

The Rise and Fall of Quasi-Parliamentary Government in Romania (1871-1937)

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1. *Introduction: The Metamorphoses of a Constitutional Practice*

The logic of parliamentary government, as it developed in English constitutionalism during the 18th century, eventually crystallized in the principle that the monarch would appoint as head of the cabinet, after the elections, the leader of the majority in the lower house. The cabinet would serve for a limited term, either the full duration of the parliament itself (Triennial Act of 1694, Septennial Act, 1716) or until it lost confidence. The paradigm of responsible government, an arch-ideology of liberal constitutionalism derived from idealized and conceptually “telescoped” representations of English historical practices, found its way eventually into written continental constitutions and parliamentary customary practices, in various approximations and with various degrees of practical success.

Desirous to achieve ‘Westernization’ and through cultural rapprochement in-

ternational recognition and independence, Romanian modernizers adopted in 1866 an adapted version of the 1831 Belgian Constitution. The latter was regarded in its time as a successful blueprint (an ‘Ikea’ template), worthy of emulation by fledgling jurisdictions¹. In the same spirit of rapid overtaking of late feudalism, the elites of the recently united Principalities of Moldavia and Wallachia started a ‘headhunting’ search for a foreign prince, to replace the recently deposed Romanian ruler, Prince Alexandru Ioan Cuza. This desideratum, of union under a foreign prince from a non-neighboring dynasty, was long in the making and sought to accomplish two purposes. First, as a prestige project, it signaled to the Occidental post-Crimean War guarantor powers the domestic willingness to assimilate ‘European values’ and shorthanded an underlying plea for help in the attempt to break fully free from Ottoman suzerainty. Second, and just as importantly, a foreign prince was perceived to be useful as a neutral umpire between rivalling local nobili-

ty factions. Such factions had undermined each other for centuries by countervailing supplications to the High Porte or via foreign consulates in the provincial capitals of Iași and Bucharest. The entire elite saw now the need to break this prisoner's dilemma through recourse to a putatively impartial referee. By the same token, as we shall see, the advantages of umpire neutrality were in the eyes of the local nobility fused at the hip with the benefits of detachment and aloofness from real power. Once Prince Philippe of Belgium, the count of Flanders, declined the honour, the choice eventually fell on Charles (Carol, Karl) from the Swabian, Sigmaringen branch of the House of Hohenzollern.

In Romania, the principle of parliamentary control over the executive had an inchoate meaning only for a short period of time, in the five-year interval immediately following the adoption of the Constitution of 1866². After 1871, governments no longer resulted from parliamentary majorities. Contrariwise, the King appointed impromptu, from time to time, a new Prime minister, who proceeded to organize and routinely win the elections. From 1871 until 1914, no government that the King thus entrusted with organizing new elections ever lost them³. Attacks on the legitimacy of this unorthodox modality of restructuring political power recurrently surfaced in parliamentary and political debates. Political leaders (when in opposition) denounced the intrusion of the executive in legislative elections, which, they argued, had reduced the role of the Parliament to a docile political instrument, «a decorative element, a trifle or a means of corruption»⁴. Rhetorically, the infamous *rotativă guvernamentală* (government rotation) became the main

culprit for the system of oligarchy and corruption⁵.

But such jeremiads were quickly forgotten as soon as the turn came for the opposition leader to take over the government and organize elections. Through the "governmental candidacy" system, the full brunt of the administration was brought to bear by the caretaker government, to ensure that the "government's list" carried the elections. This was the main political weapon used by the two main political contenders of the *régime censitaire*: the liberals (National Liberal Party, established in 1875) and the conservatives (Conservative Party, 1880)⁶. In practice, the political-constitutional and the electoral systems were tailored bespoke, to serve the interests of a narrow elite made up of the great landowners and a diminutive urban bourgeoisie and professional-administrative class.

The interwar period had the potential of becoming a turning point in democratizing the political system. The adoption of the universal male suffrage (introduced constitutionally in 1917) and the first real exercise in free elections (1919) could theoretically have swept the table clean, by setting in motion a meaningful process of democratization. Moreover, after 1918 and the Union with the formerly Austro-Hungarian provinces of Transylvania, Bukowina, and the Banat and the formerly Russian province of Bessarabia, the country that emerged was double in territory and population. It was also ethnically and culturally much more diverse. In the new province of Bukowina, the universal male vote had already by then been practiced for over a decade (since 1907). Furthermore, the land reform overhauled the economic and social landscape dramatically, destroying the last practical

vestiges of feudalism and transforming millions of former subsistence sharecroppers into smallholders. On the symbolic level, the masses had for the first time entered the Romanian political arena. In principle, therefore, the ballot box was to translate the will of the people and decide the governmental configuration. Yet in practice the 1919 legislative elections were the only electoral competition, until 1937, in which the government (the ruling party in government) failed to win the popular vote, in the sense of failure to secure a majority in the newly elected parliament⁷.

The free electoral exercise of 1919 constituted a dangerous precedent and a strong disincentive to break with the path-dependency of previous informal practices, as they had developed under the highly restrictive franchise prior to 1917. Political leaders, primarily those of the so-called 'Old Kingdom', feared less the royal selectivity than the long-term effects of the 1919 electoral precedent: fragmentation and the replacement of a longstanding tradition of bipartisan politics and single-party governments with multiparty governments and the need to adopt coalition-building strategies. The parliament's continued subservience to and dependence on the executive was deemed a small price to pay in order to secure political oligopoly and stability⁸. A model of "managed" or – to use a notion coined by Mattei Dogan – "mimicked democracy" was perpetuated therefore throughout the Romanian interwar period⁹. Fraudulent practices such as inducement, abuse of powers, and electoral violence were byproducts or symptoms of the unnatural continuity of an anachronistic, para-constitutional practice, inherited from the prior period of the census-based

franchise. Nonetheless, reality had changed and under its pressures the expectations that the interwar political system could perform similarly to its 'Old Kingdom' prototype eventually succumbed. The informal type of governmental rotation/replacement, the posterchild of the previous political regime, could not be in the long run extricated from its original environment of limited political competition. The practice was thus bound to lose its effectiveness with the extension of the franchise.

This brief study analyzes the effects of governmental rotation on the overall articulation of the political system in Romania, seeking to answer two questions, namely: i. What were the main causes of the atypical form of governmental replacement? and ii. How did the governmental rotation mechanism survive in the interwar period and with what political consequences/costs? In what follows, although we consider that *rotativa guvernamentală* had been a strong inhibitor of the democratization process, we will show that this para-constitutional practice had been first and foremost a mechanism for self-defense/political survival and a device for stabilizing the *régime censitaire*. Despite contemporary perspectives emphasizing the crucial role of this inverted process of government formation during the interwar period as an explanation for the democratic deficit, we will show that the transition to universal male suffrage immediately reduced the impact and usefulness of the procedure, or rather deprived it of its congenital functionality. In the interwar period, governmental rotation became a simplified yet very suboptimal device of disciplinary power. Whereas it could serve the short-term purpose of quarantining certain parties and factions

into a state of protracted political marginalization, by the same token it subverted systemic long-term political stability.

