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The Failure of Public Governance in Romania

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Introduction

“In the South Seas there is a cargo cult of people. During the war they saw airplanes with lots of good materials, and they want the same thing to happen again. So they’ve arranged to make things like runways, to put fires along the sides, to make a wooden hut for a man to sit in, with two wooden pieces on his head for headphones and bars of bamboo sticking out like antennas – he’s the controller – and they wait for the airplanes to land. They’re doing everything right. The form is perfect. It looks exactly the way it should. But it doesn’t work. They must be missing something essential, because the planes don’t land.” (Feyneman 1985)

After observing more than a decade the travails of democracy in transition countries, especially in South East Europe there is a widespread impression of many foreign and domestic analysts that the basic forms are in place, and all the superficial aspects of Western democratic life were copied more or less accurately, with whatever local material was at hand. But something essential must be missing, since substantive democracy and prosperity are still on the wait. This paper argues that the missing ingredient may be good governance – coherent sets of policies developed by local decision-makers through a legitimate and transparent process engaging the stakeholders involved in their implementation. As well, based on the evaluation of public support for general governance we argue that the Romanian bureaucracy is highly perceived as being captured by “predators” coming from the networks created by politics of “amoral familism”.

In this analysis we used several public opinion polls: the 1995 World Values Survey (WVS from now on) polled in Romania in 1993 by ICCV provides the general comparative framework to discuss Romania. Three more recent polls, two from 2000 (2000a and 2000b), and one from 2001, jointly sponsored by the Eurobarometer and the UNDP, all executed by CURS, allow an update of the state of affairs in Romanian political culture and perception of governance by citizens¹.

¹ Surveys used are: World Values Survey 1995-2000, polled by ICCV in Romania in 1993; surveys quoted by year (2000a, 2000b, 2001) were all executed by the Center for Urban Sociology (CURS). Surveys 2000a and 2001 were national surveys on samples of 1100 each; 2000b was a special survey, designed to be representative for every region, with a sample of 37 400 respondents. 2001 was a joint survey by Eurobarometer and United Nations Development Program (UNDP). 2000a and 2001 were sponsored by Freedom House and UNDP and designed by Alina Mungiu-Pippidi.

