

# Post-Accession Hooliganism: Democratic Governance in Bulgaria and Romania after 2007

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The manuscript analyzes negative developments in Bulgarian and Romanian politics in the aftermath of the two countries' accession to the European Union, with a special focus on the worsening corruption problem, the destabilization of previously coherent normative frameworks, and the reversal of processes of state building. It also explores the main characteristics of a novel form of elite behavior, post-accession hooliganism, which began to emerge as soon as Bulgarian and Romanian political leaders felt strong and confident enough to disregard the demands of their West European counterparts.

**Keywords:** *Bulgaria; Romania; European integration; state-building; new members in the EU*

## Introduction: The European Union as an Anesthetic

Back in 2007, when the debate about how the completion of yet another round of eastward expansion will affect domestic politics in the European Union's newest members was just getting under way, an astute observer of the post-communist political condition summarized her expectations in the following manner: "As for the day after accession, when conditionality has faded, the influence of the EU [will] vanish like a short-term anesthetic."<sup>1</sup> Almost half a decade later, this proposition is well worth examining in some detail. What exactly began to happen in the relatively young East European democracies when the anesthetic wore off?

Of course, prudence dictates that those of us tempted to address this question should eschew sweeping generalizations. The entry of several East European countries in the EU is not an event of the same magnitude as the French Revolution, but surely the commonsensical dictum "it is too soon to tell" must temper ambitions to explicate its significance by means of a simple formula. On the other hand, however,

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it is fairly obvious that debates about what changed cannot be halted or postponed. For a variety of reasons—ranging from the ill-conceived desire to present any kind of newly gathered evidence as a confirmation of a pet theory to the eminently reasonable aspiration to make sense of readily observable phenomena as they unfold before our eyes—such debates will figure prominently in the burgeoning academic discourse on politics in the expanded EU. The question is how to ensure that scholarly exchanges are conducted in an empirically focused and methodologically coherent manner.

This article seeks to contribute toward this important objective in two ways. On an empirical level, I will survey recent developments in Bulgaria and Romania and argue that significant changes occurred in both countries after 2007. Specifically, I will examine three kinds of data: (1) evidence regarding various types of corrupt activities; (2) legislative and behavioral changes that undermined previously stable normative frameworks; (3) a reversal of a general tendency toward stabilization of the interactive patterns and administrative routines known as “state building.” On an analytical level, I will outline a strategy for linking *post*-accession changes to the EU’s ability to reconfigure political arenas and shape interactive patterns during the *pre*-accession period. My central contribution is a novel concept that captures the political significance of a distinct pattern of elite behavior which transpired in Bulgaria and Romania after 2007: the concept of post-accession hooliganism. Far from being a sensationalist depiction of political extravagances, this concept might be used as a device for the systematization of disparate empirical data and thus enable us to order familiar analytical tropes and images—the corrupt official, the self-interested legislator, or the local leader who covets Brussels’s approval—around a general theme: how the sticks and carrots of the EU affected the behavior of democratically elected elites in Eastern Europe. Do ongoing interactions with the EU motivate East European political elites to temporarily restrain their selfish impulses—or induce them to consciously embrace and internalize the set of normative principles that underpin the effort to create a peaceful, democratic, and prosperous Europe? Should we construe the process of Europeanization as a series of mini-spectacles staged in order to demonstrate East European rulers’ pragmatic readiness to comply with EU conditionality—or is it a sign of genuine acceptance of values like the Rule of Law, constitutional stability, and good governance? As I will demonstrate, the notion of post-accession hooliganism allows us to approach such issues in an analytically informative way. To be sure, the novel methodological device presented in this paper is not perfect: it casts ample light on the question *what* happened, but it does not yield comprehensive answer to the question *why* it happened. Nevertheless, its heuristic potential is considerable. I will conclude the paper with the argument that, construed as a Weberian ideal type, the concept of post-accession hooliganism makes it possible to depict the transformations which engulfed the region after the collapse of communism as an intelligible process unfolding amid an identifiable matrix of opportunities and constraints and in accordance with a comprehensible directionality.

A caveat is in order at this juncture. In my analysis, I will belabor the contrast between the more positive pre-accession and less positive post-accession political realities. That makes me vulnerable to the charge that I draw too rosy a picture of Bulgaria and Romania in the early 2000s. So let me spell it out: this comparison involves juxtaposition of democratic regimes each one of which is dysfunctional, chaotic, and uninspiring. My argument is simply that those that began to emerge after the accession are more so than what preceded them.

### **Post-Accession Corruption: Quantitative and Qualitative Shifts**

The question of corruption is a suitable launching pad for any discussion of how Bulgaria and Romania changed after 2007. The evidence in that regard is indisputable. Once the quest for full membership in the EU was completed, the corruption problem was aggravated. There are two dimensions of this process that are particularly important.

#### **Quantitative Trends: How Much Corruption?**

The question “How much corruption is there at a particular time in a specific country?” will always elicit the skepticism of analysts who believe that perceptions regarding corruption are colored by context-specific cultural considerations and therefore attempts to deploy metrics that allegedly measure this phenomenon across historical periods and political spaces are doomed to analytical failure.<sup>2</sup> Scholars who, for whatever reason, believe that this question makes sense, rely almost exclusively on one index, the Corruption Perception Index (CPI) calculated by Transparency International. What does the CPI tell us about developments in Bulgaria and Romania after 2007—and how the EU’s newest members compare with other countries in the region?

**Corruption Perception Index<sup>3</sup>**  
**(10 = least corrupt; 1 = most corrupt)**

Country	2007	2010
Bulgaria	4.1	3.6
Romania	3.7	3.7
Croatia	4.1	4.1
Turkey	4.1	4.4
Macedonia	3.3	4.1
Serbia	3.4	3.5
Albania	2.9	3.3

The quantitative data warrants at least three conclusions. First, the situation in Bulgaria—one of the least corrupt countries in 2007—deteriorated dramatically: in 2010 there was *more* corruption there than before. Second, Romania has seen no improvement since it gained full membership. Finally—and this is the most important tendency—the trajectory followed by Bulgaria and Romania is strikingly at odds with the regional trend. Apart from Croatia (which was “cleaner” in 2010 than Bulgaria and Romania<sup>4</sup>), all other counties in southeastern Europe seem to be making progress as they combat corruption. The only thing that sets Bulgaria and Romania apart is that they are EU members. It seems reasonable to conclude that discussions of how the pre-accession period is different from the post-accession era should revolve around the following proposition: 2007 was a threshold when the effort to fight corruption rapidly lost momentum.