The case study is relevant beyond the idiosyncrasies and vagaries of Romanian constitutional history, focusing as it does on the shifting roles of an informal institution within a changing political environment. In so doing, our research provides an alternative explanation for democratic backsliding in many political settings undergoing a process of democratization. The paper challenges the mainstream premise of the power of both formal and informal institutions in shaping democracy and seeks to restore and understand the reasons behind local forms of resistance to democratization. Methodologically, we will follow a transdisciplinary approach, combining constitutional law proper, constitutional sociology, and political science, based on analysis of constitutional provisions in context, including recourse to political discourses and memoirs. In addition, the effects of governmental durability will be tested based on a dataset on the Romanian governments, spanning the period from 1866 (the adoption of the Constitution) through to 1938 (the demise of the Constitution of 1923).

In what follows, the article is structured in two parts: in the following part, we will present the general framework of the articulation of the political regime in pre-communist Romania, emphasizing the importance of governmental centralism. This section is subdivided in chronological/normative parts corresponding to the application of the two fundamental laws; the transitional period (1918-1923) is allocated to the subsection on the Constitution of 1923, for reasons whose justification is provided

below. A third part analyzes diachronically, with the intensive use of statistics, the political effects of governmental rotation during the census and interwar periods. The conclusions point to the fact that the difficulties in articulating a viable system of executive accountability in the interwar Romania have been conditioned less by formal constitutional rules and political practices. Rather, drawbacks originated in deeper systemic constraints, embedded in the structure of an insufficiently modernized society.

2. *Constitutional design and democratization in Romania – 1866-1938*

2.1. *Governmental Rotation in the 'Old Kingdom': The System of Stable, Bipartisan Oligarchies (1866-1918)*

The struggle for the 'parliamentarization' of the political system emerged in the 19th century and debates around the adoption of the 1866 Constitution exemplify a commonplace motif, namely an attempt to mirror faithfully Western institutions and justificatory discourses¹⁰. Sometimes clashes arose in practice between this neophyte enthusiasm for Western forms and the actions taken in pursuit of less noble local interests, such as, notably, the dogged denial of citizenship to Romanian Jews¹¹. More generally, as we shall discuss in more detail in the following two sections, the constitutional ideal type was far removed from the conditions of the two Romanian Principalities¹².

For the Romanian founding fathers (Western-educated, Westernization-driven nobility elites), a good Constitution was

to be characterized above all by the supremacy of Parliament and the limitation of executive power¹³. In the Constitution of 1866 and its successor of 1923, royal powers are regulated upon the premise that the king is a constitutional organ, as exemplified by the exclusion of any residual, prerogative-style powers. According to Art. 96 C. 1866 (Art. 91 C. 1923): «The Prince [King] has no other powers than those conferred upon him by the Constitution¹⁴. All royal decrees needed to be countersigned in order to be effective», (Art. 92, C. 1866).

According to the Constitution (C. 1866), Art. 93), governmental appointments and removals were the prerogative of the Prince. The only limitation on the royal power of appointment resided in a prohibition of appointing members of the royal family (Art. 98). According to the constitutional rules *per se*, executive dominance was not a foregone conclusion. From a formal point of view, ministerial responsibility played an important role and gave the legislature extensive oversight powers. The Constitution of 1866 provided in great detail for criminal ministerial responsibility in cases of disobeying the law and wasteful disposition of public money (art. 56)¹⁵. Article 101 of the Constitution held that either the chambers or the Prince had the right to request the impeachment of a minister. Impeached members of the executive were to be judged by the High Court of Cassation and Justice. This principle was not new in the Romanian tradition. The Organic Regulations in Moldova (art. 403), as well as the Paris Convention of August 19, 1858, upheld the principle of criminal ministerial responsibility¹⁶. At the same time, the 1866 constitutional provisions aimed at replicating the French experience, as France

had introduced ministerial responsibility in 1814, attempting to reinforce in this manner parliamentary prerogatives over the cabinet. In the Romanian case, however, despite the institution of parliamentary committees to investigate cases of governmental abuse and maladministration, such oversight mechanisms remained in practice highly politicized and ineffective¹⁷. The collective responsibility of the executive before parliament, albeit not formally entrenched in the text, was understood from the very beginning as an unquestionable constitutional convention.

Nonetheless, the King's power to dissolve the legislature or either of its houses, and the informal practice of replacing the Prime minister before snap elections, cemented an uneven relationship between the legislature and the executive. The parliament quickly became an annex of the government, as soon as the practice of governmental rotation crystallized. The Romanian political regime of the 19th century resembled thus a form of constrained, crypto-parliamentarism roughly similar to the model of the German Constitution of April 20, 1871. In the Wilhelminian Empire, the emperor appointed or dismissed the chancellor at will, whereas the government depended on Parliament for passing the budget, and Parliament held the power to reject government initiatives¹⁸. By the same token, the formal power of the Romanian prince/king to make and break executives, apparently at will, did not necessarily reflect the central role of the monarch in the political-constitutional system. The king himself exercised this prerogative in a context that severely, albeit informally, circumscribed the exercise of his volition.

From a political point of view, the King's formal discretionary powers were conditioned by the electoral system, itself a manifestation of the social and economic landscape. Throughout the 19th century, the electoral system in Romania was highly restrictive¹⁹. For example, in 1888, only 1.3% (lower House) and 0.38% (Senate) of the adult male population had the right to vote directly. By comparison, in France, in 1883, 26.9% of the inhabitants had the right to vote, with universal male suffrage first tried in 1792 and already an uncontested part of the system by 1848. In Germany or Italy, the percentages were 7% and 6%, respectively, whereas at the federal level (*Reichstag*) universal male suffrage from the age of 25 was introduced in Germany already in 1871, immediately after the *Reichgründung*²⁰. Admittedly, 19th century constitutionalism was generally predicated upon a census restricted according to high property and education thresholds, whereby *Besitz und Bildung* served in turn as a rough index of the electorate's capacity and independence. After all, Belgium itself, the prototypical model of Romanian constitutionalism, started with a draconically restrictive, 1% male franchise. Nonetheless, in all Western jurisdictions the right to vote was gradually relaxed. In England, the Reform Acts of 1832, 1867, and 1884 gradually lifted restrictions, up until the moment when, although the electoral system did not yet reflect the "one man one vote" principle, it included about 60% of the adult male population. At the end of the nineteenth century, universal male suffrage was introduced in Belgium, albeit qualified by the plurality vote rule (one would cast from one to three votes, otherwise put the relative weight of the vote differed, in sync with increased property and education

qualifications). In Romania, the reform of 1884 was much more limited, extending the direct right to vote marginally, in line with the National Liberal Party's interest to tilt the balance slightly towards the diminutive urban middle classes and only an inch away from the great landowners that traditionally favored the Conservatives. The overwhelming majority of the country's citizenry were peasants represented solely by one of the three colleges of the lower house, for which voting was, moreover, primarily indirect. In 1911, 40 third-college deputies represented 1,029,406 peasants, whereas 149 second- and first-college deputies were elected directly by 48,571 Romanian citizens. Out of the latter category, 77 deputies represented 15,301 first college electors²¹. The peasants were invariably swayed by the government to vote for the "governmental list", which never included peasant deputies.

