

# THOUGHTS ON STATE COMMUNICATION

## A BRIEF AND GENERAL OVERVIEW

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### Communication tasks of the state – theoretical establishment of principles

Researchers have not achieved a uniform definition of the notion, role, tasks and main content elements of 'state' so far. However, basically it can be stated that the appearance of the notion of the state is necessarily entailed by a higher-level organisation of living together in a society. It is clear that the state – as an independent entity – cannot be viable without the existence of subjects, i.e. citizens living in the territory of the state in question and the existence of its sovereign power above them. Thus, the state is an abstract notion; it is a "construction" of tasks existing to create rules of living together in a community, providing community functions that are created for state members in their interest.

This definition is also supported by the examination of the operating mechanisms of the state. The state is composed of citizens, optimally, the intention of the state is to represent the whole community – and based on that, to establish and maintain the system of rules and institutions, protect community member, ensure their rights both among themselves as well as people and groups outside the given state. It goes without saying that this definition would be too idyllic, the principle of the majority intention is only the product of the new age and the appearance or disappearance of the classical Greek model primarily had to ensure the possibility for ruling – privileged – social groups to exercise their power for long centuries.<sup>1</sup> However, it should be admitted, that the reason for malfunctions of the state, i.e. abuse of state power, development of distorted systems can never only be connected to the state itself but rather to individuals or groups of individuals being part of the state, having been assigned to exercise state power.

After having stated above that the state is never an "efficient" formation in itself, it should be examined how it can fulfil one of its basic tasks, namely, how it can regulate and influence life relations of members of the state to the necessary extent. With this thought we have arrived to the examination of the subject matter of the communication of the state. State norms, decisions and community policies can be ascertained successfully only if they can be delivered to addressees and they can influence life relations in question in the way it is specified in the "message". In

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<sup>1</sup> See Mezey Barna (ed.) *Magyar Alkotmánytörténet* (The History of the Hungarian Constitution), Osiris Kiadó, Budapest 2000 v. Gönczi -Horváth –Révész-Stipta-Zslinszky: *Egyetemes jogtörténet I-II* (The universal history of laws), Nemzeti Tankönyvkiadó, Budapest 2000.



consideration of the communication activity of the state, laws of mass communication<sup>2</sup> take effect, however, in a rather abstract, complex form.

It will be seen that the importance of state communication is at least as important on the area of enforcement as it is important on the area of publishing the norms, because fulfilling the norms does not take place via internal identification and conviction but as a consequence of being afraid of sanctions. Thus, the task of state communication is double-fold: it transmits some intention and at the same time, it also shows what sanctions can be expected by those that violate the rules. This has to maintain the order, the rules of living together, or, finally, the state itself. It goes without saying that the communication functions of the state cannot be limited to such areas, such functions can appear in innumerable other areas as well. The modern state fulfils important requirements emerged from public wealth, welfare and well-being, their implementation, accomplishment cannot be imagined without the correct usage of communication channels.

In this paper the author would only like to survey the most important communication channels of the State, rule of law (or *Rechtstaat*), by underlining some of their peculiarities and presenting their effect mechanism as well as their implementation areas. When examining such areas, the general model of communication flow is set out within the text.

### **The legal system as a communication channel – a general overview**

The primary area of state functioning is the totality of rules accurately defining life conditions, rights and liabilities of individuals and companies, moreover, the state itself carries a kind of a message and in addition to each legal regulation, this legal system is completely affected by a uniform, comprehensive system of basic views (e.g.: principles of the constitution).<sup>3</sup> The legal system imperatively prescribes methods of behaviour in some areas and it allows methods of behaviour in a dispositive way in other areas, thus, it establishes the frames of social living together. In the sense of communication this means that the state "communicates" its members<sup>4</sup> which forms of behaviour are allowed and which ones are sanctioned or prohibited by the state via its public power.

It is worth mentioning that the current legal system of a state in question – which is a constantly changing, dynamical medium – always reflects a certain political attitude to some extent, which is defined by the governing political group at that given time. Beyond, the legal system as a communication channel is not merely a "one-way street" from the state to the individual but it also provides members of the state with the opportunity to communicate with the state. What do I mean by this statement that can be interpreted with difficulties at first? A modern state's system may not function in an

<sup>2</sup> See: Griffin, Em: *Bevezetés a kommunikációs elméletbe*, (Introduction to Communication Theory), part IV. Harmath Kiadó, Budapest 2001.

