposal for those people that would have liked to follow the footsteps of their ancestors.

It is important to note that these types of *community codes* triggered processes that appeared later as an avalanche in social and political life (including the life in the world of academia). Subsequently they took place in other areas of social life as well.⁸

Another question which is worth considering is the problem of why now, in Poland, in 1998, when Poland is not oppressed by any systematically functioning outside despotism, such practices still remain in wide use. Wide-spread social stupidity is apparently one of the reasons and too unimportant to deal with, so what is the decisive factor?

The community codes play several social roles. What type of roles? One of them is to spread news: do not quarrel about the past because some of those arguments may pinpoint those who are responsible for this past, may once again disclose the names of the Party people responsible for the formation of a policy and they may disclose the names of those who were responsible for the execution of a policy. Therefore, under the sublime Catholic rule: "we should forgive those who are guilty" a different and more specific rule is hidden. Currently it says: "do not touch certain problems if you do not want to be labelled anti-semitic." Since, in fact, the Jewish population suffered enormously due to the implementation of German's plans in Poland, the problem may indeed be easily turned against those people who wish to consider it. They may be labelled anti-semitic. Another directly connected problem is that: since many of the guilty ones have been Party members and, at the same time, of Jew-

⁸It might be an interesting study to compare the scale of these processes in academia and in other areas of social life, like, for example in sport, in the mass media, or in fashion.

ish background, then under the rule: “avoid the question of the responsibility of Party members of Jewish background if you do not want to be labelled anti-semitic” another rule is hidden. This rule says: “the phenomenon of ‘dirty togetherness’⁹ is the core of that sophisticated defense strategy.” Indeed, the residuum of dirty togetherness uses here the “hot” problem of anti-semitism in order to build an impenetrable fortress. If someone wants to get to the bottom of the Stalinist crimes and if he wants to disclose the role of the Stalinist party-apparatchiks and reveal their Jewish background, then this person, without any doubt, would be regarded as aggressively anti-semitic. This label is currently so atrocious that only a few people would have the courage to defy it. Without going into details of the justification of that accusation, let’s state again that the community codes guard certain areas from being penetrated more deeply.

Additionally, one should remember the following. The tentative guess (as yet not supported by a reliable study that should provide more reliability) is that social changes of special significance may occur on three different levels: 1) the political-legal level, 2) the economic level, and 3) the cultural and ideological level.

Let me elaborate. Recent history indicates that it is relatively easy to change the political or social sub-system. Actual power can introduce appropriate changes rather easily. Also, it is easy to introduce changes in the existing administrative system (in relation to the power structure, to the constitution, to the division of power etc.). That can be done even by administrative *fiat*. Whether these changes will take place in reality, whether they will gain actual momentum and whether they will play a decisive role in social and, especially, economic matters is a different

⁹By ‘dirty togetherness’ I mean “a community of cooperation established by the mutual use of illegal means or the acceptance of illegal goals.” Further see page 177, footnote 17.

question. Nevertheless, the initial changes originated by the actual power can gradually start the complicated processes of subsequent transformations.

It appears that it is much more difficult to change the economic sub-system since very complicated and multi-related factors are interconnected here. One essential economic change may trigger another one; they may produce results which may lead to immediate or hidden conflicts with those economic forces that till now have played a decisive role. Economic changes may create legal changes on different levels: changes on a low level may create appropriate changes on a higher level. Economic changes may create unexpected by-products. These by-products may particularly hamper the desired and planned processes, or may hamper the whole process of economic transformation. Thus, the economic transformation may weaken the already active forces and may activate processes which are difficult, if not impossible, to foresee.

The cultural and ideological changes take at least a generation. Quite often the present generation can be so indoctrinated (that indoctrination could take place on the conscious level or could be invisible, being anchored in habits, beliefs, every day patterns of behaviour etc.) that radical de-totalization is necessary — “to take that whole generation away from the scene” and replace it by an entirely new generation. That transformation could be hampered because the processes which originated in the outside but then entered the present generation and continued to develop inside them, had a less dynamic character than expected, because of the still active impact of the ideology of the former generation, because the extent of indoctrination of the aggressive forces of the previous education have been neglected, or because the previous brainwashing processes have contaminated even the emerging leaders of the up-coming generation. Additionally, all previous changes introduced on the ideological level may be so difficult to detect and may hide themselves into various pockets of the former system that the

subsequent battle with their remains might be extremely difficult.¹⁰

The use of community codes seem to be especially effective at this most resilient level and they are introduced here to produce the most difficult changes.

¹⁰Nevertheless one may ask why ex-totalitarian country (in this case Poland) is plagued by such strong aggressiveness by its former Marxist representativeness. Indeed one may well wonder why the intellectuals, executives, apparatchiks and other types of operators do not analyze the roots of their own mistakes, why they do not try to find the factors formerly engaged by the ideological “molech” to seduce them and why they are so stubbornly against confessing their own mistakes (or crimes) and undertaking practical actions to erase the consequences of their former attitudes and actions. The matter is highly complicated and, independent of its links with former Polish-Soviet relations (which seem to be involved here), is apparently connected with the *rejection–revenge* concept.

One may assume that if someone, or a group of people have had a high position in a given community and later due to a variety of reasons have lost that position, then this person (or this group of people) would have a tendency to blame that host community for their own downfall. A complex mechanism could take place here. The first tendency would be to blame the host group for its narrow-mindedness; the second tendency would be to collect all possible arguments in order to damn that host group; the third tendency would be to show to others, and especially to oneself that the host group was guilty of expelling oneself from its ranks; finally the last tendency would be to prepare a global accusation of the host group.

The tendency to blame the host group for its narrow-mindedness prepares the ground for the following tendencies. If the host group was not bright enough to appreciate the rejected, “expelled” person, than that group has to be blamed for all subsequent events.

In order to substantiate that accusation a person or a group has to collect all available arguments that indicate that the accusation is not a subjective idiosyncrasy but is based on a well-grounded collection of data.

The tendency to show to others and to oneself that one is, indeed, a victim of the host group’s culture and practice should additionally convince neophyte that it was the innocent party that was harmed. Then the whole world can be invited to see who really should be blamed.

After all that preparation the final verdict can be issued: the host group, if regarded as fully guilty, should be blamed for everything and should be convinced that it must pay those rejected full reparations.

To sum up, if one compares the dynamics of the processes triggered by social catapult (and their avalanche of consequences) and the processes caused by the cleaning up of community codes, it becomes clear that the traditional processes of the “*peasantrization*” of the cities, destruction of the nobility or processes of professional mobility are losing their force in comparison to the above processes.

Summary

The analysis of some selected¹¹ elements of social life of the twentieth century shows that in this century a new ingredient was added to European socio-political life. It is important that the systematically-growing element of teleological orientation, which underwent less traditional spontaneous social processes than other elements, obtained some peculiar features of social instrumentality. These new elements include many elaborate parts of various rational strategies.

Here it is irrelevant that the mechanics of the operation of social catapults introduced into social life were a mass of new components which previously could only be found in the deep residua of social life, and it is irrelevant that these mechanics have been put into operation by various usually irrational processes. What is relevant is that those components representing an enormous spectrum of rational, planned, consciously structured strategies, should be regarded as a *new type of social component* and that these components were (and are) composed of instrumental devices which had and have the capacity to change or guide social reality according to pre-arranged plans. In this

¹¹One should note that those elements are taken mainly from the former Eastern Europe. That is caused not because the author knows them better from his own experience, but mainly because they appeared in Eastern Europe more acutely than in any other place as by-products of a huge social experiment conducted in a large socio-political laboratory.

way, they contributed to the design of a construction which includes various components of teleological paradigm.

Is it not strange that the discussion on intelligentsia and its missionary character finishes with the presentation of the trick: “community codes” as a still vibrant post-totalitarian device?

B. Totalitarian and Post-Totalitarian Societies

Since it is a characteristic of the twentieth century that even those societies that have not been directly influenced by totalitarianism have been indirectly affected by it, so the study of totalitarian social engineering is valid in practically all twentieth-century societies. Only the direct impact of totalitarianism on societies regarded as underdeveloped is missing.

The silence which currently (in 1998) surrounds the problem of totalitarian and post-totalitarian societies does not mean that the inherent dangers of the re-emergence of these societies are present. Therefore, it might be prudent to analyze their roots and consequences before they can re-emerge again.

Thus, it might be useful to remember that not long ago (in 1965) Friedrich and Zbigniew Brzezinski gave a very penetrating analysis of the phenomenon of totalitarian societies. Also, the study of Barrington Moore, in which he developed the thesis that industrialization was not the main cause of twentieth-century totalitarian regimes plays an important role. In the sixties totalitarianism was a very fashionable subject of scientific analysis. However after violent Marxist criticism which claimed that capitalist societies are totalitarian in a quiet but more sophisticated and perverted way, the interest in this issue subsided.

Recently, Brzezinski has returned to this problem and has tried to present an updated scheme of post-totalitarian development. He distinguishes the following phases.

Phases in the retreat from Communism	Historical Status
Phase 1: Communism Totalitarianism Communist party controls political system. Political system controls society and economy.	Albania North Korea Vietnam East Germ.
Transition to Phase 2: by succession struggles which divide ruling Communist party and increase societal pressure for socioeconomic concessions.	Romania Cuba Czechoslov. Soviet Union China
Phase 2: Communism Authoritarianism Communist party controls political system but emerging civil society contests it; political supremacy in the economy on the defensive.	
Transition to Phase 3: most likely by top-level coup in response to regime fears of rising social pressures; in some exceptional cases, directly to Phase 4; alternatively, if changes are blocked, systemic fragmentation or repressive attempt to return to Phase 1.	Nicaragua Hungary Poland
Phase 3: Post-Communist Authoritarianism Authoritarian regime based largely on national appeal; civil society becomes political society; political supremacy over economy in broad retreat.	Yugoslavia
Transition to Phase 4: most likely turbulent in final stage of Phase 3, through peaceful evolution in some exceptional cases may be possible; alternatively, if change blocked, systemic fragmentation.	
Phase 4: Post-Communist Pluralism Political and socioeconomic systems become pluralistic (Brzezinski 1989: 255).	

It is easy to notice that the above-presented scheme relies too heavily on political factors (“struggles for succession” and “top-level coup”) and does not recognize enough socio-economic pressures which rise up from the bottom. Although, indeed, in Czechoslovakia political changes were triggered in 1989 by KGB agencies which tended to put this country in line with the

transformations that took place in the 'metropoly' and, again, in 1989 in Hungary an inherent split in the Communist party was precipitated as a result of a semi-top-level-coup and the bulk of the changes in Poland which heralded the anti-totalitarian movement in Eastern Europe and the destruction of the Soviet Union was the result of internal, national, economic, cultural or religious forces. Thus political and economic inefficiencies and crises in countries belonging to the Soviet Bloc seem to constitute the crucial causes of the disintegration of the Communist totalitarian empire.

More empirical research in this area was originated by the concept of "new political class." This concept was born in Poland after the WWII, not in 1957 as it is usually indicated. In junction with that Lipski wrote, "During the gloomy Stalinist period, a group of young scholars [the author of this book belonged to it], connected by common interests in the social sciences was co-organized by Manturzewski and Lipski. In 1953 this group, before Djilas in 1957 [Djilas 1957] formulated the concept of the 'new class.' The group was broken [in 1954] by the Secret Police; its organizer Czesław Czapów was arrested" (Lipski 1983: 16). Being well organized this new political class transformed itself into *nomenclature*.¹²

On the basis of historical knowledge arising from the studies of totalitarian systems and pertaining to the twentieth century it is possible to develop a cluster of concepts characteristic of totalitarian law. This cluster could be used, among other things, to help to identify any new totalitarian developments should they re-emerge.

Nevertheless, despite the fact that the foundations of totalitarian social systems, their legal systems,¹³ are now more open to

¹² See also, Rozmarynowicz, Andrzej. *Club of "Logofages."*

¹³ The word totalitarianism is used here as defined by Friedrich and Brzezinski, "the 'syndrome', or pattern of interrelated traits of the totalitarian dictatorship consists of an ideology, a single party typically led by one man, a terrorist police,

scrutiny than hitherto, the specificity of these regimes are perhaps recognized mainly on a speculative and intuitive level. On the whole, the Kelsenian understanding of the law as a body of binding abstract rules imposed by political decision and arbitrarily formulated as a metanorm seems appropriate to describe the totalitarian legal structure (Fuhrer's Principle). However, whereas the Kelsenian and Justinian conceptions of the law accept as essential the premise that the will of the sovereign (a body of an undisclosed nature) originates to the whole system of building rules that are basically stable, the constituting feature of totalitarian law was its whimsicality and unpredictability. Laws may well be challenged in a sovereign democratic state but only according to the principles which have been set by the requirements of the democratically generated metanorm (constitution). Challenges to the law in totalitarian regimes had no such guiding principles. There, changes arose from a seemingly chaotic state of affairs.

Totalitarian regimes succeeded in developing *sui generis* legal reasoning. But this reasoning was so abstract, and so remote from social reality, that it was difficult, if not impossible, to state whether this way of thinking was used to control the consist-

a monopoly of communications, a weapons monopoly, and a centrally directed economy" (Friedrich and Brzezinski 1965: 9). J.J. Szczepański in his foreword to Goldfarb's *Beyond Glasnost* notes, "Two distinctive features of totalitarian ideology (whether it is of the leftist or rightist orientation) are the aspirations to create a 'new man,' and the quest for legitimization in the supposed will of the 'masses.' Here the cherished logical principle of the intellectual works according to its own (natural) rules. The concept of the 'new man' inevitably adopts the shape of a docile subject of the regime, and the will of the 'masses' is formulated by the ruling elite according to its political and class interests" (Goldfarb 1989: x).

In this paper 'totalitarian system' is understood as a social system dominated by a homogeneous ideology imposed by a monopoly and its oppressive apparatus. A 'posttotalitarian system' emerges when the dominance by the monopoly has formally ceased, but a deeply entrenched bureaucratic structure remains in place and the values, mores and basic mechanisms generated under the totalitarian system still predominate.

ency of the legal system as a logically and normatively noncontradictory body of legal rules or whether it was utilized as an instrument of an additional intellectual (pseudo-logical) oppression. Works of internationally known scholars in the area of legal reasoning seem only to strengthen this otherwise intentionally developed set of ambiguities (Opalek, Wróblewski 1969).

The twentieth century has been rich in the production of totalitarian social and legal systems. Some of the South American, Asian and African systems may all be characterized in this way, but the three most striking examples of this development are Italian, German, Russian-Soviet and Polish. This is what they have in common:

- (a) They emerged as modern products of European civilization and culture "...totalitarian societies appear to be exaggerations, but nonetheless, logical exaggerations, of technological state of modern society ... (T)he party, its leader(s), and the ideology link the totalitarian dictatorship to modern democracy" (Friedrich and Brzezinski 1965).
- (b) They have been more or less connected with a phase of sophisticated developments in bureaucratic structures and they are built according to the Weberian 'rationality principle.'
- (c) They have been the products of the WWI or WWII and the sociopolitical crises associated with these wars.
- (d) They have been characterized by the emergence of charismatic leaders.
- (e) They have been characterized by the rapid development (and reception) of the value-loaded dogmas inherent in the approaches of aggressive political centres of populist parties; these parties, on the derivational level, have been busy with producing ideological dogmas and, on the residual level, have been busy with the elaboration of new forms [and rhetoric] of social control and coercion exercised by the secret-police apparatus.
- (f) They have been led by dictators who kept in their hands control of secretpolice power, and also presented their followers

and the general population a synthesis of obligatory ideologies which originated inside the party apparatus.

(g) Politics shape their economies.

One of the great difficulties of conceptualizing

totalitarianism arises from the great differences between the economic aspects of the Soviet system and those of the Nazi state. However, they both have one thing in common. Both assert that the state has the right to direct all economic life, and in this they differ radically from laissez-faire liberalism. In the details of their activity, the two totalitarian regimes display striking economic differences; for example, the Soviet technique was expropriation, whereas the Nazis relied on extremely detailed regulation. In consequence, the political institution is the only employer in the Soviet Union, something which was not true in Germany (Timasheff in Friedrich 1954: 333).

The role of the law in the twentieth century has been enormously complicated. It dealt, for example, with the nationalization of land and industry in Soviet Russia, colonial expansion in Italy, revindication claims after the WWI in Germany and to impose new political system in Poland after the WWII. Law also responded to or suppressed several social transformations: (1) rising awareness of the repressed national entities, (2) the urgent demands of the economically frustrated masses, (3) the rising degree of support from ordinary police, secret police, statebureaucracy, as well as from a newly-emerging social stratum of “red bourgeoisie” or “nomenclature”, (4) the unprecedented effectiveness of sociopolitical oppression combined with the rhetoric of social, economic and political justice etc. (5) the unprecedented use of mass media as an agent of ‘socialization’ processes, (6) the shaping and moulding of the ideology and behaviour of the legal profession in order to compel it to play the role of a co-partner against the opposition forces and (7) the forcing of social sciences to develop various forms of ideology in order to evolve, rationalize and produce new forms of legitimation for the state activities based on more or less visible criminal principles.

Using this general framework, one may propose the following list of sub-problems which need closer analysis:

- (a) law as an obedient servant;
- (b) basic totalitarian groundnorm (*Grundnorm*);
- (c) the prearranged legality;
- (d) severe sanctions;
- (e) law as a “dark” social engineering, and
- (f) conclusions.

Taking these perspectives into consideration, it might be interesting to elaborate them more systematically.

Law as an Obedient Servant

Totalitarian social systems do not treat law in an autotelic way. This means that the law does not have a normative value on its own. Since it is not independent, law does not have an exclusive area which belongs entirely to it: it is always dependent. In short, law is heterotelic or, in other words, official law can be regarded as normatively valid only if a higher, political norm provides it with the final and decisive *placet* (acceptance). Without this approval law cannot be regarded as valid. If a Party member commits a crime, he cannot be brought to court, even if his guilt is evident, without earlier “permission” of the relevant Party organs. Indeed, in order to receive high office in a state bureaucracy, there has to be a political decision to ensure that the appointment be appropriate. If this position is reserved for the so called “nomenclature”, then this clearance has to come directly from the Party’s ideological headquarters.¹⁴ In a totalit-

¹⁴The basic principles of Bolshevik Weltanschauung are “(a) the demand for complete and unqualified loyalty to the Party; (b) the insistence on the necessary conflict of interests between the working class of which the Party is the leader and all other classes and the need for unrelenting conflict against these other classes, even in times of apparent truce and cooperation; (c) the continuous application of the criteria of Party interests in judging every person and situation and the need to avoid eclecticism in doctrine and opportunism and compromise

arian social system practically all legal norms and legal institutions have their own shadowy counterparts. The given norm is valid only under the condition that it is not in disagreement with its shadowy character. The given institution may function only if it has a “green light” given by its monitoring shadow agency. At first glance, one may think that the totalitarian legal system does not differ from any other legal systems (including democratic legal systems). But this is not the case, since the shadowy counterpart of any legal norm, although decisive in its validity, is quite difficult to find, “the only rule of which everybody in a totalitarian state may be sure is that the more visible government agencies are, the less power they carry, and the less is known of the existence of an institution, the more powerful it will ultimately turn out to be” (Arendt, quoted by Mason 1967: 54). In China, everybody quotes the Chinese Constitution, but all efforts to obtain a copy of it are difficult. Indeed if the population were to read the constitution and then look at the reality of life in communist China, it may have to come to the conclusion that the constitution is invalid.

The shadowy counterlegal system plays an omnipresent and decisive role. It constantly reminds the population that the formal law is an instrument used by the current political power.

in practice; (d) the stress on the class characteristics of individuals and the interpretation of their actions in the light of their class position exclusively; (e) the belief that all history is the history of class conflict; (f) the denial of the existence of pure truth and attack on those who espouse pure science or ‘art for art’s sake’; (g) the belief that the expression of sentiment is an expression of weakness and that it interferes with the correct interpretation of reality and the choice of the right course of action; (h) the belief in the ubiquitousness of the influence of ‘Wall Street’, the ‘City’, the ‘Big Banks’, ‘Heavy Industry’, ‘200 Families’, etc. and their masked control over even the most remote spheres of life and the counter-belief in the necessity to penetrate organizations and achieve complete control over them; (i) the ideal of the classless society, without private property in the instruments of production and hence without conflict, the ‘realm of freedom “where man will cease his alienation and become truly human” (Shills in Mason 1967: 33).

Law can be changed (“adopted,” “adjusted” or “modernized”) according to the actual desires of the power elite. According to totalitarian doctrine, the leader or the ruling elite represents the “collective” wisdom of those who are the subjects of the law. If sometimes it appears that the law, or changes in the law, are not beneficial to the population, this is attributed to “faulty perception” on the part of biased critics or to their incomprehension or only partial comprehension based on the limited access to data. Their scepticism is seen to be a kind of “false consciousness.” Indeed, had they been able to comprehend the formalistic subtleties in a more holistic way, they would surely agree with those who do see the matter from a more global, balanced and multi-sided point, hold the Party view. It is claimed that the ruling elite, with its enlarged perspective, is in a position to shape the desires of its populace in a way which is beneficial not only for the present aims of its living subjects but also for the future generations. If the subjects are sceptical about that, they have to be “persuaded”, “educated” or — punished. Punishments are seen to be beneficial to sceptics because they have to be socialized for their own good.

Totalitarian law tends to be not overtly servile. Legal servility is therefore not mechanical. Rather, it is designed first to capture the imagination, and to appeal to the collective wisdom and spirit of those exploited and to make them believe that what is done is done for their benefit.

Basic Totalitarian Grund-Norm

The basic norm of the totalitarian legal system is the “will” of the ruling elite disguised in the current ideological programme. Totalitarian social systems produce power elites of various types. Some of them are visible elites, others are illusive so that the power is hidden behind their ranks and real powers. They may be of a capitalistic, militaristic or even purely bureaucratic nature. Totalitarian ruling elites also tend to generate leading, charis-

matic figures who embody the elite's derivative ideology. Interrelations between charismatic totalitarian leaders and "intellectuals" who serve them as resourceful pools to produce arguments supporting basic ideological dogmas, are quite perplexing. Nonetheless, it should be stressed that both the leader and his hired "experts" constantly undertake the task of translating the current content of the totalitarian basic "Grund-norm" into a variety of socio-political impulses. They are doing it to enact a new law, to interpret an old one or to reinterpret it. They are doing it always for the benefit of the "whole."

Frequent statements that the basic norm of the totalitarian social system represents the "will" of the ruling elite are crude and primitive declarations. What does "will" mean? It means so many things that it might become meaningless. When knights and the aristocracy proclaimed the values of the fatherland, monarchy, land and religion, few of them apparently realized how shrewdly their own interests were hidden behind these declarations. Spartans have professed the ethics of a harsh life style, capitalists — the values of self-discipline and work and sometimes even welfare state politics, but hidden behind these notions was a clear emphasis on success. Throughout the history of mankind, knights, aristocracy and capitalists have been convinced that the values which they proclaimed have been functional for their respective societies. In the case of totalitarian elites, the situation is entirely different. Relatively few members of these elites actually believe in the values to which they so eagerly and skilfully promulgate. The overwhelming majority of them are fully aware that they impose on others a false ideology for their own interest. This is the "meta-law" of the totalitarian social systems. Empirical data concerning these problems are not available. Had they existed, they might have shown that only a tiny number of those oppressed believe in this ideology. The pressures of an orchestrated mass media, the educational system, intimidation, punishment and the sheer repetition of dogmas transform a purely normative ideology into semi-real ideo-

logy, and give rise to “false consciousness.” The resulting effect of all these socializing measures is to create an almost omnipotent machinery of persuasion which translates the totalitarian “Grund-norm” into various types of legal enactments, decrees, ordinances, regulations, and so on.

In a fascist or communist society the constitution is imposed on the population as a facade document of national importance. It does not list those rights which are practised by the citizens but it enumerates those norms which are desired as those which ought to be valid.

The ruling elite uses the sheer existence of the constitution as a proof that the citizenry enjoy assumed privileges. Thus, this is a spectacular leap from the “normative reality” to the “factual reality.” In some instances the ruling elite concede that there exist some discrepancies between the normative rights and real rights, but the acknowledgement is used only to detract attention from the real abyss which separates these phenomena. This acknowledgement serves only to divert attention to the shadow constitution which proclaims that only these norms of the facade-constitution could be regarded as valid ones which have the current *placet* of the Party apparatus. In some instances a “compromise” between normative reality and factual reality is established. In the Soviet Union, for instance, the Constitution had a provision according to which the Communist Party is regarded as a “hegemon” over the Constitution and society. Strangely enough, in Poland in 1976, the “civil society” defended the previous Stalinist Constitution against attempts to introduce a provision of this type. Paradoxically, when the Polish “Stalinist” Constitution was enacted (1952), the Party was not prepared to be so openly arrogant as it was above the Constitution whereas the Polish “civil society” was too intimidated to oppose the Constitution. In 1976 the situation was different. The Polish Communist Party, without any real achievements in the area of socioeconomic life, wanted to create an illusion that it had real accomplishments. Therefore, the Party used the tech-

nique: normative = "real." Additionally, the Party misjudged the strength of the maturing Polish "civil society" and did not have an adequate diagnosis of its own weaknesses. However the fundamental premise underlying this course of action was proven faulty in a number of ways. For example, it was assumed that the Polish population had actually internalized some of the Marxist dogmas which had been imposed on it. This false assumption was maintained and nourished by the arrogance of ruling elite's "false consciousness." Alienated from society through the accelerated accumulation of privileges and transformed into the "red bourgeoisie," this communist power centre was seen by the population at large as a group of oppressors united by direct access to the instruments of coercion. However the power elite, seduced by its own philosophy, persisted in claiming a fundamental commonality between its interests and society's benefit. This conviction, needless to say, operated only on the derivational level.

Thus, the totalitarian constitution, with or without a clause insisting on the dominant role of the Party, was intended to create an impression that the basic norms on which it was built were identical to the benefit of the society as a whole.

Prearranged Types of Legality

A special study should be undertaken to show that each bureaucracy contains several characteristics of a totalitarian legal system. Even a bureaucracy in democratic society is totalitarian to a certain degree because each bureaucracy contains a germ of a holistic, rationally restricting, 'impersonal' approach. This is not only due to the hierarchical nature of bureaucracies, but also to the organizational principles which they entail. When an individual is confronted by an inhuman set of norms and organizational requirements, when an individual is surrounded by anonymous agencies, when an individual is treated everywhere in an impersonal way, and when an individual is reified, then,

even a democratic socio-political framework may not help him or her too much. Then the individual acquires a feeling of a “Kafka void” and becomes helplessly exposed to administrative omnipotence. Bureaucracy, however, also may have some advantages for an individual, for instance, by providing an assurance regarding impartiality and rationality. A clerk who is not interested (and who is not allowed to be interested) in personal features of his or her client, but whose focus of attention is concentrated on the “rational logic” of the matter, acts in a more detached way than if he or she were personally involved in the case. The client, who does not have any experience with the legal system or its procedure, abhors the social system which tends to treat him or her as an element deprived of human feelings, bonds and ties. This individual experiences an overwhelming pressure from norms, institutions, organizations and rituals which bring him/her to the edge of personal disintegration. Bureaucracy, to be impartial and just, has to be *impersonal* but, as such, may be a force of destruction and if rationally developed bureaucracies in democratic societies can exert such a destructive influence on the individual, the situation of a citizen in a totalitarian socio-legal setting is of somebody lost in the void.

Totalitarian socio-legal systems treat an individual not only as a permanently crushed entity, an entity oppressed by the alienating forces of the law and its ramifications, but the law itself develops additional measures to oppress an individual. First, the bureaucracy in totalitarian socio-legal systems is corrupt, one-sided and evidently working for the benefit of the ruling elite. As such it does not give an individual a feeling of protection. In fact, quite the opposite: it threatens him. Therefore, the individual has to strive for personal survival and fight against the bureaucratic forces working for the benefit of the operation of hidden powers. Second, bureaucratic systems in socio-legal totalitarian settings do not provide, as they sometimes do in democratic surroundings, access to professional, possibly free of charge, legal aid. If such an aid does exist, then it is oriented

to exercise pressure on lawyers to support the system and only those lawyers are hired who are willing to cooperate. Third and most important, totalitarian systems develop a complicated web of informal, socio-control devices which surround an individual and compel him to act according to the expectations of the "molech." In China, for example, we are told how the state monitors the sex life of females in order to control the excessive increase of the population. State bureaucracy sets certain limits regarding birth rate, with different limits for various sections of the population, and develops several educational and technical measures to achieve these goals; since some measures are not efficient enough, bureaucracy additionally develops certain informal mechanisms (neighbourhood committees) to achieve these goals.

The Residents' Committee of each district was an extension of the police department, working under its supervision. Officers of the Residents' Committee dealt directly with the people and reported to the police. The organization was responsible for the weekly political indoctrination of the residents, running the day-care centres, distributing ration coupons, allocating birth quotas, and arbitrating disputes between neighbours. In some instances, officers of the Residents' Committee even helped the police solve crimes and capture criminals, as they had such an intimate knowledge of the life of the people in their charge. Most of the officers of the Residents' Committee were retired workers on government pensions, receiving no pay for their present work. Only in special cases, when the retirement pension was low, were the officers given an additional allowance. These ladies (and a few men) enjoyed great power over the people. Their reports on each individual were treated as confidential and were written into the dossiers kept by the police. In fact, the Residents' Committee system enabled the police to remain in the background while maintaining close and constant surveillance of the entire population (Nien Cheng 1986: 378).

In the Soviet Union, school-pupil organizations were set up to control the socio-political behaviour of parents; in Poland after

the Second World War each workplace had its own Party “cell” which closely observed the behaviour of those working there. In Nazi Germany neighbourhood committees monitored the behaviour of all those who happened to be in the orbit of the committee’s visibility. In general, in totalitarian societies, informants are treated as those people who have the civil courage to overstep the bounds of traditional morality and provide the state authorities with much needed information in order to evaluate, change, correct or eliminate certain types of behaviour in their citizens officially regarded as deviant.

In effect, in socio-political conditions of totalitarian societies an individual is not only exposed to the crushing pressures of the impersonal moloch of institutional omnipotence, but is in addition checked from below by the organized web of personal, informal, flexible, penetrating inter-human relations existing inside the family and neighbourhood communities. Thus, the formal machinery sets into motion a more efficient informal one.

Interplay between the impersonal structure of totalitarian bureaucracies and their informal agencies controlling human behaviour in an anti-bureaucratic way gives birth to an interesting, but not yet fully recognized, phenomenon of *totalitarian fiefdoms*. A totalitarian economy is, as a rule, inefficient. Populations in totalitarian societies live under the constant pressure of everyday needs, and practically everybody lives under the dominance of several tall, crosscutting pyramids of discretion belonging to the powerful. In this situation a peculiar tendency emerges. It is to create for oneself, inside of one’s own field of discretion, a domain which enables one to oppress others.

The woman was rather disconcerted when I told her that she had given me the wrong form. But she changed it for me without saying anything. Next morning I carefully filled out the application and handed it in with the required documents. I did not expect to hear from the Public Security Bureau for at least a year, the usual

length of time for processing a passport application during 1979. But I also knew cases of people who had to wait several years just for the permission to go to Hong Kong, before the Cultural Revolution. In any case, I was fortunate; the woman official did not refuse to give me the application form. If she had refused, there was absolutely nothing I could have done except to give up the whole idea of applying. Although her position in the bureaucratic structure could not have been very senior, the power she was allowed to exercise seemed frighteningly enormous (Nien Cheng 1986: 503).

This oppression acquires almost an unconscious form of satisfaction for one's own suffering. In short, a totalitarian citizen, in order to re-establish his or her psychological equilibrium, projects his or her own suffering onto others and tries to transfer the aggression which constantly pesters him or her to his fellow citizens. Then the citizen perversely enjoys the power which he or she, in this way, displays. Since practically everybody in a totalitarian society operates as a government official, everybody has his or her own field (fiefdom) in which he or her can exercise a sort of monopolistic power. On the lowest level, the citizen may, or may not, sell a magazine of a limited circulation to a potential buyer; it is up to the citizen to decide whether the face of the buyer is submissive enough to grant the citizen this favour (the majority of vendors act as agents of the government's selling firms).

The phenomenon of totalitarian fiefdoms is constructed by using bureaucratic authority to expose others to the dancing game of rewards and punishments which may, partially at least, compensate for totalitarian oppression.

One should keep in mind that the fundamental principles and basic interpersonal connections of totalitarian and post-totalitarian bureaucracy have the ability to slip into the democratic period, if such a period subsequently emerges.

Totalitarian social systems recognize the divisions between legislative, executive and judicial branches of government only

pro forma.¹⁵ The judiciary is, of course, the most visible victim of this political aggression. According to the traditional doctrine in democratic societies, the judiciary should check the balance of all powers, observing whether or not the legislative and executive divisions exceed their given authority. In totalitarian social systems, the judiciary do not possess such power but, on the contrary, are used as an additional measure to control the citizenry. How is this done? When the author of this paper visited China in 1963, he expressed a wish to meet a judge. This proved difficult. He was informed that there were only a few judges in the whole country. Apparently, judges were not in a great demand since the neighbourhood committees had the capacity and power to solve the overwhelming majority of legal problems which arose in local communities. To explain this situation better, the author was told the following story. In one district, a young person, due to his intellectual skills and mature political attitudes was appointed as a judge. He was a good judge and, regardless of his age, was able to solve even the most complicated cases. Not having a formal legal education, he was capable of supporting his judgements by his own intuitive understanding of the law. In a few cases, when he perceived the case to be beyond the scope of his personal wisdom, he would go to the Party secretary for advice. Although this story is not characteristic of China any more, it gives a clear illustration of the relation between the judiciary and the Party in a totalitarian country. The logistical arrangements which assure the dominance of the Party are relatively simple and similar in various totalitarian countries. Judges are appointed for a specific period of time (in Poland, as a rule, for five years). Every year and especially towards the end of their appointment they are carefully assessed, not only on the number of completed cases, legal competence and speed with which they work but also, and above all, the terms of the political

¹⁵ Unfortunately the new Polish Constitution accepted by the Parliament and subsequently approved by referendum in 1997, does the same.

content of the sentences are evaluated. The Ministry of Justice (or other institution of this level) sends policy instructions to judges. They specify social problems which are especially acute at any given moment, provide a diagnosis (tentative and superficial) of these problems, and recommend the adoption of a certain policy (as a rule, stiffer sentences). Additionally, judges are constantly monitored by their supervisors (judges of a higher rank) as to whether or not they apply these recommendations. Supervisors also have access to the political profiles of judges and they instruct administrators to take account of these when they are allocating politically sensitive cases. So, if a politically significant case appears in the court, it would go to the judge who can give an assurance that he (or she — women constitute, at least in Poland, an increasing proportion of judges), would give a sentence which complied with the current Party line. Judges are also poorly paid and that means that this preselects only those people who exhibit lower professional capabilities (as compared, for example with advocates). They are also more malleable (data presented above are taken, again, from the reality of the Polish legal system in 1949–1989. See Grześkowiak 1989: 4).

On the whole, the judiciary in a totalitarian social system, serves thus as an additional filter which selects legal norms as appropriate for officially approved goals. This filter omits certain norms (and could even deny the defendant the right to have a defence lawyer), neutralizes certain norms (the judge may re-interpret motions made by the defendant), and emphasizes some rules (the judge may extend his inquisitorial power beyond the limits which are usually prescribed for the parties). Generally speaking, the totalitarian legal system uses the judiciary to evoke, promote and channel the conforming behaviour which is beneficial to the state.

Law in totalitarian societies is not applied according to its meaning or according to the letter. The preconceived spirit of the law is more important than the law itself. Interpretation of the content and understanding of the context are con-

stantly being changed to reflect changeable political situations. As a result, the real meaning of the law fluctuates constantly, “trembles,” “jumps,” and performs various “topsy-turvy” acrobatics and with the consequence, that in Communist countries the general public knows quite well that it would be a grave mistake to expect the law to have a constant, fixed meaning. (Łoś 1988) The ruling elite appears to know what image of the law the public has and counteracts this negative image by insisting that in totalitarian countries everything is done according to the letter of the law. Thus, the ruling elite creates an artificial language and a spurious way of thinking, according to which the law should be regarded as the guiding rule of the state. Moreover the public law acts as a facade, “the facade of the Soviet government, despite its written constitution, is even less impressive, [and] erected even more exclusively for foreign observation than the state administration which the Nazis inherited and retained from the Weimar Republic.” (Arendt, quoted by Mason 1967: 55) Everyone is familiar with this fiction.¹⁶ Nonetheless, everyone is pressured to conform. Consequently, two parallel realities exist: the reality of instability, unpredictability and the systematic misuse of the law, and the reality of the “socialist governance” of the law (or “communist legality,” or the “rule of the law”). With the passage of time, people begin to know how to use the language of both categories of reality. They tend to use the first language in small, well-trusted, private circles and the second language exclusively in official settings. However with the constant “improvement” of the measures of social control, with the confusing lack of knowledge about the law, the increasing uncertainty about “who is who” and the use of random “preventive” punishments, official control penetrates even close face-to-face interrelations in private circles. It then becomes unsafe to use the first language,

¹⁶Not long ago Gorbachev fought a fierce battle to liquidate this constitutional fiction (February, 1990).

the official language gains the upper hand. The general population gradually becomes accustomed to it, starts to use it as a “safety measure” and therefore “approves” this official language. Eventually, the official language infiltrates the private lives of the people to such an extent that in order to pronounce even a trivial and banal but true observation concerning the real functioning of law, a person has to show considerable “civil courage.”

All laws and regulations have been declared tools of the ‘capitalist roaders’ [people who promote capitalism] against the people. No one knows what’s legal and what’s illegal any more. I suppose when one gets caught, it’s illegal. When one gets away with it, it’s legal. People using the back door seem to get away with it, so everybody does it (Nien Cheng 1986: 365).

Consequently, the artificial language based on fiction becomes the natural one, and the true language based on a careful reading of social reality becomes the controversial one. Thus it is only when there is a sudden social change or catastrophe that the public begins to discuss things more independently and to question whether or not the concept of legality is indeed based on the law or only on some whimsical invention of the ruling elite.

Max Weber was responsible for the recognition of the importance of the problem of legitimization, its classification and description. According to him, *charismatic* legitimacy is based on the personal features of the leader. These features are directly connected with his “unusual” qualifications and “spectacular” performance. Thus, he compels his followers to believe in the importance of his leading role in the performance of the “higher mission.” *Traditional* domination has its roots in the master’s authority over his household. It may be present in a patrimonial or feudal form. Patrimonial domination is more personal, being determined by direct contact with the master. Feudal domination also contains some impersonal and formal elements generated by the elaborate rank system. *Legal-rational* legitimacy is based

on the crucial feature of the “impersonality of the legal norm.” However this classification, revealing as it is, has some weaknesses: it does not have a common dividing principle and it does not adequately fit social reality. For example, it does not include totalitarian forms of legitimization.

Totalitarian legal systems may be based on “*dead-end* legitimacy.” Sometimes the citizenry may tolerate the government, which otherwise is totally rejected and in this indirect way legitimize its authority. This paradoxical situation may arise when the population feels that the existing power structure is, perhaps, less harmful than other options. For example, if previous attempts to overthrow the existing authority, perhaps imposed from outside, have failed, ending in disaster and producing an overwhelming accumulated experience that the fight with the existing rules only makes the present, bad situation worse; when the population does not have a historically-established tradition of fighting for its freedom; when it is obvious that the might of the superior power which has imposed the hated rules and rulers is more than a match for the subjugated society; when a coalition with other conquered societies does not seem feasible; when the international situation does not allow the population to expect the collapse of the superior power; when the fear of repression if the opposition increases seems too unbearable, then the situation may be peculiarly constraining. This type of ‘a rebours’ [reverse] legitimacy generates pessimism, a sense of impotence, passivity and, in effect, may even lead to the compliance with a particular regime. The prolonged experience of this type of oppressive rule may give rise to the emergence of an entirely new type of legitimacy. This could happen especially when new generations emerge and the harsh social control is able to break successfully the transmission of the inter-generational cultural heritage. “*Natural*” legitimacy or “*legitimacy supported by false consciousness*” surfaces when citizens begin to regard the existing government as something “natural,” like something given, for example, — the weather. Not knowing any other op-

tions, not being familiar with any other forms of government, cultural patterns, lifestyles or basic values, they may regard the existing situation just as the change of day and night: a “natural” one. In fact, this is the ideal model of a totalitarian state (Podgórecki 1985).

When legitimacy is supported by false consciousness, social control in its excessive form is not necessary. False consciousness may be craftily introduced and inculcated into the citizen’s psyche so that the citizen begins to regard this “gift” of the totalitarian regime as an inherent element in their soul. Social control of this type is extremely cheap. Once propaganda has been “injected” into the individual, it starts to operate there as an independent element of a meta-ego (or super-ego), as a compass guiding behaviour and shaping its evaluations. This type of social control exists almost exclusively in closed societies but, when the gates of this social system are, even slightly, opened, inculcated false consciousness and “respectful” and “cheap” social control quickly disappear.

In totalitarian systems “dark” social engineering (because it does not disclose its real goals) tries to transform the alienated (beneficial for the elite and harmful for the population) legal system into a legal system supported by internalized values. This strategy may have some advantages: a) it may help introduce totalitarian values to social reality; b) it may help to weaken the consciousness of the existing socioeconomic conflict between the rulers and their subjects, and c) it may minimize (as was indicated above) the use of the mighty and expensive apparatus of social control (An example of a “dark” social engineering — see pp. 177–177).

One should note that when defending themselves against totalitarian impositions, societies sometimes produce certain social phenomena which, however in the short run, help them to survive the current oppression. In the long run, however, these social phenomena paradoxically engender support for the oppressive regime. One of these is “*dirty togetherness*,” which was

discussed earlier¹⁷ (see Podgórecki 1979: 202–203). This defence-strategy was recognized by common sense wisdom: a proverb used under Polish communism that “log-rolling is the last human feeling on the way to socialism” contained that accumulated social knowledge. Indeed, inside the dirty togetherness circle, people had some sort of an informally organized retreat where they could, in a perverse way, trust each other. In that group they could count on themselves, and seek help or retreat. Thus, subjectively speaking, dirty togetherness had some positive features, relinquishing the need of some elements in a general struggle to survive.

