Through the lens of social constructionism: the development of innovative anti-corruption policies and practices in Bulgaria, Greece and Romania, 2000–2015

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Through the lens of social constructionism: The development of innovative anti-corruption policies and practices in Bulgaria, Greece and Romania, 2000-15

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Abstract

This article analyses the development of innovative anti-corruption policies and practices in Bulgaria, Greece and Romania between 2000 and 2015, using a social-constructionist focus. It critically examines the ways in which corruption-perceptions, policies and assumptions shape anti-corruption practices. It argues that anti-corruption is not a technical solution to a technical problem, but a complex process entangled in local histories with a strong impact on the production of contemporary political arrangements. By examining the evolution, institutionalization, implementation and politicization of anti-corruption policies, the article shows that corruption and, by extension, anti-corruption are not 'natural' but 'social' facts. The comparative case-study methodology employed unravels the contextual socio-political logic that has led the three countries under discussion to tackle corruption differently -- in a passive (Bulgaria), reactive (Greece) or proactive (Romania) manner -- despite being exposed to similar anti-corruption agendas. The research is based on face-to-face interviews and on documentary and secondary data analysis.

Keywords: anti-corruption practices, anti-corruption policies, social constructionism, comparative research

The past decade has witnessed two distinct yet interconnected developments in the understanding, policy and practice of corruption studies. On the one hand, corruption has progressively been constructed as a major threat to economic and social development through the use of deceivingly simplistic Western-centric definitions[2], awareness campaigns and international perception-indexes that create the illusion of measuring real levels of corruption[3]. Such developments have recently been criticized by academic observers[4] and activists alike for presenting corruption as a country-specific issue, closely linked to the public sector. On the other hand, and perhaps counterintuitively, anti-corruption efforts have been decon-

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[2] For more details regarding the assumption of public-private divide see Alena Ledeneva, 'A Critique of the Global Corruption "Paradigm"', in Jan Kubik and Amy Lunch (eds), Postcommunism from Within. Social Justice, Mobilization and Hegemony, New York and London, 2013, pp. 297-332 (henceforth 'A Critique of the Global Corruption "Paradigm"').

[3] Frederik Galtung,'Criteria for Sustainable Corruption Control', The European Journal of Development Research, 10, 1998. 1, pp. 105-28.

[4] Ledeneva, 'A Critique of the Global Corruption "Paradigm"'.

textualized, focusing on generic fixes that typically involve the public sector. This one-size-fits-all approach[5] has not produced impressive results[6], and has come under attack for ignoring the historical context and function of contemporary states[7].

This article examines the construction and development of corruption concerns and anti-corruption practices from a comparative perspective in Bulgaria, Greece and Romania. It poses the question: how do corruption perceptions, policies and assumptions shape anti-corruption practices? Instead of looking at anti-corruption as an analytical category, this article takes the term back to its empirical dimension by contextually examining the emergence, role and practices of anti-corruption from a comparative perspective. Concretely, it focuses on the ways in which corruption in general and 'grand corruption' in particular are conceptualized, institutionalized and tackled. For the purposes of this article, grand corruption is loosely defined as corruption occurring within the highest echelons of power and presenting serious social, political and economic risks. Based on interviews with anti-corruption experts and practitioners from the three countries under discussion and on analysis of relevant policy documents and official reports, the article critically examines the role of anti-corruption practices in the production of the contemporary political ethos. The research is based on mixed methods[8] that combine qualitative and quantitative approaches, direct interaction with research subjects, and documentary analysis. By combining multiple methods and empirical routes, the researchers have increased the validity of their findings and avoided the intrinsic weaknesses associated with individual methods or research based on single case-studies.

The article proceeds as follows: the first part describes the context of the research with particular reference to (anti)corruption measures. The second part sets out an analytical framework based on a social constructionist approach[9]. The following sections explain step-by-step the evolution, institutionalization, implementation and politicization of anti-corruption in the three countries under examination. In the final section, the three cases are discussed comparatively and wider theoretical implications are drawn.

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[5] Bo Rothstein, 'Anti-Corruption: The Indirect 'Big Bang' Approach', Review of International Political Economy, 18, 2011, 2, pp. 228–50.

[6] Despite massive investments in anti-corruption over the past ten years, there is not a single case of successfully tackling corruption in Europe. See the case of anti-corruption in Georgia in Alina Mungiu-Pippidi (ed.), The Anticorruption Frontline. The ANTICORRP Project, Vol. 2, Oplanden, Berlin, Toronto, 2014 (henceforth The Anticorruption Frontline, Vol. 2).

[7] See Heywood in this volume.

[8] In total, 27 semi-structured interviews were conducted between November 2014 and February 2016 with members of the judiciary (judges and prosecutors), high ranking administrative officials, experts and journalists. The interviews were conducted in the original languages by the authors, who are native speakers. They lasted between 40 minutes and two hours.

[9] Peter Berger and Thomas Luckmann, The Social Construction of Reality, London, 1966 (henceforth The Social Construction of Reality).

Why compare Bulgaria, Greece and Romania?

The three cases discussed here are particularly suited for comparison because they are sufficiently similar to permit the emergence of meaningful conclusions, even though the case-study methodology developed in this article is not based on a systematic endeavour. The dimensions of comparison that will be used to highlight differences in outcomes are: perceptions of corruption; local governments' relations with transnational organizations such as the European Union (EU) and International Monetary Fund (IMF); electoral cycles; government stability; the existence of social or economic crises; entrepreneurial culture; and, in the case of Bulgaria and Romania, the historical communist background. These analytical dimensions will shed light on key patterns of similarity and difference among the three countries. It is important to note that the three countries are different, most notably in that Greece has undergone neither a transition from communism to capitalism nor a process of EU accession similar to Romania and Bulgaria. At the same time, the three countries also show strong similarities: high levels of perceived corruption coupled with strong distrust in government, parliament and political parties; harsh economic environments especially following the global financial crisis of 2008; and pressure from the international community to adapt their policies to the required standards (through successive Economic Adjustment Programmes in the case of Greece, and through the Mechanism of Cooperation and Verification (MCV) in the cases of Bulgaria and Romania). These similarities justify the comparative effort undertaken in this article which aims on the one hand to develop research methodology for more systematic comparison and on the other hand to unravel the logic behind tackling corruption in a different manner at national level.

There is wide international consensus regarding the prevalence of corruption and the need for tough anti-corruption policies in all three countries. In 2014, for example, the World Bank (WB) assigned some of the lowest scores in the EU regarding control of corruption to Bulgaria (-0.28), Greece (-0.2) and Romania (-0.14).[10] International observers also agree that corruption among high-ranking officials remains a pressing issue in Bulgaria[11], Greece[12] and Romania[13]. In a nutshell, these countries have become what Leslie Holmes has called 'rotten

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[10] The index ranges from (-2.5) to (2.5). More details regarding this index at http://info.worldbank.org/governance/wgi/index.aspx#home.

[11] European Commission, Annex Bulgaria to the EU Anti-Corruption Report, Brussels, 3 February 2014, available at http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/organized-crime-and-human-trafficking/corruption/anti-corruption-report/docs/2014_acr_bulgaria_chapter_en.pdf accessed 28 September 2015 (henceforth European Commission 2014a).

[12] Council of Europe, *Third Evaluation Round, Evaluation Report on Greece*, Greco Eval III Rep 2009 (9E), Theme I, Strasbourg, 11 June 2010 (henceforth Council of Europe 2010)

[13] European Commission, Annex Romania to the EU Anti-Corruption Report, Brussels, 3 February 2014, available at http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/organized-crime-and-human-trafficking/corruption/anti-corruption-

states'[14], being perceived not only as highly corrupt, but also as a threat to other EU member-states (given that they might, in the case of Greece, put additional pressure on the EU's already strained budget or, in the cases of Bulgaria and Romania, influence the culture of entrepreneurship and/or restrict access to the market for other European partners)[15].

Such perceptions of corruption were shaped by the contact between national governments and transnational institutions such as the EU and IMF in the context of major financial crises and geopolitical shifts such as EU-enlargement. The global financial crisis of 2008 hit Bulgaria and Romania hard, while Greece came close to the brink of sovereign default and has yet to fully recover[16]. The causes and evolution of the crisis were often mixed with a narrative of blame that traced the roots of the problems to the alleged graft and greed of local elites who had prioritized personal enrichment to the detriment of public well-being. Such narratives of blame were strongly supported by the international community – in the case of Greece the troika of the European Commission (EC), European Central Bank (ECB) and IMF and, in the cases of Bulgaria and Romania, the MCV instituted by the EC. These powerful entities, which acted as both international donors and gatekeepers to foreign funding, legitimized popular dissatisfaction with local elites and framed the solution within narratives of anti-corruption and the politics of austerity, putting financial and political pressure on the three countries to 'solve their corruption issue'[17].

Working in crisis-mode is certainly familiar to locals, as contemporary international pressure is juxtaposed against a recent history marked by abrupt change and social cacophony (in Greece, the 2008 financial crisis led to street protests and changes in government, while in Bulgaria and Romania the transition from communism to capitalism was a traumatic process

report/docs/2014_acr_romania_chapter_en.pdf accessed 28 November 2015 (henceforth European Commission 2014b)

[14] Leslie Holmes, Rotten States? Corruption, Post-Communism and Neoliberalism. Durham, NC, 2006

[15] It is course debatable to what extent the labels correspond to reality and how much they shape new perceptions, thereby impacting on real life through self-fulfilling prophecies.

