

She had a Mellon Fellowship (2000), DAAD Fellowship (2000), Korber Senior Fellowship, Institut für die Wissenschaften vom Menschen, Vienna (2006), various research stages at MSH Paris (2003, 2004, 2005), GWZO, Leipzig (2010).

Besides numerous academic studies and book chapters, she has edited 6 volumes (including *Nations and States in Southeast Europe*, Thessaloniki, 2005, also Serbian, Greek, Croat, Bosnian, Albanian and Macedonian editions, second edition 2009) and published

Între "bunul creștin" și "bravul român". Rolul școlii primare în construirea identității naționale românești (1831-1878) [*Between the "Good Christian" and the "Brave Romanian". The part of elementary school in constructing the Romanian national identity (1831-1878)*], Iași, 1999 and *Istoria din ghiozdan. Memorie și manuale școlare în România anilor 1990* [*History from the school bag. Memory and schoolbooks in Romania during the 1990s*], București, 2004.

e-mail: mlmurgescu@gmail.com

Translation from the Romanian by Sean Cotter

The Official Condemnation of Communism in Romania and its Repercussions

by Martin Jung, Friedrich-Schiller University Jena

On December 18, 2006, seventeen years after the fall of Nicolae Ceaușescu and shortly before Romania's accession to the European Union, President Traian Băsescu condemned the Communist government as an "illegitimate and criminal regime." He based his condemnation on the final report of the "Presidential Commission for the Analysis of the Communist Dictatorship in Romania," which he had called for in April 2006 and to which he set the task of providing a scholarly foundation for this official position.¹ Intellectual circles had called for President Băsescu's condemnation several times since his election at the end of 2004, and nearly all the mem-

bers and experts of the commission had been recruited from their ranks. The convening of the commission also followed from the rivalry and tension between the President and the Premier. At the end of 2005 the Premier at the time, Călin Popescu Tăriceanu, had founded the "Institute for the Investigation of the Crimes of Communism in Romania" and for this reason the questions of the treatment of the Communist past and its condemnation were brought onto the political agenda.

The sought after condemnation of Communism certainly did not pass without controversy and it was criticized and dismissed by the Social Democratic Party (PSD) and the nationalistic Greater Romania Party (PRM). The condemnations of this sort were harshly polemical and contained little factual basis. The level of the PRM's opposition was demonstrated during the introduction of the report in

1 Comisia Prezidențială pentru Analiza Dictaturii Comuniste din România: Final report, edited by Vladimir Tismăneanu, Dorin Dobrințu, Cristian Vasile, București 2007

parliament in December 2006: members of the PRM disrupted the president's speech with placards, whistles, and heckling, personally insulted him and the commission members, and threatened them with physical violence.

In contrast, the criticisms expressed in intellectual circles were less on principled grounds than they were criticisms of the individual members of the commission. They directed their attacks first and foremost against Vladimir Tismăneanu, Professor of Political Science at the University of Maryland, whom President Băsescu had appointed as chairman of the commission and charged with the nomination of members and experts. A critical-substantive disagreement with both the condemnation of communism and the commission report was only found to a very limited extent, primarily in the collection "The Illusion of Anticommunism", to which authors from diverse scholarly disciplines contributed articles.²

Against this background the questions raised by the official condemnation of communism were confronted all the more. President Băsescu's speech in parliament gave the first indication of this: while he took up the outlined conclusions and theses of the almost 900 pages heavy final report on communism in Romania with only slight variation, he only partially followed the recommendations of the commission and completely disregarded some of its suggestions. It must however be admitted that the implementation of the recommendations did not depend solely on the will of the president, but rather fell into the jurisdiction of other state establishments and organs like the government, parliament, or in-

2 Ernu, Vasile/ Rogozanu, Costi/ Şiulea, Ciprian/ Țichindeleanu, Ovidiu (Hgg.): *Iluzia anticomunismului. Lecturi critice ale Raportului Tismăneanu*, Chişinău 2008.

dividual ministries.

The commission arranged its recommendations into five categories: 1. the condemnation of communism; 2. commemoration; 3. jurisprudence and justice; 4. research and archives; as well as 5. education. These categories combined together into two basic overall concerns. The first consisted of an official, explicit and categorical denunciation of the communist regime as "illegitimate and criminal." For the commission bringing this about meant an assessment of the resistance (however it had developed) to communism, an assessment of the victims of communist repression, and an expression of sympathy for the suffering of the Romanian people. It also meant, however, the determination of accountability, the identification of "culprits," and measures to apprehend and punish them. The commission's second concern involved issues of the placement, distribution, and dissemination of the report and its contents, which for the commission comprised the basic framework for a future deepening and broadening of its results.

