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CORRUPTION AND ANTI-CORRUPTION
LOCAL DISCOURSES AND INTERNATIONAL PRACTICES
IN POST-SOCIALIST ROMANIA

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Abstract: In the past two decades academic and research literature on "corruption" has flourished. During the same period organizations and initiatives fighting against corruption have also significantly expanded, turning "anti-corruption" into a new research subject. However, despite a few exceptions there is a division of labor between scholars who study corruption itself and those who study the global anti-corruption industry. Juxtaposing corruption's local discourses and anti-corruption international practices, this article is an attempt to bring together these two intertwined research dimensions and explore how an ethnographic approach might contribute to framing them together. Firstly, it describes how corruption in Romania is often conceptualized and explained in terms of national heritage, something related to old and recent cultural history, including traditional folklore. Secondly, it explores how anti-corruption works in practice, focusing on international legal cooperation projects monitoring the progress and shortcomings both prior to and post Romania's accession to the European Union. Finally, revealing the articulations of these two apparently unrelated research fields, the article argues that corruption's local explanations and the circular logic of auditing observed within the anti-corruption industry share a common developmental ideology mirroring the crypto-colonialist structure of power relations and dependency among European nation-states emerging out of the Cold War.

Key words: corruption; anti-corruption; international legal cooperation; postsocialism; Romania, social anthropology.

In the past two decades academic and research literature on "corruption" has flourished across social science disciplines, including anthropology (e.g. Blundo 2000; Haller, Shore 2005; Blundo, Olivier de Sardan 2006; Pardo 2006; Nujiten, Anders 2007). During the same period anti-corruption organizations and initiatives have developed and become institutionalized to the extent that they now have the dimensions and features of an "industry" (Sampson 2010). Interestingly, despite the growing scholarly attention upon corruption and the increasing number of hard and soft legislative tools created in order to "fight against it", it is almost impossible to argue that corruption has diminished. On the contrary, several anti-corruption agencies and independent observers consider global corruption to be on the increase, both in western and non-western countries. According to some critical social theorists, the globally widespread "culture of legality", and the parallel diffusion of several criminal and illegal practices, including corruption, is part of a more general dialectic of law

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and disorder typical of the neoliberal world order, operating notably in postcolonial societies but also in the west (Comaroff and Comaroff 2006). Moreover, the globalizing market fundamentalism and the parallel denationalizing processes make it more and more difficult to locate the dividing line between "private" and "public", a cultural distinction on which corruption's conventional legal definition relies.[1] On the other hand, as soon as we recognize the predatory character of the hegemonic regime of legality known as "rule of law", the boundaries between legality and illegality also evaporate, as has been persuasively argued by critical socio-legal scholars (e.g. Santos 2007; Mattei, Nader 2008).

Beyond the obvious point that corrupt practices are generally difficult to observe because the forms they take are typically obscure (a counter example, however, is offered in the first section below), the intertwined problems of defining and measuring corruption have quite often been noticed (Sampford et al. 2006, among many others). Ironically, a widely accepted criteria for assessing the level of corruption is the well known Corruption Perceptions Index (CPI) produced annually by Transparency International (TI) a non-governmental self-proclaimed apolitical organization leading a "global coalition against corruption". Launched in 1995, "the Corruption Perceptions Index has been widely credited with putting the issue of corruption on the international policy agenda", actually measuring corruption using a national(ist) methodology (i.e. ranking corruption levels by country) according to the "informed views of analysts, businesspeople and experts in countries around the world".[2] There is no question that "perceptions" of what is real do not correlate to reality. However, focusing on corruption talk and anti-corruption projects and practices seems to offer a vantage point from which to observe what corruption and anti-corruption produce, and how they are produced in given social settings, irrespective of the presumed diffusion of corrupt practice in a particular country or locality.

This article is an attempt to bring together previous research into local discourses on corruption (Zerilli 2003) with a more recent fieldwork project focusing on international legal cooperation and anti-corruption practices, using in both cases ethnographic material from fieldwork conducted in (or relating to) post-socialist Romania. I take this special issue as an opportunity to reflect upon how an ethnographic approach might contribute to framing corruption and anti-corruption *together*, which raises a number of empirical questions and theoretical issues that might be relevant to understanding both.[3] In fact, implicitly there is a gener-

al division of labor between scholars who study local discourses and practices of corruption and those who study the global anti-corruption industry, yet these two scales of analysis are rarely brought together by the same researcher (see, however, Hasty 2005; Harrison 2006). The purpose of this article is to juxtapose local discourses on corruption with international anti-corruption practices in order to explore their common "symbolic roots" (Herzfeld 1992), namely implicit assumptions (possibly also in the form of rational ideologies) concerning the causes of corruption and its possible remedies in "transitional" societies.

The article is divided into three sections. The first describes how, during fieldwork on real estate property restitution in Bucharest in the early 2000s, corruption was often framed and conceptualized in terms of "national heritage", something related to old and recent Romanian cultural history, including traditional folklore.[4] The second part explores how the anti-corruption industry works in practice, focusing on international legal cooperation projects aimed at "assisting" the process of Romania's EU accession in 2007, and beyond. In the final section, fitting together the notions of "benevolent" (Sampson 2002) and "crypto" colonialism (Herzfeld 2002), I argue that this apparently unrelated ethnographic material is actually deeply interwoven. Revealing its articulations proves useful in looking critically at culturalist corruption approaches, suggesting that local understanding on corruption in Romania and the practices of anti-corruption in international legal cooperation share a common developmental ideology mirroring the structure of power relations and dependency among European nation-states emerging out of the Cold War.