[16] European Commission, 'Financial Assistance to Greece', 11 July 2016, available at http://ec.europa.eu/economy_finance/assistance_eu_ms/greek_loan_facility/index_en.htm accessed 17 August 2016.

[17] For Bulgaria, European Commission, 'On Progress in Bulgaria under the Cooperation and Verification Mechanism', Brussels, 27 January 2016, pp. 2-9, available at http://ec.europa.eu/cvm/docs/com_2016_40_en.pdf accessed 16 August 2016.

For Romania, European Commission, 'On Progress in Romania under the Cooperation and Verification Mechanism', Brussels, 27 January 2016, pp. 2, 11 and 12, available at http://ec.europa.eu/cvm/docs/com_2016_41_en.pdf accessed 16 August 2016.

For Greece, European Council. 'Memorandum of Understanding between the European Commission and the Hellenic Republic and the Bank of Greece', 19 August 2015, pp. 31-32, available at http://ec.europa.eu/economy_finance/assistance_eu_ms/greek_loan_facility/pdf/01_mou_20150811_en.pdf accessed 16 August 2016.

whose social effects are yet to be fully evaluated). Domestic factors such as electoral cycles, government stability and shifts in local elites have had a strong impact, shaping the perception of corruption and the implementation of anti-corruption policies at local level.

Frequent elections have been particularly important for this research because they have put the issue of corruption on the public agenda. Romania is the exception, but parliaments in Bulgaria and Greece have rarely served their full terms and early elections have ushered in new parties and governments. Following its 1989 transition from communism, Bulgaria underwent a period of political instability, with governments falling before completing their full term in office. As of 1997, Bulgaria's governments became more stable, yet none was reelected. Governments led by the United Democratic Forces (1997-2001), the National Movement of King Simeon II (2001-05) and the Bulgarian Socialist Party (BSP) led by Sergei Stanishev (2005-09) quickly lost popularity because they failed to deliver on their pre-election promises and to raise living standards. Although a new party, Citizens for the European Development of Bulgaria (GERB), led by Boyko Borisov, won successive elections in 2009, 2013 and 2014, stability remained elusive. Borisov's government was replaced by the short-lived government of Plamen Oresharski (2013-14) and he lost the 2016 presidential election to the BSP candidate, Rumen Radev. Corruption was a recurring theme in the elections of 2009 and 2013[18].

Until 2010, Greek governments were by contrast given a second chance. The centre-left Panhellenic Socialist Movement (Pasok) won successive mandates in 1996 and 2000, while the centre-right New Democracy won the 2004 and 2007 elections. This pattern was suspended in 2009, after the victory of Pasok which had to resort to EU rescue mechanisms in 2010 to avoid a sovereign default. Subsequently, the traditional centre-left vs centre-right cleavage was replaced by pro-austerity vs anti-austerity. Pasok and New Democracy governed in coalition from 2011-14 but were toppled in January 2015 when the largest anti-austerity party, the radical-left Syriza, won the parliamentary elections. Syriza campaigned on a radical agenda, but subsequently failed to implement it. Cornered by Greece's creditors in July 2015, Syriza called snap elections and won a fresh mandate in September 2015. This time, Syriza took a more balanced approach, promising to follow austerity policies while ensuring that they would not further impoverish middle- and lower-income groups. While there was some academic interest in corruption before the eruption of the financial crisis in 2008, for most of the2000s Greek politics revolved around economic-policy choices. The pattern was suspended in 2009, after the victory of Pasok which had to resort to EU rescue mechanisms in 2010 in order to avoid a sovereign default.

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[18]Alexander Stoyanov, Ruslan Stefano and Boryana Velcheva, 'Bulgarian Anti-Corruption Reforms: A Lost Decade?', Working Paper No. 42, April 2014, available at http://www.againstcorruption.eu/wp-content/uploads/2012/09/WP-3-Diagnosis-of-Corruption-in-Bulgaria-new.pdf accessed 28 September 2015 (henceforth Stoyanov et al. 'Bulgarian Anti-Corruption Reforms: A Lost Decade?')

Romania's transition from communism to capitalism entailed first and foremost a shift from Eastern/Russian political influence to a Western/EU political affiliation. The political spectrum did not offer a wide array of options, as most parties had similar agendas which were developed top-down, from parliamentary debates, rather than from grassroots constituencies. These agendas were heavily influenced by international constraints regarding the supremacy of the neoliberal market and EU accession. Consequently, political parties had few policy options other than to observe the substantive policy commitments related to EU-entry while seeking at the same time not to destroy their own popularity[19]. The issue of corruption appeared on the political agenda from around 2000 and gained increasing prominence over the coming years, taking centre stage after 2010. In 2000 the Social Democratic Party (PSD) – which relied heavily on the former Communist Party for human resources -- won election as a result of popular disappointment provoked by the perceived failure of the outgoing right-wing governing coalition to cope with the deepening economic crisis. Four years later, a liberal-democratic coalition replaced the PSD as the governing entity and maintained this position over two terms. The new government declared that fighting corruption would be its main priority[20]. Monica Macovei, a prosecutor during the communist period and a civil society activist during the transition, was appointed Minister of Justice and emerged as leader of the anti-corruption movement. Her efforts were applauded by Brussels and, on 1 January 2007, Romania joined the EU[21]. In 2012, the PSD won election again but, amid popular discontent and accusations of corruption, the PSD-led government was replaced by a technocratic one in November 2015.

An important comparative dimension in the present study is the peculiarities of entrepreneurial culture in the three countries. In Bulgaria and Romania, the transition from communism to capitalism saw the emergence of new elites which aimed to amass both political and economic capital. These new 'business politicians'[22] used their political influence to gain access to formerly state-owned enterprises that were then declared bankrupt and bought at a significant discounts. On the one hand, the new 'biznizmen[23]' became 'political investors' by financing individual politicians and political parties; on the other hand, politicians created their own trusted circles in private companies[24]. Networks of businessmen and politicians also sought to enhance their profits and political influence by

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[19] Adrian Miroiu and Şerban Cerkez, <u>Competitia politica in Romania</u>, Iasi, 2013.

[20] European Commission, 'Regular Report on Romania's Progress towards Accession', Brussels, 2005.

[21] Romanian officials were less appreciative of Mrs Macovei's efforts and the Senate voted a motion against her which led to her dismissal. Her successor, Mr Tudor Chiuariu, spent less than a year in office and was dismissed by President Basescu when charged in a corruption case.

[22] Donatella Della Porta and Alberto Vannucci, <u>Corrupt Exchanges: Actors, Resources and Mechanisms of Political Corruption</u>, New York, 1999.

[23] This was typically a male-dominated field.

[24] Stoyanov et al. 'Bulgarian Anti-Corruption Reforms: A Lost Decade?', p. 15.

engaging in swaps of state-owned land, rigged bids in public procurement, absorption of EU funds and access to state subsidies for targeted business endeavours[25]. In such contexts, the classic public-private divide (on which the definition of corruption is based) loses meaning as there is no clear distinction between state officials and private business interests.

Such practices that favoured the powerful of the day established the patterns of grand corruption which, coupled with popular dissatisfaction with Bulgaria's living standards, led to sustained popular protests against the political influence of big private interests. In June 2013, for example, the Oresharski government's move to appoint media mogul Delyan Peevski to head the State Agency for National Security provoked massive public discontent. In November 2015, Romania's Social Democratic prime-minister Victor Ponta resigned in reponse to public protests accusing him of corruption and incompetence. On that occasion, popular discontent was sparked by a fire in a Bucharest night club in which more than sixty young people died[26].

Anti-corruption through the lens of social constructionism

In order to analyse anti-corruption practices from a comparative perspective, this article employs a distinctively social constructionist approach[27], arguing that the meaning of corruption is context-contingent, while anti-corruption is a contemporary form of political frame rather than a technical solution to the 'corruption problem'. It examines how claims about corruption have been constructed in the three countries under review, and how such claims affected anti-corruption policies and their implementation at local level. From this perspective, corruption and anti-corruption are not self-evident ideas, but the outcomes of social actions and political interventions. This article considers that (anti)corruption comprises both a set of ideas (knowledge) – as corruption has become a growing, heterogeneous and powerful field of academic inquiry -- and a range of practices, actions and interventions (power) since anti-corruption has become a site in which activists work, a field of 'policy expertise'.

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[25] Ruslan Stefanov, 'Energy and Good Governance in Bulgaria: Trends and Policy Options', Centre for the Study of Democracy, 2011, available at http://www.risk.boku.ac.at/download/pub/2011/ENERGY-AND-GOOD-GOVERNANCE-IN-BULGARIA.pdf accessed 1 October 2015.

[26] http://www.economist.com/news/europe/21678282-protests-about-deadly-nightclub-fire-have-toppled-romanias-government-they-have-yet-change.

[27] Berger and Luckmann, The Social Construction of Reality; Stuart Hall, Chas Critcher, Tony Jefferson, John Clarke and Brian Roberts, Policing the Crisis. Mugging, the State and Law and Order, 2nd ed., London, 2013; Dick Hobbs, Lush Life. Constructing Organized Crime in the UK, Oxford, 2013; Mark Granovetter, 'The Social Construction of Corruption', in Victor Nee and Richard Swedberg (eds), On Capitalism, Stanford, CA, 2007, pp. 152-72 (henceforth Granovetter, 'The Social Construction of Corruption').

