

CORRUPTION – A PATHOLOGY OF POWER AND OF DEVELOPMENT. ROMANIA’S CASE

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ABSTRACT

This paper attempts to provide an overview on the corruption phenomenon as a distinct pathology of power and of development in a “transition country” as is the case of Romania. In the first part of this paper, the author outlines an interpretative model of Romania’s development process, based on the concept of “anomie” that has been frequently used in order to evaluate the situation of the former communist societies in the transition process. From this point of view, the anomie means the *insufficiency of regulation* (on an economic, political, legal and even moral level) and the *insufficient social integration* (in the way of a lack of adherence to a set of shared values which could facilitate the convergence of actions). These deficiencies bring about an amplification of the social costs of transition and perverse effects of the development process. In Romania, the transition process brought about, besides a range of important social-economic and political changes, an unprecedented amplification of corruption phenomenon as a true pathology of power and of development.

In the second part of this paper, the autor assesses the quantitative and qualitative dimensions of the corruption in Romania and highlights his prevalence in the public administration, justice, and at political level.

Keywords: corruption, anomie, transition process, pathology of power, political corruption.

1. INTRODUCTION

In the current development literature, some authors who are painting the world with a big brush usually speak about just two large groups of countries: developing countries and developed countries. The “developing countries” are those known to have previously been colonies or possessions of Western countries,

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which became independent some five decades ago. In turn, the developed countries are the Western industrialized countries including also Japan and some others. However, the world is much complex than that and at least one other distinct group of countries sharing many common characteristics are what is being called, the “transition countries”. These are the countries which belonged until the late 1980s to what was then the socialist system and the former Soviet Union. These countries are in “transition” which means that they are transiting from socialism to capitalism. Two groups of these countries are located in Europe: one in South Eastern Europe, and another in the Baltic region, and now perhaps Ukraine as well. Another group is located in Central Asia and consists of former distinct republics of the Soviet Union.

What virtually all these countries share is that they emerged after the internal implosion of their previous socialist regimes, economies and institutional structures. History shows that the transition is not smooth at all. It involves extremely complex processes, clashes between the vestiges of the old systems, and the former dominant political elites and cultures, on the one hand, and the emergence of the economic elements and political structures of the new system still immature and going through birth pangs.

The present paper is devoted to the analysis of the peculiar features that one of the most pernicious development pathologies takes in the peculiar social economic context of a transition country, in our case Romania. Unfortunately, when it comes to social pathologies, we recognize features, which are bizarre and a toxic combination of both the past system and the new one. This makes such pathologies even more difficult to endure and definitely they slow down the emergence of a new institutional structure of new governance patterns and of new institutions. Although Romania is not treated here in connection with other transition countries, the author has become aware, through his research, of the fact that the processes analyzed in this article can be recognized as similar happenings in other transition countries. In fact, in this paper, the author would be most interested in receiving a feedback to this analysis from other scholars and researchers studying corruption in other transition countries and elsewhere.

2. STRUCTURAL CRISIS OR TRANSITION PATHOLOGY? DIVERGENT IDEOLOGICAL INTERPRETATIONS OF THE DEVELOPMENT PROCESS IN ROMANIA

Romania’s actual period is being characterized by an unprecedented increase of the corruption phenomenon that has achieved endemic features in order to become an almost *inevitable* effect of the restructuring and development processes. The corruption acts involving senior officials of the State multiplied, and the number of economic crimes has increased, thus including acts of fraud, bribery and corrupt practices, tax evasion, money laundering, various illicit financial or commercial

transactions or – in the absence of complete information –, ones that were at least dubious. At the same time there are clear clues that, in Romania, the foundation of organized crime networks, of the “mob”, has been laid, both abroad and domestically, up to the highest levels of the administration, the justice, the police, and the various state institutions.

It seems clear that the high frequency of this increased gravity phenomenon are not only due to the transparency of statistics or to the media signals revealing today what they were forced to hide in the past, but to some trends and mechanisms that are in the heart of the system, in the accompanying *state of crisis* of which, in a word, so hopeful for some or, at times, hateful to others, it is called *the transition from socialism to capitalism*. Structural crisis or transition pathology? A question that is not easily answered.

Applied to the whole society, the notion of “pathology” is, by analogy, borrowed from another field, being based on the analogy of the “social organism” with the biological one, reason for which it transfers, at the social order level, particularities which belong to the “individual order”. On the other hand, the notion of “pathology of the social organism” implies the postulation of an ideology of the order, of the *establishment*, reported to which any change, deviation or diversion is labelled as being of a pathological nature.

Despite these conceptual distinctions, the notion of *social pathology* seems appropriate in order to characterize what happened in the past and still happens nowadays, in Romania. *The corruption, in its various forms, is pathological in nature. It affects organizations’ strength, integrity, and legitimacy among the public. Corruption undermines the foundations on which organizations in the public sector are built. In the private sector, corruption puts their survival at risk* (Samuel, 2010, p. 100).

Nowadays, Romania seems indeed to be an “*ill society*”, a society that suffers from a profound pathological “evil”, that is torn by insurmountable conflicts, characterized by corruption, violence, normative disorder and free will, as symptoms of a generalized pathology on all levels and bearings of the social life.

The “third wave of democratization”, as Samuel P. Huntington (1991) defined the transition of some countries of Central, Eastern Europe and Asia from communism to capitalism in the early 9th decade of the twentieth century, has not brought after itself the expected results, but quite the contrary, instead it has produced political instability and economic disruption, a decrease in the authority and effective functioning of the institutions and, not in the least, social and human costs almost unbearable. In Romania, as well as in other former communist European countries, the collapse of the communism has not determined – as many hoped for –, a change with positively comprehensive effects in the socio-economic sphere and, implicit, in the ways of life, but it established a veritable economic, social and moral *crisis*. The strong polarization of the society, the poverty, or, quite the contrary, the enrichment without a right cause in the conditions of corruption

spreading, the drastic decreasing in the incomes and declining of the purchasing power of large groups of individual, unemployment, layoffs of labor in many sectors of the economy, the uncertainty of tomorrow, the contracting of loans without the possibility to return them and, in this way, eviction from housing, the increasing of the social inequality, the expanding of ethnic intolerance and discrimination of groups, the radicalization of social conflicts are just some of the changes of dramatic character which have affected the former communist societies.

Ignoring the ideological rhetoric and political programs, it appears in an obvious way that *the transition* should designate, without any reason for a doubt the *road to creating of a market economy* and, implicit, *grounding of the capitalist type of structures*. It should mean, on the other hand, moving on to a modernization form that should not be just a mechanical imitation of the Western development capitalist model, but, in first place, an *endogenous* evolution based on national characteristics and particularities. This way compulsory goes by the necessity of creating two types of resources (Sztompka, 1993):

1. an essentially *economical* resource, that we could name as the “*hard*” type of component, that consists of a network of mechanisms, institutions, structures and infrastructures towards which the generalization of exchange relations and values from the entire economy could be ensured, liquidation of the state monopoly, adjustment of these relations by means of the market demand and offer.

