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Explaining Eastern Europe

ROMANIA'S ITALIAN-STYLE ANTICORRUPTION POPULISM

Alina Mungiu-Pippidi

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Compared to its Central European neighbors, Romania seemed much more poorly positioned to achieve a successful transition to democracy. Under the dictatorship of Nicolae Ceaușescu (1965–89), it had the most repressive regime in the former Eastern Bloc, and as a consequence the least-developed civil society. Its transition was dominated by backdoor deals and violent street protests staged by the security forces, which took a heavy toll in innocent lives. After Ceaușescu's execution on 25 December 1989, the long-ruling dictator was succeeded by Ion Iliescu, a former communist with authoritarian leanings.

Given all these obstacles, Romania was remarkably successful in gradually building a democracy, and in gaining accession to NATO (2004) and the European Union (2007). It also made notable economic progress and will likely pass in 2018 the income threshold of 10,000 euros per capita, a doubling of its per capita income since 2000. Over the past three decades it has regularly conducted free and fair elections, and has experienced a number of turnovers of power within both the presidency and Parliament. The Social Democratic Party (PSD), indirect heir to the largest communist party in Eastern Europe, remains the only mass party; the absence of an alternative political elite in 1990 has had a lasting impact, still evident in the fragmentation and lack of representativeness of the country's center-right parties today. Starting with the 1996 integration of the Hungarian minority into power structures (effectively a process of elite cooptation), nationalism has lost its salience in do-

mestic politics. In contrast to the situation in other Central and East European countries, immigration has never managed to become an issue.

Yet due to persistent corruption, conflict-ridden politics, and increasing inequality, a large majority of Romanians consistently claim in public-opinion surveys that the country is headed in the wrong direction: 75 percent hold this view, compared to just 17 percent who think that Romania is on the right track. In fact, the country's politics has come to be dominated—and manipulated—exclusively by the issues of corruption and anticorruption. The prosecution and punishment of numerous high-ranking officials have not yet alleviated corruption, but they have contributed to populist rage against the “political class.” This has led to continual street protests and a decline in voter turnout, which fell below 40 percent in the 2016 parliamentary elections. Meanwhile, out of a total population that numbered 21 million at the time of EU accession in 2007, more than three-million Romanians have left to work in other EU countries. Like neighboring Bulgaria, which entered the Union at the same time, Romania has remained in the lower tier of member states, joining neither the euro nor the border-free Schengen zone.

Nowhere is this more visible than in the persistence of a post-entrance conditionality tool known as the Cooperation and Verification Mechanism (CVM), which in the cases of Bulgaria and Romania has particularly focused on the rule of law. The CVM entails regular monitoring and assessment on the basis of “benchmarks” identified by EU bureaucrats. These generally cover instrumental steps (such as the establishment of an independent anticorruption agency or judicial council) rather than substantive improvements (such as a measurable reduction in corruption). Although initially meant to last for just three years,¹ the CVM was still in force in 2018, and much controversy has surrounded its performance. By 2018, Romania had jailed eighteen ministers and a former prime minister, in addition to indicting a sitting prime minister, while Bulgaria had done none of the above. Meanwhile, ten years after the mechanism's inauguration, indicators for perceptions of corruption and the rule of law in both countries are lamentably close to their starting points, although Bulgaria has managed to fall behind Romania on some measures.

So has Romania's governance improved since joining the EU, and does its experience offer lessons for other countries? While scholars have focused on the effectiveness of the CVM, the substantive impact of Romanian good-governance and rule-of-law policies deserves greater attention. Romania is generally seen as a success for the CVM, and Bulgaria as a failure. Since the mechanism is identical for the two countries, it seems clear that the difference must be due not to the common factor (the CVM), but rather to a factor present in Romania and absent in Bulgaria. How substantial that difference is remains to be seen.

At first glance, what sets Romania apart from Bulgaria, and indeed from any other country in the stage of “competitive particularism”

(where freedom coexists with systematic corruption),² is the intensity of its judicial anticorruption efforts. Between 2010 and the end of 2017, 4,720 final corruption sentences were passed, an average of nearly six-hundred convictions per year.³ Those convicted include generals, ministers, and members of Parliament. By the time of the 2016 local elections, more than half the heads of county councils (counties are Romania's main territorial division) had been indicted, as had countless mayors and *all* the presidents of the traditional parties in Parliament.