Our starting point is the Thomas theorem[28] – a classic sociological theory that states that, if people 'define situations as real, they are real in their consequences.' In other words, reality is a matter of definition since the definition determines the course of action. In the late 1960s, Peter Berger and Thomas Luckman[29] argued that social order is the result of past human activity and exists only insofar as human activity continues to reproduce it. They argued that the process of social construction involves (1) the construction of society as an objective reality through institutionalization (the creation of new rules, laws and customs) and legitimation (ensuring continuity of such rules) and (2) the construction of society as a subjective reality based on internalization (by means of socialization and identity). Through language, new meanings are assigned to old facts, which in turn become 'institutions' through the setup of new rules and laws, thus gaining social recognition as 'permanent' solutions to 'permanent' problems[30].

Using this approach, we argue in line with Mark Granovetter[31] that corruption is not a 'natural' but rather a 'social' fact. The very definition of corruption is a site of negotiation between academics and practitioners. Furthermore, over the past two decades the concept of corruption has gradually expanded to include more and more arenas of behaviour. Concomitantly, anti-corruption has also expanded to include a set of practices carried out by various societies seeking to curb corruption. Arnold Heidenheimer[32] argues that three key concepts shape the debate over corruption: public opinion, public interest, and public office. Public opinion-centred definitions focus on the public's understanding of corruption, thus turning public opinion into the judge of corruption. Public interest definitions suggest that, through corruption, the public interest is violated in favour of a small group[33] . Criticized for their vagueness[34], the concepts of public interest and public opinion were deemed unsuitable for policy purposes, rendering corruption 'unmeasurable'. Definitions centred on public office[35] focus on the distinction between public and private and the misuse of public power. This

[28] Formulated in 1928 by W.I. Thomas and D.S. Thomas (1899–1977).

[29] Berger and Luckmann, *The Social Construction of Reality.*

[30] This constructionist view has been instrumentally employed to shed light on contemporary anxieties typically portrayed using vocabularies of crime such as mugging (Hall et al., 1978); corruption (Granovetter, 2007); organized crime (Hobbs, 2013).

[31] Granovetter, 'The Social Construction of Corruption'.

[32] Arnold J. Heidenheimer, 'Perspectives on the Perception of Corruption', in Arnold J. Heidenheimer, Michael Johnston, Michael LeVine and Victorio Tanzi (eds), Political Corruption. A Handbook, London, 1970, pp. 149-63.

[33] Carl J. Friedrich, 'Corruption Concepts in Historical Perspective', in Political Corruption. A Handbook, Arnold J. Heidenheimer, Michael Johnston, Michael LeVine and Victorio Tanzi (eds) London, 1970.

[34] Susan Rose-Ackerman, Corruption and Government. Causes, Consequences and Reform, Cambridge, 1999.

[35] Gunnar Myrda, Asian Drama: An Enquiry into the Povery of Nations, Vol. II, New York, 1968 ; Joseph Samuel Nye, 'Corruption and Political Development: A Cost-Benefit Analysis', The American Political Science Review 61, 1967, 2, pp. 417-27.

view was quickly adopted by international organizations including the WB, the IMF and Transparency International (TI), which define corruption as the abuse of public power for private gain. This view has been widely legitimized by TI through its Corruption Perceptions Index (CPI), published since 1995[36].

Corruption interpretations and anti-corruption practices were brought into existence by social events[37] linked to specific contexts and ideologies. The idea that corruption could be measured – that countries could be ranked according to an index -- proved so appealing to the international community that TI's CPI became a powerful advocacy tool, despite its methodological shortcomings[38]. By the end of the 1990s, the conventional paradigm of corruption had begun to dominate international debate on the basis of three main assumptions: corruption could be defined, it could be measured and it could be tackled. Recent scholarship[39] describes a massive failure of the conventional paradigm, showing that (1) the present definition of corruption assumes a clear distinction between the public and private spheres which hardly grasps the complexity of everyday activities; (2) contemporary measurement-tools account mostly for the perception of corruption; however, assessments have started to incorporate evidence about experience and several objective measures of corruption have recently been developed[40]; (3) either anti-corruption policies implemented on the basis of current research methodologies have failed, or the present research instruments are incapable of capturing the nature and scope of reforms[41].

In order to explain this failure, we take a historically informed view to explore the ways in which anti-corruption was sustained by institutional contexts and redefinition of rules, the creation of new forms of 'expertise' and the emergence of new actors, taking into account the relationship between knowledge (experts) and power (practices). In so doing, we move away from the Weberian model of bureaucracy[42] and the Western dichotomist view of public-private/state-society that leaves no room for positive contributions to the understanding of corruption.

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36 Frederik Galtung, 'Criteria for Sustainable Corruption Control', The European Journal of Development Research 10, 1998, 1, pp. 105-28.

37 Pierre Bourdieu, 'La Force du Droit', Actes de la Recherche en Sciences Sociales 64, 1986, pp. 3–19.; Ian Hacking, The Social Construction of What?, Cambridge, MA, 2000; Ian Hacking (ed), Historical Ontology, Cambridge, MA, 2002.

38 See more on CPI methodology and recent changes at http://www.transparency.org/files/content/pressrelease/2012_CPIUpdatedMethodology_EMBARGO_EN.pdf.

39 Ledeneva, 'A Critique of the Global Corruption "Paradigm"'.

40 Miriam Golden and Lucio Picci, 'Proposal for a New Measure of Corruption, Illustrated with Italian Data', Economics and Politics, 17, 2005, pp. 37-75.

41 Anna Persson, Bo Rothstein and Jan Teorell, 'The Failure of Anticorruption Policies. A Theoretical Mischaracterisation of the Problem', QoG Working Paper Series, 2010, 19

42 G. Anders and M. Nuijten (eda), Corruption and the Secret of Law: A Legal Anthropological Perspective, London, 2009.

Last but not least, we show that anti-corruption is not apolitical. Together with Italo Pardo and Giulianno Prato, we suggest that the state may be an active agent that 'through institutional blindness can allow the interests of the elites'[43]. This approach renders more opaque the borders of legality exploited by power elites who, through law, give significance to and legitimize corruption. Dieter Haller and Chris Shore[44] focus on practices that make corruption a semantic of governance, thereby suggesting that it is a common way to make sense of politics. Davide Torsello[45] has described how environmental movements have used corruption talk (allegations or facts) to frame their protests and communicate with the wider public. This strategy builds on the generalized public talk sustained by media reports and locals' high levels of perceived corruption, enhancing the users' legitimacy through positive associations with an anti-corruption agenda.

To sum up, based on our reading of the literature, we analyze anti-corruption in the three countries under study as a process that involves a series of discrete steps: definition of the problem, institutionalization, legitimation and politicization. Far from being inherent to modernization, anti-corruption processes are the result of social and political manipulation and have been instrumental to various political regimes. We look at our three case-studies with this matrix (Table 1) in mind.

Anti-corruption as a process: stages	Indicators
The evolution of the understanding of corruption as a social problem and policy priority	☐ Policy interest vs policy priority ☐ Public concern ☐ Priority for the criminal justice system ☐ Existence and number of anti-corruption strategies
The anti-corruption institutional setting	☐ Level of institutional development (for example, legislation, number of institutions designated to tackle corruption) ☐ Resources assigned to institutions (for example, human, material, informational, financial)
The implementation of anti-corruption	☐ Clear measurable progress vs 'implementation gap' ☐ Unintended consequences of anti-corruption policies (for example, new forms of expertise or job specializations in the public and private sectors)

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[43] Italo Pardo and Giulianna Prato (eds), Between Morality and the Law. Corruption, Anthropology and Comparative Society, London, 2004, p 6.

[44] Dieter Haller and Chris Shore (eds), Corruption. Anthropological Perspectives, London, 2005 (henceforth Haller and Shore Corruption)

[45] Davide Torsello 'The New Environmentalism? Civil Society and Corruption in the Enlarged EU', in Italo Pardo and Giulianna Prato (eds), Urban Anthropology, Surrey, 2012 (henceforth Torsello 'New Environmentalism').

Politicization of anti-corruption	☐ The frequency of corruption as a narrative in the public space
	☐ Political opponents accuse one other of corruption on a regular basis
	☐ Anti-corruption institutions are heavily scrutinized by non-state actors (may be accused of political subordination)

Table 1: A social constructionist view of anti-corruption policies and practices

Creating the 'problem': The evolution of corruption and understandings of corruption within the historical context of Bulgaria, Greece and Romania

This section focuses on the first stage of the anti-corruption process (see Table 1). It shows that, over the past fifteen years, corruption has become a recurring theme in the three countries because of popular discontent, civil-society reactions and political usage of the term. Opinion polls have effectively put corruption at the front of public debates, signaling it as a major social problem. At the same time, however, anti-corruption has become a top policy priority only in Romania.

Corruption was installed in the public imagination as a major problem with the use of measuring devices[46], which created the impression of authenticity regarding the spread and forms of the phenomenon. This not only legitimized the anti-corruption agenda, but transformed it into a powerful narrative of governance. International organizations such as TI (by means of its CPI, Bribe Payers Index and Global Barometer of Corruption), Freedom House, the WB and the Organisation for Economic Co-operation and Development (OECD) produce their own composite indexes. Figure 1 shows the trends of corruption in the three countries using the WB's 'control of corruption' index[47]. Despite the index's methodological shortcomings[48], Figure 1 shows that while corruption is a problem for all three countries under study, it remains a matter of timing and degree.

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[46] Ledeneva, 'A Critique of the Global Corruption "Paradigm"'.

[47] The index ranges from -2.5 (weak) to 2.5 (strong) governance performance. See the World Bank website for more details http://info.worldbank.org/governance/wgi/index.aspx#home.