The highly restrictive franchise enabled governments to highjack elections though patronage, yet at the same time was a sui-generis self-censoring mechanism against authoritarian derailments. Governmental reshuffling was only in part a royal initiative, as changes in government often resulted from the so-called "overthrow campaigns" (*campanii de răsturnare*)²². As Gheorghe Tătărescu, future prime minister and prominent liberal politician pointed out in his 1912 doctoral dissertation on the political system under the *régime censitaire*, it became the custom that the opposition party would launch a public campaign against the incumbent government, lambasting abuses of power and infringements of the constitution. The partisan press built up a momentum of accusations and histrionic indignation. A well-routinised theatrical performance followed. Public meetings

were organized in the territory, with large gatherings of party delegates and agitators, in which the party leaders clamored for governmental replacement. The climax was eventually reached when activists took the protest to the front of the Royal Palace in Bucharest and hectoring the King to bring down the government. This rally often involved public violence, ensuing from clashes with the police, which often resulted in casualties on both sides. Afterwards, a ceremony commemorating the victims, additional press campaigns denouncing the violence of the authorities, and often enough muffled anti-dynastic undertones, completed the act. The scale as such of the protests was not the most consequential factor, yet the underlying message (i.e., the credible threat of further escalation) was rarely missed on the king. Emotions became the main mechanism triggering a change in government.

In these theatrics, the king himself was often more of a spectator and he certainly did not play the leading part. Carol I, who reigned between 1866 until 1914, almost the whole span of the Old Kingdom, pretended to withdraw for three days to ponder over the requests. This was however also an act; as the German ambassador to Bucharest noted in 1891: «The King acts according to the principle 'To the most savage dog the fattest morsel'. In always trying to pacify first of all those who seem most dangerous to him, he sets a premium on disloyalty, with the result that no party trusts him, and hardly any politician is devoted to him»²³.

Neither the power of the landed class, nor the relatively weak position of the 'imported' king vis-à-vis the local oligarchy were Romanian idiosyncrasies: «In the countries of south-eastern Europe [...] after the wilting away of Turkish domination,

the landed class was the central power; there was no middle class to balance it, while the imported foreign dynasties were too new and insecure to have the authority to check it»²⁴. What was peculiarly Romanian was the sheer amplitude of the phenomenon, with the elite counting in full a few thousand families, 'lording it' as it were over an immense population of predominantly landless, disenfranchised, illiterate peasants. The political system corresponded to the social and economic system, in a country where 0.46% landowners held, between themselves, big properties (properties over 250 acres) covering 49% of the total area. These landowners owned however only less than one-tenth of the plows in use and the same percentage of the draft animal²⁵. The Old Kingdom was, otherwise put, a country steeped in neo-feudal arrangements camouflaged behind a thin veneer of modern trappings, which featured also the 1866 Constitution. Emblematic for the closed character of the political class, the National Liberal Party was led almost uninterruptedly, from 1875 to the onset of Communism in 1947, by scions of one family, the Brătianu political dynasty. To wit, in the interwar period, the main ideological challenge to the PNL came from a liberal faction led by Gheorghe Brătianu, the son of PNL President Ion I. C. Brătianu. The former competed against the National Liberal Party (with his uncles at the helm).

In order to keep this paradoxical system stable, the king brought to bear his limited influence, encouraging the division of the elite in two parties that could more or less predictably alternate one another by extra-constitutional pressure, followed by para-constitutional 'governmental rotation'. King Carol I actively discouraged

the emergence of credible alternatives or challenges to the bipolar political spectrum of liberals and conservatives and sought to appease splinter factions or nip in the bud defections. For example, once prominent conservative politician Take Ionescu broke from the party and established the Conservative-Democratic Party in 1908, the king did not invite him to traditional Palace consultations with party leaders and strenuously sought to nudge and cajole Ionescu to return to the fold. The artificiality of this contrived system transpired therefore in a high degree of ideological looseness and eclecticism of the two parties. Revealingly, the National Liberal Party, nominally the "left", held in its bosom a wide and motley array of orientations, from a group of socialist defectors (called "The Generous") to great landowners no different from those that formed the core of the Conservatives and even the stridently nationalist/anti-Semitic "Free and Independent Faction" (in the former Moldavian capital of Iași)²⁶.

2.2. *New Wine into Old Wineskins: Governmental Rotation as Democracy Containment under the Constitution of "Greater Romania" (1919/1923-1937)*

In his work on *Marx Against the Peasant*, David Mitrany observed that a commonality of Eastern European pre-communist constitutions in predominantly rural countries was that the elites had adorned their states with ostensibly very liberal constitutions. Paradoxically however, «the more liberal the text [of the fundamental laws], the more discordant [was] the reality»²⁷. This is only partly true of the Romanian case after 1919,

when both political practice and constitution-making swerved and took, in lockstep, a pronounced authoritarian turn.

In 1914, the National Liberal Party had set in motion the procedure for amending the constitution, in order to make possible electoral and land reforms. The period of neutrality (1914-1916) and – after the entry into the war on the side of the Triple Entente – the war led to the deferment of the discussion. In the context of the Old Kingdom, it is not improbable however that the process would have been diluted beyond recognition, as had the previous attempt to radically extend the franchise in 1884 or would have bogged down altogether. Under the twin pressures of defeat by the Central Powers and the Russian revolution, the Parliament, that had in the meanwhile taken refuge in Iași, amended the constitution. Art. 19, which had until then effectively foreclosed all land reforms, was modified to permit the taking of land for the purpose of a major land redistribution. Articles 57 and 67 were also changed, to replace the census vote and the division of the electorate (and the assembly) in census-based colleges with a system of proportional representation and universal franchise for both the Chamber and the upper house. In the case of the Senate, it was provided cryptically that it would comprise both elected and *ex officio* members.