2. an essentially *human* resource, that we could name as the “*soft*” type of component, that consists of the ensemble of *public* and *private* character economic agents, ready to confront themselves with the reform exigencies, competent, capable to enter the assumed though competition of any functioning market economy. At the same time, this resource refers also to generalizing of a “*reform culture*”, consisting in the population’s adequate attitudes and mentalities towards the reform processes and components.

Both resources are mutually conditioned: the free market should normalize the economic reports, circumscribing them in a coherent system, one that increases the action of the economic agents, and, this increasing, in its turn, may be able to exert an action of normalizing the market. On the other hand, the reform objectives cannot be realized without changing the mentality of the economic agents on the market economy, the growth in the quality of the human resources. The behavior and relations modification from the working sphere, the circulation, the consume, are, themselves, intrinsic scopes of the transition, that make of it a profound human and societal restructuration.

None of these resources seems to have been created yet in Romania. If we can talk about a historical failure, of a major bankruptcy of the Communist society project abandoned in December of 1989, it can be said also that in Romania, the signs of a new failure are visible, the ones of the post-Communist society project, which may have allowed the country to really enter into Europe and not by means of mob-type networks. Even the collocation “entry into Europe”, which some view

as a mirage, others with apprehension or stoicism and others with a violent nationalist reaction, is insufficiently clarified.

Romania objectively belongs within the geographical space of Europe, but in which way? Without the creation of adequate political, economic, social and legal structures, in the absence of mentalities favorable towards the reform and of an adequate competence, Romania shall situate itself, once again, to the outskirts of Europe, with all servitudes included for this position and which shall made of it an unwonted site for the West.

The causes for this state of facts are multiple, and the explanations precise them. Many consider that Romania is again “an ill society” and, same as in the inter-war period of time, is tributary to a real “national sin” (Zeletin¹, 1991, p. 20) that makes it fail, once again, the chance of becoming truly European. For others, Romania is an anarchical society or at least, an unorganized one, torn apart by political fighting and internal conflicts, power competition, attempts, more or less visible, of numerous power centers to manipulate the public opinion.

The ethic interpretations are, of course, present, giving to the Romanian society the motivations for renewing the moral crisis determined by the Romanian natives’ “traditional flaws” and spiritual profile (enrichment and newly-enrichment, the attraction for sources of income that doesn’t involve work, the politicians’ allure etc.), highlighted, since the beginning of the last century, by famous Romanian sociologists like C. Rădulescu-Motru (1910) or D. Drăghicescu (1907).

These evaluations that are putting an equal sign between the system crisis and the individuals’ immorality, generated by “Balkanism”, amplified by the ideological duplicity of the old regime, stimulated by the western mirage cannot constitute scientific validated explanations. They can suggest only, but they cannot express the ample dimensions of the Romanian society crisis which extend in an economic, political, legal and, last but not least moral plan.

In general, as the analysts observe, there is a certain fatalistic innuendo in the crisis interpretation, which dissolutes the responsibilities and disperses the explanations to the conjectural factor levels, avoiding to go to the essence. The crisis itself is experienced and perceived by the individuals in different ways, depending on their social position, instruction level, political opinions and individual ideologies, political options and values to which they adhere.

On the other hand the crisis designates different states and things from one context to another, that discourage any attempt to bring the large diversity of the existing interpretations to a common denominator. The changing eras bring confrontations even in the plan of ideas by assimilation of some new principles, abandonment of others, and achievement of diverse significations that end up contradicting each other. Thus appears explicable by means of the large variety of normative systems which, after a long period of dictatorship, achieves an unusual

¹ Ștefan Zeletin (1882–1934) – a well-known Romanian economist and sociologist.

extent, but also by means of disturbance of the individuals' "normal" orientation towards the social norms and values that achieve a conflictual character. Such disturbance suppresses the common interest conscience and places the assessment to the level of subjective ardors and political influences. In this way, the very values of the scientific speech that assimilates part of the partisan political speech distortions' are being annihilated.

3. ANOMIE AS THE THEORETICAL INTERPRETATIVE MODEL OF ROMANIA'S DEVELOPMENT PROCESS

A crisis model more adequate than that used in case of a crises having economical character, a model that could have a relevant interpretation, from a *sociological* point of view regarding the state of facts in the former Communist countries, including Romania, is the anomie, both the model used by sociology classics like É. Durkheim (1897) or R.K. Merton (1937), and the one used by other sociologists who revised, corrected or improved the original concepts elaborated by the two authors mentioned above. This model has been frequently used in order to evaluate the situation of the former communist societies in the transition process. The theoretical model of anomie has been for instance applied to the comparative analysis of transition pathologies characteristic to the following countries (Lytkina, 2015, p. 3): Eastern Germany, Hungary, Ukraine, Russia and Kazakhstan. Collapse of the Communism in the Eastern European countries – underlined, for instance, by Yuka Minagawa (2013, p. 1.036) – “*has led to a social system characterized by a high level of anomie and continuous instability from an economic, political and social points of view*”.

A review or an extension of the interpretations regarding the anomie may unveil many theoretical leads still unexploited. Therefore, as a diagnosis of the “pathological” state that goes together with the transition from a traditional society to the modern one, the anomie has, according to the conception of Durkheim (1897), some more important signification, among which:

a. the absence of reasonable adjustment of the social action due to the lack in coordination of the social system functions;

b. the absence of limits imposed to action, that being deprived of reasoning norms, extends itself in unpredictable directions, suppressing in this way, its object and finality;

c. the absence of reasoning of the action in the way that there are norms, but these do not have a reasoning character, not being adequate anymore to the existing realities;

d. disorientation of the action, determined by the contradiction between norms: together with the society's transformation, some of the norms do not have an object anymore, but they continue to function in a parasite mode, others come into contradiction with the new tendencies of the social life.

Such interpretative meanings may be applied, with the necessary revisions, to the case of former communist societies, implicit of Romania's case. Therefore, from the point of view of É. Durkheim's theoretical model, in Romania, the *sense* of transition is the one of passing from a totalitarian society defined by excessive normative pressure and conformity to compulsory norms (states that are equivalent to the *fatalism* as an "excessive" regulation), and excessive lack of individualization (identical state with the *selflessness* as an "excess" of integration), to a society with transitory, "anomic" character, such as: contradictory and weak normative pressure, the lack of determination in the scope of action (states similar with the *anomie*, as "deficit" of regulation), insufficient social integration, lack of sociality and adherence to a common axiological field (state that is confounded with *selfishness* not as a moral state but as a social state, defined by the social integration "deficit"). Such signification was suggested to us, amongst others, by the French politologist E. Allardt (1991, p. 15–26).

