

# The Imprint of Political Ideologies on the Composition of the Legislative – the Electoral Systems of Romania in the 20<sup>th</sup> Century

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## **ABSTRACT**

Throughout the 20<sup>th</sup> century, Romania has experienced profound social, economic, and political transformation, each leaving its mark upon the nation's constitutional framework. Among the most striking manifestations of these changes is the evolution of the electoral system, which has consistently sought to reflect and adapt to prevailing political currents. These electoral mechanisms have played a pivotal role in shaping the composition of the political elite, employing various methods to influence its formation. This contribution endeavours to scrutinise the distinctive characteristics of these electoral systems, with particular focus on the methods by which the political elite has been moulded over time. The principal instruments employed in the 20<sup>th</sup> century to influence the composition of the Romanian legislature included age requirements, wealth census (i.e. property qualification or property-based voting qualification), special electoral procedures, professional and occupational criteria, and exclusion from political rights.

## **KEYWORDS**

Wealth census, special electoral procedures, corporative parliament, restriction of political rights.

## **Amprenta ideologiilor politice asupra compoziției legislativului – sistemele electorale ale României în secolul al 20-lea**

## **REZUMAT**

România a trecut prin multe schimbări sociale, economice și politice în secolul al 20-lea. Toate aceste schimbări au avut un impact și asupra sistemului constituțional al țării. Una dintre cele mai evidente forme de manifestare a acestui fapt poate fi observată în evoluția sistemului electoral, care a încercat întotdeauna să răspundă tendințelor politice actuale. Aceste sisteme electorale au străduit să influențeze formarea elitelor politice într-o varietate de moduri. Acest articol intenționează să examineze trăsăturile specifice ale acestor sisteme electorale, acordând o atenție specială evoluției metodelor folosite pentru a forma >>

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>> elita politică. Principalele metode folosite în secolul al 20-lea pentru a influența componența legislativului românesc au fost: limite de vârstă, cerințe de avere, proceduri electorale speciale, cerințe profesionale și ocupaționale și excluderea din drepturile politice.

**CUVINTE CHEIE**

Cenzul bazat pe avere, proceduri electorale speciale, parlament corporatist, restricționarea drepturilor politice.

## I. INTRODUCTION

It is asserted in academic circles that “[i]n a democratic state, the definition of the parliamentary electoral system is of paramount importance, as the indirect exercise of the people’s sovereignty is realized through the electoral system.”<sup>2</sup> Moreover, the electoral systems in force today are deeply influenced by the historical traditions of each nation, with the political ideology of each era leaving its imprint upon their structure. A thorough examination of these systems, weighing both the positive and negative aspects of each historically relevant electoral model, is indispensable for a comprehensive understanding of the present-day electoral framework.

Throughout history, elites have sought to shape political power in a variety of ways, with these methods often shifting in accordance with the dominant ideology of the time. This contribution aims to explore the impact of such methods on the shaping of the political elites, focusing on the parliamentary electoral systems in 20<sup>th</sup>-century Romania. Given that parliament constitutes one of the most crucial arenas for the emergence of political elites, its electoral mechanisms warrant particular scrutiny.

As Romania underwent significant ideological transformations during the period under review, a diverse array of electoral systems emerged, each employing distinct strategies to shape the composition of the political elite. The principal methods utilised included age requirements for the exercise of electoral rights, wealth census, special electoral procedures, professional and occupational criteria, and exclusion from political rights. In the following sections, after a brief historical overview, I would like to illustrate how these methods were practically implemented.

## II. THE CONSTITUTIONAL HISTORY OF ROMANIA IN THE 20<sup>TH</sup> CENTURY

At the turn of the century, the 1866 Constitution remained in force in the Romanian Old Kingdom (which was composed of the Romanian Principalities of Wallachia and Moldavia). Adopted shortly after the ascension of Carol I to the throne, this constitution

2 Gábor Kurunczi (2022): Electoral Systems, in Lóránt Csink, László Trócsányi (ed.): *Comparative Constitutionalism in Central Europe*, CEA Publishing, Miskolc–Budapest, p. 423.

was modelled on the Belgian Constitution of 1831, widely regarded as one of the most liberal of its time.<sup>3</sup>

The conclusion of the First World War placed Romania in a distinctive position, siding with the Allies. Following the union of Transylvania (1 December 1918), Bessarabia (27 March 1918), and Bukovina (27 October 1918) with the Romanian Old Kingdom, it became imperative to adapt public law to the new geopolitical reality. The legal framework, previously fragmented, required unification and harmonisation—a necessity that culminated in the adoption of the 1923 Constitution. Although largely rooted in the provisions of the 1866 Constitution,<sup>4</sup> this new fundamental law held particular significance in Romania's constitutional history, since it was the first to extend its binding force across the whole territory of Greater Romania, thus fostering the process of legal unification and harmonisation.

