THE ROLE OF THE PARLIAMENTARY OPPOSITION IN OBSERVING THE RULE OF LAW

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Abstract

In a democratic regime, the political stage is shared between the representatives of the power and those of the opposition. While the power has both the right and the duty to make decisions and to govern, the opposition has, on the one hand, the role of ensuring an effective control of the power's activity and of signalling its possible slippages or abuses, and, on the other on the other hand, the role of presenting alternatives to the policies of the power, as well as to the governing team. Given that the power occupies the foreground of this binomial, within the analysis of the rule of law, the specialized doctrine focuses most of the time on analysing the dynamics of the relationship between power and law.

Without contesting the primacy of the power's conduct in this equation, this paper aims to highlight the essential role of the parliamentary opposition in observing the rule of law. The level of institutionalization of the parliamentary opposition is the main indicator of the maturity of a democratic system and the existence of a developed opposition is an essential condition for observing the rule of law.

Keywords: *parliamentary opposition, rule of law, democracy, political power, constitution*

1. Brief considerations in respect of the rule of law

Although the cornerstone of the rule of law was laid since antiquity by philosophers such as Plato and Aristotle, the modern concept of the thereof emerged in the late 18th - early 19th centuries as a response to the despotic or absolutist state[1].

At the doctrinal level, three main approaches to the rule of law have been developed over time. These approaches essentially revolve around the same concept, however, certain subtle differences of nuance and terminology may be identified between them.

While in terms of terminology, the Anglo-American school uses the notion of "*rule of law*", the German school uses the term "*Rechtsstaat*" and the French school uses the notion of "*l'état de droit*".

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[1] Ioan Muraru, Elena-Simina Tănăsescu (coord.), Constituția României. Comentariu pe articole, 3rd edition, Ed. C.H. Beck, Bucharest, 2022, p. 7.

The concept of the "*rule of law*" arose in the United Kingdom by way of case law, from the establishment of criminal procedure instruments and illustrates the idea that law is above any authority (including the royal ones). This rule was taken up in the most important texts of constitutional value, such as the Magna Carta, the Bill of Rights and Habeas Corpus[2] and was first theorised by Albert Venn Dicey in his work "*Introduction in the Study of the Law of the Constitution*" in 1885.

The concept of "*Rechtsstaat*" was theorized in its early phase mainly by Robert von Mohl, initially illustrating a manifesto against absolute monarchy, but later the term "*Rechtsstaat*" evolved to designate predominantly the idea of a state whose powers are exercised in accordance with and within the limits of the law[3].

The concept of "état de droit" emphasizes the law as an expression of the sovereign will of the people and has been defined by Raymond Carré de Malberg as a state that obeys itself to a regime governed by law [4].

In search of a consensual definition of the rule of law, The European Commission for Democracy Through Law (the Venice Commission), based on research into international law, the legislation of the member states of the Council of Europe and relevant doctrine, drew up a Report on the Rule of Law[5], identifying the following elements common to the three concepts mentioned above, which are considered to be essential for the rule of law:

- Legality, including a transparent, accountable and democratic process for enacting law;
- Legal certainty;
- Prohibition of arbitrariness;
- Access to justice before independent and impartial courts, including judicial review of administrative acts;
- Respect for human rights;
- Non-discrimination and equality before the law.

Another reference document of the Venice Commission in developing the concept of the rule of law is the Rule of Law Checklist[6], which serves as a benchmark and guideline mainly for the Council of Europe member states to strengthen the rule of law mechanism.

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[2] Vlad Constantinesco, Stéphane Pierré-Caps, Drept constituțional, 7th edition, Ed. Universul Juridic, Bucharest, 2022, p. 74-75.

[3] Ștefan Deaconu, Instituții Politice, 4th edition, Ed. C.H. Beck, Bucharest, 2022, p. 83-84.

