

**ROMANIA AND RUSSIA  
CASES OF SEMI-PRESIDENTIALISM  
THE PROBLEM OF THE PRESIDENTIALIZATION**

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**Abstract.** *The paper comparatively examines Romania's and Russia's political regimes as subtypes of the semi-presidential model, in terms of presidents' constitutional authority. It also examines the current semi-presidential systems in Romania and Russia as cases of the sub-types of semi-presidential model, since the "particular" ways in which the presidents interpret and apply the constitutional provisions and report themselves to the extra-constitutional factors, mainly to the parliamentary majority and political parties. The aim is to show, following Sartori's, Samuel's and Shugart's explanatory principles, the manner in which is configured the current presidential power in Romania and Russia by the prezidentialization of president's provenance party and by the prezidentialization and personalization of power.*

**Keywords:** *semi-presidentialism, "weak" semi-presidentialism, "strong" semi-presidentialism, prezidentialization of power.*

The assumption of this study is that the current Romania's and Russia's semi-presidential systems are intensively marked, beyond the institutional configuration of the dual executive authority or "the amount of constitutional power" conferred to the dual executive, by the type of intra-executive relationship effectively established and by the president's type of reporting to the extra-constitutional factors, mainly to the parliamentary majority and political parties.

As such, the present study aims to analyze by comparison Romania's and Russia's semi-presidential regimes as subspecies or distinct forms of the institutional model of semi-presidentialism in terms of "formal constitutional authority" of the president. From the perspective of the president's "partisan informal authority", the current semi-presidential systems of Romania and Russia are considered as cases of the two subspecies of semi-presidentialism, given the "specific", "radical" ways in which the presidents interpret and apply within

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them the constitutional provisions and in which they report themselves to the extra-constitutional factors. Consequently, in what follows is indicated by comparison the manner in which was built the current presidential power in Romania and Russia by presidentializing of president's provenance<sup>1</sup> party and by presidentializing and personalisation of power.

### *The Category of Semi-Presidentialism*

What follows should be considered only preliminaries to a possible comparative examination of the semi-presidentialism of Romania and Russia, given the complexity of the subject and the developments in recent months: in Romania – the second suspension by the Romanian Parliament of the President in his second mandate<sup>2</sup>, respective in Russia – the contestation in the media and

<sup>1</sup> The meaning in which is used here the term presidentialization is that of “empowering the presidents over parties”, of delegating by parties of a “considerable discretion to their leaders-as-executives to shape their electoral and governing strategies”, this implying the “losing of the [parties’] ability to hold these agents to accounts”. [David J. Samuels, Matthew S. Shugart, “The ‘Semi-presidential’ model and its subtypes: Party presidentialization and the selection and de-selection of prime ministers”, Congrès AFSP 2009, Section thématique 48; «Maurice Duverger aujourd’hui», September 2009, Working paper, p. 5, [www.congresafsp2009.fr/.../st48samuelsshu...](http://www.congresafsp2009.fr/.../st48samuelsshu...) This sort of *intraparty* power and this kind of delegation actually involves “the lodging” of the executive authority “in a directly elected presidency”, namely the concentration of authority in a single political agent, in discrepancy with formal constitutional provisions. Hence, it can be asserted that the presidentialization of party leads to the presidentialization of power. The conditions that facilitate the presidentialization and the hypertrophy of political influence and power of the president are: the context in which the president and the parliamentary majority come from the same side of an ideological divide and the context in which “the president is the *de facto* head of his party” (even if he is no more *de iure* his party’s leader, he is *de facto* party leader). In terms of parties, the consequence is the alteration of parties’ role, i.e. “the altering of the chain of delegation between voters and their agents in government”. In terms of executive power, in *premier-presidential* form of semi-presidentialism, this type of the hypertrophy of the president’s power implies that the prime minister is politically subordinated to the president and, in this case, the “parliamentary confidence” has no relevance. In general terms, this sort of expansion of the president’s power implies a growth of the zones which he controls, this state of affairs having serious implications for the liberal scope of the democratic governance. See in this respect Thomas Poguntke and Paul Webb, “The Presidentialization of Politics in Democratic Societies: A Framework for Analysis”, in vol *The Presidentialization of Politics. A Comparative Study of Modern Democracies*, edited by Thomas Poguntke and Paul Webb, New York, Oxford University Press, 2005, p. 1-26.

