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NATIONAL SECURITY AND STATE SECURITY (REMINISCENCES)

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State security and homeland security are concepts that frequently appear in academic studies and are permanently enshrined in law. They are sometimes even treated as synonyms, despite sharing only a single element, that of security. Are they really identical concepts? Do they have relations indicating interpretative differences? Is there something common to these expressions that link them in their content? These are the questions that determined the formulation of the statements presented in this article, which reviews the standpoints of recognised Polish scholars, being supplemented by the author's comments. The considerations presented in this paper are aimed at identifying similarities and differences in the interpretation of the concepts in question. The results of the presented investigations point to significant interpretational differences and similarities proving the possibility of interchangeable application on the grounds of law, not so much science. The presented deliberations indicate that the provisions of the law imposing on the state as a political organisation emphasise the necessity of taking utmost care of counteracting and eliminating the effects of symptoms, threats, and extraordinary events, detrimental to common goods. This is related to the activity of obtaining those assets only when it is certain that it is not under threat. This activity is related to the use of the forces and means at the disposal of the state only on the basis and within the limits of universally applicable law, both with the whole and in conditions threatening the security of individual citizens and local communities when the circumstances are beyond their capabilities. The considerations presented further indicate that the interpretative doubts are rooted in the lack of an unambiguous definition of security commonly accepted by specialists in various fields and scientific disciplines. After all, how can concepts that have their tight links with such a condition be explained without it? And such, for all those dealing with theory and practice related to a particular form of security, are the terms 'national security' and the closely related 'homeland security'.

Keywords: security, threat, state, nation, national security, state security.

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НАЦІОНАЛЬНА БЕЗПЕКА ТА БЕЗПЕКА ДЕРЖАВИ (РЕМІНІСЦЕНЦІЇ)

Державна безпека і національна безпека – поняття, які часто з'являються в наукових дослідженнях і постійно закріплені в правовому обігу. Іноді до них навіть ставляться як до синонімів, хоча вони пов'язані лише фрагментом, що ϵ безпекою. Чи дійсно ці поняття ідентичні? Чи існують між ними відносини, що вказують на відмінності в тлумаченні? Чи є щось спільне для цих понять, що у них спільного? Саме ці питання визначали формулу висловлювань, представлених у цій статті, в яких розглядалися позиції відомих польських вчених, доповнені їх власними коментарями. Міркування, представлені в цій роботі, спрямовані на виділення подібностей і відмінностей в трактуванні розглянутих понять. Результати представлених досліджень свідчать про суттєві відмінності в тлумаченні та подібності, що доводять можливість взаємозамінного застосування на основі не стільки науки, скільки правових положень. Представлені міркування свідчать про те, що правові норми, покладені на державу як політичну організацію, підкреслюють необхідність подбати про протидію і усунення наслідків симптомів, загроз, надзвичайних подій, згубних для суспільних благ. Це пов'язано з діяльністю з отримання цих товарів тільки тоді, коли ϵ впевненість у відсутності загрози. Ця діяльність пов'язана з використанням наявних у держави сил і ресурсів тільки на підставі і в межах загальновживаного законодавства, як по відношенню до цілого, так і в умовах, що загрожують безпеці окремих громадян і місцевих громад, коли обставини перевищують їхні можливості. Представлені міркування також свідчать про те, що сумніви в інтерпретації мають своє джерело у відсутності однозначного визначення безпеки, загальноприйнятого фахівцями з різних областей і наукових дисциплін. Адже як пояснити поняття, які мають з ним тісні зв'язки, не виконавши цієї умови? І такими для всіх, хто має справу з теорією і практикою, пов'язаними з особливою формою безпеки, ϵ терміни "національна безпека" і тісно пов'язана з нею "безпека держави".

Ключові слова: безпека, загроза, держава, нація, національна безпека, безпека держави.

