Romanian transition to democracy after the fall of Ceausescu’s Regime

We would like to analyse which degree of consolidation has Romania reached in its long transition to democracy. In particular we want to focus on the evolution of the political society through the prism of the Democratic Constitution, drafted in 1991 and later amended in 2003. Therefore we attempt to delineate how democracy was established in material terms after the break up of the Ceausescu regime, following the revolution of Timisoara, and after the martial trial that condemned the Dictator and his wife to the capital punishment. In this process a real revolution took place, a democratic alternative, the NSF, presented itself as new body capable of neglecting the past dictatorship and a body legitimated to draft a new constitution through the democratically elected Constitutional Assembly. Although, many doubts about the quality of democracy in Romania may arise. In this ambivalent context we would like to understand whether the legacy of a “sultanistic” regime such as the Ceausescu one, with a party-centred polity, influenced the establishment of a democratic regime, always bearing in mind what the social scientist Jon Elster concludes about hardly despotic regimes, namely that “Despotism, when overthrown, gives rise to new forms of despotism”\(^2\). Doing so, initially we have to decrpete what seems to be a chronicle political disengagement of the citizens in the Romanian society, especially if compared to the attitude of the Eastern Europe neighbours at the end of the twentieth century. A particular focus will be put on the political aftermath caused by the absence of pluralism that lasted from 1948 until the December of 1989 with a ruling Communist Party, almost always dependent on Moscow will. The question we may pose is whether the Romanian political society in the process of democratisation was effectively the expression of a popular willingness or a sort of “vestigial democratic” continuation of the (Communist) one-party leading elite.

First of all we would like to insist on the process of transition and on the crucial events that brought to the establishment of a new ad-interim government and subsequently to the drafting of a new constitution. On the 16 of December 1989 in Timisoara some popular protests erupted against the Communist regime. It was the first time that Romania, after the twenty-four years of Ceausescu, was experiencing a mass upheaval for political purposes. The main issue that brought people to protest and fight with police by the streets was the threat that the Securitate could arrest the pastor Lazlo Tokes. As a matter of fact he had affirmed in an interview with the Hungarian television that the Romanian people did not even know their human rights, complaining against the totalitarian regime of Ceausescu. In few days the protest to protect the pastor became a wide mass turmoil that involved the whole city of Timisoara, in the Hungarian-speaking area of the country. Ceausescu, in perfect accordance with his nationalistic rhetoric, referred to the Timisoara protesters as only some isolated betrayers of the State, belonging to the Hungarian ethnic group. And tried to mobilise the country to demonstrate its devotion to the Conductor. Anyhow the protest spread over the country and in ten days reached the capital of Bucharest with huge marches and mass demonstrations. The leaders of those movements were basically students and workers, who organised strikes to blame the regime. The state apparatus and the key figures of the regime understood that what was going on by the streets of the capital was an irreversible process and so began to prepare the ground for the incoming transition.

The post-1989 transition: from a “Sultanistic” regime to a democratic republic

The Romanian political context at that time was poorly developed. The exasperated totalitarian regime of Ceausescu had transformed the political arena in a monolithic and mono-party organisation, by cultivating only the cult of his personality within the State and within the Communist Party. As a