### **Qualitative Changes: What Types of Corruption?**

As already mentioned, the ambition to quantify corrupt practices is not shared by all social scientists. One reasonable criticism of indexes like CPI is that they are oblivious to the fact that there are qualitatively different types of corruption, and thus disregard the question what *kinds* of corrupt practices are prevalent in a particular cultural-political context.<sup>5</sup> Along these lines, I will defend the following argument: the entry of Bulgaria and Romania in the EU marked the moment when relatively efficient corrupt practices that engendered tangible developmental effects were replaced by more inefficient corrupt practices that began to produce anti-developmental outcomes. In order to substantiate this argument, a brief detour is necessary.

Students of post-communism who try to come to grips with the fact that there are qualitatively different types of sleaze should pay due heed to an analytical distinction introduced by Hilton L. Root in a comparative study of corruption in eighteenth-century France and Britain. His argument is that different types of corruption became widespread in the two countries. In France, a form of rent seeking based on personal relationships with regime officials developed, which Root calls “cronyism.” In England, something Root characterizes as competitive rent seeking was established: opportunities for profit making were distributed among a wide spectrum of interest groups able to buy the services of influential parliamentarians. Lobbying in France was a secret process because those who engaged in it needed to just activate the networks of power to which they belonged. Lobbying in Britain was open because those who wished to offer bribes had to articulate at least a rudimentary argument as to why the corrupt transaction with self-interested politicians might be of mutual interest. But the results produced by the two types of practices, cronyism and competitive rent seeking, were markedly different: the former precipitated the decline and ultimate collapse of an entire political system, whereas the latter facilitated the rise of relatively accountable governance and efficient markets—and the global ascent of a geopolitical superpower.<sup>6</sup>

Root's distinction is crucial for understanding how various types of corrupt behavior in post-communism generated different outcomes. To grasp why that is so, a hypothetical comparison might be helpful. Imagine two politicians who must decide how to privatize state-owned assets or how to distribute funds obtained from the EU. Both politicians consider their access to power as an excellent opportunity to amass illicit wealth—but one of them decides to engage in cronyism and therefore directs flows of resources toward his cousins or comrades, whereas the other opts to engage in competitive rent seeking and makes it known that assets and grants will be given to bidders who make the best offer—and that the offer should also include a 10% “commission.” Undeniably, these rulers are corrupt. But over the medium and long run, their strategies for self-enrichment generate different consequences. The difference is that whereas competitive rent seeking has some positive developmental implications, cronyism does not.

Several factors contribute to such diverging outcomes. To begin with, competitive rent seeking promotes efficiency. That the highest bidders are in a position to make the best offer suggests that they have acquired certain skills: they know how to create businesses, carry out projects, take advantage of market niches, and accumulate wealth. Cronies, in contrast, are rarely similarly endowed: their rapport with the corrupt decision maker is their only asset. Furthermore, competitive rent seeking is more conducive to the establishment of a consolidated property rights regime. What transpires under cronyism is that a small number of individuals gain the privilege to usurp *de facto* control over, and then exploit, productive assets. The competitive rent seeker, however, allocates to an ever-increasing number of actors stable property rights.<sup>7</sup> Thus, there is an overlap between the narrowly defined interest of the politician—who can only maintain his reputation as a reliable player if he delivers to the relative strangers with whom he transacts the property rights they have paid for—and the broadly defined interest of post-communist publics: both stand to benefit from the stabilization of a legal framework within which proprietary claims are articulated and enforced. Finally, cronyism-friendly politicians have no incentive to intervene if the newly acquired businesses or European funds are mismanaged, not only because unimaginative stealing is frequently the main reason why corrupt privatizations and grant giving are initiated in the first place but also because such interventions would instantly trigger crises in important relationships with relatives and old friends. The attitude of a politician who favors competitive rent seeking is different. Having already pocketed the 10%, this politician has no interest in the swift destruction of the previously state-owned business or the wasteful spending of the European money—and his insistence that the highest bidder's promises regarding the future development of privatized assets or European projects be kept would not complicate rapiers in which he is personally invested. In sum, under a regime of competitive rent seeking, political actors have an incentive to intervene when factories are deliberately bankrupted and roads are not built.

It is now time to end the analytical detour and return to the question what changed in Bulgaria and Romania after 2007. The answer is that in the aftermath of the two countries' entry in the EU, competitive rent seeking was supplanted by cronyism.

This shift constitutes a turning point in a peculiar evolutionary cycle that began after the collapse of one-party regimes in 1989. During the first decade of post-communism, cronyism was prevalent in both countries. One of the arguments that encounter no dissent is that in Bulgaria and Romania assets previously owned by the state were distributed among strategically located members of the communist *nomenklatura*. In both countries, the former communists retained power and reinvented themselves as capitalists—while successfully keeping local and foreign competitors at bay.<sup>8</sup> This status quo eroded in the early 2000s, when Bulgaria and Romania started serious negotiations with the EU. Both countries remained corrupt—but foreign economic agents were now allowed to compete with the cousins and the comrades. The key statistic in that regard is foreign direct investment (FDI). The net inward FDI flows increased from 2% of the GDP in Romania and 6% in Bulgaria in 2001 to almost 10% and 17%, respectively, in 2006; measured on a per capita basis, it quadrupled in both countries between 1999 and 2006.<sup>9</sup> Let me make it clear: foreign investors should be construed not as honest actors pristinely attached to uplifting notions like free markets and the Rule of Law but, along the lines suggested by Root's interpretative narrative, as high bidders who could make offers that corrupt office holders found appealing. Once the prospect of full membership loomed on the mental horizons of politicians in Bulgaria and Romania, therefore, the appeal of such offers increased exponentially—and previously excluded outsiders of various kinds were now allowed to compete with the cronies on an open bribery market.