In the wake of these amendments, the October revolution and the defeat of the Central Powers allowed, somewhat as a windfall, not only the liberation of the Old Kingdom, two-thirds of which had been occupied by German and Austro-Hungarian troops, but also the union with Transylvania, Bukowina, the Banat, and the former Russian province of Bessarabia. The effect of the upcoming agrarian reform of 1921, even

before it was set in motion, was to effectively steamroll into oblivion the Conservative Party, traditionally reliant on the large landholders. Conservative plans to attract the peasants to a modified version of their doctrine came to nought and, as in other Eastern European parties, a 'populist' doctrine espoused by a peasant party took hold of the newly enfranchised peasant-proprietor masses²⁸. When general elections in the now enlarged kingdom were organized in 1919 by General Văitoianu, acting as a stooge for the National Liberal Party, Old Kingdom elites were unexpectedly faced with fully unforeseen results. King Ferdinand (1914-1927) was forced to entrust with the formation of the cabinet a Transylvanian 'upstart', Vaida-Voevod, supported in parliament by a 'rag-tag' coalition of splinter parties representing the new provinces and the newly-formed Peasant Party (the latter's stronghold was in the territories composing the former Kingdom of Romania). Yet this abrupt departure from the known status quo, from the way things were done and from those who traditionally did them, was neither to be encouraged nor repeated. The king dismissed the Prime Minister and dissolved the Parliament within a mere four months and, throughout the next two years, the system was slowly rewound and adjusted to the known routines. This process of readjustment ('new wine into old wineskins') was abetted by the perpetuation of a state of quasi-emergency protracted long after the war had ended, through extensive use of para-constitutional instruments, namely, the state of siege and decree-laws. In 1922, when the National Liberal Party came to power with the help of doctored electoral results, the situation was ripe for a constitutional and legislative

entrenchment of the meanwhile readjusted politically status quo.

Yet traditional parties had to innovate in order to cope with a simultaneous process of territorial unification and a more inclusive electoral competition. They settled on maintaining the informal practices leading to cabinet formation. The willingness to reinforce the governmental replacement by rotation under the new political regime was thus not unexpected. This political choice reflected broader initiatives to ensure the preservation of the former Romanian Kingdom's political institutions. For example, while political leaders in the beginning of the 20th century discussed at great length over the necessity of a constitutional revision, the 'constitutional moment' of 1923 turned out to be merely a superficial remodeling of the former foundational act of 1866. All alternative drafts, particularly those coming from factions in the newly attached territories, as well as the innovative and deeply democratic draft sponsored by the new Peasant Party, were ignored²⁹. The final document comprised few novelties: 7 new articles and 20 substantial revisions of other provisions³⁰. In essence, the Constitution of 1923 was, albeit formal-juridically a new fundamental law, substantively a reaffirmed, slightly modified version of the Constitution of 1866, whose application was now extended to the much greater, more populous, more ethnically diverse state resulting from the 1918 Union. This process in itself did significant violence to the changed realities as well as to the aspirations ensuing from this missed window of opportunity. For instance, the proclamations of all provincial assemblies (informal caucuses) declaring the desire to join the Romanian Kingdom included progressive

demands, such as the need for a radical agrarian reform, universal suffrage extended to both genders, territorial autonomy and decentralization, minority rights, and – last but not least – the need for a constitution adopted by a unicameral convention representing all the provinces. By readopting the old constitution with a new name, all such demands were either sidelined or sidestepped through Schmittian ‘dilatatory compromises.’ For instance, the granting of electoral rights to women was postponed in effect *sine die*, through a constitutional reference to future legislation, to be adopted with a reinforced two-thirds majority. The intention to fall back on the old routines was expressed by an awkward addition to Article 64, which provided now that «The Chamber of Deputies comprises deputies elected by adult Romanian citizens, through universal, equal, mandatory, and secret vote, *with the representation of the minority*» [emphasis added]. This formulation was so unusual that even a member of the Government, the minister of agriculture, opined in the debates that it referred to ethnic minorities. In effect, as the rapporteur retorted, the use of the phrase indicated merely a wish that the *political opposition should also be represented*. The *formamentis* itself indicates therefore the representation of an old-style bipartisan system, where the government both organizes and wins the election. The above-cited provision merely expressed the concession that the opposition waiting in the wings to be called by the king to do the same in the future would also have a place in the legislature. Eventually, once the Constitution was adopted, all political leaders endorsed the *fait accompli* and agreed that, although the political system was outdated or imperfect,

reforms could be limited to minor adjustments³¹. In so doing, politicians deliberately marginalized the electorate.

The focus on institutional solutions in order to obfuscate the will of the “uneducated masses” had been subsequently reinforced by the adoption in 1926 of a highly disproportionate electoral system. This reform was proffered with the ostensible rationale of diminishing the “regional” character of the electoral systems in Romania³². While the universal male suffrage was in force in all the regions of the country, the historic territorial division of the country had initially preserved the right of organizing the elections in the new provinces according to their “traditional” electoral formulas. Citizens’ preferences for parties representing regional identities aside, the perpetuation of different electoral systems had had an important effect in shaping the electoral competition after 1919. There was, more precisely, a perceptible imbalance between the electoral results of parties competing under a PR system (e.g. Bessarabia) versus the parties with strongholds in Transylvania where the majoritarian system inherited from the Austro-Hungarian Empire was still in place. At first glance, through the PR electoral system on closed lists, compulsory voting, extensive provisions concerning conflicts of interests and incompatibilities, and the sanctioning of floor-crossing, the new electoral framework appeared to create new incentives for building strong and competitive parties, as well as active citizens³³. Nevertheless, following (and heightening the effects of) the Italian model of the fascist Acerbo Law of 1923³⁴, the new law also included a bonus system contradicting the substance of the freshly adopted constitutional propor-

