The Social Order as a Normative Order. Reflections on the Plurality of Rules of Conduct

Bogdan Cristian Trandafirescu[*] iD

Abstract: This article explores the idea of social order as a fundamentally normative construction. Drawing on philosophy, legal theory, and sociology, it argues that order cannot be reduced to mere coexistence or to the coercive force of the state but must be understood as the fragile balance between values, norms, and institutions. Legal norms occupy a central role due to their institutionalization and state guarantee, yet their legitimacy and effectiveness depend on their consonance with moral, religious, customary, deontological, and technical rules. The study emphasizes that plurality is both the richness and the vulnerability of social order: while diverse systems of regulation complement and enrich one another, they also generate conflicts and contestations. Historical examples and contemporary crises, from the persistence of custom to debates on fundamental rights, from the COVID-19 pandemic to challenges posed by artificial intelligence, illustrate the permanent negotiation between letter and spirit, between coercion and consensus. The conclusion is that social order should be understood not as a fixed state, but as a regulative ideal, constantly reconstructed and reshaped by cultural, political, and technological transformations.

Keywords: social order; normative order; plurality of norms; values; pluralism; legitimacy of law; fragility of order.

1. Introduction

The problem of social order, specifically how stable coexistence among free individuals is possible, has long preoccupied philosophy, legal theory, and the social sciences. From the reflections of ancient philosophy to contemporary theories of law and sociology, the problem of stable coexistence is always posed in terms of a balance between individual freedom and the necessity of collective rules.

Social order is not a natural fact, but a normative construction. It does not arise from the mere coexistence of individuals, but from the relations they establish, relations mediated by rules, values, and mechanisms of control. In the absence of generally recognized norms, the

[*] Lecturer, Ovidius University of Constanța, Romania. E-mail: **bogdan@aaida.ro**

community risks collapsing into what Hobbes called the *bellum omnium contra omnes*, "the war of all against all"[1]. Yet an excess of normativity, when reduced to mere techniques of coercion, does not guarantee an authentic order either, but only produces fragile conformity and fear.

For this reason, social order cannot be conceived solely as an effect of force, but above all as an effect of consensus and the internalization of values. Legal, moral, religious, customary, or technical norms coexist, converge, or come into conflict, but together they give substance to an order which is, in its essence, normative.

The question this study seeks to raise is whether social order can be understood otherwise than as a normative order—that is, as the expression of a plurality of rules governing human conduct. In this sense, law appears not as the sole foundation of order, but as a core in constant dialogue with other normative systems.

The contribution of this study to socio-legal theory is threefold. First, it synthesizes classical and contemporary theories of normativity into a unified conceptual framework of polynormativity. Second, it advances the claim that legal legitimacy depends on alignment with multiple normative systems rather than on coercion alone. Third, it illustrates this framework through historical and contemporary examples, including Romanian jurisprudence and global challenges such as pandemic governance and emerging regimes of artificial intelligence regulation.

Methodologically, this article adheres to a normative-conceptual approach grounded in legal theory, philosophy, and sociology. Drawing on canonical authors, such as Hobbes, Weber, Durkheim, Kelsen, Habermas, and Luhmann, alongside Romanian scholarship, it constructs a theoretical model of social order as a plural normative system. Illustrative examples, ranging from customary law and constitutional case law to COVID-19 restrictions and AI governance, demonstrate the tensions, overlaps, and harmonization efforts that characterize polynormative social order in practice.

2. Values, Norms, and Social Order

Any reflection on social order must begin with the values that sustain it. Values are not mere abstractions, but collective reference points that give meaning to common existence: the dignity of the person, justice, truth, solidarity. They constitute the axiological core of the community, and without such a foundation norms would be nothing more than empty prescriptions, devoid of integrative force.

Norms are the concrete expression of these values. Through them, the ideal becomes rule, and what the community regards as desirable is transformed into expected behaviour. In the absence of this link between value and norm, social order becomes artificial, built solely on coercion. As legal doctrine has emphasized, social order is inevitably also an axiological order[2], in which values represent the indispensable support of normativity[3].

