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### **Cristina Bucur:**

### **Polish and Romanian Semi-Presidentialism: a Comparative Analysis of Post-Communist Regime Change**

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## Abstract

This paper is a comparative analysis of Polish and Romanian semi-presidential institutional arrangements. Particular attention will be given to the conditions which facilitated the adoption of the semi-presidential system in the aftermath of the communist breakthrough. The constitution drafting process, as well as the characteristics of the incipient party-system, the electoral rules and the performance of political parties in the 'founding elections', make up the central variables of this initial analysis. Particular attention will be given to the timing of the first presidential and parliamentary elections, as well as to the type of consensus reached during the process of drafting a constitution. The second aim of the paper is to identify, on the one hand, the factors and political processes which have subsequently reinforced this choice and, on the other hand, to emphasise the conditions which are likely to bring about a reconsideration of other political alternatives and consequently a thorough constitutional reform. In order to achieve this, we will concentrate on the characteristics of the centre-right in both countries and their electoral and governmental performances. In this regard, the hypothesis that we put forward is that the failure to establish cohesive and stable centre-right parties, as opposed to the performance of the centre-left parties, has made it impossible to even take into consideration the option of a parliamentary system. Given the fact that the centre-right side of the political spectrum has been in permanent turmoil, Romanian and Polish voters could neither think of the parliamentary alternative to the semi-presidential system, nor could they afford to give up to the institution of a directly elected presidency. Nevertheless, the current political developments in Romania force us to re-examine the aspects under which the political options made during the 1990s could be reconsidered in the near future, since it appears that unstable party systems can hardly deal with the experience of cohabitation that semi-presidential systems sometimes make unavoidable.

## 1. A short reflection on semi-presidentialism

While a comprehensive literature review of the semi-presidential system exceeds the scope of the present paper, we will limit this short excursus to only two issues which are essential for the present analysis: the cohabitation situations and the clash between the equally democratically earned legitimacies of the president and the parliament.

According to Maurice Duverger, constitutional provisions of the countries that display semi-presidential features are less important than political practices in making possible a clear differentiation between the role that the head of state can play within the framework of institutional arrangements, ranging from a figurehead to an all-powerful president. Furthermore, Duverger took into consideration the composition of the parliamentary majority and the position of the president in relation to this majority. According to his hypothesis,

*"In the countries without a parliamentary majority, there is the greatest coincidence between the constitution and practice, the latter putting the president in an intermediary position, neither figurehead nor all-powerful. In the countries where coherent and stable majorities are normally found, there is a disparity between the constitution and practice, the latter placing the president either in a dominant position, or in the situation of a parliamentary head of state, reduced to symbolic status".<sup>1</sup>*

We will use this hypothesis while analysing comparatively the relationship between the positions and roles assumed by the Polish and Romanian presidents and the composition of Polish and Romanian parliaments during 1989–2007. However, the central problem which deserves particular attention is whether the source of such inter-executive conflicts stands in the characteristics of each presidential incumbent or rather in the fragility of centre-right coalitions which have proved highly unstable whenever they managed to come to power.

1 Maurice Duverger, "A new political system: semi-presidential government", in *Parliamentary versus Presidential Government*, ed. by Arendt Lijphart (Oxford, England: Oxford University Press, 1992), 148.

According to Juan Linz, the most important features of presidentialism is the popular election of the president, which allows him to invoke a genuine democratic legitimacy, and his fixed term in office.<sup>2</sup> Consequently, one of the perils of this political system resides in giving the president, alongside full executive powers, an aura and a set of popular expectations that a prime minister could never equal. More problems are also expected to emerge when the president and the majority in the assembly do not belong to the same political party. As a matter of fact, this is exactly the problem that Romania faced in 2007, when a conflict between the president and the parliament ended with a presidential impeachment. In response, President Bănescu repeatedly emphasised that the parliament did not have the right to suspend him in the absence of a favourable decision by the Constitutional Court since his election expressed the will of the electorate, not of the parliament. According to Linz, the paradox of presidentialism is the suspicion that such political systems exhibit a personalisation of power at the same time as they attempt to create a strong and stable executive power legitimated by a direct and universal vote in order to curb the attempts of a legislature to follow illegitimate personal interests.<sup>3</sup> In this regard, we will follow the suggestion put forward by Linz regarding the need to analyse to what extent this contradiction affects the political decision-making style, the style of leadership, the political practices, and the rhetoric of both presidents and their opponents in semi-presidential systems. This aspect requires clarification for both Poland and Romania, especially in the light of recent events in Romania, whereby the parliament take action against a president who no longer received its confidence.