With the first goal in mind the commission suggested official statements. They called on parliament to make a statement pursuant to the Council of Europe's January 2006 "Resolution No. 1481 on the Necessity for International Condemnation of the Crimes of Totalitarian Communist Regimes," but received no reply. President Băsescu, in contrast, followed the commission and in his speech condemned the communist regime in the form of the Romanian Communist Party and the Securitate intelligence service. Unlike the commission he did not name any specific individuals from ruling circles. The commission connected the thesis that the communist regime had only nominally come to an end in December 1989 with the explicit mention of Ion Iliescu, the

president of Romania from 1990 to 1996 and from 2000 to 2004, and the condemnation of his membership on the Central Committee of the Communist Party from 1968 to 1971. President Bănescu did not engage in this extremely politically sensitive and profoundly explosive theme and did not take up the recommendation of the Commission to recognize and investigate the officially “anti-communist character” of the events of December 1989 and the protests against Ion Iliescu in the period that followed. In addition, President Bănescu disregarded the call by the commission that the occasion be used to award persons detained at these events the status of political prisoners.

In April 2007, in the wake of his speech, President Bănescu assembled the “Presidential Advisory Commission for the Analysis of the Communist Dictatorship in Romania.” This body, with a mandate until December 31, 2006, was meant to implement the advisory recommendations and finalize appropriate strategies. Recommended measures for this purpose included an appraisal of the victims of communism, which President Bănescu took up and supported in his speech in December. The commission proposed the construction of a central monument in Bucharest, the establishment of a “Museum of the Communist Dictatorship” and the creation of a permanent exhibition in the Parliament House on the violations of civil liberties in Communist Romania. To date, none of these proposals has been realized, nor even the adoption of a commemoration day. The requests of the commission, and the frequently expressed public calls to the government that December 21 be declared as a “Memorial Day for the Victims of Communism in Romania” and August 23 as a “Memorial Day for Victims of Communism and Fascism” have not been carried out, nor has a proposed bill in the Senate on the declaration

of March 9 as a “Day of Anti-Communist Political Prisoners”.

In the view of the Commission, the assessment of the victims of communism should be conducted judicially in two ways: on the one hand through the annulment of politically motivated convictions; on the other hand through the grant of financial support and benefits for former political prisoners, either in the form of pensions or free public transportation and medical care. President Bănescu asserted in his speech that he supported the requests of former political prisoners for public acknowledgement of the distress they suffered, but this led to no concrete results. On the first point Parliament in June 2009 passed the “Act of Parliament No. 221 on Politically Motivated Convictions and Associated Administrative Measures for this Purpose in the Period from March 6, 1945 to December 22, 1989.” For this reason there now exists the possibility of judicial challenges, investigations and annulments of politically motivated convictions, and the ability to bring an action for compensation from the Romanian state. With the Emergency Decree No. 62 of July 2010 the government modified the provisions of the law and added limits to the amount of financial indemnity, the constitutionality of which the Constitutional Court must still clarify.

With a view to the “perpetrators,” the commission first and foremost proposed statutory provisions, including the immediate passage of a lustration law. Individuals who had been members of the power structure and repressive apparatus of the regime should be banned from employment in public functions and agencies for a set period of time. The blueprint for this was proposed in parliament in 2005 and was adopted by the Chamber of Deputies in May 2010. However, after an appeal by the Social Democratic Party (PSD) the

Constitutional Court ruled in the following month that the lustration law violated the constitution and annulled it.

The remaining suggestions of the commission for the handling of “perpetrators” remain unimplemented. These included the demand that the pensions of “former torturers” be cut and brought in accordance with the average level, as well as three recommendations that were marked by the experiences of the strenuous post-1989 legal proceedings. First, the commission requested an explanation of the “outrages and abuses of the Communist regime [...] for crimes against humanity” and to thereby make them known for all time; a major part of the post-1989 criminal prosecutions had been discontinued with reference to the statute of limitations for perpetrators. Second, the Commission recommended the invalidation of a decree by Nicolae Ceausescu from 1988 which had made possible amnesty or shortening of prison sentences for various post-1989 convictions. Third, the commission requested a review of medical reports that had led to the early release of individuals who had been convicted of politically motivated crimes. In parallel, the commission recommended criminal investigation and inquiry into these cases. This, however, had as little effect as the commission’s proposals for criminal penalties for the belittling of communist crimes, for efforts at the glorification of the communist regime and its leaders, and for the use of communist symbols and trappings.

