

**SIXTH FRAMEWORK PROGRAMME OF THE EUROPEAN COMMISSION**



**RESEARCH PROJECT: CRIME AND CULTURE**

**Crime as a Cultural Problem. The Relevance of Perceptions of Corruption to Crime Prevention. A Comparative Cultural Study in the EU-Accession States Bulgaria and Romania, the EU-Candidate States Turkey and Croatia and the EU-States Germany, Greece and United Kingdom**

Project no.: 028442

Instrument: SPECIFIC TARGETED RESEARCH PROJECT

Thematic Priority: PRIORITY 7, FP6-2004-CITIZENS-5

**RESEARCH REPORT ROMANIA:**

**Perceptions of Corruption in Romania  
A Content Analysis of Interviews from Politics, Judiciary, Police, Media,  
Civil Society and Economy**

**Author Dr. Iuliana Precupetu**

Period covered: from November 2006 to October 2007

Date of preparation: October 2007

Start date of project: 1<sup>st</sup> January 2006

Duration: January 2006-December 2008

Project co-ordinator name: Professor Dr. Ioan Marginean

Project co-ordinator organisation name: Research Institute for the Quality of Life-Romanian

Academy (ICCV)

Revision (draft 1)



## 1. Introduction

During the past two years Romania continued with both its legislative and institutional efforts targeted at preventing, sanctioning and combating corruption. Corruption remained the main topic of interest of the public discourse. Extensive efforts have been undertaken up to 2006 in order to create the legislative framework and build the institutional capacity in order to curb corruption. During 2007 reform continued in the direction of a structural transformation. Essentially, the various reports looking at corruption in a comparative perspective acknowledged change in Romania in the positive sense.

According to CPI 2006 ranking, Romania is placed 84th in the hierarchy of countries, with a score of 3.1<sup>1</sup>. The CPI varies between 9.6 in Finland, Iceland and New Zealand and 1.6 in Haiti. Even though a slight continuous improvement of scores was registered in time, between 1997<sup>2</sup> (score 3.44) and 2006, the score based on perceptions of country experts and analysts still indicates a high level of corruption.

Looking at control of corruption as one of the six dimensions of governance, WB report on governance (2007) reveals a continuous increase in this indicator starting especially with 2002 and marking a more pronounced evolution in the period 2005-2006. This reflects the great effort that has been put into creating a broad legal and institutional framework designed in order to target corruption prior to Romania's accession to EU in 2007.

Freedom House report 2007 placed Romania's corruption rating at 4.00 (on a scale from 1 to 7, where one means highest level of progress and 7 the lowest level), which marked an improvement in comparison to previous years and continued the positive trend registered by the country in the past years. This progress in ranking has been explained through the growing effectiveness of anticorruption reforms.

Concentrating on the evaluation of legislative and institutional framework designed in order to prevent, combating and sanctioning corruption, TI Romania report (2007) indicated that mechanisms put into place in order to fight corruption have both negative and positive aspects and a number of public policies that have had so far weak outputs.

Although there is evident progress in the field of anticorruption as mentioned by the various reports quoted above, the main topic of debate in Romania remains the actual results of investigations in corruption cases. The main issue in this respect is the seemingly high number of suspended sentences especially in high level corruption cases.

---

<sup>1</sup> no of surveys 8, confidence range 3 - 3.2

<sup>2</sup> first year of survey for Romania



## 2. Methodology

The main purpose of this report is to understand the perceptions towards corruption held by the representatives of six target groups who are engaged in targeting corruption: economy, politics, civil society, media, police and judiciary.

The present study uses a Grounded Theory approach aiming at reconstructing the profile of corruption in Romania as revealed by perceptions towards the phenomenon. This methodology entails a bottom-up approach which inductively derives theory from empirical data without necessarily bringing into play the existing theory from literature.

It rather aims at discovering in an open way the patterns of perception towards corruption in the attempt to reveal Romanian lines of reasoning. These argumentative patterns containing accounts of corruption derive from the present circumstances of Romanian society as well as from its particular social and cultural framework. Consequently, the analysis of perception models sheds light on both these elements. Following this premise of the research project (Taenzler, Maras, Giannakopoulos, 2007), the present analysis reveals the common sense theories of corruption in Romania.

### 2.1 Data Generation

During the second empirical phase of the research project, interviews have been conducted with experts<sup>3</sup> from institutions having important roles in targeting corruption: economy, politics, civil society, media, police and judiciary. The field work was performed in the period January - September 2007.

According to the common methodology of the research project, for each group, two interviews have been carried out, with the exception of NGOs and Police groups for which three interviews have been conducted.

The focussed in-depth interviews were based on an interview guide common for all subjects, which was adapted to the field of work and particular expertise of each interviewee. The average duration of the interviews was one hour and twenty five minutes.<sup>4</sup> The interviews have been digitally recorded for most experts while in two cases handwriting notes have been taken.

The purpose of the interviews was to elicit thick descriptions of corruption. These thick descriptions which are dense in terms of information and evaluation allow for an in-depth understanding of the 'every-day theories' of corruption.

---

<sup>3</sup> We would like to thank to all the experts who answered our questions and their valuable contribution to our study. Also, many thanks to the National Anticorruption Directorate and General Anticorruption Department of the Ministry of Interior and Administrative Reform for their continuous support to our research.

<sup>4</sup> From the calculation of this average it was excluded the extreme time of one interview which was fourteen minutes.



## 2.3 Analysis and Methods

Two types of strategies have been employed in data analysis. The first one, goes across the material gathered, namely interviews, trying to follow the concepts identified. This strategy employed in analysis is based on analytic interpretation (Denzin, 1989) which essentially entails the use of an abstract scheme derived from research. It assumes a variable language making use of the concepts resulted from open coding. The strength of this approach is in its capacity of easily highlighting a rather comprehensive and clear outlook of corruption, even though the 'story' of corruption tends to become rather fragmented by the consecutive description of variables. The interpretation is multi-voiced in the way that it uses the voices of those interviewed in order to build an account of corruption.

The researcher takes a 'back seat' in this approach. The 'voice' of researcher is to be heard in two instances. The first one is the mode of conceptualisation of perceptions, of using abstract notions that can make up models. The second situation in which the researcher has had a 'voice' was that of 'interpretation': the perceptions that constituted the primary data have been 'interpreted' only to the extent that they have been placed into a larger context and sometimes explained in relation to the specific Romanian reality. The researcher's 'input' has been, in this way, limited and the main lead belonged to the various stances expressed by those interviewed.

The purpose within this strategy of analysis was to further contribute to the generation of a substantive level theory of corruption which was advanced in its initial form during the previous phase of the research project. Such a theory entailed essentially several steps<sup>5</sup>: highlighting the content (definitions, characteristics) of the core category of the study (corruption), exploring the causal conditions that influence the phenomenon, identifying the actions or interactions that result from the central phenomenon and delineating the consequences of the phenomenon. The current stage of research brought more evidence for the validation of this substantive level theory on several dimensions.

The second strategy of analysis is concentrating on each interview which is taken as the basic unit of analysis. In this case, the purpose is to analyse more in-depth certain positions towards corruption and more extensively describe them. This analysis can reveal certain paradigms, lenses that are used by the participants to our research in order to explain corruption. The discourses on corruption go around pivoting ideas to which interviewees appeal. They go back and forth around notions that they emphasise and that constitute the hardcore of their argumentation. The analysis was carried out with the purpose of revealing these anchor ideas.

The method used in analysis was qualitative content analysis which is an approach of empirical, methodological controlled analysis of texts within their context of communication, following content analytical rules and step by step models, without rash quantification (Marrying, 2001).

The interviews have been analysed by using the system of categories elaborated during the first phase of research. Also, the new information contained in the interviews was added in order to complete and restructure the system of categories and new codes have been created. The categories were developed inductively by employing the procedure of open coding.

---

<sup>5</sup> Adapted from Strauss and Corbin (1990)



Categories were created based on codes which were carefully founded and revised within the process of analysis in feedback loops. Trained members of the project team coded the material.

The chosen unit of analysis was the theme and step by step codes were created out of the material. Data analysis for each case involved generating concepts through the process of coding which represents the operations by which data were broken down, conceptualised, and put back together in new ways (Strauss and Corbin, 1990).

Within the first strategy of analysis, the material provided by the interviews was analysed by using computerised analysis software, Atlas-ti.

For the in-depth analysis of interviews, Hamlet software<sup>6</sup> was used. The purpose was to identify for each interview, based on simple frequencies of categories, the hardcore of argumentation in regard to corruption. The analysis produced very clear results in four cases out of the fourteen interviews analysed. In these instances, the analysis revealed significant differences between the categories analysed and made possible discrimination among them. These positions have been described separately and named according to their pivot ideas.

No personal data like age and/or occupation has been provided in case of quotes for the interviewed experts in order to insure confidentiality. The interviews have been numbered by groups in the order in which they have been carried out. The quotes have been reproduced exactly from the recorded interviews. Some short phrases have been occasionally taken out when redundancy was present.

### **3. Perceptions Towards Corruption**

#### **A. Further Evidence for a Grounded Theory of Corruption**

##### **I. Characteristics and Mechanisms of Corruption**

###### **1. Spread and Forms of Corruption. How Corrupt is Romania? Drawing Shades of Corruption**

During the past years, a strong discourse about corruption overshadowed all the other major themes of public interest in Romania, especially in the period prior to Romania's accession to EU. Looking at the discourse centred on corruption, the analysis carried out in the first phase of our research used public documents elaborated during 2001-2006 and revealed perceptions towards corruption of the six target groups of our study. The analysis showed a perception of a highly corrupt country. There was a wide agreement among all target groups that corruption became generalised in all spheres of Romanian society representing thus a dangerous and grave phenomenon. Consequently, in terms of spread, corruption was perceived as all-encompassing, being, along with poverty, a major problem of Romanian society (Precupețu, 2006).

---

<sup>6</sup> Free version downloaded from the Internet: <http://www.apb.cwc.net/homepage.htm>



In the same time, the discourse on corruption was not nuanced in any way. It developed around an aggregated concept without generally differentiating between forms or grades of corruption. While by and large the analysed discourses acknowledged the various institutions affected by corruption, they still didn't distinguish tones of phenomenon.

Perceptions of interviewed experts on **spread of corruption** create a different picture. First, most of them tend to point to the fact that corruption is rather isolated and not having that great magnitude, revealing thus a certain contrast to the results obtained during the first phase of research. Second, the experts distinguished between various forms of corruption and their extent among various institutions and/or different segments of society.

This can mean that, on the one hand, experts are well informed on the actual situation in the field of corruption and anticorruption and they define the reality of corruption according to their own experience. On the other hand, some change happened during the time of previous analysis and the present. As in 2006, the year previous to EU integration of Romania, the country was facing the risk of activating the salvaguardation clause, a compelling discourse on the issue and significant efforts to combat the phenomenon characterised the period.

It is possible that 2007 marked a new stage in dealing with the issue of corruption. The discourse on corruption as such faded to a certain extent<sup>7</sup> while institutions specialised in anticorruption have carried out their activity following the extensive earlier efforts of building the institutional capacity. In the same time, along with some political commotion it was also visible a certain degree of conflict over corruption issues among the institutions with responsibilities in anticorruption fight. In this case, the perceptions of experts can reflect this new phase of addressing corruption.

While acknowledging corruption as a universal phenomenon for all societies, most experts consider that it occurs rather sporadically, being a deviant conduct, rather than a generalised phenomenon which affects Romanian society.