Reflection on values has also been the subject of important contributions in Romanian

---

[1] T Hobbes, *Leviathan* (1651, reprint Penguin Classics 1985) 185.
[2] N Popa, *Teoria generală a dreptului* (5th edn, CH Beck 2019) 215.
[3] I Craiovan, *Tratat de teoria generală a dreptului* (Universul Juridic 2015) 188.

thought. Tudor Vianu showed that values form fundamental categories of the spirit, which structure both cultural and social life. Among theoretical, moral, aesthetic, religious, and legal values, the latter are meant to ensure the balance of coexistence, yet they cannot be understood apart from the broader context of the entire axiological system[4]. Thus, the legal norm is nothing other than the institutionalized expression of a value, placed alongside the other ways through which man imposes order upon his world.

From a sociological perspective, Sorin M. Rădulescu has shown that human action is marked by a constant tension between rationality and irrationality, and that social order can only be explained through this dialectic. Norms, whether legal or moral, function not only as mechanisms for rationalizing behaviour but also as symbolic reference points through which individuals project their identity and their belonging to the community[5]. In the absence of this symbolic dimension, norms would be reduced to external rules, accepted out of fear but not truly internalized.

In turn, Max Weber explained the stability of social order through mechanisms of legitimacy. In his classical typology, power may be founded on tradition, on charisma, or on rational legality. Each of these forms of legitimization, however, rests on collective values: respect for tradition, faith in the providential leader, and acceptance of the impersonal rules of modern law. Consequently, even in rational-bureaucratic societies where law appears to dominate, axiological foundations remain indispensable[6].

Yet values are not immutable. They erode, transform, and become relative under the pressure of history and culture. A society that reduces justice to mere legal procedure, or solidarity to a simple slogan, undermines the very foundation of order. Norms may continue to exist formally, but without the support of values they lose legitimacy, and social order becomes precarious.

Thus, the relationship between values and norms is twofold: on the one hand, values give meaning and foundation to norms; on the other hand, norms preserve and transmit values to future generations. Between them, a circular relationship is established through which social order is continuously reconstructed—not as a definitive equilibrium, but as a permanent tension between ideal and reality.

3. The Plurality of Social Norms: Between Convergence and Tension

Social order cannot be reduced to law alone. It is constituted through the interaction of a complex set of norms arising from different spheres of collective life: morality, religion, custom, social coexistence, profession, and technology. This polynormativity reflects the multiple conditioning of the human being: man is simultaneously a citizen, a believer, a member of a cultural community, a professional, and a user of technologies.

Normative plurality is a constant reality of history. In traditional societies, custom and religion

---

[4]   T Vianu, *Estetica* (Minerva 1971) 45-52.
[5]   S M Rădulescu, *Homo Sociologicus. Raţionalitate şi iraţionalitate în acţiunea umană* (Casa de Editură şi Presă „Şansa" 1994) 102–110.
[6]   M Weber, *Economy and Society: An Outline of Interpretive Sociology* (University of California Press 1978) 215-219.

dominated social order, while written law played only a limited role. In modernity, with the emergence of the rule of law, the legal norm gained centrality, but it did not eliminate the other forms of normativity. Today, all these regulatory forms coexist and interpenetrate, each having its own sphere of legitimacy and effectiveness.

3.1. Moral Norms

Moral norms constitute the first layer of social regulation. They are not imposed through the force of institutions, but through the pressure of conscience and the approval or disapproval of the community. Hans Kelsen observed that the moral order also operates through sanctions, only that these are not organized by the state, but manifest themselves in the form of moral reward or public reproach[7].

The problem of the relationship between law and morality was described by Rudolf von Jhering as a "Cape Horn of legal science". a theoretical obstacle against which many schools of thought have collided without ever fully overcoming it[8]. Two main orientations have emerged: the first conceives law as a "minimum of morality" (Thomasius, Kant, Del Vecchio, Djuvara)[9]; the second, corresponding to legal positivism, regards law as an autonomous system, valid in itself, without reference to morality (Kelsen, Carré de Malberg)[10].