[48] For a thorough critique of composite indexes regarding corruption, see Heywood in this volume. For more methodological details regarding this index, see the World Bank website http://info.worldbank.org/governance/wgi/index.aspx#home.
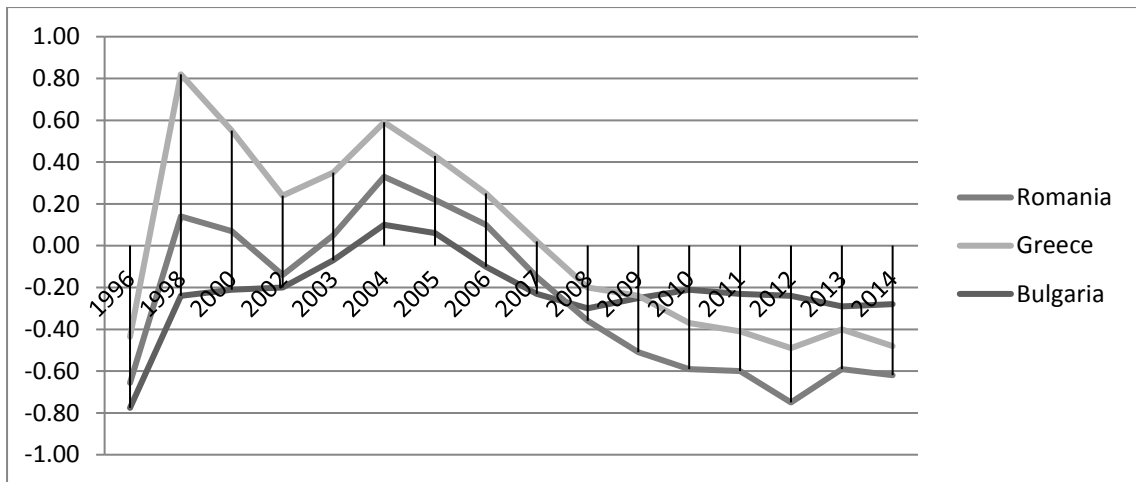
Figure 1: Control of corruption indicator (World Bank 1998-2014)

Further to composite indexes, corruption has been objectified through surveys, opinion polls and victimization studies. Regularly conducted (for example, the Romanian Barometer of Opinion is conducted yearly), such instruments began by the end of 2010 to include questions regarding corruption, indicating that it had become seen as a top social problem by then. In Bulgaria, for example, the number of people who considered corruption to be *the most serious* social problem doubled in five years from 31% in 2004 to 65% in 2009[49].

The ideology of numbers was systematically sustained by the ideology of high-profile corrupt individuals who escaped justice for a long time, thereby increasing popular dissatisfaction. In September 2015, for example, Romanian prime minister Victor Ponta went on trial on charges of fraud, tax evasion and money-laundering allegedly committed in his former career as a lawyer. Earlier that same year the former Romanian Minister of Sports and Youth Affairs, Monica Iacob Ridzi, had received a five-year prison sentence for side-lining funds from her ministry, while Elena Udrea, former Minister of Tourism, was arrested on corruption charges[50]. In April 2008, Bulgarian Interior Minister Rumen Petkov resigned following accusations that he had failed to prevent police officers passing state secrets to organized-crime networks. In July 2010, Sergei Stanishev was accused of withholding secret-service files with sensitive information regarding organized crime that he had acquired while serving as Bulgarian prime minister in 2005-09. More recently, in June 2014, Bulgaria's KTB bank

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[49] Lyubomir Todorakov, 'A Diagnosis of Corruption in Bulgaria', European Research Centre for Anticorruption and State-building, Working Paper, No. 3, September 2013, p. 2 available at http://www.againstcorruption.eu/wp-content/uploads/2012/09/WP-3-Diagnosis-of-Corruption-in-Bulgaria-new.pdf accessed 28 September 2015 (henceforth Todorakov, 'A Diagnosis of Corruption in Bulgaria').

[50] Elena Udrea was subsequently released.

was declared insolvent amid accusations of corruption involving member of parliament Delyan Peevski and businessman Tzvetan Vassilev[51].

Greece has had its own high-profile corruption cases involving, for example, former deputy prime minister Akis Tsochatzopoulos and Vassilis Papageorgopoulos, mayor of Thessaloniki, the country's second largest city. The former was sentenced to twenty years in prison on charges of money-laundering and bribe-taking; an appeal was ongoing at the time of writing. The latter was initially sentenced to life imprisonment, subsequently reduced to twelve years, on charges of embezzling €18 billion from public funds. He was subsequently released from prison on health grounds.

Civil society was instrumental in projecting corruption as one of the top social problems and a typified model of anti-corruption. More flexible than the public sphere and also more dependent on external funding[52], the third sector organized coalitions to gain a stronger voice, campaigned for judicial reform, and pressured politicians to meet their electoral commitments. In Bulgaria, for example, civil society (represented by, among other organizations, TI, the Open Society Institute, the Centre for the Study of Democracy and the Centre for Liberal Strategies) played an active role in seeking to prevent corruption and organized crime: during late 1990s it organized 'Coalition 2000', conducted research on and monitored anti-corruption, and closely monitored judicial reform; after 2007 it used EU structural funding to enable the modernization of public administration[53].

In Romania, the third sector's concern over corruption spread to the public sphere, especially after the Democratic Liberal Party took power in 2005 and worked to develop a solid partnership with civil society. Between 2005-12, an anti-corruption ethos that aimed to reform the whole of society was translated into awareness campaigns, emergency call-lines, opinion polls, workshops, meetings and training sessions. Using 'Poland and Hungary: Assistance for Restructuring their Economies' (PHARE) funding, the Justice Ministry conducted a €1.8 million anti-corruption campaign from October 2007 to February 2008. The Ministry of European Integration ran an anti-corruption campaign with the slogan 'I do not give bribes – I do not take bribes' (*E.U. nu dau spaga – E.U. nu iau spaga*). Based on word-play, the message was that EU member-states do not engage in corruption. The General Anti-Corruption Directorate (DGA) and the National Integrity Agency (ANI) popularized the free-of-charge

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[51] This proves once more that public-private division is merely a theoretical abstraction, as in this context entrepreneurs and politicians engage in various transactions undisturbed by definitional issues.

[52] The semantic expansion of corruption was doubled by the development of the anti-corruption market. Michael Bryan estimates that by 2009 the 'fight against corruption', particularly in Eastern Europe and the former Soviet Union, had become a multi-billion dollar industry. For more details see Michael Bryan and Donald Bowser, The Evolution of the Anti-Corruption Industry in the Third Wave of Anti-Corruption Work, 2009 available at: http://works.bepress.com/bryane_michael/50.

[53] Todorakov, 'A Diagnosis of Corruption in Bulgaria', pp 10-16.

'Green Line' (TelVerde) telephone system that citizens could use to report crimes committed by officials, while the Fight against Fraud Department (DLAF) focused on preventing fraud related to the EU budget. Partnerships and strategic alliances between civil society and state institutions were established. For example, the DGA cooperated with the Romanian Postal Service to run a publicity campaign called 'No more envelopes!' (*Gata cu plicurile!*) whereby all envelopes and receipts issued to the public were stamped with anti-corruption messages and information about the 'Green Line'.

In Greece, by comparison, civil society was less mobilized on corruption-related issues. Even so, grassroots campaigns were launched to collect information on corruption through social media. An example was the Facebook page 'over and done with' (*teleia kai pavla*)[54] where citizens could anonymously declare where and when they have been asked for bribes. In 2013, TI Greece established an anti-corruption hotline. Another hotline was made available at the Internal Affairs Division of the Greek police, while in autumn 2016 the government announced its intention to establish a new service for reporting corruption.

Campaigns such as these, together with the demands of international financial institutions and the business community, have transformed the fight against corruption into a coordinated campaign, with 'moral entrepreneurs'[55] employing a range of strategies. So far, Romania has had four anti-corruption strategies, each reflecting a change in the 'fight against corruption'. The first anti-corruption strategy (SNA I 2001-04) aimed to align political and penal semiotics by making the legislative framework relating to corruption as comprehensive as possible. The second strategy (SNA II 2005-07) aimed to establish an institutional architecture dedicated to monitoring and preventing corruption. The third strategy (SNA III 2008-11) focused on vulnerable sectors and local administration. The fourth strategy (2012-17)[56] is focused on prevention mechanisms such as the implementation of integrity codes and preserving the existing institutional environment[57].

Bulgaria has also benefited from a number of anti-corruption strategies, the earliest dating from 2001. Bulgaria's latest, five-year national anti-corruption strategy of 2015, contains 33 specific measures in six primary areas, but prioritizes the fight against corruption within the highest levels of government.

Since January 2013, Greece has had a national anti-corruption action plan (Ministry of Justice 2013). This is a roadmap drafted with the help of the Task Force for Greece, a technical assistance team made available to the Greek government by the EC to assist in structural reforms. The strategy was upgraded and modified by the government in August 2015, just

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[54] Available at https://el-gr.facebook.com/teleiakaipavla/.

[55] Howard Becker, Outsiders. Studies in the Sociology of Deviance. New York,, 1963.

[56] This Strategy was initially designed to cover the period 2012-2015 but, on 9 September 2015, the government prolonged its implementation date until 31 December 2017.

[57] Several anti-corruption strategies included as an objective improving on the CPI index, probably assuming that this was an objective measure.

before the snap elections called for September 2015. Since then, however, government instability has had a negative impact on the design and implementation of the promised anti-corruption measures.