*It is a deviant isolated practice. Corruption in Romania is not phenomenon. This is from my experience. (...) It is definitely isolated, there is no such thing as a phenomenon. It appears sporadically depending on certain conditions. (S1, Police)*

*Corruption is a universal phenomenon in developed countries too (...). If we look at corruption globally, I believe in Romania corruption is within acceptable limits. If we look at it as a principle, of course, we have to combat it but it is not possible to totally eradicate it. (S1, Economy).*

*As an influence in the economy, corruption is very low in comparison to other countries. It does not affect GDP so much. It has a very low influence in comparison to other countries and I can give as examples Italy or Greece. (S2 Media).*

---

<sup>7</sup> It was pointed out in the media that fulfilling the goal of European integration was followed by a moderation of anticorruption fight.



The reach of corrupt behaviour is uneven, some spheres of social life are more affected by corruption than others.

*I do not think corruption is a behavioural pattern in Romanian society (...). There are activities and domains where it is less present and some others where it is generalised. We speak here about public servants where we still have big problems, judiciary maybe less and less but still with difficulties and domains involving (public) contracting. (S2, Economy)*

*Corruption in judiciary is quasi-generalised, I cannot say that all magistrates are corrupt but I can say that you can find unethical behaviours not to mention games of interests and other bad things like abuse of procedures. (S1, NGOs)*

While some segments of society are perceived as deeply corrupt, there are others that are not in the public eye, even though corruption might affect them as well.

*In universities we don't talk about plagiarising, about promotions based on "beautiful eyes", about those who have good relations with the dean and get two workloads while the others only get one (S2, NGOs).*

Various **forms of corruption** having different scopes and influence in society are discerned by experts. Most of the persons interviewed made the distinction between small and grand corruption. Also recognised as different is the outline that corruption takes in public and private realms respectively. Corruption in private realms is only briefly acknowledged by experts from NGOs, economy and media. The major focus is on corruption that develops within the public sector and in its relation to the private area. This signifies that corruption arising in private companies is not yet a theme for discourse in Romania and for the moment is only succinctly recognised.

The various forms of corruption are considered as governed by different logic and stemming from dissimilar opportunities. The small corruption is perceived as plaguing especially the public sector being quite broad, while grand corruption is considered as less spread and more difficult to understand and penalize.

Also, the public tolerance to these forms of phenomenon is different according to one interviewed journalist. While small corruption is considered as acceptable in society, the grand corruption is highly rejected by the public.

The "cultural corruption" identified as such by one representative of NGO involves small bribes or presents in various forms and is to be found especially in relation that citizens develop to the health, education systems and more generally public administration. This phenomenon is considered to be rather generalised and already part of the people's mind set.

*It's not like you feel about all the teachers in school, giving them flowers at the end of school year or first of March.( ...). You can only give them if you are satisfied with your child achievements. But for us it is a mechanism that became routine, it is a burden. (S1, NGOs)*

Here things should be more nuanced according to experts from judiciary, media and NGOs and we should distinguish between gifts and bribes. Usually the label of corruption encompasses even the situation in which gifts are given as a matter of gratitude. For example, we can speak of gratitude if a doctor saved a life and received a gift. This is a normal feature of social relationships which is wrongly labelled as corruption. According to this opinion, such situations should be regulated in the way that such gifts are declared and taxed. Laws sometimes do not keep up with the mode in which social relations develop.



*For example, the need to be grateful to a doctor who did you a lot of good is different from bribe. Especially that we know some doctors do not fare well since they have such low salaries. Those with higher positions fare well while the young doctors are doing very badly. This is why appears a natural need to give them a gift, more or less important as value. I suppose that in the health private system also gifts are customary but they are rather symbolic. (S1, NGOs)*

Another form of corruption identified by an NGO representative affects state institutions as such and their functioning: it is seen as endemic in the health and education system and public administration in regard to public contracting, licenses, etc. This sort of corruption is embedded in the very operation of these institutions and heavily impacts on their performance.

One more form that corruption embraces in the view of an NGO representative is the one that can almost completely paralyse the state institutions, dragging them into patterns that are close to organised crime. The corrupt behaviours that used to be present in the customs or that currently accompany the system of medicine acquisition illustrate this form of the phenomenon discussed here. They strongly depart from the rule of law and fair competition and turn into well designed mechanisms that capture whole organisations.

*For example, we used to have in customs<sup>8</sup> this model: they were raising 'contributions' (share of bribes) from custom officers, then from the heads of shifts, up to the head of the custom, regional custom head and finally to the direction. It was a basket pattern. (S2, NGOs)*

## **2. The Logic of Corruption: a Multifaceted Phenomenon**

At individual level, corruption involves an *economic calculus*, apparently acting like a shortcut for solving problems. In the short run, the costs might seem acceptable to those involved in such behaviours. The nature of corruption essentially lies in economic grounds for the NGO's experts and one media representative. While also acknowledging its moral component, they consider corruption as an economic relationship. Both parts involved obtain benefits by taking on the potential risks involved. It is seen as a rational individual choice given the tough conditions in which citizens have to act.

*You give something in order to obtain something else, either you are entitled to it and obtain it faster or because you are under the pressure of bribe demand. When you get to the hospital, the doctor will not look at you, you would not be willing to give bribe but you know, you got into the hands of doctors and have to empty your pockets...it is not like you want it, it is an economic rapport (S1, NGOs)*

*People in these days live in mathematical ways (...). They make calculations, those who get involved in such things. What do I gain from corruption, even if I am caught, and which is the probability to get caught. If this probability is low...(S2, Judiciary).*

Besides the individual decision for involvement in corrupt actions, looking at phenomenon as such we can observe its flexibility in moving along with the economic opportunities, according to one expert from economy group.

---

<sup>8</sup> To mention here that this type of corruption in customs have been tackled in Romania and progress has been registered in this direction.



*Corruption appears in every hot economic sector. I suspect that corruption is more concentrated in real estate and everything that has to do with it. (...) If in 5 years Romania will boom in telecommunications you can be sure that it will settle there. Corruption is very flexible and very well trained, it moves where the return rate of the investment is high in the short term. (S1, Economy)*

At micro level, corruption is based on a “small understanding” which entails an informal agreement between those engaging in corruption acts. This understanding goes beyond the formal rules and backs up the unlawful undertakings. Its origins are traced by one NGO expert back to the pattern of societal development of Romania, as far as such informal contracts used to operate in traditional societies.

*Looking at other domains where corruption appears, in the police for example, this is where small corruption is, where the “small understanding” works, the need for becoming rich of Police officers who have small salaries and doubtful morality... and the preference (from the part of people) of not paying the full value of a ticket (speeding, parking etc) but a quarter or a half of it by breaking in this way some moral principles. (S1, NGO)*

Also, corruption is viewed by one judiciary representative as being founded on an understanding as a powerful commitment creating bonds between people in their illegal actions.

*(... ) corruption is a manly thing. If we shook hands, we got an understanding ..., we say it has a mafia character. We shook hands, you give me 100000 and I help you. If that person satisfied his interest and the advantages are much higher than the 100000 bribe, he will never talk. (S2, Judiciary)*

The relationship between the two parts in corruption acts is conceived as being egalitarian and involving an exchange. In case of public positions, the trade in itself, however, is unequal in regard to the nature of goods being exchanged: while the one who is trying to corrupt is handing over his own money and goods, the servant is exchanging something belonging to the state.

*It is an exchange. But the citizen brings in something of his own while the servant trades something that is public. The state invested you for a clear purpose. You negotiate something that is not negotiable from the start. (S1, Police)*

*To a certain extent, both parties benefit from engaging in corruption. (...)The power relation is dual and this makes very difficult to abandon the corrupt behaviour, both parties are bonded. (S1, NGOs)*

Corruption is perceived as *machinery* that keeps people within by developing certain mechanisms to push them towards conformity to illegal practices. Material gain, blackmail and personal vulnerability triggered by initial involvement into corruption are such mechanisms.

*We have a saying: when you entered the “hora”<sup>9</sup> you will never leave. This is mostly valid for prosecutors, judges, policemen. If you got into corruption once with a lawyer or someone else, you cannot escape. You become vulnerable. (...) First, it is because you need some extra money. Second, if you refuse him, you are afraid he might say, ‘take care, I know you with*

---

<sup>9</sup> Traditional Romanian dance



*that business in the past'. There are things that are about the system you belong to. (S2, Judiciary)*

Representatives of judiciary pointed out a mechanism of corruption which is the political order carried out through *a phone call*: investigation in corruption cases revealed that people with certain positions within institutions engage themselves in corrupt actions as a result of request, through a phone call, from a person having a higher position within same or other important institution. The status of respective person seems to justify the order/request and the consequent actions even though they might be illegal. The individual receiving the respective call carries out 'the order' as considers the actions are legitimised by the position of the one making the call.

It is possible that this can be interpreted through a certain relationship that people have to the 'power'. They relate to higher positions within various hierarchies based on authority of their superiors. Especially in contexts where the 'distance to the power' is high, where organisational structures are elevated, people tend to respond submissively to organisational layers and their corresponding authority. This sort of automatic response is helping them in maintaining their own positions.

Corruption has become, in the view of representatives of judiciary, the name for all the wrong doings in Romanian society. Consequently, the blame is being placed on the institutions designed to fight corruption which are called to investigate problems that are not legally under their responsibilities, like bankruptcy of banks or issues of subsidised medicines. It is also used as a simple explanation employed in order to account for drawbacks of various institutions and even for the successes or failures at individual level.

Grand corruption becomes an ever-increasing sophisticated phenomenon. It uses very modern means and it develops along with the new technologies. It certainly has a global dimension as it encompasses entities that cross classical borders.

*We talk about a phenomenon which is very hard to prove if you do not carry out investigation in real time. We talk about closed doors behind which there are persons who plan something somewhere in Romania. Maybe next time they will not even meet on Romania's territory but abroad, on an island, and they talk, they know what they have to do, I do not know what they did. (S2, Judiciary)*

In the beginning of transition, corruption involved a sort of wild accumulation of capital while in our days it entails more tactical and refined ways.

*Now they do not have anymore that exaggerated greed, like 'I do this for you but tomorrow you come with the envelope (money). It is not about this anymore, now they have information systems, they transfer the money, they leave cybernetic traces, we can find them but many persons can intermediate the way, lawyer firms, consultancy firms and you cannot prove this is corruption. (S2, Judiciary)*

Apart for turning into a more refined phenomenon, it is also possible that in some areas corruption will exhaust itself, as society becomes more democratic and provides people with multiple choices for the paths they choose in order to solve their problems.

*In the '90s it was almost blackmail. But now, with competition in society and the many institutions, people can solve their problems in various ways, they do not depend so much on bribe to solve their problems.(S1, Judiciary)*



### 3. Too Much ado About Corruption. Do Romanians Live in an Oversized Reality of Corruption?

Many opinions expressed by the experts indicated a distorted perception towards corruption that would characterise the image that Romanians have on the phenomenon. Some views tend to suggest that perceptions on corruption are far above the ground and strongly depart from the objective reality. This would be essentially due to the highly visible model of the new rich as well as to the way media portrays it. The lack of transparency about the mode in which wealth was accumulated also contributes to the misrepresentation of corruption according to one expert from media group.

*Several years ago there was a kind of mania about Nastase, you went somewhere and every big villa was attributed to him by local people. There was something there, sometimes the one holding that villa was Nastase's men but exaggeration was big... (S1, Media)*

*The anticorruption rhetoric became an element of political routine. In 2004 electoral campaign, the message was 'down with corruption', it was a social message of the current government. (S2, Judiciary)*

However, discourses on corruption, even though accompanied by exaggeration, are necessary in some views because they exert pressure towards institutions and push action against it. It is illustrated by the “*Monica Macovei phenomenon which was essentially mental*” in the way that it catalysed social engagement against corruption. (S1, Media)

The great emphasis on corruption especially in the media encourages an oversized perception of corruption and induces in the citizen the feeling that he lives in a society that is profoundly corrupt. The first effect of such distorted perceptions is the unjustified generalisation for entire professional categories. Secondly, such deformed reality of corruption is used as validation of individual corrupt conducts. At individual level is used in order to overcome the cognitive dissonance that might accompany corrupt behaviours.

