

## SOCIAL TRUST AND GOVERNMENT COALITIONS: INSTITUTIONAL CONSTRUCTION AND GOVERNANCE IN POST-COMMUNIST ROMANIA<sup>1</sup>

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**Abstract:** The article intends to analyze the current Romanian political scenario, highlighting the institutional trust factor, which has been in sharp decline in the national and international scene. Besides, this work brings to the debate characteristics that are intrinsic to the country's Constitutional Law. The ongoing national situation is compared to other European republics, in addition to figuring out the social, economical and political problems that afflict the democracy of the Romanian State, which act to the weakening of the electoral system. Furthermore it is discussed the capacity of the Magna Charta to do battle with such situations.

**Keywords:** Credibility; Democracy; Constitution; Institutions; Trust.

### 1. Introduction

To many, politics appears as a complicated and inconsistent combination of feelings and social trust, and this interpretation becomes even more important when analyzing a regime considered being democratic, such as the one in post-communist Romania. Institution construction of social trust becomes thus the keystone of any democratic consolidation, and defining the constitutional framework creates the prerequisites of political and subsequent government action. While it may seem a truism, the fact that democracy should rely on the citizens' trust in the political institutions that, at least theoretically, they periodically evaluate through voting, it is no longer as obvious today as a few years ago. The vote does not appear, beyond the rational choice theory, as a real, rational mechanism and it does not seem capable to ensure alone the democratic control of decision makers. And confidence in the ability of

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"people" to govern themselves has also declined. For not the "people", but European "markets" and "partners" have created for many governments (Papandreou government in Greece and Berlusconi government in Italy in 2011) the conditions to be changed. The "markets", in other words the banks and other financial institutions and their European partners, and also the representatives of the European Central Bank (ECB) and the European Commission, have justified this unconcealed interference in the government of other countries by acting on behalf of "duty" and "common interest". In these circumstances the old concept of representative democracy is not suited to explain the new forms of political action.

To provide an explanation for this new societal context, some researchers have proposed the term post-democracy (CROUCH, 2004). Colin Crouch, who has forged this concept, considers that the main problem of the contemporary society regards the difficult relationship between capitalism and democracy, as long as capitalism favors a market economy that needs a labor market as flexible as possible, while democracy starts from the need to give people certainty and security in a stable and predictable society. A term with strong polemical nuances, post-democracy highlights political and social phenomena leading to the replacement of representative elections with bogus and unrepresentative electoral consultations, amid the transition to a system in which the authorities do not comply with legal norms, and the freedom of public debate is limited through "market" mechanisms, without being formally prohibited. In such a case, the erosion of traditional forms of governance could not but affect trust in institutions and political actors.

The trust in political institutions is declining throughout the world, and this phenomenon seems to have broadened since the beginning of the economic crisis in 2008. But is social confidence in consolidated or emergent democracies in an irreversible decline? To answer this question one should determine more precisely what trust is. Moreover, the concept of trust is difficult to integrate in quantitative studies and equally burdensome to define, and that is because it is a state of mind rather than an explicit rational concept. The best-known definition seems to be that introduced by Gambetta: "trust is the subjective probability that an individual X expects that B would perform an action that is beneficial for both of them" (DIEGO, 1988). Another relational definition of trust reveals the psychological characteristics of the phenomenon: "a person (the one who trusts) agrees to rely on another person's action (the one who's being trusted). Hence the one who (by choice or forced by circumstances) trusts delegates control of her own actions/agency to the one he/she trusts, and consequently he/she can't be sure of the trusted person's purposefulness" (WALTER, 2010).

In such sense, the social and political research of the last decade has paid great attention to the way in which interpersonal trust is consolidated. In contrast, at a political action level, as a symptom of post-democracy, personalizing political life has limited the role of institutions in the development of emerging democracies. The concept of interpersonal trust has been viewed as a panacea to explain the many defects occurring lately in the so-called modern democratic systems. Nevertheless, social trust based on interpersonal relations should have increased the effectiveness of political and economic processes, and lead to the reinforcement of social contract, determining therefore a sense of belonging to the community among citizens (FUKUYAMA, 1995; PUTNAM, LEONARDI, NANNETTI, 2001).

In the recent decades, trust in political institutions and politicians in Romania has been at a low rate. Or, if in the West mirroring democracy after democracy, which characterizes late capitalism, was facing resistance from reminiscences of the "old democracy", in Romania it was either too early, or too late for democracy. It was too early in the 19th century when the "forms" were "without substance" (MAIORESCU, 1984) or in the first half of the 20th century when there were other historical priorities. For Mircea Eliade, representative of this generation, "the crisis upon which the occidental world had entered proved to me that the ideology of the war generation was no longer valid. We, the "young generation", had to find our own goals. But unlike our predecessors, who had been born and lived with the ideal of a national reunification, we did not have a ready-made ideal. We were free, open to all kinds of "experiences". In my belief at that time, these "experiences" were not meant to encourage dilettantism or spiritual anarchy. They were imposed upon us by historical necessity. We were the first Romanian generation unconditioned in advance by an objective to be realized in history" (ELIADE, 1990. p. 11). Moreover, it was too late at the end of the 20th century when democracy was already subordinated to the objectives of capitalism. Or, if in the immediate postwar period capitalism was cautiously legitimizing inequality, accepting social protection mechanisms, late capitalism transformed inequality in the symbolic resource of development.

For these reasons, we will analyze institutions from a formal perspective, without neglecting the informal aspects, which can offer insight into the questions concerning institutional and behavioral variations. One of the most frequent questions in comparative institutional analysis is, how come different institutions produce similar effects, whereas similar institutions have divergent results?" The issue has been debated by Romanian thinkers ever since the first attempts of institutional engineering, and the thesis of the forms without root advanced by Titu Maiorescu in his 1868 essay, *În contra direc iei de ast zi în cultura român* (Against the Current Trend in Romanian Culture) is relevant for the mistrust of

Romanian conservatives in institutional imitation. The Romanian critic introduced the idea of the cultural fracture that separated the two “Romanias”, the superficial one, of the cosmopolitan elite, and the profound Romania, the people’s Romania. Sank until the beginning of the 19th century in Oriental barbarity, Romanian society started to stir from its lethargy around the 1820s, affected maybe by the contagious movement through which the ideas of the French Revolution reached the geographical borders of Europe. Attracted by the light, our youth took up that extraordinary emigration towards the fountains of sciences in France and Germany, which continued to increase until it gave free Romania part of the glow of foreign societies. Unfortunately, it was only an outer glitter! Since being so unprepared and amazed by the great phenomena of modern culture, our youth have only experienced the effects, but have not reached to the causes; they have seen only the outside forms of civilization, but have not observed the deeper historical fundamentals, which have necessarily produced the former, and without whose pre-existence they could have not even existed. Thus, limited by a false fatal superficiality, with the mind and the heart caught in a light fire, the Romanian youth have returned and are still returning to their homeland with the resolve to imitate and reproduce the appearance of Western culture, with the trust that in the hastiest manner they will quickly achieve at once the literature, science, art and (first and foremost) the freedom of a modern state. So often did these juvenile illusions repeat themselves that they had produced a true intellectual atmosphere in the Romanian society, a strong direction that equally possessed the young and the old, those who left to learn and those who returned to apply the knowledge they acquired... And if, finally, one doubts freedom, they offer you the paper on which the Romanian constitution is printed and read you the speeches of the last minister who happens to be in government. Towards this direction of the Romanian public, we cannot only believe that the true reason that drove them towards Western culture was a genuine appreciation of this culture. The true reason could be no other than the vanity of being Emperor Trajan’s descendants, the vanity to show foreign peoples with any price, even by disregarding the truth, that we are their equals in terms of civilization. Only thus can the vice that affects our public life that is the lack of any solid foundation for the outer forms we keep on receiving.” (MAIORESCU, 1984, pp. 125-126). This long quote from the conservative politician, the ideologue of “Junimism”, several times minister and Prime Minister between 1912-1913, highlights the sources of the rejection of the Western institutional manner. And, at least on a public discourse level, the situation hasn’t changed decisively in the last one and a half centuries. The conflict between the traditionalists, sometimes tempted to turn towards fundamentalism, and the “synchronists”