Introduction

Security, in particular, is nowadays a widely used concept, as it aptly expresses assured trust, a term which it is not feasible to explain in a universally accepted way. This is a consequence of the fact that it is of a general nature with a wide range of meanings, " branch-wise" interpreter [1; 2; 3]. There is even more. It is interpreted ambiguously, multi-levelly and multisubjectively [4; 5], as it is related to various problems remaining in the sphere of interest of many scientific disciplines. There is no doubt that identifying the scope of this concept in selected aspects leads to the impossibility of reaching agreement and working out a universal definition by representatives of the mentioned disciplines. This is influenced by the perception of ever appearing new aspects of security, which leads to the multiplication of spheres of consideration of the issue. This is, on the one hand, a good thing, but on the other hand, "their separation makes it easier for authors to move within the narrow sphere of their own interests, while at the same time resulting in a loss of contact with other areas of this problematic" [6; 7]. This results in the fact that for many years, there has been a continuous "lack of universally accepted definitions concerning the sphere of safety. This state of affairs causes different entities to approach this topic in a selective manner (selectively). Security is perceived and interpreted differently by lawyers, (...) soldiers and officers of institutions responsible for safety, even citizens" [8].

There is no doubt, however, that "security is subject to the laws of movement of social systems and as such shall be considered in a dynamic manner. The dynamism of the category of safety is naturally associated with the variability of environmental conditions, civilisational progress and the spheres and scope of needs of individual entities" [9].

Having acknowledged that security is currently the foundation of every human activity [10] and without attempting to hierarchise scientific disciplines in the context of addressing security, it is difficult not to agree that, given the issues of the practical dimension of safety, it is primarily lawyers who ought to be expected to provide an unambiguous-sounding definition of Unfortunately, on the ground of law no uniform definition of security has been worked out [11; 12], which seems at least strange in the circumstances of the proliferation of regulations in which this concept appears in different contexts.

It can nevertheless be defined using a number of criteria, the most common of which are: need, value, good, standard of living, substitute for happiness, awareness, state, process and phenomenon. From a scientific point of view, which simultaneously has great practical value, security can be understood as a purposeful, complex and organised conduct

characterised by the introduction of successive and causally related specific changes, manifested by an acceptable level of protection of health and life of people and goods necessary for their existence [13].

National security and state security - similarities and differences

The circumstances presented so far result in the terms 'state security' and 'national security' unfortunately being treated as identical in the academic literature and in the legislation. At the same time, it needs to be indicated that these terms have always been imprecise and confusing. Therefore, as many authors exist, that many definitions and terms have been developed [14; 15].

Let us have a look now at some representative stances on the perception of national security and homeland security in order to provide a conclusion based on them.

As noted by Ryszard Zięba, national security expresses the ability of the state and its society to ensure the conditions of its existence and development, territorial integrity, political independence, internal stability and quality of life [16; 17].

On the other hand, Stanisław Dworecki defines national security as "such a real state of internal stability and sovereignty, which reflects the absence or presence of any threats (in the sense of satisfying the basic existential and behavioural needs of society and treating the country as a sovereign entity in international relations)" [18].

National security is perceived slightly differently by Waldemar Kitler, who believes that it constitutes "an overriding value among other national goals (...); it concerns national assets measured in terms of: vital interests (...); strategic and humanitarian interests (...); it determines the level of freedom in achieving these goals (...)" [19]. It should also be noted that Waldemar Kitler defines national security as a process encompassing multiple "endeavours in the area of international and internal relations, as well as protective and defensive undertakings (in the broad sense of the word) aimed at creating favourable conditions for the functioning of the state in the international and internal arena and at countering challenges and threats to national security" [20]. These words are complemented by the statement that national security "is ensured by taking a variety of measures that guarantee sustainable, undisturbed national existence and development (state), including the defence of the state as a political institution and the protection of individuals and society as a whole, as well as their goods and the environment from threats that significantly restrict its functioning or harm goods subject to special protection" [21].

