Searching for representation: Romanian parliamentary elites and their political roles
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Searching for Representation
Romanian Parliamentary Elites and their Political Roles

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The first years of transition coincided with the reinvention of democratic institutional frameworks and the consecration of new political elites. However, the redefined institutions were mainly by-products of elites choices and personal interests[1], and were of consequence unable to tame the unreliable or discretionary actions of political leaders'[2]. The fluid regulatory frameworks and the continuous and sometimes contradictory reforms almost invariably favored a flourishing web of rent-seeking practices. Elite networks directly coordinating a politics of discretion mainly dominated the state building process[3]. In the Romanian case, the defective political culture, described by the continuous search for an active and efficient government, impaired the expression of public demands for viable forms of delegation and accountability[4]. The synchronous definition of institutions, the emergent practices of power and the citizens' inability to sanction the decision-makers lead to the creation of an "atrophic" parliamentary institution. The low levels of confidence and the Parliaments' systematic inability to manage societal and political conflicts[5] delayed any attempts to hold an open debate on the Romanian legislature's roles and functions. *Who are the main actors on the parliamentary arena shaping the meanings of political representation?* Notably: *What are the main parliamentary roles and how are they performed within the Romanian political system?*[6]. These fundamental interrogations in the comprehension of the Romanian democracy (defining the nature and the quality of political representation) are to be grasped through an exploratory inquiry into the post-communist institutional arrangements and the elites' perceptions of their own mandates.

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[1] Antoni Z. KAMINSKI, Joanna KURCZEWSKA, "Strategies of Post-Communist Transformations: Élites as Institution-Builders", in Bruno GRANCELLI (ed.) *Social Change and Modernization: Lessons from Eastern Europe*, Walter de Gruyter, Berlin, 1995, pp. 131-52.

[2] Anton STEEN, *Between Past and Future: Elites, Democracy and the State in Post-Communist Countries. A Comparison of Estonia, Latvia and Lithuania*, Ashgate, Aldershot, Bookfield USA, Singapore, Sidney, 1997, p. 2.

[3] *Ibidem,* p. 335 See also Ingrid van BIEZEN, *Political Parties in New Democracies: Party Organization in Southern and East-Central Europe*, Palgrave Macmillan, London, 2003; IDEM, "Political Parties as Public Utilities", *Party Politics*, vol. 10, no. 6, 2004, pp. 701-722; Alexandra IONESCU, "Partis, régime politique et bureaucratie d'État dans le postcommunisme roumain", *Studia Politica. Romanian Political Science Review*, vol. III, no. 4, 2003, pp. 921-943; Petr KOPECKY, "Political Parties and the State in Post-Communist Europe: The Nature of Symbiosis", *Journal of Communist Studies and Transition Politics*, vol. 22, no. 3, September 2006, pp. 251-273.

[4] Daniel BARBU, *Politica pentru barbari,* Nemira, București, 2005, p. 7.

[5] Cristian PREDA, Sorina SOARE, *Regimul, partidele și sistemul politic din România*, Nemira, București, 2008, p. 36.

[6] For an alternative approach on political representation see: Alexandra IONESCU, *Du Parti-État à l'État des partis. Changer de régime politique en Roumanie*, Ed. Academiei Române, București, 2009, pp. 235-236.

An endemic feature of nowadays societies, the rapid decline of confidence in the Parliamentary institution (interpreted as a sign of defective political representation)[1] can partially be explained by formal and procedural deficiencies. Resulting from insufficient or blurred institutional arrangements, momentary self-interested types of behavior or even from a *parochial* referential in the state building process, the Parliaments' unrepresentative conduct is far from being a Romanian exception[2]. However, as Pitkin noted, only these regulatory frameworks cannot account for the variations encountered in the definition of the *political representation*:

> "No institutional system can guarantee the essence, the substance of representation. Nor should we be too optimistic about the capacity of institutions to produce the desired conduct; even the best representative institutions cannot be expected to produce representation magically, mechanically, without or event in spite of the beliefs, attitudes and intentions of the people operating the system"[3].

Conversely, the anemic articulation of "political representation" can also be resulting from the elites' inability to understand or to fulfill their mandates. Plural elites, directly legitimized by their voters, the MPs are continuously involved in a general process of bargaining[4] for the significance ascribed to different political processes. The manner in which these directly elected representatives are imagining their (sometimes contradictory) roles in various political contexts (in relations to the constituency, political party, plenary sessions activities etc.), the diversity of their actions on the parliamentary arena as well as the constraints imposed upon them by the institutional arrangements are determining a composite portrait of political representation[5] in nowadays Romania.

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[1] Mattei DOGAN, "Erosion of Confidence in Thirty European Democracies", in IDEM (ed.), *Political Mistrust and the Discrediting of Politicians*, Brill, Leiden, Boston, 2005, pp. 13, 18-19.

[2] For the increasing role of the executives when compared to Parliaments in the East Central Europe see Petr KOPECKY, "Power to the Executive! The Changing Executive-Legislative Relations in Eastern Europe", *Journal of Legislative Studies*, vol. 10, no. 2/3, 2004, pp. 142-153.

[3] Hanna PITKIN, *The Concept of Representation*, University of California Press, Berkeley, Los Angeles, London, 1972, p. 239.

[4] See Pierre BIRNBAUM, "Introduction", in Robert DAHL, *Qui gouverne?*, Armand Colin, Paris, 1971, p. XII, and Robert DAHL, "A Critique of the Ruling Elite Model", *American Political Science Review*, vol. 52, 1958, pp. 463-469.

[5] For similar approaches see: Michael EDINGER, Lars VOGEL, "Role Perceptions, Party Cohesion and Political Attitudes of East and West German Parliamentarians Findings from the Jena Parliamentary Survey (2003-4)", *Sociologický časopis/Czech Sociological Review*, vol. 41, no. 3, 2005, pp. 375-399; Mattei DOGAN, "Parliamentarians as Errand-Boys In France, Britain, and the United States", *Comparative Sociology*, vol. 6, no. 4, 2007, pp. 430-463; Olivier COSTA, Eric KERROUCHE, *Qui sont les députés français? Enquête sur des élites inconnues*, Presses de Sciences Po, Paris, 2007; Richard KATZ, Bernhard WESSELS (eds.), *The European Parliament, the National Parliaments, and European Integration*, Oxford University Press, Oxford, 1999; Michael EDINGER, Jahr STEFAN, *Political Careers in Europe: Career Patterns in Multi-level Systems*, Nomos Verlagsgesellschaft, Baden-Baden 2010.

Political Representation:
Canonical Meanings in Post-communist Romania

Continuously adapting to internal and external constraints, parliamentary representation constitutes one of the main pillars of consolidated democracies. Despite the ongoing decline of traditional parliamentary functions and the increasing role played by the executive or other regulatory bodies[1], the Parliament still remains the main locus for political deliberation, legitimizing the political regime[2]. Primarily transformed by the liberalization of political systems and the evolutions in the electorates[3], *political representation* continued its unceasing process of metamorphosis. The crystallization of the institutional frameworks and practices shifted the emphasis from institutions towards individual actors. Subjected to numerous scholarly interrogations, the MPs recently emerged as the main guardians and the sole depositories of "political representation". However, the political aggregation of the MPs' individual experiences is deeply entrenched in the national political contexts[4]. The internalization of different political roles remains strongly determined by the coherence and the functionality of mechanisms regarding the MPs' standing and responsiveness[5] (*formalistic representation*). Consequently, the history of representation (and of its unsteady patterns) partially set up the political arena in which the contemporary MPs are gradually negotiating (and framing) new meanings for their mandates.

In the Romanian case, the historical articulation of the legislative power followed a sinuous path. During the interwar period, the Romanian Parliaments were rather characterized by their inability to ensure the regime's representative dimension. Following a *mimetic* model of democracy[6], the Parliaments were in fact by-products of the governmental functioning[7]. The electoral system manufactured majorities (as the elections were organized by the newly appointed governments created a weak culture of opposition and anemic parliamentary activities)[8]. Paradoxically, it is only under the

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[1] See Mattei DOGAN, *The Mandarins of Western Europe. The Political Role of the Top Civil Servants*, Sage Publications, Beverly Hills, 1975, p. 7; Thomas POGUNTKE. Paul WEBB (eds.), *The Presidentialisation of Politics*, Oxford University Press, Oxford, 2005; Bogdan IANCU, *Legislative Delegation: The Erosion of Normative Limits in Modern Constitutionalism*, Springer, Berlin, 2012.

[2] Olivier COSTA, Eric KERROUCHE, Paul MAGNETTE (eds.), *Vers un renouveau du parlementarisme en Europe?*, Éditions de l'Université de Bruxelles, Bruxelles, 2004; Mattei DOGAN, "Parliamentarians as Errand-Boys…cit.", pp. 430-463.

[3] Maurizio COTTA, Luca VERZICHELLI, *Democratic Representation in Europe. Paths of Institutional Development and Elite Transformations*, Oxford University Press, Oxford, 2007, p. 418.

[4] Mattei DOGAN, "Parliamentarians as Errand-Boys…cit.", pp. 430-463.

[5] Michael EDINGER, Lars VOGEL, "Role Perceptions, Party Cohesion…cit.", p. 377.

[6] For the mimic democracy concept see Mattei DOGAN, *Analiza statistică a "democrației parlamentare în România*, Editura Partidului Social Democrat, București, 1946, p. 369.

[7] See Cristian PREDA, "Influența sistemelor electorale asupra sistemului de partide în România interbelică", *Studia Politica. Romanian Political Science Review*, vol. II, no. 1, 2002, p. 42; Keith HITCHINS, *România 1866-1947*, Romanian transl. by George G. Potra and Delia Răzdolescu, Humanitas, București, 1994, p. 405; Mattei DOGAN, "L'origine sociale du personnel parlementaire d'un pays essentiellement agraire: la Roumanie", *Revue de l'Institut de Sociologie*, vol. 26, no. 2-3, 1953, pp. 165-208.

[8] For instance, according to Hitchins during 1919-1940, out of 4.574 adopted laws 71% of them were governmental bills. See Keith HITCHINS, *România 1866-1947*, cit., p. 406. For a

communist rule that the first signs of parliamentarization were formally introduced. Although deprived of any substance, the communist constitutional provisions designed a political system built on executive-legislative relations highly resembling the parliamentary system ideal-type[1]. In fact, similarly to other authoritarian regimes, the Great National Assembly convened only for a few days, twice a year[2]. The MPs main attributes, such as lawmaking or parliamentary oversight, were void mechanisms meant to rubberstamp the State Council's decisions[3]. Consequently, the 1989 (re)invention of Romanian democracy imposed the creation from scratch of the representative bodies. This endeavor would have required: (1) a genuine reflection on the political representation's social and political roots and (2) the production of mechanisms through which the reached political agreement on the *representation-building* process could have been translated into codifying procedures and contents for the new institutional arrangements. Instead, the rapid and sometimes incoherent political reforms and the race towards stabilization impeded the birth of genuine debates over coherent projects of democratization. Therefore, constitutional drafting in the early 90s was mainly short-term oriented, nesting past heritages with political improvisations[4]. As in other CEE countries, the new institutions were built "with the ruins of the communist past"[5] or specifically, in our case, based on the non-reflexive denial of the communist heritage (*against the ruins of the communist past*). Since then, few substantial queries were formulated in order to grasp the political foundations of "representation". In a general context of *defective formalistic representation*, the Romanian MPs were rather coerced to a "learning by doing" type of behavior, continuously adapting their strategies and tactics, while accommodating a precarious parliamentary game[6].

Presently, the Romanian Parliament exhibits a rather institutionalized face[7], which remains however overshadowed by the governmental functioning. The

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comparative analysis developed on this topic Alexandra IONAȘCU, "Volatilité et stabilisation du personnel gouvernemental. Les cabinets roumains 1919-1939 et 1989-2004", *Studia Politica. Romanian Political Science Review*, vol. VII, no. 1, 2007, pp. 71 -95.