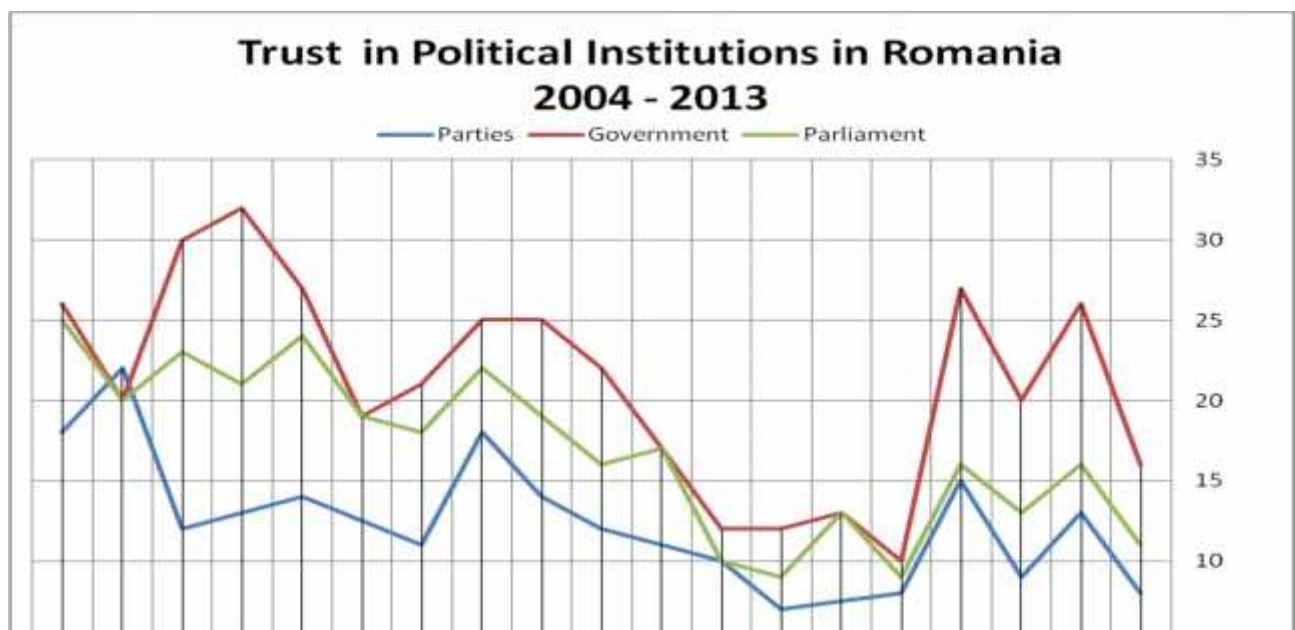
does not appear to have stopped, irrespective of the form of the political regime. For example, during the Soviet-inspired regime, the fascination for the Thracian and Dacian myths became an instrument of national-communist legitimacy.

The mechanism that links interpersonal trust and institutional success relates implicitly to a civic morality as well as to general honesty: "granting a contract is a matter of trust and completing it is a matter of respecting that trust" (BOHNET, FREY, HUCK, 2001). Civic morality means honesty – within the context of the common good – namely confidence in delegating and respect for the delegated trust, and also fully reciprocated trust. This trust relates to the civic sense of responsibility for the common good and, accordingly, requires allegiance to honest and responsible norms and behaviors. That is, citizens should be confident in the state and, implicitly, in its particular representatives while the latter should take citizens into their confidence. Such attitude has the potential of nurturing a sense of community among citizens, so that their rights should be maximized in the public space rather than in the realm of the private, with the result of discouraging corruption and individual isolation. That requires the acceptance of social duties as a product of society as a whole, and also as a common obligation. The civic sense of responsibility, such as respecting the community norms and rules, enhances our desire to conform to social regulation even while inconvenient to some degree, and even if the related penalty is minor. These values and conducts are thus the premises for an honest, consistent with the civic sense type of behavior (ORVISKA and HUDSON, 2002, p. 83). Per se, they would spare the price and the effort of dissuasion and also of a constant pressure with due positive consequences, such as the reduction of the amount of resources required in order to ensure order and enforce the rule of law as well as to carry out the governmental policies and regulations.

Yet the state disregards this strategy, and, yet furthermore, according to recent research, citizens' confidence in the state decreases while mistrust turns out to be the main variable in the equation. The present paper aims at shedding light on the severe impact of mistrust on political events by explaining how mistrust can become the explanatory variable in most cases of political takes. According to Russell Dalton (2005, p. 33) distrust in political leaders and their parties, as revealed in public opinion surveys, increases resistance to any public policies amending, even to the most benign ones. Moreover mistrust destabilizes the political establishment at the cost of encouraging the populist and/or radical parties. It also encourages the short term projects at the expense of those aiming at a sustainable development and also undermines the participatory political culture (BULAI, 2012, p. 113).

There is certainly a somewhat paradoxical ideological dimension of the general distrust in politics, and all the more so of that in the state: it draws various ideological groups towards the possibility of social experimentation and towards an odd interpretation of democracy. Thus both the conservatives and the libertarians endorse a limitation of the state's extended social programs for the disadvantaged groups while the street movements such as “indignados” and “occupy” tend to become mass phenomena all around Europe and North America. And thus, paradoxically, political mistrust proves fertile ground for a conceptual and action-oriented effervescence with noticeable positive end results: (“the tension between public support for democracy and concern for political practices of those in office leads to pressures for constitutional and institutional reforms”) (NORRIS,1999, p. 96).

A political regime cannot survive if there is no consensual connection between political practices and the population’s expectations. Or this report is not a mechanic one, but requires intricate mutual influences. The violent founding of the new Romanian political regime in 1990 influenced the evolution of the political life on the long-term. The Romanian post-communist political system was built rather mechanically, favoring formal instruments to consensual ones. This was the case with the first election of May 20, 1990 and the election of the Constituent Assembly, and the adoption of the Constitution in December 1991. In the early 1990s to constitutionalize the new Romanian political regime was considered the magic formula for political stability. But the lack of political consensus over institutions generated a general distrust in the political institutions forged then. Moreover, the lack of confidence in political institutions, which has been installed since the early 90s of the last century, has had as a perverse effect the transfer of trust to "consensus institutions" (in terms of trust the Church had constantly achieved by 2010 above 80% and the Army over 70%), compared with those considered characteristic of "conflict" (the Parliament, the parties).