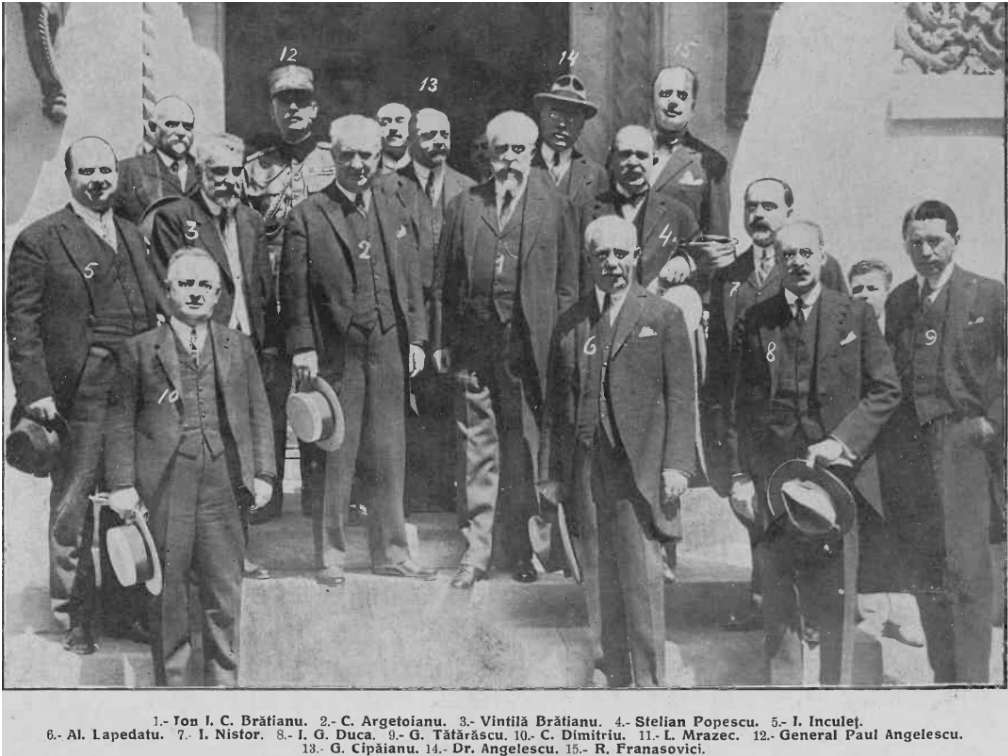
tionalism. First, the seats that had been won by an absolute majority in the electoral districts, even if the party did not cross the 2% threshold, were secured and discounted. From the rest, according to the law, the party that managed to garner 40% of the votes at the national level automatically received half of the seats³⁵. The other half was distributed among all parties that had obtained more than 2% in the elections (i.e., including the majority faction), in proportion to the number of votes obtained. The algorithm ensured quasi-unanimity for the winner. If no party managed to cross the 40% threshold, all mandates were to be distributed along the spectrum of proportional representation. The new electoral system reinforced thus the artificially induced effects of governmental replacement. The main political parties had, in theory at least, the institutional tools to gradually morph into strong political organizations, able to ensure stability. The institutional design offered them protection against the rapid emergence of unexpected political contenders.

3. *Governmental Rotation Redux: From Limited Franchise to Universal Suffrage*

The *sui generis* form of governmental replacement during the census vote is not a Romanian specificity. The parliamentarisation of political regimes has been often marked by abuses of power or incomplete democratization. In the Romanian case, similar to other political systems of the time (Italy, Spain, Portugal), political parties agreed to use institutional means – with the active acquiescence of the king – to effect

governmental change by using both private and public resources to conduct election campaigns. Electoral frauds, the prefects' collusion in vote rigging, electoral violence, and a compliant judiciary amply contributed to such results. What Martin Shefter calls a constitutive refusal to give birth to partisan politics in Southern Europe³⁶ aptly describes the political practices of the *régime censitaire*.

Despite fraud and political 'micro-management' of the entire process, systemic stability was not an outcome. An overall analysis of the functioning of governments from 1866 to 1918 identifies no less than 38 governments with an average duration of 504 days. From the moment of the adoption of the Constitution of 1866 until the moment of the introduction of the governmental rotation procedure in 1871, the quick succession of 10 governments and 30 governmental reshuffles destabilized the decision-making process³⁷. The low governmental survival rates (less than six months) and the incongruence between governmental composition and the parliamentary majority oftentimes entailed political deadlocks and were conducive to political conflicts. Numerous proposals of reform, all unsuccessful, sought to find a remedy. For instance, the constant inability to adopt in due course the budget prompted reform proposals according to which a parliamentary rejection of the budget should have *eo ipso* led to the resignation of the Cabinet. This proposal was a weak attempt to restore the power of the parliament. It relied on a misguided and in the context impracticable idea of the way in which the constitutional provision referring to the government's obligation to adopt the budget law in the year prior to its application should have been implemented³⁸. [Fig. 1 and 2]



The government of Romania formed by Ion I. C. Brătianu on 21 June 1927

In the overall context of intensive legislative-executive conflicts, the new para-constitutional procedure of governmental rotation became a corrective mechanism for stabilizing the political regime and providing the government with a much-needed parliamentary majority (higher levels of continuity in office). If until 1871 the average duration of the Romanian governments was 192 days, after the adoption of this informal corrective, governmental stability increased to an average of 622 days (almost two years). The effect is highly visible when focusing on partisan turnover. Until 1871, the executive was overhauled by rapid political turnovers (as factions swiftly changed places in government just after a few months). In the

aftermath of the adoption of the governmental rotation practice, the two main political contenders were able to control the government for decidedly longer periods. From 1871 until 1895, executive stability increased, varying between 5 and 11 years. At the turn of the century, most of the time parties in government reached the full four-year term. The practice ended therefore a period of a high volatility and managed to build up party cohesiveness, in a fragile international and economic environment.

This newfangled stability facilitated in turn the promotion to public office of key liberal and conservative leaders. For example, during the 11-year liberal government (1877-1888), only 24 individuals held

ministerial positions (reshuffled to various portfolios). In the next period (1888-1895), the conservatives appointed in effect only 28 persons. The concentration of power in the hands of a few prominent leaders reflected a deeper crisis in the emergence and consolidation of political elites (and in the modernization process as such). Most governmental leaders were middle and low-ranking members of the former Romanian aristocracy, on the verge of bankruptcy. For these men, politics became a profession, but not in Weberian sense, rather as a last resort to ensure the continuity of social status. Contrasting with the governmental configurations, parliaments from 1895-1915 were much more diverse due to an intensive finance-oriented recruitment process. These legislative assemblies were primarily dominated by the so-called *nouveaux riches* (60%), brokers of patronage, but also lawyers or members of the banking-financial class³⁹. Consequently, governmental rotation, as a side-effect, also strengthened and consolidated the supremacy of the old *classe-gardée* over these upstart new political entrepreneurs. This facilitated political acquiescence. Some less visible procedural adjustments contributed to the increased efficiency of the para-constitutional practice. For example, Ion C. Brătianu (liberal prime minister, 1876-1881) unilaterally decided to disregard the governmental reshuffle parliamentary procedure, by eliminating the practice of parliamentary hearings of the newly proposed ministers⁴⁰. The decision protected even further Prime-ministerial discretion in deciding the cabinets' composition, in creating "ministerial fiefdoms", and in marginalizing political newcomers.