[4] Raymond Carré de Malberg, Contribution à la théorie générale de l'état, Dalloz, Paris, 2004, p. 488, apud Marian Enache, Statul român și trăsăturile sale constituționale in Pandectele Române, No. 9/2011, https://sintact.ro/#/publication/151004594?keyword=malberg&cm=SREST, consultat la 27.09.2022.

[5] The European Commission for Democracy Through Law, 86th Plenary Session, Report on the Rule of Law, Venice, 2011, https://rm.coe.int/1680700a61, consulted on 27.09.2022, p. 10.

[6] The European Commission for Democracy Through Law, 106th Plenary Session, Rule of Law Checklist, Venice, 2016, https://www.venice.coe.int/images/SITE%20IMAGES/Publications/Rule_of_Law_Check_List.pdf, consulted on 27.09.2022.

Given the common elements of the three concepts – *rule of law*, *Rechtsstaat* and *état de droit* - listed above, for the sake of terminological unity and clarity of the text, we will use exclusively the notion of rule of law in this article.

The concept of the rule of law has been developed over time, including through case law by the Constitutional Court of Romania, the Court of Justice of the European Union and the European Court of Human Rights.

Thus, in its caselaw, the Constitutional Court of Romania has stated that the essential features of the rule of law are the supremacy of the Constitution, complying with the law[7] and ensuring the correlation of all normative acts with the provisions of the fundamental law[8]. In the understanding of the Constitutional Court of Romania, the rule of law implies "*subordination of the state to the law, ensuring those tools that allow the law to censor political opinions and, within this framework, to balance possible abusive tendencies of state structures*[9]". Nevertheless, complying with the rule of law is not limited to ensuring legality, "*but implies, on the part of the public authorities, constitutional behaviour and practices, which have their origin in the constitutional normative order*[10]*",* having "*a broader significance than the positive norms enacted by the legislator, constituting the specific constitutional culture of a national community*[11]".

Recent case law of the Court of Justice of the European Union concerning the rule of law has focused on judicial independence as an essential condition for observing for the rule of law[12]. Notwithstanding, at the European Union level the concept of the rule of law has historically been used in relation to a variety of values and principles it encompasses, such as the rule of law, fundamental rights or even anti-corruption[13].

The most comprehensive meaning is attributed to the notion of the rule of law in the case law of the European Court of Human Rights, according to which the concept

[7] Decision no. 1/2014 of the Constitutional Court of Romania, published in the Romanian Official Gazette, Part I, no. 123 dated 19 February 2014, para. 223.

[8] Decision no. 22/2004 of the Constitutional Court of Romania, published in the Romanian Official Gazette, Part I, no. 233 dated 17 March 2004.

[9] Decision no. 70/2000 of the Constitutional Court of Romania, published in the Romanian Official Gazette, Part I, no. 334 dated 19 July 2000.

[10] Decision no. 611/2017 of the Constitutional Court of Romania, published in the Romanian Official Gazette, Part I, no. 877 dated 7 November 2017, para. 107.

[11] Ibidem.

[12] Court of Justice of the European Union, Grand Chamber, Judgment of the Court of 29 March 2022 following the Request for a preliminary ruling from the Sąd Najwyższy, Case C-132/20, ECLI:EU:C:2022:235, para. 96 and Court of Justice of the European Union, Grand Chamber, Judgment of the Court of 22 February 2022 following the Request for a preliminary ruling from Curtea de Apel Craiova, Case C-430/21, ECLI:EU:C:2022:99, para. 40.

[13] The European Commission for Democracy Through Law, 86th Plenary Session, Report on the Rule of Law, Venice, 2011, https://rm.coe.int/1680700a61, consulted on 27.09.2022, p. 7.

of the rule of law is inherent in all articles of the Convention for the Protection of Human Rights and Fundamental Freedoms[14].