<sup>2</sup> In contradistinction to the Referendum of 19<sup>th</sup> May 2007 – when against President’s dismissal resulted 74.48% of votes (6,059,315), the turnout being of 44.45% – in the National Referendum held for the dismissal of the President of Romania from July 29, 2012 resulted 87.52% of votes in favor of dismissal (7,400,508), the turnout being of 46.24%. For rigor it is appropriate to be made some specifications: (1) The incumbent President Traian Băsescu has gathered in the elections held on December 6, 2009 50.33% of votes (5,277,068), winning with a difference of 0.67% as against its rival Mircea Geoană, for whom voted 49.66% (5,206,747) of electors, to a number of 138,476 of invalidated votes (i.e. 1.30%); (2) By the OUG (Government Emergency Ordinance) no. 103/2009 it was reintroduced as condition of dismissing the President the votes of a half plus one of the persons included in the permanent electoral lists (by canceling the Law no. 129/2007 which established as condition of dismissing the President the summing up of the simple majority of those present at ballot). This provision was amended by the OUG no. 41, adopted and published on July 5, 2012, which amended the Law of Referendum and stated that the President can be dismissed with half plus one of the valid votes by the citizens participating in the Referendum (and not half plus one of the persons registered in the electoral lists) and that the Romanian citizens located abroad will be able to vote. Although has not issued a firm notice with respect to the OUG no. 41, on July 10, 2012 the Constitutional Court ruled unanimously that the a Referendum of dismissal is valid “to the extent that ensure turnout at least half plus one of the persons registered in the permanent electoral lists” and has invalidated the Referendum on August 21. The ascertainment of *quorum* non-fulfillment and the invalidation of the Referendum was made not by reference to

through ample street movements, unprecedented for the political opposition and civil society in the Russian Federation, of the recently reelected president, incumbent in his third mandate<sup>3</sup>.

The complexity of the subject arises, in the first instance, from the difficulties recorded in the literature to impose the semi-presidentialism in a consolidated category of political science, as a function of which is to be summarized the diversity of semi-presidential systems. Secondly, the complexity of the theme derives from the fact that in the political science of the last two decades – a while in which many of the Central and South-Eastern European countries that moved to democratic regimes have opted for semi-presidential constitutional forms<sup>4</sup> –

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to the updated permanent electoral list – such a list being requested of the government by the Constitutional Court –, but by reference to the “information” on “the investigation concerned also the electoral lists” transmitted by the Prosecutor of the High Court of Cassation and Justice – an institution which, as was emphasized by the news agencies, possessed the database of the citizens with the right to vote in the Referendum in July 29 – and to the copies of some documents obtained from “the Constitutional Court, the Permanent Electoral Authority, the Department for the Persons Evidence, Central Electoral Bureau, the National Citizenship Authority and the General Department for Passports”. As a matter of fact, the Prime Minister Victor Ponta declared that the government holds no permanent electoral lists and sent to the Constitutional Court an address containing the information received from the Ministry of Internal Affairs. The present holder of the post of Minister of Internal Affairs, who had the mission of updating the permanent lists, but who delivered the number of “18 million Romanian” registered in lists, resigned and accused pressures from the suspended President and the interim one; (3) from July 23, 2012, the suspended President requested to the Romanian citizens to boycott the Referendum; (4) Constitutional Court’s judges have decided, at the request of suspended President Traian Băsescu, to advance the deadline of pronouncement on the outcome of the Referendum, originally scheduled for August 31, on the ground of “political instability” and of “impact” of this instability on the economy; (5) The suspension of the President decided by the Romanian Parliament and the outcome of the vote in Referendum was rejected by certain diplomatic representatives present in Bucharest and by certain European officials – misinformed about the existence of the constitutional provisions concerning the President’s dismissal –, the President’s suspension and dismissal being considered a “*coup d’état*”, “dictatorship of the majority”, “attack on the rule of law”. The expressing of these positions has stunned the public opinion in Romania that democratically expressed its will in Referendum; (6) The result of the population census of 2011, presented by the National Institute of Statistics on 4 July 2013 indicated that the number of people over 18 years (with voting rights) in Romania is 16,269,839 and the stable population 20,121,641 people. Under these conditions, in July 2012 the quorum were insured by the 8.134.920 votes. Since the turnout in the Referendum was of 8,459,053 voters, the *quorum* was exceeded by 324 142 votes. The latest data provided by the National Institute of Statistics revealed, as ubiquitously titrated the media, not only the incongruence with the preliminary data provided in February 2012, but also the discrepancy with the data concerning the permanent lists of the Central Electoral Bureau. Commenting the result of the census, the Prime Minister Victor Ponta stated that “unfortunately, we were more than 50% on 29 July 2012, the date on which «we gave the *coup d’états*»” and the President of the Romanian Senate, Crin Antonescu, said that the incumbent President “remains profoundly illegitimate”.

