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Could Romania's selfie go viral? Economic feasibility of using digital tools in the Constitutional law democratic processes

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Abstract

Electronic means of communication such as social media are becoming increasingly important to the way people organize themselves, interact with each other and reach collective decisions. The concept of democracy inevitably lags behind the pace of technological advances because of the imperfect flexibility of the regulations governing it that are currently in force. However, Iceland paves the way for an evolution of the democratic status quo, through its implementation of crowdsourcing in the process of adopting a new Constitution. This paper sets out to establish links between the Icelandic and Romanian models of democracy. It will then provide a preliminary SWOT economic analysis applied to a potential decision of the Romanian authorities to duplicate the Icelandic experience.

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1. Introduction

Adopting a new Constitution is a country’s equivalent to taking a selfie. The process sets out to capture the fundamental principles that the nation values and the ideals to which it aspires. And just as any successful selfie depends on the mechanisms used in taking it, the process of drafting Constitutions has to deal with certain specific constraints as well (Elster, 1995).

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The national Constitution represents an intimate form of social contract. Between its lines of harshly-cut normative imperatives and melodically-whispered general principles, the document’s body previses ever-challenging debates, be they public or private, of social, scientific or jurisprudential nature. The level of passion it raises will grow in intensity as it is considered and experienced by more and more nationals. The feelings it nurtures will inevitably evolve to the point of a noticeable tear in the social fabric, which can manifest itself as a simple constitutional revision or can go so far as to constitute a forceful, revolutionary overturn of the status quo. We are currently at a monumental crossroads, one whose character is essentially peaceful, at least as far as its external manifestations are concerned. Nevertheless, the debate over changing the Constitution of Romania some twenty-two years following its original coming into force and ten years after its revision unveiled a profound ideological unrest at the very heart of our society. We must not confer solely negative connotations or the bitter taste of defeat to this moment of metamorphosis, as this could cloud our reformatory judgment. However, if we consider it an opportunity to reset Romania’s components (its social, political, legal, economic and financial structures) on a more resilient contractual foundation that is more efficient in promoting national stability and prosperity, then we might have a chance to indeed reach the before-mentioned targets. Modern technology now allows for a better interaction and an improved representation of the various individual interests that are active in a society at any given point. We chose Iceland as a reference because it is the only nation to date that has attempted such an experiment. However, the comparison is not a purely theoretical one, as Romania actually surpasses Iceland in the degree in which Information Technology can impact its social development process and global competitiveness. When taking into account a statistical correction grouping countries into income groups, Romania ranks twelfth, while Iceland is placed sixteenth (Dutta and Mia, 2011). Thus, both nations undergoing comparison are similarly ready to experience effective use of digital tools, taking into account the particular constraint of economic development. The potential advantages of pursuing a digital, crowd sourced path in the process of adopting a new Constitution are manifold. First of all, it allows for the election of a Constitutional Council more representative of the common citizen. In Iceland, following a national vote, the 25 members of the body tasked with drafting the new Constitution were elected from a pool of 523 applicants. They belonged to different backgrounds and were representative of different views on the fundamental document (Willgren, 2012). It made them attract opinions from the citizens that most resonated with their particularities in a way that would not be possible if they were legal scholars or experienced statesmen. The less secret, more transparent collaborative effort of crowdsourcing can thus be seen as extremely beneficial even to solving the difficult task of adopting a new basic law (Landemore, 2013). The second advantage is actually one of the most revolutionary aspects of the entire experiment. The drafting process of Constitutions was made public, and through the use of digital aids such as social media (Facebook, Twitter) or e-mail, ordinary citizens and even foreigners that didn’t even speak the language (by using software such as Google Translate) were able to interact with the Council and share in the development of the 12 drafts that were produced (Landemore, 2014). The applications of modern technology in the field of lawmaking yet remain unharnessed to their full extent, even though the cost of their use is minimal relative to their potential benefits. Another beneficial point well worth mentioning is the fact that the actions, debates, opinions and interpretations of opinion leaders acting within social networks will translate into real-world ripple effects. Because media messages are not directly interpreted by the public, but are filtered through contact with opinion leaders by the process of interpersonal communication (Tasenţe, 2013), crowdsourcing proves potentially highly effective in the process of transforming digital Constitutional drafts into the binding national fundamental document. A preliminary SWOT analysis is necessary in order for a potential decision of the Romanian authorities to duplicate the Icelandic experience to be well-grounded. As a decision-making tool, it is a precursor to further strategic planning. (Harrison, 2010) Based on the analysis of the considered facts, we will produce a concluding opinion.
