Romania: A Fuzzy Transition

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Introduction

The Romanian post-communist transition was one of the most radical one in Central and Eastern Europe, full of ups and downs, political and institutional conflicts. The country was one of the last bastions of Communism and the real democratic turn came late, in 1996. However, after this second radical shift the country was quickly labelled a leader from laggard in European integration as governments were eager to accept the conditionality prescribed by the European Union.

This paper does not have the possibility to present a detailed and chronological account of the Romanian political system between 1989–2018, it can only offer comments, interpretational possibilities and cues for people interested in Romanian politics. It will argue that both from an institutional and political perspective, despite the positive aspects and changes of the past almost three decades, these institutional arrangements are not without problems, and that at the heart of these problems and challenges are decisions taken in the early periods of the post-socialist transitions and structural characteristics of the transition itself. Furthermore, it argues that in many cases, these constitutional and systemic flaws were not corrected, in some cases were worsened in the past decades.

The structure of the paper is the following. First, the main characteristics of the Romanian regime change will be tackled, and a lot of emphasis will be put on elite reproduction. Second, three neuralgic elements of the Romanian political institutional system will be presented, the problems of the executive, the problems of the legislature and the electoral law. The third part focuses on party politics from three approaches: institutional characteristics, personal factors, and ideological and discursive cleavages.

The Process of Regime Change

The Romanian communism was one of the severest in the region, Ceaușescu choosing national communism to underpin and legitimise his system.[1] Beyond this, the Romanian communist party was one of the strongest in the region as a large number of the population was member of the party, and the secret service (Securitate) had an extensive network

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[1] For a detailed account of the Romanian national communism see Verdery 1991.

of informants sustaining its hegemony. From an economic perspective, Romania received significant foreign loans in order to sustain its economic system, however, Ceaușescu decided to pay it back, resulting in sever austerity measures in the 1980s.[2]

Not surprisingly, dissent and the emergence of alternative elite groups was low among Romanians, making Romania the last in the Eastern European countries to apprise against the communist regime. Change was a violent and contested process.[3] As a result, there is no consensus among the political elite on the nature of the events in 1989, thus a central question in the public discourse is related to their interpretation. These, however, are not merely about historical truth but legitimise the political positions of some actors and the viability of the political institutions.

There are two major interpretations that shaped post-communist politics. The first one argues that the 1989 events were an "authentic revolution" that swiped off communism. In this context the ascension of those in power (e.g. Ion Iliescu, the first President, and Petre Roman, the first Prime Minister of the country) is accidental. Also, by becoming the prominent figures of the revolution they were chosen by the people to orchestrate the regime change.[4] The other interpretation argues that only the happening of the first few days in Timișoara can be considered a popular uprising. The latter events were nothing but a coup, through which second and third liner communists, with the help of the army and the secret service seized power.[5]

These interpretations are important for several reasons. First, the National Salvation Front (FSN) seized power already in December 1989, and re-organised state institutions. Basically, it developed a parallel state structure, which pervaded all levels of the society. Despite this, it participated in the May 1990 elections as a political party. In other words, it needed the revolutionary legitimacy in order to show the support of the people. Second, the main ideological cleavage of the 1990s, the communist–anti-communist, is rooted in these interpretations. Although present generally in all CEE countries, its general topics (law on lustration, the polarisation between "the protectors of democratic values" and "those responsible for the sins of the previous system")[6] did not gain political and public support in the first years of transition. Third, many of these interpretations were interiorised by the public, fuelling nationalistic, anti-minority and anti-liberal sentiment, influencing negatively the outcomes of democratic transition.[7]

From the perspective of elite studies, most of the authors agree that Romania can be characterised by elite-reproduction. The regime change was orchestrated by the FSN, which seized control in 1989. Having an open and democratic character in the first few days, slowly it was taken over by the members of the old cultural, political and economic elite. Later, they decided to transform it into a political party and won the election in 1990. Their leader, Ion Iliescu, an iconic reform-communist, won the presidential elections. Most of the scientific literature agrees that FSN and Iliescu stalled democratic transition building

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[2] This decision was in the country's advantage after the regime change, as Romania became the country with the smallest foreign debt. The disastrous economic leadership of the Iliescu regime could not take advantage of the situation.

[3] There is no room to present the 1989 events in detail. For a detailed account see Roper 2000.

[4] Cesereanu 2004, 73–88.

[5] Cesereanu 2004, 65–72.

[6] Eyal 2005.