[1] Cristian PREDA, *Rumânii fericiți. Vot și putere de la 1831 până în prezent*, Polirom, Iași, 2011, pp. 224-226.

[2] For a comparative overview of both authoritarian and democractic parliamentary functioning see Amie KREPPEL, "Legislatures", in Daniele CARAMANI (ed), *Comparative Politics*, Oxford University Press, Oxford, 2008, pp. 159-189.

[3] Cristian PREDA, *Rumânii fericiți…*cit., p. 258.

[4] Bogdan IANCU, "Constitutionalism in Perpetual Transition: The Case of Romania", in IDEM (ed.), *The Law/Politics Distinction in Contemporary Public Law Adjudication*, Eleven International Publishing, Utrecht, 2009, p. 193.

[5] David STARK, „Sommes-nous toujours au siècle des transitions? Le capitalisme est-européen et la propritété recombinante", *Politix – Revue des Sciences Sociales du Politique*, no. 47, 1999, pp. 89-129 / p. 93. For a similar thesis see David STARK, László BRUSZT, *Postsocialist Pathways. Transforming Politics and Property in East Central Europe*, Cambridge University Press, New York, 1998.

[6] Michael EDINGER, Lars VOGEL, "Role Perceptions, Party Cohesion…cit.", p. 375.

[7] Steven D. ROPER, William CROWTHER, "The Institutionalization of the Romanian Parliament: A Case Study of the State-building Process in Eastern Europe", *Southeastern Political Review*, vol. 26, no. 2, june 1998, pp. 401-426; C. CHIVA, "The Institutionalisation of Post-communist Parliaments: Hungary and Romania in Comparative Perspective", *Parliamentary Affairs*, vol. 60, no 2, 2007, pp. 187-211, Irina IONESCU, "The Parliamentary Activity of Romanian

systemic incapacity of legislatures *to act* as a vehicle of representation (from an institutional perspective) seems to be doubled by a non-representativeness of the political elites. If we were to adopt a *descriptive* definition of political representation, *as mirroring* mechanisms for social stratification[1], there is undoubtedly a wide gap created between the MPs' and their constituents (in terms of trajectories and social backgrounds[2], minority representation[3], or gender bias[4]). However, this *prima facie* of the Romanian Parliaments does not account for the myriad of meanings that can be ascribed to the representative functions. Dynamic process that cannot be accounted on the sole basis of the constitutional provisions, elites' structure or institutional variables, *political representation* no longer designates an intrinsic characteristic of its subjects. Conversely, its focus lies in the interplay of MPs' political actions, attitudes and opinions, deployed both in Parliament and at the constituency level. As Pitkin observed, the MP is essentially "a professional politician in a framework of political institutions, a member of political party who wants to get reelected and a member of legislature along with other representatives"[5]. The nature of his mandate demands behavioral refinements consistent with numerous structural and political constraints.

Table 1

The Romanian MPs' Political Roles: Perceptions on Political Representation

	Mean	Std.	Variance	Agreement*	Int. median
MP represents his constituency	4.43	0.87	0.75	0.71	4.66
MP represents his own constituents	4.30	1.02	1.05	0.65	4.65
MP represents the entire population	4.34	0.83	0.69	0.67	4.59
MP represents his party	3.93	1.09	1.19	0.46	4.11

Data from Romanian MPs Survey (UB). First wave Survey April 2010; Legend: Std-standard deviation, Agreement (Van Der Eijk Agreement) – index designed to measure the agreement in order rating scales (1- the highest level of agreement, 0- no agreement at all)[6].

Opposition Parties: The Cooperative Opposition: A Post-communist Phenomenon?", *CEU Political Science Journal. The Graduate Student Review*, vol. 1, no. 3, 2006, pp. 22-29.

[1] Richard KATZ, "Party in Democratic Theory", in Richard KATZ, William CROTTY (eds.), *Handbook of Party Politics*, Sage, London, 2006, pp. 34-47.

[2] Laurențiu ȘTEFAN, *Patterns of Political Recruitment*, Ziua, București, 2004; Andrei STOICIU, *Les énigmes de la Séduction Politique: Les élites roumaines entre 1989 et 1999*, Humanitas, București, 2000; Irina CULIC, *Câștigătorii. Elita Politică și democratizare în România, 1989-2000*, Limes, Cluj-Napoca, 2002.

[3] Ciprian-Călin ALIONESCU, "Parliamentary Representation of Minorities in Romania", *Southeast European Politics*, vol. V, no. 1, 2004, pp. 60-75; Ionela BĂLUȚĂ, "Le parlement roumain à l'épreuve du genre. Les femmes politiques dans la législature 2004-2008", *Studia Politica. Romanian Political Science Review*, vol. X, no. 1, 2010, pp. 123-153.

[4] Joshua K. DUBROW, "Women's Representation in the Romanian Chamber of Deputies, 1992-2005", *International Journal of Sociology*, vol. 36, no. 1, 2006, pp. 93-109.

[5] Hanna PITKIN, *The Concept of Representation*, cit., p. 220.

[6] For further details see C. VAN DER EIJK, "Measuring Agreement in Ordered Rating Scales", *Quality & Quantity*, vol. 35, 2001, pp. 325-341.

According to Pitkin, being sensitive to the party demands, complying with the parliamentary traditions and procedures, adjusting the political actions to the constituency claims and at the same time accommodating the party leaders' expectations constitute the main features of the real-life parliamentary activity. From this perspective, a survey[1] conducted on the Romanian deputies, unveiled rather puzzling results (see Table 1). Most of the MPs (around 60%) considered themselves as first and foremost "constituency workers" or "constituents' delegates" on the national arena. Simultaneously, only half of them ranked the whole population of the country as their primary concern. One third of the MPs conceded their party dependence. The surprising MPs replies cannot obviously originate from confusing institutional arrangements. According to the Constitution, the Romanian Parliament represents "the supreme representative body of the Romanian people and the sole legislative authority of the country" (article 61, 2003). By the same token, the MPs' *representative mandate* is clearly defined at the article 69 that specifies: "In the exercise of their mandate Deputies and Senators shall be *in the service of the people*. Any imperative mandate shall be null". Although it is unlikely that the Romanian MPs inspired themselves from the habermasian interpretation of the *free mandate*'s historical dimensions[2] and it is more plausible that their preferences for constituency representation were the result of the heated electoral reform debates[3]. Concurrently, the MPs' perceptions regarding the representative mandate can also betray the existence of "an elaborate network of pressures, demands and obligations", ultimately suggesting current "disagreements among legislators about the proper way to perform their role"[4].

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[1] The data extracted from the first wave of survey on the Parliamentary population developed within the Department of Political Science, UB The questionnaires were applied in recorded face-to-face interviews with the Members of the Chamber of Deputies during the month of April 2010. The response rate was of 49% (161 out of 331 MPs). The party distribution was similar to the overall political configuration of the Parliament at that time. Respondents: PNL 29, PDL 64, UDMR 7, PSD-PC 50, Minorities 5, Independents 6. 61.5% of the respondents were at their first mandate, while the party seniority was in average of 13 years. Differently from the Jena University survey, the MPs were instructed to establish a hierarchy between the different facets of representation, nevertheless they were allowed, in the case they were unwilling to differentiate between two roles, to choose the same ranking order for more than one item.

[2] According to Habermas, the *free mandate* conception was historically introduced rather as a sign of MPs' independence protecting thus the parliamentary elites from political and economic pressures. As Habermas states: "In this phase the free mandate meant, from a sociological point of view, not so much the independence of the representative as such; de facto, the delegate obviously was in far closer contact with his constituency than has been the case ever since. Instead, it was a guarantee of the parity in standing among *all* private people within the public engaged in rational-critical debate. To make sure that the Parliament itself would remain part of this public and that the freedom of discussion would be safeguarded…". According to Habermas, the role of free mandate was to prevent the status of representative from becoming underprivileged because of delegation. See Jürgen HABERMAS, *The Structural Transformation of the Public Sphere. An Inquiry into a Category of Bourgeois Society*, The MIT Press, Cambridge, Massachusetts, 1991, p. 204.

[3] In 2008 a new electoral code was introduced. The MPs are elected according to a PR electoral system in single member districts. For further details see Cristian PREDA, "The Romanian Political System after the Parliamentary Elections of November 30, 2008", *Studia Politica. Romanian Political Science Review*, vol. IX, no. 1, 2009, pp. 9-35.

[4] Hanna PITKIN, *The Concept of Representation*, cit., p. 219.

The abovementioned survey could be considered as illustrative for the manner in which the MPs understand (or not) the nature of their mandates (conceived as dynamic replies to structural and situational constraints[1]). In what follows, our analysis of political representation refers thus less to the legal provisions (the formalistic dimension of political representation) or the citizens' trust in their representatives (the *symbolic dimension* of representation) as it aims at deconstructing the ways in which the Romanian MPs internalize their own status[2] in the National Assembly, at the constituency level, within their own parties, or when they meet with citizens[3]. Starting from the assumption that "learning what 'representation' means and learning how to represent are intimately connected"[4], this article investigates the meanings assigned to *political representation* as they result from parliamentary practices. Contrary to the propensity of canonical studies towards the identification and classification of the MPs' roles[5], study will embrace rather a limited scope, trying to depict some of the various rationales behind the ambiguous notion of representation in the Romanian case. The paper will proceed to a first preliminary analysis of the main perceptions and justifications put forward by these elected elites[6], contrasting them with institutional and official reports on the practice of political representation on the parliamentary arena. Three main dimensions are going to be mobilized: (a) the relationship between the MPs and their constituency and its current controversies, (b) the winding interdependence between MPs and their own parties and, finally, (c) the MPs struggles on the national arena (the activity deployed by these elected representatives).

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[1] Michael EDINGER, Lars VOGEL, "Role Perceptions, Party Cohesion…cit.", pp. 375-399.

[2] Donald SEARING, "The Role of the Good Constituency Member and the Practice of Representation in Great Britain", *Journal of Politics*, vol. 47, Mai 1985, pp. 348-381; Olivier COSTA, Eric KERROUCHE, *Qui sont les députés français?*...cit., pp. 23-25.

[3] Rudy B. ANDEWEG, "Role Specialisation or Role Switching? Dutch MPs between Electorate and Executive", *Journal of Legislative Studies*, vol. 3, 1997, pp. 110-127.

[4] Hanna PITKIN, *The Concept of Representation*, cit., p. 1.

[5] See for example: Philip NORTON, David M. WOOD, *Back from Westminster: British Members of Parliament and Their Constituents*, The University Press of Kentucky, Lexington, KY, 1993; Rudy B. ANDEWEG, "Fractiocracy? Limits to the Ascendancy of the Parliamentary Party Group in the Netherlands", in K. HEIDAR, R. KOOLE (eds.), *Parliamentary Party Groups in European Democracies*, Routledge, London, 2000, pp. 89-105; Ludger HELMS, "Parliamentary Party Groups and Their Parties: A Comparative Assessment", *The Journal of Legislative Studies*, vol. 6, no. 2, 2000, pp. 104-120.

[6] The current article is a preliminary investigation of different meanings of assigned to political representation. In what follows the article is based on 30 preliminary in-depth semi-structured recorded interviews with MPs from all the political families, conducted by the author of this article. The MPs replies' cited in this article are only meant as mere illustrations for different representational mechanisms, without assuming the exhaustively of the presented facets of the parliamentary work. The interviews are kept anonymous. Given the fact that the article does not focus on party distinctions, the party affiliation of the MPs is not presented in the text.