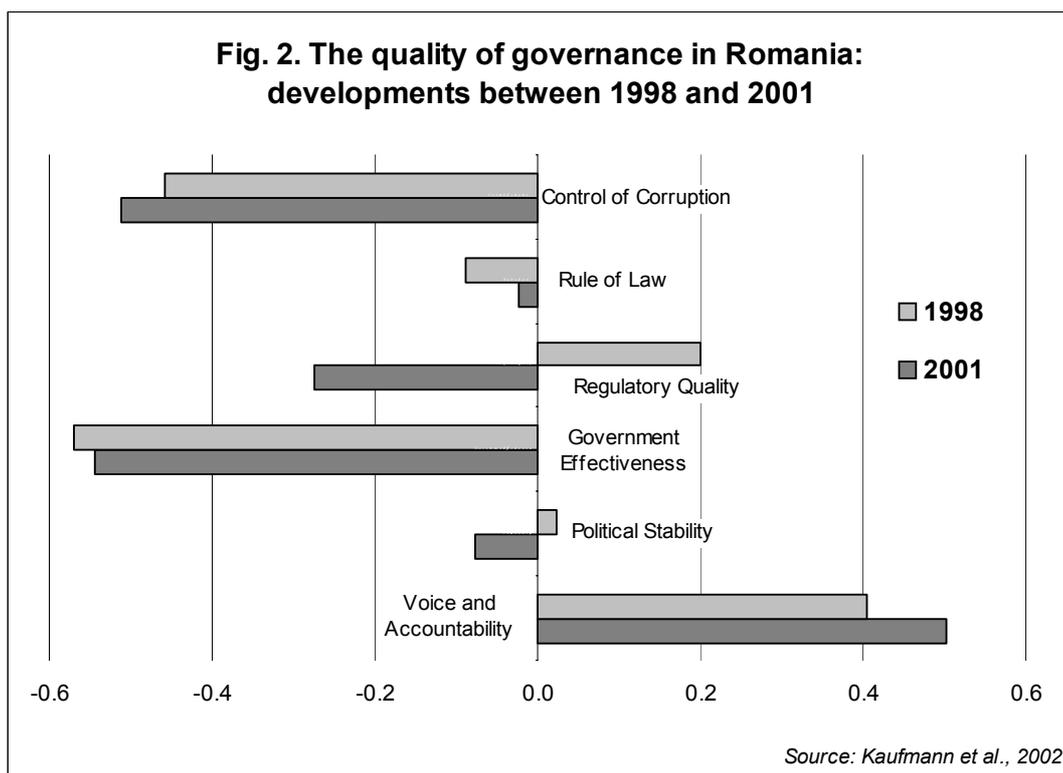
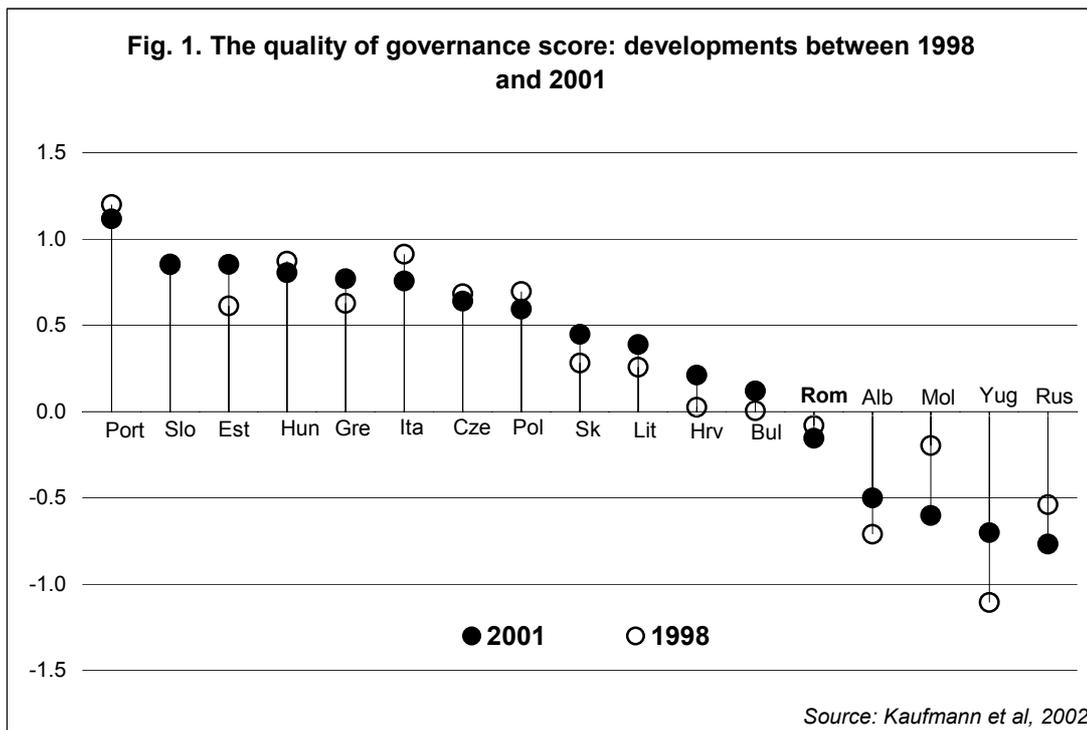
Governance Problems in Romania

Ever since Romania has entered, after 1989, various comparative performance assessments aimed at rating the transition countries, it scored consistently poor, being placed towards the bottom of the table. European Commission's annual reports evaluating the progress of candidate countries put Romania on the last place – after Bulgaria, a country that, arguably, begun the transition facing harsher adverse circumstances. There is a growing consensus among local and foreign analysis on what the main culprit may be: the lack of capacity to design, adopt and implement public policies, irrespective of their nature. This has created a sense of drift and uncertainty in the Romanian society, and has demobilized many social actors that might have taken the hardships of transition of their own, had they only been provided a stable environment.