Corruption as cultural heritage: communism, Balkan mentality and a folk poem

What do you get if you put three Magyars together? —An insurrection. What if you put three Saxons together? —A business enterprise. And if you put three Romanians together? —A band of thieves.

Ethnic stereotypes such as the one in the saying above occur in many other apparently trivial jokes, wisecracks, and stories. In fact, they are relevant to the study of ethnicity or "ethnic relations"—the subject of Verdery's first book on rural Transylvania, from which the saying is taken (Verdery 1983). But they are also intriguing as they attest to the historical depth and extensive diffusion of local representations which hold that illegal behavior (notably theft) is often seen as a symbol of being Romanian, both within and outside Romania. In fact, it does not really matter here whether the sources of this and other similar representations should be given credit for Romanian "ethnics". Rather, it important to ask how and why this stereotyped image of "Romanians as thieves" (often deployed in local and international media) is locally reactivated while articulated differently in local discourses of corruption.

[4] The argument developed in the first section is based on previously published interviews and ethnographic material (Zerilli 2003).

A first suggestion comes from documentary sources—a sardonic short article that appeared in the Romanian weekly cultural magazine *Dilema*. The author, Irina Nicolau, writes:

> Here in our country people have always stolen. Here as everywhere. […] Anyhow, in Romania, before communism people used to steal, but it was considered to be a shameful act. Then the glorious Soviet army arrives, offering us liberty and the no less glorious communism. A golden age began for theft. For 45 years the state stole grandiosely: land, water, forests, all kinds of values, lives. Hey, they stole so well, so incredibly well, that even 11 years after the fall of communism people still haven't got back what belonged to them (Nicolau 2001).

It is actually quite common to find people—in and outside Romania—who put the blame on the perpetuation of several malfunctioning mechanisms of the communist regimes as the primary source of nourishment for corruption today. While Irina Nicolau ironically stresses how communism made theft an institutionalized practice, many other cultural observers would agree with the Romanian historian Neagu Djuvara, who solemnly argues that "the most tragic legacy of communism is that over half a century it has broken our [Romanian] soul" (Djuvara 2000, 225).

From this point of view "communism" (and of course anti-communism) represents a primary source of the current re-articulation of the self-representation of Romanian-ness and being Romanian. It does not really matter if this occurs through a nostalgic discourse (for instance "life was better during communism") or by blaming communism's cultural legacy, as in the case of Neagu Djuvara. In both instances, communism operates as a common "heritage" for Romanians, an Other, as an imagined shared moral order that is radically different from that which characterizes Romanian society before and after communism. At the same time this is perceived as something that has so deeply affected the Romanian soul that is almost impossible to imagine contemporary life free of its influence. Thus, according to different written and oral sources, in order to explain the flourishing of today's corruption, we need to recognize that communism is accountable for corrupting the entire social body, implicitly or explicitly positing a genuinely uncorrupted Romanian soul and its subsequent moral decay.

I am not implying that communist ideas and practices have not exercised any influence on today's discourses and practices of corruption in Romania. As the Romanian linguist Zafiu remarked (2002, 15) "the current ambiguities [between bribe and tip] are also due to the totalitarian regime which tended to identify—under the label 'illicit earnings'—bribe and tips". Instead, I am trying to suggest that communism, like some other historical periods in Romanian cultural history to which we will soon turn below, can be and actually is often reified in order to explain illegal practices. Thus, irrespective of the diversity of social life and habits actually was during communism, "communism" is manipulated as a flexible rhetorical device that explains why corruption still affects Romanian people today.

There is another historical period in Romanian history, in addition to communism, which induces many observers to establish a link between "being Romanian" and corrupt behavior. I am referring to the historically controversial Ottoman domination in Romania between the second half of the 15th century and the late 18th century (Panaite 2000). Turkish and Phanari-ote (Greek) practices and concepts are in fact frequently evoked, both in academic and popu-

lar discourses of corruption to explain the very roots of various illicit or illegal behaviors understood as "traditional practices" (as one informant suggests), or in many cases as a "genetic illness" (according to the words of another informant) affecting the nation as a whole.[5]

To be sure, according to her/his different knowledge, education and purpose, each informant is able to go into more or less greater detail in describing traditional cultural practices which are considered relevant in explaining and understanding contemporary corrupt practices. For example, one informant insists on using Turkish concepts and practices to explain the clientelistic political allocation of key management roles within Romanian public administration today. Another informant provides details of what she describes as the "oriental practice" of giving without having a utilitarian goal, covered by the concept of *hatâr* (a Romanian word of Turkish origin meaning something close to favor, service, or gift). More commonly, in popular discourse and writings, Phanariote and Turkish practices are categorized and subsumed together under the same larger label: the "Oriental-Balkan" heritage. This is also the case with scholarly work, as a legal study of corruption offenses conducted by a team of Romanian jurists suggests: "to eliminate corruption means taking educational measures, especially *to get rid of the Oriental-Balkan mentality* and people's tolerant attitude towards petty corruption" (Mrejeru et al. 2000, 5; italics added).

