



## *Introduction*

This book is both a testimony and an analytical exercise. As testimony, it examines the challenges of putting together a truth commission in a post-dictatorial regime: how one conceives of its mandate and selects its members, the relationship between truth and memory, and how a final report can contribute to the moral therapy of societies plagued with still-open wounds. As such, the book addresses crucial political, historical, legal, and moral topics. The analysis focuses on the activities of Romania's Presidential Commission for the Analysis of the Communist Dictatorship in Romania, the role of civil society in putting forward an agenda for such an entity, and the reactions of different political actors, varying from intense support to defamation and vilification. We do not claim absolute objectivity: one of us was directly involved in the story reconstructed here. Yet, we have tried to stick to a balanced and rigorous perspective; it is not our purpose to engage in useless polemics. Rather it is our conviction that, more than ten years after the official condemnation of the Communist regime in Romania as illegitimate and criminal, one can write what may be called a report on the Commission's Final Report, and do so dispassionately.

As chairman and coordinator of the Commission, I [VT] witnessed history being made on December 18, 2006, when the Romanian president, Traian Băsescu, presented to Parliament the conclusions and proposals of the Commission's Final Report. In his speech, he condemned the local Communist regime as "illegitimate and criminal." The members of his audience could be divided into two categories: those who acted like imbeciles, vehemently denying the importance and legitimacy of official reckoning with the Communist past, and those who, imbued with the solemnity of the event, reacted in a dignified manner. The scene in Parliament during the speech was equally grotesque and sublime. On the one hand, ultranationalist MPs from Corneliu Vadim Tudor's Greater Romania Party were screaming, whistling, and booing. MPs from other parties acted similarly, especially those from the

Social Democrats, who endorsed passively or actively the actions of their more radical and vocal colleagues. In contrast, also among those present were some of the most important Romanian and Eastern European dissidents (such as Lech Wałęsa and Zheliu Zhelev), the former Romanian king, Michael I, and prominent Romanian public intellectuals. The next day, in an interview with the BBC, the president insisted that the hysteria of the crypto-Communists and the nationalists was no reason to be deterred from continuing the process of working through and healing from Romania's traumatic dictatorial past. On the contrary, their rancor reaffirmed that the path chosen was the right one, from both a political and moral point of view. A functional and healthy democratic society cannot indulge in the politics of oblivion and denial. Though some had argued for those politics, the president stated his belief that engaging in a collective communicative silence (*kommunikatives Beschweigen*)<sup>1</sup> about the past would not enable post-Communist countries to evolve into functioning democracies.

On the evening of December 18, after a reception at the Cotroceni presidential palace and a dinner with a few close friends, among them philosopher Horia-Roman Patapievici and literary historian Mircea Mihăieș, I [VT] tried to gather my thoughts. My most important task was to explain to my son Adam (at the time twelve years old) what had actually happened – that the violent reactions to the president's speech expressed by many MPs, as well as the majority's toleration of this horrendous behavior, amounted to a sort of final spasm of an abnormal political beast called Communism. Adam and my wife Mary had been at Parliament that day; they saw those scenes of shame, but also of heroism. As I write this, I am looking at Adam's drawing of Traian Băsescu holding the text of his speech while chauvinist Corneliu Vadim Tudor is defiantly waving a sign in the air. After that evening in 2006, I was satisfied that we, the members and experts of the Presidential Commission, had accomplished what we set out to do with our Final Report. Mr. Băsescu had condemned the Communist regime as illegitimate and criminal. I consider my work with the Commission to be the most important intellectual and moral achievement of my life.

Like democratic antifascism, the anti-Communist civic-liberal orientation has finally gained the right to the city in present-day Romania. Since 2006, our public discourse has been characterized not just by

<sup>1</sup> Herman Lübbe first used this term in 1983 in reference to Federal Germany's transition to democracy after 1945.

an emotional and moral revolt but also by a scientifically grounded position based on thousands of pages of archived documents from the totalitarian party-state's various institutions. The position adopted by the members of the Commission in the Final Report does not have the force of a legal indictment, but rather was derived from a process of exorcising the demons of our Communist past through public knowledge and political acknowledgment.