<sup>3</sup> The so-called theory of Sólyom László, the „invisible constitution” is built on this logic as well.

<sup>4</sup> The present study intentionally does not use the term "citizen" because in the modern state, especially in the European Union, there are not only citizens but there are economic companies and other entities getting relevant focus from the side of the state and state communication, as well

omnipotent way. Due to the filtration of its malfunctions the state does not consider itself as a formation standing above the subjects but as an equal-rank partner. In this spirit, the state limits the area of movement not only for addressees or beneficiaries of norms but also for itself, it stipulates where, at what depth and in what way it can intervene into state interests and for the public's sake. It is under the aegis of the above mentioned sequence of thoughts that became possible for the state to undertake financial liability in certain legal relations, that the state can be brought into court and, where the state should avoid of its liabilities obligations, or should exceed its competence, for instance by means of paying compensation for damages to the individual/special entities.

### **The public administration as the primary form of state communication**

In general, it can be stated that the existence of public administration, successful or not, the malfunction character of its functioning is definitive. Public administration is nothing but the primary contact surface between the state power and citizens of the state, the daily-level appearance of the executive power therefore, its professional and smooth functioning is extremely important. It goes without saying that the public administration organisation of a state in question cannot be interpreted by taking it off from the societal system and then by illustrating it;

The state system of public administration is the form of communication channels having developed much earlier and it had been generated earlier compared to when the currently known legal systems were established. Public administration or, the executive power in other words, is the primary platform of interactions between the state and its members. It is very important to remark that also citizens work in public administration but the position of the private individual and the position of the officer representing the intention of the public power are remarkably separated<sup>5</sup>.

Public administration operates based on criteria specified in legal statutes, however, it exceeds them in most cases. The system of public administration provides the state and its members with the primary communication platform and this communication channel is more bilateral than the legal system in itself, presented above. On the other hand, public administration actually realises the everyday state functioning and it also fulfils supervisory and co-ordinating tasks. It is important, though, that the quality of public administration includes significant pieces of information which allow for us also to draw accurate conclusions on the totality of the state's functioning. The fast and accurate administration as well as the functioning compliant to the legal regulations are the indispensable conditions of the modern state aiming to achieve success and societal benefits. The question of corruption within the system of organisation accurately reflects the power of the state and the condition of its public relations. The condition of the state can be measured via the actual functioning of public administration from many aspects. To what extent does the administration serve the interests of citizens, to

<sup>5</sup> The Constitutional Court also covered the collision questions of protecting the private individual's personal rights and judging on the merits the activities of public actors: See: Decision 36/1994 (IV 24) of the Constitutional Court

what extent is it autotelic and to what extent does it actually ensure the achievement of the goals of the state and the community in question?

In addition to the classical state administration areas, the law enforcement organisations and agencies possessing the assets of public power also play an important part, just like the organisation system of prosecution and court systems. The appearance and ever extensive development of modern media are the necessary catalysers of the above processes, in addition to the active activity of certain right-protecting organisations, initiating trial processes, which widen the communication platform further among the actors. Trends, intentions of our era show that communication channels between the state and the public will be further widened in the future, the information society vindicates the right to get acquainted with the functioning of the public administration.<sup>6</sup>

### PR as the targeted communication of the state

There are only a few communication areas which would divide experts and politicians to such an extent as the question of the state PR.<sup>7</sup> The task of state PR is double: providing information and raising the interest on the first hand, and presentation of the current condition of the state on the other hand. Regarding the direction of PR, there are several different areas: internal communication is aimed at members of the state and external communication aimed at other states, foreign investors, other stakeholders, etc. It also has multiple tools: whether these are targeted, so-called "traditional" PR tools (announcements, advertisements) but it can be realised via codification (granting tax allowances to foreign investors), moreover, via individual decisions (e.g.: efficient actions against criminals).