The policy shortcoming also affected substantially the pace of social development. Most indicators were inherited at reasonably high levels from the previous regime in all ex-communist countries. UNDP measures human development through a combination of education, health state and economic output indicators. If the literacy rate and life expectancy change only slowly in time – and even those marked a slight decline across the region after 1989² – the GDP/cap figures were much more volatile and started the '90s with a downwards trend. The lack of consistent and sustainable growth in the past decade is largely attributable to domestic policy failures. Wrong institutional arrangements, lack of political will and missing implementation skills – all can be grouped under the heading *weak governance*, which explains why some countries have fared worse than others. Romania is definitely a laggard in this respect. One of the most comprehensive evaluations of the governance quality in the nations of the world, run jointly by the World Bank and the Stanford University (Kaufmann, Kraay and Zoido-Lobaton 2002) only confirms with quantitative data what EU, OECD and other international reports have noted before: that there is a deficit of governance in Romania that spans over many aspects of the public life (*Fig. 1*). Two things are particularly concerning in this analysis:

² True, the pre-1989 figures are questionable in many countries, and in Romania first of all, due to the propensity of the old regime to tamper with statistics.

1. Romania scores last among CEE nations on the quality of governance indicators, being relegated into the second league together crisis-torn Balkan and CIS countries.
2. Not only that the average score is low, but also the quality of governance in Romania worsened slightly between 1998 and 2001.



No other EU candidate has experienced this combination of unwelcome developments; even Croatia, crippled by war, seems to be pushing ahead faster. Disaggregating of the total country score shows more precisely where the problem is. While in the political areas (voice, political stability) things look reasonably well, the policy implementation areas are those that pull the score down: government effectiveness proper and the control of corruption (*Fig. 2*). In addition, the quality of regulation has worsened significantly between 1998 and 2001. This is an important point to stress when talking about the first decade of transition in Romania: *the country has failed to follow up with sound policies the political liberalization achieved in early '90s*.

When something eventually gets implemented and functions, there are usually two reasons why that happens. First, because external conditionality was strong and detailed enough to keep things on the right track. This is the case with certain measures to stabilize and liberalize the Romanian economy, adopted largely in two waves: early '90s and 1997-98. Or, second, when a bad crisis suddenly occurs and forces the implementation of a solution that had been long debated (and lobbied for by local think tanks) without any political decision being reached. Arguably, this is how some of the most important policy achievements of the last years came about: the passing of the FOIA law (Freedom of Information Act) pushed forward by a consortium of NGOs, the local budgets reform, the cleaning up and strengthening of the financial sector after a series of bank and mutual fund collapses which brought the country close to default in 1999. In some instances a combination of external conditionality and crisis-driven measures may function, as it was the case with the issue of orphans: strong pressure from Brussels and Strasbourg to do something about Romania's gloomy orphanages, plus a string of scandals related to international adoptions, forced the government into action and a more modern system of foster care was eventually implemented.

The problem is, these two factors can only work in some policy areas. The external or crisis-motivated push may not function with the same efficiency in other areas of economic or social policy, where standardized solutions do not exist (as they do in banking of local finance, for example). Here domestic expertise is necessary in order to filter and adapt locally the pool of international best practices. If the Romanian policy community continues to be weak and non-committed, things will

not change for the better. Right now there are obvious problems in this respect, starting from the very design of the policy cycle.

