

**ENHANCING ROMANIAN POST-COMMUNIST DEMOCRACY.
HISTORICAL INSTITUTIONALISM PERSPECTIVES IN EUROPEAN
INTEGRATION STUDIES**

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Abstract

Institutionalism studies argue that institutions matter in molding and explaining behaviors and policy choices. Research on the European integration has focused lately on the *Europeanization* phenomenon defined to account for the transformations visible at supranational, national, local and regional level as a result of accession and integration conditionality. The present study builds upon a rich literature to follow a research hypothesis according to which European conditionality was the driver of change in Romanian post-communism transition aimed at achieving membership status.

Key words: *Enlargement, Historical Institutionalism, Post-communism, Romania, Transition*

Introduction: outlining mainstream research

European integration has recently benefitted from intensive analyses based on institutionalism approaches claiming that institutions matter in molding and explaining behaviors. Institutionalism provides the methodological basis for explanations of the changes under way at supranational, regional, national and local levels within the European integration context¹. Thus, recently accounting for the “the *import* of the rule of law as a democratic tradition” institutionalism creates a favorable framework for analyzing changes in policy-making².

Research on the European integration of old and new Member States has focused lately, beginning with the 1990s, on the *Europeanization* phenomenon conceptualised to account for the transformations visible at supranational, national, local and regional level in the context of the widening of the European construction.

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¹ Studies accomplished by Wolfgang Streeck and Kathleen Thelen (editors), *Beyond Continuity: Institutional Change in Advanced Political Economies*, Oxford, Oxford University Press, 2005; Sven Steinmo, Kathleen Thelen and Frank Longstreth, *Structuring Politics. Historical Institutionalism in Comparative Analysis*, Cambridge University Press, 1992; Walter W. Powell, Paul J. DiMaggio, *The New Institutionalism in Organizational Analysis*, The University of Chicago Press, 1991; Bruno Palier, Giuliano Bonoli, *How do welfare states change? Institutions and their impact on the politics of welfare state reform in Western Europe*, Cambridge University Press, 2000; Theda Skocpol, *States and Social Revolutions: A Comparative Analysis of France, Russia and China*, Cambridge University Press, 1979; Timo Weishaupt, *From the Manpower Revolution to the Activation Paradigm. Explaining Institutional Continuity and Change in an Integrating Europe*, Amsterdam, Amsterdam University Press, 2011; Colin Hay, Daniel Wincott, *Structure, Agency and Historical Institutionalism*, in “Political Studies”, 1998, (46), pp. 951-957 provide explanations for changes in politics, policies and politics through institutional transformations.

² Anca Parmena Olimid, *The “Import” of the Rule of Law as a Democratic Tradition in Post-Communist Constitutional Usage: Charting a Multi-Level Theoretical Matrix*, in “Revista de Științe Politice. Revue des Sciences Politiques”, Craiova, Editura Universitaria, No. 41/2014, pp. 53-64.

Methodological inputs: Europeanization and historical institutionalism

The focus on *Europeanization* has been dealt with in single case studies aiming at explaining the transformations of the Member States' administrations as a result of accession and integration conditionality. International relations scholars advanced the utility of institutionalism in the study of integration¹. Lately, the research has moved to cross-countries comparisons accomplished in order to identify diverging paths or convergence towards a European administrative model. We thus resumed the comparative analyses of Germany, the United Kingdom, Denmark, Great Britain², the Netherlands, Greece, France, Ireland, the group of Nordic states, the Balkan region, the Eastern former communist bloc and the Southern states Italy and Greece, or between "old" and "new" Member States³. To sort out the theoretical framework, as Boerzel and Risse conceptualised the term in 2000, Europeanisation is "when Europe hits home"⁴.

However, the integration process has triggered a series of transformations which were resented differently by the national executives and legislatives. In other words a re-configuration of the balances of forces occurred during this process which was the vector for installing a diversity of models rather than a single European model.

