

The Evolution of Political Institutions in Romania after 1989

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Abstract: *The events which occurred in the late 1989 and the ideological, political and legal rupture from the totalitarian regime as well as the renunciation to the socialist state, aroused many controversies. They were based on the question according to which Romanian politicians and intellectuals disagreed whether in Romania there was a revolution or a coup d'état? In order to answer the question which has sparked lively discussions and see if Romania managed to overcome totalitarianism or rebuilt it in another form, we must see whether the development of political institutions has led to ideological pluralism, if the legal system focuses on ensuring individual freedom against power structures, whatever their nature, whether democracy has a certain consistency after more than 25 years after the fall of Ceausescu's dictatorship or whether its mechanisms are only simulated.*

Keywords: *institution, evolution, system, democracy, pluralism.*

The events of 1989 by which Romanians participated in the "popular and broadcasted on television" overthrow of Ceausescu's regime were reviewed and interpreted by a majority of Romanian intellectuals and even politicians as not being a revolution. After more than a quarter century, the discussion thus born and maintained by the divergent usage of the concept of "revolution" began to fade, and the consequences of the cause which generated it continue to occupy an important place in the political, legal and social plans, this being an ideological, political and judicial rift against a totalitarian regime.

Analysing the transformations produced in Romania after the year 1989, in all fields, an essential question often arose: what have Romanians and Romania desired?; have they opted for a liberal state; have they wanted a continuation of the totalitarian regime but under a human face?

The statements made by Ion Iliescu (elected President of Romania in 1991 by a large majority of the population) on the need to overthrow the Ceausescu regime and the continuation of building socialism in a new version, following the example of Gorbachev, aroused also intense discussions on the Romanians' wish whether to waive or not the socialist state.

From a political point of view, the trend of continuity was reflected in:

- using the National Salvation Front (FSN) as a power structure and political party;
- the split of the dominant party, which aimed at replacing the ideological pluralism with structural pluralism within a dominant party (in the presidential campaign attended by Adrian Nastase and Traian Basescu, Traian Basescu was wondering whether the Romanian people is doomed to choose between two former communists);
- the Socialist Constitution of 1991 abrogated the 1965 Constitution, although the latter was dissolved by the revolution;
- by the Decree No.1 / 1989, the interim structure in Bucharest abolished the power structures of the Ceausescu regime and not the structures of the socialist state, and, in the Official Monitor, it is "forgotten" to publish the decree by which the Romanian Communist Party is abolished;
- The decrees of Law regarding the establishment of parties do not ban communist parties but only fascist parties.

In order to clarify these questions relating to overcoming totalitarianism in Romania after 1989 or restore it under another appearance, one will follow in this paper if:

- the evolution of political institutions led to the birth of a true ideological pluralism and generated a system with multiple centers of influence and decision;
- the legal system guarantees the individual freedom against the power structures;
- democracy and its mechanisms are or not only simulated after more than 25

years from the fall of the communist dictatorship.

Political pluralism

In 1989, Ion Iliescu and the group coordinated by him understood immediately that the electorate was not prepared for other ideology than the ideology promoted by the former Romanian Communist Party. Thus, the National Salvation Front (FSN) could arise, revolutionary body which followed the structure of the communist party and state and which, by its transformation into a party, dominated Romania for many years.

After FSN built territorial structures of political power and, on the criterion of employment, by Decree No. 8 of December 31, 1989, other parties were denied the territorial structure which was typical of the communist party. As these parties did not have structures comparable to the FSN structures, it was concluded that the ideological debates do not reach the electorate so, in order to succeed in elections, they were forced to ally and Romania woke up with a system of parties which were trying to imitate Western cleavages and at the same time to impose the names. The four social levels around which the western party system is structured led to a consistent polarization of opinions and a continuous clash between them. Thus their location on both sides of cleavage (holder/ proletarian, state / church, urban / rural, center / periphery) gives the logic of their location on the "left" or on the "right".

In Romania, the parties are not able to clarify their position on these cleavages, they tend to fall somewhere in the center, center which normally exists only when building an alliance in order to govern.

In the case of Romania, due to lack of ideological orientation of parties and the need to ally in order to defeat the ruling party, this permanent center has created ambiguity among voters.