[7] Tismaneanu 1998.

an "original democracy", as they called it. The main characteristic of this system was the following: delaying mass privatisation, rule of law and the construction of democratic institutions and ultra-nationalist, chauvinistic and populist nationalist rhetoric. Many argue that this was used by the emerging new political elite to stabilise its power,[8] however, this could not have been possible without the openness to these ideas by the Romanian population and the lack of response of the other, democratic parties. In this perspective Alina Mungiu argues that the Romanian public was not receptive to the anti-communist rhetoric of the opposition and was insecure regarding the liberal and market economy-based ideas promoted by these parties.[9] Also, it found security in nationalistic rhetoric and believed the unitary and forgiving rhetoric of Iliescu.[10]

Although elite-studies were not a central focus of the Romanian Transitology literature, most of the authors agree that Romania can be characterised by elite-reproduction, but it was harshly debated which social strata managed to preserve its powers. One major theory argues that the main winners of transition were the technocracy, which tried to grab both political and economic power.[11] They were the ones who formed the FSN, which offered a seemingly integrative and representative alternative for the society. Also, by using their social and symbolic capital they managed to dominate the already existing power-structures, such as the media and the state-apparatus and to marginalise the dissident intelligentsia.[12] Another theory argues that the post-socialist transition was managed by the joint forces of the second liner nomenclature and the higher technocracy. The latter group used its political capital to obtain economic power, and in order to achieve this offered support for the government controlled by the former.[13] This theory is backed up by the empirical research of Tudor and Gavrilescu, who argue that many members of government between 1990 and 2003 had communist ties.[14]

Regime Consolidation

As already mentioned, the 1990–1996 period was characterised by an authoritarian turn, as the ultranationalist coalition led by Iliescu seized power, blocking the democratisation of the country and political and economic reform. Major changes occurred in 1996, when the democratic opposition won the elections. This changed the fate of the country in several ways. On the one hand, the new Romanian Government committed itself to implement all necessary political and economic reforms in order to start the accession process to the European Union and NATO. On the other hand, a consensus was created among the political elite[15] that

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[8] Gallagher 1999.
[9] This belief was the strongest in the de-collectivisation and re-privatisation of collective land-ownership in rural Romania. Anthropological works show that the privatisation and individualisation of economy produced deep conflicts and insecurity among villagers (Verdery 1999).
[10] Mungiu 1995.
[11] Zamfir 2003.
[12] Culic 2002, 60–78; Pasti 1995.
[13] Gallagher 1999.
[14] Tudor–Gavrilescu 2002, 179–181.
[15] An important shift comes from the Social Democratic Party, which in the 2000s breaks with its post-communist past and the legacy of PSD and openly supports EU accession.

the model to follow is the Western-style democratisation and not the Eastern Orthodox culture. From an ideological perspective, this decision was preceded by a harsh debate among the Romanian intelligentsia,[16] and many analysts compare it to a similar debate from the beginning of the 20th century between the "modernists" and "anti-modernists", which shaped decisively the Romanian national identity.[17]

The democratic turn and Europeanisation of the country had several prerequisites. First, and foremost, from an economic perspective, the Iliescu regime failed to stabilise the country. As privatisation and economic reforms were delayed, the economic crisis deepened and led the country to near bankruptcy. Gradually Iliescu lost public support, and the public became receptive to the messages regarding major interventions of the democratic opposition. Second, in the 1990–1996 period international and European organisations constantly criticised the Romanian Government setting up stricter conditionality in their accession talks. Romania clearly became the "black sheep" of the region, at a moment, even the possibility of omission became conceivable. As a result, the post-1996 governments adopt major and important reforms in several domains, such as the rule of law, economy or human rights.[18]

Political Institutions and Their Changes

Romania adopted its new constitution in 1991, which replaced the old Communist rule. The document was revised in 2003 and talks about a second revision were initiated in 2012 as a result of the political crisis. All constitutional talks were initiated by left-wing governments.

Most analysts argue that Romania can be categorised as semi-presidential as the country has a dual executive (a directly elected, but constitutionally limited president, and a prime minister which is controlled by parliament), however, political scientists argue that as a result of constitutional ambiguities, it is not clear whether the presidential or parliamentary component is stronger. The Romanian legislative power is bicameral, however, Romanian bicameralism is symmetrical in almost all dimensions. The Romanian electoral system is proportional which was changed to a hybrid (formally majoritarian with proportional correction) regime between 2008 and 2016.

The following sections will present the major debates and systemic problems regarding the institutional setting. I will argue that most of the registered political crisis were initiated by the lack of clear constitutional provisions regarding these systemic elements, or at least had a component which was related to these ambiguities, as political actors exploited them in their own favour. Also, I will focus on the particularities of the system which distinguish Romania from other Central and Eastern European countries. The first section addresses the question of semi-presidentialism, the second concentrates on the problems related to the legislature, while the third one focuses on the changes of the electoral system and their consequences.

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[16] The debate is presented in detail in ANDREESCU 1996.
[17] MUNGIU-PIPPIDI 2002, 152–172.
[18] On the power of EU conditionality see SCHIMMELFENNIG–SEDELMEIER 2004, 661–679.