## 2. 1989–1990: Critical junctures and the choice of semi-presidentialism

### 2.1. Polish Round Table Agreements and the first partially free elections

The negotiations which led to the Round Table Agreement had a decisive influence over the new Polish institutional setting and the balance of power between the President, the Sejm and the Senate. In the first place, on April 7, 1989, as a result of the Round Table Agreement the Solidarity movement received full legal status and new elections were scheduled for June 1989 with rules which allowed for 35% of the Sejm seats to be democratically elected, while 299 of the 460 Sejm seats were reserved for PZPR and its allies. Moreover, the former Council of State was replaced by a president with wide-ranging powers elected by a joint session of the Sejm and Senate for a renewable 6-year mandate. The institution of the presidency was obviously created as a means to maintain the control of PZPR over the executive power even after the completely free parliamentary elections that were scheduled for 1993.<sup>4</sup> The president's independence and superiority to the legislative stemmed from the fact that although he was elected by the legislative, the president had wide-ranging prerogatives and was no longer responsible to the parliament, as had been the case with the Council of State and as it was going to be the case with the new government.<sup>5</sup> In exchange for this powerful presidential institution, the opposition obtained the creation of a freely elected 100-seat Senate, whose vetoes and legislative amendments could be overthrown by a two-third majority in the Sejm. Nevertheless, the landslide electoral victory of Solidarity in June 1989 changed the course previously set by the Round Table Agreements. Thus, in the end, the communists and their allies remained eight seats short of a two-thirds majority in the Sejm, while the use of the "winner takes all" system for the Senate elections resulted in Solidarity's victory in 99% of the seats.<sup>6</sup> When ZSL and SD, the former communist satellite parties, decided to join Solidarity in a coalition government, PZPR could control only 37.6% of the seats in

2 Juan J. Linz, "The perils of presidentialism", in *Parliamentary versus Presidential Government*, ed. by Arend Lijphart (Oxford, England: Oxford University Press, 1992), 118.

3 Juan J. Linz, "The perils of presidentialism", in *Parliamentary versus Presidential Government*, ed. by Arend Lijphart (Oxford, England: Oxford University Press, 1992), 121.

4 Anna van der Meer Krok-Paszowska, *Shaping the democratic order. The institutionalisation of parliament in Poland* (Leuven, Apeldoorn, Garant, 2000), 17.

5 Mark Brzezinski, *The Struggle for Constitutionalism in Poland* (Basingstoke: Macmillan, 2000), 84.

6 Anna van der Meer Krok-Paszowska, *Shaping the democratic order. The institutionalisation of parliament in Poland* (Leuven, Apeldoorn, Garant, 2000), 21–22.

the Sejm. As a result it failed to gain support for a government led by General Czeslaw Kiszczak, Jaruzelski's choice for the position of prime minister. Consequently, after having been guaranteed the ministries of defence and internal affairs, in August 1989 former communists accepted a coalition government led by Solidarity leader Tadeusz Mazowiecki.