According to the holders/ proletarian cleavage, socialist or social democratic parties, regardless of their names, should clearly be delimited from liberal parties, parties which are ranked as being the ones who possess. Currently, in Romania, the party system structured on this type of cleavage is not possible because the propertied class is regarded by most of the population as a bunch of thieves. So, although we have, at the level of names and declarations, parties which are ranked as being proletarians and parties which are ranked as being holders, due to lack of education, it has not been managed to form the mentality necessary to the existence of these parties, nor among the class of the proletariat, nor among the class of the holders. In support of this, one can mention the pre-electoral alliances between parties located to the left or right of this type of cleavage.

Analyzing the second type of cleavage, i.e. state / church, according to which the electorate should be polarized on the political role of the church, by delimiting the Christian Democrats parties of the anticlerical ones, one can say that even this is not functional, because the Orthodox church is regarded as a public institution, it is taught in schools and the state universities run theology programs.

Also, the urban / rural cleavage in Romania can neither structure the party system in Romania because the state no longer exists as a system of values, being destroyed by the communism (traditional values were destroyed in the 70's by the forced industrialization, which has moved youth from villages to cities).

The cleavage center / periphery in Romania was ethnicized, the opposition to the Hungarian minority, which was concentrated in a part of the territory, has rendered any discussion about decentralization into one about territorial autonomy, based on ethnic criteria of this minority (the campaign launched by USL on decentralization and regionalization faded once with the declaration of unconstitutionality of the project by the Romanian Constitutional Court).

By reason of the local autonomy in Romania manifests on several levels, the energy must be funneled into a real, effective and functional local autonomy, administrative and

financial, this offering the advantage of applying strategies and tactics which are adapted and folded on the specific local realities. The reality, however, has demonstrated that, over a decade, it was tried the adjustment to the administrative, political and legal changes which occurred in developed countries, but, after an analysis of the legal and institutional framework, it was proven that the best instruments to reform the administration have not been discovered.

If liberal democracies are based on the separation between the state and the civil society, the communist state was founded on their unit, and the sole party assimilated itself with the state at the top and with replacing the unions at the basis. In liberal democracy, it is necessary that the civic structures remain autonomous from the State, but also from each other. In addition, the state should be, in its turn functional autonomous from civil societies. In this regard, our Romanian system continued the old regime by discrediting the intermediate bodies, parties being the first concerned by the mistrust. This distrust concerns not only political parties, but the entire associative life, unions being destructured, interest groups are demonized and the various associations of vulnerable social categories are manipulated. Thus, the entire social movement appears to be rebuilt as an amorphous society, unable to resist the power of the state, the individual being unable to rely on an associative independent structure to oppose the state. The frequent switch of union leaders (Victor Ciorbea, Miron Mitrea) in important political positions and the political affiliation of student organizations reinforce this truth. One must not forget to also mention the fact that the advisory body which unites the associations of the civil society and plays an important role in Western democracies (The Economic and Social Council) came in recent years in almost total silence. These similarities attest that there is continuity between the regime previous to 1989 and the subsequent ones.

The problem with which one starts this topic is, again, education, not understanding the fundamentals of democracy, by both parties and the electorate determines many people to wonder if the Romanian system can be qualified as truly democratic. The truth is that we want to build democracy in Romania, without understanding what it actually is and without any effort to explain which are, in fact, the mechanisms of democracy and the motor (citizens) which put it in motion.

a) The consensus limits

What we need to do first and foremost is to make people understand which are the limits to where we can go with conflict and claim consensus in a democracy. The last presidential election campaign revealed that everyone does criminal cases to others, without understanding that the magistrates go until the end and will remove all those involved. Due to the fact that the consent is understood as a substantial consensus and not as a procedural one, there appear all sorts of dysfunctions, and exceeding the limits of consensus and conflict so renders democracy dysfunctional. Also, a second object of consensus is the regime, in this case being concerned with a procedural consensus. Thus, the first rule is to solve conflicts in a peaceful manner and the second is the rule of the majority, whose power is limited by the rights of minorities. Since consensus is understood as a substantial consensus and not as a procedural one, any ideological conflict seems to be a dysfunction.