Neither of these orientations offers a definitive solution. If law is reduced to morality, it risks absolutizing contingent values; if detached completely from morality, it becomes a mere technique of domination. The reasonable path remains the recognition of plurality and of the inevitable dialogue between law and morality. In practice, numerous situations demonstrate that formal justice is corrected or complemented by the demands of morality: legislation on fundamental rights, the jurisprudence of Constitutional Courts, and many decisions of international tribunals are all expressions of this convergence.

3.2. Religious Norms

Religious norms have long constituted the foundation of any normative order. In Byzantium and in the Romanian Middle Ages, canon law and religious custom formed the basis for regulating collective life. Even today, in modern states, religion continues to exert a profound influence on social consciousness. In current Romanian law, the principle of secularism does not eliminate the religious impact on community life, visible for instance in ethical debates concerning bioethics, abortion, or euthanasia.

This type of normativity has a dual nature: on the one hand, it expresses fundamental shared values (the protection of life, respect for one's neighbour); on the other hand, it may come into conflict with the principles of the secular state and of human rights. It is precisely this tension between religious tradition and positive law that makes religious norms both a factor of balance and a source of dispute.

---

7   H Kelsen, *Teoria pură a dreptului* (Humanitas 2000) 87-89.
8   R von Jhering, *Law as a Means to an End* (Isaac Husik tr, Boston 1913) 231.
9   G Del Vecchio, *Lecţii de filosofie juridică* (Europa Nova 1996) 202-205; M Djuvara, *Teoria generală a dreptului* (ALL 1995) 320.
10 R Carré de Malberg, *Contribution à la théorie générale de l'État* (Sirey 1920) 45; H Kelsen, *Teoria pură a dreptului* (Humanitas 2000) 88.

3.3. Customary Norms

Custom is one of the oldest forms of normativity. The *obiceiul pământului* (custom of the land) long dominated Romanian law, being confirmed by rulers and applied in jurisprudence until the advent of modern codifications[11]. Customary norms are formed through the repetition of practices accompanied by the conviction of their binding force (*opinio juris*). They demonstrate that social order can exist even without the direct intervention of the legislator.

Today, custom has lost much of its force in the face of written legislation, yet it survives in certain areas: commercial relations, international law, and the life of rural communities. Moreover, international customary law shows that, on a global level, social order cannot be reduced exclusively to written norms.

3.4. Norms of Social Coexistence

These norms may appear trivial, yet they play an essential role. They regulate everyday gestures: politeness, respect for others, forms of address. They are not codified, but their violation disrupts interpersonal relations and generates tensions. Through their diffuse and informal character, they provide the "lubricant" of daily coexistence, preventing minor conflicts and fostering mutual respect.

3.5. Deontological Norms

With the professionalization of society, deontological norms specific to various socio-professional categories have emerged. The codes of ethics for lawyers, physicians, or magistrates establish standards of conduct that go beyond legal obligations. They express values such as loyalty, integrity, confidentiality, and responsibility toward the client and society. These norms demonstrate that social order is not built solely through general norms, but also through specialized rules adapted to particular fields of activity.

3.6. Technical Norms

The modern era has introduced a new category of norms: technical norms. They do not directly express moral or religious values, but rather instrumental rationality. Nevertheless, their social impact is immense. Security standards, traffic regulations, digital protocols, or rules on data protection are indispensable for the functioning of contemporary society. In the context of the digital revolution and artificial intelligence, technical norms tend to acquire an importance comparable to that of legal norms.

The diversity of social norms is both a source of richness and of fragility. Law may permit what morality condemns; religion may prohibit what law tolerates; technology may impose efficiency while disregarding human dignity. Social order is built out of this tension, not out of uniformity. It is the result of a permanent dialogue between normative systems—a dialogue that never comes to an end.