The habits and values of elites: “amoral familism”

A consistent layer of values and attitudes prevalent in society compounds the previous structural flaws. Personal allegiance is more important than anything else, even the rational self-interest of actors. As a result, the environment becomes even more unpredictable than it would otherwise be. Leaders are supposed to be promoters of their protégées. Clan-based loyalties take precedence over public duties for the salaried public officials. And this behavior is to be found not only in the central government, but also in local administration, the political opposition, academia and the cultural life in general, thus permeating most of the country’s elites. Classic studies of Mezzogiorno in Italy call this complex of attitudes “amoral familism” – when extended kin-based associations form close networks of interests and develop a particularistic ethics centered solely in the group’s survival (Banfield 1958). This central goal of perpetuation and enrichment of the in-group supersedes any other general value or norm the society may have, which becomes non-applicable to the group’s members. At best, they can be only used temporarily as instruments for advancing the family’s goals – as it happens sometimes with the anti-corruption measures.

Since Romania’s society, like others in the Balkans, is predominantly pre-modern, its members are neither very keen to compete openly, nor accustomed to the pro-growth dynamics of modernity. Social transactions are regarded as a zero-sum game; a group’s gain must have been realized at the expense of others. This may be a rational attitude in traditional, static societies, where resources are limited and the only questions of public interest have to do with redistribution. The maximization game in these circumstances is not understood in absolute, but in *relative* terms: a final state may be considered acceptable when everybody loses something, but one’s group loses less than the others do. However, this worldview represents a disadvantage in the new circumstances where a positive spiral of growth is possible and the professional success of out-groups should not be regarded as a threat, but a source of general wealth. Designing and implementing welfare-enhancing public policies in this environment – meaning packages of consistent and uniform general rules applicable to everyone – is always a challenge.

In Romania this secular institutional under-development is combined with the inheritance of particular type of totalitarian regime: “sultanistic communism”, as transitologists have aptly characterized the Ceaușescu unique blend of inept Soviet-style bureaucracy and Balkan-style nationalism, arbitrariness and clannish behavior. The ruling class of the Ceaușescu years was made of a number of territorial families fighting for power. Even the formal rules of the communist regime were not consistently enforced. Instead, it was an open secret that the competition among groups consisted in applying skill and power to bend the rules of the games to one’s own advantage. Rent seeking was a generally accepted principle of organizing the public life, and all the individuals down the social ladder were trying with more or less success to replicate the strategies of top echelons. Naturally, the habit could not have disappeared without trace in just one decade.

Today, the political parties are typically made of small coteries of people with little or no idea what the task of ruling a country means. The governing is most often done, more or less routinely, by an uneasy combination of old-time Communist bureaucrats, the only ones who possess the group discipline to accomplish anything, and foreign donors. The emerging civil society is trying hard to find a place for itself in this equation, while facing more or less the same problems as the rest of the society. As the Romanian communist regime was much closer and repressive than its Central European counterparts, it did not allow the emergence of an alternative elite, or even a decent category of technocrats who could understand and manage policy. In a lagged response to this situation, many civil society organizations appeared in the early ‘90s and tried to make up with their radicalism for the missing dissidence before 1989 – they were, so to speak, intellectuals organizing themselves to oppose a dead tyrant. This was one more factor that delayed the apparition of modern, professional think tanks. And the effect on the post-communist politics was also weak, since they did not succeed in discrediting and excluding important political and economic actors linked with the previous regime. Researchers of transitions consider this a strong predictor for slow reforms and inconsistent policies (Nelson 1995).