In some ways, Romania resembles less its Central and East European neighbors than it does Italy. This is not to say that Romania has reached the same level of development as Italy, but with respect to democracy, both are competitive polities that have deployed similar strategies against institutional corruption—and faced similar challenges as a result. Romania, like no other country (save perhaps Brazil) since Italy's "Clean Hands" anticorruption drive in the 1990s, has put into action a serious enforcement campaign in an environment of systematic corruption. In Italy, the campaign destroyed the old "ideological" parties and led to the rise of new identity-based or antisystem ones, with tycoon and three-time prime minister Silvio Berlusconi emerging as the main political winner. Thousands of politicians were indicted, yet while the forms taken by corruption have changed, expert assessments and surveys of ordinary citizens alike reveal widespread doubt that the country has become less corrupt.⁴ Furthermore, as Salvatore Sberna and Alberto Vannuci have argued, if judicial activism is politicized and used strategically by politicians and the media, the end result may be to make corrupt politicians less, rather than more, accountable to voters.⁵ Today, Romania is heading down the same path once trod by Italy, and the gradual politicization of anticorruption has arrested most other electoral and political developments.

A Virtuous Circle Derailed

Romania and Bulgaria were singled out for corruption by the EU due to their lagging transitions. Indeed, both of these countries barely managed to get the label of "functioning market economy," a precondition for accession, in time to join. Except for a brief interval in the period 1996–2000, Romanian governments tried to control privatization on the model of Ukraine and Russia, which meant limited access for external players and the creation of a local class of oligarchs. By 2008, the cumulative wealth of the richest three-hundred Romanians reached nearly 40 billion euros, which at the time amounted to 32.5 percent of GDP. Of this wealth, 45 percent was concentrated in the hands of the richest hundred people, with eight individuals holding fortunes worth more than a billion euros each.

Most of the people at the top of the new economic structure had connections with the communist-era Securitate (the secret police) and *nomenklatura*. They did not, however, come from the *nomenklatura*'s top

levels. Instead, they had been petty money-changers in Securitate shops, official translators or guides for foreigners, and sons-in-law of various officials. Their main expertise was in converting political influence into wealth: They were the big winners from energy privatizations, land concessions, and trade monopolies, as well as owners of the new private media. There was not one retailer or manufacturer among them.

This concentration of wealth, and the intertwining of private profit with government influence, had consequences. Inequality had been growing dramatically, with all small entrepreneurs caught in a system of controlled economic opportunities accessible only through connections and bribery. Surveys in pre-accession years thus showed a mood of radical, anticorruption-oriented populism, with voters identifying parties and Parliament as the most corrupt institutions. At the same time, European companies were eyeing the Romanian market—not least the lucrative public-procurement market, where pre-accession funds had started to pour in—and expecting equal treatment.

It was against this backdrop that the EU asked Romania, its accession date hanging in the balance, to create an anticorruption agency and adopt tough anticorruption regulations. In 2004, the European Council conditioned Romania's entry on a revamping of its anticorruption strategy—a condition to which no other country, not even Bulgaria, had been subjected. This is when Romania started down its distinct path.

It was also under these exceptional political circumstances that the civil society association known as the Coalition for a Clean Parliament (CCP) was created in 2004. The coalition's goal was to prevent the postcommunist PSD, which had already governed for ten of the fourteen years of transition and was responsible for the rise of crony capitalism, from winning yet again in the 2004 general election and endangering Romania's EU accession. The PSD was leading in the polls at the campaign's outset.

After agreeing with the major parties on criteria, CCP carried out a blacklisting of parliamentary candidates involved in corrupt activities. This action, and the process of removing unfit candidates, raised corruption to the top of the political agenda and helped challenger Traian Băsescu pull ahead in the presidential vote. Băsescu, leader of an opposition alliance between his own Democratic Party (PD) and the center-right National Liberal Party (PNL), defeated the PSD's candidate by a 2.5 percent margin. With support from two smaller parties, this alliance also assembled a parliamentary majority.

