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**Book review: *Istoria organizării și funcționării
Guvernului în România. De la începuturi și până la 22
decembrie 1989***

**Author: Bogdan-Michael Ciubotaru, Editura LUMEN,
Iași, 2013**

Cristian SANDACHE¹

Summary:

The volume tackles the meaningful stages of the historical-legal level that equaled the emergence and evolution of the concept of „government”, starting from the example of the Paris Convention (1858) and continuing with the Romanian Constitutions from 1866, 1923, 1938, 1952 and 1965. In light of the doctrine and legislation, a thorough analysis was performed regarding the organizing, functioning and, nonetheless, particularities of the governments that succeeded the Romanian government in the bourgeois and communist political system.

Keywords:

government, structure, organization, functionality, political system

The historical evolution of the organizing and functioning of the Romanian Government is subject to the volume developed by Bogdan-Michael Ciubotaru, lecturer PhD., lawyer in the Bar Association from Iasi and, nonetheless, Dean of the Law Faculty from „Mihail Kogalniceanu” University from Iasi.

The volume develops and ambitious subject, implying a considerable effort of creation and a thorough documentation. The author, however, succeeded honourably, the book representing a successful combination between an extensive documentation and a piercing scientific analysis. It regards, in fact, the real history of Romania, the comparative paradigm the author used in order to offer the volume an extensive interest. The 211 pages of the study were structured in essential chapters: *The origins of the Government; The influence of the bourgeois*

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revolutions on shaping the Government's institutions as self-sustaining structures; The organizing and functioning of the Romanian Governments starting from 1858 until 22 december 1989 (Ciubotariu, 2013a, pp.9-10).

The first chapter of the paper, dedicated to the origins of the Government, starts with a series of conceptual clarifications. In this matter, as in most of the public law institutions, many notions with identical or similar meaning can be identified, which is why the author of the volume felt like he needed to discuss certain concepts that are widely used, such as: Government, governing, Ministry Council, Cabinet, etc.

As highlighted in this context, of great importance is the report between the Government the executive power, the meaning and content of the latter notion evolving along time (Ciubotaru, 2013b, p.19).

A distinctive section is dedicated to the origins of the Government in Moldavia, Valahia and Transylvania, well known being the fact that, in some states, the emergence of the Ministries preceded the emergence of the Government, while in other states it happened the other way around. Anyhow, the Government is a creation of modern times (Ciubotaru, 2013), the analysis picturing synthetically the evolution of the institution in other political systems too, such as the american or the english one.

The second chapter of the forementioned volume analysis the influence of the bourgeois revolutions on shaping the Government institution as a self-sustaining structure. We agree with the statement according to which the constitutional consecration regarding the organizing, functioning and role of the ministers, the Government ultimately, reflected the spirit of those times, the progressive, revolutionary ideas that animated the Europe of the XIX-th century (Ciubotaru, 2013a, p.57).

In chapter 3, the author presents the organizing and functioning the Romanian Governments between 1859-1989, period of time in which the Romanian historiography recorded the succession of 117 Governments, the analysis of the institution being organized in report to the political systems that succeeded, in time, in our country. The essential distinction remains between the interwar and postwar political systems, and the bourgeois and communist ones according to the terminology used by the author.

During the parliamentary regime that was initially consecrated through the 1866 Constitution, the central authorities of public administration were the King and the Government. The Council of Ministers was a governing, executing and deliberating authority, performing acts of government and administration (Ciubotaru, 2013c, pp.21-22).

A special attention is given to this context and the legal regime regarding the organizing and functioning of the Government under the 1938 Constitution Empire, the institution being evoked from the perspective of the dictatorship of King Carol the II-nd and Ion Antonescu.

The particularities of organizing and functioning of the Government between 1944 – 1948 are reflected in the final part of the interwar era presentation.

The reflection of the postwar political system, much briefer in report to the previous one, the roots of the democratic Governing regime being mentioned in the interwar period, are limited to a concise evocation of the organizing and functioning of the Government according to the socialist constitutions in 1948, 1952 and 1965, the latter one being expressly abrogated through the current one, from 1991.

The merit of the author is represented, first of all, by his capacity to offer explanations, as much documented as they are clear, in an attractive manner, that equally certifies the publicist endowment and the superior pedagogical valences. Unlike his other colleagues who belong to the law sciences field, Bogdan-Michael Ciubotaru is an intellectual that has strong, well assimilated historical knowledge, this thing favoring both his way of approaching the subjects, as well as the manner in which he conceives his academic lectures. He manages to always get the essential, clothing it in a suggestive, inspired manner. Such theme could risk to be treated in a dry, stiff, formal manner, absolutely lacking any interest in reading it. However, Bogdan-Michael Ciubotaru manages to offer its readers (including the ones less familiar with the field of administrative law history) an analysis as much clear as it is appealing. The volume poseses a thorough and diverse bibliography – another meaningful clue regarding the seriousness of the author's approach. It is a very well written book, impossible to ignore by both lawyers and historians, tackling a most current topic.

Conclusions:

At the end of his most accurate scientific initiative, the author considers that the Romanian constitutional life has been carried out as sinuous process, including, on one side, synchronous, functional and evolutionary elements that led to the statuation of the pluralist democratic-parliamentary regime, and, on the other side, the diachronic, disfunctional and involutive elements that led to its gradual dissolution and replacement with a monocratic totalitarian regime for a period of 50 years, the structures of the constitutional democracy after december 1989 bein currently revived (Ciubotaru, 2013a, p.197). History itself, as a maximum complex phenomenon, impossible to compress in a „Bed of Procust”, is revealing itself sequentially and deffinetly subjective, despite our ambitions to understand its essence. However, what matters the most is the very analitical approach, proof that the man is constantly striving for self-improvement.

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