Our hypothesis regarding the 1989/1990 period is that its critical juncture was not represented by the Roundtable Agreement precisely because its consequences proved to be different than had been previously envisaged due to the unexpectedly huge victory of Solidarity. If in spite of 65% of the Sejm seats being guaranteed to the communists, Solidarity managed nevertheless to obtain a coalition government led by Mazowiecki, it means that it is no longer possible to hold them fully responsible for the final institutional arrangements, neither through the institutional legacy nor the constitutional compromise of the Roundtable Agreement. The fact that in September 1990 the Sejm passed a resolution on its early dissolution and the shortening of the presidential mandate proved that the political timetable was no longer fully dictated by the Roundtable Agreement.<sup>7</sup> Instead, the real critical juncture which dictated the course followed by Polish political institutions was the decision to hold direct presidential elections before the organisation of the first completely free parliamentary elections. This happened because although the Sejm passed the resolution on its early dissolution and the organisation of early elections, these elections had to be postponed until a new electoral law was passed in June 1991. Additionally, the failure to consolidate the centre-right made impossible the alternative of adopting a parliamentary system.

## 2.2. The process of drafting a constitution in Poland and Romania

The debates on the process of drafting a constitution followed an old Polish pattern. Just as had been the case during the 1920s and 1930s when the constitution of the Second Polish Republic was defined first as a means to curb the powers of General Piłsudski and second in order to enhance his powers, in the early 1990s, the process of drafting the new constitution was transformed into a bone of contention between Wałęsa's opponents and supporters. The latter, grouped into the Centre Alliance and the new Conservative Party pushed for the adoption of a "French-style" presidency based on the 1958 French constitution, while the former would have preferred the 1921 Polish constitution as a means to institutionalise a parliamentary system and curb Wałęsa's power ambitions.<sup>8</sup>

The 1991 Polish legislative elections, held under a PR list system with no thresholds, resulted in an extremely fragmented parliament, with 29 parties being represented in the Sejm and 13 in the Senate. As a result, given the fact that the potential for open conflicts between the president and the prime minister on the one hand and the parliament on the other hand was considerably high, it was agreed that an interim constitutional act should be passed in order to define the relations between the executive and the legislative institutions. The "Little Constitution", passed on October 17, 1992, was defined as a compromise between the presidential and parliamentary systems of government, introducing a system of "rationalised parliamentarism" into the political structure.<sup>9</sup> According to Mark Brzezinski, this concept regarded the fact that the constitutional powers of the Sejm increased or decreased depending on the strength of the legislative majority. As long as the majority was strong and stable, neither the government nor the president could impose their will upon the parliaments' decisions and the possibility of ad-hoc negative majorities which aimed to dismiss the government was reduced.

In October 1992 the National Assembly's Constitutional Commission started to work on the draft of a final constitution. Each major party chose its representatives in this Commission and in accordance with the 1992 Law six draft constitutions were submitted before the deadline of April 30, 1993. However, all these constitutional proposals were invalidated by President Wałęsa's decision to dissolve the parliament in 1993.

7 Anna van der Meer Krok-Paszowska, *Shaping the democratic order. The institutionalisation of parliament in Poland* (Leuven, Apeldoorn, Garant, 2000), 27.

8 Mark Brzezinski, *The Struggle for Constitutionalism in Poland* (Basingstoke: Macmillan, 2000), 95.

9 Mark Brzezinski, *The Struggle for Constitutionalism in Poland* (Basingstoke: Macmillan, 2000), 98–99.

Consequently, the 1992 Little Constitution remained in force until 1997 when the new Polish constitution was finally adopted by the parliament and ratified through a national referendum.

As far as Romania is concerned, its evolution during the early 1990s can equally be related to the type of communist breakthrough and the characteristics of Iliescu's first presidential mandate. The first presidential and parliamentary elections, *de jure* free and democratic, but *de facto* in the name and interest of a single communist successor party, also affected the process of drafting the new constitution. Consequently, the 1991 constitution, while not being the result of a compromise reached by all political actors, sanctioned the pre-eminence of one political party (FSN obtained 76.47% of the seats in the Senate and 66.41% in the lower chamber) and did not pay attention to potential inter-executive conflicts, between the president and the prime-minister, and to the situations of conflict which could emerge when the president was not supported by a parliamentary majority. Thus, it may appear that the solution of adopting a semi-presidential system was the only one that could have assured the democratic legitimacy and the international acknowledgement that the new regime needed: while a parliamentary system would have echoed the former communist regime which theoretically gave supreme power to a unicameral parliament, a presidential system would have cast the doubt on the willingness to assure the transition to a democratic regime. As a result, the semi-presidential regime seemed the best choice that the communist successors could make in that they could seize power and at the same time give the appearance of democratic transition.