A further critical juncture in the constitutional history of Romania occurred in 1938. In the aftermath of the 1937 elections, King Carol II entrusted the National Christian Party (*Partidul Național Creștin*)—which had secured only the fourth place in the polls—with the task of forming a government. However, this minority government failed to garner parliamentary support and was swiftly overthrown. Determined to establish an authoritarian monarchy, the King took the initial step of appointing a non-party government under the leadership of Patriarch Miron of Romania.<sup>5</sup> In order to constitutionally consolidate the public structure thus established, on 20 February 1938 the King issued a manifesto to the people, proposing the adoption of a new constitution and seeking popular endorsement. The full text of the draft constitution was made public, and a referendum was scheduled for 24 February 1938. At the referendum, an oral vote was taken, with separate lists recorded for those in favour of and those opposed to the adoption of the new constitution. After the referendum, on 27 February 1938, King Carol II promulgated the new Constitution of Romania by royal decree.<sup>6</sup>

On 4 September 1940, in the wake of territorial losses and diminishing authority of the royal power, King Carol II appointed General Ion Antonescu to form a government. The following day, on 5 September, the King suspended his own 1938 Constitution, by Royal Decree No. 3052 of 5 September 1940.<sup>7</sup> At the outset of his rule, Antonescu governed with the backing of the Iron Guard (also known as the Legionary Movement); however, tensions between them escalated, culminating in the Iron Guard's rebellion in January 1941. Antonescu swiftly suppressed the uprising and dissolved the movement, consolidating his authority. This period of Antonescu's military dictatorship endured until August 1944.<sup>8</sup>

3 Eleodor Focșeneanu (1992): *Istoria constituțională a României. 1859–1991*, Editura Humanitas, București, p. 29.

4 Focșeneanu (1992): pp. 61–62.

5 Zsolt Fegyveresi (2020): A királyi diktatúra és az Antonescu-diktatúra közjoga. Észak-Erdély státusa (1938–1945), in Emőd Veress (ed.): *Erdély jogtörténete*, HVG-Orac Könyvkiadó–Forum Iuris Könyvkiadó, Budapest–Kolozsvár, pp. 498–490.

6 Focșeneanu (1992): p. 74.

7 Focșeneanu (1992): p. 80.

8 Fegyveresi (2020): p. 494.

The conclusion of the Second World War ushered in further political transformations, culminating in the proclamation of the Romanian People's Republic (*Republica Populară Română*) on 30 December 1947. This moment marked the dawn of a new era, with the removal of King Mihai I and the imposition of a totalitarian regime.

As a consequence, the new Constitution of Romania was adopted on 6 August 1948. Nevertheless, prior to its adoption, a law was passed on 23 January 1948 (Law No. 9 of 1948), providing for the dissolution of the Assembly of Deputies and the convening of the Great National Assembly (*Marea Adunare Națională*). The 1948 Constitution was short-lived, as it was replaced by a new constitution on 27 March 1952. This 1952 Constitution “*was established through consultation with Joseph Stalin and the leading Soviet lawyer, Andrej Wyszyński.*”<sup>9</sup> On this basis, the 1952 Constitution was founded primarily on the class nature of the state and reinforced Romania's close alignment with the USSR.<sup>10</sup> The final constitution of the regime was proclaimed on 21 August 1965, substantially expanding the personal authority of Nicolae Ceaușescu. Notably, the 1965 Constitution underwent a total of ten amendments between 1968 and 1986.<sup>11</sup>

During the period under review, however, not only did the constitutions change, but a succession of electoral laws was also enacted. The following table presents a summary of the principal electoral laws that governed 20<sup>th</sup>-century Romania.

Constitution	Electoral Law
1866 Constitution	<ul style="list-style-type: none"> <li>· 1866 Electoral Law (amended on 23 April 1878);</li> <li>· 1884 Electoral Law;</li> <li>· In the first years after the union: Decree-Law No. 3102 of 14 November 1918 for the Old Kingdom and Bessarabia, Decree-Law No. 3620 of 24 August 1919 for Bukovina, Decree-Law No. 3621 of 24 August 1919 for Transylvania, Banat, Crișana, Satu-Mare and Maramureș</li> </ul>
1923 Constitution	· 1926 Electoral Law
1938 Constitution	· 1939 Electoral Law
1948 Constitution	<ul style="list-style-type: none"> <li>· 1946 Electoral Law (prepared the adoption of the Constitution, abolished the Senate etc.)</li> <li>· 1948 Electoral Law</li> </ul>
1952 Constitution	<ul style="list-style-type: none"> <li>· 1952 Electoral Law;</li> <li>· 1956 Electoral Law</li> </ul>
1965 Constitution	<ul style="list-style-type: none"> <li>· 1966 Electoral Law;</li> <li>· 1974 Electoral Law</li> </ul>

**Table 1:** Electoral Laws of Romania in the 20<sup>th</sup> century

9 Ewa Korzeska, Tomasz Scheffler (2022): State and Criminal Law of the East Central European Dictatorships, in Pál Sárý (ed.): *Lectures on East Central European Legal History*, CEA Publishing, Miskolc, p. 222.

10 Korzeska, Scheffler (2022): p. 222.

11 Korzeska, Scheffler (2022): p. 223.

All these electoral systems have, at various times, employed the aforementioned methods—age requirements for the exercise of electoral rights, wealth census, special electoral procedures, professional and occupational criteria, the exclusion from political rights—to shape the political elite and determine the composition of parliament. In the following sections, I intend to describe the evolution of these methods in the formation of the political elite.

