DEMOCRATIC CONSOLIDATION IN ROMANIA:
UNCERTAINTIES AND PERSPECTIVES

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Abstract. The paper examines the processes of structural and functional consolidation of the current political regime in Romania in terms of paradigm of democratization in post-totalitarian/autocratic transitional regimes. After the outlining of the conceptual and analytical framework followed in argumentation, the paper presents the manifold uncertainties raised in relation to the degree of institutionalization of the main subsystems of the new post-communist regime. It analyzes a number of features of complete democracy (liberal) which are still poorly and incompletely assimilated in Romania, especially the effective warranties and functionality of the "horizontal accountability" (G. O'Donnell) in the exercise of power; the independence of judiciary and rule of law.

Keywords: electoral democracy, liberal democracy, democratic consolidation, democracy in Romania.

In the present paper I will deal with a problem with which were actually faced the countries which went through changes of political regime, i.e. the consolidation of the new democratic regime established after a process of transition. It is well known that, 20 years ago, over 100 countries almost all over the continents engaged in post-authoritarian/totalitarian transition. In the euphoric atmosphere generated by the vast proportions of this phenomenon, many expected the destination of the respective transitions to be one form or another of democracy. That is why both in political media and in the studies of comparative politics they spoke of transition to democracy (and subsidiarily to market economy). This optimism seemed justified if we have in view the first actions that consisted in organizing free elections and the competition of several political forces in order to get the power, as well as the proclamation of respect for fundamental political rights and liberties.

Nevertheless, only about 20 of the new post-transition regimes can qualify today as consolidated, secure democracies. Almost all the others are facing

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uncertain perspectives that question not only their democratic nature, but also the stability of the elementary institution of free and pluralist elections. Post-communist Romania is considered, *grosso modo*, beyond any threat of returning to authoritarianism in spite of the fact that the survival of the new democratic regime depends on very few certain, functional institutional accumulations — as I will further demonstrate. The degradation (erosion) of the poor progress achieved prior to the EU adhesion is therefore not excluded owing, in the first place, to constant multiplication of certain undemocratic, regressive inclination on behalf of the political actors who held the power or still hold part of it in a quasi-arbitrary style.

*Theoretical Landmarks*

In order to evaluate the degree of democratic consolidation of the present regime in Romania and to identify the problems it has to face (the politicians' temptations and actions undermining its institutional structures leading to the citizens' poor confidence in the legitimacy of the democratic regime as such) I will first outline the main theoretical landmarks on which the present evaluation is based.

We will start by *delimiting the acceptance of the concept of democratic consolidation* as it has been crystallized in specialized literature.

According to the influential definition proposed by Juan Jose Linz from a theoretical perspective that has become prevailing today in the studies on democratization, and which is focused on the political actors' behaviour and role, democratic consolidation essentially designates a state of affairs in which all significant political actors (parties, groups of interest, forces and even public institutions organized within the political system) consider the democratic processes (election) leading to power as the only acceptable political way when governmental power is exercised effectively by the freely elected decision makers and the veto claim is excluded for other actors whose legitimacy was not validated by democratic elections¹. More briefly, democratic consolidation is possible only when democracy has become "the only game in town" for the political competitors. This is equivalent to the relative guarantee of the continuity and stability of the democratic regime, and correlative to excluding the probability of returning to any form of authoritarian regime.

In order to define democratic consolidation more clearly and adequately to the above mentioned purpose, and in order to comparatively examine the degree of institutionalization and effective functionality of democracy in its practical, empirical manifestations in Romania, I will decompose or specify to expand upon the criterion of the political actors' consent to the rules (institutions) of the democratic game into two defining and complementary dimensions, i.e. *effective institutionalization*, not only formal, declarative of the rules of the democratic

game on the one hand, and regime legitimation. The latter means ensuring the citizens’ support or general consensus as to the democratic values and institutions. In other words, it means social and civic anchoring of faith in the legitimacy of one’s own regime, not only in an abstract notion of democracy. In this case, legitimacy implies the faith in the compatibility between the regime and the requirements, will and cultural values prevailing in a society, which, fully aware of the facts, makes an option for a democratic form of its political regime.