The concept of homeland security is defined in an almost similar or identical manner to national security. Many scientific studies indicate that state security "is an element of its existence and development determined by the ratio of the defence potential to the scale of threats" [22] or "a state giving rise to a sense of the nation's ability to develop resulting from the absence of external and internal threats, as well as the ability to defend against these dangers" [23] and also "a state obtained as a result of organised defence and protection against external and internal hazards defined by the ratio of defence potential to the scale of threats" [24].

The above-mentioned definitions of state security emphasise its rank, regarding it as the supreme social benefit [25; 26].

Although national security and state security are variously defined, the common phrases linking them and explaining the concept are those used in diverse forms and referring mainly to "the absence of threats" or "protection (defence) against risks", "the condition for the continuation and development of the state" and "the feeling (state) of not being threatened". Many academic studies note the identification of the concept of 'state security' with the concept of 'national security'. This is because "there is little (...) chance of eliminating one of these terms, as they are ingrained in our terminology and commonly used (...). Obviously, national security, according to generally accepted principles, understood broadly as a situation achieved as a result of appropriately organised defence and protection against all hazards (...), using forces and means from various areas of state activity" [27].

The considerations of state safety so far allow us to claim that "(...) one of the main tasks of every country, (...) is to guarantee the security of the nation, the right to live in peace, sovereignty, independence and territorial inviolability of the homeland. In the implementation of this task, the defence function of the state (...) based on its moral, economic and military potential is expressed. The content of this function is defence, i.e. the state's ability to resist the most dangerous threats, which are war hazards" [28].

It can be concluded that "homeland security" ("national security"), despite identifying differences, is usually referred to as: "a sense of security", "the absence of threats", "protection from dangers", "a dimension of existence and development" and also "a sense of identity, partnership in the international environment".

The discourses presented so far point to the interconnectedness of the nation and the state. All the more so since the supreme sovereign in a democratic state is the nation and to it belongs the highest level of power, which is expressed in universal suffrage as a consequence of the evaluation of the actions of the political authorities. It is important, however, that today the classical understanding of a nation as a body of people speaking one language and inhabiting a legally defined territory, bound by a common past and culture, sharing common political and economic

interests [28] does not correspond to reality. There are many arguments that the matter of place of residence is secondary and the primary criteria are a sense of ethnic affinity, a common language and culture, traditions and sometimes religion.

And here the obvious question arises: what is a state? The answer does not seem to be complicated, as a state is nothing more than a political organisation covering a specific territory with its population, possessing sovereign authority [30]. What is important in this context is that belonging to a state is of a coercive nature and is formalised by the institution of citizenship, which can be acquired by being born of parents who are citizens of a given state or by being born in the territory of a given country. It is associated with the necessity of its citizens to accept the legal rules in force and sanctions and the possibility to enforce compliance with the law in accordance with the legal order in force in a given state [31; 32; 33]. It should also be emphasised that the country is equipped with "attributes of supreme power in order to protect from external and internal perils the order, providing the community inhabiting its territory, consisting of interdependent groups with differentiated interests, with conditions of existence favourable to the strength of their economic position and political influence" [34].

At this point, it can be indicated that 'all the factors mentioned are subject to historical changes, both in terms of its power, which evolves from monarchy, through aristocracy - oligarchy to democracy. Also, the territory often changes as a result of wars and treaties. Similarly, society is also subject to these changes, which can move from one state to another as a result of voluntary or imposed arrangements (...). All causal factors are ultimately attributed to the goal of the state, which is the good of its citizens and the security of their life activities" [35].

It is now time to move on to a consideration of state security. It remains closely tied to national security. Why? The answer is simple? Well, security in collective terms is most effectively pursued by the state, because it plays a special role in the struggle for security [36; 37], which reflect the purpose and function of the state [38]. Detailing these words, it must be observed that "an obligation is imposed on the state to ensure security in the broadest sense, including by protecting and defending the population against potential as well as existing threats that arise as a result of civilisational development, social conflicts, technological progress or the destructive action of natural forces" [39].