Pre-modern attitudes towards public affairs do not necessarily mean that everybody is poorly educated or anti-Western. Actually, the correlation is weak between clannish behavior and membership to the old regime’s ruling class. The new, post ’89 sophisticated elites, who make a good showing in international gatherings and pursue in general a perfectly cosmopolitan lifestyle, can still behave discretionary

and clannish at home, blocking modernization openings. This disconnection between the official, Westernized discourse abroad and the actual behavior at home in all things that really matter has a long history in Romania. 19th century *boyars* sent their sons to French and German universities and adopted Western customs in order to be able to preserve their power of patronage in the new circumstances – anticipating the idea of the Sicilian writer di Lampedusa (1958) that “everything has to change in order to stay the same”. It also explains why diplomacy has been an occupation much esteemed in our society and practiced professionally: because the better you are at it, the more you are able to increase the distance between *pays légal* and *pays réel*, and get the fiction accepted by the powerful foreign partners, to the in-group’s advantage.

This also shows why many times foreign assistance is ineffective in these states, and seldom able to alter the ways of the locals. First, it is no longer an exogenous factor: playing on its interests and provoking specific reactions from the international community has become a component of local politicking (van Meurs 2001). Identifying “bad guys” or culprits for non- or simulated reforms ignores the structural problem in these societies and personalizes forces that are deeply entrenched in society. Second, pumping resources through assistance programs without prior analysis of local conditions and networks of influence often ends up not by changing the rules of the local game, but, on the contrary, by raising its stake and consolidating existent power groups. The local elites are tempted to appeal to the international community’s interest in local stability (as is the case with the European Union) and stress the presumably destabilizing effects of reduced assistance or tougher conditionality.

Predators into bureaucrats?

Figures of subjective corruption (how widespread corruption of the public sector is) confirm the idea that most Romanians perceive many groups are above the law, same few people are winners regardless of the regime and corruption is widespread. The last indicator does not single out Romania from the soon to be European new members from the East (see *Table 1*). Perception of corruption as widespread is high everywhere in the region.

Table 1. Perceptions of governance

	Interpersonal trust	Trust in political parties	Participation (attending lawful demonstrations)	Civic membership	Corruption widespread
Czech R.	27	15	11	30	62
Slovakia	26	22	12	28	61
Poland	17	13	10	2	69
Hungary	22	20	9	31	42
Slovenia	15	14	9	31	68
Romania	18	14	20	31	58
Bulgaria	24	30	11	10	68

Source: WVS 1995

Romanians do not seem to differ on any governance-related indicators of public opinion, though objective data show Romanian governments as more corrupt and ineffectual (Mungiu-Pippidi 2002). In a general regional picture of distrust, Romanians are insignificantly below the regional average in their distrust in fellow humans and political parties, have higher rates of participation in voluntary associations (although this is based on a high membership rate in unions inherited from Communist times) and attend protest rallies more often than anybody else. In no way is Romania an exceptional culture where passivity reigns and structural distrust plagues collective action, so Wildafsky's argument³ can be ruled out. True, differences between participation rates, trust or civic membership, are considerable compared to Western European countries, but fairly typical for postcommunist ones. It is therefore likely that the influence of Communist socialization, not some specific Romanian cultural trait, is accountable. Regardless if Catholic or Orthodox, East European countries are struggling with widespread malfunction of the administration, translated into the incapacity to provide satisfactory service without an extra-tax made by the bribe, a form of abuse of taxpayers. All these countries have underpaid civil servants, public resources in short supply preserved as such by over-regulation, citizens used to being mistreated and an almost total absence of formal institutions of accountability of the civil service- other than those making bureaucrats accountable to the upper hierarchy. There is something remarkable about Romania, however, as the index of Transparency

International, also a subjective index, but made by perceptions of businessmen rather than ordinary people, reveal its administration and politics as more corrupt than its Central European neighbors. The Freedom House Nations in Transit index of corruption also points to the predatory elite hidden in the Romanian bureaucracy. This institutional ‘culture’ is not met passively by consumers - only 34% of Romanians believe changing this state of affairs is beyond their power- but proves resilient due to the absence of a policy to dismantle the formal institutions supporting it. Citizens pay an extra-tax because it is simpler to solve matters than fight the system. But there is a cost to this: trust in the new formal institutions of democracy is eroded.

