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THESIS

THE RETROCESSION OF PROPERTY IN ROMANIAN SOCIETY

ABSTRACT

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INTRODUCTION

Our thesis is an applied socio-juridical study consisting of alternative discourses, sociological on the one hand, and juridical on the other, which confers its micro-interdisciplinary characteristics. The topic of the thesis is a recent social, political and legal issue: the socio-juridical implications of the retrocession of property seized during the communist regime, a socio-juridical action that involves local, national and European organizations and institution, as well as the social factors inevitably contributing to this process. The methodology rests on the sociological analysis of juridical documents pertaining to the retrocession of property in Câmpia Turzii. As interviews were taken, questionnaires were distributed and the results subsequently interpreted, and documentation research was carried out, the investigations of the chosen target group constitutes itself as a multiple, interdisciplinary study.

The previously parallel-structured discourse on the sociological and on the juridical level gained unity in the chapter dedicated to the cases of property retrocession in Câmpia Turzii as a result of the sociological methodology employed in the gathering, processing and analysis of the data.

PROPERTY AND SOCIAL DEVELOPMENT

In all societies, property is and has always been a fundamental reality, an engine driving the development of both individuals and communities. The issue regarding the retrocession of property in Romanian society is framed by the political change from the former proletarian dictatorship that had characterized the old regime, since the property was seized under communist rule, to the new democracy and our research shows that, socially speaking, this juridical phenomenon, as a social occurrence, is part and parcel of social development.

Theoretically speaking, there is a difference, across Europe, in what regards the state of social development: the constant evolution of the Western countries has led to progress and

modernization, whereas in Eastern societies this evolution has taken the form of "crises in development". One aspect of such a crisis, in Romanian society, is constituted by the issue of property retrocession, brought about by another such crisis, namely "the crisis in socialist development", imposed by the dictatorship that had allowed for property to be seized.

It is essential to acknowledge that property is relative in more ways than one: firstly, property rights are dependent on the governmental actions that generated them. Secondly, property rights depend on one another. And, thirdly, property rights depend on the situation at hand. Consequently, the economic significance of a certain right constitutes a function of: (1) the law that protects that certain right, as compared to other rights that are protected; (2) the rights of others, and (3) activities such as selling and buying, the microeconomic circumstances as well as other economic variables. Competition itself represents a way of destroying the value of other people's property as each and every competitor aims to attract all the possible clients on his side.

Property as an institution gains its importance not only due to the position it holds as compared to other institutions, and not just because it promotes production and material well-being, etc., but also as a result of the decision process that results in granting someone the right to property. Property is sometimes described by drawing an analogy to a bunch of sticks, each of which represents a potential ability to act or to get immunity to the actions of others. This is a multilayered decision process, as it involves making decisions regarding who can do what to whom. These aspects become clearer when one studies the transformation of that the economy undergoes when progressing from a system where land ownership had both economic significance and governmental authority to a system where property owners, as well as those who do not own property, contribute to and participate in the decision-making process on the political and on the economic level.

Considered from this perspective, that of property as an institution, the issue of retrocession becomes an economic vector in the transition from the dictatorship of Eastern socialism to capitalism.

The Romanian sociologist Henri H. Stahl authored three versions of the theory regarding the co-proprietorship village: *The sociology of the co-proprietorship village* (1946), *Contributions to the history of co-proprietorship villages* (1956-1965), and *Co-proprietorship*

villages (1998). In his last version of this theory, Stahl resorts to the "modernization theory" and accepts the idea of "crisis of communist societies", regarding development as a transition from communism to capitalism, in our case from socialist property, common and collectively owned, to the liberal, individual type of property.

From the perspective of social development, the retrocession of property in the period following the socialist regime involves an action endowed with juridical, economic and social characteristics within the larger background of the transition that Romanian society underwent on its path from socialism to capitalism.