While the fight against corruption has become more substantive in all three countries, their respective societies are marked by strong currents of discontent. Bulgaria, for instance, saw repeated anti-corruption demonstrations in 2013-14, 'revealing an increase in public sensitivity to political corruption'[58]. Citizens were disappointed by the mixed results of Bulgaria's integration into the EU and angry at the austerity measures taken by successive governments. In Romania, November 2015 saw a change in government brought about by massive street protests that coalesced around the issue of corruption[59]. In Greece, elections in 2012 and 2015 focused on the theme of corruption; the New Democracy party won the elections of 2012 by a small margin but was voted out of power in early 2015.

The aim of this section has been to show that corruption has become a sensitive issue over the past fifteen years and remains a recurring theme in local politics. Public pressure to identify those to blame for the deepening economic crisis combined with pressure from external actors (notably the EU and the IMF) to 'solve their corruption issues' shifted the focus to grand corruption. Table 2 summarizes the key findings. While in Bulgaria anti-corruption remains an important element in the public sphere, only in Romania has anti-corruption become a key policy priority. In Greece, by contrast, anti-corruption has never been a major priority either for political parties campaigning for election or for governments drafting their policy programmes. These different approaches are of vital importance for the next part of our analysis, since they play a key role in the construction of anti-corruption practices at local level.

	Bulgaria	**Greece**	**Romania**
The evolution of the understanding of corruption as a social problem and policy priority	• Policy priority at declaration level, but little action • Public concern • No priority for criminal justice system	• Policy interest, but not enough to secure the necessary resources • Public concern (along with other social issues) • No priority for criminal justice system	• Top policy priority • Public concern • Criminal justice system priority

Table 2: Corruption as a social problem and policy priority: Comparing Bulgaria, Greece and Romania

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[58] Interview with political analyst, Sofia, 15 March 2015.
[59] The issue here is more complex, as the Romanian demonstrations were sparked by a fire in a nightclub that killed many people. During the investigations, it became apparent that the club had obtained its licences by informal payments or sheer bribery since it did not comply with the regulations. Counterintuitively, the protests were less against the private owners of the club, who were seen as 'victims of a corrupt system', and more against the public sphere and the prime minister Victor Ponta, who were perceived as the 'real' perpetrators.

Creating the 'solution': Institutions and resources made available to tackle corruption in Bulgaria, Greece and Romania

After looking at the ways in which corruption was constructed as an issue in Bulgaria, Greece and Romania, this section analyses the institutional solutions put in place to solve the 'problem of corruption' (referred to in our theoretical model as the second stage – see Table 1). In so doing, we look at two main aspects: (1) the legal codification of corruption in general and of 'grand corruption' in particular and (2) formal institutions with competences in the area of corruption monitoring and prevention. Even though the three countries made use of rather similar tools and strategies, their development and efficiency have been very different. Whereas Romania has a clear legal definition of grand corruption as defined by Law 78/2000, Greece has only a vague approach and Bulgaria is still struggling to find one. Furthermore, Romania has a strong anti-corruption institution, the National Anti-Corruption Directorate (DNA); this was specially designed to tackle grand corruption and has achieved impressive results over the years. Greece has set up several anti-corruption prosecutorial offices and, since February 2015, a General Secretariat for Anti-Corruption within the Justice Ministry, but both the Ministry and the Secretariat are under-staffed and under-resourced. Bulgaria is still in the process of establishing its first anti-corruption prosecutorial office. Meanwhile, all three countries recognise that both the general public and international organizations are justified in expressing concern over the potential abuse of tailor-made anti-corruption institutions, especially in light of the highly-politicized environment of each country. In Romania, for example, suspicions have been voiced that the DNA might act in accordance with political commands and create files on opponents of those in power[60].

Formal attempts to define corruption in Romanian legislation are relatively recent. Before the 1989 revolution, the 1969 Criminal Code mentioned corruption only in two distinct cases: corruption of a minor for sexual purposes and corrupting a witness to commit perjury[61] [62]. Neither of these cases had much in common with the present understanding of the concept, which generally refers to 'the abuse of public office for private gain'[63]. In 2000, the Romanian parliament adopted the first law[64] using the modern understanding of corruption. That law also laid the ground for a definition of 'grand corruption', establishing

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[60] http://www.b1.ro/stiri/eveniment/calin-popescu-tariceanu-atac-la-adresa-lui-klaus-iohannis-si-a-procurorilor-dna-este-instrumentul-institutional-care-initiaza-la-comanda-politica-compromiterea-adversarilor-presedintelui-164940.html.

[61] Dan Banciu, Sorin Radulescu and Dorinica Ioan, Coruptia in Romania. Realitate Si Perceptie Sociala, Bucharest, 2005.

[62] The crimes that incorporated the modern meaning of corruption were instead grouped under 'Crimes in relation to work' and were decoded as bribe giving, bribe taking, trading influence and receiving undue goods (Articles 254 – 57, Criminal Code 1969). However, the concept of corruption was never used in relation to these crimes.

[63] The World Bank, Helping Countries Combat Corruption: The Role of the World Bank, Washington, DC, 1997, p. 8.

[64] Law 78/2000 on preventing, discovering and sanctioning of corruption acts.

three main conditions: (1) the prejudice resulting from corruption crimes is more than €200,000 or leads to a serious malfunction of the activity of a public institution/authority, or the value of the goods traded through corruption is higher than €10,000; (2) a crime committed by one of the following: a member of parliament, member of the government, state secretary, judge, employee of the National Bank of Romania, military or police officer, mayor, lawyer, member of the Financial Guard, border control officer; (3) a crime against the financial interests of the EU. By 2003, anti-corruption was delivered in packages. For example, Law 161/2003 (labelled, along with Law 52/2003, as the Anti-Corruption Package) criminalized conflicts of interest; prohibited high-ranking public servants (members of the government, state secretaries and sub-secretaries, prefects and sub-prefects) from adopting administrative or judicial acts that would result in benefit for themselves, their partners or a close relative; defined new categories of incompatibility for public servants; modified and clarified other laws regarding corruption (for example, Law 188/1999 and Law 78/2000).

In Greece, the legal definition of grand corruption is vague, covering cases that involve high-ranking officials and crimes of 'considerable social and/or public interest' (Law 4022/2011). The law[65] covers crimes related to the discharge of duties by high-ranking officials including government minsters, members of parliament, general and special secretaries of ministries, presidents, governors and chief executive officers of public bodies, state-owned or state-managed enterprises and mayors (article 1 of Law 4022/2011)[66]. As in Romania, anti-corruption policies in Greece were adopted under pressure from international organizations, particularly following the beginning of the 2008 economic crisis. For example, in 2011 the Greek government established a new Authority on Public Tenders and Contracts; in 2013 it strengthened controls on politically exposed persons; and in 2014 Greece adopted legislation on whistle-blowing in the public sector, the financing of political parties, and public procurement. This new codification of corruption was accompanied by a reform of the justice system aimed at ensuring the rigorous application of the new legislation and putting anti-corruption structures at centre stage. This involved two types of institutional reform: (1) setting up new specially designated anti-corruption institutions and (2) reforming the traditional justice and home affairs system to include new anti-corruption departments and/or competences.

In Romania, the main institution dealing with grand corruption is the National Anticorruption Prosecutor's Office (PNA), set up in 2002 at the behest of the EU and with €2M funding through a PHARE programme. As the aim of PNA was to target high-level corruption, it focused on cases involving high-ranking officials, and/or sums higher than €100,000. To reflect

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[65] Voted in September 2011

[66] Relevant Greek legislation included Law 4013/2011 on the new Authority on Public Tenders and Contracts; Law 4170/2013 on the Anti-corruption prosecutors; Law 4254/2014 on whistle-blowing in the public sector; Law 4281/2014 on public procurement; and Law 4304/2014 on political-party financing. The new Anti-corruption Secretariat was founded by Law 4320/2015.

the importance of this new institution, PNA prosecutors were paid 40% more than their counterparts in the General Prosecutor's Office in recognition of the fact that they were dealing with high-level corruption[67]. This, coupled with a lack of transparency in the selection process, created resentment among employees of the General Prosecutor's Office[68]. Ironically, therefore, Romania's main anti-corruption institution was from its inception suspected of corruption. In 2006, the institution was reformed and renamed the National Anti-Corruption Directorate (DNA). Since then, it has built a strong reputation as a body capable of dealing with grand corruption; as a result of its work, one prime minister, several government ministers and several high-profile entrepreneurs have been investigated and put on trial.

In Bulgaria, tackling grand corruption has long been an objective. Anti-corruption agencies such as the State National Security Agency (DANS) and the advisory agency BORCOR, were established under the Stanishev (2005-09) and Borisov (2009-13) governments. Anti-corruption efforts heightened in June 2015, when Deputy Prime Minister Magdalena Kuneva announced plans to establish a new anti-corruption bureau, independent of the government, which would track corruption among top officials[69]. The new unit was mooted to become operational in 2016, receive asset declarations from top officials, and focus on asset verification[70]. However, the first attempt to establish the bureau was rebuffed by the Bulgarian parliament on the grounds that it had the potential to become too autonomous and thereby exert disproportionate influence over elected officials and civil servants. For example, parliamentarians expressed concern about the bureau's power to open investigations on the basis of anonymous tip-offs[71]. Kuneva tried again in spring 2016, presenting parliament with a new and updated proposal for an anti-corruption bureau. This new bill was approved by parliamentary committee but was still being debated by the full parliament in summer 2016.

