



## Beyond the Rhetorics of Compliance: Judicial Reform in Romania

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Part V concludes with 'Eurasian Integration in International Context'. In Chapter 12, Elena Korosteleva highlights competitive rationalities of the European Union and Russia in the shared neighbourhood, and asks whether this competition could be transformed into cooperation. She concludes that 'the prospect for sustainable cohabitation for now remains limited' (p. 200), and that the European Union and the EEU still have to learn how to acknowledge and to partner with each other. In Chapter 13, Precious N. Chatterje-Doody analyses the discourse of Russian political elites on Russia's international identity and its approach to the Eurasian region. The analysis links this identity discourse with the current state of Eurasian integration, and highlights that the geopolitical reality of Eurasia can differ from the rhetoric.

Overall, the book is rich in analysis of the historical and philosophical roots of Eurasianism, as well as on the discourse of Russian political elites on the Eurasian project. Many chapters provide an overview of Eurasian integration and the milestones of its development, thus overloading the reader with already known facts, once the book is read cover to cover. The book is mostly focused on Russia and Kazakhstan, and almost no attention is given to Belarus (the third founding member of the EEU) and to new EEU members. Only one chapter (Chapter 10) focuses on economic aspects, which, in my view, are key in an institution (the EEU) with the word 'economic' in its name. The book is worth reading, though other sources should be next to the reader's bookstand to complement the picture on Eurasianism.

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Anitta Hipper, *Beyond the Rhetorics of Compliance: Judicial Reform in Romania*. Wiesbaden: Springer, 2015, 254pp., £42.00 p/b.

IN 2004, MALTA, CYPRUS AND EIGHT CENTRAL AND EASTERN EUROPEAN (CEE) countries joined the European Union (EU). The EU accession process resulted in adoption of comprehensive reforms in the new members of the EU and played a highly critical role in their transition to liberal democracies and market economies. Yet, Romania and Bulgaria remained less willing to adapt EU rules and policies after they became members of the Union in 2007. While the weak progress in Romania (and Bulgaria) shows the limits of external democracy promotion, it also comes as a real reminder that democratisation in post-communist Europe is neither complete nor irreversible. Focusing on domestic reactions to external political conditionality in Romania this book presents a timely analysis on 'how and under which conditions the EU can remain as a transformative power in contexts with reluctant democratizers' (p. 20). The impact of the EU on judicial performance is assessed in conjunction with domestic factors. Through a careful tracing of the process Hipper explores the variation in compliance with EU rules regarding the judiciary in Romania, starting from the transition to democracy in 1989 to the post-accession period of 2007–2012.

The book presents a context-sensitive analysis of change in the Romanian judicial structure across time and explores the interplay between external factors and domestic conditions in order to account for the variation in policy outcomes. The volume is efficiently structured in ten chapters with the first and last acting as introduction and conclusion, proceeding from theoretical and methodological components to substantive findings. In the introduction, the author introduces the focus of the research and its core questions. Although the questions that the book raises are not entirely new, the nuanced answers provide new insights in the literature. Chapter 2 unpacks the dependent variable that is judicial performance. Considered as a key component of the concept of rule of law, judicial performance is split into four categories: independence, accountability, efficiency and integrity. Although it remains vague in the book which components are needed to promote the rule of law, the book is a promising attempt to provide guidance for assessing judicial performance in a post-communist country where the concept is formally

ill-defined. Chapter 2 also outlines possible threats to judicial performance such as corruption and the legacy of the post-communist past.

Chapter 3 presents the mechanisms of external democracy promotion. Coercion, socialisation and localisation are outlined in the book as theoretical models that bring different explanations for domestic change. While coercion works through threats and rewards, socialisation and localisation have different mechanisms. The former relies on persuasion and the latter on reconstruction. In Chapter 3, the author defines each mechanism in detail by defining external and domestic scope conditions for each of them under which external democracy promotion leads to compliance. As shown in the book compliance occurs when size and rewards are high, determinant and consistent and domestic adaptational costs are low. Under socialisation compliance occurs as a result of identification with the external actor. Localisation leads to compliance when norms are strong and insider proponents are credible. Yet, the book distinguishes between three compliance patterns in Romania which correspond to three time periods: partial compliance (1993–2004), compliance (2004–2007) and non-compliance (2007–2012). Borrowing insights from literature on Europeanisation, norm diffusion and compliance the author provides a detailed and clear examination of how and under which conditions external democracy promotion works. In this context, compliance is defined as the possible outcome of external democracy promotion and mixes with the previously defined dependent variable—judicial performance.

