DEVELOPING PUBLIC POLICY IN ROMANIA:
FOCUSBING RESPONSIBILITY, AUTHORITY, AND CAPACITY

The model of foreign friends visiting fellow democracies to observe and participate in the civic culture, has a long and distinguished tradition. Tocqueville’s visit to and observations of the United States nearly 200 years ago provide a lofty exemplar to which few could pretend to or attempt to duplicate or approach. Nothing in the following observations is meant to make such a pretense1 My journey in Romania has been and will be substantially less noted and notable, but my observations are offered with similar intentions. Rather they are meant in the spirit and offered with the hope that they might, in some small way, begin to make a contribution to the dialogue about the development of democracy and democratic institutions in Romania. In particular, here, I am concerned with Romania’s ability, will and means to develop public policy.

Within the pages of this journal, in previous editions, several who I am pleased to count as my colleagues and friends, from both the United States and Romania, have made prescient observations concerning the evolution and development of and the needs and obstacles regarding the development of Romanian institutions and processes.2 Many of the observations are notable, thought provoking, and insightful, and I will try and note at least a few of particular interest.

As one begins a journey in a new environment, one often reflects upon the similarities or differences that they find from their previous background or experience. Romanian’s might find it useful to recall that the United States Constitution, though often cited as the oldest democratic constitution in the world, is, in fact, our second form of government. The first form under which we embarked upon our democratic adventure was the Articles of Confederation. That experiment lasted for a little over a decade. A date and time period which Romanians might find instructional, interesting, curious or irrelevant, but one which might give pause to those who feel that the first form and processes that are implemented following a revolutionary change in the civic culture are sacrosanct and immutable.
Following ten years of living with a confederate form of government, the leaders of the nation, many who had waged the original revolution against what they considered a stifling monarchy, found it both necessary and proper to undertake a major revision of the nation’s core document. The catalogue of weaknesses which they sought to address included issues of the relationship between the central and local/regional governments, developing and regulating the economy, methods and organization of representation, executive authority, the rights of the individual, and many more. The arguments for change, which they provided in *The Federalist Papers* might be a valuable resource, if not “recommended/required” reading for anyone now wrestling with the development of a representative democracy and the requisite institutions and obligations. While clearly the form and institutions to be developed should surely not mirror or mimic those forged in a different culture and time, the issues and insights, premises and principles provide a sound agenda for consideration. In that regard, I find the entreaties made by Emil Boc to consider various reforms to the current Romanian fundamental document to be notable. Though I am ill equipped to evaluate the proposals detail and substance, they would seem to offer seminal ideas for consideration and debate, and raise the fundamentally important concepts for the political development of the community. It is the development of what is often called the political culture, or civic culture that the following comments are meant to address.

With the caveat that my knowledge of and experience with the Romanian environment is limited and perhaps, arguably, impressionistic, the following is meant to offer a basis for inquiry and discussion.

In observing the political/governmental/civic phenomenon in some detail in the United States it seems that the resolution of citizen needs into something called “public policy” requires the development and synthesis of three elements: Responsibility, Authority and Capacity. For the purposes of discussion, or the development of a dialogue, it will be presumed that the development and synthesis of these factors may be universally applicable or useful, and, therefore, relevant for Romania, and understanding that the presumption is open to challenge, and the dialogue is welcomed.
Responsibility

If the public policy needs of the community are to be discovered and resolved it would seem that the fundamental elements of Responsibility, Authority and Capacity must be developed, focused and coordinated. To initiate the discussion, and with no desire to impose a doctrinaire, or definitional rigidity, it will be proffered/suggested that “responsibility” is the focus of the citizens expectations as they search for resolution of a felt need(s). That is, to whom or what do they turn when they feel or say “Someone ought to do something about....... ”. No more or less, but all that is implied. Who or what do they expect to “do something”, in order to meet their need, desire, relieve their pain, frustration, or meet their expectation?

Many have dealt with the issues confronting a nation emerging from fifty years of totalitarian rule. The impact that this has upon a citizens perspectives is, unquestionably, profound. Most people, certainly most parents, realize that they can not control and dictate to a child until she/he reaches the “age” of independence (18-21) and then tell them they are now free to, and obliged to, live their own lives and make their own decisions, and expect an easy transition or an assuredly positive result. In a similar manner, one must recognize the effort, the obstacles and the alternative outcomes possible for a nation which has been denied the freedom to enjoy the joy and pain of self government. Allan Rosenbaum has commented on the need for developing the institutions and processes for furthering this civic culture in the community. One can not help but share his view that this will indeed facilitate the change from the previous era to the future. Whether or not the institutional and process mechanisms will impact the perceptions and expectations of the citizens and how that will be manifest and integrated by the citizens is another, essential, matter.

