Electoral Rules and Minority Representation in Romania

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Abstract

This paper explores the effects that different institutional mechanisms for legislative representation have on ethnic diversity in the lower chamber of the Romanian parliament. It uses an original data set to examine representational outcomes generated by a combination of proportional representation and reserved seats provisions. The findings highlight the benefits that Romania's choice of electoral rules generated for smaller minority communities and limitations that these rules impose on the nature and extent of legislative representation of large minority groups. The paper provides evidence for qualifying the scholarly support in favour of proportional representation. It also draws attention to potential trade-offs between communal representation and ethnic inclusiveness of main political parties that the use of special mechanisms for minority representation might encourage.

Studying minority representation in Romania provides a researcher with the opportunity to contribute to the on-going academic discussion about the representational consequences of various electoral mechanisms. This discussion is especially salient in the context of multiethnic societies in transition. Legislative representation is of central importance in this discussion and a number of alternative institutional arrangements aimed at securing minority presence in legislative bodies has been discussed in the academic literature (Reilly, 2001; Norris, 2007; Diamond & Plattner, 2006; Canon, 2002). Work on the design of electoral procedures is energized by the practical need to provide policy advice on how to craft institutions in ethnically plural states that go through periods of democratization and/or post conflict reconciliation (Reynolds, Reilly, & Ellis, 2005).

While the relevance of this work is ensured by political developments in different parts of the world, the evidential base for judging the effectiveness of different institutional arrangements has remained somewhat limited. This is due partly to the newness of some institutional arrangements and partly to the lack of systematic inquiry into different type of consequences of choosing a specific mechanism of communal representation. For example, a recent review of reserved seat provisions, which constitute one type of targeted electoral mechanisms, suggests that reserved seats are much more common and much more understudied than has usually been assumed (Reynolds, 2005).

This is also, however, somewhat true with respect to understanding the effects of 'old' electoral arrangements on minority representation. Moser (2008) argues that despite the scholarly consensus in favour of proportional representation, there is surprisingly little empirical evidence that PR systems provide better representation of ethnic minorities than SMD systems. Norris (2002) makes a more general observation about the dearth of empirical studies of electoral system effects on ethnic representation.

The Romanian case is of particular interest to research on ethnic minority representation as Romania's electoral rules provide minorities with the opportunity to enter the parliament through different institutional channels. Since the beginning of the 1990s, Romania's electoral system has combined closed-list proportional representation (PR) with special provisions for minority reserved seats (RS). Closed-list proportional representation rules are a central feature of this system (Crowther, 2004; Popescu, 2002; Roper, 2004). These rules have been designed in a way that allowed for a continuing electoral success in PR competition of an organization of the largest ethnic minority, Hungarians (Birnir, 2007; Birnir, 2004). The reserved seats provisions, intended to compensate minority organizations that were not successful in crossing the electoral threshold in the PR segment of electoral competition, were also first introduced for the 1990 parliamentary elections. The design of reserved seats provisions approximates the single-member plurality (SMP) system, which is often described in the literature as the simplest and most straightforward method of filling a single seat (Gallagher & Mitchell, 2008). The key parameters of reserved seats design are a one-seat-per-minority rule, nationwide constituency for reserved seats vote, and a minimum vote requirement for a minority organization to claim a seat. There are no restrictions on who can cast a vote for minority organization and there are no constitutional or other legal prescriptions on what the total number of reserved seats should be (Alionescu, 2004).

Prior to the 2008 electoral reform, which substituted closed-list proportional representation for mixed-member proportional representation, the above-mentioned

combination of rules have also been relatively stable throughout the post-communist period (Popescu, 2002). This stability provides an important leverage for discussing institutional incentives produced by this specific choice of electoral rules. A high degree of rule stability through the first five rounds of electoral competition means that political parties and minority organizations participating in elections have had time to hone and adjust their strategies. The voters, who receive in a voting booth one bulletin with the list of all parties and minority organizations running in the elections and who have only one vote to cast, have also had time to develop a better understanding of the effects of their choices.

This paper examines how electoral rules that were in place throughout the 1990-2007 period affected representation of minorities in the national legislature. Representational outcomes that are discussed in detail in this paper are a product of specific electoral strategies employed by political parties and by ethnic minority politicians. Central for the purposes of this discussion is political parties' decision whether to recruit minority candidates or not. Equally important in this respect is minority politicians' choice of strategies to pursue electoral office. In the context of the Romanian electoral system, minority politicians face what can be conceptualized as two distinct institutional channels for entering parliament. They can try to secure a nomination on the ticket of the mainstream political party that competes in the PR segment of electoral system or they can enter the electoral process on behalf of a minority organization that aspires to win a reserved seat.

The paper proceeds by providing first the general picture of ethnic representation outcomes generated by political process under the Romanian choice of electoral rules. In doing so, it addresses the issue of proportionality of minority representation and briefly discusses how the Romanian data illustrates some of the liberal democratic theory concerns about the fairness of group-defined minority provisions. It then turns to examining how these representational outcomes came about. The paper focuses on examining how minority recruitment features in the electoral calculations of the main political parties and of the ethnic Hungarian party. It also discusses in detail the pursuit of parliamentary representation by minority organizations that compete on behalf of other ethnic groups in the reserved seats segment of electoral system. The paper concludes by drawing some of the lessons from the Romanian experience of combining the PR and reserved seats provisions for future minority representation research.

Data and measurement

Scholarship on legislative representation of ethnic minorities has few extensive and reliable databases at its disposal. Moser (2008) highlights this problem as a serious limitation to advancing the research agenda in this particular area. Due to data limitations many theoretical propositions regarding the factors that influence minority representation tend not to be directly tested or are examined through the use of questionable proxy measures such as the proportion of women elected to the legislature or the electoral success of ethnic parties.