<sup>3</sup> Beyond an important support of the population, reflected in his choice by 64% of the votes for a third presidential mandate, are required to be taken into account the events that preceded and succeeded Vladimir Putin’s re-election on 4 March 2012 and that the media has labeled as a “background of disproof” of the “great political casting” or of the “tandem” Putin-Medvedev “which seems to settle for long in power”, as a “wave of unprecedented, inedited challenge from the population” – “the ample walks” of disproof, including those of Sankt Petersburg, “the white carnations demonstrations”, the networks of socialization, “the heteroclitite (political, social, civic) movements inspired especially by the anti-corruption bloggers” – which aimed primarily “the vertical” of power and the vulnerable type of “horizontal” democracy that can it circumscribe, “the treating of the opponents as enemies of the state”, “the pervasive corruption” and so on.

<sup>4</sup> As indicate Kaare Strom and Octavio Amorim Neto, the semi-presidentialism is “now the most prevalent regime type found in Europe” [Vezi Steven de Roper, “Are All Semipresidential Regimes the Same? A Comparison of Premier-Presidential Regimes”, *Comparative Politics*, Vol. 34, No. 3 (Apr., 2002), p. 254], in the recent decades it knowing a “dissemination” which converts “the semi-presidential model” in a “pan-European model” [Adriano Giovannelli, “Semipresidentialism: an emerging pan-European model”, SEI Working

prevails the analysis that combine the dimension of the “institutional *design*”, i.e. the institutional approach of the “patterns of executive and legislative authority” and of “their constitutional connection”, with the dimension of “behavioral outcomes”, i.e. the approach which focuses on the extra-constitutional factors, mainly the parliamentary majority, party system and dynamic of leadership<sup>5</sup>. The application of this second type of approach, for certain, facilitates the identification of the trends of presidentialization and its implications on the political systems in Romania and Russia. It should be mention also that the difficulty of the theme results, thirdly, from the very diverse political practice of the semi-presidentialism, a practice in which presidents who are “strong on the paper”, or by Constitution, exercise actually “little power” (the case of Austria), and presidents who have formally limited powers are “dominant political players” (the case of France)<sup>6</sup>.

Regarding the conceptual delimitation, Giovanni Sartori for instance, one of the most important political scientists in the area of political regimes and systems and of constitutional engineering, considers that a definition of the specimens of semi-presidentialism is difficult because there is no unanimity in respect of the concrete cases from which may be inferred the defining features of semi-presidentialism. On the other hand, the obvious reason of the lack of agreement with respect to the countries classifiable as semipresidential is, in Sartori, the lack of a definition of semi-presidentialism. As a result, he considers that, in constradistinction to presidentialism, whose definition starts from a “prototype” – the United States of America – and structures itself as a well-defined model in a large number of countries, in the case of semi-presidentialism we are faced with “circularity”. To Sartori, rigorously correct is the assertion that the semi-presidentialism is indisputably valid for the case of the “authentic”, “*forte*” system of the V<sup>th</sup> French Republic – the prototype (“a class with a single case”)<sup>7</sup>

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Paper No 58, [www.sussex.ac.uk/.../sei-working-paper-no](http://www.sussex.ac.uk/.../sei-working-paper-no). In certain taxonomies appear as being semi-presidential systems the most of the countries of Central and Eastern Europe, among which Bulgaria, Croatia, Lithuania, Macedonia, Poland, Romania, Russia, Slovakia, Slovenia and Ukraine, in addition to those in Western Europe – Austria, Finland, France, Iceland, Ireland and Portugal. As shows Shugart, from “fourteen countries among the post/communist states that are democracies... twelve are semi-presidential in some form”. See Matthew S. Shugart, “Semi-Presidential Systems: Dual Executive and Mixed Authority Patterns”, Draft, September, 2005, p. 15, <http://dss.ucsd.edu/~mshugart/workingpapers.html>. Giovannelli observed that, after the fall of the Berlin wall, the dissemination of the semi-presidentialism was “often preceded, in several capitals, by the dedication to Charles De Gaulle of a big square (usually the former Lenin square)...”. [Adriano Giovannelli, *loc. cit.*, p. 4].

<sup>5</sup> See in this regard Arend Lijphart, *Democracies: patterns of majoritarian and consensus government in twenty-one countries*, New Haven, Yale University Press, 1984 and Arend Lijphart (ed.), *Parliamentary versus presidential government*, Oxford, New York, Oxford University Press, 1992.

<sup>6</sup> Matthew Søberg Shugart, *loc. cit.*, p. 7.

