

HALF A CENTURY OF PRESIDENTIALISM IN ROMANIA

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***Abstract:** This academic paper delves into the intricate evolution of Romanian presidentialism from 1974 to 2024, exploring ethical, philosophical, political, and historical dimensions. Drawing from thinkers like Locke and Hegel, it emphasizes the delicate balance between power and ethical responsibility in a democratic society. Ceaușescu's era marked the introduction of the presidency, concentrating power in a quasi-monarchical fashion, lacking checks and balances. The post-communist transition witnessed legal delimitation and depoliticization. Băsescu's presidency brought direct involvement, while Iohannis's displayed initially reserved and yet after increased participation. The study underscores the complex interplay between power, ethics, and constitutional evolution, providing valuable insights for Romania's political system future.*

***Keywords:** Presidentialism, Ethical leadership, Separation of powers, Democratic transition and Constitutional evolution.*

Introduction

The presidency, as an institution, occupies a crucial position in the political architecture of a nation, embodying the delicate balance between power, ethics, and democracy. The journey of the Romanian presidential system from its establishment in 1974 to the present day reflects a complex interplay of historical events, ideological shifts, and constitutional developments. This academic paper aims to explore the evolution of the Romanian presidency over the past half-century, shedding light on the factors that have shaped its trajectory and the challenges it has faced.

Central to our inquiry is the primary research question: "How has the presidential system evolved in Romania from its establishment in 1974 to the present day, and what factors have contributed to these changes?" This overarching query guides our exploration into the dynamic nature of the Romanian presidency across different historical periods. Complementing this, the secondary research questions further enrich our understanding: "What challenges and opportunities has the Romanian presidential system encountered during different historical periods, such as the communist era, the post-communist transition, and the contemporary political context?" and "To what extent has the Romanian presidency played a significant role in shaping the country's political landscape over the past fifty years?"

Before delving into the historical analysis, it is crucial to establish the ethical and philosophical foundations that underpin the study of presidential power. Drawing inspiration from thinkers such as John Locke, Montesquieu, and Hegel, our methodology revolves around the Ethical and Philosophical Considerations of Presidentialism. This framework emphasizes the ethical responsibilities of presidential power, highlighting the principles of justice, fairness,

and the common good. The philosophical underpinnings of democracy, with an emphasis on accountability, transparency, and popular sovereignty, serve as guiding principles for our examination of the Romanian presidency. While Georg Wilhelm Friedrich Hegel did not explicitly address the modern presidency, his political philosophy provides valuable insights. Hegel's emphasis on the organic state, the role of leadership, and historical development offers a lens through which we can interpret the evolution of the Romanian presidency within the broader context of the state as an ethical and historical entity.

The paper organizes the historical analysis into three distinct periods: I. Presidential Institution (1974-1989): Examining the establishment of the Romanian presidency during the communist era, characterized by Nicolae Ceaușescu's consolidation of power. This period represents a quasi-monarchical role for the president within the totalitarian-administrative structure. II. Presidential Institution (1989-2004): Analyzing the post-communist transition marked by Ion Iliescu's leadership and subsequent developments. This era witnesses the establishment of constitutional limits and depoliticization, yet experiences challenges with President Iliescu's influence attempts and the efforts of President Constantinescu to support a clear power limitation for the office. III. Presidential Institution (2004-2024): Covering the contemporary period, including Traian Basescu's "Player President" phase and Klaus Iohannis's initially more reserved and backstage approach. This section highlights the evolving role of the president in recent years, including the challenges and opportunities faced.

In doing things more easily, this academic paper provides a comprehensive analysis of the Romanian presidential system's evolution over the past fifty years. By examining each period through, ethical, political, and historical lenses, we seek to unravel the intricate tapestry of presidential power in Romania and its profound impact on the nation's political landscape.

