

# TOTALITARIANISM AND CONSTITUTIONAL INVOLUTION DURING THE COMMUNIST REGIME IN ROMANIA\*

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## 1. From the European spirit of the Romanian constitutional life to the constitutions of the totalitarian regime

The destiny of Europe, especially the modern one, was determined by the fight of asserting the individual rights and liberties to constitute the nations and the national states governed by the ideas of legality, legitimacy, justice and social fairness. As “the Declaration of the Human Rights” from 26<sup>th</sup> of August 1789 declared that “forgetting or neglecting the human rights are the only causes of the public misdeeds and the governs corruption.” To fulfill these grievances meant a very long process, which was not carried out simply and peacefully but brought a series of disfunctional and contradicting moments for many European states and nations. These appeared as violations of the fundamental human rights ignoring the ideas of justice, social fairness and proclaiming the principle of a total obedience of the individuals to the state and the state right.

In this context, the history evolution of the Romanian political and juridical life shows that the forced change of the government in Romania developed improperly the country against the democratic spirit and constitutional and juridical traditions of the Romanian people. It is known that Romania had a democratic-parliamentarian government for a century (1866-1948) but its political power was forcedly and totally imposed by the communist party and considered as “the will of the workers class risen up to the law level”. This change decisively brought profound inequalities at the social legal and ethnic level, whose effects have been still observed by the Romanian society until today, owing to the democrat-parliamentarian and constitutional traditions that never disappeared from the Romanian spirituality but rooted and experimented along the national history. The Romanian people have been living a life among the Europe’s nations history even if the communist regime marked a certain political, economic, moral-juridical and cultural “distance” from our society in front of the most European countries.

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Romanian Journal of Sociology, X, 1-2, 1999.