A series of political implications were thus identified as regards the roles of national parliaments within the integration process with some researchers claiming the weakening of the national legislatives drawn as due-payers of the integration costs⁵ and increasing the democratic deficit at EU level⁶. On the other hand, there are authors who back the idea that national parliaments strategically re-positioned themselves in order to receive the benefits to integration⁷ purely adapting to the new political equation⁸. By politically legitimizing their actions through citizens' preferences, national parliaments either

¹ Ionuț Șerban, *Theories and Concepts in International Relations – from Idealism to Realism*, in "Revista de Științe Politice. Revue des Sciences Politiques", Craiova, Editura Universitaria, No. 40/2013, pp. 52-58.

² Arthur Benz, *Path-Dependent Institutions and Strategic Veto Players: National Parliaments in the European Union*, in "West European Politics", 2004, 27:5, pp. 875-900.

³ Joachim Ahrens, Martin Meurers, Carsten Renner, *Beyond the Big-Bang Enlargement: Citizens' Preferences and the Problem of EU Decision Making*, in "Journal of European Integration", 2007, 29:4, pp. 447-479.

⁴ Tanja Börzel, Thomas Risse, *When Europe Hits Home: Europeanization and Domestic Change*, in "European Integration online Papers" (EIoP), Vol. 4 (2000), No.15.

⁵ Francesco Duina, Michael J. Oliver, *National Parliaments in the European Union: Are There Any Benefits to Integration?*, in "European Law Journal", Vol. 11, No. 2, March 2005, pp. 173-195.

⁶ Dionyssi Dimitrakopoulos, *Incrementalism and Path Dependence: European integration and Institutional Change in National Parliaments*, in "Journal of Common Market Studies", 2001, Vol. 39, No. 3, pp. 405-422.

⁷ Dimitris Papadimitriou, Eli Gateva, *Between Enlargement-Led Europeanisation and Balkan Exceptionalism: An Appraisal of Bulgaria's and Romani's Entry into the European Union*, in "Perspectives on European Politics and Society", 2009, 10:2, pp. 152-166.

⁸ Geoffrey Pridham, *Assessing democratic consolidation in Central & Eastern Europe: The European dimension*, in "Acta Politica", 2006, 41(4), pp. 342-369.

institutionally vetoed legislation originating in EU norms¹, or succeeded in increasing parliamentary control over governments².

The general opinion, however, is that national governments benefited the most from the integration process by raising their influence on establishing the EU policy agenda and increasing their importance in the policy-implementation process³. Policy-implementation is the theme of common interest for researchers who wish to identify and explain the convergence⁴ or divergence of national political systems in European affairs. Some analyses of the transposition issues in Member States conclude that it was not convergence, but simple internalized practices of adaptation that led to the accounted outcomes⁵. Moreover, national interest to “fit” or already acquired compatibility to EU law was used as a variable to explain the convergence of some national political systems⁶. Multi-level governance models corroborated to institutional structures intended to increase citizens’ participation was also accounted as a vector for the restrain of national parliaments weakening process within the European integration process and the decrease of the democratic deficit⁷ and the activity of national political parties.

Within this framework we will follow a research hypothesis according to which European conditionality was the driver of change in Romanian post-communism transition aimed at achieving membership status.

Post-communist political transition and EU imposed conditionality: the Romanian case

The post-communist political transition studies have focused mainly on determining the evolution and impact of cleavages on the democratization process. Approaching the slow pace of the reform process and the conditionality of both endogenous and exogenous factors, the literature has legitimized the idea of the backwardness of transition societies of South-Eastern Europe (Romania being asserted to this category) characterized as instable and fragmented⁸. The distance between Western consolidated democracies and the South-Eastern European former Communist countries was depicted in studies

¹ Ian Bailey, *National adaptation to European integration: institutional vetoes and goodness-of-fit*, in “Journal of European Public Policy”, 2002, 9:5, pp. 791-811.

² Arthur Benz, *Path-Dependent Institutions and Strategic Veto Players: National Parliaments in the European Union*, in “West European Politics”, 2004, 27:5, pp. 875-900.

³ Cristina Chiva, David Phinnemore, *Preface: The European Union's 2007 Enlargement*, in “Perspectives on European Politics and Society”, 2009, 10:2, pp. 149-151.