Semi-presidentialism with presidential flavour

Frison-Roche in a comparative paper on Central and Eastern European semi-presidential regimes argues that the political elites of post-communist countries had chosen this regime in order to ensure the power sharing between the old and new elites and to avoid conflicts arisen from mutual suspicion. He argues that the division of the executive power secured ex-communists that they would not lose all power and the anti-communist opposition to maintain control of the power they won.[19] In a closer analysis of the Romania case, however, one could argue that the choice of regime had other driving forces. In the early 1990s, power was assured by FSN and Iliescu, semi-presidentialism was appealing because it offered political credibility and legitimacy, as it offered constitutional limits to the president and formal power-sharing mechanisms, which were useless in a political environment where the president had full political control over the prime minister and the parliamentary majority.[20]

Nonetheless this is true, the constitutional choice of semi-presidentialism encoded a potential conflict in the Romanian political system, which as Dan Pavel argues in an introductive article dedicated to its analysis had become chronic.[21] As one can see in Table 1 most president–prime minister relations were conflictual at some point.

Table 1.
The relationship between the two branches of the executive (1990–2018)

Time period	Prime Minister	President	Observations regarding their relation
June 1990 – October 1991	Petre Roman (FSN)	Ion Iliescu (Independent)	Conflict between the two executives, Iliescu calls the miners to Bucharest to end Roman's turn
October 1991 – November 1992	Teodor Stolojan (FSN)	Ion Iliescu (Independent)	Subordinated prime minister, no conflict
November 1992 – December 1996	Nicolae Văcăroiu (PDSR)	Ion Iliescu (PDSR)	Subordinated prime minister, no conflict
December 1996 – April 1998	Victor Ciorbea (PNȚ–CD)	Emil Constantinescu (PNȚ–CD)	"Silent" president, dominant prime minister, no conflict
April 1998 – December 1999	Radu Vasile (PNȚ–CD)	Emil Constantinescu (PNȚ–CD)	Conflictual relationship, prime minister dismissed by president through a questionable constitutional loophole
December 1999 – December 2000	Mugur Isărescu (Technocrat)	Emil Constantinescu (PNȚ–CD)	No conflict

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[19] Frison-Roche 2007.
[20] Perju 2015, 246–278.
[21] Pavel 2009a, 3–13.

Time period	Prime Minister	President	Observations regarding their relation
December 2000 – December 2004	Adrian Năstase (PSD)	Ion Iliescu (PSD)	"Silent" president, dominant prime minister, no conflict
December 2004 – December 2008	Călin Popescu Tăriceanu (PNL)	Traian Băsescu (PDL)	Highly conflictual cohabitation, referendum on the dismissal of the president
December 2008 – February 2012	Emil Boc (PDL)	Traian Băsescu (PDL)	Subordinated prime minister, no conflict
February 2012 – May 2012	Mihai Răzvan Ungureanu (Independent)	Traian Băsescu (PDL)	Subordinated prime minister, no conflict
May 2012 – December 2014	Victor Ponta (PSD)	Traian Băsescu (PDL)	Thermonuclear political cohabitation, referendum on the dismissal of the president
December 2014 – November 2015	Victor Ponta (PSD)	Klaus Iohannis (PNL)	Conflictual, prime minister resigns
November 2015 – January 2017	Dacian Cioloș (Technocrat)	Klaus Iohannis (PNL)	"Silent" president, dominant prime minister, no conflict
January 2017 – June 2017	Sorin Grindeanu (PSD)	Klaus Iohannis (PNL)	Conflictual, prime minister dismissed by own party
June 2017 – January 2018	Mihai Tudose (PSD)	Klaus Iohannis (PNL)	Conflictual, prime minister dismissed by own party
January 2018 –	Viorica Dăncilă (PSD)	Klaus Iohannis (PNL)	Conflictual

* No acting prime ministers were included in the table

Source: Compilation of the author.

Analysts argue that these conflicts are rooted in the general perils of semi-presidentialism, such as cohabitation (from the 16 pairs 7 were cohabitational), and in the fuzzy Romanian constitutional arrangements.[22] The main problems come from the tension between how the president is elected and what rights and powers he/she has. Presidents are directly elected in Romania, thus have a strong legitimacy from the population, however, constitutionally their manoeuvring space is little. According to the constitution, the most important powers of the president are the following: 1. it represents Romania on international forums, 2. it names the prime minister after consultation with the parties (before the constitutional revision from 2003, in some special cases he may have recalled it as well), 3. it may name and revoke ministers, 4. in case of critical issues, it may participate and preside governmental meetings; and 5. it may dissolve the Parliament, however, the conditions to allow this are almost impossible to meet. Different presidents interpreted these powers differently. For example, President Băsescu interpreted these rights in order to increase his influence. In 2008 he argued that *consultation* with the parties in the case of appointing the prime

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[22] See Sturzu 2011, 309–327; Perju 2015.

minister does not mean that he needs to *listen* to the winning parties and carved a new majority and named a prime minister of his own. Also, he interpreted that by *naming* ministers he needs to *agree* with the person appointed, thus his role is not just a formal one in the process. Moreover, he participated more than any other presidents at governmental meetings, disregarding the provision regarding when he could actually do that. In other words, he used all the constitutional loopholes to construct his own public support in the detriment of the prime minister and his party.