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matter of fact the Romanian Communist Party was the only political organisation accepted and was fundamentally centred on the willingness of the leader, with no room for dissent and no reformist or moderate wing. As happened in other Warsaw Pact countries, since the beginning of the ‘80s with implementation of the Sinatra Doctrine, within the Communist Party had emerged some reformist soft liners, who were regarding to democracy as an available alternative. In Romania pluralism in the political arena was almost absent until the end of 1989; neither workers unions nor students independent organisations were acknowledged. Even the Communist party, as the State apparatus, was under the pressure and the control of Ceausescu, who, through a highly personalistic administration of the government, ruled alone with his family like a “sultan”. A timid opposition forum formed within the Communist Party following the Gorbachev Perestroika, but it was quickly repressed by the president himself. Romania had a unique relationship with Moscow and the sphere of influence of the Soviet Union. Ceausescu opted for a more directed and planned economy, emphasising all the possible aspects of nationalism even within economy. Thence Romania was poorly touched by the reforms set by Gorbachev and the growing openness of the Soviet Union. By contrast Hungary, Poland and Czechoslovakia developed strong civil societies, which began to be hardly critical toward their regimes and Communism in general. Instead Romania’s monolithic centre of power remained the Communist Party with around four millions members and a pervasive penetration within the society by different means, such as secret police, austerity measures or propaganda. The Ceausescu dictatorship was one of the most repressive and intrusive in Eastern Europe, creating discontent and alienation in the society. The violation of human rights by the Securitate created deep fear, that through the transition turned in a sort of deep resentment and distrust toward the State. This remained as one the strongest heritage of the Communist regime during the democratisation and even later in the 2000s.

We can thus assert that the narrow political society formed its opposition only around the figure of the dictator and within the Romanian Communist party, but was never capable to legalise itself. The NFS We want hence to demonstrate that despite a vestigial legitimacy the political society of Romania was not, at least in the late ‘90s, strongly devoted to democracy, but rather opted for that solution due to a series of historical circumstances. The main task of the National Front of Salvation was the preservation of the “political order”. So the Front entitled itself to repress the protests of the new born Liberal Party and Christian Democratic Party, that jointly organised public demonstrations to blame the Front not to have involved them. The Front and Iliesscu immediately in January 1990 responded with a though repression sending the army and the miners to beat students and intellectuals. This is also known as the Mineriad. So the capitulation of the Ceausescu regime saw no negotiation between the segments of civil society and political society. The trade-off, if any, occurred especially within the former Communist party with the army hierarchy, the officials of second rank and those devoted to Ceausescu. The trial of the Ceausescu was not followed by a general round table with the political counterparts of the Communist or with the representatives of the protesters. Among the prominent figures of the transition, Ion Iliesscu and the general Stanculescu played a central role in surrounding Ceausescu, orchestrate the overthrow and finally prepare his military trial. What makes the case of Romania a singular one in the Eastern transitions, is the continuity that the regime, despite a violent breakdown with the murder of Nicola and Elena Ceausescu, could find in few days. The

repressive style of the *Mineriads* and the seizure of the power organs, are blatant examples.

Despite the fact that many might have seen behind the mass protests and the ambiguous role of the *Securitate* and the army an internal coup, orchestrated by second rank cadres of the Communist party, we want believe that what occurred in Romania was a series of coincidental events. Accordingly, after the military trial, we have attended only a sudden “Ruptura”, but not a “Ruptura Pactada”⁴. The negotiation has been played just at the former Communist Party level. The interim government, under the name of the National Salvation Front was essentially dominated by key men of the Ceausescu government and the silent dissident of Communist party. In the first elections “[…] the NSF won the first post-communist elections of 20 May 1990 obtaining a special majority of 66.91% of the parliamentary seats. The weak and heterogeneous opposition parties were led on the one hand by dissident intellectuals from the communist-era”⁵. After the 1990’s free election that exactly saw a radical predominance of the NSF, a president was elected (namely the former President ad interim, the Communist Ion Iliescu) and an assembly to discuss the new constitution took place according to the election’s results. Few outsiders, especially coming from the intellectual circles or from the universities, seated in the Constituent Assembly that was officially called Provisional National Unity Council. We count among them the future candidates of the PNTCD and some of the Liberal Party future members. The game was basically played at the highest level of the former Socialist Republic of Romania. The NSF appropriated the revolution, but suddenly proposed itself as the only conservative force capable to rule the country and to stop the revolution. The struggle was basically internal to the NSF, between the Communists and post-Communists, i. e. Ion Iliescu and Silviu Brucan. They, banned the Communist party opening to multi-party system, they directed the military operations by the street and dealt with the army, that already the day of the military trial was an informal part of the NSF, with Stanculescu and Militaru. Apparently no civil society members were involved in the Provisional Government or in a previous round table discussion. The convulse process of transition left no room for oppositions or political public debates. The revolution erupted and was terminated in few time.