Under the census system, the governmental rotation technique had strengthened the centrality of the executive, helped the intra-party consolidation process and fundamentally favored the creation of politicized monopolies. However, the procedure failed to ensure the predictability of the political system. Comfortable majorities can hardly explain the untimely end of governments. Cabinet turnovers only formally followed the numerous dissolutions of the parliament. Between 1866-1917, the Lower House managed on only two occasions to complete the four-year term, while the Senate did not complete any of its eight-year constitutional terms. Similarly, the no confidence votes are barely related to governmental changes. According to Tudor Drăganu, between 1871 and 1916, 28 governments were formed, while the Parliament recorded only eight no confidence procedures⁴¹. The governmental rotation strategy was thus primarily a token of a tacit elite agreement meant to facilitate the preservation of the emerging party system against political intruders. The very restrictive franchise allowed political parties to take turns in controlling the electoral processes.

The interwar period should have been a breaking point, or rather an occasion to redesign the skewed relationship between the legislative and the executive branches. All the political conditions were met, as the adoption of universal suffrage should have diminished the role of the King in managing the inter-party relations. However, the regional political diversity threatened the bipartisan tradition and hindered the transition from an elite- to a mass-based form of politics. The new regions of the country came 'bundled up' with different regulatory traditions and customs, but also with new political leaders. The rebuilding

and adaptation of the party system to these new conditions required substantial financial efforts, impossible to reach in a short period of time⁴². As K. Jowitt shows, in Romania, as in other agrarian societies in the region, both the political and economic sphere failed to mature. They remained fragmented, with politics formed out of «discrete political cliques, patron-client chains, and ministerial fiefs»⁴³. The structural domination of the "principle of status" coupled with what Janos called a shallow diversification of regional elites, had led, similarly to the Bulgarian and the Serbian cases, to a form of "parliamentary anarchy". The semi-opening of the party system immediately after the 1919 elections could only foster a conflict-ridden political scene, lack of predictability, and unceasing skirmishes between governments (Prime ministers) and the King⁴⁴. The highly disproportionate electoral law of 1926, which aimed to provide parties with comfortable majorities in parliament, had the perverse and paradoxical, unintended consequence of reducing overall governmental lifespans. If the duration of governments from 1918 until 1926 was, on average, 310 days, over the next decade governments lasted a mere 237 days. Such decline is primarily linked to frequent Prime-ministerial changes and intra-party conflicts. The regional diversification of elites also impacted on elite cohesiveness. The inescapable multi-partyism blocked, albeit rarely, the King's ability to select certain Prime ministers. In some cases, party oppositions and insignificant factions managed to counteract the King's will. This was the situation of the 1931 informal coalition of three small political parties (Peasant Party - N. Lupu, Liberal Party - Gh. Brătianu and general Averescu's

'People's Party') that succeeded, despite royal activism, to compromise and sideline the King's initiative to form a broad coalition government⁴⁵. The King's ability to 'make and break' governments was however slowly restored by the mid-1930s, when Carol II strong-armed the parties, aiding and abetting their internal fragmentation and using it to his benefit, to impose royal dominance over both the PNL and the Peasant Party. In the end, the king secured the complete marginalization of his political opponents (meaning, at that time, these two traditional parties)⁴⁶. [Fig. 3 and 4]

In this context, political instability was inescapable. Unsurprisingly, the average duration of the 28 interwar Romanian governments dropped to less than one year (258 days). Only one liberal cabinet managed to last a full four-year term: Ion I.C. Brătianu (January 19, 1922 - March 29, 1926). Even if one disregards all other political factors and focuses on party turnovers, the average length barely goes over one calendar year (427 days, 2,62 times less than governmental average under the *régime censitaire*, 1122 days). Supplementary institutional mechanisms, such as the new electoral law of 1926, were needed in order to maximize the effects of governmental rotation and replicate the restrictive conditions of the limited franchise. In practice, the instrumentality of 'governmental rotation' inertial mechanisms remained strong and the majority bonus effect was rarely needed in practice. That is to say, the simple perpetuation of the system by which the king decided when and to whom the tasks of taking over the government and organizing early elections were to be entrusted was enough to secure absolute majorities. The biggest winner of the newer system was the National Liberal Party and

its President, Ionel Brătianu. King Ferdinand used "rotation" selectively, entrusting either the liberals or liberal proxies to form governments⁴⁷, in order to foreclose virtually any possibility of the factions perceived as too left-oriented and destabilizing, namely the Peasant Party and the National Party in Transylvania, from coming to power. Ostensibly, the rationale was given that fragmentation had to be prevented for rotation to be able to operate but the situation did not change even after the fusion in 1926 of these two factions into the National Peasant Party (PNȚ). Only through a convergence of extreme social pressure and the accidental effect of the two successive deaths of King Ferdinand and PNL president Brătianu, could the PNȚ wrest from the discombobulated regency a mandate to govern and organize elections. In the event, the National Peasant Party won the elections by a landslide and secured almost full unanimity in parliament. The new government was however crippled by the onset of the Great Depression and its own administrative failure to fulfil very high expectations.

However, once a new king, Carol II, came to the throne in 1930, the pendulum of royal favour swung again, relatively fast, in favour of the liberals. In the end, therefore, the adoption of the universal male suffrage turned out to be merely the reluctantly kept promise of a symbolic bargain between the political establishment and the peasant-soldiers during World War I. The National Liberal Party governed uninterruptedly from 1933 to 1937, when it secured yet another mandate from the king to organize elections. This time, the PNȚ brokered an anti-liberal electoral alliance with an extreme-right faction, a compromise which in the event helped to scuttle the entire system. Even with

the help of administrative strong-arming, the Liberals failed by a razor-thin margin to secure the 40% that would have triggered the application of the bonus. In the aftermath, the entire system was pushed over the brink, parties were abolished, and a system of corporatist representation and royal prerogative was instituted in 1938.

In the interwar period, governmental rotation was no longer a decisive factor in the overall structuring of the parties. If we refer to partisan governmental turnover, the political coupling of governmental replacement procedure and the electoral law had only a (moderate) stabilizing effect (during the last decade of the interwar period, parties stayed in government for an average of 605 days). The inverted process of government formation became a mechanical instrument, as the procedure failed to fundamentally redesign the balance between the executive and the legislature. Fear of the masses and the panacea of electoral fraud voided the political opposition of any political meaning. This fear of the masses was not fully unfounded, since universal franchise had been introduced overnight in an environment which had known no gradual evolution of democracy and was extended to an electorate hampered by mass illiteracy. At the beginning of the 1930s, the rate of illiteracy in Romania, measured for all citizens, including children over 10 years of age, was 43%, distributed unevenly across provinces, from the highest (62%) in Bessarabia to 34% in Bukowina and 33% in Transylvania and the Banat. To compare, the ratios were at the time 9% in Hungary, 4% in Czechoslovakia, 5% in France, 1% in Germany⁴⁸. As figures and historical experience indicate, Germany is emblematic for failed parliamentarism in a highly educated

society, yet rampant illiteracy is surely not a good starting-point. Widespread literacy, albeit not sufficient, is certainly a necessary precondition of parliamentarism based on universal adult suffrage. Romanian elites in the interwar period did little to alleviate the causes of these historical handicaps. Rather, the political and constitutional system were used to obfuscate and counter their effects.