The strength of such an initiative lies mainly in the fact that the infrastructure to start the experiment already exists. There is no need for expensive lobbying that would lead to changing laws. The regulatory framework allows for action, and the costs would be kept to the minimum required of interacting with the citizens via the free social networks. They are the smallest costs that could ever be incurred. According to article 150 of the Romanian Constitution, the only requirement of organic nature is that of the initiative of revision originating from half a million citizens, but there are no limitations whatsoever in regard to the way in which the Constitutional draft is produced. The Romanian electorate is not significantly moved by Internet campaigns. This holds true even for some of the most important political events, such as the presidential vote that takes place every 5 years, where some very successful presidential candidates thus chose not to pursue aggressive online campaigns, in favor of focusing their efforts on traditional media (Năstuță, 2010). However, according to the “two-step flow of communication” model conceived by Paul Lazarsfeld in 1955, the opinion leaders are mainly responsible for the interpretation of media messages by the general public. Thus, even though much fewer in number than the real voters, the influential opinion leaders of social networks actually play a significant role in shaping real-world voting results (Tasente and Ciacu, 2013). Thus, using the free power of social networks and the minimal effort of targeting opinion leaders that can spread the debate to the general public makes such an initiative most desirable. The main, obvious weakness is that the experiment ultimately failed, even in the case of its pioneer initiator, Iceland. This should not discourage or alarm, because as our present analysis demonstrates, it produced important lessons that other countries could draw upon in their own experiences in the matter. Also, as is always the case when major shifts occur in traditional, well-established doctrines, a strong resistance by the forces of the establishment is to be expected (Elster, 1995). But the premise of our current study is that the Romanian authorities would reach the point of considering such a course of action and start to delve in a preliminary SWOT analysis in order to further support their decision. Some opportunities strongly support our claim that Romania has the potential to replicate the Icelandic experiment. Even though in the era of the Internet preceding the exponential development of social network interaction, digital tools did not manage to be effective in getting citizens more involved in politics than they would be in the absence of such stimuli, modern research reveals that there is a strong correlation between online activities and offline political participation (Burean and Bădescu, 2013). Thus, platforms such as Facebook or Twitter prove absolutely indispensable for the success of such an initiative, but the costs of implementing and moderating discussions in these online media will be insignificant in relation to the high degree of civic interaction, individual involvement and overall connectedness that can potentially be achieved. Also, the increased involvement from currently indifferent parts of the general electorate, such as the youth segment will lead to a better representation of social forces. This has been highlighted following the failure of the Icelandic experiment, when the citizens that were active in the social network debate protested with the same intensity as in the direst 2008 crisis. (Wetherell, 2013) The main threat is the very reason for which the analyzed endeavor failed in Iceland. This is why we call it an experiment in our current study. In the process of democratizing the Constitutional debate and the drafting process to the extreme, the fact that the decision to incorporate the final product into the body of the new Constitution rests in the political cycle-dependent Parliament cannot be bypassed (McCarthy, 2014). As an ancillary threat, we have to consider the unpredictability of the legislature’s will, which can very well kill the initiative up to the final moment of adopting the revision proposal. It is inevitable that the entire process must traverse the filters established by the current social order, because the Romanian Constitution contains a pre-established procedure that controls the process of modifying it. According to the provisions of article 151 of the fundamental document, the two chambers of Parliament (the Chamber of Deputies and the Senate) will have to decide the faith of the revision proposal by a qualified majority vote, before they release it to be ratified by the citizens through a national referendum. The scholarly community of social scientists can only hope to understand the processes behind the emergence and development of new political orders (Elster,
1992). Modern times allow for new, digital tools to be applied to the process, complicating matters even further. One might question the relevance, even if only from a moral standpoint, of Constitutional drafting proposals coming from a non-citizen of the State in question via an improbably-accurate Google Translate filter. Even if the expressed opinions were relevant and potentially applicable, the fact remains that Constitution-makers could agree on abstractions while completely ignoring the particular meanings they associate with those abstractions (Sunstein, 2007). But stirring public debate is what matters the most and lacks the most in the obscure process of changing Constitutions. Our current study shows that the use of social networks in the process is crucial. Only by proceeding in such a manner, Romania could possibly duplicate the Icelandic experiment. And even though the latter failed, our preliminary SWOT analysis finds that Romania could at the very least embark on a trial expedition of its own in the emerging field of digital Constitution-making with minimal costs. The potential is there, and it is up to its management to turn the results into successes.

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References