### 3. Emergence and development of Polish and Romanian party-systems

While emphasising the problems faced by right-wing parties, it is important to reconsider two key aspects: whether it is the semi-presidential system and the proportional electoral system which failed to create the conditions needed for the re-emergence and development of strong and cohesive centre-right parties; or whether in the long run it is precisely the feeble structure of the centre-right that makes unlikely the abandonment of the semi-presidential system. It will thus be argued that while the critical junctures of the 1989–1990 period decisively influenced the adoption of a semi-presidential system, during the 1990s it was precisely the slow development of right-wing parties that continued to reinforce this choice.

#### 3.1. 1989/1990: Centre-right parties after the communist breakthrough

According to Linz and Stepan, among the Eastern European countries, Poland is the best example of pact-ed transition, in the sense that the democratic opposition had to pay a price for the compromises it reached with the communist authorities, starting the transition period with a communist constitution still in force and with the communists still holding some positions in the state apparatus.<sup>10</sup> Furthermore, the very nature of Solidarity delayed the development of the party-system and especially of the centre-right parties. Instead of focusing on the consolidation of a political society, the accent was still on the ethical civil society connected as it was with the “politics of anti-politics” and its opposition to the state. This negative stance towards politics is viewed by Linz and Stepan as the main cause of Solidarity's fragmentation and electoral defeats in 1993 and 1995. In the end, the split between Mazowiecki and Wałęsa and their direct competition for the presidential office deepened irreparably the divisions already existing within Solidarity.

As far as the design of Romanian post-communist electoral rules is concerned, it is interesting to note that after some heated debates the proportional formula was preferred, although the majoritarian system might have seemed more in line with the interests of the communist successor parties. However, as pointed out by Birch et al., this decision rather reflected the ex-communists' concern for the democratic legitimacy that they expected from the first free elections: if the democratic opposition parties had strongly contested the electoral law and if following the elections their presence in the new parliament had been extremely

10 Juan J. Linz and Alfred Stepan, *Problems of democratic transition and consolidation. Southern Europe, South America and Post-Communist Europe* (Baltimore, London: The John Hopkins University Press, 1996), 265.

limited, the FSN would have run the risk of not being perceived at the international level as having been democratically elected.<sup>11</sup>

### 3.2. 1991/1992/1993: Lost battles for the emergent centre-right

Following the brutal sacking of the Prime Minister Petre Roman in late 1991, the distance between Ion Iliescu and Petre Roman widened to such an extent that a few months before the 1992 elections the FSN broke in two wings: Roman became president of the FSN, while the wing supporting Iliescu split and formed the Democratic National Salvation Front (FDSN). The FSN fragmentation had important consequences for the modification of the electoral law that was finally adopted in July 1992.<sup>12</sup> The remaining FSN, being aware of the disadvantage of losing Iliescu's support, wanted to maintain the closed-list proportional vote. Moreover, as opposed to the FDSN that supported the postponement of the parliamentary elections in order to have more time to strengthen the party, FSN and the parties from the CDR pressed for early, non-concurrent elections that would have prevented Iliescu from campaigning for the FDSN.<sup>13</sup> In the end, all parties agreed with the organisation of concurrent elections in September 1992. The July 1992 electoral law did not modified the electoral formula of closed-party list proportional representation, but introduced a threshold of 3% for both parties and electoral alliances, as a means to limit party fragmentation in the parliament. After the redistribution of votes of the September 1992 legislative elections, FDSN obtained 35.67% of the seats in the Chamber of Deputies and 34% in the Senate, followed by CDR with 25% of the seats in the lower chamber and 23.77% in the Senate. FSN was able to win only around 10% of the seats in both chambers.<sup>14</sup> In the presidential elections, Iliescu defeated Emil Constantinescu, the CDR candidate in the second round.

