

PUBLIC MORALITY IN RUMANIA

BY

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In 1932 a law was passed in Rumania introducing control of the property of public servants while ensuring the protection of their honour. At first sight this may appear meaningless, it is not easy to see the relation between the control of private property and the protection of public honour. In Rumania, however, there is a direct connection between the two: public officials, with salaries large or small, have amassed immense fortunes the sources of which are not always apparent and therefore invite investigation; on the other hand it may happen, though this is rare, that an official is unjustly accused of a misappropriation of public funds, in which case he is entitled to claim protection against his calumniator.

The immediate need for the measures contained in the Act lay in the fact that of all European countries Rumania was the one where corruption, bribery and graft flourished most extensively. We use the past tense advisedly, because the new, one-party system of administration may have worked a salutary change in this respect, although it is as yet too early to form an opinion in the matter.

There can, however, be no doubt as to the corruption of the past, which after the annexation of Transylvania spread also to the former Hungarian territories.

After a few years of Rumanian administration, a Transylvanian Rumanian, Dr. W. Sorban, wrote, that after 1868, following the Ausgleich with Austria, "Hungarian administration became so perfect and ran so smoothly that it could be compared with that of any western country. And where are

we now? Today no honest and well-meaning official who has no intention of selling his soul and convictions to Mammon can remain in the administration. To speak plainly — you cannot charge a thief or a criminal if he is a man of the government; you cannot punish an official, though he be the greatest rascal, if he is useful to his Party; you can steal and your crime will be forgiven; but do not attack a man of the government or you will get into trouble. All that we read in the *Annales* of Tacitus about crimes and vices, falsifications of documents and false witnesses, has been revived in Transylvania. *Virtus rediviva Romana.*"

And it was not minor officials alone who were accused of graft and corruption. Even high officials and Ministers of the Crown were liable to be suspected. Before the Liberals came to power after the fall of General Averescu's administration, their organ, the *Vitorul*, published an article entitled "Régime of Corruption", a passage of which ran as follows: "Of the many sins committed by the Government (of Averescu) the most serious is that their actions have caused a moral dissolution, and given a bad example at a time when the purity and honesty of the Government were more than ever necessary." A year after the advent of the Liberals the Transylvanian Rumanian paper *Patria* wrote: "Corruption everywhere, baksheesh recognised as a legal means of payment, influence needed to attain anything however just and fair, from the authorities. 'Gentlemen, stop stealing!' this is the cheerless echo of every act of the Government."

The causes of all this go deeper than would appear at first sight. Why did none of the Governments, whether Liberal or National Peasant Party, try to alter the situation?

In a delightful article called "A country in which one steals" a well-known journalist, C. Bacalbasa, seeking for an explanation, wrote that in olden times the inhabitants of the present Rumania were Scythians who were notorious thieves and drunkards, and stamped their character on the soil so indelibly, that succeeding people were all smitten with it and

became thieves and rogues in their turn. It is the misfortune of the Rumanians that they came to found their State on Scythian soil. In Rumania, as far back as one can remember, every Government has fallen in consequence of some question connected with theft and bribery. "Since Greater Rumania was founded," — he continued in a later article, — "not a day, nay, not an hour or a minute passes in which an official, civil or military, be he a subordinate or the head of his office, does not steal, or commit a burglary or embezzlement, arson or some other piece of roguery. The whole country is a large den in which you never know whom you can shake hands with, and where it is very rare for anyone to be punished."

The curious thing is that one rarely heard of a corrupt official being punished. Delinquents were arrested, kept in prison for a few days and then released by order of some Minister or other "high personage". The provisions of the Penal Code were seldom applied.

All this might seem fantastic exaggeration inspired by Party animosity, had it not been confirmed later on by the body most competent to deal with public morals, the Parliament itself.

At the beginning of the thirties, during the administration of the National Peasant party, a rumour arose to the effect that at the time of the conclusion of the large armament contracts with the Czech Skoda works, highly placed army officials and even members of the Government and their relatives had been bribed, enormous sums finding their way into their pockets.

The rumours were so consistent and had so damaging an influence on the attitude of the public towards the administration, that the Government decided on a drastic measure to put an end to them and proposed to the legislation to enact the aforesaid measures which were to provide for a supervision of the financial situation of public servants, at the same time making it possible for them to protect themselves against unjust or unfounded insinuations and calumny.