Băsescu then appointed one of the leaders of the anticorruption campaign, Monica Macovei, as justice minister. And Macovei in turn appointed two very young prosecutors, Laura Codruța Kövesi and Daniel Morar, as prosecutor-general and chief prosecutor of the National Anticorruption Directorate (DNA, established in 2002), respectively. A strengthening of anticorruption legislation during Macovei's tenure as justice minister (2004–2007) was the final ingredient that enabled the ensuing spate of an-

ticorruption prosecutions. After 2008, DNA began to charge top-ranking officials. The bulk of the sentences came down after 2010, when courts started to deliver verdicts with a stunning conviction rate of over 90 percent.

Unforeseen Developments

What went wrong in this seemingly virtuous circle? Three unforeseen and still underanalyzed developments were key.

First, the distinction between the corrupt and noncorrupt political camps gradually evaporated. While the 2004 civil society campaign against corruption openly aimed to influence politics, its assessments had an objective basis. They showed more corruption among PSD candidates because this party, having been in control for most of the transition, was indeed more corrupt. Politicians from opposition parties were also blacklisted, however, with no one protected. Yet those who gained office as a result of the integrity campaign inherited the rents created by the Social Democrats and immediately began exploiting them. Soon Băsescu's coalition fell apart due to clashes over these rents. The blacklists for the next parliamentary elections, in 2008, already showed the right was no less corrupt than the left.

Despite increasing anticorruption activity, people gradually learned that all politicians eventually became corrupt after getting into office. By 2012, the pro-Băsescu Democratic Liberal Party (PDL) was trying to manipulate the date of local elections because it was doing poorly in public-opinion polls. Yet strangely enough, although the two main political camps were by 2018 equally crippled by indictments against their top leaders, the divide between those against anticorruption (the Social Democrats) and those in favor (the center-right parties) has persisted since 2004 as the most important cleavage in Romanian politics. Current president Klaus Iohannis, the leader of the latter camp, has spoken of the other side as "criminals," which earned him a fine from the National Council for Combating Discrimination.

Băsescu survived two impeachments, managed to protect the two prosecutors from dismissal despite repeated attempts by opposition politicians, and for ten years vetoed proposals aimed at curtailing anticorruption legislation. But his presence in office in many ways turned from a blessing into a curse. He named Elena Udrea, his favorite companion, as his chief of staff, then as a minister with responsibility for EU funds. Finally, he promoted her as his designated successor to run for president. Udrea's then-husband was the boss of a vested interest group meanwhile proven to have illegally profited from his wife's positions. Băsescu's ex-model daughter Elena, known for her garbled public statements, also advanced in his party, becoming a member of the European Parliament. His brother was eventually sentenced for connections to organized crime. Băsescu's second term did not formally end until 2014, but by 2012, street protests combined with a shift of the parliamentary majority left him politically crippled. In

the end, there was little difference between the “anticorruption president” and his opponents, and his party lost the 2012 elections due to the resulting disillusionment mixed with anger over austerity policies.

Second, DNA’s growing effectiveness came at a price. In a polarized political climate, no anticorruption agency can remain fully impartial: Politicians who protect such agencies will always use them as well, in more or less subtle ways. Supported by Băsescu and loathed by Social Democrats, how objective could DNA be? Băsescu openly encouraged the agency to pick its targets from all parties, including his own. But limits existed. Only at the end of his second term were Elena Udrea and her husband finally prosecuted, although there had been complaints against her since Băsescu’s first term (by this author, for instance).

Iohannis, the winner of the 2014 presidential elections, although never perceived as an integrity fighter (a former mayor, he has faced some legal challenges himself), has seemed to benefit as well. His potential challengers in the upcoming 2019 presidential race have all run into legal difficulties on less than clear grounds (not over bribery or other clear corruption offenses): Liviu Dragnea, head of the PSD, is referred to in Western media coverage as a vote rigger, although he was never sentenced for that offense. Instead, he received a three-year suspended sentence because of the many petty crimes (such as putting dead people on the voter lists) committed to boost participation in the second impeachment referendum against Băsescu in 2012, which Băsescu’s supporters boycotted. No evidence was found that Dragnea ordered or knew of these irregularities, and this remains the only sentence related to election rigging in Romania, even though more serious problems have been evident in all the country’s elections and there have been complaints by NGOs (for instance, by this author against the PSD in 2004) that were never followed by prosecution. As of this writing in June 2018, Dragnea is facing another case, initiated after years of wiretapping, over a petty administrative abuse. In 2015, the PSD’s Victor Ponta, then prime minister, resigned after being indicted on minor charges, which variously were dropped by DNA or failed to hold up in court. In 2016, Senate president Călin Popescu Tăriceanu, who had just been indicted as a very marginal witness for withholding evidence on the corruption of another person (not an associate), was reportedly invited to the presidential palace and asked to switch sides to help create a pro-presidential majority. (Tăriceanu was later acquitted in the first instance.) And these are the likely contenders against Iohannis for the 2019 presidential election.

