

ROMANIA'S 'END OF TRANSITION' DECONSTRUCTED

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Abstract.

Where does Romania stand on democracy a decade after the fall of the Communist regime? Has it become a consolidated democracy? Did democratic institutions gain the trust of the majority? Political transition is defined as the process of replacing formal institutions of Communist times with new, official and formal institutions, oriented towards free market and democracy. As this process is now largely over, Romania can be considered a consolidated democracy, but not, in every area, a substantial democracy, as the review of recent achievements and setbacks for democracy shows. Previous bad experiences with civil servants turn out as a powerful predictor of mistrust in government and state in general in models of institutional social capital. Residual communism and frustration with the transition are also causes for mistrust in politics. Anti-democratic attitudes are mainly associated with advanced age, low institutional trust, authoritarianism and lower political competence. The argument is made that better governance is the only policy tool available to build trust and consolidate the legitimacy of the political regime.

Keywords: *democratization, institutional social capital, Romania, authoritarianism.*

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More than a decade after the fall of the Communist regime, when even transition scholars seem to agree on putting a natural end to their discipline, and admitting that some features of the transition may not be transitory after all², it is worthwhile reviewing Romania's democratic performance. Is present Romania a democracy? Did democratic institutions gain the trust of the majority? If not, what is to be done? Is the democratic process reversible? Is it still evolving? These are a few questions that should be examined.

During its first years after the fall of the Ceausescu regime (1989), Romania was the perfect example of an 'electoral democracy'. Free and reasonably fair elections produced regular Parliaments (1990, 1992) and governments dominated by the Communist successor parties. Once elected, these institutions operated in principle within the framework of procedural democracy, but, in practice, often breaking the rules and norms accepted in the West as attributes of liberal democracy. However, public opinion was either too weak, too divided, or simply too indifferent to demand more accountability. The continuing impoverishment of the poorest, due to mismanagement of the economy, and rampant corruption brought the post-Communist regime to an end in 1996, prompting hopes that the electoral democracy phase was over, and that a more substantial approach to democratic institutions and government accountability would emerge. Four years later, when the loose and ineffective anti-Communist coalition lost the November 2000 elections, in favor of Ion Iliescu and of his renovated party (currently known as Social Democratic Party - PSD), many observers had the impression that the same history would start all over again. However, things have evolved substantially since 1996, which suggests that the political transition is nearing to its end.

Political transition is the process of replacing formal institutions of Communist times with new, official and formal institutions, oriented towards free market and democracy. This process is now largely over in Romania. Having said this, it does not mean the Communist heritage was completely liquidated. It took West Germany three decades to come at terms with its Nazi heritage, and, it should be highlighted, Nazism did not so pervasively invade the day-to-day life of the West Germans, as Communism did for Romanians. Linz and Stepan consider a democracy to be consolidated when the democratic norm - basically free elections - becomes the 'new rule', and is accepted by all relevant actors. Undeniably, this is the case in Romania, which is not only a procedural democracy, but also a consolidated democracy³. Again, this does not mean that the institutional transformation is over. Romania is engaged in a lengthy process of European integration, which means, above all things, a continuous institutional transformation.

2 Carothers, Thomas, "The End of the Transition Paradigm", *Journal of Democracy*, 13:1 (2002)

3 Robert Dahl classified democracies in formal or procedural (formal rules, from free elections to civilian control over the military is accomplished) and substantial (not only the democratic norm is officially set, but compliance with the norms is generalized behavior).

However, the major political framework will endure in its current form - as shaped by the last decade, and especially by the last few years, during which certain events occurred, which prompt to the 'end-of-transition', namely:

1. The second democratic swing of power, following the 2000 elections.
2. The continuation of the practice of sharing power both in regional administration, as well as in central government, with the Hungarian minority. This practice started as a formal sharing of seats in central and local government between 1996 and 2000, when the Hungarian party (UDMR) was formally part of the government coalition, and it was continued after PSD, who had been at odds with UDMR for most of the last decade, returned to government in 2000. As set in the cooperation protocol between PSD and UDMR, even though the two parties are not formally governing together, UDMR provides parliamentary support to PSD, in exchange for positions within public administration. The latter arrangement actually leaves no important political party in Romania (with the exception of the radical Greater Romania Party), who would not be willing to share power with the Hungarian minority.
3. Resolving the dichotomy between post-Communist and anti-Communist parties (a mirroring of the old divide between nomenklatura and dissidents, perpetrators and victims), and the perceived emergence of a unique 'political class'. Today, even historical inter-war parties are run by former Communist party members, who replaced the former Gulag prisoners, and they seldom reflect normal left-right ideological dichotomy. Cross-party organizations, such as the Council for the Screening of the Securitate's Archives (CNSAS) or the Broadcasting Boards (TVR, CNA), have become the norm, and whilst their performance is questioned, their party-appointed members behave similarly, giving the impression that the main cleavage is now between parties and civil society, rather than between one political party and another.
4. The end of the symbolic war between anti-Communists and post-Communists (which has lasted for the whole decade), with an eventual recognition by post-Communists, after their return to power in 2000, of the historical role of the monarchy. A highly symbolic event, in this context, was the organization, by President Ion Iliescu, of a birthday party dedicated to King Michael's 80th anniversary, at the presidential palace, after a decade during which the king had been denied entry in Romania and his followers had been harassed. The insecurity of the post-Communist political elite, which explains their past behavior towards the former monarch, is now a thing of the past. The birthday party, held on November 8, 2001, can be seen as the 'official' end of the political transition. The king is no longer perceived as a political challenger, but rather as a historical character. The PSD Government even returned to the king some of his real estate properties confiscated by the communist regime.