**Table 1: Trust in Political Institutions in Romania (data processed by Eurobarometer 62-80)**

The authors share, in principle, the idea of Philippe Aldrin that the Eurobarometer is not as reliable as shown (ALDRIN, 2010). Moreover, the methodological critique of Pierre Bourdieu regarding the investigation method of public opinion since the beginning of the 70s of the last century, (even when the European Commission started collecting social data through the Eurobarometer) remains topical. Bourdieu challenged three postulates: "the first postulate: every opinion poll supposes that everyone can have an opinion; ... the second postulate: that all opinions have the same value; ... the third default postulate: the simple fact of asking everyone the same question implies the hypothesis that there is a consensus about the problem, that is, an agreement about which questions are worth asking. These three postulates imply it seems to me, a whole series of distortions which can be found even when all the conditions for methodological rigor are fulfilled in the gathering and analysis of the data" (BOURDIEU, 1973, pp. 1292-1309). Those over six hundred surveys conducted since its launch in 1973, reproduced throughout the media provide, however, the benchmarks for an analysis of trends and, in this case, the dynamics of trust. The authors chose to use data regarding Romania drawn from the successive editions 62 - 80 of the Eurobarometer, due to a lack of Romanian social surveys, especially after 2005, based on the same methodology and type of data collection. As noted from the analysis in Table 1, although it depends on political circumstances, and every time after elections trust in political institutions increases, the trend is rather decreasing. Also in Romania, the political parties are the institutions in which people seem to have the lowest confidence, whereas the government seems to manage at times to capitalize a little more trust. However, one can easily see that the permanent decrease of confidence is already starting to raise questions regarding the legitimacy of the political processes.

Table 1 describes the variation of the trust in political institutions in relation to the electoral calendar and governmental and presidential alternance. In November 2004, the

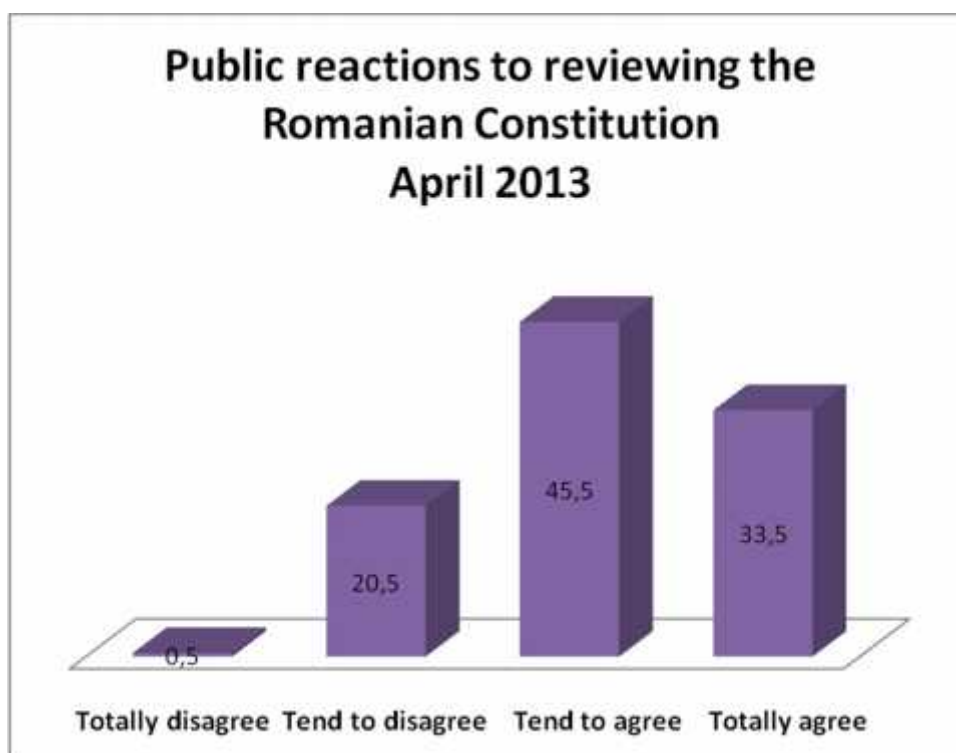
Eurobarometer highlighted the electoral state of mind, whereas in May 2005 the increased trust in political institutions was owed to the hopes generated by the result of the 2004 general and presidential elections, which had allowed the political alternance. The election of Traian B. Băsescu as President of Romania, in December 2004, as well as the formation of a coalition cabinet around the DA Alliance had as an effect, for a short period of time, the increase of trust in public institutions, even though this surge followed eventually previous trends. The same situation can be observed, even if the level of expectations illustrated by the level of public trust was lower than in May 2005, and this time, by the presidential elections, which did not overlap the general elections, which were held in December 2009 and did not result in an increase of the level of trust in the public institutions. This effect can be explained by the re-election of Traian B. Băsescu the first post-communist President of Romania to be elected for two consecutive terms. On the other hand, the impact of the austerity policies, which were enacted starting in May 2010 and were responsible for the 2010 drop of the level of trust. The fall of the pro-presidential government (installed in February 2012, after the resignation of the Boc cabinet as a result of the protests marking the beginning of the year) led by Mihai R. Zvan Ungureanu following a vote of no confidence is immediately reflected in the May 2012 increase. This is why the general elections in 2012 found the level of confidence at an increased level in relation to the previous legislative cycles. However, as the Eurobarometer data point out, the descending trend was again restarted.

In this context, a mechanism for relaunching social trust appeared to be offered by the debate on the revision of the Constitution which took place in 2013. Especially since the debate on the relations between the Romanian political institutions continued after the 2003 revision of the December 1991 Constitution. After the Presidential elections in 2009, and then after the Parliament elections in 2012, the revision of the Constitution seemed to pass from the stage of intention to an actual legislative action. And in the legislature beginning in December 2012, unlike the previous legislature between 2008 and 2012, there was the political premise of a constitutional majority. The absolute majority obtained by the Social Liberal Union (USL) in the 2012 elections made the prospect of a constitutional change, already announced during the general elections campaign, achievable.

But what would be the reaction of society to this political action? The Constitutional Forum tried to answer this question, coordinated by one of the authors of this study (CP), while the other (A) actively participated at the works of this consultation organized to consolidate confidence of the Romanian society in the constitutional mechanisms. The public debates of the Constitutional Forum were organized on three thematic axes: the territorial



axis, with meetings, at local, county, regional level and finally a national meeting; the thematic axis, with debates with experts and representatives of organizations from different fields (at least 5 thematic forums were organized, in each forum minimum 2 debates being conducted) and the academic axis, involving experts in public and constitutional law or in political science, who discussed the main issues related to the revision of the Constitution. Each debate was based on a common methodology. In this regard, there have been a series of debates organized in the country, on the territorial and academic axes; and a series of thematic debates organized in Bucharest.



