

## Asymmetric Democracy and Governing

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### Abstract

Democracy is defined in countless ways. It is, however, certain that it has primarily a political definition, democracy being understood as a type of organization of a political system according to which the political legitimacy of government and, implicitly, the rule of government is achieved by political actors who have come to power on the basis of an expression of the will of the population through elections in which several political forces competed. But the democratic political system can work only through the social institutions and the actions of the actors in these institutions, which implies that any political system functions only in a social frame characterized by a certain political culture. The political values that characterize this cultural framework are central to it. In this article I will show that the political system in Romania is of asymmetric type. In other words, there is a major difference between the political and legislative dimension of the way in which democracy is defined and politically established in Romania and the social dimension of the political mechanism based on an institutional framework which is deficient in terms of democratic values. I will show that there is a major asymmetry between the legally defined political institutions and the social institutions through which they can function. This deficit is the major reason for much of the governance problems in Romania.

### Introduction

The analysis of the quality of democracy in a state usually takes into account the way in which the political institutions of that society are defined and function. As a rule, two basic dimensions are taken into account. Firstly, the law-making framework allowing the legal operation of the political institutions specific to a democratic system, and secondly the quality of the operation of these institutions. We can, for instance,

have a legal framework that allows for multi-party system and democratic elections, but still, due to the functioning of the political mechanism, new political forces find it almost impossible to accede to power or the elections are likely to be subject to serious fraud or the results may be subject to non-democratic influence. Generally, the issue of reforming political and administrative organizations – permanently present on our political agenda – was based, on the one hand, on the diagnosis of their functioning and, on the other, on attempts to change the legal framework underlying them.

The most important measures were related to the electoral system, where extensive debates on the list and uninominal systems has determined a change of the voting system twice. First, we experienced the uninominal system that was used for two mandates (2008-2016), after which it was abandoned, Romania returning to the list system. Yet, another concern was the permanent attempt to reform the parties, usually trying to enforce certain selection criteria for their representatives, aiming at the non-involvement of leaders in justice-related issues, especially corruption-related ones. Most parties have set internal rules related to this moral dimension of those proposed in the election. These rules were assumed even in legal terms, such as Law 90/2001, which does not allow a convicted person to be part of the Government, a law that caused many political issues in the year 2017.

Of course, we can identify many more such measures that have characterized the permanent attempt to reform both the political institutions and the administrative ones in Romania. We should mention that the model of interventions was usually based on the status of importer of political models that Romania has had for at least two decades. Our access to NATO, and even more importantly, the accession to the European Union, have imposed a whole series of institutional redefining issues or, sometimes, even completely new organizations have been set up. Obviously, all these interventions are based on legislative changes. We can list, for example, the law on access to public information (544/2001), the law of decisional transparency in public administration (52/2003), but also the radical change of the laws on public procurement, the division of executive, controlling and regulating institutions, the empowerment of some government decision-making institutions, where a good example is education, but also many others. Completely new institutions, such as the National Integrity Agency, but also the National Anticorruption Prosecutor's Office, later the National Anticorruption Directorate, have been also established.

It is unquestionable that EU membership has forced us to accept and carry out a series of reforms, radical as one could say, of some of the political institutions - and not only - in Romania. The fact that we have a European Union monitoring system such as the Cooperation and Verification Mechanism (MCV) with regard to the functioning of the democratic system has determined a number of measures to be permanently taken, even after we have joined the EU.

With all these measures, the quality of the democratic system in our country has been questioned in public debates as well as in international concerns regarding Romania, most often in the form of the rule of law state issue. Up to a point, this type of debate has a purely electoral role, meaning that it is a subject of great resonance and implicitly of great utility in the political battle. We have to mention in this context that as long as the population image is rather negative in terms of the governmental, and implicitly political act fairness, the opposition forces have

often chosen to transmit almost exclusively critical messages on this topic - where their resonance is guaranteed - rather than launching attacks or political messages on other topics that are perceived as having less effect. In this context, in the year 2017 the dispute over the rule of law state reached its peak, the public agenda and the media gravitating around the issue of justice reform, which was and is seen by some as a counter-reform - even an attack on the rule of law state - and by others as a way of optimizing the legal

and, implicitly, the political system.