RIGHTFUL PROPERTY AND ITS SOCIAL FUNCTION

The European social, philosophical and sociological train of thought has exhibited two trends regarding the relation between thought and ownership. The critical outbursts against the idea of private property have been either moderate in nature, or extremely powerful, even radical; they started with Plato, then followed the Church's founding fathers, the Utopians Sir Thomas Morus and Tommaso Campanella, and later Babeuf, Bazard and Proudhon, and then Marx and Engels. The other trend is voiced by those in favor of the idea that private property is a good thing: Aristotle, Auguste Comte and Stuart Mill, as well as others who have pointed out the advantages that private ownership displays, as an economic tool and stimulus guaranteeing individual freedom, bringing a source of wealth, prosperity and social well-being (Marty, G. and Rynaud, P., 1980).

From the juridical and economic point of view, Marx's and Engels's virulent diatribe against private property led to a depersonalization and to an aloofness manifested by the people with regard to this notion, given that their project of proletarian dictatorship was implemented in Eastern Europe the aftermath of the Bolshevik revolution and was later expanded during the Second World War. Thus, the social function of private property as a means towards the family's prosperity and the community's wealth got annihilated and, thus, there appeared a state engaged in exploiting and taking advantage of those citizens who owned property. Moreover, not only

were the properties seized, but the owners were done away with, in various ways, being murdered or imprisoned, destroyed as physical entities and/or as social beings.

PROPERTY IN ROMANIAN SOCIETY

The interest of the Romanian State for property first developed under the reign of Alexandru Ioan Cuza, property rights being later acknowledged and instituted through legislative measures that fostered social development and society's modernization.

In Romanian society property has held various roles, being regulated differently. During pre-industrial times, the laws of the land that governed property as well were issued by the ruler, called "voivode", and upheld by the "voivodal" institution. The first juridical document referring to the issue of ownership, the Code of Calimahi (1817), also operated a distinction between the ruling class and the class ruled (Vedinaș, 2011).

The period stretching from 1864 to 1945 also included the initial budding and the subsequent development of industrial society; at this time there were juridical documents, codes, laws, constitutions, all supporting the right to property in a liberal democratic fashion.

From 1945 to 1989 our industrial society developed under the socialist rule (Radu N. et al, 1996) drowning in laws and norms that upheld the communist nomenclature's decisions to nationalize properties, so that no land was left available or privately owned, and just the mountainous regions and the communal properties remained free.

From a sociological point of view, property has always been an agent of social stratification, even in traditional society, and, as Henri H. Stahl points out, this phenomenon began once the co-proprietorship villages started to fall apart, some land remaining free, whilst others neighborly owned.

Depending on the land that they were able to cultivate, the peasants got labeled as foremen, middle-men and rear-men, which goes to show that here too there existed forms of social stratification. After the agrarian reform of 1921, the structure of land ownership changed

its configuration, in that the agrarian land of the peasants joined in neighborly ownership was larger than that of the ones working for the latifundia owners.

Between 1927 and 1937, so for an entire decade, as a result of the changes that occurred in land ownership, changes favoring the peasants, the economic development was encouraged and the proof of this particular state of facts came in the increasing number of agricultural implements. This economic development is part and parcel of the social development and mirrors the social stratification mentioned above, whose clear description can be found in Anton Galopenția's sociological study published in 1939, on page 25.

Moreover, the possibility for private property generated much more than social stratification, leading to the appearance and development of the various types of capitalism: commercial capitalism, finance and banking capitalism, as well as industrial capitalism (Zeletin, 1991), this evolution being one organic in nature.

Nevertheless, the post-communist transition that began in Romania after the December revolution, failed to follow the pattern of this organic evolution outlined by Zeletin, namely from commercial capitalism and banking capitalism to industrial capitalism. This transition from totalitarian socialism to capitalism constituted itself, to employ Dumitru Sandu's 1996 metaphor, as a "journey" of macro-groupings that started from the same start-line and from very similar temporal positionings.