*We reached a level of perception that is equal to reality but we are confused because of the media. We consider that all politicians are corrupt, it is not like that. In the same time, we consider that is normal to 'give' (bribe) to the doctor in order to obtain a compensated prescription or a medical leave, this is the kind of corruption that we do not perceive as such. Or we do, but we accept it. (S2, NGOs)*

*(...) there are perceptions in the sense of generalisations, when we say 'all judiciary is corrupt, all politicians are corrupt'. This kind of discourse is disproportionate. (S1, NGOs)*

*(...) I think that people hide behind generalisations and find excuses for their behaviour. If everyone is corrupt, then my (corrupt) gestures are much more tolerable. On the contrary, corruption is something that is imposed on me. (S1, NGOs)*

At micro level, people develop personal strategies in order to solve own problems that make use of corruption contributing thus to perpetuating the existing system.

*We have this tendency to place the guilt on others, like 'the servant is culpable that I had to give him a pack of coffee because I needed that document in two days'. But I actually knew two weeks ago that I needed that paper. It is a matter of management, if you give up by saying that things are going this way, you take part in this mechanism. (S2, NGOs)*



It seems that in time some practices turned into deeply rooted social customs. This would be the case of the corruption in the health system. While in the public system under the table payments are usually motivated by the low salaries of the personnel, in the alternative private health system where taxes are paid, the practice of extra-paying is still present to a certain extent.

*Even when you go to a private medical cabinet and you pay the cost for consultation you still feel the need to give something to the doctor. It is like you don't feel well if you don't do it. (S2, Media)*

## II. Causes of Corruption

### 1. Economic Backgrounds of Corruption

#### 1.1 The Transition Context

Corruption grew in Romania nurtured by the early context of transition. The process of replacing the deep-rooted old policy frameworks with new policy structures based on new principles was accompanied for a given period of time by a legislative and institutional vacuum. This has led to big dysfunctions in society in the opinion of one representative of judiciary. The large scale transformation was accompanied by almost unavoidable difficulties. *There was no one to make laws. It was a historical phenomenon. That was not the time to create institutions. It was all like an open field and each person managed on its own. After a decennium of transition we began to recover. (S1, Judiciary)*

The weak social control of first years of transition is thus considered as a major driver of corruption. Early '90s meant an utter rejection of rules as they were assimilated to a great extent to communist control. Therefore, the general social milieu was not favourable to law enforcing and allowed for increasing illegalities.

*I was a prosecutor back then. If I tried to enforce the law, I was considered as communist. There was no authority at the time. (S1, judiciary)*

In the economic realm, the tough economic context of the early years of transition left enduring marks on the economic development of the country.

*Everything that is happening in the present is due to the transition period when transparency was non-existent. During the first six years up to 1996 the country was at the mercy of people who did whatever they pleased. The political colours did not matter as 'crows will not take out each others' eyes'<sup>10</sup>. They divided spheres of influence, interests and it is very hard to break this system.*

*Everybody got what they wanted, they split the spheres of influence, they privatised ... (S2, Judiciary).*

---

<sup>10</sup> Romanian saying signifying an understanding between those involved in the same type of illegal pursuit



*Instead of organising a competitive economy based on free competition and having as fundament the private property, personal wealth was acquired which does not encourage competition. (S2, Economy)*

The practices established during the first stages of transformation continued over considerable time span and influenced the trajectory of growth. While the costs of initial investment in private business were high, the lack of capital coupled with the reticence of banks of lending money based on business plans contributed to an accumulation of capital many times through illegal means. Furthermore, the high taxes encouraged illegitimate activities. Such actions propagated in time to our days even though some measures have been taken in order to counter fiscal evasion, unregistered work and other illicit practices which go hand in hand with corruption. Even so, law enforcement is a major weakness that still leaves space for flourishing of wrongdoings.

*...because of the high taxes some try to elude the law in one way or another. If law would be very clear, very tough but more flexible about the taxes, I am sure many people would not risk their business. Here there is another problem in Romania, there are firms and persons who over time practiced such illegalities and when they were caught they were not forbidden to carry out their activity. (S2, Economy)*

## **1.2 Short Term Opportunities for Corruption: Privatisation of State Assets**

Privatisation itself illustrates this process of switching from the state regime of command and control to institutions governed by market incentives. The perceptions towards the process of privatisation and its facets vary among the persons interviewed. While some opinions tend to indicate an illegal course of action, others use distinctions in order to highlight a more complicated procedure.

*Before 1989 there was also corruption at another level in terms of advantages obtained. Afterwards, there was a higher possibility to have access to privatisation and public contracts. The state is also much weaker and people have little fear of it. Corruption maybe developed or embraced other forms. (S1, Politics)*

*I believe that overall the privatisation procedure in case of big privatisation was done by the law but the money was made in small privatisation, small business where there isn't so much control. Besides privatisation, the best money is made in public contracting. (S1, Economy)*

According to the opinion of one representative of judiciary, in regard to privatisation the problem was that of the financial regulations at the time which dated back to the 70s. Essentially, there were no rules according to which one would have been able to judge at the time of privatisation. Consequently, the state assets were valued according to their "inventory value" and not at the market value. The former assessment was usually much higher than the latter but did not correspond to the actual market price that an investor would be willing to pay. This is why, in the opinion cited, some state assets received low prices as strong criteria were not into place.

However, this argument, responds to one side of the problem, that of the value of state assets. The other side which was widely debated in regard to the process of privatisation concerns the actual hands to which the wealth was transferred.



One more aspect can be invoked in relation to the intricate economic context of early transition in Romania. Keeping alive the state companies even though they were not profitable was, in the perception of one representative of judiciary, a political decision that, moreover, brought more problems. Credits have been given in order to support the respective companies which were never returned to banks and led to huge losses in the economy.

In the present, the fact that political realm is still controlling economy is acknowledged as a major seed for corruption by the representatives of judiciary who consider that the higher the political involvement in the economy the higher the corruption is.

For the economic field, a complex of factors can account for the flourishing of corruption. Features of the economic environment like the excessive bureaucracy, a legislative framework still not clear enough, lack of transparency, disloyal competition create a broad background which is still fertile for corruption.

*In the business world, it is about the need of quick development, in connection with the fuzzy legislation and the bureaucracy which determined business people to constantly use bribe. (S1, NGO's)*

*Transparency is not yet as it should be, there are many problems in the field of transparency and competition, there is still tolerance towards disloyal competition and favouritisms that government and other state institutions are practicing in a hidden way, maybe less than in the past but there is still this practice. (S2, Economy)*

*Excessive taxes for salaries „we are among the countries with highest taxes on salaries (S2, Economy)*

### **1.3 The Intricate Overlapping Positions: ‘the Bread and the Knife’**

Corruption is triggered by the overlapping economic and political positions, which transcend formal organisations and are organised around private interests. To this opinion adhere representatives of media, judiciary, NGOs, economy groups. However, the role of this phenomenon in corruption is conceived differently by experts. Some views point out that the intersection of political and economical positions is still a mere reality originating from the convoluted circumstances of early transition. Other points of view indicate that the economic development of the country conducts over time to a natural separation of the two realms, contributing thus to a sort of drainage of corruption that is fed by the connection between economy and politics.



During transition, an important role in feeding corruption has had the overlapping political and economic positions. *“...this is very important because in this case you have in your hands both the bread and the knife (...). When a business man has a political position, he will benefit from transition mechanisms in order not to be transparent. When you have to make a decision which is discretionary because is not made by two people but one and there is no clear procedure while control mechanisms are atrophied ...then corruption increases. (S2, NGOs)*

Overlapping political and economic positions although still important in corruption phenomenon, have been particularly significant for the privatisation process. This type of corruption is exhausting itself due to the use up of the opportunities in this area.

However, the current situation in the economic sphere tends to develop in a more independent way from the political area according to one representative of economy group. While initially wealth accumulation was largely based on connections between politics and economics, at present there is another emerging model, that of the ‘clean’ development of business in a free market economy. This is to be seen in the top 300 of the richest persons<sup>11</sup> in Romania where the top positions are taken by those who made their wealth in the early stages of transition but there is also a segment that shows no political implication.

*Political people are the ones who are behind the major economic activities. What is currently going on in Romanian politics is an attempt to re-establish the economic power on different bases. After the revolution of 1989 a powerful economic oligarchy was established which managed to lead the country from the shadow and now they have their representatives in politics. At present, there is an attempt to clean this area, re-settle economic power and re-dividing of spheres of influence. (S2, Economy)*

Besides the link between economic and political statuses, there is also another sort of relationship, that between economy and judiciary which is revealed as highly detrimental to an independent justice and a correct fighting with corruption.

*For the doubtful quality of judiciary can account the pressure or the system inherited and cultivated by the top business people, including here people from former “securitate” who became business people. They have the interest to maintain control over the judiciary. (S1, NGOs)*

#### **1.4. Social Factors of Corruption: A ‘Two Speed Society’?**

A complex set of social factors contributing to corruption has been identified in the views expressed by interviewees. In social realm, more nuances of corruption have been highlighted by the perceptions of experts.

Romanian society is seen as developing ‘in two speeds’ on two major coordinates. First, there is a difference between the public and private sector in regard to values orienting their activity, models of social action promoted, actual performance of institutions and grade of corruption affecting them.

Second, another major separation pointed out by the opinions expressed is one that concerns social cohesion. The experts brought up the problem of social polarisation and the subsequent visible differences between social groups in society. Along with debating the social models

---

<sup>11</sup> This is a hierarchy of people according to their personal wealth drawn by Capital weekly magazine



provided to people by the current Romanian society are also contemplated the inequities and disparities that seem to characterise the social setup.

Social and private sectors are differentiated by experts from the media, economy and NGOs. They are conceived as unlike realms in regard to type and degree of corruption. Many opinions tend to point out that public sector is more likely to be affected by corruption. Lack of responsibility towards public resources, the under-financing of public institutions and the ensuing low salaries of personnel, the more bureaucratic type of organisation all seem to contribute to a type of corruption seen as endemic for this sector.

In the opinion of one representative of target group economy, in public sector there is a higher probability for corruption to happen as people are not always accountable for the public money.

*Corruption exists in many places but where the public money is there is also the highest concentration of activities involving corruption because someone else is paying (the state). (S2, Economy)*

Corruption affecting state institutions was favoured by the transition process through the massive social transformation involving designing the new legislation, creating new institutions, reassessing the philosophy of public administration in the opinion of one NGO representative. The major process left the space for corruption to flourish and created the opportunities for state capture where “*various groups knew how to monopolise through legislation, procedures that they imposed and give them mechanisms, especially in the area of licensing and public contracting*” (S2, NGOs)

Moreover, in regard to domains like health or education, in the perception expressed from the target group economy and NGOs, they are plagued by essentially same sort of corruption stemming out from under-financing. In both instances, the personnel working in these fields will find ways to round up their incomes through conditioning the quality of their work upon the informal payments received. In case of education system, the mode in which teachers carry out their work has lead to the development of a parallel education system in the form of private tutoring which escapes legal arrangements and evades taxes. In the case of health system, the payments under the table made in order to endorse a better quality of medical services are the ordinary model describing corruption.

*If you take one million Americans and you put them in the situation of having to live on salaries we have in Romania, with the access to medical and educational resources, I am sure they will choose corruption, too. This is about the incentives that are provided to people. (S1, Media).*

In the same time, the public sector including education, health, culture, is perceived as being oversized, having large dimensions that impede on its efficiency. Together with the small incomes of the employees in this system, this factor explains why petty corruption is flourishing within it.