The population, as we have mentioned, has a consonant perception of public debate, having a relatively small percentage of trust in the actors involved in the justice system, but more importantly, a very small one related to political actors. In other words, in general terms, the population's image about Romania's organization is rather negative and extremely bad when we refer strictly to the political field.

### **Premises**

The question asked concerns the assessment of the political system condition in Romania. In other words, what is the quality of the functioning of the democratic system? In order to answer this question, we should, however, overcome the strict political controversy already drawn between the two groups aforementioned. In the public space, especially in the media, actors involved in debates generally want to radically support a point of view by selecting, reinterpreting, filtering or even coming up with information. For this reason, the option for one of the groups is rather an act of trust in the public communicators who support certain positions, the debates being most often customized at a level that does not allow the real analysis of the institutions. With all these disputes, however, there is a common denominator regarding a certain aspect. Generally, both groups are dissatisfied with the way most institutions work, but the grievances are different and solutions are usually almost contrary to one another.

The starting point of this article consists in four theses on the basis of which I am going to build the analysis model I am hereby submitting.

- a) If the population thinks it has a problem then surely the problem exists only because it was defined as such.
- b) There is a major contradiction between official public labelling of certain actions as deviant and the reaction of an important part of the population that does not accept, or at least does not seem to be influenced by such label.
- c) Any type of organization (political, legal, economic, governmental, etc.) works only on the basis of some social institutions where the actors involved carry out certain activities, and the quality of the organization depends on the institutional mechanism on which it is based.
- d) The actors who are part of these organizations permanently give a subjective definition of the activities and processes within the organization and they have their own perception of the mechanism of operation. Hence, the same organization can function in a number of ways depending on how that organization's own members perceived it. For this reason, we can speak of multiple organizational realities.

I will first analyse these theses. The first thesis (a) is based on the acceptance of a social phenomenon identified for many decades in the area of sociological constructivism. Issac Thomas [1] brought out the famous law on defining the situation, according to which the way people define their situations generate consequences in reality, as if the situations had been true (objectively and not only subjectively). Maybe more useful to us, half a century ago Robert Merton [2] redefined Thomas's law in a wider context by speaking of prophecies that are self-achieved.

No matter the concept, the idea is that the presence of a particular image about a system is as important as the objective data of the system. Even simpler, if the image of an institution is bad, people will behave in line with this image, and over time the effects of this definition will make the institution even run badly. In our analysis, we will overcome the previous dichotomy of groups that are opposed to the rule of law system, starting from the idea that the most important issue is not whether it actually works well or badly, but what image it has. Therefore, in our analysis, we should first consider the subjective reality built at national or international level in terms of image [3] and not try to find out if and how real it is. Therefore,

the issue of “good condition” of the rule of law state in the real, objective functioning of institutions is a matter of concern for us only as a secondary topic.

The second thesis (b) refers to an observation that anyone in Romania could notice in recent years. Certain political actors who were prosecuted and even convicted did not suffer a significant negative impact in electoral terms. We had cases of Mayors who won the election, although they were involved in corruption disputes in terms of public image, sometimes such Mayors won elections even while being in prison, or after they had been released following certain convictions. It is perfectly true that, in other cases, the public label of a person facing legal affairs has led to a decrease in confidence and probably to her abandonment of the public political scene. These issues are controversial, not very much studied. Of course, a first observation we are able to come up with is that, in most cases, the public invalidation of the label of a person facing criminal problems was efficient in the case of Mayors, that is, in situations where “proximity” to voters is much higher and, most likely, the media effects on them are much lower. This kind of explanation is not enough for the simple reason that there are exceptions. After all, the obvious thing is that the PSD party won the elections in 2016 with a large number of central leaders who had had criminal problems, some of them not just at the image level, but in reality, already being convicted by justice. Moreover, with all the social criticism against it, precisely on these issues, the PSD party enjoyed a relatively high level of confidence in the first year after the elections.

The third thesis (c) is based on the notion that any type of organization can only function if it is based on a social institution, that is, a social framework in which people regularly carry out certain actions based on rules, values and some roles defined and accepted by all members.