⁴ Berglund, Sara, Ieva Gange, Frans van Waarden, *Mass production of law. Routinization in the transposition of European directives: a sociological- institutionalist account*, in “Journal of European Public Policy”, 2006, 13:5, pp. 692-716.

⁵ Dionyssi Dimitrakopoulos, *The Transposition of EU Law: “Post-Decisional Politics” and Institutional Autonomy*, in “European Law Journal”, Vol. 7, No. 4, December 2001, pp. 442-458.

⁶ Antoaneta Dimitrova, *Enlargement, Institution-Building and the EU's Administrative Capacity Requirement*, in “West European Politics”, 2002, 25:4, pp. 171-190.

⁷ Arthur Benz, *op. cit.*, p. 878.

⁸ The processes of democratisation and Europeanization of the Balkans are discussed in Othon Anastasakis, *The Europeanization of the Balkans*, in “Brown Journal of World Affairs”, Summer/Fall 2005, vol. XII, Issue 1, pp. 77-88.

directed to identify the causes of this divergence¹. The edited work of Daniel Chirot, the incisive approach of Barrington Moore or the innovative and comprehensive coordinated work of Berglund, Ekman and Aarebrot have in common a historical and comparative complex approach of the backwardness and peculiar character of CEE and SEE democracies. Power and borders re-scaling², imported forms of democratic institutions, economic and political instability, extremist backlashes and local monarchic traditions and diplomatic accomplishments³ characterized the interwar period considered by some the seed (commonplace even) of democratization in Romania. William Crowther depicts this image exploring the peculiarities of the Romanian transition and “proto-politics”, a term coined to account the level of political culture, political elites mix, political parties’ institutionalization and societal forces⁴.

In this sense it is important to note the approach of Geoffrey Pridham who discusses about the difference between Europeanisation and democratization arguing that the time-frame and scope of enlargement must be correlated to the nature of the relations between supranational institutions and national governments on the one hand, and between national governments and the national context⁵. Also, the author draws attention to the difference between “political will and political capacity”, the latter being determined by the efficiency of the political system⁶. EU-led conditionality on Romania meant more than fulfilling the Copenhagen criteria outlined in 1993. For the Central and Eastern European countries the EU applied new stages of conditionality, under the form of Regular Reports, the PHARE Democracy Program, and twinning arrangements. Possessing stable institutions promoting rule of law, a fast track of economic growth and the respect of human rights were the expression of the standardized image sought in for candidate countries (with which Romania synchronized only marginally). Within this framework, politicization of the administration was analyzed as path dependence from the communist legacy⁷ while the “return to Europe” rhetoric tried to overshadow the critical country image issues.

Moreover, what is interesting to note is that studies on pre-accession negotiations and post-accession reforms and consolidation point towards the European discretion over Romanian reform actions⁸. This discretion was particularly visible in designing the government’s accession plan and in the reforms of the judiciary in 2004, in the pressures

¹ Daniel Chirot (editor), *The Origins of Backwardness in Eastern Europe. Economics and Politics from the Middle Ages until the Early Twentieth Century*, University of California, 1989. Also see the historical institutionalism approach of Barrington Moore, *Social Origins of Dictatorship and Democracy: Lord and Peasant in the Making of the Modern World*, Beacon Press, 1993.

² Sorin Liviu Damean, *8 noiembrie 1945: Rezistență și represiune în România*, in “Historica”, Craiova, no. 1/2006, pp. 52-54.

³ Marusia Cîrstea, *Romanian Kings’ Official Visits to London*, in “Revista de Științe Politice. Revue des Sciences Politiques”, Craiova, Editura Universitaria, no. 21-22/2009, pp. 16-20.

⁴ William Crowther, *Romania*, in Sten Berglund, Joakim Ekman, Frank H. Aarebrot, *Handbook of Political Change in Eastern Europe*, Northampton, Edward Elgar Publishing, 2004, p. 365.

⁵ Geoffrey Pridham, *The Effects of the European Union's Democratic Conditionality: The Case of Romania during Accession*, in “Journal of Communist Studies and Transition Politics”, 2007, 23:2, pp. 233-258.

⁶ *Ibidem*, p. 235.

⁷ *Ibidem*, p. 248.