The Romanian dataset we assembled is based on individual-level ethnic, social, and political background data for all the deputies elected into the Romanian Chamber of Deputies during the past five consecutive parliamentary terms. The dataset includes observations on

both deputies that served a full parliamentary term and those that served a part of the term. The dataset thus includes all deputies that entered the parliament since 1990 and till the end of the 2004-2008 parliamentary term. The dataset has 1,950 observations, where the unit of observation is a deputy/parliamentary term.

The coding of data was based primarily on information that was self-reported by the deputies and published in the official publications of the Romanian parliament.[1] This data was supplemented by information from a scholarly work (Stefan, 2004) and other published sources produced by a number of commercial and nongovernmental organizations (Rompres, 1994; Asociatia Pro Democratia, 2006). These sources, however, did not systematically provide data for one of our key variables of interest, ethnic affiliation. The information on the ethnicity of individual deputies in our case was compiled in cooperation with Romanian specialized institutions on minority issues, whose experts were recruited to provide estimates of deputies´ ethnic affiliation. Any positivist investigation of ethnic minority representation requires scholars to make certain choices on how to deal with ethnicity. We opted for an exhaustive and mutually exclusive categorization of ethnic affiliation. The experts were asked to assign individual deputies to one and only one ethnic group on the basis of publically available information about deputy's ethnic membership. The resulting estimates, obviously, do not allow for addressing complex issues of multiple ethnic identification and face a number of validity challenges. Nevertheless, these estimates, generated by transparent and replicable procedures, provide an important starting point for an empirical investigation of minority descriptive representation.[2]

Proportionality of ethnic representation

Minorities have been generally successful in securing legislative representation in Romania. The analysis of data on the ethnic composition of the entire corps of deputies that served in the lower chamber of the parliament since the start of the post-communist transition points to a significant presence of minorities in the parliament. In fact, the data indicates that the share of seats occupied by ethnic minorities is slightly higher than the minorities' population share. The fact of minority over-representation is significant in itself, given the persistent concerns about minority under representation in the literature on minority political participation (Canon, 2002; Barany & Moser, 2005).

Table 1 combines data on ethnic distribution of the population with data on the ethnic composition of the Romanian parliament. It lists population and parliamentary shares of all minority groups represented in the parliament and provides frequency information on a number of deputies of each ethnic background. The last column gives scores for a proportionality of representation index, which is calculated by dividing an ethnic group's proportion in the parliament by its proportion in the population. This proportionality index is usually referred as A-ratio (Taagepera & Laakso, 1980). The index provides a single summary figure where 1.0 symbolizes "perfect" proportional representation, more than 1.0 designates a degree of "over-representation" and less than 1.0 indicates "under-representation".

Table 1 here

The aggregate results presented in the table indicate that the majority group, ethnic Romanians, was slightly under-represented in the national legislature.[3] All minority groups listed in the table, with the exception of Roma, were overrepresented. The degree of over-representation is inversely related to the demographic size of the group: the smaller the population share of the group, the more overrepresented the group was in parliament.[4] The main exception from this pattern – the situation of the second largest minority in the country, Roma, - has received considerable attention in the literature that deals with particular challenges this minority group faces in terms of collective action problems and social stigmatization (Barany, 2004; Vermeersch, 2006).

The success in securing legislative representation by the majority of smaller ethnic groups listed in Table 1 is due exclusively to the reserved seat provisions. Parenthesis numbers in the frequency column of the table indicate how many deputies in each of the smaller ethnic groups entered the parliament through the reserved seat mechanism. Thus, for example, five out of seven Roma deputies and five out of five Serb deputies that served in the national parliament throughout the post-communist period were elected through the reserved seat procedures. The information provided in the parliamentary shares and frequency columns of the table somewhat inflates the legislative share of some ethnic groups because it includes in the count both those deputies that entered the parliament at the beginning of the term and those who came later in the term as substitutes for deputies who had resigned or died. These overestimations– indicated in the case of reserved seats deputies with an asterisk sign (*) - have only a minor effect on the overall picture of ethnic distribution in parliament as presented in Table 1.

Since the start of the post-communist transition, the Romanian electoral legislation has contained very liberal provisions for minority groups to gain representation in the lower chamber of parliament. The lower chamber is based on a representational norm of 70 thousand citizens per one seat and consists of 332 seats. The 1990 law on organization of elections granted one seat in the lower chamber of parliament for each minority group that failed to obtain representation through the regular electoral procedure. The regular PR procedure has been based on a closed-list proportional representation in forty two constituencies with an electoral threshold that was raised from zero for the founding 1990 elections, to 3 % for the 1992 and 1996 elections, and to 5 % for parties and 8-10 % for electoral coalitions in the subsequent elections (Crowther, 2004; Popescu 2002).

Special minority-related procedures, which were also initially introduced in 1990, stipulated that non-governmental organizations of ethnic minorities can participate in elections. Minorities could send their representative to parliament provided they receive at least 5% of the average number of votes needed for the election of one deputy. This provision translated into a requirement to receive, for example, only 1, 336 votes in 1992 elections or 1, 273 votes in 2000 elections. Since 2004 the percentage was raised to 10% of the average number of votes needed for the election of one deputy. The limit of one seat per minority group imposed by electoral regulations means that in case several organizations from the same ethnic group compete only the one with the largest number of votes gets a seat in parliament (Popescu, 2002; Alionescu, 2004).

The fact that these minority-related electoral provisions remained in place throughout the post-communist period does not mean that they went unchallenged. The questions about

the problematic democratic legitimacy of these provisions have been repeatedly raised in the country. The low vote requirement is perceived as both non-democratic and as a source of potential abuse due to the ability of entrepreneurial candidates to negotiate votes in support of their candidacy from individuals and groups not related to the minority community(Alionescu, 2004) . Another criticism focuses on the proliferation of identity-based claims that are not grounded in the actual existence of identity groups, which the reserved seats encourage. We discuss these issues in some details later in the text when we analyze the voting results for reserved seats.