In fact, those are the main characteristics of moving on from socialism to capitalism: on one hand the *insufficiency of regulation* (from an economic, political, legal and even moral points of view) and, on the other hand, *the insufficient social integration*, not in a functional, conformist way but in the way of adherence to a set of shared values which could facilitate the convergence of actions by social actors. Added to this there is a drastic weakening of social control mechanisms, both with formal character and informal.

4. THE SOCIAL COSTS OF TRANSITION AND PERVERSE EFFECTS OF THE DEVELOPMENT PROCESS IN ROMANIA

In Romania, the reform planners, either Romanian specialists or foreign experts have adopted, from the very beginning, a view that is prior economical (*Homo Oeconomicus*) and legalizing (*Homo Juridicus*) on the way this process develops (Rădulescu, 2006, p. 365–371).

From a strictly political point of view, the logic of such an approach is relatively simple: failing as a historical society project, the socialism collapsed as economic and political system; therefore the necessity of applying an *alternative* project emerges, a society that must be only capitalist. Everything is reduced, in fact, to achieve some main objectives whose basic artisans are the economists, the financial people and the jurists: privatization, creation of a market economy, price liberalization, free exchange rates etc.

Consequently, in the transition period, the magic of pure economic formulas and their implementation by legal exercise have seduced so deeply the politicians that, except for the populist attitudes of ideological character, they have completely ignored the individual, assimilating it to a new historical experiment. In this reasoning strategy of reconstructing, of an imitative nature, in which the

changes are measured by confrontation with a pre-existing pattern, that of Western capitalism, the individual is again sacrificed, and the role of the sociologist is taken by the economist and the lawyer. The social costs of the transition are being ignored, and the perverse effects of the implementations seem no more than *deviations* from the “pure” model offered by the West. Everything must be started over again, everything must be rebuilt from its foundation (“*in order to build a new house, one must demolish the old one*”, claimed, at the beginning of the transition process, a Romanian politician). For the sociologist, the logic of such approach seems at least “confusing”. Is it possible to build something over some mortified ruins? Is it possible to bring, as in a transplant surgery, without the risk of being rejected by the body, a whole system that was formed, in an organic way, during hundreds of years and could it be seeded in an environment that lacks the proper institutions, infrastructure and mentalities?

Regarding this issue, even part of the Western analysts were obliged to admit that the collapse of communist regimes has not produced yet a new type of social order but, quite the contrary, “*a new global disorder*” appreciating that the post-communist societies were “*Genesis*” environments, as in Genesis of the world (Jowitt, 1991), whereas dislocation, insecurity and traumas are the main features. In these environments, the leader’s charisma is a substitute for the institutions, drawing people to sacrifice in exchange for a pretended Promised Land.

The state of crisis, the disruption and disturbance of the economic relations, the financial blockage, the unmeasured amplitude of the deviance phenomena, the violence, corruption, anarchy and free will are the typical symptoms of a given *anomie state/condition* caused by imitating the mechanical model of a system whose organicity and original cadence cannot be found due to the fact that it lacks the self-regulating functions, the relationships and transactions that were previously circumscribed to the State-party or to the Party-state.

In this way, for a long period of time, *Fragments of the old socialist order survive with new elements which are subject to another logic* (Jowitt, 1991, p. 15). Consequently, *the transition is a hybrid process*, and part of what has been achieved so far is nothing but a *non-system* without any rationality or internal logic. To this are added-up the pathologies of the past, the uncertainty and ambiguity of hesitating mentalities that oscillate between statist and decentralization, between planning and free will, multiparty and the single party hegemonic tendencies.

The crisis direction is, as we have previously mentioned, the one of a transition from a fatalistic state, in a durkheimian sense, whereas all is determined and prevised by the mechanisms of a coercive power, where the only chance of survival was the (super)conformism, in a *profound state of anomie*, of disarray, where almost nothing can be predicted, where anything is possible, where the conduct of individuals oscillates around some indications of old and new rules that contradict each other. Therefore, it does not seem surprising that such behavior can

expand without limit in unpredictable, individualistic directions, determined, among other things, by the absence of a common system of values and beliefs.

As well as both a *disorder* in the economic plan and a *crisis* of the values, of the personality, of the elite, the anomie state in which Romanian society finds itself is manifested in a variety of forms. In the *economy*, for example, at least in the first years of transition, the law of free will was mainly established, giving up almost completely on the planned form or to the firm, contractual character relationships between units, enabling, at the same time, the creation of “tick” type companies, who managed to squeeze main benefits from exploiting large state enterprises. On the other hand, the financial blockage, the fraud, the economic crime and the corruption are no more than just the natural consequence of an economy that works without any internal adjustment, and only under the “control” of external rules, which combines a mixture of centralization and free will.

From a *political and legal* point of view, the anomie is still being found in the absence of a distinct separation between state powers, in the opposition between the state and the civil society, in the incapacity of the legal factor to extract itself from the conjunctures of political interests, which makes the law not to be, yet, an expression of the general will. It should be mentioned, in this respect, also the fact that, for a long time, the Romanian justice was a genuine “housemaid” of the political factor, and that only in the past two years, with the prosecution of major corruption cases we could talk about her autonomy. But even nowadays, some commentators and representatives of the political class, are accusing the complicity between the political power, the prosecution and the services for investigation of the information in instrumenting some “major” corruption cases, which, as a paradox – we hereby do stress – are producing “victims” both from the opposition as well as from the ranks of power.

In Romania, even the legislative process was, for a long time, a factor of *institutionalization of the anomie*, the more so as there was not a body of laws, uniform and coherent that could be circumscribed to a common finalization-introduction and continuous stimulation of the reform objectives. On the other hand, for a prolonged period of time, there has been a true *regulatory anomie* materialized into laws and regulations that often contradicted each other, disorienting the individuals who were forced to move according to conflicting regulatory guidelines. Even now there are rules or ambiguous laws which induce a state of disarray and confusion in different spheres of activity.

It should be noted also that in the Romanian public space a certain contradiction between the discourse of power and the reality of reform has been manifested. No one has denied and does not deny that the only way that the former Communist countries should follow is the transition to the free market economy and the creation of structures necessary for carrying out the objectives of the structural reform in the social, economic, political and moral plan. In reality, however, beyond the trends of free will, in the course of implementing economic

reform, statist tendencies occurred, more or less covertly, demonstrated, for instance, by the proportion of majority State-owned capital in the economy, the existence of the State as the largest owner, by the hesitation towards transition to privatization of the large State enterprises, which have created so many “black holes” in the economy. This, without counting on the obvious failings of the “famous” privatizations, which did not bring benefits but losses in the national wealth, not to mention the patently fraudulent privatizations, a parody so called “strategic”, intermediated or facilitated by “representatives” of the State, which resulted in great benefits for both illicit personal image for the ones who sold what did not belong to them, but to the nation as a whole, and for investors who often were recruited during the previous regime of profiteers who have faded their “political self” overnight and have corrupted, with large amounts of money, the new “representatives” of the State. As an immediate effect of the State enterprises “privatization”, these so-called representatives have been suddenly enriched, and the society, as a whole, has been stripped of much of its national wealth. We refer here to the corruption, politics (*the major* corruption), which involved and continues to involve senior officials of the State and that is an abusive, illegitimate form of using the public function in order to obtain personal profits. (Dorinica, Banciu, Rădulescu, 2005, Chapter 1)

Given those not at all positive economic reform effects, maybe just because of this the strategies of different governments have included all possible “solutions” but also all the possible errors and contradictions, these representing another source of anomie.