The Local Dimensions of Representation:
The MPs and their (Imagined) Constituencies

"Constituency workers by definition", the Romanian MPs are fervent supporters of the territorial component of representation. Unlike other cases in the CEE region[1], these elected representatives do not perceive themselves as speakers for the whole country. Evidently, the electoral system and institutional determinants have an important role to play in shaping parliamentary representations. As Dogan noted[2], in the electoral systems with single member constituencies, most of the elected candidates tend to become local agents, sort of "errand boys" willingly communicating at national level the voters' claims. While empirical researches are contradictory in this regard (some of them highlighting the absence of substantive differences in parliamentary activity between list members and those elected on personal voting[3]), it is a well-accepted thesis that modern parliaments have preserved almost intact their territorial representative powers[4].

The electoral reforms in 2008 introducing single-member districts and the months of public debates on the adoption of this bill constitute plausible explanations for the MPs expressed preferences. Nevertheless, it remains unclear *what does the constituency representation entail in the Romanian case?* In this respect, Romanian legislation cannot provide a clarifying framework for analysis. Fuzzy measures regarding the Parliaments' organization and functioning and few clarifications can be identified in what concerns the MPs activity at constituency level. The circumscription dimension is only fugitively reminded in the Chamber of Deputies' Standing orders. For instance, article 84 concerning the conduct of the Chamber sittings mentions the parliamentary activity at constituency level (during the two main sessions) as one of many other parliamentary obligations (art. 84, p. 5) (along with committee, group and plenary session activities). Paradoxically, it appears that the territorial dimension becomes more salient outside sessions, when the MPs are confined to work either within their parliamentary group or in the constituency offices (art. 84, p. 7). Furthermore, art. 37 in the Law on the MPs' Statute briefly mentions: "In their constituency activity, the MPs have rights and fulfill obligations related to their legal parliamentary mandate, suitably adapted to the nature and specific forms of this activity in the territory"[5]. No other provisions were drafted regarding the codification of these local level activities or the institutionalization of the relationship between MPs and their constituents.

In this context, the theoretical dilemma concerning the nature of representation based on a territorial component deepens even further: "The legislator represents neither by a simple response to constituency desires not by detached, Olympian

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[1] Michael EDINGER, Lars VOGEL, "Role Perceptions, Party Cohesion…cit.", p. 378.

[2] Mattei DOGAN, "Parliamentarians as Errand-Boys…cit.", p. 431.

[3] Jonathan BRADBURY, James MITCHELL, "The Constituency Work of Members of the Scottish Parliament and National Assembly for Wales: Approaches, Relationships and Rules", *Regional & Federal Studies*, vol. 17, no. 1, 2007, pp. 117-145/p. 130.

[4] Mattei DOGAN, "Parliamentarians as Errand-Boys…cit.", p. 459.

[5] For further details See IPP, "Parlamentul în afara Parlamentului. Activitatea parlamentarilor în București și în circumscripții", the Institute for Public Politics, March 2007, available at pasos.org/wp-content/archive/raportIPPromanian.pdf (last accessed at 1st of December 2012).

judgment on the merits of a proposal"[1]. Instead, as scholars often emphasized, the MPs' tendency is to act within an intricate network of interdependences. Despite these interconnections, the local dimension seems to acquire outmost importance. In the Romanian case, long before the electoral reforms were implemented, political parties adjusted their recruitment procedures in order to promote local credentials as one of the main criteria for selection[2]. For example, 41.4% MPs had local administrative experience within 2004-2008, while recently their proportion reached 49% (2008-2012)[3]. The transformation in the general MPs profile was also followed by a qualitative shift in the characteristics of the selected political actors. Contemporary parties do select candidates that reside within the constituency in which they run for a parliamentary seat (their percentage increased from 63% in 2000 up to 83% in 2008[4]), taming in this way the initial propensity of the parties to recruit *by cooption* or the electoral parachuting of outsiders at the local level[5]. These reconfigurations in the Romanian MPs' portraits depended initially on the party development process. Parties often adopted various mechanisms in the promotion of the territorial dimension rewarding in this manner the local branches' electoral activity[6]. Nevertheless, these leaders' political profiles can also account for the type of political representation the MPs *think* they provide while in office[7]. As a result, the MPs disposing of local political credentials often justify their choices for constituency representation based on the mechanisms of selection:

> "Of course you can be a MP and never visit your constituency. However most of the MPs are deeply connected with their electoral constituencies. The worst party strategy was to parachute their own boys from the center instead of allowing local branches to nominate their own candidates. It's counterproductive. First these newcomers on the local scene do not know the people. Secondly, they are unaware of the local issues. Consequently, they do tend to run away from their constituency and hide under the umbrella of Parliamentary activity at central level. Nevertheless, most of the MPs are from those parts of the country and they are directly involved in solving local issues. The public perception is misleading in this regard".

The lack of extensive codification, the MPs' opinions regarding the nature of their mandates and their biographical links with the territorial level are nevertheless insufficient factors in explaining the meaning that can be ascribed to a constituency worker. In contemporary democracies, the importance granted to local issues, the creation of local dependencies[8], along with the increased pressures put on the MPs

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[1] Hanna PITKIN, *The Concept of Representation*, cit., p. 220.

[2] Laurențiu ȘTEFAN, *Patterns…*cit.

[3] IDEM, "Political Careers of Romanian MPs: Paths to and From Parliament", paper conference Twenty Years After. Parliamentary Democracy and Parliamentary Representation in Post-Communist Europe, Altes Schloss Dornburg, 7-8th of May 2010, p. 10.

[4] *Ibidem.*

[5] *Ibidem.*

[6] Alexandra IONAȘCU, "Les partis politiques roumains. L'histoire d'un développement inattendu", *Studia Politica. Romanian Political Science Review*, vol. VIII, no. 3, 2008, pp. 589-623.

[7] Margit TAVITS, "Effect of Local Ties on Electoral Success and Parliamentary behavior The Case of Estonia", *Party Politics*, vol. 16, no. 2, 2010, pp. 21-235/p. 215.

[8] Mattei DOGAN, "Parliamentarians as Errand-Boys…cit.", pp. 430-463.

in order to represent the local financial and social interests, have been thoroughly debated[1]. Similarly, on the Romanian political scene, most of the MPs rapidly adapted to the unwritten rules of territorial activity, emphasizing the impact of constituency work in gathering information and direct feedback from their voters. Notwithstanding, the comprehensive descriptions of their local engagements are often (paradoxically) associated with the tendency to overemphasize the futility of such endeavors:

> "90 % of the problems addressed to us are not directly linked to the parliamentary activity: there are legal issues, questions concerning the retrocession of private properties…. Other claims vary from 'I want some money and a pair of panties' (it really happened) to the real daily life difficulties. They do not know how to sue somebody, how to write down a petition, they do not know where to go, which institution is concerned by their problems. Most of these demands lay within local authorities' competencies…Either the mayor or the County Council president do not solve their problems. Most of the times, we write the petitions ourselves, we teach them the basic mechanisms of institutional functioning…. If I cannot solve their problems using official channels, I adopt a strategy on the verge of political lobbying or influence peddling. I write letters myself and address them to mayors or local representatives. I simply say: 'Dear Mr. Mayor, I know that you registered an official petition no…. As a Member of the Romanian Parliament and elected representative I do ask you to consider that… in accordance with the law'…etc. In rare occasions, we also provide legal assistance".

That local parliamentary offices (in the cases in which they actually exist) are overburdened with citizens' personal requests does not constitute a novelty[2]. An IPP study conducted in several districts highlighted the existence of this phenomenon by the end of 2007. For example, in Iași, in three months, the parliamentary offices announced that they had received 806 requests, out of which in 763 of the cases they had managed to provide an answer[3]. Direct meetings with the constituents are a frequent method chosen to communicate, suggesting the coexistence of traditional and modern types of interactivity that not only describe the electoral campaign period, but also the daily parliamentary activities[4]. In spite of a likely tendency to overestimate the number of citizens' claims expressed through various means (letters, demands for being directly received by the MP, phone-calls, emails etc.), it is not the multitude of these endeavors that constitute the main source of perplexity for the MPs and their assistants. Conversely, other reasons are often quoted in order to illustrate the confined nature of the constituency representation: the political configuration of the political scene, the MPs' prerogative limitations in solving the voters' problems or the political culture of the constituents.

In what concerns the first dimension, Romanian MPs put an emphasis on the benefits of having strong political ties at the constituency level. The party affiliation becomes one of the main assets in collaborating with the local authorities. Although the

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[1] Jonathan BRADBURY, James MITCHELL, "The Constituency Work of Members…cit.", p. 120.

[2] Mattei DOGAN, "Parliamentarians as Errand-Boys…cit.", p. 438.

[3] IPP, "Parlamentul în afara Parlamentului….cit.", p. 29.

[4] Pippa NORRIS, *A Virtuous Circle: Political Communications in Post-Industrial Societies*, Cambridge University Press, New York, 2000, pp. 312-313.

MPs usually claim to serve primarily their districts, when describing the constituency work, they do overemphasize the importance of political coherence (similar political affiliations for mayors and the MPs). From this perspective, the opinions of two opposing MPs support the same thesis: the effectiveness of territorial representation is above all a function of party coherence:

>"Citizens' expectations greatly differ from those of the parliamentary games. There are few opportunities to initiate bills targeting the territorial dimension, even though people expect you to do this. They require your presence at the constituency level.... But in order to genuinely represent my district I should have the means to do so. For example, I've been waiting for a ministry response for more than 3 months…and nothing happened".
>
>"As members of the governmental party, our activity at constituency level is less demanding… Politics often defies the social realm. Many of the problems that should be solved are in the hands of government and thus the constituency' political color is of a great importance".

Political deadlocks often emerge due to lack of cooperation at the elite level and to party clashes. If the MPs meet in average four times per month with local authorities[1], this frequency remains highly dependent on the political affiliation of the elected officials[2]. However, for some officials the political impasse is often unraveled through personal links and the maximization of experience in local politics. Responses such as "I do have over 30 years experience in public administration and I've met with lots of persons during all this time" function as an alternative route meant to elude political disputes. Consequently, the Romanian MPs do seem to follow an established pattern, according to which an "active engagement in local politics indicates that the candidate is knowledgeable about local issues and problems", and he is "willing and able to tackle them"[3]. In the absence of such direct experiences, local alliances and the instrumentalisation of trust come often into play, especially during the electoral campaigns. Opinion leaders from religious associations, landlord associations, ethnic minority representatives are often quoted as sources for political support. They tend to mediate between political actors and local constituents, rejuvenating the Lazerfeldian two-step flow of communication model. Conversely, profound knowledge about the local level' social and political configurations also implies the disincentive to engage in a traditional constituency work, in some cases even the temporary withdrawal from any direct grassroots engagements:

>"Then I receive the electors at my office… I do not organize these classical audiences in the traditional way, as they are dust in the wind. I do not think that meeting every Friday with 70 persons standing in line in order to see me for a five minute conversation might actually work out. Indeed, those that have persistent problems that cannot be solved by my assistants are scheduled for audiences on a monthly basis. I know as such that I have to meet with six persons and that I can really discuss with them. In rural areas, it rarely happens that these meetings are truly effective…Last week I met with different persons that really insisted to

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[1] IPP, "Parlamentul în afara Parlamentului…cit.", p. 32.
[2] *Ibidem,* p. 34.
[3] Margit TAVITS, "Effect of Local Ties…cit.", p. 217.

see me, there were no cases in which my presence was actually necessary. They just wanted to restate their problem, to thank me, etc.…".