The year 2007 is a second turning point in the story of how corrupt practices evolved. Bulgarian and Romanian political elites apparently forsook the effort to expand the economic playing field and rediscovered the charms of cronyism. The situation in the two countries is not identical, but both are rapidly re-acquiring the characteristics of cronyism-dominated polity.

The general trend in Bulgaria is easy to describe: after 2007, corrupt decision makers rerouted flows of resources toward businesses owned by their own family. A partial list of recent *affaires* conveys the general flavor of corruption scandals in the country in the post-accession era. In 2007–2009, Petar Iliev, Chair of the Electronic Communication Networks Directorate, signed contracts worth millions of dollars with companies controlled by his brother; Minko Minkov, director of the regional administration in Varna, repeatedly awarded grants to organizations controlled by his aunt and sister; Ivan Andreev, regional director of the National Energy Company, chose a partners firms owned by his brother and sister-in-law.<sup>10</sup> The most egregious case is that of Vesselin Georgiev, who was in charge of distributing European money allocated for the upgrade of Bulgaria's transportation infrastructure. In 2007 and 2008, he channeled hundreds of millions of euros into bank accounts owned by his brother.<sup>11</sup> Because of this blatant embezzlement, Bulgaria was penalized in 2008

when more 200 million euros which the country was eligible to receive under various pre-accession programs were frozen.<sup>12</sup>

If in post-accession Bulgaria, family connections with someone in power seems to be the single most important factor determining who gets what, the dominant trend in Romania is different. Benefits accrue not only to family members (even though various public officials, including the former head of the national Roads and Highways Company Dorina Torin, have been charged with “helping” private companies owned by relatives) but to resurgent networks maintained by local barons.<sup>13</sup> These networks began to emerge in the 1990s, when Katherine Verdery described them as “unruly coalitions” which functioned as “loose clusterings of elites, neither institutionalized not otherwise formally recognized, who cooperate to pursue or control wealth and other resources.”<sup>14</sup> In the early 2000s, some of these coalitions suffered setbacks.<sup>15</sup> But after 2007, they regained their influence. What happened in the aftermath of the first general elections held in Romania after the accession was particularly revealing: “Positions as deputy ministers and heads of public utilities went to individuals with spotted political records or defeated in the 2008 poll. Notorious Social Democratic and Democratic-Liberal barons . . . nominated clients as heads of public utilities.”<sup>16</sup> More generally, as Tom Gallagher demonstrates in a fascinating study, the post-accession period was marked by the tightening of the linkages connecting the entourage of entrenched local politicians—for example Radu Mazare in Constanța and Gheorghe Nichita in Iași—with assorted parliamentarians and government officials.<sup>17</sup> Favors are once again bestowed upon a narrow circle of well-connected individuals.

One of the most important consequences of full membership in the EU, then, is the emergence of a domestically driven political dynamic that pushed the pendulum of corruption away from competitive rent seeking and toward cronyism. More corruption, worse types of corruption—that is what transpired when the EU’s sticks and carrots ceased to matter.

## **The Subversion of Stable Normative Frameworks**

Analysts asking the question why Bulgaria and Romania made it to the EU would surely disagree about many things, but one particular prerequisite of the Balkan nations’ success seems fairly obvious: both countries were able to create and maintain functional institutional configurations. To describe pre-accession Bulgaria and Romania as model democracies would be politically naive and analytically shallow. And yet, amid the turmoil, certain ingredients of democratic governance began to consolidate: predictable electoral rules, stable patterns of institutionalized interactions, and politicians’ ability to engage in political warfare without threatening the stability of the overarching constitutional structure. Elites in both countries were apparently able to maintain these ingredients—in the absence of which, one might hypothesize, the goal of entering the EU would have remained unachievable.



Recent developments indicate that the second important aftereffect of the entry into EU is the subversion of these previously stable normative frameworks. The process affected both formal rules and informal practices that delimited the boundaries of acceptable impudence and tolerable irresponsibility in relations among political elites.

### **The Revamping of Formal Rules**

Since 2007, important legal domains in Bulgaria and Romania have been thoroughly reshaped. Two aspects of this radical reformism are particularly interesting: it is characterized by an unusually high degree of recklessness—and this recklessness cannot be explained exclusively in terms of politicians' incentive to rig the rules of the game in order to maximize their chances of political survival. The pursuit of self-interest arguably explains *why* legal reforms were launched. But it does not account for the *timing* of this endeavor: why were the reforms initiated after the accession—but not before? This question should direct our attention to 2007 as an important juncture in the development of the two Balkan democracies.

Up until that point, an attractive feature of the Bulgarian political system was the permanence of electoral rules. Since 1991, national elections were held under a straightforward proportional system with a 4% threshold. The citizenry and all political players were familiar with electoral procedures, and this shared knowledge in turn infused in Bulgarian democracy a measure of healthy predictability. With the first post-accession elections on the horizon, the ruling majority proposed in 2009 that this eminently functional system be scrapped and replaced with a set of confusing rules that reflected incoherent proportional and majoritarian logics.<sup>18</sup> Despite the fact that this proposal was denounced by legal experts and civic activists, it was rushed through the National Assembly and became law. The ambitious tinkering with legal rules backfired: the parties that launched the radical electoral reform with the intention of preserving their power were badly beaten at the polls. But the fact is that after 2007 the hitherto stable Bulgarian electoral system was carelessly dismantled, and its future remains uncertain.

A parallel process unfolded in Romania with regards to central principles of criminal procedure. While it seems a safe bet that in any list of the world's best criminal procedure laws post-communist Romania will not be mentioned, between the early 1990s and 2007 the country did adhere to a set of commonsensical rules that structured the relationship between courts and prosecutors, determined how immunity can be lifted, and clarified important issues related to admissibility of evidence in criminal trials. After 2007, a wholly new regime was established—a regime marked by what might be called deliberate dysfunctionality.<sup>19</sup> To begin with, judges were now allowed to remand to prosecutors for “further investigation” any criminal case at any point during the law-enforcement process. This new arrangement enables members of the judiciary who are either reluctant to get involved in the



labor-intensive business of presiding over difficult trials or willing to shield important defendants to effectively halt criminal investigations. As a result, the government's ability to seek and ensure convictions was significantly curtailed and the number of cases reaching the trial stage dropped dramatically.