5. An eventual consensus on the basic economic institutions, materialized in the passage and implementation, in 2001, of a law on property restitution agreed upon by all political parties, and in the privatization to a foreign company of the steel plant SIDEX, a symbol of the Communist economy.

Thus, Romania seems to have made important progress in coming to terms with its recent past⁴ which can be considered as evidence that formal democracy is now consolidated. However, much remains to be done in terms of substantial democracy.

A review of advances and setbacks for substantial democracy in 2001

Having said the above, the Romanian democracy has achieved important progress, in 2001, in some areas, but also suffered setbacks in other respects. By and large, there are still many things to be done, in order for Romania's procedural democracy to fully become a substantial democracy as well. We shall review accomplishments, as well as threats, in the following paragraphs.

Positive developments:

- Conclusion of a bilateral agreement between the government party, PSD, and the Hungarian alliance (UDMR); this allowed the government to rely on a stable majority in Parliament, which helped the institutional adjustment effort, specially the adoption, at a faster pace, of the EU acquis. It also allowed Hungarians to keep their share of public administration, and helped to contain tensions during the negotiations on the Hungarian Status Law.
- Isolation of the Greater Romania Party. The Government party initially started on a good footing with PRM. Many MPs of the two parties had common backgrounds and close views. However, due to the process of internal reform of the PSD, initiated by Prime Minister Nastase, the distance between PSD and PRM grew gradually. In this context, the democratic opposition, composed of Liberals and Democrats, has taken a wrong step by collaborating with Tudor's party in the no-confidence vote of December 2001.
- Beginning of the adoption of an effective transparency and anti-corruption legislation. The Freedom of Information Act promulgated by President Iliescu in October, and the Strategy to fight corruption adopted by the Government last fall, are important steps towards curbing corruption and changing the culture of the public administration (see the

⁴ An important role in this process was played by President Iliescu, who initiated a campaign for "national reconciliation", soon after taking office at the end of 2000. In this respect, most observers remarked the significant change in President Iliescu's attitude, as compared to his previous mandates (1990-1996).

chapter on corruption, in this report, which discusses in more detail the merits and flaws of the current anti-corruption campaign).

Threats:

• **Continuation of the practice of politicizing the administration**

According to a count by SAR and the Department of Civil Servants, at least 1,300 civil servants were severed by mid-March, 2001, all of whom should have been protected by the 188/1999 Law of civil servants (see EWR 1/2001). Lawsuits against the Government, by various plaintiffs, are pending in the administrative and criminal courts. As many of these civil servants had been appointed by the previous governments, the Government claimed that it would be utterly unfair to grant tenure to politically appointed civil servants with a doubtful competence. The Civil service Law was part of the EU conditionality when Romania was invited to start the negotiation process, at the Helsinki Summit in late 1999. Its purpose was to insulate public officials from political pressure, and to institute a civil service with a European-style discipline, professionalism and esprit de corps. It is, however, debatable whether this was a realistic goal, given the situation of Romania's public administration. A better idea may have been to take the American model, where the politicization of the top civil service is admitted openly, thus making official and regulating by law a practice, which is well entrenched anyway, and which is tacitly accepted in Romania. Nevertheless, when a Law of Civil service was adopted, the governments were expected to abide by it. Instead, the 2001 institutional reshuffle - changing the name of government offices, such as Presidential Administration, instead of Presidency, in order to facilitate the purging of unwanted civil servants - has sent a clear signal that domestic habits (such as politicization of the administration) override any laws or regulations. Both the representative of the European Parliament, Emma Nicholson, and the EC Enlargement Commissioner, Gunther Verheugen, highlighted in 2001 the need for a thorough civil service reform, and for its de-politicization. More than the civil service, the main casualty in this battle was the rule of law. The only positive outcome was the organization of a union of civil servants, which may provide more effective sheltering from political intervention in the future.