Severe Sanctions

As a rule, totalitarian social systems use harsh legal sanctions. They mainly apply these sanctions as a deterrent device that is designed to prevent people from doing what is regarded by the ruling elite as negative. In this context, negative does not

¹⁷Dirty togetherness means that the elements of traditional social control lose their character of agents of governance and assume various forms of specific, perverse loyalty. This loyalty is also cemented by family ties, mutual fiddles, participation in various petty and grand crimes or mutually beneficial and informal, not strictly legal, private transactions with the possibility of mutual blackmail in the case of violations of the reciprocal codes of collaboration. All of these relationships create their own network superstructure which then, as a new, independent social factor, influences the social system in which it operates. Under the influence of dirty togetherness each institution, office, factory and organization serves, independently from its own officially declared aims, as a semi-formal network that gives a stable frame of reference to an enormous number of mutually-interconnected private interests and reciprocal arrangements. In this situation, the formal legal network, irrespective of its own questionable efficiency, becomes a very precious scheme. It is clear that individuals who operate inside this system will, after a while, start to support this legal matrix not because they accept it as a system which has a normative validity or as a system which is supported on the basis of its own inherent virtues, but because they become familiar with it, with the rules of the game, with its “who’s who” background and with its level of efficiency.

mean socially harmful. One reason why sanctions in these systems are rigid, and operate, is that they appeal to public opinion which, in matters of punishment,¹⁸ is harsh almost everywhere (even in democratic England). The second reason is more complicated. This concerns the well established rule that those who come from “lower” social strata are more severe in their judgments and are more willing to use more oppressive sanctions. Also, it is quite peculiar that in totalitarian societies the ruling elites are often composed of those people who belong, from a social point of view, to those social strata which are located at the bottom of the social ladder. This creates a unique type of social “consensus.” Thus, a specific “double reinforcement” takes place here. This has several consequences of various types of denunciation as a form of condemnation.

Different types of denunciation are used. One type of denunciation is directed against human actions which display social problems regarded as negative. This type of denunciation is not regarded as the humiliation of an individual but as a rejection of behaviour exhibited by the individual in question. Thus, if a judge denounces an individual when he sentences him, he discloses to the public that the motives, values, life style and behaviour of the given individual are socially harmful, and are devastating to his actual or potential victims. The judge does not use the verdict as a destructive weapon against the person who is on trial but the judge performs a public duty by revealing the dormant evil of the behaviour in question (Walker 1969: 19–21). In totalitarian societies this type of denunciation is used mainly as a facade.

The insistence on harsh sanctions in totalitarian societies adds new meaning to public denunciation. In these societies, denunciation is directed not only against the offender, but also against the socio-political values which this person may em-

¹⁸Data from the post-communist Poland based on research conducted in 1995 support this thesis. See: Kojder 1996: 353–364.

body. Public “degradation ceremonies” (Garfinkel 1965: 420–24) which took place in China during the Cultural Revolution not only intended to undercut the authority of Party officials belonging to the “wrong” fraction, but also to destroy their personal integrity. Denunciation of a certain role was designed to make it unlikely that anyone would adopt this role in the future. Denunciation in totalitarian countries is also used as a channel for the outbursts of personal revenge: this happens when a citizen, usually anonymously, informs the authorities about the unlawful behaviour of his hated neighbour, relative, competitor etc. Generally speaking, in these societies denunciation is a tool of “dark” social engineering that replaces disintegrated social ties and creates a void with formalized regulations.

Lukes noticed this link between the totalitarian type of government and the use of harsh penalties. He says, “...where absolute governments existed, political offenses were seen as sacrilegious and were violently repressed, and all offenses tended to become political and to be seen as attacks on the sovereign. Thus ‘the gravity of most crimes is raised by several degrees; as a result the average intensity of punishments is greatly strengthened’. This one may say, was Durkheim’s theory of charisma, and the nearest he came to developing a theory of totalitarianism” (Lukes 1977: 262).

Law as “Dark” Social Engineering

From the citizen’s point of view, totalitarian law is a contradiction in terms. First, totalitarian law does not offer stability. What has been decided one day may be changed on the next one. For example, in the 1960s, some people of Polish origin decided to return from the West to Poland for their retirement. They made this decision with the intention of capitalizing on the high exchange rate in hard currencies. The retirement pension which would give them the possibility of living only a little above subsistence level in the Western world allowed them to

enjoy a high standard of living in Poland. They lost out, however, because the regulations were quickly changed and the rate of exchange was converted to a low official level. Second, totalitarian law frequently violates the cardinal meta-rule of law: “*lex retro non agit*” (law is not retroactive). After the WWII, a new criminal law was enacted in Poland. According to this law, participants in anti-communist activities before the War were treated as criminals. Several people were tried, sentenced and executed. Some of the survivors and non-survivors of this purge were later rehabilitated due to fluctuations in the political situation. There was a similar situation under the Fascist regime. “The principle of the non-retroactivity of the law is no longer recognised. In many cases, the law giver has issued retroactive laws, such as the *lex Van der Lubbe* of March 29, 1934, which extended the death penalty to certain crimes committed between January 31st and February 28th, 1933; the law of July 14th, 1933, empowering the Minister to repeal naturalization and to deprive Germans of their citizenship; the law of July 3rd, 1934, retroactively making certain decrees and administrative acts legal; and finally, the law of July 3rd, 1934, legalizing all measures undertaken for the purpose of crushing of the Rohm revolt, a law which, for the first time in history, did not declare a past action illegal, but made legal an already-committed crime” (Neumann 1986: 293–94). Third, several areas of social life, which had previously been regulated by customs, habits, mutual informal agreements under the regime of totalitarian law were transformed into criminal behaviour. This happened not only because of the ideologically-loaded changes in the conceptual understanding of criminal law but also, and predominantly, in order to extend the influence of the aggressive official law over the traditional private spheres of personal life.

Unexpected and frequent changes in law, create a strong feeling of distrust (in the population); repeated practice of this type generates lack of confidence not only in the law but also in all its allied agencies. Although, in normal circumstances, this anxiety

is highly dysfunctional, the totalitarian decision-makers, being aware of this apprehension's hidden potential, tend to use it to their own advantage, so they welcome the growing level of social insecurity, regarding it as another instrument of manipulation. According to their assumptions the fear should penetrate society's infrastructure and infiltrate the very basis of "civil society." Harsh penalties, cadres of invisible informers, the efficient moloch-like activities of the bureaucratic apparatus, swift and massive retaliation, the forces of social control against the socio-political opposition and, above all, the whimsical and unexpected interventions of the law itself are designed to enmesh the already disintegrated psyche of the individual and paralyse his anti-governmental will.

These factors contribute to the creation of an atmosphere of general social nihilism. This nihilism further develops the widespread "culture" of instrumentality. Then an individual acquires a feeling that he or she is left to his own capabilities and therefore is compelled to utilize all available resources for his or her own advantage.

It is quite characteristic that the totalitarian ruling elite maintains that the population values its avant-garde ideas from one point of view, but from another, tacit point of view it admits that the population hates it. With these two ambivalent points of view, the totalitarian ruling elite thinks that a policy of intimidation is highly effective, especially when it is coupled with the policy of constantly repetitive rhetoric concerning its "undisputed" dominance.

From the citizen's point of view, the imposition of an unjust law and the anxiety created by the whimsical functioning of legal system may lead to the deepening of the sense of anomie, or it may lead to revolt.

One may distinguish several types of social engineering. There are (a) socio-technics proper — the theory of efficient social action or, more correctly, an applied social science based on the paradigm of efficient social action; (b) self-made social

engineering (this presupposes the existence of verified knowledge concerning the effectiveness of social activities when this knowledge is understood as an accumulated and generalized experience); (c) “quackish” social engineering which differs from the self-made model in that it pretends its competence in formulating practical recommendations when, in fact, this sort of social engineering is not familiar with a real, tested and relevant theoretical framework and (d) “dark” social engineering, which means sociotechnics proper or self-made social engineering which is consciously used to produce socio-political harm (Podgórecki 1989).

Totalitarian regimes have developed quite advanced “dark” social engineering strategies and, at the same time, a strategy for developing many semi-rational rationalizations and derivations. For example, in Poland after the WWII, a model of development of science was established (as the Academy of Science) which was intended to enhance progress in scientific “work.” This model is peculiar because (a) it did not provide a regular meeting place for the exchange of ideas among the most prominent scholars and it built a huge bureaucratic machine which allocated resources according to political criteria; (b) despite the massive support which it receives, the Academy is a “weak producer” of scientific “work” (in Poland, the overwhelming majority of Ph.D. theses or theses of a higher rank — habilitation, are produced at universities and only relatively few are produced in the Academy); (c) the Academy predominantly supports the social sciences and humanities, since it is more easy to manipulate these disciplines than to influence natural sciences or mathematics, and (d) the Academy is run by administrative “fiat,” which not only contradicts the spirit of the scientific community but also provides politicians with immediate access to the processes and procedures of elaborating results of scientific “work.” Thus it gives politicians the ability to “tailor” these results according to their current political wishes since achievements in social sciences and humanities cannot be tested in a strict, empirical

way. This can be done by administrative recommendation, by persuasion of various types, or even by sheer force. For instance one can see the influence of “dark” social engineering when the high standards established after the WWI Academy of Faculties (a counterpart to the British Royal Academy) are attributed to the current Academy of Science. In short, the communist Academy of Science pretends to generate products of high standard in the social sciences and humanities, when, in fact, it only produces mediocre results (Podgórecki 1972: 257–288).¹⁹ This is mainly due to (a) rewards which encourage politically conformist attitudes; (b) general lack of measures to test those ideas that do emerge, and (c) premeditated misuse of traditional respect attached to the renowned institution of the past and comparable institutions around the world.

This elaborate example was intended to show how legal institutional arrangements may influence certain areas of social life. Thus, the law may decide what is “good” and what is “bad”; what is “healthy” and what is “pathological”, and the law may design pragmatic logistics that would indicate how to deal with phenomena which have been defined as “positive” and how to deal with phenomena which have been defined as “deviant”.

In conclusion, one may state, that when the law is working to produce “dark” social engineering, it acquires an instrumental character losing, in this way, its basic and most essential feature — its principal character.

Conclusions

In the classical conception of the law, the law is binding when both parties being considered agree to specify their respective duties and rights. Of course, there are exceptions to this. If

¹⁹Podgórecki, Adam. “Style oddziaływania na naukę” (“Ways of influencing science”).

someone involves his partner in a contract in 'bad faith,' or if someone induces his partner to commit an error concerning the essential element of their contract, then the agreement could be regarded as void. In these situations a meta-norm cancels the validity of the lower level norms. These meta-interventions, being exceptional, are nevertheless incorporated into the body of the binding law as its correctional, well-established components. Meta-norms of this type are norms belonging to the system of official law and cannot be invoked without a clear reference to the clause which establishes their existence. The official law is based on rights and duties which link two corresponding parties together; legal reciprocity pertains not only to the partners who are connected by mutually agreed contracts. Legal partners are not necessarily equal and do not necessarily offer goods and services which objectively or subjectively match their respective social positions. If an officer gives a soldier an order, not only does this soldier have a duty to behave according to the content of the order but the officer, as well, has the duty to issue such an order. Alternatively, the officer has a right to expect that his order will be fulfilled and the soldier has a right to expect that the officer will not avoid issuing such an order.

The most important thing is that law in totalitarian countries not only has many socio-psychological implications but also effects the very essence of the theoretical understanding of the law. In these systems the correspondence between respective duties and rights is transformed. In each case, whether it is a simple relationship between two parties or an interrelationship between two corporate agencies located at different levels in the administrative hierarchy, corresponding rights and duties are only conditionally valid. At all times a higher meta-norm may intervene and completely change the content of the law concerning the respective parties (contracts between partners or relationship between subordinates). Political decision may, at any time, change all possible legal bonds. Thus, in totalitarian socio-legal systems each norm has only a *suspended and conditional*

validity. The structure of the norm is not “A has a duty toward B, B has a duty toward A, and A has a right toward B, and B has a right toward A,” but the structure of the norm is that these interrelations are binding *unless* they are suspended or invalidated by the structure of the quasi-legal meta-norm, with its conditional character.

Although one may argue that in the era of *glasnost* and *perestroika* post-totalitarian legal systems of the Soviet type, due to their more or less democratic ways of passing laws, no longer follow these rules. However, this point of view cannot be totally accepted. In some instances, the laws are enacted in a more open way but the totalitarian-bureaucratic machinery which reinforces these laws still seems to operate in the same manner. A sociological study conducted after return to democracy (in May, 1989, after “the Round Table”) by a Polish-American team concerning “nomenclature” presents the following results: “... how social policy would be pursued depends, to a large extent, on the apparatus of the government bureaucracy. But this, clearly, is not willing to yield to public pressure.” And, “Polish bureaucracy does not support the Reform. This bureaucracy does not believe in the system and it does not believe in itself” (Curry and Wasilewski 1989).

But not only Soviet types of totalitarianism seem to be dormant. A survey of Fascism conducted in the 1970s pointed out that:

For varying reasons hardly any of the men we interviewed thought that the ‘classical’ forms of Fascism and Nazism still have an importance as alternative forms of government; most of them, however, were convinced that, given ‘certain conditions,’ there might be a ‘return’ of Fascism or Nazism in an unforeseeable form which would, however, be easily identifiable because of its resemblance to the prototypes. To us it seemed that only a few of these opinions revealed any awareness of the fact that, although right-wing solutions of the older type are hypothetically possible, the reactionary elements in general are tending —

as Vittorio Foa succinctly put it — to move other pawns. This is also our own conclusion (Del Boca and Giovana 1970: 447).

This existential stigma of totalitarianism attaches its conditional character to laws and suspends them when it regards it useful. This is why socio-legal analysis is essential: analyzing the law without taking into consideration the social mechanisms and processes which implement it in the social reality is too abstract. Also, analysis which tries to grasp the essential features of the social operations of the law is entirely misleading when it is limited to the question of the normative validity of the law.

The essence of the law function under totalitarian systems is that the validity of each legal norm in these systems is deprived of any autonomy and depends entirely on the political content and socio-political practices that influence this norm. While, on the surface, the rule of law is respected in post-totalitarian systems, in reality deeply-entrenched organizational machinery remains in place. Furthermore, values, mores, habits and basic mechanisms generated under a totalitarian system still predominate. This posttotalitarian subculture deprives the new legal norms of their autonomy in an inconspicuous, but nonetheless potentially vicious, way. If there is any stable element here, it is the “Fuhrer’s Principle” (the rule to follow the Fuhrer’s wish).

The theory of totalitarianism formulated by Friedrich and Brzezinski mainly stresses the political factors as being decisive in shaping the structure and inherent processes of totalitarian societies. On the other hand, the theory of communist totalitarianism developed by Łoś accentuates, on the other hand, economic factors and their inseparability from political processes. She singles out four stages of Marxist totalitarian transformations: the stage of radical transformation, the monopolistic stage, the reformist stage, and the post-reformist decadence stage. The first stage “...is distinguished by a high level of national mobilization, attempts at crash industrialization or radical

reconstruction of the economy, intensive class struggle, vigilantism, likely mass movements of the population (for example, from the countryside to the cities, forced resettlements of politically distrusted ethnic groups, and so forth)” (Łoś 1990: 200). The second stage “...is characterized by the growing monopolistic tendencies of the party-state, expansion of the bureaucracy and of the central planning system, a tendency to create very large economic conglomerates, and either further reduction of the private sector or its greater regulation and co-ordination with the planned economy” (p. 203). Inevitably, by outlawing a vast range of economic activity, the monopolistic state creates a large realm of the unofficial economy. The third stage is described as follows “... when the period of industrial mobilization and reconstruction is over, the question of low productivity and its organizational causes comes to the fore. The party leadership’s realization of the intrinsic limitations of the centralized economy is likely to prompt two types of reform that attempt to introduce certain elements of market (i) internal reforms of the state economy and/or (ii) a partial legitimization of the second economy” (p. 214). And the final stage: “Typical at this stage, a forced marriage of the state- and market-economies not only heightens their respective intrinsic contradictions, but also triggers attempts on the part of each economy to exploit the other in a largely parasitic, politicised and economically non-competitive manner” (p. 219). This stage is necessary if the Communist Party is to realize its own impotence and isolation. With the state economy in ruin, and the second economy uncomfortably expounding, the Party’s main source of power — the monopoly over the economy — becomes a patent fiction. This theory is strengthened by the fact that, being developed in 1987 it was able to foresee and explain the approaching, dramatic, avalanche-like changes in Central Europe. While it recognizes the importance of political processes it sees them working concurrently with economic transformation and since the whole system has been built on the assumption of the supremacy of the eco-

nomy, the theory acknowledges the unique role the latter plays in the historical process of the development and decline of communist totalitarianism. But in an exactly opposite manner than this theory predicted.

Of course, the introduction of an impersonal rule seems to be the main strategy which is appropriate to withstanding the legacy of post-totalitarianism. However to do this one has not only to consistently introduce norms of procedure and establish ways of regarding them as valid but, and this is much more difficult, one has to introduce to the given community a spirit of respect towards those norms.

A general overview of totalitarian and post-totalitarian societies shows that in these societies agents of power have at their disposal many crude and subtle instruments by influencing the individual and mass behaviour of their citizens, and also that these citizens have very little ability to defend their individual social activities.

C. The Post-Totalitarian Political Class²⁰

Usually general discussions on social structure have concentrated their attention on social classes or on the social strata operating inside the social classes. Current (1998) considerations do the same, with one essential difference though. The totalitarianism that dominated the history of the twentieth century in Europe added one essential element to these reflections. This element consists of a new social stratum: *nomenclature*. Therefore

²⁰The goal of this chapter is to describe the social reality that generated the processes connected with the creation of a new, unknown in traditional societies, social body: *nomenklatura*. The part dealing with the concepts contains a closely-linked division that tends to explain this newly-emerged social reality. Therefore the two parts are closely interwoven.

one cannot omit this problem when discussing the “hot” issues of the twentieth century.

One of the specific and unique features of the ethos generated by the Polish nobility in the nineteenth century was the service oriented-missionary attitude of the intelligentsia (a naive expert-oriented collective attitude). Conversely, one of the specific and unique features generated by communism in Poland was that of nomenclature. As the traditional intelligentsia was principled and patriotic, so the nomenclature was loyal toward its sponsor, inherently instrumental and corrupt. The dynamics of those contrasting processes caused considerable and acute social tension; especially when with the imposed socialization of selected groups, people were selected to play the roles of *compradores* (native trading managers for foreign merchants) against their own background. There were both tragic and fascinating sociological objects of study.

Totalitarian social systems have predominantly been analyzed from the point of view of their uniquely efficient form of social oppression and from their inherent criminal potential. The fact that they created new and unidentified social strata is somewhat overlooked. The recent collapse of the Soviet-type of totalitarianism and the subsequent creation of several types of post-totalitarian governments has generated a wide interest in this area. Nonetheless this interest is mainly politically oriented. Little attention has been focused on the effects of the dynamics of the totalitarian social laboratory, even though it is rich in various phenomena connected with the processes of social change and the use of law as an instrument of social transformation. One of the most intriguing phenomena in this area is the nomenclature.

Originally, the concept of nomenclature was coined by “apparatchiks” (bureaucratic personnel working under party directives) in order to describe a new administrative stratum functioning inside the existing social structure.

Here nomenclature is understood on the theoretical level as *a group of specialists who are willing to loyally serve those currently in power and who are officially labelled as trustworthy by the latter*.²¹ Of course, with any change in totalitarian systems, the nomenclature also changed. Thus, interrelations between social systems and various ingredients of the nomenclature provide additional insight into this new social stratum.

Maria Łoś, when referring to the classic work in this area by Michael Voslensky, defines nomenclature in the following way:

Simply stated, nomenclature is a secret list of these important positions at all levels of the economic and state administrations, and, indeed, all other areas of institutional life, which are formally reserved for loyal party members....These positions include key posts in such areas as [the] state administration, the state economy, the secret police, [the] prison administration, the army, education, youth organizations, science and media (Łoś 1988: 147–48).

Analyzing the current socio-political situation in Poland (generated by the changes in 1989), one can easily detect strong, lasting influence of the seemingly eliminated communist nomenclature. Parliamentary elections in several post-communist countries (especially in Poland in September 1993) can serve here as crucial evidence. As a result of these elections, sixteen of twenty-four ministerial positions are dominated by former members of the Communist Party.

As one can easily see, sociologically speaking the nomenclature has the ability to multiply its spin-offs. Thus, at least six types of nomenclature variations can be singled out. They are:

- (1) nomenclature proper,
- (2) official anti-nomenclature (“white”),

²¹ What is specific about the nomenclature is that this social stratum is composed of those people who have been individually screened and appointed as members of the nomenclature. Thus an appointment to this social group is based, in each particular case, on an individual legal decision taking into consideration qualifications and personal loyalty.

- (3) “self-perpetuating” (pink²²) nomenclature proper,
- (4) “disenchanted” nomenclature proper,
- (5) newly created neo-liberal capitalist social groupings (bodies oriented against the former nomenclature proper),
- (6) self-appointed counter-nomenclature.

Nomenclature

Nomenclature proper was a classical communist creation. It consisted of various posts selected by the Party and legally approved by Party functionaries. They were selected and approved mainly on the basis of their tested loyalty to the Party, especially its current leaders and also, but to a lesser extent, on the basis of their technical or administrative competence. This selection and approval process was carried out at the central, provincial and local level. Harasymiw, discussing the situation in the former Soviet Union, puts it in the following way:

The Party’s *nomenclature* is, in fact, a series of appointment lists distributed through the CPSU [Communist Party of Soviet Union] apparatus from the All-Union Central Committee down to large PPOs[Primary Party Cells]. Each party unit establishes for itself the precise boundaries of its list, except that there is some general commonality at a given and higher-level units are able to take positions from lower bodies and to add these to their own lists (1984: 161).

The same author estimates that...

this means approximately 51,000 appointments are made by the highest authority in the land, the CPSU Central Committee (1984: 163).

This nomenclature should be regarded, since it forms a politically-essential feature of totalitarianism, as nomenclature “pro-

²² Currently in Poland, those regarded as “pink” nomenclature are people who belong to the leftist political governing apparatus.

per.”²³ From the existing evidence, it is clear that the lower strata of the nomenclature (appointed by the lower Party echelons) are totally dependent on the higher strata.

It might be a very interesting subject of research to examine whether the very concept of nomenclature was structurally copied from the “exploitative” tsarist organization of Russian aristocracy and bureaucracy. Also, it might be appropriate to note that the modern Chinese Communist Party bureaucracy, despite its rigorous verbal claims of social equality, is still fragmented into twenty-eight categories of hierarchically structured cadres.²⁴

One should also reconsider the role of the secret services in connection with the nomenclature. These services are perceived as intelligence and counter-intelligence apparatuses targeted against enemies located outside the state, or at internal dissidents. However, in Communist regimes, secret services were (and are) concerned not only with political dissidents but also with some everyday functions in the economic and cultural areas of societal life (Zybertowicz 1992: 7–17; and Łoś and Zybertowicz, *Privatizing Police State*, in print, Macmillan).

Taking these assumptions into consideration, one may formulate hypothesis that is central to the understanding of the Communist totalitarian system. This hypothesis is *that the Communist version of totalitarian regimes has been governed not only by the Communist Party headquarters (Politburo) but controlled by the Politburo, top level echelons of nomenclature and secret services*. Within this triumvirate the Politburo provided the political directives, the nomenclature supplied the diagnostic recognition and teleological executive activities and the secret services equipped it with

²³A special centre attached to the Central Committee of the Communist Party obliged of scrutinizing all people who had been put up for promotion (and power). The documentation of this centre might be a perfect material for any type of rational “lustration” process.

²⁴Higher cadres have, for example, at sea resorts, softer sand (purposely sifted) than the lower cadres do.

the supervision of an executive arm. The Politburo centre elaborated the political slogans, the nomenclature elaborated the diagnostic recognition containing professional knowledge concerning the intricacies of the modern administrative-industrial society and the executive arm, and secret services were responsible for the ways and means of introducing these policies into the societal body.

It is necessary to stress that the Communist nomenclature was not comprised solely of its own party members. It was composed of several non-party associates. The non-Party members (mainly token elements), *docents* (associate professors), professors, university presidents and conductors of philharmonic orchestras were obligatory,²⁵ but also convenient types for such inclusion. They were designed to indicate that not only Party members could occupy the crucial and politically-meaningful positions in society: non-Party specialists could also perform functions delegated to them by the Party's top apparatus.²⁶ Thus, the main nomenclature task was to build the structure of totalitarian society. Here it may be useful to remember Neumann's analysis of the totalitarian social system.

The control of society, now as important as the control of the state, is achieved by the following techniques. 1. The leadership principle — to enforce guidance from the top and responsibility to the top. The 'synchronization' of all social organizations — not only to control them, but to make them serviceable to the state. 3. The creation of graded elites — as to enable the rulers to control the masses from within and to disguise manipulation, for example, to supplement bureaucracies in the narrow mean-

²⁵Since they occupied crucial executive positions in a given area of socio-cultural life.

²⁶Nonetheless, it should be mentioned that in Poland the existence of the nomenclature as a group was practically unknown. That was also true of the membership of any individual. One may note a perverse and invisible sacredness: the nomenclature members, like Protestant Christians, were not known to others in that others could only guess whether they were in a "state of grace."

ing of the term with private leadership groups within the various strata of the population. 4. The atomization and isolation of the individual which negatively involves the destruction or at least the weakening of social units based on biology (family), tradition, religion, or co-operation in differentiated mass organizations which leave the individual isolated and more easily manipulable. 5. The transformation of culture into propaganda — of cultural values into saleable commodities. The final factor in totalitarianism is the reliance upon terror, that is, the use of incalculable violence as a permanent threat against the individual” (Neumann 1957: 245).

Anti-Nomenclature

The Polish dissident movement observed before 1989 from the outside might impress its spectators with its consolidated internal structure. This was one of the causes of Solidarity’s spectacular rise in popularity. Its underground and seemingly well-coordinated activities forced the government to enter into round-table discussions. The dissident movement was nevertheless affected, almost from the beginning, by some elements of exclusive-togetherness.²⁷

Aspiring to real power, this group started to gravitate toward “salons.” This form of political life, however, was politically quite inadvertent at a time when the penetration of the dissident movement was still heavy handed. Nonetheless, the temptations to have a salon were so strong that they overrode the evident security risks. The functions of these salons were multiple:

²⁷This group of people, not interwoven by any official ties, has been closely associated on the basis of intuitive/living law. Paradoxically enough, part of it started to gravitate toward the influential and principled class, composed of business representatives and intellectuals. To make their dormant snobbery useful they organized in 1984 in Poland a Rotary Club (around 1000 members in twenty two clubs): “Their members should be totally honest and financially well off” (Szemplinska 1993: 12–13).

(a) To bolster credentials testifying that members of the given salon were, indeed, active in political dissident movements; to create for themselves or for others legitimacy for claims to eventually capture positions of power.

(b) To create artificial barriers to prevent others from entering the arena of potential political players.

(c) To publicly validate their claims that they are the ones legitimized by the large civil society to undertake the task of forming the core of the future government.

(d) In the absence of the former opportunities to exercise power, the salons served as “forums” in which to practice eloquence, come up with new ideas (if such existed) and to bring better socio-political transparency to establishing the new “who’s who” establishment.

(e) Salons started to forge “fetal” new political programmes. It should be stressed that the salon activities focused mainly on social life, with all its snobbery, pretentiousness, and attempts to “resurrect” the almost totally extinguished traces of good manners, centred on the urgent problem of the preparation of political programmes.²⁸

(f) To institute new personal connections that could later be regarded as the cornerstones of political alliances.

²⁸Paradoxically, in 1989 the Polish dissident movement entered into a period of political, social and economic independence with an abundance of sharp, critical remarks regarding the communist past and with a vacuum of constructive ideas concerning the analysis of present and future plans. Interestingly, these remarks remained, as a rule, on the level of personal accusations and rarely undertook the task of capitalizing on a lavish first-hand experience in undertaking an analysis of the socio-political structures of totalitarianism. To make the situation worse, Polish exile communities which in the past came, quite often, with many personal sacrifices, to help those suffering in Poland, were not only unable to design any political embryo-programme, but even forfeited their own opportunity of preparing such programmes in advance (the argument was that “only they, on the spot, have a sufficient diagnosis and *right* to do it”).

Indeed, the new power elites that undertook, in 1989, the formidable task of building new legal and political structures²⁹ treated these connections as the starting point in the selection of candidates for higher governmental positions. It has to be stressed that the beginning of the post-totalitarian system in Poland was based on intuitive/living law. Not only did they not interview candidates for higher positions in a detached, impersonal manner³⁰ (which could be understandable due to lack of time) and fail to approach candidates who had some scholarly credentials (which is less understandable) but they even tended to assume that this *modus operandi* was a normal one.

Therefore, this type of anti-communist nomenclature can be regarded as partially “lured.” Its representatives were unable to trespass the magic circles drawn by the communists by taking one step further and fully taking power from the communists. They were unable to establish a new legal system which was not poisoned (Perażycki’s term) by totalitarian law. The historic experience of the former Fascist countries in-

²⁹Thus, new political and economic structures were created, but not a new state. New elites, mainly educated during the Marxist regime or based on formerly disillusioned group of Marxist-players, did not have enough vision, determination or audacity to reject the basic principles of the communist state. They still lived in the cognitively-normative cage designed by their communist uncles. Indeed, they restricted their imagination to symbolic, cosmetic changes (e.g. the Polish eagle regained the crown, “milicja” was renamed to “police”, the Dzierżyński monument was destroyed, the square with his name regained its original name — “Bank”, etc.). These elites did not realize that they are accepting the old rules of communist game. They were not courageous enough to say, like Czesław Czapów proclaimed earlier: “No freedom for enemies of freedom,” or as it was announced by someone else: “No law for adherents of lawlessness” and felt themselves, in a gentlemanly manner bound by pacts which they entered with the communists. Without asking the constituency, which did not yet have the chance to proclaim its recommendations, some of them did keep pacts with the former oppressors under the genuine influence of the Christian concept of forgiveness, and some, to obliterate their own doubtful past.

³⁰As it started to happen on the lower administrative and industrial level.

dicates that cutting free off the past in a decisive manner is an *essential* and *necessary* prerequisite for re-entering the community of democratic societies. Having been lured into an incomplete revolution, the white nomenclature had Łoś four important chances:

- 1) To carry the political revolution of 1989 to its very end.
- 2) To declare the former Communist Party illegal and confiscate all its belongings. This would disable the “disfranchised” nomenclature operations that require a material base.
- 3) By rejecting the communist past the “white” nomenclature not only could have transformed itself into one of many democratic power elites but also and most importantly could declare internationally that the country in which it functions rejects all communist obligations, formal links, and possibly even financial debts.
- 4) When the “white” nomenclature did not fully reject the communist state they lost the chance to ban from any official office, for the period of five or ten years³¹ (or forever), all those who were engaged in the criminal communist past. This would have solved the problem of the reoccurrence of communism in its open or disguised form. Although certain skills useful for the operation of the bureaucracy would undoubtedly have been lost in this way, in the long run it is better to add to the many pains of transformation an additional one, but release the frustration created by the fact that “those who were on the top during the communist regime are still there.”

In conclusion, one may say that the nomenclature proper was shrewd enough to design the personal and ideological composition of the “white” nomenclature, in such a way that the latter apparently not being fully aware of this, was working as it had been already programmed to work.

³¹ As was proposed, for example, by the *Political Programme for Poland*, 1982, by Adam Podgórecki (mimeographed).

“Self-Perpetuating” Nomenclature

The “self-perpetuating” (“pink”) nomenclatura is a by-product of the “Fall of Nations” of 1989. This type of nomenclature was born as the result of an autogenous beginning. Łoś gives a convincing description of its birth. She says,

The final attempts at reforms by the communist government no longer aimed at reforming the national economy, but rather at creating a distance between the members of the *nomenclatura* and the bankrupt state economy by encouraging and legitimating their hitherto hidden involvement in the second economy. Through this manoeuvre, they were to appear to be a true vanguard embracing the new, flexible, open-ended model. This new, pro-market rhetoric was backed by capitalistic practices. Putting to use their many years’ experience with corruption, the black economy and personal exploitation of the state economy, the communist *nomenclatura* swiftly seized the opportunity for lawful enrichment opened up by new policies and laws. Several legal developments facilitated such a trend: the gradual rehabilitation of the pre-war Code of Commerce of 1934, including its rules on joint-companies; the passage, in December 1988, of the Law on New Economic Activities; and the enactment, in February 1989, of the Law on Selected Conditions of the National Economy, which granted state enterprises the right to sell, let or lease their capital assets and facilities. The *nomenclatura* seized on the legislative trend and the economic reforms of the late 1980s to achieve a formal legitimation of their informal property rights of the earlier period (Łoś 1992: 124–25).

This peculiar auto-transformation, called, in the former Czechoslovakia, the “velvet landing,” created a new social entity. Members of this entity had to display skills in a) a masterful extrication from criminal responsibility for their own former corrupt management, b) an efficient but perverse, utilization of the assets of the former communist state in private market operations, and c) an enrichment of former official communist perks by newly appropriated capitalistic benefits. Thus, the liberators

from capitalist oppression who have systematically exploited the “liberated” began to exploit them again as co-liberators from communist oppression. In short, the self-perpetuating nomenclature is the segment of society that self-promoted itself during communist rule and who later self-implanted itself into the social fabric of post-communist society to become an intrinsic part of the newly re-emerging democratic society.

The “Disenchanted” Nomenclature

The “disfranchised” or “dark” nomenclature is virtually an unknown entity.³² One can only speculate that some part of the former legal and official apparatus of totalitarian regulation and oppression was unable to transform itself into enfranchised nomenclature. This might be due to a lack of appropriately elastic skills, the stubbornness of its members or, although this is the least probable, its ideological rigidity. One can also speculate that this type of nomenclature is currently very frustrated and, that it is (1) only waiting to jump on all mistakes made by the newly-transformed democratic society in order to turn it back to the former totalitarian reality, and (2) that it has its own “dis-sident” secretive network designed to bureaucratically thwart (sometimes, but rarely, with the use of terror) all efforts to fully disclose its past. The astounding elections of September 19,

³²This term was created by Baczynski (Baczynski 1989: 4) but very little is known about the subject. It was hoped that possibly the investigation into the murder of the former communist Prime Minister Piotr Jaroszewicz and his wife might shed some light on this subject but apparently unknown forces are using the legal machinery in a way that nullifies that hope. From this point of view, a much more promising case was “offered” by the former Polish Prime Minister Joseph Oleksy, who was accused of collaborating with the KGB and subsequently with the Russian Secret Service, but apparently the disenchanted nomenclature, with the meta-help of the former Minister of Justice Professor Leszek Kubicki (among others — the reappointment of prosecutors discredited in “Oleksy affair”) squashed it.

1993, can be regarded, in part, as the result of the hidden functioning of this type of nomenclature.

Various legal proceedings, for example against Wojciech Jaruzelski (the former President of Poland, who introduced Martial Law and was responsible for several deaths, which followed its introduction), his colleague and collaborator, the former Minister of Interior Czesław Kiszczak (similar responsibility), against those responsible for the death of the student Grzegorz Przemyk, the death of the priest Jerzy Popiełuszko and others, have been frustrated without a satisfactory result.

The Newly created Neo-Liberal-Capitalist Group

The newly created neo-liberal-capitalist group, although it is a spin-off from the nomenclature proper, is fundamentally different from the categories presented above. First, it is not legally appointed from above, instead, it is self-promoted from below. Second, there is no indication that this category of nomenclature is loyal toward the existing political elite. There are, however, some indicators that point to the unscrupulous use of power or former power-connections.

Why do people call this group an independent, new, post-totalitarian social entity? First, this group is apparently an exclusive group, a cluster that is not eager to include outsiders in its inner circle. Second, socially they are not far away from the centres of power centres even if they despise them. Third, they form a narrow but visible socio-political group.

Until recently only the descriptions of journalists furnished data that said something about the socio-psychological composition of this group. According to the prevailing stereotype, their members are supposed to be “young businessmen” operating without scruples outside the law or just on its border. They are supposed to make their financial career the first order of business, be risk-oriented, not necessarily the best educated but supported rather by their own cleverness and ingenuity (Marody

1993: 23). Nonetheless, the recently conducted research indicates that the socio-psychological background of people who regard themselves as successful is unique (Andrzej Rychard, Mira Marody and Anna Giza-Poleszczuk, see Marody 1993). The most striking feature of the deep conviction that one is a financial “winner,” seems to be connected with higher education. While characteristics like being a specialist (technical and administrative), inhabiting larger cities, being inclined to take a risk, wanting their children to be well-educated, receiving support from the family, not believing in the “class struggle” and believing in individual responsibility and social liberalism only partially, support this attitude.

The neo-liberal-capitalist nomenclature is useful, if unnecessary, for the post-totalitarian political class in the sense that it demonstrates, in a spectacular way, how effective this class is. It is used as a very visible justification of the existence and current *modus operandi* of those people who presently occupy positions of power. However the primary attribute linking the exotic, neo-liberal-capitalist nomenclature with the previous nomenclature is that all of them are products or by-products of the totalitarian social system (with a similar change from a desire for power to a desire for money).

The Self-appointed³³ Counter-Nomenclature

A recently created part of the Polish political class consists of the previously mentioned nomenclature or post-nomenclatura groups, plus an additional one which appeared as a direct counter-reaction to the totalitarian and post-totalitarian maladies.

³³Self-appointment of this type of anti-nomenclature warriors was based not only on the procedure of auto-promotion (auto-ennoblement) but also on their tacit acceptance by representatives of the community.

Professors and intellectuals who became the main core of this counter-post-nomenclature introduced, by their own entrance (to the current socio-political life), some fresh air from their own world-view. This was a plurality-oriented polemical perspective with some hint of snobbery, if not insolence. This intrusion had several consequences:

(1) It opened the door to rational, open-minded, anti-dogmatic discourse as the best method of solving problems.

(2) It *legitimized* this type of discourse as a method which did not look for spurious expertise as a way of reinforcing *a priori* accepted solutions.

(3) It vigorously encouraged people who, being familiar exclusively with theoretical approaches, were as a rule ignorant of pragmatic requirements and solutions to participation in politics.

(4) It invited numerous practical mistakes that were caused by taking a stiff “theoretical” approach, and consequently caused a rapid drop in society’s respect for the people who represented theoretical thinking, especially in the social sciences.

(5) It tended to disregard an accumulated professional experience as a biased approach to problem-solving.

(6) It created a general commotion connected with the new process of finding a new place for those people who did not have any previous experience with the day-to-day running of government and who, in order to obtain this experience, had to go through a painful and sometimes shameful learning process.

(7) It created, by the boomerang effect, a peculiar type of anti-Church attitude. Although the Polish Church was, in the beginning, a sponsor of the pluralistic outlook, when its influence grew rapidly after 1989, the situation changed. Narrow-minded statements like “The economy does not matter so long as Poland is Catholic” (ex-deputy prime minister Henryk Goryszewski) as a *sui generis* totalitarian pronouncement led, among others things, to the Communists’ victory in the Septem-

ber, 1993 elections. People, being apparently convinced that a spirit of compromise is needed, voted to create a counter-balancing perspective. Jerzy Jedlicki describes one of the features of this self-appointed anti-nomenclature in the following way:

Polish democracy, which presently faces very difficult options and decisions when none of constitutional, economic, social or fiscal guaranties provide absolute justice, infallibility and success, needs, more than ever, the background of an *ideological parliament*. Such a parliament, consisting only of self-appointed people could create an open forum... for various challenging ideas and future visions (Jedlicki 1993: 24–25).

Nevertheless he advises, partially prompted by his own socio-political background, that...

Functionaries of the old regime can be disbanded, but prudence suggests that one should try to gain their loyalty, which is not a difficult task. Dealing with dilettantes rarely produces good results. Nothing causes their discredit more than hasty radicalism. The Polish transformation, with all its slip-ups, happily avoided that fundamental error.... As, it seems, the main resistance to the legal requirement of lustration was not indulgence but a conviction that one cannot formalize ethical-political responsibility, this means to put it into an operational legal category. For example, the legal norm is unable to distinguish decent party secretaries or prosecutors. An individual moral heritage can only be the subject of an individual evaluation while judging on the basis of their official position would be an offence against justice" (Jedlicki 1997).

This new ingredient of self-appointed anti-nomenclature gave the post-totalitarian political class special spice. From one point of view it minimized the chances of returning to the past but from another point of view it evidently cheapened public respect for the social sciences and their representatives.

What about nomenclature in a democratic society?

Some may claim that the nomenclature as a social phenomenon, in one form or another, exists and operates in all modern countries. If this statement is correct, then relations between the political centre, “nomenclature” and secret service are especially interesting.

Also some may claim that in democratic countries the top echelon of the bureaucracy plays the role of the expert-nomenclature.³⁴ This echelon is replaced when a change of guard (governing political party) occurs.

This “analogy” is not substantiated very well by empirical data. In democratic countries, the influence of the secret service is relatively limited due to its socially-controlled structures. Moreover, it is restricted by other agents of social control (to police, the control of revenue and religious organizations etc.). Indeed, in these countries the political centre tends to be erected around several transmitting agencies: to mass media, business associations and universities, but these agencies also exercise certain amount of control. However, if a democratic country plays the role of “super-power” (for example, the U.S.A.) then its secret service tends to be much more developed due to its role as “word-police.” If a democratic country does not have super-power aspirations then the role of the secret service is taken over by various agencies of fiscal and social control.

Although some similarities (mainly spurious) seem to exist between top-bureaucracy echelons in democratic countries and nomenclatures in totalitarian or post-totalitarian societies, the real similarity is restricted to the earlier mentioned existence of a top-level group of experts. The essential differences between these types of experts are that in democratic and non-democratic countries they are *used* for entirely different purposes.

³⁴An equivalent to the self-perpetuating nomenclature in post-totalitarian societies.

Currently in post-totalitarian countries the role of the secret service is an enigma. It is still possible that remaining of the nomenclature proper or disfranchised nomenclature use their own “private” secret services based on a core of old agents. There is also the possibility that some secret service assistance is rendered gratuitously on the basis of a former camaraderie or as a favour in hopes that it will be repaid in the future. However the former totalitarian nomenclatures do not jump to the front: they seem to prefer to remain in the shadow. Their role seems to remain fixed: they were not too visible previously, and now they continue to remain hidden behind the political semi-puppets.

The recent interest in the role of the “political class” (if something like that does exist at all) and its alienation from society as a whole will probably shed more light on these problems. The problem of the marginalization of a significant part of post-communist society is closely connected with the fact that the political class rejected it.