The tradition of expecting the authority figure to provide direction for the civic culture is long and deep in Romania. Though some may legitimately question the sincerity of the attempts at reform since 1989 which have introduced democracy and decentralization, one must also examine the expectations and perceptions of the citizens. The distance which citizens of most democracies maintain between themselves and their governmental institutions is ever present, even in the oldest of the democracies. Citizens in the U.S. will often express their views about the government is such a way as to make it appear as if they have/had nothing to do with it. References to “The Feds” (Federal/Central government), “Those guys in
Albany/Sacramento” (State/Regional government), and “City Hall” (Local government) are often made in disparaging terms, and with little or no sense of responsibility. It is, after all, a representative democracy, and those folks in government are there because they were selected by the citizens. Therefore, despite the recognition that this disconnect/denial is an endemic problem for democratic government, it would appear to be of particular importance in Romania. If the democratic process and institutions are to flourish in Romania the citizen’s responsibility for government must evolve along with the locus of responsibility within government.

It would appear that, for the most part, that the Romanian citizen is still prepared to react to the government and does not feel or believe that the government will/should react to the citizen. The population has not had responsibility for government but have been the recipients of government policy. To move from passive recipient to active participant is a large and important step. It is as much a factor of the citizens self-perception, their roles and responsibilities, as it is their perception of their government, and for what they hold it responsible.

Once Romanians develop the awareness of their power and responsibility as citizens to determine what it is they want or need, they will then be able to decide whether government should help resolve the issues. And, if government is to be called upon what level or agency should it be. In an earlier era there were no such questions asked by citizens. Just as in another time students did not question their professors. They simply reacted to what they were told/taught. To ask them to react, respond, comment, evaluate and decide now seems a daunting responsibility.

Again, the United States provides an unclear, cloudy and variegated guide. When Americans are asked what is the focus of their expectation when they are confronted with a need, issue or desire for which they feel government might or should provide a remedy their answers are as diverse as the American geographical and political landscape. For instance, if one queries citizens of New York City the response is emphatic, universal, and, normally, with little or no equivocation. Over time and throughout the population the typical response will be....”Why doesn’t the Mayor do something about.......”, “The Mayor has got to.......”, “When is the Mayor going to.......”. That is a focused expectation. That is a focused sense of responsibility. It may be irrational, or unsophisticated. But it is also a political reality. They expect the Mayor to
deliver. And New York Mayors know they must respond. If they do not meet these expectations they will be replaced.

Is this a fair or rational burden? Will/have the citizens expectations be/been realized? The answer, generally, has been “yes”. In the first place when citizens place their public policy, and in some instances their personal, expectations with the New York Mayor they have normally been accepted. While accepting such burdens may have been based upon the personal strengths, politics or whims of any particular Mayor at any particular time it has created an important tradition.

For the citizens to focus responsibility in such a fashion is important. However, to resolve the need or meet the desire which generated the action requires the existence of the other elements in the suggested public policy trilogy: authority and capacity.

**Authority**

Again, for purposes of illustration and discussion, the term “authority” is meant to convey the existence of a formal, legal, constitutional, ...etc. mandate. The agent or agency is obliged by or allowed to or enabled by regulation to carry out certain duties or courses of action. Does the law allow or require that the agent or agency act? If so, does it specify “how”, “when”...? Clearly, given our earlier example of the New York Mayor, the focus of the publics expectation creates the burden which can be accepted or rejected. The focus of the attention may find it easier or required to accept the focus if the community has institutionalized the expectation and provided such a mandate to act and resolve.

Formal legal mandates whether they are embodied in constitutions, laws, ordinances, charters, regulations or whatever form can never provide for every situation. Nor can they compel the unwilling public officer to act, let alone act properly, in conformity with the legislative intent or the exigent situation. But they can offer support and direction and help to provide continuity. A strong leader may act with out the benefit of law, but the law may help to curb the reckless, strong or despotic and assist the benevolent, the timid and the weak.

If there is one aspect of the fundamental United States “authority”, The Constitution, which might be noted if not emulated slavishly, is its brevity. Surely it is the bane of those who fear the vagaries of “administrative discretion”. However, it offers a flexibility, and its longevity may recommend it.
Capacity

A mandated to act is not equivalent to the capacity to do so. In this context capacity exists in two categories: institutional and personal. Institutional capacity is meant to relate to the resources available to implement the programs and policies which are to be undertaken. It consists of the funds, and all that they can provide, and the personnel, which can be brought to bear upon the issue and used to resolve the needs. No amount of focused expectation, and placement of responsibility, coupled with the formal legal authority will be equal to the task of fulfilling the aspirations and hopes of a community of citizens if the means is wanting. In that regard, it is essential to recognize that the failure to provide for the implementation by neglecting to provide the personnel, equipment, and ancillary resources may result in a frustration of the initial expectations, and a disillusionment of the citizenry which may result in a cynicism toward and about the very legitimacy of a representative government itself. To raise expectations, by accepting responsibility, create authority to facilitate the development of institutions and process to support and enable the legitimacy of the endeavor, and to fail to provide the means, the capacity to fulfill that program is, perhaps worse than to fail to accept the responsibility, and offer the hope of resolution, in the first instance. In a nation of scarce resources to devote to and develop capacity this is a substantial issue.