<sup>7</sup> See Giovanni Sartori, *Ingenieria constituțională comparată. Structuri, stimulente și rezultate (Comparative Constitutional Engineering. An Inquiry into Structures, Incentives, and Outcomes)*, translation in Romanian by Gabriela Tănăsescu and Irina Mihaela Stoica, Jassy, Institutul European, 2008, p. 195: *It should be noted that the system enshrined by the Constitution of the 5<sup>th</sup> French Republic is the result of the “institutional reform” process initiated by Charles de Gaulle, which aimed a “strong presidency”. The Constitution of 1958 – drafted “for the charismatic President” Charles de Gaulle – not aimed, as testified the head of the editorial staff, Michel Debré, the establishment of an “imperial” President, but it circumscribed the “formal” “frame” for a material constitution consonant to Charles de Gaulle’s notoriety and personal prestige. Elected president of France in December 1958, through the indirect vote of the electors, and through the universal suffrage in 1965, de Gaulle said in 1961 that “the indivisible authority of the state is entirely granted to the president of the people who chooses him” and that “the last word is only of his”.*

– and that there are significant variations between the other cases of its. Therefore, in order “to draw the borders” of the semi-presidentialism the author recommends the waiving of the ambiguous formulations and following of an “intermediate line” between “over-defining” and “under-defining”.

Sartori reformulates “the common core” or the main features of semi-presidentialism – which are likely to avoid the turning of semi-presidentialism into a “residual category”<sup>8</sup> – as following: “(1) the head of state (president) is elected by popular vote – either directly or indirectly – for a fixed term of office; (2) the head of state shares the executive power with a prime minister, thus entering a dual authority structure whose three defining criteria are: (3) the president is independent from parliament, but is not entitled to govern alone or directly and therefore his will must be conveyed and processed via his government; (4) conversely, the prime minister and his cabinet are president-independent in that they are parliament-dependent: they are subject to either parliamentary confidence or no-confidence (or both), and in either case need the support of a parliamentary majority; (5) the dual authority structure of semi-presidentialism allows for different balances and also for shifting prevalence of power within the executive, under the strict condition that the “autonomy potential” of each component unit of the executive does subsist”<sup>9</sup>. Thus, the semi-presidentialism responds to a certain systemic logic of the model of power balance or of a balanced relationship between executive and legislative, a model circumscribed by an institutional variable – the dual executive or the structure of double-headed executive authority: the president and prime minister – and a contextual one – reflected in political elements, particularly in the parliamentary majority.

The direct election of the president, who shares the power with a prime minister who needs constant support in Parliament, represents, even in the absence of a canonical, unitary definition of semi-presidentialism<sup>10</sup>, one of the characteristics of semi-presidentialism as a mixed system, as an intermediate entity between pure presidential systems (with a single head of executive power, of American inspiration, dominated by the separation and the full independence of powers) and parliamentary<sup>11</sup>. As Gianfranco Pasquino points out, the semi-presidentialism, which “is not temperate presidentialism nor parliamentarism amplified”, represents “an independent form of government constructed in order to obtain some advantages

<sup>8</sup> See in this regard Giovanni Sartori, *op. cit.*, p. 176 sqq. I referred to this issue in Gabriela Tănăsescu, “Considerații asupra semiprezidențialismului din România” (Considerations on Romania’s Semi-Presidentialism), *Revista de Științe Politice și Relații Internaționale*, no. 2/2009, p. 44-55.

<sup>9</sup> *Ibidem*, p. 188. [p. 131-132 in Giovanni Sartori, *Comparative Constitutional Engineering. An Inquiry into Structures, Incentives, and Outcomes*, 2<sup>nd</sup> edition, London, Macmillan, 1997, chap. 7].

<sup>10</sup> *Ibidem*, p. 176 sqq. A “purely constitutional definition” of the semi-presidentialism is reduced by Robert Elgie at “the situation where a popularly elected fixed-term president exists alongside a prime minister and cabinet who are responsible to parliament” (as shows Elgie, this definition is very similar to the one adopted by Juan J. Linz). It “simply indicates the ways in which the head of state and head of government come to office and how they remain in office”. See Robert Elgie, “The Politics of Semi-Presidentialism”, in vol. *Semi-Presidentialism in Europe* (edited by Robert Elgie), Oxford and New York, Oxford University Press, 1999, p. 13. Elgie’s study is important not only because contains the reformulation of the concept of semi-presidentialism, but also because outlines the evolution of the concept of semi-presidentialism according to the most important criticisms of the “first conceptual elaborations” owed to Maurice Duverger.