In addition, issues pertaining to officials' immunity were needlessly complicated. As a result of numerous legislative changes, judicial precedents, and administrative interventions, it is no longer easy to determine who exactly is entitled to immunity in Romania. Along with incumbent members of the cabinet and parliamentarians, former politicians can also claim this privilege, although exactly who may do so and why is unclear. Furthermore, the procedure for lifting immunity was completely revamped: the conventional process whereby the Chief Prosecutor asks the President to issue the necessary decree was replaced by a novel *modus operandi* involving multiple steps and multiple actors with ill-defined prerogatives. As a result, questions such as who has immunity, how it may be lifted, and in accordance with what set of rules can no longer be answered with a high degree of certainty.

Finally, after 2007 Romanian legislators rewrote the norms related to admissibility of evidence. The most intriguing innovation in that regard is the following: evidence is admissible only if, in addition to obtaining the requisite warrants, law enforcement officials, prior to using techniques such as interception of telecommunications and eavesdropping, notify suspects that they are subject to criminal investigation. Put differently, according to Romanian law, failure to inform a suspect that his phone calls will be monitored will result in the dismissal of all charges against him. What that means is that either Romanian parliamentarians are more concerned about citizens' privacy than any other group of legislators in the history of modern constitutionalism—or that after 2007 they deliberately eliminated essential components of existing law enforcement mechanisms.

### **Abandonment of Informal Practices**

A similar tendency toward destabilization affected informal practices that structured personal relationships between rival political factions.<sup>20</sup> Since the mid-1990s, politicians in Bulgaria and Romania adhered to a set of unwritten norms that determined how far one can go when trying to dislodge a political opponent, at what point escalating political conflicts should be contained, and how European officials should be treated. The political rationale undergirding these unspoken rules was clear: maintain institutional stability and convince Brussels that the accession process should be completed. A growing body of evidence suggests that in the post-accession period, this rationale has lost its political relevance and previously honored informal rules are no longer considered binding.

In the aftermath of the EU entry, bickering Romanian politicians triggered large-scale political crises that they had successfully avoided since 1989: for the first time a sitting president was impeached, and, also for the first time—and amid a looming

global economic crisis—a government was toppled by a no-confidence vote.<sup>21</sup> It is worth accentuating that Romanian presidents have frequently had to cope with hostile parliamentary majorities, and that the country has almost always been governed by fractious party coalitions torn by internal conflicts. Before 2007, however, potentially explosive sets of circumstances were handled by political operatives in such a manner that the institutional framework was not affected. It is only after 2007 that the desire to settle political scores and humiliate political opponents created a situation where the expression “war of institutions” is no longer a hyperbolic depiction but actual description of political realities.

A good example of a radical departure from informally endorsed elite rules in Bulgaria is the behavior of Ahmed Dogan, Chairman of the Movement for Rights and Freedoms and leader of the party coalition that ruled the country in 2005–2009. While virtually the entire political class in the country is privately complicit in the embezzlement of the European funds, it adhered scrupulously to the following informal principle: the ability to steal Brussels’s money should not be bandied about as a sign of political prowess. In other words, the official political stance of prominent party leaders has always been that such monies will be used to advance the shared aspiration to promote the well-being of a united Europe. Apparently tired of repeating such insincere niceties, Mr. Dogan sought to boost his electoral appeal during the 2009 national election campaign by asserting that he is uniquely positioned to distribute European subsidies in an arbitrary fashion. He called himself “the real instrument of power,” thus openly ridiculing the notion that how European funds are spent is a decision that reflects European priorities. And he made it clear that the political significance of these funds is not that they allow Bulgarians and other Europeans to work together on a common project driven by an appealing vision of the continent’s future, but that they make it possible for politicians like him to put money in the pockets of his political supporters.<sup>22</sup> While disarmingly honest, such departures from the rule that at least in public Bulgarian politicians must treat “our European partners” with respect further damaged the country’s reputation. The news that one of Bulgaria’s most powerful politicians treats European officials as little more than suckers who supply him with resources that he then uses to magnify his influence was heard in Brussels—and reaffirmed the nation’s status of the EU’s trouble-making pariah.

In sum, the post-accession period witnessed the unmaking of an ensemble of rules and practices that ensured stability during the accession process. Undeniably, this metamorphosis can be explained with reference to politicians’ pursuit of self-interest. Legislative changes usually maximize incumbents’ electoral prospects or minimize the risk that they will be convicted on corruption charges—and established patterns of inter-elite interactions are disrupted by actors who seek to expand their power. Nonetheless, the following juxtaposition is worth reflecting on. *Before* 2007, self-interested elites acted with considerable restraint when they designed and implemented such changes, and as a result the continuity of normative frameworks

was maintained. *After* the accession, Bulgarian and Romanian politicians began to change rules without any concern for the broader consequences of their actions, which means that with the completion of the accession process, their motivation to ensure the routinized reproduction of normative frameworks has largely evaporated.

### Stalled State Building

The term *state building* is not easy to define, and we should not expect that a consensus regarding its empirical scope and analytical content will ever be reached. In the context of post-communist studies, it usually refers to the creation of a coherent set of institutions that comprise a clearly delimited public domain, function in accordance with predictable rules and reproducible routines, are staffed by a corps of trained civil servants devoted to the notion of a bureaucratic career—and constitute the organizational fundament of democratic governance. As Stephen Holmes argued in a path-breaking article, *all* formerly communist countries had to face the challenge of rebuilding their states after 1989/1991 because Marxist regimes left behind badly damaged public institutions, dysfunctional state structures, and bureaucratic apparatuses bereft of administrative capacity.<sup>23</sup> As a result of the institutionalized engagement with the EU, politicians in Bulgaria and Romania made a sustained effort to reverse the trend toward administrative decay. Along with the aggravation of the corruption problem and the subversion of stable normative frameworks, the abandonment of this effort is the third visible consequence of their entry into the EU.

