

# POLITICAL PHENOMENOLOGY OF LAW

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## Abstract

*The present paper is a presentation of three regulation phenomena that are characteristic of society: the phenomenon of antroponomic regulation, the phenomenon of socioeconomic regulation and the phenomenon of politonomic regulation. The paper is also a clear introduction to the most important concepts used in the field of political phenomenology of law.*

**Keywords:** *political phenomenology of law, antroponomic regulation, socioeconomic regulation, politonomic regulation, politocracy*

## Introduction

### ***The Phenomenon of Antroponomic Regulation***

As a political being, man cannot manifest himself outside juridical regulations because human behavior evolves towards the *homo juridicus* status only through normativism. According to phenomenology, antroponomic normativism regulates social behavior through political relationships that act – in a positive way – within a juridically formalized system. Antroponomic effects are produced due to the simultaneous action of sociocracy, namely in relationship with politocracy. Antroponomic regulation phenomenology assumes that human evolution is – in a positive way – a rule for any system of law.

### ***The Phenomenon of Socioeconomic Regulation***

Paradoxically, the stronger social regulation is (social regulation being regarded as a political phenomenon), the weaker political power becomes; in other words, the more juridical regulation institutions exist, the less necessary the political regulation power is. From a socioeconomic point of view, normative institutions regulate themselves both as far as their inner structure is concerned and they also regulate each other thanks to the information they exchange in order to formalize social values for sociocratic interests to correspond to politocratic will. Politocracy *in actu* – as a form of exercising public power – depends on a multitude of institutions that communicate norms, principles and values for the political system and that interact permanently. Phenomenology of law reveals the fact that the setting up of certain hybride political and juridical institutions aims to make the two systems (the political and juridical systems) function synchronically to preserve the status quo or, in other words, to maintain public order. Ideonomy can describe the functioning of a society better than any economic mechanisms. As to the systems in which the legal norm is valued the most – see the American system – politocracy recognizes the obligation to subject to the law; on the other hand, where no superior norm is recognized by political authorities – see the French system – control exercised by the constitutionality of laws is not accepted.

### ***The phenomenon of politonomic regulation***

The interdependence between law and politics is revealed by the fact that politocracy has the capacity to create and apply juridical norms, transforming political will into a juridical imperative; it is also true that the existence of political institutions is pre-determined by juridical norms. Politocracy creates law thanks to the assumed antroponomic and socionomic values, but, in a rule of law state,

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politocracy must limit itself to the juridical field it created. The fact that politocracy *in actu*, as public power, imposes its will through the application of juridical norms, if necessary by means of its coercitive force, can lead to the conclusion that law is a politocratic instrument.

### 1) The Phenomenon of Antroponomic Regulation

As a political being, man cannot manifest himself outside juridical regulations because human behavior evolves towards the *homo juridicus* status only through normativism. According to phenomenology, antroponomic normativism regulates social behavior through political relationships that act – in a positive way – within a juridically formalized system. Antroponomic effects are produced due to the simultaneous action of sociocracy, namely in relationship with politocracy. Antroponomic regulation phenomenology assumes that human evolution is – in a positive way – a rule for any system of law.

One could not talk about antroponomic regulation outside the identity of meaning that exists between socionomic norms, principles and values and politonomic principles and values. This ideonomic identity is revealed by the fact that no individual can simultaneously comply with contrary regulations, i.e. the *homo juridicus* status cannot be in contradiction with the *zoon politikon* status within the same system. Political phenomenology of law argues that any fact is empirically perceived in different ways, according to the field in which it occurs, although ideonomically the fact has the same meaning. E. g., for defining the antroponomic regulation of human behavior we use the notion of *permissiveness*, for defining the socionomic regulation – the notion of *lawfulness*, and for defining the politonomic regulation of human behavior – the notion of *legitimacy*. Consequently, political-juridical identity is possible only if there is ideonomic compatibility between sociocratic and politocratic institutions. The fact that man has a *homo juridicus* status if and only if he is a *zoon politikon* could be regarded as an axiom.

