Europe’s other legitimacy crisis

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Bulgaria is the newest, poorest and probably the worst governed member of the European Union. Its economy is growing, its politics is collapsing and its public is totally frustrated. Bulgaria is also the EU member-state where the public is the most sceptical that democracy is the best form of government, one where only 21% agree that the country is governed according to the will of the people.

A famous Italian movie director who visited the country in the 1970s found it a great setting for small family dramas but unfit for major political tragedy. He could turn out to be wrong. For Bulgaria is also now (symbolically at least) at the heart of Europe, and thus a place where Europe’s future could be shaped. Indeed, there is a sense in which the future of the EU enlargement process will be decided as much in Sofia as in Dublin: for if the Republic of Ireland’s rejection of the Lisbon treaty (in its referendum on 12 June 2008) makes it institutionally impossible for the union to enlarge further, an indefinite failure by Brussels to press Bulgaria to change its bad governance practices will make it politically impossible to open the door of the union to new members.

It is in this context that the significance of the European commission's report on Bulgaria's progress in fighting corruption and organised crime - released on 23 July 2008 - can be understood. The report is a striking document for someone who has a sense of the workings and the style of the European commission; for in it, Brussels has adopted unusually harsh and political language. The report even threatens Bulgaria with suspension of up to €1 billion ($1.55 billion) in pre-accession aid, and to bar two Bulgarian state agencies from handling EU funds.

Furthermore, a parallel report by the European Union's anti-fraud unit (OLAF) - leaked a week in advance of the commission document - states that there are "powerful forces in the Bulgarian government and/or state institutions" who are not interested in punishing corruption. This report goes as far as explicitly mentioning the Bulgarian president in connection with his acceptance of political donations from corrupt networks. In short, the problem of Bulgaria is not the existence of corruption but the suspicion that the government and the president are part of it. For the European commission to publish such a report amounts to a "small revolution".

The digestion problem

The reaction of the socialist-led government in Sofia is one of shock and confusion. It tries to trivialise the change of tone, while at the same time accusing Brussels of being selective in its toughness. In its view Bulgaria is not the only corrupt country in the European Union, and probably not the most corrupt; so why has Bulgaria alone become the target of the commission's anger? Why has the commission been so silent over the latest
legislative changes in Italy that serve [9] the special interests of prime minister Silvio Berlusconi? What about other countries where nefarious practices are common knowledge? Is the commission aware that its hardline stand [10] amounts to direct interference in the domestic politics of a member-state, and that as a result it could help bring to power populists and even extremists? In short, the Bulgarian government has found its arguments - but it is losing its way in the process.

Conspiracy theories will not help the Bulgarian government to grasp its problem. It is not that Brussels keeps its bad feelings about Bulgarian socialists in reserve for use on appropriate occasions, nor that Bulgaria was selected to be a whipping-boy to set an example; rather, Brussels simply has no other option but to be severe in this instance. For if the commission is unable to convince member-states that it can effectively respond to the governance crisis in one of the union's newest and most problematic countries, the implication is that enlargement should be put on hold for ever. A failure by Brussels to discipline Sofia will mean that Belgrade or Skopje (to name but these) should say farewell to their dream of joining the union. As historians will testify, most of the great political projects have died not of heart-attack but of digestion problems.

**The failures of success**

In this wider frame, the commission's tough line towards Sofia is also intended to answer the central question that Brussels today faces: is it true that when a country [11] enters the European Union the commission loses any meaningful leverage over its domestic politics?

In Brussels's view, the commission has leverage and it can prove it. An eventual success for the commission's strong line towards Bulgaria will reinforce the argument of advocates of enlargement that the an accession country's transformation does not and should not stop when it enters the club. Entry to the EU does not mean the end of leverage [12], but a change in its nature - towards a greater focus on the commission's direct outreach to the society and the empowerment of social groups eager to promote change. Thus, in contrast to the accession period when the European commission contributes to a model of change that can be best described as "reforms without politics", its ambition now is to generate a demand for a genuine reformist politics.

This shift of focus, however, also casts retrospective light on the role of the European Union in the pre-accession period. For an unintended consequence of the omnipotence of the EU then was a twin process: the depoliticisation of the policy-making process and the growing gap [13] between the political class and the voters. At the time, the power of the commission looked almost unlimited, but its impact was not always benign.
Governments quickly learned to play the accession game, benefiting from the fact that they served two masters: selling all unpopular policies as "made in Brussels", while smuggling into the agenda their own pet projects - thus increasing their unaccountability at both ends.