At the institutional level, the decline of the parliament continued⁴⁹. Parliament became a disempowered political structure convened in order to approve, almost by acclamation, governmental initiatives (e.g., 60% of all bills were adopted *en bloc* during the last three days of parliamentary sessions, the members of the government most often disregarded altogether parliamentary oversight⁵⁰, whereas parliamentary committees investigating governmental corruption left no mark whatsoever⁵¹). Even more than during the census vote, the government became unaccountable. The constitutional change of 1923 crippled even further the parliamentary oversight. Starting from the moment of constitutional revision, a 2/3 parliamentary majority was needed in order to invalidate the elections (and thus to acknowledge electoral fraud). Electoral fraud continued unabated, following practices from the *régime censitaire* period and utilizing ways and means originally developed to control electoral outcomes in the third (rural) electoral college, practices which were now generalized. Electioneering implied, with the direct assistance of local administration, not only fraud but also intimidation by recourse to violent electoral "gangs"⁵². Following the political practices of the restrictive franchise, by the end of the 1920s, both the liberals and the Peasants' Party opted for a

centralized decision-making process based on a limited number of party mandarins. For instance, all members of the liberal governments starting with 1927 and the overwhelming majority of ministers in the subsequent PNT governments were former ministers. This small political clique in full control of state resources became the key 'reform player'. However, differently from the Old Kingdom's political experience, political backlash followed in due course. The Great Depression and the ensuing scarcity of resources augmented the perception of the public of politics as an elite, collusive game and fostered negative voting and anti-establishment resentment. This deep resentment festered and erupted in 1937, when the election failed to produce, for the first time, results which would have allowed for the majority bonus application.

Conclusions

The democratization process in pre-communist Romania was incomplete and shallow. The parliamentarization of the political regime had a limited impact. A volatile political scene and rapid ideological realignments altered the ability of institutions to internalize the substantial meaning of borrowed liberal-constitutional institutions and norms. Additional factors, such as the international context and the search for independence or economic crises also contributed to further fragilize the political regime.

In this context, the mechanism of government replacement, an instrument that eroded the very nature of the newly established constitutionalism, functioned as a regulatory instrument imparting an ab-

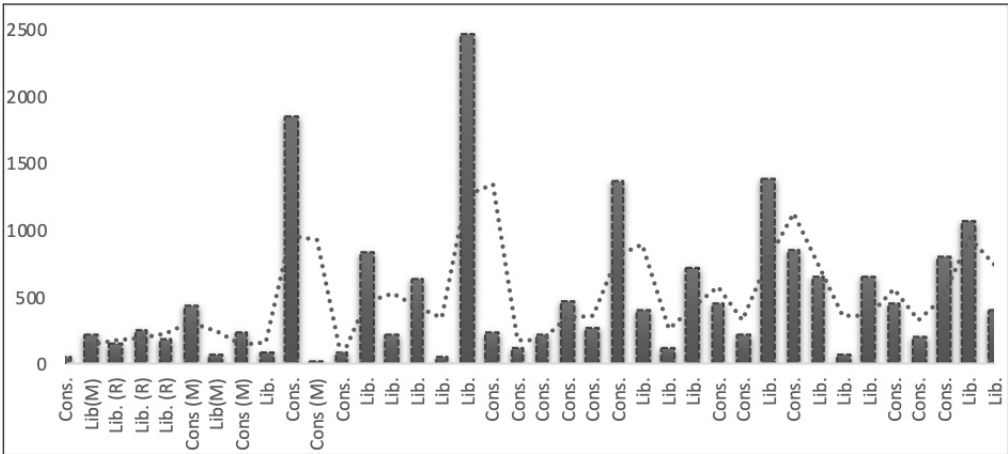
solute minimum of political stability. The procedure artificially endowed the two main parliamentary parties with a chance of governing in turns. However, this outlandish cabinet formation mechanism was dependent on several political factors: the will of the King, the administrative control of the elections and party patronage, the functionality of a bipartisan political formula. Thus, the governmental replacement procedure reinforced at the same time the two main political forces in Romania by rewarding parties with a protective environment working against both external political intruders and internal factionalism. Paradoxically, at the beginning of the twentieth century, the system bypassed some of its dysfunctions and moved slowly towards a more typical form of parliamentarism.

Universal suffrage was in appearance the natural step forward. The extension of the franchise, aside from the growing demands of ordinary people, could have led to the anchoring of political parties in society, better representation, and the abolition of fraudulent elections. Political parties were already in place and a proto-professionalization of the political elite was already on its way. Nevertheless, the credibility of Old Kingdom parties was shaken. Government by decree, poor decisions taken during the war, refusal to include other social strata left their mark on the political incumbents. Territorial enlargement of the country also contributed to this breakdown. The new political configuration resulting from the first elections organized on the basis of universal male suffrage brought forward new parties, most of them with fiefdoms in the new regions of the country, and harbingered the end of a political class that had just been fully formed.

The political class clutched at the governmental rotation procedure as if at straws. The familiar instrument of the past appeared as a natural remedy, useful for ensuring a measure of continuity, by protecting the political elite – especially the political elite of the Old Kingdom – from the citizens' votes. However, the functionality of the procedure had changed, as had the general context, and in the end it proved ineffective in relation to a divided political field. Governmental replacement by rotation allowed for some selectivity in the appointment of the Prime Minister but was unable to guarantee a stable parliamentary majority or a sufficiently long term in office. Only the re-coupling of the procedure with a highly disproportionate electoral law (with effects meant to limit political competition) allowed rotation for a brief period of time (one decade) to compensate for the constitutive failure to rethink the functioning of the political system. Partisan turnovers were less frequent. However, the rejection of multi-partyism and the refusal to diversify political elites proved in the end to have been prohibitively expensive choices. The growing political dissatisfaction of the citizens who felt increasingly unrepresented led to the rise in power of radical parties and authoritarian leaders, who challenged the system altogether and from the outside, wanting to sweep the democratic table clean and the turn it on its head, seeking destruction, not reform. From this perspective, the governmental replacement procedure, although it remained an instrument of political bipartisanship throughout the interwar period, lost its main political function: the taming, by pacification and induction, of centrifugal political tendencies.