Every sociocratic type has its own system of ideonomic filtration by which only those norms which are highly efficient in regulating society are selected; in a contrary case, the satisfaction of social needs generates other needs, thus, as a consequence, the significance and content of antroponomic regulation is modified almost in parallel with sociocratic institutions. Ideonomically, antroponomic conformity states that a regulation can be normative only if there is such a regulation of normativity. Political phenomenology of law states that regulation normativity depends on a series of conditions, such as: the clarity of the law terms and concepts, as well as the clarity of the implementation techniques and/or policies.

Phenomenologically, no regulation can have an antroponomic effect unless the individual understands the politonomic significance of the regulation. In other words, the political regulation of human behavior assumes that regulation is characterized by humanity as long as human nature is characterized by *universality*. From this perspective, regulating social behavior means actualizing the human being's general potentiality to manifest as *homo juridicus*, beyond morality, society or history. The effects of antroponomic regulation have as a premise the idea that natural rights are political rights within politonomics, as Leo Strauss noticed: *political life, in all its forms, unavoidably implies the problem of natural right*.

Phenomenology reflects the interdependence that exists, in time and space, between antroponomy - as the being of *homo juridicus* in itself and socionomy - as the being of *homo socialis*; in other words it is a transposition of human nature in sociality and, vice versa, it is a socialization of human nature. Socionomically, socialization is an expression of normativism that transcends sociality and manifests itself as biunivocal correlation between politocracy and sociocracy. On the one hand, politocracy acts through the judicial effect of legislative, administrative or jurisdictional acts which express the will of politocratic authorities: parliament, government, public authorities. On the other hand, sociocracy acts through the force of those social institutions which reflect the will of sociocratic entities: corporations, trade unions, employers' associations, pressure groups etc.

Ideonomically, law defines the sphere of juridical institutions that are conceived by abstract thought in such a way that they correspond to the political-social reality.

Political phenomenology of law states that, in principle, political regulation has antroponomic effects due to the simultaneous action exercised by the juridical and political systems within a finite spatial and temporal universe. Analysing this principle, antroponomic regulation takes as a starting point the individual's subjective manifestations to come to the awareness of normativity which is understood as an expression of *politicity*. After being set up, the behavior types (matrices) become stable, extra-individual units, with a serious coercitive power over behavior. Antroponomically, people lose a part of their personality through political integration because they assimilate a certain behavior type (matrix) which is different from their initial individuality.

The effects of political and juridical regulation imply the simultaneous action of the political and law systems through their elaboration, transmission and assimilation of normative information. The phenomenology of law reveals the fact that, differently from other systems in which information is sent in a *non-formalized* way, the juridical system accomplishes a formalization of legal norms, principles and values in accordance with ideocracy (the ideatic system promoted by public power), which makes normativism become a certain type of politonomic communication. Antroponomic regulation is not accomplished unless the transmission (communication) of the norm is not followed by its application. In other words, any time a public authority applies a law in an individual case, it does not simply materialize a text, but it imposes a political will. Normativism – as a regulation means – signifies the power to apply a rule now and here.

Political phenomenology of law points out the fact that social and political regulations have effect upon *homo juridicus* through the normativity of the law systems. A first particularity rests on the fact that ideonomy is a *sine qua non* condition for regulating human behavior. In other words, the (in) formed individual is ideonomically an ally to politocracy, apart from the uninformed individual (the politonomically isolated individual) who socially is neutral or even hostile to power. It is obvious that *homo non-juridicus*, who does not know and does not understand normativity as a condition for his social existence, will not accept his political condition either. This socionomic lawfulness determines politocracy to intervene by regulating the antroponomic formation and information. In order to ensure the individual's right to information, politocracy *juridically* organizes institutions that grant access to public information and that have a political purpose. This type of hybride (political and juridical) institutions most eloquently express the fact that communicating "public information" is always accomplished in accordance with politocratic will and its content is strictly determined. Ideonomy is the phenomenologic expression of political ideas which have a normative significance by which politocracy accomplishes antroponomic regulation and it implements political information. From the point of view of antroponomic regulation, for example, the phrase *public information* has a politonomic meaning because it refers both to those normative acts that regulate the organization and functioning of *political* institutions and to the audience program for the citizens, the ministers' or other political leaders names. Moreover, the granting of the right to information has a political significance also as a consequence of the fact that state institutions are obliged to ensure the ways of attack in case this right is aggrieved.