Presidentialism – ethical and philosophical considerations

The presidency raises questions about the nature of power and its rightful exercise in a democratic society. Scholars like John Locke and Montesquieu have contributed to the understanding of the separation of powers and the need for checks and balances to prevent the abuse of authority. Ethically, the exercise of presidential power involves considerations of justice, fairness, and the common good (Montesquieu, 1748).

Presidential power, therefore, must be wielded with a keen awareness of ethical principles, respecting the rule of law, protecting individual rights, and ensuring the overall welfare of the nation (Locke, 1690). The philosophical underpinnings of democracy emphasize accountability, transparency, and the ultimate sovereignty of the people, guiding the ethical conduct of the presidency. It is in this delicate balance of power and ethical responsibility that the true essence of the presidency emerges, as a position entrusted with the noble task of serving the greater good while upholding the principles of democracy and justice.

Georg Wilhelm Friedrich Hegel, the well-known philosopher of the 19th century, did not specifically address the institution of the presidency as it exists in modern democratic states. However, his political thoughts provide some insights into broader concepts related to the state, government, and leadership. Hegel's political beliefs are encapsulated in his major work, "The Philosophy of Right" (1821), where he elaborates on the nature of the state and the ethical dimensions of political life. According to Hegel, the state represents the realization of freedom, and political institutions are essential in achieving a harmonious ethical life for individuals

(Hegel, 1821). While Hegel did not specifically discuss the presidency, some key Hegelian concepts can be applied to understand how he might view the role of a leader within a political system. Organic State (Hegel, 1821): Hegel considered the state as an "organic" entity, where individuals find their true freedom through active participation in civic life. In this context, a leader, such as a president, would be seen as a necessary part of the organic whole, contributing to the realization of the ethical life of the state. Role of Leadership (Hegel, 1821): Hegel believed in the importance of strong leadership within the state. A leader, in Hegelian terms, plays a crucial role in embodying and implementing the rational principles of the state. The leader, while not above the law, is a vital agent in the actualization of the state's ethical purpose. Historical Development (Hegel, 1821): Hegel's philosophy emphasizes historical development and the progression of societies. The presidency, in this context, could be seen as a manifestation of the historical unfolding of the state, adapting to the changing needs and circumstances of the society it governs. Even so, for Hegel, a believer in the monarchical order, the presidential institution is a pale shadow of the state. The legitimacy of ceremonial continuity and the sacramental bridge between the people and God that the Monarch embodies cannot be recreated by the political leader who has become sovereign on the popular wave of support that will always prove ephemeral. Thus, presidentialism suffers from this imperfect structural form that makes it vulnerable to the rapid deterioration of the trust of those who gave the mandate (the people) to the elected sovereign and favoring the abuse of power and political influences that, without effective management, question the very existence of the presidential institution and the role it should play in the life of the state.

It's important to note that Hegel's political philosophy is rooted in a hierarchical view of the state (Hegel, 1821), with an emphasis on the ethical life of individuals within a community. While he did not specifically address the presidency, his ideas contribute to a broader understanding of the role of leadership in the context of the state as an ethical and historical entity. Applying Hegelian principles to the presidency would involve considering how the office contributes to the realization of freedom, ethical life, and historical development within the state.

Presidential institution I. (1974-1989)

The establishment of the Romanian presidency in 1974 marked a pivotal moment in the country's political evolution. Ceaușescu's consolidation of power led to constitutional amendments, transforming Romania from a people's republic to a socialist republic with a distinct presidential office. This move mirrored similar developments in other Eastern Bloc countries during the Cold War. The introduction of the presidency brought forth a concentration of power in Ceaușescu's hands. The 1974 Constitution granted the president significant authority, including the ability to issue decrees, represent the state in foreign affairs, and appoint key government officials (Council of State, 1975). The president became a central figure in decision-making processes, wielding considerable influence over policy implementation (Council of State, 1975). In the political realm, Ceaușescu's presidency went beyond its constitutional duties. He assumed a quasi-monarchical role, cultivating a cult of personality that became ridiculous.