Big Brother Democracy

Full impartiality is difficult, but convincing courts to pass corruption sentences is also a challenge. And here a third unforeseen development came into the picture: To boost the effectiveness of DNA prosecutions,

Băsescu had the National Defence Council declare corruption a security threat. Later on, through classified protocols with various courts and agencies, the Romanian Information Service (SRI, the official heir to the Securitate) started to work jointly with DNA.⁶ These protocols came to light in 2018, when a parliamentary committee obtained their declassification. The president appoints the heads of the two major secret services.

Romania has the lowest spending per capita on health and education in the EU, but the highest on the secret services.

According to SRI reports presented to Parliament, more than a quarter of a million wiretap warrants were issued between 2005 and 2014, with the annual figure growing from 3,849 in 2005 to 44,759 in 2014. Of these warrants, 99 percent were approved by courts (all by select judges with the requisite

security clearance). In 2015, the total number of wiretap warrants—in a country whose total population now numbers less than twenty million—was sixteen times greater than the number issued by the U.S. Federal Bureau of Investigation in the same year. Among these, “national-security” warrants outnumbered those related to corruption by four to one, but in many cases evidence moved from a security wiretap to a corruption file if SRI felt it appropriate.⁷

Between 2010 and 2015, more than four-thousand requests were approved by the Supreme Court alone. The Court adjudicates such requests only when they concern top officials; each warrant covers a minimum of three people, and there are fewer than two-thousand top officials. This suggests that the entirety of the government, Parliament, and the top courts have been wiretapped at least since 2010. In a famous trial related to transferred soccer players, the judge (who had been wiretapped) was arrested and charged with receiving bribes soon after ruling for the defendants. In 2016, the Constitutional Court ruled that SRI should no longer be empowered to organize wiretaps for the DNA and other judicial authorities, which should instead arrange their own.⁸ But many ongoing proceedings still rely on such evidence.

Former president Băsescu, unsurprisingly in light of indictments against Elena Udrea and much of his own family after he left office, has been the first to acknowledge that anticorruption has gone astray.⁹ He explained that he could not have won against Romania’s oligarchs without the secret services, but that his second term ended before he was able to place them under proper civilian control. The antiquated and authoritarian national-security law, which dates from 1991, grants extensive economic powers to the still partly militarized secret services. These include the right to have covert companies, which can among other things subsidize media (a favorite activity of theirs; a parliamentary committee has evidence suggesting that many opinion leaders, television programs, and

online media sites are sponsored by the secret services). The problem of having SRI listening indiscriminately to what might well be an assortment of corrupt politicians and judges is that SRI officers, who are the least accountable of the lot, get to decide who out of the two-thousand wiretapped top officials is charged, who is blackmailed, and who is tolerated.

The outsized role of the security services has also made itself felt in Parliament. Here too, the period since 2000 has seen the rapid emergence of a feature familiar from Italian politics: *trasformismo*, the continuous shifting of political allegiances. In each Parliament, between a quarter and a third of MPs float between the opposition and the majority, and building a majority is far from a transparent affair. After 2009, President Bănescu crafted his by drawing on a particularly ambiguous PSD splinter group that became known as UNPR. The leader of this group, General Gabriel Oprea, openly recruited for his party in the army, police, and secret services. Over the period 2009–15, he held at various points the offices of defense minister, internal-affairs minister, deputy prime minister, and even acting prime minister. He also was candid enough to publish the list of ranks he awarded to various magistrates and journalists as “reserve officers.” One such “officer,” a popular TV talk-show host, later confessed to having worked as an influence agent for the army secret service, and published his pay slips. Oprea fell from power only when a civil society group filed a lawsuit with DNA against him for excessive use of lavish motorcades, following the accidental death of a policeman in his escort.