Axioms like parliamentary democracy, balance of powers (legislative, executive and judicial), free market, pluralism of values in a framework of universal values, legality and individual resourcefulness are regarded as the main principles of general democracy and post-communist democracy. In connection with those axioms, the concept of *social marginalization* (Kazimierz Frieske, Jerzy Kwasniewski) means that the given social system is only accepted by the population at a symbolic level whereas the basic currents of social life take place outside of it. The functioning of dirty togetherness, white collar-crime, a criminal subculture generated by unemployment, pervasive social apathy and social warpiness³⁵ put society in the state of someone who

³⁵Definition of social warpiness: “when there are various conflicting arguments and members of society (particularly the young) are bombarded with constant controversial disputes and are neither ready nor well-prepared to absorb and weigh relevant issues, all authority, whether directly challenged or not, is in jeopardy” (Podgórecki 1994: 137).

is neither “out” nor “in.” The heavy pressure of the accumulated nomenclatures, especially the proper, self-perpetuating, and disenchanting nomenclatures, seem the obvious cause of this type of marginalization. This accumulated pressure also serves as a god father for the newly-emerging political class. During the period of the disintegration of communism (1987–88) Jerzy Kwasniewski identified the seeds of this process when he found that on the whole Polish society was not totally demoralized, since its members were able to distinguish, quite precisely, good from bad on a cognitive level. Nevertheless, members of this society were under constant and effective factual demoralizing pressure displaying high emotional and behavioural tolerance to the recognized epidemic forms of the social plagues. (Kwasniewski 1984: 99–133).

As Henry Maine noticed more than a century ago (Maine 1861), societal changes are characterized by the transition from “status” to “contract.” This evolutionary point of view generalized in the Maine’s statement and so well-documented by the drive from feudalism to capitalism, might be often subject to question in the light of the nomenclature phenomenon. Indeed, instead of a one-way movement, when status should be transformed into a set of contracts, a “pendulum” type of regressive motion appears, when contracts are cancelled by superior status. Then the whole process obtains the status — contract — status form. Indeed, a member of the old or new nomenclature does not need a contract-to-contract ladder to achieve position. Having nomenclature status, he gains all those advantages which are unavailable even with the most convenient contracts.

Finally, nomenclature is not a simple group of experts who may entertain their own, independent, diverse and subjective judgement concerning various problems. Nomenclature is a group of experts *unified* by an imposed idea, specialists who are employed to understand, to define and to solve problems in a specific, expected way. Thus, nomenclature constitutes a col-

lective meta-expert³⁶ who, although he appears with many individual faces, has only one loyal and janizary kind of soul.

Anyway these sketchy discussions on post-totalitarian society show that this society was able to generate a specific sociotechnical body (the nomenklatura proper) that was able to play for certain time (and still is playing) the role of the collective body of a sociotechnical agency. This agency rendered and renders some services for the “dark sociotechnics” and was (and is) able to exploit the whole society for the benefit of one specific social group.

Conclusion — Some Comments

As a bodily illness causes several by-products that resemble illness and that linger for a significant period during the recovery, so totalitarianism after its disintegration generates several specific, harmful, post-totalitarian side-effects. These are functionally interwoven and interconnected.

The anti-totalitarian nomenclature (“white”) needs a defeated totalitarian system as a constant reminder that it can return and therefore the anti-nomenclature is needed because it was able to subdue it. Nevertheless this need has some limitations: due to pragmatic reasons the self-perpetuating nomenclature and the “dirty togetherness” imperatives³⁷ are tolerated not as a reservoir of accumulated and needed technical or administrative skills but as a quiet and reliable partner in hoarding previously inaccessible advantages. The former social residuum needs totalitarianism because of its Machiavellian cleverness, its school of dirty tricks and its artfulness in generating “false consciousness.” The disfranchised nomenclature needs total-

³⁶Paradoxically, this “bought” social group was regarded by Jan Szczepański in Poland and Hungarians George Konrad and Ivan Szelenyi as intelligentsia (sic!) under socialism. They said “..every social class needs its own intelligentsia to shape its ideology..” (Konrad, Szelenyi 1979: 5).

³⁷Dirty-togetherness was defined on page 177, footnote 17.

itarianism as its own “god-father” since it provides the ideal model to which this nomenclature would return if circumstances permitted. The neo-liberal-capitalist type of capitalist social grouping needs totalitarianism as a negative, contrasting background looking to the self-appointed counter-nomenclature as its needed political sponsor. The self-appointed counter-nomenclature needs totalitarianism to substantiate its claim that although the dissident, heroic anti-nomenclature was efficient in defeating the nomenclature proper, it was not equipped with the necessary expertise to run the country.

Although each passing day reduces the opportunity, there is still a chance to develop a decisive policy against the nomenclatures: proper, self-perpetuating and “disenchanted.” The basic ideas of this policy are:

- a) all former members of the nomenclature³⁸ should voluntarily declare and subsequently return to the state treasury all financial gains acquired during their tenures,
- b) criminal sanctions and obligatory loss of whole property should be imposed on nomenclature who do not comply with the law.

This proposal was submitted to the then Deputy Speaker of the Polish Parliament, professor Jacek Kurczewski, and some Polish sociologists. Only one responded (in a letter of May, 1992) — Professor Jerzy Kwasniewski, the Chairman of the Social Deviance Section of the Polish Sociological Association). He said,

The general conclusion based on a discussion of your project was the solution to this problem will never materialize. “Combined” nomenclatures (old and new) will not allow it to be resolved.... The quest for the accountability of the old nomenclature is needed mainly to test the openness and purity of *present* public life. The new nomenclature is not interested in revealing

³⁸ With the exclusion of those who were used by the nomenclature proper as “its token members.”

its texture, contrary to its declarations. The new nomenclature collects forces to defend its freshly-acquired position from growing social rage. Step by step, people are coming to the conclusion that the essence of the past socio-political change boils down to a change in promising, in the name of which the government (“they”) orders its subjects to renounce their rights and well-being, and the utopia of the socialist heaven is replaced by the utopia of the capitalist heaven (Podgórecki 1993: 172).

D. New Types of Social Control

In the past there existed several types of social control: a) “face-to-face” social control (social control of the first order), b) administrative social control (social control of the second order), c) ideological social control (social control of the third order).

Face-to-face social control is typical of small social groups. It is exercised through the use of basic, already existing ways of supervising each member of the face-to-face group. Compulsive meddling with the affairs of others, curiosity and gossiping, are the most primitive forms of this sort of control. Among more advanced forms are entering into others’ affairs using certain, more or less legitimized, excuses, putting family or neighbourhood life under direct surveillance and establishing the duty to explain one’s own behaviour to “relevant others.” This type of control is administered on a spontaneous or organized basis and appears mainly when the affairs of others are clearly visible, and when they take place in the immediate social vicinity. As a rule this control is immediate and does not need extensive preparation. It demands neither an introductory stage nor a systematic collection of certain types of data is needed. Nevertheless its pressure may be strong and usually is targeted towards those people who at some level are determined to withstand it. As a rule, this type

of social control is based on immediate, spontaneous reactions and not on codified rules. It is supported by moral sentiments or by living-intuitive laws.

The next type of social control, an administrative one, appears with the emergence of normative regulations. The advantage of this type of social control is that it is usually supported by mutual understanding; the disadvantage is that it might be exploited by the stronger party.

Administrative social control is connected with the development of the *Gesellschaft* (impersonal) type of society. Since, in this society, people do not know each other directly and since they live outside the immediate reach, certain "objective" measures are generated to control the behaviour of those people who are in conflict with the administration. These measures include the operation of disinterested rules of procedure, agents entitled and designated by parties to undertake certain prescribed actions, authorization of super-agents entitled to control those agents, the operation of special institutions authorized to settle conflicts, organisations that have the power (and facilities) to execute decisions of these organizations, and some other specific provisions. In general, this type of control demands the impersonality of the law. Consequently all behaviour that takes place in society has to be performed according to the inside rules, institutions prepared in advance, and a complicated machinery enacted to assess whether the imperatives of these rules and institutions are respected. Thus, the new reality, the reality of the official law and the reality of its institutionalized norms, has to be created. Moreover legal systems that prescribe the operational framework and potential utility have to be enacted.

Administrative social control can be formally delegated: some other, already existing or specifically created institutions can be given the duty of supervising the operations of these new generated sets of institutions. Administrative social control, original and delegated, should refer to larger legislative bodies that prescribe its powers and give clear instructions about what should

be done when these powers break down. Consequently, all provisions connected with the operation of administrative control should be put in order and a special group of specialists should supervise that order.

The opposite of face-to-face social control, which particularly cares about the content of the norms, i.e. administrative social control, strongly emphasises the norms of procedure. The more heterogeneous the society in which this social control operates is, the more it is diversified and developed; the more homogeneous the society is, the less administrative social control is needed. The advantage of administrative social control is that this control is “objective” (exists independently of the wishes and preferences of the interested parties); its disadvantage is that it might be regarded as remote, or “alien”, to the subjective preferences of the engaged parties.

Ideological social control (exerted by religions, political parties organs, some over-active organizations) could be best observed by closely analyzing the development of totalitarian societies. It appears in two variations: the first resembles “dirty togetherness” bonds in that that it penetrates the individual person in a very private way, sometimes leaving no room for the “captured” individual to manoeuvre, and the second is based on the official links that an individual has with all of his relevant surroundings. On the whole, this control respects the administrative mode of control but only superficially. In a boisterous and eye-catching way it pretends to respect the law and it develops many additional techniques to show that the ideological type of social control is an integral part of the legal system. However, in fact, it disregards the law entirely (as was shown earlier when the specificity of the totalitarian system was discussed). The law serves only as a facade, which is mainly displayed for external use. In practice, the law always depends on inner totalitarian evaluation: it might be engaged to cover something up or to disregard it; it might be engaged whimsically (to teach the subjects that the totalitarian values are above the law and that

those values, in the end, decide on the validity of any law); or it might suffer from a decisive lack of respect, to indicate that ideology (not the law) possesses the highest token of validity.

Ideological social control surrounds the citizens; it uses all feasible ways of surveillance, develops an army of paid and unpaid informers, creates an atmosphere of constant insecurity and sometimes turns wife against husband or father against children. It also tries to develop an ideologically oriented “self,” that will watch the real self in order to monitor it and inform the real self about possible breaches of the totalitarian code, and about the consequences of these “sins.”

Paradoxically, totalitarian social control, through the sophisticated mechanism of “osmosis,” has been able to transplant some of its own notions to liberal societies as “politically correct” principles. Also totalitarian social control was able to transform some of its concepts into extreme consequences.

E. Genocide

Genocide is a modern problem and, at the same time, an old one.³⁹ When people became organized enough to conduct wars, they ceased to kill each other individually and face to face and started to kill them in an organized way. When some peculiar, very pressing conditions surface, genocide becomes one of the ideological social controls utilized against enemies.⁴⁰ Although

³⁹Therefore one accepts, the following definition of genocide given by Chalk and Jonassohn: “Genocide is a form of one-sided mass killing in which a state or other authority intends to destroy a group, as that group and membership in it are defined by the perpetrator” (Chalk and Jonassohn 1990: 23).

⁴⁰It is ironic that one of the first (if not the first) record of mass genocide can be found in the Bible and concerns the actions of the Jews against their enemies. “Remember what Amalek did to you on your journey after you left Egypt — how, underrated by [the] fear of God, he surprised you on the march, when you

this type of mass behaviour usually is originated in minds of their leaders, average people were ordered to behave as they were told, not being allowed to express their complaints even on the lowest level.

Genocide is a new problem in the sense that “modern mass media” are attributing an entirely new dimension to genocide. Historically, this form of warfare had many functions but now it has some others functions as well. Currently, it is employed as a deterrent — not towards individuals, of course, but towards whole societal bodies. Genocide invents and develops all possible (and unimaginable) derivations; these derivations are employed to justify it at higher level of justice. Sometimes genocide has an unexplained origin⁴¹. Additionally, genocide may be oriented toward acquiring wealth or toward direct spreading of a fixed ideology. Genocide may also tend to enlarge the “living space” of the perpetrators by eliminating the potential victims from there. Genocide can also be, and mainly is, an expression of revenge. This last genesis points to something which is in this case essential: it is a *seaside justice*: one group of people introduces one peculiar understanding of justice into social reality, then, after some time, an opposite group introduces their own

were famished and weary, and cut down all the stragglers in your rear. Therefore, when the Lord your God grants you safety from all your enemies around you, in the land that the Lord your God is giving you as a hereditary portion, you shall blot out the memory of Amalek from under heaven. Do not forget!” (The Torah 1962: 381–82), and also: “Thus said the Lord of hosts, I remember that which Amalek did to Israel, how he laid wait for him in the way, when he came up to Egypt. Now go and smite Amalek and utterly destroy all that they have, and spare them not; but slay both man, and woman, infant and suckling, ox and sheep, camel and ass” (1 Samuel, 15: 2–8; quoted after Chalk and Jonassohn 1990: 62).

⁴¹A review of recent books on Algeria’s genocide comes to the following conclusion, “A great many questions demand answers. Who, for start, is to blame for these seemingly senseless murders — murders for which Muslim groups seldom claim responsibility? Why is nobody brought to trial for them? Why hasn’t the army, sometimes within earshot of the victims’ screams, intervened to stop the slaughter? There are, for now, no clear answers” (Smith 1998: 27).

opposite sense of justice. This situation produced also a new type of war, a “children’s war.” In this war children fight against children with deadly weapons, and do what their “fathers” told them to accomplish.

Due to its media accessibility genocide, as a political and social phenomenon, not only appears to be one of the main problems of the twentieth century: it gains additional importance because of the powerful moral condemnation that it attracts. What earlier could have been a hidden occurrence (or series of occurrences), now becomes a manifest event and an event condemned by global opinion (by the world-wide “global village”). Currently perpetrators of genocide are castigated by everybody. Therefore, genocide is perceived, almost wholly, in moral terms.

The twentieth century could be called as a genocidal century; a group of experts estimated that the Nazis seem to be responsible for 25 millions of victims, whereas the communist caused to perish around 95 millions of victims.⁴²

F. African Genocide — “Seaside Justice”

Practically any of the recent African genocides inside the modern sovereign African states could be singled out as belonging to a peculiar category of mass killing. What makes these types of genocide peculiar is that they are triggered by the delayed effects of the *legacy* of former European domination. Presently, European perpetrators are too weak, too ignorant or too shrewd to govern the respective African countries openly, and to exploit their inhabitants directly. They usually employ the “old” animosities existing among the neighbouring tribes for that task. So in the centre of Africa, the British helped the Tutsi

⁴² Compare: Courtois, Stephane. *Le Livre Noir du Communisme, Crimes, Terror et Repression*, 1997.

to dominate the Hutu. The Tutsi fulfilled that task efficiently not only for their external rulers but also for themselves (they utilized the bulk of already acquired skills, and new skills developed by themselves). The replacement of the rulers often did not alter the situation of the subordinates. For example, in Somalia the Italians replaced the British rulers but started to behave in the same way. Nevertheless they governed the Somali population by proxy (by the heads of the local tribes). Although this type of government was not genocidal in itself, it generated a new and intense hatred between the “newly appointed rulers” and their old and direct “subordinates.” Thus it produced the seeds of the subsequent indigenous genocide. This type of relationship created a new type of *compradores* (the indigenous exploiters — in this case not individual, but a “collective” ones). In effect the hatred then generated between the dominating and subservient tribes was even more piercing and sharp than between the indigenous people and their former European conquerors. Moreover one should take into account not only the newly-generated and newly-functioning hatreds between once fraternal tribes, but also the newly-generated administrative abilities inculcated in the governing abilities of the new elites. Among them the most important were administrative and economic exploitation and military competence.

Administrative and economic exploitation requires special abilities: management skills, knowledge of the language of the foreign ruler (or different rulers), skill to develop public-relation techniques for use not only in the indigenous territory but also on the international scene (as well as inside and outside various international organizations), the propensity to apply acquired, practical knowledge to the conditions of the country, the tendency to develop a new, consistent, exclusive elite (collective *compradores*) etc.

One may hypothesize that in some way the ability to use military drill and military equipment that appears in these circumstances is even more useful in developing conditions for geno-

cide. Thus the newly-created elite should know how to introduce modern military discipline, be skilful in obtaining “modern” military equipment (although evidently obsolete to the suppliers). At this point the conditions for genocide are almost ripe. The former European rulers impatiently wait in the background; through their appropriate personal and linguistic contacts they are ready to sell as much military hardware as they can. Sometimes they are ready to spread wars: they like to obtain even second hand-experience by extending the battles into somebody else’s territory. In doing that, they tend to outsmart their competitors. Close relations with the indigenous collective compradores is at the top of the policy agenda of former colonizers. To make the situation more complicated one should remember that the former Soviet military establishment, including its satellites, was eager to sell at half price their obsolete military equipment that they had in abundance of relatively good quality and also indirectly to support the national movements (movements of these groups who had previously been exploited by the compradores elites). Sociotechnics on its lowest level, the *mechanical one*, is flourishing in Africa.

The tragic irony of African genocide is that caused by the colonizers, it is continued now by their proxies and it affects many newly-born autonomous African nations. All of the formerly-colonized African societies are paying now for the formerly-accumulated gains (and sins) of their colonizers.

Nevertheless one of the side effects of the newly-created African militancy is their domineering feeling of positive self-assurance. The African youngsters especially, and their inexperienced friends, think themselves as very strong, almighty and powerful when they display themselves as walking bushes of machine-guns. This feeling apparently gives them a unique sensation of omnipotence and bestows on them a deep conviction that they can do anything to their enemies. This feeling also gives them a conviction that they can “paint” the socio-political scenery according to their own emotional designs. However, the

cognitive jump from muscular self-confidence to an omnipotent socio-political belief is evidently for them too complex.

This is not only because this would lead them to the belief that one can solve complicated social and cultural matters through mechanical social engineering, but also because it would strengthen the newly-acquired conviction that this type of social engineering is omnipotent. This attitude leads directly to the emergence of a new culture that enhances purely military technocratic acts and disregards the need for advancing a more complicated socio-democratic ways of thinking. It is also the first step in spreading a new type of social arrogance: a conviction that practically all socio-political matters can be solved by pressing the trigger.

This is the internal picture of the growing militant attitude of significant aspects of the newly-emerging African democracies and this describes the manner in which mechanical sociotechnics blocks rather than helps Africa’s transformation to a more advanced type of sociotechnics.

Nevertheless there appears to be another, even more dangerous, result of all these transformations: the cynical inclination to spread genocide among the post-compradores of the African states and their tendency to solve social and political problems through the most brutal force. Their attitudes are supported by the eagerness of the Western “mass media” to display, for world-wide public consumption, the military potency of the new compradore elites. These transformations also create parallel and wide-spread misery among the ordinary people affected by the newly-acquired arrogance of the new, artificially built elites. Mass media, aware of that kind of misery, just wait for any socio-political catastrophe and travel to its location at jet speed in order to display pictures of agony. According to some reports, difficult to confirm, prepared by the “help and rescue organizations,” mass media activities, instead of providing help for the needy, soak up the massive financial and material support coming from abroad for themselves and other bystanders.

The tragic, and almost farcical repercussions of these “exhibitions” lead to unexpected consequences. First, the world public loses its trust in care organizations (especially when the public does not have control over the distribution criteria or implementation). Second, the world public, being unable to help the victims substantially in a direct and visible manner, loses interest in demonstrated atrocities. Third, the mass media start to compete in presenting more and more shocking pictures (thus more and more stunning) of human misery. Fourth, this process starts to generate a general *moral atrophy* and to lower public and governments’ interest in the problem. Fifth, as a consequence of this, the world opinion, being convinced that it cannot contribute enough for the helpless and needy, turns its attention away.

Thus African genocide, as far as world opinion is concerned, leads to a saturated, crooked, circle effect: after giving it full attention and full empathy, it turns to growing avoidance and passive indifference.

G. The Holocaust⁴³

A lot of evidence indicates that Petrażycki’s theoretical background may serve as the best cognitive framework for the explanation of the relation between the Jewish population and the larger communities in which they lived, and that his theory may also shed some light on the problem of the Holocaust.⁴⁴

⁴³The word “holocaust” stems from the Greek *Holohauston*, a translation of the Hebrew *olah* — “what is brought up” usually understood as “an offering made by fire unto the Lord” (see: Chang, Iris. *The Rape of Nanking: The Forgotten Holocaust of World War II*. 1998).

⁴⁴One should remember that Petrażycki, himself actively attacked various forms of anti-semitism in Russia (Petrażycki 1911) and later, during the period

Petrażycki categorized societies as complementary or disparate entities. Complementary societies were (and are) able to cooperate with others on several levels. Disparate societies were (and are) so culturally alien that all attempts at mutual cooperation with outside societies ended in conflicts that were difficult to solve. It is also possible to extend this classification to the relations between various segments of same society.

According to Petrażycki, there are two types of basic socio-economic activities within human societies: (1) those based on behaviour of a physio-technical character (cultivating the soil, breeding cattle, making handicrafts) and (2) those based on behaviour of psycho-juridical character (legal activities, merchandising, credit transactions, management or any activities connected with cognitive inventiveness). These activities can be further divided into (a) habitual activities (stock breeding, grain cultivation, traditional handicraft production — all the activities that are inherited from ancestors and involve the application of custom and routine) and (b) innovative activities.⁴⁵ Petrażycki did not, however, consider the possibility of a complementary-disparate society or such a segment within a society.⁴⁶

between the WWI and WWII, he condemned some academic anti-semitic restrictions in Poland (especially those targeted a professor Szymon Askenazy).

⁴⁵Jews certainly belong to this category. In Pareto language it would be the Category I of residua: residua based on combinations. Mordecai Richler, one of the best Canadian writers, in his article “The [current] vanishing of the Jews has been much exaggerated” *The Ottawa Citizen*, Sunday, July 27, 1997, says: “My people are deeply upset by a declining Jewish birth-rate, rampant intermarriage, and assimilation. According to the recent *New York* magazine cover story, ‘Are American Jews Disappearing?’ there are now only 5.5 million Jews in America, about the same number as there were in 1950, but today they make up only two per cent of the population, where once they accounted for four per cent. Mind you, that two per cent is not doing badly. They hold two seats on the Supreme Court, 10 per cent of the Senate, and five of the Ivy League presidencies. And shortly after her appointment, the new secretary of state, Mrs. Albright, remembered, come to think of it, that she was also born Jewish.”

⁴⁶As existed, despite various claims to the contrary, in Poland before the WWII (Podgórecki 1994: 80–84).

One must mention that the situation of the Jewish population was especially difficult and perceived and felt as oppressive in various societies where indigenous communities had been striving to establish their own innovative leadership. Thus, in those societies the Jews, who obtained this leadership due to their historic faculties (Pareto's *residua I*), created a sort of a "scape-goat target" because of their public visibility and the sharp jealousy generated by the gains associated with noticeable Jewish inventiveness.

The term "Holocaust" is now used exclusively to describe the Nazi activity against the Jews. Few remember that this old Biblical term was earlier applied by Pitirim Sorokin in his descriptions of certain aspects of the Soviet Revolution.⁴⁷ Few know that this term could be used about the suppression of the Polish intelligentsia, who were the target of the Soviet regime which wanted to kill off this *entire* group of human beings, and few are also aware that the Germans also used this policy against the entire Gypsy population.⁴⁸

Very few try to single out this genocide's complicated causes and their implications. In this area everything seems to be talked about the highest level of moral indignation. Although this indignation is indeed appropriate, it does not help one understand the deeper socio-political roots of genocide.⁴⁹

⁴⁷ Pitirim Sorokin, *A Long Journey, The Autobiography of Pitirim A. Sorokin*, 1963. New Haven. Conn., College and University Press. Chapter: "Holocaust: The 1917 Revolution" — this chapter is based on a diary written in 1917.

⁴⁸ Istvan Deak, in his article "Memories of Hell," says: "On the other hand, Ian Hancock, a politically engaged Roma, argues that the Gypsy catastrophe was a true Holocaust, that the Roma suffered proportionally higher causalities than the Jews, and that their sufferings have gone largely unnoticed" (Deak 1997: 42).

⁴⁹ One should add that the main task of this work is not to compete in adding some new, justifiable and indignant phrases, but to contribute something substantial to the currently "thin" theoretical body concerning the societal causes of atrocities of this type.

Few try to analyze the social and political causes of the German genocide thoroughly enough. In many instances, an analysis of social and political causes is treated as a sacrilegious activity. Not too many realize that the migrations of the Jewish population through Europe were associated with a very high tide of economic prosperity which tended to decline with the disappearance of the Jewish presence and activities. Thus, the research should focus mainly on the question of whether the highly intelligent and efficient Jewish economic and monetary tactics were treated in Germany in the beginning of the twentieth century as a real challenge for the less imaginative but nevertheless more persistent productive and monetary policies of the German population. These interrelations have prepared some ground for a retaliatory attack by the German. Even, the true statement that the Jews and the Germans did perceive themselves as very fierce competitors in the area of innovative activities (in the field of financial and legal technicalities), and that this competition led both of them to engage in intense contests, would be treated probably as highly suspicious. Also, the fact that the Germans did not accept the Jews as partners (although the Jews regarded Germans as good associates) would be perceived as a highly distorted observation of the past.⁵⁰

The important generalization that the cultural and scientific achievements of Jews living in Germany were comparable, if not superior, to those of the Germans, would be violently rejected by many, if not severely castigated.

If one stated that the American Jewish population during the World War II was, as a rule, not sensitive enough describing and

⁵⁰It is characteristic that once when the light suddenly went off during Petrażycki's lecture on the socio-political trends of the future, he continued his lecture with few candles. In this lecture he forecast the tragedy of the Holocaust. (The lecture was delivered at the Open University in Warsaw shortly after the Nazi take-over in Germany and shortly before his suicide — this is a personal communication from Professor Henryk Piętka, then an assistant of Petrażycki, who attended this particular lecture).

assessing the harms inflicted on Jews at that time,⁵¹ with the additional conjecture that the Jewish population strongly rejected the assessments of the Polish Underground Army representatives who came to the States with such news,⁵² such a statement would be rejected as a lie, a crime, or both.

One should also remember that the highly loyal and internally disciplined Jewish minority (around six million) in the United States constitutes a powerful lobby group and that this group is able to get around ten billion dollars yearly as one-sided help for Israel (partially compensated for the support of the Jewish voters). Thus the condemnation of past German crimes could be regarded as a helpful pressure-argument compelling the States to reimburse Israel for the Holocaust tragedy. As a comparison,

⁵¹Jan Karski, an official of the Polish Underground Army in 1943, travelled clandestinely to the West to inform Western leaders (among them Churchill and Roosevelt, and also some highly placed Jewish leaders) about the situation in Poland. An essential element of his message was formulated by one of the Polish Bund leaders: "We want you to tell the Polish and Allied governments and great leaders of the Allies that we are helpless in the face of the German criminals. We cannot defend ourselves and no one in Poland can defend us. The Polish underground authorities can save some of us but they cannot save masses. The Germans are not trying to enslave us as they have other people: we are being systematically murdered." He delivered among others this message to Szmul Zygelbojm, a member of the National Council and Representative of the Bund in London. Later, still in London, he received this notice: "Mr. Karski, I was told to inform you that Szmul Zygelbojm, a member of the Polish National Council and a Representative of the Bund in London committed suicide yesterday. He left some notes, saying that he did all he could to help the Jews in Poland but failed, that all his brothers will perish, and he is joining them. He turned on the gas in his apartment" (Karski 1944: 335 and 338).

⁵²Felix Frankfurter (the President of the Supreme Court of the U.S.A., himself of Jewish origin), after Karski's official report about his surreptitiously-arranged entrance into the Warsaw Ghetto and Bełżec concentration Camp for Jews and the German behaviour towards the Jews in occupied Poland, told him, in the presence of the Polish Ambassador in the U.S.A., Jan Ciechanowski: "Young man, I do not say that you are lying, but I don't believe you" (the personal communication from Karski, see also the book that recounts the whole story: Jan Karski, 1944: 320–389). [Some elements of Frankfurter's personal scholarly background, see: Berlin, 1982: 80–90].

one should be aware that the essential contribution of Poland's Solidarity movement to the victory, in 1989, over the second world super-power (the Soviet Union) was not materially rewarded at all (in this context the indirect help supplied by American trade unions in materials like xerox machines, various technical facilities, should be regarded as low level inter-organizational assistance of an auxiliary character). In this way, the United States gained an unparalleled historical victory for free, without even a slightest obligation to reimburse the partner who did not translate its sufferings into demands remuneration. An additional unusual feature of the Jewish diaspora is its belief in its historic and social mission. Currently, American Jews feel a deep obligation to do something for their brothers living in Israel in relatively poorer conditions. Sometimes, but rarely, the American Jews have a feeling that they should go to Israel and help to built the country, but usually they only indirectly support those who live there.

In a way this missionary (to contribute to the well-being of others) attitude resembles that of the Polish and Russian intelligentsia in the nineteenth century who were motivated by the deeply ingrained imperative that they should fight for the rights of the needy peasants and workers (in the Russian case) and for independence and the rights of the nation (in the Polish case).⁵³

Economic genocide could be regarded as a special type of genocide. Once Machiavelli, apparently searching for his typical paradox, noted that people would forgive patricide rather than deprivation of property. One may add that people, quite often, would commit genocide in order to enlarge their possessions.

⁵³It is *necessary* to stress that the above considerations have been written not to diminish the responsibility of the Nazis (and Germans with their one of the highest civilization and culture in Europe) and all others implicated in the Holocaust, but to try to stress the importance of the full sociological explanation of the Holocaust phenomenon.

American history provides some illustrations at the latter generalization.

From 1856 to 1858, the settlers at Round Valley appropriated more good land for cattle grazing, pushing many Yuki into the mountains, from which they raided the settlers' herds to obtain food. Food intended for the Indians was diverted to white labourers by dishonest federal reservation agents, some of whom operated their own ranches and sawmills. The Yuki in the reservation began to die of starvation. As the Yuki killed more cattle in their desperate bid to fend off famine, a number of settlers decided to annihilate them. They mounted their first expedition in 1856, and many others followed over the next five years. One of the worst settler leaders was H.L. Hall, cattle supervisor for the superintendent of the Round Valley reservation. Setting out on one of his many manhunts, Hall was reported to have said that he did not want any man to go with him to hunt Indians who would not kill all he could find, because "a knit (sic) would make a louse." In March 1859, a group of settlers led by Hall killed about 240 Indians in revenge for [the] killing of a valuable stallion (Carranco and Beard 1981: 55).

This is only one example, among many, of economic genocide that took place in North America one hundred years ago.

The general conclusion of these studies on genocide is that it seems enormously difficult to find one, single, sociotechnical directive to neutralize the phenomenon. Rather, it seems better to rely more on generational changes. A new generation, if carefully shielded from the reprisal attitudes of the former generations, probably will be more eager than its predecessor to try to reach an agreement with the new generation on the other side.

H. The Universalization of Utilitarianism

Currently we face not only the spread of anti-culture in the form of cynicism and nihilism (that sometimes trans-

forms itself into active genocide), we also face a new type of event. This event, at the first glance, seems totally harmless. It consists of a homogenizing process of various segments of humankind brought together independent of their origin and form, making them, step by step, more uniform. There are many factors that contribute to this unification process. Not only do the *mass media* in various parts of the world use the same (or similar) symbols and spread similar patterns of news, contacts created by tourism sweep across the globe and expand identical slogans, the rapid acceptance and progress of norms established by the English language unify the demands of various industries and educational bodies, time is accelerated and distances shortened by technical inventions, new discoveries link what was previously unattached and new moral understanding consolidates human rights and duties.

One may remark that this whole phenomenon is not new since in the Medieval times the rigid religious and ideological demands of the Catholic Church supported as a rule by severe and harsh punishments used to produce unifying measures and conformity in nations and individuals. Nevertheless one difference is essential: in those times a highly-developed indigenous ethos existed that provided individuals and nations with some pockets of subjective "freedoms." Thus the cliché, popular before the World War II, that we in the nineteenth century are facing a new Medieval epoch, must be regarded as highly exaggerated.

One can take any social or political phenomenon like parental authority, sex, political party, and free market and conduct a comparative study of various social systems and cultures and then find that the current expectations, rules of mutual behaviour and outcome of human relations in the most divergent countries and cultures are strikingly similar. The universalization of conflicting habits and behaviour is progressing very quickly.

Marxist hidden nihilism is also partly responsible for this universalization. Presently, in the social sciences but not only there, it is very difficult to find respect for the "wise man of letters." Since everything is questionable and since everything depends on the interests of the party in question, traditional esteem for scientists gradually evaporates. Nihilism and a career measured by salary, gradually enters the picture. Even on the lowest university level students bargain with the professors about their marks and, having few authentic interests, select their courses according to their timetables.

However this universalization is not based on shared or similar values and evaluations. The values which support them might be entirely different. This universalization is supported by analogous patterns and strategies of behaviour that have the ability to travel very quickly from one corner of the world to another. These patterns do not face the restrictions of customs and passports and they are characterized by a very active power of mutual contamination. A fashion design created in Paris can be immediately transplanted to Bucharest, financial barriers permitting. The way of treating the social sciences that originated in Berkeley can be almost immediately dispatched to Oxford or Warsaw.

If you would ask (as I did) a librarian in Papua, New Guinea, about her favourite authors, she may give you the list of the actual *New York Times* bestsellers; if you give a lecture at Hong Kong University summarizing your own ideas (as I did), some people in the audience may comment that you start to repeat yourself; you may hear (as I did), in Tokyo, that some people produce your own concepts (including mistakes) as if they were their own achievements; back in Berkeley, some people may attribute your own scientific adventures to your friends, if that makes the anecdote more piquant. The universalization of ideas travels too quickly for one to control.

I. The Conformization of the Cinematographic Culture and the Social Sciences

If one would like to demonstrate the spectacular spread and the depth of the universalization of culture in general, one could select two suggestive but contrasting areas as an example: the movies and the social sciences. Although the processes in these areas are not especially typical of culture in general, they can serve as relatively good indicators. Frequent attendance at cinemas, as a populist manner of participating in cultural activities, may indicate how deeply involved a person is in the generally accepted culture and the involvement in the development or interpretation of the social sciences could indicate the person's commitment to a humanistic orientation. Although the relevant factors do not occupy a central position in the humanity, nevertheless they are relatively easy to identify, describe and measure.

An empirical but comparative study in the area of cinema attendance could be persuasive: one may study not only the spread of propagated patterns of behaviour (through its positive and negative models), the depth of the convictions generated by the attitudes and behaviours of the movie heroes, but also a wide spectrum of innumerable small details that are "promulgated" by the actions of the movie heroes. Since motion pictures remind one of real life, through mass dissemination (or, as Petrażycki called it, by "mutual contamination") various fashionable patterns of behaviour can fluctuate rapidly around the globe. Ways of dressing, manners of expressing sentiments and displaying emotions, everyday etiquette, typical family relationships, basic office relations or public appearances: all these and other patterns of behaviour may serve as an easy storage of expressions which can be repeated, presented or applied at various occasions. One may compare the proportion of the "indigenous" movie production with the proportion of movies (with its Hollywoodism created by the East-Russian Jews, where the central ideas occupy

sentimentality and kitsch) coming from the proclaimed, known centres of cinema fabrication; one may compare the frequency of appearance of “indigenous” actresses and actors with appearances of the actresses and actors exported from those centres; one may find out the level of popularity of songs generated by various movie production centres; one may try to find how much interest there is in “personal life stories” of the best known actresses and actors; one may investigate the number of articles published in the magazines devoted to these stories in domestic and international locations; one may find what the reaction is to the Academy Award (mainly industrial events) and one may compare the popularity of these awards, the seriousness of their direct and indirect material gratifications etc.

One may, without grave risk of mistake, predict that in this study the North American cinema-industry complex will emerge as a decisive heart for the dissemination of patterns of behaviour and cynicism. In present day in Poland around 90% of the movies come from this source. Also in some cultures the reality displayed in these movies is regarded as the most authentic source of individual and social data. “And finally children do not have the possibility of assessing what is possible and what is not. The screen’s reality is, for them, more real than real life, especially since they haven’t had the chance to experience life” (Głowacka 1997: 4).

An inquiry into the social sciences⁵⁴ would produce rather similar results. The North American pattern of developing the social sciences originally typical of the U.S.A. is steadily and rapidly spreading around the world.

The old manner of developing the social sciences based on the “scientific school” started losing its grip, even in those countries where it was most popular (in Germany, for instance), yielding to the influence of the American “horizontal” perspective.

⁵⁴Based on participant observation and interviews with the outstanding scholars: Adam Podgórecki *Higher Faculties*, 1997, Westport, Praeger.

Presently, a study on the actual manner of developing the social sciences (and also some branches of the natural sciences) would certainly lead one to the following observation: listening to U.S. scholars talk about the scholarly performance of non-U.S. scholars, one finds a strong undertone of support for horizontal rather than hierarchical structures in scientific work. The traditional German or French scientific structures (also Austrian, Polish, Russian etc.) were built on the principle of a “leading brain” occupying the central chair and closely guiding and supervising all other scholars conducting their studies in the domain of his “scientific school.” The North American conception of an academic career is completely opposite: it is basically and endemically “democratic work.” Because everyone is regarded as his or her own boss, the image of “truth” is the highest measure used to determine whether or not a potential scholar should devote himself or herself to the scientific profession. U.S. academics are firmly convinced that this democratic structure is not only the best, but also the only acceptable one.

The former deputy director of the Centre for the Study of the Behavioural Sciences in Stanford describes these conflicting points of view:

Well, what I associate with Lazarsfeld was his interest in setting up a “super graduate training institution:” he wanted to have this centre [Centre for Advanced Studies in Behavioural Sciences in Stanford] become a training institution. Not a self-educating institution. He wanted to have senior fellows, and he wanted to have junior fellows who sat at the feet of the senior fellows. As a matter of fact during his fellowship here, there were several people whom he had sponsored for the fellowship, but soon as these people learned that they were going to be treated just as well anybody else, they abandoned him, and he was very much upset about that. To my thinking, he represented an attempt to transfer the European style department with a single head, who is really the “Master” of the department into America (Podgórecki 1997: 95).

Evidently the horizontal approach to the social sciences produces several negative by-products.

One of them is the inherent difficulty (if not impossibility) of *checking the theory* in question. At the present moment theories in social sciences and humanities are so complicated and so multi-variant that in order to comprehend or check them one has to analyze these theories from all possible angles. That, of course, is not possible for one isolated individual. Moreover, this individual would have to control too many facts. That is why a team of investigators, monitoring each other, would here have an upper hand. The situation is also difficult in the case of a conflict of competing theories: in the case of one individual researcher, he might have a tendency to omit or disregard the conflicting data, whereas with a team that would be much more difficult.

Another difficulty in the social sciences of a horizontal structure is the *principle of continuation*. The team that has created a scientific school is interested in developing ideas connected with the consequences of the leading idea of that school, especially the consequences associated with developing the theory further or testing its limitations and restrictions. It seems to be clear that since the horizontal structure does not motivate scholars to develop the given theory, this structure of social sciences promotes, in the long run, the stagnation of these sciences.

This is because horizontally-structured social sciences have a tendency to become fragmented and support the *exiguous contribution* of a mosaic of findings. If everyone is doing what seems suitable to him or her (easiest, handiest, simplest and rewarded with the fastest results, gives a professional promotion), a general picture of the social sciences becomes a *non-addictive sum* of subjective, uncoordinated contributions. It then becomes very difficult to see any progress in the general mass of coordinated results for dispersed studies: one can only see a mosaic of accidental endowments.

All this would lead to the dispersion of *academic attention and academic concern* in the social sciences and also to the dispersion of

the means available for further research. If everyone is working in his or her individually-cultivated field, then only by a lucky chance can the results connected with these attempts be turned into a synthetically consistent whole.

The horizontal structure also has destructive potential on the individual level. If the scholars were well aware of all the dangers which lay ahead of him or her, he or she would tend to develop a personal *promotion strategy*. To develop this the scholar would try to attract the attention of the academic world to his own person, to his individual work, he or she would be inclined to exaggerate the value of his or her research results and to insist on the immediate utilization of the products of these results. Eventually such a scholar would gradually become disassociated with the subject of his or her research since results in social sciences are always questionable, would develop a tendency to stress the value of his or her individual scholarly career and would strengthen his or her administrative position in the world of academia or in the world of surrounding charitable corporations. This attitude would be strongly connected with the development of a bourgeois spirit in the social sciences. Then, paradoxically, everything would turn around: the scholar, instead of building a consistent body of scholarly achievements, would start to build his or her own, individually-perceived career. This would help introduce a peculiar atmosphere of *bourgeois scientific ethos* in which academic achievements are much less important than individual monetary success. In this respect the accumulated pressure of bourgeois oriented wives (who know how to use the pseudo-academic phraseology) should be not overlooked.⁵⁵

The development of the bourgeois mentality in the social sciences greatly favours industrial institutions, which only need to wait for a suitable opportunity to enter academia with their own

⁵⁵ Wives, since the majority of the spouses of currently functioning scholars are wives.

“hidden agendas.” These hidden agendas may involve in pouring some finances directly into academic structures in order to influence their scientific findings or they may be involved in trying to get scholars to work for them directly. However they may also operate indirectly by paying lower taxes, building their image as institutions which devote part of their own profit to the enhancement of the social sciences (consequently building benevolent social institutions), and so forth.

Thus, industrial institutions may influence the social sciences in many ways: a) by shaping their programmes, b) fixing certain priorities, c) establishing irrefutable preferential treatment, d) offering various generous fellowships etc.

Presently, on the world scene, all the essential factors in the social sciences have a cumulative effect: scholars and research topics which have U.S. backing, since they are supported by North American funds, get preferential treatment in international market of floating ideas. Sometimes even a senseless American proposition, just because it is American, has a better chance of being academically accepted because of its “aura and smell” of American dollars.

The social sciences, being so heavily influenced either directly or indirectly by North American ideology, are becoming gradually more homogeneous and more and more satiated with the aura of the North American individualistic ethos. They are becoming gradually more cognitively conformist or, just the opposite, more stuffed with “exotic” terms (oriented towards individually defined success). Consequently, they stop producing serious scholarly work of universalistic patterns.

J. Consumerism

Consumerism is more a symptom than a cause. Nevertheless, being the result of multiple causes and roots it is still able

to function as an independent factor, a factor that has its own autonomous perspective and that is able to generate its own sub-consequences. Although there are many reasons for consumer trends apparently the reasons connected with the family-life have special world-wide significance.

In the developed countries consumerism tends to be widely dissipated among the middle-class and totally oblivious to the situation of the needy. As a result, the growing chasm between the real needs of many and the assumed general societal goals leads to a rapid increase in social anxiety.

Generally speaking, current social anxiety is caused by many factors. Some factors like the general disruption of the family (it is typical that in many highly-developed societies politicians, instead of including issues of political, social and economic validity in their political programmes, insert instead a general call for the stability of the family!) should be mentioned here in the first place; the growing world-wide army of single mothers; the increasing number of children without fathers (deserted by their fathers as well as orphaned as the result of various conflicts and wars); the sky-rocketing divorce rate; the aging population and the number of senior citizens, the increasing influence of large lobby of people who depend on social and medical care, the growing visibility of gays and lesbians and their subsequent demands to have equal family rights (including the increasing pressures on the "fiscus" to subsidize their parental responsibilities). All these and other tendencies escalate significantly the level of social anxieties. These anxieties create second and third generations of anxieties as well. Currently, the older people who have loose family ties with their own relatives, and especially with their own children, are looking for help from the social services and stiff state agencies) not from their own family. They represent only one striking example of the whole gamut of causes.