THE RETURN TO PROPERTY. DOCUMENT ANALYSIS.

Although there have been numerous discussions regarding the retrocession of property in Romanian society, from private positioning to public debates and media coverage of the issue, juridically speaking there were reparatory measures taken only starting with the Law number 10 of 2001, which focused on the retrocession of buildings that had been abusively seized during the communist regime.

The contents of the law failed to bring satisfaction to all those who applied for retrocession of property, so those who felt wronged petitioned **The European Court of Human Rights/Cour européenne des droits de l'homme (ECHR/CEDO)** and following the pressures from this court, as well as from the European Council, Law number 247 of 2005 came to partially modify the previous law, namely Law 10/2001. Later, due to increasing pressure on the part of the aforementioned institutions, there appeared Law number 165 of 2013. But, even after the repeated interventions of **The European Court of Human Rights/Cour européenne des droits de l'homme (ECHR/CEDO)** and of the European Council, the lack of clarity in the wording and stipulations of these laws resulted in the failure of the Romanian legislators' attempts to solve the quandary of retrocession of property, although similar attempts in the field across Eastern and Central Europe have proven to be successful.

In this thesis, the issues pertaining to these laws, and to the interventions of **The European Court of Human Rights/Cour européenne des droits de l'homme (ECHR/CEDO)** and of the European Council, as well as the comparison with the situation in other Eastern and Central European countries, are covered by several chapters. However, here in the summary, we offer just an outline of the document analysis featured in the concluding section:

Uncertainty in the implementation

The implementation of Law 10/2001 faced a plethora of dilemmas that had not been properly and timely addressed at the political level.

Restitution "in nature" – a solution in principle or "by rule"?

In its present format, Law 10/2001 states, in its opening article and paragraph, that "buildings which were abusively seized by the State, by cooperatist organizations or by any other individual person endowed with juridical status […], shall be restituted, in nature, under the strict provisions of this law." The text continues to strengthen the principle of "in nature" restitution, thus: "in the cases where "in nature" restitution is not a possibility, reparatory measures shall be instituted by equivalence".

What results from the text of the law is the idea that "in nature" restitution is the primary solution, whilst the equivalence reparatory measures constitute the exception. However, the

powers of this principle are modified later in the text of this law, namely in the first paragraph of article 7, where it is stated that: "**normally/as a rule**, the buildings which were abusively seized shall be restituted in nature".

The use of this syntagm parallels that of Law number 18/1991, where, in a similar fashion, the restitution principle on the former sites was undermined through ambiguous phrasing, fostering the practice of denying on site restitution even in the absence of objective motives for such a decision. Through the corrective additions brought against the principle of "in nature" restitution, Law 10/2001 worked to effectively limit the possibilities of "in nature" restitution even for the estates that, at the time, namely before 2001 and during that particular year, were not occupied by durable buildings, as well as for the buildings that had been neither destroyed nor purchased by well-intended buyers, such as the tenants who had acquired property under the Law number 112 of 1995 or as entities with juridical status, investors, for instance, who had acquired the estates as a result of privatization procedures.

What is more, if the previous owner, abusively destituted under the communist regime, fails to bring action within 18 months of the law's adoption by asking for nullification of the estate's sale, the act of selling can no longer be attacked, even if the buyer had been ill-willed, namely if he or she had actually been aware that the state lacked the right to sell that estate at the time of the transaction.

Consequently, the inexistence of a legal framework that could have righted the past abusive actions, a legal framework that should have been instituted at the beginning of the 1990s, as it was in other post-communist states, paired with the permanent oscillation between the protection of tenants and the rights of the previous owners, led to the creation of a chaotic and fragmented context. The obvious bias towards the protection of tenants in existence for the first ten years was only partially overturned by Law 10/2001, since the principle of "in nature" restitution was adopted too late and was not persuasive enough, as it fostered difficulties whenever its implementation was required.

