

**RESEARCH ARTICLE:**

*The political regime and its influence factor on autonomy*

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**ABSTRACT**

The central idea which emphasizes the concept of autonomy is indicated by its etymology: autos – (through) its self and nomos – rule of law.

The concept used was for the first time in the Greek cities. A city had autonomy when its citizens made their own laws as opposed to being controlled by a conquering power.

Thus, it is a natural human tendency to be autonomous when the decisions and actions are their own. This article will analyze the concept of political regime and its influence factor on autonomy.

**KEYWORDS:** *autonomy, political regime, consociational democracy.*

## 1. Introduction

Administrative autonomy is a multidimensional concept that is not related to a legal status in an indissoluble way. Administrative entities with the same formal status may differ substantially regarding autonomy, being at the same time distinct from the administrative authority duties. Thus, it was considered that there are some differences between functional autonomy (organizational), legislative autonomy (normative) and de facto autonomy.

There are three conditions of autonomy:

1. Political difference towards political executive;
2. Independent organizational capacity and;
3. Political legitimacy generated by a strong reputation dressed in a robe of independent power<sup>1</sup>.

In the Romanian political doctrine the political regime is defined *as all the methods and means of achieving power, the relations between the elements that make the social policy system, highlighting, especially, the system of rights and freedoms of citizens*<sup>2</sup>. Thus, it should be noted that the political regime refers to specific operating conditions of the administration in relation with the policy.

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<sup>1</sup>Christensen, T., Lægveid, P. 2006. *Autonomy and regulation: coping with agencies in the modern state*, Cheltenham, UK: Edward Elgar Publishing, p.13.

<sup>2</sup>Vălsan, C. 1997. *Political science*, Bucharest, Romania: Ed. Economică, p.90.

## 2. Consociational democracy

The literature<sup>3</sup> had introduced the notion of consociational democracy. Based on four main principles<sup>4</sup>, consociational democracy<sup>5</sup> separates and brings together at the same time homogeneous groups comprising plural society. Thus, while autonomy enhances the plural character of society, the grand coalition, mutual veto and proportionality bring together the representatives of opposed groups in order to govern jointly. Adopting the federal formula, able to increase the degree of autonomy of business units, requires a geographical layout of different population groups in easily cut areas in administrative units. This is also applicable to homogeneous countries, noting that federal units' delineation is not random. If in the latter case fragmentation is operated artificially and has a purely administrative function, in a plural society, granting autonomy to federal units is placed at the root of a genuine process of social restructuring. We can, thus, affirm that without doubt one of the effects of federalism is to divide the plural society into homogeneous segments and, at the same time, more autonomous. As a consequence the political space is transforming. In the election period, it is expected, primarily, that the administrative districts demonstrate the

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<sup>3</sup>Zamfira, A. *Arend Lijphart's theoretical contribution in the comparative study of multicultural societies*, in Sfera Politicii, no. 137.

<sup>4</sup>Grand coalition, mutual veto, proportionality and autonomy segments.

<sup>5</sup>The notion of "consociational democracy" is translated into french as "démocratie consociationnelle"; we will use this term in order to avoid confusion between consociationalism (a concept developed by Arend Lijphart) and agreement (broader concept which includes the first one).

unity of their political view<sup>6</sup>. It can thus be seen that gradually “structural cleavages tend to be inflexible and do not allow free movements of votes between parties”<sup>7</sup>.

### 3. Administrative autonomy

Instrumentality or administrative autonomy, unity and diversity of administrative structures, rationality is absolute or limited. All these issues mentioned by the classical models: liberal, Weberian, authoritarian or neo-classical (neo-liberal), refer to different types of relations between public administration, on one hand, and political, economic, society bodies and even administrative courts themselves, on the other hand.

Some authors<sup>8</sup> have emphasized the so-called paradoxes of the state such as: State’s unity and diversity paradox; rule paradox, order or disorder paradox, etc. All these paradoxes express, in fact, multiple truths about the state and its mutations, the diversity of relations where the administration is being de-multiplied.

At the level of the existing interdependence between these elements we can decipher three type-models of state administration, namely<sup>9</sup>:

- Absolute integration model, model that corresponds to countries with authoritarian governments<sup>10</sup>.

- Relative integration model - is the second largest model of administration and, generally, corresponds to countries with democratic governments.<sup>11</sup>

- The third largest model seems to be a model of non-administration: is that of many countries in developing or in transition<sup>12</sup>. It is sometimes a decay model.