Aside from the above-mentioned objective constraints or other (more subjective) impediments in the constituency work, there is however little reflection on the substance of political representation. Who are those to be represented? For it has been emphasized that in order to refer to constituency representation as a "credible device for aggregating knowledge", the MPs would have to be aware of/share the agenda of their constituents, and this can only happen in the presence of rather homogenous constituency interests[1]. Instead, the Romanian MPs tend to cut the Gordian knot by simply focusing on the parliamentary work framed as a *bureaucratic activity*. The mandate of the MPs evolved into the role of *major public services supplier* within the region, assuming the burden of representation sometimes thought of a political strategy focused on the next electoral contests and strategic communication. As another MP declared, reinforcing the previous description:

> "The constituency links are fundamental: However, half of this parliamentary activity is highly useful, half of it only necessary for public image. For instance, there are the town meetings. Many of the issues raised by the people, around 90% of them, have nothing to do with the parliamentary work. Beyond the MPs' personal authority and the little pressure they can put on an institution or another, they have no jurisdiction. However, this helps in establishing connections with the constituents: they see you, they know you. In the meanwhile, you could have documented yourself, drafted bills, written down amendments, but people do expect you to go and meet them and therefore you go…. I do take on the problems that I can really solve. It depends a lot on the nature of the issue…It is a kind of a public service, civil service. Surely, when they come to my office, usually things do progress under my signature. It's a about paving the way for them. It helps a lot, but it takes a lot time".

As such, the subtle tension implied by constituency representation and the unsolved problems of asymmetry[2] are less present in the parliamentary replies. The Romanian MPs tend to automatically internalize the constituency work as an ordinary (but profitable) obligation without even asking themselves to what extent their projected incumbency is actually related to their local performance. If the MP represents first and foremost his or her constituency, the meaning that can be associated with this activity remains rather obscured. In this regard, some of the MPs also underline the two-way information flow. The MPs' constituency level role rests upon their ability to become national political agents, informing local authorities and the electorate

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[1] Russel HARDIN, "An Exact Epitome of the People", in Richard BAUMAN, Tsvi KAHANA (eds.), *The Least Examined Branch, The Role of Legislatures in the Constitutional State*, Cambridge University Press, 2006, p. 39.

[2] The unsolved problem with asymmetry in the overall comprehension of political accountability regards the fact that the electorate is rather uninformed about the political decisions and the MPs behavior. Practically, the retrospective voting activities are rare in contemporary democracies. For further details see Jane S. SCHACTER, "Political Accountability, Proxy Accountability and the Democratic Legitimacy of Legislatures", in Richard BAUMAN, Tsvi KAHANA (eds.), *The Least Examined Branch*…cit., p. 47.

about the decisions undertaken on the national arena. Partially abandoning their statute of "middlemen service providers in the communication between state agencies and citizens", the MPs emerge as providers of knowledge, controlling distorted or hidden information about the governmental functioning. Within this framework, the MPs shifted towards "more impersonal channels of mass-media" maximizing their communicative contacts and somehow diluting the territorial dimension of their activities[1]. The monthly or weekly press conferences and the press releases complete thus the parliamentary activity often associated with the territorial dimension.

> "At the constituency level, I hold press conferences and I do have public appearances in local talk-shows as I try to become an information loudspeaker for my electorate."

The MPs preferences for mediated channels of communication came as no surprise. The expansion of parliamentary forms of *publicity* (following deep structural transformations within the public sphere) transforms the very nature of political representation, diminishing its substance and scope[2]. The quest for public exposure, resulting also from the adjustment of political communication to the new technologies implies "the scientific engineering and targeting of messages that subordinate the ideals of deliberation and transparency to the achievement of narrow political goals" and impacts not only the political realm but also the interest articulation and voting behavior of the constituents[3]. As such, in present day societies "politicians generally attain power because of their media talents, not because they resemble their constituents socially or they are close to them"[4]. Although this tendency has been interpreted as one of the causes for the widening gap between politics and society, most of Romanian MPs underline the importance of this form of linkage with their electorate. The 2007 IPP study revealed the MPs' propensity in creating strong and good relations with the press (also reflected by the content of the written articles published in the newspapers). From the impressive amount of 4.000 articles covering the MPs activities in national newspapers, only 15% of these occurrences were framed in a negative manner. The wide majority of these articles adopted a rather a neutral tone. As such, Manin's *opinion democracy* seems emerge in the Romanian case, at least in what concerns political leaders' role perception.

The emphasis placed on the personal nature of the representative relationship conducted at the local level can signal the political leader's autonomy from his party and the return of some features of the parliamentarianism[5]. Nevertheless, when

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[1] Andrea RÖMMELE, "Political Parties, Party Communication and new Information and Communication Technologies", *Party Politics*, vol. 9, 2003, pp. 7-9.

[2] Jürgen HABERMAS, *The Structural Transformation*…cit., pp. 205-206.

[3] W. Lance BENNETT, Jarol B. MANHEIM, "The Big Spin: Strategic Communication and the Transformation of Pluralist Democracy", in W. Lance BENNETT, Robert M. ENTMAN (eds.), *Mediated Politics. Communication in the Future Democracy*, Cambridge University Press, 2001, p. 282.

[4] Bernard MANIN, *The Principles of Representative Government*, Cambridge University Press, 1997, p. 193.

[5] Parliamentary defined as the non-party mediated relationship between leader and follower. For further details see Bernard MANIN, *The Principles of Representative Government*, cit., p. 219.

questioned about the relationship with mainstream media channels, the opinions of the MPs are divided. Preoccupied by their public images and less attentive to the programmatic proposals, the MPs are at the same time confined in their activities by the television broadcasting[1] constraints. Trust becomes once again a central element in shaping the representative government[2]. Within this context, the territorial boundaries of the constituency become blurred and the relationship with citizens passes through the media contacts (and their power in shaping symbolic forms of representation). In this regard, several critical remarks emerged pinpointing the fact that television networks are to be blamed for the citizens' lack of confidence in the parliamentary activities.

> "The parliamentary activity does not consist in being confined to one chair. For instance, the Romanian television just recorded me while I was speaking over my mobile phone. I bet this evening I'll be on TV."
> Or: "Unfortunately, the public image of the MPs is misleading. Many of the MPs exposed by the media are persons that really have done something good in Parliament."

These critiques are centered on television journalism. Indeed our monitoring of the news channels during 2009-2011 period[3] shows the increased participation of MPs as main spokesmen of party messages. From the total of 385 political guests, most of them were MPs (183, 47,5% of the sum total). Every evening, the MPs are becoming the party faces, more than any other category of professional politicians (11,2% were members of the executive branch, 14,3% local representatives etc). In fact, this tendency appears to reinforce the personal dimension of representation[4]. Some of these leaders become almost permanent guests of different talk shows. If most of the MPs (113 persons) were present on the main television channels under 20 times (61,7%), almost 20 MPs were participating in over 80 different televised debates. The prevalence of MPs presence in party communication cannot be questioned. Nevertheless, it is reasonable to underline the introduction of a criterion for distinction and parliamentary polarization between the "media leaders" on one side and "anonymous back-benchers"[5]. The shifting accountability of national leaders towards survey analysis and public reactions to the televised debates[6], questions as such the substance of political representation at least in what concerns the meaning of constituency work and local predominance in defining political mandates.

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[1] Erik NEVEU, "De quelques incidences des medias sur les systèmes démocratiques", *Réseaux*, vol. 18, no.100, 2000, p. 127.

[2] Bernard MANIN, *The Principles of Representative Government*, cit., p. 221.

[3] The political talk-shows taken into consideration were broadcasted on Antena 3, Antena 2, Realitatea TV, B1 TV, TVR 1, Prima TV on prime-time (March 2009-February 2001). The political distribution of party representatives in these talk shows was PDL=1.680, PNL=1.880, PSD=2.110, UDMR=337, PC=346, Minorities=21, PRM&PNG=188, UNPR=91.

[4] This tendency is reinforced by the MEPs public exposure (5,5% of guests). For the analyzed period, 64% of the Romanian MEP intervened in the internal political debates.

[5] Erik NEVEU, "De quelques incidences des medias…cit.", p. 114.

[6] *Ibidem*, p. 126.

MPs in the Service of Political Parties:
Political Representation as a Form of Unreliability

The MPs' allegiance to the territorial dimension is highly visible in their replies. Constituency workers, the deputies tend to overemphasize the importance of their involvement in local politics, transforming the parliamentary mission in a sort of bureaucratic type of representation of citizens' needs and wants. Nevertheless, for the Romanian MPs, the party variable recurrently remerges when it comes to the effective mechanisms of parliamentary activity. Despite the fact that the party representation ranks lower on their priorities, being the most divisive category in the parliamentary survey, it appears that the power of the party organization in explaining parliamentary work is still a cardinal dimension in their comprehension of the MPs' mandate. At a first glance, the pivotal role of the parties is framed as a good-provider for various resources, such as political networks, financial distribution of incentives, and sometimes of local connections (through alliances forged with opinion leaders). Yet, beyond these basic and marginal functions, Romanian parties still preserve an important place in the overall comprehension of the MPs' representative functions.

Unlike the case of other democracies, where the individuality of a candidate determines constituents' choices[1], in the Romanian case, numerous studies have highlighted the importance of voting according to the party lines, despite electoral reforms. Evidently, the salience of the party dimension greatly differs from the ideal-typical model of a programmatic party democracy. The under-institutionalization of the Romanian party system and a *sui generis* type of party development[2] imply a rather unsubstantiated homology between the citizens' electoral choices and the party traditional roles in channeling political representation. As such, if in established democracies parties firstly became the "crucial intermediaries in the game of representation, making it possible to establish strong linkages between mass public and its representatives"[3], on the Romanian political scene it appears that the nature of the party-voter linkage is shaped rather by party labels (due to the weak party implantation within society, shallow ideology, numerous party splits and mergers). Within this framework, the MPs' statements do admit the party prevalent position. Nevertheless, the party reign is particularly important when referred to the candidate selection process. As in other democracies, the procedural functions of political parties remained untouched by their endemic decline or lack of articulation[4].

The candidate selection process for different offices is one of the main party prerogatives that automatically tame the MPs ambitions for party *unreliable*

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[1] Bernard MANIN, *The Principles of Representative Government*, cit., p. 219.

[2] For the analysis of the main party characteristics in the Romanian case see: Tom GALLAGHER, "The Emergence of New Party Systems and Transitions to Democracy: Romania and Portugal Compared", in G. PRIDHAM, P. LEWIS, (eds.), *Stabilising Fragile Democracies: Comparing New Party Systems in Southern and Eastern Europe*, Routledge, New York, 1996, pp. 206-229; Cristian PREDA, *Partide și alegeri în România post-comunistă: 1989-2004*, Ed. Nemira, București, 2005.

[3] Maurizio COTTA, Luca VERZICHELLI, *Democratic Representation in Europe…*cit., p. 419.

[4] Peter MAIR, Stefano BARTOLINI, "Challenges to Contemporary Political Parties", in Larry DIAMOND, Richard GUNTHER (eds), *Political Parties and Democracy*, Johns Hopkins University Press, Baltimore, 2001, pp. 327-343.

behavior (such as dissent-shrinking or political sabotage)[1]. Hence, whether the party organization chooses to decentralize the selection process, given autonomy to the local branches or conversely to centralize the candidates recruitment impact greatly on the degree of these elites' party loyalty. By the same token, the inclusiveness of the selection procedures allowing the pervasiveness of party strata or the selection of outsiders can directly alter the level of party unity and the control that the party leadership can exercise on its representatives in public offices[2]. Although the myriad of candidate selection procedures greatly varies in relation with the electoral system and institutional contexts as well as with different party traditions[3], the party as recruitment agency undoubtedly still preserves its oversight function over its representatives and their behavior[4]. Particularly in the Romanian case, the lower levels of incumbency (and thus parliamentary professionalization), doubled by increasing levels of party seniority, suggests that the party trajectory or the party support became one of the fundamental criteria for promotion in the parliamentary game (almost two thirds of the MPs exhibits a long party experience prior to their election in office)[5]. Similarly, these patterns of selection can also suggest the organizational capacity of parties to retaliate in cases of indiscipline. The MPs are thus indirectly coerced to become party spokespersons and less individual and autonomous actors, personal representatives of the constituents' demands.