While grand corruption has not been a top policy priority for the Bulgarian government (see Table 2), Bulgaria does have in place a dedicated anti-corruption institutional setting. All anti-corruption efforts are coordinated by the Commission to Prevent and Combat Corruption (CPCC), which was established in 2006. This Commission coordinates specifically designated anti-corruption committees in the executive, legislative and judicial branches.

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[67] Freedom House, Politicile Anticoruptie ale Guvernului Romaniei. Raport de Evaluare, Bucharest, 2005 (henceforth Freedom House, *Politicile Anticoruptie*).

[68] Freedom House, *Politicile Anticoruptie*, p. 82.

[69] The persons covered by this law are the president, the prime minister, ministers, members of parliament, prosecutors, mayors, municipal councilors, and heads of public hospitals and customs offices.

[70] Angel Krasimirov, 'Bulgaria Gives Green Light to Set Anti-Corruption Unit', Reuters, 17 June 2015, available at http://www.reuters.com/article/2015/06/17/us-bulgaria-corruption-idUSKBN0OX1LQ20150617 accessed 30 September 2015.

[71] In other words, Bulgarian parliamentarians questioned the extraordinary mandate given to anti-corruption prosecutors and decided to vote against that.

Furthermore, the judiciary, the ombudsman, the inspectorate services in each ministerial department and the Public Financial Inspection Agency (PFIA, or audit office) are complemented by a host of institutions tasked with fighting corruption; these are larger in number and narrower in terms of competence compared to the corresponding Romanian institutions[72].

Compared to the situation in Romania and even Bulgaria, anti-corruption cannot be said to have taken centre-stage in Greek politics, where corruption is considered a symptom, rather than a cause, of the general malaise affecting the country. However, in the context of the public outcry related to the 2010 economic crisis of the Greek state, which brought the country to the brink of sovereign default, anti-corruption gained impetus. Several new anti-corruption institutions were created, though the resources made available to them proved mostly insufficient. The post of anti-corruption coordinator was established in 2013 by the coalition government of New Democracy and Pasok. The coordinator was assigned the task of coordinating anti-corruption measures across the state agencies and locating loopholes in Greek criminal law and criminal procedure legislation. The post was abolished in March 2015 by the coalition government of Syriza and the nationalist party Independent Greeks (Anel). The latter coalition created a new General Secretariat for Anti-Corruption and replaced the coordinator with a new, autonomous ministerial post, the Minister for Anti-Corruption. In September 2015 the same coalition government abolished this post and replaced it with the Alternate Minister for Anti-Corruption, a position now subsumed under the Justice Ministry. During the short life-span (2013-15) of the post, the Minister for Anti-Corruption concentrated on tackling tax evasion, but evidently lacked the resources or time to carry out the tasks assigned. Two positions of anti-corruption prosecutors were established in 2013 (serving Athens and Thessaloniki) with the aim of tackling corruption in the public sector and in banking. Other institutions that have more general competences in tackling corruption or crimes associated with corruption are the General Inspector of Public Administration (set up in 2002)[73] and the Financial Intelligence Unit (restructured in 2008)[74].

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[72] There are six such institutions: Public Financial Inspection Agency, National Audit Office, General Inspectorate, State Agency for National Security, Commission for Prevention and Ascertainment of Conflicts of Interest, Commission for the Establishing of Property Acquired from Criminal Activity.

[73] It is responsible for preventing and monitoring maladministration (such as undue delays or discrimination affecting citizens) and corruption in the wider public sector, including state-owned enterprises. The GIPA's role is threefold, as it includes inspecting administrative staff, procedures and units, taking disciplinary action against public employees violating the law, and coordinating different bodies of inspectors based in individual ministries. It is an independent public authority and the person who becomes head of the GIPA is selected by the government, but must be approved by the parliament.

[74] It focuses on examining suspicious transactions by natural persons and legal entities, asset declarations of public officials, including ministers, members of parliament, advisors to min-

Table 3 sums up the findings of this section which has looked at the anti-corruption institutional setting, focusing on the legal codification of corruption and the institutional environment with competences in the area of corruption as outlined in Table 1. The findings point to the conclusion that Romania is the most active of the three countries in the area of anti-corruption, having a strong legal framework and institutional establishment. With a similar historical background and in light of recent developments, Bulgaria has an institutional framework to tackle corruption which is not used to its maximum potential. Last, but not least, Greece is only now setting up a proper framework for tackling corruption, struggling to put adequate anti-corruption mechanisms in place.

	Bulgaria	Greece	Romania
The anti-corruption insti-tutional setting	• Institutions exist, but do not function well • Existence of legal provi-sions necessary to tackle corruption	• Newly set up insti-tutions • Low level resources • Legislation exists but it is vague and recently adopted (after 2010)	• Top EU level insti-tutions that are templates for other countries • Clear legal codifica-tion of corruption (since 2000)

Table 3. The anti-corruption institutional setting in Bulgaria, Greece and Romania

'The problem' and 'the solution': Comparing the implementation of anti-corruption poli-cies in Bulgaria, Greece and Romania

This section looks at the match between the 'problem of corruption' (which is a continuous work in progress as described in Section 3 and in Tables 1, 2 and 3) and the institutional 'so-lutions' that have been put in place (as described in Section 4). It focuses on what has changed as a result of anti-corruption policies, what has remained the same (dubbed an 'implementation gap' in corruption literature[75]) and some unintended consequences of anti-corruption policies and practices.

Despite the pessimistic view that labels all three countries as 'corrupt', they have undoubt-edly made significant progress as a direct result of anti-corruption policies and practices. Putting anti-corruption on the public agenda, either as a policy priority or as a blaming tool to express dissatisfaction with internal affairs or political opponents, has led to positive changes[76]. Such changes tend to be most visible in Romania, due to the specific context that

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isters as well as journalists. It is also in charge of monitoring money-laundering and terrorist financing.

[75] The implementation gap concerns not only anti-corruption but all policy sectors. It has been extensively discussed in public policy studies such as Kevin B. Smith and Christopher W. Larimer, 'How Does It Work? Policy Implementation', The Public Policy Theory Primer, Philadelphia, PA, 2009, pp. 155-56.

[76] For the importance of anti-corruption changes in other contexts, see Roxana Bratu, 'For-mer Soviet Union' and 'Ukraine,' in Mungiu-Pippidi (ed.), Controlling Corruption in Europe, Vol. 1, Oplanden, Berlin, Toronto, 2013.

made anti-corruption a priority[77]. These changes included (1) increased salaries for workers in key state sectors (justice, finance, economy) and key roles related to anti-corruption; (2) new jobs in niche sectors; for example, the increased demand for anti-corruption, anti-trust, and anti-money laundering compliance by financial institutions has led law firms to make compliance a special and separate service, one that has now become integrated into the traditional practice areas offered to clients; (3) new hiring policies promoted as part of the anti-corruption ethos, which encourage hiring young and inexperienced investigators rather than more experienced practitioners (this is based on the assumption that young equals non-corrupt; for example, it has become a typical strategy for high-profile prosecutorial bodies such as the DNA in Romania to hire young professionals who are aged well under 40[78]); (4) new forms of expertise related to corruption; as new and innovative policies are implemented, local actors are exposed to greater interaction with foreign experts who are the carriers of new technical languages and practices of governance.

Undoubtedly, a key indicator of the functioning of the new anti-corruption system relates to how well the criminal justice apparatus deals with corruption cases. In all three countries examined here, there is clearly an increasing trend toward the conduct of investigations into grand corruption. Romania, through its DNA, is the absolute champion at investigating and opening grand corruption trials, prosecuting over 1,000 officials in 2015[79]. In Bulgaria, investigations have frequently begun but few cases have so far been tried in court and there have been 'very few convictions in cases involving substantial corruption'[80], while in Greece the grand corruption investigation patterns have so far not been impressive and the results of the new specially dedicated anti-corruption institutional setup are yet to be seen. These differences may be explained by the dimensions explored in the previous sections and outlined in Tables 2 and 3 – they point to the fact that making anti-corruption a top policy priority coupled with designing an adequate legal framework and a strong institutional setup are paramount in increasing the responses of criminal justice to corruption.

Despite these positive changes, experts have noted the existence of an 'implementation gap' in all three counties. This refers to the fact that there are mismatches between the institutional setting, projected functions and actual activities, and between political declarations that declare commitment to 'fight corruption' yet fail to provide practical support for anti-corruption measures. Depending on the context, there is a wide array of explanations

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[77] Roxana Bratu, 'Former Soviet Union', in Mungiu-Pippidi (ed.), Controlling Corruption in Europe, Vol. 1, Oplanden, Berlin, Toronto, 2013, pp. 55-68.

[78] Roxana Bratu, 'Actors, practices and networks of corruption: The case of Romania's accession to European Union funding', unpublished PhD dissertation, London School of Economics and Political Science, 2014.

[79] DNA, Activity Report 2015 http://www.pna.ro/obiect2.jsp?id=249

[80] European Commission, 'Report from the Commission to the European Parliament and the Council: On Progress in Bulgaria under the Cooperation and Verification Mechanism (CVM)', Brussels, 2015, p. 8 (henceforth EC 2015a).

for this gap ranging from a lack of monitoring by the international community to a frag-mented approach to 'fighting corruption', fluctuating political commitment, lack of exper-tise, and difficulties in adjusting the new anti-corruption legislation to the vernacular legal narratives.