There are no simple or complex organizations beyond social institutions. Even if an organization is set up from scratch; let’s say that someone sets up a completely new agency, it needs to be institutionalized to work best. When speaking about rules, I am not referring only to the framework of formal rules, as the roles do not only concern the positions in the organizational chart of organizations. Obviously, this thesis is not new. On the contrary, it is more of a record for any sociologist. What matters, however, is how the institutional social framework influences the work of political, economic or administrative organizations. We will see that most problems of political organizations are linked to the asymmetry between the social and the political organizational framework.

The fourth thesis (d) is in some way a consequence of previous theses. In fact, the image of the functioning of political institutions and organizations is present and influences not only the public but also their members. More importantly, however, there is no single perception, that is, a single image, common to all members of an organization, but multiple images that are not mandatory and consistent. Hence, the idea that institutional realities can be multiple for their members because their perceptions are different and therefore the objective effects generated by these perceptions can be very different, even contrary.

### **Institutions and organizations**

A clarification is required. In common language, the terms of institution and organization are often used as having the same meaning. In the following analysis we will make a clear distinction between these terms. Institutions are social organization frameworks that deal with the manner in which people interact in predefined ways, assuming social roles that go beyond them in the sense that they are predefined by the institution, being more important than the actors. Institutions therefore include complex types of interactions involving normative frameworks. An institution can only function if it defines such a normative framework, on the basis of which social positions and roles are established, a normative

framework that is always based on sets of values underlying social interactions or, in other words, role interpretations.

Organizations, on the other hand, are always defined formally, meaning that they are based on written rules, they are oriented towards actual objectives, they have a hierarchical structure and can function only if there is auto reflexivity on the formal rules, on the quality of membership, but also on formally defined positions. An organization also has precise rules defined for the admission and elimination of its members, as well as for the mobility of its members within it. Organizations are always based on social institutions, hence the confusion often encountered. A church is a type of organization, but religion is the institution - even the fundamental one - on which it is based. Organizations therefore have an actual, even tangible form in which they function, institutions being just the general frameworks of social networking.

We are going to further analyse this distinction. We can notice that, following the analysis, an organization is easily identifiable by the fact that it always operates with a formal regulatory system, while it usually concerns the most important activities carried out in the organization.

Formal rules are simply written norms. If we go back to the previous issues we will notice that organizations are socially visible, in comparison with institutions which, defining general rules of interaction and being everywhere around us, are not so easily identifiable.

Organizations, assuming a binding legal framework in the contemporary world, are much more easily objectified, especially as they usually operate in precisely spatially and temporally delimited social frameworks. An institution like marriage is only visible through the fact that we can see such particular situations, although we do not perceive as such the institution of marriage [4]. But if we think of an institution like divorce, then surely its social “visibility” becomes even insignificant. The court or notary offices, as organizations where marriage terminates, are primarily visible because they in a spatially defined social framework.

Organizations are always based on an institutional mechanism. Even if we define them legally as completely new organizations, they will generate processes and internal relationships that will lead to what is known in sociology as the institutionalization of organizations. The issue we will continue to insist on is the analysis of the relationship between the institutional framework and its corresponding organization.

A first remark. Public reform policies deal almost exclusively with the organizational sphere. In other words, interventions, defined or not as reforms, only concern organizations. This is because interventions in this case can be very simple. Simply, you do nothing but modify the legal framework (laws, government orders, minister orders, regulations, etc.). Changing the institutional framework underlying organizations is much more difficult because one cannot operate with direct measures (such as the change of formal rules, but only with indirect changes, that is, with the hope that certain measures (also formally defined) will lead to another type of valorisation of objects and actions, to other relational mechanisms, and ultimately another cultural model that would support the functioning of the institution [5].

Historically, two intervention strategies have been imposed on social institutions. The first is that of penalty. It is about punishing the members of the institution for performing some activities which are intended to be changed. For such a model of intervention, the penalty is regarded as a control mechanism by means of which behavioural patterns can be changed. The second strategy consists of the idea of the gradual “natural” change of institutions, whose starting point is the hope that by imposing a new formal framework for action, it will be institutionalized in time, and will eventually generate compatibility between the organization and its underlying institutional framework. This second strategy does not focus on penalty, but rather on the idea of trying to rebuild an institutional framework somehow “from scratch”.

That is, to select members in the organization with a pre-existing low institutional background or with great readiness to assume new institutional models. This approach is easy to be illustrated in the Romanian society in policies where governors would often rather redouble organizations by building completely new organizations than reform them.