Of course, the introduction of the presidential office into the totalitarian-administrative structure of Socialist Romania can be seen as a metamorphosis of the same regime that wanted

to obtain the credentials and international appearance of a credible and institutionally comparable political actor with the rest of the democratic world, especially a resemblance to Western presidential institutionalism. However, although the establishment of Romanian presidentialism takes place against a background of abundant popular support and strongly catalyzed towards Nicolae Ceaușescu, the position of President of the SRR will prove to be only a dangerous centralization of political and institutional power. Communism, ideologically, is a totalitarian regime, but the custom of implementing Leninist-Stalinist makes the institutional decision-making core as polycentric as possible, and this was also transposed in the communized states of Eastern and Central Europe that had the historical misfortune of being on the wrong side of the Iron Curtain. In Communist Romania, the institutional decision-making structure revolved around two very important administrative offices. On the one hand, it is the Prime Minister (President of the Council of Ministers) and on the other hand it is the President of the Council of State. The Council of State, administratively different from the Government, had the role of ensuring the leadership of the state, and its President had the prerogatives of a real head of state. Even so, to the two governmental positions that in a democratic republican spectrum we would find a space of cohesion and complementarity in decision-making or shaping public policies, in the case of Communist Romania was added the third, but also the most important public position, that of General Secretary of the Romanian Communist Party. The office of the General Secretary is the attribute of political monopoly, and although in general state administrative theory, it should be inferior to the top executive, it precedes it and uses the executive as instruments. Therefore, whether we are talking about the People's Republic of Poland, Czechoslovakia, or Bulgaria and Hungary, the positions of General Secretary of the Communist Party were the real centers of political and institutional power in that part of the world.

In Romania, after Ceaușescu took power, an unusual symbiosis took place between the accumulation of political and state office, and its peak took place with the abolition of the office of President of the Council of State and the creation of the office of President of the Republic. Of course, there were precedents, Gheorghe Gheorghiu Dej wanting to achieve the same thing during the Stalinist years. However, in Romania, presidential centralism appears most premature, manifesting itself very late in the other communist states, such as Poland, and in the Soviet Union only in 1990, a year before the Soviet dissolution.

The centralism of power was not an exclusivity found only in the annals of Romanian communism (Council of State, 1975), but it is undoubtedly a consequence of Nicolae Ceaușescu's assiduous desire for complete control. The SRR Constitution unequivocally affirmed the leading role of the Romanian Communist Party in the leadership of the state, so Ceaușescu legitimized his high position as party leader. Combining the two qualities in a fair and solid democracy is impossible, but in Romania, it has become the constant of the presidential office for 15 years.

The introduction of the presidential office could have represented an institutional and political reforming opportunity for Romania (Council of State, 1975), but it became only an accumulation of roles, rights, and qualities that created a powerful monolith with unlimited action power. In the decade and a half of presidentialism under Ceaușescu, the supreme office in the state did not evolve constitutionally noticeably through articles, limitations, or other reforming measures, but on the contrary, it was a regression through the increase of

institutional-political power that exceeded and violated even the tinny limits of the communist constitution.

The period 1974-1989 represents the last stage of Romanian communism and are the years in which the presidential institution was the main decision-making factor in all public policies and at all levels of action and intervention. The unique and ironic situation of the regime was given by the fact that Socialist Romania was a parliamentary republic, without a President elected by popular vote, but elected indirectly by the vote of the communist legislature, but from the point of view of the manifestation of institutional power, the constitutional and unofficial prerogatives of the SRR President could easily have been attributed to a presidential political system with great extensive powers.