Not only do most Romanians (62%) report having been mistreated by a civil servant after the fall of Communism, but those who grant a favorable judgment to civil servants, judges and politicians are below a third of the total if we average the figures of the past decade. The majority of Romanians have come to be democrats, but blame their difficult transition on their political ‘class’ (see *Table 2*). The recruitment method of politicians and bureaucrats may account for their low popularity. Representatives are elected on party lists, the government appoints judges and the civil servants’ body is a mixture from the Communist time bureaucracy and the new recruits. Public advertisements of job openings in the public sector is absent as a general rule, and one can obtain a job as a civil servant by informal connections only. Politicization of the administration runs deep, less from political interest in these low-key jobs, than the political parties’ need to support their wide range of cronies.

Table 2. Dissatisfied democrats

Questions	% agree
If Parliament was closed down and parties abolished, would you...	19.4
A unity government with only the best people should replace government by elected politicians	59.2
Conflict on between political class and rest of Romanians	51
Failed transition blamed on incompetent governments	62

Source: 2001

³ Aron Wildafsky (1986) cross-tabulates the strength of group boundaries with the nature of prescriptions binding groups. *Whether prescriptions are strong and groups are weak - so that decisions get frequently made for them by external factors* -- the result is what he calls a ‘fatalistic’ political culture. In such cultures people are unable to fully exploit both freedom, being distrustful towards the utility of free will exercise, and power- as mutual trust is low, collective action is difficult to achieve.

Even if comparable with figures of the region as a whole, public trust figures remain very low. People distrust their 'state', still perceived, as in Communist times, as a parallel entity to society, and institutional social capital is low. Citizens have not yet come to claim *ownership* of the state, from local government to Parliament, even if they participate regularly in electing them. Once elected, these bodies seem to operate alongside society, rather than with it. Trust depends on performance and improves with it- trust in urban local governments doubled in Romania between 1997 and 2000, as fiscal decentralization gradually empowered mayors, who are directly elected, to start satisfying their constituencies. It remains low for central government, law and order agencies, Parliament and parties, which are placed further from the voters' reach, protected by the intricacies of a proportional electoral system based on party lists.

Determining public trust in all its variants- trust in government, in specific public agencies, and in the 'state' in general confirms this picture (*see Table 3*). Trust is lower in urban than rural areas, the opposite of what we would expect if trust were a basic psychological orientation arising out of an environment of scarce resources. This finding is consistent in all surveys and runs contrary to classic social capital literature, such as Almond and Verba (1963) or Putnam (1995). It makes sense, however: urbanites distrust more because they bribe more. Peasants barely bribe: being cashless, they just let themselves abused, without neither bribing, nor protesting.

An association between interpersonal trust and trust in public sector or state trust does show in the models, but it explains little of the variance. *Interpersonal trust does not, however, determine political trust*. On the contrary, pure performance items, such as the personal experience of a citizen in dealing with the administration influences public trust greatly. Residual Communist attitudes also hinder institutional social capital. The more people are frustrated with the transition and regret Communism, the less trust they grant to the new regime. The young tend to be more confident than the old, and subjective welfare rather than objective differences in income boost social capital. Members in voluntary associations are not higher on social capital than no-members. And overall, those who had negative encounters with some civil servant are lower on public trust.