The public sector is also perceived by NGO's experts as lacking ethical mechanisms in comparison to the private sector where accountability means have been put into place. On the contrary, the private segment is considered as a powerful engine in society which has the capacity of showing desirable models of behaviour while public realm continues to lag behind.

Corruption flourishes in the field of public contracting, sometimes in relation to the private sector. The price of bribe is included in the total cost that is being paid by the state for goods or services in the opinion of one expert from judiciary. In this case, corruption is seen as an 'arrangement', at the expense of public money, in favour of private interests.

*Corruption is related to some illegal activities like public acquisitions, arrangements, when you favour someone on public money to gain a tender procedure. This is where we have oversized prices in order to secure the bribe because this is money which enters an illegal circuit. (S2, Judiciary)*

The system of selection and recruiting the personnel especially within public sector is regarded as affected by the network of personal relationships nurtured here: *They support each other when they advance. This is the problem. (S2, Judiciary)*. The solution is seen in the very clear, unbiased and well implemented systems of recruiting personnel consisting in objective and tough criteria to be used in the process.

*It is also a matter of recruiting human resources. Even though in our minister there is a severe recruiting system. But in my opinion the strategy on human resources is highly criticisable. (...) We start with recruiting, selection and hiring. Even though there are norms, strategy 2004-2010. Who knows it? There is on the web site. Human resources are the gate to an institution (S1, Police)*

**Excessive bureaucracy** is pointed out by representatives of both economy and police groups as facilitating corruption when speaking about public administration, where the relationship between the servant and public is involved. Formalities might take a long time (like the ones for issuing an ID card or a passport) and corruption appears as a mechanism of saving the time. However, reform of administration during the past years largely addressed these problems so as to prevent the illegal 'taxes'.

*In state institutions you have to wait five days in order to receive an approval on a document which needs 7 signatures. Each person signing that document is afraid (to take on responsibility). This is not normal, and this system blocks the institution. This is why informal relations appear, in order to move fast and solve the problem. (S1, Economy)*

*In some fields there is also a sub financing of the incomes of those who work there, the administrative rules are made in a very complicated way with the purpose to need someone to undone things so you can't do things by yourself. (S1, Politics)*

The flawed functioning of institutions is considered a major cause of corruption

*The incapacity of state institutions and not only of state institutions to offer the necessary services without an intervention, a shortcut, an entry through the back door and so on... (S1, Politics)*

As a major field of public sector, education system is singled out as a key part of the set of factors backing up corruption.



The **education system** is rather outdated in both its methods and content of learning according to one representative of economy group. The Romanian education system is traditionally rather theoretic and emphasising encyclopaedic orientation. This is perceived as unpractical and having deep resonance in educating human resources for the fields of major importance to anticorruption like judiciary. This has even more importance especially in the knowledge society. Corruption became a global phenomenon, increasingly complex due to the new technologies. It needs well educated people and appropriate methods to deal with it. As a consequence of the education system described above, the quality of human resources in judiciary realm is rather low. To this, it adds the unequal relationship which exists between prosecutors and lawyers. While the lawyers have the opportunity of continuous learning by working on few cases, prosecutors have high workloads and little time to dedicate themselves to the intricate cases.

*The law school which is extremely important is still training people like in Ceausescu's times, meaning you learn a little bit of everything and you know nothing. (...) Today economic criminality involves a lot of legislation and even experience in international transactions. Corruption is globalised today and, besides the very act of corruption which might take place in Romania, the money will tour 7000 towns. (S1, Economy)*

**Education** at individual level is also pointed as a critical factor that influences corruption by other interviewees, as well. In the opinion of one representative of Police, individuals are not properly trained to the extent that they become very good professionals and this can influence the way they understand to carry out their jobs. In this view, a low work ethic and lack of responsibility go together with low level of education of people. Eventually, there is a mix of factors that is not conducive to development either organizational or societal. To this view adhere also experts from media, politics and economy groups.

*It is definitely lack of education: since early ages we have to tell a child that giving ciubuc, persches, spaga or any other way you might call it is a negative thing. (S1, Politics)*

*In Western Europe you don't go to the doctor with a present but you pay the bill in a normal and correct way, you don't go to the town hall with a full car trunk, this is a matter of education. (S1, Politics)*

Another driver of corruption is considered to be the citizen's lack of education in juridical and institutional matters which might be a consequence of the setup of the communist society. The current framework of Romanian society is much more complicated and complex in comparison to the make-up of the former system. As a result of this aspect, people engage in corrupt behaviours without essentially comprehending all facets of their actions and the nature of the crime.

### **1.5 Social Models: 'Firing the Canon'**

Besides the line of differentiation introduced in the configuration of corruption by the ownership system public/private, the opinions expressed by experts also revealed a string of delineation induced by social inequalities.



The Romanian society in general is perceived as severely unjust. First, it is seen as polarised, with a segment of population being very rich and another part of its people leaving in poverty while middle class is considered rather insignificant.

*In fact, Romania is a deeply polarised society in regard to salaries; it is about the social condition. There are some who are very rich, like those from the top 300 who are billionaires, very rich. We don't have a middle class as it should be in all civilised societies, to have professors, researchers, magistrates who are paid at a good level, then very few people who live at the limit of existence, like it happens all over the world. (S2, Judiciary)*

In the same time, the wealth accumulation in Romania especially in the early '90 is seen as highly dubious as many personal fortunes were made in the intricate context of the beginning of transition when social control was very low. As a result, the model of social success posed by these individuals is seen as deeply wrong and further encouraging incorrect individual life strategies.

High level corruption became thus a model for the ordinary people. "Firing the canon" (a da tunuri) signifies becoming rich quickly by a move that takes advantage of certain short time opportunities, like privatisation of state assets: "what used to belong to everybody before 1990, it became the property of the few, through fraudulent methods" (S1, Media). It seems that this is the prototype of the new rich which grew to be the most powerful model of social success in the eyes of most people. They are so encouraged in their actions especially that punitive action against corruption appears to be absent.

*\This is the system: everybody sees that in order to get rich you have to 'fire the canon' and you can do it and nothing happens to you (S1, Media)*

*People judge like this 'I 'fire the canon' now, launder the money by investing into something and I will get away with it as all the others before me'. Then the media come in, announcing investigations, inquiries and afterwards you see that everything fades away, everybody goes home peacefully. Next you think 'if that person got away I will do it too'. (S2, Judiciary)*

*...when you see on TV many worthless persons who are introduced as success stories because they made fortunes (...) anybody would think 'I have to find the means to be like that person, to ride a Porsche, to go to Cote d'Azur'. Media offer some models that act upon the subconscious and when somebody has the opportunity to become corrupt, he will not pass it. (S1, Economy)*

In the same time the model posed by the new rich affects some basic social values as the accumulation of wealth is not based on personal achievements. Consequently, trust in the moral ways of social success decreases and frustration at individual level increases.

*People see that you get the car, the villa, the mistress and all other status symbols... and get frustrated (S1, Media).*

A series of inequalities and inequities seem to characterise Romanian society, constituting the sources of profound frustration among people. On the one hand many interviewees point out that there is a rupture between social effort/work and reward, the correlation between action and payment being severely impaired. The configuration of incomes/incentives reflects this situation, as not always work is remunerated accordingly. Moreover, social status is not anymore the result of hard work, effort and education but can be the output of a rapid affluence obtained in illicit ways. Education and qualification are not anymore accompanied by the consequent incentives. In this respect, the society seems to a certain extent chaotic, the



rewards being attributed to those knowing how to take advantage of the disorganisation of the transformation period and use it to personal private interests. Furthermore, the wrongdoings are not punished accordingly but seem rather ignored.

*There is no equity in what is going on. The cases in which you steal a hen and do 3 months in prison and those stealing billions and get away with it on various reasons.. Actually, the larger resources you have access to the slimmer the chances to get penalised. This is such an abnormal thing! (S2, Economy)*

## 1.6 Networks of Corruption

The networks of relationships and interests, which transcend all spheres of formal societal organisation, represent an important foundation for corruption. Social capital seems to play at times a negative role in corruption as relationships are used in unconstructive ways, especially in the situation specific for Romania in which former 'securisti' (members of communist secret service) were not revealed and still occupy key positions, according to some opinions.

*There are networks of relationships, for example in ministers, many "securisti". These are breaks for a new generation of public servants.... There are informal networks, and I don't mean exactly the top politicians like Nastase, or ministers, but at the second level, secretaries in ministers, councillors, around 45-50 they make a network. And they have relationships with the former "securitate". (S1, NGOs)*

Networks are either inherited from communist times or they come into being around current opportunities.

During communist regime, the lack of resources conducted to the establishment of networks of informal social relationships which redistributed the rare supply of goods from public system to people.

*Essentially it was a matter of survival, the networks of 'pile', and there is such a word for every post communist country, was taking care of everything, from coffee, sugar, up to good book. Corruption used to function as re-allocation of scarce resources. Money was not important but the 'pile' relations. (S1, Media)*

The type of special relationships established in communism which transcended formal organisations in the attempt to access the scarce resources is considered as continuing to today by one representative of the media and representing the seed for the current state of corruption in public system.

*"Small corruption is a direct heritage of communism... Even at the level of enterprises, they had this arrangement of exchanging non-monetary goods among them. ...The system was deeply corrupt" (S1, Media).*

The networks are also organised depending on current opportunities and around powerful interests whom they promote. They tend to constitute an accepted social norm.

*Groups are formed and when someone from that group has an opportunity for an important position which can be a source of financial resources all the group will back him up in order to get that position. This is not anymore about moral support it is like 'we help you to get there but once there, do not forget us'. It is already a standard practice and tends to obtain a moral confirmation; these are the rules of the game" (S1, Economy)*



Another facet of the networks issue is the so-called ‘**entourage**’ which is invoked as another factor that might back up corruption. In case of police officers, a model is revealed that small groups (in this case, policeman) can exert pressure towards citizens and use the situations of illegal conducts to their personal advantage.

*Or it is the entourage. In certain places they organize stakes (police officers) and they put the citizen in the situation of offering bribes in order to escape the respective contravention. (S1, Police)*

### 1.7 The Part Played by Socialisation

*Socialisation* during communist times is considered as a major cause of today’s corruption by experts from NGOs, media and economy groups. In those times, people have learned to develop life strategies within their private sphere of life and, with few exceptions, in conflict with the outside world which was not worthy of trust. Moreover, a specific rupture between citizen and the state contributed to an *impaired relationship* that people developed with their society. Morality was not assimilated in relation with the state but rather conveyed to the groups like family and friends within which people developed strong bonding relations.

*I believe that corruption has to do with the education we received. (...). I think corruption is essentially based on the legitimating of stealing in communist times. Then, stealing from the state, which was the enemy of the population, was not in itself a very bad thing. This extended to today. (S1, NGO)*

### 1.8 A Limited Press Freedom

A **not completely independent and even corrupt media** is considered as a factor contributing to the phenomenon of corruption. This is acknowledged by the representatives of media, economy and political groups.

*We should also keep in mind that the press is also corrupt. This is especially to see at local level where there is an awful situation. They are controlled by those who have a lot of money. In the same time this rich people are accused of corruption and the way they made the money is dubious. At local level, the press is of very low quality and they don’t do their duty as they should. Even when they know the situation, they don’t tell, or if they tell it is only to get revenge politically. (S1, NGOs)*

The media is considered as having a negative role in the current stage of anticorruption fight. While in the early stages of efforts for curbing corruption, it helped to a great extent in order to signal the situations of breaking laws, at the present its role is less diminished in this sense. It happens in the opinion of one media representative because journalists are no different than the rest of society: “*we are as corrupt, stupid, idiots, lame people as the rest. There are journalists who are doing their duty, others who write ‘at the order’ others who write what they think the owner of the media expects from them. This is a very sophisticated censorship.*” (S1, Media)

Also, it is to be seen in the media a sort of discourse which is not only biased but that generalises corruption and does not differentiate between the gravity of facts. It plays an important part in creating the image of all encompassing corruption.