---

[11] IC FILITTI, *Obiceiul pământului în dreptul românesc* (Editura Academiei 1936) 77.

4. The Legal Order: Between Centrality and Relativity

Among all the normative systems that make up social order, law occupies a central place. The legal norm is institutionalized, guaranteed by the coercive force of the state, and vested with public authority. It is general, abstract, and binding, designed to organize social coexistence through predictable and stable rules[12].

This centrality, however, must not be absolutized. The legal order is not the sole expression of social order, but only one of its institutionalized forms. In the absence of the axiological foundation provided by morality or religion, law risks being reduced to a mere regulatory technique. Ioan Craiovan warned that law cannot be reduced to a normative mechanics but is instead "an order of values that must be understood in the spiritual context of society"[13].

The problem of legitimacy in law is most clearly seen in the debate between the letter and the spirit of the law. A strictly formal application of the norm may lead to solutions contrary to substantive justice. For this very reason, jurisprudence often resorts to teleological interpretations. The Constitutional Court of Romania has consistently affirmed that the letter of the law cannot be detached from the finality of constitutional values, and the High Court of Cassation and Justice has relied on historical-teleological interpretations in order to avoid absurd or unjust outcomes[14].

A significant example is Decision No. 73/2022 of the High Court of Cassation and Justice, where, in interpreting Article 5 of Law No. 309/2002 in relation to Decree-Law No. 118/1990, the Court recognized the rights of surviving spouses, even though the letter of the text appeared restrictive. The solution was grounded in the reparatory purpose of the normative act — in other words, in the spirit of the law. In the same sense, through the Appeal in the Interest of the Law No. 10/2024, the High Court held that institutional arbitration cannot be organized by any non-governmental organization, but only by entities authorized by the legislator, since otherwise the very purpose of the institution would be distorted[15].

These examples confirm Gustav Radbruch's famous formula: when the conflict between justice and legal certainty reaches an extreme threshold, "an extremely unjust law ceases to be law"[16]. In practical terms, this means that the legal order cannot be sustained exclusively by its letter; it also requires spirit (i.e., the fundamental values that legitimize the application of the norm).

Consequently, the legal order is paradoxical: it is autonomous, through its own mechanisms of validation and application, yet also dependent, since its real effectiveness rests on social

---

[12] N POPA, *Teoria generală a dreptului* (n 2) 229.

[13] I CRAIOVAN, *Tratat de teoria generală a dreptului* (n 3) 245.

[14] M VOICU, 'Jurisprudenţa – expresia vie a normei juridice şi fundamentul construcţiei normative' (2017) 1 *Revista Română de Drept Privat* 25.

[15] High Court of Cassation and Justice, Panel for the Clarification of Questions of Law, Decision No. 73 of 7 November 2022, Case No. 2098/1/2022, concerning the interpretation of Article 5 paragraph (1) letter a) and letter b) final phrase of Law No. 309/2002 in relation to the provisions of Decree-Law No. 118/1990, published in the Official Gazette of Romania, Part I, No. 72 of 27 January 2023; High Court of Cassation and Justice, Panel for the Appeal in the Interest of the Law, Decision No. 10 of 17 June 2024, Case No. 905/1/2024, concerning the interpretation of the provisions of Article 616 paragraph (1) of the Code of Civil Procedure, published in the Official Gazette of Romania, Part I, No. 851 of 26 August 2024.

[16] G RADBRUCH, 'Statutory Lawlessness and Supra-Statutory Law' (2006) 26 *Oxford Journal of Legal Studies* 1.

acceptance and on its consonance with collective values. Thus, the legal order appears as a fragile balance between institutional centrality and the relativity of its legitimacy.

5. Normative Plurality and the Structural Fragility of Social Order

If social order is constituted through a plurality of normative systems, then fragility is not an accidental defect but an inherent feature of that order. The coexistence of moral, religious, legal, customary, deontological, and technical norms ensures a dense and flexible regulation of social life, yet it also exposes order to tensions that cannot be definitively resolved. Poly-normativity thus represents both the condition of possibility and the limit of social order.