As in the case of communism, once reified as a single and homogeneous entity the Oriental-Balkan historical heritage could later be constructed both, as the "dark side" of Romanianness or, on the contrary, as the imagined place of an uncorrupted past. A Romanian friend takes this second path when she explains the difference between bribe (*spagă*) and tip (*bactis*):

> Favor (favor) and bribe (spagă) are unnatural, impostors. They have grown abusively on the basis of decades of oriental gestures, such as tip (bactis) and gift (hatâr). Nowadays people justify [illegal] practices in their names. There are for instance people who say that it is natural to ask for or to carry out a favor, to take or to give a bribe. Nothing is further from the truth! All naturalness disappears when you start to offer something to a person that is supposed to do something for you. Favors and bribes change you, they distort you, they are gestures that create tension and keep you in permanent fear of maybe not obtaining what you expect (Mihaela).[6]

Here the critical assessment of the current proliferation of corrupt (immoral) practices is supported by an idealized world of altruism and mutual generosity which is constructed using ancient Oriental traditions. Hence, the Romanian oriental past might also be conceived as a natural uncorrupted social order in which solidarity and the act of giving without expectations was considered the rule, according to this informant.[7] Ironically, one of

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[5] Unsurprisingly, at the time of research, public-opinion polls stated that 28% of the population consider "national traditions" to be among the principals causes of corruption.

[6] Personal correspondence with Mihaela, 30 year old literary critic (August 2001).

[7] This is not at all typical but rather an idiosyncratic understanding of what the notion of "oriental traditions" might evoke in Romania. In this country, nostalgic attitudes towards an uncorrupted past more commonly refer to traditional, Romanian, peasant culture. The notion of a remote cultural stage free of corruption is, of course, a symbolic construction, a mechanism that helps people make sense of their own social and political agency in present-day circumstances (see also note 25).

Romania's national heroes, Prince Vlad Țepes, (mythologized as Dracula thanks to Bram Stoker's homonymous novel), traditionally recognized as a cruel warrior fighting against Ottoman rule, appears in contemporary school textbooks and in "popular" discourse as a wonderful anti-corruption paladin. This implicitly strengthens the point of view of those who see the contemporary pervasiveness and profusion of corrupt practices in Romania as a product of the Ottoman domination.

Other ethnographic sources show how communism, and Ottoman rule, might work in Romania as flexible rhetoric devices. We might call them "cultural heritage devices" that help create different images of corruption and illegal behavior. People who use them are no doubt also involved in the complex politics of "othering", which is used in different ways to construct their own social and personal identities (and otherness) according to their specific positionality, interests, values, social tastes, and political agency.

Interestingly, the "grammars" of both communism and Ottoman rule contain elements perceived as ethnically "extraneous" to the Romanian people: communism is often represented as having been imported by Russians, and the Ottoman influence as having been introduced by Turkish or Greek "ethnics". By contrast, the third ethnographic example which I wish to draw attention to illustrates alternative images of corruption created by informants who refer to a well known folk poem that is unanimously recognized as "authentically" Romanian. The context is a civil lawsuit I was doing research on, which set a *former owner* (Elisa) against Bucharest Municipality for the adjudication of a property title of an apartment occupied by a *former state tenant* (Stefana).[8]

A key informant and friend, Radu, a young lawyer working as a civil servant at Bucharest City Hall, told me one day that the evening just before the court's judgment Elisa rang Stefana to inform her that "she had no chances of winning because she [Elisa] had bribed the judges". I asked Radu if he wasn't surprised by the phone call, revealing an act that would normally be kept hidden, I assumed. With no hesitation he said, "no, it's perfectly normal!", and immediately added, maliciously smiling: "Filippo, you know *Miorița*, don't you?" implying that this would be a sufficient, self-evident explanation.

So what is *Miorița*, and why and in which sense did Radu use it as a metaphor for a [Romanian] "natural" tendency to act in this particular way? And more generally, to what extent does *Miorița* work locally as an explanatory device for corrupt practices and tolerant attitudes towards illegal behavior?

For those who are not familiar with Romanian "popular" culture a short digression about *Miorița* is due. Briefly, *Miorița* is a Romanian folk poem which tells the story of a shepherd who is warned by his "small and pretty lamb", whose name is indeed Miorița, that two other shepherds intend to murder him in order to take his rich and beautiful flock of sheep. Instead of resisting the young shepherd accepts his fate, and looks forward to his death, a sacred marriage with nature in her entirety.[9]

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[8] More details on this lawsuit in Zerilli (2003, 288). Unless stated otherwise the next few paragraphs rely on informal conversations with Radu, a 30 year old lawyer serving as a senior official at the Municipality of Bucharest in August 2001.