In most cases, however, it is tacitly admitted that a legal change within an organization leads to a change in the functioning of the institution underlying it. There are certainly many cases when this happens. But there are many examples where the desirable correspondence between the two levels, the institutional and the organizational one, is far from what was intended. To understand this relational dialectic, we need to review some of the features of the two plans.

First, the **dynamics of the institutional and organizational frameworks is very different**. Institutions change permanently, but extremely slowly, so change is not usually perceptible. Have a major role, having the dynamics likely to change the formal rules, that is, extremely fast. These changes are almost always perceptible. In order to better understand this dialectic, I will use an example. About 20 years ago, when the ministry of education was ruled by Mr. Andrei Marga, a series of measures were taken regarding the development of didactic activities in the comprehensive and secondary education units. These measures included the re-organization of the school year by dividing it into semesters instead of quarters, introducing the half-year evaluation sessions instead of the class register, the introduction of alternative textbooks, etc. These measures were introduced through formal acts and were enforced immediately. The actual practices of teachers, based on institutions specific to didactic activities, did not change so fast or have not changed at all. For example, teachers did not use class registers any longer, (they did not have them anymore), but they performed the same assessment activities as they had done before, writing their notes down in their own notebooks.

In fact, this measure has been abandoned over time. On the other hand, even today, two decades after those changes, we can see that these alternative textbooks are not actually used as it is stipulated in the formal framework, teachers systematically using a single textbook without taking into account the pupils or parents' opinion in the choice thereof, just as in the case of university entrance examinations - where there still is such an exam - which is usually organized on the basis of certain recommended (unique) textbooks, not according to curricula.

The second aspect relates to the fact that, by their nature, social relations have a high degree of stability, which is their defining element. **The refusal to change is an indicator of the functionality of an institutional framework, the flexibility and openness to change being the attributes of organizations**. As we have mentioned before, institutions actually change, but over long periods of time, which determines the image of their stability. However, organizations are perceived as more dynamic, their ability to adapt and change being highly valued.

A third aspect derives from the previous one and is related to the fact that **changes are valued strictly differently in institutions and organizations**. In our cultural model, the idea of change has been positively valued since the communist era, when change was the force of political and economic culture. Hence the belief that organizations must be permanently able to change or adapt. In this way, to take as an example one of Merton's taxonomy, the availability of change in instrumental value organizations has become a final value, rather being a pathology of bureaucracy [6]. For this reason, especially during the transition period, the central idea of public policies was their reform, while the utility or efficiency of these changes is usually a secondary one [7].

Finally, another aspect is related to the partial correspondence between an institutional framework and an

organization. Social institutions are usually general frameworks for interaction and they do not only correspond to a particular type of organization. For example, the selection of staff on the basis of certain exams is a social institution that is not only found in an organization, but in most of them. The practices defined by the institution do not correspond only to the formal selection rules [8]. We should emphasize, however, that organizations always have a legal framework for operation, which, in turn, is generally valid for many organizations and even their internal rules (operating regulations) are largely the same.

However, social institutions have their particular operation features given by the type of customary rules established in a particular context, which determines differences even within certain organizations that should be identical, for example the legal departments of two public institutions of the same type. Hence, the correspondence between organizations and institutional frameworks can only be partial. This is both because the institutions area is more general than the organizations area, but also because identical (formal) organizations can rely on institutions that have different characteristics. This aspect of lack of correspondence is important because it questions the idea of influence upon institutions. The same measures to change one type of organization have different effects on different organizations.

I have used the term culture several times with reference to institutions and organizations. This concept is usually used with reference to organizations and even extensive research is being done on the organizational culture. This is another aspect that I will insist on. In reality, there is no such thing within organizations. Organizations are only formal frameworks of activity stipulated by written rules. The institutions on which organizations are based are those operating according to behavioural models, mechanisms for valuing actions and objects, and ultimately only in their case we are talking about sets of values and, more generally, of a certain type of culture. For this reason, two organizations, although identical in terms of their formal framework, can operate totally differently, having different cultural patterns. Therefore, the change of organizations, although occurring relatively quickly and easily, will not necessarily entail a change in the cultural basis that actually belongs to the relevant institutional framework. At the end of this enumeration including the differences between the organizational and the institutional level, we still notice one aspect. Organizations do never operate on their own, but always as part of very large organizational units, with clearly defined relations among them, mostly on a legal basis. Instead, institutions have a higher degree of generality, the same institution can be present in several types of organizations, as the same organization can rely on more than one institution. The major aspect is that institutions do not have the relations among them clearly defined – not even those that act within the same organization, much less when it comes to complex organizations.