Such backdoor dealings, with heavy secret-service involvement, seem to have been going on for many years. After winning 154 out of 329 seats in the Chamber of Deputies (the lower house of Parliament) in the 2016 elections, the PSD publicly claimed that it could not govern because the only prime ministers that would be accepted by the president were de facto secret-service selections. Some go so far as to speak of a “parallel state” involving the secret service, Freemasonry, and sundry occult organizations—another feature that will be familiar to students of Italian politics. In January 2017, President Klaus Iohannis sacked SRI lieutenant general Florian Coldea, the alleged ringleader of this “parallel state,” after some compromising photographs were published. But the president’s motivation was not clear, and the issue did not go away.

A look at the budget suffices to show that something is wrong. Romania has the lowest spending per capita on health and education in the EU, but the highest on the secret services.¹⁰ Despite timid attempts, successive governments did not dare to touch the privileges of the secret services and top army and police officers. They receive “special pensions” that make up a huge share of the budget (a cause of grumbling by the IMF). On average, an SRI pensioner receives more than 1,000 euros per month, compared to a national average of barely more than 200. Many recipients of this largesse started their careers in the former Securitate.¹¹ In August 2017, the PSD government finally limit-

ed the special pensions, but the measure does not apply retrospectively. One can only ask who won the 1989 Romanian revolution after all: the opposition or the security forces?

Problems of Political Instability

Due to stimulus policies (including a flat tax and various tax cuts) pushed first by the right and then by the left, Romania's economy grew both before and after the 2008 global financial crisis, with only a short interruption. In 2017, the country's manufacturing sector grew by 8 percent. There remains a risk of overheating (inflation due to demand outpacing production), but this may be offset by the poor absorption of EU funds. The year 2017 saw the lowest level of public investment since the crisis: In effect, the leftist government's regional patronage efforts collapsed simply because it needed to redistribute the money to broader categories of the population to keep its electoral promises.

By end of 2017, most of the figures who had been major players in corruption a decade earlier had served their sentences and been released, but their operations in media, politics, and business had in the meantime continued largely unaffected, as no government sought to enact policies reducing rent creation. A whole industry of reducing jail time for top-level corrupt individuals has developed. Its participants include many judges and nearly half of Romania's public universities, which vouched for the academic work written in prison by former top politicians (who had never previously been academics) and so helped them to secure early pardons.¹² Romania's notoriously inefficient tax authority has not managed to recover the assets embezzled by corrupt actors, even in the few cases where courts have identified these assets.

DNA action has nonetheless had some impact. Open favoritism in public construction contracts, where the largest stakes are to be found, has decreased by a quarter after a seven-year-long anticorruption crackdown.¹³ Of Romania's top ten oligarchs, half, particularly media owners, have gone to jail, though others have replaced them. In 2017, the list of the country's top ten fortunes for the first time included retailers (two brothers) who made their money by means unrelated to government favor.

Although the Romanian judiciary has for the most part done a heroic job, it could not turn corruption from the norm to the exception in ten years without substantial regulatory and administrative reforms, and these have been lacking: Not even the judiciary itself has been properly reformed over this interval, let alone the rest of the state. Romanians remain the main filers of new lawsuits at the European Court of Human Rights, which currently has a backlog of over ten-thousand cases from Romania (15.7 percent of the total pending cases).¹⁴ The country ranks, together with Russia and Turkey, among the top three infringers of Article 6 of the European Convention of Human Rights, which covers the right to a fair

trial; violations of this article account for half of Romania's convictions. None of these convictions involve corruption cases, but they do show how the judiciary is performing when all the extra attention and resources that go to corruption trials are absent.

Corruption and anticorruption combined have taken a toll on political stability. In addition to the turnovers of power resulting from regular elections, Romania has seen two votes to suspend a president (in 2007 and 2012); two changes of government under pressure from the streets (in 2012 and 2015); and two government changes due to shifting legislative majorities within a regular term (2007 and 2012).