Institutionalization implies transformation of rules and formal principles of political democracy, usually encoded in the Constitution (starting with free elections, pluralist competition among the actors or autonomous political parties, mode of organizing, dividing, controlling and exercising state power, protection of citizens’ rights and liberties, etc.) into constant practices and shared values for the political class and citizens. We can expect therefore their benevolent, effective application and use in the development of political interactions and solving the problems of society governing.

Successful democratic institutionalization depends, on the other hand, on the political actors’ option for regime formulae which satisfactorily combine real stimulating capacities with effective restraints capable to ensure the modelling of democratic behaviour and of citizens’ cultural propensities, and implicitly, political system functionality and efficiency.

Roughly it is considered that the formulae of parliamentary regime have more flexibility and adaptability than the presidential ones.

Effective institutionalization of the democratic decision-making rules and mechanisms is a component of and a relevant indicator for democracy consolidation. It differentiates adequate, uncorrupted functioning of the formal institutions of democracy from frequent phenomena in countries with incipient or poor democracies in which formal institutions act as a screen for practices of informal institutions – such as clientelism, nepotism, favoritism, neopatrimonialism, populism, corruption – or even systematic violation of electoral mechanisms, incompatible with the spirit of democratic norms. In case formal institutions are weak and inefficient, there is a great and inevitable temptation of informal institutions and practices to compete with them. These informal practices and institutions are preserved in particular cultural predispositions owing to long-time usage in previous non-democratic regimes. In such cases there is no real democratic consolidation, even if the formal democratic institutions are apparently maintained.

2 In a definition proposed half a century ago, political scientist Seymour Martin Lipset considers that “Legitimacy involves the capacity of a political system to engender and maintain the belief that existing political institutions are the most appropriate or proper ones for the society” (See S.M. Lipset, "Some Social Requisites of Democracy: Economic Development and Political Legitimacy", American Political Science Review, vol. 53, no. 1, 1959, p. 86).

3 Samuel Huntington defines institutionalization as “the process by which organizations and procedures acquire value and stability”. See S. Huntington, Orbis politica a societăților în schimbare (1968), București, Polirom, 1959, p. 20.

4 Institutionalization implies “the idea that such rules are widely understood and accepted, and that actors pattern their behavior accordingly, see Scott Mainwaring, Transition to Democracy and Democratic Consolidation: Theoretical and Comparative Issues, working paper 130, Nov. 1989, p. 4."
Among the democratic institutions whose successful institutionalization depends on the democratic consolidation of the political regime we mention, in the first place, political parties, which ensure the actual functioning of parliaments, and, in the second place, the building of an independent and unbiased judicial system for law administration, which guarantees the rule of law.

A political party is normally institutionalized if it manages to combine, in a satisfactory way, within the organization and in relation with other organizations, certain structural and attitudinal attributes: a solid and coherent structure at central and local level, doubled by precise and operating rules for interaction and decision making, and the members’ and sympathisers’ emotional adhesion to the doctrine. In case these conditions are met, they amplify the chances to implant or anchor in the civil society. In this way the party may become an influential factor which counts in relationship with the citizens or with political opponents because it may be perceived as an authentic representative of the common interests of important groups of electors.

In an opposite situation, poor institutionalization (sub-institutionalization) of the parties is characterized by organizational fluidity, members and electors’ reduced loyalty to the party (high electoral volatility), representatives’ poor discipline in legislative meetings, instrumental valorization of the organization by leaders and conjunctural supporters as a means to attain personal goals or interests of the clan, coterie, clique, gang, etc.

According to the same criteria, the institutionalization of the party system is materialized in stability and continuity at intrasystem level, reciprocal acceptance of component parties and decisional autonomy in relation with other competitors, with public authorities or major groups of interest. Certain authors also add social “rootedness” and consistency of ideological positions as an attribute of political identity and distinctive sign in attracting other people’s confidence and recognition.