During the 1990s, across Eastern Europe fledgling democracies ran into serious problems as they tried to rebuild the organizational basis of statehood; the situation in Romania and Bulgaria was particularly difficult, and for a decade state institutions there remained weak, incoherent, and dysfunctional. Things began to change in the early 2000s. Largely in response to EU conditionality, local elites began to invest resources in the creation of functional administrative units operated by competent—mostly young and female—cadres, to coordinate the activities of administrative apparatuses and to monitor policy implementation with more care. To preempt reasonable criticism, let me clarify that this process of regeneration did *not* transform Bulgarian and Romanian states into the highly efficient bureaucratic machines that Max Weber considered the epitome of modernity. Rather, the elite-led state-building effort produced bifurcation of bureaucracies: while some components of the administrative system functioned relatively well, others remained stuck in their olden ways.<sup>24</sup> Nevertheless, it is warranted to assert that as the accession process gathered steam, the quality of at least some administrative tools of governance in Bulgaria and Romania began to improve.

After 2007, this process of state building was blocked in Bulgaria and reversed in Romania. At least in part, this development was spurred by factors over which politicians had no control—the single most important being the exodus of talented

and highly motivated local bureaucrats who now hold positions in Brussels. But it is also easy to demonstrate that the ambition to create tools of governance and use them in pursuit of policy objectives is less pronounced among political elites in the EU's newest members.

The saga of the frozen European funds in Bulgaria is rather revealing in that regard. As already mentioned, immediately on the country's entry into the EU, the political system was shaken by corruption scandals involving embezzlement of European money. In response, the EU issued stern reports identifying the problems and listing a set of concrete measures which must be undertaken before the funds are unfrozen.<sup>25</sup> In and of itself, this reaction was not unusual. Bulgarian governments were frequently castigated during the accession process, and the specification of what needs to be done was an essential component of the ongoing conversations between local and international political actors. Bulgarian officials' behavior, however, did depart from established patterns. In contrast to their reactions in the past, this time they did *nothing*. Until the end of its term in 2009, Sergei Stanishev's government did not offer a meaningful response to a single EU demand, and the European funds remained frozen. Admittedly, some of these demands, for example, the reform of the judicial system, can only be met through a long-term political effort.<sup>26</sup> Other EU-backed reforms, however, including the optimization of bureaucratic procedures, the streamlining of the administrative practices, and the reassignment of political responsibilities, could have been easily enacted—but were not.<sup>27</sup> This inaction of powerful Bulgarian officials brings into sharp relief one of the most important differences between the pre- and post-accession phases. Before 2007, EU recommendations were considered a call to action: the behavior of Bulgarian politicians did include a lot of play acting, foot dragging, and Potemkinesque deceitfulness, but it also led to efforts to improve the functionality of administrative structures. After 2007, the EU's recommendations were simply ignored.

If the process of state building was blocked in Bulgaria, it was actually reversed in Romania, where functional administrative units were simply dismantled. The story of the Anti-Corruption Directorate (DNA) is emblematic in that respect. Established with much fanfare in 2002, this separate investigative unit was considered the living embodiment of Romanian politicians' commitment to the fight against corruption. Particularly after December 2004, when prominent civic activist and human rights expert Monica Macovei was appointed Minister of Justice and vowed to ensure that DNA will carry out its essential tasks, the institution became a symbol of Romania's progress toward Europe.<sup>28</sup>

Immediately after the country's entry into the EU, a coalition of assorted Romanian politicians unleashed a massive campaign against DNA and Macovei in parliament and in the media. Literally, the first important political initiative in post-accession Romania was Macovei's ouster. In February 2007, she was censured by the Senate (the first time Romanian Senators passed such a motion since 1989), and in April the country's star reformer was dismissed by Prime Minister Popescu-Târceanu.

A series of legislative and administrative actions followed: the DNA was subjected to endless reorganizations, which seriously hampered its ability to function properly; key investigative magistrates were threatened with dismissal; and the institutional and administrative preconditions of its autonomy were destroyed.<sup>29</sup> The effort to create an administrative tool that would have increased the quality of governance fizzled out.

An even worse fate fell on the National Integrity Agency (ANI). In response to the explicit recommendations of the EU, it was created in March 2007 and was authorized to investigate politicians who benefit from conflicts of interest. When ANI launched an investigation against a member of the Senate, however, the constitutionality of the law that established it was challenged before the Constitutional Court (one-third of whose members are appointed by the Senate). In a stunning move, the agency was declared unconstitutional—and ceased to exist. Attempts to bring it back to life by means of new legislation encountered the stubborn resistance of the Senate. The question of ANI was considered such a high priority by Romania's Western partners that, unprecedentedly, the ambassadors of Germany and the United States visited the leader of the anti-ANI coalition, Gyorgy Frunda, in order to discuss the issue. Frunda simply refused to listen: "I believe a sovereign Senate of an EU member state cannot accept a political pressure. . . . I do not recall any Romanian ambassador to require for a certain Parliamentary decision to be taken in Holland, Germany, USA." Ultimately, a new ANI was created—but with its teeth pulled out: conceived and marketed to the EU as a major institution to be used in the fight against corruption, it is now confined to fining deputies who are late with their declarations of wealth.<sup>30</sup>

Thus, in post-accession Romania, important organs of the body politic were amputated with dispatch and determination. In 2007, observers interested in the creation of bureaucratic institutions endowed with administrative capacity had something to point to; the task of identifying such institutions today is more difficult. State building no longer appears to be a project in which Romanian political elites are willing to invest time and effort.

More generally, if one of the conclusions to which the two Balkan nations' pre-accession experiences lend credence is that the road to Brussels cannot be traversed in the absence of functional bureaucratic structures, among the main lessons of the post-accession period is that elites' determination to maintain such structures fluctuates. The struggle for control over resources and the ambition to secure positions of power should be considered constants that permanently affect the behavior of Bulgarian and Romanian rulers, but the incentive to maintain a functional infrastructure of governance varies as the circumstances change. During the accession period, politicians in the two countries appeared at least residually motivated to sharpen the bureaucratic tools of governance, and to use them in order to govern. After 2007, the motivation to engage in the repair and expansion of the organizational basis of statehood has waned.

## Conclusion: The Rise of Post-Accession Hooliganism

What exactly happened when the EU anesthetic wore off in Bulgaria and Romania? Based on the foregoing analysis, I would offer the following answer: a new form of elite behavior rapidly emerged that might be called post-accession hooliganism. It reflects an attitudinal shift. The same political elites began to comport themselves differently. And the exacerbation of the corruption problem, the subversion of stable normative frameworks and the abandonment of state-building efforts are among its most important symptoms.