In Greece, for example, fluctuating government commitment to tackling grand corruption and a dearth of suitable means are the main reasons for the implementation gap. Between 2000 and 2010, there was little political will to focus on grand corruption. The situation changed after the financial crisis when successive governments started to adopt anti-corruption legislation, announcing their will to investigate grand corruption in cooperation with foreign authorities. However, this shift in government policy was met with reluctance by the judiciary: 'the higher the degree of politicians' involvement in corruption cases, the more difficulties anti-corruption investigations face, because the outcome of investigations may bear a political cost'[81]. An equally pessimistic view is that 'Greek governments never had a stable commitment to fight corruption. Governments have experimented in short time intervals with the creation and abolition of an anti-corruption coordinator's post, new ministerial posts and a general secretariat of anti-corruption. This shows indecisiveness in fighting corruption'[82].

Making anti-corruption a government priority was not matched by the mobilization of re-sources that would allow the practical achievement of policy goals. The judiciary system, if it is to function properly, requires financial resources and technical expertise. In the words of an anti-corruption 'insider' in Greece: 'There are neither skilled anti-corruption civil servants nor are there trained judges specializing in anti-corruption. Even those judges who have ac-quired relevant experience are overloaded and assigned to try various cases unrelated to corruption'[83]. Furthermore, 'In many cases under investigation the amount of material gathered is unmanageable. The international banking transactions of officials require coop-eration between the Greek and foreign authorities, which typically causes unforeseen de-lays. In view of these obstacles, the number of skilled personnel, such as experienced ac-countants, at the disposal of the Greek prosecuting authorities, is clearly insufficient. More-over, the higher salaries which civil servants in the Ministry of Finance enjoy compared to their counterparts in the Ministry of Justice and the Greek courts function as a disincentive for personnel transfer to the latter public services, which remain understaffed'[84].

The 'implementation gap' is also linked to the fact that formal attempts to define corruption in the domestic legislation of each country are rather recent. It is thus difficult to accommo-date the new legal codifications in the local criminal legislation. In all three countries, crimi-

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[81] Interview with middle-ranking prosecutor, Athens, 30 July 2015.
[82] Interview with high-ranking prosecutor, Athens, 20 October 2015.
[83] Interview with former high-level government official of the Ministry of Justice, 24 Sep-tember 2015.
[84] Interview with high-ranking prosecutor, Athens, 20 October 2015.

nal procedure laws still have loopholes which make the investigation, prosecution and trying of grand corruption subject to manipulation and delay given that the local judiciary systems are overloaded. Furthermore, grand corruption cases require high levels of expertise and extensive time to investigate highly complex economic arrangements[85]. In Bulgaria, investigations into cases of grand corruption have frequently begun but few cases have been tried in court, resulting in few convictions in cases involving substantial corruption[86]. It often happens that cases brought to court are insufficiently substantiated. Evidence is missing, either involuntarily or on purpose. Thus, the hands of judges are tied: 'When in my capacity as a judge I receive incomplete files produced either by prosecutors or the police, how can I condemn the accused of corruption?'[87].

The 'implementation gap' is linked not only to the lack of political will to tackle grand corruption, but also to the strong political will to protect local entrepreneurs, their fortunes and ways of doing things. An example from Greece is the saga with the 'Lagarde list', which contained the names of 2,062 Greek citizens who held HSBC bank accounts in Geneva. They were suspected of tax evasion as their deposits did not correspond to the income declared to the Greek tax authorities. Christine Lagarde, who at that time was French Finance Minister, passed the list to Greek Finance Minister George Papaconstantinou in October 2010 and then to Greek prosecutors in December 2012. Papaconstantinou, accused of deleting the names of three relatives from the list, was convicted in March 2015 to one year in prison suspended for three years. The prosecution of suspects from the Lagarde list remains a work in progress; while false impressions have been created that all those listed had evaded paying taxes, in practice only some are suspected of such unlawful behaviour.

The mismatch between anti-corruption intentions and practices may also have unintended long-term effects. Local resistance to change, compounded by the pressure for reform put on governments by international institutions, can pervert the democratic mechanisms of governance. For example, the 2003 EC country report for Romania noticed an abuse of emergency ordinances, while the 2006 EC country report mentioned 105 emergency ordinances approved between February and July 2006. Often the government has employed the vote of confidence and assumed responsibility for passing particular items of legislation; in 2009 the government wanted to assume responsibility for the adoption of the new Criminal and Civil Codes, invoking the urgency of the matter (eventually, the codes were adopted

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[85] Like fraud cases, grand corruption cases involve highly-skilled and usually high-profile offenders who had the means to access resources not readily available to ordinary people. Furthermore, such offenders sometimes had the means to exert influence over the top political echelon of each country. In rare cases, they *were* the top political echelon of a country – in for example, in Romania, former prime minister Adrian Nastase and former minister Monica Iacob Ridzi were convicted of corruption. Alina Bica, former organized crime chief prosecutor, was indicted for corruption in 2015.
[86] EC 2015a.
[87] Interview with Bulgarian judge, Higher Administrative Court, Sofia, 13 May 2015.

through ordinary procedure in September 2010)[88]. Even though these are extraordinary measures, they have been normalized by overuse. This situation not only creates a perpetual sense of urgency but may, at a more subtle level, subvert the democratic process because these are all mechanisms to *bypass* parliamentary debates.

To sum up, this section has shown that the three countries are at different stages in the process of implementing anti-corruption reforms. Romania has not only designed a strong anti-corruption institutional framework (Table 3), but also made it fully functional. Far from perfect, anti-corruption reforms have taken centre stage in this country. By comparison, Bulgaria has made little use of its specially designed institutional establishment, while Greece has only recently begun to implement an anti-corruption framework.

Politicization of anti-corruption in Bulgaria, Greece and Romania

This section turns to the last row of Table 1. It argues that, in the three countries covered by this research, anti-corruption has become a semantic of governance. As a political exercise, anti-corruption takes different forms, bears various meanings and may have unintended effects ranging from disenchantment with anti-corruption measures as useful tools to counter grand corruption to delegitimization of anti-corruption practices. 'Politics often demands the manufacturing of useful clichés'[89] so, when political elites refer to successful anti-corruption initiatives such as punishment of key corrupt figures, they are seeking to boost their own prestige. Similarly, when political elites employ corruption narratives in their political campaigns to smear their opponents, they are enhancing their own symbolic capital by positioning themselves in antithesis to corrupt individuals. The discursive power of corruption is a recent anthropological theme[90], which refers to practices that portray political action through corruption talk (allegations or facts). Building on high levels of perceived corruption and media reports, this typical practice becomes a common way to make sense of politics. As a result, political competition is 'reduced to a confrontation between a government accused of corruption and an opposition that claims to be slightly less corrupt'[91]. The discursive power of corruption refers to practices that frame political action through development *and* anti-corruption, with the effect of enhancing users' symbolic capital.

In Bulgaria, anti-corruption could always be detected in political party rhetoric, but was rarely followed up on by concrete actions of government officials and the judiciary. The leading political party – GERB – first came to power in 2009 when it won the parliamentary

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[88] Transparency International, <u>Raportul Naţional asupra Corupţiei Octombrie 2009 – Februarie 2011</u>, Bucharest, 2011.

[89] Ivan Krastev, 'The Anti-American Century?', <u>Journal of Democracy</u>, 15, 2004, 2, p. 10 (henceforth Krastev 'Anti-American').

[90] Haller and Shore, 'Corruption'; Torsello, 'New Environmentalism'.

[91] Krastev 'Anti-American', p. 10.

elections on an electoral agenda that focused heavily on the fight against corruption. This was in line with the views of the EC, which had suspended EU structural funding to Bulgaria in the second semester of 2008. However, the issue disappeared from the political agenda until 2013 when popular protests against the nomination of media mogul Delyan Peevski to head the State Agency for National Security returned corruption to the public agenda and made it a major theme in the 2014 electoral campaign. Even so, party representatives refrained from accusing their counterparts of corruption, leaving several doors open for potential post-election alliances[92].

In Romania, anti-corruption became a political tool mostly after 2004. The elections that year were won by a liberal-democratic coalition and the new government declared that fighting corruption would be its main priority. Macovei was appointed as Minister of Justice and spearheaded an anti-corruption movement. While, as noted above, her efforts were applauded by Brussels, Romanian officials were less appreciative of Macovei's efforts and the Senate supported a motion against her which led to her dismissal. Her successor, Tudor Chiuariu, spent less than a year in office and was dismissed by President Basescu when charged in a corruption case. Later, former prime minister Adrian Nastase was accused and indicted for corruption and in 2015 Victor Ponta resigned as prime minister amid public discontent that was not unrelated to corruption accusations.

In the context of Greece's polarized party system, consisting of repeated electoral contests between the New Democracy and Pasok parties, accusations of corruption served only the needs of political competition between the two parties. The politicization of anti-corruption dates to 1989 when opposition parties constructed their parliamentary election campaign by accusing incumbent socialist ministers of corruption. Ever since, parties who won elections threatened to launch criminal investigations against the previous holders of power. Such moves typically hit a dead end due to lack of evidence. For over two decades, no politician was tried for corruption until, in 2015, former Finance Minister Papaconstantinou was convicted. With Greece's economic crisis, accusations of corruption became part of the common narrative used by both left and right. Syriza made use of corruption rhetoric to explain the collapse of state finance. After winning the 2015 January elections, the new Syriza-Anel coalition further politicized anti-corruption. The newly created Anti-Corruption Ministry divided observers: some saw it as a welcome initiative that showed the government's commitment to anti-corruption efforts. Others were more cautious, arguing that since 'the recent anti-corruption reforms passed in 2015 there is a tendency of establishing political control over the judiciary and independent authorities, which is indicative of the government's aim to use the fight against corruption as a tool of political communication'[93].