Furthermore, media, as an important social actor, is seen as teaming up with both economic and political interests thus departing from its democratic role as a watchdog.

*There is a double guilt, of politicians and mass media to use the subject with political and spectacle connotation. Politicians who talked for years about corruption did not believe it for a second, the journalists did not believe it either. It was a kind of assumed hypocrisy which was accepted by everybody. (S1, Politics)*

### **1.9 Governance: No Planning for the Future**

In regard to **governance**, the lack of vision about the future development of the country is seen as a major impediment for the rightful advance of Romania. This is seen as incapacity on the part of human resources in politics to think in advance and create a coherent strategy of development as an instrument that can orient decisions and actions in society.

*I've never seen one single government to come up with an action plan on medium term at national level for 20-25 years. Why, because it is about that generation that used to work with plans from five to five years ... their vision is limited to their mandate.*

*It is the effect of a difficult and sometimes inefficient transition which left the remains of the old system cohabitating with the new system, ... When you reassess mechanisms, the transparency is lost, rules are not clear, are dynamic, changing from today to tomorrow and leaving gaps... especially that Romania does not have a social plan for its future. (S2, NGOs)*

### **1.10 Regulations/Judiciary: An Incomplete Reform**

Another cause of corruption is considered to be the sluggish reforms that were undertaken within Romanian society on the one hand and on the other hand at the level of judiciary. The lack of legislative framework in regard to anticorruption in the early years of transition is seen as the major obstacle for an efficient action against corruption.

*Lack of appropriate legislative framework can generate fraud or corruption. You can also have bad laws that allow for certain mechanisms. Conflict of interest, wealth declaration did not exist. Nobody would declare in the past wealth or conflict of interest. (S2, Judiciary).*

*Legislation* is sometimes extremely sophisticated and demanding that implementing it into practice is considerably hard. This would be the case of the public servant law which stipulates that all public servants are not politically involved according to one media representative.

Heavily important are transparency and social control based on strong and multiple mechanisms that can check for law breaking. The hesitations in regard to implementation of legislation of incompatibilities and conflicts of interests conducted, in the opinion of one NGO representative, to flourishing corruption.

Overall, the capacity of judicial system is considered as low while the rule of law is not fully implemented in Romania.

There is a strong perception that justice mechanisms do not perform properly.



*We do not do enforcement in Romania, we do not apply the law, for example the law on conflict of interests is not put into practice. (S2, NGOs)*

*Look at how terrible is applied the law of decisional transparency, look at the law on access to public information. There are situations when access to information is denied. Look that we still have discretionary decisions... (S2, NGOs)*

### **1.11 Cultural/Historical Causes: The Burden of Heritage**

The **historical heritage** is revealed as one of the major background factors that favour corruption. The weight that is assigned to it in facilitating corruption varies however in the opinions expressed by the participants to research. Some interviewees indicated the historical heritage as a fundamental reason for Romanians' behaviour in general and for corrupt conducts in particular. Others designated a limited influence in corruption to this particular element.

*In my opinion, historical culture leaves its mark on individuals. (...) Historical culture is from Dacians and Romans and until Turks and generally the Balkans. We have to take it into consideration. You cannot say that after the revolution we pass into another side, that of the west. No, because is genetic. You want to do something but you get bored at a certain point, Balkanisms, Turkisms and so on....(S1, Police)*

The heritage is especially important in regard to the so-called 'cultural corruption', in the opinion of NGO representative. This type of corruption can be traced back to the long term social development of the country, having therefore historical roots.

*It is about the area of Balkans, our practices in the relationship with the ottomans, the way we developed and built the modern state, there is a historical component here. (S1, NGOs)*

*Yes, we have a certain oriental orientation but I do not think that this is fundamental for corruption in Romania (S1, Economy)*

### **1.12 Features of Mentality**

Mentality is invoked in order to explain corruption by representatives of judiciary, police, NGO's, economy and media. Although their views differ to some extent in the weight they place on this factor in explaining corruption, the majority of those interviewed mentioned the mind set of individuals as an issue relating to the phenomenon discussed here. The opinions on the role of mentality span from the extreme view considering that all people are inclined to get involved in corrupt acts, if they had the opportunity, to the more moderate belief that individuals' frame of mind is rather secondary in explaining involvement in illegal actions.

In the opinion of one representative of judiciary, corruption is a sort of virtual reality within the grasp of each individual.

*It is in the mentality of all Romanians. In his mind, each Romanian knows that he can corrupt someone and can be corrupt. (...)But mentally they would all do it. (S1, Judiciary)*



*The individual mental norm is that 'if I were in Niki Spaga's<sup>12</sup> place I would do the same' (S1, Media)*

Apart from the mind set of individuals in society, a special mentality seems to have developed within state institutions in the opinion of one representative of judiciary. The public sector is viewed as a separate social segment with a special organisational culture. One in which servants do not follow the rules that are in place but rather the old deep-rooted ways which still have the power to legitimise people's actions.

*In state institutions, for example, I came across this type of mentality: the one in which servant motivates his actions by saying 'we have been doing things this way for the past 30 years' and this justifies any behaviour'.*

*Getting your right* is one idea that defines the bribe for certain public positions like that of policemen, or of a doctor. In everyday language, it signifies that the one having the respective status is entitled to bribe, as a sort of privilege ('right') associated to that position. According to one representative of the media, this would mean that bribe is widely accepted among people as a natural supplement of the position occupied. In this respect, bribe acts as a virtual incentive especially for public positions.

*It is interesting that a juridical notion like the 'right' is used to denote an unlawful action which thus becomes a social norm (S1, Media).*

In the same line of reasoning, the idea that public positions incorporate possible gains beyond those that are official is already part of the people's mind set. Furthermore, the advantages extend towards circles of relatives and friends in a somehow expected course of action.

*In our mind, a certain position is associated with advantages. When you hear that x is a member of the parliament you tend to attach a great importance to the position, even though you know it is not that well paid. But you also know that it comes with advantages, with opportunity for traffic in influence. It seems like natural for that person to 'help' relatives and people around him. (S2, Media)*

*Nepotism* is seen as a form of corruption that has its roots in a certain social development of society, with extended family still being important especially when it comes to support of its members. Helping relatives or acquaintances to accede by those who have the power to do it seems as a natural approach in Romanian society, being largely accepted.

*I think there is a pressure towards those in power, those around them like political friends, relatives or just friends they wait for a reward... This increases the pressure towards public servants. (S1, Media)*

Using illegal means in order to solve problems seems tolerable and to a certain extent encouraged socially. In the same time, individuals mind set is seen as a break for social change and development.

*It is about mentality and education eventually, in our country the idea that you solve certain problems through a shortcut, even though illegal, is considered as normal and even laudable. (S1, Politics)*

*The inertia is given by the mentality, the education and generation (...). We carry the print of 40 years of communism in education. (S2, Media)*

---

<sup>12</sup> Well known local leader for the habit of taking bribe



Moreover, the social models that are provided by society do not seem the right ones according to one representative of NGOs. Corruption means breaking integrity and ethical standards. Such values are not considered as representing the social foundations that can orient individual actions in Romania.

*In can recognise a corrupt behaviour when there is no integrity, when principles and ethical rules are broken, that would represent a breach for corruption. We are not there yet, we do not admire vertical models or people who are OK. We say yes, they have their principles and don't give them up but we consider these people crazy.*

### **1.13 Individual Causes: Do People Involve in Corruption Because of Their Human Nature?**

Besides the systemic factors invoked in order to explain corruption, there are also factors at individual level that can trigger corrupt actions. There are certain characteristics that push people towards engaging in corrupt behaviours that belong to human nature. One such major driver of corruption is greediness.

*Corruption is generated by inner traits. There are people who are greedy and wasteful. They don't have such a bad standard of living but still get into an illegal business. There are many of them, in our cases we met people who were caught with evidence. When you check their wealth you see they have three houses, two cars, a wife, a mistress, Bora Bora, Virgin islands, fiscal paradises. They could easily have lived on what they had. But greediness takes you further. (S2, Judiciary)*

Human nature involves also acquiring habits while performing on the job due to personal characteristics of people.

*It is like a drug for the person who is used to it. When you come across such a specimen in an investigation, he doesn't even bother to hide like the ordinary criminal. He doesn't take any precautions thinking that someone like DGA or other structure might supervise him. For him corruption is something normal, it entered the normality. (S1, Police)*

Some features of Romanians like being conservative, a certain tendency to live rather in the past than looking at the future also might encourage a particular propensity to hang to the old ways according to one representative of judiciary.

Most of all, the will for money is the major driver of corruption at individual level.

*It is the low level of education and the desire of certain persons to make money fast with no effort. (S1, Politics)*

*Corruption is like prostitution, is part of our nature, it will never be eradicated. There will always be one person who wants to get richer than another person. (S2, Media)*

In order to moreover explain corruption, a set of social values and characteristics mix and make a sort of set up of corruption. Features like lack of responsibility on the part of people and the incapacity of following established rules are invoked by experts from police and media in explaining background factors of corruption.

*We usually not keep deadlines because we are not responsible. There is no responsibility like in other countries. In other countries, and I do not mean to praise them, they are responsible*



*and carry out their work according to the job description. I do not expect my boss to ask me but I do it in a responsible manner. (S1, Police)*

*There is also another problem; western people follow rules while we do not. (S2, Media)*

*There is a Romanian saying 'it's working anyway'. (S2, Economy)*

In the opinion of one representative from Police, in their activity, people seem to choose not to take on responsibilities or try to avoid them. The Romanian saying 'leave me alone to leave you alone' would signify a slow way of doing a job and, in the same time, an isolation of people from each other in the attempt to elude the control that might be exerted towards them from others.

An impaired relationship that citizens developed in relation to the society they live in is essentially considered responsible for the outlook of corruption in Romania by media and NGO representatives.

The population has developed a certain cynicism in regard to public life being isolated from it and to a great extent the voiceless recipient of decisions taken by the political system. Vote represents almost the unique mechanism available to people in order to control the development of matters in society. Even here, the choices are limited and sometimes people have to trade the bigger evil for smaller one as many times corruption accusations surround many political candidates in the opinion of one media representative<sup>13</sup>.

A background factor of corruption is constituted, in the opinion of one NGO representative, by the low social activism in Romania and the general low social participation. Without an informed, conscientious and active citizen that acts towards his interests, the potential for bottom-up pressure exerted towards institutions is insignificant. This leaves the space for abuse of power.

*The citizen does not fight the state, he fights more now than in the communist period but still not enough for a democratic society, in Romania civic activism is very low. (S2, NGOs)*

In the same time, the lack of information among citizens, lack of trust in state institutions and lack of civic participation play an important part in corruption. Control is not exerted from bottom up in order to maintain the necessary equilibrium in society in the relationship that citizens develop with institutions.

### **III. Anticorruption Fight**

#### **1. Assessments of Current Fight. How Well Has Romania Addressed the Problem of Corruption?**

All interviewees acknowledged the role of European Union as a major driver of anticorruption fight in Romania. Most of the experts considered that EU acted as the sole fundamental actor to thrust efforts for tackling corruption, the anticorruption strategies and

---

<sup>13</sup> The case quoted here is that of the political candidates to presidency in the latest elections of 2004 who both seemed involved in corruption. Each has been accused of obtaining undue advantages from his position.



measures being the result of a catalysed effort around EU integration of Romania. Some interviewees also took into consideration the role of internal actors either institutional or individual leaders in fighting corruption.