5.1. Normative Conflict as a Structural Phenomenon

In a plural normative environment, conflicts between rules of conduct are inevitable. Law may authorize forms of behaviour that moral norms disapprove; religious prescriptions may prohibit what secular law permits; technical norms oriented toward efficiency may marginalize considerations of justice or human dignity. Such tensions do not arise from normative dysfunction, but from the coexistence of heterogeneous systems grounded in different values, rationalities, and modes of legitimacy.

Historically, these conflicts have accompanied every stage of social development. In traditional societies, custom often resisted the authority of written law. In modernity, positive law was repeatedly contested in the name of moral values and social justice. In contemporary constitutional states, religious norms frequently collide with principles of equality and fundamental rights. These examples confirm that social order is not built upon normative uniformity, but upon the management of normative diversity.

Durkheim's analysis remains instructive. Legal and moral norms, he argued, can only be understood in relation to the forms of social solidarity they sustain. When normative systems lose their capacity to converge around shared values, social actors are confronted not with the absence of rules, but with their fragmentation. *Anomie* thus signifies not a vacuum of normativity, but the weakening of common reference points, with destabilizing effects on social cohesion[17].

5.2. Social Order as a Process of Normative Mediation

Because normative conflict is structural, social order cannot be secured through the simple supremacy of one normative system over the others. Law, despite its institutional centrality, cannot impose durable order solely through coercion. Legal norms that are applied mechanically, without regard to moral expectations or social meanings, risk becoming ineffective or provoking resistance.

In this context, social order appears as the result of a continuous process of mediation among normative systems. Law plays a privileged role in this process, not by eliminating plurality, but by translating competing normative claims into general and binding forms. Its function is less that of an ultimate arbiter than of an institutionalized space in which normative tensions are

---

[17] É DURKHEIM, *The Division of Labour in Society* (Free Press 1997) 241.

provisionally stabilized.

Habermas's theory of deliberative legitimacy clarifies this mechanism. Norms acquire authority not only because they are enforced, but because they can be rationally justified and accepted by those subject to them. The stability of social order thus depends on the capacity of legal norms to articulate a workable consensus between moral values, legal principles, and the functional requirements of complex societies[18]. Where such articulation fails, legal validity may persist, but legitimacy erodes.

5.3. Contemporary Transformations and the Intensification of Fragility

The fragility inherent in polynormative order becomes particularly visible in periods of crisis and accelerated change. The COVID-19 pandemic revealed sharp tensions between legal restrictions, moral claims concerning human dignity, and religious practices. Compliance with emergency measures varied significantly depending on the degree to which legal norms resonated with broader normative expectations.

Similar dynamics characterize the digital transformation of society. Technical norms governing data protection, algorithmic decision-making, and artificial intelligence increasingly shape social conduct, often faster than legal and ethical frameworks can adapt. Conflicts between efficiency, transparency, equality, and privacy illustrate the growing difficulty of maintaining normative coherence under conditions of technological acceleration.

At the global level, the international order displays comparable fragilities. Norms of public international law coexist uneasily with geopolitical interests and moral claims concerning human rights and global justice. As Niklas Luhmann emphasized, law functions as a differentiated subsystem of society, capable of contributing to order only insofar as it remains structurally coupled with other normative and communicative systems[19]. When such coupling weakens, legal norms lose both effectiveness and authority.

5.4. Fragility as a Feature of Social Order

The analysis of normative plurality leads to a fundamental conclusion: the fragility of social order is not a contingent failure, but a constitutive feature of normatively complex societies. The balance among normative systems is never definitive. Cultural change, political conflict, and technological innovation constantly modify the hierarchy and interaction of norms, requiring ongoing processes of reinterpretation and legitimation.