Chapter 4 introduces the research design and explains why Romania is selected as a single case to explore how and under which conditions external democracy promotion leads to domestic change. Reformation of the judiciary is considered as one of the least likely cases with which to observe the transformative power of Europe, since the political will to conduct reforms is low and domestic institutions are weak. By identifying varying levels of compliance in Romania, Hipper claims that external actors are able to change the outcome when certain domestic conditions are present. Chapter 5 presents background information concerning the domestic political context and focuses on the legacy of the communist past, the role of the secret service and the legal tradition of the country. Being the main features of the Romanian communist regime, these factors undermine the rule of law in the country where the ‘judiciary was misused as a legal instrument to hide and justify crimes committed by the totalitarian regimes’ (p. 84).

In line with the theoretical framework provided in Chapters 2 and 3, the following four chapters present the empirical results of the research and map the domestic responses to mechanisms of external democracy promotion with regard to judicial performance in Romania across time. Chapter 6 covers the time frame starting with the regime change in 1989 and assesses the transition to democracy after the first free elections were conducted, while Chapter 7 explains how Romanian elites reacted to the EU up until the end of 2004. In both cases the outcome was partial compliance due to lack of political will and strong external incentives. Nonetheless, throughout this period, several legislative measures were taken especially in the second Iliescu regime. After 2004 external demands were strongly aligned with the preferences of veto players who turned into reformist forces with high willingness to detach the judiciary from political mechanisms and conservative institutional and personal structures. The new minister of justice, Monica Macovei, played a decisive role in initiating reforms, which came as a challenge to old mentalities and practices on the one hand, and the preferences of nationalist and socialist political parties on the other (p. 160). Although the reform process stalled several times due to political struggles, an impressive amount of legal and institutional changes were introduced between 2004 and 2007 to fulfill EU conditionalities regarding strengthening judicial performance. In Chapter 8 this three-year period is covered and the outcome of the process is labeled as compliance. Chapter 9 corresponds to the period of non-compliance. As depicted by empirical evidence, the Romanian authorities lost their willingness to conduct reforms after the country became a member of the EU in 2007. The post-accession period was marked by political tensions, party-level conflicts and personal clashes between prime minister and the president. Coupled with weaker external incentives, unfavourable domestic conditions resulted in institutional dismantling and paralysed the rule of law institutions. Finally, in the conclusion, the

main findings of the research are neatly presented and several tentative recommendations are made for practitioners. Time will tell whether Romania will complete its judicial consolidation. However, this book provides substantial empirical research, depth of analysis, balanced perspectives and a comprehensive scope that captures many of the complexities and the multifarious nature of the judicial reform process in Romania. In this regard, the book is a welcome addition to literature on external democracy promotion and an important contribution to the academic and policy debate regarding the reversible nature of democratic processes in the new members of the EU.

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Stuart Shields, *The International Political Economy of Transition. Neoliberal Hegemony and Eastern Central Europe's Transformation*. London & New York, NY: Routledge, 2014, xiv + 174pp., £34.99 p/b.

AS THE RISE OF RIGHT-WING POPULISM IN HUNGARY AND POLAND INVITES us to reflect anew on the questions of post-communist transition, European integration and the irreversibility of these interrelated processes, it is hard to imagine a more apposite timing for this book that critically engages with politico-economic developments in the Central and Eastern European (CEE) region, and does so from a novel, original and informative perspective. Dedicating his energies to the in-depth exploration of Poland's transition to a market economy, Shields historicises the application of structural adjustment programmes, illustrates how the phenomenon of transition is linked to the wider processes of neoliberalisation and seeks to trace the political constructions of the changing structures of capital, forms of state and international relations underlying the global political economy since the 1970s.

Putting forward a convincing critique of neoliberal, institutionalist and evolutionary thinking that ontologically delimits the transition *problématique* to cosmetic disagreements over the speed, the sequencing and the institutional forms necessary to implement market-oriented reforms, the second chapter amalgamates the post-1989 societal, economic and political changes with the neoliberal hegemonic project giving birth to a new regional order, wherein CEE states foster the conditions in which capital comes to occupy the dominant position over labour and promote the dynamics of competitiveness at a world level. Avoiding the historical materialist tendency to slip into rigid economic determinism, the neo-Gramscian approach adopted throughout the book integrates and delicately navigates through the understanding of hegemony as constitutive of neoliberal philosophical ideas, the increasingly transnational orientation of finance and production, as well as the alterations in state forms, which through a variety of social institutions and organisations come to play an active role in shaping and limiting policy choices and strategic actions associated with the interests of transnational capitalist class fractions.

Chapter 3 introduces Gramsci's notion of 'passive revolution' that is applied to account for the struggle of competing reform strategies that came to full fruition in the round table negotiations, marking the creation of the new Polish state, in proximity with the ideas of those in *nomenklatura* positions prior to 1989 and connected to the transnational circuits of capital, at the expense of the wider popular multiplicity of social forces. This is accomplished by historicising the early underpinnings of the neoliberal orientation of Poland's transition, attributable to the economic stagnation of the mid-1960s, the gradual pioneering of ideological and material components of transnational capital through import-led growth strategies of the 1970s, the subsequent debt crisis, and the decade of 'unplanned' planned economy.