On the other hand, the constitution provides bases for the dismissal of the president. According to Article 95, the president can be suspended if he commits acts of high treason and if he is incapable to perform his tasks. The suspension of the president is initiated by the Parliament, after the opinion of the Constitutional Court, however, to come into force a referendum on the issue needs to be organised. Strictly legally speaking, this provision is almost impossible to trigger, however, many prime ministers interpreted this as a political tool. Actions based on Article 95 were initiated two times, in 2007 and 2012, in both cases against President Băsescu. The Constitutional Court in both cases interpreted the article in the legal sense, arguing against its implementation. Despite the Court's reservations, the parliament initiated the procedure in both cases, however, the Referendums in both cases failed.[23] In both of these cases, the prime minister was looking for ways to marginalise the president and reduce his influence.[24]

The fuzzy constitutional formulations regarding power sharing between the dual executive politicises the institutional setting and the constitutional order of the country and creates the basis for political conflict between the two institutions. Also, the loopholes and the frequent involvement of the Constitutional Court exposed the institution, as their decisions were used by political actors to strengthen their positions.

The crisis of the legislature

Dan Pavel in an analysis written in 2009 argued that the neuralgic element of the Romanian democratic system is the legislature, because crisis weakens its activity.[25] This continuous crisis appears in its legitimacy among the population. As Figure 1 shows, the confidence in the Parliament is very low, never reached 25% since the post-communist transformation. Also, the lack of trust is more visible if we compare it with the confidence in the other two institutions (the church and the EU).

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[23] In 2007, the population voted against the dismissal of the president. In 2012, although more than 85% voted 'Yes', the turnout did not reach the necessary 50% threshold.

[24] An eloquent example is the conflict between President Băsescu and Prime Minister Ponta on the European representation in 2012. The prime minister wanted to curtail the president's right to represent the country in the European Council. The president called for the opinion of the Constitutional Court, which interpreted the constitution in his favour. In other words, as Perju pointed out, the prime minister, while having the parliamentary majority on his side, was "left without any means of access to the European institutions".
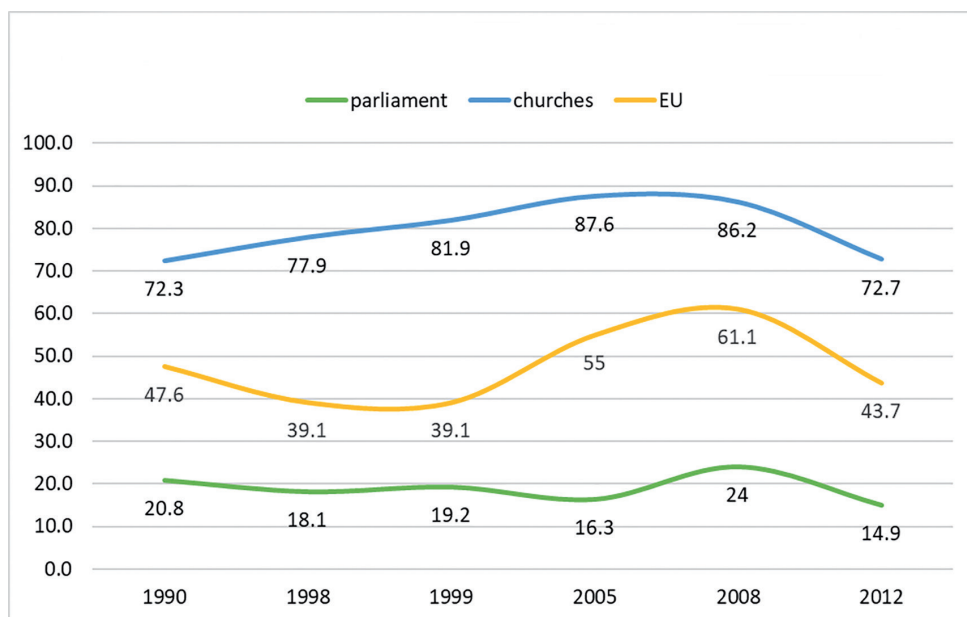
[25] Pavel 2009b, 3–17.

Figure 1.
Confidence in different institutions 1990–2012

Source: EVS 1990, 1999, 2008; WVS 1999, 2005, 2012

Pavel argues that the crisis is generated mainly by institutional factors, namely the relationship between the parliament and the government on the one hand, and the parliament and the presidency on the other.

As pointed out earlier, the consequences of the Romanian semi-presidential system was the high possibility of tension between the president and the prime minister, and occasionally the parliament. Both executive actors tried to control the parliament and use it against the other. When the president managed to take control of the parliament (Iliescu in 1991–1996 and Băsescu in 2008–2012), it resulted in the subordination of the prime minister (Teodor Stolojan, Nicolae Văcăroiu or Emil Boc). However, when the contrary happened, such as in the 2004–2014 period, Prime Minister Călin Popescu Tăriceanu and Victor Ponta used their support in parliament to limit the power of President Băsescu. As a result, Băsescu launched an assault against the parliament. These attacks were two-folded. First, building on the lack of trust in the institution presented above, he insinuated that the parliament is captured by different interest groups and it does not represent the interest of the people. Second, he started an offensive against the size of the parliament and the bicameral system. Both actions were meant to strengthen his position in the Romanian political field and both had systemic consequences. The discursive criminalisation of interest groups was the start of the anti-corruption populism that dominates Romanian political discourse since 2004. Also, it conditioned and framed the formation of the National Anticorruption Directorate, the most important judiciary institution that shaped politics in the past decade.