Constitutes an undeniable reality that any market economy involves capitalism and capitalists. In Romania, except for rare exceptions, the great property does not exist yet, but there is another paradox, generated by the anomic state, the *big* capitalists, who work for the purposes of capital accumulation and reinvestment. And not always with the most orthodox methods: the fraud, the corruption and the bribery given to the public officials being some of these means.

Most of the private entrepreneurs from Romania are not yet venture capitalists, in the real meaning of the term, but only “handlers”. The true capitalist, underlined during the interwar period the Romanian economist and sociologist Ștefan Zeletin (1991, p. 29), is driven by *the eternal running toward a goal that cannot be achieved, because once it is achieved, it makes another one appear on the horizon*. This formulation appears in one of the main meanings of the concept of durkheimian anomie initially presented in the work *Social Division of Labor* (1893) and developed in his book *Suicide* (1897), dealing with anomie as lack of action, as “*sickness of infinity*” (*mal de l’infini*), a theme taken by Durkheim from J. W. Goethe (Besnard, 1987). É. Durkheim (1993, p. 205) emphasized, in this regard, the following: *Desires escaped from rein do not know where to stop, and, incidentally, are finding themselves in a state of natural exultation through the mere fact that the overall vitality is more intense. The richer prey stimulates them,*

makes them more exigent, more eager in respecting the rules in the very moment in which traditional rules register losses in their authority. The deregulatory state or anomie is strengthened by the fact that passions are less disciplined exactly when discipline is called for.

Zeletin always appreciated that true capitalism (p. 29) starts when the economic liberalism starts, together with the extension of exchange relationships within the whole economy, those cannot be realized other than by means of large property and industrial capital, by obtaining credit and realization of some investments, by forming of some economic educational role models influenced by the foreign capital reports.

Few of these premises have been achieved by Romania. The oscillation between the free will and statist interventions, the ambiguities of the political speech between a liberal policy and the populist one, the unstable legislation, maintaining agriculture in a state of confusion and anarchy, the fiscal burden (in terms of permanently changes in the Law of taxation, which make it completely unpredictable), the credits obtained by investors or individuals under unfavorable net conditions, in vague terms and non-transparent clauses, the large-scale tax evasion, fraudulent privatizations (which resulted in great harm to the national economy), the small but especially “the large” corruption, the lack of economic capitalist mentalities those are all symptoms of a dysfunctional, anomic state which, from a “pathology of the political power” during the period of “transition” has turned into a permanent institutionalized crisis. The changes and the restructuring aimed at making Romania a modern country compatible with the European institutions and “spirit” led to a number of “perverse effects” that we will selectively mention in what follows:

a. the privatization processes have created, from a macrosocial point of view, a devaluation and alienation of significant parts of the national wealth, as well as an accentuated polarization of the Romanian society, and from the point of view of the interests of individuals it has led to unemployment, job losses and poverty. To this is added the performance and economic benefits, the deterioration in the health and living standards, increased consumption of alcohol and drugs, depression, stress, the spreading of physical illnesses, but above all, the inability to adapt to changes, to the new regulatory and cultural models, to finding solutions to the new life problems, to the family dissolution of numerous groups, to the migration of the heads of the families, the decreasing number of children, aging of the population etc.;

b. restitution of the properties has led, at its turn, to numerous inequities, besides the major corruption in which senior officials or dignitaries, representatives of State authorities, justice or police, politicians, etc. were involved;

c. restructuring of the institutions has determined not so their more appropriate functionality, but an amplification in the bureaucracy and a multitude of deficiencies; often, some of these institutions serve the interests of certain influential people or pressure groups, rather than, as it is only natural, the interests of the citizens;

d. entering of the country (completely unprepared) in the European Union has not brought – as it was hoped for – benefits, but, quite the contrary, it has led, inter alia, to the depreciation, beyond measure, of the national currency, to the impoverishment of some credit contractors, to the decreasing of the living standards, the “aligning” of the prices (and not of the wages!) to those in the West, increasing the cost of utility services, connecting Romania to the effects of the crisis in the “Eurozone” etc. Therefore, even the so expected Romania’s entry into the Euro area raises many doubts regarding the benefits of adhering to a single currency;

e. the repeated reforms in the education field (*as many Ministers, as many reforms*), and the so-called “alternative textbooks” were far from the expected pedagogical effects, but, quite the contrary, have caused confusion among students and parents, low school performance, disparity between the curricula and the textbooks, a negative way in which the teachers were perceived etc.

These things cannot be explained by a falling of the morality or a lacking in rules, as it has often being interpreted by the theoretical durkheimian model, but by the lack of some “*internal*” regulatory mechanism that can ensure the organicity of the social and economic system functions. It must be noted that Durkheim did not refer to an “external” adjustment and that he denied the State’s interventionist role. Anomie may involve rules (laws) but these are not rational, meaning that they are not adequate for the purpose. In Romania, on the other hand, institutions, mechanisms and structures in place to encourage the formation of new mentalities which are favorable to the reformation have been not created. In the new conditions of transition, as well as in the past regime, the same reversed scale of values functions, the one that allows not the best or most qualified to take up opportunities, but those who have resources and relationships, and can move more easily over regulatory or organizational barriers.

And the unjust and not at all equitable distribution of the societal benefits and the costs in the changes determined by the transition of the Romanian society from a totalitarian to a democratic regime was the essence of the reform in Romania, which is why the generalization of the anomie has acted both as a premise, and as a corollary of the different forms of political pathology, including that of the development process.

5. CORRUPTION – FUNCTIONAL SUBSTITUTE OF A REFORM THAT HAS NOT BEEN BROUGHT TO AN END

In the societies in transition, as the Romanian society still is, in which the (self) regulatory mechanisms capable of coordinating the actions of individuals are vulnerable and even ineffective, the very activity of protection of institutions is weak and it lacks effectiveness.

