



SHAKEN ORDER

AUTHORITY AND SOCIAL TRUST IN POST-COMMUNIST SOCIETIES

CASE STUDIES IN LAW

Project of the Centre for Advanced Study Sofia

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RESEARCH DESCRIPTION

Shaken Order: Authority and Social Trust in Post-Communist Societies Case Studies in Law, Higher Education and Science (summary)

General framework

Authority and social trust are essential ingredients of social life, in a sense they may even be considered the basic glue social integration is made of. As everything else in people's historical existence, however, they are subject to constant, sometimes profound, change which may affect the very foundations of society.

The general goal of the proposed collective interdisciplinary research project is to investigate the dynamics and especially the tendency towards deterioration of authority and social trust in three social fields (law, higher education and science) in the overall context of globalization, with special accent on the (European) post-totalitarian societies. This goal comprises three main objectives: 1) to identify the systemic/structural and the epistemological preconditions of the profound changes of authority and social trust; 2) to study the effects of these processes on the social (in)stability and the possibilities for institutional reforms in the three fields; 3) to interrogate the heuristic potential of the existing theoretical traditions in the problem areas of the project and to generate some new ideas and approaches.

For achieving these objectives, the project is designed in a way which could offer heuristic perspectives and inspiration for scholars from different disciplines and with different theoretical preferences. Each individual proposal will have its own focus which, however, should be in compliance with the aims of the whole project. At

least some of the individual projects are expected to include cross-national comparisons.

The project seeks to answer questions such as:

- How should we reconsider the familiar notions of authority and trust in the context of the overwhelming globalization and the enlargement of the European Union?
- Is the dynamics of authority unfolding parallel to corresponding dynamics of public trust or the presumed connection between the two variables is more complex and contextually dependent?
- How successfully is the decrease of the authority and the public trust in the national institutions compensated for by global institution-building in order to maintain functional level of social stability?
- Where are the “loci of authority” in contemporary societies and what kinds of “authority structures” replace the national state as a central authority of modernity?
- What is the real influence on the dynamics of authority and trust of the reforms carried out in the three social fields in the (European) post-totalitarian societies after 1989?
- Does the decrease of authority and trust have, along with the negative social consequences, some positive effects in the realms of individual autonomy and citizen’s activity?

The general assumption of the project is that the profound changes in the distribution and levels of authority and social trust result mostly from the co-evolution of global systemic-structural processes (such as democratization, pluralisation, expansion of mass-media, intensified international migration, diminished prerogatives of the nation state, insufficiency of the supra-national institution-building as a substitute source of social order) and epistemological changes (i.e. the dramatically transforming contemporary notions of rationality, emergence of “mode 2 science”).

Having in mind the project's interdisciplinary agenda a highly elaborated, strictly uniform theory is not supposed to be imposed on the individual projects. Instead, bridges will be built on the level of different conceptualizations and fields. However, in order for this dialogue to be productive, some common core of general theoretical ideas or theoretical "leading image" for the entire project is necessary to be developed, including series of basic theoretical assumptions and common understanding of the main concepts. So, all the individual projects are supposed to deal with some shared and simple enough implications of the initially developed general framework. First of all (in addition to the project's main hypothesis), they will deal with the notion that profound changes in the distribution and levels of authority and trust are not limited to the post-totalitarian space, but are really world-wide and thus subject to some global regularities. Second, with the idea that the processes of central interest for the project are significantly influenced by the crucial characteristics of both totalitarian and post-totalitarian experience. Third, with the understanding that national cultures and persisting national traditions have their own and important impact on the dynamics of authority and social trust.

In view of the complexity and interdisciplinarity of the project's agenda a great variety of methods and sources of information will be used. In each case study, the choice of the method will be a responsibility of the individual researcher. However, generally speaking, sociological and anthropological methods (with an emphasis on qualitative techniques for data collection) seem to be most appropriate for achieving the project's research objectives.

The expected result of the project is an innovative, detailed and interconnected picture of the dynamics of authority and social trust in the three research fields. On the theoretical level, building on the results from the case studies, the project team will elaborate a model of the factors responsible for the changes in authority and social trust in the fields of law, higher education and science in the post-totalitarian (European) societies. It will also identify, "map" and systematize trends in the dynamics, especially in the process of deterioration of authority and social trust, within each of the three fields of interest and "in-between"

them. The project will also contribute to deepening our understanding of the notions of authority and social trust by revealing: a) the way the specificity of each of the three social fields influences the dynamics of authority and social trust; b) the common regularities of the ongoing dynamics in the three social fields; c) the intimate relationship between the changes of authority and the changes of public trust.

The policy relevance of the results of the project is ensured by the fact that it will provide data and analysis on issues which are very “hot”, i.e. publicly sensitive and important for the future development of the post-communist societies.