The push for a single house parliament and a majoritarian system initiated a harsh debate on the Romanian parliamentarism and resulted in the electoral reform of 2008 presented in the following section. Also, in 2009, on the exact date of the presidential elections a referendum was organised on the topic. The people supported the idea of the introduction of a unicameral system, however, this can be explained by the fact that it was the main campaign message of Băsescu, who won the elections in the end. Despite the positive result, the change has not occurred since, as these types of referendums have only a consultative role in Romania, and they are not legally binding.

The debate on the efficiency of the Romanian Parliament however did not start with the initiatives of Băsescu. Apahideanu argues that the 1991 Constitution opted for bicameralism in order to dissociate itself from the Communist period, when a unicameral parliament functioned. Also, this was a return to the pre-Communist period. The only difference was that the two chambers were created as congruent and symmetric, both in legislative powers and representation.[26] In other words, the writers of the constitution did not consider to differentiate the two houses, they gave them a similar role. The main differences are the following. Members of both houses are elected by the same electoral system for four years, and the two elections are organised at the same time. Both houses have the right to initiate legislation, while the areas of interest are divided between the two, making in some cases the Senate the decisive house, while the Chamber of Deputies in other. Both houses are independent and have a similar structure. The main differences are mostly contextual and are related to the minimal age and number of their members, the size of the constituencies. Also, the Chamber of Deputies offers preferential seats for minorities.[27]

Having looked at the differences and similarities, the debate on the necessity of the second chamber could seem well grounded, however, the way how and why Băsescu had put it on the agenda, made the possibility of a reform supported by everyone almost impossible. Political scientists agree that the existing bicameral system is highly problematic, however oppose the unicameral variant. In their opinion that would clearly push Romania toward a majoritarian democratic system, which is not suitable for the Romanian political realities.[28] Also, they criticised Băsescu for the politicisation of the topic, arguing that mixing the referendum and the presidential elections is immoral and illegitimate, because it subordinates a topic of high importance to a political campaign.[29]

Another problematic feature of the Romanian legislature comes from its relationship with the government. According to the constitution, there are three types of normative acts, which have exactly the same legal force: laws, ordinances and emergency ordinances. Laws are adopted by the parliament, ordinances and emergency ordinances are adopted by the government. While simple ordinances are applied during parliamentary holidays, when the parliament actually delegates the legislative role to the government, the latter gives permanent legislative rights to the government in extraordinary situations. These situations are, however, not specified by the constitution, allowing all governments to interpret these provisions as a legislative right and a tool to bypass the parliament.

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[26] APAHIDEANU 2014, 47–88.
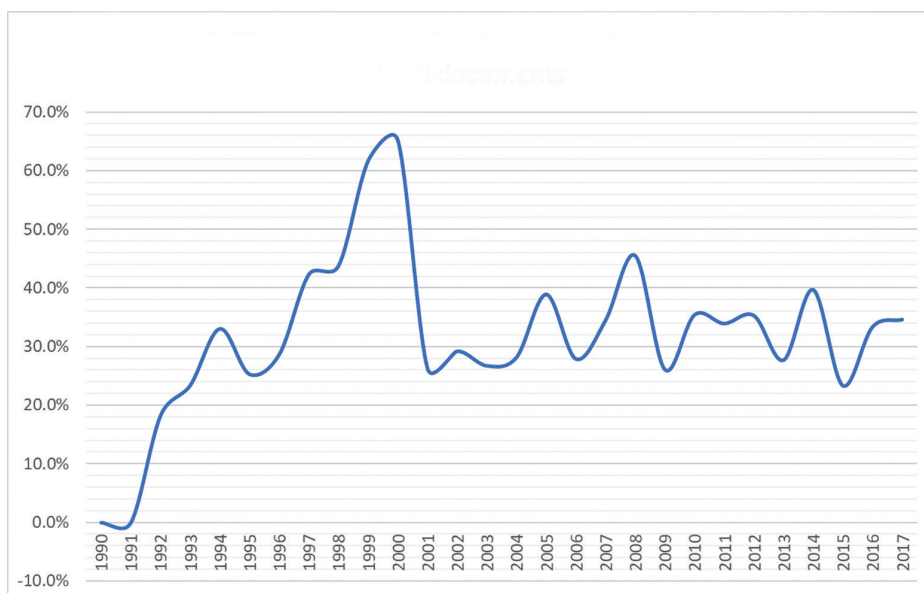[27] DIMA 2009, 18–36.
[28] See PAVEL 2009b.
[29] DIMA 2009.

Figure 2.
The percentage of ordinances (1990–2017) from all legal documents
Source: Calculation of the author based on the data of the legal database of the Chamber of Deputies.