Table 3. Determinants of public trust

Predictors	STATE	GOVT	PUBLIC SECTOR	Wording and scales
Education	ns	ns	ns	1='primary' 2='elementary and vocational' 3='high-school', 4='college and higher'
Wealth	ns	ns	ns	Factor score from the average household income and the total number of household utilities
Age	ns	-0.082 *	- 0.108 **	Respondent's age in years
Town size	-0.043 *	-0.072 *	-0.073 *	1=village; 2=town under 30 000 inhabitants; 3=town 30 000-100 000 inhabitants; 4= town 100 000-200 000; 5=town over 200 000 inhabitants
Male	ns	ns	ns	Respondent's gender (1=male)
Subjective welfare	0.105 *	0.226 *	0.181*	Satisfaction with life from 1= 'not satisfied at all' to 4='very satisfied'; for analysis the variable was coded again with scores from -1 to +1, non-answers being coded with 0
Interpersonal trust	0.129 ***	0.037	0.141**	'Most people can be trusted' scale ranging from 1 (total disagreement) to 4 (total agreement)
Follows politics in the media	0.128 *	0.062	0.066	Index built as mean of scores for 'watch political news on TV', 'read political news in the press', 'discuss politics with friends'
Civic membership	0.093	0.049	-0.056	Dichotomous variable, 1=member voluntary association, 0= non-member
Communism good idea	-0.127 *	-0.242 *	0.066	"Communism good idea badly put into practice" (from 1=fully disagree to 4=fully agree)
Mistreated by a civil servant after 1989	-0.137 *	-0.215 *	-0.317 **	Experience with mistreatment by public servants after 1989, 1 yes, 0 no
Adjusted R ²	0.137	0.193	0.102	

Source: 2000

Legend: Figures are non-standardized regression coefficients. ...*** significant at 0.000. ;** significant at 0.00; significant at <0.05-0.00.; ns- non-significant item. Dependent variables are trust in state (STATE) from 1 (little) to 4 (a lot); trust in government (GOVT) - factor score of evaluations of Government, Parliament and Presidency; scales from 1 (little) to 4 (a lot); trust public sector (PUBLIC SECTOR) - factor score of evaluations for main public agencies, scales from 1 (little) to 4 (a lot).

Mistreatment is generally interpreted as a signal to deliver the payment to the civil servant or public official, as reported bribe and reported abuse by administration

are correlated. As a general rule, people bribe because without this extra-tax they would hardly get anything they need, and in Romania the dependency on the administration for an array of permits and licenses is still much larger than in the West. Excepted are those belonging to the right network, having the right connection, which can turn the impersonal relationship with the administration into a personal one. For Romania, roughly a quarter of the respondents enjoy this status. The likelihood that those will get the service they require in a satisfactory manner is considerably higher than for the group which has no 'connections', even if it pays the bribe.

The formal and informal institutions regulating administrative practice support ongoing corruption. Their origins are in Communist times. Despite its strongly modernizing discourse, the Communist administration was the opposite of a modern administration. Arbitrary and discriminative, it could not have been further from the impartiality, impersonality and fairness supposed to characterize modern bureaucracies. The corruption of the Romanian civil service manifests itself often not just by use of a public position to seek personal gain, but more broadly as the widespread infringement of the norm of impersonality and fairness which should characterize modern public service. Providing discriminative public service as a general rule is not prompted by financial gain only, being rather the norm in societies dominated by groups of uneven power status. And these differences in power status are inherited from the recent past. In polls, all Eastern Europeans seem discontent with the quality of their administration and political class: in practice, when we examine the situation more closely there is a clear correlation between the degree of communization and the quality of administration, corruption entailed. The more intrusive the Communist regime was, the greater was the arbitrary power of its agents, such as representatives of the administration, and the lower their accountability. Institutional reforms did not target this situation specifically: civil service reform acts prompted by the European Commission include practically no reward and punishment system to promote a change of administrative culture, so they are unlikely to solve the 'hard' cases, such as Romania or Russia. How many years can the public function alongside predatory elites that no government seems willful enough or powerful enough to shake off? The reform of the public administration, and of the state in general, is the key to legitimating democracy and to European accession of Romania. The central group of postcommunist politicians, such as Ion Iliescu, has gradually

evolved from authoritarian socialists to pro-European social-democrats, but they did not dare to attack corruption, as the predatory elite is the most influential part of their power basis. This is an essential step, however, to complete Romania's transformation and it is unlikely European accession can be achieved without it taken.