Unlike the unstructured party system, an institutionalized system contributes to democratic consolidation not only in its own sphere of action, but also in the political regime itself in point of certain major aspects: 1) legitimation of institutional relations between the majority and the opposition as an effect of mutual acceptance of the competing parties, with their own legitimacy; 2) stability of the electoral support granted to the party system favours electoral options for clearly defined alternatives and therefore favours predictable and real representation of the party preference, assuming the responsibility for the results of political action and governing; 3) hindering the ascension of antisystem actors by a democratic party system institutionalized enough, and, in the long run, widening of the regime supporting basis by socializing and integrating in the system the half faithful or even hostile actors to democracy; 4) finally, reducing the chances of the populist leaders to manipulate the electors’ options and manifesting an authoritarian style when exercising power.

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7 Ibidem.
The second theoretical landmark for the analysis of democratic consolidation consists in delimiting the conceptual content of democracy in order to mark the difference versus non-democracies on the one hand, and in specifying the range of the process of democracy on the other hand. More precisely, it highlights the conditions in which consolidation may start and the level of democratic attributes accumulation guaranteeing or characterizing a consolidated democracy.

It is therefore justified to associate the beginning of the consolidation process with the setting up of a democratic regime, even in the minimal acceptance the concept of democracy may admit. In other words, if the regime includes in its structures and principles a participating dimension (right of inclusive vote, eligibility of public functions, free and correct elections) and a competitive dimension (which subsumes the right to associate in parties, freedom of speech, alternative and autonomous information sources)\(^8\). The experience of the third wave of democratization adds to all this actual exercising of governing by elected officials (lack of tutelary forces not legitimated by elections) and state territory not contested by secessionist groups\(^9\) which defines citizenship. If, after an authoritarian regime collapses, the new regime initiates and maintains at least these traits, it may be qualified as democracy in the minimal sense or as electoral democracy.\(^10\) In order to distinguish it from electoral authoritarianism\(^11\), which formally accepts regular competitive elections and political pluralism, one should underline that in a minimal (electoral) democracy electoral participation, competition as well as the citizens’ individual liberties are, to a significant extent, observed; the result of elections is an uncertainty for all competitors, the governing group organizing them included. This does not happen in an electoral authoritarian regime, where systematic manipulation, fraud, forging of election results, opponents’ harassment, etc exclude free expression of the vote as well as governing alternation.

Post-authoritarian-totalitarian transition may lead, therefore, to minimal democracy, or to other forms of authoritarianism, including the electoral one. The process of democratic consolidation begins by preserving, stabilizing and improving the functioning of electoral democracy institutions in order to avoid its collapse or failure in a masked form of authoritarianism. The dynamics of this process, i.e. its progressive development, necessarily includes integration of other viable characteristics or institutions, complementary to and specific of the advanced level, qualified as complete liberal democracy. It means adapting power exercising by the government and political opposition to the mechanisms of organization, power division, mutual control and limitation of decision making functions (“horizontal accountability” – G. O’Donnell), strengthening of the independence of justice for the actual guarantee of rights and liberties and

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setting of the rule of law. The accumulation and incorporation of these traits, which conceptually define complete liberal democracy, is equivalent to achieving the minimal level of consolidated democracy.

It follows that democratic consolidation implies, in the beginning, effective institutionalization of the minimal set of democratic institutions required by setting up electoral democracy and is fully achieved when acquiring the additional set of traits and institutions which define complete liberal democracy\(^\text{12}\).

The dynamics of the democratic consolidation process is neither linear, nor uniform or indifferent to the social and cultural context. It may confront a lot of challenges, stagnation moments or even degenerating, reversible phenomena of erosion and undermining of regime durability, even after the access threshold in the category of consolidated liberal democracies has been reached. The political class and the elites in all the fields play a decisive part in democracy consolidation.

Democratic consolidation is also facilitated when the regime gains legitimacy in case the government shares its fundamental values and by means of the functional capacities of the regime proved by efficient solving of the problems of society.

Making a synthesizing and adding a structural dimension to that referring to the political actors’ behaviour, i.e. the societal context in which the elites and mases act, we can make a few presuppositions that offer a wider explanation to the conditions and success probability for democratic consolidation:

1. A higher level of democracy runs fewer risks to pervert and undermine democratic stability and legitimacy. Vice versa, the longer democracy stays at the minimum level of electoral democracy, the higher the challenges and risks functionality and consolidation chances have to face in order to avoid ending up in a certain species of authoritarianism.