According to Linz and Stepan, another fatal anti-political choice made by the Polish political elite in early 1990s was their decision not to hold both completely free parliamentary and presidential elections in early 1990.<sup>15</sup> Instead, in December 1990 Wałęsa became president before the first completely free elections for the parliament took place and felt legitimated to ask for increased powers, considering that his free popular election far outweighed the legitimacy of a partially freely elected parliament. It is particularly at this point that Linz and Stepan reinforce their concerns regarding the suitability of semi-presidentialism to the CEE countries, precisely because of the fragility and fragmentation of their political systems. Additionally, although the defenders of semi-presidentialism often refer to its stability in France, Stepan and Suleiman point out that as opposed to French semi-presidentialism, the situation was completely different in Poland because of two reasons: in the first place, Wałęsa chose to be an president above-parties, and he did not succeed in controlling the majority in the Sejm; and secondly, party fragmentation in early 1990s was so high, that there was no opportunity to form a majority coalition with less than four or five parties.<sup>16</sup> As proof in point, the 1991 Polish parliamentary election resulted in 29 parties being represented in the Sejm, while the big winners, SLD and UD, received only 12% and respectively 12.3% of the votes.

Nevertheless, in contrast to the perspective of Linz and Stepan, Arend Lijphart considers that in fact the choice of semi-presidentialism combined with electoral formula of extreme proportional representation in the 1991 Polish legislative elections perfectly fits the Rokkan Hypothesis regarding the compromise

11 Sarah Birch et. al., *Embodying democracy: electoral system design in post-Communist Europe* (Hampshire, New York: Palgrave Macmillan, 2002), 93.

12 Law no. 68/1992 for the election of the Chamber of Deputies and the Senate, Romanian Official Monitor, no. 164, 15 July 1992.

13 Sarah Birch et. al., *Embodying democracy: electoral system design in post-Communist Europe* (Hampshire, New York: Palgrave Macmillan, 2002), 97.

14 Romanian 1992 elections results at <<http://www.essex.ac.uk/elections>>.

15 Juan J. Linz and Alfred Stepan, *Problems of democratic transition and consolidation. Southern Europe, South America and Post-Communist Europe* (Baltimore, London: The John Hopkins University Press, 1996), 274.

16 Alfred Stepan and Ezra N. Suleiman, "The French Fifth Republic: A Model for Import? Reflections on Poland and Brazil," in *Arguing Comparative Politics*, ed. Alfred Stepan (Oxford, New York: Oxford University Press, 2001, pp. 276–294), 284.

that old-established parties and new challenging parties have to reach in order to protect their interests.<sup>17</sup> In the Polish case, the logic of such a trade off is most evident when one remembers presidentialism and proportional representation were actually part of the compromise reached during the Round Table Talks: on the one hand the Communist Party wanted to be sure that the president (whom everybody expected to be General Jaruzelski) would remain strong and independent, and although elected by the legislature was not going to be subject to its confidence; on the other hand, when in late 1990 Wałęsa won the presidency, the former communists insisted on the PR formula so that, after they had experienced the definite victory of Solidarity in the 1989 elections, they could be sure that they would not be completely eliminated from the Sejm.<sup>18</sup> Therefore, the ‘founding’ compromise continued to influence the process of democratisation, allowing former communists to preserve an important voice during the negotiations and to advance their proposal of PR formula that merely expressed their desire to remain within the Polish political life no matter what the costs were.

In May 1992, when Suchocka’s government received a vote of no confidence from the Sejm, Wałęsa chose to dissolve the Sejm and new legislative elections were held on September 19, 1993. As a result of the new electoral system, which favoured large parties and coalitions, no Catholic party was able to cross the threshold, nor were the KLD, the Solidarity Trade Union and the PC. From among the Solidarity-related parties, only the UP, an alliance formed by Labour Solidarity and the Social-Democratic Movement, succeeded in winning 7.3% of the seats in the Sejm. The electoral threshold of 5% had the expected consequences, since only six parties managed to cross it. The unexpected result was the fact that the victory went to SLD (20.4%) and PSL (15.5%) which after the redistribution of votes obtained 37.2% and 28.7% of the Sejm seats respectively.<sup>19</sup>