Symbolic decisions, communication actions (that often appear as non-verbal) may be under-evaluated and are not so spectacular but they have at least important effects. The actions of the state are not directly governed by PR considerations but almost all actions of the state have a certain PR context. It is just one reason why this activity continuously constitutes the subject matter of debates and is targeted. The competitive political battles naturally involve that parties participating in the battle have different views on the situation, condition of the state, moreover, they want to make them see differently by citizens entitled to participate in elections. The state PR – that is indispensable otherwise from the aspects of economic policy and societal organisation – is often accused of being only an activity that serves the interests of the political grouping standing on top of the state priorities. State PR, however, is much more than that: when examining its communication reflection, it can be said that it also means a kind of feedback, an orientation on what status the implementation of the set targets is in, in what condition the totality of the state is, moreover, the announcement and making the newly set targets of the state acknowledged also belong to this scope. The

<sup>6</sup> Such flows widen the frames of political publicness and allow that it should be known. See: Halmai Gábor: *Kommunikációs Jogok* (Communication Rights, pp. 26-37), Új Mandátum könyvkiadó, Budapest, 2002.

<sup>7</sup> At the start of the 1990's it was one reason why the establishment of an independent media structure was targeted. See: Decision 37/1992 (IV 10) of the Constitutional Court

necessity of the development of state PR was a direct consequence of the appearance of mass communication tools and their wide spread.<sup>8</sup> Before, decisions of the state could not be questioned and could not be acknowledged in public, however, owing to the development of mass media, they became the subject matters of debates and evaluation for everyday people as well. Thus, the state itself entered into a competitive situation where "it was compelled to" interpret its own actions, functioning because if the state neglected this, it was done by others instead of the state. In sum, the state PR completely fulfils its role if it is able to create an authentic image for the addressee or the beneficiary of the message either on the totality of the country or on a given question by providing correct information. It goes without saying that, as with the judgement of all kinds of communication actions, it brings subjective elements in itself but on the whole, it is not misleading information that is based on facts, the conscious building of the character of a community is a useful and positive activity both internally and externally.

### Public service media as indirect communication channel of the state

In a modern legal state media enjoys appropriate autonomy.<sup>9</sup> Might the state support its functioning (state television and radio channels), however, it is independent on the current players that exercise state power. In our country it is realised in a way that public service broadcasting providers operate under societal supervision via the media advisory boards operated by various political parties and civil organizations. This organisational structure is the necessary companion of the democratic development of the state where activities of the state can be evaluated and judged, by fulfilling a sort of control function. It is not by chance that certain experts consider the media as the fourth, separated branch of the power.

The area is so autonomous that the state does not vindicate the right to itself to exactly define the notion of public service character; it only refers to its content (at least in Hungary).<sup>10</sup> Regarding its content, the valid Hungarian law on media provides the opportunity to any broadcasting service provider to undertake the criteria of public service medium (however, it must be admitted, that at this time it will not be called public service broadcasting provider but it will be called public broadcasting provider). The aspect is not unimportant regarding that such broadcasting providers are exempt of the broadcasting service fee payable to the state. Why can a structure like this one that is independent of the state be called a certain kind of communication channel? It

<sup>8</sup> The interesting aspect of these flows are examined by Császai Lajos: in his study entitled: "A rituális kommunikáció neodurkheimi elmélete és a média" (The Neodurkheim theory of Ritual communication and the media) In: *Szociológiai Szemle* 2001/2 pp. 3-15

<sup>9</sup> On this scope of questions, in summarising character, see: Sári János: *Alapjogok* (Fundamental rights), chapter 11, Osiris Kiadó, Budapest, 2000.

<sup>10</sup> Terestyéni Tamás defined also the content element as the primary criterion of public services (however, he defined the financing questions as the opposite. See Terestyéni Tamás: *A közszolgáltatás értelmezése a tudományos kutatás szemszögéből* (Interpretation of public service character from the aspect of scientific research). [online] [http://www.akti.hu/tanulmany/dok/terestyeni\\_02.doc](http://www.akti.hu/tanulmany/dok/terestyeni_02.doc)  
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can be admitted that in this area the state can only play a topic-providing, co-ordinating role and it is achieved by defining the notion of the public service programme. such programmes are therefore: programmes serving the listeners', viewers' information-acquiring, cultural, citizenship needs, their needs in the way of living broadcast in the receiving zone of the broadcasting provider (country-wide, regional, local) such programmes are broadcasting universal, Hungarian culture and that of national and ethnic minorities living in Hungary, culture of minorities in the form of information, with educational, training purposes, information on scientific activities and results, programmes serving the implementation of the freedom of religion and programmes presenting the activities of churches and religious life, programmes for children and the youth, programmes assisting the everyday life, the information-acquisition of citizens in the areas of law and public life and programmes providing news services.