However, the "partization" of parliamentary trajectories is a necessary but insufficient condition in assessing the parliamentary reliability of these representatives[6]. This *prima facie* assessment of the relationship between party organizations and MPs, based solely on recruitment procedures, appears to be invalidated by the Romanian MPs behavior. A brief overview on the MPs trajectories in Parliament suggest that the *ex ante* screening mechanisms[7] meant to produce party loyalists are falling flat

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[1] Wolfgang C. MÜLLER, "Political Parties in Parliamentary Democracies: Making Delegation and Accountability Work", *European Journal of Political Research*, vol. 37, no. 3, May 2000, pp. 321-322.

[2] Gideon RAHAT, "Candidate Selection: The Choice Before the Choice", *Journal of Democracy*, vol. 18, no. 1, January 2007, pp. 157-170/p. 166; Michael GALLAGHER, "Introduction", in Michael GALLAGHER, Michael MARSH (eds.), *The Secret Garden: Candidate Selection in Comparative Perspective*, Sage, London 1988, pp. 1-2; Reuven Y HAZAN, Gideon RAHAT, "Candidate Selection Methods and Consequences", in Richard KATZ, William CROTTY (eds.), *Handbook of Party Politics*, Sage, London, 2006, pp. 110; Angelo PANEBIANCO, *Political Parties: Organization and Power*, Cambridge University Press, 1988, pp. 27, 36, 39, 43.

[3] See Reuven Y HAZAN, Gerrit VOERMAN, "Electoral Systems and Candidate Selection", *Acta Politica*, vol. 41, no. 2. 2006, pp. 146-162; Paul PENNINGS, Reuven Y HAZAN, "Democratizing Candidate Selection: Causes and Consequences", *Party Politics*, vol. 7, no. 3, May 2001, pp. 267-275.

[4] Wolfgang C. MÜLLER, "Political Parties in Parliamentary Democracies...cit.", pp. 309-333/ pp 327-328. See also Richard KATZ, "The Problem of Candidate Selection and Models of Party Democracy", *Party Politics*, vol. 7, no. 3, 2001, pp. 277-296/p. 277.

[5] Cristina CHIVA, "The Institutionalization of Post-Communist Parliaments: Hungary and Romania in a Comparative Perspective", *Parliamentary Affairs*, vol. 60, no. 2, 2007, pp. 187-211/ pp. 201-202.

[6] Rudy B. ANDEWEG, "Ministers As Double Agents? The Delegation Process between Cabinet and Ministers", *European Journal of Political Research*, no. 37, 2000, pp. 377-395.

[7] Kaare STROM, "Parliamentary Government and Legislative Organization", in Herbert DORING (ed.), *Parliaments and Majority Rule*, Cambridge University Press, Cambridge, 1995,

on the party faces. During recent times, the parliamentary switching attainted impressive rates[1]. For example during the 2008-2012 legislature, from 471 MPs, 94 of them migrated at least one time from one parliamentary group to another[2]. Without following a precise pattern, parliamentary migration touched almost 20% of the MPs. These defections can be read as a result of the electoral system change and the non-mediated relationship established with the constituency. Concomitantly, these results are highly contradictory to the process by which parties recently favored the selection of candidates directly linked with the territorial grounds. The idea that "MPs elected from districts where they were born or reside are less likely to break party unity than other MPs"[3] is rather unsupported by the Romanian realities in which the parliamentary majorities have been recomposed at massive rates during the last legislature.

The parliamentary party switching is not a Romanian idiosyncrasy. "Political tourism" has also been encountered in Brazil, touching 39% in 1991-1994 and 36% in 1998-2001, in Italy where this phenomenon stroke 33,7% of the MPs (1992-1004) and 31,1% in (1996-2000), not to mention the Ukrainian case, where similar processes reached in the 1998-2002 period 56% of the parliamentarians[4]. Likewise, visible fluidity of these party representatives was also encountered in the CEE new democracies (particularly in Poland) where the MP candidates' defections shifted from structural forms of migration (resulting from party organizational changes) towards increasing levels of voluntary, individual party switching[5]. For instance, in the Polish case in 1997, 14% of the candidates previously ran under the label of a different party, while in 1996 Czech elections their percentage touched 10,6%[6]. Party switching often raises normative and theoretical implications[7] with respect to the nature of political representation. Even though parliamentary migration is not exceptional in modern democracies, the Romanian case exhibits impressive records, often resulting from MPs strategic behavior, seeking re-election. To be fair, these unreliable practices remain for the most part unsanctioned by the general public: 40% of the MPs that switched their party affiliation prior to the elections in 2012 and ran again were able to win a new parliamentary seat[8]. Additionally, these parliamentary defections are only "burglar

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pp. 51-81/p. 76. See also Kaare STRØM, "Parliamentary Democracy and Delegation", in Kaare STRØM, Wolfgang C. MÜLLER, Torbjörn BERGMAN (eds.), *Delegation and Accountability in Parliamentary Democracies*, Oxford University Press, Oxford, 2003, pp. 55-109.

[1] For the Romanian political scene the percentages quoted at the level of the literature are 17% party switching in 1996-2000 and 10% in 2000-2004. See William B. HELLER, Carol MERSHON, *Legislative Party Switching, Parties and Party Systems*, Palgrave Macmillan, New York, 2009, p. 12.

[2] IPP, "Sinteza activității parlamentarilor în mandatul 2008 - 2012", Bucharest, September 2012, *Seria de Rapoarte de monitorizare a activității parlamentare*, available at www.ipp.ro/protfiles.php?IDfile=162 (last accessed at 3rd of January 2013)

[3] Margit TAVITS, "Effect of Local Ties…cit.", p. 229.

[4] William B. HELLER, Carol MERSHON, *Legislative Party Switching*…cit., p. 4.

[5] Goldie SHABAD, Kazimierz M. SLOMCZYNSKI, "Inter-party Mobility among Parliamentary Candidates in Post-Communist East Central Europe", *Party Politics*, vol. 10, no. 2, 2004, p. 170.

[6] *Ibidem*, p. 155.

[7] William B. HELLER, Carol MERSHON, *Legislative Party Switching*…cit., p. 4.

[8] See IPP, Press release, "Consecințele actualului sistem electoral: 117 parlamentari în plus, mai puțini parlamentari noi, un Parlament mai îmbătrânit, scădere evidentă a numărului de

alarms" for party organizations and their internal functioning and not a sign *per se* of the MP's autonomy in relations with party politics' representation.

The party organization abandonment is only one (extreme) form of disloyal/autonomous behavior. From an historical perspective, the party dimension of representation not only implies the leaders' loyalty expressed through the preservation of the same party label, but also targets the transformation of the MPs into genuine *party servants* and their complete submission to the party decisions. As Cotta and Verzichelli noted:

> "At the same time, they [political parties] have progressively 'captured' the elected representatives transforming them from relatively independent players into the instruments of their political play. Because of the control acquired by parties on parliamentary recruitment, and the establishment of a strong party discipline in the representative assemblies, parliamentarians have, in some sense, become 'party servants' and they have been recruited by parties according to their needs"[1].

The unchallenged party leaders' control, the party constraints on the MPs opinions (following the electoral programs guidelines) describe the *party model of representation*. The party's ruling restricts the freedom of action of these elected representatives[2] imposing a strict discipline. The ideal of *party – vector-of- political representation* transformed thus the MP in a delegate receiving "an imperative mandate by his party" while the Parliament [implicitly the parliamentary representation] becomes "a place where instruction bound appointees meet to put their predetermined decisions on record"[3]. Against all odds, the Romanian MPs do not clamor against party discipline. A previous survey conducted on the Romanian Parliament, in 2003, at a time when undisciplined acts were still stemmed by party control, showed that only 8% of the MPs considered that more freedom of action should be granted to the MPs, while 14% of them considered that the same level of party discipline should be conserved. On the other hand, the wide majority of the MPs were enthusiastic supporters for additional party discipline[4]. The compulsory nature of party discipline finds multiple ways of expression: supporting party claims in public discourses or backing party initiatives and leaders. However, voting behavior in Parliament remains one of the main avenues for identifying the MP's alignments to the organizational directives. From this perspective, the MPs discourses and their behavior in Parliament seem to converge. During the last legislative term (2008-2012) the MPs (rather surprisingly) voted according to the party lines[5]; both the members of the governmental coalition

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juristi", available on the IPP website (accessed at http://www.ipp.ro/pagini/consecin355ele-actualului-sistem-elec.php).

[1] Maurizio COTTA, Luca VERZICHELLI, *Democratic Representation in Europe*…cit., p. 419.

[2] Bernard MANIN, *The Principles of Representative Government*, cit., pp. 194-195.

[3] Jürgen HABERMAS, *The Structural Transformation*…cit., p. 205.

[4] Laurentiu ȘTEFAN, Sergiu GHERGHINA, Mihail CHIRU, "We All Agree that We Disagree Too Much: Attitudes of Romanian MPs towards Party Discipline", *East European Politics*, vol. 28, no. 2, 2012, pp.180-192/p. 186.

[5] PDL exhibited loyalty towards the political group of 97,4% (std. 5,19), the UDMR as an ethnic party preserved its tradition of voting according to their party lines mean 96,71% (std. 2,04). Likewise, the ethnic minority groups preserved their homogeneity in voting with

and those of the opposition exhibit an average of over 90% party loyalty in voting different bills. Furthermore, the MPs declared themselves *party servants* recalling their role as elected representatives within a party democracy. As one of the MPs stated:

> ˝Voting discipline represents a fundamental rule that should be obeyed. Once you've taken on some programmatic issues during the electoral contest then you're bound to obey and stand by them. Surely, besides these commitments there are personal points of view meant to promote and defend the constituency's interests, but this can only happen within the limits of the previous electoral engagements, no matter the party status: as a part of governmental majority or in opposition".

Despite the continuous political tourism, the Romanian MPs follow party lines. Similar with other cases[1], they appear to be highly disciplined. The rare forms of disloyalty are justified (as in the case of party switching) by party derailments[2]. Having in mind their incumbency objective, the MPs explain their desertions as forms of direct accountability. Their unreliable conduct should be seen as an enhancement of the particular will of the constituents[3] that voted a political program[4].

> ˝A political party disposes of a party program that is more substantiated than the expectations of a group of citizens that sometimes contradicts it. The party program is a coherent set of solutions that responds to a social need nationally defined. However, a certain balance between the party program and the citizens' needs should be struck. There were situations in which I did not vote in the way in which the party demanded: firstly, because I felt connected with the citizens that voted for me (I've already won two mandates as mayor and two as a MP and I am highly aware of the importance of maintaining credible records in front of the citizens) and secondly, when the party requested me to vote against the governmental program (because this also happened) or against a question socially sensitive. But such conducts lays you open to party sanctions."
> ˝The party discipline can be counterproductive, since it reduces the quality of parliamentary activity. The governmental will prevails over the MP's options

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an average of 96,12 (std. 3,06). On the opposite side of the political spectrum both major parliamentary groups preserved a high degree of discipline, although their internal cohesion varies more than in the previous cases. As such the social democrats succeeded in preserving their MPs allegiance 93,10% (std.11,19%), and to lower rates so did the liberals (PNL mean 91,57% (std.12,61%). From this perspective, even the UNPR group (formed in Parliament as a result from party switches of the MPs) displays rather high loyalty rates, even though these are accompanied by important discrepancies within group (average 88,18%, sdt. 15,06). Data compiled using the IPP monitoring on the MP's individual behavior for the 2004-2008 period. The MPs records available at http://www.alesiivoteaza.ro/2008/parlamentari/deputati (last accessed at 10th of January 2013)

[1] For example, the analysis of parliamentary behavior developed on the German case showed that ˝four out of ten strong supporters of party discipline have dissented from their faction in an important vote at least once during their parliamentary career". Michael EDINGER, Lars VOGEL, ˝Role Perceptions, Party Cohesion…cit.", p. 382.

[2] William B. HELLER, Carol MERSHON, *Legislative Party Switching*…cit., pp. 4-5.

[3] Margit TAVITS, ˝Effect of Local Ties…cit.", p. 218.