In Romanian legal doctrine, the opinion has been expressed that the phrase "*government of law, not of men*" formulated by Justice John Marshall in 1803 in the Marbury v. Madison case, which laid the foundations for the emergence of constitutional review in the United States of America and throughout the world, "*remains to this day the shortest and most striking definition of the rule of law*[15]". Although this phrase is surprisingly comprehensive in considering its length, we argue that it is insufficient to illustrate the contemporary concept of the rule of law as it has evolved over time. Thus, in the contemporary view, the rule of law is an interdisciplinary concept, which is not reduced to the limitation of the state by law[16], but calls for the guarantee of fundamental values such as the supremacy of the Constitution at the top of a hierarchical system of rules, the principle of the separation of powers, human rights and freedoms[17], equality before the law and free access to justice. Another interesting definition of the rule of law was formulated in the invitation to the Round Table organized by the Romanian Association of Constitutional Law on 30 September 2022, an event during which we presented a scientific communication based on the topic of this paper. In the aforementioned invitation, the rule of law was defined as "*a political-legal concept that assumes the existence of a democratic political regime based on the relationship between state and law, on the relationship between power and law, a state concerned with ensuring the supremacy of law and respect for the rights and freedoms of citizens*".

Similarly to the Venice Commission, in their search for a definition, representatives of legal doctrine[18] identified the following characteristics of the rule of law:

- Constitutional enshrinement of the principle of the separation of powers;
- Equality before the law and justice;
- Non-retroactivity of the law;
- Supremacy of the Constitution;
- Ensuring the right of defence based on the presumption of innocence, impartiality and independence of justice;
- Promoting democratic, pluralist values and political pluralism;
- Holding free elections at certain intervals by universal, direct and secret ballot;
- Guaranteeing fundamental rights and freedoms.

[14] European Court of Human Rights, Grand Chamber, Judgement dated 28 May 2002, Case of Stafford v. The United Kingdom (application no. 46295/99), para. 63.

[15] Mircea Duțu, Statul de drept și valorile sociale, in Pandectele Române No. 7/2015, https://sintact.ro/#/publication/151009748?keyword=statul%20de%20drept&cm=SREST, consulted on 27.09.2022.

[16] Ștefan Deaconu, op. cit., p. 83.

[17] Tudor Drăganu, Drept constituțional și instituții politice. Tratat elementar, Vol. I, Ed. Lumina Lex, Bucharest, 2000, p. 290.

[18] Cristian Ionescu, op. cit., p. 129.

Despite the doctrinal effort to identify the above-mentioned characteristics, given that, as mentioned above, the concept of the rule of law differs (even if mainly in matters of terminology or nuance) depending on the system of law and given that that this concept is constantly evolving, it is basically impossible to formulate a generally valid definition of the rule of law. Thus, in researching the concept of the rule of law, we consider it a cautious and, at the same time, wise approach to limit ourselves to identifying the main characteristics of this concept, and to refrain from attempting to formulate a generally valid definition thereof.

2. The role of the parliamentary opposition in observing the rule of law

As one may notice from the above-mentioned, within the framework of the analysis of the rule of law, the majority of doctrine and case law often focuses on analysing the dynamics of the relationship between power and law, addressing the role of the opposition on a secondary level or even entirely ignoring such.

In a democratic system, the political scene is shared between the representatives of the power and those of the opposition. Given that the power enjoys the right to make decisions and to govern, it is obvious that the relationship between power and opposition is not balanced and that the power monopolises the foreground thereof. The dynamics of this relationship are at the heart of democracy and are eloquently illustrated by the expression "*the majority has its way, and the minority has its say*[19]".

The decisive reason for the focus of the doctrine on power in the analysis of the rule of law is the fact that, by virtue of governance, power has the legal and political instruments necessary to create, modify or complete the very foundation of the rule of law - law.