b) Separation of powers

Although it is well known that democracy is a society based on mutual limitation of power centers, in Romania, it has become established the idea that any confrontation which occurs between state institutions or between the state and the territorial communities is a source of excessive and destructive conflict for the democratic state order. Therefore, the two fundamental principles of liberal democracy (separation of powers and the autonomy of local communities to the central power) are attacked, both assuming that the state authorities enter argument in order to guarantee the individual freedoms. It was obvious, in the Romanian reality that, if the government or parliament opposes the President or vice versa, the media perceives and describes the conflict as a

dysfunction of democracy, when in fact it is the essence of the separation of powers and of democracy. Also, the autonomy of local communities is a guarantee that excessive power is not centralized and it separates from its source, that the state respects cultural differences, which are the foundation of the community cohesion. The existence of local autonomy does not represent danger as it tends to be believed at us, but it is essential to guarantee human rights. Since there is no confidence in the fundamental mechanisms of democracy, there is the impulse to assign capacity to solve problems to individuals and not to institutions. The majority of people are waiting that the President of Romania solves certain problems, that he resolves and does it all, when, in fact, he has limited powers. The correct answer here is structural in nature, the exercise of power should be organized so that, without being oppressed, to be effective. In Romania, effective prosecution seems to be more important than the defendant's right to defense.

c) De-institutionalization of state functions.

The dismantling of all social mechanisms which operate independently from the state, the isolation of the individual and reducing society to an amorphous mass unable to do opposition is another feature of the totalitarian system. The judiciary system in post-revolutionary Romania supports this type of action (eradication of former structures and the continuous change of existing structures):

- Multiplication of structures with parallel responsibilities;
- Preserving a reduced number of judges, with an extremely charged role;
- Permanent change of the legal system.

Currently, the Romanian judicial system translates into PNA (National Anticorruption Prosecution), DNA (National Anticorruption Directorate), DIICOT (Directorate for Investigating Organized Crime and Terrorism) bodies, new codes, laws which change overnight and emergency ordinances. All this legislative inflation with all the overnight changes of the legal system affects the legal security of people and forces the judges to make mistakes, so they can be controlled. The judiciary system is subjected to a high pressure, disguised as a permanent reform which affects the proper functioning on a permanent basis.

Analysing the political system in post-communist Romania, beyond the historical, institutional and economic problems, it is necessary to consider the challenges which come from the very elusive area of attitudes and behaviors, ranging from the simple citizens to the political leader with influence, and from the position adopted in a context or another by the civil society associations and political organizations. Their attitudes are configured according to specific political values, subsumed under the broader concept of political culture. Therefore, the development of political institutions depends on the prevailing political culture in society, this including both shared political values and attitudes manifested in political leaders, as well as the ones specific to the public opinion.

Undoubtedly, post-communist Romania is in process of democratization, but this trend toward democracy should take into account, firstly, the social development having as a particularly important component, the problem of economic development and only in the next phase the problem of the political culture.

Thus, Romania's party system can not find any typical Romanian cleavage and only mimick their position on Western cleavages. In reality, the political party system in Romania is not a pluralistic structure, there existing only factions fighting for the assertion of circumstantial group interests or otherwise, the current Romanian political system restores the totalitarianism under the disguise of democracy. Since lacking new ideologies to create new cleavages, the party system in Romania only mimicks the Western structures of the party system, the democratic mechanisms of rule of law as well as the legal restructuring in view of its realization.

In Romania, the current society is one of mass, characteristic of totalitarian states, because it does not have at the present moment a civil society distinct from the state, with as many centers of influence, pluralism being just illusory and mimicking the diversity

centers of influence proving that the current society is as unstructured as the communist society. There is no democracy without civil society, and the civil society does not exist unless it is organized in strong influence centers with a strong social impetus and which are independent from the State and from each other. The totalitarian reflex of parties to see themselves in the position of state-party demonstrated that, throughout the post Ceausescu period, the foundation of Romanian politics is violence and not debate. Extremely dangerous for democracy is the tendency of institutionalization of civil service, judges are to blame for the malfunction of Justice, parliamentaries are to blame because the Parliament it is not efficient or the political class for the lack of functioning of political parties.

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