We can therefore conclude that in the second stage of free elections one can start to identify the centre-right parties’ direct influence on the evolution of the party-system and representative institutions. In Romania, a centre-right coalition was formed, proving that the opposition was aware of the fact that the ex-communists could not be defeated unless they joined forces. By contrast, the Polish centre-right parties were decisively defeated in the 1993 elections precisely because, on the one hand, they did not learn the lesson of 1991 elections, and, on the other hand, they were not able to understand the consequences that the changes brought to the electoral law were likely to have. When stabilisation measures, such as the electoral threshold, were introduced in the Polish electoral system, the political turmoil was highly reduced and the party-system started to consolidate.

### 3.3. 1996/1997 vs. 2000/2001: Rise and fall of the centre-right

Should one recall the “Dahrendorf hypothesis” regarding the course of normal politics in Central Europe, he or she would immediately notice that as far as the Romanian case is concerned, the electoral pendulum had a rather long swing in the social direction before it could take the swing in the liberal one. This might be the case because of the fact that the crystallisation of the left-right cleavage among the electors needed considerably more time than in other post-communist countries.

The competitors in the 1996 elections generally respected the 1992 patterns, with the exception that this time CDR and Emil Constantinescu, its presidential candidate, defeated PDSR and Ion Iliescu. CDR was the big winner in the parliamentary elections, as it succeeded in winning about 30% in both chambers, followed by PDSR with 22%, the USD coalition led by Petre Roman with 13% and UDMR with 7%.<sup>20</sup> Follow-

17 Arend Lijphart, “Democratization and Constitutional Choices in Czechoslovakia, Hungary and Poland, 1989–1991,” in *Developing Democracy. Comparative Research in honour of J. F. P. Blondel*, ed. Ian Budge and David McKay (London, Thousand Lakes, New Delhi: Sage Publications, 1994, pp. 202–217), 203.

18 Arend Lijphart, “Democratization and Constitutional Choices in Czechoslovakia, Hungary and Poland, 1989–1991,” in *Developing Democracy. Comparative Research in honour of J. F. P. Blondel*, ed. Ian Budge and David McKay (London, Thousand Lakes, New Delhi: Sage Publications, 1994, pp. 202–217), 207.

19 Richard Rose et al., “Elections in Central and Eastern Europe since 1990,” *Studies in Public Policy*, 300 (1998): 93.

20 Central Electoral Office 1996. <http://www.kappa.ro/guv/bec/bec96.html>

ing the elections, CDR formed a post-electoral alliance with USD and UDMR, thus creating an apparently strong governing majority.