For political phenomenology the regulation of social institutions has antroponomic regulation effects depending on the extent to which politocracy ensures the identity (not the equality) of treatment for individuals through a certain type of juridical normativism. Apart from other types of social regulation, juridical regulation is ideonomically accomplished through the setting up (conceiving) of a certain antroponomic model. Juridical regulation aims at creating a certain socionomic model, i.e. a model with a certain politonomic value that is established by the lawmaker without a direct correspondence to the place and time in which that regulation will be applied – this being an expression of positive law. Any time the antroponomic model is not juridically defined, it is politically conceived. From the perspective of antroponomic regulation,

the accomplishment of the social scope is more important to the lawmaker than the law itself – politonomically this is a *ratio legis*.

Political phenomenology of law proves that any politocratic regulation led to a sociocratic change which generated an antroponomic effect, so that we may state that law is in fact a politonomic institution. Politocracy could not regulate any law system unless antroponomy would define the individual as a political being; one might say that the individual's rights, from a juridical point of view, are derived – politically speaking – from his/her freedom.

Antroponomic effects of political regulation depend on normative order, which is the order that ranks the other social values and which has a politonomic character thanks to its social modeling capacity. In other words, antroponomic regulation through juridical norms is a political phenomenon on condition that social norms formalized by politocracy ensure (self) regulation of human behavior.

Antroponomic regulation is a *sine qua non* condition for the existence of politocracy to the extent to which the individual can be ideonomically integrated as a particular consciousness within a common political consciousness. In this respect, one may say that political and juridical regulation functions as an interface for sociocracy and politocracy. A first remark can be made with reference to the fact that normative systems generated by sociocracy are ideonomically processed by politocracy and become political and juridical institutions. One can notice that any type of ideonomy is a consequence of creating, imagining and rationalizing normativity by a political power. The fact that law is a juridical “fiction” does not mean that it is meaningless, but, on the contrary, that it has a political meaning since this “fiction” produces antroponomic effects.

For politocracy the most important criterion for assessing validity of law has an antroponomic character because it appreciates political value of juridical norms either as an expression of consensus between people, or as an institutionalization of everyone's will, as an expression of collective will. Nobody can empirically establish the extent to which collective will has a “social”, respectively “political” character in the process of juridical regulation. Socionomy – as a reflection of normativity in collective consciousness – is the result of the simultaneous action of both sociocratic and politocratic systems. One can define ontonomy – the *creation and existence* of law – as an attempt to solve the problem regarding the existence or inexistence of a collective consciousness; at the same time one can define antroponomy as the *creation and existence of homo juridicus*. Juridical idealism rejects the socionomic character of law arguing that collective consciousness does not exist; juridical positivism, on the contrary, denies the antroponomic character of law, arguing that juridical systems express only the will of the state.

## 2) The Phenomenon of Socioeconomic Regulation

Paradoxically, the stronger social regulation is (social regulation being regarded as a political phenomenon), the weaker political power becomes; in other words, the more juridical regulation institutions exist, the less necessary the political regulation power is. From a socioeconomic point of view, normative institutions regulate themselves both as far as their inner structure is concerned and they also regulate each other thanks to the information they exchange in order to formalize social values for sociocratic interests to correspond to politocratic will. Politocracy *in actu* – as a form of exercising public power – depends on a multitude of institutions that communicate norms, principles and values for the political system and that interact permanently. Phenomenology of law reveals the fact that the setting up of certain hybride political and juridical institutions aims to make the two systems (the political and juridical systems) function synchronically to preserve the status quo or, in other words, to maintain public order. Ideonomy can describe the functioning of a society better than any economic mechanisms. As to the systems in which the legal norm is valued the most – see the American system – politocracy recognizes the obligation to subject to the law; on the other hand,

where no superior norm is recognized by political authorities – see the French system – control exercised by the constitutionality of laws is not accepted.

As long as the positive law (as a system of applicable juridical norms) is regarded as the expression of politocratic will, the problem of law validity is settled by ideonomy. From a teleological point of view, law should have as an aim (goal) *the common welfare* or the *general interest* –understood from an ideocratic perspective. Adopting J. Bentham's theory on utilitarianism, any political will, including the one referring to law, must be practically dealt with, that is to say by searching the appropriate instruments for achieving social *good*.