On the other hand, in view of its second main objective, the commission took up the placement, dispersal, and transmission of the report and its results as well as the future adoption of a series of recommendations. The final report is available on the Romanian President’s official website, but contrary to the commission’s recommendation only in Roma-

nian. A series of lectures in the large university towns on the presentation of the report was not realized, but instead President Bănescu at the end of 2007 assigned a total of 250 printed copies of the report to over 130 university, district, and city libraries throughout the country.

In the middle of 2008 the Education Ministry implemented a course on the “History of Communism in Romania”, although it was not a mandatory part of the curriculum, as the Commission had intended. It remains, in fact, at the discretion of individual schools whether the course is offered. An analogous textbook was produced in 2008 by the “Institute for the Investigation of the Crimes of Communism in Romania.”³ The creation of a “Lexicon of Romanian Communism” has, to date, not been realized, although a document collection of the years 1945 to 1965 appeared under the aegis of the commission, with further volumes to follow.⁴

The most explicit changes in the wake of the condemnation of communism concerned the archives. After the direct intervention of President Bănescu, a large portion of the archives of the Communist intelligence service was transferred to the “National Council for Research on the Securitate Archive” (CNSAS). In addition, the terms for use of the state archives have greatly improved since mid-2007, largely due to a change in their administration. The materials in the state archive are now available for research, and accordingly access is no longer as restricted as it once was.

3 Stamatescu, Mihai/ Grosescu, Raluca/ Dobrinu, Dorin/ Muraru, Andrei/ Pleșa, Liviu/ Andreescu, Sorin: O istorie a comunismului din România. Manual pentru liceu, Iași 2008

4 Berindei, Mihnea/ Dobrinu, Dorin/ Goșu, Armand (Hg.): Istoria comunismului din România. Documente. Perioada Gheorghe Gheorghiu-Dej (1945 - 1965), București 2009

These include archival records of the Communist Party which were taken over by the army and which were from 1993 onwards gradually handed over to the state archives. The government lifted restrictions on an entire series of decrees of the Council of State and the Presidents from the period up to 1989, and made them available for research. In this way the recommendation of the Commission that all archival materials associated with the communist period should be immediately declassified was only partially realized. In addition, the Commission had recommended a change in the legal framework of the State Archives. Indeed a plan for a new Archive law has been prepared, but has not yet come into effect.

As this example once again makes explicit, it is difficult to come to any clear conclusions. None of the recommendations have been implemented promptly and without changes as the commission formulated them in its almost 900 page final report – with the exception of the (verbal) official condemnation of the communist regime by President Bănescu. Of course he, too, only partly followed the commission's recommendations. The extent of the acceptance and implementation of the commission's recommendations and suggestions seems not only selective and severely weakened in practice, but also contradictory. While a legal provision on the annulment of convictions for politically motivated crimes was passed, the implementation of a memorial day or the erection of a central monument to the memory of victims of communist oppression is still pending. All in all, very few of the recommendations are likely to be carried out, although the commission viewed the December 2006 official condemnation of communism which they had recommended as a key turning point and major success. On the other hand, several things have changed in the time thereafter, so it has not been a complete fail-

ure. The official condemnation did not kick off a deeper and broader social engagement with the communist past – if this was even intended beyond rhetoric. The "Advisory Presidential Commission on the Analysis of the Communist Dictatorship in Romania" has hardly improved the balance sheet. At least President Bănescu was able to demonstrate to the outside world that he did not merely want to leave the issue with a (verbal) condemnation of communism, but wanted to make an absolute change.

About the author:

Martin Jung, born in 1976, studied Eastern European History, Romanian and Western Slavic Studies in Jena, Warschau and Poznań from 2000 to 2006. From 2007 to 2009 he worked for the „Institut für Auslandsbeziehungen“ as a cultural manager in the „Democratic Forum of the Germans in Bucharest“. Since October 2009 he has been a PhD fellow of the DFG Research Training Group (Graduiertenkolleg) 1412 „Cultural Orientations and Institutional Structural Order in Southeastern Europe“ at the FSU Jena.

Recent publications: Herta, Angelika/Jung, Martin (eds.): *From the Edge into the Center. The German Minority in Bucharest [Vom Rand ins Zentrum. Die deutsche Minderheit in Bukarest]*, Berlin 2011 (Forum: Rumänien, 9); Jung, Martin: *Civil Society as an Elite Event? The Sighet Memorial in Northern Romania as a Remembrance of Communist Crimes of Violence [Zivilgesellschaft als Elitenveranstaltung? Das Memorial Sighet im Norden Rumäniens als Erinnerungsort kommunistischer Gewaltverbrechen]*, in: *Südost-Forschungen* 67 (2008), 277-294.
e-mail: euromar@gmx.net

Translation from the German by John Kenney