### **Asymmetric democracy**

The democratic political system is based primarily on a complex set of political and civic organizations (we refer first and foremost to non-governmental organizations) operating under a regulatory legal framework. In the democratic political system, however, all kinds of organizations are involved, either economic, media, legal, civic or cultural. As I have mentioned before, at this formal level, the political system in Romania is a democratic one. In other words, the legal framework governing the functioning of all these organizations is characteristic of a democratic society. Our alignment with the EU standards has made it legally compatible with the political systems of some traditionally democratic countries, at least in Europe. The problem is that the operation of all these organizations, allowed only by the institutional framework they are based on, does not, however, lead to real performances according to formal standards, the reason being that the value system, and implicitly the cultural one, specific to social institutions underlying

political organizations (and not only) does not have a dimension in line with the organizational legal framework.

We are referring in this case to what they call an asymmetric democracy, that is, a legal-organizational system that has all the essential characteristics of a democratic model but which is based on a social institutional framework whose features are at variance with the first one.

The asymmetry is due to the lack of correspondence between the two levels. The first temptation is to explain this asymmetry on the grounds that, at the institutional level, we do not have a democratic political culture and hence the disagreement in question. Things are, however, much more complex.

I am going to review some elements that are essential in generating and maintaining this asymmetry.

1. The first element is given by the fact that the central model of the Romanian society culture – in the widest sense of culture – is that of a societal system based on verbal communication and the personalization of formal relations. In other words, the bureaucratic organizations in our country are poorly bureaucratic, that is, they have a very large customary space, they work on informal frameworks, given by a mainly oral culture, and the decisions and relational mechanisms are based on highly personalized relationships. For this reason, bureaucratic organizations usually have key positions that are not independent of their occupants - as should be by definition - and for this reason the efficiency of organizations depends fundamentally on the performance, skills and personal characteristics of the leaders [8]. However, personalization is a characteristic that easily contradicts a culture and a democratic value system, because the democratic political system is only functional when the bureaucratic system is effective. On the other hand, another aspect has to be mentioned. A large customary space within an organization makes informal rules more valuable than formal ones, because of which the change of the latter for reforming an organization does not have major influences.

2. The thesis of two-step influence on the institutional framework - mentioned at the beginning of the article - is based on at least partially correct reasoning. Mainly, this kind of intervention can produce acceptable effects. The major issue is that of the previously analyzed dynamics gap. Changes in organizations can lead to changes in institutions only over long periods of time. In Romania, however, policy changes and, implicitly, changes within organizations are so frequent that they cannot generate relevant institutional changes. We can give the example of governmental changes only in the first year following elections in 2016, when, in one year we had three governments and three changes in government organization. Over the years, especially in the last decade, we have had countless ministries and agencies, and we had a number of ministries that disappeared altogether when changing governments (sometimes even during the same governance), and this permanent change is obviously much broader if we look at ministries, agencies, departments, local government institutions, etc.)\*[9].

3. The lack of long-term political objectives is another element that generates an asymmetric democratic political system. By their very nature, cultural values and models are based on long time horizons, on a perception, and on assuming medium and long-term goals. The dynamics of policy change does not allow for such objectives, and therefore there is no strategic vision of government policies. Under these circumstances, a democratic type mechanism has little chance of being enforced, the public agenda being exclusively concerned with local and immediate issues.

The weak ideological dimension of political activities is another factor that influences the processes we are talking about. Ideology, as a system of beliefs about the political and societal system, can provide a set of values capable of structuring our social perception, but also of exploiting certain types of political behaviours and practices. Normally, we should regard democracy as a system of political organization,



based on certain ideologies. Politics in Romania has a rather conjectural than ideological vocation, being cantered on what the public wants to “hear” in political communication [9], and hence the utility of the political act is more important than its ideological value. In other words, from an electoral point of view, it is more important for a party or political actor to obtain a certain number of votes in a particular context than to support political or communication actions cantered on the cultivation of certain values or of an ideological model.