• **Widespread practice of shifting political allegiance**

Political corruption is on the rise. 651 directly elected mayors out of the 2,957, that is to say more than a fifth of those who were elected in June 2000, shifted political allegiance after the November 2000 legislative elections⁵. 82% of these turncoats went to the victor PSD. The Alliance for Romania, a splinter of PSD, which made the third Romanian party in June 2000, lost 73% of its mayors after losing legislative elections. There is no evidence that coercion played a part

⁵ Data released by the Pro-Democracy Association.

in these shifts. Such moves are also frequent in the Parliament, as there is no regulation to prevent defection from one party to another, and some MPs tend to always be on the winning side. Such practices discredit politics and the parties, since constituents vote for one party only to see the elected move to another party, according to their personal interests.

- **Secret services not fully accountable**

Romania's secret services have always made headlines, and as long as they continue to do so, this is an indication that they have not yet achieved the discrete profile of secret services in democratic countries. This pattern has not changed in 2001. The Romanian Intelligence Service (SRI) launched a paper last fall, deploring the 'loss of sovereignty' by the state in the Hungarian-dominated counties of Covasna and Harghita, a material so groundless and inflammatory that the Prime Minister had to scold the Service in public. For most of the year, SRI opposed resistance in passing the archive of the former Communist political police, the Securitate, to the civilian authority entrusted by the law with its management, the CNSAS. Equally, SRI needed the pressure of American secret services for expulsing an Iraqi diplomat based in Bucharest, who was suspected of being the main knot in a web of terror-related business. The Romanian investigation was not considered thorough and convincing, and such doubts can weigh heavily on Romania's NATO application⁶.

- **Tampering with public media**

In 2001, the pattern of replacing the heads of the public media with the Government's own favorites was resumed. At TVR, the major broadcaster, the executive director and the head of the News department were immediately replaced, although the latter still had a valid management contract. The members of the board of the State Radio were fired after their activity report was rejected by the Parliament, mainly in order to dismiss Sorin Dimitriu, a free-marketer who had been supervising the company for the past two years, and who had the reputation of being close to former President Constantinescu. TVR's yearly report was also rejected by the Parliament, so as to allow a smooth departure for the 1998 appointed Board, although the Board had complied with the requested changes of personnel, mentioned above. The most serious problem, however, although with the smallest stake, relates to the state news agency, Rompres. Rompres has traditionally been financed by the Government, which also used to appoint its head. In 2001, two Government ordinances included Rompres fully in the government, specifically in the Department of Information. This provoked the rage of civil society, criticism from the European Commission in its annual progress report, and triggered a draft law meant to pass Rompres under the supervision of the Parliament, which, however, has neither the means, nor the expertise to restructure a news agency. Unlike TVR, which still enjoys a monopoly in some rural areas, or the radio,

⁶ According to Wall Street Journal Europe, December 20, 2001, "Romania's expulsion of Iraqi diplomat increases suspicion of European spying" by Rick Jervis.

which still has a national audience (although both are severely crippled by incompetent management and face increasing competition from the private sector), Rompres is largely a 'ceremonial' agency, which is publishing official versions of public statements more than producing news.

- **An unbalanced political system**

The political opposition in Romania is, at present, extremely weak, and it lacks resources in every sense. It has only one charismatic leader, Mayor Traian Basescu, who is under frequent attacks from the government controlled media. It is basically reduced to just two parties, National Liberals and Democrats, which do not seem to be able to get along with each other. The profiles of the leaders of these two parties, however, suggests that they are complementary rather than competitive, since Basescu, the Democrat leader, is better with public and government management, whilst Valeriu Stoica, the Liberal leader, is better skilled in negotiations and internal management of parties and coalitions. Equally, whilst the Liberals incorporated the Alliance for Romania and recruited practically everyone available, regardless of his or her political past, Basescu's party⁷ went the opposite way, and got rid of much of its old guard from Petre Roman's time, and of Roman himself (who was reassigned to an inferior position). However, their only association in 2001 was to jointly support the populist motion 'Cold and Hunger', directed at the Nastase Government, when they also joined forces with Greater Romania Party.

Foundations of legitimacy and political trust

Regarding public opinion, 2001 brought additional anger towards politicians. The year had begun with an increase in political trust (an usual phenomenon shortly after elections), and the trust in the Prime Minister and in the President has largely endured. However, the institutions facing serious unpopularity are political parties and the Parliament.

Romanians are, in majority, committed democrats, and perceive any undemocratic option as being undesirable and unrealistic (see Fig. 1).