**Table 2: The State of Mind of the Romanian Public Opinion towards the Modification of the Constitution, INSCOP Survey, April 2013, source: the Constitutional Forum**

The Constitutional Forum was launched after the Romanian Parliament began the proceedings to revise the Constitution of Romania, in early 2013. Then, following a proposal of the civil society and because the experience of the Constitutional Forum organized on the revision of the 2003 Constitution, the Joint Committee of the Chamber of Deputies and the Senate for drafting the legislative proposal to revise the Constitution of Romania passed, even since the first meeting, the establishment of the Constitutional Forum as a consultative and autonomous structure, with the aim of holding discussions on topics of interest regarding the revision of the Constitution of Romania. The consultations within the Constitutional Forum were conducted between March-May 2013.

## 2. The Effect of the Electoral System on the Romanian Political Regime

The aggregation of all elections in one year, a formula established by the 1992 elections and which was repeated until 2004, contributed to presidentializing and customizing of the political regime in Romania. Holding local elections a few months before Parliamentary and Presidential elections ingrained to the Romanian political confrontation a peculiar rhythm and logic. Local elections were the main test for the Parliamentary and Presidential elections. The combination between the two-round uninominal majority voting system for electing the mayor and the proportional system for electing the municipal or county councilors has customized the confrontation and gave a relative character to the party influence, a trend exacerbated by the effect of the Presidential elections over the Parliamentary elections. Customizing the Romanian political life, and therefore the Romanian political culture, which favors the political behavior and attitudes involving the uncritical recognition of the authority of leaders, has influenced the institutionalization process, by giving a relative character to the institutions and providing a relatively wide space of manifestation of an informal relational system. The effects of these phenomena on strengthening the political regime was important and generated on the one hand, a clientelization trend of the political life, while on the other hand, a crisis of institution authority.

The concept of political regime knows no unified approach in political science. Depending on the context and references (legal or sociological) the concept of political regime has variable dimensions. Besides these theoretical approaches, the journalistic view on the regime adds, through simplification, further difficulties. In theory, the most common confusion is between the regime and the political system. The political system, a theoretical model introduced under the influence of systems' theory and specifically used in the 70s and 80s of the 20th century, expresses at a conceptual level, the political and institutional interactions that determine the decisions which communities and individuals are subjected to. For example, for some the system is the exercise of power resulting from the dominant institutional practice (DUHAMEL, 1996, p. 276), for others (the American school of

comparative politics) it is the result of all structures in terms of their political aspect. The first option, which falls into the institutionalist approach, but goes beyond the strictly constitutional analysis, highlights the difference between constitutional provisions that would characterize the political regime and the political practice that is based on it, but to which political life dynamism and the essential role of the structuring of political parties in relation to the institutions is added.

Traditional classification of political regimes has known since Aristotle many variants, which did not bring significant changes, so that the number of holders of power is still, for many authors, a valid criterion<sup>4</sup>. On the other hand, tending to address the question of the regime only from a legal perspective leaves many important issues unclear. Even within the legal perspective there are differences from author to author, so that the political regime is either the form taken by the relation between government and the governed in a society (DUVERGER, 1981, p. 7), or the whole constitutional rules or a set of mechanisms that allocate power between different organs and sets their way of relating (ALDRIN, 2010). To overcome quartering to a strictly institutional definition, without overstressing the approach angle, Jean-Louis Quermonne proposes an intermediate definition of the political regime as "a set of ideological, institutional, and sociological elements combined to form the government of a given country for a specified period of time" (1986, p. 12).

The electoral system adopted in 1990 and amended in 1992 and 2000, and especially the electoral calendar, have reduced the influence of the institutional factors in favor of the political one. The 2000 elections illustrated the broad autonomy of these factors and emphasized the political imbalance, if not a structural crisis in democracy building. The institutional construction, limited only to structuring institutions and political organizations characteristic of an artificial competitive space, has proved to be insufficient. The ideological illusion that political institutions become the nucleus of a revived tolerant, competitive and multicultural public space, in which the political actors will be automatically legitimated, proved its limits. The transformation of democracy from a method of governance in a means per se, ambiguously defined and without subjectively recognizable practical consequences, has led to a reduction of social support.

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<sup>4</sup> The criterium of the number of holders of power is used by Marcel Prelot, Jean Boulouis, *Institutions politiques et droit constitutionnel*, Paris, Dalloz, 1987, who set-up a distinction between democracies, monarchies, oligarchies and mixed regimes or in Charles Debbasch, Jacques Bourdon, Jean-Marie Pontier, Jean-Claude Ricci, *Droit constitutionnel et institutions politiques*, Paris, Economica, 1983, for whom there are two great types of political regimes: democracy and the other regimes. In our study, we shall refer to the manner in which public institutions function within democratic regimes.

Linking political institutionalization processes with the increase of economic and social efficiency of governance and with the cultural contexts in which a given political community manifests itself ingrains a larger degree of objectivity to the analysis of transitional processes. Necessary but not sufficient to ensure sustainability to the democratic construction, institutionalizing parliamentarianism and a multiparty competition revolving only around representative institutions facilitated, amid the economic and government crisis (expression of the constitutional regime crisis), the fracturing of the political space, which created the framework for the manifestation of extremism and anti-system trends.

The fact that parliaments and political power does not get to be truly representative for the various social strata is not new (DUHAMEL, 1996, p. 275) But the decline in trust in these political institutions is compensated, when democracy becomes a socially approved state of mind, by the existence of other forms of political participation either in parties as open organizations, or in the various (semi)direct forms of association that stimulate the expression of democracy. Fostering some forms of limited political participation by totalitarian regimes (which sought the legitimization of collective and controlled participation) created subjective habits that have overlapped with the traditional political culture. Increasing inequality and reduced social dynamics, combined with a decreased subjective participation, led to social and political frustration. State construction and its legal corollary consists constructed by modern law assumed the transformation of the political space that generated from within its own legitimacy (DAHL, 2000, p. 46), which ingrained a central place to participation and cultural variables involved.

The possibility to delay presidential and parliamentary elections and the change of the electoral calendar would ensure a greater influence to the electoral democracy. The central issue of democracies remains, after more than a century of attempts, the real and consistent participation of citizens in influencing and making policy decisions. Within the limits of representative democracy, with its prohibition principle of imperative mandate, the possibility of a fracture between parliament and society needs a permanent policy adjustment to the public's expectations. The answer to this challenge differentiates functional democracies from formal ones. Introducing a dose of participatory democracy is vital to prevent the oligarchic tendencies of political institutions. One of the linking forms of policy to the society dynamics, the easiest one, is to diversify the electoral calendar. But such a decision requires the consent and participation of political parties.

Romanian participatory, far from being an exception, is part of a series. But if participatory exist almost everywhere in Western Europe, it cannot neglect the social and economic pressures to which it is subjected. The diversification of the electoral calendar was considered a formula through which a more frequent consultation of citizens would connect parties and their representatives in political institutions to the problems of society. The aggregation of all election clashes in a year, as happens in Romania, condemns the citizen to almost four years of political inertia. The apathy, absenteeism, disgust that polls reveal have among other causes this strategy through which parties have booked a electoral rest period. If instead we follow the dynamics of elections in the states of Western Europe, we will notice the myriad of electoral consultations. The distinction of local, departmental (county), regional, parliamentary or presidential elections offers the democratic political systems the possibility to provide continuous adjustment and increase political participation. Thus, parties have the opportunity to test the audience and rectify policies.