As far as the Polish case is concerned, whenever the time of new elections came, the “electoral pendulum” swung in a different direction. As a result of Aleksander Kwaśniewski’s presidential victory in 1995, the left, which had already obtained the majority in the Sejm in the 1993 elections, was further strengthened. Nevertheless, it was precisely Wałęsa’s defeat that finally encouraged the right to start reorganising itself. In 1996, former factions of Solidarity joined a new coalition, the Solidarity Election Action (AWS) that in the 1997 legislative elections was able to win 43.7% of the Sejm’s seats. In 1997 the right, the left and the centre were clearly represented in the Polish Sejm for the first time. Subsequently, AWS formed a governmental coalition with the Freedom Union (UW), but Marian Krzaklewski, the AWS leader, declined the position of prime minister in favour of the less known Jerzy Buzek. In November 1997, Buzek became the leader of the Solidarity Electoral Action Social Movement (RS AWS), the political arm of the AWS union. However, while AWS might have appeared to be a huge opportunity to finally achieve the consolidation of a centre-right block, it also contained the seeds of its own destruction since it was not a partnership of equals. Although Krzaklewski’s initial idea was that AWS should transform itself into a unitary political party, they failed to seize the best opportunity of achieving this step before the 1997 elections.<sup>21</sup> While prior to the election the small parties’ only chance to get into the parliament was to join the AWS, following the elections they could instead threaten the AWS with not supporting the government and thus engendering the centre-right majority. While AWS still managed to obtain good results in the 1998 local elections, it was nevertheless on a downward trend which culminated with the humiliating score of 15.57% obtained by Krzaklewski in the October 2000 presidential elections. Afterwards the AWS followed the already typical disintegration pattern of the Polish centre-right. While as early as June 2000, the UW decided to split from AWS and thus leave Buzek at the head of a minority government, in January 2001 a new centre-right party was formed by leading AWS and UW members, the Civil Platform (PO). The liberal-conservative Conservative People’s Party (SKL) soon decided to leave AWS in March 2001. Furthermore, in April 2001, just a few months before the legislative elections, Lech Kaczyński, the then Minister of Justice, decided to support the newly formed Law and Justice (PiS) party led by his twin brother, Jarosław Kaczyński. As a result of the centre-right fragmentation, the centre-left represented by the SLD-UP coalition decisively won the 2001 elections with 41.04% of the votes. The PO managed to come second in the election with 12.68% of the votes while PiS won fourth place with 9.50% of the votes. Both AWSP and UW failed to secure parliamentary representation. AWS’s catastrophic defeat was accounted for by both its ideological heterogeneity, since it encompassed trade unionists, Christian democrats, collectivist Catholic nationalists and liberal-conservatives, and structural weaknesses which stemmed from its failure to strengthen the organisation by following a model of consolidation around its five roughly equal constituent elements.<sup>22</sup> The risk of disintegration was furthermore increased when the AWS leader chose to remain outside government and nominated instead a second rank AWS economic adviser. This situation resembled the same decision taken by the Romanian PNT-CD leader in 2006, when instead of becoming the prime minister of a new government, he chose to appoint a second rank leader and thus started a leadership rivalry within the party. At the same time, Krzaklewski undermined Buzek’s authority in that he still demanded that all decisions regarding both party politics and the governmental process should be taken by him personally. All in all, one can conclude that in both cases the Romanian and Polish centre-right blocks lost the 2000 and 2001 elections because of the lack of organisational self-discipline, and not least because of the poor results that their governments had achieved.

21 Aleks Szczerbiak, “Poland’s Unexpected Political Earthquake: the September 2001 Parliamentary Election”, *Journal of Communist Studies and Transition Politics*, Vol. 18, No. 3, 2002, pp. 41–76.

22 Aleks Szczerbiak, “Poland’s Unexpected Political Earthquake: the September 2001 Parliamentary Election”, *Journal of Communist Studies and Transition Politics*, Vol. 18, No. 3, 2002, 63.

### 3.4. 2004/2005: The centre-right wins but fails to consolidate

In 2005, the Polish legislative elections preceded the presidential elections by only a few weeks and were unavoidably overshadowed by them.<sup>23</sup> These elections marked a first in two different areas: on the one hand, it was the first time that two right-wing parties were the main contenders in the elections and, on the other hand, it was also the first time that the communist vs. Solidarity choice was replaced by the competition between the “social-solidaristic” alternative offered by the PiS and the “liberal” vision put forward by the PO.<sup>24</sup> The fact that the presidential campaign continued four weeks after PiS won the legislative elections prevented the two centre-right parties from creating a coalition government, as all commentators had previously taken for granted.<sup>25</sup> Moreover, since Lech Kaczyński continued the presidential race, PiS refrained from appointing Jarosław Kaczyński, his twin brother and PiS leader, as prime minister for fear that voters might reconsider choosing Lech Kaczyński as president. Instead, a minority government led by Kazimierz Marcinkiewicz was formed. Later on, the radical populist parties from the right fringe, Self-Defence and the League of Polish Families joined the governmental coalition, as did the left-wing Peasant Party. Eventually, Marcinkiewicz was replaced in July 2006 by Jarosław Kaczyński, thus proving that PiS was not willing to take the risk of not appointing its party leader to the most influential position that he could get. In this way, the Polish centre-right is currently represented in power, but also in opposition since the PO is at the moment the strongest opposition party.