As a consequence, publics became used to their powerlessness. Voters realised that they could change the government but not the policy. The opposition and civil society self-censored their criticism of government corruption in fear that this could slow the accession process and delay European Union membership.

In the Bulgarian context, the outcome is a country where a huge majority of the public profoundly mistrusts almost all Bulgarian public institutions and politics in general. But what makes this predicament even deeper is that the current dismal state of public participation is the result not of the failure of EU policies in the accession period but of their success.

**The Brussels sandwich**

It is in the context of this legacy that the report of the European commission suggests that a new strategy is taking shape - one that breaks with the accession legacy where the government is the only trusted interlocutor for the commission. The new commission approach is to politicise institutional failures [14], rather than depoliticise them as before. This brings into the game a new player: Bulgarian public opinion. The opinion polls have convinced Brussels that the public perceives the commission's pressure not as an act of colonial arrogance (as local nationalists and populists [15] like to portray it) but as an opportunity for much needed [16] and desired changes in the quality of governance in the country. It is perhaps appropriate in this regard that on the very day the findings of the report became known, the opposition in Bulgaria asked for the resignation of the government and new elections.

In general, what the commission is doing is an attempt to replace the politics of conditionality (the famous "Brussels carrot") with the politics of pressure (a "Brussels sandwich") - where corrupt governments find themselves pressed [16] between angry publics and an uncompromising commission. Anti-corruption, in this perspective, turns out to be the common language and concern shared by the public and the commission.

This is a promising change in the commission's new strategy, but there are three major risks on the road. The first and most obvious one is that finding itself in the corner, the Bulgarian government will use all its resources not to fight corruption but to fight the commission, by mobilising nationalist sentiments among the public. This strategy does not work for the moment, [17] but the situation can change. Today only 16% of the Bulgaria public claims that how government governs is not Brussels's business. But who to blame for the lost money from the EU funds will be one of the key questions in Bulgarian politics in the coming years.

The second and more profound risk is to underestimate the fact that the Brussels sandwich assumes the coexistence of a sick government and a healthy society - while what is in crisis in Bulgaria is not simply post-communist regimes but post-communist societies. Bulgaria suffers not just from an incompetent and corrupt government but also from lack of administrative capacity and civic energy. The opposition, while...
active in exposing government's corruption, is weak in suggesting clear alternatives. Bulgarian society displays symptoms of what the political anthropologist Edward Banfield [18] has defined as "amoral familism" - the behaviour [19] that maximises the material, short-term advantage of the nuclear family, assuming that all others will do likewise. It has repeatedly failed in its efforts to pursue public interest and self-organisation.

The third and most surprising risk is that making corruption the central issue in Brussels's strategy can also backfire. In my book Shifting Obsessions. Three essays in the Politics of Anti-Corruption [19] (Central European University Press, 2004) I tried to demonstrate that anti-corruption campaigns in east-central Europe are doomed to fail. They contribute to the delegitimation [20] of political elites and public institutions. Even non-corrupt governments do not have incentives to start anti-corruption campaigns because they do not have opportunities to convince publics that they are successful in curbing graft and corruption. Moreover, at the sharp end of the boomerang is the fact that anti-corruption accusations can be a deadly weapon in dirty political wars. It is sad but true that for many in Bulgaria the best definition of corruption is "other people's networks".

The catalyst of change

Bulgaria and Ireland illustrate the twin challenge that the European Union faces today. They demonstrate the twin nature of the EU's legitimacy crisis. In the western part of the continent, national publics are questioning the legitimacy of EU institutions and protesting against the democratic deficit in the union. In the eastern part of the continent, national publics tend to trust EU institutions more than their own institutions and to demand a more interventionist commission. What bothers Bulgarians is not the democratic deficit of the commission but the rule-binding deficit in Bulgarian government. It is not easy to address these two different concerns at the same time. Donald Rumsfeld can turn out to be right in the end: there are two Europes - "the old Europe" that is mistrustful of the commission's interventionism in national politics and the "new Europe" that is demanding such an interventionism.

For the moment the European debate is preoccupied with the democratic deficit of European Union interventionism - the Irish challenge. But the Bulgarian challenge - the other legitimacy crisis - can turn to be a tougher one. The European commission can be the catalyst for change but it cannot bring the change on its own. The Bulgarian challenge should not be neglected.

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