A few weeks before the president's address to Parliament, I had corresponded by e-mail with Mircea Geoană, at the time one of the leaders of the Social Democratic Party (PSD). He invited me to attend the Aspen Institute conference, which was scheduled to take place in Bucharest between December 17 and 19. I thanked him and told him that I would be in the country anyway, and therefore there was no need to arrange my plane ticket or my hotel. I sent a paper and I was included in the conference program. The event was to be opened by Prime Minister Călin Popescu-Tăriceanu. Mircea Geoană assured me that he would cancel the afternoon conference seminar scheduled on December 18 so that we could participate, along with other Western guests, at the solemn moment to take place in Parliament.

The decision to cancel that session, however, was rescinded during the PSD Congress held on December 10, if my memory serves. A few weeks before the presidential speech, Ion Iliescu had learned that his name appeared in the Final Report. The Commission decided to formally acknowledge his culpability for two reasons. First, since the second half of the 1950s, Iliescu had been the leader of the *Uniunea Tineretului Comunist* (UTC; Union of Communist Youth), was a member of the Central Committee of the Romanian Workers' Party (RWP; the Communist Party's deliberate misnomer for itself) and then became its head of agitprop activities, and later served as the Minister of Youth.<sup>2</sup> He then served as president of Romania from 1989 until 1996. Second, the Commission found undeniable evidence of his involvement in the repression of student protests. In 1958, he supported the government's second wave of terror (which took place

<sup>2</sup> Despite being marginalized from prominent political offices after 1971, he still held various party leadership positions at the county level, and he was also an alternate member of the Political Executive Committee of the Central Committee of the Romanian Communist Party. For a brief biography of Ion Iliescu, see Vladimir Tismaneanu, Dorin Dobrinu, and Cristian Vasile, eds., *Raport Final – Comisia Prezidențială pentru Analiza Dictaturii Comuniste în România* (Bucharest: Humanitas, 2007), p. 795.

between 1958 and 1960 in response to the student demonstrations of 1956) by lambasting the “crass conciliatorism” and the absence of Marxist-Leninist attitudes among the youth.<sup>3</sup> Ten years later, he was personally involved in the arrest of students who had participated in a spontaneous protest against the regime.<sup>4</sup> Additionally, the Final Report did not mince words about the nature of the immediate aftermath of Ceaușescu’s dictatorship: “the Iliescu regime that functioned between 1990 and 1996 was a mixture of oligarchic, social, and economic collectivism and authoritarianism founded on the cult of the State’s supremacy over any social reality.”<sup>5</sup> The Final Report associated Iliescu with de-Stalinization and ideological reform akin to the policies of Nikita Khrushchev and Mikhail Gorbachev, but it specified that the system over which Iliescu presided “was not an attempt to restore communism.”<sup>6</sup>

Reflecting his ever-growing obsession with his legacy in Romania’s post-Communist history, Iliescu flew into a tantrum and embarked on a ferocious campaign – as only an old Bolshevik propagandist would know how to weave – against the Presidential Commission and me [VT] personally. He simply ignored the subtleties of the Report’s account about him, as well as the facts about his activities in enforcing a certifiable tyranny against the students he was proudly tasked with managing. He called me “a worthless hack writer without a conscience” and a “history forger,” among other epithets. Coming from him, these charges were perfectly Orwellian. On December 10, the pitiful bargain between Iliescu and Geoană was as simple as it was cynical: Geoană agreed to support a PSD resolution that would unanimously condemn, a priori, the Final Report (which no one had read), while Iliescu gave his support to Geoană as PSD’s candidate for the presidential elections. These facts are now in the public domain and have been acknowledged by a historian who was part of the leadership of the “Ovidiu Șincai” PSD Institute.<sup>7</sup>

<sup>3</sup> *Raport Final*, p. 191. For additional information on Iliescu’s personal involvement in repression see Cristian Vasile, “Ion Iliescu și (re)scrierea istoriei,” *Revista*, 22, no. 7 (February 13–19, 2007), pp. 14–15, and “Iliescu, rotiță în mecanismul totalitar,” *Evenimentul zilei*, no. 4721 (February 14, 2007), p. 18.