<sup>11</sup> *Ibidem*, p. 314.

of the presidentialism and to avoid certain defects of the parliamentarism”<sup>12</sup>. In semi-presidentialism there is not “an exclusive holder of the executive power”, there is instead a triadic relationship – President, Government, and Parliament –, a relationship of responsibility, control, and support at the level of power as a whole, which contains a dyadic arrangement generated by the parliamentary support given either to the prime minister or to the president. Even more nuanced, Shugart stated that in the “hybrid” system of semi-presidentialism – that transcends the “pure types” of presidentialism and parliamentarism – more precisely in the dual executive of semi-presidentialism, the elected president is the head of state but is “devoid of political authority”, he “is not clearly the chief of executive, because the prime minister may not be strictly a subordinate of the president”<sup>13</sup>. This feature draws in political practice of semi-presidentialism, as Shugart ascertains, a widely variation in the “precise relationship of the president to the prime minister (and cabinet), and of the later to the assembly” and, therefore, “these formal institutional variations are likely to have significant consequences for the behavioral performance of different systems”<sup>14</sup>.

At the level of the institutional *design* of power, the arrangement of the two centers of power in oscillation relative to one another, the solution of “«the heads shifting», by reinforcing the authority of whoever obtains the majority” is, as Sartori shows, “a brilliant constitutional innovation<sup>15</sup>, “the most brilliant, if unintended, piece of constitutional witchcraft”<sup>16</sup>, if we consider the French model who inspired the Romanian semi-presidentialism, namely the model in which the leading is assured to the authority that “controls” the majority in parliament. It is worth to remind in this context that, in despite of the many criticisms which have been made to him, Duverger defined the parliamentary majority as pivotal for the semi-presidential regime. The criteria by which he came to organize “the classic analysis of semi-presidentialism” were “the consistency” of parliamentary majority and the president’s relation with this majority<sup>17</sup>.

### *Two Sub-Types of Semi-Presidentialism*

In comparison with the model that characterizes the French semi-presidentialism – that of an *authentic* mixed system based on a flexible dual authority, on a two-headed executive whose “first head” is changing (oscillates) as are changing the majority combinations, a system of a “strong” or “forte” presidency, of a President “situated in the center of the executive power” as a result of its legitimacy

<sup>12</sup> Gianfranco Pasquino, *Curs de știință politică*, translation by Aurora Martin, Jassy, Institutul European, 2002, p. 237.

<sup>13</sup> See Matthew Søberg Shugart, “Semi-Presidential Systems: Dual Executive and Mixed Authority Patterns”, *loc. cit.*, p. 1.

<sup>14</sup> *Ibidem.*

<sup>15</sup> Giovanni Sartori, *op. cit.*, p. 315.

<sup>16</sup> *Ibidem.*, p. 180. [p. 125 in *Comparative Constitutional Engineering, ed. cit.*]

<sup>17</sup> In Maurice Duverger, *Échec au roi*, Paris, Albin Michel, 1978. See in this regard also Cindy Skach, *Borrowing Constitutional Designs: Constitutional Law in Weimar Germany and the French Fifth Republic*, Princeton and Oxford, Princeton University Press, 2005, p. 4 sq.

derived from the popular investing and of its “personal prerogatives”: namely the right to dissolve the National Assembly or lower house of parliament (but not to dismiss the prime minister), the right to preside the Council of Ministers, to make appointments for certain important positions and functions in state and prerogatives in foreign policy and national defense domain – is required to be identified the main difference between the Russian semi-presidentialism and the Romanian one and the main *differentia specifica* of the Russian semi-presidentialism as against the French one in the *genus proximum* of the “*forte*” or “strong” semi-presidentialism.

Alike the French system, the Russian semi-presidentialism involves a President who influences the government activity by leading (presiding) its meetings and who has his own prerogatives independently exercised of the government’s consent, namely – apart from the “use of the procedures of settlement disputes and of solving controversies between the organs of state power” – the direct authority on the ministers of defense, security and foreign relations and the authority to issue decrees and binding orders throughout the Russian Federation. The Russian President appoints and dismisses the Prime Minister without the approval of the Duma, dissolves the Duma, appoints and dismisses from office the “Deputy Prime Minister” and members of government. In fact, the power to appoint and dismiss the Prime Minister and members of the government “constitutes an exceptional amount of presidential power”<sup>18</sup>, a “super-presidential power”, limited only “moderately by the Russian Constitution” and limited “marginally by the Duma’s capacity to give a vote of no-confidence to the government”<sup>19</sup>.