The inexistent deadlines

The existent legislation fails to stipulate deadlines for the finalizing of the process as well as for the completion of the files, and it does not even stipulate that the authorities are bound by law to issue an answer to the plaintiff's requests.

The ambiguity concerning the required documentation

There is a permanent state of divergence regarding the administrative procedure and the juridical one, especially in what regards the succession-related documents that are deemed acceptable in the process of retrocession.

The interaction with the archives' and with the cadastre's staff

There are serious issues springing from the lack of cadastral data and from the historical problems within the archives. Thus, the coordinates featuring in the property acts do not match those to be found with the fiscal authorities from before the moment when the property was nationalized, with the nationalization documentation, with the seizing of property acts, and all these have proven to be highly problematic concerns for the overworked staff who have only limited resources at hand, too feeble to allow them to solve the existent conflicts.

Communication issues and the lack of transparency

A major problem that almost all the analyzed institutions have been facing was the poor communication process with those in charge of notifications, and the lack of any possibility to track on-line the evolution through the various stages of the process.

The people who attempt to get their property restituted most often mention the communication problems with the authorities, not only at local levels (The City Hall, The Town Hall, The Prefecture, etc.), but also at central/national levels (the ministries, AVAS, or ANRP – the institutions responsible with the retrocession process). Even several years after the files had been submitted, the plaintiffs kept finding out that additional documentation was required to finalize the process, yet they were only informed of this when/if they requested a face-to-face meeting with the representatives of the authorities in question. Quite frequently, the plaintiffs discovered that documents that had been in the originally submitted file had gone missing, in

spite of having been actually filed, and this points to a rather weak organization on the part of those responsible with handling the files, raising doubts as to the integrity of the staff working for the aforementioned institutions.

In as far as these face-to-face meetings or audiences are concerned, most authorities view them as an ineffective way of discussing the issues with the plaintiffs, especially when the responsibility lies in the hands of committee members: "We no longer accept to talk face-to-face. We did, at the beginning, when the plaintiffs filed the required documentation, but we have ceased to do that because the people are desperate and it is a complete waste of time talking to them again", stated a representative of the authorities, an actual member of the committee Law 10/2001.

Given this lack of transparency and of administrative coordination, it is not surprising to witness suspicions of corruption arising. Most frequently, people blame the incapacity of the public institutions to put to good use the information that already exists, as well as the much too great freedom of decision that the representatives of said institutions hold, the freedom to either accelerate or stall retrocession in certain cases, as such freedom can be used to favour the political clientele, to blackmail the previous owners, especially the older ones or the much too poor ones, with the indefinite postponement of decision taking in their case, so as to force them to sell the litigation rights to a third interested party, all these being common practice in the restitution process.

The previous owners' discontentment

Most of the previous owners are (rightfully or not) profoundly dissatisfied with the poor organization in the City Hall/ Town Hall, with the ineffective and weak communication, with the ill-will of the staff or of the decision factors, which sometimes results in failure to implement the judge's rulings.

Most of the problems signaled by the plaintiffs, however, were those involving the illegal sale of buildings that fell under the stipulations of Law number 112 of 1995. More precisely, the fact that the authorities had sold the buildings to the tenants although the rightful owners previously destitute by abusive nationalization had already notified the responsible institutions or

had even already brought the respective cases to court at the time when the transactions were finalized.

Problems with the system

There has been a permanent difficulty in principle when the Law number 10 of 2001 needed to be applied, due to the fact that in the case of buildings subject to restitution procedures (as well as in the case of the land that should have been subject to retrocession) too much freedom of decision was granted to the local committees, although these were not directly interested to give back the respective assets to the previous owners, more often than not people who had left the community a long time before the notifications could be filed, and were thus unable to constitute a pressure force to be reckoned with. As a result, in many locations the lack of enthusiasm of the authorities (be they locally elected officials or local clerks) was more than obvious, since they were extremely reluctant to solve a problem that "was not really their own".