The criticism of reserved seats provisions, however, did not amount to any serious attempt to eliminate these provisions or severely restrict seat availability. This is partly explained by the fact that, as the Table 1 indicates, the costs in terms of underrepresentation for maintaining these provisions are not very substantial for the titular group. There are also powerful actors inside the titular group who directly benefit from the presence of the reserved seat deputies in the parliament. The beneficiary is the consecutive Romanian governments. Alionescu (2004) reports that the reserved seat deputies have developed a pattern of voting with whoever is in government in Romania thus reducing incentives for the ruling coalitions to revise the provisions. [5]

The second row in Table 1 provides information on ethnic Hungarians, which is the largest minority group in the country. The absence of parenthesis next to the number of ethnic Hungarians in the frequency count column indicates that reserved seat provisions were not applied to this group. Political mobilization of ethnic Hungarians at the start of the post-communist transition resulted in the establishment of a minority organization – the Democratic Union of Hungarians in Romania (UDMR). The UDMR proved to be successful in gaining representation through the regular rules of PR competition in every round of electoral completion after the fall of communism (Shafir, 2000; Crowther, 2004; Birnir, 2007). The party's vote share varied between 7.2% and 6.2% throughout this period. The overwhelming majority of deputies listed in Table 1 as having ethnic Hungarian background entered the parliament through the lists of the UDMR. Since the electoral behavior of this minority organization has been shaped by the regular rules of PR competition, UDMR is discussed in this article under the section that deals with political parties rather than minority non-governmental organizations, which is an official registration status of all minority organizations in the country**.**

Minority inclusion in political parties

The presence of minorities in the winning portions of the electoral lists of main political parties can serve as one indicator of parties' willingness to recruit ethnic minority representatives and to promote them through the party ranks. Candidate recruitment and selection are complex issues that have received a considerable amount of attention in the literature (Hazan & Rahat, 2005; Norris, 2005). In the case of the closed-list PR electoral system, which has been in place in Romania during the 1990-2007 period, the party leadership exercises considerable power over who is put on the list by controlling appointment procedures (Stefan, 2004). Although several Romanian parties tried to

experiment with the election of candidates, the party leadership is widely perceived to be in control of the list composition. In most of the cases the party leadership has some general expectations, which are formed on the basis of widely published results of pre-electoral polling or previous election results, about how many candidates from their lists are likely to enter parliament in any given election. The composition of party factions in parliament therefore reflects the party leadership's priorities in terms of candidate selection.

To evaluate party efforts to include minorities in their lists, we provide details on the ethnic composition of groups of deputies which are defined by the type of institutional channel through which a deputy entered the parliament. Table 2 below distinguishes between three such channels: PR seats, minority party seats, reserved seats. Minority party category refers here to the UDMR, the party of ethnic Hungarians. Although the UDMR has to follow the general rules of PR competition to gain representation in parliament, it has a special status among parliamentary parties due to its full and, among parliamentary parties, exclusive identification with the ethnic Hungarian minority group (Birnir, 2007; Shafir, 2000; Jenne, 2007). The PR seats category includes deputies elected on the lists of all other parties. The label "PR seats" for this category is not entirely satisfactory but neither are its alternatives such as "non-ethnic," "civic," or "class-based" parties. As such, we have adopted the more neutral term "PR seats" for the purposes of this presentation. Each of deputies in our dataset falls in one of the three categories described above.

Table 2

The results in Table 2 provide a different perspective on the data presented in the previous table. These results highlight the fact that parties rarely put members of minorities in the winning portions of their electoral lists. As the first column of the table indicates, there were only 19 cases of minority candidates entering the parliament on the ticket of the mainstream parties. These cases were approximately equally distributed among five parliamentary terms, which suggests there was no temporary variation in terms of the electorally successful parties' interest in minority recruitment. Neither has there been significant variation in terms of minority recruitment between parties of different ideological orientation. While the comparative literature's expectation is that left parties would be more minority friendly, the Romanian data does not fit this expectation, which can be partly attributed to the nationalist affinities of the post-communist left in Romania (Pop-Eleches, 1999). Six out of nineteen minority deputies, which is the largest subset of minority deputies belonging to the same party, come from the main communist successor party, the Romanian Social Democratic Party[6]. Yet given that the deputies from this party constitute numerically the largest group in parliament (523 out of 1950 deputies in our dataset) the share of minority deputies in this party amounts to slightly more than 1% . This figure is almost identical to the combined share of minorities from the PR seats column in Table 2.

Such a low share of minorities on party lists (1.1%) could not be attributed to chance. The probability of such a result if this group of deputies constituted a sample randomly drawn from a population with 10.53 % minority share (which is the case in Romania according to the 2002 census), is extremely low. Political parties thus seem to have chosen a strategy of not targeting minority groups in terms of recruitment efforts.

This choice is rooted in parties' electoral calculations. Parliamentary seats are scarce and highly valuable prizes awarded by the party leadership to those with the greatest potential to contribute to the advancement of party electoral goals.[7] Given that the minority party and the reserved seats candidates are already in competition for minority votes, the inclusion of minority candidates on the party lists does not guarantee main parties the electoral support of minorities. In the Romanian party leaderships' calculations this uncertainty about payoffs in terms of minority votes is combined with the knowledge about the limited demographic weight of most minority groups and the low levels of their geographic concentration.

The geographic dispersion of minority groups means that none of them, except the Hungarians, have considerable electoral clout in any of forty two multimember constituencies that are in place in Romania. Prior to the 2008 elections, the constituency borders themselves were not a product of any gerrymandering conscious of ethnic issues; electoral borders coincided with the borders of administrative territorial units (judets).[8] Table 3 below provides one possible measure of the territorial concentration of minorities. It lists the largest percent of the population of a single district for each of the minority groups. The table also provides details on the overall size of minority groups as well as the percentage of those who reported the knowledge of a minority language, which could serve as one indicator of the group's relative assimilation.