The juridical system produces more important socioeconomic effects for politocracy than any other economic, social or cultural systems do because law ensures the functionality of all the other systems and, consequently, the functionality of the whole political system; this determines us to state that the juridical system represents the basis for politonomy. Phenomenology reveals the fact that, although one can find a whole range of juridical systems in time and space, these have a common feature, namely their capacity to regulate the political system. The regulation of social institutions in conformity with the law principles has *isonomic* effects, by the normative institutions that ensure the individual's freedom and political equality; *socionomic* effects, by the institutions that ensure right to autonomy as a form of human communities freedom and equality; *politonomic* effects, by the institutions that guarantee the individuals' right to political association – as a form of free political association. For political phenomenology of law, the effect of the interaction between political and juridical institutions – that is the effect of *the status quo* – is the one that matters. Any political system can extend itself through the normativity function or, in other words, through the (self) regulation of its organization and functioning.

Political phenomenology also describes the intervention of politocracy in regulating social dysfunctions because a social deregulation manifests itself as entropy at political level. Social deregulation generates a series of negative phenomena at all the system levels; at communities level (family, school, culture, religion etc.) isonomy degrades itself and isoarchy appears as an informational and normative lack of order; at the level of human collectivities, dysfunctions lead to the appearance of socio-archy (understood as normative-informational disorder) and it can reach such a high threshold that it can lead to politocracy (political system disorder); at state level, institutional dysfunctions generate unwished forms of polyarchy (see the dictatorial, totalitarian etc. type). Socionomic regulation brings into evidence the correlation existing between sociocracy and politocracy, which is an evolution of interacting juridical systems, and the evolution of political institutions; however, this regulation does not make reference to social and historical modifications.

Political phenomenology of law considers that lack of social self regulation is equivalent with socionomic disorder in that politocratic institutions – which are incomplete, disorganized or contrary to the lawful order – generate socio-archy. In all the cases in which social disorganization could not be normatized, politocracy evolved towards anarchy or dictatorship, especially because of the fact that political and juridical systems did not adapt to the evolution. In case of socionomic dysfunctions, the conflict between the governed and those who govern is more acute; this points out the disorganization of the political system as the entropy model reveals. The openness of the juridical system towards socionomic values leads to a decrease in politonomic entropy by the increase of the information volume and its quality (reduction of juridical ambiguities or unpredictable norms).

Political phenomenology of law allows us to compare open (democratic) systems to the closed ones (the dictatorial systems); this comparison reveals the fact that socionomic regulation is politically more efficient in democratic systems because politocracy promotes social values; on the contrary, in a dictatorial system, socionomic effects are limited because of the lack of correspondence existing between antroponomic and politonomic values.

Taking Habermas' theory as a starting point, one can state that political phenomenology of law is, in fact, a synthesis based on the assumption that the nationalized domains of society interact with state socialized sectors. Socionomy reflects the fact that phenomenology made it possible for

classic private law to appear, as a “socialization” of private law, in correlation with “privatization” of public law. In the first case, one can find the example of restraining property rights by transforming location contracts to quasi public contracts for location surfaces. In the second case, one can find the example of the way in which the state gives up public law prerogatives in favour of private law, by transferring tasks from administration to private economic agents.

From a phenomenological point of view, any social structure in which entropy has an increased level may be regulated by a juridical system in which entropy has a low level and vice versa. This regulation type exists at sociocratic level and it is created by the action of social groups (trade unions, employers’ associations, lobby societies) which influence governing and which constitute a power reservoir for politocracy. On the other hand, political institutions (Parliament, Government, parties etc.), which are a power reservoir for social structures, function at politocratic level. Through these connections, the entropy of juridical and political systems will be proportionally reduced as information flow increases and it will be reflected in political phenomenology by regulation at structural level.

The bigger the disorder in juridical or political systems is the more necessary synchronization of structural changes is. In certain conditions, socio-archy uses different *self-organization* types for setting up a certain sociocracy that should replace the inexistence of a legitimate politocracy. One of the solutions for reducing social disorganization consists in regulating ideonomy through modern knowledge instruments, forms and the regulation possibilities offered by IT. In other words, the better politocracy knows the institutions with sociocratic potential and it transfers them on ideonomic level, the more efficient it becomes.