⁸ Aneta Borislavova Spendzharova, *Bringing Europe In? The Impact of EU Conditionality on Bulgarian and Romanian Politics*, in “Southeast European Politics”, 2003, Vol. IV, No. 2-3, pp. 141-156.

to ensure economic reforms as envisaged by the EU, to modernize and stabilize the state apparatus¹ and bring about public administrative reforms². What was added in the streamline analysis on European enlargement was the security issue in the Balkans. The war in Yugoslavia was tackled as an incentive for the EU to begin the negotiation process with Romania³.

Conclusions: creating a framework for further research

Europeanization stands at the basis of numerous explanations of the transformations of the triad *polity-politics-policy* (as was the notion conceptualised by Kevin Featherstone and Claudio M. Radaelli in 2003). *Europeanization* has recently gained much attention entering the mainstream of scientific research for European integration studies. Methodologically supported by the new institutionalisms, *Europeanization theory* focuses on explicit changes of national political systems and qualitative and quantitative effects of EU supranational integration for public policy-making and implementation. National convergence towards a common European model in policy-making has benefitted the support of contingency theory and models which grant the establishment of future strategic modes of action on past and current incentives, stimuli and influences. Contingency models thus explain the institutional changes correlating the interdependence and synergies among the supranational, national, regional and local levels. However, compliance with the EU accession criteria was sometimes analyzed as a means of being awarded the membership status. As such, one could analyze the institutionalisation of the rule of law in Romania as a determination for the country's accession to the EU⁴ with the co-operation of the Ministry of European integration.

Within such a complex and rigid timeframe for some sensitive areas such as anti-corruption measures and justice reform policy-making was enacted through windows of opportunity opened by EU tight conditionality. Transparency in public affairs was shoved through the freedom of information act while justice reform was driven with the establishment of an elected institution – the Superior Council of Magistrates – and the adoption of strategic actions to cut through the EU-imposed “safeguard clause”. It was thus argued that reform processes started to emerge following the start-up of negotiations aimed at achieving membership status. In this manner researchers considered that differences between successive waves of enlargement and between accession countries themselves can be outlined through diachronic studies of conditionality exposure within the three dimensions “iconic acts of differentiation, enhanced conditionality and the securitization of EU marginalization”⁵. According to this framework authors have analyzed Romania's having been postponed the entry to the negotiation process at the

¹ Geoffrey Pridham, *op. cit.*, pp. 248-249.

² Denita Cepiku, Cristina Mititelu, *Public Administration Reforms in Transition Countries: Albania and Romania Between the Weberian Model and the New Public Management*, in Lucica Matei, Spyridon Flogaitis, (editors), *Public Administration in the Balkans from Weberian bureaucracy to the New Public Management*, in *South-Eastern European Administrative Studies*, București, Editura Economică, 2011, pp. 299-322.

³ Geoffrey Pridham, *op. cit.*, p. 245.

⁴ *Ibidem*, pp. 245-246.

⁵ Dimitris Papadimitriou, Eli Gateva, *Between Enlargement-Led Europeanisation and Balkan Exceptionalism: An Appraisal of Bulgaria's and Romania's Entry into the European Union*, in “Perspectives on European Politics and Society”, 2009, 10:2, pp. 152-166.

same time with the other CEE countries, the inclusion of a special minority rights clause in the country's Association Agreements, the insertion of a "unilateral suspension clause" in the Final Provisions of the Agreements and, furthermore, the thrust of three safeguard clauses in the Accession Treaty (against economic failure, internal market implementing setback and against miscarry to cooperate in criminal and civil matters). Researchers also point to the facts that European conditionality did not end with the accession, on the contrary, Romania has been driven with the load of a so-called "postponement of accession clause" and the entry in the "cooperation and verification mechanism"¹. In the same manner researchers have analyzed EU twinning exercises as part of the exogenous conditionality towards administrative convergence during the accession process².

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¹ *Ibidem*.

² Dimitris Papadimitriou, David Phinnemore, *Europeanization, Conditionality and Domestic Change: The Twinning Exercise and Administrative Reform in Romania*, in "Journal of Common Market Studies", 2004, 42, pp. 619-639.

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