### 4. The Western model

The Western model is thus an instable mix between liberal tradition and Weberian construction. It is, therefore, on the one hand an absolute integration model as any state construction, as any political structure, but on the other hand, a model of relative integration, as required by the liberal tradition. Western administration model is a model in which it disputes the need of the hierarchy and those of freedom, a model that sometimes tilts on its

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strong dominance of the political bodies on administrative courts and these on economic courts. It should be added that the degree of integration is as such that sometimes there is confusion in some instances and the absorption by the state of some instances that are considered in democratic countries simply private persons, remaining however foreign outside the State, such as, for example, enterprises, NGOs, trade unions etc. Moreover, relations between the administrative authorities are strongly articulated by a range of mechanisms that reveal more the hierarchical principle than the coordination techniques - ensuring a close subordination, in the shape of a pyramid, of the instances inferior to the superior administrative instances.

<sup>11</sup>The degree of integration is a bit weaker than in countries with an authoritarian regime. Also, through the existence of some mechanisms focusing on a court separation a certain prevention of total subordination of administrative courts, political courts and administrative courts is tried. Thus, are mechanisms of subordination and separation that are essential principles to the functioning of administration of a democratic state and whose combination defines different ways to be of Western democratic countries administration, thus ensuring balance to the model.

<sup>12</sup> For the countries found a development process, a distinction between formal and real structures should be made.

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<sup>6</sup>Rae, D. W., Taylor, M. 1970. *The Analysis of Political Cleavages*, New Haven, USA: Yale University Press, pp. 1-3.

<sup>7</sup>Lijphart, A. 1977. *Democracy in Plural Societies: A Comparative Exploration*, New Haven, USA: Yale University Press, p.65.

<sup>8</sup>Parson, T. 1965. *An outline of the social system*, New York: The Free Press, p.36; Alexandru, I. 2004. *Politics, Administration, Justice*, Bucharest, Romania: Ed. All Beck, p. 87.

<sup>9</sup>Alexandru, I. 2004. *Politics, Administration, Justice*, Bucharest, Romania: Ed. All Beck, p. 57.

<sup>10</sup>The characteristic of these administrations is represented by a strong integration of the entire administrative apparatus. It is noted, in particular, a

Weberian side – hierarchy, subordination – and sometimes on the liberal side.

Democratic model constants are those fundamental principles that are found both in the liberal model and in the Weberian one, namely subordination, ensuring the cohesion and separation of the model that provides the operational autonomy, the relative autonomy of the system's component elements, as well as amplitude, intensity of these relations.

Subordination is the first constant of the Western model of public administration and we will analyze it only in terms of administration subordination to the political.

It is reflected, as we have seen, in the institutional organization of the relationship between political and administrative powers, organization built in such a way that it has to guarantee the necessary transition from political will to administration, and therefore, the subordination of the administration of political power<sup>13</sup>.

Two types of organizations provide this shift, the transmission of powers from one to the other and therefore the subordination of administrative structures to political ones.

The first type of organization which is met in the United Kingdom is represented by the juxtaposition within the administrative system of some bodies whose recruitment is either purely political, or purely administrative and have the function to provide information to the political power about those deliberated by the administration, fact that has as a consequence the appearance of the control of the political power on the administration.

The second type of institutional organization of the relationship between political power and administration is to be found in Germany and France, where

the bodies that provides the subordination of the administrative - politics are less marked for this care of an absolute dichotomy between political and administrative bodies. Thus in Germany, besides „Bundeskanzleramt“ (service of the Federal Chancellery) which is an essential tool for coordinating, directing and training of government projects, we also have meetings of state secretaries, clerks which ensure the translation of the political will to the administration. So, unlike the British authorities, the Federal Chancellery is a mixed bossy, involving politicians and officials. Although it is made up of officials, the Chancellery is led by politicians, the Federal Chancellery Minister and a State secretary, parliamentary in particular, which joins a state secretary official.

At the same time, France also meets this mode of subordination characterized by the existence of these political and administrative bodies concerned with the point of connection between the political power and the administration.

Another institution characteristic of this type of administrative-political interposition adopted in France is that of „higher functions“<sup>14</sup>, called by the Government's decision<sup>15</sup>. The agents appointed in these positions do not necessarily change when the government is changed. But it is not sure that they will keep their position as the government may at any time terminate their operation. The withdrawal of the function is possible at any time without reason. The existence of such functions requires the loyalty of those in position

<sup>14</sup>It is about those functions of whose list - unlimited - is fixed by a decree from 24.07.1985 - prefects, rectors, ambassadors, directors of central administration, etc. – for which the appointments and removals are made at the discretion of the Government.