One of the conditions for regulating socionomy is represented by information technology, because politocracy, which is based on information, has more chances to reach its political goals. The more efficiently socionomic information is assimilated, the more legitimate the institutionalization of power is, because, ideonomically, political decision reflects social information and socionomically, a governing becomes a power strategy. Political phenomenology of law pointed out the fact that in time trust (rating) decreases in comparison with politocracy, as an effect of power inefficiency (government), self regulation, and also as an effect of not accomplishing what was promised to be accomplished or of giving up public interest for the personal one etc. Thus, institutional socionomic regulation is a chance to maintain trust (often in an artificial way) in political power.

Structural regulation opens way for the “rationalization” of public services and organizations through which differences between the sociocratic functioning of the state and the politocratic functioning system are regulated. Rationalization of social structures seriously depends upon the normative capacity of political self organization, because it allows new institutions to be continuously created and to contribute to adapting politocracy to the new requirements (interests) of society. In this context, as one of the key state components, politocracy acquires functions that are different from the classical ones, exactly because of the obligation to reduce social disorder.

Political regulation acts in a different way in comparison with socionomic entropy – in the same way in which social order acts differently from politonomic entropy. Politonomic regulation is obviously a consequence of the interaction between the juridical and political systems. Within each of these systems other subsystems act so that divergent, neutral and convergent relationships are created within and between the two systems. Phenomenologically, the regulation of relationships between these systems – by means of political and juridical institutions – reduces the differences existing between sociocracy and politocracy. In this sense, politonomy is a reflection of juridical regulation and normativity because it explains the way political power mechanisms function. Normativism can be approached ideonomically, socionomically (as legitimacy) or politonomically (as a governing type) – through the institution named *legitimate violence* by Max Weber.

Juridical systems, as well as political systems, do not evolve in a linear manner; they undergo stages of stability and transition, in which disorder makes the system reorganize in a new structure. Moreover, the recognition of one politocracy by another politocracy depends upon the politonomic

compatibility between themselves, upon the concordance of their principles and socio-economic values that are institutionalized by each of them. As to non democratic politocracies, there appears a non synchronization between the evolution of social institutions and the outer environment, which is settled in a relatively simple manner thanks to the fact that the system is quite stable since it is dominated by a unique ideology and a unique order parameter. Politocratic systems need to be regulated in a democratic/authoritarian/anarchic way only when the system faces up a stage crisis. In democratic states the prediction of juridical and political systems regulation is significant from a politocratic point of view (as to parliamentary, presidential and local elections) and also from a sociocratic point of view (as to the way local communities are organized). Political phenomenology demonstrates that transition determines the setting up of institutions whose normative action is different ideonomically, socioeconomically and politonomically.

The diminishing of state authority as well as of its institutions depends on the inefficiency of government and the implemented public policies. Politocratic normative authority decreases along with sociocratic efficacy. On the one hand, state authorities reduce their capacity to adopt decisions autonomously under the pressure of interest groups and/or the more and more organized public opinion; under these conditions socio-economic regulation, (harmonization) between juridical and political systems is no longer possible because politocracy tries to impose norms that are different from the ones of sociocracy. On the other hand, sociocratic structures start to function autonomously from politocratic institutions; administrative technocratism, globalization and transnationalism, as well as techno-scientific systems (bionics, office machines and equipment, Internet etc.) restrain the capacity of traditionally regulating institutions to adopt decisions.

Socio-economic regulation has not always generated positive politonomic effects, that is to say it has not always led to the appearance of superior social organization and ruling systems. The contesting of politocracy and even institutionalized forms that oppose politocracy do not always produce a contrary reaction and, even when facing opposition, politocracy did not disappear. Most often, the act of contesting and opposing politocracy is expressed only antroponomically, as a way of breaking normativity by the revolted individual, or socioeconomically, as an expression of defense and common resistance against confinement. Thus, social fight against politocracy does not represent a form of regulation for the political system. Political phenomenology proves that opposition, revolt or revolution are not meant to modify ideonomy, in the sense that they do not come up with new legal principles, nor do they rely on axionomy, that is to say they do not impose other values to the juridical system.