Table 3 here

As the last column of the table indicates, the population share of none of the minority groups other than the Hungarian exceeds 7 % in any of the electoral districts. This level of minority concentration provides relatively few electoral incentives for parties to court minority votes under the system of electoral constituencies where the mean district magnitude is 7.9. These considerations in combination with the existence of reserved seat provisions rather than the fact of availability of reserved seats on its own explain the patterns of non-inclusion of smaller minority groups in mainstream parties.

Those few members of these ethnic communities that could be found in the deputy rosters of main political parties are not there because of their potential to bring ethnic minority votes. The presence of those individuals in the deputy rosters could be primarily attributed, with a notable exception in a couple of cases, to other factors. A detailed breakdown of data on whether a minority deputy entered the parliament through the reserved seats or party lists was provided earlier in Table 1. As the table indicates, the largest number of minority deputies who entered the parliament on the lists of main parties come from two groups – Germans and Jews. Neither of these groups is among the numerically largest minorities but both are relatively well integrated into the Romanian society. Both are also distinguished by the high social status that its members enjoy due to higher levels of educational attainment and income.

Most of the minority MPs in the main political parties should be viewed as individual political entrepreneurs whose personal resource endowment – either in a form of membership in influential networks, private wealth, or established professional reputation – makes them attractive candidates for political parties. The claim that their ethnic minority affiliation is of secondary importance for the parties that recruited them is supported by the examination of their subsequent record as party representatives. Such an examination in the Romanian case was conducted on the basis of content analysis of legislative activities of these MPs and a

survey of the leadership of party organizations they represent. Evidence from both types of data reveals that ethnic minority MPs in main political parties lack a profile as representatives of ethnic minority communities.[9]

The fact that parties rarely use the opportunity to have minority deputies found in their ranks to serve as spokespersons on minority-related policy issues is further underscored by the results of a survey of minority organizations that participate in reserved seats' electoral competition. When asked to list the members of their ethnic group who currently serve or served in the past in the parliament, the secretariats of these organizations frequently failed to list ethnic minority deputies from the ranks of main parties. This strategy of non-acknowledging ethnic community membership of some MPs elected through party lists could be attributed to the desire of minority organizations competing in the reserved seats' segment to monopolize ethnic group representation. The actual weakness of the profile of the party lists' minority MPs on ethnic community issues makes this strategy rather feasible.[10]

If the lack of parties' interest in putting candidates from smaller minority groups on their electoral lists is consistent with expectations about parties' recruitment practices in a vote maximizing model of party behavior, the highly limited presence of Hungarian and Roma deputies on the lists of main parties requires additional explanation. Both groups have a considerable demographic weight but differ substantially in terms of many other important variables such as socio-economic status, territorial concentration, and patterns of political participation.

The high levels of loyalty to a leading Hungarian minority organization, the UDMR, that the ethnic Hungarian voters have exhibited since the start of the transition is the most immediate cause of the almost complete absence of ethnic Hungarians in the deputy rosters of the main Romanian parties. Being aware of this loyalty, main political parties chose to abstain from placing the ethnic Hungarians on party lists. The analysis of lists of candidates in eight electoral districts with the highest percentage of ethnic Hungarian population revealed that only 9 out of 748 candidates placed by the main political parties throughout the 1992-2004 period could be identified as persons of ethnic Hungarian background. In most rounds of parliamentary elections there were 52 seats in total allocated to these electoral districts, which are drawn according to the borders of the Romanian administrative territorial units, in each round of parliamentary elections held during this period. The strategy of main parties in these counties, where the share of ethnic Hungarian ranged from 85% to 11%, was to place ethnic Romanian candidates on the list and to target ethnic Romanian voters residing in these districts.[11]

UDMR, similarly to the majority of mainstream parties, showed little interest in using recruitment as a tool of attracting the vote of other minorities. As is indicated in Table 2 above, there were no members of other ethnic groups on the list of the Hungarian minority party (UDMR). The data on the ethnic composition of the UDMR's faction over almost two decades of the party's presence in the legislature indicates no attempts on the part of the party to break out of its status of strictly a mono-ethnic organization. As the experience of the Movement of Rights and Freedom (MRF), which is Turkish minority party in neighboring Bulgaria, indicates, this is not the only choice available to minority parties. From the inception, MRF has actively sought support of other ethnic groups. Putting members of these

groups in the winning portion of party's electoral list has been a major element of the MRF's overall strategy.

Besides the electoral calculations discussed above, the nature of UDMR's legal status might have contributed to the lack of interest in recruiting members of other minority groups. The UDMR, as other organizations of ethnic minorities, is registered as a 'minority organization', not as a political party. Attempts to explicitly target other minority groups would have exposed the UDMR to further attacks on its status as a minority organization. Such attacks have been repeatedly launched by the nationalistic Romanian politicians, who question the legitimacy of UDMR's preference for maintaining its minority organization status while operating in a classical party organization mode for all purposes of participation in the political process.

Overall, the PR rules of electoral competition that allowed for a continuing presence of the UDMR proved to be beneficial for the representation of Hungarians. As data presented in Table 1 indicates, these rules have allowed achievement of group representation at a level which is even slightly higher than proportional. Securing this representation, however, has come at considerable cost for the Hungarian community A key provision of Romania's PR rules – a 5 % electoral threshold since the 1996 elections - meant that maximum one Hungarian party could achieve legislative representation. This had a stifling effect on intra-community competition and has led to the weakening of the UDMR's responsiveness to the community needs. Numerous instances of community's discontent with the UDMR' performance and accountability gave rise to a number of attempts by other Hungarian minority organizations to mount a credible electoral challenge to the UDMR's monopoly on parliamentary representation (Caluser, 2008).

All these attempts have so far failed to resolve the coordination problem that Hungarian voters face. Voting for another Hungarian minority organization means risking to split the Hungarian vote and prevent any Hungarian party from crossing the 5-percent threshold. UDMR has consistently benefited from this problem, while none of the competing groups of ethnic Hungarian entrepreneurs have been able to credibly advertise a political alternative around which the Hungarian voters could coalesce. Thus while enabling proportional representation of this ethnic group, the existing electoral provisions made it difficult for the community to hold its representatives accountable.