2. The democratic nature of the relevant actors’ behaviour and engagement in the political system is decisive for moulding the rules of the democratic game, of the institutional and attitudinal conditions on which structural consolidation and democratic regime legitimacy at mass level depend.

3. The configuration of the forces and political actors, their democratic behaviour included, are ultimately dependent on the structural and cultural context of society and on the characteristics of the replaced non-democratic regime. Less severe autocratic regimes, which allow a higher degree of social differentiation, of organization and autonomous actions of the component groups, ensure possibilities of adapting distinct interests, of their manifestation within the political system, including structuring and efficiency of the civil society. This determines and stimulates the behaviour of the elites along the direction required by democratic consolidation and development.

4. When the civil society leaves the responsibility for regime consolidation and unaltered maintenance to the elites exclusively, the solution is not safe for the survival of this type of political regime.

Uncertain Democratic Consolidation

The theoretical landmarks above are the framework for analysis I will further use to evaluate consolidation of democracy in Romania. Overlapping this framework with the empirical evidences in our country, both at institutional level and at the level of attitude and behaviour on behalf of the political class and citizens, creates rather uncertainties regarding the accumulation and turning into routine of the mechanisms of democratic governing exertion or setting up the rule of law in point of reaching the minimal consolidation threshold, assimilation of defining traits of liberal democracy, respectively. Moreover, not only does the democratic consolidation process stagnate; in the last few years it is more and more threatened by ever greater authoritarian temptations manifested by actors in key positions who are inclined to return to authoritarian, non-democratic practices.

In Romania, the objecting democrats at the stage in which communism was declining and falling were few and incapable to determine shifting social discontent towards a firm transition to a democratic regime. Post-totalitarian transition first got clogged in a buffer stage in which a more adaptable form of electoral authoritarianism was required. The regime was dominated by forces and actors recovered from the former structures of the party, state and economic and cultural-ideological systems of the old regime. The ones from the newly formed, dominating party, FSN and its satellites, prolonged the actual transition to electoral democracy another 7 years, until 1996.

The attributes of political democracy, of liberal vision, formally adopted by the new constitutional structure of the post-December regime, were practically corrupted and inefficient in the absence of certain important functional mechanisms such as the organization of a competition, the right to participate in the elections for occupying political functions by the democratic parties, access to alternative and autonomous sources of information, separation of state power, the rule of law, integrity and autonomy of public administration versus political forces, independence and impartiality of justice, etc.

A real transition to electoral democracy took place only in 1996, when the dominating party, emerging from the forces of the previous communist regime, lost for the first time, the parliamentary and presidential elections they organized themselves. Governing was taken over by a large coalition of democratic forces and by elements of the old regime that, in the meantime, had been attracted towards a moderate reformism (in principle the party detached from FSN, renamed PD-PSN, which followed the leader Petre Roman). They had contributed to Emil Constantinescu’s victory during the presidential elections against the ex-president Ion Iliescu. This internal change, as well as the pressure or attraction at international level regarding meeting the conditions for Romania’s adherence to the European Union, have seriously inclined the balance towards observing and applying the

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rules of the democratic, competitive and correctly played political game. The other attributes of full democracy are to be attained in the consolidation process of the new regime, by continuing the political, administrative, and economic reforms and by granting actual, functional virtues to the institutions. On them depend both the democratic exertion of power and the actual guarantee of the citizens' rights and liberties or the functional market economy.

The perspective (and promise) of adherence to NATO determined, on the other hand, the repositioning of all parties and the changing of their political agenda when they returned to governing in order to meet the democratic criteria in the internal political game and to peacefully solve the disputes with the neighbours – compulsory conditions for being admitted to NATO. A significant part of these criteria were successively met by the governments after 1966 until 2004, when a PSD government, under the presidency of Ion Iliescu (back to power after the second alternance, in 2000) concluded the negotiations for EU adherence (in the same year 8 other countries in Central and Eastern Europe had already joined EU).