Compared to the French model, considered the model “*forte*” of the semi-presidentialism, the Russian model explicitly includes also the President’s prerogative to “determine the basic objectives of the internal and foreign policy of the State”<sup>20</sup>, this conferring to the Russian President a greater independence in relation to the government and the State Duma, actually to the whole Federal Assembly. In this respect, as often was remarked, the constitutional provisions were inspired in a significant extent from “the American experience”, from the system in which the president is both “the head of state and the head of government”, and from the “caesarism” of the French semi-presidential system. It should be remind that the regime established by the Constitution of the V<sup>th</sup> French Republic – drafted “for the charismatic President” Charles de Gaulle – provides a “head” – the Prime Minister, the ruler of the government’s actions, that “decides and conducts the national policy” – and, of a manner less clear and more dispersed, the presidential “head”, whose powers have “discontinuous character”, respond to certain exceptional situations and can be rarely used<sup>21</sup>. Recurrently, in the analysis undertaken in the Russian Federation, the French president ‘s prerogatives, as they result from the

<sup>18</sup> Steven de Roper, *loc. cit.*, p. 256, p. 258; Kimberly A. McQuire, “President-Prime Minister Relations, Party Systems, and Democratic Stability in Semipresidential Regimes: Comparing the French and Russian Models”, *Texas International Law Journal*, Volume 47, Issue 2, Spring 2012, p. 444.

<sup>19</sup> Kimberly A. McQuire, *loc. cit.*, p. 445.

<sup>20</sup> See *Constitution of the Russian Federation*, chap. 4, art. 80 (3), [www.constitution.ru/en/10003000-01.htm](http://www.constitution.ru/en/10003000-01.htm)

<sup>21</sup> See Giovanni Sartori, *op. cit.*, p. 176.

Constitution of the V<sup>th</sup> French Republic, are considered to be specific for a “sovereign President”, meaning a president – “sovereign leader” – consonant to a “sovereign”, “caesarist leadership regime”. For the Russian political scientists and analysts, particularly for those highly critics in respect of the appropriateness and suitability of a such kind of system in the Russian society of the last decades, from the fact that the French presidents have not implemented and exploited “the full powers” conferred by the Constitution does not follow that the Russian political elite – “the human factor” – will follow the same “precautions” in order not to “unbalance” substantially the semi-presidential system. In any case, however, the “super-presidential power” to dismiss the Prime Minister “allows to the Russian President to lead essentially as an authoritarian leader, relying on the legislative powers constitutionally conferred... [so that], without a strong party system, the democratic stability remains at the mercy of Russian President”<sup>22</sup>. It should be emphasized herein that in the condition in which the Russian Legislative has a narrow, almost minimal, control on the appointment and removal of the Prime Minister, the Russian political parties have become vulnerable and impeded and, accordingly, the “leadership class” has become independent of the parties support. These “non-partisan leaders are therefore free to create the clientelistic ‘parties of power’ that have become characteristic for the Russian system”<sup>23</sup>, a “poor” system and struggling from the perspective of democratic performances.

Due to the “personal” prerogatives, characteristic for a “super-presidential system”, the President of the Russian semi-presidential regim can be considered as having a more important executive power than that of the French regime and, of course, substantially more important than that of the Romania semi-presidentialism.

The Romanian semi-presidentialism presents a first difference of “power” and of “executive power” in the fact that the president is not defined in the Constitution as head of state, “the supreme representative body”<sup>24</sup> in state being the Parliament. The Romanian President is limited by the Constitution to “general” powers, common to the semi-presidentialism, namely in the area of the Romanian state representation, of the guarantee of national independence, unity and territorial integrity, of the observance of the Constitution and of the proper functioning of the public authorities by the “function of mediation between the state powers and between the state and society” – in order to “ensure compliance with the Constitution and the proper functioning of the public authorities” – in the sphere of military policy, security, diplomacy and foreign relations. It should be specified that, unlike the provision from the Romania’s Constitution, namely “the function of mediation between the state powers”, unspecified, procedurally un-substantiated, in the Russian Constitution appears the formulation “the ensuring of concerted interaction and coordination” of all state bodies. The tacit assumption of this formulation is that of the necessity to ensure an interdependent functioning,

<sup>22</sup> Kimberly A. McQuire, *loc. cit.*, p. 453.

<sup>23</sup> Cole J. Harvey, *The Double-Headed Eagle: Semi-Presidentialism and Democracy in France and Russia*, 2008, d-scholarship.pitt.edu/.../Harvey\_Cole\_ETD200.

<sup>24</sup> *Constituția României* din 1991 și 2003, www.constitutia.ro

beyond any conflicting or “agonistic” manifestation, but supervised by the highest authority. The wording from the Russian Constitution reflects in fact what in the political science was imposed as a type of *hierarchical disposing* of power, what Matthew Søberg Shugart called a “vertical relationship” of power in that the power of the presidential part of executive is superior to the other powers, in contradistinction to the *horizontal disposing* of power, in that is characteristic a “transactional relationship” between the “co-equals” participants in power or between the “constitutional actors” and that have independent sources of authority<sup>25</sup>.