Roma are the country's second largest minority group and, as Table 1 indicates, the principal loser in terms of proportionality of representation under the rules of Romanian electoral system. The lack of Roma inclusion in the main parties can be attributed to a number of causes. The literature cites lower voting participation in Romani community and weak loyalty to Romani political organizations among the key factors undermining the political clout of the group. In terms of conditions creating specific disincentives for main parties to include Roma candidates in their lists, scholars also mention social prejudices of majorities, which make it a liability for a main party to have Roma candidates on their list (Barany, 2001). There has been, however, no systematic tests of this latter proposition in the literature and, as our analysis of the voting results suggests, the ability of Romani organizations to get votes might be a better explanatory factor than general societal biases against the Roma in explaining the patterns of inclusion and non-inclusion in the party lists.

The total of votes received by Romani organizations in a given parliamentary election could be considered as one indicator of Romani electoral power. This electoral results data provides support for the thesis about the weak ability of Roma politicians to convert its demographic potential into votes. This ability, however, has grown quite considerably over time. The Romani organizations received about 80 thousand votes in the first post-communist parliamentary elections in 1990, 116 thousand in the 1992 elections, and 158 thousand in the 1996 elections.

Graph 1 here

This real evidence of the growing electoral clout of Romani community was a major reason of the 1999 agreement between the country's major communist successor party PDSR and a leading Romani organization, the Partida Romilor (PR). The agreement, which was highly publicized in the Romani community, included a number of policy and appointment provisions and made, among other things, the Romani organization's leader a PDSR candidate in the 2000 parliamentary race.[12]

PDSR's decision to enter into an informal electoral coalition with the Romani organization and to include a high-profile Rom in the party's electoral list constitutes an example of a first-mover advantage in the bidding game for minority votes. Other main parties did not try to replicate this strategy of PDSR. This is most likely not because they did not believe in the potential of reaping electoral benefits from pursuing such a strategy. The total number of votes collected by the Romani organizations in 2000 as compared to 1996 dropped from 158 thousand to 84 thousand. Given that prior to the 2000 the vote for Romani organizations exhibited a strong upward trend, it is reasonable to assume that a drastic and rapid decrease in the number of votes is due to the Partida Romilor's agreement with PDSR and a subsequent shift of a significant segment of Romani vote to PDSR.

Other parties' decisions to abstain from competing for the Romani vote, which would have had as one of its manifestations the inclusion of Romani candidates in their electoral lists, was likely to have been partly motivated by the initial commitment made to the Romani community by PDSR. By moving first, PDSR deterred other main parties from investing in targeting the Romani vote. As the main party of the center left, the PDSR also represented a natural partner for the Roma community on ideological grounds. The lower socio-economic status of Roma made them especially susceptible to slogans of redistributive politics put forward by the PDSR.

The election of the Partida Romilor's leader, Madalin Voicu, on PDSR ticket in the 2000 race thus signified a clearly ethnicity-influenced recruitment decision by a main party. Voicu, unlike few other ethnic minority deputies found in the ranks of main parties, could be seen as a representative of minority community. Voicu's continuing presence on PDSR's list in the subsequent rounds of parliamentary elections after 2000 indicates the durable nature of this alliance and suggests that both sides receive benefits, although probably not equally divided, from maintaining their electoral pact.

That the benefits were not equally divided, at least, in that part of the agreement that deals with parliamentary representation, is suggested by the 1996-2000 Romani vote change reported earlier. The probable Romani contribution to PDSR's overall vote should have entitled the Roma representatives to more than one safe seat on PDSR's lists.[13] The bargaining power of Roma representatives was, however, critically weakened by the lack of

options other than seeking a junior partner status in informal electoral coalitions with main parties. The 5 % electoral threshold in place in the country left no chances for the Romani organizations to gain representation on their own through the PR electoral system.[14]

Pursuit of representation by minority organizations

The Romanian reserved seats (RS) provisions for ethnic minorities constitute an interesting experiment in electoral engineering. The practice of applying these provisions generated a number of results, the significance of which goes beyond the Romanian case and is of general interest to the discussion of representation in ethnically diverse societies. After taking note of obvious representation gains for minority groups generated by the reserved seats provisions, the section focuses on less obvious effects of using the RS provisions. The specific design of these provisions in the Romanian case encouraged the proliferation of minority group-based claims for representation; made the outcomes of intra-group electoral competition highly dependent on a non-minority vote; and heightened the risks of capture of the minority representation positions by political entrepreneurs with limited ties to ethnic community.

The data on ethnic composition of the Romanian parliament, which was presented in Table 1, indicates that a large number of minority groups gained representation due to the RS provisions. Most of these groups would have hardly had a chance to be represented in the parliament without the RS component of electoral system. The small demographic weight of the majority of these groups and low levels of their geographic concentration make these groups unimportant under either of the two major electoral alternatives discussed in the comparative literature. Having just a PR or SMD segment of electoral system in the Romanian case would have provided main political parties with few incentives to nominate the representatives of these minority groups.

In this sense, there are also no interaction effects between the two existing segments of Romanian electoral systems: the abolishment of RS seats would not have changed the calculations of mono-ethnic Romanian political parties. An increased attention of main parties to Roma community could be one possible exception to the parties' recruitment practices under such an alternative institutional arrangement. In the absence of reserved seat provisions but with credible other evidence of growing levels of Romani political participation – as indicated, for example, by the increased number of Roma elected at the local level (Barany 2001) - mainstream parties might have put more efforts in trying to win Romani support.