⁷ The Democrats produced a new leader, deputy Emil Boc, who authored the best interventions in the Romanian parliament, in 2001. Renewing leaders is the most urgent need for opposition parties, which, in the past decade, relied largely on the same people.

Fig. 1. The range of anti-democratic options⁸

	Agree %	Disagree %
If Parliament was closed down and parties abolished, would you...	19.4	71.8
Best to get rid of Parliament and elections and have a strong leader who can quickly decide everything	30.2	65.1
The army should govern the country	13.2	80.7
We should return to Communist rule.	17.7	77.8
A unity government with only the best people should replace government by elected politicians	59.2	31.9

However, the anger towards politicians is considerable, specially in urban areas (see Fig. 2).

Fig.2. Popularity of politicians

	%
Conflict between political class and rest of Romanians	51
Blaming incompetent governments for the failure of transition	62

Comparative explanatory models⁹ of trust in government, public sector and state can be seen in Fig. 3. The table clearly shows that lack of trust in the public sector and in the government (institutional social capital) is strongly experience-related. Previous bad experiences with civil servants represent a powerful predictor of mistrust in government and state in general. Residual communism and frustration with the transition are also causes for mistrust in politics. As these are largely independent factors, it is obvious that improving the quality of the administration, notably its transparency, responsiveness and accountability, is the only way to increase institutional social capital. Interpersonal trust predicts trust in the public sector and trust in general, but it does not influence trust in government.

⁸ According to *Eurobarometer*, poll by CURS, October 2001.

⁹ In order to identify the determinants of political trust and democratic orientation, we used four different dependent variables. We built two aggregated indexes by principal component analysis, Trust Government (aggregated trust for Prime Minister, President, Parliament, KMO=0.641), Trust Public Sector (aggregated trust for public sector agencies), and, additionally, we used two direct questions: 'Can state institutions in general be trusted?' (Trust State), and 'If the Parliament is shut down and elections abolished, would you disapprove or would you approve?' (Democratic Orientation).

Fig. 3. Trust in state, government and public sector (institutional social capital)

Predictors	Trust in state	Trust Govt	Trust in public sector
STATUS			
Education	0.010	0.051	0.048
Income	-0.007	-0.032	-0.057
Age	0.045	-0.082 *	- 0.108 **
Town size	-0.043 *	-0.072 *	-0.073 *
Sex (male)	-0.002	0.140	0.045
Regional development index	0.002	0.009 *	0.007 *
HYPOTHESIS ONE: FRUSTRATION			
Subjective welfare	0.105 *	0.226 *	0.181*
Paranoia	-0.036	-0.166 *	-0.035
Interpersonal trust	0.129 ***	0.037	0.141**
HYPOTHESIS TWO: CULTURE			
Political competence	0.128 *	0.062	0.066
Civic membership	0.093	0.049	-0.056
Ideology	0.072 *	0.159 ***	0.023
Communism good idea	-0.127 *	-0.242 *	0.066
HYPOTHESIS THREE -PERFORMANCE			
Mistreated by a civil servant	-0.137 *	-0.215 *	-0.317 **
R2	0.137	0.193	0.102

Significance level: * = $p \leq 0.05$, ** = $p < 0.001$, *** = $p \leq 0.000$

Trust in itself cannot be equated with support for democratic or anti-democratic attitudes. Building a full model to explain what causes a citizen to lean towards either democratic or anti-democratic attitudes, reveals more predictors, but trust also remains a predictor. Anti-democratic attitudes are mainly associated with advanced age, low institutional trust, authoritarianism and lower political competence (see Fig. 4).

Fig. 4. Explanatory model of anti-democrats

Predictors	Regression Coefficient
(Constant)	2.626 ***
Political competence	-0.169 ***
Mistrust in political system	0.224 ***
Authoritarianism	0.244 ***
Ex-Communist Party member	0.166 *
Ideology irrelevant	0.379 ***
Income	N/S
Education	N/S
Age	-0.075 *
Town size	N/S
Regional development index	N/S

Significance level: * = $p \leq 0.05$, ** = $p \leq 0.001$, *** = $p \leq 0.000$

By definition, democracy is more procedural than substantial. Governing democratically does not necessarily imply governing well. The fundamentals of the Romanian democracy, such as political trust or defense of free elections, are threatened by the poor quality of governance. Not only politics, but also policy-making should be reinvented in Romania, as every party is crippled by the absence of qualified policy makers and experts, and the government as a whole is a loosely coordinated, poorly tuned and often overloaded complex of organizations. As it is, though, it seems to work infinitely better with one party in government, as compared to a coalition. This one party has an important responsibility in redressing the public image of the political class, and of politics in general. The solution for preserving the legitimacy of the political system lies in the quality of governance. The reform of the public administration, and of the state in general, is the key to democratic legitimization and to European accession.