Taking into account the type of liability of the powers relative to one another, the *vertical relationship* of power or the *hierarchical relationship* was considered representative for the subdivision named *president-parliamentary*, a form of semi-presidentialism in which the government is dually accountable to the President and equally to the Parliament (the assembly majority) – in a “symmetry” of governmental accountability to the President and Parliament<sup>26</sup> – and which is characteristic for the Russian Federation (and Ukraine), namely for the “strong” semi-presidentialism with President *partes* of the political system. The *horizontal relationship* of power, “the power of co-equals”, named *premier-presidential*<sup>27</sup>, in which the prime minister and the government are accountable only to the parliamentary majority and the president “survives separately from the Legislative”, is characteristic, constitutionally speaking, for Romania and defines the “weak” semi-presidentialism with President *super-partes* of the political system. For Sartori, this specific difference lies the Romanian semi-presidentialism in the close proximity to the normal rules of the parliamentary system, characterized by a strong head of state, but not strong enough to change the parliamentary nature of the system<sup>28</sup>, or in the frames of a semi-presidentialism not enough sustained, with a president “not very strong”, but “strong enough” to allow him to operate in a context which, “fits him”<sup>29</sup>. It is important, also, to remember that Duverger, in his

<sup>25</sup> See Matthew Søberg Shugart, *loc. cit.*, p. 4 sqq.

<sup>26</sup> See Edward Morgan-Jones, Petra Schleiter, “Government Change in a President-Parliamentary Regime: The Case of Russia 1994-2003”, *Post-Soviet Affairs*, 20 (2), 2004, p. 132-163; and Oleh Protsyk, “Troubled Semi-Presidentialism: Stability of the Constitutional System and Cabinet in Ukraine”, *Europe-Asia Studies* 55 (7), 2003, p. 1077-1095.

<sup>27</sup> See Matthew Søberg Shugart, *loc. cit.*, p. 7.

<sup>28</sup> An attenuation of Sartori’s evaluation can be done starting from Lijphart’s ascertainment that, in this respect, even “the French case is problematic”. Lijphart considers that French president’s power – until 1968 the “clear” head of government – relied more on the support of the strong parliamentary majority than on the presidential prerogatives. Subscribing to Raymond Aron’s assessment, Lijphart argues that in the early ’80s France loss of the support of majority would be determined the transformation of the semi-presidential system into a parliamentary one. Also, Lijphart takes into account Maurice Duverger’s prevision that the French V<sup>th</sup> Republic will develop a pattern of alternation of the parliamentary and presidential phases. See in this regard Arend Lijphart, *Democracies: patterns of majoritarian and consensus government in twenty-one countries*, Romanian edition *Modele ale democrației. Forme de guvernare și funcționare în treizeci și șase de țări*, translation by Cătălin Constantinescu, Jassy, Polirom, 2000, p. 123-124. Disagreeing with Duverger, Sartori considers that, in despite of the potential for conflict and discord that a divided majority has, the semi-presidentialism proposes a machinery, an engine able to avoid the conflict and able to work even with halved majorities. Giovanni Sartori, *op. cit.*, p. 178.

<sup>29</sup> Giovanni Sartori, *op. cit.*, p. 315-316.

last work (especially in *Dictionnaire constitutionnel*, published in 1992)<sup>30</sup>, put a particular emphasis on the establishing Romania (and Poland) in this sub-type of the institutional model of semi-presidentialism.

*Two Cases of the Sub-Types of the Semi-Presidential Model.  
The Problem of Presidentialization*

Romania and Russia constitute, therefore, not only distinct forms of the institutional model of semi-presidentialism, but also, in the actual political practice, *cases* of the sub-species of the semi-presidential model, given “the specific”, “radical” ways in which are interpreted and applied the constitutional provisions – and which explains the events that I have already mentioned. This casuistry, as I have shown, is determined by the constitutional relation of the structures of authority and by the way of reporting to the extra-constitutional factors, mainly to the parliamentary majority and to the political parties. As has become of notoriety, the Romanian President, yet from his first investing in function declared that he understands to be a “player-president”, by this announcing that he will be *partes* of a different logic than that transactional, part of another configuration of exercising the power than that drawn by the Constitution for the presidential power, namely that for a president non-player, *supra partes* of the political system. However, unlike the practical transposing of the French model – that inspired the Romanian President and in which the specific powers of the President are those of a “player” under the condition to ensure a flexible functioning of the dual authority of the executive, a functioning in which “the first head” is changing (oscillates) as are changing the majority combinations – in Romania, in this format of the player-President, has not been possible until now a flexible functioning of the dual executive neither under condition of comfortable parliamentary majority nor under that of cohabitation. On the contrary, this format of player-president has generated “intra-executive conflicts”, namely “political battles between the president and prime minister to control the executive sphere”, “manifested in obstructive and antagonistic behavior”<sup>31</sup>, that led to two suspensions of the Romania’s President by Parliament, in 2007 and 2012. Of course, it must be reminded in this context that the discursive *background* of the assuming of the position of player-president was one of populist type, “negatory”, expressed in “the rejection of the system” and in “the contestation of the legitimacy of the existing political order”, in “the elimination of corrupt and mediocre politicians”, especially of lawmakers, in the establishment of a direct relationship with the people and in the argumentation of the necessity of adopting a new Constitution containing “levers by which [the President] be able to provide an output” in situations of “constitutional crisis”, in particular the presidential prerogative to