The social protection, is itself a “political option”, which opposes the liberal ideologies to the social-democratic conceptions. Left alone to fend for themselves, often without institutional support, the individuals choose different strategies of action, most of them of illegal and illegitimate nature within the meaning advised by R.K. Merton (1938, p. 672–683). In the mentioned societies, including Romania, the freedom of choice is, often equivalent to irrational, illicit or illegitimate choices. “*During the authoritarian Communist regime, the social order was maintained through draconian measures, and the legal system was built on fear, not on consensus. Once it has been overthrown, the people become the masters of their own destiny and enjoyed, for the first time, the freedom of choice*” (Zhao, Cao, 2010, p. 1–210). A freedom that also allows irrational character choices.

In politics, from the citizens point of view, the “rationality” of free choice in an informed, transition process intrinsically remained unchanged, for a long time (maybe until the 2014 elections) because the electoral process did not offer real alternatives through which citizens could choose, in awareness, between the “good” and the “bad”. The options on the voting bulletin did not offer viable alternatives because they lacked in mature political parties with fundamentally different strategies. As a result, the deeply unhappy citizen did not have whom and what to choose. From a broader point of view, the “irrational” choices were focused on the orientation of some categories of “entrepreneur” individuals, in search for solutions to an illicit or illegitimate life solutions.

Referring to the main causes of anomie, É Durkheim stressed that the *lack of systemic rationality* and not the lack of individual morality is the main factor that determines the generalization of the anomie state within a society that lacks a regulatory inner system of public behavior.

One of the causes for which the majority of the population and even some of the entrepreneurs in Romania are deprived of economic rationality consists, inter alia, in the drawers of Communist “education” and their lack of socialization in a suitable climate that would be dominated by rationality demands action, rules and values as they are: efficiency, effectiveness, profitability calculation, profit, dispense of excessive consumption, etc. As Max Weber (1971) underlined, the capitalist system is based on a type of social order dominated by *rationality* and *rationalization* imperatives. Anticipating, with great intuition, the future failure of the “Communist economic systems”, based on “communalization” and foreign to the requirements of instrumental-type rationality, the German sociologist appreciated that they exalt the social ideal, the extra-economic motivations of the action itself, ignoring the practical imperative of efficiency. Therefore, emphasized Weber (1971, p. 159–160), these systems are impregnated with “irrationality”, their chances being *outside the normal course of things*, which the former Communist countries history has demonstrated. Weber’s remark represents, both by acuity, and especially through its topicality, a disturbing critique of the former Socialist

systems of the East, who ignored the individuality of the person on behalf of an alleged collective ideal, that did nothing but compromise that type of instrumental rationality, turning simple economic operators into formal participants to the economic process.

It is obvious that the main demands of the capitalist type of economy are innovation and the rationality. Private enterprise of capitalist type is, itself, a kind of “social innovation” (Sandu, 1993) which implies the existence of skilled individuals able to calculate the consequences of their actions and to take risks that may result from an erroneous assessment of the economic situation. The innovative behavior of the entrepreneur depends on a number of personal attributes, as well as on various favorable circumstance of which the material resources and business relationships are the most important.

The Austrian economist and sociologist Josef Schumpeter (1893–1950) defined the entrepreneur in terms of dynamic behavior, boldness, spirit of combination and profit, that is, the ultimate *innovation reward* (Perroux, 1965). In turn, the classification made to the “debris” (as “rationalized” instincts), Vilfredo Pareto (1918–1919) stressed that the trend towards innovation is best expressed in “combinations instinct”, *i.e.* in the ability to develop associations between ideas and facts, in developing logical consequences of a principle or of a situation, in combining related things or characters, in assigning “mysterious powers” to acts or objects. Integrated within the same interpretative traditions, Max Weber (1971) has emphasized the “ascetic” spirit of the prude entrepreneur, who prohibits himself the use, for his own satisfaction, of the accumulated assets, seeking the realization of his vocation through labor and asceticism. Such a spiritual profile has allowed the Protestant ethic to establish the spirit of capitalism.

Based on these classical interpretations, Robert Merton (1968) dealt with the features of *innovative* behavior, but in a theoretical context. Thus, for him, innovation represents a form of “deviance” with a particular character, determined by the need to adapt to a situation that is constantly anomic, generated by the deep rift that appears (in American society) between “cultural purposes” (which the society requests from individuals actions) and the “institutional” means (legal, legitimate ways through which these goals can be achieved). Innovators are recruited, emphasized Merton, among those individuals who, by accepting the cultural goals proposed by the society, use illicit means in order to achieve them. Although Merton exemplified this form of “adaptation” to anomie through cases of criminal deviance of all genres, he pointed out that the innovation represents a typical conduct, especially for representatives of the “white collars” (civil servants, government officials, managers etc.), who do not avoid to use as means, in their way to enrichment, the fraud, the corruption, the tax evasion etc.

In accordance with all these theoretical models, it should be pointed out that, on one hand, the Romanians lack an adequate model of economic rationality, and, on the other hand, there exists – from the part of those that are more “enterprising”

– the trend in orienting themselves towards illicit and illegitimate innovations. On the whole, except for a few entrepreneurs, Romania lacks a human “infrastructure” capable to confront the difficulties of the market economy. Formed and shaped as a result of socialization into an “empire culture” (Sztompka, 1993), defined by the standards or values that have spread from the center to the periphery, the attitudes and mentalities of the Romanian population are defined, in large part, by populism, waste, lack of efficiency, lack of economic rational behaviors.

On the other hand, mostly from among the representatives of the power, often emerge some “innovative” type personalities, in the sense outlined by Merton, who form the nucleus of the great capitalist and middle classes. Thus, appears an illusion to believe that aligning to the requirements of market economy and accessing the European Union will also mean acquiring values such as morality, legality and social justice. Only when the great mass of the population will discard the populist, axiological type legacy, left by the old regime, it will be able to understand that entry into capitalism is not merely a “charity”, but also the acquisition of new social issues, new models of organized crime, of attempted fraud and corruption all the more exquisite. On the other hand, capitalism means civilization, civic consciousness and civil rights, discipline, rationality, respect for the opposition, the separation of powers in State, defense and guarantee of property (Sztompka, 1993), goods or values that Romania has been largely deprived of until now. On the other hand, capitalism as a system of economic development means strong polarization of the society and the proliferation of “pathologies of power” (Farmer, 2003).

6. QUANTITATIVE AND QUALITY ASSESSMENTS OF CORRUPTION IN ROMANIA

In the former Communist countries, corruption has intensely manifested itself during the totalitarian regime period, but, given the rigors of formal circumstances, its statistical presentation or by the media means was, deliberately minimized if not omitted. The endemic extent of this phenomenon became visible immediately after the collapse of the Communism, in the course of the state enterprises privatization process and of the restitution of the confiscated properties.

In Romania, the transition process brought, besides a range of important social-economic and political changes, an unprecedented amplification of the corruption phenomenon which has manifested with increasing intensity in most of the social activity fields. The setting-up of the market economy mechanisms has represented a profitable terrain for corruption flowerage and its extension towards the economic and political life, for becoming a generalized, institutionalized and structural phenomenon.