[9] It is uncertain when *Miorița* dates from (authoritative sources indicate its creation was "somewhere before 1850"). There are hundreds of different versions of it (Fochi 1964; Renzi 1995). According to

Most interpreters have centered their analysis on the protagonist, on his stoic acceptance of death and his sacred marriage. Interestingly, until very recently less attention was devoted to the two evil shepherds who connived to murder the good one. In his provocative and heretical reading of *Miorița* (as it was in fact judged by other informants I discussed it with) Radu was precisely arguing for the relevance of envy, conspiracy, theft, and even murder in order to correctly represent the Romanian soul. Reversing the stereotyped image produced by historically more authorized interpretations of *Miorița*, Radu presented "The Romanians" not as fatalist beings passively waiting for their destiny but rather as active venal subjects corroded by envy, and ready to infringe the law in order to secure their neighbor's possessions.

Asked to comment in detail as to why Elisa should have telephoned Stefana the evening before the trial, Radu remarked that first of all because in doing so "she was not taking any risks", second because in this way she was intimidating Stefana, discouraging her to engage in new legal action, and finally because this was the simplest and most efficient way to show her counterpart that she had the power and influential connections (Radu's paraphrases).

> *To be sure, as another informant rightly observes, before you bribe you have to know whom you are going to bribe; I am not going to bribe someone completely unknown…, the network of relations comes before the act of bribin* (Ioana).[10]

In communicating to Stefana that she had bribed the judges (it does not matter if she actually had or not) Elisa implied that she *had connections* (*are relații*), that she was actually able to mobilize not only economic resources but also a network of social relations in support of her (legal and illegal) actions. From this perspective her phone call is no longer surprising: through it Elisa was symbolically using corruption and filling it with social meaning, and finally recognizing it as an attribute of her different social status as a former owner. Quite paradoxically, corruption works here as a blameless social value, as the actors using it are not ashamed but proud of it, as Irina Nicolau's article cited above sarcastically suggests. Cast in the light of this last observation, corruption opinion polls, politician's declarations about corruption remedies and the reciprocal accusations of corruption and corruption scandals that fill the daily Romanian news all take on a different meaning.

As far as the relation between *Miorița* and corruption is concerned, it should be also noted that the "orthodox" interpretation of the poem (the one that draws essentially on the good shepherd's stoic acceptance of death) is also relevant to our discussion of corruption as national heritage. According to this reading people generally conclude that Romanians have a "fatalistic attitude" and a "contemplative character". In fact "passiveness" is another powerful stereotyped image for Romanian identity which also plays a leading role in explaining corrupt practices, especially from the bribe payer's point of view. In fact, portraying themselves as embedded in a system of unwritten rules that they cannot refuse to accept, bribe payers often justify their participation in the game by explicitly evoking *mioritic* features and images such

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Mircea Eliade it is the authentic creation of a "Romanian popular genius" (Eliade 1997 [1943], 60), while others consider it to be the genuine expression of the "Romanian soul" (*sufletul românesc*), and the moral basis of "Romanian spirituality" (Fochi).

[10] Interview with Ioana, 35 year old, senior official at Bucharest Municipality (August 2001).

as passiveness, inertia, and attitudes of observing and gossiping instead of taking actions and decisions. As an informant puts it:

> *we don't have the energy to react physically [against corruption], we do not agree with it but we are not able to take initiatives, it is a kind of… inertia. We know everything [about the functioning of corruption], and nevertheless everything continues along the same path* (Ioana).[11]

Ironically, this quote is hardly consistent with the growing number of Romanian citizens (notably students, young academics, state officials and legal professionals) who actively participate in the local and international anti-corruption organizations and projects to which we turn in the next section.

Anti-corruption and international legal cooperation under the EU Mechanism of Cooperation and Verification

Anti-corruption policies have been widely debated in Romania, at least since the first bill to explicitly deal with corruption that was adopted by the Romanian parliament in 2000, following recommendations by the United Nations and the Council of Europe.[12] At that time corruption emerged as a major global problem and numerous legal instruments (treaties, conventions, guidelines) initiatives, and institutions were created in order to set international standards to fight corruption. Romania reacted to these international developments by creating the National Anticorruption Directorate (DNA) in 2003 and the National Integrity Agency (ANI) in 2007. According to the European Commission, however, before joining the EU, Romania (and Bulgaria) still had to make progress in the areas of organized crime, judicial reform, and notably corruption. Accordingly, the Commission devised a specific "soft law" tool, known as the Mechanism of Cooperation and Verification (CVM) "to help those countries address these outstanding shortcomings", smooth their entry into the EU, "and at the same time safeguard the workings of its policies and institutions" in the post enlargement context.[13] In December 2006, the Commission set criteria (also known as "benchmarks") for assessing progress made in these specific areas and explained its principles in these terms:

> the decision to continue assessing Bulgaria and Romania shows the EU's commitment to see the two countries develop the effective administrative and judicial systems they need to deliver on the obligations of membership as well as enjoying the benefits. Progress on judicial reform, corruption and organized crime will allow Bulgarians and Romanians to enjoy their full rights as EU citizens.[14]

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[11] Interview with Ioana, 35 year old, senior official at Bucharest Municipality (August 2001).

[12] See Law 78/2000, *Law on preventing, detecting and punishing acts of corruption*. For an updated record of the growing anti-corruption legislation in Romania see the website of the National Anticorruption Directorate (http://www.pna.ro/).

[13] Excerpts from the CVM page of the European Commission. Available at http://ec.europa.eu/cvm/. (Accessed on July 2011).

[14] Excerpts from the CVM page of the European Commission. Available at http://ec.europa.eu/cvm/. (Accessed on July 2011).