The interval 1996-2004 marks, therefore, a limited progress in point of redefining certain rules and procedures of the democratic game materialized in revising the FSN-ist Constitution of 1991 (2003). The main initiatives meant to harmonise the organization of the political game with the profile of the liberal democratic regime were: additional guarantees for the citizens' rights and liberties, reassertion of the principle of the independence of justice and consolidation of its own governing organism and of the rule of law, delimitation of attributes within the executive and between the parliament chambers, strengthening of the Constitutional Court competences to guarantee observance of the Constitution and to solve the juridical conflicts of constitutional nature between public authorities. In 2003, when the Constitution was revised, only PRM (of nationalist-communist orientation), having 20-25%, rejected constitutional reform. Yet, the amount of convinced democrats out of the total population entitled to vote was relatively low in comparison with other Central and Eastern European countries: around 21%; about 43% of those who expressed their opinions on political identity declared themselves, in 1999, less convinced democrats. About 26% declared themselves either undecided or convinced autocrats, and 26% of the sample avoided to answer.

As main actors of the electoral and parliamentary game, the parties and the party system in Romania generate and reflect the structural and functional weakness of the process of democracy consolidation. These weaknesses are embedded in the traits, institutionalization level and unequal degree of loyalty or engagement versus the principles and decisional mechanisms of political democracy. Better institutionalized are the parties derived from FSN-PSD and PDL – but only from the structural-organizational point of view; from the attitude and doctrine point of view, especially the last one has great difficulties.

in identifying itself with a genuine and coherent democratic doctrine. The Hungarian (Magyar) ethnic group, very influential at regional level is also substantially institutionalized. It is self-called “democratic union” but its political goals and values are rather narrow, focused on autonomy, ethnicity and separatism, which places it outside the main framework of liberal democracy. Its systematic actions undermine the consolidation of the democratic regime in which it held positions in the government almost uninterruptedly after 1996. The only party of authentic liberal orientation – PNL – is under the standard of a well structured party at territorial level, while from the doctrine point of view, it is, like the other parties, poorly crystallized and the members show weak adhesion to the ideological values.

“Infusion of values” by means of specific doctrines and ideologies, is a vulnerable point affecting confidence in parties and internal structural cohesion, the attracting capacity and reflection of the citizens’ options, citizens’ identification with the present political parties (except the Hungarian ethnic group). In order to attract votes and political influence in society, the promotion of a coherent and distinct set of values, congruent with well defined segments or structures of society is far from being dominant. What takes the upper hand is the capacity to raise financial and relational resources that should weave networks of clients and attract the votes of vulnerable social groups by demagogical promises, manipulation or even electoral frauds, quite spread but officially hidden by the authorities meant to wash the organization and validation of the elections.

Autonomy of decision – another side of the actual institutionalization of the parties – is only apparent. Our parties depend excessively and exclusively on intra, inter or extra party groups or on the leader’s will. He monopolizes the decision and takes hold of the public resources to the detriment of the public interest when the parties have the central or local power. Adhesion (quite weak) to parties is mainly motivated by satisfying personal and clan interests and is generally limited to the present or presumptive beneficiaries having a part in the administration and the representative central and local structures. The perception of the identity of a party is generally reduced to actual identification with the leader or leading group. Identification with the ideology or promoted policies for the general interest is only accidental and secondary.

The representation of general interests is replaced by demagogical rhetoric and actual representation of the group interests of the political class and clients (especially businessmen who finance electoral campaigns or belong to the respective parties). Party responsibility versus electors does not work effectively via electoral mechanisms. Manipulation and buying of votes, on the one hand, high electoral absenteeism, on the other, as well as a wide range of means causing electoral frauds, especially in the country, practically annihilates the efficiency of the legal mechanisms of vertical (electoral) responsibility held by the main parliamentary parties. Political alternation (relatively regular after 1996) gave birth to a vicious circle. Periodical return of parties to power, after a cycle spent in opposition, was, to a great extent, due to the negative vote against the parties having the power and not to the electors’ positive evaluation of the public policies and programmes promoted by the parties in opposition. In this way a vicious cycle
was formed and repeated every 4 years when the negative vote and electoral frauds alternatively brought to power one of the two coalitions made up of parliamentary parties.

In the chain of institutional connections, the first and most affected by these uncertainties is the Romanian Parliament, the holder of legislative power. Its constitutional duties are powerful enough to play a major part in consolidating the democratic regime. Carrying out this role depends on the structural quality and responsibility of the political class, prevailingly recruited by the party system.