Surely what happened in Romania after the 25th of December 1989 has been not the optimal transition, anyway we can acknowledge that this process of democratisation “from above” has avoided what easily could be a more violent outcome. It has followed in five months the praxis of instituting a Constitutional Assembly and submitting the draft of the Constitution to a national referendum. There are no doubts that the issue of human rights violation has received low relevance within the process of transition. There is evidence of no trial to *Securitate* officials and no legal consequences for those who abused of human rights in the repressive policies of the regime. Just some sporadic investigations, conducted seldom by the *Securitate* itself began with delay under the order of the NSF leaders. This has of course weakened the legitimacy of the interim government and the Constitutional Assembly, as well as the primacy of the figure of Iliescu. The new state has appeared not to have the stamina or the willingness to prosecute the responsible of severe and grave breaches of the law. This is one of the main causes that leads us to believe that the Romanian transition has been a radically low negotiated transition. The prominence of the rulers, politicians and military officials, has largely overcome the involvement and the commitment of the population. And this implies at least three

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⁴ LINZ, JUAN J. *Totalitarian and Authoritarian Regimes*, 2000, Rienner.
important consequences: first of all the low degree of confidence in the State and its organisational structure by the citizens; secondly the very narrow extent to which pluralism was consolidated, as a guarantee of a grounded democracy; and thirdly the consequent dis-equilibrium in terms of political representation. In fact, as stated by Marius Ioan Tătar in his research on democracy quality in Romania, “While political institutions have democratized and consolidated in some of these countries (i.e. the new EU member states), overall civic and political activism of citizens of former communist states knows an obvious setback. This finding is all the more puzzling as political participation is generally regarded as a benchmark for the quality of democracy in a country”6.

Once in 1989 disappeared the force of ideology, in a so rapid manner, the prominent political figures understood that the transition was unavoidable and imminent. Consequently the command chain in the army failed to be efficient and everyone felt to be threatened or betrayed. The spontaneous and spreading popular revolt exploded rapidly. When the ideology ceased to be an effective tie, simultaneously even a sort of “loyalty to the leader”, created by the oppressive and individualist dictatorship of Ceausescu, died. Trials, purges and a radical overthrow of the former regime and its entire apparatus would have produced a more violent and unpredictable aftermath. In this respect when the nomenklatura realised that the Communist ideology was going down in the whole Warsaw Pact, with combined protests and regime breakdown, a transition to democracy eased by elections, appeared to be the softest solution to follow a reformist path and to remain in power. Furthermore a democratic interlocutor, as the Polish Solidarity, did not really exist in Romania or alternatively was too weak to obtain political relevance.

The economic aspect in this regard was considered as a key feature of the transition. Indeed the period of economic stagnation and the foreign debt that under Ceausescu constrained the Romanian population, were a strong reason to open the market to international trade and foreign investments. Exactly democracy seemed to be associated by Romanian citizens first of all to the market economy, economical reforms and a general belief that matches the concept of democracy with prosperity of the West and the European Community. Thus a constitutional democracy looked like to be the best option to combine attractiveness and acceptance in the international community and in the West neighbourhood.

In this crucial passage the political society was not actually formed to fit a consolidated democracy. The Romanian institutions did not represent a really “usable state”7, since they were subject to the personalised abuses of the undisputed leader Ceausescu. The state was regarded as an asset by the ruling elite: obviously the personalistic and familistic approach of Ceausescu had implanted this culture, staying in power for more the twenty years of totalitarian government. At the dawn of May 1990 election, the political arena was characterised by the Romanian Communist Party and some right wing or conservative parties existing until the end of the World War II, but later dissolved and formally excluded by the institutional life for a quarter of century. The National Liberal Party and the Christian Democratic Peasants Party were the main alterative forces, whilst the left wing was dominated essentially by the NSF, that later, in 1992, split in two parties (i.e. Social Democratic Party

and a NSF small fringe). In this passage emerged the two key figures of the transition: Constantinescu and Iliescu, both former Communist cadres. Conversely, compared to the Polish for instance, where Solidarity leaned to the Catholic Church, the role of religion in Romanian Revolution was greatly lower, since the Orthodox Church accepted the prominence of the Communist Party, consistently with the concept of “Cæsaro-papism”, thereafter religion did not contribute to back the uprising, neither ideologically nor materially.