The project’s overall duration is 3 years and it will be carried out by three interdisciplinary teams, corresponding to the three research fields. Each year a selection committee consisting of international experts will select scholars for the 9-month fellowship schemes. The project convenor (and team leader for research field “Higher Education”) is Prof. DSc. Pepka Boyadjieva, the team leader for research field “Law” - Dr. Ivo Hristov and for research field “Science” - Prof. DSc. Galin Gornev.

Research field “Law”

The research done by the World Values Survey and the European Value Study surveys outlines a social phenomenon that is common to almost all Central and East European countries – the lack of trust in the existing legal system.

What explanations can be given to that phenomenon?

Generally, the answers and the explanations to this paradox are sought in several directions:

- The obvious inefficiency of the law regulations and the legal institutions is explained with personal deficiencies i.e. the system problems are understood, confined and qualified as personal guilt and personal responsibility.

· The efficiency, authority and trust in the law and the legal institutions are understood as function of the quality of the formal legal techniques. This technocratic approach is dominating in the context of the European integration and the solutions it proposes are misleadingly simple – all boils down to an adequate reception and adaptation of the respective European models and regulations.

· The efficiency, authority and trust in law and the legal institutions are also understood as function of the increase of the “administrative capacity” of the law-adopting and law-implementing institutions. These explanations are standing very close to the previous ones i.e. they take the institutions as self-sufficient autonomous instruments indifferent and independent from the social context. At the same time they treat the law only as a normative continuation of a concrete organizational infrastructure.

· And last but not least the very low level of trust in the legal system is often explained with the existence of a special anti-legalist mentality typical for some of the post – Communist societies and mostly for Russia and the Balkan countries.

The present project starts from the assumption that the adequate explanation for the level of authority and trust in the legal regulator in the post-socialist societies has to be based on the fundamental objective and methodological prerequisite of the social character and origin of the law. Therefore, the dominating technocratic or juridico-positivistic approaches in analyzing the place and role of the law in Central and Eastern Europe do not take into account the social essence of their subject and the historical origin of the separate regulative institutes.

When describing this historical origin, several fundamental circumstances have to be taken into consideration.

The first group of circumstances is associated with the common totalitarian past of the majority of the Central and Eastern European societies, which comes to show that there are some common grounds for the genesis and peculiarities of the legal regulator which can be understood and explained by the specificities of the so-called “real socialism”.

The second group of circumstances is based on the assumption that the common totalitarian past does not predetermine a common present. It is obvious that although Central and Eastern Europe “enjoyed” living in the common socialist system, it only concealed the profound historical, social, cultural and political differences between the different societies.

Therefore, in order to address the outlined problems in the “Law” research field, a comparative socio– historical analysis needs to be performed. The latter shall focus on historical genesis, contemporary role and place of the law and the law institutions in the Central and East European countries.

Research questions in the “Law” research field:

- Authority and trust in the representative political system and in the law-adopting institutions as part of it
 - The institutionalized distrust in the state – a foundation of the modern democratic process; separation or capsulation of powers?
 - The state and the social publicity – socio-historical variations;
 - Social essence of the representative political system in the post-communist societies; Social stratification and political representation: political conductions of the socio-economic change;
- Representativeness of the system of democratic representation– the social in-authenticity of the mass political representation as a structural reason for systematic erosion of the trust in and the authority of the political system and the parliamentarism in post-communist societies;
 - Legal publicity and autonomy of the legal field
 - The understanding of the (non)publicity in post-communist society as a guarantee for the social understanding of post-communist society;
 - The concept of social autonomy of the legal field; Authority of the legal regulation in post-communist society: systemic grounds for the existence and the variability of the social authority; Social variability of the legal regulations;

- Authority and trust in the judicial system
- The emancipation of the judiciary in post-communist society: the role of an unreformed system in times of transition;
 - Authority and trust in the judiciary as a function of the dynamically changing social media and the rigid institutional system;
 - Stratification and oligarchy in post-communist societies: the judiciary – the “black box” of democracy;
 - Quasi law-enforcing practices in post-communist society – the social by-pass of a non-working system;
 - The distrust in law and the underdeveloped capitalism in the post-communist world;
 - The ombudsman – institutionalization of the distrust or the new exotic?
 - The (in)adequate normative basis of higher education and science in post-communist societies
 - (Dis)balances in and (in)efficiency of the existing normative regulation of higher education and science;
 - Laws as instruments for carrying out concrete policies in the fields of higher education and science – to what extent is this possible in different social contexts?
 - Legal regulation of the key issues in higher education and science, such as: autonomy, transparency and accountability; staff development; students’ status; models of management and financing, etc.; More generally, the role of state in finding out the optimal functioning of higher education and science: between the etatist and the self-regulating poles;
 - (Non)existence of political will for (normatively) reforming the fields of science and higher education (on the analysis of the actual post-totalitarian dynamics of the processes of law enactment in these fields).