Of course, there are factors that, independent of the internal family tensions, play significant roles in the increasing level of social anxiety. One of them is the reification of the inner-rela-

tions among previously closely-related people. Under the reign of this reification, instead of relying on feelings and attachment and emotions, those people who inside the formalized regime (as opposed to the traditional personalized regime) of a relationship start to rely on their own financial resources, to look for the help from the prearranged agreements offered by others and to depend on a variety of abstract relationships with insurance companies or other hired services.

Earthquakes, floods, fires, tornados and so on still play important roles but the political and social causes of the apprehension seen in the modern world play much more significant roles. Although at present major wars do not occur too often among major adversaries (apparently due to the increased destructive powers that nations possess), people's anxieties seem to be mainly oriented toward their man-made causes. Thus the man-made famine that ruined the Ukraine (one of the most agriculturally fertile parts of Europe) in the beginning of this century was caused exclusively by ideology. This indicates that *natural* catastrophes can be used in as social-engineering way to force people to form a conformist mass, or that *man-made catastrophes* can be used as meta-devices that trigger natural calamities. Thus, they can be used as human instruments of mechanical, dark social engineering.

The systematic and irreversible exploitation and destruction of the environment is proceeding so quickly at present that an environmental calamities (on a large scale unrecognized until the beginning of the 1970s), is now regarded as one of the major problems of contemporary life. Even some political parties (usually called "green") have emerged in some countries as Earth self-generated defence. This situation also has some important consequences for the inception and development of "global ethics."⁵⁶ Financial crises, some recessions, inflation, bad govern-

⁵⁶See Chapter 3, Section E.

mental and individual fiscal policies transform people into anxiety-charged accumulators.

It is clear that purely psychological factors may play their own, independent role. For example, the "revolution in expectations" may transform people into greedy subjects looking around for firm assurance that they will not be "beaten" by their neighbours, family, colleagues, institutions, state agencies, the system etc.

It is important to note that the populist culture, especially the one that is spreading from the money-producing centres in the U.S.A., also adds some ingredients to this general atmosphere of anxiety. It is not difficult, when analyzing the content of best-seller books, movies and theatre plays, to discover that the overwhelming majority of these centres are stuffed with fear-triggering stimuli (like the dangers of assault, murder, rape, extortion and blackmail).

Nevertheless, people are looking for existing anxiety, thus the mass production of a "secure anxiety" becomes a benevolent substitute for the need of wide-spread excitement. Thus consumerism targets anxiety-creating events that spread the message of the possibility of an imminent assault and, at the same time, block the development of real creativity on an individual and group level.

Here then appears to be an interesting parallel between the existential situation of the bourgeoisie in the nineteenth century and the current situation of modern intellectuals. Both of these sub-societies, satisfied with their material success (and even satiated by it), were and are looking for more sophisticated rewards. In the case of the bourgeoisie it was a large amount of personal liberty, egoism, self-centredness, rejection of some sex restrictions (sometimes even libertinism), in the case of the intellectuals it is a similar combination of drives, with a substantial dose of narcissism and auto-interest-reflection. In both cases the group blocks the potential development of an indigenous intelligentsia as a group who

would be devoted to the betterment of the “underdogs” of society.

One also should remember that psycho-social phenomenon like consumerism gave rise to the growth of an enormous industry oriented people toward its satisfaction. As historian M. Lewis says, “Business had learned as never before the importance of the ultimate consumer. Unless he could be persuaded to buy and buy lavishly, the whole stream of six cylinder cars, super heterodynes, cigarettes, rouge compacts, and electric ice boxes would be dammed up at its outlets” (Lewis 1964: 140).

K. Feminism

Feminism is regarded as the unique problem of the twentieth century. Whether this claim is correct or not is irrelevant here. Nevertheless, currently, feminism and its movements have enormous philosophical and social ramifications. However, a closer look at this issue reveals that feminism, despite its own noisy pronouncements, is theoretically empty.

Indeed, if one tries to examine the basic feminist ideas one comes to a conclusion that this aggressive and vociferous movement cannot present a substantial body of coherent, theoretical, socio-political ideas. Certainly it stresses that women around the world (in some societies more than in others), are deprived of some political, social, economic and human rights. Certainly it would be superfluous to admit that women, as a class, did receive their political rights very late (even in such democratically-advanced countries as the United Kingdom or Canada); certainly it would be superfluous to admit that the social and economic position of women (if unconnected with that of their husbands) around the world, even now, is relatively low. (Does this influence their sense of hu-

mour?)⁵⁷ And, it would be excessive to list all the instances when women, all other elements being equal, receive lower salaries than their male colleagues.

Thus one may say that the vast literature dealing with these matters scarcely brings theoretical enlightenment. However some isolated observations are very intriguing and suggestive. Undoubtedly, the first characteristic is the fact that women are more alert to matters where individual empathy might be employed. Indeed, being more concerned with the emotions (and especially with the changing moods of the "family provider" and the progeny), they are more concerned with various fluctuations and shades in the feelings of others. Also, being closer to the children than are the man, and especially to those children who are still not skilful enough to articulate their needs, they develop special "antennae" that enable them to detect the current state of existential excitement. Therefore, women constantly have to take into consideration viewpoints of some especially determined "important (for them) others." They try to develop an ability to build on the results of the views, outlooks and values of their children, husbands, relatives and other significant individuals. That orientation toward multi-various centres

⁵⁷This peculiar situation of relative deprivation can have some unexpected consequences. One of them could be the notion of sexual harassment extended to the point of entertainment. For example, once a professor from the social sciences in his department in Canada was eating lunch at a university cafeteria and was observing the surrounding students and other people. He then noticed that a certain young woman had a very short skirt and a very slim legs; not being able to see her face, he hypothesised, 'Certainly the only person with such an unusually slim legs is X.' He left his table and found that he was correct. A few moments later, meeting X in an elevator, he asked her, summarising his former reflections, whether this manner of thinking could be regarded as a model of deduction in the social sciences (logic is not regarded as an independent academic course in Canada). X smiled sourly. Few days later the departmental chairman asked the professor in question to come to his office. There, he told him, "I was informed about a case of sexual harassment concerning you." The professor asked, "Are you joking, or are you serious?" The reply was, "Certainly, I am serious."

of attention teaches women to reconsider, and put into coherent and consistent union, many divergent points of view. This epistemological perspective alerts, if not compels, women to form a blended, pluralistic outlook on surrounding human social reality. Being compelled to take into consideration the wants and demands of others, women tend to look at social reality from a multi-varied point of view. That alerts them not only to empathy, but to plurality as well.

Moreover, women are aware of the fact that the almost dogmatic, mono-point of view, characteristic of their fellow men, leads to an increasingly dangerous atmosphere of conflicts and clashes. Therefore, being equipped with the epistemological instruments appropriate for analyzing the muggy or indigestible characteristics of others, women tend to study the uniqueness of others and, being better than men in this art tend to alert their partners to the subtle idiosyncrasies of other individuals. Men, being aware of that particular female ability sometimes delay their important professional decisions to the moment when they can retreat to their own households and relate to their “empathic mediums” all of the complicated events of the day. In extreme cases this peculiar diagnostic ability might be a coaxed art or, when solicited, utilized in political activities.⁵⁸

The second feature is the unresolved phenomenon of “false consciousness.” This particular phenomenon is understood, especially when analyzing the consumption problems, in the following way: “the confrontation of certain behaviour and consumption needs with people ideological beliefs provides the basis of the identification of ‘false consciousness’” (Pucek

⁵⁸Some women regard this ability as their primary function. For example, Nancy Reagan (the wife of a former president of the U.S.A.) repeated several times during her contacts with the mass media that she regards her rudimentary role as serving as the president’s “antenna.”

1979: 63⁵⁹). Usually this notion is associated with the writings of Karl Marx (Szacki 1966,⁶⁰ Dyoniziak 1967,⁶¹ and others). However Marx did not coin this term. Although the intuitive understanding of this concept does not produce any particular analytical quandaries, the presentation of its comprehensive and adequate meaning, not the tautological definition, seems to be impossible. The immediate understanding of false consciousness is connected with the notion that a given social group (or individual) is unable to properly comprehend its own interests. The real problem is created by the question what do “properly” and “interests” mean? In the case of workers, the Marxian theoreticians would say that the working class, being under the absorbing influence of capitalist ideology and a type of consciousness fabricated especially for them, would accept as their own those values which had been especially prearranged especially for them to use. In the case of women’s false consciousness, the matter is more subtle and complicated. One can maintain that men were able, through the centuries, to generate the type of gender culture that became eufunctional (advantageous) for them and that men, using their physical and spiritual domination, compelled women to accept this culture as binding. For example, in nature, males look impressive while females look modest. However among human beings women have the heavy burden of dressing themselves in an attractive manner and the burden⁶² of having to look pretty, attractive and alluring. Thus,

⁵⁹Zbigniew Pucek “Potrzeby konsumpcyjne a fałszywa świadomość” (Consumption Needs and “False Consciousness”) in: *Zeszyty Naukowe (Scientific Copybooks)*, 1979, No. 117, Cracow, Economic Academy, p. 63.

⁶⁰Jerzy Szacki, “Uwagi o marksistowskim pojęciu ‘świadomości fałszywej’” (Remarks on Marxist Notion of False Consciousness) in: *Studia Sociologiczne*, No. 2, 1966.

⁶¹Dyoniziak Ryszard, “Potrzeby konsumpcyjne a zróżnicowanie społeczne” (Consumption Needs and Social Differentiation) in: *Zeszyty Naukowe (Scientific Notebooks)*, 1979, No. 117 pp. 25–44

⁶²Some women enjoy this burden very much!

in addition to the heavy burden of taking care of the household, the children and husband, women are charged with the duty of looking appealing to their “owners.”⁶³

It is not the place here to discuss in detail all the possible implications of the notion of false consciousness. It is enough to say that false consciousness should be regarded as neither false or true, also that it should be regarded as neither functional or dysfunctional for those people (or for that person) who accept it. So, taking all these cognitive pieces of intuition into consideration, how should one regard the concept of false consciousness? To finish discussion on this complicated issue, it seems reasonable to suggest that false consciousness should be regarded as a shield which prevents an individual (or a group) from violating the “inner” (most private) self. Thus, false consciousness works as the final defence mechanism which protects the identity of a given collective (or individual) against any possible forces of disintegration.

Among men the equivalent of the concept of a “fallen woman” does not exist. Men can fall as many times as they wish without any labels. This is not the case with women: they, apparently in order to keep them under the watchful eyes of the men’s interconnected social controls, are so labelled when it suits the men’s common interests.

It seems that the most important feature of feminism is that this is a *normative phenomenon* (a demand for justice). Thus, the feminist ideology (and its verbosity) should be regarded as nothing else than a cry for the rejection of all the oppression that, at the present time, seem inhuman and unjust to women. Thus, although feminism does not have such a great theoretical and cognitive importance as many tend to believe, it has (and should

⁶³One of the creators of the sub-branches in sociology told this author, “You [men] don’t know that in academia you have every day a one-hour advantage over women: you do not waste time putting on mascara.”

have) a great moral impact on the inception and development of global ethics.⁶⁴

L. Unspecified Types of Law

Introduction

Acute social problems are not only created by visible social issues: they can also be generated by invisible ones. One of these invisible problems is the question of *unspecified types of law*. Since law in the twentieth century has undergone many overt and hidden transformations, people quite often have trouble recognizing what the law is.

So often the living law, which can have much greater and deeper social influence than does the official law, is not seen as law at all! In totalitarian (and post-totalitarian) countries *real* laws operate, that are hidden behind the facade of a practically invalid official law. Among all underground, dissident and revolutionary movements, relationships inside shadowy economy law is, as a rule, an invisible phenomenon. Therefore all social systems under frontal attack (and especially totalitarian social systems) have at their disposal a broader spectrum of sociotechnical measures than non-totalitarian social systems. In the case of the former the task of defending, revealing or unmasking is much more complicated.

Nowadays the law quite often encourages the use of cognitive disorder in understanding it and elements of anti-legal post-totalitarian sub-cultures under the cover of democratic and law-respecting institutions, instead of direct introduction and enforcement of the rule of law.

⁶⁴See Chapter 3, Section C.

Generally speaking, the way the law operates in post-totalitarian societies and also in Western democracies is shaped on at least three distinctive levels, and by a series of independent factors that occasionally conjoin or conflict with each other.

At the first level these factors are connected with the self-image of the law and consist of invisible determinants associated with a rudimentary perception of its own workings.

At the second level the law is governed by factors connected with *intuitive law* which are manifested in various socially accepted interpretations of the law, in the particular area of social life in which they operate or within a given area of social life, to a combination of other social elements surrounding the law.

The third level is connected with the residual forces that operate in society as a whole in a given historical period. This book draws heavily on the post-totalitarian period in Central-East European societies, where the law is influenced by a concert of various factors that may be called *post-totalitarian forces*. These forces can be seen only after a complicated process of abstraction, as is the case with the invisible factors or the intuitive law.

In order to describe how these factors work, and to grasp how the law functions within a given social reality, the three levels identified here will be considered systematically.

Factors Based on Self-Image (Invisible Factors)⁶⁵

In the sixties, Polish scholars in the sociology of law devoted themselves to the task of differentiating, specifying, describing and defining certain invisible factors in the operation of the law. This was because independent legal meta-studies had been virtually prohibited by then, or reserved for scholars accepting the Marxist perspective. Hence independently-minded legal soci-

⁶⁵ Compare Adam Podgórecki, *Law and Society*, (London, Routledge & Kegan Paul, 1974), in sub-chapter: "Invisible Factors" (pp. 97–106).

ologists were forced to open new, as yet unexploited, areas of inquiry concerning aspects of social life that the Marxist scholars ignored. It became evident that there was a plethora of invisible factors influencing the law, factors operating separately or in conjunction with others that were more or less easily discernible. The inquiries included a nationwide study conducted in 1962 of the relatively new institution of the divorce law (introduced in Poland in 1945), which was conducted on 2,355 subjects; a nationwide study of parental authority conducted in 1963 with 2,723 subjects (comparative to a similar American study with 800 subjects published in 1958); a basic study in the area of law and order and the prestige of the law conducted in 1964 with 2,820 subjects; an inquiry into the legal and moral attitudes of the general Polish population conducted in 1966 with 3,167 subjects; and research into knowledge of the law done in 1970 using 2,197 subjects.⁶⁶

An inquiry on the death penalty was particularly *exemplary and dramatic* because the factors that proved to be most influential were oriented exclusively toward the subjective and personal features, such as forms of insecurity, maladjustment to life, how the subjects perceived their own upbringing (easy-going, tolerant, strict, harsh, etc.), whereas the classical variables such as age, socioeconomic status and education *were found to have no significant influence*.

The typical sociological categories indicated relatively better knowledge of the law among males of the 35–49 age group; persons of a higher educational level, persons actively involved in social work, persons with legal experience (criminal or civil) and particularly experience in court, persons who declared past or

⁶⁶These studies yielded interesting results, some of which were subsequently published. For example, Adam Podgórecki, *Law and Society*. London: Routledge & Kegan Paul, 1974; Adam Podgórecki, *A Sociological Theory of Law*. Milan, Giuffrè, 1991; Jerzy Kwaśniewski, Margaret Watson (eds.); *Social Control and the Law in Poland*. Oxford, Berg, 1991.

present need for legal advice and persons interested in mass media reports that dealt directly with legal matters.

With respect to the prestige of the law, the classical sociological variables and the invisible factors both played an important role. The basic question regarding the issue of legal prestige used in the Polish study of 1964⁶⁷ was:

There are different views on the question of the practical observance of the law.

Please choose from the opinions listed those which appeal to you most:

	1964		1995
	Urban	Rural	
1. The law should always be obeyed even when we think it is wrong. ⁶⁸	44.3	45.3	48.7
2. When one is confronted with a regulation one considers wrong one should only appear to conform to it but in practice one should violate it.	22.7	22.5	22.0
3. One should, in general, disobey laws considered wrong.	17.7	18.8	22.0
4. I have yet another opinion.	4.7	4.1	4.6
5. It's hard for me to say.	10.6	9.3	4.3

N (1964) = 2,820

Compare: Kojder 1996: 353–364.

⁶⁷One should note that this question has often been used in subsequent studies of a similar kind, but usually without reference to the Polish studies which triggered the latter studies. See, for example, James L. Gibson & Gregory A. Caldeira, "The Legal Cultures in Europe" in *Law and Society Review*, 30, No. 1, (1996), p. 65. The existence of invisible factors was not recognized during these studies. Distinguished professor James L. Gibson acknowledged in his private letter that he was not familiar with the Polish studies.

⁶⁸This question has been repeated in different forms, in several studies, in various countries. Originally in Poland: by myself in Adam Podgórecki, *Prestiż Prawa (Prestige of Law)*, (Książka i Wiedza, Warsaw: 1966). In Germany by Wolfgang Kaupen and W. Werle, "Knowledge and opinion of law and legal institutions in the Federal Republic of Germany. Preliminary results" (in unpublished paper presented at the World Congress of Sociology, Research Committee on the Sociology of Law, Evian, France, 1965). In Belgium and the Netherlands: J. van Houtte and P. Vinke, "Attitudes Governing the Acceptance of Legislation among Various Population Groups," in Adam Podgórecki, Wolfgang Kaupen, J. Van Houtte, P. Vinke and Berl Kutchinsky, *Knowledge and Opinion about Law*, Oxford,

Thus, with the empirical formulation of this question the problem of invisible factors shaping the law and its connection to the essential problem of the prestige of the law was introduced to legal sociology of law.⁶⁹ The problem thus formulated revolved around the following questions:

- 1) whether the law has its own independent motivational force,
- 2) whether the law can be analyzed from the point of view of invisible factors, and
- 3) whether the law can be seen from the point of view of classical sociological variables.

The comprehensive Polish studies in this area conducted in 1966 showed that the law is supported by people with secondary or higher education with an intellectual family background and also by white-collar workers. As for subjective factors, the law is supported by rational, un-dogmatic people who show no signs of insecurity, have bonds with their own group and are engaged in voluntary social service work.

As a general remark, one might suggest that usually a mixture of the classical, objective factors and the invisible, subjective ones blur a given area of social reality and disguise the influence

Robertson, 1973. In Japan by Masaji Chiba, "Results and Problems of K.O.L. Research in Japan. Preliminary Report" Noordwijk, unpublished material, 1972. Finally in Canada pilot study conducted by Adam Podgórecki in the summer of 1974. The sample was randomly taken by summer students at the University of Alberta. This particular study was conducted during the Watergate hearings. See also Adam Podgórecki books, *A Sociological Theory of Law* (Milano: Giuffrè, 1991) and *Sojologiczna teoria prawa* (*Sociological Theory of Law*) (Warsaw: TAL-INTERART, 1998). Although the question in various studies was formulated differently, its basic sense remained the same. The results were: Poland — 45%; W. Germany — 66%; the Netherlands — 47% U.S.A. — 51%; Japan — 73.4; Canada — 40%.

⁶⁹Before these empirical studies the problem of the prestige of the law was exclusively regarded as a normative one. It was perceived in the following way, Why should law be considered binding? Was Nature or God implicated in this? What type of historical circumstances produced this respect? What type of social and economic groups have an inclination to treat law as a body of obligatory regulations? Why?

exerted by invisible factors. So what is theoretically important here is that before 1966 such *invisible factors* were not recognized as an independent cause of change in legal attitudes. The existence of invisible factors and their distribution in social and legal systems is significant for the following reasons: *If invisible factors challenge the legitimacy of a given social system, and if they lead to an examination of the links between legal and social systems, that may reveal that the legal system is weakly anchored in the social system. This, in turn, may indicate that its motivational force is weak.* Thus, invisible factors secretly influence the efficiency of the whole system, unlikely as that may seem. However this did happen in the Polish communist system before 1989. This was demonstrated very well in an insightful but poorly promoted work of Jerzy Kwaśniewski. His fastidious study showed that on the whole Polish society was not demoralized, its members were able to precisely distinguish bad from good on a cognitive level. Nevertheless, the members of this society must have been under constant demoralizing pressure since they showed high emotional and behavioural tolerance of the recognized epidemic forms of social deviance (Kwaśniewski, 1984: 106–107). From this diagnosis it was one step only to predicting the revolutionary changes in 1989.

Areas of Legal Operation (Intuitive Law)

Some areas where intuitive law operates will be presented below. These areas are not necessarily exclusive; they only indicate that they are rather better researched.

Sometimes a single scholar can elucidate and clarify certain virgin domains of socio-legal research better than a team can.

In his influential book, *The Hidden Society*, — still an undervalued work,⁷⁰ Vilhelm Aubert mentioned several areas where law operates in ways that are still largely unrecognized. For example, Aubert investigated sleep as a human behaviour and noted that

⁷⁰Totowa, New Jersey: Bedminster Press, 1965.

the act of sleeping represents a special period of insecurity. The sleeper is, “for physiological reasons, [in] an insecure and exposed state” (p. 189). In connection with that he says: “During the night the legal structure of society is laid bare, stripped of the complex system of informal social controls that are the meat and blood around the skeleton of [the] law in [the] daytime” (p. 197). This gives the apparatus of formal control ample opportunity to raid, search, arrest and use other types of controls.

Aubert notes that... “generally sociologists have shied away from the study of love” (p. 201) but he states that “secrecy seems to be an intrinsic characteristic of sexual life” (p. 204). The secrecy that usually surrounds love not only bars inquiries into this area but also shows that the realms of human life can differ substantially being plastic here and intimate there, varying with mutual individual preferences.

Aubert also analyses the seclusion of those who are thrown together during long sea voyages. On the basis of empirical research conducted with Oddvar Arner he generalizes that a seaman lives in a cramped state at his place of work (which is also a place of leisure) together with his colleagues and superiors separated from his family and his local neighbourhood and national community and that the turnover among seamen is much higher than among industrial workers and that the position of a seaman on board is more highly specialized and graded than that of industrial workers on the land. To sum up, Aubert concludes that seamen live in a highly transparent, secluded community which resembles a formalized, strictly-governed totalitarian society. He does not, however, specify the character of that formalization.

Of particular interest is Aubert’s analysis (based on his own participant observation) of the situation in the Norwegian Underground Home Army, which operated in Norway during the WWII. He stresses that secrecy “is the basic weapon” of the organization, that the members of an illegal community have defined social roles that make them appear to be members of legitimate society, that recruitment to the organization is based

on friendship (which protects the organization against infiltration, *agents provocateurs* and other dangerous aliens), patriotism and loyalty, that the members of the organization should have certain technical skills and should be sufficiently “invisible” in general society; that they should be prepared for the fact that their status within the organization may damage their outside social position, that in an underground organization the leadership does not have sufficient means to enforce its orders, that access to information is strictly related to rank, that the members of illegal organizations should be aware of the relative deprivation of the people who do not belong to such an organization, that they should avoid any written messages and diaries and leave as few written traces of their activities as possible, that their networks should be as decentralized as possible, that they should know how to play “double roles,” and that secret organizations are invariably temporary. Aubert says: “The total institution shapes and supports identity, whereas secrecy constitutes a threat to identity. Secrecy creates counter-forces against the establishment of an inner feeling of being shut off from the rest of society, of being a group set apart. Attitudes of strong organizational loyalty, and emphasis upon subcultural uniqueness (the myths and ritual secrecy) may accomplish what walls, locks, and spatial segregation accomplish among the members of total institution” (p. 306). The influence of secret organizations (the positive ones like an underground army seeking to liberate their land, or negative like mafia-like “cancerous bodies” exploiting the system which they inhabit) should be of special concern to sociologists — who tend to neglect influences of this type.

The settings and conditions Aubert describes, such as sleep, love, being a seaman or being a member of an underground organization, pinpoint areas of social life that, for one reason or another, have not been included in traditional investigations that have a system of manual control involving systematic feedback and follow-up studies. However Aubert does not venture beyond these colourful and suggestive observations. He does not

say that all social institutions are coordinated from the inside and regulated on the outside by rigorous and strictly respected norms of intuitive law. He does not say that time, place and setting, in relation to others factors are strictly regulated by mutually accepted norms. He does not say that lovers have, for example, their own secret code that tells them what is acceptable in intimate behaviour toward others and toward themselves. He does not analyze the intermingling of intuitive law with more formal regulations (for example, the formalized relations of seamen). He does not examine the necessity for this formalization given the high turnover among sailors. Finally, he does not specify that it is precisely intuitive law that provides a secret organization with its necessary integrity.

Therefore one may generalize that *the more social behaviour is in the grip of intuitive law,⁷¹ the stronger the influence of this law (whether supportive or obstructionist) on the existing official legal system and, as a result, on all other intuitive behaviours taking place inside a given social system.* This particular generalization is theoretically important, it indicates that intuitive law and the cumulative potential of invisible and the intuitive law sometimes influence (by strengthening or frustrating) the official legal system very strongly.

One might also say that *the more law is connected with individual, private matters, the more intuitive law is at the fore.* Thus, the private self, being oriented towards intimate substance, accepts a more flexible, subtle and subjective construct of law (love, sleep, sex, freedom, dignity), whereas the external selves being associated

⁷¹The concept of intuitive law was introduced by Leon Petrażycki, although it is attributed to Eugene Ehrlich. See Adam Podgórecki article, "Intuitive Law Versus Folk Law", in *Zeitschrift für Rechtssociologie*, (Westdeutscher Verlag, 1981). Petrażycki regards intuitive law as emotions linking partners by mutually connected rights and duties. The best exposition of intuitive law can be found in "O prawie pozytywnym i prawie intuicyjnym (About Official and Intuitive Law)," in Leon Petrażycki, 1985, *O nauce, prawie i moralności* (About Sciences Law and Morality), (eds. Jerzy Licki and Andrzej Kojder), Warsaw, PWN, 1985, pp. 267–85.

with matters of an objective nature (property, administrative matters, bureaucracy, governance), prefer to select the model of a formalized, reified and objectified official law. Therefore, social systems that accentuate the need for efficiency, order and uniformity dress themselves in formalized garments (official legal systems), while those representing more advanced systems of civilization permit themselves the luxury of forms that are more adapted to individual tastes and demands.

Hidden Social Elements (Post-Totalitarian Elements)

Although the theory of post-totalitarian societies is still not yet fully developed, several points are clear. Among other things, one can speak of: a) the lack of legal impersonality among the public and the emotionally-tainted treatment of the law; b) the influence on legal actors of former and hidden totalitarian institutions or hidden totalitarian norms (which still influence human behaviour); c) the constant uncertainty regarding the recommended behaviour of the citizens and the actions of the authorities; d) the prevalence of strange psychosocial bodies which, having lived a long time in totalitarian structures, affect the actual practice of institutions and citizens, and e) hidden sociopolitical groups that carefully observe the development of public events and deftly intervene when they consider it expedient.

With regard to the first point, some people (usually those who know little of the Polish history) regard the lack of legal impersonality as symptoms of the underdevelopment of Polish democracy. They forget that the Polish Constitution of May 3, 1772, is the second oldest constitution in the whole world (after the American constitution and before the French) and they attribute to the vagaries of Polish society creatures that were, in fact, created by the totalitarian system.

Since the problem of the "impersonality" of Polish and Central Eastern European law has been discussed in detail elsewhere

(see my and Vittorio Olgiati book *Law in Totalitarian and Post-Totalitarian Countries*, 1996), it only needs to be mentioned here.

With respect to *the constant influence of totalitarian legal institutions*, let us start with an example that more dogmatic lawyers find shocking. Under the influence of the Latin legal tradition, judicial institutions like *pacta sunt servanda* seem to have a validity independent of the system in which they operate. According to this principle, an obligation, once accepted, is valid (binding) even if later conditions are drastically changed.⁷² However, in the former Soviet Bloc, even in 1997, some lawyers remain, consciously or unconsciously, under the influence of totalitarian ideology. They may dress their actions up in un-totalitarian guises, and may regard “*pacta sunt servanda*” as obligatory. But is that rule also valid in revolutionary conditions? More particularly, is it valid during a transitory period?

The institution of *pacta sunt servanda* is cognitive but in the post-totalitarian socio-political reality this rule still operates the same way many old totalitarian establishments used to operate. Indeed, this and other rules still function in the new and different guises. The average citizen is not quick enough to trace the genealogy of all suspicious institutional bodies. Therefore he falls easily into the political traps set by clerks who are well trained in survival techniques and primarily interested in keeping their jobs.

Political parties (especially totalitarian political parties, operating before 1989) shrewdly developed one simple technique: the technique of hiding themselves behind their own proxies and then, using largely the same personnel and the same equipment, working continuously for the old, publicly discredited

⁷²In a well-known study by Stuart Macauley, businessmen stick to arrangements that have been made informally (even during lunch-break). They prefer being treated as trustworthy partners than to enjoy short-term benefits. (See Stuart Macauley, “The Relations Between the Law and the Legal System,” in: Lawrence Friedman and Stuart Macauley, *Law in the Behavioural Sciences* (Indianapolis: Bobbs-Merril, 1977), pp. 171–91.

goals. This apparently happened to the Polish United Workers Party (*Polska Zjednoczona Partia Robotnicza*), which now operates as the Democratic Left Alliance.

Uncertainty regarding the norms and the obligatory practices of the authorities is closely connected with the previous point. The public does not really know what are the real practices of the current authorities. From one point of view, these authorities are indeed legitimized by the democratic and successful revolution of 1989 and enjoy popular support, but they expose the public to practices that originated under totalitarianism. This ambivalence contributes to a “warped social reality,” which pertains to situations where reactions to certain stimuli are accidental and unpredictable. Unforeseeable acts on the part of the authorities generated during the period of totalitarianism remained, for a considerable period of time, obligatory for the relevant personnel. Totalitarian regimes had the advantage of keeping the population in constant uncertainty since members of the population might be punished whimsically for transgressions they knew nothing about. Now, in the post-totalitarian period, virtually the same personnel are doing what they had been trained to do earlier. In general this period can be characterized as one of “dotted democracy,” (a democratic regime that retains some pockets of totalitarianism.)⁷³ In spotty democracy elections, as a rule, follow the principle of the rule of the majority, mass media are not restricted by censorship and freedom of movement outside the country is respected, but several post-totalitarian sub-cultures still remain.

The post-totalitarian period is still too young to produce enough public confidence. The public in various countries of the former Eastern Bloc is still not sure whether the present method of governing will continue, the public does not know whether what is valid in 1997 will be still valid in the near future, and

⁷³ *Totalitarian and Post-Totalitarian Law*. See Adam Podgórecki and Vittorio Olgiati (eds). Dartmouth, Aldershot, England, 1996.

the public is not sure whether tomorrow will nullify the agreements of today.

Additionally, in post-totalitarian regimes the public does not know whether the current post-communist political coalition has already displayed its full arsenal of weapons. It watches those who govern carefully: if it supports them ambivalently (the last semi-communist coalition in Poland was, anyway, elected democratically), it is not because of any inherent enthusiasm for or dedication to post-communist life, but because it is sceptical about the new governing elites. The former minister of finance introduced rational, anti-inflationary measures which, instead of bringing some immediate relief, demanded further sacrifices from the population. The first Polish president after 1989 — Wojciech Jaruzelski — was (and still is) accused of treason: was he a new Konrad Wallenrod⁷⁴ or was he, as some serious evidence indicates, just a primitive janizary?⁷⁵ The next, very popular president, who was regarded by many as a charismatic and legendary Solidarity hero, did not have the right manners for a Polish ruler; often intelligentsia nor the governing elite understand that the ability to win a revolution did not go hand in hand with a talent for running it democratically. All these conditions perversely support the current post-communist government. Moreover, there seem to be no appropriate leaders at all on the opposite side of the political spectrum. Turning to forth point that states that *strange psycho-social bodies had already existed for a long time under the totalitarian regime, and still haunt the practical behaviour of the citizens*, one may say that prolonged existence

⁷⁴A fictitious Polish general who consciously engaged the Prussian army in the 15th century in a battle with the Poles to destroy the Prussian Army (and himself).

⁷⁵Janizary: any very loyal or submissive follower or supporter (originally a slave in the Turkish sultan's guard, established in the 14th century and abolished in 1826). A primitive janizary could be quite sophisticated intellectually. Nevertheless he may remain primitive in so far as his psychological structure is concerned.

in totalitarian structures develops unique psychosocial bodies that modify human and social behaviour in quite marked ways. Such bodies are peculiar to the totalitarian context and can only be fully understood within the totalitarian environment. Here I shall mention three: oblique behaviour, dirty togetherness, and warped social behaviour.⁷⁶

Oblique Behaviour

The philosophy of mistrust is the first phenomenon. In Poland this phenomenon started to flourish just after the WWII, when everybody was attacked by his or her own fears every day (during the war the population was so univocal against the Germans that people knew precisely “who was who”). Straight behaviour appears when people trust themselves. Complete trust appears only occasionally in the circumstances of profound love. In everyday life one encounters degrees of trust and nothing more. However mistrust has several forms and degrees: it appears on the social level, in small property dealings, in family matters, and in all areas of public life. The scientific literature on totalitarian systems has not sufficiently dealt with these matters. It is not easier to do so in a post-totalitarian system: problems do not appeal to the minds and hearts of a new generation which, being steeped in Catholicism, is against all attempts to “settle accounts.” Those who did not personally experience institution-

⁷⁶One should note that these categories have been created in connection with the description of Polish society under the influence of “real socialism.” Therefore, they should be understood as concepts which are attached to the more-or-less transitory culture. By contrast, Masaji Chiba deals with law-related notions of a more permanent character. “Being a Japanese version of the reciprocity principle, ‘*giri*’ obliges a person to reward someone who gave him particular gifts or services by reason of a special relationship between them, such as co-members of a community, lineage or status, respectively supported by such postulates as ‘hamlet spirit,’ ‘common kin principle,’ or ‘status order’” (Chiba 1989: 114–115). Those categories are found behind the visible patterns of legal behaviour and are especially effective in shaping the law (especially the intuitive law).

ally-organized mistrust were incapable (except for some writers of genius like Jean-Paul Sartre) of understanding this state of mind since they lacked the antennae necessary for picking up its signals. In such a situation even elementary human ties like friendship are poisoned by a lack of trust.

Dirty Togetherness

In totalitarian settings human beings cannot easily strengthen the ties of natural friendship (although these ties might give them independent and necessary psychic support). Instead, they develop something new and something peculiar to their environment: an “artificial friendship” based on the possibility of mutual blackmail. From this arises the phenomenon of “*dirty togetherness*.” Dirty togetherness means that individuals generate a mixture of informal and formal ties that are mutually binding. Such ties (usually illegal) are transplanted to official institutions, which they exploit for their own private gain. (See my chapter, “Tertiary Social Control.”⁷⁷) It is important to stress that in a situation of overwhelming totalitarian oppression, dirty togetherness serves as an essential instrument of general survival: it creates support that is needed to survive ubiquitous oppression.

Warped Social Reality

Another phenomenon that appears as a result of prolonged totalitarian pressure is the already mentioned “*warped social reality*.” Social reality becomes warped when the social target of intended activities — an inability to identify the target, the changeability of applied policies, the systematic questioning of the legitimacy of these policies, etc. — gradually falls into the con-

⁷⁷See my and Maria Łoś, *Multidimensional Sociology* (London: Routledge & Kegan Paul, 1979), pp. 202–03.

dition in which all guiding rules are systematically rejected.⁷⁸ This phenomenon develops when rational activities appear to be senseless, when any reaction may produce a totally unexpected outcome, when reasonable expectations appear to be irrational, and when people have become conditioned to behave in totally unreasonable and unpredictable ways.

The phenomena of oblique behaviour, dirty togetherness and warped social reality are important since they are characteristic of societies that have become the target of semi-rational activities. At a certain point, society becomes so saturated with applied measures that it starts to reject all new, rational strategies indiscriminately.

Finally, there is a point of the existence of hidden sociopolitical groups that carefully observe the development of public events and deftly intervene when they think it is expedient. It is clear that practically any important social problem has a "pressure group" attributed to it.⁷⁹ Let's try to analyze those groups that are illegal or which operate on the borderline of legality. These groups are built up by those who belonged (or still belong) to: 1) the former nomenclature, 2) former police formations, 3) the new type of instrumentally oriented power elite for whom immediate gain has the highest value, 4) those who willingly reorient their value hierarchies according to their actual interests. None of these groups are interested in revealing their internal mechanics. Hence they must be studied carefully using all possible sociological methodologies, with the proviso that the existing techniques are too simplistic to fulfil that task.

These reflections can be summarized thus: *the more social reality remains under the influence of bodies that were produced by the to-*

⁷⁸See Adam Podgórecki (ed.) *Socjotechnika* (Warsaw: Książka i Wiedza, 1973 ("Various Understandings of Sociotechnics and the Scope of its Usefulness"), p. 54. See also page 193.

⁷⁹This text is not concerned with legitimate pressure groups, about which a great deal has been written. Rather, it is interested in pressure groups that pretend to be legal but mainly engage in illegal activities.

talitarian system, the less it can be guided by impersonal, rational, legal means.

Conclusion

Bearing in mind that law should be analyzed on three different levels, one can conclude from the foregoing investigation that, in general, *the more the role of invisible factors is recognized in processes guiding the law, the clearer it becomes that more areas are regulated by intuitive law and the more post-totalitarian elements shape the official legal system, the more unpredictable the social, economic and political life of this system becomes.*

Nonetheless, the more hidden social forces (invisible factors, intuitive law, post-totalitarian elements) coincide with the values of a given society, the less the official law is needed to instil those values. Further, the motivational force of the official law is close to zero when invisible factors, intuitive law and post-totalitarian elements oppose its commands. Finally, the broader the gap between hidden social forces and the hierarchy of a society's moral order, the more paralysed official law is by this conflict, and the narrower the gap between hidden social elements and the hierarchy of the moral order, the less pressure is needed to infuse official law into the inner life of the society in question.

Totalitarianism in the twentieth century took a heavy toll on the countries infected by it. Probably much time, and a lot of skilful activity, is needed to remove that blight. Nevertheless, a sharp recognition of this problem as well as a mature, socio-technical plan may introduce a more sound legal guidance.

New Concepts — The Twentieth Century's New Notions

Introduction

Some remarks on problems like the role of the intelligentsia, specificity of totalitarian and post-totalitarian societies, the post-totalitarian political class, new types of social control, genocide, the universalization of culture, feminism, consumerism and unspecified types of law have already been presented. They were not presented in order to be solved but as signals demonstrating the fact that current sociology does not fulfil the expectations that it originally roused. The debate about these problems clearly shows that the socio-graphic descriptions, even if they are enriched with some theoretical explanations, are still not fully adequate for understanding social life in small and middle-sized communities. It demonstrates that the vivid, currently important social problems are not only targeted at macro-societies: but are also heavily loaded with values. It also shows that these values have a disordered hierarchy, and urgently need some frame of reference that would indicate their appropriate normative endorsement. It also shows that in order to solve these problems, which are exacerbated by various unsophisticated strategies, one needs a resolute and consistent scheme with elaborate and decisive logic. The introductory discussion presented above indicates that the descriptive-theoretical sociology (the positivistic approach) is, indeed inadequate. This discussion also shows that the value-oriented approach (the so called post-modernist ap-

proach), with its constant reference to relativity, does not produce an orderly understanding of existing social reality (also it does not suggest how one can solve these problems). Finally, the discussion shows that the existing, quackish approach to solving these problems could be, in many instances, felonious. To sum up, this discussion indicates that an organically interlinked triptych is needed: a triptych that would first bond description and theory together, then bond description and theory with pragmatism, and finally bond description and theory with pragmatism and axioms.

To properly understand and deal with problems listed above, a new way of looking at them must be found and, above all, a new battery of theoretical notions is needed. This battery would include some concepts that are of a teleological character (their structure is formed to show that “if something is introduced, then something else will appear”) and also some concepts directly linked to value judgements (their structure is formed to indicate that “if something is supposed to have general validity, than it should respect certain specific value judgements”).

To secure these requirements certain additional concepts like sociotechnics, global ethics and the sociology of humankind have to be developed. This interlinking chain of descriptive, theoretical and evaluative notions, although they seem to distort the discourse on the main scientific level, are in fact necessary at its highest theoretical stage.

A. Social Engineering

Si-tien said, “Some dogs, especially greyhounds, are like arrows: they run to the target directly and precisely. If they depart from a point, they do so to shorten the distance between them and their prey. Their bodies are formed like a stretched line. Other animals, like cats, are not so straight-minded, they walk around,

use winding paths, diverge from their goals, are easily attracted by surrounding events and are curious and alert to the surrounding world.” He added, “and you, my dear Lin, whom do you resemble most?”

Lin, his student, replied, “I try to follow your example: when I contemplate my future actions, I am a cat; when I act, I behave like a greyhound.”

Let us stress once more that the above presented list of socio-political problems (second part of the book) had to be displayed because any reasonable macro-sociotechnical action should be familiar with its macro-social targets. This broad type of activity should have a map of well-described objectives that are clearly treated as the goals of socio-engineering operations. Only if this map is precise, and only if the targets specified on the map are marked correctly, will the sociotechnical operation (if one is undertaken) have a chance of being effective. Therefore, such a map should be properly and continually adjusted to respond to the continual fluctuating shifts of changing priorities.

This is because any sociotechnical activity should be originated and undertaken under the condition that its goals are specified as precisely as possible. This is especially true when the objectives have a macro-societal character. Then the chances of targeting any other goals are relatively high, and the probability of scattering by-products at other targets is also great. Being significant, the effects of this might be irreversible and costly. A general and rather obvious rule in this area is: the more important the targets of intended sociotechnical activity, the higher the probability of the harmful dissemination of unintended by-products.

One must consider also the matter of values. Therefore, the intent of the whole action should go through an evaluator process and the specific effects (and their possible and expected by-products) should also be evaluated in advance. Only if the evaluation indicates that the whole action is positive should the sociotechnical activity receive the “green” (go ahead) light.

Therefore the list of social problems presented above was displayed to indicate how heavily overloaded these problems were with the stubborn search for strategies to solve them and they were displayed to make the acting agent alert that not all strategies will be accepted from the accepted normative points of view. To sum up, these problems were also displayed to make it clear that the theory (description and explanation) has to be directly connected with social engineering (sociotechnics) in order to develop an efficient strategy and in order to make it clear that theory and strategy have to respect the axiology that will evaluate both of them.

Abstract Sociotechnics

As it was indicated earlier, the beginning of the scientific sociotechnics is connected with the works of Karl Marx, Karl Mannheim, Leon Petrażycki, Vilfredo Pareto, Sigmund Freud, and later with Roscoe Pound, Gunar Myrdal, and Karl Popper.