As Figure 2 shows, there is a large number of (mostly emergency) ordinances issued by each government since 1992, and after 2000 this adds up the 30–40% of all normative acts adopted each year. In other words, the separation of power is not only undermined by the classic dilemma related to party politics, namely that both the legislative and (one or both branches of) the executive are dominated by the same political party, but through the fact that in a significant number of cases the government takes over literally the role of the parliament by issuing normative acts.

As this short analysis on the legislative body has shown, the parliament is the most vulnerable institution of the Romanian democracy, because of three problems and challenges: its low legitimacy among the population, its problematic institutional setting with a highly symmetric and congruent bicameral setting, and its subordination and vulnerability to both branches of the executive.

The electoral law and its consequences

In the case of the electoral system, three important issues need to be discussed: the type of the electoral system and the changes that occurred in the 1990–2018 period, the evolution of the parliamentary threshold and its consequences and the special minority representational system.

In 1990, Romania opted for a proportional closed list electoral system. Each party forms lists on county level in the case of each Chamber of the Parliament. The number of senators and deputies for each constituency is calculated by the population in each county. Therefore, each county receives one deputy to 70,000 inhabitants and a senator to 160,000 inhabitants. Also, the number of deputies representing one constituency cannot be less than 4, while the number of senators less than 2.[30] For the cast of votes into mandates the D'Hondt method is used.

1. As mentioned in the previous section, President Băsescu catalysed debates regarding a possible introduction of a unicameral parliament and a majoritarian electoral system. In 2007, on the same date with the European Parliament elections a referendum was organised on the topic, which could not be validated (the turnout was extremely low, 26.5%), but most of the voters (around 80%) supported the idea. As a result, a new electoral law was adopted in 2008, which formally introduced a majoritarian system (parties nominated individual candidates, and not party lists, and individual colleges were introduced), however it kept the proportional aspects (central mandate allocation for parties and the D'Hondt method) as well.[31] In other words, a hybrid electoral system was created, which was complicated and unintelligible enough to further question the legitimacy of the parliament.

The new system had a mixed reception. First, as Cristian Preda points out, in 2008 there was "no correspondent between the number of mandates won, the number of first placed seats obtained in colleges and the number of colleges won with absolute majorities". PSD won the most seats with an absolute majority, it received the most votes, but it did not win the most mandates, while PDL obtained significantly smaller number of seats as colleges won.[32] Furthermore, not all candidates who finished first in their colleges actually received a mandate, in some cases candidates placed even 4th managed to win the seat.[33] These anomalies made impossible for candidates who did not receive an absolute majority of the votes to understand the system and created mistrust among the political elite.[34] Second, the system could not handle if a party wins an extensive part of the votes. In 2012 USL won 270 colleges in the Chamber of Deputies and 117 in the Senate (more than 85% of all mandates) with a majority and received around 60% of the votes. As the system gives mandate for those candidates who win with an absolute majority and tries to keep proportionality as well, a high number of overhang seats[35] (117 more exactly) were assigned. This put huge pressure on the system as public discourse was about reducing the number of seats and not increasing it. As a result of these anomalies, all parties agreed that the system needs to be changed and they decided to return to the proportional closed list system.

Some aspects of the law can be assessed positively. First, as it was hard to model which colleges are the winning ones, the system supported elite circulation, a lot of new politicians managed to win a mandate. Second, despite the proportional characteristics, the system was still based on individual constituencies, which influenced the parliamentary behaviour of

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[30] For more detail see the webpage of the Chamber of Deputies www.cdep.ro/pls/dic/site.page?id=108.

[31] For a detailed presentation of the law see Székely 2009, 7–33; Coman 2012, 199–224.

[32] Preda 2013, 44–45.

[33] Eloquent from this perspective is the mandate won by József Kötő, who finished 7th in one of the overseas collages and received 34 votes.

[34] Many of them even argued that the system is rigged.

[35] For the term see Pukelsheim 2006.

MPs. As Coman shows in an analysis, many MPs understood the differences and became more active in the 2008–2012 period than they had been in the previous one.[36]

2. An important issue is the evolution of the threshold. At the first elections in 1990 there was no threshold, and as a result 18 parties gained parliamentary representation in the Chamber of Deputies. This high number of parties was in the interest of Ion Iliescu and his party, the FSN at the time, because it fractured mostly the opposition, leaving FSN with a huge support. Later, in 1992 a threshold of 3% was introduced, which was raised to 5% in 2000. This stabilised the party system, only 4–6 parties and coalitions managing to get into parliament.[37]

Party Politics: Institutionalisation, Intra-party Movement and Discourses

Romanian party politics has changed radically several times in the past three decades, however, the literature agrees that the party system has stabilised since 1996. The following chapter does not intend to provide a detailed presentation of political events; it mainly focuses on major systemic characteristics that shaped events. Party politics can be analysed through three approaches: its institutional characteristics, personal factors and continuities and ideology;[38] each of these showing a different side of the Romanian political and party system.