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[92] For example, the coalition government formed in November 2014, under Prime Minister Boyko Borisov, had three coalition members (GERB, Reformist Block and Alternative for Bulgarian Revival) and also enjoyed parliamentary support from the Patriotic Front.
[93] Interview with middle-ranking prosecutor, Athens, 27 July 2015.

Anti-corruption may indeed be a performance act used to keep up appearances before the international community and domestic population, while in reality serving as a tool to 'look after our own' and provide shelter from prosecution for people from the same social group/business circles/political party. When this is the case, 'fighting corruption' is more a rhetorical device or fashionable trend than an authentic political act. Furthermore, anti-corruption is sometimes used as a negative tool when the justice system is politically influenced by powerful groups keen to discredit their opponents in the lead-up to elections, thereby reducing their electoral chances. In such cases, anti-corruption can end promising political careers. In Romania, for example, former president Traian Basescu claimed that the attempt to replace him in 2012 was a response to his reformist policies aimed at ending corruption[94]. Last but not least, the impartiality of the justice system is questioned in some cases, as anti-corruption gives an extraordinary mandate to a specific professional category such as prosecution. In Romania, there have been allegations that the DNA is the representative of an abusive justice system that fabricates charges resembling science fiction, making use of 'KGB methods' (a reference to the secret police of the Soviet Union) to create a 'witch hunt'[95].

The politicization of anti-corruption is sustained by its spectacularization conducted through mass media. Corruption cases are publicized since they fascinate the public and increase readership/followers. The media market is highly sensitive to such changes so, if a corruption allegation related to a high-profile individual (usually a politician) is considered at least minimally plausible it is likely, regardless of the evidence, to be highlighted by the local press. It is accordingly not uncommon that 'corruption allegations are born in the media and also die in the media'[96]. 'Ideally the publicity around political corruption could have a pedagogical aspect, that is, it could function as a disincentive for politicians prone to engage in corrupt practices while discharging their duties'[97]. More often, however, the media make a spectacle out of criminal investigations, sometimes with the full support of public institutions who hope thereby indirectly to gain legitimacy and public support. It has for example been alleged that the Romanian DNA calls the press when making arrests and subsequently leaks details from the prosecution file to carefully chosen media channels[98]. In Bulgaria, the anti-corruption spectacle has led on the one hand to increased popular sensitivity to corruption and, on the other, to normalization of expectations: 'The public may have settled for something less than acceptable transparency and accountability of high-ranking officials:

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[94] http://www.economist.com/news/europe/21605953-traian-basescu-ending-his-presidency-amid-corruption-scandal-oh-brother.

[95] http://www2.gandul.info/stiri/protest-ancheta-a-dna-contrata-in-strada-de-primarul-udemerist-din-sf-gheorghe-conducerea-udmr-vanatoare-de-vrajitoare-si-hartuire-rau-voitoare-impotriva-uniunii-7909654.

[96] Interview with expert on corruption, Sofia, 08 October 2010.

[97] Interview with former government official of Ministry of Interior, Athens, 24 September 2015.

[98] www.luju.ro.

corruption has deep roots in society, from the lowest to the highest levels, and is often seen as justifiable, needed or normal in the specific socio-cultural context'[99]. The futility of anti-corruption is sustained by other delegitimization techniques that ironically portray the actors involved as naïve fighters against corruption, dreamers or, in Romania, 'anti-corruption knights'. By using such terms, the media indirectly cast doubt on the institutions and actors involved in anti-corruption, who should be ethical role-models.

This section has analyzed the politicization of anti-corruption. It has found that, in all three countries, both corruption and anti-corruption have to varying degrees become semantics of governance. Table 4 presents Romania as a context that accommodates the frequent use of corruption with the aim of increasing symbolic capital in everyday political encounters. Simultaneously, anti-corruption institutions, even when strong, are not left unscrutinized by non-state actors. Bulgaria displays high levels of politicization of corruption at the level of political rhetoric, but less focus on the anti-corruption institutional framework, while Greece is only just starting to catch up.

	Bulgaria	Greece	Romania
Politicization of anti-corruption	• Very common narrative • Political opponents accuse each other of corruption on regular basis	• Common narrative	• Very common narrative • Political opponents accuse each other of corruption on regular basis • AC institutions are heavily scrutinized by non-state actors (may be accused of political subordination)

Table 4: Politicization of anti-corruption in Bulgaria, Greece and Romania

Conclusion and theoretical implications

Transnational organizations and governments from various countries have invested heavily in anti-corruption policies and practices with varying degrees of success. In an attempt to explain the variation, we contend that anti-corruption should not be regarded as a technical solution to a technical problem related to the lack of a modernized, watertight legal framework and insufficient resources (funds, personnel and expertise) necessary to tackle corruption. Neither should unsuccessful anti-corruption be interpreted as the result of a prevailing culture of 'particularism'[100]. Without completely rejecting the aforementioned 'political-cultural' and 'technical-organizational' approaches, we have employed a third way that is based on social constructionism. In this view, anti-corruption becomes a contemporary cultural and political form through which modernization is strategized, control is valorized and history is dispersed as old institutions fade so that new institutional layers can be added.

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[99] Interview with political analyst, Sofia, 15 March 2015.

[100] Alina Mungiu-Pippidi, 'Deconstructing Balkan Particularism: The Ambiguous Social Capital of Southeastern Europe, <u>Journal of Southeast European and Black Sea Studies</u>, 5, 2005, 1, pp. 45–65; Stoyanov et al., 'Bulgarian Anti-Corruption Reforms: A Lost Decade?'

Furthermore, anti-corruption is a process, contextually shaped by international and domestic factors that relate to political priorities, organizational development, political party competition and a mass media market that dramatizes corruption. Attempts by political figures to gain and hold power are often legitimized through positive association with an anti-corruption agenda. Conversely, the need to discredit political opponents is negatively associated with corruption scandals.

In comparing our case-studies, we took account of four key elements (see Table 1): the historical evolution of corruption understanding and anti-corruption as a policy priority; the development of the anti-corruption establishment; the implementation of anti-corruption policies; and the politicization of the process. We found that each of our case-studies is at a different stage in the anti-corruption process – see Table 5 for details. We consider Greece as an ideal-type of *unreflective accommodation* with the standard anti-corruption toolkit, a passive receiver of knowledge from international expertise. Despite the fact that anti-corruption has recently been identified by the government as a policy priority, the institutional setting, legal codification and resources assigned to anti-corruption do not show high levels of implementation. This does not however impede the politicization of anti-corruption or its use as a tool in electoral campaigns.

Our second case – Bulgaria – is *reactive legitimation*. In this situation, corruption is a well acknowledged issue and anti-corruption a policy-priority for the government at a discursive level. Anti-corruption institutions do exist, but there is a distinctive implementation gap, as institutions do not function according to their design – for example, there are few corruption investigations, prosecutions and convictions. The levels of scandalization are high, due to the fact that corruption is a matter of serious public concern.

Lastly, Romania represents another ideal-type: *proactive assimilation.* In this instance, anti-corruption is a top policy priority. This is reflected not only in government declarations but also in the amount of resources assigned to the anti-corruption establishment and its evolution. While far from perfect, Romania's anti-corruption prosecution has become one of the top criminal justice institutions in the EU. And, even if the match between the size of the problem and the institutional solutions in place is imperfect, there are clear and observable steps towards what could be defined as successful anti-corruption. Such high levels of implementation are matched only by an even higher degree of politicization. On the darker side, accusations of corruption are part and parcel of everyday rhetoric. Anti-corruption institutions themselves are heavily scrutinized and are not infrequently accused of political involvement.

	Unreflective accommodation - Greece -	Reactive legitimation - Bulgaria -	Proactive assimilation - Romania -
The evolution of the understand-	• Policy interest, but not enough to secure the necessary resources	• Policy priority at declaration level, but little action	• Top policy • Public concern • Criminal justice

ing of corruption as a social problem and policy priority	• Public concern (along with other social issues) • No priority for criminal justice system	• Public concern • No priority for criminal justice system	system priority
The anti-corruption institutional setting	• Newly set up institutions; • Low level resources	Institutions exist, but do not function well	Top EU level institutions that are templates for other countries
The implementation of anti-corruption	Really very little implementation (unsurprising given the newly set up institutions, low resources and different policy priorities)	Implementation gap at its best	Clear, measurable steps; not perfect, but working fast
Politicization of anti-corruption	Common narrative	• Very common narrative • Political opponents accuse each other of corruption on regular basis	• Very common narrative • Political opponents accuse each other of corruption on regular basis • AC institutions are heavily scrutinized by non-state actors (may be accused of political subordination)

Table 5: Comparison of anti-corruption practices in Bulgaria, Greece and Romania.

The theoretical implication of this social constructionist approach is that we problematize the feelings of inevitability that surround anti-corruption institutions and practices. The empirical implication is that we investigate anti-corruption episodes as processes that, far from being inherent to transitions, have been instrumental to the legitimation of new regimes and whose creation is the result of social and political manipulation. Without disregarding its moral or social benefits, we argue that anti-corruption has more often than not become a site for the negotiation of political agendas whose results have benefited the initiators and local elites. Unlike more traditional approaches, this article does not assume that anti-corruption is 'good' or 'apolitical' to societies because of its alleged merits. Quite the contrary, this article aims to increase our understanding of how anti-corruption efforts are constructed and shaped by their historical and institutional contexts, social actions and political bargains.