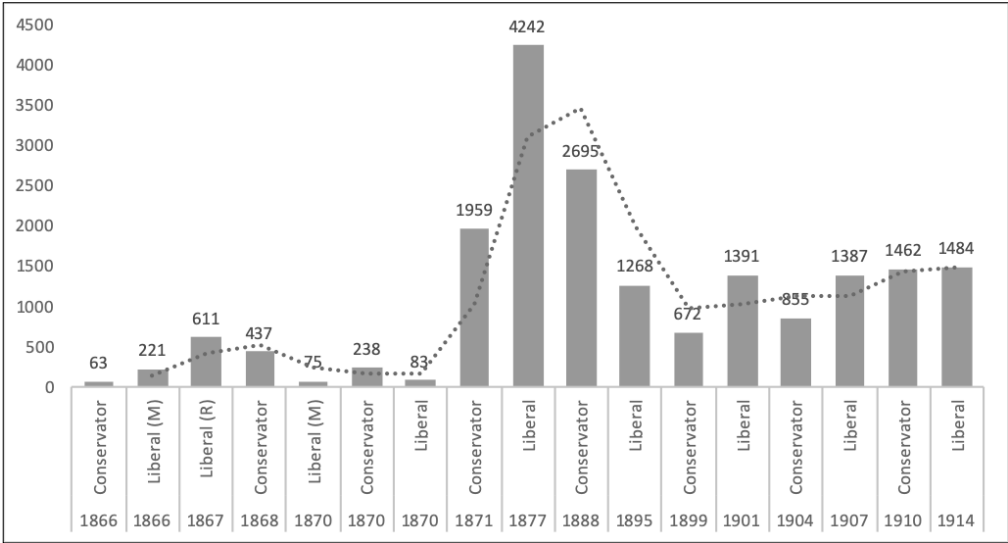
Appendix

Figure 1. Cabinet duration and political volatility 1866-1918 (all cabinets, no of days)



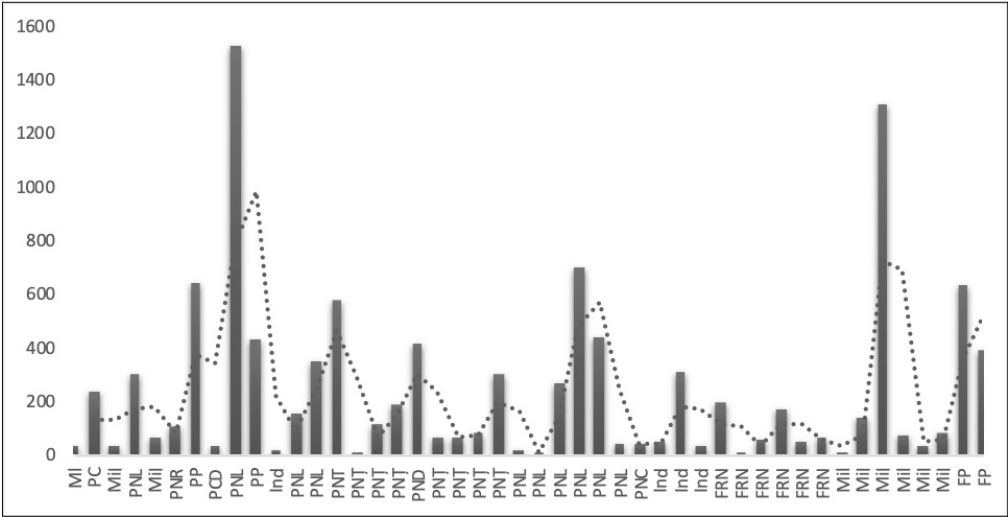
Cons: Conservative/Conservative Party (since 1880); Lib- liberal/National Liberal Party (since 1875); Lib (M) - Moderate liberals; Lib (R) - Radical Liberals; Cons. (M) – Conservative Moderates. A change of government occurs when any of the following conditions is fulfilled: (a) Prime-ministerial change; (b) A change in the ideological/political affiliation of the PM; (c) the formation of a new government after an election; (d) governmental resignation.

Figure 2. Changes in political composition and government duration 1866-1918 (no of days)



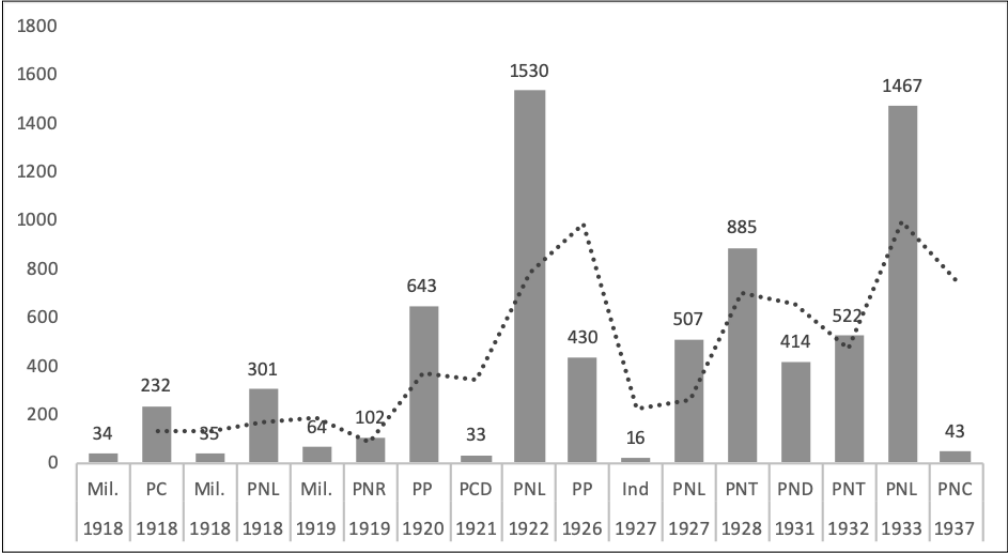
(M) - Moderates, (R) - Radicals. Note: a change of government occurs when there is a change in the political affiliation of the PM.

Figure 3. Cabinet duration and political volatility in interwar Romania 1918-1938 (all governments, no. of days)



Mil – Military background (no political affiliation); PC-Conservative Party; PNL- National Liberal Party; PNR – Romanian National Party in Transylvania and Banat; PP-People’s Party; PCD-Conservative-Democratic Party; Ind-Independent; PNT –National Peasants’ Party; PND-Democratic Nationalist Party; PNC -National Christian Party; FNR-National Renaissance Front; FP- Ploughmen’s Front

Figure 4. Changes in party composition and government duration 1918-1938 (no of days)



Mil – Military background (no political affiliation); PC-Conservative Party; PNL- National Liberal Party; PNR – Romanian National Party in Transylvania and Banat; PP-People’s Party; PCD-Conservative-Democratic Party; Ind-Independent; PNT –National Peasants’ Party; PND-Democratic Nationalist Party; PNC - National Christian Party.

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