

**MAIN APPROACHES TO THE DEFINITION OF ESSENCE OF A STATE POWER:
EVOLUTION AND CURRENT STATE**

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Abstract

The paper discusses some issues regarding the essence and nature of state power. The main theories of power are analyzed, namely: coercive, Marxist, volitional, functional, conflictological, identification of power with the state (state mechanism or apparatus). We study the evolution of these approaches in accordance with the chronology of the emergence of relevant ideas and scientific concepts in conjunction with modern problems of determining state power.

Keywords

Power – State power – Essence of a state power – Nature of a state power – Theory of power

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Introduction

The problem of power has always been the focus of attention for scientists; it is the central axis around which the entire politics revolves; it is omnipresent and permeates all structures of society, acting as its cementing element, maintaining internal organization and hierarchy of social relations. Nevertheless, science still lacks a thoroughly developed non-contradictory theory of power.

The problem is dramatized by the fact that the process of perception of the human rights idea and the rule of law is gathering pace today by the domestic legal science; it had prompted to rethinking the concept of a government power and a power in general¹.

As a result, it became necessary to designate and classify the historically established various doctrines and theories about power and to create on their basis a new approach to this concept corresponding to modern realities.

It is noteworthy that the problem of determining the legal nature and essence of a state power arised in ancient times.

So, already in the works of Aristotle, Plato, Panaitios, Polybius, Lucretius, Cicero, in their teachings on three main state forms (monarchy, aristocracy, democracy), on the development of this evolutionary chain and deviations from their "correct" forms (tyranny, oligarchy, ochlocracy) we can find the beginnings of ideas about the phenomena acting as such². Theories and concepts of defining the nature and purpose of a state power have been developed also in the doctrine of law of war and peace by H. Grotius³, the theory of state by T. Hobbes⁴, the theory of separation of powers by Ch. Montesquieu⁵, the social contract theory by J.- J. Rousseau⁶, the doctrine of law by J. Kant⁷, the philosophy of law by G. W. F. Hegel⁸, the teachings on the limits of state activity by V. Humboldt⁹, the "fight for the right" by R. Ihering¹⁰, on the social transformation of law and state L. Duguit¹¹, on the Constitution and sovereignty of a state by K. Schmitt¹², on institutional theory of public law by M. Hauriou¹³, etc.

In the twentieth and the beginning of the twenty-first century, the issue under study was further scientifically explored in the works of Russian and foreign scientists.

¹ Galina S. Belyaeva; Boris V. Makogon; Sergej N. Bezugly; Marina L. Prokhorova and Dariusz Szpoper, "Basic Ideas of State Power Limitation in Political and Legal Doctrine", *Journal of Politics and Law*, Vol: 10 num 4 (2017): 197-200.

² J. Marias, *History of Philosophy*. Courier Corporation. 2012.

³ S. Neff, *Hugo Grotius*. Cambridge University Press. 2012.

⁴ T. Hobbes, *Leviathan*, Parts I and II. Revised Edition. Broadview Press. 2010.

⁵ C. Montesquieu, *The Political Theory of Montesquieu*. CUP Archive. 1970.

⁶ C. Wraight, *Rousseau's 'The Social Contract'*. A Reader's Guide A&C Black. 2008.

⁷ I. Kant, *Groundwork of the Metaphysics of Morals: A German-English Edition*. Cambridge University Press. 2010.

⁸ G. Hegel, *Outlines of the Philosophy of Right*. Oxford University Press. 2008.

⁹ W. Humboldt, *The limits of state action*. Cambridge University Press. 1969.

¹⁰ R. Ihering, *The Struggle for Law*. Chicago: Callaghan and Company. 1915.

¹¹ L. Duguit, "The Law and the State". *Harvard Law Review* Nov. Vol: 31 num 1 (1917): 1-185.

¹² C. Schmitt, *The Concept of the Political*. Expanded University of Chicago Press. 2008.

¹³ M. Hauriou, *Precis de Droit Constitutionnel*. Paris: Librairie du Recueil Sirey. 1929.