*Anyway, Romania did not do anything at its own initiative from what I have noticed during the past 7 seven years since I've been in this minister. We did not do anything by ourselves (S1, Police)*

*There are no internal efforts. We answered the recommendations of EC, you know EC recommends, they know what is going on. (S2, Judiciary)*

*Mainly, it was the result of external pressure, but we also have had strong leaders like Monica Macovei. (S3, NGOs)*

Most experts appreciated that great efforts have been undertaken in order to fight corruption and legislative and institutional frameworks have been put into place so as to make possible improvement in the area. The mechanisms against corruption are seen by most of the interviewees as democratic; the institutions are considered as put into place and including the means for ensuring transparency and accountability.

*We have the anticorruption legislation; we have here laws about the transparency in public acquisitions, conflicts of interest, declarations of wealth, incompatibilities. Everything that refers to legislation and institutions has been created in this sense, some of them functioning with more or less success, as DNA (National Anticorruption Directorate). (S1, NGOs)*

There is a certain consolidation of anticorruption efforts and some positive results are acknowledged by interviewees from Police, media, NGOs and judiciary. It is also conceded that visible results of struggle against corruption are difficult to see in the short time that it passed since institutions have been put into place. Also, a certain degree of formalism that accompanied anticorruption strategies and measures before 2004 is perceived as being overcome by the newer measures that have been designed. Moreover, according to one representative of NGOs, the preoccupation for consultation with civil society and for evaluation of measures also increased.

*Laws for combating corruption have been improved. We also have institutions, we cannot complain, there is DNA, DGA, in the army they have such a structure. Within the ministries there are also such structures that function or not. (S2, Judiciary)*

*(...) there are signs that what they do at present is different than before. Now they look at party funding, in the past they didn't care about this, and they have at present some cases, Nastase included. The major minus is that there is no guilty verdict in cases of grand corruption. Otherwise, they have a great energy in dealing with corruption lately in comparison to before 2004. (S1, NGOs)*

Positively assessed measures by NGO representatives are especially those that increased the transparency of Prosecutors offices and the measures stipulating the random assigning of files by judges.

However, one opinion pointed out to the fact that the struggle against corruption was only a *façade fight* designed in order to go around the issue and not effectively to tackle it. Consequently, the set of measures implemented against corruption have been devised only with the purpose of leaving the impression of serious intentions.



*There is a double guilt, of politicians and mass media to use the subject with political and spectacle connotation. Politicians who talked for years about corruption did not believe it for a second, the journalists did not believe it either. It was a kind of assumed hypocrisy which was accepted by everybody. (S1, Politics)*

Other evaluations of the current anticorruption campaign point out that the efforts targeted at corruption are too noisy while lacking in substance.

*I believe there are people who make a good living from exaggerating the phenomenon of corruption. A lot of words in this field and any other field will block any kind of practical accomplishment. The more people we see fighting corruption the more sure we can be that nothing will be done. In a declarative way, because in reality things are different. (S1, Politics)*

In assessing the current struggle against corruption, opinions from NGOs and media indicated that the fight against corruption is sometimes targeted at political opponents, being politicised and having thus negative effects on the very essence of such a campaign.

*This anticorruption campaign oriented against others rather than ours affects people's credibility and makes people give in; it does not encourage ethical behaviours and mechanisms that can be used by people in order to make complaints. (S2, NGOs)*

## **2. Barriers to an Efficient Fight Against Corruption**

A series of *difficulties and barriers* regarding the implementation of anticorruption measures as well as nuances regarding the effective functioning of legislative and institutional framework have been revealed by the interviewees.

In the opinion expressed from the target group Police, the anticorruption strategies and measures have been generally well designed 'on paper' but the implementation is many times confronted with problems. While evaluation of strategies for example, is clearly mentioned in principle, it is not actually carried out according to plan.

*From what I saw in my experience, evaluation is only a result of an order from above. Even though it is specified in the strategy that we have to carry out evaluation we do not do it. (S1, Police)*

Sometimes strategies only take into consideration short time spans and do not underline the long time planning, other times the support of partners involved is not sufficiently secured from the start.

*There were information campaigns but, in my opinion, such campaigns were made 'hasty' style, did not have a real support from the partners involved, various institutions, and it is not enough to post attributions because one might not know how to read or is blind. It should not be for the sake of doing a campaign or spending public money. Campaigns involve planning, staff, targets, strategy and we have to think on 15-20 years time horizon. (S1, Police)*

While the formal mechanisms needed in order to prevent and fight corruption are perceived as being into place, in the opinion of one expert from Police, they seem to interfere in some areas with institutional arrangements and/or with people's sets of mind. In the former case, it is the specific work organisation of a state institution. In the latter situation, it is either about



lack of adequate information or not enough responsibility on the part of people and ‘human factor’ is to be blamed.

*In general, in MIRA, professional education although is planned and has a time budget, we don’t actually carry it out, maybe only 10%. There are several reasons: the high workload, the vacant positions when you have to fill in for other positions as well and automatically you don’t have to the time for it. (S1, Police)*

*Sometimes you have the instruments. But people are not interested, they avoid it. I come back to culture. (S1, Police)*

### **3. Legislative and Institutional Framework**

One opinion coming from the political group assessed the current legislation in regard to anticorruption as too complicated, not easy to grasp and subsequently inefficient. Being driven only by external motivations, legislation lacks pragmatism and departs from the particular social conditions.

*We are the country with the toughest legislation (in regard to economic and political positions), as you know the political position is incompatible with most economic positions of administration. But this is also hypocrisy. We pretended to adopt some laws and we know this from law school and from practicing, when you adopt a law that is very tough you are absolutely convinced from the beginning that it will not be put into practice. (S1, Politics)*

*Legislation was an attempt to trick people from abroad who asked an efficiency of the fight against corruption through institutions, laws which did not have any effect on the phenomenon. I believe the biggest trick was the National Integrity Agency which does not exist anywhere in Europe and which we did with the clear intention to promote a political person, the former minister of justice and to give the impression that we fight corruption. It will not give any results apart from creating another bureaucratic institution. (S1, Politics)*

Looking at the assessments of specific strategies and measures designed in order to fight corruption, particular problems are revealed by the perceptions of the interviewed experts.

The National Anticorruption Strategy is considered by representatives of NGOs as not efficient as it did not produce the expected coherent results. The strategy was designed with input from civil society by the Ministry of Justice, taken up by the government, and should be implemented in various areas of public administration. However, the problems pointed out relate to the weak coordination between institutions in implementing the strategy, the weak political will and power that is used in order to put it into practice.

*Currently, the top positions are not involved in this (implementing the strategy), rather people on second and third level on hierarchical ladder. The ministries should have involved more directly into this. (S1, NGOs)*



*We don't have a coherent anticorruption strategy. We did have a coherent anticorruption strategy up to 2004, then the strategy in 2005 came based on study by Freedom House, the independent audit of corruption in Romania, which led to paths that have nothing to do with reality. (S2, NGOs)*

The National Integrity Agency is not considered as the most appropriate model given the conditions of Romania in the opinion of one representative of NGOs.

*(...) we explained which is the institutional structure that best fits the Romanian organisational culture, and which are the efficiency mechanisms that can lead to results: a combination between the South Korean model which looked a lot like the Court of Accounts in Romania (...) with the integrated data base that they have in Canada. ...This way we can check the relationship between politics and business. But this was not what was required, it was rather sought a thing that can sanction political people... (S2, NGOs)*

The anticorruption legislation is viewed as too tough and also oriented to a great extent towards punitive actions while leaving the prevention and combating components underdeveloped. Prevention is seen as the engine that in the long term can reduce corruption through a slow process of transition to a better state in the field. In this line, criminalising conflict of interest is seen as an extreme and inappropriate solution.

*We are the only country in Europe that criminalised the conflict on interests. In an isolated way, conflicts of interest are penalised in Switzerland but that is all.... It was a mistake to emphasise sanctions instead of prevention and combating, sanction only comes when there is a grave phenomenon, and this should be the exception. We have to prevent the causes. (S2, NGOs)*

Another problem underlined is regarding the implementation of legislation. Although a certain law might be well designed, the ways of putting it into practice are not always clearly specified. This is the case, in the opinion of one expert from Police, with Law no 521/2004 on integrity watchers which aims at signalling corruption within various institutions. It seems, according to the opinion expressed, that it leaves the one who signals corrupt behaviours with no possibility to protect himself.

The same piece of legislation although considered opportune was assessed as not yet completely efficient by a representative of civil society. The reason is placed in the delayed operation of regulation of discipline mechanisms that can act after reprimanding various cases in order to penalise corruption with administrative means within the various institutions.

#### **4. Orientation of Future Fight Against Corruption**

All interviewees agree that corruption needs to be tackled and social efforts should be catalysed around this purpose. However, as corruption is a universal phenomenon that is highly unlikely to be totally eradicated more pragmatic endeavours should be put into place in order to address the phenomenon.

*We have to eradicate the corruption that affects us ordinary people everyday: at the doctor, when you get the criminal record, the ID or a certification. My interest is to see that institutions function and citizens solve their problems. I am not interested at high level who*



*gained the tender procedure for building a highway. What I need to see is the highway. It is serious when I do not see the highway. (S2, Media)*

It is worth mentioning that a major responsibility in fighting corruption is placed at the level of political sphere by experts from judiciary, economy and media.

*Anticorruption policies are a matter of political will (S1, Media)*

*Everything is up to the political realm (...) If we are to improve, we need to have a real support from the political class. (S2, Judiciary)*

Most of the interviewees agreed that anticorruption efforts should more accentuate the preventive approach rather than punitive. A general orientation of the anticorruption fight towards prevention rather than penalising is considered as a general principle that should be followed in the future. In this line of reasoning, sanctions should consist of mainly administrative corrections with the purpose of discouraging involvement in corruption acts.

Experts underlined that the heavy emphasis on punitive actions as was lately the case in Romania might not be the best tactic for curbing corruption. As long as causes are not addressed properly, corruption will continue to thrive and balance never be achieved in this area.

*We cannot solve this only by punitive factors even though the punitive component is very important in this area of corruption. (S1, Politics)*

A stronger orientation of public policy towards prevention should also be accompanied by efforts towards changing organisational culture of public sector and civic activism according to views of NGOs experts.

## **5. The 'Guilty' Sentence**

One of the most disputed ideas in the opinions expressed by experts is the one regarding the 'guilty verdicts'. Following a rather extensive period of powerful discourses on corruption, of design and implementation of a broad legislative and institutional framework, the public expectations raised in the direction of 'visible' results from courts of justice in the form of guilty sentences. There are opinions coming from NGOs, economy and media indicating that in this point of fight against corruption guilty sentences from courts of justice would have the power to institute a social model of justice.

*We should make the transition from setting up the legislative framework to actual guilty verdicts and serious lawsuits in this area. We should see for example 20 cases of grand corruption convicted, not necessarily the former prime minister but still... Only then people would think twice before engaging in corruption. (S1, NGOs)*

*You have to show that breaking the law will bring you consequences, will affect you. This means powerful and apolitical institutions to punish corruption. We have to see in an increasingly number of cases and at higher levels if possible that you can go to jail for corruption. (S1, Media).*

Other opinions expressed from judiciary realms and media employ a different perspective. The view stated from judiciary experts maintains curbing corruption is a long term goal as the



entire judicial process, including investigating and hearing corruption cases, might need a long period of time in order to be carried out in a fair manner. Moreover, curbing corruption entails also prevention and combating apart from sanctioning. The pressure exerted by the media by its exclusive emphasis on getting the guilty verdict for corrupt people impedes on this process and creates an erroneous image about the actual results of judiciary investigations.