Simply put, without significant progress in these crucial areas, Bulgarians and Romanians will not be able to enforce their rights as EU citizens.

Established in 2006, the CVM was supposed to cease functioning three years after accession. Interestingly, in 2010 the CVM was prolonged, and at the time of this writing it is still in operation. Therefore, despite the fact that Romania and Bulgaria have been members of the EU for more than five years, both countries are still subject to a special monitoring process under the CVM. Hence their membership might be considered as still pending. Accordingly, Romanians and Bulgarians are perceived and often perceive themselves as a second category of citizens. This is symbolically strengthened by the recent decision (2011) to delay admission of Bulgaria and Romania into the Schengen area. In fact, while Romanians and Bulgarians can travel within the EU, the passport controls at their borders are still in operation. Interestingly, the decision has been justified "on the grounds that the countries were not doing enough to tackle corruption".[15]

Under the CVM, twice a year the European Commission publishes its country "Reports", in which Romania's and Bulgaria's progress and shortcomings are listed. In a recent report on Romania (2010) we read:

> The purpose of the Cooperation and Verification Mechanism (CVM), established on the accession of Romania to the EU, is to help put in place an impartial, independent and effective judicial and administrative system properly equipped inter alia to fight corruption. This involves *making certain fundamental changes, which takes time and also requires broad political support across the political spectrum as well as in society at large*. Making these changes is an indispensable investment in the future of Romania—an effective administrative and judicial system is necessary for sound public finances and well rooted socio-economic development. It is also necessary to enable Romania to play its full role as a member of the EU in areas such as justice and home affairs.[16]

But what do these aims and notions actually mean? How do they translate into practice? And more importantly, who are the individual and institutional actors in charge of promoting, producing and certifying the changes, and how? And, perhaps more cogently, what are the specific steps that would enable Romania to achieve these much sought-after benchmarks that will allow its citizens to finally become fully European?

Provisionally, I would suggest that the process of achieving certain benchmarks, namely of reaching "European standards", is mainly a question of reporting. What has been implemented within the framework of specific targeted projects and programs has to be reported. And things have to be reported *in a certain way*.[17]

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[15] See The Schengen agreement. No Dutch vegetables please, we're Romanian. *The Economist*, December 14th 2011. Available at http://www.economist.com/blogs/easternapproaches/2011/12/schengen-agreement (Accessed on June 2012).

[16] European Commission. *Report from the Commission to the European Parliament and the Council, On Progress in Romania under the Co-operation and Verification Mechanism.* Available at http://ec.europa.eu/cvm/docs/com_2010_401_en.pdf (Accessed on July 2011).

[17] This section relies on preliminary findings of an ongoing research project combining an analysis of document production and informal interviews with international legal experts and Romanian civil servants. Research also benefited from participation in formal and informal meetings related to anti-

As justice is considered one of the most problematic areas in Romania, the main institutional actor in the reporting process is the Ministry of Justice. Accordingly, the functionaries of this Ministry are charged with providing reports showing what has been done to meet the requirements established by the EU in order to create an efficient and stable justice system in Romania. Interestingly, this aim is to a large extent to be realized through international legal cooperation projects, namely projects involving international (foreign) legal experts and lawyers from old member states. In fact, as the report quoted above states:

> the CVM serves a useful purpose in two senses: 1) for Romania by providing objective assessments and recommendations on where action is needed; and 2) for the other Member States which can follow progress and provide appropriate support to Romania.[18]

It is thus important to focus on how such cooperative projects develop in practice, and to ask to what extent is it possible to assess their ability to address the shortcomings of the "beneficiary countries", as Romania and Bulgaria still are often phrased in the "donor's" jargon?

The EU in fact allocates (although project coordinators and foreign legal experts say "gives" or "spends") a large amount of resources on implementing projects with the participation of experts from old EU member states, presumably professionals with many years' experience of a stable, democratic justice system firmly based on the rule of law. Moreover, governmental, semi-private and NGO institutions in the old member states often have their own funds for developing cooperation programs. Hence, there are many projects and programs and important financial resources currently available to improve the Romanian justice sector (Sampson 2002, 2009). Interestingly, the use (and sometimes misuse) of such resources is often subject to criticism and dispute, both within and outside the international legal cooperation community.

The stated aim of such projects is to transfer specific know-how, and to advise and provide specialist support to help the new member states to meet the standards required. Nevertheless, according to project coordinators, legal experts, and officials from beneficiary countries as well, the real effectiveness of such projects is almost impossible to assess. "*We have done a lot of projects against corruption, but we are actually unable to evaluate the results*" (Mark), affirms a project manager from an old member state.[19] If the efficiency of the projects in reducing corruption is open to doubt, their failure or unintended consequences are seldom addressed or subjected to critical analysis by the partners involved, and relatively rarely by academics (see, however, Hindess 2009).

From the vantage point offered by an ethnographic approach, what seems to prevail is the logic of reporting itself; that is, a particular technique for producing written documents, as some of those responsible for writing them confirm. During an informal conversation a

corruption projects coordinated by a leading organization in international legal cooperation of an "old" EU member state.