### III. AGE AS A REQUIREMENT FOR THE RIGHT TO STAND AS A CANDIDATE IN ROMANIA

Regardless of whether Romania was governed by a unicameral or a bicameral parliamentary system, certain eligibility requirements for election remained in place. Over time, these requirements underwent various transformations—some were substantially modified, while others disappeared entirely.

Yet one of the most fundamental and enduring prerequisites has been age. Under the 1866 Constitution, candidates for the Assembly of Deputies were required to be at least 25 years old, while those seeking election to the Senate had to be at least 40. The 1923 Constitution upheld these age limits without alteration. Nonetheless, the 1938 Constitution introduced a significant change by raising the minimum age for the members of the Assembly of Deputies to 30 years.

A pivotal shift occurred on 15 July 1946, when Law No. 560 on the Assembly of Deputies abolished the Senate, branding it a “*citadel of reaction*”, and established a unicameral parliament.<sup>12</sup> The law also lowered the minimum age for deputies from 30 to 25 years, a threshold that was further reduced to 23 years by Law No. 9 of 1948.<sup>13</sup> This 23-year age limit was retained in the 1948 Constitution, which granted all citizens over 23 the right to be elected. Notably, neither the 1952 Constitution nor the 1965 Constitution altered this requirement, preserving the 23-year minimum age for parliamentary candidates throughout the Soviet-type dictatorship.

The age requirement presupposed a certain degree of maturity on the part of parliamentary candidates. It would therefore appear logical to expect that those entrusted with legislative duties should possess a measure of life experience, enabling them to represent the citizenry effectively and to govern the nation with sound judgement. At the same time, it is undeniable that an excessively high age threshold—such as the 40-year minimum imposed on members of the Senate—effectively excluded a considerable segment of the population from active participation in public life. The rationale behind this elevated age requirement for senators imposed by the 1866 Constitution was twofold: on the one hand, it served to reinforce the Senate’s status as an upper house, on the other, it functioned as a deliberate mechanism for shaping the political elite.

12 Lajos Takáts, János Demeter et al. (1957): *A román Népköztársaság alkotmánya. Népi demokratikus alkotmányunk fejlődése 1947-től 1957-ig*, Tudományos Könyvkiadó, Bukarest, p. 222.

13 Takáts, Demeter et al. (1957): p. 222.

#### IV. THE WEALTH CENSUS AS A METHOD OF SHAPING THE POLITICAL ELITE AT THE TURN OF THE CENTURY

The 1866 Constitution and its accompanying electoral laws placed great emphasis on wealth, establishing it as a fundamental criterion for both active and passive suffrage.

The electoral system governing the election of the Assembly of Deputies was set out in Articles 58 to 63 of the 1866 Constitution, which divided the electorate into four colleges within each county. The first college was composed of citizens whose land income amounted to at least 300 galbens,<sup>14</sup> while the second college included those with a land income ranging from 300 to 100 galbens. The third college, representing urban interests, was composed of merchants and industrialists who contributed a state donation of 80 lei,<sup>15</sup> whereas the fourth college encompassed all other citizens who paid any donation to the state. Each county elected one representative from the first two colleges, while the third college elected a varying number of representatives in each city, the precise allocation of which was determined by Article 62.

As for the Senate,<sup>16</sup> each county elected two members, one from each electoral college. The first college was composed of rural landowners with a land income of at least 300 galbens, while the second college was composed of urban citizens with a land income of 300 galbens or less (Article 68). These constitutional provisions clearly illustrate that, at the turn of the century, the right to vote was reserved exclusively for the wealthy. As a direct consequence, the legislature acted predominantly in the interests of the affluent, as it was they who conferred its mandate.

Regarding passive suffrage, several criteria were in force during this period. In addition to age requirements, wealth constituted a particularly significant criterion. Notably, Article 66 of the 1866 Constitution did not impose a specific wealth condition for membership in the Assembly of Deputies, meaning that, in theory, anyone could become a deputy irrespective of wealth, provided they met the other eligibility conditions. However, since the electoral system itself restricted voting rights to those who met financial criteria, wealth still played an indirect yet crucial role in shaping the composition of the lower house.

The requirements for membership in the Senate differed significantly from those applied to the Assembly of Deputies. Under Article 74 point 5) of the 1866 Constitution, eligibility for election as a senator was contingent upon possessing an income of at least 800 galbens, derived from any source. The candidates were required to substantiate this wealth, demonstrating their 800-galben income in accordance with the provision

14 Contemporary currency, in the form of coins.

15 Romanian currency, in the form of banknotes.

16 In the Senate, in addition to the elected representatives, the Universities of Iași and Bucharest each delegated one senator, elected by the professors of their respective universities. Interestingly, the appointment of the first female university professor, Vera Myller, was delayed for a few months in 1918 precisely because as a woman she did not have the right to vote, which raised the question of what would happen to the senator elected by the University of Iași. For details, see: Lucian Boia (2016): *Capcanele istoriei. Elita intelectuală românească între 1930 și 1950*, Editura Humanitas, București, pp. 101–102.

of Article 64 of the Constitution. This article provided that proof of the 800-galben income could be provided through contribution forms, receipts, and debtor warnings from both the current and previous year.