*Strategy has to take into consideration a long term reform. (...) the Romanian mentality is very bad. They want to see a corrupt person in front of them on TV, (they want us) to take one from the street. The system does not work in this way. The image about strategy and reform was deliberately sidetracked by the media, press saying what they want.*

*I am against the idea that we should have overnight 10 guilty verdicts from the courts of justice. (S2, Media)*

A series of barriers have been identified by representatives of justice for an adequate judiciary process of treating corruption. While acknowledging that only a few guilty verdicts have been registered in corruption cases, prosecutors interviewed placed the main problem at the level of courts<sup>14</sup>. Along these lines, it is obvious a certain rupture in the justice chain, between prosecution and court.

The major predicament, according to prosecutors is that there is no unity of judiciary practice. This is a multifaceted problem that concerns the whole process of judiciary procedure, including the final output of the judiciary effort, the verdict.

One aspect concerns the interpretation of laws which is different from judge to judge, court to court and also from prosecution to judge. Being quite a new, not well established domain of judiciary practice, there is a wide variety of manners of treating corruption cases with very small convergence of ideas and/or common practice. Different judges can rule differently even though the set of circumstances can be very similar and some precedent was also instituted. The reasons that can account for this situation according to prosecutors interviewed is

*...lack of courage on the part of judges. They are also afraid that the superior courts will rule in the opposite sense to their verdicts. There is no unitary vision in regard to corruption cases. (S1, Judiciary)*

*... for the person who is on trial you can play the record and hear him pretending money and still the court is saying 'it is not a penal act' and decides to acquit him. (S2, Judiciary)*

Also, judges can find dissimilar reasons for convictions than the ones prosecutors found. These elements make prosecutors feel they are on very shaky grounds in their work and shed some more light about the divergent views towards the same cases.

*If we look at the cases that got the guilty verdict, we are amazed to see that judges motivated their decision based on very different reasons than the ones we had in our investigation reports. There is a huge difference in interpretation. (S1, Judiciary)*

---

<sup>14</sup> The position of judges is not presented here as no judges have been interviewed. The opinions expressed here by prosecutors largely correspond with perceptions of media and other actors within judiciary system as described in the previous research report.



Another aspect concerns the time that corruption cases spend in courts, sometimes up to 2-3 years, until the sentence is passed. In certain situations, the conduct that judges approach especially when dealing with high level cases is not to judge but to 'wait to lift an exception (...). They invoke the exceptions from Constitution, the file goes to the Constitutional court which accepts the file and they say 'the law they were working with when they built this file was not constitutional. We are sorry, the procedure is shady'. This is a system. (S2, Judiciary).

At local level, things can become even more difficult as a model is to be observed: when important local people are involved in corruption cases, it is highly likely that they will be treated in courts in a lightly way, as proven by some risk analyses that prosecutors have undertaken.

*Big corruption files are killed by the courts. From boats to PVC windows ... The judges give them back, they do not judge them. Why? This is because they are afraid. (S2, Judiciary)*

A different position on the 'guilty verdict' is employed by one expert from the political realm. It argues that the slim record of guilty verdicts might be due to low competence and professional abilities on the part of prosecution offices.

*These are easy files professionally, if you have the needed evidence not even one single judge in the world can reject the evidence. If you don't have the evidence, then you don't send it to court. The fact that they send the files to courts without evidence or if there are many things that can be interpreted it is the fault of the ones who prepare the file. (S1, Politics)*

## **6. Future Directions of Anticorruption Fight**

### **6.1 Towards Further Improvement of the Legislative and Institutional Framework**

The views towards the future directions of anticorruption fight vary amongst the persons interviewed. Some opinions indicated that a comprehensive long term development of Romanian society would solve the problem of corruption in a sort of natural advancement that would narrow down the opportunities for the phenomenon to thrive. Other views concentrated more on institutional and legislative spheres emphasising the particular central role of judiciary. Finally, another category of perceptions concentrated at individual level, stressing the role of individuals in corruption and pointing out the need for education programs addressing this component.

One opinion expressed by an expert coming from the politics group stated that anticorruption measures should be oriented towards judiciary realm with the purpose of ensuring its independence.

*All measures taken in order to insure the independence of justice act, judge, prosecutor and policeman are beneficial. This is the only way to fight for real corruption. All other stories with parallel laws and institutions are worthless. (S1, Politics)*

In the same time, the correct enforcement of legislation should constitute the key priority as this is perceived by representatives of NGOs and politics as a major fault of the current state of affairs in this field.

*(We need) simpler procedures, clearer sanctions, better put into practice. We increased penalties for corruption even though we do not have guilty verdicts. This is about the fact that*



*for the past 17 years, anticorruption fight has been a big lie consciously assumed by those who talked about it. (S1, Politics)*

A priority policy would be one to stipulate the annulment of contracts done in situations of incompatibility of conflict of interests. In the short term although it is anticipated to contribute at the instability of administrative decisions, in the long term it might contribute to a stronger commitment to legality.

*We need strong sanctions that involve the annulment of administrative documents done in situations of incompatibility or conflict of interests. The person takes the risk to lose his job but he says „it’s OK, I can leave after firing the canon and took a bribe of 500000Euro for building Saint Iosif cathedral. It does not matter since I left a salary of 600lei”. The idea is to annul the contract so that those involved will ‘kill’ each other afterwards because the one who paid the bribe need to get back his money. (S2, NGOs)*

Public procurement is another area that still needs reform in the view of one NGO representative in the section regarding budgeting. Multi-annual planned budgets with very clear rules and mechanisms should constitute one direction for this reform.

In the same time, there is a need for simplifying procedures of licensing, authorisation and certification along with unification of standards for eligibility in public procurement. This would contribute to the creation of a fair background for competition and an adequate relation between private and public sectors.

Moreover, a prior analysis of vulnerabilities that a specific piece of legislation can produce through implementation, in addition to the impact analysis of public policy, should be carried out, for the purpose of avoiding monopoly situations, discretionary exertion of power or lack of transparency.

Better coordination among institutions having responsibilities in the anticorruption fight is also needed.

Looking at specific domains that need to be addressed, in the opinions expressed by the NGO representatives, the National Agency for Integrity is seen as a priority to the extent that it needs to function in an independent way. It would help in more clearing the process of wealth accumulation and in re-assessing correctness especially in the political environment. The National Integrity Agency should be working properly „not for political scandal or propaganda” (S2, NGOs).

Also, initiatives targeted at local level in order to increase awareness of phenomenon and combating corruption have been already undertaken by NGOs and are considered a practical way of dealing with the phenomenon.

*We are currently trying to work bottom up not only the other way around by legislative framework. The NGO’s are doing a lot of things in this area. (S1, NGOs)*

To the rupture identified by the judiciary between the prosecution offices and courts of justice, one opinion mentioned that a possible solution could be found. An instruction judge delegated for penal matters who could work with prosecutors is mentioned as a key to bridge the prosecutors and courts. However, there is no agreement on this solution as other views expressed by representatives of judiciary and NGOs indicated that is possible that the expected connection not to be realised in this way.



Rather, a better functioning of the courts is highly needed, with judges reaching the stage of passing the verdict in a shorter time span.

*They (judges) have to give a solution in a file. (...) Files which are not that difficult spend in court 2-3 years. I want the judge to pass the verdict in a case in a reasonable term. The person who is facing a suit and knows he is guilty has no interest in the case being judged quickly. The judges tergiversate; they fall in the game of lawyers especially at local level where they know each other, the judges and lawyers. (S2, Judiciary)*

## 6.2 Addressing Background Factors of Corruption

Background features like further consolidation of democracy in Romania and more strengthening of market economy are considered as major lines of reform that can create a general milieu that is not anymore conducive to corruption. The problem of political control towards various institutions would be eliminated through the expected process of reaching a normal and somehow mature functioning of the political realm in the country.

For the sort of corruption affecting public systems like education and health, organisational restructuring is conceived as a solution to the current situation by representatives of judiciary, economy and media.

*The solution is to have a public system very well designed without doctors and nurses who are greedy and low paid. There is another problem, the recruiting system, the promotion system. (S2, Judiciary)*

*You don't have to change people and their mentality, we will have to wait 50 years for that, you have to change institutions (S1, Media).*

*If you have a strong market economy, these things will not happen anymore. The essence of market economy is private property. The smaller institutions, the more reduced the public sector is, (the smaller corruption is), the private sector does not allow it. (S2, Judiciary)*

Particular measures should also address the way media is functioning in Romania as, according to many of the views expressed, the media is not completely independent.

*We do not have a law of the press. Nobody wants a law of the press. They do not have any responsibility, they took out (of legislation) insult and calumny. (S2, Judiciary)*

A certain pressure exerted bottom-up, from the citizens, is needed in order to curb corruption especially in public administration. By using the mechanism of complaints against various unjust happenings, people can also contribute to reform in the view of NGO representative.

Some opinions point out to the need of a natural transformation of society, where background factors of development like education, values, grow in the positive sense either by the very logic of societal change or by slightly affecting them through policy.

However, while generally accepted that mentality changes with generations, it is rather problematic what is going to happen at the expected change of age groups. The generations that grew up in early 90s have been exposed to and assimilated the extreme models of rapid acquiring of wealth.



*In public institutions we need a new generation. For the past 17 years we've seen the same faces, the second echelon from communist times. Now new faces began to rise, we need educated, well prepared people, with a completely new life vision and ready to take on responsibilities. This would have a positive influence. It is also possible that these new people to be those who learned how to hang to old ways as they learned in home or they saw it on TV. (S1, Economy)*

A basic framework for the struggle against corruption is made up from education, training, responsibility, professional conduct, intellectual curiosity. They are all placed at people level and follow 'the cultural' oriented explanation of corruption. All these qualities are the context for the honest work and for the successful anticorruption efforts. Looking up at the model posed by western countries would also be a major direction for those addressing corruption.

Apart from the 'soft' part of fight aimed at the phenomenon discussed here, there is also a hard one which is highly needed.

*Our structure should have more resources and more logistics in the field. You cannot fight corruption with a pen and a camera when criminals have very sophisticated means. (S1, Police)*

Measures targeted rather at individual level include information campaigns as one line of argumentation maintains that people need to be educated in order to understand what is going on and what they are allowed to do. Only then we should apply clear rules for combating corruption.

*We should inform people in regard to their rights at national level. All institutions should be united in order to inform people before accusing them that they defraud European funds, for example. State institutions should gather their efforts and money in order to exactly promote and explain European legislation and then to expect for results. We do not have a guide of European legislation, for example. (S2, Media)*

A major line of reform of Romanian society is that of social values. Society is perceived as deeply unjust by many of the interviewed experts with the important values being affected by the transition period. There is obvious a perception of a state without normal social standards in society where people feel disoriented and having a sense of powerlessness. Most of all, the relationship between work and reward is impaired and as a result, an entire re-assessing of social values is needed in the opinion of experts from media and economy groups.

*You see people with doctoral degrees by the hundreds; sometimes diplomas are being bought and for me are worthless. ... We need to put down roots for a new value ladder in society, to understand what is important: re-asses education and family. Otherwise, things will not change. (S2, Media)*

## **B. Categories of Discourses: Four Different Lenses to Look at Corruption**

### **1. The Ambivalent Discourse: 'Culture' and Institutions**

This discourse is dual as two major forms of corruption are identified by the expert. First, the emphasis is on a so-called 'cultural' corruption which involves small bribes or presents and is to be found especially in relation that citizens develop to the health, education systems and more generally public administration. This phenomenon is considered to be part of the



people's mind set. Second, the expert identified a form of corruption which mainly affects state institutions as such and their functioning.