Conclusions

The role of ,soft' constraints

,Soft constraints' are formal institutions which can be changed (such as a poor electoral law), informal institutions and opinions which run counter to democracy. They are also legacies, but they can change and they have changed. We need to examine them in connection in this tripartite model to identify the possible windows of opportunity for policy intervention. If we would examine public opinion only, the Romanian rural and its voting behavior, as well as the administrative corruption, would remain something of a mystery.

Nevertheless, the importance of soft constraints is also directly determined by the nature of the former Communist regime. Informal institutions multiplied and took the upper hand in collective behavior due to the absurdity of formal arrangements during Communism. In 1989 all Romanians were culprits, as it was illegal to store more than one kilo of sugar in one's house, have a garden without producing wheat, drive one's car every weekend, and so forth. The society's habit to survive by going around laws is a serious obstacle to instauration of the rule of law, especially since corruption at the top remains high, law enforcement collapsed with Ceaușescu and the new legislation is often poor, removing therefore any incentives for law abiding.

In regard to electoral democracy things are considerably simpler: postcommunist socialization works, so even individuals with an average interest in politics have learned that elections are the rule of the game. The least liberal a Communist regime, the more autocrats at the beginning of the transition. High levels of inconsistency show the competition between the old and the new socialization, it is a sign of political culture change. The number of collectivists and authoritarians decreases year after year: similarly, the number of those who believed Romanians and Hungarians are in conflict has gradually eroded and had fallen under 40% by 2000

after a majority had shared this perception in 1990. Residual Communist attitudes, which vary across East Europe, also because they are determined by the nature of former regimes, change with the new socialization and prosperity of successful economic transitions, even if success is mild. The longer time needed by countries which experienced worse national Communist regimes, such as Romania, Bulgaria and Russia is a reminder of the fact that socialization works both ways: longer and harder Communist regimes were also successful in perverting majorities to approve of one party systems and fostering social envy. The socialization means they used, however, was state terror. By contrast with this coercive persuasion, the transition, with its European integration as a main incentive and antidemocratic parties allowed to compete in the electoral game has turned out fairly well with only modest means.

Cultural legacies or institutional reproduction?

Political culture of the transition is a mix of residual attitudes and recent ones, inherited institutions and continuous internalization of new ones. The only evidence of 'cultural legacies' is found at the level of informal institutions and refers to the recent heritage of Communism. The pre-war bureaucracies of Romania and Bulgaria were almost completely destroyed by the Communist regime, yet the regime in the late seventies showed already the same patrimonial character as the pre-war bureaucracy. This induced some observers to believe that 'cultural' characteristics have prevailed over the change of regime, while in fact similar contexts (big governments with low or no accountability) tend to reproduce the same features regardless of 'culture'. We can clearly identify, the persistence or recreation of formal institutions, which reproduce the same informal ones, creating the false feeling of 'continuity'. Those who doubt that imports of institutions are possible, from inter-war Romanian fascist thinkers to European enlargement skeptics of today should seek the causes of new institutions failing to take root in the area of poor implementation policies rather than 'culture'. Governance matters, and no nation is doomed to perpetual poor governance.

Because if culture is reduced to public opinion, then in normal circumstances it changes faster and easier than institutions do. The main problems for democratization remain the underdevelopment and political dependency in the poor rural areas, as well as the difficulty to create and consolidate political organizations,

both ‚hard constraints’. A transition dominated by predatory elites due to an unfinished power struggle between an old entrenched elite and an almost inexistent new one was more in the logic of Ceaușescu’s repressive Romania than was the beautiful and radical Revolution week, helped from outside and carried on by a minority. Illusions of the first day of December 22, 1989, when thousands of youngsters invaded Ceaușescu’s palace, were proven naive: occasional mobilization cannot escape catching up by a country’s past. But neither can the past of a country ground it in a different path than its region and times, even if it will affect the pace of its transformation. Difficult history matters, but it is not inescapable.

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