<sup>4</sup> *Raport Final*, p. 194. <sup>5</sup> *Raport Final*, p. 28. <sup>6</sup> *Raport Final*, p. 456.

<sup>7</sup> See Florin Abraham, “Raportul Comisiei Tismăneanu: analiză istoriografică,” in Vasile Ernu, Costi Rogozanu, Ciprian Șiulea, and Ovidiu Țichindeleanu, eds., *Iluzia anticomunismului* (Chișinău, Cartier, 2008), pp. 7–42. Abraham is also

A cable drafted by the US Embassy in Bucharest in December 2006 provides interesting insights into the behavior of the MPs during President Bănescu's condemnation speech. US diplomatic officials stated that Geoană was no longer able to distance himself from Ion Iliescu. The cable also noted that, according to Titus Corlăţean (then an MP from the PSD who later served as the minister of justice from May–August 2012 and as the minister of foreign affairs from August–November 2014, during PSD member Victor Ponta's premiership), Nicolae Văcăroiu (then president of the Senate and, previously, the prime minister between 1992 and 1996) did not quiet the room because he allegedly feared for his safety. In our opinion, Văcăroiu's close relationship with Iliescu might be a much more plausible explanation for his lack of action. One can hardly imagine him being lynched in Parliament. The cable also described a private meeting between Cristian Tudor Popescu (a journalist) and Mircea Geoană in which the latter bluntly said that "one of Romania's top media figures told us privately a few days after the Parliamentary session: 'I have been friends with Mircea [Geoană] for twenty years, but he hurt himself. It is the same problem as always. He is indecisive.'" That is, my [VT] friend in the PSD failed to stand up to his party's culture of ultimate compliance with Iliescu's vendetta against truth.

Additionally, the US Embassy's cable foreshadowed the upward spiral of political-symbolic conflict in Romania in the aftermath of the condemnation speech. The American diplomats presciently summarized the challenges of dealing with the past and of introducing democratic reform, which continue to rage in Romania:

President Bănescu's formal condemnation of communist misrule was welcome, if long overdue; previous attempts by leading Romanian political reformers had quickly foundered in the post-Communist shoals. Such a frank assessment of Romania's past was never in the cards under Iliescu's multiple presidencies and the PSD's rule. While this was, in fact, a watershed event for Romania, the backlash from the PSD, the Greater Romania Party (PRM), the Conservative Party, and other players including the Orthodox Church underscores the continuing sensitivity of the issue and suggests that the de-communization effort has a long way to go. Many of Romania's mainstream political parties, intelligence services, judiciary, local and central

PSD's representative in the Collegium of the National Council for the Study of the Securitate Archives.

administrations, and other sectors including the media and clergy continue to be dominated by former party apparatchiki, Securitate officers, and other representatives of the pre-1989 elite.<sup>8</sup>