Moreover, two additional loopholes that uniquely feature in the Romanian legislative restitution process have undoubtedly convinced local authorities that not even at central national level is the proper and efficient solving of the retrocession issues regarded as desirable:

- either no deadlines were set for giving a solution to a notification brought in such cases, or even for providing an answer of any kind, or, when such deadlines were finally set (as late as 2001), no penalty for delays was stipulated;

- the phrasing of the law were highly ambiguous, the ambiguity resulting mainly from the insertion of the infamous syntagm "restitution in nature (or on the initial site) is to be offered **normally/as a rule**", as this phrasing allowed for subjective interpretation and was taken as a leeway by the local authorities whenever they wished to make discretionary decisions.

These two loopholes managed to allow for the transformation of the exception into the rule, in that too few notifications were thenceforward settled according to the spirit of the law. More often than not, local committees took advantage of the ambiguity inherent in the phrasing in order to indefinitely postpone the actual retrocession of property, or so as to offer the previous

owners unacceptable locations, which resulted in a huge overload of such cases in the courts. The rate of actual effective settlements of such notifications out of court is extremely low.

Another clue that points to the lack of coherence in applying the law of retrocession of property is constituted by the huge discrepancies to be seen across the country, if one compares one county to another in terms of settlement rates.

To sum up, the most problems that have been encountered locally and that have unanimously been brought to the attention of City Halls, Town Halls and Prefectures are three in number and relate to the wrongful management displayed at the central national level as mirrored by the improper implementation of the law and by the inefficient actions taken in the field of retrocession of property.

The changeable and imprecise legal framework

- The assignation of responsibilities to each of the levels as outlined in Law 10/2001 were changed at the worst of times, in 2005, right after the period between 2003 and 2005 when maximum of effort had been made by the local authorities to overcome the impressive obstacle of taking over the submitted files and just when the said institutions had learned how to efficiently implement the procedures. The City Hall and the Town Hall committees, which up until that moment had been in charge with the evaluation procedure and with the proposal of the compensatory amounts, lost this role in favour of the newly created National Association for the Retrocession of Property (ANRP), which was endowed with its own network of estate evaluators running at national level. These estate evaluators were randomly assigned the files, in an obvious attempt to hinder local maneuvering and biased arrangements marred by narrow interests and inherent corruption.

- The problem is all the more pressing as the Law number 10 of 2001 was amended in 2005 in yet another crucial point: the estimation of property value when the latter cannot be restituted in nature shall be done “at current market value”, whilst previously there was in place an accounting methodology that had its foundation in more objective criteria. In principle, the new stipulation favors the plaintiffs to be reinstituted through the Property Funds, since under the previously existing criteria from the implementation

Norms their properties were underestimated in relation to the current estate market for buildings and land. In other words, until 2005 the local authorities did not only compile the files but also performed an evaluation on the grounds of the legal and accounting methodology, sending the files to the central authorities together with their estimate of the proposed amount to be given to the previous owners. From 2005 onwards, the local authorities do nothing more than compile the documentation in order to establish whether a plaintiff is to be deemed eligible or not, whilst the amount to be offered must be set by the certified evaluators of the National Association for the Retrocession of Property (ANRP), in a subsequent process, function of the current market value, a more laborious and industrious procedure indeed. Beyond the above-mentioned difficulties marring this procedure, there appears a paradox here: although the introduction of the more complex system relying on independent evaluators and on the random assignation of files at national level had its advantage, by reducing the number of local arrangements breeding corruption, by keeping under control the total costs, the decision to apply current market value criteria led to an actual increase of said costs at the expense of the Property Funds, which at this point does not seem able to honor its debts in their entirety, nor is it likely to become solvent in the foreseeable future. In fact, the amounts proposed for settlement by the national network evaluators working for the National Association for the Retrocession of Property (ANRP) are now much higher than the ones previously proposed by the local committees, without being, however, more objectively set, although the system was meant precisely to stop local clerks from giving plaintiffs exaggerated amounts to the detriment of public resources.