As resulted from diverse polls performed years ago, the transition has been considered by Romanians a genuine “corruption era”. The extent of this

phenomenon, especially during the times in which first steps were taken in order to implement the market mechanisms, has been demonstrated, inter alia, by the major financial irregularities in the development of the privatization process, in the emergence, among others, of some “tick companies”, in the proliferation of underground economy, implicitly in numerous products smuggling, in the existence of some “ghost” companies (which were being dissolute after obtaining profit), the increase in tax evasion, fiscal fraud, giving and receiving bribe, celebration by state enterprises of doubtful contracts with so called “strategic” foreign partners, subvention of party campaigns by diverse financial groups, transactions and subtle “financial engineering” of the transition newly enriched (the so called “paper millionaires” that made their fortune out of non-refundable loans taken from banks with the complicity of their corrupted clerks etc.).

The most frequent acts of corruption were committed, in Romania, in the productive economy fields, in the banking and finance domain, in the custom’s activity and, mostly, in some of the state enterprises privatization process.

In the autonomous administration or in trading companies, corruption has been involved in organizing of fake tender processes, in diminishing of the assets when celebrating a buying-selling contract, negotiating or applying for materials providing contracts, renting or location of discharge for trading spaces, issuing of export and import permits etc. In the banking and finance domain, corrupting of some clerks that have granted, based on preference, unperformed or non-refundable credits, by means of submitting fiction bank guarantees, or by illegal capital transfers, has allowed tens of millions of dollars’ worth in bank defrauding, and, implicitly, their bankruptcy. Corruption was also present through acts of smuggling and tax evasion, in which numerous well organized networks were involved, some of them being part of the “organized crime”, and which brought numerous damages to the State budget. The foreign smugglers even recommended Romania as “a country of all possibilities, a country where you can buy anything” (Ozon, Rache, 1998, p. 5).

In accordance with some analysts estimates, the damage to the national wealth brought up by the acts of corruption between 2004 and 2014 has exceeded the amount of 2 billion EUR (Bacan, 2014), to which amount other billions from previous years are added-up. A real assault to the national security committed during the Romanian economic development and restructuring.

The existence of pressure groups with major economic interests, excessive bureaucracy, absence of laws (for instance the public servant’s law, legislated only in 1999) or clear and compatible regulations, the interpretations or ambiguity allowed by some acts and regulations, lack of cooperation between the social control agencies (and the involvement of some of its representatives in corruption acts) have been and continue to be, in many cases, the main causes of the corruption, that is forasmuch a legal category, but a phenomenon of social, economic and political character, that cannot be eradicated only by means of legal

measures. The criminal law politics crisis was and still is another crisis of the socio-economic politics imprinted into the reform process that encourages the extension of the pathology of power that allows the ones who own public positions and functions to satisfy customer-type requests, at the expense of the public wealth and interests.

6.1. ROMANIA – A COUNTRY WHERE THE CORRUPTION IS GENERALIZED

A study conducted in 1999 by the World Bank in collaboration with the European Bank for Reconstruction and Development (World Bank, 2 000) on a subject group of 3 000 managers and owners of companies from 22 countries in transition showed that, in terms of administrative corruption (measured as the average annual percentage of sales used by companies for informal payments granted to civil servants), Romania ranks fourth among the states in Central Europe, South Eastern and Eastern Europe, including the CIS. The areas in which administrative corruption constitutes an acute problem in Romania were, according to the survey findings, those aimed at procurement and collecting the fees and taxes.

According to the estimates carried out by Transparency International, Romania was frequently placed, during the transition process, together with Bulgaria and Macedonia, in the group of the most corrupt countries in Europe, being outranked only by Albania, Serbia and Montenegro and part of the FSU countries. The value of the Corruption Perception Index has not been improved as Romania has moved forward in the process of economic reform, but on the contrary, decreased from 3.4 in 1997 to 2.6 in 2002. In 2004, Romania was ranked number 87 in the hierarchy of those 145 countries assessed, with a score of 2.9. It should be noted that an index under 3 indicates that corruption is generalized.

Two years later, in 2006, a Gallup World Pool showed that Romania is ranked fifth in the world, registering an index of 90, equal to Russia, Ukraine, Morocco and Cameroon, in a ranking of the most perceived as corrupt nations. In accordance with the Gallup Corruption Index, the countries included in this year's index were ranked from the lowest score, indicating the population least likely to perceive corruption as widespread, to the highest one (PRNewswire, 2006).

Later, after 8 years, Transparency International, which has changed in the meantime its assessment methodology, emphasized that Romania is ranked (69), placed about the middle of the leaderboard, recording the score 43, equal to Bulgaria, Belgium, Italy and Senegal from the point of view of the Corruption Perception Index (CPI)². This index has indicated, for Romania, a similar score of

² This compound index is based on the data obtained from specialized surveys implemented by independent renowned institutions and reflects the opinion of business people and analysts regarding the incorrect use of public function for personal gain. CPI ranks countries and territories based on how corrupt their public sector is perceived to be. A country's score indicates the perceived level of public sector corruption on a scale of 0 (*highly corrupt*) to 100 (*very clean*). This year's index includes 175 countries and territories (see <http://www.transparency.org/cpi2014/results#myAnchor1>).

43 in 2013 and 44 in 2012 (Transparency International, 2014). In 2015 more countries improved their scores, others, including Romania (rank 58 from 168, score 46 from 100) have deteriorated (Transparency International, 2015).

Despite the criticisms that have arisen, particularly by the fact that the measurements do not differentiate between the “administrative” and the “political”³ corruption, the indexes mentioned may be the appropriate means of measurement of the corruption degree from one country or another. Because the *real* level of corruption cannot be investigated directly, the study of population perceptions, especially of business people and experts is an appropriate means to assess how extensive corruption is in that country and to draw up, as a consequence, the anti-corruption strategy.

6.2. CORRUPTION IN THE PUBLIC ADMINISTRATION

The most frequently corruption acts were happening in the administration sector where the use of a public function for private gain and its sale as a goods is a main way to maximize benefits and economic interests. The press and citizens’ numerous complaints and claims clearly show, even more proper than the official statistics, the involvement of state officials and local representatives of the power in corruption acts which determine resources redistribution in the interest of private groups with great losses for the reform process. Besides, due to its immoral and counter-productive character, the corruption is a powerful impediment in the efforts to reduce poverty and social inequalities. It has a negative impact on the development programs and policies, and last but not least, on the strategies aimed to empowerment and increasing of efforts.