If it is important to provide the institutional capacity to attain the resolution of public policy expectations, it is even more crucial that the community have personal capacity at its disposal. Personal capacity is as difficult to define as it is to acquire or obtain, individually or culturally. Personal capacity, in leaders and personnel, falls into that definitional category which, like art and pornography, it is often remarked “I am not sure what it is.....but I know it when I see it.” While each of us has, or, hopefully will, meet people to whom we have turned to for aid or assistance who, with scarce resources are able to accomplish almost anything. Unfortunately, we may also have known individuals and groups who with all the money and material in the world at their disposal do not seem to be able to accomplish anything. The answer is often not how many or how much do you have to focus on the need, but who.

While some of the personal capacity issue can be addressed by education and training, that is unlikely to result in a general solution. Nonetheless, it should be addressed and emphasized. Clearly, the reforms which have been, and are being
undertaken in the Romanian educational system to revise the system from one which
developed legalistically oriented and rigidly configured centralized bureaucracies into
more flexible and decentralized models is essential. The efforts to configure the
development of personnel at all levels of governmental, and non governmental
institutions that understand the new realities of representative democracy is essential.
The fact that universities are resolved to facilitate this by training the next generation of
public service personnel, and retraining existing personnel is laudable. The trend to
develop interdisciplinary approaches and programs, which learn from mistakes and
successes found in other programs in the world, but develop a model that is most
appropriate for Romania is essential. The recent decision of Romania’s educational
leaders to form a Romanian Association of Schools and Institutes of Public
Administration to facilitate and lead this task is a significant step.  

It is also crucial that as the personal capacity is considered and evolves that it is
always recognized that the policy process is inherently a political process. The people
involved in it are deciding “who gets what when and how”. Whether we call them
“elected officials”, “public managers”, “civil servants”, or whatever. To be rigid and
“definitional”, parochial, or jurisdictional, or to dwell on false dichotomies like
politics/administration will divert attention from the more important goal of meeting
and resolving the citizens expectations. The group/party/individuals who achieve
electoral office have been chosen by the community and the community has given them
the responsibility to develop programs to meet those needs. The community has every
reason to believe and expect that the specialized civil servants who serve succeeding
elected official, will act in a responsive, as well as a professional manner, as part of the
continuing government. Professionalism, without responsiveness to the community, as
embodied in its elected representatives, is as inappropriate as irresponsible partisanship
which flaunts professional standards and criteria.

Focus and Resolution

A nation, or community, must decide what it wants to do, decide who should do
it, and find the means to do it. For any community, at any time, those are very hard
tasks. For a community which is learning how to govern itself with citizen participation
as a representative democracy the task is truly daunting. If, added to that, the nation is
also plagued by an extremely depressed economy, the problems are compounded.
Romania is clearly struggling, but the citizens can be assured by the fact that any democracy is a work in progress. In the United States, from the national level to the local level, the search for the focus of responsibility, authority and capacity continues as well. Unlike the citizens of New York, the citizens of Los Angeles, do not normally place their expectations/responsibility in their Mayor. Nor do they allow the city’s chief executive much authority, and he must function with a weak legal mandate. Neither the institutional capacity bestowed upon nor personal capacity of those who have held the position have been remarkable. It may be that the citizens decision to fragment the focus of their expectations in Los Angeles and to concentrate it in New York might be judged as superior in the one case and inferior in the other. It is not important or necessary to judge that here. What is most important for one seeking to understand the community and its public policy is that they find a way to blend these elements. The way in which each resolves the issues, however, is less significant than that the public finds a way to develop its voice and to be heard.

Romanians must find a way to accept, express and focus responsibility, shape and bestow authority and develop the institutional and personal capacity which it needs to meet its needs and desires and achieve its aspirations. Not an easy task., but how much better it is than the alternative of having someone else tell you how to do it...and not allowing you to do it. Like that paternalistic analogy cited earlier .....growing up is hard.....but not growing up....or having the freedom to grow......is so much worse.

And keep in mind the United States failed in its first attempt to develop its own fundamental document, and they tried again. In the cliche phrases often used to inspire, but which, nonetheless, are accurate... “The only person, or group, that has never failed is the one who has never tried.” Democracy is, of course the worst, and most difficult of all possible systems.....except for all the others that have been tried.

But it is hard, and it expects much from its citizens.

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2 See in particular:
Rosenbaum, Allan, Accountable and Responsive Governance: A Challenge for a New Millennium, Revista Transilvana de Stininte Administrative, Nr.1, Vol. 6, 2001
These authors offer sound advice and prescription for the development of processes and institutions for evolution of the Romanian democracy and those who serve it.


DeLue provides a good single volume summary of many of the most influential resources which deal with this topic.

6 Rosenbaum, op cit

7 Conference of the Romanian Association of Schools and Institutes of Public Administration(ARSIAP) Organized/Founded, Cluj-Napoca, February 18, 2002