The Bill was ready in the autumn of 1932 and in October the report of a mixed committee was tabled in the Camera.

Immediately after the beginning of the world war — ran the report — the country was plunged into a devastating and oppressive economic crisis, followed by a moral crisis which, barely perceptible at first, gradually assumed alarming proportions and caused great disquiet among the population. "We were confronted", — the report continued, — "by the surprising phenomenon that in the midst of the general impoverishment individuals who were in State or municipal service suddenly abandoned their previous simple and modest mode of life for one of luxury and extravagance markedly at variance with the meagre means ostensibly at their disposal. Sumptuous mansions arose and vast fortunes were made or mysteriously augmented before the dazzled eyes of the embittered masses. Poverty was turned into riches and thrift into prodigality as though at the stroke of a magician's wand. — It was only natural that questions as to how and whence should arise, at first faintly and cautiously, then ever more loudly and peremptorily. Staggered and uneasy, the general public began to level unfounded accusations against all who took part in public life, thereby envenoming the struggle between the political parties.

The debates on the Bill were short in both houses of Parliament. An impressive speech was delivered by the Suabian deputy, M. Kaspar Muth, a former member of the Hungarian Parliament, who said that the Act would stand in the *Corpus Juris* of Rumania for centuries as "a mirror of public morals". He pointed out that the disintegration of public morals had caused the decadence and the downfall of the Roman Empire and he warned Rumania not to persist in her present course.

The Bill contained the following provisions:

Subject to control under the law is the property of all persons appointed to State or municipal offices or to any public service. The property of Ministers of the Crown cannot be subjected to control as long as they are in office.

Action can be brought against a public servant by any citizen of the State who is in possession of proofs or evidence (*indicii sau dovezi*) entitling him to the supposition that the property of the official in question has been acquired by illegal practices or that it is not proportionate to his income. It is also open for the official himself to demand that an enquiry shall be made into his case.

The procedure starts by information being lodged with the Court of second instance, Curtea de Apel, and it must not be vague or obscure or a simple denunciation without evidence to support it. Anonymous information will, as a rule, be rejected unless the attorney considers the evidence so well-founded that he himself proposes the indictment.

The information is communicated to the official in question, who is then ordered to declare the exact amount of his property, his assets and liabilities.

The procedure is carried out in the same way as any criminal procedure.

Property is regarded as illegal if it has been acquired to the detriment of the State, or if it is not in reasonable proportion to the salary of the official; also if the defendant fails to supply the information demanded or supplies false or misleading information.

In its judgment the Court declares the property to have been legally or illegally acquired. In the latter case 90% of the property is confiscated and the official deprived of his post. In the former case, if the bad faith of the informer is manifest, he can be sentenced to a term of imprisonment not exceeding one year.

From every judgment of first instance appeal lies to the Supreme Court of Justice.

The Bill became law and its application was eagerly awaited. But the general expectation was not fulfilled: neither private persons, nor the officials themselves, nor the attorney, showed any anxiety to put the law into operation. The *Adeverul* published an ironical picture showing an empty Court room in which the judge sitting alone behind his

table was deprecatingly saying: "Pray, don't hustle, gentlemen, you will all have your turn."

The first to apply the new law to himself was Prof. Boila, a relative of the former Prime Minister, M. Maniu; tired of being attacked as one of the persons implicated in the Skoda affair, he challenged his detractors in the press to take action against him; but no one took up the challenge.

After a few cases of minor importance in which one or two officials were convicted in the course of 1934, there followed the notorious case of General Dumitrescu, chief inspector of the gendarmerie, who was sentenced by a military court to a few years' imprisonment. In the same year a crazy Bucharest lawyer, S. Florescu, commenced an action against some of the most prominent statesmen, Messrs. Duca, Iorga, Iunian, Manoilescu, but this was stopped by the Court.

In the following years we find sporadic instances of information being laid with the Courts; we even know of one or two since the advent of the new régime in the spring of 1938. But it is evident that the law which was hailed with so much satisfaction at its enactment has failed as an effective measure for the detection and punishment of crime.

It is to be hoped that the new régime, which has brought to the fore the Party of "national regeneration", will obtain better results in the way of purging public morals than were worked by the fear of punishment.

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