The existence of law is an essential but insufficient condition for the functioning of the rule of law. After all, even absolute monarchies were no strangers to law. As we have shown above, the rule of law, in its modern sense, is a complex multidisciplinary concept whose existence depends on respect for the principle of legality, the supremacy of the Constitution, the existence of a hierarchical regulatory system, the equality of all (including decision-makers) before the law, free access to justice and the independence of the judiciary.

As one may notice, the list of conditions necessary for the functioning of the rule of law is long. Nevertheless, in order to convert the rule of law from a theoretical, abstract concept into a practical, functioning one, a system is needed for checking whether these conditions are met and for holding those in power accountable for their actions.

[19] Devendra Kumar, Role of Opposition in a Parliamentary Democracy, in The Indian Journal of Political Science, Vol. 75, No. 1/2014, p. 165.

There are two types of accountabilities of the representatives of power – legal accountability and political accountability. Given that, according to the principle of the separation of powers, legal accountability is mainly the responsibility of the judiciary, in this paper we will focus on the political accountability of the representatives of power.

In a representative democracy, the mechanism of political accountability of the representatives of power is usually periodically engaged within the framework of elections, through the exercise of the right to vote by citizens.

In order for this mechanism to work effectively, it is necessary, first and foremost, that citizens are properly and fully informed about the activities undertaken by the representatives of power during the exercise of the mandate granted by the people, as well as about their performance. This can be achieved through the media and civil society, whose active involvement in the political life of the state has become inextricably linked to the very essence of modern democratic systems. However, neither the media nor civil society have the legal instruments needed to supervise closely all the activities of the authorities and, in particular, to hold their representatives to account. Thus, the parliamentary opposition is the most effective institution for performing this endeavour.

Unlike the media and civil society, the parliamentary opposition operates within an institutionalised framework that provides it with the legal and political instruments necessary to exercise active control over the government and, in some cases, even to hold its representatives accountable.

Parliamentary opposition first emerged in late 18th century in the United Kingdom. The early phase of modern parliamentarianism was marked by a severe imbalance of power between the monarch and the parliament. In this context the only alternative that could have allowed parliamentarians to gain ground in the struggle with the monarch was unity. The parliament was therefore constituted in its entirety during this period as an opposition bloc against the monarch and the government appointed thereby.

At the end of the 18th century, taking advantage of a favourable context through which the power of certain monarchs was weakened, the Parliament of the United Kingdom laid the cornerstone of parliamentary opposition by replacing the monarch-appointed government with a parliamentary government[20]. Subsequently, as this model of government developed, two main groups with conflicting interests formed within Parliament, one of which supported the government and the other of which disagreed with the government and its policies[21]. The gradual weakening of the monarch's power led to the consolidation of the position of the second group. Although the emergence of parliamentary opposition is linked to the United Kingdom,

[20] Ştefan Deaconu, op. cit., p. 149.
[21] Ghiţă Ionescu, Isabel de Madariaga, Opoziţia, Ed. Humanitas, Bucharest, 1992, p. 56.

the emergence of parliamentary regimes that included a fully developed parliamentary opposition in their main institutions is linked to 19th-century France[22].

The opposition can be defined as all political parties and other organizations that take a stand against the government, expressing their differences of opinion and views critical of the government and its actions[23]. Based on this definition, one may notice that the spectrum of the opposition is not limited to the parliamentary opposition, comprising also other parties outside the parliamentary arena that oppose the government, such as non-governmental organisations, interest groups or trade unions.

While defining opposition as a general concept does not cause any difficulties, in trying to define parliamentary opposition, it is necessary to pay attention to certain nuances, depending on the party system applicable in a state. On the one hand, in a two-party system, the fact that only two parties are realistically capable of governing means that the principle of alternation in the exercise of power[24] is strongly expressed with regard to the two aforementioned parties and thus facilitates the identification of parliamentary opposition. The latter usually coincides with the party which has won the fewest seats in parliament. On the other hand, in a multiparty system, the heterogeneity of the political structure of parliament[25], as well as the "*lack of an opposition infrastructure, understood as an institutional body vested by the Constitution with certain and definitively recognised powers*[26]", make it difficult to determine the actual composition of the parliamentary opposition and, consequently, to define this concept.