[4] Bernard MANIN, *The Principles of Representative Government*, cit., p. 196.

even though the MPs are following the claims of the initial government program. Usually, the interest groups are highly altering the quality of different bills, while the influence of the MPs is less important in representing the citizen's claims."

The intricate relationship between loyalty/disloyalty towards a party reveals a puzzling image. Although the MPs avoid exposing themselves to public criticism and they openly admit their strategy to forsake the parties in some occasions, they seem at the same time to embrace rather a *party-mandate* rationale for their behavior. Exposing themselves to political sanctions, often ending in the *exit* option and political migration, they simultaneously display high records of loyalty.

The party prevalence on the parliamentary arena is however misleading. The above-mentioned political records express rather the outspoken MPs' devoted or defective positions. If party discipline refers first and foremost to the ability of parties to act and influence the parliamentary decisions both in plenary sessions and within committees, then another indicator of unreliability should be added: the MPs' attendance rates. During recent years, public scrutiny increasingly shifted towards the MPs willingness to participate in parliamentary activities[1]. Once again, the MPs are backing their parliamentary party groups, declaring themselves strong supporters of more party discipline (even those who openly declared disregard for parliamentary rules and voted on the behalf of their colleagues):

> "I would undertake severe actions against those that do not participate in the debates. I voted once for one of my colleagues, but that was it. But the procedures allow such behavior; you can borrow the voting cards. The attendance list is usually filled out by three or four MPs, although parliamentary regulations specify that there can be financial sanctions for the absentees".

Despite these "public" declarations of their allegiance towards the parliamentary work, the overall attendance rates for the parliamentary parties unveil these organizations' incapacity to oversight and mobilize their own MPs. The MPs tend to back up their parties in voting procedures in more than 90% of the cases. However, their disagreement is often expressed through absenteeism. The contrast between high rates of loyalty and attendance levels discloses the seeds of an actual free mandate type of behavior[2]. The alarming situation in the Senate, where more than one third of the MPs skipped decisive voting sessions, is thus signaling a different form of parliamentary refutation of the *in the service of party*'s referential. Several statements in this regard emphasize, in a contradictory manner, the MPs' need for more autonomy within highly centralized political parties.

> "The attendance oversight is an abnormal type of behavior. To spy on your own MPs, to see whether they are or not present in the plenary sessions… How to vote on the main political issues is decided within the Party's Permanent Bureau,

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[1] IPP, "Sinteza activității parlamentarilor în mandatul 2008-2012", cit.

[2] The average attendance level for the Chamber of deputies: PDL 76%, UDMR 77%, PSD 64%, PNL 67%, UNPR 71%, and even lower in the Senate: PDL 65%, UDMR 57%, PSD 61%, PNL 56%, UNPR 58%. Source: IPP, "Sinteza activității parlamentarilor în mandatul 2008-2012", cit., p. 48.

following the party program. By the same token, the vote is also discussed within the parliamentary group. This does not exclude individual opinions. I am one of the persons that voted differently on several occasions. However it is a political vote which differs from the electoral vote."

"The MP slowly but steadily learns that he is unfortunately not responsible in front of his public or its constituency, but rather depends on the party president. It does not matter if you have good or bad solutions; all it counts is to have a central party endorsement. The MPs tend to vote mechanically, following a party order."

"My main complaint as a member of a governmental party starts from the fact that the MPs' opinions are overlooked by the parliamentary group leaders and by the national party leadership. The national party leaders insufficiently consult with us and their interest levels regarding citizens' demands are rather low."

The Romanian MPs describe rather contradictory perceptions regarding their roles as party representatives. The *democratic-party mandate* is present, but highly criticized by the MPs that denounce the existence of the unique prerogative of the party leadership to decide[1]. Consequently, on the one hand, the MPs remain highly dependent on their party selection. Their behavior towards their own party organization remains highly loyal when referring to the voting records. On the other hand, alternatives routes of bypassing the monitoring procedures amplify party switching. Evidently, in some of the cases, the low rates of attendance are also resulting from a party strategy, since on several occasions the national party leaders decided to postpone the debates by way of ensuring a lack of quorum. Nevertheless, the MPs' mobilization levels remain a solid indicator for the party politics failure in Parliament. Consequently, the MPs unreliability towards their organizations suggests in recent times the inadequacy of the party *ex ante* control mechanisms, and this in spite of the fact that the Romanian MPs do admit that they remain highly dependent on their *selectorates*. Parties partially succeed to pounder the MPs actions particularly through the partization[2] of political careers and the confinement of well-needed political networks of support. Empowered political leaders, that understand political representation as a form of personal strategic action (hence their political defections), the MPs are however fully aware of the web of political interdependences, in which they are caught and seek *sui generis* escape routes in order to draw personalized autonomy boundaries. Hence, political representation becomes *a defective* sort of *party representation*, implying a continuous struggle between parties and their delegates on the national arena.

On the National Arena: The Fight for Political Recognition

The MPs' opinions regarding the constituency and party representation are contradictory in nature. The MPs tend to consider themselves as constituency representatives, a sort of bureaucrats that lobby on the behalf of their voters. Their activity seems to be confined by their party affiliation and intra-organizational power

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[1] Bernard MANIN, *The Principles of Representative Government*, cit., p. 214.
[2] Maurizio COTTA, Luca VERZICHELLI, *Democratic Representation in Europe*…cit., p. 424.

games. Therefore, the MPs' activity within the National Assembly should thus reflect not only the way in which they understand the burden of political representation as being "in the service of the people", but also the manner in which the dynamic process of representation is circumscribed within the national arena. The political discretion[1] exhibited by the Romanian MPs' actions is granted by the evolutions within society and the configuration of a rather weak party system. The homologous formulas of *opinion democracy* create the premises for maximizing the MPs' partial independence not only from their parties, but also in relations to their constituents as "electoral promises take the form of relatively hazy images"[2]. *Ad contrario*, the macro level trends regarding the presidentialization of political regimes and the predominance of the executive actions[3] (also present in the Romanian case[4]) seem to foster the creation of "ghostly" parliamentary activities. Nevertheless, in what follows, it is less the process of delegation and its configuration that interests us[5], as we are rather concerned with the definition of political representation through the glances of the MPs' activities at national level.

Unlike constituency work, central-level parliamentary activity is a highly regulated domain. According to article 61 in the Romanian Constitution, lawmaking is a cornerstone parliamentary function, the Parliament being "the sole legislative authority of the country". Despite the creation of explicit mechanisms meant to define the Parliaments' role and structure in the legislative process, it is the legislating function of this institution that was seriously put to the test during the recent years. Let us consider first the case of the legislative initiative. Although according to the 1991 Constitution the initiative lies with the Government, the Parliament or the public, it remains *de facto* a governmental monopoly. A simple review of the laws adopted by the Parliament reveals the overwhelming share of bills initiated by the executive. Between 1989 and 2011, from 5.486 laws, 4.825 originated with the executive (87.95%)[6]. Albeit this percentage slightly decreases during the last legislature (2008-2012) to 74%[7], the considerable governmental capture of the Parliament's political agenda remains a resilient reality of Romanian post-communism. However, the executive-legislative imbalance in drafting legislation is not necessarily an outcome of the anemic parliamentary activity. For example, until 2008, the Romanian deputies

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[1] Anna GRZYMALA-BUSSE, "The Discreet Charm of Formal Institutions Post communist Party Competition and State Oversight", *Comparative Political Studies*, vol. 39, no. 10, December 2006, pp. 1-30/pp. 3-5.

[2] Bernard MANIN, *The Principles of Representative Government*, cit., p. 228.

[3] Thomas POGUNTKE, Paul WEBB, "The Presidentialisation of Politics in Democratic Societies: A Framework", in IDEM (eds.), *The Presidentialisation of Politics*, Oxford University Press, Oxford, 2005, p. 5.

[4] Bodgan IANCU, "Constitutionalism in Perpetual Transition: The Case of Romania", in IDEM (ed.), *The Law/Politics Distinction in Contemporary Public Law Adjudication*, Eleven International Publishing, Utrecht, 2009, p. 194.

[5] For the analysis of the process of delegation in the Romanian case and the comprehensive presentation of the quantifiable parliamentary activity and the institutional arrangements see Alexandra IONAȘCU, *Les élites politiques et la prise de decision gouvernementale. Considérations sur le cas roumain*, ULB, 2008, unpublished thesis; first chapter "On the Governmental Power". The current section of the article only refers to some aspects of the delegation process and presents illustrative examples in order to provide the general frame for the MPs responses.

[6] Cristian PREDA, *Românii fericiți*…cit., p. 305.

[7] IPP, "Sinteza activității parlamentarilor în mandatul 2008-2012", cit.

initiated 2.486 legislative proposals. However only 549 (22.08%) of these initiatives concluded all the stages of the legislative process and became laws. Likewise, the 2008-2012 legislature follows similar pathways. Even though the MPs table (on average) twelve proposals per week (representing 67% of the total number of the initiatives registered in Parliament), their proposals are either indefinitely pending or are directly rejected (97% out of rejected projects were drafted by the MPs)[1]. Openly admitting their marginal roles in the legislative process, the MPs formulate multiple justifications for the government's overbearing actions.

Firstly, the government predominance is interpreted as an overall *malfunction of the Parliament* (from an organizational and administrative point of view). The high number of proposals rejected by the Assembly is dependent on the way in which the MPs' activity is defined in the Standing orders of the two Chambers. The lack of a well-trained parliamentary administration and the civil servants' direct subordination to the Committee's presidents and vice-presidents or to the party group leaders deprive the MPs of the well needed political and legal expertise required when drafting new legislation. For instance, one of the MPs declared to us:

> "I have to be honest and admit that parliamentary initiatives are rare. At the same time, the technical apparatus provided by commissions is insufficiently trained and there are lots of situations in which they have been hiring friends and acquaintances rather than experts in their domains… Additionally, the MPs in the committees are absentees in the debates. There are three, four, five committees that are doing their jobs, while the rest of the MPs are voting according to the party lines. Ideally, the committees should allocate more time to debating different bills, amending, and correlating them with existing legislation. It happed several times that one article contradicted another law. This is also the responsibility of the civil servants; they have to manage such situations".

In fact, the argument of the unbalanced level of expertise (the information asymmetry) between the Government and the MPs is a recurrent justification in explaining the governmental predominance[2] (that undergoes a process of "normalization"). To this end, the MPs are mobilizing arguments from bureaucratic/technocratic approaches mixed with elements from the party-representation paradigm, automatically downplaying their roles as primary legislators. The government's ascendency in initiating bills is often explained in the following manner:

> "It's absolutely normal. In all the countries, the government has the main prerogatives in initiating bills because it disposes of knowledge and experts needed to draft different pieces of legislation. It is the role of Parliament to provide a forum for debate, as the democratic deliberative body, to express the will of the people…"
> "It is my understanding that it is quite normal that the share of parliamentary bills (that became laws) to be inferior to the ones initiated by the government. This happens for three main reasons… Firstly, it is the main role of the parliamentary majority to support through votes the government

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[1] *Ibidem*

[2] David EPSTEIN, Sharyn O'HALLORAN, "Asymmetric Information, Delegation; and the Structure of Policy Making", *Journal of Theoretical Politics*, vol. 11, no. 1, 1999, pp. 37-56.

program (adopted by the Parliament). Secondly, between a MP or a group of MPs who are initiating a bill and the government, there is an imbalance clearly favoring the government. Its technical body has a superior capacity to assess the technical, financial and opportunity facets of an initiative. By comparison, an MP has at his disposal incomparably lower resources of expertise. The third issue concerns the reform process that Romanian society went through during the recent years. The main promoter of these processes was the Government. Surely, policy reforms are bound to the parliamentary majority support offered to the government in office".