The RS provisions in the Romanian context, however, should be seen not only as enabling the representation of some pre-existing groups. They play a key role in constructing some of these groups in the first place. Liberal registration norms and very low vote requirements for gaining representation through reserved seats encouraged a growing number of group claims for ethnic minority status. In the 1990 elections 11 ethnic groups gained reserved seats[15]. In the following rounds of elections the number of minority groups represented in parliament increased first to 13 after the 1992 elections, then to 15 after the 1996 elections, and later stabilized at 18 after the 2000 elections[16]. Some of the increase was due to splits inside the groups that in earlier rounds of elections acted as unitary groups: Turks/Tatars, Ukrainians/Ruthenians. Other groups were constructed anew. Groups like

Croats, Slav Macedonians, Hutsuls, Secuis were not even present in the long list of minority groups published after the 1992 Romanian census. By the second half of the 1990s the minority organizations claiming to represent the first two groups were strong enough to win a reserved seat.

The ability of many minority organizations to meet even the very low vote requirement for gaining a reserved seat depended on attracting non-ethnic votes. Graph 1 below shows the ratio of average votes for minority organizations to the size of the minority groups. The average is calculated on the basis of parliamentary election results of all organizations of that minority group for the 1990-2004 period.

Graph 2 here

As the graph indicates, the majority of ethnic organizations that have gained parliamentary representation through the reserved seats had their representatives elected by non-ethnic vote. Each of ten minority groups in the graph on the left-hand side have repeatedly got a much higher number of votes than the total size of the group. For the numerically smallest minorities, the ratio of the vote to the group size was as high as thirty-to-one. The ratio became much smaller for demographically larger groups listed in the graph on the right-hand side. The electoral success of minority organizations belonging to the large ethnic groups has been, most likely, shaped by the support of co-ethnics to a much larger extent than the success of minority organizations claiming to represent smaller communities.

Representation of these smaller minorities has become an especially controversial issue in the Romanian context. Alionescu (2004) cites a number of cases of political entrepreneurship that have undermined public belief in the basic fairness of reserved seat provisions and erode support for the continuation of this practice. In one of such cases, a politician who previously had not been successful in gaining a legislative seat on a ticket of a minor Hungarian party, founded subsequently the Union of Ruthenians in Romania, became its president, and won a reserved seat on behalf of this ethnic group in 2000. In another well-publicized case, a leader of the national trade union of coal miners founded the Union of Slav Macedonians. This ethnic group, similarly to Ruthenians, was not recorded in the 1992 census and claimed less than 1000 members in the 2002 census. The maverick trade union politician ran on behalf of the group in the 2000 elections and received 8809 votes nationwide. His election to the parliament was subsequently validated despite even the official contestation of the Macedonian embassy in Bucharest, which disputed his ethnic group membership.

These cases highlight a number of problems associated with the Romanian design of reserved seat provisions. The proliferation of group claims encouraged by the availability of reserved seats provision has provided the basis for a rise of suspicions among the Romania public about the authenticity of these groups and about their entitlement to special representation. Evidence of abuse of special mechanisms of representation by self-appointed group leaders further underscores public suspicion and skepticism. More generally, the high level of dependence of the majority of reserved seats deputies on non-ethnic vote for their election, puts into question the main rationale for introducing these seats in the first place. The actual practice of reserved seat competition suggests a different type of electoral connection between the deputy and ethnic constituency than the reserved seats design

envisions; many of the reserved seats politicians in the Romanian context have actually redefined and enlarged their constituencies.

Conclusion

This paper has examined minority representation outcomes generated under a combination of proportional representation and reserved seats provisions. It has explained these outcomes by analyzing the structure of incentives that key participants of the electoral process - political parties and minority organizations - face under a particular combination of electoral rules in a specific demographic context of the Romanian case. Both types of electoral provisions used in Romania are among those that the literature recommends for ethnically diverse societies. Thus a close look on the effects of these electoral institutions in one case of recent democratic transition is of direct relevance to the continuing discussion about the best ways of ensuring the inclusion of ethnic minorities in democratic process.

A key element in most variations of PR systems – electoral threshold – had two distinct types of adverse effects on political participation of the country's largest minority groups, Hungarians and Roma. While the use of PR provisions ensured a proportionality of representation of the ethnic Hungarians, this has been achieved at the expense of stifling intra-group competition. A high electoral threshold had the effect of institutionalizing one-party monopoly on group representation in the case of the Hungarian community. The same threshold deprived a second group, Roma, of chances to secure PR-based presence in the national parliament. Such type of presence would be more adequate than the reserved seat representation granted to Roma under the existing electoral rules. The design of electoral threshold provisions and their effects on the nature of ethnic minority representation thus deserves further attention in the discussion about PR and minority inclusion. Lowering the electoral threshold for ethnic minority parties might be an option worth considering by Romanian decision makers. Such an option has, for example, been implemented with respect to the German-speaking minority in Italy and the Danish minority in the German state of Schleswig-Holstein.

The use of reserved seats provisions has allowed many ethnic minority groups to gain representation that they otherwise had been denied if the RS system were not in place in Romania. As has been discussed at length in the text, the main political parties have faced few electoral incentives to include minorities in their lists irrespectively of the availability of the RS seats. The problems and limitations of the current design of RS provisions that the paper identifies highlight one general lesson from the Romanian experience with the RS. While simplicity of electoral provisions might be a virtue in certain circumstances, indiscriminate application of identical RS provisions to all kinds of ethnic minority groups generates inequalities and unfairness. While the Romanian system of minority protection is among the most comprehensive in Europe, the major irony of the Romanian case is that the country's choice of rules, both in the PR and RS segments of electoral competition, have done little to secure an adequate representation of the minority community which needs it the most. Roma remain highly underrepresented in Romania and the overall appearance of minority overrepresentation in the Romanian parliament comes at the expense of the Roma group.