Social order must therefore be understood not as a fixed equilibrium, but as a dynamic and revisable construction. It persists through continuous adjustment between stability and change, between established norms and emerging values. Recognizing this fragility is essential for understanding both the limits of legal authority and the conditions under which law can meaningfully contribute to social cohesion within a plural normative landscape.

---

[18] J HABERMAS, *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy* (MIT Press 1996) 107-112.

[19] N LUHMANN, *Law as a Social System* (Oxford University Press 2004) 142-148.

6. Open Conclusions: Order as Ideal and Limit

This study has sought to show that social order can only be conceived as a normative order, that is, as the expression of the plurality of rules of conduct that structure community life. The analysis has highlighted that this order is neither a natural given nor the exclusive result of state power, but rather a fragile balance between values, norms, and institutions.

Law remains the visible core of social order through its institutionalized character and the coercive guarantee of the state. Yet history and legal practice show that law emptied of values does not generate authentic stability, but only precarious conformity. The legal norm derives its legitimacy from consonance with moral values, from tradition, and from collective acceptance. In the absence of these foundations, it risks becoming a mere instrument of domination.

At the same time, reflection has shown that social order is inevitably plural. Moral, religious, customary, deontological, and technical norms are not mere peripheries, but essential components of order. Between them and law there often appear convergences, but also tensions. This plurality is ambivalent: on the one hand, it enriches social life and provides multiple resources for stability; on the other hand, it generates conflicts and contestations, making order vulnerable.

The fragility of order is not, however, a sign of weakness, but of its structural dynamism. Order is constantly reconstructed, adapting itself to historical, cultural, and technological transformations. From medieval custom to modern codifications, from the nation-state to the era of globalization and artificial intelligence, social order has continually modified its foundations but has never lost its function of ensuring collective cohesion.

The fundamental question remains open: is social order the product of norms or of the collective consciousness that legitimizes them? Most likely, both dimensions are inseparable. Norms provide the external skeleton, but community consciousness gives them life and meaning. Order is not only coercion, but also consensus; not only institution, but also culture; not only letter, but also spirit.

Thus, social order must be understood as a regulative ideal: never fully attained, but always necessary. It represents at once the limit of chaos and the promise of harmony, a precarious yet fertile equilibrium that accompanies the destiny of all human communities.

Bibliography

Carré de Malberg R, *Contribution à la théorie générale de l'État* (Sirey 1920)

Craiovan I, *Tratat de teoria generală a dreptului* (Universul Juridic 2015)

Del Vecchio G, *Lecții de filosofie juridică* (Europa Nova 1996)

Djuvara M, *Teoria generală a dreptului* (ALL 1995)

Durkheim É, *The Division of Labour in Society* (Free Press 1997)

Filitti IC, *Obiceiul pământului în dreptul românesc* (Editura Academiei 1936)

Habermas J, *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy* (William Rehg tr, MIT Press 1996)

Hobbes T, *Leviathan* (first published 1651, reprint Penguin Classics 1985)

Jhering R von, *Law as a Means to an End* (Isaac Husik tr, The Boston Book Company 1913)

Kelsen H, *Teoria pură a dreptului* (Humanitas 2000)

Luhmann N, *Law as a Social System* (Oxford University Press 2004)

Popa N, *Teoria generală a dreptului* (5th edn, C.H. Beck 2019)

Radbruch G, 'Statutory Lawlessness and Supra-Statutory Law' (2006) 26 *Oxford Journal of Legal Studies* 1-11. https://doi.org/10.1093/ojls/gqi041

Rădulescu SM, *Homo Sociologicus. Raţionalitate şi iraţionalitate în acţiunea umană* (Casa de Editură şi Presă „Şansa" 1994)

Vianu T, *Estetica* (Minerva 1971)

Voicu M, 'Jurisprudenţa – expresia vie a normei juridice şi fundamentul construcţiei normative' (2017) *Revista Română de Drept Privat*

Weber M, *Economy and Society: An Outline of Interpretive Sociology* (University of California Press 1978)