Consequently, Romanian MPs seem to favor the governmental expertise in initiating bills, following a technocratic ideal reinterpreted, in this situation, in parliamentary keys. The MPs' representative role no longer corresponds to a *communication belt* between constituency and the national arena (formalizing and translating the society problems into various legislative proposals). Contrariwise, the Parliament becomes the playground for political debates and party discipline. Within this framework, *to legislate* and thus to be *in the service of the people* becomes an issue related with the ability of the MPs to adjust the already made legislative arrangements and to correct 'off the rails' governmental proposals. The third meaning assigned to the political expressions of representation finds its way in the analysis of the lawmaking function. The MPs become *guardians* of the citizens' demands. To legislate is first and foremost to substantially screen the governmental proposals and to refine them, exercising a veto player role[1].

> "Let's not forget that the government is the expression of a parliamentary majority and the Parliament does not adopt the bills in their initial form. All the legislative proposals are amended. Romania makes no exception to this general rule. There are of course some parliamentary initiatives that are rejected, but this is another story."

Nevertheless, not all the MPs are at peace with governmental predominance and the reduced scope of parliamentary representation. The crisis of parliamentarianism, particularly in what concerns governmental disloyal practices, is often recalled by the MPs. The governmental hijacking of the parliamentary bills or the practices of sidelining MP proposals are vehemently denounced by some representatives. The government often ignores the source of a bill or an amendment. It does not matter whether a parliamentarian is a member of the majority or the opposition. The executive usually issues negative opinions regarding the proposals, burying in effect all chances for a legislative proposal to become law. Following the government's opinion, the committee majority will reject the bill, and based on that, in the plenary session, the MPs will vote against the initiative. According to these representatives, the paradoxical *veto player role played by the executive* [within the parliamentary committees] is completed by other slipslops. Surprisingly, after only few months, the government appropriates the overruled bills. In this manner, the high ratio of rejected parliamentary proposals

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[1] Herbert DORING, "Time as a Scarce Resource: Government Control of the Agenda", in IDEM (ed.), *Parliaments and Majority Rule in Western Europe*, St Martin's Press, New York, pp. 223-246/pp. 234, 236.

is only partially due to the MPs' inability to draft solid pieces of legislation. Their willingness to substantially stand for their constituents remains intact and reflected by their "kidnapped" activity. Some of the MPs proposals are simply copy-pasted by the governmental representatives in order to win issue-ownership on particular domains, but the intention of the legislator is indirectly promoted into the legislation:

> "It happens that the government takes over some initiatives, even formulates negative opinions concerning certain bills. In some cases they are arguing they intend to create a broader legislative framework on a precise issue. ...It's often the case of the governmental desire to clutch the initiative prerogative".
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> "It's a dishonest governmental practice often conducted by some junior ministers or high civil servants. ...There were situations in which MPs from the opposition side had very good initiatives. It follows the logics of the political competition that the government takes on a bill that at a later stage will become an electoral credential. However, the MPs from the parliamentary majority are oftentimes complaining that the government refuses in an unsubstantiated manner their own bills, only to promote them after a while as governmental emergency ordinances".

The major impact of the executive power in shaping the parliamentary agenda is not confined to such legislative initiatives. A similar interest was also raised by the emergency ordinances. Designed by the 1991 Constitution as decisions that the government undertakes in "exceptional cases" with an immediate effect, these governmental acts still preserve a special status. The revised form of the 2003 Constitution introduced more details regarding ratification deadlines and the normative domain within which emergency ordinances are allowed. However, similarly to the Italian case, these constitutional delegation practices "granted the executive the benefit of spontaneous and autonomous law-making by substitution under a (of necessity often false) plea of necessity", while "the legislative and the judiciary were placed *ex ante* in a perpetual default position of inferiority"[1]. Consequently, Romanian post-communism is characterized by the misusage of this procedure, ranging from a rather marginal production of emergency ordinances to their ever-increasing presence on the public scene[2]. Despite a visible decline in the general number of these acts in recent times (during Emil Boc's cabinet there were issued 378 [2008-2012] emergency ordinances), the government continued to challenge in this manner all the mechanisms presupposed by a genuine process of deliberation, impeding the articulation of representational mechanisms. Fully aware of this limitation, the MPs concede that:

> "The power to legislate is very fragile. A government that leads based on emergency ordinances captures much of the legislative function. The tragedy

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[1] Bogdan IANCU, *Legislative Delegation*...cit., p. 253.

[2] Until 1996 the emergency ordinances were exceptional documents (eg during office Nicolae Văcăroiu (1992-1996) 16 emergency ordinances were issued). Already in 1999 their number increased reaching 296 per year (Mugur Isărescu's government (1999-2000). In 2000-2004 the government formulated 692 such ordinances while in 2005-2008 the cabinet issued 726 new regulations through the same mechanism. See Cristian PREDA, Sorina SOARE, *Regimul, partidele și sistemul politic din România,* Nemira, București, 2008, p. 39.

in Romania is that the emergency ordinances produce effects as soon as the government issues them. Basically, in 90% of cases, once the Government has issued them, the work of Parliament is a pure formality. There is a psychological blockage. They already produce effects. It would be foolish to start changing them. As a result, the Parliament is relegated to a purely decorative role".

The MPs denounce the impossibility to exercise their mandates even in an ex post perspective. The multiplication of the emergency ordinances, often amending other similar regulatory acts, within a very short time-span, is limiting the Parliament's legislative capacity. Nevertheless, these opinions are rather contradicted by empirical analyses. Aside from the decline in manufacturing legislation through this procedure, the significant growth in the number of emergency ordinances should be read *cum grano salis*. As Irina Ionescu notes, "the Parliament exercises its veto power against half of emergency ordinances sent by the Government"[1], sanctioning in this way the unidirectional manner of norm production. At the same time, if the importance of these regulations has often been cited given their direct impact in terms of public policies and their immediate implementation in national legislation, ordinances remain, in absolute terms, less present than bills initiated by the Government and play rather marginal functions when compared to the rates set by governmental decisions[2]. Within this framework, the prime justifications of the MPs regarding their ability to take action on the behalf of citizens relate to the fact that the adopted bills are usually reflecting the governmental program. The emergency ordinances' salience "naturally" declines and they are often portrayed as an in-house production of the Romanian Parliament.

Finally, the third category of rationales unveiled different MPs views on representation through the perspective of parliamentary activity. The parliamentary lawmaking function refers to the ability *to regulate* and not necessarily to the MPs' capacity to promote new pieces of legislation. For these actors, the core value of parliamentary authority would aim mainly to the amendment of bills initiated by the executive. From this perspective, the MPs would preserve a certain form of parliamentary oversight on governmental activity, reinforced by their ability to revise governmental bills. Within this frame, parliamentary committees are described as melting pots for the views and opinions of MPs. There are numerous divergent opinions criticizing the work overload centered on the parliamentary committees, according to which, MPs often fail in fulfilling their mission as "screening devices for governmental legislation". They do so either by compliance to the governmental wishes, or simply due to lack of time. Some committees are highly predisposed to blockage such as Finance, Public Administration or Legal Committee. To realize the amount of workload required from the Legal Committee it suffices to mention that during the 2004-2008 mandate, the members of the Committee met in 134 sessions, they had to discuss 362 bills, 221 reports, 676 reviews and 311 memos. Consequently, in a session of up to five hours (according to the official schedule of the House) members

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[1] Irina IONESCU, *Le rôle du parlement dans la création des politiques publiques*, Institutul European, Iași, 2011, p. 272.

[2] The governmental production of different regulations is quite impressive. During the 1990-2007, the Romanian governments drafted 1.874 emergency ordinances, 22.814 governmental decisions and no less than 4.969 bills that were adopted by the Parliament. For further details see Alexandra IONAȘCU, *Les élites politiques*…cit., p. 11.

of this committee had to negotiate on average three bills, two reports, formulate five opinions, and discuss two memos, while debating 13 amendments. Similar numbers can be cited for recent periods. For instance, the same committee (in 2008-2012) had to debate 535 reports and to formulate 708 opinions[1]. It goes without saying that in this situation the time allotted for a thorough discussion on the procedures and proposals is insufficient. Parliament's decision-making capacity is thus reduced not by the lack of activity, but by an overwhelming effect of agenda overload.

> "There are some committees that are practically overloaded. It is difficult to obey to the tight deadlines imposed by the Permanent Bureau. There is therefore not enough time to reflect on some bills. At the same time, the government adopted a style by leaps and bounds. Two or three months without any bill and then 20 or 30 legislative projects are sent to committees as a bulk."

There are several observations that can be made with respect to this continuous quest for extensive regulatory frameworks. Even though there are objective reasons for the bills' proliferation (following the adoption of the *acquis communautaire* and the intensification of international obligations)[2], the agenda overcharge often hides parliamentary conflicts or a lack in the internal party coordination. In this way, the politicians of the opposition have tried several times to "drown" the parliamentary activity through numerous amendments (this is especially true for the budget laws). At the same time, the lack of internal cooperation within and among parliamentary groups and the frequent defaulters describe a space dominated by the failure in reaching political consensus. Additionally, a first glance into the parliamentary drafted initiatives discloses the MP's tendency to propose several bills on the same issue or a plurality of segmented bills concerning the amendment of one piece of legislation. Adopting competitive and non-collaborative tactics, the MPs are rather focused on delaying their own initiatives, even if they are members of the majority. This challenges the essence of parliamentary work that mutates the representation power game from a logic of "lobbying for amendments" towards a combative principle that bears on the overall parliamentary agenda.

Legislative delegation towards the executive implies the growing process of the governmental control over the parliamentary agenda (in the creation of public policies)[3]. From *agents of the constituency* versus the *agents of the party*, the MPs become *subjects of the government*. However, before drawing a conclusion about the existence of defective processes of delegation and the absence of political accountability, the parliamentary function of oversight should also be investigated[4]. *Does the Romanian*

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[1] IPP,"Sinteza activității parlamentarilor în mandatul 2008-2012", cit.

[2] Similar processes have been depicted in other CEE countries. See Attila ÁGH, "The EU Accession and ECE Parliaments: A Hungarian Approach", *German Policy Studies/Politikfeldanalyse*, vol. 1, no. 4, 2001, pp. 419-433.

[3] George TSEBELIS, *Veto Players. How Political Institutions Work*, Russel Sage Foundation, New York, 2002, p. 14.

[4] There are two main mechanisms for containing agency losses: *ex ante* (contract design and screening &selection) and *ex post* accountability (referring to monitoring, reporting and institutional checks). In a parliamentary system the contract design refers to the vote of confidence in a new government, the recruitment process refers to the criteria of selection such as the party seniority in appointing different leaders. The ex post mechanisms are either the

Parliament foster the oversight capacity that may finally balance the yet unchallenged rein of the party in government? From a formal perspective, despite the government predominance, Romanian Parliament is defined as a rather strong institution. Article 109 of the Constitution explicitly states that "the Government is politically responsible for its entire activity only before Parliament". In this regard, there are two forms of Parliamentary oversight[1]: the strong forms of control (conducive to the demise of government following a no confidence vote) or rather "soft" formulas of oversight. The first type of oversight regards: (1) the Prime minister designation and the confidence vote for the Government and (2) the ability to dismiss the Government following a censure motion. Both of these two instruments have been put to the test during recent years. Nevertheless, they remained rather without acknowledgeable outcomes on the political scene. Minority governments were recurrently supported in Parliament. Likewise, the motion of censure has been frequently mobilized on the Romanian political scene. Six motions were introduced in 2004-2008, while 11 others were tabled in the following term. Surprisingly, for the first time in the course of Romanian post-communism, two of these powerful tools of parliamentary oversight were adopted. Nevertheless, due to the political power configurations and contextual factors it was only the last of these motions, initiated on the 18th of April 2012, that was conducive to a Cabinet overthrow. The Parliament exercised its *veto power* against the executive by expressing its lack of confidence in the governmental team (nevertheless, it is to be mentioned that this also happened in the case of a political unaffiliated Prime minister). Consequently, even though the political system disposes of formal rules of investiture[2] and less restrictive regulations leading to the fall of governments[3], from a parliamentary perspective these institutional mechanisms exhibit rather the blackmail potential of the partisan actors, without systematically determining effective political outcomes.