The key role of the parliamentary opposition in observing the rule of law is emphasized within legal doctrine by attributing to the constitutional recognition of the opposition the status of a reference point that allows differentiation between democratic and authoritarian systems, placing the parliamentary opposition precisely at the heart of the functioning of the democratic system[27].

In this context, it is necessary to question what are the instruments of manifesting the role of the parliamentary opposition in a democratic system, and in order to answer this question we will try to identify and briefly analyse the functions of the parliamentary opposition.

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[22] Ghiță Ionescu, Isabel de Madariaga,, op. cit., p. 17.

[23] Majority and opposition – striking a balance in democracy, Information document prepared by the secretariat on the instruction of the President of the Council of Europe Parliamentary Assembly, Oslo, 2014, https://www.stortinget.no/contentassets/0f025d8103c74397a63f709d7707d49c/theme_3.pdf, consulted on 27.09.2022, p. 2.

[24] Olivier Duhamel, Guillaume Tusseau, Droit Constitutionnel et Institution Politiques, 5th edition, Ed. Du Seuil, Seuil, 2020, p. 57.

[25] Alexis Fourmont, L'Opposition Parlementaire en Droit Constitutionnel, Étude Comparé: France-Allemagne, Ed. LGDJ, Paris, 2019, p. 7.

[26] Cristian Ionescu, Recunoaşterea constituţională a rolului opoziţiei este un criteriu esenţial al democraţiei parlamentare în Pandectele Române, No. 8/2021, https://sintact.ro/#/publication/151021827?keyword=opoziția&cm=SREST, consulted on 27.09.2022.

[27] Ibidem.

The main functions of the parliamentary opposition in a democratic system are to control the activity of the power (*Control Function*) and to provide alternatives to the policies of the power and the governing team (*Alternative Function*).

The Control Function

In the comfort of the stability provided by a relatively long term of the mandate, often "*governors distance themselves so much from the governed that they end up exercising state power for themselves and not for the people*[28]". Crystallised as a counterweight to power, the parliamentary opposition has the task of exercising a rigorous control over the activity of the power throughout its entire mandate. Given that the parliamentary power tends to stand in the shadow of the government and support its measures by voting, without any real ability to dissociate itself therefrom[29], the control exercised by the parliamentary opposition represents the most effective expression of parliamentary control.

The control function of the parliamentary opposition consists in closely monitoring the activities of the power and in pointing out and criticising possible slippages or abuses thereof. This function of the parliamentary opposition is also enshrined by the Constitutional Court of Romania in its case law[30], ruling that the power of decision belongs to the representatives of the parliamentary majority, by virtue of the mandate entrusted to them by the majority of voters, and that the representatives of the parliamentary opposition have a recognised right of expression.

The exercise of this function must be carried out with great caution, as any abuse or weakness of the parliamentary opposition can trigger severe institutional imbalances, with the potential of affecting the very essence of the rule of law. That is why criticism of the opposition to the government should be constructive in both material and formal terms. To describe this orientation of the parliamentary opposition, the literature uses the syntagm "*political loyalty*[31]". In the same spirit, the Constitutional Court of Romania stated in its case law the duty of the parliamentary opposition to express its opinions "*in a constitutional and lawful manner*"[32]" when criticizing the power. In the same decision, the Constitutional Court of Romania made a classification of the rules laid down in the parliamentary rules of procedure concerning the activity

[28] Ioan Muraru, Elena Simina Tănăsescu, Drept constituțional și instituții politice, 15th edition, vol. II, Ed. C.H. Beck, Buucrești, 2017, p. 147.