This change in responsibilities and this shift in the evaluation procedure implemented in the year 2005 gave rise to two major inefficiencies:

- all the work that had previously been done for two whole years by the local committees in the evaluation area got nullified and had to be done once again by the representatives of the new much more slowly-progressing system;

- as time went by, the value of the estates rose progressively, so that the amounts likely to have been accepted by the plaintiffs as settlement offers in 2005 and 2006, had the National Association for the Retrocession of Property (ANRP) immediately sanctioned

them at the time, have grown a lot in the meantime. They are still growing now and, as the process is delayed, given that the rhythm of the evaluators cannot keep up with the amount of work and with the rapid evolution of the estate prices, even the actual offers tend to become outdated especially if ANRP runs (one or two years) late with the approval of a case file.

On the other hand, what for the State, or for the Property Funds, constitutes increasing costs, actually represents a reparatory amount for the plaintiffs, so the fact that the settlement offers are growing to match the current market value is not in itself proof that the policy at work now is wrong. The problem, however, is that the whole system should be both effective and efficient, allowing for a balance to be found in a reasonable compromise that offers the previous owners rightful compensation without constituting a terrible burden for the taxpayers of today, the ones who are actually encumbered with this debt of compensation. Many a time have the courts allowed for the retrocession of parks and of land constituting public domain, horrifying the citizens or causing the public outcry of ecologists and of environmental organizations. This was also the result of the flawed legislation or of the inaptness demonstrated by local administrations: in many situations, including in Bucharest, the inventory of the public domain and of the public utilities was never finalized, and the Ministry of Environment failed to set the norms for the registration of green areas. Consequently, the City Hall or Town Hall staff could not prove in court that the respective estates should not be subject to in nature retrocession.

Since there is no deadline for the file's completion with the necessary documentation, once the notification is submitted a large number of estates are kept in limbo, both buildings and plots of land. Thus, the City Halls and the Town Halls do not have an estimate of the final haul of property to be restituted and cannot publicly invest on such blocked surfaces: the estates cannot be expropriated until their status becomes clear, nor can they be used for compensation.

The lack of central coordination and of a unified code of practice

There are many clues that the system works badly even when simpler matters are at stake, not only when it faces the complex dilemmas mentioned above. There is unanimous accord at local levels that the National Association for the Retrocession of Property (ANRP) is relatively slow functioning. Files that had been sent by local institutions to the central authority in

Bucharest are sent back because the plaintiffs' IDs had expired (a copy of each ID must be in the file), and the local authority is in the delicate situation of tracking down the respective plaintiffs to deal with these trivial problems that cause even further delays.

The situation is even more frustrating in the cases where the plaintiff died while the file was being processed, because then the heirs must put together all the documentation again. Most often, however, the Committee receives requests for further and more detailed information (blueprints of the building in question, technical details, etc.) that exceeds the normative methodology, thus being unclear who should be responsible for producing such documents: the owners themselves, the National Association for the Retrocession of Property (ANRP) evaluators when they inspect the estates or the Committee themselves? Under such circumstances, the committee members often decide to go to the Archives themselves, since by notifying the plaintiffs long delays would ensue, and the same amount of time would eventually have to be spent on counseling the plaintiffs as to where and when they should go to finally gain access to the necessary blueprints.

Finally, the repeated delays caused by constantly adopting new amendments to the law led to the constant postponement of the deadlines by which the notifications were supposed to be made and the files completed, and the addition of newly arrived plaintiffs (relatives of the original plaintiffs wishing to be compensated as well joined during the second wave of file submissions) resulted in administrative mix-ups, complicating the procedures even further. The more enlightened City Halls and Town Halls which strived to follow a more rational and transparent procedure by creating an inventory of the properties after the first wave of file submissions (2003-2005) in order to clearly establish which properties could be subject to in nature restitution and what reserves were left for compensations were actually the most powerfully hit by the fluidity and indecisiveness manifested by the central authorities, since the City Halls and Town Halls in question had promised the plaintiffs a quicker resolution than they were ultimately able to provide.