The uncertainties regarding institutionalization and consolidation of the party system, including the representation of the general interests, and the functionality of the Romanian Parliament are surpassed by the ambiguities that envelop the present degree of independence and fairness of the judiciary system, on the one hand, and depoliticising and professionalization of public administration on the other. They are two pillars of institutional resistance that condition the achievements or, on the contrary, the failure of the modern democratic regime. Both know limited progress, with weak impact on democratic practice and on limiting power abuse, which has a negative influence on setting up the rule of law—a fundamental dimension of the regimes with consolidated democracy.

Only after Romania's negotiations of adherence to EU started (after 1999), and after certain political criteria were imposed in connection with the field of civil rights and liberties, justice, rule of law (the Copenhagen Criteria), at the time the Constitution was revised (2003) did the Superior Council of Magistrature get the role of guarantor of the independence of justice. Laws no. 304/2004 of judiciary organization and 317/2004 regarding the Superior Council of Magistrature settled the practical modalities in which this role was assured, starting with recruiting the SCM members by direct elections by judges and prosecutors, and ending with proposals for the nomination in leading positions at instances and prosecutors' offices, nomination proposals for judges, magistrates' promotion, transfer and disciplinary sanctions. All this became the mission of SCM in its quality of guarantor of the independence of justice. After the alteration caused by the presidential and parliamentary elections in 2004 "the reform of justice" practically placed components of the system under the governing political control by returning to nomination of the heads of the Public Prosecutor's Office and presidents of the High Court of Cassation and Justice by actors outside the justice self-governing organism, i.e. the Superior Council of Magistrature, which only gives an advisory approval.

The political motivations when institutional factors (the Parliament, the Government) appoint chiefs in the judiciary system obviously play a crucial part. Justification of these appointments cannot be dissociated from the faith or temptation to maintain political control over judiciary authority on behalf of those implied in this kind of institutional relations. In the period of transition, political control over justice prolonged the reflexes acquired during the communist regime. It directly served the politicians' interests. They benefited from personal advantages such as the use or ownership of properties confiscated under communism, assurance of impunity in state property privatization, the use of public functions
in one’s own interest (corruption) and administration of public funds even as a pressure instrument in relation with the opposition. Undermining the independence of justice compromises the very efforts of honest judges to justify, equally and impartially apply justice, i.e. setting up the rule of law.

In the last few years the process of democratic consolidation has faced problems that seemed to belong to the past. Unfortunately president Traian Băsescu brought them up by his personal way to interpret his role and attributions in the constitutional system and the functioning of the institutions in the democratic regime. One can undoubtedly detect regressive temptations, invariably resuscitated by the president’s authoritarian-populist propensity, which erodes democratic consolidation in Romania. The symptomatology of stagnation and/or of reversing the course of democratic consolidation is reflected in the offensive of the president of Romania, launched in 2004, when he obtained the first mandate. He craved for concentration of formal and informal power, obviously disproportionate in comparison with the limits of his attributions settled by the present democratic constitutional framework. The temptation to restore a personal and uncontrollable executive power by embezzling and manipulating the mechanisms of electoral responsibility or invoking his own legitimacy in a country still affected by totalitarian dictatorship syndrome equals in fact gradual return to an authoritarian regime. Yet, this is cynically masked by the formal façade of electoral competition and by ostentatious invocation of delegative populism made official by president Băsescu by means of manipulated referendums, opposing the representative or executive institutions which are not easy to subdue.

The main direction of the authoritarian offensive is given by the systematic attempts of the executive to transgress the authority of the other democratic institutions. The executive has two branches, the president of Romania and the government which he controlled not long before. In this sense there are many well known juridical conflicts of constitutional nature caused either by the president or by the government, which were taken to the Constitutional Court. Although the institutional conflicts, mainly generated by president Băsescu, were confirmed, he never hesitated to repeat the mistake as long as the resolutions of the Constitutional Court do not bring about any sanctions. The following established objective is revising the Constitution in order to constitutionalize the power positions the president has arrogated in the last few years by obviously forcing the present constitutional attributes. For that he was suspended by the parliament with a view to being demitted by referendum in 2007.

Contradictory Perspectives

The political crisis in this spring and summer (2012), which culminated with the second suspension of the president of Romania by the parliament in 5 years, put through an ordeal the democratic system and the relations with certain authorities of the European Community in Brussels.