Methods

The methodological foundations of the study should include: a system-holistic approach to legal phenomena, which allows them to be regarded as systems that have not only internal but also external relations; sociological approach to the law, its research in action, evolution (functioning); comparative legal approach involving the exchange of information at the level of world legal science and the search for new parameters comparing the phenomena of the legal reality of different countries.

Discussion and results

In order to unify ideas about the nature of power as a legal category, we must first refer to the original meaning of the word "power", what makes it possible to derive a logical definition of the term and allows us to evaluate the validity of its use in legal science. The concept of "power" can be used in several basic meanings: 1) the ability, the right and the opportunity to dispose of someone, something; to exert a decisive influence on the fate, behavior and activities of people through various means - rights, authority, will, coercion; 2) political dominance over people; 3) the system of state bodies; 4) persons and bodies vested with relevant state and administrative powers.

Analysis of the main points of view on the nature of power as a legal category in Russia and abroad allows us to identify the following main theories: the coercive theory of power; Marxist theory of power; volitional theory of power; functional theory of power; conflict theory of power; identification of power with the state (state mechanism or apparatus); theory considering power as a set of authorities. Let's consider each of them in more detail.

Essence of the *coercive theory of power* is that a state power and coercion are considered as one-order identical concepts. Systematizing the views of representatives of the coercive theory of power, it is necessary to note the following: 1) the main constitutive feature of a state power (and power in general) is the possibility of carrying out coercion unrestricted by law or otherwise legitimized; 2) a characteristic feature is the distinction between the concepts of "state power" and "state power bodies", which are a means of achieving the goals of power; 3) power is considered as a process with a unilateral direction, where a subject rules, and an object follows those rules, and therefore the issue of the relationship between a subject and an object of power is poorly developed; 4) the concept of state power is poorly developed, what is explained by the fact that in the initial period of development of this theory its representatives Boden¹⁴ and N. Machiavelli¹⁵ were in favor of unity of command, origination of a state power from the monarch, or the sovereign, etc.; subsequently, a state power system reduced to an aggregate of state bodies built on the principles of subordination.

Marxist theory of power closely adjacent to the previous one and gets its further independent development in the works of Karl Marx¹⁶, F. Engels¹⁷ and V. I. Lenin¹⁸.

¹⁴ Thomas F. X. Vacaralli, "Coronaeus and Relationship between Philosophy and Doctrine in Jean Bodin's Colloquium", *Logos: A Journal of Catholic Thought and Culture* Vol: 20 num 3 (2017): 122-146.

¹⁵ ASydney Anglo, Machiaveili. *The First Century: Studies in Enthusiasm, Hostility, and Irrelevance*. Oxford University Press. 2005.

¹⁶ P. Blackledge, *Reflections on the Marxist Theory of History*. Manchester University Press. 2006.

¹⁷ T. Carver, *Friedrich Engels: His Life and Thought* (London: Macmilan, 1989)

The main postulates of the Marxist theory of power can be summarized as follows: 1) a state power is implemented in the form of the dictatorship of the proletariat; it relies on violence and expresses the state will, under which the will of the proletariat is declared in alliance with the working peasantry; 2) a state power is defined as an “anti-legal” force, which by its nature is absolutized and cannot be limited even by law.

For a long time, *volitional theory of power* based on the teachings of M. Weber dominated in the domestic jurisprudence; according to it, a state power is a manifestation of the common will prevailing in society¹⁹.

The essence of the volitional theory of power is as follows: 1) a power is considered as a volitional relationship between the subject and the object of power; 2) the sides of the relationship about power (subjects and objects of power) are at different levels and are unequal among themselves, what excludes even the theoretical possibility of the coincidence of the subject and object of state power; 3) the main task of the authorities is to ensure the dominance of the will of the party at the highest level, while ensuring the conformity between the interests of society and the ruling elite is not considered by this concept.

The vocation of state power consists in identifying the power will of the politically dominant stratum, which directs the activities of people and controls the processes of social life.

Functional power theory based on structural functionalism of T. Parsons²⁰ became widespread in the social sciences, both in Russia and abroad.