These wealth requirements for both active and passive suffrage aligned seamlessly with the prevailing ideology of the era, which maintained that wealthy citizens comprised the intellectual elite, and thus, only they were deemed fit to influence the governance of the state. The period's dominant belief system closely associated wealth with virtue, holding that material prosperity was an indication of intelligence and capability. In fact, one of the leading constitutional scholars of the time asserted that such wealth qualifications were essential, as only the affluent possessed the strength and awareness necessary to participate in public affairs. However, he also noted that should the intellectual and financial elite become separated, the wealth census would cease to have meaning.<sup>17</sup> The stricter wealth requirements for senators, in contrast to those for deputies, further suggest that within the public law system established by the 1866 Constitution, the Senate held a symbolically superior role to that of the Assembly of Deputies.

The adoption of the 1923 Constitution, however, marked the abolition of the wealth census. The new constitutional framework eliminated income requirements for both voting rights and candidacy, ensuring that wealth was no longer a formal prerequisite for holding public office. Consequently, under the 1923 constitutional order, access to representative roles was no longer legally tied to financial standing.

## V. THE SPECIAL ELECTORAL PROCEDURE INTRODUCED BY THE 1926 ELECTORAL LAW

Beyond the abolition of the wealth census, the 1923 Constitution introduced no significant reforms to the organisation of elections. However, a new electoral law, adopted in 1926, thanks to its specific distribution of mandates, sought to reshape the political composition of the parliament through a procedural mechanism rather than direct constitutional changes. This law, with its distinctive allocation of mandates, was widely regarded by scholars as a sophisticated and intricate system, one that subtly reconfigured the legislative framework.<sup>18</sup>

The most consequential innovation of the 1926 Electoral Law was that “*the principle of proportional representation has been replaced by that of the first majority.*”<sup>19</sup> Under Article 90 point b) of the new law, the political party receiving the highest number of votes nationwide—provided it secured at least 40% of the total vote—was designated as the majority group, whereas all other parties were classified as minority groups. Should a minority group attain an absolute majority within an electoral district, it was awarded a number of seats proportional to its share of the vote. In accordance with the provisions of Article

17 Győző Concha (1907): *Politika. I. kötet. Alkotmánytan*, Grill Károly Könyvkiadó Vállalata, Budapest, p. 456.

18 Focșeneanu (1992): p. 70.

19 Emil Cernea, Emil Molcuț (2006): *Istoria statului și dreptului românesc*, Universul Juridic, București, p. 320.

92, the mandates allocated to these minority groups were deduced from the total number of seats, with the remaining mandates then distributed among all political groups. Pursuant to Article 93, this distribution followed a specific formula: firstly, the majority group was granted half of the total mandates, while the other half was divided among all groups, including the majority, in proportion to their respective vote shares.

Through this legislative framework, the 1926 Electoral Law sought to consolidate the dominance of larger political parties, and “*at the same time to remove smaller political groups from the political scene.*”<sup>20</sup> According to scholarly analyses, these new provisions effectively guaranteed between 60% and 70% of parliamentary seats to a party that secured merely 40% of the vote.<sup>21</sup> As a result, the electoral system facilitated the emergence of overwhelming majorities for dominant parties, thereby distorting the representational balance of the legislature.

This electoral model was directly inspired by the 1923 electoral reform in the Kingdom of Italy, known as the Acerbo Law. Under this system, two-thirds of the seats in the lower house of the parliament were awarded to the party that secured a plurality of votes,<sup>22</sup> a measure explicitly designed to ensure Mussolini’s fascist party’s control.

At the time of its adoption in Romania, the 1926 Electoral Law was crafted to benefit the National Liberal Party. It was for this reason that the opposition parties of the era, namely the Peasants’ Party and the National Party, refused to participate in the final vote.<sup>23</sup> This mechanism of plurality compensation became one of the most striking examples of political elite formation in 20<sup>th</sup>-century Romania. While the specific method of seat allocation under this electoral law was ostensibly designed to ensure parliamentary stability, it did so at the cost of diminishing the democratic integrity of the elections.

Despite these provisions remaining *de jure* in force, they were ultimately abolished with the adoption of Law No. 560 on the Assembly of Deputies of 15 July 1946, which formally rescinded the principle of plurality compensation.<sup>24</sup>

## VI. PROFESSION AND OCCUPATION AS A REQUIREMENT FOR THE RIGHT TO VOTE AND TO BE ELECTED UNDER THE PROVISIONS OF THE 1938 CONSTITUTION

In stark contrast to the 1923 Constitution, the 1938 Constitution of the royal dictatorship brought significant changes to the electoral system governing the election of members of the Assembly of Deputies.

20 Cernea, Molcuț (2006): p. 320.

21 Gábor Balás (1982): *Erdélyjókora jogtörténete. 1849–1947 közti időszak*, Magyar Jogász Szövetség, Budapest, p. 42.

22 Alexander J. De Grand (1997): *Fascist Italy and Nazi Germany. The ‘fascist’ style of rule*, Routledge, London–New York, p. 26.

23 Gheorghe Iancu (2012): *Drept electoral*, Editura C. H. Beck, București, p. 102.

24 Tudor Drăganu (1972): *Drept constituțional*, Editura didactică și pedagogică, București, p. 282., Ioan Deleanu (1980): *Drept constituțional*, Editura didactică și pedagogică, București, p. 429.