[29] C. Ionescu, Analiza fundamentelor teoretice și politice ale controlului parlamentar. Studiu de drept comparat, in Revista de drept public, No. 3/2006, p. 13 apud Cristian Ionescu, Recunoașterea constituțională a rolului opoziției este un criteriu esențial al democrației parlamentare in Pandectele Române, No. 8/2021, https://sintact.ro/#/publication/151021827?keyword=opoziția&cm=SREST , consulted on 27.09.2022.

[30] Decision no. 732/2017 of the Constitutional Court of Romania, published in the Romanian Official Gazette, Part I, no. 1035 dated 28 December 2017, para. 38.

[31] Ghiță Ionescu, Isabel de Madariaga, op. cit., p. 81.

[32] Decision no. 209/2012 of the Constitutional Court of Romania, published in the Romanian Official Gazette, Part I, no. 188 dated 22 March 2012.

of the parliamentary opposition based on their purpose. Naturally, the first category of such rules aims to achieve the protection of political minorities by providing them with guarantees in order to ensure the possibility of exercising the control function. These rules concern the composition of standing bureaux and parliamentary committees according to political configuration, the system of majorities required for the conduct of business and the adoption of measures subject to debate, the possibility of referral to the Constitutional Court, equal access to parliamentary procedural means, the exercise of the right to propose amendments, etc.

A second category of rules aims to avoid blocking the majority in the decision-making process by providing guarantees for complying with the principle of political loyalty set out above. These concern the organising of debates, limiting the duration of certain speeches, the arrangements for amendments and the introduction of procedural deadlines.

The Alternative Function

Political loyalty is a necessary, but insufficient condition for ensuring the constructive nature of opposition criticism. No matter how damaging the conduct of the power subject to criticism may be, in the absence of credible alternatives, the attitude of the opposition cannot be considered constructive.

The fundamental difference between the parliamentary opposition and other forms of opposition is the availability of the parliamentary opposition to take responsibility for governing. In a representative democracy, the take-over of power is naturally based on a vote of confidence granted by the citizens. Nevertheless, in order to win the confidence of the electorate, and hence the electoral competition, the opposition is obliged to present more effective counter-proposals to the solutions advocated by the parliamentary majority and alternatives for replacing the cabinet. The parliamentary opposition has the privilege of benefiting from the legal and democratic instruments to overturn the balance of power and take the reins thereof[33].

In addition to the two functions analysed herein above, certain other functions have also been highlighted by the legal doctrine[34] such as the function of educating the masses in order to form a collective political consciousness, the function of political representation of the people or even the function of cooperating with and supporting the government in the implementation of its constructive policies. However, given that these do not exclusively concern the opposition, but rather the activity of the parliament as a whole, for the purpose of this paper, we will confine ourselves to the analysis of the first two functions outlined herein above.

[33] Béligh Nabli, L'opposition parlementaire : un contre-pouvoir politique saisi par le droit in Pouvoirs, Vol. 133, No. 2/2010, p. 128, https://www.cairn.info/revue-pouvoirs-2010-2-page-125.htm, consulted on 27.09.2022.

[34] Devendra Kumar, op. cit., p. 169.

Naturally, as we stated above in this paper, the confrontation between the parliamentary opposition and the government is disproportionate, the latter being in a clearly inferior position. It is therefore necessary to ask another question in the context of highlighting the importance of the role of the opposition in observing the rule of law – how can we strengthen the parliamentary opposition, and hence the rule of law? The answer is not revolutionary and was provided by Robert Dahl more than half a century ago, in 1966 – institutionalising the parliamentary opposition as highly as possible. According to him, in order to silence a highly institutionalised opposition, the power must destroy the constitutional system itself (and, I would add, the rule of law itself), whereas the destruction of the constitutional system is only possible by means of a revolution[35].