### 3) *The phenomenon of politonomic regulation*

The interdependence between law and politics is revealed by the fact that politocracy has the capacity to create and apply juridical norms, transforming political will into a juridical imperative; it is also true that the existence of political institutions is pre-determined by juridical norms. Politocracy creates law thanks to the assumed antroponomic and socio-economic values, but, in a rule of law state, politocracy must limit itself to the juridical field it created. The fact that politocracy *in actu*, as public power, imposes its will through the application of juridical norms, if necessary by means of its coercitive force, can lead to the conclusion that law is a politocratic instrument.

Within the state, antroponomic regulation and socio-economic regulation are accomplished differently, depending on the way politocracies are organized, as democracies or autocracies, as parliamentary, presidential, semi-presidential regimes etc. Basically, politonomics keeps democratic systems working because it allows sociocracy and politocracy to normatively regulate each other in a transparent and continuous way and also in real time. Politocracies that are open towards the inner and the outer have the capacity to adapt more easily to social changes, they can organize themselves more quickly and can be adequately controlled by civil society. That is why political control of social institutions has been the politonomic regulation instrument of society that has been present in all

political systems in the course of time. Politonomically, we are interested in the fact that, no matter the nature of control, politocratic intervention in the sphere of law has, among other effects, the effect of regulating not only social institutions, but also its own institutions.

Political phenomenology of law takes into consideration the fact that politonomic regulation is possible as a *mediation* procedure for the disputes that appear between the governants and the governed ones. As soon as the mediator institution appeared – as a conciliation institution between citizens and authorities – it spread incredibly quickly thanks to its socioeconomic regulation effects. The (inter) mediation procedure, as a social mechanism, has a politonomic content as long as the mediator regulates the relationships between citizens and the state. From a politonomic perspective, the moderator's activity has a political character and it generates social effects even if it is juridically limited to making *recommendations*. In this respect, one should mention the fact that the mediator can make publicly available the annual activity report that it presents to the Parliament and this, obviously, generates socioeconomic effects.

The problem of mediation, as a form of regulating society, transcends the philosophy of law to the extent to which political decisions precede juridical regulation. At a political level, normative acts on social regulation are always the result of an (inter)mediation or negotiation process which leads to an agreement that is expressed either as an identity or as a compromise. For this type of idiocracy to become nomocracy it is necessary to politonomically formalize certain norms, principles and values as: laws, decrees, decisions etc.

Arbitration is a method used for settling socioeconomic or politonomic disputes outside the juridical system. As a form of politonomic regulation, it involves two conditions: the existence of two conflicting parties that agree for a third one (that is invested with authority by the other two parties) to mediate the conflict incurred between them; secondly, the settling of the dispute should be accomplished without applying preexistent juridical norms, the arbiter being free to decide how to settle the conflict.

From a socionomical point of view, arbitration has the advantage of reducing tension accumulated between the conflictual parties and it conciliates disputes more quickly than a court of justice does, because the latter has to observe specific procedures. From an antroponomic point of view, a person feels less humiliated if it resorts to arbitration instead of going to a court of justice and this is a plus for the humanism of the judgement act. Finally, for politonomy it is relevant the fact that a *court of arbitration* is constituted of arbiters, chosen by each of the parties, and a neutral president that is also chosen by the two parties on condition that the president's opinion is defining for settling the dispute.

The enactment of laws is also the result of a permanent arbitration process existing between the political objectives that are expressed by politocracy and the social reality generated by sociocracy; the enactment of laws is also the result of mixing *politics* and social *policies*, and of the interaction between politics and its beneficiaries. Different ideonomic trends do not successively integrate, but in a simultaneous way, through the action of economic, industrial and commercial vectors which concur for ensuring convergence of options. From a politonomical perspective, the enactment of laws is the result of the interference between sectorial interests and consequently it implies a power stake. Expressing and selecting a legislative option is, from an ideonomic perspective, a confrontation of interests, a solution for settling conflicts, a negotiation or a sociocratic compromise.