These state responsibilities are closely linked to the objectives of the state's functioning, which include in particular:

 survival: of the state as an organisation, of the nation and of the physical citizens;

- territorial integrity;
- political independence and freedom of action;
- quality of life for citizens;
- creation of the basis for prosperity and development in all possible spheres of state functioning.

The state, in its concern for its own security, "determines a set of internal values that it believes should be protected from dangers, and adopts a corresponding set of measures to secure these values against all kinds of threats. The measures of national security policy are varied, depending on the nature, magnitude and strength of the hazards to such values considered important for the survival and development of the state. These can be undertakings carried out as part of the internal function of the country, such as strengthening its military and economic prowess, optimising the socio-political system and political stability, as well as measures carried out as part of the external (international) function." [40].

Numerous scientific studies indicate that the security of the country "is an element of its existence and development defined by the ratio of the defence potential to the scale of threats" [41] lub "stan wywołujący poczucie możliwości rozwoju narodu wynikający z braku zagrożenia zewnętrznego i wewnętrznego, jak też możliwości obrony przed tymi zagrożeniami" [42] or "a state giving rise to a feeling of the nation's ability to develop resulting from the absence of external and internal threats, as well as the possibility of defending against these hazards" [43].

Security refers to the country as a public category and has to do with the situation in the area defined by the state borders, allowing for the proper and safe functioning of state facilities and people living on that territory [44]. It ought to be perceived as a continuous process, undergoing changes in both scope and quality. From the point of view of the issue under discussion, it is most adequate to regard national safety as a condition obtained as a result of organised defence and protection against external and internal threats, defined by the ratio of defence potential to the scale of threats [45].

However one considers the security of the country, it seems reasonable to emphasise that it has to be approached through the prism of national interest, since "regardless of the era and system, two primary motives govern the behaviour of the state in the international arena, which reflect fundamental national interests. The first is the will to survive, i.e. to preserve one's own existence and - to varying degrees - one's own identity, which, in relation to a nation formed into a state, means safeguarding its sovereignty and territorial integrity, and nowadays also increasingly often the political and socioeconomic system and, to some extent at least, civilisational values" [46].

The doctrine of law distinguishes separately the concepts of security of the state and national security

[47], which allows the conclusion that the reason for such a status quo can only be linguistic differentiation [48]. This is all the more important as "the nation is identified (...) with the state organisation established by it (...) and the protected values include not only the country as a ruler political institution, but also the nation with its culture and identity [49]. Securing national interests is identified as the main goal and motive of state actions [50]. The context is relations with other states [51]. The indicated categorisation ought not to give the impression that the individual types of safety can be considered in isolation from each other" [52].

However one would analyse national security, it is necessary to emphasise that it is "the most important value [53], a national need and a priority goal of the activity of the state, individuals and social groups" [54]. It has a primary connection with the existential needs and interests of individuals and communities [55], "which created the state in order to ensure their security. Ensuring the safety of the state and its citizens is among the vital national interests of the Republic of Poland. National security expresses the ability of the country and its society to guarantee the conditions of its existence and development, territorial integrity, political independence, internal stability and quality of life for citizens" [56].

Conclusions

Security of the state (national security), despite the identifying differences that appear, is usually defined as: the absence of threats or protection and defence against dangers [57]. Thus, in a changing "environment, safety should encompass all aspects, not only the narrowly understood military threats shaping the national security paradigm in the understanding of country security" [58]. National security is "the most important value [59; 60; 61], the national needs and priority goals of state's operation for individuals and social groups" [62]. It derives from the category of existential needs and interests of individuals and communities that created the state in order to ensure their safety [63]. Homeland security, on the other hand, is nothing else than an objectively understood internal and external process connected with the unthreatened functioning of what the state constitutes at a given time, in all spheres of its operation as an organisation [64]. It can also be concluded that, from a practical point of view, the terms "national security" and "state security" are used interchangeably and seen as identical, which has both historical and legal foundations [65]. In this light, it must be noted, following Mieczyslaw Malec, that: "(...) the concept of national security can only be considered in the context of political power, and this in turn is most often treated as the state" [66].

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