The presidential institution that existed throughout the communist period was part of this desolate totalitarian amalgam devoid of any reforming intentions. The centralization of power, the ignorance of constitutional prerogatives and their extension, the combination of political office and head of state, but also the effective lack of any method of control are the attributes that have governed the supreme office in the state for 15 of the 50 years of presidentialism in Romania. Indeed, the political, institutional, and social consequences that Ceaușescu and communist presidentialism brought to the Romanian state were of immense intensity, but they were followed by reforms after the post-communist transition. The introduction of the presidential office did not bring benefits at the time of implementation in terms of state reorganization, respect for human rights, or a move towards democracy, but after the fall of the communist regime in December 1989, this totalitarian institution became an opportunity for a restart, rehabilitation and fundamental reconstruction of Romania as a state.

Presidential institution II. (1989-2004)

The fall of communism following the Revolution of December 1989 leads to the abolition of the Socialist Republic of Romania and implicitly of the office of President of SRR. The seizure of power by the country's first communist rejectors, led by Ion Iliescu, gradually crystallized, in the last days of the revolution, in the National Salvation Front. The NSF will be, until the first elections in May 1990, the mammoth organization with a state, political, and organizational role, an incredible institution whose leadership will be held by Ion Iliescu as President.

The transformation of the NSF on the eve of the elections at the end of spring 1990 into a political party not only brought criticism and protest to the civil society with democratic orientations at that time (Naumescu, 2018) but also foreshadowed a detached victory of this party led by Ion Iliescu. With over two-thirds of the seats in the newly formed legislature, the NSF had absolute discretion in shaping the future and further evolution of the presidential institution. Keeping the office at a ceremonial level similar to that of the German, Austrian, or Portuguese was not an agreed option and was completely ignored in the final decision taken by the NSF. The compromise option of the two-headed, semi-presidential executive was chosen, in which the President would be elected by popular, universal, free, and secret suffrage. The relations between the new official offices (Victoria and Cotroceni) were to be based on the principles of the French Fifth Republic in theory, but rather they were invoked by the NSF and the then-Romanian leadership as an excuse to preserve to some extent the former form of executive organization.

Of course, through the provisional laws of 1990 and the new Constitution of 1991, voted and accepted by popular vote, the office of the President of Romania gained a clear, concise, and simple-to-understand legal and institutional delimitation, a positive evolutionary aspect that would become a beneficial precedent. Another progressive aspect of the rehabilitation of the Cotroceni office was seen in the mandatory depoliticization of the holder of this position. The President of Romania, in accordance with the Constitution, was to be suspended the right to belong to political parties during his or her mandate (Presidential Administration, 2023). Of course, this impartiality of the President in relation to the parliamentary or executive political forces has always provided fertile ground for speculation and, indeed, there have been situations in Romania's post-December history when the President acted from the supreme office to the greater or lesser advantage of the party that propelled and supported him.

Even if the President should occupy an artificial and unbiased role in the political life of the state, the universal political reality (not just Romanian) has shown that interference between the Head of State and the Head of Government or with the President of the Legislature can rarely be avoided (Nelson, 2013), and up to a certain point, they are natural and necessary to harmonize relations between the three powers. Of course, there are political systems, such as the American one, that do not allow interactions between powers, but at the level of Western political systems, the interaction between the legislature and the executive has been a constant.

President Iliescu's influence in Romania's first post-December governments was as high as possible. This influence manifested itself not only indirectly in terms of the control exercised over the NSF parliamentarians, but in the most direct way by deciding to suspend or promote persons in the Government and other essential governing bodies. Regaining a second mandate in 1992 was a political catastrophe for Romania that resulted in an extension of social and economic degradation, but most problematically, a stagnation in the process of democratization and reform. "Original Democracy", the phrase so loved by President Ion Iliescu, suddenly manifested itself not only at the level of the presidential administration in Cotroceni but also at the Victoria Palace, in Justice, in foreign policy, and in all measures and public policies during 1992-1996 (Stănescu, 2014). President Iliescu's second term becomes a serious challenge for the future reform and democratization of Romania, insisting on the preservation of communist prerogatives.