It can be clearly seen that these areas do not constitute the world of the "classical" profit-oriented commercial media. Why do we need a strong public service medium? Why does the state prefer it and what is its message? Nowadays, the competition situation has become sharper among both the commercial players and competitive political forces which puts serious challenges to the media and within that, the public service content providing. It is an important question that in our faster world where values and media-based preferences have changed and are being changed so heavily, the state shall establish and maintain legal institutions, which are of static character, which transmit constant and general values, which can operate independently of the influences of both the market and politics. In this dynamical medium that changes day by day, the original intention of the legislator can be preserved and implemented only via accurate and detailed legal regulations and the consequential application of the laws.<sup>11</sup>

It can be seen from the list of examples that this channel (and that is why this study uses this indirect notion) does not transmit the actual message but it transmits the principles to the receiving party. The task of programmes with public service topics is to deepen the legal conscience of the citizens via broadcasting consciously selected and defined values. It is well-known that the freedom of communication is also one of our constitutional basic rights but both the individual and the state must not forget the following: „The freedom of communication – should it be our important right – is not absolute”.<sup>12</sup>

But what are these principles actually, and where can they be found? The fundamental principles of the Hungarian public media services are determined in Act CLXXXV of 2010 on Media Services and Mass Media (hereinafter: Media Act). Another important source is the Code of Public Media Service (hereinafter: Code). This document is not a source of law, it is a fundamental guide to refine and explain the features and objectives defined in the Media Act. As the Media Act, also the Code

<sup>11</sup> An example can be the requirement of the balanced service where the rules are so strict that it was attacked (true, only partly) in front of the Constitutional Court, see: Decision 1/2007 (I 18) of the Constitutional Court

<sup>12</sup> See Halmi Gábor: *Kommunikációs Jogok* (Communication rights, p. 99), Új Mandátum könyvkiadó, Budapest, 2002.

determines and describes the fundamental principles and explains them in details. Let's take a quick look at the actual principles:<sup>13</sup>

- ❖ The fundamental principles of independence from political parties and political organizations.
- ❖ The principles regarding diversity, objectivity and balanced nature of news and timely, current political programmes, the presentation of disputed issues and the diversity of opinions and views.
- ❖ The criteria for supporting and sustaining the mother-tongue culture.
- ❖ The principles of presenting the culture and life of national and ethnic minorities in Hungary.
- ❖ The principles of presenting cultural, scientific, ideological and religious diversity.
- ❖ The principles of performing tasks with regard to the protection of minors.
- ❖ Tasks in the field of education.
- ❖ Tasks in the field of the coverage of sports.
- ❖ The respect for personal and human rights.
- ❖ Programming principles related to people with disabilities.
- ❖ The promotion of environmental and health consciousness.
- ❖ Provision of regional and local content.
- ❖ The principles of keeping members of the Hungarian nation living outside its borders appropriately informed and also of providing appropriate information about them.
- ❖ The principles relating to the extent and guarantees of the autonomy and responsibility of producers and programmers employed by the public media service system and to the guarantees of their participation in defining the principles of programme production, ordering and editing.
- ❖ The principles of formulating basic rules of conflicts of interest, other than those provided for by law, applying to staff members, with special regard to those employed in relation to news and political programmes.
- ❖ The principles relating to ethical norms governing the broadcasting of commercial communications and advertising activities.
- ❖ The principles of publishing public service announcements and political advertisements.
- ❖ Communications with viewers and listeners.

## Summary

The study has sought to present the communication tools and general communication considerations of the state in an exemplificative basis. The selection of the systemising principle and the direction of the examination have been subjective, of course, the selected structures based on their communicative function and not on their primary content. It goes without saying that each topic could be explored in details via dozens of exciting and analytical studies but neither the objective nor the task of this writing was that. Media science, the examination of its legal regulation and the examination of

<sup>13</sup> Based on the listing in the Code of Public Media Service 15-27.

its implementation in the society are interesting and challenging tasks at the same time. This dynamical and constantly – ever accelerating – changing medium hides several problems and opportunities. Our contemporary world becomes more and more complex as time goes by, sometimes it is impossible to follow it, although, it can be learnt better owing to the perfection of informational society and communication can provide indispensable and inestimable help to that, which is one of the sciences that develop in a very the fast way.