A special mode of corruption in Romania is represented by the “service crimes” perpetrated by some mayors – as representatives of local governance –, who, in accordance with the meaning of the Romanian criminal law, take or receive bribery, traffic influence, commit abuse in service and deviation of public funds in their own personal interest. According to estimates made by us as a result of press data signals, only during the period 1995–2005, when these offences have become more visible, a number of over 100 mayors, deputy mayors or City Hall councilors from over 60 municipalities belonging to 27 counties were under investigation, sent on trial or convicted under the criminal law (Băcanu-Cobianu, Rădulescu, 2002, p. 523–544). Bribery, misappropriation of funds, fraud, abuse of position held, intellectual forgery and lands illegal transactions were the most common offences committed by these local power representatives.

³ *Corruption Perception Index*, for instance, does only refer to the *public sector*, although the public perception on the corruption also extends beyond this. It means that this index does not discriminate clearly enough the public positions, the administrative ones and between some professions.

The findings of one of the Barometers of the Public Opinion, from few years ago, showed, for example, that over 40% of citizens polled believed that *a great deal of or nearly all* the mayors and local councilors are corrupt.

In spite of the penal sanctions applied, the acts of corruption committed by the representatives of the public administrations were magnified, so that between 2013 and 2015, were sent to trial 92 mayors, 24 vice-mayors, 22 County Councils Presidents and dozens of other local officials, pointing out a real “mass” corruption investigations, both in communes as well as in some of the largest cities in Romania (Negrilă, 2015). The most recent and best known case of corruption in public administration is the one of Sorin Oprescu, Mayor of Bucharest, accused of allegedly taking a bribe of 25,000 euro from four businessmen. Along with the Mayor of the capital, two other mayors (of Districts 1 and 5) from Bucharest are currently (2015), accused of corruption (trafficking in influence and cashing out some percentage of the value of the contracts concluded with the City Hall). To those we may add the former Mayor of Bucharest’s District 6, arrested six years ago and convicted for abuse of position held against public interests, with particularly serious consequences (illegal restitution, in their own interest, of some lands that belonged to the public domain).

As different analysts or commentators appreciate, the position of Mayor, Deputy Mayor or Local Councilor is one with key competences and attributions, in which major public funds are being managed, including European Community ones. Part of those benefits is misplaced and deviated for being used in the interest of those representatives of the public power who, from “servants” of the public interests turn into profiteers. Corruption is, from this point of view, a perverted (pathological) form of power and of the process development at local level (see *Box 1*).

Box 1

The mayors, their councillors and City Hall managers are behaving like classical mobsters, provoking eventually displeasure to the charged companies. They do not actually bribe, but pay a protection tax, one that allows them to prosper and to remain in *business*.

The bottom line is that justice will not be able to eliminate this phenomenon, because it's not about some weak people's wandering but about a true system that reconstructs itself each and every time. After the elections, if the newly elect have made themselves noticed by using an anti-corruption language, there is some panic to be expected within the City Hall, but not for long, due to the fact that old networks are remade with new clients that wait in line or, often with exactly the same old clients. After the election turmoil everything returns to “normal”.

It would be necessary, perhaps, that the entire system of rules governing public money circuit and granting of contracts should be revised in such a way that everything would be simpler and on the open. Otherwise the DNA (National Anti-Corruption Directorate) will only „empty the sea by the cup” (Pepine, 2015).

In Romania, where the public administration is highly politicized, the mayors are very strong, and the political parties are supported in the elections, by their help. It should be mentioned, in this regard, that two of the mayors of municipalities (Bucharest and Sibiu) have gotten presidents of the country, but even them are suspected of corruption or intellectual forgery.

6.3. *CORRUPTION IN JUSTICE – A BRAKE IN ORDER TO ERADICATE THE GENERALIZED CORRUPTION OF THE ROMANIAN SOCIETY*

A prolonged period of time, during the process of transition, the justice in Romania has been involved very little in the sanctioning of the great acts of corruption, and some of its representatives have proven themselves, to be corrupt.

In his book, dedicated to corruption and organized crime, a former head of the Romanian police, underlined, for example, that, *the courts constitute the most ill segment, the one that is most touched by the tumor of corruption* of the Romanian society (Pitulescu, 1996, p. 27). This underlining is targeted, in particular, at the numerous cases in which the courts of law have decided on revoking of the arrest and released the defendants, especially the *major mobsters*, but also the cases of some judges whose decisions seemed to be dubious, to say the least. In turn, a former Interior Minister appreciated that very often the police efforts to identify the major corruption cases are deterred by the actions of the judiciary, who either pardons some of the defendants, or judges in freedom regime the proven defendants, giving them the opportunity to flee the country (Dejeu, 1997).

A suggestive example of the Romanian justice inefficiency in sanctioning the acts of corruption is represented by the negative countdown of 1997, when from a number of 22,000 identified corruption cases, the country's courts have resolved no more than... seven cases.

The most frequent “dubious” acts involving the judges were as follows: **a.** encouraging the offender, through favorable resolution of some cases, especially regarding the business of smuggling; **b.** prosecuting defendants in state of freedom, through cancellation of pre-trial detention, which allowed them to evade prosecution; **c.** increase in the number of rulings dismantled in appeal and in action; **d.** un-resolving of some frauds committed by the managers of some important Romanian banks (Credit Bank, Bancoop, Dacia-Felix, Bancorex, Albina) and hundreds of millions of dollars in illegal loans granted, “generously” and without any warranties to certain firms or individuals from the sphere of political power that were in close relations with these managers, and which has led to the bankruptcy of these banks; **e.** the large number of cases unresolved for years.

In the case of prosecutors, the most serious charges were: the cover-up of some cases, concealing evidence by means of files “disappearance” or, simply, by destroying them.

Until 1996, there were no judges on trial, filed under the criminal law for corruption acts. Only in 1997, a single judge was accused of corruption. Even if in the same year, 1997, the irremovability has been withdrawn from a number of 12 judges, and two of them (plus five prosecutors) were even subject to criminal law files, they were never accused of corruption, but of diverse professional flaws. In 1999, the Minister of Justice and the Attorney-General decided on the dismissal of nine judges and replacement from higher positions or the retirement of no less than 31 prosecutors. Though the official reasons cited referred to the increasing number of cases whose deadlines for resolving were much delayed and to increasing in the number of solutions dispelled by the instance, they have subsidiary targeted the at the corruption of some judges, without those cases being proven or the suspicions made public.

For a prolonged period of time, the Romanian justice was “captive” of the political factor, taking decisions in its favor and subordinating the general interests to the private interests.

Only in 2012, together with the intensification of the National Anti-Corruption Directorate, the judges became visibly, in the eyes of public opinion, one of the most corrupted professional branches, being sent to court and under penal sanctions (see *Box 2*).

The justice reforming strategy for the period 2011–2016 and the mostly efficient activity of the National Anti-Corruption Directorate have determined what a journalist namely depicted: “the end of the Golden Age of corrupted magistrates” from Romania (Turturică, 2013).