Despite these enunciated structural problems, we need to notice that the system erected with the 1991 Constitution was projected to allow a deep participation in politics. The possibility of representation at the parliament and the co-existence of two government figures, with different powers, predicted a real participation and the leading lines for a usable state. But, as precisely explained by Ilie Dan Nanu, the trouble lies more in the configuration of the political system, rather than in the political system itself. As a matter of fact the Romanian Constitution of 1991 provided the bases for a state functioning with a plurality of organs and a series of mechanism, truly based on legitimacy. So in the new Republic was established a strong figure, namely the one of the President directly elected, and another valuable figure, the head of ministers. The parliament was divided in a lower house and in an upper house, both directly elected. The election of the prime minister was designed to be essentially dependent of a designation by the President elected, who can dismiss the Prime Minister whenever he wants. The President in particular can dissolve the camber, after a consultancy with the parties’ leaders. The independent organ of the Constitutional Court, whose members (nine as stated by the Constitution) are nominated by the parliament, had no direct veto power on unconstitutional laws; indeed the parliament could reverse its verdict with a two third majority. Compared to other democracies it seems that the Constitutional Court was overwhelmed by the parliament and had a reduced role in the mechanism of powers’ division. The executive and the legislative seemed to be pivotal in the relations of power of the Romanian State.

In fact what Nanu insists on is the broad legacy that the Ceausescu regime had left in Romania. According to Nanu Romanian politics are still personalist, just muted in a democratic sense. As reported by Nanu “The Post-Nomenklatura style saw a polarisation in the arena, with the opposition too much weak to oppose the majority”. In particular the electoral system based on “closed party lists” leave in the hands of the party much of the decision-power and let materialise what Nanu calls “A real Partito-cracy”, where only some few distinguished leaders have the fiat. Parties are dominated by heading leaders, so the semi-presidential system induces the confrontation to be only a struggle for the presidential office. This looks like something really inherited by the Communist era and leads basically to the so-called “Winner takes all” scheme of game. The episode of the miners in Bucharest that beat brutally the students protesting by the streets, known as the Mineirads event, is a clear example of this kind of undemocratic behaviour that followed the fall of Ceausescu. The continuation or continuism with a disregard to pluralism and the rule of law in the subsequent months of the revolution produced an erosion of the confidence in the state. Once disappeared the

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8 I. D. NANU, The Romanian political system – consequence of the evolution of the party system, Alma Mater University of Sibiu Journal, Vol. 7/n°1, PP. 31
9 Ibidem, PP. 33
10 Ibidem, PP. 33
12 L. PARAMIO, Romania: an excessively long Transition, 2002, PP. 4
component of “ideology”, the confidence of the people in the system and their perception of the polity lowered again, as demonstrated by Tără, “The percentage of those who believe that one should not trust politicians increased from 56.1% in 1990 to almost 70% in 2002”13. The strong centralisation of power and the polarisation of the political arena are issues that nowadays remind to a underdeveloped political system, notwithstanding the efforts made in the ‘90s to be accepted within the European Union. Moreover the rule of law established by the new democracy faced a high degree of corruption, direct heritage of the former regime, which still prevents the implementation of a true legal culture all across the country. Fact confirmed by the quite marginal role appointed to the Constitutional Court. Lastly another relevant theme is the one of education. It has been seldom shown that the higher level of education a person has, the more he would likely be interested in political issues. In effect the demographic growth that Romania experienced under Ceausescu had produced a boom in the births and a severe problem of orphans and abandoned children. They have been for long time the excluded citizens of Romania.