Petrażycki was the only scholar to develop the sociotechnical point of view in a fully systematic way — especially in his concept of legal policy. Popper also dealt with some essential issues connected with sociotechnics (when he analyzed Greek history — in particular the history of Sparta); these problems were also tackled by Mannheim (when he analyzed the active role of intellectuals). Pound also engaged in dealing with them (when he speculated about the possibilities of using the sociology of law to specify the consequences of legal enactments) and Myrdal also wanted to develop social engineering (as a by-product of formulating the viable recommendations about how to deal with the tensions between black and non-black people in the U.S.A.).

One should remember that until now the accumulated socio-political problems have been, sometimes, analyzed from the professional, instead of fully humanistic, point of view. The paradigm of efficient sociotechnical activities, as it is presented below, has never had the opportunity of being fully applied in the

given social system. Therefore from the point of view of existing practice this paradigm should be treated as a sort of “utopian device.”

Nevertheless sociotechnics, as a separate and coherent discipline, was created in Poland when a special section of the Polish Sociological Association was established to deal with social issues in a systematic and collective manner.¹

In the beginning, influenced mainly by several publications,² it used to be perceived as the intellectual premise of an efficient social action or as an applied social science.

At that point several forms of sociotechnics were distinguished, among them:

1) *Sociotechnics proper* as the systematic theory of efficient social action based on a sociotechnical paradigm. The model of sociotechnics proper, despite its spurious simplicity, is a complicated creature. When Nicolo Machiavelli (1469–1527) was building the fundamentals of sociotechnics, he constantly referred to the Prince. Two reasons prompted him to do so. The obvious one was that then he indeed got to deal with the prince who in Italy at that time was the ultimate and autocratic ruler. The second, more instrumental reason was that he had to deal with someone, who was able (usually being legitimate and with access to executive power) to decide about the problems at hand. The modern politician, theoretician and Marxist, Antonio Gramsci, being aware that at present power is not concentrated in one person's hands, spoke about “the collective prince” — in this way referring to the Communist Central Committee. In modern

¹ See: Adam Podgórecki, Jon Alexander and Rob Shields (co-authors and co-editors), 1996, *Social Engineering*, Ottawa, Carleton University Press, Introduction.

² Here a relatively small book should be mentioned: Adam Podgórecki *Zasady socjotechniki (Principles of Sociotechnics)*, 1966, Warszawa, Wiedza Powszechna, that started off the whole movement. This book, in order to cheat the political system, was published in a popular publishing edition. It was later translated into Czech language.

democratic societies the problem is more complicated. As a rule, a political body (a collective, divided by pluralistically held values) arrives at binding decisions. That collective body selects the particular plan of activity, among several ones, that looks most appropriate (as most appealing to the voters, technically reliable, not too expensive, without excessive negative by-products, easy to manage etc.). This body is bound by impersonal procedures to have the final say. Therefore sociotechnics proper is based not only on the tested laws (regularities) which it creates, its designs to deal with social problems: it is also based on the impersonal norms of procedure which prescribe the way in which the relevant decisions are supposed to be made.

2) *Selfmade social engineering* takes a different approach. It presupposes the existence of verified knowledge concerning the effectiveness of social activities but regards this knowledge as accumulated and generalized professional experience. This may remind one of the big medieval intellectual problem and concern: experience vs. authority. In modern Japan this problem is synthesized (and organized normatively) by the concept of seniority. Although experience accumulated by professionals in some instances may be translated into testable (and sometimes measurable) propositions, it really constitutes nothing more than a pool of directives generated by various types of social or bureaucratic agencies. The characteristic of these directives is that they may be applied in any situation that has feature similar to the original one. It is rather a bureaucratic control, not a scientific control which is employed to check whether the application process or the utilization of these directives is proper. The criminal justice system persistently utilizes capital punishment without any sound evidence that this type of punishment is effective. *Self-made social engineering* is quite often used. It utilizes verified knowledge concerning the effectiveness of social activities, that codifies generalized experience of professionals. Several recent inquiries show that the concept of self-made sociotechnics developed on the macro-level cannot be so easily dis-

carded. The “macrosociotechnical duel” (sociotechnical duel — the strategy influenced by a partner involved in a conflict) may be contained within the boundaries of one social system or it may overstep it. Shakeri’s illuminative outline of social engineering and the Islamic revolution shows that the Kennedy and post-Kennedy teleological reform programme for Iran included, among other things, several rational economic and political reforms initiated in 1961. They were, among others, the activation of the role of the Shah and an American military presence in Iran. This program was defeated by the exceptional type of theological social engineering of “...a relatively unknown, not quite top-ranking theologian, with limited financial means and confined to a Holy City in the grip of harsh political repression” (Shakeri 1989). This paradoxical sociotechnical duel between an imperial power and an idea based on religious fundamental/fanatic convictions far overstepped its original boundaries and had enormous repercussions around the world. Examples of this include the humiliation that lowered American prestige in that area, a change inside the party controlling the American presidency, the oil crisis, the rise of Islamic insurgency, and so forth.

These studies indicate that the use of rational sociotechnics is not only possible: it may evoke on the macro level some corresponding and counteracting self-made sociotechnical activities. These activities may emerge as the complicated, “dialectical” processes of sociotechnical duel. An illuminative study by G. Massell, which is summarized below, is a good introductory example of this type of duel. His research deals with the employment of law as an instrument of sociotechnical activity (Massell 1968).

In the 1920s Soviet authorities faced the formidable task of introducing an alien, Soviet, socioeconomic system to Muslim Central Asian republics. Since the neighbouring states were unable or unwilling to intervene, the targets of their activities did not have centres of strong resistance: they were deprived of their traditional ruling elites, the sociotechnical “authority” had at its

disposal undisputed and centralized political power, the sociotechnical elite was radical and rational and not bound by any democratic constraints, and the “experiment” was perfectly isolated geographically. The sociotechnical idea was that the main vehicle responsible for introducing a Soviet sociopolitical system and Soviet way of life to these republics would be the mobilization of the women’s “surrogate proletariat.” In 1927 in order to achieve this, the Soviet authorities abolished the traditional court system — thus eliminating the longlasting legal customs supported by Islam. They introduced new laws proscribing wellestablished customs such as the bride price; child marriage; forced marriage; marriage by abduction, rape on levirate; polygamy; the mistreatment and killing of wives and, above all, the use of veils.

In the beginning these liberating measures, provoked only a meagre response. The traditional family structure was so strong that these arrangements were treated sceptically by the population. As a rule, women were unable to enjoy these new opportunities not only as a result of “false consciousness” (roughly speaking an ideology which does not represent the interests of those who believe in it) but also as a result of intimidation. When more informative activities and administrative pressures were exerted, some women became selectively involved through official action. In various urbanized centres these women (especially the divorced wives of polygamous husbands, maltreated wives, orphans, manual workers in welltodo households, recent childbrides) utilized their new rights and demonstrated their right to vote. When the administrative pressures became more penetrating, the women who did not have previous experience in dealing with men became involved in various “loose” relations with men. Quite often they ended their “liberating” experiences as harlots (not professional prostitutes).

The male response strategy was entirely different. In the beginning, the men utilized evasive techniques – declaring an ignorance of the newly-introduced laws. In the second phase of

selective accommodation, an organizational effort was used by the Muslim clergymen to make life easier for women. This was an attempt to add some flexibility to the traditional Muslim way of life and also to the relations between men and women. The next stage was limited retribution. This stage included heavy persuasion, forcible restrictions against women in schools, clubs or to voting; privately arranged beatings, or even expulsion from the home. The final phase was a massive backlash. This strategy attacked both the women who were interested in new opportunities and the rights of the husbands of those women who participated in liberalizing policies. Women, at this stage, were shamed, raped, lynched or murdered.

Sociotechnical agents, the native activists and the Soviet functionaries acting behind the “cultural revolution,” also faced difficulties when introducing the liberalization program. These agents became the targets of escalated abuse. The failure of this selfgenerated successful counterstrategy compelled the central Soviet authorities in 1929 to abruptly halt the whole macrosociotechnical experiment.

3) *Quackish social engineering* differs from the selfmade model in that it only *pretends* to be competent in formulating practical recommendations when, in fact, this sort of social engineering is not familiar with the real, tested and relevant theoretical framework. The social practice of “scientific Marxism” in countries governed by the “real” socialism (socialism as it really existed and not as it was preached) evidently showed that Marxism, presenting itself as a scientifically-proven social philosophy, in practice was nothing else but a scientific fiction. The difference between selfmade social engineering and quackish social engineering is not always clear. The former relies mainly on experience collected through effective “trial and error” analyses of various types of social practices; the latter is based on myths or ideologies appealing to the specific residua (emotions understood here as basic psychological elements). Quackish social engineering, since it is based mainly on myths or ideologies is ap-

pealing to mass emotions. All ideologies derived from Marxist philosophy may serve as convenient examples.

4) “*Dark*” social engineering could mean sociotechnics proper or selfmade social engineering and is a strategy that is consciously used to produce harm. It is not the technique but the goals that constitute the difference. Nazi techniques which employed the “Judenrats” to destroy the solidarity of the Jewish people, or PRON (pro-Communist) organizations created by the Jaruzelski regime to do the same against the outlawed Solidarity, were examples of the practices used by totalitarian regimes during the Second World War and after. One historian went so far as to state: “Hitler appears to have approached politics in terms of visual images. Like Lenin and still more like Stalin, he was an outstanding practitioner of the century’s most radical voice: social engineering the notion that human beings can be shovelled around like concrete” (Johnson 1983: 130). Here historically “fresh” events may serve as an example. In some instances the possibility of mobilizing a civil society (a society independent from the State yet existing inside the State) could be socio-technically blocked in advance. Another successful social engineering example of the “dark” type, aimed against the Polish Independent Trade Union Solidarity in December 1981, exemplifies this. An action to discredit Solidarity by false rumours was undertaken in advance. Later, a very unusual operation was launched: food was hoarded by the army (since all other institutions were transparent to the scrutiny of Solidarity) adding to the already-existing market difficulties. Various parts of the army were sent around the country: to (a) collect “spying” information, (b) create the impression of the army’s omnipotence, (c) help the elderly peasants and flood victims, and (d) keep the army ready for a possible immediate action. The Polish Army’s historical prestige was engaged to create an additional confusion since, according to the research conducted before the imposition of Martial Law, even the communist army was trusted by the people (it ranked third after Solidarity and the Church). When

Martial Law was introduced (December 13, 1981 only a few days before Christmas) all types of communication were cut, telephones went dead, public transportation was halted, gasoline sales were suspended and a curfew was introduced. The army surrounded important public places, factories and schools. Each institution (including the universities) received a military “commissar” who supervised the administrative work concerned in the institutions and the political atmosphere. Especially trained police (including in brutality) police dealt with all strikes and the army, with its iron ring, surrounded the premises of the striking factory or institution. These measures created an overwhelming feeling of intimidation which paralysed immediate attempts at organizing counteractivities. The leading activists of Solidarity movement were arrested even before Martial Law was declared, with the aid of pre-arranged police data. This was done to control the first echelon of Solidarity officials and to block any attempt at establishing the second organizational line of defence. The TV news programs were conducted by military personnel in a dull, uncivilized manner (practically all professional actors immediately and spontaneously refused to cooperate in other programmes). An assault on the leaders of the civil society was coupled with the reappearance of additional threat: the “ghost” of Big Brother (Soviet Union) in the case of a mass revolt.

The sociotechnical interpretation of these events is complicated. One must be able to comprehend the state of Polish society before the emergence of Solidarity. Society was then *socially warped*³. In this situation stimuli that are able to awake responses in the population generate unexpected results. Different hierarchies of official and traditional values, conflicting informa-

³The concept of social warpiness is introduced to point out that under “real socialism” well-established motivations for human behaviour like individual careers, protection of the family, professional expertise, community solidarity, patriotism etc., do not operate in the traditional way. Usually, typical reactions to various social causes are accidental, unpredictable and resemble the reactions of Pavlov’s dogs.

tion (coming from official and nonofficial sources) and contrary demands (from official and traditional authorities) lead to a state of information chaos, cynicism and, above all, to the almost complete disappearance of trust. In this situation the response given to a stimulus is unpredictable, whimsical or accidental. The character of ordinary social relations changes: the relation between the cause and the effect became optional. The Solidarity period was, to a certain degree, able to restore social atmosphere of mutual (albeit not official) trust. However the sixteen months of the Solidarity regime was evidently still too short a time to rebuild the reliable criteria needed to select sociopolitical leaders, test them, and give them proper time to gain social visibility. Consequently the existing residue of social warping was strongly reinforced by a feeling of impotence in the face of the danger of the Soviet invasion and did not generate wide countersociotechnical action. A sociotechnical duel is not likely to be successful when it faces a two-fronted attack: a counter force coming from inside the given system and a threatening force coming from a meta-system (e.g. the USSR).

The category of “dark” *sociotechnics* differs from the previous categories because dark sociotechnics consciously evaluates the final goals of sociotechnical activity. When analyzing the specifics of dark sociotechnics and selfmade social engineering activities, one notices that they consist of two distinct positions. The first being based on the consistent body of methodologically tested propositions or hypotheses, articulates the requirements set by sociotechnics proper. The second is represented by the traditional stance, that mainly takes into consideration the accumulated wisdom of the given profession or the certain agency. Although this distinction appears to be simple, it has numerous farreaching theoretical consequences. Thus, one may claim that Mannheim’s perspective on rational social changes is associated with selfmade social engineering, and the sociotechnical proper perspective is shown by Myrdal and his associates, by Popper or Zettelberg. Although Lazarsfeld and Reitz’s point of

view could be located somewhere in between, it is indeed heavily influenced by the selfmade social engineering perception. This can be easily demonstrated by outlining the paradigm of efficient social action that they elaborated. Lazarsfeld and Reitz singled out the following consecutive steps that are characteristic of this type of paradigm: (1) identifying the problem, (2) setting up staff, (3) searching for knowledge, (4) making recommendations, (5) implementation, and (6) assessment (Lazarsfeld, Reitz 1975: 48). This paradigm is rather simplistic and deals properly with the crucial steps of efficient social action. However it injects into the logicalmethodological chain of considerations pertaining to the prospective actions something methodologically foreign — an element based on personal preferences, emotional choices etc. Thus, “setting up staff” is an organizational activity which is not necessarily regulated by logical requirements. Despite his intentions Blassi’s statement (linked with the Lazarsfeld and Reitz argument) reveals this completely. He says:

The most powerful generalization I can offer from this experience [consultative service in American Congress] is that the chemistry of personality between individuals, the cooperative style of collaboration in a group, and the degree of trust between team members, are of paramount importance in ensuring a successful consultation role once agreement is reached on the sphere or topic of influence.

He adds:

Therefore the social scientist interested in public involvement considers an informal contact to a legislator more valuable than many public seminars and mailing list. A fortuitous “in” can replace months of such legwork (Blassi, in Freeman et al., 1983: 138–139, 143).

In short, when a paradigm of efficient social action is based mainly on professional and organizational experience, it represents the model of selfmade social engineering and the more a paradigm of efficient social action is based on methodologic-

ally-tested empirical propositions, the more it resembles the model of sociotechnics proper.

Additional sociotechnics models can be built from the perspectives of the people who are (or pretend to be) sociotechnicians:

A) the *classical model*, which proposes recommendations on how to deal systematically with various socio-political issues — apparently prevalent in situations in which the specificity of the given social reality is not taken into consideration;

B) the *intervention model*, which consists of unsolicited proposals for practical social activities, presenting them as well-elaborated, coherent projects — suitable for various consulting agencies;

C) the *unmasking model*, which concentrates on revealing those seemingly beneficial means proposed by powerful organizations to achieve generally accepted goals — apparently typical of people who operate inside the oppressed social systems. Currently sociotechnics, not having a decision-making centre, has at its disposal several examples of unmasking models. One example of this type had its origin in the clash between a combination of quackish and self-made models and sociotechnics proper models. This spectacular sociotechnical duel on the macroscale contrasts sharply with another duel about the potentialities of societal revolution. Originally, the so-called “Camelot Project” was supposed to deal with the following countries: Argentina, Bolivia, Brazil, Columbia, Cuba, the Dominican Republic, El Salvador, Guatemala, Mexico, Paraguay, Peru, and Venezuela. According to Horowitz, “Project Camelot” “...came into being in 1964 as an offspring of the Army’s [the U.S. Army-A.P.] Special Operation Research Office (S.O.R.O.), with a fanfare befitting the largest single grant ever provided for a social science project...” (Horowitz 1967: 4). The official document describing the basic features of this project said:

Project Camelot was a study whose objective was to determine the feasibility of developing a general social system model which would make it possible to predict and influence politically significant aspects of social change in the developing nations of the world. Somewhat more specifically, its objectives were: *first*, to devise procedures for assessing the potential war within national societies; *second*, to identify with increased degrees of confidence, those actions which a government might take to relieve conditions which were assessed as giving rise to the potential for internal war; and *finally*, to assess the feasibility of prescribing the characteristics of a system able to obtain and use the essential information needed for doing the above two things (Document of December 4, 1964).

According to Horowitz,

This perspective [of the staff-A.P.] was the Enlightenment Syndrome. Like the eighteenth century philosophers, many members of the 'Camelot' staff shared a belief in the worth of personal persuasion.... They sought to correct the intellectual paternalism and parochialism under which the Pentagon Generals, State Department diplomats, and Defense Department planners seemed to operate... (Horowitz 1967: 7).

The whole project came to an abrupt halt when a European professor announced that he could not join the "Project" because he did not share the values of the sponsor. He claimed that the army was involved in promoting conflicts as well. He criticized the "imperialistic features" of the "Project" and its lack of symmetry, and the lack of a study of corresponding problems concerning the United States. Of course, it was not just the statement of this professor which stopped the "Project": it was mainly cancelled because of the socio-political consequences of the scandal which was generated by this statement.

To give some additional flesh to the above presented abstract consideration, one more example should be given. The permanent inefficiency of the socialist economy pushed the people who

wanted to introduce it forcibly and fully into some interesting tricks. One of them was based on the “witch hunting” technique. Its essence consisted in indicating (or fabricating) obstacles that supposedly were frustrating the efforts to develop the socialist economy. In such situations sociotechnics can only perform the *unmasking* function. The politicians came to the conclusion that the “social parasites” could be presented to the public as the people who were responsible for all the harms and damages inflicted on the economy. A propaganda campaign was started to attack these parasites.

The unmasking model was developed in Poland (in the beginning of the 1970s) but still during the totalitarian period. Although in these circumstances the peculiar version of the intervention model was singled out by some sociologists as the proper one for fighting the type of dark sociotechnics that was developed by the decaying Communist regime, actually the unmasking model had to be used. In 1971 the Polish Ministry of Justice promulgated the law to punish those persons above 18 years of age, who did not attend school or work, depended for their livelihood on other people and violated the “basic social norms.” According to the official records of the Ministry of Justice there were about 50,000 “social parasites” in Poland and they were said to be responsible for some acute social and economic problems. The Ministry proposed that the “social parasites,” after two unsuccessful administrative warnings, should be sent to “semi-labour camps.” A countrywide campaign was set, aimed at convincing the population that such a law was needed. A sample survey of 3,000 people showed that the overwhelming majority of the population supported this proposal. Then an additional sample survey was conducted. It indicated that the average citizen was inclined to say decisively: “Indeed, I condemn social parasites, especially those who are seemingly neutral bureaucrats — these persons are especially dangerous!” At the meeting of the Polish Sociological Association — Warsaw Branch (which was called by experts who had been alarmed by

these proposed laws) it was shown that the alleged “army” of social parasites may be broken down into three separate categories: (1) “black marketeers” (who were already considered criminals), (2) prostitutes (who, according to Polish law, may operate as they wish), and (3) alcoholics (who need different, mainly medical but certainly not penal, treatment). It was also pointed out that Poland had signed the International Convention prohibiting compulsory work. Finally, it was argued that if such a law was to be based on Soviet experience, empirical data that justified the proposed solutions should be revealed. A memorandum based on these considerations was prepared by the Sociotechnics Section of the Polish Sociological Association; it was prevented from leaking out (especially to the foreign press), and was sent to the Parliament (Sejm). It was known that one of the factions of the Communist Party, engaged in the internal “Party war,” was just looking for suitable ammunition. This faction grabbed the memorandum and, using the arguments prepared there, killed the bill. Later, after the introduction of Martial Law in 1981, this law was enacted.

The preceding examples were used to present the following generalizations: macro-sociotechnical duels take place, as a rule, between different types of self-made sociotechnics presently in democratic societies, sociotechnics proper, at the present moment, is not used by governments and, if possible, supports the underdogs or serves as an un-masking intervention tool of an un-masking character. In these societies sociotechnicians, because they do not have direct access to power, are unable to demonstrate the positive usefulness of sociotechnics proper on a macro-scale. Dark sociotechnics uses both self-made and sociotechnics proper resources and this type of sociotechnics flourishes in totalitarian societies.

D) the *solicitant model*, which involves experts who change social reality for a fee. In this model experts are looking for a potential sponsor who is willing to have the offered task performed, and

E) the *articulation model*, which is a model that tries to bring to the surface values that are vital for the clients but which they cannot or will not express.

In addition three levels of sociotechnical operations should be recognized as the main areas of sociotechnical activities: the *micro-level*, the level that is used in small-group activities (planned changes in face-to-face groups may serve as an example here); the *medium-level*, the level that appears when larger institutions or organizations (not based on face-to-face relations) pursue their policies (changes in the sector of education may be an appropriate illustration here), and *macro-level*, when policies dealing with the society as a whole are developed (totalitarian changes or anti-totalitarian reconstructions could be treated as an appropriate instances).

It is interesting to note that although sociotechnics is quite well developed at present (in a variety of forms) on the mini and medium levels, macro-level sociotechnics, the most important one since it deals with society as a whole, is in its infancy — it still does not have its testing space and facilities.

Four basic types of sociotechnical activities can also be distinguished. First, sociotechnics may act *mechanically*, relying mainly on physical strength (all kinds of technico-physical activities belong in this category). Second, sociotechnics can use *persuasion* as its main tool of action; the work of education, religion or the mass media may serve as methods of using this tool. Third, sociotechnics may employ *conviction* as its principal means of societal action (this practically always is used when test or proof becomes the decisive argument in social discourse). Fourth, sociotechnics could utilize certain *cognitive frameworks* (inflicting epistemology as the binding framework) as a general gnoseological (epistemological) cover telling people how to act. It is easy to see that all sorts of *Weltanschauungen* can furnish many examples here.

Nevertheless, the sociotechnical paradigm should be regarded as the crucial element in sociotechnics, namely this

element that establishes sociotechnics as a new, independent branch of the sociological sciences.

The Sociotechnical Paradigm

The sociotechnical paradigm is a new, complicated, methodological pattern. It consists of several practical, and interlinked logical steps. One could say that the heart of sociotechnics exists in the sociotechnical paradigm.⁴

The *first* methodological stage of the paradigm of efficient social action consists in the examination of the social problem. The question to be examined is whether the state of affairs regarded as difficult, creating tension, close to explosion or potentially dangerous should be investigated, or whether to question the initial perception as being possibly biased. The *second* methodological stage involves fixing the hierarchical order of social priorities and ideological values deemed appropriate to the means and ends of the sociotechnical activity. This stage leads to a diagnosis of the situation. Simple diagnosis consists of systematic, empirical description of the existing situation (in sociological, economic, political or any other appropriate terms). Complex diagnosis also includes a tentative explanation. The *third* stage includes evaluation of the situation that was the subject of the diagnosis. It should answer the question of whether applying the acknowledged values to the situation dictates the efforts necessary to change it, or whether the costs, including those of acquiring the necessary information, would be greater than the existing liability. That evaluation could be equivocal (when a given set of values leads to a negative evaluation of the situation) or univocal (when a given set of values leads to a positive evaluation of the situation). The *fourth* methodological stage introduces the presentation of appropriate hypotheses as a convenient foundation for the appropriate social-change strategy. The *fifth* method-

⁴It was first created in 1962. See: Adam Podgórecki, 1962, *Praktyczne Nauki Społeczne (Practical Social Sciences)*, Warszawa, PWN.

ological stage consists of preparing a comprehensive programme of action (the stage of social planning). This could be perceived as projection, correction or prevention. The implementation of the plan gives rise to the paradigm's *sixth* methodological stage, the essence of which consists of investigating all of the generated effects and possibly undertaking appropriate corrective action. The *seventh* stage completes the paradigm with a possible decision to end the whole procedure.

In its full form the sociotechnical paradigm is demanding and may still need to be modified and improved: it may wound or cure but in both cases it will do so efficiently.

The refined version of the 1962 paradigm was formulated in 1986 (Podgórecki and Shields 1986).⁵ Being still open to further developments, at the present moment (1997) it reads as follows:

The Sociotechnical Paradigm

Stage	Step	Process
PROBLEM RECOGNITION	1. Appreciation of the social as perceived by the social group(s)	Perception
PROBLEM IDENTIFICATION	1. Clarity and rank-values and goals 2. Describe situation 3. Concise statement of the problem	Analytical Normative Process
GLOBAL EVALUATION	1. Assessment of situation according to values 2. Initial diagnosis of cause(s) of the problem 3. Tentative prognosis and projection of desirable futures (options) 4. Teleological decision	Scientific Evaluation and Hypotheses

⁵ Some other paradigms, see: *Between Sociology and Sociological Practice*, 1993, (ed: K. Mesman Schultz, J.T.A. Koster, F.L. Leeuw, B.M.J. Wolters), Nijmegen, Institute for Applied Social Sciences.

THEORY BASE	<ol style="list-style-type: none"> 1. Theoretical insight and hypotheses and Plan for Behavioural Action 2. Strategy 3. Examination of options 4. Search for means to achieve the options 5. Selection of accessible options 6. Verification of information and procedure 	Systemic
DESIGN	<ol style="list-style-type: none"> 1. Formulation of a plan including Operation-implementation Analyze of Reserve-strategy and Theory Base 2. Expected results 	
ACTION	<ol style="list-style-type: none"> 1. Experiments 2. Implementation of the final plan 	Practical Action
EVALUATION	<ol style="list-style-type: none"> 1. Examination of effects 2. Possible corrective procedure(s) 3. Evaluation of the corrective process 	Evaluation and Feedback

THE CLOSURE OF THE PARADIGM

This type of paradigm was something entirely new in the social sciences and something new in Polish culture. In Poland, until the end of eighteenth century, a conscious, planned social action was not the result of a calculated operation or a vision of the executive branch of the government: it was mainly the result of some wisdom implicated in traditional Catholic values and especially in the nineteenth and twentieth centuries or was a direct result of the values held by the intelligentsia. One has to stress that those values were not structured according to a pre-conceived hierarchy: they were rather spontaneous emotional reactions or eruptions that had the structure of unreflective moral imperatives.

Thus the intelligentsia acted on the basis of a series of existing imperatives: the patriotic imperative (an imperative to defend or regain Poland's independence); the Christian imperat-

ive (an imperative to act according to traditionally-established Catholic values); the imperative to defend the underdogs (to defend those who are oppressed by the brutal force of the stronger power); and the imperative to serve others unselfishly (to act voluntarily and altruistically on behalf of those who need help).

The period after 1945 (the beginning of the disguised Soviet occupation) caused a dramatic departure from these traditional principles. The soviet forces, in tandem with some domestic elements of the Polish lumpenproletariat, tried to introduce the replica of the original Soviet political-social system. In general, persuasive attempts to impose this system were rejected and almost all forcible attempts to do so caused negative reactions from the representatives of the Polish nation.

Thus the sociotechnicians (like some students of Leon Pet-razycki or Florian Znaniecki, Polish precursors of sociotechnics) entering this situation were deprived, from the outset, of any planning of constructive role. Therefore, all efforts to design a rational sociotechnics proper (lacking moreover any central and legitimate sponsor) were forced by the surrounding socio-political circumstances to be restricted to limited types of unmasking activities. Also the planners had to accept an acrobatic scheme of activities, in order not to be caught by the Party's censorship. This unmasking function was also enhanced by the total impunity of these people in power and their desire to go ahead with various types of experimentation.

Generally speaking, during the totalitarian and post-totalitarian periods, those in power who were able to comprehend the potential of sociotechnics tried understand and utilize it on a macro scale. In effect, they narrowed the public perception of sociotechnics to "dark sociotechnics" — attacking their enemies as utopians. If one wishes to rebuild sociotechnics in a post-totalitarian country today, one also has to face a complex situation: not only introducing sociotechnics in its abstract form into social life, but also removing the negative concepts and conflicts

of sociotechnics created by the previous, intellectually-arrogant and criminal decision-makers.

Taking a New Look at Sociotechnics⁶

The Problem

From the international perspective, as it currently stands, the field of sociotechnics (social engineering) is both too abstract (producing a proliferation of several new cognitive terms) and too one-sided (concentrated on its methodological structure). Its abstract character derives from its conceptual structure. In its pure form, sociotechnics is similar to the discipline of logic in that it always needs some additional specification to relate it to the real social world. As with the logic of hierarchies, mathematical logic or the methodology of sciences, people doing sociotechnic work should clearly indicate at whom they orient their work. In short, sociotechnics needs a methodological bridge linking its abstract content with the specific and concrete real-world situation. On the other hand, the procedural one-sidedness of sociotechnics still remains insufficiently developed in a substantive sense.⁷ Also, the beginning of sociotechnics tends to remain too closely associated with the type of social system in which it originally developed.

To sum up, currently one should not evaluate sociotechnical effectiveness in its abstract form: its applicability emerges as the

⁶The author thanks Professor Jon Alexander for his comments connected with the earlier draft of this chapter.

⁷The present literature on this subject deals with abstract considerations or concrete illustrations. What was urgently needed was a bridge between the abstract considerations and the existing social reality. The recent book of Adam Podgórecki, Jon Alexander and Rob Shields, (eds.) *Social Engineering*. 1996, gave a starting point for further deliberations on this theme. The main problems are: those who advocate collective action in terms of abstract considerations should indicate how their ideals could be brought into existing social reality; often one needs colourful examples that give a hint about how to replicate the proposed projects in the vast field of social practice.

cumulative product of its own conceptual ingenuity and the facilitating background of its original social framework.

The Procedural Abstractness of Sociotechnics

To show its effects on an international scale, sociotechnics should not only develop its cognitive structure but also display its potential in the arena of social life. This requires injecting its conceptual scheme into a given social situation in order to change it. Theory and practice must mesh, as Si-tien suggests in his story about *Silver Rules*:

‘There are those who fly at a high level of conceptual reality and those who give an orderly description of existing reality. Whom do you hold in greater esteem?’ asked the scholar Sung. Si-tien replied: ‘Neither of them. I prefer those in between. They are irreplaceable: they link the earth to the sky and the sky to the earth. The earth can feel the way the wind blows since the scents from the earth float up to the sky.’

To apply sociotechnics to an area of social and economic life, one must take into account the specific subject matter at hand and the specific rules operating in the given situation. Lawyers must take into consideration the specificity of the legal process: its norms, sanctions, provisions, etc. This logic also respects such established canons governing normative matters as the validity of precedents or the need to “think by analogy.” Lawyers have to consider whether a judge should [or should not] take into account certain types of evidence that may not have been specified by the concerned parties, even if this evidence seems necessary from a “common sense” point of view and seems to be vital to the outcome of the judicial process.

The logic governing practical social scientists is similar. It takes into account the character of a given social experiment. For example, is the subject matter of social engineering prearranged or is it “natural?” How do social science experiments relate to those performed in “natural” sciences? What additional methods or techniques are needed to understand this experiment?

Sociotechnics should take into consideration the logic used by social scientists. An example would be the deployment of an empathetic subjective approach to understanding, or *Verstehen*. Of course, one cannot fulfil all of these tasks at once: it may be necessary to make several approximations before the whole sociotechnical project can unfold.

The Social Setting of Sociotechnics

The most important element determining the effectiveness of sociotechnics is this particular social setting in which social engineering occurs. The scanty literature on this subject generally ignores this type of environment. One may treat such settings as “abstract or remote historical entities” (Karl Popper). One may accept these entities as concrete realities (Leon Petrażycki, Karl Mannheim, Roscoe Pound, Gunnar Myrdal). Even if they, in some way, took into consideration these realities, what they have failed to take into consideration is the reality that lies between the social background and the methods available for analysis and action. Thus, one may treat the social setting as a problem open to investigation. One can analyze whether a particular setting belongs to a specific type of social reality and, if so, try to discover its characteristics *vis-a-vis* sociotechnics.

When we do this, we see that there are certain broad categories. These categories decisively influence the course of sociotechnical action in different ways so that one may speak of:

- a) totalitarian or post-totalitarian sociotechnics,
- b) sociotechnics based on Protestant culture,
- c) sociotechnics based on Catholic culture,
- d) the newly-developed milieux of value-oriented sociotechnics, and
- e) “positivistic” sociotechnics.⁸

⁸This classification does not pretend to be exhaustive. It combines mainly the sociotechnic models that one can spot in the existing social reality.

Totalitarian and Post-Totalitarian Sociotechnics

One has to start with totalitarian sociotechnics because, as it was stressed earlier, sociotechnics was conceived in totalitarian Poland. On the other hand it is difficult to speculate about the characteristics of sociotechnics that functioned during the totalitarian era (fascist or communist) since sociotechnics, as a fully “scientific” approach, did not exist then. It is also hard to speculate about post-totalitarian sociotechnics in countries other than Poland, because Poland was the only country in which sociotechnics existed as a separate quasi-discipline. It was not “transplanted” to any other country.⁹ Even in Poland, the reception of indigenous sociotechnical ideas has had a checkered history. Polish scholars published several important books on sociotechnics between 1962 and 1974. They also created a Sociotechnical Section within the Polish Sociological Association. This scientific movement, however, was strictly confined to a “sociological perspective” and was not recognized by other scholars as a legitimate branch of sociology. For years the Party apparatus¹⁰ watched

⁹ Although Adam Podgórecki’s book *Zasady socjotechniki (Principles of Sociotechnics)* (Warszawa: Wiedza Powszechna, 1962) was translated into Czech language. But, the theoretical and social reception of this book outside of Poland has remained an enigma.

¹⁰ “Party” with a capital P refers to the former Polish Communist Party (Polish United Workers Party). This Party mainly treated the sociotechnics movement as a narrow group of theoretical “lunatics,” that was much easier to observe if infiltrated through informers (this role was played, for example, by Dr. Adam Krukowski) than if they allowed it to function freely in the sociological milieu and thus let it get “out of hand.” The core of the Board of the Section of Sociotechnics of the Polish Sociological Association consisted of Prof. Jan Baszkiewicz, historian; Prof. Czesław Czapów, pedagogue; Dr. Janusz Goćkowski, lawyer, (the Secretary); Prof. Witold Kieżun, business administration; Dr. Jerzy Kocowski, psychologist; Dr. Adam Krukowski, lawyer; Dr. Jerzy Kubin, philosopher; Dr. Maria Łoś, sociologist criminologist; Prof. Aleksander Matejko, sociologist; Prof. Jerzy Mikułowski-Pomorski, sociologist; Prof. Adam Podgórecki, lawyer, sociologist, (the President); Prof. Tadeusz Pszczołowski, praxeologist; Dr. Andrzej Raźniewski, lawyer sociologist; Prof. Monika Senkowska-Gluck, historian, and Prof. Magdalena Sokołowska, sociologist.

the sociotechnical group closely to keep it from getting out of hand. After 1989, even the democratic Mazowiecki government failed to see its potential as to help in the post-communist reconstruction.¹¹

Since 1989, during the semi-totalitarian and “autocratic” periods and beyond, many ex-Party social scientists denounced sociotechnics repeatedly, labelling it a “manipulative” approach.¹² Detractors have tried to discredit sociotechnics in several ways. They have denied its authentic and ingenious Polish origin.¹³ They have acted consistently according to the old totalitarian perception that obliged practically all Party representatives as well certain non-Party members to attack this new branch of social sciences (only Marxism-Leninism is competent to give reliable recommendations about how to change society). Some detractors have presented a distorted picture of sociotechnics as a movement based purely upon the techniques of manipulation.¹⁴ Others have tried to create the belief that sociotechnics, in its narrow sense, is devoid of any moral commitment, that one can employ its methods to “do anything.” To sum up one may say that sociotechnics was hated in Poland be-

¹¹ Instead Waldemar Kuczyński, an ex-communist who “converted” to liberalism during a self-imposed exile in Paris, came to play this role.

¹² Such a small, but nasty dark social-engineering bullet against the idea of sociotechnics proved to be especially effective.

¹³ Jan Szczepański, then the President of the International Sociological Association, gave a lecture in Great Britain in the early 1970s. He maintained, according to Lord Marc Bonhan-Carter that Polish sociology generally was not creative (being content merely to follow Western sociology) — with the exception of sociotechnics (private conversation). He did not publish this lecture in Poland in the Polish language.

¹⁴ It is interesting that the “masters” of “black sociotechnics,” like Zygmunt Bauman, Leszek Kołakowski and Jerzy Szacki, very rarely, if at all, referred to sociotechnics directly. Nevertheless the whole sneer-campaign was quiet effective: the official issue of the Polish Sociological Association in *Informacja Bieżąca* (Current Information), No. 50/ June, 1997, page 10, stated in administrative language: “Section of Sociotechnics undergoes a crisis; among others a general transformation and change of name are under consideration.”

cause its unmasking potential could destroy the so-called “Party Line.”¹⁵

Nevertheless an interesting problem remains: why did Polish sociologists attack sociotechnics so violently? This question appears even more important if one remembers that sociotechnics was properly defined in a popular book not designed for sociologists specialists. Władysław Kopaliński, in the *Dictionary of Alien Terms*, defines sociotechnics in the following manner: “sociotechnics [is] a science about the methods and results of consciously influencing social reality using the legal system, education, power, mass media techniques etc.” (1989: 472).¹⁶

The most likely explanation is that this new branch of sociology was not a product of the Party or of Party-sponsored puppets generally working in the Polish Academy of Sciences. Therefore the Party fostered the hatred of sociotechnics.¹⁷ It became evident that people in the sociotechnical movement were not willing to cooperate in any way with the Party’s continual brainwashing activities. More importantly, the movement placed a high value on uncovering or unmasking state efforts to “cheat” the society and on revealing the state’s hidden agenda. In doing so, sociotechnics was, indeed, engaged in a sort of a manipulative process and with a good reason. It was very difficult, if not impossible, to attack the communist regime face-to-face. Before 1989 the regime was mainly vulnerable to indirect assaults. The hidden attempts by various sociotechnicians to attack the polit-

¹⁵Three members of the Board of the Section of Sociotechnics (that consisted of ten scholars) of the Polish Sociological Association passed away between 1977 and 1983 (Professor Czesław Czapów, Dr. Tomasz Kocowski and Dr. Andrzej Raźniewski). The President and one of its Board members left the country for good.

¹⁶Władysław Kopaliński, *Dictionary of Alien Terms*, 1989, Warsaw, Wiedza Powszechna, p. 472.

¹⁷Nevertheless a stubborn hatred of sociotechnics persists even after the collapse of communism.

ical system is what has remained in the minds of the over-manipulated Polish intelligentsia in Poland. Manipulative (and to a lesser degree, direct) efforts to expose the regime appeared to be the main tangible feature of sociotechnics. One has to understand that the communist regime had to defend itself by using all measures and strategies, including suicidal ones. As Revel aptly said: "Communism is the first case in history of a system for the suicide of humanity that is not partly but wholly born of the human mind. Madness and cruelty, to be sure, had in the past concocted other utopias, but none have ever been so completely applied, at any rate for such a length of time and on such a scale" (Revel 1993: 141).

Thus Polish sociology, able to generate and contribute something original to universal world knowledge, under pressure from the Party and with the help of its conformist members, did its best to destroy this contribution.

Although manipulative techniques were expedient for some under the communist regime, the sociotechnical approach was far more complex. Sociotechnicians could act through intellectual persuasion and argumentation, by convincing, giving examples, drawing on the law, punishing, using mass media and education to influence others. They could also make emotional appeals. Nevertheless during the communist period fighting the State was politically risky. People who engaged in it had to have civil courage and be aware of the risk of reprisal (prison and in exceptional cases mental hospitals). So, unmasking did tend to take manipulative forms.

But the fact that sociotechnics' reputation is based on an isolated technique shows that any social system has a tendency to select, reinforce and even define certain cognitive concepts in a *suitable manner*. A largely unrecognized epistemological power is, in effect, an interesting example of the post-totalitarian communist heritage: the old totalitarian system is now gone, but its vicious reverberations remain. The consequences of totalitarianism do not exist as mere reminders of the past, as museum-

-pieces: they retain an active venom that is ready to be deployed when needed.¹⁸

Sociotechnics Based on Protestant Culture

There have been no sociological or anthropological studies comparing the sociotechnical potential of Protestant and Catholic cultures. However, a comparative overview of these cultures can give a hint on their differences.

Sociotechnics has many positive ingredients that could enable it to flourish within Protestant culture. Protestants tend to respect procedural values¹⁹ and to favour rational ways of dealing with social reality. Since sociotechnics regards the sequence of inter-social procedure as an independent value (an autotelic value), then the discipline values prevailing procedural paradigm fit in nicely with the values embedded in the texture of the general Protestant culture. Logically one might then expect that a Protestant culture would be likely to reinforce the sociotechnical recommendations.

The English language is a major example of Protestant cultural products. One reason why it is so difficult to master English as a second language, despite its grammatical simplicity, is that to use this language well one must also master the complementary set of logical rules embedded in the language itself. Some rules are found in all languages, but others are quite language-specific. English has, for example, one of the most highly sophisticated means of specifying the subject's exact relationship with time and action over time. If one were to try to say something in English that violated the language's own specific logic, one would not need to remember the rules themselves:

¹⁸The sociology of knowledge should not disregard the genesis of sociological concepts. Some of them may still carry an old toxin inculcated in them in their infancy.

¹⁹Compare: Henry M. Roberts. *Robert's Rules of Order*. 1980. Toronto. Coles Publishing Company Limited.

a certain awkwardness in the usage being attempted should immediately alert the speaker to the problem. The stress put on logic in Poland or in France is not so necessary in England. This is because logic is monitored by the language itself. Latin probably once played the same role. The social impact of this type of comparative difference in the logic embedded in language has yet to be studied sufficiently.

Protestant culture was able to develop several devices to control the structure and flow of private conversation and the course of subsequent argument. It was also able to develop many simple but useful rules regulating formal discussion in a social or organizational context (thus for example, one proposes an action by putting forward a motion and then someone else must second it).²⁰ He does not discuss any general topics: he analyzes the specific rules of procedure. This remark is an exception: "Where there is no law, but every man does what is right in his own eyes, there is the least of real liberty. Experience has shown the importance of definiteness in the law; and in this country, where customs are so slightly established and the published manuals of parliamentary practice so conflicting, no society should attempt to conduct business without having adopted some work upon the subject as the authority in all cases not covered by its own special rules" (Robert 1980: 13). In this area, the petrification of the rules of various agencies revealed by Roberts may serve as a very good example of the

²⁰M. Robert, Henry. *Robert's Rules of Order*, Coles Publishing Company Limited, Toronto, 1980. As the author says in the Preface, a book on the rules of order "...should give not only the methods of organizing and conducting meetings, the duties of officers, and names of the ordinary motions, but also a systematic statement in reference to each motion, as to its subject and effect; whether it opens the main question to debate, the circumstances under which it can be made, and what other motions can be made while it is pending. Robert's Rules of Order was prepared with the hope of supplying the above information in a condensed and systematic form, each rule being complete in itself, or giving references to every section that in any way qualifies it so that a stranger to the work can refer to any special subject with safety" (Robert 1980: 13).

fruits of the Protestant culture. This culture also established some grounds for impersonal group forms of controlled discovery (such as royal commissions) that were supposed to settle problems that had divided (or bound together) several societal sub-groupings.