Box 2

“Four judges from Bucharest, accused of corruption”. (February 2012)

“The Superior Council of Magistrates decided on suspending from office and sending on trial judge G.B., for disclosing data that favors the offender”. (September 2012)

“Dozens of judges are suspected by DNA (National Anti-Corruption Directorate) prosecutors of corruption acts”. (August 2013)

“Three Magistrates from Prahova county were involved in acts of corruption”. (May 2014)

“Four judges from Bucharest Court were sent on trial by the DNA for diverse offenses, among which abuse of their office and bribery”. (June 2014)

“Two judges from Dolj County Court were sent to court for taking bribes”. (June 2014)

“Judges B. and P. (Rădăuți District Court), were suspended by CSM (*i.e.* Supreme Court of Magistrates) after they were sent to court for corruption”. (October 2014)

“Sending to court of a former judge of the Bucharest Court of Appeal for taking bribes, influence peddling and false entries”. (December 2014)

“Judge N.T. (from Pătărlagele Court) sent to court by the National Anti-Corruption Directorate for bribery and abuse of office”. (April 2015)

6.4. POLITICAL CORRUPTION – THE MOST IMPORTANT AND SERIOUS FORM OF PATHOLOGY OF THE POWER

The most prevalent form of corruption in Romania is the political one. For the past three years, the National Anti-Corruption Directorate have instrumented dozens of files in which the suspects are politicians, ministers or former ministers, parliamentarians and others from the apex of power. Although the political corruption (the major corruption) has been constant in Romania, during the process of transition, only recently began its extent to be disclosed. At the end of the year 2015, for example, there were 385 cases of *big corruption* pending before the court of law.

Only in 2015, a number of 17 parliamentarians were convicted outright or have resigned as a result of investigations in which they were suspected of acts of corruption.

The list of political parties representatives in Parliament, including ministers, former ministers and other public officials with important public functions who have committed criminal acts, in particular acts of corruption, however, is much higher, reaching a staggering figure of 95 (see *Table 1*).

Table 1

The number of senators, deputies, ministers or former ministers that are investigated, judged or convicted for criminal offenses, including for acts of corruption.

Parties from which they belong	Investigated by prosecutors or already sent to court	Convicted (inclusively the ones with final convictions)	Who resigned following the investigation or criminal conviction	Parliamentarians whose criminal investigation has been rejected by their colleagues' votes	TOTAL
Social Democratic Party	21	8	9	2	40
National Liberal Party	10	5	9	1	25
Liberal-Democratic Alliance	–	2	2	3	7
Democratic Hungarian Union of Romania	1	2	2	1	6
National Union for the Progress of Romania	6	2	2	–	10
Parliamentary Group of the National Minorities	1	6	–	–	7
<i>TOTAL</i>	39	25	24	7	95

Source: Elaborated after the investigation conducted by D. Miron, in „*Știripesurse.ro*” (2015)

This, without taking into account the number of those who are part of the instrumented files, that are kept in secret by the National Anti-Corruption Directorate.

In other words, over 16% of the current figure (583) of the Romanian MPs have committed illegal acts, sanctioned by the criminal law. Among these measures, the following should be mentioned: corruption, bribery, fraud, traffic of influence, abuse of Office, forgery or use of forgery, tax evasion, money laundering, financial transactions or operations that are incompatible with public office, illegal subsidization of election campaigns, the provision of preferential loans, illegal land restitution, conflict of interest, etc. Among the 95 members of the Parliament are include 16 former Ministers and three former Prime Ministers. Recently resigned (November 15) from the post of Prime Minister, as a result of “street” pressure, V.P. (deputy) is, for example, investigated for criminal false entries, with complicity in tax evasion and money laundering. For his part, the former Prime Minister of the immediate post-revolutionary period, P.R., is being investigated for criminal conflict of interest. Also, A.N., another Prime Minister from the period 2004–2006, was sentenced to two years in prison for corruption.

Enrolled, in turn, in this list, the current leader of the Social Democratic Party, L.D., was sentenced to a year’s suspension for fraud in the 2012 referendum.

Although immunity is an expression of freedom and not an institutional protection of persons namely, Romanian lawmakers have often blocked, and are blocking further the withdrawal of immunity from criminal prosecution, respectively of some of their peers. In this case, as in others, the power conferred by the public office function is perverted and used for personal purposes.

7. IS IT POSSIBLE TO FIGHT CORRUPTION AND PATHOLOGIES OF POWER WITH THE BALLOT BOX?

Regarding the corruption extent in Romania, a lot is to be said and hundreds of examples or case studies could be given. Despite some progress registered, especially by the National Anti-Corruption Directorate, there are not yet institutions, mechanisms and structures to be effective, but neither the appropriate mentality to support an ongoing effort, with tangible results in decreasing and preventing this real “disease”, which the Romanian society is being confronted with for the past about 25 years. In relation to the state of prolonged anomie in Romania, the corruption has become a kind of illegitimate “institutional innovation”, in the sense postulated by R.K. Merton.

Despite all the efforts, nowhere in the world, the corruption cannot be entirely eliminated. More important than eliminating corruption, however, is keeping it under control, in such a way that it becomes intolerable in moral terms and legally sanctioned. As a report from the World Bank underlined: *the endemic corruption cannot be controlled by the moral crusade. People are responding to*

stimuli, not to moral calls (...). Through the control exercised over corruption, the report expected from a public official between cost and benefit arising from law may be higher than the ratio between the cost and the benefit of a corrupt conduct (...). Public officials must perceive a substantial risk in the sense that if they adopt a corrupt conduct they will lose their jobs, they will lose assets acquired illegally and will even get to prison (World Bank, 1999, p. 1).

As the pathology of power, corruption in the sense postulated by Paul Farmer (2003), is a form of structural violence on the population and a flagrant violation of the citizens' rights, which generates inequity within the society and suppresses the individuals from having access to the resources.

However, far from the sustaining the inevitability thesis of corruption, we appreciate it as an element which forms an integral part of the costs and the "logic" of a seemingly never-ending transition, developed in a political system unable to handle the current social and economic issues (Scott, 1967, p. 99), becoming a true-paradoxically – "functional substitute" for the reform (Huntington, 1968).

Corruption in Romania is a pathology of transition or a structural one? Could it be eradicated through harsher punitive sanctions or maybe even the citizens vote could weaken or prevent it? We think that Romania's population did send recently an optimistic and positive answer to this fundamental question. Thus, by the end of 2014, the Romanians elected a new President, this time, unusually, from among the German ethnics, hoping that he would make "a different kind of politics", in favor of the Romanian citizens and not in the interest of political parties. Also in November 2015, due to street protests as a result of the tragic events at the Colectiv Club, in which 63 young people have lost their lives, while other dozens were injured, V.P., the then Prime Minister, was forced to resign. In this case, the slogan "corruption kills", became the binder of crystallization of a genuine "community consciousness" in the fight against a pathology of power and of the development that has grown beyond measure in post-Communist Romania.

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