<sup>15</sup>Prisacaru, V. 2005. *Civil servants*, Bucharest, Romania: Ed. Lumina Lex, p.213.

<sup>13</sup>Alexandru, I. 2003. *Comparative administrative law*, Bucharest, Romania: Ed. Lumina-Lex, p. 577.

to the government and that their owners can therefore be dismissed on grounds of mere political convenience. Thus, these important officials are placed under the direct dependence of political power. They have the double quality of political and administrative court liaising between government and political power, ensuring the subordination of one another.

We can emphasize the relationship between the entities in a graphical way as follows:

The access of an official to a political activity, ministerial or parliamentary, in the UK is difficult, for reasons primarily of legal conditions where some political freedoms of public officials are exercised. It is known the fact that civil servants (administrative agencies) are assigned to three groups<sup>16</sup>:

1. Free agents political group – almost all staff that has all the freedom to commit a political activity, whether local or national;

2. Intermediate group – for example typists, agents with lower administrative studies and even some agents with a slightly superior hierarchical level of scientific and technical bodies – whose members must obtain a permit from the ministerial department if they want to devote themselves to a political activity both on a local and a national level;

3. Finally, the so called politically restricted staff group prohibits any national political activity, not being able to dedicate themselves to a local political activity unless authorized. A high degree of appreciation is left to each Minister to issue such licenses that are granted by the rank and role exercised by officials and by job and by the ministry's skills on which it depends. It seems that such authorizations are very restrictive: approx. 100 permits, on average, per year.

<sup>16</sup>Popescu Slăniceanu, I. 1991. *Public function theory*, Brăila, Romania: Editura Evrica, p. 100-108.

Provisions relating to political freedoms have a deterrent effect. This deterrent effect is even greater as an official who would be present, at any price, at the elections could participate only if resigning from his position in administration.

So, there is a real way to transfer the political will to the public administration which ensures the latter's subordination to the policy. At the same time, the model implies a certain separation, not confusing the political power and administration.

And there is another aspect: the problem of coordination and control increases disproportionately once with the size of organization<sup>17</sup>.

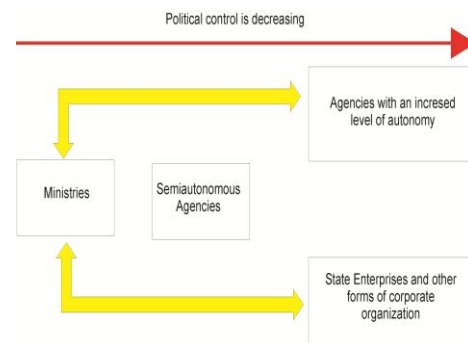


Fig. The degree of political control at different levels<sup>18</sup>.

<sup>17</sup>Kennett, P. 2008. *Governance, globalization and public policy*, Cheltenham, UK: Edward Elgar, p.32.

<sup>18</sup> According to Pollitt, Chr., et al. 2004. *Agencies: how governments do things through semi-autonomous organizations*, New York, USA: Palgrave Macmillan, p.11.

## 5. Conclusions

The concept of autonomy appears in various juridical contexts. In internal/ domestic legislation, autonomy is part of its governance of certain companies and public institutions. This includes the power to decide, that is the authority to regulate their business by adopting legal rules. Constitutional autonomy is an prerequisite for statehood. In international law, autonomy is that situation in which certain regions of the state are authorized to self-govern certain aspects regarding the adoption of legal regulations but without forming mother state structure.

The first normative argument which could be taken in consideration is the value of autonomy. This argument shows that each person has a predominant interest in living a autonomous life and, consequently, the governance can promote values through the inaction of particular concepts of good. Because the concept of autonomy is so confusing, it is a obvious risk that any formulation of this argument can be gradual.

It is obvious that the concept of autonomy is used differently according to its context without the notion of autonomy to be a well-defined legal concept.

Authority prevents freedom to fall into anarchy; freedom prevents the authority to fall into tyranny. In the administrative organization of a state, the different administrative arrangements represent the relations between authority and freedom, between the discipline of life and life itself.

The balance between autonomy and control is difficult to establish and equally hard to maintain and a great challenge is to clarify under what conditions this balance is changed in one way or another so it will arise another question: how to control those who control?

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