One of the most notable amendments was the restriction of voting rights to citizens engaged in specific professions—namely persons engaged in agricultural and manual labour, trade and industry, and intellectual occupations had the right to vote. Under the revised electoral system, these three professional groups each formed separate electoral colleges, with every college electing an equal number of representatives to the Assembly of Deputies.<sup>25</sup> Nevertheless, this system effectively excluded a significant portion of the population from the right to vote.

Regarding passive suffrage, the 1938 Constitution introduced requirements that stood in direct opposition to those of the 1923 Constitution. According to Article 62 point b), eligibility for election to the Assembly of Deputies was explicitly contingent upon active engagement in one of the professions enumerated in Article 61—namely, agricultural and manual labour, trade and industry, and intellectual occupations. Thus, under this framework, the right to stand as a candidate for the Assembly of Deputies was not a universal right but was instead strictly tied to specific professional affiliations. The provisions on active and passive suffrage of the 1938 Constitution contributed to the creation of a corporative Assembly of Deputies, in which each professional sector was represented exclusively by its own members.

The emergence of corporative chambers across Europe in the first half of the 20<sup>th</sup> century was by no means an anomaly. Rather, their development can be understood as a response to the crisis of bourgeois liberal parliamentarism.<sup>26</sup> A notable example of such a corporative lower house was the Chamber of Fasces and Corporations in the Kingdom of Italy, established under the leadership of Benito Mussolini. Similarly, the Austrian Constitution of 1934 introduced chambers based on the principle of corporative representation.<sup>27</sup> At its core, corporative representation centralised the defence of occupational interests, granting certain professions a public status and incorporating them into the legislative process.<sup>28</sup> Nonetheless, in Romania, the corporative lower house established by the 1938 Constitution was less a response to genuine social demands than a practical manifestation of a political ideology.

While the eligibility criteria for membership in the Senate remained largely unchanged, subtle indications of the prevailing political ideology could be discerned in the revised provisions. According to Article 63 of the Constitution, the Senate was composed of three categories of members: Senators appointed by the King, *ex officio* Senators, and Senators elected by the constituted bodies of the State. A noteworthy departure from the previous constitutional framework—in which *ex officio* Senators were typically former dignitaries (as stipulated in Article 73 of the 1923 Constitution)—was that, under the new provisions, only current holders of high office could attain *ex officio* membership. These dignitaries, having been “*appointed by the executive branch and remained dependent on it.*”<sup>29</sup> This dependency was further underscored by the oath of

25 Fegyveresi (2020): p. 491.

26 Attila Varga (2019): *Román alkotmányjog*, Forum Iuris Könyvkiadó, Budapest–Kolozsvár, p. 347.

27 Varga (2019): p. 347.

28 Varga (2019): p. 348.

29 Focșeneanu (1992): p. 77.

allegiance sworn by *ex officio* Senators to the King, reinforcing the monarch's influence over the Senate.<sup>30</sup>

Furthermore, since *ex officio* senators concurrently held public offices, a professional requirement was evident in the Senate as well. This professional requirement was, nevertheless, very different from that imposed upon the Assembly of Deputies. The professional requirement for deputies gave rise to a corporative Assembly of Deputies, whereas, in the case of senators, the *ex officio* membership derived from holding a specific public office was intrinsic to the very nature of the Senate during that period. Consequently, this system led to the Senate being, to some degree, influenced by the King.

In conclusion, it can be said that the requirements established by the 1938 Constitution for the right to vote and to stand as a candidate were a clear reflection of the spirit of that time and the ideology of the political system. The Constitution of the royal dictatorship favoured the establishment of a corporative Assembly of Deputies, where professional affiliation became a prominent criterion. Moreover, this professional requirement significantly shaped the composition of the parliament, serving as yet another distinct method of moulding the political elite.

The corporative lower house, alongside the professional requirement formed the political landscape until 1940, when—following the suspension of the previous constitution—the King also dissolved the legislature.<sup>31</sup>

## VII. RESTRICTIONS ON THE EXERCISE OF POLITICAL RIGHTS AND PROCEDURAL LIMITATIONS OF THE NOMINATION OF CANDIDATES DURING THE YEARS OF SOVIET-TYPE DICTATORSHIP

Following the Second World War, the extension of electoral rights began by Law No. 506 of 15 July 1946. The provisions of this law expressly granted women the right to vote and to stand for election on equal terms with men.<sup>32</sup>

The 1948 Constitution further extended the right to vote by lowering the voting age to 18.<sup>33</sup> To better understand the prevailing perspective on this extension of the right to vote, it is insightful to quote a relevant opinion from the period, which stated:

*"[t]he electoral system of our country does not know the restrictions which, in spite of all the loud declarations, in reality, ensure the effective exercise of the right to vote in bourgeois systems only for a handful of citizens, excluding the great majority of the broad working masses."*<sup>34</sup>

30 Ioan Scurtu (2010): *Istoria românilor de la Carol I la Nicolae Ceaușescu*, Editura Mica Valahie, București, p. 80.

31 Moreover, some scholars considered that the legislative was not simply dissolved, but it was abolished. See: Dumitru V. Firoiu (1992): *Istoria statului și dreptului românesc*, Facultatea de Drept din Cluj-Napoca, Cluj-Napoca, p. 349.