Furthermore, Protestant culture established the rule that certain problems should be treated impersonally: in accordance with “objectively instituted” norms that function independently of subjective emotions, whims and preferences. Protestant culture is responsible for a distinctive civility in manners. It prescribes the proper role for a leader, tells people how they should select their leaders and how they should behave towards them. Although the culture is not geared to an adequate and empathetic understanding of other cultures, it is difficult to underestimate the social and organizational potential generated by its accumulated rules of discourse.

Thus, one can say that Protestant culture plays a monitoring role that to a large extent compensates for the lack of the formalized rules of sociotechnics. Hence this particular culture has no urgent need for sociotechnics, which therefore plays only an auxiliary and secondary role especially in solving tensions that arise within the culture or in its relations with other cultures.

Sociotechnics Based on Catholic Culture

One may assume that in a predominantly Catholic culture sociotechnics has a completely different task to fulfil. Catholic culture does not have the helpful roles of discourse that are implanted in the very core of Protestant culture. Catholic cultures produce a wide variety of leadership styles, manners of command, and the etiquette of dominance and obedience. It is not *impersonally* oriented. Its main point of emphasis is connected with the properties of the essence of the matter rather than with procedures. On a picturesque level, the Protestant culture is characterized by civility and propriety and Catholic culture by individualism, verbosity, versatility and subjectivism.

In Catholic culture sociotechnics tends to adopt a characteristic form. It is primarily oriented toward values and primary axioms. When sociotechnics can follow simple procedures oriented toward unified and consolidated goals, all is clear sailing. When the sociotechnical project starts to become highly complex, and especially when it encounters divergent values, problems arise. First, the problem becomes one of harmonizing, or at least conciliating, those values. This gives rise to the further problem of finding axioms that will permit the achievement of a still higher level of integration. This seems to be an insoluble problem since *de gustibus non est disputandum* (one cannot dispute tastes). Indeed, what does one do if a variety of divergent values seems to point simultaneously to quite different courses of action? How does one find a reliable way of reconciling those values?

This problem is similar to the problem illuminated by the origin of *praxeology*. Praxeology came about as a result of the marriage of the Polish logico-mathematical school (centred in Warsaw and Lwów), with a novel set of social and psychological issues. A strong school of logicians and mathematicians believed that if one wanted to understand human existence better, the formal sciences would need to be more developed. On the other hand, the precarious socioeconomic conditions in Poland compelled some of these scholars to speculate about how best to eliminate the sources of those conditions. According to its creator, Tadeusz Kotarbiński (1886–1980), praxeology only tells us how to make individual activities more effective. Effectiveness is understood here to be similar to the sharpness of a surgeon's knife. In itself it is neutral but it might be used for good or bad purposes. In Protestant culture many observers think that the recommendations of praxeology are banal.

The situation of sociotechnics is similar, with this particular difference: in praxeology the actor is an individual but in sociotechnics the actor is a collective — a social group, an organization or an institution. Historically, sociotechnics has been

closely connected with the improving flawed socioeconomic undertakings. Apparently the mistakes some have attributed to the “Polish *Wirtschaft*” have been so harsh, and the Marxist way of dealing with them so fallacious, that an extraordinary intellectual aid was most urgently required.

It is difficult to produce a general evaluation of the effects of Polish sociotechnical activities on the basis of the Polish experience. One reason for this is the concerted offensive against sociotechnics by Marxist officials and their puppet scholars. Another is the fact that sociotechnics was mainly visible when unmasking something. The main reason was that sociotechnics was unable to find a central sponsor which would enable it to display some of its multiple faculties. And one has to reiterate the fact that Marxist intellectuals viciously distorted the general understanding of sociotechnics and presented it as an exclusively manipulative technique.

If one includes the Catholic culture within which Polish sociotechnics did (and does) operate, the influence of the environment becomes even more evident. Since sociotechnics does not constitute the sole autonomic factor of rational social change, and since one should view it as an element in a larger picture consisting of all rational elements of social ingenuity and resourcefulness, then the basis for a final evaluation of sociotechnics as a rational instrument of social change should rest on all of these elements.

One must remember that the sociotechnical approach was also a specific product of the Polish intelligentsia. As it was earlier contended, intelligentsia represents another social phenomenon peculiar to Polish society.²¹ It should be stressed again that it does not possess the characteristic features of a social class. It does not have a common class interest (it is oriented to-

²¹ In the nineteenth century and in the beginning of the twentieth, a similar intelligentsia also existed in Russia. The outstanding characteristic of both types of intelligentsia was their collective commitment to help the “underprivileged.”

wards service to other social classes), nor does it possess a distinctive ideology.²² Traditionally, this stratum was not interested in gaining power for itself. It was a social body that had a “call” to represent the goodness of society as a whole. It produced recommendations appropriate to the members of society at large, and these projects tended to ennoble the citizenry through certain ritualistic requirements. These were mainly of moral character and their main aim was to defend the underdog. In some ways sociotechnics was a logical extension and supplement to the spirit of the intelligentsia, providing it with an intellectual corollary.

The fact that sociotechnics as a social discipline was born in Poland has additional positive and negative side-effects. Without doubt all experiences connected with the persecution of the sociotechnical movement,²³ painful and dispiriting for those involved, also undermined the movement as a whole. Moreover, all cognitive transformations (such as the perception of sociotechnics as a negative, manipulative force) also had a negative impact on the science. There was a lot of intellectual confusion connected with terms “sociotechnics” or “social engineering.” These terms became virtually taboo. This, of course, was quite devastating to the movement.

Therefore the major English book which introduced the concept of sociotechnics was published under the title “Social Engineering.” It was assumed that to the public (and academic perception) more damage would be created by the unknown and ambiguous²⁴ term “sociotechnics” than by the value-loaded

²² See Aleksander Gella, *The Intelligentsia and Intellectuals*. (London: Sage, 1976), and Andrzej Zajączkowski, *Z dziejów inteligencji polskiej* (Some Elements of the History of the Polish Intelligentsia). Wrocław: Ossolineum, 1962.

²³ See: Adam Podgórecki, *Social Oppression*. Westport CN: Greenwood Press, 1993, and Adam Podgórecki, *Polish Society* (Westport CN: Greenwood Press, 1994), pp. 17–34, on “The Inception and Development of the Institute of Social Prevention and Resocialization.”

²⁴ Usually associated with a wide range of technical arrangements.

term “social engineering.” The first review of this book, published in India, says, “The book is a major contribution to the field of social engineering in general and it is genuinely international in scope and authorship. The Committee of Sociotechnics 26 at the International Sociological Association, supported by several years by A. Podgórecki and his colleagues in Poland, Canada, Germany and other countries, has been, for years, the suitable institutional vehicle. So far much has been done and the book here under review is a testimony to the valuable collective endeavour.” Some critical, rational and instructive remarks are also contained in that review: “The definitely academic orientation of these collected papers ignores the rapid world increase in organizational consulting businesses reported and well-documented in, among others, ‘The Economist.’ There is some trouble with university people because they tend to ignore what actually happens in practice, and certainly the consulting businesses, right or wrong, [that] are actually growing faster [in this field] than [in] many other fields” (Matejko 1996: 151 and 144).

Nevertheless, on the positive side, at the outset the value ramifications showed very clearly how complicated the problems of sociotechnics are when one considers all their political, social and economic perspectives. They all point directly the heavy involvement of values. They show how many diverse values are immersed in and combined by this culture. They also show that the Catholic culture was not conducive to sequential, ongoing sociotechnical activity. No doubt this cultural resistance has several causes, among them the following:

- 1) Catholic culture does not put much emphasis on the procedural requirements found in Protestant culture. Catholic culture allows, instead, a plurality of social and economic approaches. Superficially, they display a high degree of tolerance of diversity, and favour influence through symbolism and imagery.

- 2) Catholic culture tolerates a variety of values on the medium level that can be respected independently and collaterally. Although this culture accepts, at the top of its value hierarchy, its

religious dogmas (which are strictly and sometimes rigorously respected), in the middle of this hierarchy it gives its adherents a surprisingly free hand in handling collective affairs.

3) At a lower level, Catholic culture has a tendency to place more focus on the formal ramification of various values (especially their ceremonious frame) than on their content. This approach appeals more to those who are attracted to the Catholic culture by its spectacular rituals than to those who attach a special value to its intellectual content.

4) Catholic culture was significantly influenced by the international cultural sharing among the Mediterranean nations that encouraged a reverence for art, literature and music, in general for tangible symbols, and attached less importance to sequential intellectual scrutiny. These differences were important from the beginning of the industrial revolution. Protestant England set up a pragmatic factory system for producing a wide range of consumer goods; Catholic France began its mechanization by producing clocks and other gadgets for the amusement of the upper classes.

5) Nonetheless one has to remember one very serious disadvantage that Catholic sociotechnical culture brings: the population explosion. It is impossible to experience the advantages of technical progress, including sociotechnical improvement, when the Catholic culture constantly encourages extensive procreation. All gains produced by the technical and sociotechnical improvements are immediately consumed by the enormous number of new human beings currently protected by a parallel medical progress. Even more — the huge number of human beings demand more for themselves and thus, the constant increase of population has no chance of reducing its numbers or monitoring itself. Consequently, the only reasonable solution is that the Chinese model should be introduced to all humankind.

A simple comparison between the Social Impact Assessment movement based on Protestant culture and sociotechnics based on Catholic culture pinpoints differences presented

above clearly. Whereas the first is a business-oriented endeavour aimed at solving the task-oriented problems presented to hired researchers, the second is an unsolicited “missionary” activity performed for people who are waiting for some competent support.

This point has several important theoretical consequences.²⁵ It also suggests that the sociotechnical orientation in a Catholic culture should be much more interested in the problem of *values* and their symbols.

At this point an example might be quite illuminating. In the late 1960s and in the beginning of the 1970s, the Polish Primate, Stefan Wyszyński, decided to use a seemingly strange sociotechnical strategy based on traditional Polish Catholic culture. He ordered the movement of the very famous picture (because of the historic defeat of the Swedish army) of Saint Mary of Częstochowa from one village to another and from one city to the next. From the beginning the procession of Catholics that followed the movements of this picture gathered a large number of followers. The government wanted to stop the procession, but the police were unable to intervene effectively. It even became

²⁵They have practical consequences as well. Sociotechnics’s specifics were: a) to treat sociotechnics as a scientific activity, b) to regard sociotechnics as a “missionary” activity — an activity that should be shared with others on a theoretical and practical level, and c) to continue the ideas of the intelligentsia — to introduce into practice a tendency to help those who need it (to help the “underdogs”). The similar activity called “Social Impact Assessment” has different features: a) it was regarded as a practical, profit-producing activity, b) it was a solicited activity undertaken by a group of experts, and c) it was strictly professional activity. This group was based on the accomplishments of some American scholars, did not pay attention to earlier scholarly achievements, focused mainly on concrete matters (for example, technology assessment, activities affecting the environment, development projects in the Third World etc.) and was interested in innovative techniques (for example, regional statistical modelling, Delphi projections, mini-surveys, visual techniques etc.). The group was promotionally oriented. See K. Finsterbusch, “State of the Art in Social Impact Assessment in the United States,” paper for the International Sociological Congress, Mexico-City, August 16–24, 1982.

clear that a decisive action by the police would provoke even more decisive counter-action by the believers. Eventually, the government decided to adopt the policy of “wait and see,” since all available options appeared to be more harmful than passive and tolerant observation. In effect, the Holy Picture circulated freely around the country. After a while it was not too difficult to detect the hidden wisdom of the Polish Head of the Church. The reservoir of Catholic attitudes was regarded in Polish society as a potentially unbreakable shield against the surrounding and aggressive Marxist ideology and activity. That reservoir was located not so much among the intelligentsia (to which Wyszyński, himself, belonged), but among the “lower” social strata. The picture of Saint Mary of Częstochowa could also be associated, among other things, with the symbol of Polish womanhood. She, during the period of the partition (1795–1918), played several roles in Polish society. Being the chief provider, protector and educator, she was above all the vehicle-instrument that carried the basic values of Polish culture into the future. The steady and continuous movement and cultivation of a significant religious symbol also symbolized the constant victory of the religious spirit over the aggressive Marxist ideology. The very fact that the Marxist government had been compelled publicly to endure the supremacy of the Church emblems, was visible, and proved at the bottom of society the victory of spiritual values over materialistic doctrines.

That sociotechnical manoeuvre was able to show the national strength of religious feelings, their quiet, dynamic and vigorous life at the bottom society and the helplessness of government agencies when in a face-to-face confrontation with those relatively primitive, spiritual values.

Another activity conducted in a Catholic country had many tragic consequences.

A small, poor Catholic country in Central East Africa, Burundi became independent in 1962. It has some six million people whose average income in 1991 was US dol. 210. The main tri-

bal groups are the Tutsi (14%) and the Hutus (84%). Although the Hutus control the Church, traditionally the Tutsis have been the ruling group. There have been repeated efforts to suppress the Church, but also repeated revolts by the Hutus against the Tutsi absolute power. This later led in the 1970s to government-organized genocide against educated Hutus, of whom by the end of 1972 almost a quarter of a million dies. Beginning in 1979 the United Nations Department of Technical Cooperation for Development set up a Podgóreckian project of socially engineered national reconciliation. It got a considerable impetus in 1987 when a new President began a policy of full religious freedom and began an in-depth process of democratization and reconciliation between the Tutsis and the Hutus. By the 1990 this was the major project of social engineering being jointly sponsored by the United Nations, the Catholic Church and the World Bank. Its major objectives were to make the civil service more efficient, infuse the country with democratic values and establish means of cooperation between the Tutsi and Hutu tribes. All forms of tribal, religious, wealth and sex-based discrimination were to be abolished, and freedom of expression was to be guaranteed. The bureaucracy was to be modernized, made to operate on [a] merit basis and its structure flattered...The project began with the assumption that success would depend on the attitudes of people, especially those of official leaders. This led to in-depth studies of the public administration staff. Such staff was poorly organized, had poor planning, imagination, creativity, writing and synthetic skills. They lacked punctuality, handed paperwork poorly, and actually worked short hours. Thus the UN social engineers sought to teach modern administrative methods and procedures. They used audio-visual methods, various kinds of exercises through role, game, computer and team workshops. They taught career planning, strategic planning and administrative synthesis, as well as effective public speaking and the case study method to some 11,000 civil servants. Teachers encouraged use of the scientific management methods (punctuality, precision, hierarchy, efficiency-oriented procedures, moral motivation, leadership, decentralization, delegation of power, participation in decision-making process, etc.). The main problem, though, was the deep structure of tribal hatred. The two tribes shared cultural tradi-

tion, religion and language, but they are physically much different. The depth of hatred resulting from [the] 1970s genocide would be hard to overstate. Against this hatred, the project group formulated a Charter of Unity that called for national reconciliation, an end to discrimination, sex injustice, violence, extermination, and revenge. It affirmed the democratic ideal and the need for human rights... As with the Help Wanted campaign, there was an opportunity to vote. The Charter of Unity was proposed in a national referendum in 1990, and this was bolstered by a coordinated campaign conducted by the Catholic Church, which included a visit by the Pope, who preached national reconciliation. In the end, 89 per cent of Burundi citizens approved the Charter of Unity. In 1992 the government created a multiparty system with strong Hutu representation. In a democratic election in June 1993 the Hutu candidate beat the Tutsi president, who congratulated his opponent and gracefully left office. A new government was created, consisting of 60 percent of the Hutus and 40 percent of the Tutsis. Too bad the story did not end there. In October 1993 a group of Army officers killed the new president and several others in a coup d'état. This rekindled the tribal warfare, which soon killed some 30,000 people and produced another 300,000 refugees who fled to neighbouring countries. Soldiers of the Organization of African Unity came in to help restore order and stabilize the political situation (text of Kiezuń, an U.N. adviser to Burundi government summarized by Alexander 1997: 8–9).

Values are very important ingredients of sociotechnical activities. In the beginning, Polish sociotechnicians accepted the opinion that sociotechnics is like a knife: it is not good or bad — only the hand that uses it can be evaluated. Currently, it seems that the situation is more complicated.

Value-Oriented Sociotechnics

Under the pressure of material development and administrative changes, people are more and more quickly departing from *individualistically-oriented ethics*. Originally, this ethics was created to deal with the basic conflicts encountered in small groups.

The ethics of the Decalogue are ethics of this type. They safeguard small groups (and their members) against theft, murder, and other crimes and misdemeanours. While they may facilitate constant smooth interactions within small groups, they are not necessarily suitable for interactions within larger groups. In the world of organizations and institutions a different ethics is needed. This is a *socially oriented ethics*. A socially oriented ethics is less concerned with direct personal interactions: it deals with the ethical effects of the actions of one person who occupies a given role or position within the social system. The ability to grasp the sequence of interrelated social actions (and its meanings) constitutes the essential feature of the ethics of social orientation. One should note that these two orientations used to govern the ethical world in the past.²⁶

However the present socio-cultural situation is becoming increasingly novel. One-sided or sometimes mutual computer discourse, the constant impact of mass media, mass movements, extended periods of education, constantly changing professions and other factors create a peculiar situation. This is characterized not only by the global village phenomenon but also by a *sui generis* openness (lessened fear, enhanced curiosity, sometimes exaggerated pleasure-orientation etc.) towards all new types of experiences coming from the outside. People suffer from information overload. The amalgam of data coming from all possible sources engenders a peculiar mix of shallow information, deep convictions and inflated expectations. In effect, this mixture contains tremendous amounts of conflicting descriptive data and an inconsistent aggregate of values.

This leads to several equally novel consequences. It calls for the creation of an enlarged type of sociotechnics value-based paradigm which will be more oriented towards the value controversies existing in all stages of life. Ways of conflict resol-

²⁶This point is developed later in the Chapter 3, Section C. "Global Ethics — A Need for a New Synthesis."

ution through value reconciliation should be sought more vigorously both within and outside the organizational and institutional areas of activity. To this end, one should incorporate new theoretical and moral premises into more comprehensive discussions.²⁷ Sociotechnical activity could open the door to a new, more adequate approach to current socioeconomic problems. This is the emerging cry for a “global ethics.”

Indeed, multifarious factual and ethical considerations press unexpectedly for the emergence of global ethics. Among the most important factual elements is the phenomenon of the shrinking work market.

Jeremy Rifkin, describing the North American situation, says:

With millions of Americans facing the prospect of working fewer and fewer hours in the formal market sector in the coming years, and with the increasing numbers of unskilled Americans unable to secure any work at all in the automated high-tech global economy, the question of utilization of the idle time is going to loom large over the political landscape. The transition from a society based on mass employment in the private sector to one based on non-market criteria for organizing social life will require a rethinking of the current world view. Redefining the role of the individual in a society absent of mass formal work is, perhaps, the seminal issue of the coming age (Rifkin 1995: 235).

In addition global ethics faces the task of introducing consistent normative order into several hot and swollen social issues that are pregnant with a lot of grave political and economic implications.

²⁷ As was indicated by William M. Evan in his paper, “Global Ethics, Human Rights Laws and Democratic Governance.” This paper was prepared for one of the Sessions of the Sociology of Law at the XIII World Congress of Sociology, 18–23, July 1994, Bielefeld, Germany.

It is not difficult to see that global ethics is constructed in direct opposition to the world's current cultural and social situation. However, that is usually the role of ethics in general.

Also, Rifkin gives a more general diagnosis of the present historical period. He says:

We are rapidly approaching a historic crossroad in human history. Global corporations are now capable of producing an unprecedented volume of goods and services with an ever smaller workforce. The new technologies are bringing us into an area of new workless production at the very moment in world history when population is surging to unprecedented levels. The clash between rising population pressures and falling population job opportunities will shape the geopolitics of the emerging high-tech global economy well into the next century (Rifkin 1995: 207).

It seems that the emergence of global ethics is a response to those technological and moral problems.²⁸

By a peculiar epistemological somersault, a completely new scheme of ethics enters the sociotechnical paradigm as an underlying organic element. The paradigm becomes an enlarged, extended and enriched pattern of rational and applied activity whereby one isolated piece of empirical reality may be connected with others by the links of interrelated values.

"Positivist" Sociotechnics

Sometimes one encounters the criticism that sociotechnics, as it is now formulated, is based on existing regularities or given hypotheses whereas in social reality the researchers *construe* such regularities during their search for the truth. Therefore, sociotechnics that wants to be based on "tested regularities" could be dismissed as *passé*. Raghavan Iyer shows how the

²⁸These concepts will be developed in the Chapter on "Global Ethics."

American conservatives dismiss the liberals as piecemeal social engineers:

To the Right, it looks as though the Left wants to do too much within the program of any responsible government in an essentially ... democratic system. It wants too much taxation; it wants to over-extend the democratic process; it will not learn from the lessons of nationalized industry; it is still hoping for a change in human nature merely through social engineering, through tinkering with social institutions, instead of coming to terms with the fact of the relative constancy and fragility of human nature, and the limits of planned social change in conditions of freedom.²⁹

Nevertheless implied criticisms of sociotechnics like those that Iyer describes are as narrow-minded as they are facile. Everything depends. One can use regularities that have already been formulated and tested, or one can construe hypothetical-regularities. A more sophisticated criticism would claim that the regularities one takes into consideration are mainly drawn from one combined Western culture (West European and North-American),³⁰ are devoid of historical perspective,³¹ lack sufficient comparative perspective and do not sufficiently utilize the wisdom produced by “natural experiments.”

Paradoxically, that criticism could be directed towards all sociotechnical activities that are pulled out of their “natural environment.” The previously described Soviet revolution against

²⁹ Raghavan Iyer, *Parapolitics: Toward the City of Man*. Oxford: Oxford University Press, 1979, p. 81.

³⁰ An excellent collection of 1045 tested hypotheses was prepared in exactly this way. See Bernard Berelson and Gary A. Steiner, *Human Behaviour: An Inventory of Scientific Findings*, New York: Harcourt, Brace & World.

³¹ One should remember here that although knowledge associated with classifications is important (it enlarges the epistemological perspective), knowledge associated with relations (“the more that changes... the more alters that”) seems to be more significant (it provides a basis for practical activities); but the knowledge connected with the dynamics of social processes is even more pertinent (it teaches us about individual and group life-perspectives).

the Islamic dominance in family matters³² may serve as a telling example of this. Not all remember that the removal of the target of sociotechnical activities from its natural context could be a grave theoretical mistake, leading to many practical errors.

Although these critical points are important and should certainly be taken into consideration, they do not amount to a really decisive argument against the sociotechnical approach.

Instead of Conclusions

To transform the current phase³³ of sociotechnics into a new, more mature phase is feasible, but only under several conditions. Moreover one has to remember that to introduce social changes four elemental procedures can be utilized:

- 1) the use of physical force (mechanical sociotechnics),
- 2) the introduction of various levels of persuasion (emotional sociotechnics),
- 3) the argumentative (rational sociotechnics), and
- 4) the application of the cognitive framework (epistemological sociotechnics).

Military tactics predominantly deal with the use of physical force. Writers like Lord Chang (III. B.C.), Machiavelli and Clausewitz elaborated the most important canons of this type on coercive action. They discussed many possible direct strategies, dealt with the problems of how to utilise physical force and how to enlarge frameworks that employ sophisticated strategies like entrapment, surprise, ambush, intelligence or ul-

³²See: Chapter 3 Section “Abstract Sociotechnics.”

³³This phase (1994–1998) was devoted mainly to the publication of the treatise that intended to summarize the basic ideas of sociotechnics for the international audience. This was done in the book — Adam Podgórecki, Jon Alexander and Rob Shields (eds.) *Social Engineering*, 1996, Ottawa. This book, it should be noted, was preceded by the book edited by Jerzy Kubin, *Dilemmas of Effective Social Action*, 1990, Warsaw, Polish Sociological Association, Research Committee on Sociotechnics.

timatums. These writers did not omit the particularly cunning strategy of exposing the subjects to a reality specially fabricated for them which was totally different from the actual reality. The basic techniques used here are sheer force, the mechanical instruments of war (spears, arrows, bullets, guns, missiles etc.), explosive powder, or atomic power and an imaginative warfare. In short sheer force and physical instruments targeted at human beings are employed in this mode of action. Therefore, on this level, behavioural sociotechnics is purely technical and mechanical. When *persuasion* is concerned human emotions constitute final targets. Therefore, all possible ways of playing on the emotions are relevant here and could be, in effect, decisive. These include the general enlightenment of the audience, the enlargement of individual and collective empathy, the virtuoso skills of personal rhetoric, the experienced use of mass sentiments (including the full plethora of mass media elements), selective exposure to artistic objects, the skilful application of art, music and even poetry. Persuasion, understood as a direct communication between multiple minds, is one narrow method of persuasion. Certainly, it is not the most important one in the post-modern era. On this level the sociotechnician may use all ways created by humankind to persuade something another human being (or group of human beings). Since it is an emotional sociotechnics, usually it is designed for special emotional groups like women, peasants or the masses.

The sociotechnics aimed at *conviction* puts a lot of emphasis on procedure: it is mainly interested in arguments and proofs. Sociotechnics can proceed according to its original paradigm when there is full agreement as far as basic procedural assumptions are concerned. Rational sociotechnics operates mainly on this level. This sociotechnics is targeted mainly at selected groups of individuals like academics, journalists or executives.

The sociotechnics that uses the *cognitive* framework is established by the prescribed intellectual worldview. The superior-

ity of this type of sociotechnics consists of putting the existing social actors inside certain cognitive schemes which establish certain perspectives, limits, possibilities, boundaries and directions. Inside these cages the social actors, after some time, are endowed with the feeling that everything is prearranged in a natural and proper way. Then, these actors do not tend to see any other possibilities as attractive, sensible or even feasible. They think that what is — constitutes the best way of being. In some way, this type of sociotechnics is the most sophisticated and advanced of all. It does not need any force, persuasion or argument: it just puts someone in an existential habitat, that is constructed to appear as the most genuine one. The medieval Catholic Church, Nazism and Marxism were able to put individuals in that type of framework. Even after the collapse³⁴ of communism in 1989, several intellectuals raised and educated in such Marxist frameworks were treating these frameworks as binding, and were not able to imagine situations that would allow them to leave them. This type of sociotechnic may be targeted at individuals or society as a whole.

Taking into consideration all these types of sociotechnics, one comes to the following generalization: sociotechnics based on the original paradigm can function under two *sine qua non* conditions: 1) when an agreement between the values of the sociotechnician and the people whom he intends to influence exists, and 2) when an agreement concerning the fundamental rules of the procedure which will be in use exists.

Thus, to transform the current phase of sociotechnics into a new, more mature form one has to:

³⁴It might be interesting to note that only a handful of intellectuals were able to foresee the breakthrough of the Soviet Union. To those belonged: Andrei Amalrik, "Will the Soviet Union Survive until?" New York, Harper Colophon Books, (1980); Daniel Patric Moynihan, "Will Russia Blow Up?" *Newsweek*, November 19, 1979, (1979); Zbigniew Brzezinski, "The Grand Failure," Charles Scriber's Sons, New York, (1989); Maria Łoś, "The Second Economy in Marxist States," London, Macmillan (1990).

- 1) Fine-tune the basic concepts.
- 2) Check the usefulness of sociotechnics in varying circumstances (different cultures, different historical periods, different and quite often conflicting ethos etc.).
- 3) Respect the interplay between the directives of the higher and lower orders, endorsing changes in keeping with the orders derived from the highest realms of the sociotechnical hierarchy.
- 4) Screen such areas as legal policy, management and administration, social policy, social change etc. for recommendations that could be used, after appropriate adjustments, as sociotechnical directives of a higher order.
- 5) Put more emphasis on the possibility of steering society's developmental processes (by closely observing "natural experiments").
- 6) Conduct further intercultural discussions to test more rigorously the practicality of sociotechnical recommendations in different sociopolitical systems.
- 7) Further develop the paradigms of sociotechnics based on different than Catholic and Protestant cultures.

Two further points: individualistic and societal orientations in ethics forced sociotechnics into its present form; the emergence of "global ethics" should place sociotechnics to its proper, meta-societal form. Finally, one must listen carefully to every critics.

One might conclude that presently social engineering drifts towards the model of a) sociotechnics proper (as a body utilizing various regularities in the social sciences and their teleological recommendations), b) intervention or unmasking sociotechnics (as the centre of new designs, or uncovering activities that could be harmful), c) macro-sociotechnics (operations on a societal level), and d) conviction or emotional sociotechnics (mainly using cognitive, sometimes emotional but not mechanical or oppressive methods).

B. Law as a Skeleton of the Social Structure³⁵

Introduction

Acting in a particular social system does not give one enough practice to know how to act efficiently in a social milieu. To know how to act without violating the principles of social justice and to have an open perspective encompassing the whole spectrum of human activities one has to be familiar with the social basis of the system to which one belongs. This basis is mainly constructed by the legal system (the system erected by the living and official law).

The above considerations point to a need for a new, enlarged understanding of society. To understand society adequately a new concept of law is needed, since it has become gradually clearer that the existing concepts of law are inadequate (especially the concepts that were generated by Karl Marx when he claimed that economic factors determined all of the other aspects of political, social and cultural life), and since there is a growing awareness that theory of law is the crucial instrument that enables one to gain a deeper knowledge of social reality. Thus, following Leon Petrażycki's suggestion that the law constitutes element that is able to give a structure to all other aspects of social life, it seems to be proper to develop the way of thinking opening the new perspectives.

Studies conducted in philosophy and sociology of knowledge demonstrate that each of the current available theories of law is limited by the conditions of the individual experience of the given theoretician. These theories only take into consideration the knowledge that is available to the particular thinker but his³⁶

³⁵This is the modified version of the paper presented under the title "Law as Integrated Legal Schemas" during the Conference on the Sociology of Law in Tokyo (August 2–4, 1995).

³⁶For the sake of simplicity instead of "she or he", "he" will be used.

theoretical potential and denominator is determined by the limited scope and type of his existentially-shaped social milieu.³⁷

Enlarged cognitive denominator offered by the sociology of law, through the inclusion of those diverse methodological approaches, made it possible to rely on existential and cognitive experiences that surpassed individual limitations.³⁸ These pos-

³⁷The situation in the theory of law resembles that in morals. Following the conclusion of the work of one of the highest authorities, who after investigations into semantics, logic, psychology and various social areas, states, "The concept of morality shares the lot of concepts delineating a field of valuations. Morality is concerned with objects of praise or blame. A person who considers a type of behaviour a matter of indifference will exclude it from the field of morality. Thus the scantiness of a bathing suit on the beach can make certain people indignant, while for others the matter is of an aesthetic and not of moral order. This fact makes it hopeless to find a definition which would satisfy the intuitions of all," Maria Ossowska, *Social Determinants of Moral Ideas*, 1970, Philadelphia, The University of Pennsylvania Press. Compare footnote No. 26.

³⁸It recently became evident that the development of the social sciences, and especially the development of their research methods, demanded a new type of insight. Individualistic empathy was a good answer for providing that insight but its obvious shortcoming was its too narrow subjectivity. Gradually, instead of an individualistic empathy (like the empathy of mothers, actors, poets, lovers etc.), enlarged and socially-expanded empathy was gradually developed. It was usually based on broad social psychological experience and deep-seated and complex participation in various unexpected events. As an answer to that demands a *collective empathy* was generated. It was able to systematically monitor an enlarged spectrum of social reality and was able to control a variety of individualistic points of view from a broader perspective. Again, strangely enough, this collective empathy emerged as a product of another newly-generated phenomenon — an "*epistemological sabbath*." The essence of the epistemological sabbath is that it does not produce the expected synthesis directly. It only creates an atmosphere, a milieu where a given idea (or set of ideas) can be examined, investigated, and tested from many, sometimes completely unexpected, angles. After the sabbath appears a synthetic mind sometimes, that might put all of the previously discussed elements into a coherent intellectual corpus. Therefore the sabbath only facilitates the task at hand mainly preparing the ground for a more comprehensive fusion of ideas. In traditional academic systems, according to the German model this role was played by a "scientific chair." Currently, in the West, when the system of chairs became discredited (because of its actual or potential pathological misuse, and also because of the individualistic tendency to pave

sibilities arose? because various social structures and settings, categories of personalities and ideologies could be integrated

one's own academic success), several institutions like "brain storms," "think tanks," "institutes of advanced studies" started to mushroom and to provide a new scheme for the efficient perpetuation of collective empathy. These institutions can play this role *permanently*, like thematic-institutes of advanced studies, where one general topic is examined again and again like the International Institute of Sociology of Law in Onati or where one specific topic was analyzed in a systematic manner, or like the seminar dealing with the relationship between legal attitudes and legal behaviour in the Centre of Sociology of Law and Morals and Social Pathology at Warsaw University, destroyed in 1976 by the Communist Government in Poland; or they can play that role being *periodically stuffed*, like institutes of advanced studies that invite, usually after thorough competition, scholars on the basis of year-after-year open applications. This can be done in order to enhance the social sciences and humanities in one particular country (in Netherlands — Wassenaar). That could be done in order to create a creative atmosphere among the scholars regarded as the best in the social sciences and humanities (with a stable international *quota* in the U.S.A. — Stanford or Princeton). That could be done, like in All Souls College (the most prestigious Oxford College, that focuses exclusively on research and does not accept students) in order to modernize British history, law and other social sciences (but strangely enough, at the same time, to release the pressure of tax requirements). That could be done like in Wilson Centre in Washington, where a small quota of international scholars is invited every year for a denoted period of time to finish a project (usually a book). Although the pressure to accomplish that project is relatively high, very few fellows are able to do it, being so attracted by the inner magnetisms of Washington. Although at the Centre scholars-fellows can meet freely high officials from important institutions like the State Department, the Supreme Court, CIA and be able to discuss with them matters liberated from the official restrictions — situation impossible to imagine inside those institutions — the political subculture of the city, contrary to the scholars expectations, is immune to the invasion of the social sciences and humanities. If their perspectives were assimilated, that could be done, in best cases by creating an atmosphere prone to further scientific inquiries, or in the worst cases, like in the drunkard's parable — not so much to influence the flow of arguments but as a tree serving as a tool against fall. In comparison with the natural sciences this new epistemological phenomenon of collective empathy should be considered a palliative experimental marvel that was created in the twentieth century. In some way, it enables scholars to overcome the inherent limitations of the individualistic point of view which are unique among modern humanists and to some extent it enables scholars to treat in a comparable manner the specific

into the newly available legal experience, forming a foundation for theory-building.

In short, currently sociology of law is mature enough to incorporate into its “torso” — sociotechnics (social engineering) that would indicate (and dictate) what methodological steps are necessary to implement theoretical considerations into the matter of existing social reality.

Additionally this theory can show how it can be connected with the binding cultural, value judgements. Thus, it can link the theoretical (descriptive and explanatory) and pragmatic (oriented towards practical goal) considerations with fundamental axioms.

Conditions necessary to develop an adequate theory of law

What are the necessary conditions to build an adequate theory of law?

An adequate theory of law should take into consideration the following requirements:

subjectively-changeable-chameleon of the social sciences. It is quite interesting, even astonishing, that the phenomena of collective empathy and epistemological sabbath have not been identified till now; the apparent explanation is that those phenomena in various cultures appear subjective, exactly like in the given culture the phenomenon of individual empathy does. That creates one more important argument why the interests of sociological theory-orientation should be guided toward the development of sociology of humankind and toward the development of global ethics. Additionally, here quite an interesting question emerges: why do we presently witness, despite those facilitating possibilities, so few new comprehensive synthetic theories? The reason seems to be that nowadays the social sciences and humanities are under the predominant pressure of American scientific culture that orients a researcher mainly toward targets gainful for that particular researcher. (Compare: Adam Podgórecki *Higher Faculties, A Cross-National Study of University Culture*, 1997, Praeger, Westport, Connecticut, Chapter 5, “Scholars on Scholars: Interviews.”) It is also interesting to note that, immediately, pathological epistemological sabbaths emerge, like majority of “institutes of strategic studies”, to serve as a convenient “niche” for those who are looking for sinecures.

- (a) it should satisfy the canon of knowledge accumulation (it should take into consideration the constantly growing confrontations of relevant empirical studies with constantly tested theoretical generalizations);
- (b) it should satisfy the canon of continuation (instead of always starting from the beginning, it should capitalize on the existing past achievements);
- (c) it should not restrict its analyses to democratic or so called underdeveloped societies, but should take into consideration the law of totalitarian and post-totalitarian societies³⁹;
- (d) it should take into consideration the mass of empirical data which has been published recently in anthropology, social psychology, demography etc.;⁴⁰ and
- (e) it should specify the role of value judgements in assessing the effects of sociotechnics implementing some of the theoretical findings of sociology of law.⁴¹

³⁹For example: Adam Podgórecki and Vittorio Olgiatti (eds.), *Totalitarian and Post-Totalitarian Law*, Aldershot, Dartmouth.

⁴⁰It should be imperative that a special team of scholars (probably a Working Group of the Research Committee of the Sociology of Law, or a task force connected with the International Institute of the Sociology of Law in Onati) be systematically engaged in selecting from available literature (published and in progress) those hypotheses (or ideas and generalizations) made on the basis of collected empirical material. A systematic and methodical "brushing" should be undertaken to collect and make sense of this information. Despite all its limitations work done in general sociology by Bernard Berelson and Gary Steiner, *Human Behavior*, (1964, New York, Harcourt, Brace & World Inc.) may serve as an example for a preliminary approach to this problem.

⁴¹In this respect values: a) inter-personal values that operate inside small groups, in face-to-face relations should be specified (mini-social values); then, the ethical problem is which one in this face-to-face relation was harm, and what should be done? b) impersonal values that operate inside organizations and institutions should be indicated (mezzo-social values); then, the ethical problem is what category of people has been harmed by the ongoing impersonal activities and what should be done, and c) global values that operate on the multi-organizational or multi-societal level should be stipulated (global social values), then, the ethical problem is whether the measures and techniques of conducting the government affairs have been used properly or whether they have harmed cer-

In short, such theory should not reject all existing findings, but should be built on previous theoretical considerations, and should rely on empirical evidence obtained *lege artis*.

The accumulation of empirical data and tested hypotheses (to which all theoretical concepts should refer) should function only as a springboard. Thus, a new theory should replace the former antiquated conceptual lagoons.⁴²

According to the knowledge that was accumulated at the end of 19th and in the beginning of the 20th centuries, the ideas of integration (or to use Emile Durkheim's language, ideas of solidarity⁴³), Max Weber's concept of rationaliza-

tain categories of people; then, the ethical problem is whether the trust of those who are governed was violated in public matters, and what should be done to restore that trust. To lodge those categories is very tempting, since the traditional ways of thinking (according to the "ten commandments" pattern) still play an important role in shaping inter-human relations and seem to be entirely justified according to the Judeo-Catholic ethics. For example, a disorder in extra-marital relations, bonds that take place on the mini-social level, could be swiftly transplanted to the global category. This may happen even if that behaviour in question deals with the suspected behaviour of the President of the United States (as in the case of President Clinton, January, 1998), with the additional condition that this behaviour was an alleged perjury (a violation of a procedural norm). Then, a jump from the mini-social area, limited to the field of mini-ethical values, into the global boundaries takes place, and the problem of the higher order that the President is hampered in conducting his governmental duties is disregarded. Although everybody knows that this "ethical duel" is organized by conflicting political forces (Republicans versus Democrats), the cannons of this duel take the upper hand due to the traditional "heaviness" of ten commandments ethical thinking.

⁴²A relatively good picture of these lagoons was presented recently in Kahei Rokumoto's book *Sociological Theories of Law* (1994, Aldershot, Dartmouth). In this book, Rokumoto, following examples of others, illustrates those contributions which are treated as theoretical, but which do not necessarily follow the above presented standards.

⁴³Durkheim understands integration as "solidarity." He says, "The similitude of *consciencies* gives rise to legal rules which, under the threat of repressive measures, impose uniform beliefs and practices upon all; the more pronounced it is, the more completely is social life blended with religious life and the nearer are its economic institutions to communism" (S. L. p. 226; quoted after Steven

tion⁴⁴ and the idea of mutuality as developed by Leon Petrażycki,⁴⁵ appeared especially poignant. Since after their inception, they have reappeared again and again in different contexts and versions, their persistence indicates that they can be taken as useful starting points.

Indeed, from the point of view of the development of empirical knowledge, Durkheim was basically right when he maintained that the integration of the social system is the main function of law and morality. He assumed that integration (manifesting itself in mechanic or organic solidarity) was especially important because it kept together a social system and preserved

Lukes, *Emile Durkheim*, 1977, Harmondsworth, Middlesex, Penguin Books Ltd., p. 150). Roger Cotterrell states this clearly, "This [Durkheim's] literature sees law as having the specific task of promoting the integration of diverse elements of collective life... For Durkheim, who does not develop a concept of law which clearly distinguishes it from morality or social values, law's autonomy nevertheless emerges in a conception of organic solidarity in which shared values are inherently problematic but a uniform legal order is necessarily assumed" (Cotterrell Roger, *The Sociology of Law*, 1984, London, Butterworths).

⁴⁴Reinhard Bendix summarises Weber's ideas about the main trait of the rationalizing influence of social life: "protestant ethic [which put its mark on the law] was only one of the several phenomena that pointed in the direction of increased rationalism in various phases of social life. Rationalism has had a many-sided development peculiar to Western civilization and more or less directly related to the development of capitalism. For example, knowledge and observation had been developed in many hands, but the Greeks were the first to relate astronomy to mathematics and to develop a rational proof in geometry; Babylonian astronomy lacked mathematics and Indian geometry remained without rational proof. Similarly, the experimental method was first introduced in western Europe, although natural science based on observation alone, without experimentation, was developed in many countries (Bendix Reinhard, *Max Weber*, 1977, Berkeley, University of California Press, pp. 68–69).

⁴⁵The foremost specialist on Petrażycki, Jerzy Lande, presents his understanding of law in the following way, "Petrażycki defines legal experience as one kind of ethical experience (that is, the experience of obligation). The legal experience is bilateral: it combines both obligation and claim" (Lande, J. "The Sociology of Petrażycki" in: *Sociology and Jurisprudence of Leon Petrażycki*, 1975, Urbana, University of Illinois Press). Also ideas of Bronisław Malinowski, Alvin Gouldner, Niklas Luhmann should be taken into consideration.

the validity of higher ranking entities, such as religion. Nevertheless, he overlooked the fact that integration sometimes works in an opposite direction: the integration of a particular social system may serve as a springboard to aggressively attack other social systems or their subsystems in order to subdue them.