The initial concept in this theory is the term of “function” considered in two basic meanings: as a social role, mission, or purpose of an object, and as an activity, work, or duty of the given object.

Within the framework of the functional theory of power, the concept of “function” is considered in its first meaning; therefore, the concept of power is often viewed through the prism of its general sociological features.

The functional theory of power is based on the following provisions: 1) a power as a sociological category is considered as an objectively necessary function of any collective (society, social group, state); a state power as a special function of leadership, management, coordination of volitional actions of people; 2) due to the multiplicity of approaches to the definition of a subject and object of power, the ratio of the parties in the relationship about power is not clearly expressed; 3) the functional interpretation of power implies the possibility of coincidence of a subject and an object of power at the macro level, what means the absence of domination and subordination between them in their power understanding, and presupposes the unity of goals and objectives; 4) a state power system is considered as an aggregate of state bodies separated on the basis of fulfilling various managing functions in a society.

¹⁸ G. Lukács, Lenin: A Study on the Unity of his Thought. 1970

¹⁹ J. Wolfgang Mommsen, The Political and Social Theory of Max Weber: Collected Essays. University of Chicago Press. 1992.

²⁰ F. Bourricaud, The sociology of Talcott Parsons (Chicago: University of Chicago Press, 1981).

Identification of power with the state (state mechanism or apparatus) is based on the statement of F. Engels that “society creates for itself a body to protect its common interests from internal and external attacks. This body is the state power”²¹.

From the standpoint of legal science, this approach is not entirely correct due to the following circumstances: 1) the concept of “state” is broader than “state power”, while the latter is only an institutional sign of the previous one; 2) if we compare the concepts of “state body” and “state power”, then they correlate as form and content.

Conclusions

As a result of consideration of the theories explaining the essence of power, which are the main ones, in our opinion, let us summarize:

According to all the theories presented, the essential basis of a state power and a power as a whole is the category of “subordination” of one side of the relationship concerning power to the other, namely “domination” (coercive theory); “suppression” or “appropriation of another’s will” (volitional theory); “subordination” (functional theory), etc.

The differences between these theories consist in substantiating the mechanisms for the realization of power: a) by applying violence, in which the essence of power is reduced to state coercion, and the power of authority to the power of the state coercion apparatus (coercion theory); b) by a balanced combination of methods of persuasion and coercion; c) by voluntary subordination to a state power (functional approach).

Depending on the state power exercise mechanism, theories differ in the types of correlation between a subject (active subordinating principle) and an object (passive subordinated side) of state power. The majority of theories identify the state as the subject, and the state-forming people as the object. However, this interpretation (suitable for determining the model of the relationship concerning power in general) needs to be substantially adjusted with respect to the state power, since it ultimately leads to leveling the interests of civil society and glorifying statist views. That is, with such a one-sided interpretation of the subject and object of state power, the idea of human rights cannot be realized as the highest value enshrined in the Constitution of the Russian Federation.

Very interesting is the idea on opportunity of coincidence between a subject and an object of a state power at the macro level. The analysis of this phenomenon is proposed to be considered from the standpoint of the relational approach, which defines power as a relationship between two agents, in which one of them has a determining influence on the other. A subject has the ability to embody the guiding principle of power (without reference to the nature and origin of the subject), and an object (passive agent) subordinates to it. Consequently, the same object can act as a subject and an object of a state power. When the subject and object of power coincide, subordination or obedience is built depending on the significance of an agent in each particular relation concerning authority, which can act in different roles based on the situation. Currently, there is no common understanding of state power in legal theory, but this does not mean that this concept “should be expelled from scientific discourse”²², but only that modern legal science prefers pluralism of opinions than searches for a single unified definition.

²¹ K. Marks, Engels's F. Soch (Moscu: 1957).

²² V. I. Danilenko, Modern politology vocabulary (Moscu: 2001).

And it seems, that it is this multiplicity of approaches and definitions that contributes to a more complete and comprehensive analysis of the phenomenon under consideration.

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