Unlike the other socialist countries, which tried harder and in a more decisive and coherent way to take reparatory measures in the case of property abusively seized during the communist regime, and which actually succeeded in rapidly solving the retrocession issues immediately after the fall of communism, Romania persisted in deferring this issue, which grew

ever more complex as the time passed by because the authorities responsible with solving this problem repeatedly failed to deliver on their promises (Baias et al, 2012).

INDIVIDUAL CASE STUDIES WITHIN THE CÂMPIA TURZII MICROGROUP. EMPIRICAL RESEARCH AND DATA ANALYSIS

Here, in this chapter, the two parallel discourses, namely the sociological discourse and the juridical discourse that alternated throughout our research finally merge together, giving shape to our study in applied sociology.

First of all, the sociological aspects were treated both from the theoretical and from the methodological point of view, due to the fact that, in our opinion, in the case of the retrocession procedures that took place in Câmpia Turzii the perspective is that of juridical micro-sociology, as we are facing a juridical phenomenon as social fact (Durkheim).

In view of the relation between the juridical offer and the plaintiffs' requests it became clear that under the scope of applied sociology each particular case of property retrocession needs to be considered as a "social case" (Mihu, 2008), and the considerable number of existent cases justifies our choice of methodologically approaching this research as a multiple case study.

The field research is outlined throughout the thesis on three coordinates:

1. The qualitative coordinate rendering the presence of participatory observation research complete with the story of the "seizing" and "restitution" of property in a special case, namely one in which 25 properties were claimed. The sociological analysis reveals that in this case the social relations both after the seizing and during the reinstating procedure took the form of a communal matrix (Pascaru, 2003) of interdependent knowledge, a matrix that both then and now constituted and constitutes the landmark of this particular community inhabiting Câmpia Turzii, an urban community dominated by urban mentality.

2. The quantitative coordinate constituted by the investigation in the field performed by administering a questionnaire of the opinion-poll type. The questionnaire was structured on topics related to retrocession issues: the public interest for this phenomenon, the awareness of the

public regarding thus phenomenon and the perception of the authorities with regard to the realities inherent to the retrocession process. The analysis of the data presented in graphs and statements represents a segment of public opinion sociology in the framework of our socio-juridical study in applied sociology.

3. The qualitative-quantitative coordinate forms a distinct part in the data analysis performed through participatory observation, in the study and the analysis of the documents, in the statistical inventory of the cases, be they similar or different. The statistical data appeared represented in graphs and the analytic discourse rendered several special cases. Both the statistical analysis and the study of the special cases clearly justify our choice of methodology, namely that of the multiple case study and conclude the socio-juridical profile of our study in applied sociology founded on the coordinates outlined above.

These methodological coordinates and their application illustrate the fact that the real situation of retrocession procedures in the Romanian society as rendered in our socio-juridical study confirm the claim that the cases settled so far as well as those to be settled in the future are to be seen as juridical phenomena understood as social cases, as argued above. Our two-fold analysis, informed by a sociological and by a juridical perspective constitutes an essential contribution to the development of the sociology of law and fosters a better understanding of the legal documents as specific components in the social history of organizational sub-branches in Romanian society.

This double perspective, sociological and juridical, actually displays a profound correlation at the level of discourse and language, as well as at the level of thinking and reasoning, namely the semantic correspondence between "cause" in the juridical field and "case" in the sociological field. What our legal discourse in this thesis denotes by the term "cause", our sociological discourse in this thesis denotes by the term "social case". The profound correlation between the two terms is supported by their definitions: "case" is a ground for legal action, whereas "case" is "a situation defined by penal law" (Lazăr Șăineanu,1998).

This correlation thus serves as an additional argument supporting the validation of our thesis as a sound socio-juridical study in applied sociology.

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