Poor democratic consolidation, i.e. fragility of interinstitutional relations is mirrored, on the one hand, by the incapacity of the elected democratic organisms
(the Parliament) or democratically controlled by them (government) to impose respect for the will of the majority of the electoral body expressed in the referendum of 29 July, 2012 whose object was to demit the president for serious infringing of the Constitution. On the other hand, the fact that the president refused to take into account the decisive will of the majority of electors expressed in the above mentioned referendum, reflects the authoritarian deviation of the political regime, after 7 years of the president’s interference in the normal democratic mechanisms, supported by the forces on his side.

Although almost 90% (7.4 million) of the approximately 8.5 million electors present at the referendum voted in favour of the president’s dismissal, at a real steady population of ~15 million electors, external manipulations – from certain countries or on behalf of high European bureaucrats –, combined with technical contrivances of arbitrary and biased interpretation of the law of referendum and electoral law by the Constitutional Court, highly politicised and serving the president, flagrantly ignored the people’s decision, and the president was maintained in function, totally delegitimize politically and from the democratic procedures point of view.

On the same occasion another uncertain side of the bureaucratic system was highlighted: the “repressive” means of the state and Băsescu’s politicised control of the judiciary power drifted away from their apparent neutrality and openly asserted their loyalty to him even during the period his official competences were suspended; the same happened with secret services and other institutions not controlled by the Parliament as well as with the public mass media surviving thanks to advertisements paid with public money.

Maintaining the president in function with the open support of the state repressive institutions indicates a de facto deviation of the regime towards an undisguised electoral authoritarianism and an attempt to strip the elected institutions of content and constitutional authority, undermining their capacity to exercise the legislative and executive power.

Consequently the perspectives of Romanian democracy in the short and medium run are very critical. Democracy is still in a deadlock after the USL majority in parliament tried to stop its decline by placing the president at the disposal of the referendum to be dismissed for constitution infringement.

At present a delegitimize president, actually devoid of the quality of democratically elected institution as long as the recent dismissal referendum stripped him of this democratic-constitutional quality, still has extended power. The president has the capacity to hinder the activity of the parliament and of the government using his power of veto and the Constitutional Court which he turned into a real “legislative decisional chamber” after the events occurred this summer.

Opposing him, there is a USL majority in Parliament and a government whose decisions are systematically censured with the formal and informal means of the presidential power. They are permanently discredited in the country and at the level of European and North-Atlantic decisional institutions or become a target for the secret services loyal to the president (as demonstrated during the
referendum, his opponents were spied and their telephone conversations were recorded in order to be later incriminated, the pretext being mainly political).

In old, consolidated democracies in deadlock periods or after prolonged confrontations the belligerent sides of the political class were capable, owing to their real attachment to the democratic rules, to set up solid memorandums of understanding and agreements of cooperation, or at least to engage in a process of convergence and mutual recognition in order to maintain and consolidate the democratic governing framework. The antagonistic relations of the state groups and institutions backing the president, on the one hand, and the Social Liberal Union bringing together several parties meant to commonly put an end to the authoritarian degradations manifest in Băsescu’s last years of presidency, on the other, are far from justifying the expectations or rhetorical declarations regarding cooperation, coexistence and mutual respect. On the contrary, instead of resigning in order to solve the legitimacy crisis he himself caused, the president is preparing to transfer from the government additional power under the authority of the presidential administration or the Supreme Council of National Defense which he controls with the help of the secret services.

The strategy preferred by the president could continue the campaign of internal and external discrediting of the government and the Parliament, of delegitimizing the ministries and parliamentary majority in order to jeopardise the USL chances to win the majority in the coming legislative elections and to make, like in the previous years, a majority and a government enslaved to his interests.

In addition, the tendency to take over attributes belonging to the government by organisms informally created around the president and that of stressing the repressive-authoritarian character could continue, its effect being weakening or liquidation of real democracy.

In case the mandate of USL majority is renewed at the elections of December 2012 and the president refuses to appoint a prime-minister from this group, or in case he refuses to collaborate with its government, suspending the president for dismissal might be resumed with fairly good chances to elect a new president.