The aggregation of the elections produces a tendency to bipolarize the party system, especially subjected to the second round of the presidential election. But the French case shows that this situation exists even if the two consultations take place on different dates. On the other hand the success of the extremist leader Jean Marie Le Pen, who took advantage of the absenteeism of government - oriented party electorate, managed to be ranked second in the 2002 presidential election, reveals the limits of the imbalanced French semi-presidential political regime. As long as front-line party leaders participate in the presidential election, the presidential office tends to have a significant share in political life and to give a relative character to parties and institutions.

A political system cannot survive if there is no consensual connection between political practices and expectations. This rapport is not a mechanic one, but requires mutual influences. In regards to Romania, the analysis of the political culture, of civic culture formation, are elements that can contribute to the adjustment of the political decision to the specific Romanian political attitudes and behavior in their dynamics. Any reformist political decision that is desired, on the long-term, efficient, must be linked to the dominant political culture, not in the sense of subordination, but to knowingly overcome the adapting crisis to the new forms of organization. The role of the political elite as an agent of change is to adapt the requirements of the economic and social transformation to the system of values. Conservatism and the lack of civic culture, political culture of democracy that is based on participation in local and central governance, are not fatal obstacles. Although Romanians prefer consensus institutions (the Church, the Army) to the conflict ones (the

Parliament, the parties) the adjustment to the social factor is not a consequence of inexorable laws.

One of the limits of the Romanian political class is related to favoring policy only as a fight over conquering or influencing power and neglecting the strategic aspect, relating to political aims. The transition to a different type of policy is related to the ability of the political class to professionalize. The success of this transition would help to increase social support for the democratic political system and the legitimacy of the political class. The analysis of elections and the functioning of the electoral system, of its influences on Romanian politics in the last decade of the 20th century, is an important tool for finding appropriate remedies for restructuring the Romanian political system.

Considered as a technique for achieving political representation, the electoral system is an important factor in political reform, influencing the recruitment of the political class and through this the party system, and therefore, government stability and efficiency. The first step in a laborious process, the political recruitment reform cannot be reduced only to a change in the electoral system, but neither can ignore it. At the beginning of the last decade of the XXth century, confronted with a crisis that bears some similarities with the current Romanian situation, the Italian society has imposed, as first reform in the transformation process of the political life, the change of the electoral system. The establishment of the Second Republic in Italy was the result of a social demand of policy reclamation, affected by governmental instability, clientelism and corruption scandals. After 1994, the Italian Parliamentary elections, held under a mixed ballot, as a majority voting system in a round for 75% of the seats in each Chamber and proportional for the other 25%, have shown, on the one hand the mobility of the party system facing constraints they are subjected to in the transition process from a fully proportional system to a mixed system mainly as a majority, while showing on the other hand the relativity of the electoral reform as long as other reforms were not met. If government stability did not follow the electoral reform, the government average going from 1.1 years for the government between 1946 and 1994 to 1.6 years after 1994 1.3 years, the transition to government alternation practice, in a country where 48 permanent government was the rule, opened a new stage in the democratization of the Italian society and in reforming the political and representation system. However, trust in political institutions did not increase.

The key to the process to reform recruitment systems of the political class lies in the ability of the parties to transform themselves, reorganize their structure, and therefore understand correctly and responsibly the dominant role they play. The functionality of a party

system depends on how the electoral constraints create a particular public space, both for the organization of a competitive system, and from a strategic perspective.

Far from being merely a technique, the electoral system operates on the existing culture or political cultures with which it interacts. The multiparty system specific to continental Europe is not a direct reflection of the electoral systems, but reveals historical traditions, social specificities and cultural aspects that contribute together to the formation of a party system.

But electoral reform while necessary is not sufficient to revive the Romanian political life. Redefining the role of the citizen, the great absent of the Romanian policy, remains to be done. Policy efficiency and stability of government, the effects targeted by the parties, are not ends themselves, but means that must be coupled with the democratization of relations between the governed and the governors.

One of the proposed solutions for making the political class accountable and strengthening the necessary majority for government aims to change the electoral system. The functioning of a democratic system does not depend only on the institutions through which the division of labor is made between the executive and the legislature, but also on a number of formal rules, but also informal procedures through which political actors influence the functioning of the regime. Political representation depends on technical aspects such as the electoral system, the party system and the formation of government. Crucial to the transformation of the popular vote in representation at Parliament level, the electoral system is important in the creation of the party system, which in turn determines the characteristics and the stability of governments. The role of the citizen, his influence, does not increase automatically with the transformation of the electoral system.

The interest in reforming political institutions indicates the perception of the political system as being unrepresentative. The conciliation between the priorities of the Romanian political class and of the society and the democratization objectives are emergencies; the social divide cannot be neglected anymore, it is a reality that any policy must take into account. Social support provides legitimacy of democratic governance, and since democracy is not an end in itself but a means to achieve prosperity, it asks to be restored. Radical reform of the political class is becoming vital to the future of Romania. In parallel, the crisis of the political regime itself requires to be resolved. Consensus on institutions and their role as mediators in the social conflict becomes the next priority for the Romanian political life. If reason will impose itself, political and civil society will find formulas through which to restore communication and to revitalize democratic processes.

### 3. Soft Presidentialism

The crisis of the classic governmental formulas has brought forth the issue of the difficulty of governing contemporary societies as one of the central lines of political analysis (OLSON, 1999, p. 29-30). The emergence of new institutions and the drafting of public policies meant to adapt the institutional systems to the dynamic of economic and social change are the results of the attempt to maintain control over increasingly fast and hence, increasingly less predictable processes. The explanation for the governability of a society entails a research of the institutional system, of the legitimacy patterns, of the dominant political culture. If an increasing number of societies seem to become ungovernable or if entire areas are separated from one another as a result of powerful social fractures, the problem of institution reform becomes paramount.

The analysis of the functioning and of the relations between the political institutions that define the political regime highlights the formal framework of governance. And if on numerous occasions governance is not limited to the institutional framework, this gives the governance processes a series of essential traits. The consolidation of institutions becomes the key to the stability of the political regime. But when the institutions are confronted with a continuous erosion of their authority, the signs of the crisis point to an imbalance in the institutional relations.

After a decade since its debut (the adoption of the Constitution in December 1991), the Romanian political regime has manifested its dysfunctionalities. Started after the 2000 elections only as a negotiation between the political parties, the debate concerning Romanian institutions has been taken over by society. The futures of the presidential or parliamentary institutions, of the electoral system and of the political party dynamics have become public interest issues.