Institutional characteristics

Many of the analysts argue that the Romanian party system started to stabilise after the 2000 period, when a 5% threshold was introduced in the electoral law, and the number of parties became stable between 4 and 6. However, if we look closer at their composition we could observe a high willingness for coalition and for internal institutional changes, many of the parties participating under different name and composition.

Institutionally speaking, the most stable party is the Social Democratic Party (PSD) which was the first or second strongest party at each election organised until now. Also, they managed to form governments alone or in coalition with other parties six times. The second strongest party was the "right-wing" Democratic Liberal Party (PDL), which ceased to exist in 2014, when a fusion with the National Liberal Party (PNL) was orchestrated. Although the new party kept the latter's name, this did not mean the disappearance of PDL, as the newly formed political entity did not identify as liberal, but as a right-wing party.[39] A third important party is PNL, which has been represented in the parliament since 1990. The real support of the liberal party is hard to asses, as in most cases they participated in elections

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[36] Coman 2012.

[37] For the electoral results see the webpage of the Permanent Electoral Authority www.roaep.ro/istoric/.

[38] This triadic approach was used by researchers to identify post-communist parties. I have slightly adapted their approach to describe Romanian party politics. For details of the method see Pop-Eleches 2008, 465–479.

[39] PNL had quit their position in the Alliance of Liberals and Democrats for Europe and gained access to the European People's Party, where PDL was affiliated.

in coalition with other entities. The last relatively stable party of the party system is the Democratic Alliance of Hungarians in Romania (RMDSZ), which is a small and stable ethnic party representing Hungarians in Romania.

An interesting aspect of the Romanian party system is that most important parties can be linked to post-communist parties, as both PSD and PDL and now PNL have a direct lineage from FSN, while traditional parties (e.g. the Peasants' Party or the Liberal Party) or newly formed anti-system parties (e.g. Dan Diaconescu People's Party [PP–DD], the New Generation Party [PNG], People's Movement Party [PMP] or the National Union for the Progress of Romania [UNPR][40]) could not stabilise their support. Although, these parties do not consider themselves post-communist in the classical sense of the word, but their original starting point significantly defined their success. According to Pop-Elecheș this success of the communist successor parties is three folded. First, in the early 1990s, the post-communist elite managed to cement its political power. When the real regime change came in 1996 many of these politicians were already well positioned and with strong support. Second, although the population rejected the Ceaușescu regime, it did not reject communism all together. In other words, the legitimacy of those who were affiliated with the Communist Party but were not considered key actors in the previous regime was not questioned in the transitional period.[41] Third, and most importantly, as already mentioned, the Ceaușescu regime suppressed all opposition, most experts and technocrats had ties with the communist party in the past. Furthermore, as the Romanian communism presented nationalistic characteristics it also resulted in an ideological ambiguity, which was exploited by the post-communist parties. As a result, post-communist parties were not confined only to the left, but they gradually occupied almost all sides of the ideological spectrum.[42]

Another important institutional characteristic of the Romanian party system is the high willingness of coalition of the actors. Looking at the governments in the past 28 years, almost all parties had participated in governments, resulting in coalitions with all types of ideological composition. Daniel Barbu calls this kind of system partocracy, because the main objective of parties is to stay in power and control resource allocation.[43] An actor participating in many of the ideologically polychrome post-communist governments is RMDSZ, which has collaborated with almost all actors of the political spectrum since 1996. In their conception, the interest of Hungarians in Romania is to participate in ideology free collaborations, which would assure the integration of Hungarians in the Romanian political sphere on the one hand, and positions and resources for the community on the other.[44] In other words, the Romanian party system and its collaboration patterns define the Romanian political system as a "patronage democracy",[45] in which the main objective of political actors is resource-allocation and the upkeep of political patronage overwrites any potential ideological opposition.

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[40] UNPR never even participated at elections on its own but had parliamentary representation.

[41] This cleavage is exploited and reified by Băsescu in 2004 in a presidential debate with his main counter candidate, Adrian Năstase as well. For a brilliant analysis of this moment see Iețcu-Fairclough 2007, 31–74.

[42] Pop-Eleches 2008.

[43] Barbu 2004.

[44] For a detailed description of the strategies followed by RMDSZ see Kiss 2018.

[45] Chandra 2004.

Personal factors and continuities

One of the main personal aspects that shape the Romanian party system is the inter-party movement of politicians. In Romania in each legislative system parties have paid particular attention to extend their power not only through a good electoral participation, but through the "transfer" of politicians from other parties. This tendency can be analysed from several perspectives. First, it strengthens that Romania can be considered a patronage democracy, as political actors do anything to keep or gain power. Second, it questions the representational factor in the Romanian democracy. Many analysts argue that the will of the people is questioned by politicians who decide to change parties, as they disregard the option of the electorate who sent them there. Third, it gives inside on intra-party loyalties and the degree of cohesion existing at the level of political parties.[46] Gorovei in a study focusing on this issue argues that the number of MPs deciding to change parties between two elections had constantly grown from 1992 to 2012, but gained significance in the 2008–2012 legislation, when the incumbent government managed to stay in power by attracting MPs to its own formation together with a newly created party, UNPR, which never participated in elections and did not enjoy the confidence of the voters. Also, as the comics of the situation is reflected by the fact that the fall of the government was caused by similar causes, many of the MPs migrating (back) to the opposition.