<sup>30</sup> Maurice Duverger, *Régime semi-présidentiel*, in Olivier Duhamel, Yves Mény (eds.), *Dictionnaire constitutionnel*, Presses universitaires de France, Paris, 1992, p. 901.

<sup>31</sup> Thomas Sedelius, *The Tug-of-War between Presidents and Prime Ministers. Semi-Presidentialism in Central and Eastern Europe*, Örebro Studies in Political Science 15, Universitetsbiblioteket 2006, p. 19, p. 66 sqq, www.oru.se. See in this regard chap. 3: “Semi-Presidentialism and Conflict. A Theoretical Outline”, p. 65-88.

dissolve the Parliament and to refuse prime minister's nominations, in situations of cohabitation. The party background of this assuming was that of manifestation of a strongly presidentialized party ("President's party"), of a strongly "colonized" and "partinized" institutional areas, of an extremely active policy of occupancy the functions based on political criteria. This phenomenon of "partinization of the society", of "sharing the spoils", the burden of governing and the governmental and administrative functions between the elections winners, of an excessive parceling in administrative level and, equally, of excessive "colonization", i.e. of "suffocating presence of party organizations in the social and economic system"<sup>32</sup>, is coextensive with an extend control over the electorate and, at the same time, with the reducing the quantity and quality of the governance. I specified also in another context<sup>33</sup> that, in my opinion, the mistrust of the authors of Romanian Constitution in a "forte" presidential institution, of a "pure" President in the Romanian context after 1990, in the context of Romania's transition from dictatorship to an authentic constitutional system, in an attempt to prevent an autocratic presidential behavior, proves to be justified as long as a semi-presidentialism likewise "new" in the constitutional landscape, namely that instituted in Russia since 1993, in Sartori's expression, "the most complete presidential version of the semi-presidentialism", does not "express [no even] a diarchy which admits an oscillations of power, but a monocratic semi-presidentialism in which the head of state is always dominant and is based on confrontation and, as a result, loses one of the basic qualities of the French model, namely the adaptability in the event of a divided majority"<sup>34</sup>.

In Russia's political reality in which, in contrast with Romania's one, the fluid and labile party system in search of doctrinal identity and distinct objectives, thus the atomized pluralist party system, was systematized quite quickly in a system with dominant party, with a presidential party, the dynamics of party competition was simplified and lost the relevance, the parties with negotiating or "blackmail" potential within certain governing coalitions have become irrelevant or inexistent, as, consequently, the possibility of emergence of a situation of cohabitation and of alternating the presidential and parliamentary phases (the situation of a parliamentary majority of another "political color"). As a result, the party presidentialization in Russia, the predominance of the situation of "compatibility between president and government" and, certainly, between president and parliamentary majority, even of "castling" between the personalities who have served as president and chairman of government (prime minister) and, more particular, the exercise of "the considerable powers of the President" – "*les pouvoirs notables*", "*quite considerable powers*" in Maurice Duverger's expression – are coextensive with a prezidentialization of power that puts, of course on a different scale than that of Romania's case, the problem of not "defeat" the principle and the mechanism of power-sharing, characteristic by definition for

<sup>32</sup> Richard S. Katz, "Party Government and Its Alternatives" in vol. Richard S. Katz (editor), *Party Governments. European and American Experiences*, Berlin, New York, Walter de Gruyter, 1987, p. 8.

<sup>33</sup> In Gabriela Tănăsescu, *loc. cit.*, p. 51-52.

<sup>34</sup> Giovanni Sartori, *op. cit.*, p. 187.

semi-presidentialism, and, especially in Romania's case, of make possible "the quiet course of cohabitation". Sartori has shown in this respect that the president and his "opposer" prime minister must "play their cards sparingly and wisely", not to prove themselves "leaders with heated heads" and unavailable to compromise, just as it, with validity for Russia's case too, "the president's considerable powers" must not remain the most susceptible and vulnerable part of the semi-presidential system, so as to be justified the reference to it as to the "Achilles' heel" of the functionality of semi-presidential system and of democracy.

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