Table 1. Ethnic background of Romanian legislators, 1990-2007

Ethnicity	*Population Share (%)*	*Legislative Share (%)*	*Legislative Frequency Count (N)*	*Proportionality of Representation Index*
Romanian	89.47	87.79	1,712	**0.98**
Hungarian	6.6	7.23	141	**1.1**
Roma	2.46	0.36	7(5)	**0.15**
Ukrainian	0.28	0.36	7(6*)	**1.29**
German	0.27	0.72	14(6*)	**2.67**
Lipovan Russian	0.16	0.26	5(5)	**1.63**
Turk	0.14	0.36	7(5)	**2.57**
Tatar	0.11	0.26	5(5)	**2.36**
Serb	0.1	0.26	5(5)	**2.6**
Czech and Slovak	0.09	0.26	5(5)	**2.89**
Bulgarian	0.03	0.31	6(6*)	**10.33**
Croat	0.03	0.1	2(2)	**3.33**
Greek	0.02	0.26	5(5)	**13**
Jewish	0.02	0.36	7(3)	**18**
Italian	0.01	0.21	4(4)	**21**
Polish	0.01	0.31	6(6*)	**31**
Armenian	0.008	0.26	5(5)	**32.5**
Macedonian	0.003	0.1	2(2)	**33.33**
Albanian	0.002	0.15	3(3)	**75**
Ruthenian	0.001	0.1	2(2)	**100**
Total	**99.81**	**100**	**1,950**	

Notes: () - numbers in parentheses indicate how many deputies of a given ethnic background were elected through the reserved seats provisions; Czech and Slovak communities initially shared a single reserved seat, which is the reason why the data for these two groups is combined.
* - indicates that two deputies served consecutively in the same reserved seat during a single parliamentary term: 1996-00 – Bulgarian and German minority reserved seats; 2000-04 – Polish; 2004-08 – Ukrainian.
Sources: Population data from the 2002 national census; Legislative data is based on authors' calculations.

Table 2. Ethnic background of Romanian legislators, by type of legislative seat, 1990-2007

		Type of seat			
		PR Seats	***Reserved Seats***	***Minority Party (UDMR)***	***Total***
Ethnicity	**Romanian**	**98.90%** (1712)	**0%** (0)	**0%** (0)	**87.79%** (1712)
	Hungarian	**0.12%** (2)	**0%** (0)	**100%** (139)	**7.23%** (141)
	Other	**0.98%** (17)	**100%** (80)	**0%** (0)	**4.97%** (97)
	Total (N)	**100%** (1731)	**100%** (80)	**100%** (139)	**100%** (1950)

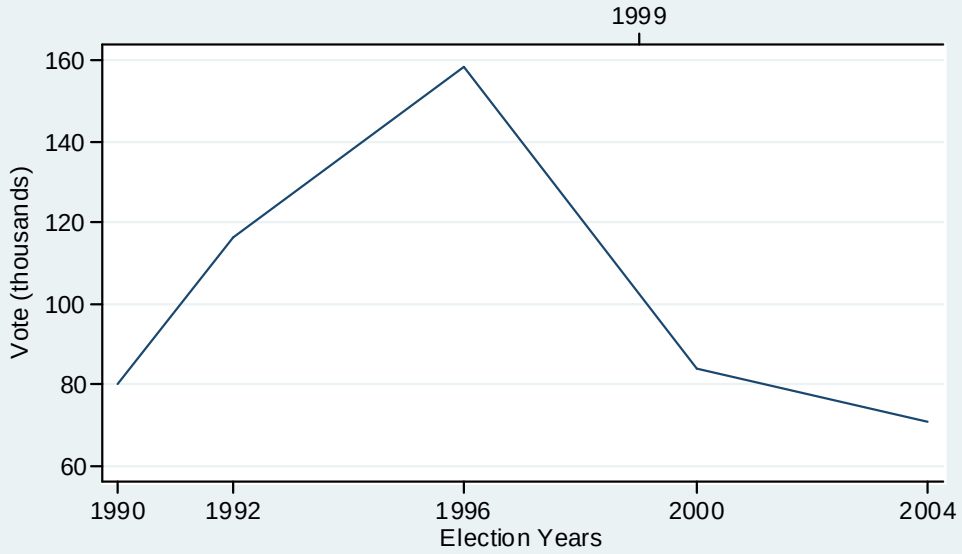
Source: calculations from the authors' dataset.

Table 3. Territorial concentration and language skills

Ethnicity	*Population Share (%)*	*Knowledge of group language (%)*	*Concentration (%)*
Hungarian	6.6	97,63	84.62
Roma	2.46	44,02	6.96
Ukrainian	0.28	91,85	6.67
German	0.27	70,30	1.05
Lipovan Russian	0.16	79,17	6.37
Turk	0.14	86,20	3.39
Tatar	0.11	88,45	3.25
Serb	0.1	88,42	1.82
Slovak	0.09	91,18	1.23
Bulgarian	0.03	81,33	0.82
Croat	0.03	92,61	1.88
Greek	0.02	61,87	0.65
Jewish	0.02	14,88	0.13
Czech	0,01	83,96	0.74
Italian	0.01	73,60	0,05
Polish	0.01	73,17	0.38
Armenian	0.008	38,99	0,04
Macedonian	0.003	NA	NA
Albanian	0.002	NA	NA
Ruthenian	0.001	NA	NA