While the first type of parliamentary oversight is meant to sanction governmental malpractices, the soft mechanisms for screening the governmental activity, without an immediate sanction (parliamentary questions, interpellations and motions for the agenda), revolve around the idea that the Government should periodically inform the Parliament of the manner in which it performs its program (art 111, 2003). As compared to the *ex-ante* monitoring mechanisms for governmental accountably (mainly a party organization attribute) often referring to the equilibrium between members of the party coalition in government, these forms of parliamentary oversight concern the information shortcuts and agency problems encountered by both the majority and the opposition members. If the opposition parties can instrumentalize these procedures

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institutional forms of internal parliamentary oversight (such as the parliamentary questions or interpellations) or the external form of control on the executive branch. For further details see D.R. KIEWIET, M.D. MCCUBBINS, *The Logic of Delegation: Congressionnal Parties and the Appropriation Process*, Chicago University Press, Chicago, 1991, p. 27.

[1] Yves MÉNY, Yves SUREL, "Les Parlements", in IDEM, *Politique comparée: les démocraties Allemagne, États-Unis, France, Grande-Bretagne, Italie*, 7 ed., EJA, Montchrestien, Paris, 2004, pp. 235-292.

[2] I. BERGMAN, "Formation Rules and Minority Governments", *European Journal of Political Research*, vol. 23, 1993, pp. 55-66/p. 57.

[3] Given the fact that a simple vote for a motion of censure can lead to the demise of government. V. Lieven DE WINTER, "The Role of Parliament in Government Formation and Resignation", in Herbert DORING (ed.), *Parliaments*…cit., pp. 115-151/p. 135.

in order to gather[1] information that can lead to a censure motion, the members of the governmental coalition tend to employ these forms of parliamentary surveillance for the purpose of screening the activities of different ministries allotted to the other coalition partners[2]. Designed in order to accommodate both the political coalitions necessities' and the executive-legislative relations, these procedures are however directly dependent on the individual MPs' capacity to act on the parliamentary arena. Ex-post forms of monitoring the governmental actions[3], the parliamentary questions and interpellations are often cited by the MPs as substitutes for their failing lawmaking attributes. Consequently, the MPs distort the notion of substantive representation by focusing rather on parliamentary oversight:

> "The legislative function is only one parliamentary role amongst many others. There is of course the parliamentary oversight and other marginal attributes such as supervising the autonomous agencies' activities or the suspension of the President. But parliamentary oversight is a function of great importance, because it facilitates the transformation of hidden information into public knowledge".

Indeed, the changes in the MPs' lawmaking role and its replacement with different forms of parliamentary oversight are important parts in the puzzle of the political regime functioning. The essence of the delegation within the *parliamentary representation* paradigm particularly implies the creation of strong linkages of delegation and accountability evincing both procedural and substantial connotations: the MPs are accountable in front of their voters, whereas the government (although it controls the public policy agenda) is in turn accountable to viable parliamentary mechanisms of control[4]. The censure motion adoption and a close scrutiny of the parliamentary activity in this regard suggest the tendency towards strong formulas of parliamentary oversight. For instance, in 1997 there were 951 questions and 987 interpellations, while in 2005 their number increased to 951 questions and 987 interpellations[5]. The proliferation of these practices reached its apex during the last legislature. No less than 11.597 questions and 6.331interpellations[6] were formulated over the span of only four years (which means in average 3.000 questions and 1.600 interpellation per year). The exponential multiplication of questions and interpellations can express the MPs' basic needs of being informed on a wide range of policies. At the same time, due to the growing transparency of parliamentary activity, these instruments may also provide more visible profiles for the individual parliamentarians. The elected

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[1] Matti WIBERG, "Parliamentary Questioning: Control by Communication?", in *ibidem*, p. 186.

[2] Lanny W. MARTIN, "The Government Agenda in Parliamentary Democracies", *American Journal of Political Science,* vol. 48, no. 3, 2004, pp. 445-461/p. 458.

[3] Thomas SAALFELD, "Members of the Parliament and Governments in Western Europe: Agency Relations and Problems of Oversight", *European Journal of Political Research*, vol. 37, 2000, pp 353-376/p. 357.

[4] Arthur LUPIA, Mathew MCCUBBINS, "Representation or Abdication? How Citizens Use Institutions to Help Delegation Succeed ?"în *European Journal of Political Research*, vol. 37, 2000, pp. 291-307/p. 304.

[5] Cristian PREDA, *Rumânii fericiți*…cit., p. 305.

[6] IPP,"Sinteza activității parlamentarilor în mandatul 2008-2012", cit.

representatives became thus "loudspeakers" for their constituents, representing their voices, and demanding replies from the government. In this way, the agency problems that impact greatly on the governmental accountability in front of the MPs [and citizens] could be partially fettered[1]. It appears however that the MPs recently used these mechanisms rather as a method of retaliation against the government. In practice, it is quasi-impossible for the ministers to be present or to respond in a substantial manner to the MPs claims. Paradoxically, similarly to parliamentary committees, it is the governmental representatives' encumbrance that actually lessens the force of these forms of oversight. The shallowness of these procedures is perceived by the MPs:

> "The MPs have to win over the citizens' confidence. Surely the MPs do stand for the citizens, nevertheless to reach 12% level of public trust in Parliament…This is largely the result of the fact that not only the legislative function is disregarded by the MPs but the oversight function as well. Controlling the executive is an extremely weak parliamentary function in Romania. The parliamentary questions and interpellations should be the most important part of our activity, but unfortunately they are more and more formal procedures. Real debates around an interpellation are not organized. You can also infer this from the governmental representatives that show up in order to provide answers. There are situations in which the Prime minister or the ministers are present in order to respond to these inquiries, nevertheless in most of the cases they send instead a junior minister that has no clue about the topics addressed".

Exceedingly cumbersome legislative processes, the extensive usage of emergency ordinances, and the impossibility to articulate viable forms of parliamentary oversight are some of the main features of the MPs' activities. Within this frame, the very nature of political representation is difficult to grasp. The MPs abide by the traditional perceptions of the parliamentary representation, denouncing at the same time the impetuous competition characterizing the executive-legislative relations. The committee work as genuine laboratory of representation is in a gridlock, the parliamentary bills are either insufficiently articulated or they are captured by the government. Although constitutional arrangements and institutional regulations are partially to blame for the continuous recourse to governmental legislation[2], the myriad of defective parliamentary roles on the national arena raises the question of a proper meaning that can be assigned to parliamentary mandates. Far from corresponding to the ideal of *burkean trustees* in the service of the people, the MPs are confined to follow the party rules, or contrary to this, to use their personal networks in order to bargain for their immediate and factional interests. If the parliamentary delegation towards the executive does not necessarily entail the end of political representation in the parliamentary arena, the defective articulation of the executive-legislative

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[1] Stephan HAGGARD, Matthew D. MCCUBBINS, "Introduction, Political Institutions and the Determinants of Public Policy", in IDEM (eds.), *Presidents, Parliaments and Policy*, Cambridge University Press, Cambridge, 2001, pp. 1-27.

[2] Bogdan IANCU, "Antinomii constituționale. O introducere", in Gabriel ANDREESCU, Miklos BAKK, Lucian BOJIN, Valentin CONSTANTIN, *Comentarii la Constituția României*, Polirom, Iași, 2010, pp. 11-12.

relations (in the absence of accountability)[1], and the incapability of the MPs in exercising their mandates erode all representational *free mandate* residues, producing a *delegative democracy*[2]. Within this framework, the MPs do not become *servants of the people* or at least, *servants of the parties,* following the previously defined patterns of representation, but they are rather *subjects of government* (easily ostracized once they declare their autonomous statute).

The Mismatch:
What Type of political Representation?

With the symbolic facet of political representation constantly declining and within undefined institutional frameworks, the meanings of political representation are confined to a substantial definition framed by the MPs' behaviors and understandings of their mandates. Resultant of individual actors' activities deployed both locally and on national arena, the political representation process unveils a composite and contradictory nature. Embracing a party democracy model, the MPs define their mandates as instruments in the s*ervice of parties*. Nevertheless, their unreliable behaviors testify of fierce battles for more personal autonomy. Bound to obey the party directives on the national arena, they are confronted with a double choice: *exit* or *blind loyalty* (mechanical voting). The party discipline in passing bills and the parliamentary procedures restraining the MPs' ability to take the floor or to become visible political actors leave little room for a *free mandate*. The incessant flow of parliamentary defections and their numerous truancies in plenary or committee sessions are often ways to retaliate against the party organizations. However, if these strategies can produce short-term benefits in the eye of the electorate or in the media realm, the MPs have no chance in fighting both the party and the governmental command.

The weapons of parliamentary oversight became in this way useless tools in taming the actions of the *party (or coalition) in government*. Their rapid multiplication hinders the prodigious and unaccounted executive activities, but at the same time, undermines the impact of such control levers, transforming them into formal procedures, lacking in any substance. If, for the first time in the course of Romanian post-communism, these forms of parliamentary control have succeeded to overthrow the government, the event marked less the emergence of empowered MPs on the national arena, as it only reiterated the importance of party switching and thus unreliable forms of conduct in the parliamentary games. In and of itself, the downfall of the party

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[1] Kaare STRØM, Wolfgang C. MÜLLER, Torbjörn BERGMAN (eds.), *Delegation and Accountability in Parliamentary Democracies*, Oxford University Press, Oxford, p. 257; Kaare STRØM, "Democracy: Accountability and Coalition Bargaining", *European Journal of Political Research*, vol. 31, 1997, pp. 47-62/p. 48.

[2] Designating a form of democracy, other than representative democracy, "delegative democracy" includes the presence of mechanisms to ensure vertical accountability (free elections). However, the delegative democracy refers to malfunctions on the horizontal mechanisms of accountability. See Guillermo O'DONNELL, "Delegative Democracy", *Journal of Democracy*, vol. 5, no. 1, 1994, pp. 55-69/p. 59. See also Guillermo O'DONNELL, "Horizontal Accountability in New Democracies", in Andreas SCHEDLER, Larry DIAMOND, Marc F. PLATTNER (eds.), *The Self-Restraining State*, Lynne Rienner, Boulder, 1999.

democracy model does not give rise to new forms of representation (or entails the return to the parliamentary ideals). The parliamentary initiatives (regardless of their authors) are either systematically hijacked or blocked by government opinions. In some cases, the MPs' failures to legislate are also reflecting their lack of *know-how* in codifying their constituents' demands. The mixture of central party dependence along with the MPs momentary declarations of independence (inspired primarily by a free-rider electoral dilemma) describes a limited space for parliamentary action and political representation. Within this frame, the MPs' preferences for constituency representation appear like a breath of fresh air after endless power disputes. Strong supporters of their constituency roles, the MPs are however rapidly fatigued by the futility of their endeavors. In fact, their local ties can only matter within a bureaucratic interpretation of their mandates, as the MPs do not possess any leverage in attributing a deeper meaning to their actions at the grassroots level. It is not only that the MPs do not resemble to their electorates, but they are also unable to take effective actions or to serve the best interests of their constituents in a non-mediated way.

The analysis of political representation in the Romanian case is described primarily by a bulk of mismatches. The contradictory MPs' claims concerning their effective roles, the strenuous and sometimes antithetical party behavior, and the unaccountable governmental capture of the parliamentary activity are all valid reasons for the well-founded citizens' lack of trust in the parliamentary institution. Hence, it appears that Romanian MPs are neither *in the service of the people*, nor are they *party servants* or (even less) *local leaders*. They appear rather, in their own descriptions, as quiet political bystanders. Paradoxically, the only window of opportunity for the MPs' to share their viewpoints is to be found in the ethereal and controversial media space. Nevertheless, even in this well-forgotten corner of parliamentary freedom of action, new boundaries tend to emerge.