Hooliganism is obviously a term that has different connotations. It means one thing when used by Mircea Eliade in a famous Romanian novel of the 1930s, a different thing when contemptuously uttered by angry mothers scolding adolescents in Bulgaria in the 1970s, and something else when deployed in analyses of soccer rowdies in Britain in the 1980s.<sup>31</sup> Arguably, efforts to formulate a comprehensive definition which will encompass the specific manifestations of the phenomenon in all their empirical richness are destined to be futile. But the shared vision of unruly characters acting in defiance of certain behavioral norms is what different notions of hooliganism have in common, and it is around this shared vision that an ideal-typical hooligan can be constructed. As we know from Max Weber, to create an ideal type of an empirical phenomenon means to somewhat arbitrarily posit some of its aspects as more essential than others, systematically reveal their analytical significance—and then demonstrate how the newly forged analytical tool may be used to interpret political and social realities. Taking the proposition that hooliganism is a form of behavior that transpires when identifiable actors refuse to follow certain rules as my point of departure in this endeavor, I will argue that it has three central characteristics.

First, most hooligans know perfectly well what kind of behavior would make them look good and can demonstrate on a daily basis that they can easily function as members of collectivities bound by rules. A perfect example in that regard is Mike, one of many fascinating characters discussed in Bill Bufford's book on football hooligans—when not attending Manchester United games he is a steadily employed electrician fully capable of abiding by the professional rules of his *métier* and by the disciplinary rules enforced by his employer.<sup>32</sup> Second, hooligans choose whether to behave or misbehave based on the circumstances. They distinguish between situations in which following official rules is preferable and situations where breaking such rules is the means to achieve a desirable end—and then exercise their judgment to determine which one of these rationales should be followed. Finally, most hooligans are not hardened criminals or rebels inspired by a counter-cultural vision. They commit disruptive acts and engage in deviant behavior, but do not actively seek to destroy the system they live under—and cannot be plausibly labeled society's worst offenders.

I hope that in the light of these analytical specifications the argument that what transpired in Bulgaria and Romania after 2007 should be described as post-accession

hooliganism now makes sense. To begin with, the negative developments discussed in this paper did not occur as a result of an influx of new political players, but because of the altered behavior of already entrenched elites. Prior to the accession, Bulgarian and Romanian rulers evidently had an incentive to behave as Mike the electrician; once in the EU, they started behaving as Mike the Manchester United fan. Put differently, if before 2007 political elites considered themselves to be in a situation where restraint was deemed necessary, after 2007 they did what they wanted. This behavior clearly had negative consequences—the most important of which was the deterioration of democracy in Bulgaria and Romania.<sup>33</sup> The self-interested actions of elected rulers have endangered basic principles of the Rule of Law—such as the norm that no one should enjoy immunity from criminal prosecution. Chaotic and sudden legislative reforms have impeded citizens' ability to act as autonomous agents amid a predictable legal framework. The conduct of politicians whose insouciance made it more difficult for a myriad of local businessmen to receive the European grants they relied on has brought the two countries closer to the type of crisis which Pierre Rosanvallon calls “representative atrophy,” or serious degradation of the relations between voters and their representatives.<sup>34</sup> Still, no matter how repugnant elite behavior in these countries might appear, it did not bring about democratic breakdowns, catastrophic economic crises, or political violence. One can safely assume that when future historians write the annals of the EU, discussions of unified Europe's travails in the late 2000s and early 2010s will focus not on Bulgaria and Romania but on Greece and Italy.

The concept of post-accession hooliganism thus provides the analytical where-withal we need to answer the question what happened after 2007. But there is an additional heuristic benefit that might accrue from its deployment: it allows us to formulate nontrivial propositions about how EU conditionality worked before 2007.<sup>35</sup> It is now rather obvious that EU pressures did not metamorphose local politicians into true democrats, wise rulers, or responsible decision makers. But it did motivate them to pursue their interest in a particular manner. As the accession talks got under way, corrupt officials felt compelled to restrict the scope of their cronies-centered operations and switch to more competitive ways of distribution rents. Things like FDI began to matter not because all of a sudden rulers grew concerned about the welfare of the citizenry but because they were used as a quantifiable measure of performance by foreign interlocutors. Likewise, self-interested legislators who had to cope with the EU's sticks and carrots were incentivized to reconcile the pursuit of self-interest with developmental objectives. The fact that the EU was watching is a major reason why lawmakers decided not to let the desire to amass more power lead to the destabilization of political routines. Finally, it was the ambition to be recognized as European by the authority that could bestow this privilege that turned Bulgarian and Romanian elites into self-restraining political animals. The quest for Brussels' recognition turned them into, to paraphrase Molière, state builders *malgré eux*. As a result, both countries attained a higher level of institutional functionality—and became more governable.



The concept of post-accession hooliganism is thus helpful for understanding what changed when the accession process was over: it links forms of unruly elite behavior to identifiable empirical, institutional, and political phenomena. It is less helpful as an analytical instrument that may yield a comprehensive explanation of *why* Bulgarian and Romanian rulers turned into post-accession hooligans. Apart from EU conditionality, there may be other considerations that might incline democratic rulers to reduce corruption, maintain stable normative frameworks and improve the functionality of administrative structures—why is it that the political classes in Bulgaria and Romania seem unmoved by such considerations? What is the political calculus that motivated their self-restraint—and is this calculus based on materialistic cost-benefit analysis, or on the quest for cultural prestige in a quasi-imperial setting?<sup>36</sup> Is it warranted to assume that the EU's demonstration effect should be construed in terms of the normative appeal of democracy, the rule of law, and free markets—or is the enduring electoral success of West European politicians like Silvio Berlusconi the true motivational force behind this “effect”? Further research is necessary to map the analytical terrain that such questions demarcate. What the survey of post-accession developments in Bulgaria and Romania makes clear is that the structure of elite incentives in all its complexity and multidimensionality should provide, to refer to Weber one last time, “a general orientation of our cognitive interest,” or an analytical focal point of the cultural, analytical, and theoretical concerns in light of which we interpret observable empirical trends.<sup>37</sup> It might very well be the case that all politicians have their hooliganish impulses. Why in post-communist politics these impulses are sometimes contained and sometimes allowed to reign supreme is an issue to which students of post-communist politics should constantly return.