The constitutional definition of the Romanian political institutions has given the political regime a touch of stability, which seemed to contrast with the instability of the 1990-1992 timeframe. The general and presidential elections of September 1992, the first round of elections after the adoption of the Constitution and the stability of the V c roiu cabinet have strengthened this image. The celerity with which the Constitution was drafted also implied a great deal of improvisation. Unlike other former communist states in Central Europe, Romania has acted hastily. The process of drafting the Polish Constitution took eight years, during which the governmental processes got a clearer outline. Hungary did not draft a new



constitution, but only revised the 1949 Constitution. In these cases, the governability of society in the peculiar transition process was more important than institutional construction. Favoring swift institutional construction was determined in the Romanian case by the dynamic of legitimation processes. The illusion that institutional definition is enough to obtain legitimacy and stability has proven dangerous. The rigidity of the 1991 Constitution reflects the intention of its initiators of establishing stable and beyond debate procedures. But “the more adaptable an organization or procedure is, the more highly institutionalized it is; the less adaptable and more rigid it is, the lower its level of institutionalization” (HUNTINGTON, 1999). The rigidity of the constitutional procedures has influenced the regime crisis currently affecting Romania. The limited and largely conjectural character of the Constitutional Assembly debates has left its imprint on the political system and regime. The difficult amendment of the Constitution can thus create problems in the European integration process. Governance and its medium and long term needs have been neglected by the members of the Assembly, who were only concerned with strengthening the republican form of government, setting up a referendum for approving the new regime and the matter of guaranteeing and protecting property.

The absence of dissidence and of an organized and coherent opposition to the Ceausescu regime has influenced both the excessive personalization of the political life in the period of the founding of the new regime, as well as the construction of the public space. The public space as a space of confrontation and convergence on public problems was drafted around the issues started in 1990. The fear of the omnipotent state became one of the axes of the new political space. Exiting communism raised the problem of controlling government before the issue of government itself. Governance was to be naturally enacted once the separation of powers and market economy were to be instituted. The Romanian communist state had started constructing the governance process around national myths since the period of Dej’s rule. But this minimal legitimacy was not realized in the public space. Communism, as any totalitarian rule, destroyed the public space. The Communist Party was only an organization meant to promote private interests that once in power took over the state and the government. The ideology centered on the defense of the underprivileged did not ensure a base strong enough to ensure solid governance and for this reason the myths of social and political rebellion were mobilized. Mimicking institutional life could not hide the primary forms of powers used, chief among them being the cult of personality.

If in European-type democracies, a model from which the Romanian democracy claims its origins, parliamentary and governmental activity is under the control of the political

parties, in Romania, the capacity of these organizations to institutionalize has remained limited.

The type of the MP responsible only in front of the nation can no longer be found in political life. A political career, at any level, cannot exist without the support of the parties. The parties exert an important influence over the governance process in a polarized multipolar political system. Lacking the balancing influence of political institutions, the power of the political parties degenerates into partocracy. Strengthening the role of the Executive and of the position of the head of state especially, in relation to the parties was seen as a counterweight to this situation. The direct election, the existence of a right to dissolve the parliament and the possibility of censuring the parliament, by resorting to the referendum are the instruments of an influential presidency.

Constructing the Romanian political regime and system on the ruins of the former communist system entailed preserving some institutional formulas. Among them, the presidency which had been instituted by Ceau escu rather as a protocol institution. Attached by its founder to the cult of personality, the presidential position was built as a continuation of a political mythology. And as politics represents a symbolic horizon, the presidential office was endowed in the collective imaginary with more power than it actually possesses in its constitutional description. This apparent contradiction was overcome via effective practical politics. President Ion Iliescu not only re-inaugurated the presidential office, but by his presence in this position between 1990 and 1996 and again, starting in December 2000, he has imprinted a certain practice. The presidential majority formed by the MPs who recognized the authority of the president beyond their party affiliation was the dominant element for the 1992-1996 intervals. Appointing a Prime Minister with no party affiliation or political ambitions made the dominance of the presidency over the other institutions easier.

Constitutionally, the Romanian President does not have many prerogatives. In relation to the Parliament, the President does not have the actual right to dissolve it, art. 89, indent 1 establishing the condition under which the Legislature cannot be dissolved unless it has rejected twice, in a 60 days interval, the proposed governmental formula, a situation which is also found in the Hungarian Constitution, which seems to be the inspirational source for this procedure, and which severely curtails the powers of the President. The power of the President is not defined by his prerogatives. Of the three elements considered as paramount for defining a presidentialist political system, the direct election of a President, the election of the MPs via a first-past the post electoral system, and the real power of the President of dissolving the Parliament, only the third condition is met. The influence of the Romanian

President comes from his position in regards to the main political actors, the political parties. As long as the presidential position will be of interest for the leaders of the political parties, this will give an important, if not decisive influence for the Cotroceni Palace.

If from a strictly constitutional point of view one can talk of three models of political regime – presidential, semi-presidential and parliamentary regimes – the systemic perspective highlights the three concrete forms of manifestation: parliamentarianism, governmentalism and presidentialism (DUHAMEL, 1996, 277-278).

The role of the political parties is paramount for the institutional construction and political stability. The force of the political parties ensures the stability of institutions. The manners in which they are organized, the role of the leaders in the life of the party, their capacity to govern are elements in whose absence political analysis is rendered impossible. In its current incarnations, parliamentarianism entails the supremacy of the parties in influencing political life, and party discipline gives political leaders the possibility to control the parliament. The orientation of party leaders towards the position of Prime Minister or towards the position of President has direct consequences on the role of the institutions. The functioning, for example, of the Austrian semi-presidential system as a governmentalist system is owed to the orientation of the party leaders towards the office of Chancellor, which makes the presidential position a secondary one, often occupied by secondary characters, lacking real resources to influence political life.

The existence of fields reserved for the president (foreign policy, public order and national security) ensure that the presidential institution has a prominent role, even in periods of cohabitation. The President represents the state in the foreign relations and, in this quality, concludes international treaties negotiated previously by the Government via the Foreign Affairs Ministry or other interested departments, under the condition of subsequent parliamentary ratification. At the proposal of the Prime Minister, the President accredits or recalls the diplomatic representatives of Romania or sets-up, disbands and disbands the status of the Romanian diplomatic missions. In his quality as the commander of the armed forces and the president of the Supreme Council for Homeland Defense, the Head of State has a series of military prerogatives, for whose enactment he must cooperate with the Prime Minister, who is the vice-president of this body. The position of the Prime Minister within the Supreme Council for Homeland Defense illustrates the institutional relations between the two levels of the Romanian Executive Branch.