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5. The negative image of politics is another important element. Political organizations, as well as political life in general, have a negative public image in our country, which ultimately leads to their poor functioning, but also to a significant decrease in the level of social trust in political actors, hence in their quality of cultural pattern providers [10, 11]. Democracy cannot work when there is not social trust. Moreover, we could say that trust is the strong element of social development [12 pp. 91-118], and more, we can identify, according to other authors, a culture of trust [13 pp 119-128]. Democracy involves the obligation to observe certain rules and the confidence that all social actors involved observe them. In our case, the suspicion that the actors do not follow the rules is very high, and hence the lack of confidence in both the rules and the fairness of their observance. Let us not forget that the political actors themselves build up this mistrust. The simplest example is their permanent attacks towards institutions, no matter if they are organizations related to vote events (let’s just imagine that Parliament currently has a special commission to investigate the presidential elections taking place ten years ago), or if justice, media institutions, secret services, regulatory institutions are involved.

6. The dichotomic perception of social deviance. Finally, a last but one aspect is related to the fact that, due to the way in which the Romanian society operates, the population has started to operate for a long time with a dichotomy based on the separation and the different appreciation of deviant acts. In other words, there are acceptable or tolerable deviant acts (even crimes) and others that do not have this status. In most cases, this is about a negative comparison. Considering the negative image of most political actors, they are analysed and evaluated on the principle of the smallest evil. The point is that if all political actors have a serious image problem (let’s say everyone steals) then I prefer a politician who at least has a certain quality. In qualitative research we find words such as: “He steals, everyone actually steals, but, at least, he has also done something for us.” This reference formula determines the success of some politicians, in spite of their negative image in terms of justice issues. Unfortunately, the mechanisms of a democratic system cannot function effectively on such a type of relating to political life.

7. Probably one of the most serious issues is that part of the population, as well as actors from various organizations have internalized an anomic cultural model according to which non-democratic political mechanisms, including deviant activities, are not only acceptable but are even political or administrative

advantages. In other words, the failure to comply with a legal framework is not a problem, but rather a virtue. Part of the population takes as a reference point either the political actors – in focus group researches one can come across replies such as, “What if he has bought a house for him, I would have done the same, wouldn’t I?” – or those who anathematize the political class and consider that the violation by the law (police, prosecutor, National Anticorruption Directorate) of legal proceedings is perfectly grounded “because those (the politicians) deserve it”.

8. Finally, one last aspect is related to the duplicity of people’s behaviour. It refers to radically different messages and behaviours between the public and the private spheres. The easiest exercise would be to notice the politicians’ behaviour during certain political debate shows and at break times. But this is not just a behaviour typical only to politicians. It characterizes a large part of the population and is one of the factors leading to a low level of trust in political and governmental communication. This comes on a much older historical cultural background. I will not refer to the interwar period, although it can provide a huge number of examples, but I will refer in particular to the recent communist experience, which was based on such a paradigm. In Communism, the behaviour of many public actors was constantly duplicitous in the sense that there was a public official message, one to be heard by the authorities, and a totally opposite behaviour in the private area. All actors were normally aware of this social schizophrenia and publicly participated in this kind of freely consented lie. Such a system excludes confidence in public messages, even official ones, much the less in political ones.

### **Conclusions**

The latest ideas presented are, of course, more likely to be taken as evidence of possible further investigations, than detailed analyses of such factors that act upon the political system in Romania. The analysis submitted is only a simple model for understanding how Romanian politics and society work. Surely, anyone can identify other factors that lead to the asymmetric functioning of democracy in our country, or in other societies. In my opinion, however, the factors presented are still the most important. After such an analysis, the temptation to make proposals for policy intervention is, of course, very high. However, I will not do this because my intention was not to define a political action framework, but to analyse a social rather than political issue. I think it is the duty of the political actors to think about all or part of the mentioned factors as having a decisive role in the poor functioning of the democratic political system in Romania and to come up with political actions and measures.

\*CPD – SNSPA (2017) (internet source) Chronic government instability, Study, The centre for promoting Involvement and Democracy – SNSPA link: <http://www.snspa.ro/cercetare/centre-de-cercetare/centrul-pentru-promovarea-participarii-si-democratiei>.

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