In addition, according to the amount of the USL majority, the problem of amending the Constitution will be resumed in order to strengthen the democratic boundaries and discourage the authoritarian deviations, to democratically control the secret and repressive institutions, and depoliticise justice and public administration.

Any other arrangements or barter with president Băsescu could mean no contribution to democracy consolidation; on the contrary it would lead to compromising his present enemies.

Conclusions

From the perspective of the defined conceptual framework applied to the present analysis, democratic consolidation in Romania reflects a lot of uncertainties regarding effective institutionalization of the structural sub-systems of the regime – parties, parliament, administration, judiciary power – and in point of assimilating the characteristic traits of a complete (liberal) democracy. Within the context, the
effective guarantees and functionality of this regime, i.e. "horizontal responsibility" in power exercising, independence of justice and the rule of law have not yet reached the minimum level of efficiency of a liberal democracy. Hence the uncertainties persisting in connection with durability and legitimacy of the democratic regime in Romania and, at the same time, and multiplication of prominent political actors' temptation to direct in a negative, authoritarian and non-democratic sense the process of democratic consolidation until 2005.

The comparative analysis of democratic consolidation in Romania and in the Central and Eastern European countries integrated in EU, based on evaluations and certain indices measuring democracy used by specialized international organizations (Freedom House, Polity IV Project, Bertelsmann Stiftung, Economist Intelligence Unit, World Bank etc.), confirms the low level of democratic consolidation, placed at the lower limit of the criteria granting access to the category of new liberal democracies. The annual aggregated index (political rights and civil liberties) of foundation Freedom House,15 which actually evaluates the functionality degree of democracy as governing regime, was established in the last 15 years for Romania close to the lowest limit of the free regimes, i.e. at 2 in comparison with rating 1 obtained by the other post-communist countries members of EU, the maximum level for liberal democracies.

In another evaluation, the German foundation Bertelsmann16 calculates an index of political transformations of 8.55 points for Romania in 2006 (out of maximum 10 points). In front of Romania were the following countries: Slovenia with 9.70; the Czech Republic and Estonia with 9.55; Lithuania and Hungary with 9.35; Slovakia with 9.20; Poland with 8.80; Latvia and Bulgaria with 8.70. The criteria that caused this low position for Romania are the institutional level of the rule of law – 7.3 points and the party system, the civil society, and the groups of interest – 7 points.

According to the Index of democracy computed in 2008 by Economist Intelligence Unit17 (Great Britain) Romania is also behind the countries mentioned above: 7.6 is the general, 6.07 for government activity, 6.11 for political participation, and only 5.00 for political culture. In 2010 the general score dropped to 6.60, political participation to 5.00 and political culture to 3.75.

Finally World Bank establishes negative indices, below the world average considered level 0 (zero) for the perception of the rule of law functioning (minus 0.26 in 2002 and minus 0.05 in 2008) and corruption control in Romania (minus 0.25 in 2004 and minus 0.06 in 2008).18 The post-communist countries in Central Europe mentioned before had indices between 0.58 and 1.00 to the same criteria, i.e. over the world average and much closer to the functional level of the rule of law, or to the low level of corruption in old Western democracies, with indices between 1.5 and 2.5 (maximum level of corruption control, equivalent to the hypothetical absence of this phenomenon). The support level for the democratic

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15 See www.freedomhouse.org, Country reports.
16 See www.bertelsmann-transformation-index.de, Country reports.
regime decreased from 89% in 1999 to 60% in 2001, and satisfaction with democracy functioning in Romania decreased from 50% in 2001 to only 21.5% in 2008. We can therefore suspect that the regime had a poor popular support. The preliminary data of the investigations carried out by European Value Survey 2008 point out that 87% of the respondents in Romania consider that democracy is conceptually better than other forms of political regime, but, at the same time, without being a contradiction, 73% give credit to the authoritarian leader or to the governments made up of specialists that should rule without parliament and elections.20

Unlike the regimes in the other countries we have in view in this paper, the present regime in Romania may be qualified as minimal liberal democracy, very poorly or apparently consolidated, in which the attitudes and dispositions of the majority of citizens contain persistent cultural-political incoherences, and the level of democratic support for the way the regime functions is fluctuant and low.

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