President Iliescu's mandate represented the deliberate miss of the opportunity to create a healthy precedent for the presidential office (Naumescu, 2018), and this was to be reflected in the mandates of the successors from Cotroceni. However, Romania's socio-economic degradation forced the NSF Government and President Ion Iliescu to resort to a change of course through the Snagov Declaration and Romania's orientation towards a Euro-Atlantic path. In the elections at the end of 1996, Ion Iliescu was defeated by Emil Constantinescu, being the first time in modern Romanian history when a head of state was changed following elections.

University professor, supported by a broad right-wing coalition established in the Romanian Democratic Convention, RDC, Emil Constantinescu led to the creation of positive precedents regarding the role of the President as a mediator between the three powers. From a legislative and institutional point of view, it did not bring changes in the official and constitutional role and limits of the constitutional mandate, but it offered premises that

materialized in customs with a positive role for the position. Of course, the President's interference with the Government or the Legislature existed and was felt, but most of the time it had an advisory and limited role that left the Executive to overcome its historical trauma of taking decisions unilaterally.

What is worth highlighting in this chronology of the evolution of the presidential institution is that Ion Iliescu's regaining of the Cotroceni seat in 2000 does not put an end to this manifestation of independence of the Government, but even intensifies it. Between 2000 and 2004, Prime Minister Adrian Nastase became the most influential politician in Romania, and President Iliescu's role seemed to become increasingly diluted, even though both were from the same party.

Therefore, at the end of 2004, the President of Romania had become just a simple element of the decision-making system (Stănescu, 2014), by far not the most important, and at a careful analysis, it was the weakest manifestation in the history of the presidential office. It was a noticeable transition from a semi-presidential political system with a presidential accent to a system with a parliamentary emphasis that was reflected in the Prime Minister's increasing power.

Presidential institution III. (2004-2024)

In December 2004, after a very fierce confrontation between Prime Minister Adrian Nastase and the then Mayor of Bucharest, Traian Basescu, the latter managed to win the presidential election. The novelty of this new presidential era was given by the extension of the presidential mandate from 4 to 5 years to avoid simultaneous elections.

President Basescu's victory brings to power in the legislature and executive a right-wing coalition and paves the way for defining a new typology of a president who will remain in the Romanian political culture as the "Player President". Having won the elections on an anti-corruption campaign and structural reform of the judiciary speech (Băsescu, 2009), President Basescu was most actively involved in influencing the way in which the judiciary evolves (Macovei, 2006). He exceeded his mandate and constitutional powers by recommending and directly imposing Monica Macovei as Minister of Justice. Without making professional observations on the qualities of the person who held the position of Minister of Justice, the manner in which she was aggressively imposed by the President in the Executive led to the establishment of a negative and dangerous precedent for the presidential administration of Romania.

The continuous pressures on the judiciary, too much influence in the Executive, the accusation of using the secret services for personal purposes, but more practical and especially, the loss of the parliamentary majority bring President Basescu to the thankless situation of being the first President of Romania to be suspended from office. Parliament's affirmative vote led to the suspension for 30 days of the President and the organization of a national referendum on his impeachment. However, amid the fight against corruption and popularity, President Basescu managed to escape impeachment by the majority vote of Romanians who voted for him.

After the exit from government in 2007 of the party that supported him, LDP, a new political premiere took place for the Victoria Palace and the Presidential Administration. For the first time in history, the President and Prime Minister come from different and conflicting

sides, a situation that is generically referred to in French politics as "Cohabitation". The cohabitation between President Basescu and Prime Minister Tariceanu was not, however, a lasting one. In 2008, following the presidential elections, the president's party won the elections, and in 2009, Traian Basescu won a second term as president.