Indeed, Weber's perspective on the development of empirical knowledge was basically correct stating that law tends to introduce rationalization into the life of a society (but also into the life of its sub-systems and possibly into the life of its meta-system). Yet, he was only partially correct: he ignored the fact that irrational forces (as evidenced in the case of social systems based on the deviant-development of monopolistic ideologies) may often dominate real legal norms and may fabricate only the appearance of the rule of law. Then, these forces apparently use rational legal forms to strengthen their oppressive integrity, even though it is built on irrational (racial, dogmatic, mono-ideological) premises. Instead of rationalization by law, it is more suitable to speak about conditional rationalization. In the case of totalitarian legal systems, Weber totally disregarded its crucial element, its "incalculable whimsicality" or its "Führer principle."⁴⁶

Indeed, Petrażycki, but also: Eugene Ehrlich, Bronisław Malinowski, George Homans, Alvin Gouldner, Niklas Luhmann and others, in addressing the development of empirical knowledge, were right to stress the importance of mutually-binding obligations (and their roles inside of the given social system) and regard them as one of the most important elements of the law. Yet, in building their all-encompassing theories, some of Petrażycki's followers overlooked an important type of mutuality that appears at the level of private, direct, "face to face" relations between cooperating parties. This reciprocity was not necessarily indicative of the relations between the governmental apparatus and the individual. In the latter case, the executive

⁴⁶ Compare: Podgórecki Adam and Vittorio Olgiati. *Totalitarian and Post-totalitarian Law*, 1996. Dartmouth.

power of the oppressive force supported by the state apparatus, was disproportionately predominant.

Currently, in trying to formulate an adequate theory of law, that is supported by an expanded spectrum of available empirical data, it seems useful to reformulate some of the important elements of the jurisprudential heritage of thinking.

Independently of these methodological requirements (gnosiology requirements), it is important to stress the significance of some practical and organizational (supra-individual) conditions. At present, these requirements seem to be ready to help to accomplish the task of theory formation.

Now let's turn to history of the sociology of law for a while. To prepare a suitable organizational foundation, the Polish Sociological Association established a collective research body — a Section of Sociology of Law, in 1961. This section has held, from its inception, numerous meetings.⁴⁷ Later, in 1962, an international body, the Research Committee of the Sociology of Law⁴⁸ affiliated with the International Sociological Association was created. In 1964, the American Association of Law and Soci-

⁴⁷ It is interesting to note that, in 1945, an Association of Sociology of Law was founded in Japan. It should be added that this particular association was a cover-arrangement for young, anti-government Marxists to develop their politically-oriented activities. In Japan, it was the Hakone meeting (in 1975), sponsored by the International Research Committee of the Sociology of Law, which gave the real burst for Japanese lawyers and social scientists to deal effectively with socio-legal matters.

⁴⁸ In 1960 in Philadelphia William M. Evan (from the U.S.A.) and Adam Podgórecki (then from Poland) decided, in order to establish and instigate the cooperative network in the theory of law, to create an international Research Committee of Sociology of Law. When this idea was supported by Professor Philip Selznick and Professor Lon Fuller in the States, Podgórecki scheduled (and paid for it) his return to Poland by visiting on his way back, several prominent European scholars and solicit their endorsement. Professors Jean Carbonnier (from Paris) and Otto Kahn-Freund (from London) supported it. In Scandinavia Professor Alf Ross was sceptical but Professor Karl Olivercrona vigorously backed that proposal.

ety was established.⁴⁹ As a ramification of these organizational activities, in the United Kingdom, after a meeting in 1973, that was directly sponsored by the Research Committee of the Sociology of Law, the field started to blossom⁵⁰ rapidly. All these organizational arrangements have been essential in creating “free market” forum for disseminating, exchanging, discussing and testing new ideas concerning the operations of law.⁵¹ It seemed to make sense to build a new theory of law, capitalising on the achievements of other connected disciplines.

The Rule of Law (Normative Ingredient)

The rule of law can be regarded as a concept that constitutes, if properly interpreted, an interesting connection between old-fashioned jurisprudence and the newly established, empirically oriented, discipline of sociology of law.

The rule of law can also be understood as a command which does not allow the proper application of law to trespass beyond its normative boundaries. It tends, as well, to establish these boundaries. A. V. Dicey, regarded as a classicist in this area, said, “the rule of law is contrasted with every system of government based on exercise by persons in authority of wide, arbitrary, or discretionary powers of constraint.”⁵² Roger Cotterrell summarizes Dicey’s understanding of the rule of law in this way, “The English jurist A.V. Dicey formulated in the late nineteenth cen-

⁴⁹Trevino, A. Javier, *The Sociology of Law*, 1996, St. Martin’s Press, New York, p. 8.

⁵⁰The predominant feature of the British sociology of law (called there “socio-legal studies” — for a change) is its responsiveness and submissiveness to governmental sponsors.

⁵¹Since the more formal discussions taking place during conference influence the informal ones, the better the conference. With some exceptions, the conferences about the sociology of law have been rather effective.

⁵²Quoted after Philip Selznick, “Legal cultures and the rule of law” (Prepared for presentation at RCSL, Tokyo, 1 August, 1995, p. 3).

tury (Dicey 1885) the most celebrated conception of the rule of law as involving three elements: first, the absolute supremacy of law over arbitrary power including wide discretionary powers of government; secondly, that every citizen is subject to the ordinary law of the nation administered in the ordinary courts; and thirdly, that rights are based not upon abstract constitutional statements but upon the actual decisions of courts.”⁵³

The concept of the rule of law made a rapid and impressive career in jurisprudence. H.L.A. Hart tried to find a precise distinction between the rule of law and a “rule of recognition.”⁵⁴ Lon Fuller intended to grasp its essence when he drafted the “inner morality of the law.”⁵⁵ According to Ronald Dworkin, who is more clear than usual in this particular matter, the rule of law is “...the ideal of rule by an accurate public conception of individual rights.”⁵⁶ Joseph Raz formulated this notion in a negative way. He said, “the rule of law is essentially a negative value...merely designed to minimize the harms of freedom and dignity which the law may cause in its pursuit of its goals however laudable these may be.”⁵⁷ Philip Selznick states, “The rule of law, it is

⁵³Roger Cotterrell, *The Sociology of Law*, 1984, London, Butterworths, p. 168.

⁵⁴H.L.A. Hart, *The Concept of Law*, 1961, Oxford, Oxford University Press.

⁵⁵According to Fuller the inner morality of law dealt with eight basic principles. They are: “The first and most obvious lies in a failure to achieve rules at all, so that every issue must be decided on an ad hoc basis. The other rules are: (1) a failure to publicize, or at least to make available to the affected party, the rules that he is expected to observe; (3) the abuse of retroactive legislation, which not only cannot itself guide action, but undercuts the integrity of rules prospective in effect, since it puts them under the threat of retrospective change; (4) a failure to make rules comprehensive; (5) the enactment of contradictory rules or (6) rules that require conduct beyond the powers of the affected party; (7) introducing such frequent changes to the rules that the subject cannot orient his action by them; and finally, (8) a failure of congruence between the rules as announced and their actual administration,” (Lon Fuller, *The Morality of Law*, 1964, New Haven, Yale University Press).

⁵⁶Ronald Dworkin, 1985, *A Matter of Principle*, Cambridge, Harvard University Press, p. 11.

⁵⁷Joseph Raz, *The Authority of Law*, 1979, Oxford, Clarendon Press, p. 228.

said, and not only very recently, is a regime that protects the weak against the strong, provides for the peaceful settlement of disputes, facilitates economic transactions, and creates a framework with which private enterprises can go forward”⁵⁸.

It is not proper to speculate here about how the evaluative concept of the rule of law was transplanted from jurisprudence to the sociology of law so easily. Nonetheless, this transplant has at least two important consequences: first, the concept of the rule of law emerged as an undisputed legacy of jurisprudence; second, although some authors seemed to notice its normative content (like Selznick), very few turned their attention (like Cotterrell) to the fact that there may exist various rules of law. Indeed, in different social settings, different understandings what is legally adequate and just may function.⁵⁹

The Normative Content of the Concept of the Rule of Law

From the beginning the sociology of law tried to specify all of the normative concepts that it might include in its subsequent list of interests. The inclusion of a normative concept, without a clear deliberation over its nature, can only be explained by its “uncritical” transplant from common understanding or from jurisprudence. It was accepted easily and uncritically because jur-

⁵⁸ Philip Selznick, *ibid.* 7.

⁵⁹ A mechanical transition of the rule of law from one social system to another may generate social injustice. For example: in a post-communist social reality some twisted officials claim that *LEX RETRO NON AGIT*. That Roman rule is indeed correct (is just) when the social system remains basically the same. But when a social system — through the process of complicated transition — transforms itself into a different social system (when this social system undergoes a social revolution [a quiet or a violent one]), then this situation becomes different. Then, the rule “law should not go to the past” could, being used craftily, petrify its own past injustices! Thus, the shrewd legal mind, recalling seemingly just canons of the past, may by reference to formerly valid norm, in effect, defend its former crimes!

isprudence has traditionally been treated as an established discipline.

It is likely that the persistent presence of this normative concept in the body of the sociology of law was caused by some additional inherent and important reasons. The main factor is the intrinsic need to provide a counterbalance to the harm and injustice created by the actual operation of the law. Indeed, the operation of the law, which is impersonal in character, causes several inequalities by its very nature and as by-products of its massive uses. Nonetheless it would be counter-productive if the image of law was constantly analyzed and its range of possible and dispersed negative by-products were always being scrutinized. The ingenious practical operation of the law solved this problem with the establishment of one general rule that proclaims that all instances of justice caused by the law during its operations should be nullified by the very same law.

This component might be called *vertical intervention*. How should vertical intervention be understood?

Mutuality and Vertical Intervention

Before further analyzing the concept of vertical intervention, some additional assumptions should be introduced.

As stated previously, when parties know one another, or when they take each other into serious consideration, then mutuality is usually sufficient (then it is based on such principles as: “do ut des,” or “an eye for an eye”) to generate harmony or “harmony”).⁶⁰ Yet, in contemporary *Gesellschaft* societies, this

⁶⁰E. P. Thompson, in his Marxist studies on the history of England gave several colourful and convincing examples of rituals of mutuality. He says, “But as the Industrial Revolution advanced, it was this code (sometimes in the form of model rules) which was extended to ever-wider sections of working people. Small tradesmen, artisans, labourers — all sought to insure themselves against sickness, unemployment, or funeral expenses through membership [in] ‘box clubs’ or friendly societies. But the discipline essential for the safekeeping of

discernible reciprocity (which seems to be a general rule of most inter-human behaviour), is overshadowed by impersonality. It is a common occurrence that people who are linked by mutual formal relations do not know each other; that they are not aware of their prescribed interrelations or those connections that have a formal, organizational, institutional, or self-established character of law.

Under the pressure of social change, at a certain point, the need for an external intervention emerges. Then, that body which presents itself as a legitimized announces its entry in an authoritative way: it commandingly states what should be done. The reasons behind this intervention are not usually disclosed, although the intervention is presented as though it were designed to secure the interests of the concerned parties and those who are connected with them. The relations in which parties are implicated are, as a rule, not revealed. Nor is it divulged that those linked by these relations could even be personal enemies. If this is known, the intervention remains valid anyway. This intervention orders its subjects to behave according to certain rules.

As the Stanley Milgram's experiment, and numerous follow-up studies connected with this experiment, have shown, there exists a consistent human (psychic) tendency that reinforces that intervention. This force appears to be uncommonly strong: human beings seem to have a gift to exert exceptionally strong pressure on others when they act as agents executing orders from someone or something as legitimate power.⁶¹

funds, the orderly conduct of meetings, and the determination of disputed cases involved an effort of self-rule as great as the new disciplines of work. An examination of rules and orders of friendly societies in existence in Newcastle and [other] district[s] during the Napoleonic Wars gives us a list of fines and penalties more exalting than those of a Bolton cotton-master" (Thompson 1963: 419–20).

⁶¹ Milgram Stanley, *Obedience to Authority*, New York, Harper Colophon Books, 1974: 35.

It is assumed that the intervention is employed⁶² to secure the integrity of basic, well-entrenched parallel-schemes that operate behind the scenes. This is its main functional goal.⁶³ Since such a conspicuous command overshadows the multiplicity of parallel-schemes as they usually appear in a social milieu, vertical intervention becomes quite visible and guides human behaviour in a commanding way. When vertical intervention is discerned, and this is not a difficult assignment, since it has a visible, central, quite explicit and easily understood station in the psycho-social reality, then parallel-schemes are pushed into even more obscurity. As a result, the *intervention* is perceived as the law⁶⁴ and the essential feature of law (parallel schemata) linger unnoticed in the background. This confusion (the misplacement of perspectives or treating that which is secondary as primary) creates a conceptual trap that has continued to plague jurisprudence and sometimes its successor, the sociology of law. Vertical intervention is *exactly* what J. Austin (“command of sovereign”), Hans Kelsen (“domineering hierarchy of norms”) and H. L. A. Hart (“secondary norms”) regarded as the highest achievement in jurisprudence.⁶⁵ They elevated vertical intervention to the most essential feature of law.⁶⁶

⁶²Quite often by an imposter who eventually transforms himself into a legitimized authority.

⁶³Although quite often an imposed law may aim at destroying those deeper patterns of inter-personal relations (e.g. laws imposed on Indians in the U.S.A., Brazil, Canada).

⁶⁴From this point of view laws protecting the state are only meta-interventions; their main function is to reinforce the higher level interventions that strengthen the basic ones.

⁶⁵In any society several vertical interventions operate. Each of them has a tendency to dominate. In effect, inside this “free market” of competing interventions a fierce war over supremacy takes place. Eventually one of them gains power over other: that one may be called the “supreme vertical intervention” (the sovereign).

⁶⁶Additionally, some epistemologically-pragmatic reasons press to narrow the perception of law to its official form. When vertical intervention is taken as the main target of inquiry, the task of defining law becomes relatively easy: formal,

Petrażycki understood legal mutuality in the following way: “If I am legally related to someone, then I have a right to act in a certain way (or remain passive), when the other person should endure my behaviour or the other person has a right to behave in certain way, and I have a duty to endure his behaviour. In other words, if I promise to lend a book to A, A has a right to demand this book from me, and I have a duty to make it available to A. Respectively: A has a duty to return the book to me, and I have the right to demand the book at the certain time.” According to this perspective, psychological experience constitutes the basic legal phenomenon, even if this set of reciprocities is not publicly revealed, or is known only to the person experiencing it. This phenomenon of perceived mutuality was regarded as a legal fact by Petrażycki, because it was based on the scheme of the reciprocity of duties and rights.

Krzysztof Motyka,⁶⁷ commenting on a statement of Adam Podgórecki wrote, “Ideas of a madman that he is the owner of Egypt’s pyramids do not constitute a legal phenomenon. They would, if another madman’s acceptance creates social relations between them,” formulates a rhetorical question, “One madman cannot make law, but two can?” To this reply is: ‘yes, they can’. If these two individuals interact according to interpersonally-accepted patterns, they act socially, regardless of their states of mind or their intentions (Hitler’s law, if accepted by others, was by many regarded as a legal phenomenon and in many circumstances acted as a law). If, however, one person individually constructs his own subjective and solipsistic set of rights and duties,

frozen norms appear, at least in comparison with intuitive/living law, as stable, tangible and given. That is because the intuitive/living law is flexible, changeable and difficult to grasp; therefore to incorporate intuitive/living law into the concept of law changes the task of defining the law into almost an impossible chore. Compare Footnote No. 3.

⁶⁷ *Wpływ Leona Petrażyckiego na polską teorię i sociologię prawa [Petrażycki's Impact on Polish Jurisprudence and the Sociology of Law]*, 1993, Lublin, Katolicki Uniwersytet Lubelski, p. 127

then we can envisage the emergence of an atomistic social disorder — a pluralistic legal anomie may come into existence.

Thus, only if a complementary relation between the respective rights and duties of two or more parties is established, can one speak about law. Complementary relations guide social behaviour in an organized way (by creating patterns of mutual expectations) and introduce recognized behaviour into social life. These should be called *parallel schemata*. Only *If parallel schemata exist, legal phenomena occur*.⁶⁸

Yet perceptions of legal duties or rights, if they remain in someone's solipsistic psyche or in his subjective and individual imagination, do not constitute socio-legal phenomena, since they do not represent a starting point for coordinated group behaviour and do not create sufficient grounds for organized social interaction. Although, parallel schemata should be understood as a central concept in the sociological theory of law, a question remains: what role do parallel schemata play in the social system as a whole?

The short answer is: parallel schemata are the rudimentary elements providing for social integrity. The more elaborate answer is: parallel schemata are rudimentary elements of social integrity, which prescribe (sometimes by a dictation from above) accepted patterns of social behaviour.

The debate about the relation of parallel schemata to vertical intervention can be resolved by concluding that parallel schemata constitute the basic pattern of socially accepted law, whereas vertical interventions are only tools used by those who have the power to implement these schemata.

The above presented considerations show that one should not look for the essence of the law in the following features:

⁶⁸The concept of legal sanction is therefore theoretically irrelevant. Nonetheless, it is highly important from a practical point of view: when law is treated as something created by the state, then, through variety of sanctions, it controls social control processes with its octopus-like coercive apparatus.

- *formality*, since the informal forms of the law (unwritten, intuitive, alive, customary, folk, and so on) operate in social reality;
- *stiffness*, since the law quite often flexibly mirrors the elastic currents of social reality;
- *rationality*, since totalitarian legal systems are built on irrational and whimsically constructed laws;
- *unchangeability*, since laws are constantly changed to deal with rational or irrational socio-political demands;
- *its informative potential*, since in several instances certain segments of the population are kept (on purpose or by omission) in legal ignorance.

So what is the common feature for all the different forms of laws operating in social reality on horizontal and vertical level?

As it was indicated earlier, the *drive for integrity* should be regarded as the particular ingredient that keeps all the dispersed elements of social system together (it makes them integrated). This drive is clearly visible in: a) systems governed by reciprocity (social systems regulated mainly by intuitive law), because then the social framework for reciprocity is supported by the need to find the common ground for the actualization of that reciprocity, and also in b) systems governed by domination (social systems where intuitive and positive law operates within the framework established by the state or semi-state laws). Moreover, systems governed by domination safeguard the basic institutions suitable for the operation of the intuitive and positive laws.

As it was said earlier, law, as a social phenomenon, operates on the reciprocity level and is then regulated mainly by individually-oriented ethics. One may add that currently when the schemes of organizations and institutions start to inject their main trust into social activities, when they are “translated” into *impersonal* relations, the socially oriented ethics starts to play more significant role. Finally, it should be noted that since those emerging multi-various schemes of impersonal relations start to

vigorously challenge, cross or cooperate with each other, *global* ethics starts to emerge as an increasingly important factor.

Summing up, one can say that an adequate theory of law consists of three organically interdependent elements: a) a theoretical body of empirically tested hypotheses, b) a collateral scheme of sociotechnical recommendations, and c) an orderly hierarchy of values that indicate what type, and under what conditions, those sociotechnical recommendations can be implemented.

The Adequate Theory of Sociology of Law

The sociology of law, in order to be fully independent from old-fashioned jurisprudence, tries to develop its own and distinctive theory. Indeed, if one recalls the classic statement by Philip Selznick,⁶⁹ according to which the sociology of law develops itself in three consecutive phases: 1) recognition of relevant social problems, “primitive,” “messianic” phase, 2) accumulation of empirical data and 3) theory, the following question emerges: did the sociology of law, despite its “young age”, reach the stage of the theory formulation? And if so, to what extent have the requirements presented earlier been fulfilled?

With respect to point 1) a plethora of social problems have been identified and described and are waiting for a theoretical generalization and an appropriate formal intervention.⁷⁰

With respect to point 2) Vincenzo Ferrari, in *Developing Sociology of Law*,⁷¹ (1990, Milano, Giuffrè), collected reports from 37 countries in which several thousand socio-legal inquiries

⁶⁹Selznick, Philip, “The Sociology of Law,” 1959, pp. 115–127, in *Sociology Today: Problems and Prospects*, Robert K. Merton, Leonard Broom and S. Leonard Cottrell, New York: Basic Books.

⁷⁰This is based on a well-developed social engineering procedure and its paradigm. See: Adam Podgórecki, Jon Alexander, Rob Shields *Social Engineering*, 1995, Ottawa, Carleton University Press.

⁷¹This book continues the task undertaken by the Research Committee of Sociology of Law and presented in a book, Renato Treves and Jan F. Glastra van

have been summarized. Of course, this synthetic book was unable to give a recapitulation of all research that was conducted much earlier; or about studies which took place in related disciplines like legal anthropology. Nonetheless, this book displays an abundance of empirical studies which can be used as elements for theoretical generalizations.

With respect to point 3), one can assume that the current situation is ripe to undertake a final attempt at a conclusive synthesis. But before such an attempt is presented, one might speculate as to why an appropriate synthesis is still missing.

Attempts to present such a theoretical synthesis have been concentrated mainly on the concept of the state. These attempts also used as their main targets the law produced by this state — the *official* law. In consequence, vertical intervention (perceived as a normative requirement) should be regarded as the central target of the theoretical inquiry. This is why theoretical inquiries analyzing the “essence” of the law are misdirected: they regard something that is secondary as the primary. This misplacement constitutes the basic blockage for successful theoretical investigation. Thus, the real operation of the law is not treated as the central focus. Besides, law does not act in a chaotic way, it functions according to certain patterns. There exist some ways to put those patterns into operation. Trevino summarized Podgórecki's theory on this matter, “The first variable has to do with how people interpret the law within a particular type of *socioeconomic system*. The second variable has to do with the interpretation given to the law by those persons who are part of a particular reference group or *subculture*. The third variable has to do with the interpretation given to the law based on *individual personalities* of the legislators who enacted the law as well as the people to whom the law is directed. Because the variables operate at three different levels of social reality, we may say that the personal-

Loon, *Norms and Actions. National Reports on Sociology of Law*, 1966, The Hague, M. Nijhoff.

ity variable functions within the framework of the subculture variable and the subculture variable functions within the framework of the socioeconomic variable. Like prisms, each of these variables may “refract” in various directions, the impact that an abstract law has on the attitude of the people to whom it is addressed.”⁷²

Taking into consideration earlier reflections, four elements have to be regarded as basic elements in such a synthesis:

- 1) the concept of parallel schemata,
- 2) the incorporation of intuitive-living⁷³ law into the understanding of the law,
- 3) the integrative function of law⁷⁴ and its operation, and
- 4) the need of normative consistency (demand to consolidate all elements of law’s interpretation and action into an unified entity) as it emanates from the integrative structure of the law.⁷⁵

In trying to synthesise these elements, it may be said that law should be understood as *integrated parallel schemata*

⁷²An apt summary of Podgórecki’s theory on the three levels of the operation of the law is provided by A. Javier Trevino in Trevino, *The Sociology of Law Classical and Contemporary Perspective*, 1996, St. Martin’s Press, New York, p. 329. The first sketch of this three-level hypothesis of the operation of law can be found in Adam Podgórecki, “Three Modifiers of the Operation of the Law,” 1966, *Polish Sociological Bulletin*, No. 1 (24).

⁷³This term pulls together the intuitions of Leon Petrażycki and Eugene Ehrlich. It is appropriate to mention here that Petrażycki was the first who formulated the idea of law which informally, but in a binding and systematically consecutive way, regulates human behaviour. Nevertheless, due to the complicated circumstances (historical, as well as personal), the idea of informal (unwritten, customary, folk, de-facto) law is attributed to Ehrlich. It was also attributed to Ehrlich in an excellent paper by Brian Z. Tamanaha, “An Analytical Map of Social Sciences Approaches to the Concept of Law,” submitted for presentation during the Conference in Tokyo, August 2–4, 1995.

⁷⁴Compare, Maria Łoś, “Law as an integrative system,” unpublished paper presented at the Conference of Sociology of Law, Nordwijk, 1992.

⁷⁵See: Adam Podgórecki, “Law as an Integrating Legal Schemata,” Proceedings of the Conference of Sociology of Law, Tokyo, August 2–4, 1995.

(of a formal or informal character) which exhibit normative consistency.

Thus, law is built on the basis of parallel schemata: they allocate and acknowledge mutual duties and claims. These schemata constitute an elaborated horizontal network of interrelations that compose the main fabric of social relations in a social system. It is evidently not adequate (too narrow) to take into consideration exclusively official law. It is intuitive-living law which plays the cohesive role in integrating these systems. It is misleading to treat vertical intervention as the constituting element of law: vertical intervention is only a tool used by those who have the power to sustain legal schemata in a given social system. Legal schemata integrate the whole social system. The integrity binding the system into a coherent wholeness saturates law with the need of normative consistency, is based on mutuality.

Law, understood in this way, treats the official law, which is sometimes also structured in a horizontal way but mainly composed of commands which go from above to below, as an artificial, although usually very potent, element. As a rule, this coincides with vertical intervention, that is produced by the sovereign to keep his subjects in order. The earlier presented understanding of law underscores its ordinary "everyday-function" character — this understanding indicates that law operates in social life constantly, appearing not only in unusual, and quite often pathological situations, leading to an encounter with the legal profession. It also shows that law, without its normative context, is neutral. It tends to keep the social system (or community) together; it neither evaluates this system nor treats it as good or bad. Finally, it indicates that law demands normative consistency — it is this demand which develops legends of "legal logic" or inherent legal order.

Thus one may note that the law is shaped mainly by the vertical intervention, and that lawyers, who introduce law into social life, deal mainly with the official law. That is important: since official law tends to prevent emergence of undesired events or

tends to restore some broken human inter-relations, then, as Petrażycki noticed aptly, lawyers are exposed also (if not predominantly) to the deviant version of law (law corrupted by power). Therefore, the bulk of the lawyers' behaviour, as they are an arm of social control apparatus, could be conditioned by legal pathology. Additionally, since lawyers themselves generate corruption and deviance of various sorts, it becomes evident that in the case of the sociology of legal profession one deals with the *pathology of law of the second order*.

The structure of the civil law based on the principle of reciprocity indicates that this law furnishes a basis for economic activities taking place in the given social system; the structure of vertical obedience indicates that the criminal law (with its predilection to punishment) insisting on keeping subjects in line, strengthens as well the existing power hierarchy.

Finally, this understanding of the law indicates that law emanates with a normative demand for consistency and it is this demand which produces legends about "legal logic" or the inherent legal order.⁷⁶

Perspectives of Future Investigations

This new understanding of the law opens several new perspectives.

1) Since the helplessness of the jurisprudential approach in face of the current complexity of law and its economic, social and political framework is more and more visible, the individual approach in revealing the real nature of law appears to be clearly barren. Therefore, the approach based on individually generated access to theoretical problems of law should be replaced by

⁷⁶The concept of normative consistency was elaborated further in Adam Podgórecki, "Law as Integrated Legal Schemata," Conference on Sociology of Law in Tokyo, August 2-4, 1995.

a perspective which takes social and legal systems as its starting point.

2) More stress should be put on the operation of the intuitive-living law phenomenon. All effects of the functioning of the everyday operation of customary (unwritten, informal, folk) law should be analyzed carefully. Their understanding and operations should also be sharply divorced from the professional application on the official law.

3) Law in action (not, statically perceived law — but law in books) should be analyzed and applied from the viewpoint that constantly responds to the changing social conditions. The sociological theory of law has great potential for the introduction of desired and rational social changes. Some assume that even social engineering through law can be treated as the main function of the sociological theory of law. “In Podgórecki’s view, jurisprudence in Cold War Poland, consisting of the philosophy of law and the Marxist theory of law, was primarily engaged in abstract reflection and, therefore, virtually useless for practical application. Jurisprudence, as such, has been largely unsuccessful in explaining how the law really functions in society. By contrast, Podgórecki contends that the ‘natural’ concern of the sociology of law is the study of the *functioning of law*. By ‘functioning of law, Podgórecki means nothing more elaborate than the law’s efficient and effective operation in the social system. His use of the concept is undoubtedly simpler than that of Parsons and Luhmann”, p. 327. Trevino says also, “Podgórecki considers as one of the law’s main functions its ability to engage in the rational and effective engineering of society”, p. 440.⁷⁷

⁷⁷ See, A. Javier Trevino, *The Sociology of Law*, 1996, New York, St. Martin’s Press, Inc. Nevertheless, it should be stressed that, in totalitarian Poland, only part of the truth could be safely revealed without a heavy punishment (professional, and quite often criminal). The other part of the truth was mercilessly cut off by state censorship. Therefore, mainly reflections regarding law’s rational and effective efficiency could be conducted by sociology of law. State censorship was not sophisticated enough to recognize that indirect exposure to some of the

4) Normative consistency should be treated as an effect of the integrative function of the law. Following problems should be discussed here,

- a tendency to apply law to all areas of potential applicability of the current legal system;
- a completeness of the legal system;
- a jumping character of the legal system;
- a quasi-logical character of the legal system;
- characteristics of the legal profession as the arm of social control apparatus;
- official law's inherent imperative to liquidate the plurality of legal systems;
- the role of intuitive/living law;
- sovereign power as the main source of normative consistency and the myth of law's omnipotence.

A new synthetical thesis stresses that the law constitutes the essential skeleton that serves for the whole social structure as the crucial component which decides about the life socio-political life developing on its foundations.

C. Global Ethics — A Need for a New Synthesis

The moral sentiment in Europe today is refined, old, diverse, irritable, and subtle, as the “science of morals” that accompanies it is still young, raw, clumsy, and butterfingered — an attractive contrast that occasionally even becomes visible and incarnates in the person of a moralist.

Friedrich Nietzsche, 1887 [1996: 97].

by-products of the totalitarian legal system, in the long run, contributed to the unmasking of the system's lack of rationality and its general inefficiency.

The Problem

A study of various forms of legal systems shows that the application of a procedure prescribed by a sociotechnical paradigm should not treat efficiency as its highest aim. Even more than the law (which takes its legitimacy from higher, ethical sources), does morals control the scope of the accepted social actions. Although efficiency is, indeed, quite important, especially when it is surrounded by an ocean of mistakes and inefficiency, the problem of an ethical estimation of the results of the actions that were started, coordinated and guided by collective undertakings still exists. Although according to the paradigm of an efficient action, they were supposed to be assessed before they received the final “go ahead,” they still have to be evaluated *ex post* as well. Only after such an assessment can the sociotechnician state that his actions have been performed *lege artis*.

The new pressures generated by the technological and socio-political processes of the twentieth century have led to many unprecedented disasters, but they have also generated some spontaneous internal mechanisms that tried to neutralize the spectacular results of these disasters. A cry to create a new type of ethics has become the general cry of this century. The partial revival of some religions like Catholicism (on an intellectual level), Islam (on a fundamentalist level) or Judaism (on a militant level) is connected with many attempts to respond to this general appeal. Are these answers satisfactory?

This author says no. It seems to be more promising to analyze several twinkling sparks of global ethics as they reveal themselves in different situations and processes.

Generally speaking, one can distinguish the existence of three types of axiology: a) the axiology of an individually oriented ethics, b) the axiology of socially oriented ethics, and c) the axiology of global ethics.

Individualistically and Socially Oriented Ethics

The axiology of individually oriented ethics deals with inter-personal values that operate inside small groups, in the face-to-face relations (relations generated in life inside “small-groups”). It tries to regulate the life in these groups and secure for them security and relative prosperity. The ethical problem that emerges in these groups is whether a norm belonging to ethics of this type was violated and, if yes, what should be done in order to restore the previously existing social harmony. In short, that ethics controls all those social relations that have been originated by the “ten commandments”. These relations are regulated mainly by intuitive laws, if they are not transformed into official ones. This ethics is probably well summarized by the following story: “That’s not an easy task to be a decent person. It is not enough to behave virtuously in an isolated case; it is not enough to behave in a respectable manner during one course of events; it is not sufficient to act so in a distinct period of time,” Si-tien said. ‘One pays for that with his whole life.’”

The axiology of socially oriented ethics deals with those “im-personal” values that operate inside large organizations and institutions. The ethical problem that emerges in these “big social groups” is whether a norm belonging to that ethics was violated and, if so, what should be done to restore the previously existing equilibrium. To summarize, to that ethics belong all these social relations which have been generated in social groups regulated by norms belonging to the large social bodies; especially that regulate their collisions, conflicts, frictions, “cases,” and harms affecting individuals etc. These relations are regulated mainly by official law (although inside various regimes of this law there exist some “pockets” of intuitive law); also regulations originated by the governmental agencies, as well various types of sanctions are controlled by the official law.

The following story may illustrate this point:

“Si-tien, how is it possible that you describe as a criminal our emperor Fung So, who is a model of decency in personal matters?” asked his pupil Wo. Si-tien replied, “Yes, in all personal matters. But did our considerate emperor remember that his logical monetary reforms have sentenced to starvation all the owners of small farms? But did the emperor recognize that the project to build a new canal would kill all workers devoted to this task? The emperor should also have known that all those who are working assiduously to construct his mausoleum, in order to hide it, would be wiped out by his guards?”

It should be stressed that the emergence and development of global ethics has been accompanied by the dynamic growth of communication technology. As Evan says, “The dynamic growth of technology in communication and transportation — powered in part by developments in science and in part by the demands of the global economy — is contributing to increasing economic interdependence. Facilitating this transformation are cultural processes such as the diffusion via satellite TV communication of preferences regarding music, dress, free market principles, and democratic beliefs. Together, technological and cultural changes are promoting a process of transnational integration” (Evan 1997: 1000).

Globally Oriented Ethics

It seems to be clear that the link between the religion's ontology — its historic philosophic story (the descriptive body of events that concerned the creation of the planet and the moral directives, it means, the body of normative recommendations that apparently consisted of higher beings commands — directed at higher beings are loosening the ties that bind them together, there is a growing conviction that the moral part of religion could exist as an independent element of general human philosophy.

First, what is the meaning of “global ethics”? As it was said earlier it is quite clear that the diverse images of ethics that cur-

rently exist around the globe do not adequately explain and satisfy the existing expectations of various cultures, nations, tribes and minorities. People are crying for a new, more comprehensive religion everywhere. Moreover closer analysis shows that a new descriptive part of religion is required and a more extensive and inclusive ethics is expected. Indeed, the need for a global ethics that would encompass the whole planet is evident everywhere. So, this ethics should not necessarily be connected with a religion, which is understood as a myth or a set of various legends connected by a common thread. These new ethical needs are generated with historically unknown types of human activities and connected to various new forms of behaviour which arise because of new scientific discoveries. The abyss between those discoveries and the passive inactivity and shocking obsolescence of a new more synthetic version of normative vision of demands is growing. Historically, religious ontology was used as a “control” of a higher order: “if you are not going to behave in the prescribed way then you should expect a reprisal of a special type administered by the agents of the Most Highest.”

Second. As it was said earlier, the various sparks of newly emerging ethical rules could be summarized in the following manner:

(1) Living creatures should not be engaged in constant war, but rather should unite their potentials. Living creatures should not only apply the *golden* rule that says “do unto others as you would have them do unto you,” but a *silver* rule as well. William M. Evan says, “In a positive form, this principle is commonly formulated as “Do unto others as you would have others do unto you”; in the negative form it is, “Do not do unto others what you would not have others do unto you” (Evan 1997: 601). So this rule says, “do unto yourself as you do unto others.” Living creatures should develop the rules of reciprocity that exist in particular areas (in trade, neighbourly relationships, some professional cooperations etc.) and in a way which would be suitable for all mankind. More important, as a result of human pressures

living creatures should try to extend the rule of reciprocity to all.

(2) Not all creatures are equal in their capacities to understand the meaning and methods of mutual consolidation and alliances. Therefore, the higher (more influential) the position of the living creature on the planet is, the larger should be the scope of responsibility attached to that position. Human living creatures should not only bear the responsibility for all essential elements of the planet (its earth, water, atmosphere etc.) but also for the planet as a whole (the already-developed means of destruction give human creatures the power to destroy the whole planet). They should carry this responsibility as representatives of not just human beings but all living creatures.

(3) Thus, human beings have a duty to be the reliable sponsors⁷⁸ for all other living creatures. Since human beings thanks to the cumulative results of uncoordinated individual actions and coordinated or conflict-prone collective actions — develop the potentialities to destroy the planet's environment at any pace they are responsible for the planet's preservation. Therefore, they should use their rational capabilities to develop and implement plans and strategies to counteract the destruction of their habitat. They should remember that they do not have *any-one* to defend on (this is a positive and negative aspect of the rejection of the traditional ontological religious assumptions). The existential assumption that an individual "is alone" should be developed to state that "life on earth is alone."⁷⁹ Taking all of these elements into consideration one may go even further and say that, (4) All living creatures are responsible for the whole environment and the universe that they share. These responsibilit-

⁷⁸The idea of a "reliable sponsor" is taken from Tadeusz Kotarbiński's ethical philosophy.

⁷⁹This assumption is recognized intuitively well since people desperately expect, search and wait for some extra-terrestrial beings that may come and possibly help to solve the difficult tasks of everyday human existence and also give a *neighbourly hand* in the fight against the fear of loneliness.

ies should be assessed according to their powers of destruction and reconstruction.

Recently, the rapid and dramatic development of environmental movements has shown that human overpopulation is one of the most terrible dangers threatening the planet's survival. Human beings, the *only* creatures able to recognize the consequences of limitless population growth as well as to formulate and implement imperatives restricting such growth, are burdened with the exclusive and collective duty of sustaining life on the planet. It is not important where this idea was conceived but only that the intellectuals and scholars are mainly responsible for spreading awareness of the ramifications of the approaching disaster and if possible, undertaking appropriate measures to counteract it.⁸⁰ Human beings should also remember that their unlimited expansion ousts other living creatures from the area and thus the unrestricted development of one category of living creatures means death for another category. Again, who is to weight the advantages of the unlimited overpopulation of one living category over the total extermination of another one?

(5) Global ethics shows in an indirect way that certain ideologies or religious beliefs are outdated, having been formulated when the problem of finding a formula to and global destruction was not yet well recognized. According to global ethics, a human being should not be treated as the "lord of other living creatures" but as a cohabitant on the same planet. They should abandon the absolutist point of view according to which human beings are the highest lords and "creatures" and all other living beings have the duty to be subservient and inferior to them. Thus, human beings have a triple responsibility to protect the planet: (a) because of their ability to create the means of annihilation,

⁸⁰It is quite unfortunate that so spectacular a figure as the present Polish pope, John Paul II, does not understand the scope of this danger and subsequently aggravates it.

(b) because they are able to diagnose the present situation from a global point of view, and (c) because they are able to forecast the process of decomposition and destruction (Podgórecki 1993: 77–79). Global ethics, as it is formulated here, is more comprehensive than the one prepared by the Rev. Dr. Kung (Council for the Parliament of the World's Religions). The essential points of this document are: "1. No new global order without global ethics.... 2. A fundamental demand: Every human being must be treated humanely.... 3. Irrevocable directives. 1. Commitment to a Culture of Non-violence and Respect for Life. 2. Commitment to a Culture of Solidarity and a Just Economic Order. 3. Commitment to a Culture of Tolerance and a Life of Truthfulness. 4. Commitment to a Culture of Equal Rights and Partnership Between Men and Women. 5. A transformation of consciousness" (Quoted after Evan 1997: 604–05).

General Evan's comments on Podgórecki's formulation of global ethics are as follows:

Podgórecki's theory appears to be inspired by the ethical teachings of Buddhism, which prohibits acts of violence against all fellow human beings as well as all fellow creatures. The antidote to violence and hostility, according to Buddha, are four sublime states that can be cultivated through meditation: loving kindness, compassion, sympathy and even-mindedness (McFarlane 1986: 98). Clearly, Podgórecki's theory of global ethics, although compatible with the ethical presumptions of the World Order Models Project and the Declaration of the Parliament for the World's Religions, is more global and demanding than either of them. All three theories, however, have direct implications for a legal system of human rights and a political system of democratic governance... (Evan 1997: 606).

Third, the inner tension between the growing trend in global ethics on the one hand and the destructive powers of professional scholarship on the other one does not reveal which part of this feeble equation is going to gain the upper hand. Therefore, the survival of humankind, and consequently of all life, is

strangely balanced between the potentially negative power of truth and a visible but fragile tendency to draw human behaviour together into a global trend leading to work for the preservation of the earth. So the final answer depends on an assessment of whether some internal human powers are able to stop this farcical sorcerer's apprentice.

Apparently, the concept of the need to develop a global ethics and to relate it to the current social and political processes that pester humankind is a sort of counter balance to the possible harm that could be triggered by a teleological way of thinking (by a peculiar socio-engineering "bias"). If sociotechnics, indeed, is mainly concerned with efficiency, it may neglect the just development of the political and social fabric of society. Therefore, in order not to produce that sort of one-sided development, global ethics should function as a watch-dog, observing whether there is too much emphasis on efficiency or not.

Moreover there are now large groups of people who demand a global re-evaluation of existing global assumptions connected with the basis of society. One is linked to the problem of gender. At presently women maintain that it is necessary to rethink and re-evaluate the essential suppositions of society. Therefore the modern outburst of feminist philosophy should be regarded as the legitimate derivational and cognitive umbrella for the mainly moral global movement which demands more equality between the sexes.

The central idea of global ethics could be, in some way, summarized as follows,

Si-tien said, 'If one is so courageous enough to treat himself as a brother of a dangerous tiger Su, he is a virtuous man; if a man is modest enough to treat himself as a sister of an ant Fo, he is even more honest. But if a man considers himself less long lasting than rock Quing is completely decent.'

After this exposition of the main problems related to global ethics, let us discuss shortly the question of the nest of that eth-

ics. Generally speaking there are now three types of societies on our planet: totalitarian, developing and democratic. Since totalitarian societies produce scholars whose work is not conducive to the development of ideas about justice and truth, and since developing societies as a rule replicate the types of scholars that are generated in democratic societies, the scholars in democratic societies play a crucial and creative role. Moreover, in democratic societies scholars can be sub-categorized in many ways. Developing a statement by Nobel Prize Winner Professor Glenn Seaborg,⁸¹ scholars can be divided into three categories: members of the ultra-elite (Nobel Prize winners or especially outstanding scholars), pedestrian scholars (prosaic scholars) and auxiliary ones.

To narrow the target of inquiry even further, one could state that if the pedestrian scholars follow the patterns of the ultra-elite, and if the auxiliary scholars ape the pedestrian scholars, then the study of the members of the ultra-elite could be regarded as the most proper target concerning the whole community of scholars. Therefore, the creative ultra-elite scholars from a democratic country should be the most appropriate target of an investigation into the decisive intellectual forces determining the future of the humankind.