Governments thus seldom rely on their uncertain majorities in Parliament to pass legislation. Instead, they prefer the shortcut of "emergency ordinances" that are implemented before getting Parliament's approval. This procedure creates instability, since when the ordinances eventually do come before Parliament they are frequently amended after they have already begun to have an impact. In 2008 and 2009, the number of emergency ordinances used exceeded three hundred. In 2016, about a hundred of these ordinances were issued.¹⁵

Political instability together with excessive politicization of the bureaucracy has produced a massive turnover of elected and appointed officials, resulting in extreme government inefficiency. Since 2007, Romania has changed its education minister seventeen times and its finance minister fourteen times, with three former finance ministers ending up in jail. This would be less of a problem if Romania had a second layer of professional bureaucracy that was autonomous and capable of ensuring continuity. But frequent political appointments circumvent or defy civil service legislation, sometimes leading to court cases and the payment of compensation. Over the past ten years, the average tenure of a director in the Ministry of Finance has been just three months.¹⁶

Back to the Future

By 2018, coverage of Romania in the international media consisted solely of stories about people rallying in the streets to support DNA and the judiciary against "political intervention." This in essence means intervention by the Social Democrats, who respond that there is already intervention from other quarters (for instance, the secret services, controlled by the presidency) and that the PSD is only defending itself from a politicized anticorruption drive. While this was not true in 2005, it has unfortunately become more accurate after 2015. The Romanian judiciary seems thus to be repeating the fate of its Italian counterpart twenty years ago. In that case, an equally spectacular anticorruption struggle led to open conflict between the Parliament and the judiciary, as well as among various parts of the legal system; meanwhile, the judiciary was buried under a backlog of cases created by the policies of successive governments that were even

more inefficient than they were corrupt.¹⁷ The planned legislative changes at the center of the current controversy, although superfluous for the most part, may have less potential to endanger the judiciary's independence than does the instrumentalization of anticorruption for political gain.

The party system also seems to have become mired in the anticorruption issue. The right accuses the left, which won the last two elections, of being the party of criminals, supported by the recipients of social assistance. The pro-integrity constituency is demoralized by the corruption and incompetence of its own center-right representatives (nearly all leaders of the center-right parties had been indicted by the 2016 elections, though some seem to get off easier than their Social Democratic counterparts). This political camp has not managed to win 51 percent in any parliamentary elections since 1990, always getting ahead only due to presidential elections; the last of these was in 2014, when an extraordinary mobilization of Romanians abroad enabled the victory of the National Liberal Party's Klaus Iohannis, a native Protestant Saxon from Transylvania. Yet even after a merger with what was left of Băsescu's PDL, Iohannis's party claimed a mere 20 percent of the vote in the 2016 legislative elections.

Meanwhile, a new political class has not emerged. Those taken out of the game by corruption charges have been replaced by family members, lower-rank party figures, and even chauffeurs who stood as proxies in the December 2016 elections and successfully defended constituencies on behalf of local "barons" from various parties. The popular mayor of my resort mountain town, a liberal, was elected in the first round with over 50 percent of the vote despite being under a DNA investigation and a judicial interdiction against taking office. The same happened to the popular mayor of the next-door resort, a Social Democrat, since there were no perceived alternatives to these incumbents. Since 2004, when almost a hundred blacklisted candidates across all party lists were withdrawn or voted out of office, the electoral potential of the corruption issue seems to have been exhausted due to the absence of an alternative political elite.

But as the recent protests have shown, public anger has not gone away. Instead, it is being channeled skillfully by opposition parties or faceless social-media propaganda to focus solely on the PSD, labeled a "criminal party," and the Constitutional Court, labeled a "political court." Amid much confusion and Facebook disinformation, protesters are rightly concerned by the "amnesty" planned by the PSD (with partial support from the Liberals) for all those found at fault with regard to Romania's conflict-of-interest law (which is incomparably tougher than that currently bothering U.S. president Donald Trump). Likewise, they have grounds to worry about new changes in criminal legislation that have the potential to close down many ongoing, hard-fought corruption cases.

But except for this embattled minority, not organized by any traditional NGO, the increased politicization of the issue has tired voters. If prosecutors decide who wins elections, why bother to vote? While waiting for her

sentence, Elena Udrea escaped to Costa Rica in 2018, and this was not the only such instance. Other major cases, such as “Microsoft” (involving the purchase of overpriced licenses for schools for over a decade) were poorly handled, and the main defendants walked.

Klaus Iohannis also disappointed. He defended DNA, but he has not managed to stimulate the creation of a new political class: Instead, he has relied mostly on Ceaușescu-era diplomats and on the military establishment inherited from Băseșcu’s time. Civil society created a small party in 2016 (the Save Romania Union), only to see its leaders marginalized or excluded from the party just months later following some professionally staged intrigue. Currently, this group is focusing on one major policy idea: an impossible proposal to revise the constitution to bar “convicted criminals” from entering Parliament. And they openly oppose changes aimed at increasing oversight of the secret services, in particular SRI.