Romanian political life has been subjected to tension since the late 2004 elections due to the disagreements between the president and the coalition government. The centre-right failed to win a strong majority in the parliament, so that a coalition with UDMR and PC, a former ally of PSD, was necessary. The conflict increased after the prime minister refused to resign and proceed to pre-term elections in early 2005, following the suggestion of the president who supported this strategy as a means to win a strong majority in the parliament. Subsequently, the distance between the president and his former allies widened at a swift pace. In late 2006, PC decided to leave the government, while in April 2007 the PD ministers, Basescu’s former party, were eliminated from the coalition government. A minority government of PNL and UDMR was established and received a vote of confidence from the opposition in the parliament. The Romanian political crisis reached its climax with the suspension of President Basescu on April 19, 2007 and his reconfirmation following the national referendum organised on May 19, 2007 with 75% of the votes. Since at the beginning of this paper the clash between the democratic legitimacies of the president and the parliament received a special highlight, it is useful to emphasise that during his press conference held on April 18, 2007, one day before the parliament’s vote on presidential impeachment, President Basescu declared himself responsible not to the parliament, but to the people that had elected him in December 2004. The popular support he received in the national referendum is not likely to encourage him to give up this attitude. As a result, the first “peril” of presidentialism identified by Linz is going to keep troubling the Romanian political system unless constitutional provisions clarifying the attributions of each branch of power are introduced.

## Conclusions

The aim of this paper was first to provide an account of the conditions that created the appropriate framework for the adoption of semi-presidentialist systems in Poland and Romania following the communist breakthrough. In the Polish case, it has been proved that the timing of the first fully free presidential and legislative elections influenced the relationship between the executive and legislative since a democratically elected president possessed a much higher legitimacy than the only partially free elected legislative formed after the June 1989 elections. This relationship had decisive consequences for the drafting of the provisional 1992 Little Constitution as well as for the 1997 constitution which confirmed the political option for a semi-presidential system. Furthermore, the fact that throughout the 1990s Polish centre-right

23 Aleks Szczerbiak, “Social Poland Defeats ‘Liberal Poland’?”, *SEI Working Paper*, 86(2006).

24 Aleks Szczerbiak, “Social Poland Defeats ‘Liberal Poland’?”, *SEI Working Paper*, 86(2006): 36.

25 Aleks Szczerbiak, “Social Poland Defeats ‘Liberal Poland’?”, *SEI Working Paper*, 86(2006): 36.

parties failed to consolidate and the party system lacked an equal competition between equally strong and stable right- and left-wing parties made the choice of a parliamentary system and the abolition of the institution of a directly-elected president unlikely. On the other hand, the 1991 Romanian constitution, while not being the result of a compromise reached by all political actors, sanctioned the pre-eminence of the political party that had managed to win the 1990 presidential and parliamentary elections and did not take into account the possibility of cohabitation between the president and a hostile parliament and prime minister. Just as in the Polish case, throughout the 1990s the Romanian centre-right parties failed to consolidate. While in 1996 a centre-right coalition finally won both the legislative and presidential elections, by 2000 they lost all their electoral support and PNTCD, the main actor of this coalition did not even manage to enter the parliament.

The present situation in Poland and Romania shows a very interesting situation. In both cases the right side of the political spectrum is represented by two main centre-right parties: the PiS and PO in the Polish case and the PNL and PD in the Romanian case. While in Poland the two centre right parties had a direct confrontation in the 2005 elections that were won by PiS, in Romania the two parties formed a coalition and won together the 2004 elections. While currently in Poland the most important parties in power as in opposition belong to the centre-right, this fact does not seem to affect the institutional arrangements since the president still enjoys the support of a parliamentary majority. Instead, in Romania it seems that inter-executive conflicts, typical of the semi-presidential system characterised by a dual executive, have transformed the two centre-right parties into open enemies. While in Poland the situation is stable for the time being, the present cohabitation between the Romanian president and the prime minister brings the prospect of constitutional reform closer than ever.