## Notes

1. Alina Mungiu-Pippidi, “EU Accession Is No ‘End of History,’” *Journal of Democracy* 18, no. 4 (October 2007): 8.

2. Cf. Ivan Krastev, *Shifting Obsessions: Three Essays on the Politics of Anticorruption* (Budapest: Central European University Press, 2004).

3. Source: Transparency International, various annual reports, available at: [http://www.transparency.org/policy\\_research/surveys\\_indices/cpi](http://www.transparency.org/policy_research/surveys_indices/cpi) (accessed June 3, 2011).

4. That Croatia is “cleaner” than Bulgaria does not mean, of course, that it has solved its corruption problem; for an eye-opening account of corruption scandals in Croatia, see Slavko Goldstein, “A Turning Point for Croatia,” *The New York Review of Books*, June 23, 2011, 60–62.

5. On the question how corrupt practices in post-communist countries might be typologized, see Rasma Karklins, *The System Made Me Do It: Corruption in Post-Communist Societies* (London: M.E. Sharpe, 2005).

6. Hilton L. Root, *The Fountain of Privilege: Political Foundations of Markets in Old Regime France and England* (Berkeley: University of California Press, 1994), in particular pp. xi–xiv.

7. The critical distinction between privileges related to de facto control and property rights rooted in a stable legal framework is discussed in Venelin I. Ganev, “Postcommunist Political Capitalism: A Weberian Interpretation,” *Comparative Studies in Society and History* 51, no. 3 (July 2009): 648–74.

8. On the redistribution of state property in Romania in the 1990s, see Catalin Augustin Stoica, "From Good Communists to Even Better Capitalists? Entrepreneurship and Communist Cadres in the Transition from Socialism," *East European Politics and Societies* 18, no. 2 (May 2004): 236–77; Tom Gallagher, *Theft of a Nation: Romania after Communism* (London: Hurst, 2005); and the chapters on economic reform in Henry F. Carey, ed., *Romania since 1989: Politics, Economics and Society* (Lanham, MD: Lexington Books, 2004); on Bulgaria, see Krassen Stanchev, "The Path of Bulgarian Economic Reform," *East European Constitutional Review* 10, no. 4 (Fall 2001): 56–61; Andrew Barnes, "Extricating the State: The Move towards Competitive Capture in Postcommunist Bulgaria," *Europe-Asia Studies* 59, no. 1 (January 2007): 91–95; and Venelin I. Ganev, "The Dorian Gray Effect: Winners as State Breakers in Postcommunism," *Communist and Post-Communist Studies* 34, no. 1 (Winter 2001): 1–25.

9. See Stefaan Pauwels and Lorena Ionita, "FDI in Romania: From Low-Wage Competition to Higher Value-Added Sectors," European Commission's Directorate-General for Economic and Financial Affairs, Country Focus, vol. 5, no. 3 (August 2008). On Romania, see also Maria Birsan and Anuta Buiga, "FDI in Romania: Evolution and Main Types of Large Firms in the Manufacturing Sector," paper presented at the VIIth OECD Global Forum on International Investment, Paris, March 2008; on Bulgaria, see also Diana Bozhilova, "When Foreign Direct Investment Is Good For Development: Bulgaria's Accession, Industrial Restructuring and Regional FDI," Hellenic Observatory Papers on Greece and South-Eastern Europe, no. 33, March 2010.

10. On Iliev, see Svetoslav Metanov, "Koruptzija v suobshnenijata" [Corruption in the Communications Sector], *Trud*, December 3, 2010, <http://www.trud.bg/Article.asp?ArticleId=410593>; on Minkov, see Galina Ganeva, "Kriminalni aferi" [Criminal Affairs], *Chasa*, May 5, 2011, 168, <http://www.168chasa.bg/Article.asp?ArticleId=880648>; on Andreev, see "Batko I bratko v NEK" [A "Younger Brother-Older Brother" Scheme Uncovered in the National Electric Company], *Blitz*, May 20, 2010, <http://www.blitz.bg/news/article/79067>.

11. See "Obviniha batko zaradi bratko" [Older Brother Charged Because of Younger Brother], *Vseki Den*, October 23, 2008, <http://www.vsekiden.com/40281>.

12. For more details, see Svetlozar A. Andreev, "The Unbearable Lightness of Membership: Bulgaria and Romania after the 2007 EU Accession," *Communist and Post-Communist Studies* 42, no. 3 (September 2009): 375–93.

13. For a more thorough treatment of the problem of networks and networking in post-communist Eastern Europe, see Venelin I. Ganev, "Notes on Networking in Postcommunism," *East-European Constitutional Review* 9, No. 1/2 (Winter/Spring 2000): 101–6.

14. Katherine Verdery, *What Was Socialism, and What Comes Next?* (Princeton: Princeton University Press, 19956), 193.

15. E.g., former Gorj county council chairman Nicolae Mischie lost the 2004 municipal elections and subsequently received a 3-year prison sentence, and the same year Dumitru Sechelariu lost the mayoral elections in Bacau.

16. Lavinia Stan and Diane Vancea, "Old Wine in New Bottles: The Romanian Elections of 2008," *Problems of Post-Communism* 56, no. 5 (September/October 2009): 59.

17. Tom Gallagher, *Romania and the European Union* (Manchester: Manchester University Press, 2009).

18. For details, see Simeon Mitropolitski, "European Enlargement as Maker or Breaker of the Democratic Political Culture," York University, Toronto: European Centre of Excellence Working Papers, No. 08/2010.

19. In the paragraphs that follows, I rely on W. De Pauw, "Expert Report on the Fight Against Corruption," Bucharest, November 2007, <http://www.economist.com/media/pdf/romaniacorruption.pdf>.

20. For a cogent and informative analysis of the role of informal rules in post-accession politics, see Antoaneta L. Dimitrova, "The New Member States of the EU in the Aftermath of Enlargement: Do New European Rules Remain Empty Shells?" *Journal of European Public Policy* 17, no. 1 (February 2010): 137–48.