The President's role in the Prime Minister's nomination procedure depends on the parties' degree of structuring. When in October 1992 Nicolae V c roiu was proposed as

Prime Minister, the Democratic Front of National Salvation was not clearly structured and hence, it remained under a discrete presidential control. The degree of freedom of the Romanian president in the nomination procedure reflects the power of the political parties. The President is also invested with the right of appointing, in case of a government reshuffle or of a Cabinet vacancy, on the proposal of the Prime Minister, the members of the Cabinet (as per art. 85 of the Constitution). The different governmental reshuffles (August 1993, December 1997, January 1999, November 2003, August 2005, April 2007, October 2009) have reflected, via the debates they had sparked, the practice generated by the tendencies of the presidency, as well as its relations to the parties. The different debates and practices were fueled by the ambiguous stipulations regarding the interim cabinet position, contained by articles 106 and 107, indent 3 of the Constitution. The matter of parliamentary control over the reshuffle process was fixed via the rigid interpretation (1992-1996, 1999, 2003, 2005, 2012) or over the flexible variant (1997, 2007) of article 85. The reshuffle of the Ciorbea cabinet in December 1997 was rather a circumstantial parliamentary watermark in defining the President – Parliament – Government relations. The appointment of ministers in the second Ciorbea Cabinet was made not only after consulting President Constantinescu, but at his suggestion. Consulting the parliamentary commissions spared the susceptibility of the MPs in a moment when the practice of urgency governmental ordinances had become generalized and the Parliament had been marginalized among the public institutions. Reverting to the presidentialist practice in January 1999, with the appointment of the Minister of Internal Affairs during a full-blown “mineriad” (miners’ riots) period reflected actually the tendencies of the regime. The presidentialist tendency reached its apex with the dismissal of Prime Minister Radu Vasile in December 1999, via a forced interpretation of the Constitution. The Constitutional crisis of December 1999 meant also a transformation of the parties into constitutional organs, as long as the dismissal of the Prime Minister only became effective after consulting the political parties forming the ruling coalition. Bypassing the normal parliamentary procedures, the dismissal procedure of December 1999 represents a dangerous case within the context of institutional crisis. As political institutions are stripped of their authority, the possibility that the effective center of power lies with the presidency increases.

The practice of the reshuffle expresses the relations between the President and the Prime Minister. Even if the constitutional role of the President in regards to the Government seems reduced, the President can use a series of procedures of influence. The President can consult the Government on matters of urgency or exceeding importance, but there is no

stipulation that in this manner the president can impose mandatory solutions to the governmental team. The right to consult, presiding over Government Meetings in which matters of foreign policy, defense and public order (the reserved fields) are debated, expresses the possibility of the Head of State to directly influence government actions or positions.

Benefiting from reduced prerogatives in times of crisis, unlike the presidents of parliamentary republics such as that of Italy or that of the Czech Republic, who can dissolve the Parliament, the Romanian president is put in the position of witnessing the political game of the parties. Mandated by the Constitution to seek the good functioning of the public authorities (art. 80, indent 2), but also to act as a mediator between the state's powers, as well as between the state and society, the President can act on his prerogatives or permit parliamentary crisis solutions to be enacted. Beyond his role as a mediator between the state's institutions and between the state and society the President could also use the referendum procedure, as a means of solving conflicts with other institutions. However, the President was not given a right to call for legislative referenda, as the law concerning referenda has a parliamentary form that cannot be easily converted into presidential leverage.

The presidentialist tendency has dominated Romanian political life as answer to the weak institutionalization of the political parties and to political instability being the institution which has the largest stability, the Presidency has become the key stone of the institutional system. The stable construction of the Romanian political regime depends on the manner in which this institution will find its own balance. The regime crises newly instituted regimes are faced to confront had in their center the Presidency, in the Romanian case. Transformed by the electoral calendar into the most visible Romanian institution, ensuring the support for the other institutions due to the overlapping of general and presidential elections, the Presidency is in search of balance.

The current situation of the relations between the institution of the head of state and the institution of the head of government knows in Romania a different evolution than in Western societies, where a progressive reduction of the influence of the first institution to the benefit of the second can be observed (LASCOMBE, 2002, p. 234). The European integration processes have permanently reduced the role of the heads of state, regardless of the manner in which they are elected. The debate on the procedure concerning the election of the President has an artificial character in Romania. As the following table shows, in 5 of the 8 republics of the European Union, the presidents are elected via a popular vote, Italy seeks moving towards a similar system, and in Germany, the memory of the fall of the Weimar Republic has contributed in a consistent manner to the establishment of a system in which an electoral

college, and not the nation itself, chooses the president. The central issue in regards to the relations between the President and the Government resides in the powers of the two institutions and not in their election procedures.

Far from being a paradox, the questions and the dilemmas of the Romanians in 2013, concerning amending the constitution can be also found in other Europeans societies, as well as in the debates from Political Sciences and Comparative Law. One of these concerns is, for example, the current status of sovereignty. Is it possible that globalization has rendered the concept of "sovereignty" void of meaningfulness? It is not that simple, even for experts of the phenomenon of globalization. Even if for many scholars of globalization, "sovereignty" is no longer a valid concept, some researchers, such as John Agnew (2009) note that sovereignty does not disappear but becomes deterritorialized. Or, such a reality in full dynamic (seasonal migration and Romanian emigration to the West, the status of Romani in the EU etc.) has a constitutional dimension that could not escape the debates within the Constitutional Forum. Similarly, the effects of global warming or consumers' concerns should not be neglected in a constitutional revision. Nevertheless, if environmental concerns are largely a matter of quasi-consensus in society, constitutional ways of solving these problems may be different if not divergent visions based on more or less ideological or conjectural interests. In the 20th century, when the digital "revolution" allows immediate connection to reality, any constitutional review, moreover one subject to approval by referendum as in Romania can only succeed through consultation, involvement and cooperation of citizens. At the same time, good communication between politicians and civil society in the broadest sense of the term is the key to any successful constitutional review. In the past two to three years, three forms of public consultation to amend the constitutional framework have been used in Europe: the Icelandic one, which consisted in choosing a citizens' committee to draft a new Constitution, the Hungarian one, which involved a postal consultation after the fact and was criticized by the European institutions for its lack of coherence, and the Romanian case, which took the form of calling a Constitutional Forum.

In Hungary, the majority government voted in April 2011 constitutional amendments criticized in Europe as well as in America. Moreover, "the manner in which this review was developed and adopted speaks against it" (JAKAB, SONNEVEND, 2012). The formula chosen for review was non-consensual: the draft review was conducted by a special committee of the Hungarian Parliament and published in the fall of 2010 as "auxiliary materiel". As internal and external criticism escalated, a public postal consultation mailbox was conducted in February 2011 (8 million questionnaires were sent, but the response rate was

below 10%) of the 12 questions (e.g. 'new Hungarian Constitution must defend family values, order, the home, work, health ', 'the new Hungarian Constitution must award additional votes for parents ', 'the new Hungarian constitution must reflect national cohesion values with Hungarians living outside the borders' or 'the new Hungarian Constitution must speak also about civic obligations ') whose response should inspire drafting project review. Shortly after this "consultation", in March 2011 the revised draft was submitted to parliament and voted upon a month later. The new constitution, which came into force on January 1st, 2012, was dually criticized by the Venice Commission and by other European bodies, and as a result it was further amended in April 2013. Nevertheless, in a joint statement of European Commission President Jose Manuel Barroso, and the Secretary General of the Council of Europe, Thorjborn Jagland, underlined that these changes "raise concerns regarding the principle of the primacy of law, European Union law and Council of Europe standards".

Developments in Iceland seem to call into question the experiment of the 2.0. Constitution. This situation was the consequence, on the one hand, of a victory in the elections of 27 April 2013 of the parties that openly opposed constitutional reform by citizens; on the other, the lack of experience in legislative technique made the proposed constitutional text to miss the standards, as well as a result of the political hostility towards the parties that had drafted the first variant of the citizens' Constitution.