[18] European Commission. *Report from the Commission to the European Parliament and the Council, On Progress in Romania under the Co-operation and Verification Mechanism.* Available at http://ec.europa.eu/cvm/docs/com_2010_401_en.pdf (Accessed on July 2011).

[19] Informal conversation with Mark, 52 year old project manager (August 2011).

legal expert from an old member state argues: "*The Romanians only think about the form, we think more about the content*" (Robert).[20] Such apparently trivial remarks offer interesting insights into the "social life" of the cooperation projects (Sampson 2002, 2005). They can help understand how collaboration is conceived of, often implying a contrast between civil servants with their own "culture" and "mentality" on the one hand, and international experts with their legal experience and knowledge on the other. Actually, if we took a closer look at the reports, we would find the same "wooden language" (as one Romanian informant put it) as in the EU reports. Brussels bureaucratic rhetoric, as the same informant suggests, reappears in the Romanian answers. Indeed, reports are often similar to one another and seem skillfully constructed to mirror Brussels formalism as a blueprint.

Keywords such as "effective and stable justice system", "efficient economic development", "strengthening democracy", etc. appear again and again. Romanian civil servants at the Ministry of Justice are somehow forced to frame their actions within this rhetoric, *that is to report in a certain way*. If the reports correspond—albeit not at a linguistic level—to Brussels' expectations, then the task has been fulfilled and one can proceed to the next step. According to another representative of an old member state, Romanians fulfill their task and "report correctly"—sometimes getting into conflicts with foreign experts who do not see the need to obey to this "Brussels formalism". As Riles' ethnography of producing legal documents has shown, attention to "form" (i.e. aesthetics) appears to be crucial, going well beyond the question of meaning (Riles 1998).

Hey Robert, maybe you can help us with a problem: you know, the chapter concerning the conflict of interest still hasn't been fully completed, we have to do something in this area— couldn't you send us some experts in order to help us achieve this benchmark? (Robert).[21]

The above quote—an excerpt from an informal telephone conversation between an international legal expert and a civil servant at the Romanian Ministry of Justice—highlights the circular logic of reporting and its paradoxical reasoning: above all, it is important to formally fill in or tick the right box in order to show that the benchmark in question has been attained. As another informant from the Ministry of Justice explains: "*the aim of these programs is to obtain good feedback from Brussels—over and above improving the Romanian justice sector*" (Raluca).[22]

In order to describe what I am trying to represent in scholarly acceptable jargon as the circular logic of reporting, another Romanian informant caustically suggests that the term "circus" would be appropriate. She implies that managing a project successfully means organizing a reliable *mise-en-scène*. This is also important in obtaining prospective loans and funding from international institutions and organizations. Ironically, these are the same institutions which play the significant role of "providers of legitimacy", so that the circus becomes reality and the circle comes to an end—that is, a new beginning. Beyond the issue of "form", *repetition* is key here.

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[20] Informal conversation with Robert, 65 year old international legal expert (August 2011).

[21] Informal conversation with Robert, 65 year old international legal expert (August 2011).

[22] Informal conversation with Raluca, 32 year old civil servant (September 2010).

There is no intention here to dismiss as irrelevant the activities of the many people who are seriously committed to such cooperation projects and programs. And I do not doubt their good faith. On the other hand, we have seen that some individual actors are at least skeptical about the outcomes of the projects to which they energetically contribute. However, it would be interesting to better explore the effective consequences of such programs and projects on the subjects actively involved in making them possible. In other words, if it is difficult to assess the actual outcome of such programs on the judiciary system, not to mention Romanian society at large (both being ideal in type, and hence subject to reification), it would be relevant to explore what effect they have on the people actually participating in the projects themselves at different levels. In fact, what is at stake under the CVM is not simply the circular repetition of "abstract principles" and "empty phrases" (as one informant suggests). The CVM is a sophisticated and only apparently neutral legal tool for monitoring and reporting. In fact, it incorporates a developmental ideology implying a typology of countries based on their implicit hierarchical classification. Interestingly, the imposition of a particular model of political and civil society in the name of democracy, the rule of law, and efficient market economy is taking place as smoothly as the legal technology employed to assure its exportability. In fact, as a "soft law" instrument the CVM is a product of the emerging neoliberal regime of governmentality, one in which the traditional mechanisms and functions of state government are left to nongovernmental and supranational actors and institutions.[23] Instead of relying on ""hard" traditional means of coercion typical of state or international law, it works through non-legally binding rules of conduct that usually come in the form of recommendations, principles, and guidelines (Zerilli 2010). The CVM is actually a supranational legal technology based on subtle and indirect forms of intervention and control, functioning through apparently objective indicators resulting from the practice of monitoring, reporting, benchmarking, and so on. Interestingly, as a specific articulation of the "audit culture" (Strathern 2000), the CVM works as a technology "that acts *on* and *through* the agency, interests, desires and motivations of individuals, encouraging them to see themselves as *active* subjects responsible for improving their own conduct" (Shore 2008, 284). As a self-regulatory mode of governance, it takes the form of verification rituals that are "almost impossible to criticize in principle" (Strathern 2000, 3).