The first type of corruption, having its roots in the course of social development of the country turned into deeply rooted customs that are followed by people in their actions.

*This is already a routine, is generalised, it entered the mentality on several segments. There is also this thing, when you go somewhere it is not nice to go empty handed, this is the main mentality in the rural, it happens less now, but still remains a rule.*

The second type of corruption is explained by systemic factors like the convoluted economic context with a dual structure of the economy, elements about regulations and judiciary sphere like the low capacity of judicial system, the not fully implementation of rule of law and finally, the deficient functioning of state institutions and their incapacity to implement ethical mechanisms. This sort of corruption is to be seen especially in the public sector and the relations that it develops with other societal realms. Its determinants are placed in the transition context and its major feature, the low social control. The judiciary bears a heavy weight in this explanation as it is seen as not working properly, being plagued by unethical behaviours, games of interests and abuse.

A second set of factors belong to the impaired relationship that citizens in Romania build up with their society. In this opinion, citizens lack basic information about their rights and acceptable individual strategies in society, they lack trust in state institutions, do not take part in civic actions and develop a sort of cynicism towards public matters.

*Our citizen is not informed and does not take action. (...) We inherited this from communism; you do not fight the state. If you make a complaint it does not work because these instruments are only at the hand of the boss as we learned also from communism.*

The solutions envisioned for an efficient targeting of corruption are also twofold. While a large emphasis is placed on institutional strategies, also mentioned are measures targeted at changing organisational culture of public sector and encouraging civic activism among people.

The orientation of fight against corruption should be rather preventive than punitive. Further perfection of legislative and institutional measures is felt as needed at present in Romania. Strong emphasis is also placed on judiciary which, as institution should also be reformed to the extent that it works properly. Also, institutions are the ones called to implement mechanisms in order to prevent and combat the phenomenon. Specific administrative measures are considered the most appropriate way of dealing with corruption. Among these, using disciplinary administrative means within public institutions are viewed as essential.

In conclusion, this discourse is ambivalent along two major lines of reasoning: one concentrating on a 'cultural' corruption and its characteristics and the other one emphasising an institutional outlook of corruption.

## **2. The 'Education' Oriented Discourse**

The pivot idea of this discourse on corruption is education both at micro and macro levels. The Romanian education system is heavily criticised as it is considered outdated in terms of both methods and content. It also lacks the capacity to educate leaders. Mainly, it does not provide individuals with the means for appropriate problem solving. Moreover, in judiciary



field, which is of major relevance to corruption, it does not contribute to the needed high quality of human resources.

*The education system used to be a laugh in communist times, and I believe still is...*

At individual level, people take the personal decisions of engaging in corruption due to their low level of education.

*It is the low level of education and the desire of certain persons to make money fast with no effort.*

*I refuse to get involved (in corruption acts), here comes into play education and the moral orientation.*

In this discourse, education is linked to socialisation as it is mentioned that the values acquired by people complete the particular level of knowledge. During their life course, individuals are socialised continuously by being exposed to social models. This type of socialisation is seen as problematic due to the social models based on unethical orientations which were posed by transition. The model of the new rich, highly visible during the past years in Romania, characterised by the rapid accumulation of wealth in the difficult times of social disorganisation is considered as encouraging corrupt behaviours.

The anticorruption strategies are conceived also in relation to education and having a strong prevention component. Education system should be mainly targeted and considerably improved as in the long term it could be a major building block for a fair society. An efficient combating of corruption would involve changing the orientation of education system towards a more applied vision and an emphasis on leadership.

*The problem cannot be solved through people's arrest and noisy investigations that are showed in the media. The fight against corruption has other facets as well, like creating leadership and better magistrates through improving the educational system.*

A natural change of generations would also contribute to an organic social development that eventually would affect corruption in the positive sense.

*We need to leave these young people who studied in good schools abroad to take over. They have both local and global perspective and they have the big advantage of having studied in phenomenal universities.*

In conclusions, without completely excluding some other systemic or individual factors that favour corruption, this discourse is deeply emphasising the role that education plays in corruption.

### **3. The 'Culture' Oriented Discourse**

This discourse is centred on the concept of culture. In this line of reasoning, the concept embraces a variety of meanings and is invoked abundantly in order to explain corruption.

Culture is used as a concept at individual level in the sense of rich knowledge. The same notion is employed at a mezzo level as organisational culture while the last meaning of the concept is of macro significance.

*...starting with professional training in the field and finishing with the culture that each person should have. Because he is carrying out his job and comes in contact with different*



*notions. If he doesn't document himself, he can fall in a mistake, like a simple disciplinary infringement up to an infraction. This is what I take into consideration: professional training and personal culture.*

In this line of argumentation the causes of corruption are mainly placed at individual level. People are responsible for their own conducts, for their decisions of getting or not involved in corruption acts and for the way institutional anticorruption strategies are put into practice. People are perceived as having bad 'habits' and being vulnerable because of them. They can also prove lack of responsibility, a low work ethic, can have a low level of education and low 'intellectual curiosity'. Such characteristics are accountable for the outlook of corruption in Romania.

*They are not responsible, they are not well educated, they do not read. It is not for nothing that Americans are so good in human resources management. Romanians do not learn from others' experience. They do not look at others to learn, or at least to see what problems they have had. These are the factors.*

Education and socialisation are both invoked in relation to 'culture'. The values that have been assimilated since early ages have an important role in discerning right from wrong and the consequent behaviour of the individual. Education is understood as knowledge about a specific job which the individual acquires within the formal education system until entering a job, but also as continuous education. In the latter sense, education is a task of the individual signifying a search for further personal improvement.

The fundamental reason for Romanians' behaviour in general and for corrupt conducts in particular is considered to be the historical heritage.

Following this explanation of corruption, the anticorruption strategies should be based on a general framework made up from education, training, increasing responsibility, furthering professional conduct and intellectual curiosity on the part of people. These characteristics can constitute the context for the honest work and for the successful anticorruption efforts.

#### **4. The Pivot Political Realm in Corruption**

The influence exerted by the political realm on various domains of society is highlighted as the major determinant of corruption in this discourse. The many facets of this political control are underscored in this line of argumentation.

The relationship between economy and politics is the main feature of the phenomenon mentioned above. Both spheres are viewed as intimately linked to the extent that political class is intersecting to a high degree with the powerful economic elite.

In this opinion, control is wielded by the political class in many other ways. First, it is visible in the mode in which important positions in state institutions are appointed: based on networks of relationships.

The same type of influence is to be seen in judiciary. This situation is illustrated by the case of the Constitutional Court considered as being organised on a political system.

*The judges are appointed on political criteria by Parliament. Things cannot get normal this way. In order to get a warrant to search an MP's house approval is needed from the Chamber*



*he belongs to. Believe me, you know what is happening. In order to send the file to court, (...), their approval is needed. They would not do such a thing for each other, they are not crazy.*

According to this opinion, it is obvious a bias in the way verdicts in corruption cases are passed by the courts of justice. When people enjoying political support are involved, partiality seems to describe the manner of trial in such cases. On the contrary, when those accused do not have political support, the judiciary process is carried out normally.

*There are many acquits in the courts especially when political people are involved.*

*But, in principal, police officers, or people from financial guard, people without political support, for them the trials are going easily. When important people are involved, they wait for exceptions.*

Media is another sphere where the political factor intervenes. It seems that media groups support powerful political people involved in illegal actions. These connections are visible in the biased messages sent across about certain people, groups, parties or companies. Due to this, a wrong and disproportionate image towards corruption is created while the very act of justice can be affected.

Political control is also noticeable in a particular way of performing corrupt actions: that of the political order carried out through *a phone call*. It seems a pattern obvious in corruption cases that people with certain positions within institutions engage themselves in corrupt actions as a result of request, through a phone call, from a person having a high position. The status of respective person seems to justify the order/request and the consequent actions even though they might be illegal.

In this discourse, the key to an efficient curbing of corruption is the same political sphere. A rightful development of the country can only be seen if the political system will improve and political class will take on the responsibility of reform. Moreover, eliminating the political influence in its many facets is a major line for the future transformation of society.

## **5. Conclusions**

Perceptions analysed in this report vary to a great extent in regard to both the phenomenon of corruption and the efforts targeted at curbing corruption.

The analysis revealed that corruption is seen as a nuanced phenomenon in terms of spread and logic. Its occurrence is different in various social spheres and is multifaceted, corruption embracing various forms and being based on a complex logic.

The major factors of corruption are identified in a set of structural spheres: economic, social, governance, regulations/judiciary as well as cultural. Fewer causes are placed at individual level.

The perceptions on anticorruption fight also showed a variety of opinions in regard to evaluation of current fight, orientation of future efforts and the concrete measures to be put into place in order to curb the phenomenon.

The in-depth analysis of interviews revealed four clear lenses through which corruption is seen: an education centred discourse, a 'culture' oriented discourse, a dual approach to



corruption emphasising both culture and institutions and a discourse placing at its core the political realm.

## Bibliography

Alistar V. (coord) Transparency International Romania, *National Corruption Report 2007. April 2006 – April 2007*

[http://www.transparency.org/ro/politici\\_si\\_studii/studii/national\\_coruptie/2007/NCR\\_2007\\_FINAL\\_site\\_eng.pdf](http://www.transparency.org/ro/politici_si_studii/studii/national_coruptie/2007/NCR_2007_FINAL_site_eng.pdf)

Glaser, B., & Strauss, A. 1967, *The Discovery of Grounded Theory: Strategies for Qualitative Research*, Aldine, Chicago.

Mayring, P. 2000, 'Qualitative Content Analysis', *Forum Qualitative Social Research*, Volume 1, No. 2 – June 2000. [www.qualitative-research.net/fqs-texte/2-00/2-00mayring-e.htm](http://www.qualitative-research.net/fqs-texte/2-00/2-00mayring-e.htm)

Mungiu P., A. *Nations in Transit 2007. Romania*,

[http://www.freedomhouse.hu/images/fdh\\_galleries/NIT2007final/nit-romania-web.pdf](http://www.freedomhouse.hu/images/fdh_galleries/NIT2007final/nit-romania-web.pdf)

Precupețu I. 2007 *Corruption in Romania. First Steps Towards a Grounded Theory of Corruption. Discussion paper*, University of Konstanz

[http://www.uni-konstanz.de/crimeandculture/docs/Discussion\\_Paper\\_No\\_4\\_ICCV\\_Romania\\_July\\_2007.pdf](http://www.uni-konstanz.de/crimeandculture/docs/Discussion_Paper_No_4_ICCV_Romania_July_2007.pdf)

Strauss, A., & Corbin, J. 1990, *Basics of Qualitative Research: Grounded Theory Procedures and Techniques*, CA: Sage, Thousand Oaks.

Strauss, A & Corbin, J. 1998, 'Grounded theory methodology. An overview' in *Strategies of Qualitative Inquiry*, ed Denzin N.K. & Lincoln Y. S., Sage, Thousand Oaks.

Tänzler, D., Maras K., Giannakopoulos A. 2007, *Crime and Culture. Breaking New Ground in Corruption Research. Discussion paper*, University of Konstanz

[http://www.uni-konstanz.de/crimeandculture/docs/Discussion\\_Paper\\_No\\_1\\_Project\\_Presentation\\_June\\_2007.pdf](http://www.uni-konstanz.de/crimeandculture/docs/Discussion_Paper_No_1_Project_Presentation_June_2007.pdf)

World Bank Institute, *Governance matters. Country Data Report for ROMANIA, 1996-2006*  
<http://info.worldbank.org/governance/wgi2007/pdf/c186.pdf>