Also, the ephemeral life of some parties can be explained through these processes, as the number of MPs, migrating to stronger parties is more characteristic to these political groups (e.g. PP–DD, PMP).

Ideological and discursive cleavages

Although I argued above that party ideology did not matter, and Romania presents the characteristics of a "patronage democracy" than one with stable ideological cleavages, this does not mean that Romanian politics is free of discursive cleavages.

One of the first discursive cleavages was the post-communist–anti-communist divide. After FSN declared that it will participate in the elections, the traditional parties (PNL, PNȚ–CD) engaged in a strong anti-communist discourse, dissociating themselves from post-communist parties. This proved to be a losing strategy, as it created resentment in the electorate.[47] The growing discontent with the PDSR Government after 1992 reinterpreted this cleavage. Although the anti-communist opposition won the elections in order to govern, they have chosen to collaborate with the Democratic Party, a post-communist party, and the moderate wing of the FSN. In other words, although post-communism was an important discursive theme of the elections, it did not have any practical consequence on party politics. Moreover, the real impact of the cleavage was further weakened by the fact that a significant number of the pre-2004 ministers had communist ties and that in 2000,

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[46] Pavel 2012, 9–24; Gorovei 2012, 605–635.
[47] Mungiu 1995.

the PSD dissociated itself from its post-communist past, creating the basis for a modern type social-democrat party.[48]

A second important ideological and discursive characteristic of Romanian politics is how populism appears and influences politics. Most authors link populism to right wing nationalism and extremism,[49] arguing that it defined politics in the 1990–1996 period, when populist parties were co-opted by PDSR in the government. Also, many argue that there was a populist moment in 2000, when as a result of political reform and economic austerity measures a large part of the disillusioned electorate supported the PDSR and PRM.[50] Also, a widespread argument is that from 2004 onwards populism loses ground in Romania and since 2008 no populist party manages to become a decisive political force in central politics.

These general findings need to be critically examined on two accounts. First, as Radu Cinpoeş argues in an excellent article to conclude that from 2004 nationalist populism loses ground in Romania, is only a superficial examination of the process. By presenting an agency-based approach, he argues that the right wing populism does not disappear, but it transforms and finds ground in mainstream political parties: members of the weakened populist parties find refuge in mainstream parties, and the public discourse becomes more and more receptive to nationalist populism as a casual intolerance becomes characteristic of the discursive strategies of mainstream actors.[51]

Second, it is not beneficial to reduce the analysis of Romanian populism to nationalistic and right-wing populism as other forms of populism appear. In the 2004 electoral campaign, the central message of Traian Băsescu was an anti-corruption stance against the post-communist oligarchy that controls and exploits the Romanian people.[52] Since than the discourse centred on anti-corruption became the central cleavage of Romanian politics, defining the outcome of the 2009 presidential elections and even the 2016 parliamentary elections, when a new political entity, USR, was born. An important aspect of this new type of discourse that heavily relays on Europeanisation, as its main legitimating argument comes from the EU, which criticises Romania on this account.[53] Also, its success can be linked to the low level of trust in society, politics and politicians, which at the end challenges and weakens democracy.[54]

Conclusion

In the past 28 years Romania developed a relatively stable democracy and party system, however, underling tensions lurk around time to time challenging both the democratic and constitutional order. In this paper I have tried to argue that there is a certain kind of path

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[48] Pop-Eleches 2008.

[49] See among others Minkenberg 2015; Sum 2010, 19–29.

[50] Mungiu-Pippidi 2001, 230–252.

[51] Cinpoeş 2015.

[52] Ieţcu-Fairclough 2007.

[53] Tanasoiu–Racovita 2012, 243.

[54] Many of the people supporting radical anti-corruption measures would agree with authoritarian methods of purging corruption, or that many of the young middle class does not believe in democracy and do not participate at elections.

dependency in Romanian politics, as the way how regime change was orchestrated significantly defined how political institutions and politics function in the present. From this perspective three elements were outlined: 1. the capture of the state and party system by post-communist elites and institutions in the early 1990s; 2. the constitutional arrangement of the executive that made Romania a semi-presidential system; and 3. the weak position and systemic challenges of the legislature compared to the executive.

Also, I have argued that Romania presents the characteristics of a patronage democracy, through which parties are more interested in gaining or keeping power than in developing their own ideology, or in engaging in deliberation on the nature of policies or the public good. A further characteristic of the Romanian party system that presents challenges to democracy and the principle of representation is the continuous migration of MPs from one party to the other between two elections and the changing discursive cleavages that can be observed. From this perspective, since 2004 there has been growing evidence that nationalist populism finds a new home in mainstream parties and that anti-corruption discourse makes harder and harder to initiate political debate on systemic and institutional issues.

All in all, the paper presents a subjective framing of the Romanian political realities as it emphasises elements, problems and challenges considered important by the author.

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