Corruption talks, anti-corruption practices and crypto-colonialism

Discussing anti-corruption campaigns in the Balkans, Sampson has argued that "despite all the talk of partnership and cooperation, the relationship is inherently unequal. [...] It is a relationship which can best be described as a *benevolent colonialism*, in which the colonial power truly has a civilizing mission" (Sampson 2002; italics added). However, the civilizing mission is often disguised, precisely in order to obfuscate the structurally unequal dimension of the relationship. From this perspective, it seems interesting to reframe the relationship in terms of *crypto-colonialism*, as coined by Herzfeld (2002). This is defined

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[23] According to Sharma (2006, 61), "the era of neoliberal governmentality is witnessing the emergence of new mechanisms of rule and a proliferation of innovative institutional forms that take on governance functions formerly assigned to the state".

as the curious alchemy whereby certain countries, buffer zones between the colonized land and those as yet untamed, were compelled to acquire their political independence at the expense of massive economic dependence, this relationship being articulated in the iconic guise of aggressively national culture fashioned to suit foreign models. Such countries were and are living paradoxes: they are nominally independent, but that independence comes at the price of sometimes humiliating forms of effective dependence (Herzfeld 2002, 900-901).

It could be argued that the postsocialist space opened up by the end of the Cold War has proved to be rich soil for new "buffer zones" (including Soviet Union satellite states), many of which were progressively included in the EU enlargement project at the cost of harsh suffering (e.g. shock therapy's effects), public humiliations and new forms of dependency (e.g. as reservoirs of cheap labor and natural resources). Under the new geopolitical world order different relations of domination were established, and a new global topography of power emerged. The EU enlargement was dictated by supranational political bodies such as the EU, in complicity with the policies of the Bretton Woods institutions, notoriously promoting privatization programs and supporting democratization. Interestingly, in addition to the financial lever (not to mention blackmail in the form of loans), the process has been supported by various "soft law" instruments relying on the mechanism of "naming and shaming", that is at the cost of the severe humiliation and public exposure of the new member states or candidate countries, including Romania. The denial of free access to the Schengen area, mentioned in the previous section, is a case in point among many others in the long standing process towards accession. The recent extension of the CVM well beyond the previously established deadline is just another public humiliation, hopefully the last, before Romania (and Bulgaria) are fully recognized as members of the European club.

For almost two decades, corruption, the most serious of Romania's shortcomings according to many, has been internationally portrayed through intense media coverage as a prominent feature of the country, as confirmed by the TI's CPI from year to year.[24] After all, this is not surprising if the many Romanians I have talked to create and publicly communicate different images of corruption, through different heritage devices such as *Miorița*, the "Balkan mentality" or communism, thus establishing a relationship between illegal behavior and national identity. Interestingly, despite their meaning being associated with the struggle for real estate property restitution (Zerilli 2003), these images work using a similar pattern, locating an ideal uncorrupted state of being somewhere in the past, before moral decay sets in, as we are reminded by the current profusion of corrupt practices.[25] At the same time, legitimizing the stereotyped image of Romanians as thieves, local explanations seem to support the idea that corruption is "endemic" to some societies, while accidental in others. Arguably, this is

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[24] According to TI's CPI the level of corruption in Romania is constantly decreasing, albeit slightly (from 2.6 in 2002, to 3.6 in 2011). See http://www.transparency.org/

[25] From this perspective such images fit Herzfeld's model of "structural nostalgia", namely "a collective representation of an Edenic order—a time before time—in which the balanced perfection of social relations has not yet suffered the decay that affects everything human" (Herzfeld 1997, 109). Interestingly, while Herzfeld's structural nostalgia developed from the author's Greek ethnography, the model he describes is a widely shared, cross-cultural symbolic mechanism adapting different heritage devices (e.g. oriental traditions, communism, a folk poem etc.) to specific social circumstances and different "regimes of historicity" (Hartog 2007 [2002]).

peculiar to the dominant anti-corruption discourse, which sees corruption as a specific feature of "transitional" or "developing" societies. As noted by Polzer, this is clearly expressed in World Bank references to corruption. According to the World Bank, perhaps the supranational financial institution that is most engaged in fighting corruption, this "is a symptom of institutional *dysfunction*, thriving where economic policies are *poorly designed*, education levels are *low*, civil society is *underdeveloped*, and the accountability of public institutions is *weak*" (from the World Bank website, cited in Polzer 2001, 12). Accordingly, corruption is just the symptom of the pathology, the latter identifying with the society itself.

Anti-corruption projects and programs developed within the international legal cooperation industry are built on—and at the same time reinforce—this ideological dichotomy, one that implicitly pathologizes and infantilizes the poorly civilized Other, and by doing so it justifies the external intervention of the civilized Self, in the form of financial aid, therapy and paternal treatment. Accordingly, fighting corruption means reinforcing civil society, and supporting privatization, best practices and good governance programs. This discourse is based on a circular logic and has recourse to a "deficiency" rhetoric, since the targeted societies are conceptualized as lacking the requisites of a genuine democracy. This commonsensical characterization is misleading and has harmful consequences, both theoretically and politically as it implies reification of societies according to their presumed different degrees (and most often *lack*) of social integration and cohesion, thus far legitimizing unfortunate binary oppositions such as (strong) states vs. weak states, genuine democracies vs. developing or underdeveloped democracies, market economies vs. developing or imperfectly developed market economies and so on. Interestingly, such rhetoric is largely dominant and widely espoused across countries, irrespective of the country's presumed degree of democratic development.