In 2016, the PSD for the first time received a majority of votes across all education groups and won Bucharest, which had been traditionally anti-Communist. Without doubt, the PSD promised more than it could deliver. Nonetheless, one should also consider that in a country with the highest levels of inequality in the EU, the basic choice between redistribution to health, education, and the poor on the one hand, and austerity combined with integrity talk on the other, might have made voting for the left the more rational decision. The center-right has so far failed to find a way to win on the merits of its policies, rather than just by relying on DNA to arrest its opponents and on civil society to rally its voters. In May 2018, a center-right party leader filed a complaint accusing the PSD prime minister of “high treason” just to create a legal pretext for the president to suspend her, although such a move could trigger only new instability (early elections are a near impossibility under the Romanian constitution). More often than not, the center-right groups seem past hope of winning at the ballot box, increasingly relying on DNA, the president’s office, the European Commission, and the SRI.

Against this backdrop, some are pinning their hopes on Laura Codruța Kövesi, who since 2013 has been chief prosecutor at DNA (she is the person who oversaw the protocols with SRI). As of this writing in June 2018, Kövesi’s enemies were maneuvering to get her fired, and many of her supporters wish to see the embattled prosecutor enter politics. This has also happened before in Italy, and to no great effect. Few remember the names of the magistrates turned politicians, while Silvio Berlusconi, whom it took them twenty years to bar from office, still outshines them all.

NOTES

1. For documents on this issue, including pre-accession reports that took a more complex approach, see https://ec.europa.eu/info/strategy/justice-and-fundamental-rights/effective-justice/rule-law/assistance-bulgaria-and-romania-under-cvm/reports-progress-bulgaria-and-romania_en.

2. See Alina Mungiu-Pippidi, "Corruption: Diagnosis and Treatment," *Journal of Democracy* 17 (July 2006): 86–99.
3. See Academic Society in Romania and Romaniacurata.ro, "Map of County Corruption," www.romaniacurata.ro/harta-coruptiei.
4. Donatella della Porta and Alberto Vannucci, *Mani impunte: vecchia e nuova corruzione in Italia* (Roma/Bari: Laterza, 2007).
5. Salvatore Sberna and Alberto Vannucci, "'It's the Politics, Stupid!': The Politicization of Anti-Corruption in Italy," *Crime, Law and Social Change* 60 (December 2013): 565–93.
6. Answer of the National Defense Council to the Union of Judges in Romania on the basis of an FOI petition by the Union of Judges, available at www.unjr.ro/wp-content/uploads/2017/01/CSAT-raspuns-UNJR-16-feb-2016.pdf.
7. Clarice Dinu, "Romania Big Brother. Câte mandate de interceptare au aprobat judecătorii în 10 ani" [Big Brother Romania: How many interception warrants were approved by the judges in 10 years], *Gândul*, 16 May 2017, <http://www.gandul.info/political/romania-big-brother-cate-mandate-de-interceptare-au-aprobat-judecatorii-in-10-ani-16317118>.
8. Based on documentation by lawyer and professor Radu Chiriță, who sent hundreds of FOI requests about the number of approved wiretaps to all courts in Romania. See <http://raduchirita.ro/bunicuto-de-ce-ai-urechile-atat-de-mari>; SRI activity reports and budgets can be found at <http://sri.ro/rapoarte-de-activitate>.
9. "Ponta, Băsescu, Udrea, reacții după suspendarea lui Coldea" [Ponta, Băsescu, Udrea, reactions after Coldea's suspension], *Digi 24*, 13 January 2017, www.digi24.ro/stiri/actualitate/politica/udrea-si-ko-vesi-trebuie-sa-raspunda-alaturi-de-coldea-648972.
10. SRI budgets can be consulted at <http://sri.ro/buget-si-bilant-contabil>.
11. Romulus Georgescu, "În șase ani, PSD a dublat bugetul SRI: Analiză România Liberă" [In six years, PSD doubled the SRI budget: analysis of Free Romania], 13 September 2017, <http://romanalibera.ro/politica/institutii/analiza--romania-libera---in-sase-ani--psd-a-dublat-bugetul-principalului-serviciu-secret-468392>.
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