In a multi-party system, the institutionalisation of the opposition is usually achieved indirectly by regulating the means of protection and the instruments available to the representatives of the parliamentary opposition. An exception to this rule is the case of France, whose Constitution, following the 2008 revision, acknowledges the status of the parliamentary opposition as a whole, imposing under Article 51-1 an obligation on the two chambers of parliament to regulate the specific rights of the parliamentary opposition in their own procedural rules[36].

In a two-party system, the institutionalisation of parliamentary opposition is not always limited to the provided tools of protection. Instead, the subject matter of institutionalisation may also include obligations on the opposition. The pioneer of this practice was the United Kingdom, which gave the Leader of Her Majesty's Opposition the status of civil servant. The latter has the task of forming and leading a shadow government with the task of closely monitoring the work of the appointed government and providing an alternative to the cabinet[37].

The Venice Commission acknowledged the essential role of institutionalising the parliamentary opposition towards strengthening the rule of law, as well as the difficulty of identifying the institutional balance in the relationship between power and opposition, supporting the states by adopting two reference documents in this domain – the *Report on the role of the opposition in a democratic parliament*[38], respectively the *Parameters on the relationship between the parliamentary majority and the opposition in a democracy: a checklist*[39].

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[35] Robert Dahl, Political Opposition in Western Democracies, Ed. Yale University Press, New Heaven, preface p. xvi.

[36] Béligh Nabli, op. cit., p. 136.

[37] Marie-Anne Cohendet, Droit Constitutionnel, Ed. LGDJ, Paris, 2015, p. 31.

[38] The European Commission for Democracy Through Law, 84th Plenary Session, Report on the role of the opposition in a democratic parliament, Venice, 2010, https://www.venice.coe.int/webforms/ documents/ default.aspx?pdffile=CDL-AD(2010)025-e, consulted on 27.09.2022.

[39] The European Commission for Democracy Through Law, 119th Plenary Session, Parameters on the relationship between the parliamentary majority and the opposition in a democracy: a checklist, Venice, 2019, https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2019)015-e, consulted on 27.09.2022.

3. Conclusions

An essential condition for observing the rule of law is the separation of powers. Notwithstanding, in the context of the development of the modern state, the evolution of the parliamentary practice has shown that the parliamentary majority often acts as a docile instrument of political ratification for government policies. Therefore, the theory of the separation of the powers, as it was conceived by Montesquieu, can rightly be considered to be outdated, as the political confrontation between the powers is often shifted in contemporary times to the parliamentary arena, between the representatives of the power and those of the opposition.

In this broader picture described herein above, observing the rule of law and even the existence of a democratic regime itself are conditioned by the optimal functionality of the power-opposition binomial. To this end, the role of the parliamentary opposition is, on the one hand, to act as a mirror reflecting the slippages and abuses of the parliamentary majority and of the government and, on the other, to propose better alternatives to their policies and to the cabinet. The role of the power is to acknowledge the importance of the parliamentary opposition, despite its fragility, and to support its consolidation through institutionalisation.

The institutionalisation level of the parliamentary opposition is the main indicator of a democratic system's maturity. The United Kingdom's two-party system is representative for highly developed democracies, being the only one which, through the mutual alternation of the two main parties in governing, allows the parliamentary opposition to be held to account politically in a proper manner. In the absence of such a transparent mechanism, the imposition of obligations such as those mentioned above on the parliamentary opposition would be a purely formal matter, as their fulfilment by a fragmented opposition would be rather impossible.

In conclusion, we note that, despite all appearances, the opposition is the main engine of political progress in a society. The control exercised and the alternatives proposed by the parliamentary opposition create a competitive political climate even beyond the election campaign, thus limiting the risk of power abuse and forcing those who hold the reins of power not to deviate from the general interest of the citizens in the act of governing. This conclusion is illustrated quite expressively by Robert Dahl, who argues that the absence of the right to object renders meaningless the right to govern[40].

[40] Robert Alan Dahl, Poliarhiile. Participare şi opoziţie, Ed. Institutul European, Iaşi, 2000, p. 29.