In social science approaches to corruption a lack of trust in state institutions is often invoked in order to understand, explain or even justify corrupt behavior. Anthropological understandings of corruption tend to frame illegal behavior within a "cultural system", or a "moral economy" relatively independent of state law and its legitimated morality. Instead of identifying such interesting forms of resistance and accommodation, in this article I have explored a different path trying to reveal connections and complicity between local understandings of corruption and the assumptions made by international anti-corruption campaigns in practice. In fact, comparing them reveals a good number of interesting similarities. If local discourses may appear uncritical and fatalistic ("we are like that", because of communism, Balkan mentality and perhaps *Miorița*, "what else can we do"?), the international cooperation discourse is no less static and repetitive, as the circular logic of the country reports indicates. Like the local discourses, the reports produced in the international legal cooperation industry are also similarly stereotyped and stereotyping. They do not explicitly refer to national or folk narratives, hypostatizing Romanian identity. However, they seem to be based on mirroring the idea of a specific national culture and mentality, even though this is seldom voiced out loud.[26] After all, the reports are not so far from local

[26] Interestingly, according to the UN Office on Drugs and Crime, "efforts by developing countries to enhance their economic, social and cultural development are impeded" by corruption (*The Global Programme against Corruption. An Anti-Corruption Toolkit*, 3rd edition, Vienna, September 2004, p. 550).

explanations for corruption. Conversely, if the reports are not immune to the influence of local discourses and their publicization, local discourses are obviously nourished by the international legal cooperation ideology and practices (of monitoring, reporting, naming and shaming). In conclusion, international reporting on Romanian corruption reinforces Romanians' self images of "a corrupt country". And the opposite is no less true. This mutual influence assumes and perpetuates certain images of Romania, within the country as well as beyond its borders. Finally, the production and reproduction of such images takes the form of a "vicious circle". And one could ask to what extent this actually helps reduce corrupt practices.

At the same time one is tempted to ask if there is any sense in cultivating a rigid separation between local understanding of corruption and international anti-corruption projects and practices. While "local" people and "foreign" experts often think of themselves using an us/them dichotomy as well (as is the case for some academic anti-corruption scholars), we should not believe that this is reflected in a specific way of thinking about corruption and anti-corruption. On the contrary, different attitudes towards both, the images of corruption and the practice of producing documents in view of implementing anti-corruption policies is more the norm, well beyond the us/them divide. Unquestionably, local discourses and cultural explanations of corruption are challenged on different grounds and within Romanian society as well. At the same time, the activities of international institutions fighting against corruption are also criticized from within the anti-corruption industry (in which Romanians also have important management roles). Nonetheless, according to our "findings", discourses of corruption and practices of anti-corruption tend to see corrupt practices as an endemic Romanian pathology, justifying the intervention of a presumed healthy international community. Hence, the affected social body and the community of attending physicians apparently share the diagnosis and the therapies, offering similar, hegemonic representations. As argued by Mosse in his ethnography of aid policy in post-colonial India, development projects "are sustained by the powerful *and* the subordinate, both of whose interests lead them 'tactically conspire to represent'" (Mosse 2005, 231). Likewise, the structurally unequal relation between the old EU member states (the "developers") and the more recent EU members (the "less developed") is concealed by common implicit assumptions about corruption, although the opinions of their individual representatives may diverge in many respects. And this is no less true outside the anti-corruption industry, where the idea of corruption as a form of cultural heritage often emerges—as we have seen—as an explanation for the current state of affairs in Romania, raising doubts about possible remedies and their efficacies. This leads again, finally, to the question of the true effectiveness of anti-corruption policies, in which the *form* largely prevails over the *meaning*, as also noted earlier with regards to the production of written reports. And suggests looking at anti-corruption projects and programs as an *end* in themselves, irrespective of their actual outcome. Paradoxically, in this context gossip and scandals about corruption may prove crucial in influencing both, local and international public opinion, and in modifying, if not attitudes towards corruption, then at least its current perception index.

On January 2012 Adrian Năstase, Romania's former prime minister (2000-2004, a period during which many anti-corruption measures and institutions were implemented in view of the country's accession to the EU), was convicted of corruption and awarded a two-year

prison sentence.[27] While it would be almost impossible to argue that a single condemnation might change the level of corruption in Romania, the worldwide media coverage of the judgment has certainly affected the country's perception of both the EU representatives and international observers on the one hand, and of the Romanian citizens on the other. Arguably, Romania's CPI will decrease in the next TI's report. Accordingly, within the international anti-corruption industry the idea that the corruption benchmark is improving significantly will probably find large approval. On the other hand, it should be not surprising if the condemnation of such a "big fish" and his public exposure have also had an influence on the self-images of many Romanians. Interpreted through the prism of the "scapegoating mechanism", the condemnation of Năstase might even be considered a public ritual sacrifice leading to a regeneration. Asked to comment on Năstase's conviction, a Romanian lawyer and friend observed: "Look, what can I say, perhaps something is happening here. Perhaps things will change here as well, who knows!"

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[27] See Corruption in Romania. Năstase nailed. *The Economist*, January 31st 2012. Available at http://www.economist.com/blogs/easternapproaches/2012/01/corruption-romania (Accessed on June 2012).

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