The above considerations make it clear that the development of the natural and social sciences as well as the humanities depends not only on individual discoveries but also on the functioning of scientific schools (which have not degenerated into a pathological scientific milieu — but on scientific schools based on terra firma. These scientific schools are especially important because they produce the bulk of the advances in the world of knowledge and the possibilities of its improvement or destruction.⁸²

⁸¹ Professor Seaborg divided scholars into Nobel Prize winners and pedestrian scholars (personal communication).

⁸² Si-tien in the following way describes requirements for a wise scholar interested in humanities. "In order to be a good scholar of human life, one has to fulfil

A scientific school with a non-institutionalized structure may furnish a theoretical framework useful in the primary assessment of an innovative idea, may serve as an appropriate forum to discuss whether a particular concept⁸³ is worth further discussion and may facilitate an investigation into the possible theoretical and practical implications of the idea in question. Thus, a scientific school could exist as mainly a pure meeting of minds, an institutionalized arrangement which allows the possibility of debate and dispute, and a floor for the final examination of certain scientific conclusions. The scientific school may have a permanent head or may have a succession of heads.⁸⁴

at least three conditions. First, to approach this matter from a distinct speciality, second to support one own final considerations by one own integrity and third, to deal with human life after a sort of an artistic revolution.”

⁸³It may be interesting to note that in Poland before the WWII, the Lwów mathematical community kept a book in which everyone who belonged to this community could write down his or her ideas. These ideas were subsequently treated as a community pool which could facilitate discussion on any given subject. The ideas recorded in this book were anonymous. Strangely enough, after the war, when some professors from this mathematics circle were moved to Wrocław, the habit persisted. Once again, everyone was entitled to record his or her idea(s), to pick an inscribed idea, comment on it, reject it or develop it. After a little elaboration, the idea could eventually resurface as the product of an individual or even an anonymous group. Later, on the basis of these processes, anyone could call a meeting to discuss the idea’s transmutations and implications.

⁸⁴If a given school decides to have a head, the power of this head should be restricted to administrative issues: it should never affect the content of disputed matters. The strong points of this type of non-institutionalized scientific school are that it is an open-minded group of specialists interested in the given subject; it is immune to any pathology connected with the potential use of intellectual or administrative power, it is based on the principle of continuation (since this school assembles a core of ideas that constitute its body and, with time, develops an intellectual memory of previous discussions and accumulated solutions and conclusions); and that no one is able to use this school as an instrument of domination. This type of scientific school also has some drawbacks, principally the fact that its structure restricts the possibility of continuous apprentice training as well as the possibility of furthering the ideas of a scholar who may be so far ahead of his colleagues that they might not see the innovative potential of

Of course, it is difficult to predict⁸⁵ what direction the future development of humankind will take. The hitherto prevailing observations of the strength and dissemination of values and strategies guiding the history of humankind do not seem to indicate that its tragic end can be avoided.

Scholars (not: judges, generals, monks, craftsmen, sorcerers, princesses, courtesans) remain the only social group which is able to develop their responsibility (actual and potential) for others. Around the world, politicians are progressively regarded as “cynical,⁸⁶ self-oriented infants,” or as priest-entrepreneurs (in concert with the rapidly progressing secularization of religion). They also lose the ground under their feet: even their executive arm — bureaucracy — is ridiculed by “Blondie” in such remote places as Papua New Guinea. Therefore, by elimination, scholars remain as the sole group which can take over the difficult task of being the collective “reliable sponsors” of ethical and practical activities.

It may seem paradoxical or even strange that suddenly scholars emerge as these people, who are morally responsible for the future of humankind and, indeed, the future of the whole world. Thus, in the final analysis, the future form of the scholar depends on three essential features: 1) the development of global ethics

his ideas. In short, this structure works against those who are either too little or too far advanced.

⁸⁵Because one cannot exclude the unpredictable influence of *sporadic events*, wars, natural catastrophes, man-made disasters — all the events which, according to Leon Petrażycki, can send the history of humankind in unforeseen directions; these events are not regulated by the “tendencies of development.”

⁸⁶A scholar and practising lawyer known, among other things, as a Polish connoisseur of European operas, may serve as an example of how expediency is sometimes more important than perfection. In the conclusion to a book she wrote (supported as publication by the American Council of Learned Societies and Foundation of Stefan Batory in London) she does not show the best of taste: “Maturity, as well as time, is required for noble wine and exquisite cheese. The same with a constitution, which matures with the awareness of those who have to create it, who are going to apply it and whom it should serve” (Łętowska 1994: 145).

as a guiding force for humankind, 2) the spirit of academia culture and the development of scientific schools,⁸⁷ and 3) on the development of the ideal model of creative scholars as heads of scientific schools.

What to do to make scholars aware of this responsibility is a subject of the separate analysis.

Conclusion

In conclusion one may say that there is a strong tendency to divorce normative body of ethics from the ontological body of present myths and legends.

It also seems to be clear that this normative body should not only express the duty of humans to humans but also these duties of humans to the whole “family” of living creatures and environment that is their frame for habitat. Paradoxically, one may even say that global ethics create a peculiar return to the basic foreboding of “primitive man.” Unamuno points this out almost poetically when he says,

Primitive man, living in society, feels himself dependent upon the mysterious forces invisibly surrounding him; he feels himself to be in social communion, not only with the beings like himself, his fellow-men, but with the whole of Nature, animate and inanimate, which simply means, in other words, that he personalizes everything. Not the images that the world, like himself, possesses consciousness also. Just as a child talks to his doll or his dog as if it understood what he was saying when he speaks to it, and that the angry storm-cloud is aware of him and desperately pushes him. For the new born mind of the primitive natural man has not yet wholly severed itself from the cords which still blind it to the womb of Nature, neither has it clearly marked out

⁸⁷ Vaclav Havel adroitly cornered scholars with a rhetorical question: “After all, who is better equipped to decide about the fate of these interconnections, who pay the greater regard to them, who take the most responsible attitude toward the world as a whole?” (Havel 1995: 37).

the boundary that separates dreaming from waking, imagination from reality (UnamuNo. 1954: 157).

Indeed, a human being needs the feeling of bonding integrated with his or her roots.

Finally, and rather unexpectedly, the model of a scholar emerges as the person who concentrates on tracing all the elements which may endanger or protect all humanity.

D. The Sociology of Humankind

Sociotechnics and global ethics, to deal adequately with the basic problems of the twentieth century needs — the sociology of humankind.

What is the meaning of this term? Is it a new concept loaded with immense but empty ambitions? Is it in fact, too vague and too intellectually “thin?”

All human behaviour depends on a broader social context, humankind being the broadest. To approach this problem one can start with an anecdote. In 1963 I went to China with a group of Polish tourists. Such a trip was very attractive because it was the first opening of the gate to the “empire of the centre.” This one-month trip was also quite expensive so the author of this book had to spend all of his royalties for the just published book (*Zjawiska prawne w opinii publicznej [Legal Phenomena in Public Opinion]*). In the heterogeneous tourist group consisting of the so called “private initiatives” (people with money got by private means — dentists, two scholars, the former owner of the pharmacy, and a person who sold all her family jewellery for this particular trip etc.) there was also one well-known, Polish scholar in the social sciences. He was curious about whether the large capital university (then called Peking University) had some of his books. He went to the index of volumes, and he inquired about

his works.⁸⁸ The clerk disappeared for a long period. When he was coming back, even from a remote distance, we could see that he was smiling broadly. The Polish scholar was very pleased he said, "Yes, they have them." When the clerk approached, he said apologetically, "I am sorry, our library does not have your books." Later it was explained that one smiles in advance to make negative information less down putting. Thus, even such an elementary behaviour like "smiling" could transmit different meanings in different cultural contexts.

One methodological remark, much more important than the story, is necessary here. If one deals with any problems in the social sciences, one is faced, in fact, with specific *entities*, not the laws. Although it might look proper to consider the laws of nature or social reality itself, one only has abstract descriptions of various beings and objects. The discernible and visible cognitive laws that describe or explain external or internal reality are only by-products of our mental analysis of various beings and objects. In reality these laws do not exist at all. Later, for the sake of cognitive accessibility and for strictly heuristic reasons, we only remember the abstract laws (or cognitive regularities). These regularities are much more conveniently "stored" (accumulated) than the knowledge about the variety of interrelations among individual subjects. These laws, with a few and sometimes invisible adjustments, can be applied to other possible categories of cases. Thus, in the process of investigation "suspending" a given subject, and its epistemological exceptional character, we "forget" about the unique nature of the matter under investigation, and we focus only on the laws that are connected with the subject. Then a peculiar epistemological phenomenon takes place: the examined subject and our attention is focused on the laws that govern its appearance; the understanding that these laws are applied to subjects of our interest, and that they should be treated as hypostases (notions that are considered as

⁸⁸The direct access to that index was not allowed.

distinct substance of reality or a non-existing phenomenon that is treated as existing); what is actually only heuristic seems to be real.

This methodological observation has a very heavy bearing on the social sciences' shape and rationale. Therefore it is always necessary to remember that the subject matter of these sciences has a special character. Thus the laws of anthropology, economy, history or sociology should be regarded as non-existing devices that serve to describe and comprehend the entities under consideration. Then, although we fill up the storage for abstract (they will be called, later, disjointed) laws, we should remember that the real targets of our investigations are oriented towards identifiable entities. We do this despite the fact that, for example, it would be difficult to jump constantly from one individual to another in psychology and that it is much more convenient, although somewhat misleading, to deal with abstract terms of general laws.

Nevertheless, in the last analysis we should be able to reach the real target of the study: the analyzed concrete entities. A similar situation exists in sociology: instead of a constant reference to the ultimate targets of the inquiry — a reference to the analyzed entities — it seems to be more heuristic to be concerned with the abstract (through hypostatic) cognitive laws. In the last resort, the sociology of humankind makes it clear that the entities which exist behind the hypostatic laws are nothing else than the real research targets. After these reservations one should always remember that cognitive limitation.

Psychological reactions are rooted in human physiology. More elementary reactions are performed and exhibited in the inner circles of small groups (family, relatives, neighbourhoods etc.). Nevertheless, many of them may subsequently be injected from the human psyche to the laboratories of larger groups. They may appear as social roles and manners, liturgical rituals and habits born inside various organizations and institutions. Similar reactions take place inside the processes of social

life. There, not only small groups mould our elemental behaviour, all possible “reference groups” implicate us into psychological prefabrication procedures. On the higher level so called “national character” puts its marks on human attitudes and reactions. Eventually, last stamp that is put on human behaviour comes from the residua of most basic humankind’s reactions. These reactions seem to be specific to the most general level of human behaviour.

If this is the case, sociology of humankind singles out and describes those reactions which appear as the most deeply rooted human behavioural reactions and attitudes: sociology of humankind deals with them and also with the phenomena called “national characters features.” Although a specific national character seems not to be pinpointed to anything existentially attached to the given society, a nation looks like a convenient analytical starting point.

It seems that “national character” is nothing else as a peculiar combination (conglomeration) of attitudes that appear in the given society as its most often behavioural triggering occurrences. It is relatively easy to label the given combination as “national character” and use it during various studies attempting to unveil the general face of humans as a whole.

Roughly speaking, one can say that the sociology of humankind rests on the top of various stages of sociological inquiries. First, these inquiries operate on the theoretical, but *disjoint level* (an explanation follows immediately); second on the level of *middle range theory* (here they can operate on: a) societal middle-range theory or on b) the supra-societal level), and finally they can operate on the *humankind* level.

Disjointed Sociology

In the case of the disjointed level of sociological theorizing, one deals with empirical facts that are explained by an inquiry that is not specifically related to the larger social system.

These empirical facts may appear in any social system and can be valid everywhere. Explanations related to them are always conditional. For example they can be invalidated by factors existing on a higher than societal level. These explanations can be applied on the given system level, always with the mental reservation that their validity is only tentative.

The frustration-aggression theory could be regarded as one example. According to the classical frustration-aggression theory “the proposition is that the occurrence of aggressive behaviour always presupposes the existence of frustration and contrives that the existence of frustration always leads to some form of aggression.” Or, more specifically, “if a barrier stands between acting subject and his or her aim, the subject would have a tendency to circumvent, remove, or otherwise master this barrier, or generally — then the subject would tend to attack this barrier; but when the barrier cannot be removed, aggression is likely to be targeted toward an innocent and more vulnerable bystander; also: a tendency to approach a positive goal increases with nearness, but only somewhat, while the tendency to retreat from a negative goal rises very steeply as this goal is approached” (Dollard *et al.* 1939: 1).

The validity of the frustration-aggression theory should also be tested in cultures that are characterized by mutually accepted friendliness: it would be interesting to see whether frustration increases with the amount of unsuccessful attempts to reach the goal and whether the aggression would be targeted toward an innocent bystander when the barrier on the road to the goal cannot be removed. This theory is formulated as it is valid in any social system.

The Festinger hypothesis of status incongruence gives another interesting example of a case taken from disjointed theory. This theory says that the discrepancy between various status indicators are regarded as a source of punishment and the removal of that discrepancy is perceived as a reward. This hypothesis also claims, among other things, that an individual who suffers be-

cause of that discrepancy in different statuses which he or she possesses would have a tendency to artificially elevate the indicators which are evaluated as low, and that an individual who does not have such a possibility would avoid the people who react disapprovingly to his or her lower indicators. This hypothesis suggests that those whose status is regarded as very high, would not attach much importance to behaviour that indicates that high status (Malewski 1964: 155–73).⁸⁹

Consequently the validity of the congruency hypothesis should be tested in societies that do not consider social status important. Apparently there are societies or sub-societies where social status is irrelevant. If such societies do indeed exist⁹⁰ then the status consistency hypothesis should be regarded as a disjoint theory that is valid only in special circumstances. However since social status usually is regarded as important in any social setting, one may assume that this hypothesis is formulated as a generally valid theory.⁹¹

It should be noted that Robert Merton is a master at putting various regularities taken from a variety of studies in order. His writings contain neat and encyclopaedic data of this type and as

⁸⁹The works of Andrzej Malewski should be regarded as one of the peak achievements of Polish sociology. It is a pity that they have to be placed on the “disjoint” level.

⁹⁰Apparently an anthropological-sociological research reveals that among millionaire seniors traditional elements of status position do not play any significant role. Those people are stratified according to the loudness of their voice, according to the nimbleness of their movements, the freshness of their memories and according to their ability to tell entertaining stories. Thus purely physiological factors enter into the scenery and they start to play the decisive role (Personal communication from Arnold M. Rose — 1965).

⁹¹One may note that all sociologies can be assessed on the basis of this scheme of development. Unfortunately the Polish sociology was unable, till now, to trespass that threshold. Nevertheless Polish sociologists are currently evaluated on the basis of their ability to say something riveting about that sociology (personal communication from the President of Polish Sociological Association — Professor Antoni Sułek).

a result they present a cry for a theory of an even higher level (Merton 1964).

The Societal Sociology

According to this author the search for a middle-level theory should not look for a theory of a higher order, in short, a meta-theory: it should instead seek a more adequate explanation.

The typical middle-level societal theory could be regarded as a theory that is generated to explain the situation inside any particular social system. Let us take, as an example, the present Polish social system. According to the theory of meta-attitudes, these meta-attitudes are shaped depending on the actual need, by the specific constellation of the following special attitudes: by the “*fiddling*” *attitude of survival* (a tendency to survive by the use of all possible [including illegal] means), *spectacular principledness* (displaying a principled attitude but mainly for show), *instrumentality* (goal-oriented behaviour), *ubiquitous insecurity* (continuous feeling of anxiety), and *all thumbs attitude* (being involved in behaviour bringing results contrary to what was expected) (Podgórecki 1994: 48–60).⁹²

⁹²This description of Polish society became very controversial. In the quasi-summary of the book edited by Krzysztof Frysztański, Gadowska writes, “In his uncommonly interesting essay, Christopher Mallet undertook a critique of the Adam Podgórecki’s book *Polish Society* [Społeczeństwo polskie] published in 1995 and it would be impossible to disagree with the majority of accusations set forth by him. Podgórecki’s book is written from a subjective point of view which the author himself does not really attempt to disguise, and it places Polish society, especially Polish sociologists, in a not too favourable light. In other words, it is a book of the “demasking” (sic!) type which arouses controversy in the academic community” (Gadowska 1996: 202–203). In his review of *Społeczeństwo polskie* (*Polish Society*), Michno writes, “According to Podgórecki, an exceptional situation took place in Poland, especially after the WWII, when Polish society underwent a process of compulsory transformation within a large experiment. Nevertheless, Polish sociologists did not exploit that unique opportunity which took place after the Stalinist period, and after it. According to Podgórecki sev-

During the totalitarian and post-totalitarian periods, the attitude of fiddling survival, instrumentality and ubiquitous insecurity had the upper hand, whereas since 1989 (and Solidarity's victory over Soviet oppression) the attitude of instrumentality seems to be dominant.

One may claim that the ground for such a societal theory was prepared by Talcott Parsons in his conceptual scheme regarding social systems but it does not seem to be correct. "No influential individual or group encouraged Parsons to give systematic attention to Durkheim, but it seems feasible to suggest that his dissatisfaction with the way in which economic theory tended to ignore questions of *order* led him in this direction" (Hamilton 1983: 61). One should rather say that Parsons was under the influence of Sorokin (Petrażycki's pupil who under his influence and the influence of German sociology started to think in social system categories) but was not willing to acknowledge it.

According to Parsons, societies should be understood as social systems. In a very general way Parsons considered a social system a unit of any organized pattern of social interactions. More specifically, according to him each social system is characterized by: 1) adaptation — pointing to resources and facilities taken from the system's external environment for their subsequent internal alteration (A); 2) goal-attainment — that points to the maintenance of the internal coherence and solidarity of the system and prepares ways to activate and control the possibilities of reaching those goals (G); 3) integration — that deals with the maintenance and coordination of sub-elements in order to keep the system relatively harmonious (I); and 4) latency — that deals with pattern-maintenance (including the supply of ideas and values) and tension-management (L).

eral reasons influenced that situation. From one side the political situation still was not conducive to such a global analysis, since Marxism-Leninism was regarded as the only valid theory, from the other side personality factors and the new models of scholars that appeared in Poland after the WWII which impeded this global analysis" (Michno, 1997: 144-45).

Thus, in short, AGIL characterizes any social system that is specific for the given social unit, and also specifies the social processes taking place inside it.

Talcott Parsons has supplied an insufficiently mature concept of society on the single-societal level and a too distant concept of society on the supra-societal level (Parsons 1967). Also he did not describe his own North American society adequately, although he was able to sketch a quite convincing model of German society.

In some way Parsonian synthesis draws on the earlier work of Ludwig von Bertalanffy on general system theories (the synthesis is in Bertalanffy 1968). He insisted on the inclusion of organismic or anti-reductionist approach as he insisted that the psychophysical apparatus should be considered anti-robotic; he insisted that an adequate general system theory must focus on things peculiar to the human species (like symbolism); he insisted on inclusion of anamorphosis [evolutionary development] and organizational laws; and he insisted that values, ethics and morals should be included in the development of an advanced general systems theory (Gray 1972: 127).

The works of Bertalanffy and, to a lesser degree, of Parsons, stressed the point that social affairs should be studied in a way that would respect the uniqueness of the social systems and give insight into processes that go inside these units, and observe their specificity. For example, Parsons tried to utilize this approach when he analyzed the authoritarian uniqueness of Prussian society.

The transformation of Polish society after 1989 may serve as an illuminating example of the specificity of a singular societal sociology. The sociological analysis of this society shows quite clearly that derivational rhetoric can be changed almost instantly.⁹³ The conversion of Marxist language and phraseology

⁹³The schizophrenia of Polish public life gave the Polish population, and officials as well, access to two languages: an official one and an unofficial one.

can occur immediately: what scholars, journalists and officials said yesterday may have an entirely different meaning tomorrow. It appears that Marxist language can be like gloves – immediately replaced by a different pair. Also, through the use of the administrative *fiat*, legal norms can be transformed into a different pattern of legal regulations. Moreover the institution of ownership, as well as organizational inter-human relations, may be altered relatively easily although, as in the Polish case, this may produce an entirely new social entity: — the *nomenclature*. What nevertheless remains relatively stable and thus appears the most promising target of humankind sociology is the phenomenon of national ethos.

Humankind Sociology

Several seemingly loosely related remarks are needed before tackling the problem of humankind sociology.

The recent rapid increase in various meta-sovereignty factors, and the fast descent of the explanation jurisdiction-approach increases the need for a study of the supra-societal *crucial axes* of social development.

Let us analyze them one after another. They are mutuality, integrity, dominance, envy,⁹⁴ fear, order and altruism.

The totalitarian and post-totalitarian periods created a suitable field for scrutinizing the dynamics of the supra-societal changes in those societies. On the basis of these observations, one may hypothesise that all members of the “family” of totalitarian societies were ruled by a strong ideological component during totalitarian and semi-totalitarian period.⁹⁵ This com-

⁹⁴It is interesting to note that it was mainly the German and Scandinavian scholars who noticed the social role of envy. They were Simmel, Scheler and Ranulf.

⁹⁵If this component erodes, then several other elements like fear, intimidation, suspicion and covered social control are at work.

ponent was able to penetrate various areas of social, economic and political life, and was able, sometimes even very deeply to transform these societies. Thus one may generalize and say that the totalitarian and post-totalitarian societies were infiltrated by a well-developed ideological component that entirely transformed them, and one can generalize that the reciprocity relationship was degenerated in totalitarian societies into the phenomenon of dirty togetherness.

If someone is interested in the operation of the social justice system in totalitarian and post-totalitarian societies, that researcher should know that all court decisions in these systems are tainted by ideological power: the decisions have to be approved or modified *a priori* according to the wish (sometimes whimsical) of the invisible ideological power centre. Sometimes that ideological centre will even send courts “instructions” on how to judge certain categories of cases or certain categories of victims, and sometimes will even evaluate the details of the merits of individual cases.

Nevertheless it is necessary to remember that a Party member or ex-Party member from these societies, when living in the liberal atmosphere of liberal societies, can understand another Party member or ex-Party member of totalitarian societies much better than members of liberal society can understand members of an ex-totalitarian society. This fact has an important bearing on all those researchers of liberal societies who would like to conduct an empirical inquiry inside ex-totalitarian societies. They would be quite easily deceived by their ex-Party partners from these societies who understand each other without words.

Humankind sociology certainly should explore more thoroughly one of the central sociological concepts: the concept of *mutuality*. Indeed, an average individual implicated in the thick web of social life is unable to deal with various situations surrounding from all angles. Since the individual knows something about one particular “corner” of social life and since, prompted by his or her creativity drive, he or she is able to produce more

than he or she needs in this area, the individual might be willing to exchange things with another needy individual. That existential situation is what starts the mutual exchange process — an exchange that is guided by the principle of subjectively evaluated values. Thus, an individual has a tendency to exchange goods or services, according to one his or her needs. That basic principle is the foundation of civil law. This makes it possible to create a societal order. This is the role of civil law, while criminal and administrative laws only have the task of building the political and social superstructures that provide the plans for all other subsidiary processes.

The reciprocity principle involved in mutuality does not operate only on the level of official law: it operates even more intensely on the level of intuitive law. This is evident in the social life of small groups and in the processes visible in the large structures of whole social systems. It was “ingenious” of totalitarianism and post-totalitarianism to introduce the phenomenon of “dirty togetherness” into Polish social life.

In dirty togetherness, elements of traditional social control assumed in small groups new traits of perverse loyalty. This loyalty is additionally cemented by family ties, mutual fiddling services, and private transactions. “These transactions open up opportunities for mutual blackmail should the partner disclose certain behaviours of the other. These ties, both manipulative and instrumental in character, serve to establish stronger links than impersonal, rational relationship and, in turn, create their own superstructure, which dominates the social system in which they prosper” (Podgórecki 1994: 51).

In the structures of whole social systems, reciprocity may also appear as a “second economy.” It has been investigated as such in the former Soviet Union, Poland, Hungary, Romania, the former Yugoslavia, Cuba, Nicaragua, China, and Angola. Some of the conclusions of this study are “...second economies can [be best] viewed in terms of economic activities which are not nationalized, not effectively subordinated to the plan, and either

officially outlawed or accorded a clearly secondary status” (Łoś 1990: 199). At the stage of post-reformist decadence, the second economy competes, or is dangerous for the very existence of the party-state economy. This eventually leads to “...the weakening of the monopolistic state, and may therefore force it to seek legitimacy in totally new ways” and “...may also provoke an introduction of a military rule..” “Eventually... the pragmatic model’s potential for maintaining order will be exhausted and the chaotic phase of decadence may spread throughout the Marxist world [written in 1987!], leaving individual nations free to decide independently on their path to recovery” (Łoś 1990: 223–24).

Although some exceptions connected with the feudal etiquette’s interrelations exist, the concept of mutuality has a fundamental position in the societal structure. Therefore this concept should be carefully scrutinized as one of the foundations of humankind sociology. The imprint of this concept is so penetrating that even the legal norm structure (in civil law) is based on the mutuality form.

All of the above-mentioned situations, I have not only tried to describe individuals in their social settings, but also tried to show that an individual surrounded by his or her social setting tries to acquire the dominant position.

Indeed, several representatives of jurisprudence propose various definitions of law and stress mutuality as its essential element, but those theoreticians are pressured by appropriate “instincts,” or forgot, or accept as a hidden assumption the concept of intuitive law. Only with that assumption can their ideas about the mutuality of law be regarded as appropriate but if they limit the understanding of law to the official law only, they err quite seriously: they forget that the official law is only part of the general law, which is protected by state force, and they omit in this way the law which constantly operates under the reciprocity principle between the partners it binds.

Since there is sufficient evidence that a human being is a *socialized animal*, and since the punishment (not so much the re-

ward) is an essential element in his or her socialization process, then the punishment should be analyzed in a more astute way. Thus the concept of punishment could be understood in at least two basic ways. One understanding is consistent with the Judaic tradition: it indicates a feeling of regret on the part of the person who is or considers himself or herself to be responsible for certain actions (the notion of guilt or sin). The second has its roots in a process of being humiliated by his or her own attitudes or behaviour (it could also have the form of a loss of honour). It is connected with the loss of "face." Anthropologists and psychologists, especially Ruth Benedict but also Piers and Singer, Ausubel and Lewis, show that an understanding of punishment plays an important role in Eastern cultures (but also in Sicily).⁹⁶ Bronisław Malinowski, in his work *Sexual Life of Trobriands*, lists in many places the following possible causes of shame in unconventional behaviour, sexual excess, lack of erotic success, incestuous dreams, poverty and hunger, indelicacy, sexual relations with someone of a lower social status, indecent behaviour, shame operating as a social restraint, and shame monitoring the social life. Sociology, as a whole, did not become a truly interdisciplinary discipline: it hardly utilizes the concepts of guilt or shame.

Totalitarian or semi-totalitarian regimes made several attempts to utilize the concept of shame. They did it by incorporating the "workers courts" into their own system of justice. These attempts were made in Soviet Union, China, Cuba, Poland and Bulgaria with varying results. The leading idea was to give the factory (or institution) the power to punish the workers in an unconventional manner (not utilizing sanctions listed in the criminal code), by using their colleagues to pressure and humiliate the culprits in front of others. In Poland after a limited period of time and after its limitations were revealed by sociolo-

⁹⁶But not George De Vos.

gical studies, this legal experiment was eventually abandoned (Podgórecki 1962: 87–105).

Nevertheless one may notice that the tendency to preserve one's *integrity* is a characteristic feature in all available, known societies. Indeed, a society tends to have a visible and recognizable centre which clarifies for its members the most significant sources of principles and orders. A society tends to keep all the disruptive tendencies which exist inside it under control; society tends to eliminate the tendencies that directly challenge its basic goals, to specify the techniques that are used to adapt its members to the roles prescribed by the society and to specify the basic standards demanded by society. Also, a society develops measures appropriate for adapting itself to its surrounding environment and, at the same time, does not allow itself to become submerged in the constantly warring elements of its surroundings. In order to achieve this, each society tries to develop personality models that identify each one of its members. The personality models not only provide each component with something that is regarded as an "indispensable self," thus something that may give them reference for loyalty, dedication and devotion but also something that distributes among the population the particular features that change that populace into a well-ordered society. This is the way societies build their identities and impose on their members the duty to maintain, respect and fight, if necessary, for the preservation of the society.

In connection with that let us note that not long ago a praiseworthy attempt to summarize the existing body of the tested empirical findings collected as an attempt to build a humankind sociology passed almost unrecognized. Bernard Berelson and Gary A. Steiner, in their unique synthesis of various empirical studies, being well aware that their study was restricted mainly to modern, Western man, concluded that the model of man's behaviour that emerges from that accumulated material indicates that such a man is "extremely good at adaptive behaviour," that this man in his quest for satisfaction appears "not just a seeker

of truth, but of deception, of himself as well as others,” that this man tends to “adjust his social perception to fit not only the objective reality but also what suits his wishes and his needs,” that this man “avoids the conflicts of issues and ideas whenever he can by changing the people around him rather than his mind,” that he “thinks that his own organization ranks higher than it actually does and that his own group agrees with him more fully than it does,” that “in the ‘strain toward consistency’ it is often reality that pays the price,” that he knows well that “not only things can be named, manipulated, studied, preserved, and communicated all without any physical contact, but things can be devised to suit occasions, thus adding innumerable (and inexpensive) opportunities for gratification as well for control,” that “in social life, the word can be applied to fit occasion more easily than occasion modified to fit the word,” that “the small group around him is often more important than the large issues involved,” and that “the individual appears less ‘on his own,’ less a creature of the natural environment, more as a creature making orders and made by others” (Berelson, Steiner 1964: 663–66).

Thus the phenomena: the tendency toward mutuality-reciprocity and toward integrity constitute the necessary factor of humankind sociology but they are not sufficient to adequately describe the shapes and internal operations of various societies.

It seems that the concept of *domination* plays the central role in a single society’s sociology and is useful to illuminate the idea of vertical intervention.

Nietzsche understood domination in the following way,

Physiologists should think before putting down the instinct of self-preservation as the cardinal instinct of an organic being. A living thing seeks above all to *discharge* its strength — life itself is *will to power*; self-preservation is only one of the indirect and most frequent *results* (Nietzsche 1996: 21).

From this point of view a family, as a basic social unit, is exceptionally interesting. It systematically provides an individual

with the necessary food and other necessities, gives that individual the possibility of satisfying his or her sexual needs, furnishes a shelter against insecurity, provides the possibility of finding psychological security. In a family, the man tends to dominate woman (or women), the woman tends to dominate the child (or children), and the older child tends to dominate the younger children. Since the family is, as a rule, carefully-structured, this dominance is more stable than in other looser social bodies. Its stability also provides the prospect of some more permanent enjoyment. In sum, the Milgram experiments show how strong the human tendency is to obey and to give orders. However family is only one field in which the processes of domination take place. Domination in various social systems is practically ubiquitous.

Milgram's experiment was instrumental in turning attention to the problem of the wide-spread dominance–obedience factor. In his experiment, 65% of naive co-operants were willing to punish those subjects who, according to co-operants, made mistakes during the learning process with 350 volt-level electric shocks (even if the majority of subjects stopped bouncing of walls, and became silent). It is worth noting that these shocks could be deadly (Milgram 1975: 35). This individually-conceived, highly imaginative series of experiments, attacked by many scholars as morally degrading, were, consequently, unusually creative. It is important to stress that Milgram started his academic career at Harvard; that he was an assistant and collaborator of Samuel Asch, an authority in conformist and anti-conformist behaviour; that Milgram's theoretical thinking was focused on the problem of the Nazi atrocities during the World War II, and that he attempted to understand those atrocities and find an answer to the nagging question of why human beings are able to behave in such an "inhuman" way. The main findings of his experiments were confirmed later in various cultures and various geographic settings (Miller 1986). In sum, the concept of domination proclaims what Michel Foucault tried to convey in a much more pre-

tentious way, in his numerous publications when he said that any new discourse always was, at the same time, another new mode of power.

A massive amount of data indicate that the notion of *envy* plays an independent role in shaping human societies. The most comprehensive study on this matter defines envy in the following way,

Envy is a drive which lies at the core of man's life as a social being, and which occurs as soon as two individuals become capable of mutual comparison. This urge to compare oneself invidiously with others can be found in some animals but in man it has acquired a special significance. Man is an envious being who, were it not for the social inhibitions aroused within the object of his envy, would have been incapable of developing the social systems to which we all belong today. If we were not constantly obliged to take account of other men's envy of the extra pleasure that accrues to us as we begin to deviate from a social norm, 'social control' could not function (Schoeck 1969: 1).

In the case of envy the important thing is that this phenomenon provides the basis for demands for equity. It was envy that pressed not so much individuals, but whole groups of people (and sometimes even whole societies) to demand equivalent status (that was also one of the main watchwords of the French Revolution).

Helmut Schoeck, in a different way than Svend Ranulf, Max Scheler or George Simmel, includes anthropological inquiries in his study. He quotes, for example, the fact that Siriono Indians in Bolivia are so cautious that, out of fear of the other's envy, they usually eat alone and at night. Even the anthropologist Allan Holmberg, while he was living with them, eventually adopted this practice (Schoeck 1966: 356).

Schoeck also stresses interesting (and somewhat paradoxical) regularity that maintains that the closer the social distance between the partners, the stronger the possibility of envy appearing between them. "Envy plays a negligible part where it is

a question of restraining a prince, a head of state or a tycoon from absurd expenditure, but it plays an important part when one among almost equals has got out of step" (Schoeck 1966: 349).

Fear also plays an important role in shaping people's social attitudes. Part I — B has clearly shown that fear is a powerful product of a well-organized totalitarian factory.⁹⁷ It subordinates masses of people in a very well controlled way.

Order is another element of human social construction. When order operates at a mutual level, it mainly takes the form of: 1) intuitive law (law based on certain types of reciprocity in rights and duties), and not official law (law which is approved by the legitimized power), in short structured according to the rules of reciprocity — or 2) dominance. Then the social order is based on the rules established by the power centre that decides what relationships which are supposed to exist in a society still are not ready to build its main edifice on an equilibrium structure.

Also, several studies point to *altruism* as an independent factor shaping the dynamics of whole societies. It is quite interesting that the illuminating studies originated by Pitirim Sorokin presently have not been resumed. He summarized one of the elements of his studies in the following way:

Of [the] several results of this census, one or two can be mentioned here. First, the extraordinary longevity and vigorous health of the saints is remarkable. In spite of [the] ascetic mode of living followed by [a] great number of saints, along with [the] unhygienic conditions and frequent physical self-torture including some 37 premature deaths of these saints through martyrdom, their average life-span turns out to be far longer than that of their contemporaries and even somewhat longer than the longevity of contemporary Americans or Europeans. Second, the proportion of women saints grows fairly steadily as we pass from the first to the twentieth century. While the proportion of saints from the royalty, the nobility, and, later on, from the bourgeoisie

⁹⁷Therefore it is not the place to present once more the mechanics and processes operating in this factory.

has been steadily decreasing, the proportion of the saints from the lower and poorer classes has been rising during the last few centuries. These changes reflect respective changes in the social organization of the Christian societies; [the] growing equalization of the status of women with that of men, [the] declining importance of royalty and aristocracy, then [the] bourgeoisie and rich strata. Finally, after the seventeenth century, “the production” of saints declines sharply and reaches almost a zero-line at the end of the nineteenth and the beginning of the twentieth century (Sorokin 1963: 282).

Recently the problem of altruism, as understood in connection with shorter work periods and as the specificity of voluntary organizations, was once more brought to academic attention. It is maintained here that in nations, schools and colleges, hospitals, various social service organizations, fraternal orders, women’s clubs, youth organizations, fast-growing environmental protection groups, animal welfare organizations, teachers (especially of student theatres), orchestras, art galleries, museums, civic associations, community development organizations, neighbourhood advisory councils, volunteer fire departments and civilian security patrols a massive voluntary (or altruistic) potential is present (Rifkin 1995: 244).

Table 1. The basic drives shaping the social behaviour of people

	Equilibrium	Domination	Subordination
Altruism		×	
Power		×	×
Envy		possible ×	×
Fear			×
Integrity	×		
Reciprocity	×		

Altruism indeed generates domination — but domination of a different type. An individual (or a group) does not dominate: a certain value (or values) does.

In the case of power, it dominates others and tends to subordinate them.

Envy in the end tends to subordinate others and, if possible, to dominate them.

Fear instilled in others dominates them.

Integrity tends to establish a certain type of equilibrium.

Reciprocity also has that design.

The above-presented table does not intend to clarify all matters connected with the basic axes of human behaviour: it only stresses the main direction of their operation.

Apparently, the intention to build a more adequate human-kind sociology transforms itself into an advanced model of a supra-societal sociology. Indeed, since the centre of observation of human affairs shifts from the individualistically perceived processes to the supra-societal factors, the more comprehensive models are very valuable.

Humankind is the final goal of all sociological inquiries: they try to find what human feature is connected with the society's specificity that generated it. One should note, at the beginning, that using such a sociology is not an easy task: one unique case in small society can always obstruct a well-developed general model. Therefore one has to acquire an enormous amount of empirical data in order to combine them together and make a suitable model.

The above-presented concepts should be regarded as basic framework for the further development of humankind sociology. Reciprocity indicates that people are able to participate fully in coherent units with other individuals and groups only when they are able to defend themselves or attack efficiently, which they can only do in a group. They are then also able to deal with tasks exceeding their individual potentials (especially when combined with the use of domination). The feeling of *integrity* gives them the guaranty that they are able to sustain their own identities and that they will be able to accumulate important resources around a clearly perceived centre. Integrity also makes it feasible for them to continue and bestows upon them the feeling of freedom (another watchword of the French Revolution). The *domination* drive gives people the push to make others undertake tasks that are beyond the power of isolated individuals (and also quite often to exploit them), and the possibility of mobilizing people to secure the resources necessary for future survival. Domination, when controlled by other feelings (and especially envy),

may transform itself into 'controlled domination.' This type of domination should be perceived as a trend to combine various societies into larger entities that dominate others and are, at the same time, controlled from the inside (by the forces that they have already absorbed). *Envy* does not allow other people to enter into areas too important to the individual self-interest and envy does control others as valuable entities. Finally *altruism* supplies the members of the given social system with supra-individual energy, freeing individuals from things that were probably superfluous.

In sum, one can say that the constation of meta-attitudes (the societal level) determines the specific position of an individual in the society, and the location of the crucial axes determines the position of the given society inside the larger community of societies (the humankind level).

Conclusions

Traditional versus current compositions of social matters

One of the most interesting conclusions of the above-presented inquiry is the outlook on nature of the social matter that one encounters in the social world. Traditionally, the social sciences dealt with the by-products of spontaneous social processes and with some prefabricated facts which have been added to their outlook during the processes of social transformations. These last data consisted mainly of material elements, technical inventions, conformistic and pathological attitudes, diversified patterns of behaviour and various binding ethoses operating in different social groupings.

Thus newly recognized social (and consequently sociological) data are composed of features of mainly teleological character; they can be easily distinguished from past compositions. This social material, as it was “manufactured” during the transformations of the twentieth century, differs from the previous material in that it is not restricted to the traditional elements, elements of feelings, sentiments, emotional attitudes and behaviour: it is also composed of some of the elements of collective schemes and strategies which have been growing in use. Thus currently this material consists mainly of goal-oriented schemes, designs, and scattered remainders of many obsolete *rational plans*. The new material is mainly characterized by elements of *teleological* nature. This thesis both develops and opposes Max Weber’s general thesis that social life is drifting toward a more refined rationality. According to the

proposed understanding of social reality, the existing trends of social life also shift towards more vicious, cruel and malevolent types of interpersonal relations.

The thesis presented here is that contemporary social facts are not only composed of material of a homogeneous type (the by-products of social processes), but claims that the contemporary social facts are made of a heterogeneous mass of by-products of multifarious teleological activities.

Moreover, the thesis developed above is that the most potent and promising sociological theories have an inherent teleological structure; and that they should be treated as the theoretical forerunners of the contemporary understanding of social facts.

The Derivational character of essential elements of contemporary social reality

However there is one more important aspect to the teleological character of social reality. This is its derivational content. Since social reality of the end of the twentieth century has a surfeit of various derivational features floating around, all of the social actors engaged in social interactions, dealing with many conflicting and discrepant points of view, face not only with social reality itself: they are also confronted with the contents of those derivations. Consequently the agents (or holders) of these points of view, independent of their status or education, have to be treated according to new canons and to be persuaded (or attempt to be persuaded) by the internal binding discussions (but not by meta-labelling). That makes the situation of the modern social actors¹ much more complex: not only do they have to design certain social activities and translate the designs of these activities into workable plans, they also face the complicated task of persuading others that their (the designers) plans are more efficient and, in some cases, even more beneficial for people who cherish the opposite point of view. Thus, the social

¹The post-modern social actors are one of their sub-categories.

actors have to deal not only with the very nature of social reality but also with meaningful proposals about how to change that reality.

The elemental triptych-character connected with looking at the celebrated social statements is another complicated feature which has to be taken into account. Thus an additional, concluding element of present social inquiry is that social reality is composed of those types of statements; one part is theoretical,² the second — usually invisible or hidden — axiomatic, and the third — pragmatic (teleological). For example, if one discusses genocide and maintains that this calamity is especially characteristic of the twentieth century, one at the same time may assert that this phenomenon possesses inside itself an open negative value judgement (or a hidden positive one, upheld by Hitler, Stalin or Pol Pot) and may discuss the measures how to prevent it; if one analyses the process of the uniformization of culture, then one accepts the assumption that this analyzed and ongoing process is negative (although, being a “patriot” of such an uniformization one can attach a positive value to it) and may discuss the measures how to prevent or strengthen it; if one contends that the process of far-reaching conformity is detrimental to the certain type of creativity, (which is, apparently, the most characteristic feature of each human being), then one accepts the preservation of values at their minimal level and may discuss strategies to maintain it; if one observes the development of man’s efficient thinking and acting according to the rules of teleological pattern without any regard for any other goals, then one may feel an urgent need to refer to global ethics as a counter-balance for this development. That elemental triptych character is clearer when the perspective of global ethics is taken into consideration and when the humankind perspective is incorporated clearly.

²Nevertheless it should be provided with the possibility of going from abstract formulation to empirical understanding. All abstract elements of social sciences should be able to be transform into an empirical statement (or statements).

To sum up, the above-presented deliberation shows that one cannot entirely tear the descriptive statements off the value assertions, thereby stressing, once again, the importance of the sociotechnical (teleological) point of view. One should also remember that the value element is composed of two essential elements: axioms (principal values) and pragmatic values (teleological values). Therefore it might be finally stated that social reality, as it is analyzed by the social sciences, deals with one basic triptych element and its three constituent components: descriptive-theoretic, value-axiological, and pragmatical-teleological.

The above-presented deliberation also shows that any sociological considerations have to be placed somewhere inside broader reflections: that the sociology of social systems has to be located somewhere inside the sociology of humankind.

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