The period 2008-2012 can be called the most active period of Traian Basescu's presidential term, but it is also an interval in which there were serious interferences of the Presidential Administration in Justice, government appointments, and many other conflicts of interest that were easily noticed. At the same time, the years of Traian Basescu's presidency fully felt the adverse effects of the Global Economic Crisis (Bănescu, 2009) and finally led to the opposition winning legislative and local elections in 2012. In 2012, with accusations like those of 2007, the President was again suspended from supreme office by Parliament. The popular referendum taking place a month later shows the deterioration of the relationship between the population and the Presidential Administration. Although the necessary electoral threshold of 50% for the validation of the referendum was not reached and it was not validated by the Constitutional Court (Constitutional Court of Romania, 2013), over 87% of the voters, for instance, more than 7 million people, demand the removal of the president from office. The honorary resignation of the President never happened, and in December 2014 he ends his second term as the head of state (Stoenescu, 2021).

The last 10 years of the presidential administration, the most recent period, 2014-2024, is marked by the two mandates of President Klaus Iohannis. Unlike his predecessor, Klaus Iohannis had a much more reserved approach in his first mandate (Stoenescu, 2021), but after 2019 he had very important involvement and interferences not only in terms of government affairs but also from the perspective of involvement in the internal decisions of the party that supported him (Stoenescu, 2021), being a key figure in the main decisions of his former party.

Therefore, we are talking about 50 years of Presidentialism in Romania, half a century which, chronologically and politically, it would be honest to separate in the periods and stages that were the subject of this work. In 2024, in Romania, fifty years after the establishment of the presidential office, a great political premiere takes place, for the first time in Romania's history, all electoral elections (European Parliamentary, local, presidential, and parliamentary) will take place in the same year, and regardless of their results, the new President will not have an easy mission and will have to take into account the mistakes of his predecessors in order to succeed in being a real guarantor of the Constitution and a harmony provider in the so difficult relations between Executive, Legislative and the Judiciary that governs the political system.

Conclusions

In examining half a century of presidentialism in Romania from 1974 to 2024, this study has traced the evolution of the presidential institution through various historical, political, constitutional, philosophical, and ethical lenses. The presidency, introduced during the Ceaușescu era, underwent significant transformations in the post-communist period, shaping and being shaped by the country's political landscape.

The study began by delving into the ethical and philosophical considerations surrounding the presidency. Drawing inspiration from thinkers like John Locke and Montesquieu, it emphasized the need for ethical principles in wielding presidential power. The philosophical insights of Hegel were also explored, providing a lens through which to

understand the leader's role in the organic state. The delicate balance between power and ethical responsibility emerged as crucial, encapsulating the essence of the presidency in a democratic society.

The establishment of the presidency in 1974 under Ceaușescu marked a turning point, concentrating power in a quasi-monarchical manner. The study highlighted the paradox of introducing a presidential office within a totalitarian regime, noting the significant concentration of power and the absence of checks and balances. Despite the potential for reform, Ceaușescu's presidency contributed to the deterioration of what that office could mean.

The post-communist transition saw the emergence of a new era with Ion Iliescu and later Emil Constantinescu. The presidency underwent legal and institutional delimitation come to exist, and the depoliticization of the office marked positive precedents. However, Iliescu's second term posed challenges to democratization, and Constantinescu's tenure showcased positive examples of mediation between the powers in the state.

Traian Bășescu's presidency introduced a new typology characterized by direct involvement in the state through all political possible means. His tenure witnessed political confrontations, impeachment, and a changing balance of power between the president and prime minister. The "Player President" remains even today in the Romanian political culture as a concept that will be long remembered while Klaus Iohannis's presidency displayed a more reserved approach initially, later marked by increased and controversial involvement.

The study and analysis of Romania's presidentialism reflects a complex interplay between power, ethics, and constitutional evolution. Each era brought unique challenges and opportunities, influencing the role of the president in shaping the nation's trajectory. The research underscores the importance of learning from historical mistakes, acknowledging the delicate balance required in wielding presidential power and promoting democratic principles for the effective functioning of the state. As Romania stands at the crossroads of a new political era, the lessons from its presidential history become invaluable. The next president faces the responsibility of upholding constitutional values, fostering harmony among branches of government, and navigating a path that respects both ethical principles and democratic ideals of the newly Romanian reborn state.

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