

The Romanian protests: democratic progress or a ride on a rocking horse?

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Throughout February, the Romanian people received international accolades for vigorously flexing their civic muscle against the government's attempt to roll back hard-won achievements in the fight against corruption. While other member states in the European Union (EU) are grappling with the threat of illiberal disorder, the decisiveness with which hundreds of thousands of Romanians took to the streets in defence of their country's anti-graft effort seemed to light a beacon of hope for democratic resilience. But are the Romanian protests really the bearer of good tidings for democracy or mere expressive insurrections sparked by deeper political issues in the country? And what lessons does the recent public outcry in Romania hold for democracy elsewhere, in the EU and the Balkans?

On the Romanian protests

Romania has long tried to rid itself of the stigma of endemic corruption. Upon accession to the EU in 2007, together with Bulgaria, Romania was subjected to monitoring by the European Commission of outstanding reforms in the area of justice and rule of law, as part of the Cooperation and Verification Mechanism (CVM). Ten years of CVM and the Commission's latest assessment – published just days before the protests broke out – credited Romania with a strong record in the fight against high-level corruption.

The same report then went on to urge caution about the sustainability of the legislative framework, almost as if foretelling events to come. Sure enough, in the dead of night on 31 January, the then barely-one-month-in-office Romanian government proceeded to undermine just that when it amended the penal law by means of emergency decree, sidestepping parliamentary input.

The government's stunt, which sought to decriminalise some cases of abuse of power, including offences that did not surpass 200,000 lei (the equivalent of about €44,000), ignited the protests. Across the country, Romanians flooded onto the streets, braving frigid winter temperatures for more than a fortnight, to vehemently denounce their new government's old antics. At their peak, the demonstrations swelled to a staggering half a million people in a country of some 20 million inhabitants.

These were the largest protests that the country had seen in a quarter of a century. If enforced, the legislation would have benefited many of the officials and supporters of the governing Social Democratic Party (PSD) who are facing corruption charges, with the party chief, Liviu Dragnea, prevented from becoming prime minister due to a conviction for fraud, top of the list. Little surprise, then, that the government's argument – that the measures were allegedly intended to align the criminal code with recent constitutional court rulings – was met with disbelief.

The public's unabated indignation – which found widespread sympathy internationally – ended up forcing the government to revoke the controversial executive order, which was subsequently repealed in the parliament as well. Still, the protests continued, albeit in much smaller numbers, demanding the government to step down or at least guarantee that missteps will not be repeated.

The people's scepticism is well-founded, and it is clear that their intention is to demonstrate that they now expect nothing short of good governance. But this will keep political turmoil at bay only until the next time around. The crisis of democracy that underpins these protests, as well as those that are bound to happen in the future, go beyond the Romanian government's latest shenanigans and resonate with complex developments also elsewhere, both in the EU and the Balkans.

On European democracy

Some of the issues that demand attention in the Romanian protests and are also relevant in a wider discussion about the state of European democracy, include:

Youth's exit from the arena of conventional politics. The demonstrators are predominantly young Romanians, many of whom learned about accountability from traveling, studying or working abroad. But only 13% of those under the age of 34 participated in the December 2016 elections, being cynical about the old fogey PSD and disheartened by the perpetually weak opposition to it. Yet, by not turning out, the young Romanians – like their counterparts who sat out the UK referendum vote and the US presidential elections – lost in terms of political representation. And the perception of meaningless policy and party choice – fostered by politically-biased and/or sensationalist media – as well as a sense that elections are no longer an adequate way to correct the dysfunctions of the system, far from being a Romanian peculiarity, are fuelling popular distrust in politicians and disengagement from traditional politics also in other EU and Balkan countries.

Voice by extra-representative means. But young Romanians remain assertive citizens. For Romania's youth – (technologically) literate, cosmopolitan, predominantly middle class – these protests were only the latest in a series of demonstrations that have been held almost annually since 2013, incidentally also against the PSD. Like millennials in other European countries – Romania's younger population finds ever fewer reasons to vote but an ever stronger political voice to raise critically. In the emerging knowledge society, better education and access to information and communication technologies, encourages young generations everywhere to speak up through new participatory channels – like petitions, boycotts, demonstrations, single-issue movements – that might selectively increase the government's accountability but erode the legitimacy of the institutions of representative democracy. In Romania, Poland, Croatia, Bosnia-Herzegovina, Montenegro, and other countries that have recently seen an outpouring of public anger, young people seem to believe that to change political course all they need is a cell phone, social media platforms and direct democracy, rather than representative institutions.

Point & click democracy versus representative democracy. The capacity for self-correction is the one quality that makes democracy appealing over any other forms of government.¹ Without political choice, without hope of bringing change through collective voice, without trust in established institutions and processes to correct mistakes, representative democracy is in crisis. The Romanian protesters stayed on after the withdrawal of the executive order because they have little faith in their government's integrity. A referendum on how to fight corruption, proposed by President Klaus Iohannis, will try to ensure future law-abiding elite behaviour. Europeans at large feel and do the same in their own countries. The problem is that the 'referendumania' and the extravaganza of other direct democracy tools that flourish in the Internet age liberate not the people but elites, overshadowing the advantages of the separation of powers and liberal nature of representative democracy without improving its capacity for self-correction.

Thus, the Romanian protests – though they might be a sensible response to the government's misconduct – will not solve the real problem, which relates to the crisis of representative democracy, evident also in other European countries. In this sense, the Romanian protests are less a triumph of democracy and more a scream of democratic malaise, which neither the Commission's rule of law mechanism – currently trying and failing to redress Poland's democratic backsliding – nor the EU's membership conditionality – still struggling to consolidate the Balkan democracies – can fix. Popular disenchantment with representative institutions requires a more fundamental rethink of how to translate democratic goals into practice while keeping up with contemporary societal and political realities. Until such a rethink occurs, democracy will merely resemble a rocking horse², in which protests, referendums or populism will continue to jerk the system back and forth, without actually bringing about progress.

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¹ Krastev, Ivan (2012), "Democracy as self-correction", Transatlantic Academy Paper Series.

² Metaphor used for the Trump Presidency by Zakaria, Fareed, "Trump is putting on a great circus, but what about his promises?", *Washington Post*, 16 February 2016.