21. On the impeachment of President Basescu, see Lavinia Stan and Razvan Zaharia, "Romania," *European Journal of Political Research* 47, no. 7/8 (December 2008): 1115–26; on the quarrel between Prime Minister Emil Boc and Interior Minister Dan Nica which brought about the collapse of Boc's government, see Laura Stefan, Dan Tapalaga, and Sorin Ionita, "Romania," <http://www.freedomhouse.org/images/File/nit/2010/NIT-2010-Romania-proof-II.pdf>.

22. A revealing segment of Dogan's electoral speech can be seen here: <http://www.youtube.com/watch?v=VFRjRi1JLWc>.

23. Stephen Holmes, "Cultural Legacies or State Collapse? Probing the Postcommunist Dilemma," in *Postcommunism: Four Perspectives*, ed. Michael Mandelbaum (New York: Council on Foreign Relations, 1996), 44–60. On state building more generally, see Francis Fukuyama, *State-Building: Governance and World Order in the 21st Century* (Ithaca, NY: Cornell University Press, 2004); on state building in post-communism, see Venelin I. Ganev, *Preying on the State: The Transformation of Bulgaria after 1989* (Ithaca, NY: Cornell University Press, 2007).

24. On the notion of bifurcated bureaucracies, see David C. Kang, *Crony Capitalism: Corruption and Development in South Korea and the Philippines* (Cambridge: Cambridge University Press, 2002).

25. The reasons that motivated EU officials to freeze funds allocated to Bulgaria are explained in detail in Report from the Commission to the European Parliament and the Council: On the Management of EU Funds in Bulgaria, Brussels, July 23, 2008, [http://ec.europa.eu/dgs/secretariat\\_general/cvm/docs/bulgaria\\_report\\_funds\\_20080723\\_en.pdf](http://ec.europa.eu/dgs/secretariat_general/cvm/docs/bulgaria_report_funds_20080723_en.pdf).

26. Cf. Daniel Smilov, "Bulgaria: The Discontents and Frustrations of a Newly Consolidated Democracy," in *Democratization and the European Union: Comparing Central and East European Post-Communist Countries*, ed. Leonardo Morlino and Wojciech Sadurski (New York: Routledge, 2010), 96–118.

27. For more on these specific recommendations, see Milada Anna Vachudova's detailed analysis in her "Corruption and Compliance in the EU's Post-Communist Members and Candidates," *Journal of Common Market Studies* 47 (September 2009): 43–62.

28. On Monica Macovei and her "Strategy and Action Plan for the Reform of the Judicial System," see Monica Ciobanu, "The End of the Democratic Transition? Analyzing the Quality of Democracy Model in Postcommunism," *Comparative Sociology* 8 (2009): 1–38.

29. For more details, see the report prepared by the Romanian Initiative for Clean Justice, <http://www.romaniacurata.ro/raport-october-2007-anticorruption-in-romania-comes-under-serious-thre-37.htm>.

30. For the Frunda quote and further analysis of ANI's fate, see Holger Dix and Bogdan Copil, "The Current Status of the Romanian National Integrity Agency," Rule of Law in South East Europe Program, Konrad Adenauer Stiftung, July 2, 2010, [http://www.kas.de/wf/doc/kas\\_20138-1522-2-30.pdf?100923140103](http://www.kas.de/wf/doc/kas_20138-1522-2-30.pdf?100923140103).

31. Cf. Mircea Eliade, *Huliganii* (Bucarest: Editura Rum-Irina, 1992, originally published in 1935); and Eric Dunning, *The Roots of Football Hooliganism: An Historical and Sociological Study* (London: Routledge, 1989). The comment on Bulgarian mothers is based on my own childhood experiences.

32. Bill Bufford, *Among the Thugs* (New York: Vintage Books, 1990), 27.

33. On the concept of democratic quality, see Guillermo O'Donnell, Jorge Vargas Cullell, and Osvaldo M. Iazzetta, eds., *The Quality of Democracy: Theory and Applications* (South Bend: University of Notre Dame Press, 2004); Larry Diamond and Leonardo Morlino, eds., *Assessing the Quality of Democracy* (Baltimore: Johns Hopkins University Press, 2005); and David Beetham, ed., *The International IDEA Book of Democracy Assessment* (The Hague: Kluwer Law International, 2002).

34. On the Rule of Law and quality of democracy, see Diamond and Morlino, "Introduction" to *Assessing the Quality of Democracy*, pp. xii and xiv; on democratic agency, see Guillermo O'Donnell, "Human Development, Human Rights and Democracy," in *The Quality of Democracy*, 9–92 (see note 33); on representative atrophy, see Pierre Rosanvallon, *Counter-Democracy: Politics in an Age of Distrust* (Cambridge: Cambridge University Press, 2008), 13.

35. For insightful analyses of the impact of the EU on domestic politics in Eastern Europe, see Milada Anna Vachudova, *Europe Undivided: Democracy, Leverage and Integration after Communism* (Oxford: Oxford University Press, 2005); Frank Schimmelfennig, *The EU, NATO and the Integration of Europe:*

*Rules and Rhetoric* (Cambridge: Cambridge University Press, 2003); Rachel Epstein, *In Pursuit of Liberalism: International Institutions in Postcommunist Europe* (Baltimore: Johns Hopkins University Press, 2008); Wade Jacoby, *The Enlargement of the European Union and NATO: Ordering from the Menu in Central Europe* (Cambridge: Cambridge University Press, 2004); Jan Zielonka and Alex Pravda, eds., *Democratic Consolidation in Eastern Europe*, vol. 2, *International and Transnational Factors* (Oxford: Oxford University Press, 2001); Frank Schimmelfennig and Ulrich Sedelmeier, eds., *The Europeanization of Central and Eastern Europe* (Ithaca, NY: Cornell University Press, 2005); Frank Schimmelfennig, Stefan Engert, and Heiko Knobel, eds., *International Socialization in Europe: European Organizations, Political Conditionality and Democratic Change* (New York: Palgrave Macmillan, 2006).

36. On why the EU should be treated as a quasi-imperial entity, see Jan Zielonka, *Europe as Empire: The Nature of the Enlarged European Union* (Oxford: Oxford University Press, 2007).

37. Cf. Max Weber, *The Methodology of the Social Sciences* (New York: Free Press, 1949), 64.

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