32 Drăganu (1972): p. 282., Deleanu (1980): p. 429.

33 Takáts, Demeter et al. (1957): p. 223.

34 Takáts, Demeter et al. (1957): p. 224.

This ideologically charged perspective, however, did not entirely mirror the reality. Some restrictions on the right to vote had already been introduced in the years preceding the adoption of the 1948 Constitution. For instance, the 1946 Electoral Law imposed restrictions on those who were members of fascist or Hitlerite organisations, who had volunteered to fight against the United Nations during the war, or who were deemed responsible for the “*disaster of the country*.”<sup>35</sup> Furthermore, the list of individuals affected by these restrictions was drawn up by the Ministry of Justice, which led to questionable deprivations. A notable example was the disenfranchisement of Ion Mihalache, vice-president of the National Peasants’ Party.<sup>36</sup>

Moreover, while the 1948 Constitution proclaimed universal suffrage, the final clause of Article 18 made it clear that citizens who were sentenced to interdiction, the loss of civil and political rights, or who were deemed “unworthy”, would be denied the right to vote. The latter category excluded a significant portion of the population from the right to vote, such as former landowners, industrialists, bankers, kulaks, and merchants.<sup>37</sup> Consequently, despite the Constitution’s claim of universal suffrage, in practice, a considerable number of citizens were denied the right to vote, thereby weakening effective representation. Moreover, this restriction on the right to vote reflected the political ideology of the time, as those most affected were often individuals who could be perceived as adversaries to the regime’s ideology, such as the kulaks.

Regarding passive suffrage, it is evident that Article 17 of the 1948 Constitution conferred upon all citizens, irrespective of sex, nationality, race, religion, education, or profession—including soldiers, judges, and civil servants—the right to stand for election to any state body.<sup>38</sup> Thus, the requirement of belonging to a particular profession as a condition for becoming a representative was abolished in the 1948 Constitution.

Furthermore, the 1948 Constitution did not include wealth as a condition for candidacy. In addition, after the electoral reform of 1950, the declaration of candidacy was no longer contingent upon the payment of any monetary sum. The expenses incurred in organising elections were borne “*entirely by the workers’ state*.”<sup>39</sup> Nonetheless, members of the Great National Assembly were limited to choosing candidates from a single party.<sup>40</sup> Moreover, the elections themselves were organised and conducted by this party, which held responsibility for the governance of the society, of which elections formed an integral part.<sup>41</sup> Furthermore, the Great National Assembly was composed of revocable members. As a result of all these constitutional provisions, representatives became to a large extent subordinated to the party.

35 Scurtu (2010): p. 81.

36 Scurtu (2010): p. 81.

37 Emőd Veress (2002): Az 1950-es néptanácsi képviselőválasztás mechanizmusa, in Gusztáv Mihály Hermann, András Lajos Róth (ed.): *Aeropolisz. Történelmi és társadalomtudományi tanulmányok II.*, Litera Könyvkiadó, Székelyudvarhely, p. 200.

38 The extension of the right to vote and to be elected to these professions had already been provided for in a law in January 1948, therefore, the Constitution just reaffirmed these provisions. Takáts, Demeter et al. (1957): p. 226.

39 Takáts, Demeter et al. (1957): p. 226.

40 Scurtu (2010): p. 82.

41 Deleanu (1980): p. 421.

As one can observe, the provisions on the Great National Assembly bore the unmistakable imprint of the political ideology and ethos of the era. For example, Article 47 stated that the Great National Assembly was to be composed of the representatives of the people, suggesting that the 1948 Constitution was intentionally crafted to ensure that the Great National Assembly embodied the working people as a collective, rather than a specific profession or class defined by wealth. Thus, there was an unmistakable inclination to shape the electoral system to reflect the class structure of the state.<sup>42</sup>

*"The Great National Assembly achieved sociological representation in the sense that the composition of the parliament reflected the composition of the society. On this basis, it was claimed to be the true representation."<sup>43</sup>*

It is equally important to emphasise that, despite the noble intentions behind the provisions, a significant number of citizens were disenfranchised for various political reasons.

The 1952 Constitution did not introduce any substantial alterations to the requirements for the right to stand as a candidate. Pursuant to Article 94, any working person, a citizen of the Romanian People's Republic who possessed the right to vote and had reached the age of 23, could be elected as a deputy of the Great National Assembly and of the People's Councils. At the same time, there were some minor adjustments in the process of nominating candidates. Article 100 permitted organisations of the Romanian Workers' Party, professional unions, cooperatives, youth organisations, and other mass organisations, along with cultural organisations, to propose candidates. However, the right to nominate candidates remained firmly within the party's grasp. This amendment also suggests that the candidate selection process remained under stringent ideological control, since, on the one hand, only organisations subordinate to the party could propose candidates, and on the other, the nominated individuals had to pass the party's vetting process, as the final nomination was ultimately made by the party itself.