According to what Stepan and Linz have stated, we can argue that elections, instead, in Romania did not create actually agendas, did not create a large number of new actors and did not reconstruct a lost identity and did not distribute a large amount of power. The atrophy of the political society in Romania has been clearly enlightened by Tără as follows: “The post-communist transition period in Romania can be characterized by a political alienation syndrome. Symptoms of this syndrome include: a reduced sense of civic duty, distrust of politicians, feelings of political exclusion, lack of interest in politics, perceptions of politics as irrelevant to people’s lives, feelings of helplessness and political ineffectiveness [...]”14. As the politicians Silvio Brucan predicated, democracy would have required time to be stable in Romania after the Revolution.

**Romanian democracy toward the path of consolidation: NATO and EU memberships**

We can however observe a slow consolidation in the democratic practices. We state so, because of the international dynamics that in the recent years have affected Romanian politics. Since Romania did not face any real trouble concerning the question of stateness in its democracy building, it probably appeared like a strategic and reliable partner in Eastern Europe for the Atlantic Alliance and the European Community. As the former US National Security Advisor Zbigniew Brzezinski assumed in 1996, NATO saw favourably a new geopolitical configuration toward East: “Today, in the wake of the reunification of Germany and the liberation of Central Europe, the on-going expansion of Europe – favoured by a powerful Germany – necessitates addressing head-on the issue of expanding NATO. That expansion in some cases should precede the enlargement of Europe; in others, it might have to follow it”15. So, left behind the Warsaw pact, due to its geographical and economic features, Romania applied for a membership in both the organizations. With the request for NATO membership and few later for EU membership, Romania has shifted its international behaviour and has changed, forcibly or not, a part of its political culture. In specific political terms the access to the EU environment and to the international community has widened Romanians engagement in politics, requiring more representation and consequently more participation. The lack

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15 Z. BRZEZINSKI, A Plan For Europe: How To Expand NATO, Foreign Affairs, February 1995 Issue
of a real stateness issue makes Romania stronger and more enclosed. Indeed the political legacy of the Communist one-nation policies, strongly reverberated over the Constitutional Assembly and its conception of the new State. Ceausescu had made pressure on the population to instil a profound sense of the nation, despite the presence of some ethnic minorities (such as the Hungarian one). As pointed out by Haddock and Caraiani “Elites which had previously sheltered under the communist umbrella now sought protection under the mantle of nationalism. In the process they may well have strengthened their positions. Nationalism as an ideology had proved to be almost endlessly flexible. Indeed the Communist regime itself had endured largely by adopting nationalist terms of discourse”16. This deep sense of nationalism as value, which was reflected directly in some articles of the 1991 Constitution, has been strengthened by the incoming military alliance. For instance article two and three of 1991 Constitution heavily stress the question of national sovereignty and integrity of territory, with no room for minorities or independent authorities.

Democracy in Romania, as the liberal democracy that NATO and the EU wish for their members, seems to be more consolidated in the contemporary era; some indexes can confirm so. The 2003 constitutional amendment has played a pivotal role in bringing Romania toward standard of consolidated democracy. First of all by implementing a norm that provides the supremacy of European law upon domestic law, thus providing new standards of Human Rights and Welfare state. By reducing and limiting the power of the President to revoke the prime minister, with the necessity to pass through the confidence of the parliament. Constitution new rules concerned even treaties to access NATO and the EU, the guarantee for minorities to speak their native languages and own private properties. Including among the others the position of the Ombudsman. Furthermore the amendment has played a pivotal role by enhancing the value of the Constitutional Court17, so far not recognised as a real independent body with special powers over the legislative and the executive. As a matter of fact the Constitutional Court since 2003 referendum has been endowed with the power to enact sentences irreversible by other branch of the state, it hence consists in a new role of super partes arbiter for the Constitutional Court (according to art. 145 with the power to adjudicate the treaties and the international agreements). Paul Blokker reminds that “The Romanian Constitutional Court can be seen to have formally acquired the status of ultimate constitutional arbiter in 2003, this status clearly continues to be politically contested”. And he adds that “Many other observers have similarly argued that in the absence of strong democratic players such as political parties and civil society actors, the constitutional court provides the most effective basis for democracy in statu nascendi”18.