From an axionomic perspective, political regulation of society is important because the rule of law state is an instrument for promoting and ensuring social security or, as J. Chevallier pointed out, it is an institution which can limit state's supremacy due to rediscovering law as a means for social regulation. After World War II politonomy included social regulation within the sphere of law because law could be regarded as an ideonomic solution to antitotalitarianism. In the former communist states, politocracy accepted juridical institutions that are specific for the rule of law state



both in theory and in practice. Moreover, the regulation force of law was overrated with the result that far-fetched theories were created as to *the law without state* or *the law against the state*.

Politonomic regulation reveals the fact that beyond the harmonization of politocratic functions and sociocratic necessities, the exercise of social power implies the setting up of new structures, institutions, services and organizations that are capable of “producing” public goods, security and social protection, welfare etc., depending on the level and structure of the social need.

The power of sociocracy over politocracy (particularly over social regulation institutions) is reflected in the way in which public resources are distributed (especially in the private economic sector). The latest and, to be frank, the most efficient politonomic regulation method in society is represented by the way in which welfare is (re) distributed. Politocracy adopts various ideonomic positions: either it makes a distinction between the so-called strategic problems and the other existing problems in order to avoid discussing them in the public, or it presents them separately in order to avoid comparing them simultaneously.

When we deal with politocratic institutions, we must take into consideration the fact that politonomic regulation works on the basis of institutions hierarchy. Institutional hierarchy seems to be the expression of political democracy if we accept the idea that political institutions reflect the citizens’ will and are subject to this will. In all democratic systems, parliament, as the most important political institution, sets forth the organization and functioning of the other institutions in order to eliminate arbitrary action and to establish the lawful order. Institutional hierarchy reflects the politocratic will to impose supremacy in society on the basis of political norms, principles and values, which must be institutionalized; the most eloquent proof of power institutionalization is juridical institution hierarchy.

Institutional hierarchy is the expression of politocratic will to set a certain juridical norm in accordance with social phenomena it has to regulate. The juridical force of normative acts provides what institutions are politically empowered to adopt those juridical acts. One can state that over hierarchized juridical institutions lead to subordination within political institutions. In reality, the pyramid of normativity is no longer efficient unless it is doubled by politocracy; a person (institution) that has the power to issue a juridical act will not do this because it “likes” to observe superior juridical acts, nor because it respects the ideonomic content of superior acts, but because it is afraid of political consequences. The institution which passes a juridical act is bound to observe the existing juridical hierarchy for fear of political constraints: the fear of losing the present office or position in the party (thanks to which it obtained the present power).

In order to increase social regulation, politocracy multiplies social institutions so that the political system gradually becomes a special form of *corporatism*. Ministers and political party members organize their cabinets, which are made up of members belonging to the same party, in order to promote the interests of the group they belong to; presidents of local public administration authorities and public administration counselors become the voice of the group’s interests; persons appointed to public offices on political criteria will promote their individual interests.

## Conclusions

Political phenomenology of law defines social regulation as the juridical regulation of the political power. Ideonomically, this thesis contains a logical contradiction: political power can be limited by the policy of power. In socionomic terms, the problem of socially limiting political power has not been settled ever since the French Revolution because fight against power (which confines democracy) implies the further exercise of power (for maintaining democracy). Of course, the “lawfulness” of power institutions is the first condition for politocracy not only from a chronological or sociological, but also from a politological point of view.

The adaptation of juridical institutions to politocratic structure modification (the new political elite, new leaders, new ideologies and political parties) and vice versa. This synergic characteristic of

politocracy - as an effect of social dynamic, which creates new sociocratic structures - makes it possible for the juridical system to evolve in a relatively synchronic way with the political system. The existence of political catalyzers influences politonomic regulation of juridical, political and social systems because they ideonomically define the directions followed by politocracy when a change appears or/and the new typology of power. The capacity to ideonomically integrate these catalyzers makes it possible for ideocratic strategy to be implemented. In fact, it is impossible to politonomically define a society without pointing out its catalyzers that act in order to modify juridical and political systems. Naturally, the most powerful catalyzers are the sociocratic ones because they promote power institutions – democratic or autocratic ones – as governing solutions, although one must not ignore catalyzers who promote totalitarian, theocratic, military institutions etc.

Synchronization of the political system evolution with the juridical system in the context of politonomic regulation may be approached as a governing form if it ensures reproduction of politocracy through normative institutions; although political systems are cyclically affected by social crises, still they survive thanks to their capacity to self regulate.

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