A short presentation of the events in Iceland can be instructive. Following the dramatic effects of the economic crisis of 2008 and the continuing "pans revolution" caused by them, proceedings had been initiated to revise the Constitution which required the election of a citizen board consisting of 25 citizens who drafted a new constitution using proposals received through social networks. This council, elected in late 2010 in a controversial election (turnout was only 36%) was challenged by the opposition parties and had started working very late. Following this situation, the proposals that led to the draft of the new constitution were collected in little more than three months in the summer of 2011. To strengthen the effort by the citizens a consultative referendum was held and the result seemed to give the project a chance of a favorable vote in Parliament: the presence of nearly 50%, over 66% of those who participated in the 2011 referendum were in favor of the new Constitution. The text of the new constitution was drafted, however, vaguely, so that the expertise of the Venice

Commission for verification and compliance to European standards was needed. The Commission suggested a technical review of articles. A committee of experts drafted (only technically, without changing the content of the proposals) a new form of the Constitution, but meanwhile the ethos for change had diminished. The overlapping of the constitutional

revision timetable with the electoral calendar, i.e. merging elections with the referendum for the new Constitution could not be implemented.

In Romania, the Constitutional Forum tried another approach: the partnership between civil society and the Parliament. Although it is not the first time when the Constitutional Forum is used for consulting citizens in Romania, unlike the previous constitutional 2002-2003 Forum, the one in 2013 was so structured that it could mobilize the widest possible participation. The role of the Forum, which has operated on three axes – territorial, thematic and academic -, has been not to develop a bill to amend the Constitution, but to gather proposals from civil society organizations and citizens, as well as to develop a comprehensive report to underpinning the work of the parliamentary commission to review the Constitution. The forum was organized to be accessible to both experts and representatives of non-governmental organizations, professional associations, trade unions and local authorities, as well as individuals, citizens who understand the importance of their participation in this effort by political and social change. Unlike Iceland, in Romania the proposed amendment to the Constitution was drafted in Parliament, and, unlike Hungary, it was based on the proposals of citizens and summarized in a report. The fact that the Parliamentary Committee voted on proposals presented in the Forum allowed for over 60% of the adopted proposals originating in the public debate to be adopted. But without a broad political consensus in Parliament and the increasing instability of the governing USL coalition, the adoption of a new Constitution was prevented. This seems to be postponed to 2015, after the presidential election in November 2014. Although the accumulation of political, social and economic tensions, because of the political crisis in the summer of 2012 marked by the impeachment of President B. Basescu and at the organization of a referendum to recall the president, and parliamentary and the electoral intermission between the May 2014 EP elections, and the November 2014 presidential elections, 2013 could have provided an opportunity to reshape the institutional structure of Romanian political life. At times political and institutional actors affected by institutional dysfunctions are interested in optimizing the functioning of political institutions and a clear distribution of institutional roles occurs. But this time the personalization of political life trend induced by the presidentialist tendency blocked the process.

An important factor in the accumulation of tensions, but also in the institutional reshaping the political life is the personalization of political life. The personalization of Romanian political life - influenced by a Romanian political culture that privileges political behaviors and attitudes based on accepting the authority of the leaders and the majority electoral system and the presidential elections - has influenced the process of



institutionalization, giving the institutions a relative character and providing a relatively wide space for expression of an informal network system. For, if the Romanian political system is rather a parliamentary one, as Giovanni Sartori argued (2002) after analyzing the constitutional powers of the President, the personalization of political life gives a presidentialist trend.

The dispute that has characterized political science in the last three decades is concerned with the effects of presidentialism, which distinguishes between parliamentary regimes (such as the Italian one) and presidential or semi-presidential regimes (such as the American or the French one) and falls within this context. From this perspective, most of the literature leads us to the hypothesis, outlined in a summative article by Abraham Diskin, Hanna Diskin and Reuven Y. Hazan (2005) that presidential or semi-presidential regimes are more prone to collapse than democratic or parliamentary ones. The reason seems to lie in the high possibility of conflicts between the Executive and the Legislature. This approach has given rise to a multitude of research perspectives, especially in the 1990s. For example, Alfred Stepan and Cindy Skach (2010) argue that presidentialism may prevent the consolidation of democracy. However, the clearest analysis which calls into question the stability of presidentialism is the one proposed by Juan Linz (2010). The dangers of presidentialism for democratic stability consist, according to Linz, in the rigidity of the regime, zero-sum choices and dual legitimacy, all undermining the ability to produce the compromises necessary for the functioning of a democratic system. On the other hand, Donald Horowitz (1990), Scott Mainwaring (1993) and Matthew Shugart and John Carey (1992), among others, have defended presidentialism. The debate is far from settled, but the trend seems rather in favor of parliamentarianism<sup>5</sup>.

In his 1978 book (*The Breakdown of Democratic Regimes*), where Juan Linz analyzes the collapse of democratic regimes, he already advances a short presentation of the specific deficiencies that have resulted in the collapse of the 12 presidential democracies. As explained in an interview in 2006<sup>6</sup>, Linz reacted to the model of the "impossible game" proposed by Guillermo O'Donnell used to explain the collapse of democracy in Argentina in the 1950s. Hence, Linz discovered that, in postwar Italy, which had, unlike Argentina, a parliamentary regime, the "game" was not impossible. Italian democracy survived despite the

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<sup>5</sup> See Arend Lijphart, "Constitutional Choices for New Democracies," *Journal of Democracy*, No 2, 1991 or "The Virtues of Parliamentarianism: But Which Kind of Parliamentarianism?" in H.E. Chehabi and A. Stepan (eds), *Politics, Society, and Democracy: Comparative Studies*. Baltimore, Johns Hopkins University Press, 199.

<sup>6</sup> *Revue Internationale de Politique Comparée*, Vol. 13, No 1, 2006.

presence of a strong anti-system party, the Communist Party, similar to the Peronist Party in Argentina. Thus, the interest for analyzing the instability of democracies arose in Latin America. To Linz, although it is undisputed that some presidential regimes work better than others, the superiority of parliamentary regimes is clear.

As far as the semi-presidential regime is concerned, it makes its appearance in the theoretical debate on political regimes especially with Maurice Duverger's article in 1980. In his famous article, Maurice Duverger defined semi-presidential regime as a distinct model from the so called "pure" types, such as the presidential or parliamentary system. Overall this regime is characterized by the popular election of a president who has some real powers, but also of the coexistence of a Prime Minister accountable to Parliament. On the other hand, it is evident for Duverger that the concept of semi-presidentialism has rather an analytical sense, even if he drew attention to the fact that some similar constitutions are applied in a radically different manner. After three decades, Duverger's analytical approach remains the center of comparative institutional analysis. But as David J. Samuels and Matthew Shugart have emphasized in a recent article (2010) the notion of a presidential regime has also preserved its relevance, provided it distinguishes between two sub-types of a presidential regime, depending on whether the Constitution grants the President formal powers to dismiss the Prime Minister. Beyond this distinction, the two authors are inclined towards the empirically confirmed thesis that the president draws the essence of his powers from his ascendance over a majority party. And this seems to be the case in Romania.

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