The Constitutional amendment of 2003 implied some radical changes even concerning the figure of the President, addressing Romania toward a more Parliamentary system. The President power was limited to dismiss the Government only in particular circumstances (according to article 104) and the President was put under a larger control with the possibility to impeach him in accordance to the Parliament majority and to a subsequent popular referendum (as happened in 2007 and 2012 with a referendum against Basescu).

17 A. APOSTOLI, M. GORLANI, S. TROLIO, La Costituzione in movimento: La riforma costituzionale tra speranze e timori, Giappichelli Editore Roma
In 2012 another amendment to constitution has been proposed by the government alliance, but it has been rejected by a popular referendum. The Constitutional Court has stated that the necessary quorum was not reached and so the referendum was deemed invalid. It seems that, despite being under specific constrains, Romania has achieved a more vivid culture of democracy and in particular of constitutionalism. In the recent years democratic “Efficacy”\(^\text{19}\) has been eased by the interaction with west organizations such as IMF and World Bank (materialized with a 5.3% of growth in 2001) and the policies of conditionality.

Romania represents a unique case, strongly shaped by the on-going circumstances. Indeed, on the one hand the international and the regional environment with which Romania has dealt in the last two decades, have influenced it; on the other hand a growing awareness, at domestic level, that a larger commitment to democracy can be profited by more people at different social levels. As referred by a survey drown up by Freedom House “Constitutional provisions on elections are respected, and international observers have considered all elections since 1989 free and fair. The system is also open to the rise and fall of governments from different sides of the political spectrum, and in both 1996 and 2000, incumbents lost power and made room for new leaderships”. However Freedom House survey goes on maintaining that “Since Romania joined the European Union (EU) in 2007, institutional conflicts, political tugs-of-war, and corruption scandals have marred the country’s progress toward full democratization. State officials, especially at the national level, have been more concerned with negotiating the rules than with respecting them, and in certain cases they have been more occupied with putting on a convincing show than enacting truly meaningful changes”\(^\text{20}\).

Effectively in the first days of February 2017 Romania has faced a new mass mobilisation: almost half a million people have protested for five days against a new decree proposed by the government, in particular by the Minister of Justice, aimed at de-penalise the offence of corruption “when sums of less than €44,000 (£38,000; $47,500) are involved”\(^\text{21}\). It was said that the decree was at the centre of a policy to reduce the problem of prison overcrowding, but rather it seemed to be aimed at absolving politicians convicted of corruption. In effect one of the potential beneficiaries could be the Socialist leader Liviu Dragnea, charged of a state fraud and abuse of office amounting to €24,000. The mass protest that has come by the streets against the decree, in terms of size, reminds the Bucharest Revolution against Ceausescu of 1989. People mobilisation in February has seemed to be real and active, and has seemed to be a good signal to democracy vividness. EU in the meanwhile has warned Romania to be consistent with its policies against corruption in order not to stop its progress in this direction. Shortly after Prime Minister Sorin Grindeanu has announced in a TV speech he doesn’t want to divide Romania in two conflicting parts, so the Government is ready to be compliant with its mandate. Eventually the Lower Chamber of the Parliament on February 21 2017 has voted against the Government decree, actually rejecting it. So the Romanian democracy now may look like far from being consolidated in several structural aspects, but, at least in its own last appearance, it has proved to be alive.

\(^{19}\) J. J. LINZ, A. STEPAN, Problems of Democratic Transition and Consolidation, Johns Hopkins University Press, 1996, PP. 49  
\(^{20}\) www.freedomhouse.org  
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