A new provision was introduced by Law No. 9 of 27 September 1952, which deprived former landowners, industrialists, bankers, large merchants, and capitalist elements from both towns and villages (including owners of private businesses with more than 5 employees or landlords) of the right to vote and to stand for election. Additionally, those convicted of war crimes, crimes against peace, or humanity were also excluded.<sup>44</sup> These amendments had a profound effect on the composition of the political elite, as they stripped a significant number of citizens—many of whom had previously held public roles during earlier historical periods—of their electoral rights. As a result, a new political elite emerged, albeit one with limited experience.

42 Takáts, Demeter et al. (1957): p. 221.

43 Emőd Veress (2020): A szovjet típusú diktatúra közjoga (1945–1989), in Emőd Veress (ed.): *Erdély jogtörténete*, HVG-Orac Könyvkiadó–Forum Iuris Könyvkiadó, Budapest–Kolozsvár, p. 506.

44 Drăganu (1972): p. 284.; Deleanu (1980): p. 432.

However, a Law passed in November 1956 repealed these restrictions, stating that only individuals deemed mentally incompetent, or those sentenced to the loss of electoral rights, were barred from voting or standing for election.<sup>45</sup> In practice, though, the latter category continued to affect a significant number of citizens, thus perpetuating the restriction of political rights as a means of shaping the political elite.

The relevant provisions of the 1965 Constitution were similarly crafted to uphold the political spirit embedded in the earlier constitutions. Pursuant to Article 25 the right to nominate candidates was entrusted to the Socialist Unity Front, political and social forces, and mass and public organisations. Once again, only the party or institutions closely affiliated with the party were permitted to nominate candidates.

Under Law No. 28 of 29 December 1966, the exercise of the right to vote and to be elected was conditioned upon possessing both mental and moral aptitude—the latter being interpreted as loyalty to the people and the fatherland.<sup>46</sup> Once more, based on the requirement for moral aptitude, numerous citizens found themselves excluded from electoral rights.

When we consider the entirety of the electoral regulations under the Soviet-type dictatorship, it becomes apparent that the abolition of the material or professional requirements for candidacy, the lowering of the age limit, and other amendments designed to expand suffrage, all reflected a political will to establish a legislative body that represented all citizens, regardless of their social, professional, or financial status. These aspirations are eloquently captured in an article published in *Korunk* in 1961:

*"[t]he consistently democratic character of the supreme forum of state power is expressed by its social composition, which is radically different from that of the parliament of bourgeois-landowner Romania. In 1932, for example, the bourgeois-landowner parliament was composed of 235 landowners, bankers, and large capitalists, and of 145 'liberal professionals' (politicians of dubious reputation) in the service of the landowners and capitalists. [...]*

*Out of the 465 members of the Great National Assembly elected last time, 335 (72,04%) are workers and peasants, and 130 (27,96%) are intellectuals. The most conscious workers of the main industries, collectivist peasants from all the regions of the country, scientists and artists—including 24 academics—engineers, technicians, teachers, lawyers, doctors, journalists, soldiers, people who devote their working capacity, talent, and knowledge to the service of the people are among the deputies."<sup>47</sup>*

In another issue of *Korunk*, the same author commented on the electoral system of the Soviet-type dictatorship:

*"[i]n the electoral system of the bourgeois states, there is also a wealth constraint on the right to be elected. [...] The democracy of our electoral system is also expressed by the fact that it is not bound by any financial constraints, and the election costs are paid by the workers' state."<sup>48</sup>*

45 Drăganu (1972): p. 285.

46 Deleanu (1980): p. 433.

47 Sándor Tóth Zs.: *A pártvezetés – a demokratikus centralizmus alkalmazásának legfőbb biztosítéka államépítésünkben*, *Korunk*, 5/1961, pp. 531–539, p. 534.

48 Sándor Tóth Zs.: *Választási rendszerünk demokratizmusa*, *Korunk*, 2/1961, pp. 146–151, p. 148.

Although, as one might observe, the ideologically driven opinions of the time were largely favourable towards the electoral system during the years of Soviet-type dictatorship, the reality of its practice has considerably tempered this positive outlook. Primarily, many citizens who opposed the prevailing political ideology were disenfranchised for various reasons. In the initial stage, as outlined above, former landowners, industrialists, bankers, kulaks, and private business owners were stripped of their electoral rights. Later, this exclusion was extended to all citizens deemed morally unfit. These restrictions led to the disenfranchisement of a substantial number of citizens, thus preventing the establishment of truly universal suffrage. The restriction of political rights became one of the main methods used to shape the political elite during the presented era.

Furthermore, only the party and organisations closely affiliated with the party were permitted to nominate candidates. As a result, only those loyal to the party could stand as a candidate, and the Great National Assembly was composed only of these loyal citizens. Contrary to the beliefs of the time, these members were unable to represent society as a whole, since the composition of the Great National Assembly reflected only one ideology. Hence, proportional representation of social views was completely missing.