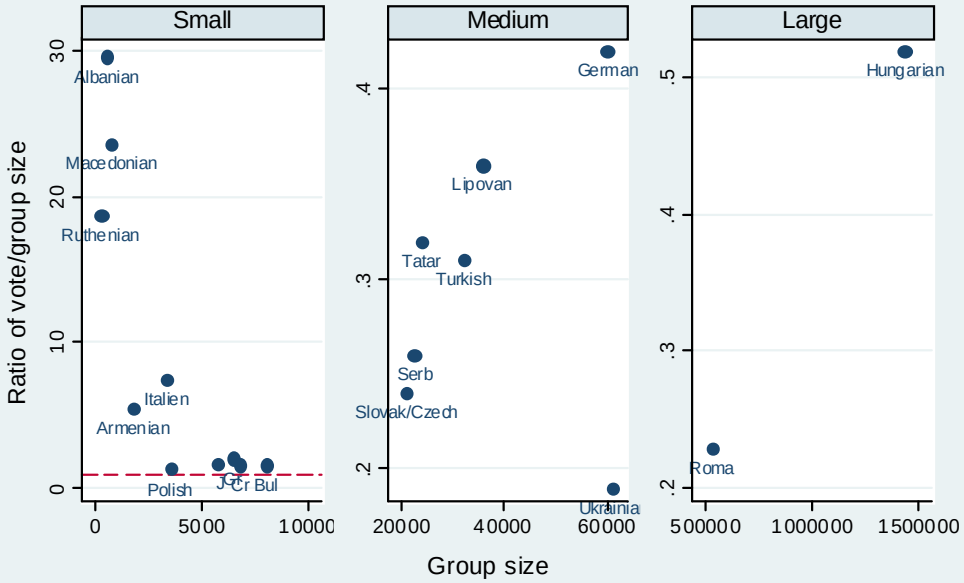
Source: 2002 census data; authors' calculations.

Graph 1. Total vote for Romani organizations in parliamentary elections, 1990-2004



Source: Romanian Election Results. The Official Gazette of Romania, various years.
(1999 - political aggreement between the Partida Romilor and PDSR)

Graph 2. Electoral performance of minority organizations, 1990-2004



Note: Dashed line indicates ratio of 1.
Legend: J - Jewish; Gr - Greek; Cr - Croat; Bul - Bulgarian.

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Notes:

[1] Official parliamentary data was accessed from Camera deputatilor. *Structurile altor legislature*, www.cdep.ro.

[2]Experts represented the following institutions: Centrul de Resurse pentru Diversitate Etnoculturala – Ethnocultural Diversity Resource Center, Cluj, Romania; Liga Pro Europa – P.ro Europe League, Tîrgu-Mures, Romania.

[3] The under representation of ethnic Romanians is not a product of lower turnout of ethnic Romanians in comparison to the minority population. Shares of the total vote received by Romanian parties and ethnic minority organizations could be assumed to provide one proxy measure of majority and minority turnouts. When such data is analyzed the minority vote share turns out to be lower than the minority population share for each of the parliamentary elections. The vote share of minority organizations varied from a low of 8.61% in the 1990 elections to a high of 10.03% in the 2000 elections. There has been also a high degree of correlation between the absolute number of votes for Romanian parties and minority organizations across elections: increases and decreases in the absolute number of votes for the parties and for minority organizations coincided across the entire post communist period. The detailed calculations of vote results are available upon requests from the authors.

[4]These over representation results are a function of the size of the legislature. Since one seat corresponds to a legislative share of 1/332 (.30%), an ethnic minority with a population share less than .30% immediately becomes overrepresented when granted a reserved seat.

[5] Political support for maintaining these provisions is also based on the perception that reserved seats signal a continuing commitment to ethnic minority inclusion, a normatively important issue in the context of European integration (Kelley, 2004)

[6] The party has changed its title several times throughout the post-communist period.

[7]The Romanian experience provides numerous examples of electoral list composition being affected by 'subjective' factors (clientelism, corruption, etc.) rather than considerations of vote maximization. The latter motivation , however, provides a more sound basis for systematic theorizing - practices of allocating seats to friends and clients are likely to be constrained by the need to get the vote.

[8] Gerrymandering became an important political issues in the run-up to the 2008 elections, when numerous accusations about politically motivated re-drawing of electoral borders were made against the Liberal government.

[9] A survey of party offices of Romanian political parties and ethnic minority organizations, which was conducted by the authors in June-August 2007, revealed that the secretariats of main political parties were often unable to identify ethnic minority deputies serving on the party's behalf in the parliament. This suggests that ethnic affiliation of MPs is not important and ethnic minority deputies found in the deputy roasters of main political parties do not play a prominent role in articulation of party positons on minority issues.

[10] The results of June-August 2007 survey conducted by the authors. The questionnaire mailed to ethnic minority organizations asked them to identify in each parliamentary term the MPs who are members of their

respective ethnic groups. The majority of responses identified as members of their ethnic group only deputies who had served in the reserved seats' positions.

[11] Candidate data for all political parties represented in parliament was analyzed for the following eight counties: Arad, Bihor, Cluj, Covasna, Harghita, Mures, Salaj, Satu-Mare. The candidate count, which is presented in the text, does not include candidate numbers for the 2000 elections due to the unavailability of the data.

[12] On details of the PDSR-PR agreement, which also addressed Romani policy and executive representation concerns, see Barany (2001).

[13] The drop in the vote for Romani organizations from the 1996 to 2000 elections was 74 thousand. The votes-per-seat ratio in the 2000 elections was 32.7 thousands. Assuming no further increase in the number of mobilized Romani voters in comparison to the 1996 elections, this could have still been translated in, at least, two deputy seats for Romani representatives on PDSR ticket in the subsequent rounds of parliamentary elections.

[14] The 2.5 % Romani share of the total Romanian population, which was reported in the 2002 census, is often disputed in the literature. Barany (2004) cites estimates of Romani population that range widely between 1,5 and 6 million, which would translate into 6.9 % - 27.6% Romani share of total population. In neither of Romanian elections the vote for all Romani organizations came close to the 5 % electoral threshold. The best result for Romani organizations was the total of 1.3 % of national vote in the 1996 elections. This percentage, however, should not be taken as an accurate indicator of the overall vote potential of Roma organizations in PR competition. Since Roma parties competed primarily in the reserved seats elections, it could be speculated that Romani voters see little rationale in giving extra votes to the RS candidates that require very little electoral support to gain a reserved seat.

[15] These minority groups were: Germans, Roma, Russians-Lipovans, Armenians, Bulgarians, Czech/Slovaks, Serbs, Greeks, Poles, Ukrainian, Turks.

[16] Minorities that gained reserved seat representation in the subsequent rounds of elections were: Italians, Turks, Albanians, Jews, Croats, Ruthenians, and Slav Macedonians.