Moreover, it is salient to note that the practical role of the Great National Assembly in governing the country was negligible. The constitutions adopted during the years of the Soviet-type dictatorship departed from the traditional principle of separation of powers, replacing it with the principle of centralism.<sup>49</sup> At that time, the separation of the legislative and executive powers was seen as a flaw within the parliamentary system, hindering the participation of the masses in public life.<sup>50</sup> The theoretical framework set out by the constitution diverged significantly from reality, for, as one commentator observed, “*in practice the executive power was the only power in the state.*”<sup>51</sup>

The authority of the Great National Assembly was significantly diminished by the brevity of its sittings. In the intervals between these gatherings, legislative functions were assumed by the Presidium, which exercised its powers through the issuance of decrees. Elected from among the members of the Great National Assembly, the Presidium wielded considerable influence—indeed, as has been observed, its “*influence was practically higher than that of the National Assembly itself.*”<sup>52</sup> The sheer volume of decrees issued by the Presidium leads to two compelling conclusions. Firstly, it is evident that the state leadership had no intention of allowing the Great National Assembly to exercise genuine power. Secondly, given that the majority of its members were workers, it appears that the Assembly lacked the capacity to legislate effectively.

Furthermore, the constitutions adopted during the Soviet-type dictatorship played little more than a nominal role in the governance of the state. As certain scholars have noted, although “*the constitutional texts were formally in force, they were not meant to*

49 Korzeska, Scheffler (2022): p. 221.

50 György Kepes, Max Lupan: *Népi államunk fejlődéséről*, Korunk, 12/1957, pp. 1605–1615, p. 1607.

51 Focșeneanu (1992): p. 133.

52 Veress (2020): p. 507.

*constrain and to obligate the power elites.”*<sup>53</sup> Besides, during these years “*the personal rule of the (de facto) party leader was a crucial factor.*”<sup>54</sup> All these considerations are essential to forming a clearer understanding of the composition and function of the Great National Assembly.

VIII. CONCLUDING REMARKS

In 20<sup>th</sup>-century Romania, political ideologies deeply permeated the electoral systems, seeking to shape the composition of parliament and, by extension, the political elite through various means. Some of these methods took the form of specific requirements governing electoral rights, whilst others were embedded within procedural regulations. The following table provides a summary of these methods.

Constitution	Methods used to shape the political elite
1866 Constitution	Wealth census
1923 Constitution	The special electoral procedure introduced by the 1926 Electoral Law (plurality compensation)
1938 Constitution	Professional requirements (corporative Assembly of Deputies)
The constitutions of the years of the Soviet-type dictatorship (1948 Constitution, 1952 Constitution, and 1965 Constitution)	Restrictions on the exercise of political rights and procedural limitations on the nomination of candidates

Table 2: Methods used to shape the political elite

The criteria for eligibility to stand for election underwent significant changes throughout 20<sup>th</sup>-century Romania. At the century’s outset, under the 1866 Constitution, wealth played a decisive role in the formation of the legislative, since only citizens meeting certain financial thresholds could vote, and only those of certain wealth were eligible for election to the Senate. Although the 1923 Constitution abolished the wealth requirement, the 1938 Constitution introduced an even more restrictive measure: under the royal dictatorship, membership in the Assembly of Deputies was tied to specific professions, effectively transforming the lower house into a corporatist body.

By contrast, the constitutions enacted during the Soviet-type dictatorship pursued the opposite objective, stripping many members of the former wealthy classes of their voting rights. These constitutional provisions sought to establish a Great National Assembly that ostensibly represented the working population. However, during these

53 Jon Elster, Claus Offe, Ulrich K. Preuss (1998): *Institutional Design in Post-Communist Societies: Rebuilding the Ship at Sea*, Cambridge University Press, Cambridge, p. 63., apud. Attila Horváth (2022): The Executive Power, in Lóránt Csink, László Trócsányi (ed.): *Comparative Constitutionalism in Central Europe*, CEA Publishing, Miskolc–Budapest, p. 294.  
54 Horváth (2022): p. 294.

years, the shaping of the political elite was to be achieved through the systematic restriction of political rights. Moreover, while the Great National Assembly was deprived of genuine authority, the state itself came under the absolute control of a single political entity—the ruling party.

These transformations vividly illustrate the turbulent ideological shifts of the 20<sup>th</sup> century. The aristocratic spirit of the early years was gradually replaced by totalitarian political ideologies. As political ideologies, forms of government, and ruling systems evolved, so too did their attitudes towards wealth and professional status—principles that were consistently reflected in the regulations governing both the right to vote and the right to stand for election.

Beyond these eligibility requirements, procedural mechanisms were also used to influence the composition of the parliament. Thus, for example, the 1926 Electoral Law introduced a distinctive system for allocating of parliamentary seats, one that heavily favoured the victorious party. Furthermore, during the years of the Soviet-type dictatorship, the process of nominating candidates gave the party a special role, as it could essentially shape the political elite on its own.

Other aspects of the legislature likewise mirrored these ideological transformations. Both during the years of the royal dictatorship and during the Soviet-type dictatorship, the role of the legislature was somewhat marginalised. In the former period, the King assumed extensive powers, thus weakening the legislative branch, while in the latter, the legislature was in fact completely subordinated to the party and the dominant ideology.

It follows that electoral systems serve as one of the most overt manifestations of a given era's political ideology. Every method by which the constitutions of the 20<sup>th</sup> century sought to regulate, limit, and shape the composition of the legislative body stands as a tangible expression of the prevailing political doctrines of the time.