### **Post-Watershed: Did Romania Follow Through?**

December 18, 2006, was the moment when the paths of Romanian post-totalitarian political culture diverged. One could see with the utmost clarity who was against and who was in favor of an open society: the reactions to the president's speech were both sublime and outrageous, brave and depressing. Sublime and courageous because, despite Vadim Tudor's hysteria that was fully condoned by the PSD, tolerated by the National Liberal Party (PNL), and greeted by the satisfied smile of Dan Voiculescu (then the leader of the Conservative Party, a media oligarch, and a former Communist secret police officer), President Traian Băsescu delivered his speech calmly, condemning the Communist regime as illegitimate and criminal. Shortly thereafter, journalist Dan Tăpălagă wrote an extraordinary article about the howling of a stabbed beast. The beast had been hit hard, but it did not stop poisoning the public space, its squirming fueled by anger and perfidy. Unfortunately, the democratic forces did not respond with the necessary tenacity and firmness. Many legislative recommendations proposed by the Final Report were delayed, hindered, or simply ignored. However, the law on the commemoration of the victims of Communism and fascism was adopted, and a textbook on the history of Communism in Romania was published.

However, the Parliament has yet to adopt a legislative initiative to recognize the brave actions of the Jiu Valley miners who revolted against the Communist dictatorship in August 1977 and were subsequently persecuted by the totalitarian regime. Neither has it established a National Museum of the Communist Dictatorship, although between 2010 and 2012 important steps were made in this direction. The Râmnicu Sărat prison where leading figures of the anti-Communist democratic opposition died is now the property of the Institute for the Investigation of Communist Crimes and the Memory of the Romanian Exile,

<sup>8</sup> For the full content of the document, which was made available via WikiLeaks, see my [VT] article "Condannarea comunismului în viziunea Ambasadei SUA," *contributors.ro*, March 30, 2011.

a governmental institution that focuses on research (for an in-depth discussion, see Chapter 5). All these frustrating delays notwithstanding, Romania is a different state than it was before December 18, 2006. The break was brought about by the president, the most authoritative spokesman of the Romanian democratic state, resulting in a final and irrevocable separation from the Communist state and its legacy.

This volume is a personal effort to analyze how the activity of the Presidential Commission for the Analysis of the Communist Dictatorship in Romania and the reactions to its Final Report can offer new insights regarding the interplay between memory, history, and justice. We integrate our analysis into national, regional, and international contexts to situate this case study in contemporary debates and literature on the relationship between democracy and dealing with the past. Our premise is that the only way to live in truth, to free ourselves from the magic circle of complicity and opportunism, is to speak with the utmost clarity, in a factual and direct manner. The key essential fact is this: Communism was a despotism with disastrous consequences. The political culture of post-Communist democracy can only benefit from the open condemnation by the highest state authorities of a system that collapsed in 1989, but survived through personal, institutional, and behavioral legacies. Despite often being politicized by various political actors, the culture of memory in Romania, as well as across the entire former Soviet bloc, is vitally necessary within these post-dictatorial societies. As Lavinia Stan observes, it is crucial for individuals to “know the truth about the communist regime, to confront their own personal history, and to obtain justice and absolution.”<sup>9</sup> In a post-totalitarian context such as Romania’s, moral clarity is the key to democratic sustainability.

Reconciliation remains spurious in the absence of repentance. In the short term, the politics of forgetfulness (what former Polish prime minister Tadeusz Mazowiecki once called “the policy of the thick line” separating the sins of the past from the government of the present) can facilitate the maintenance of a newly born and fragile social consensus. In the long term, however, such policies foster grievous wrongs in relation to collective values and memory, with potentially disastrous institutional and psychoemotional consequences. Pastor Joachim

<sup>9</sup> Lavinia Stan, *Transitional Justice in Post-Communist Romania: The Politics of Memory* (Cambridge: Cambridge University Press, 2013), p. 4.

Gauck, former chair of the authority dealing with the secret files of the Stasi (the uniquely Spartan East German secret police, whose motto was “know everything”) and former president of the Federal Republic of Germany, argued once that “reconciliation with the traumatic past can be achieved not simply through grief, but also through discussion and dialogue.”<sup>10</sup> Similarly, Charles Villa-Vicencio, one of the leading members of South Africa’s Truth and Reconciliation Commission (TRC), defined reconciliation as “the operation whereby individuals and the community create for themselves a space in which they can communicate with one another, in which they can begin the arduous labor of understanding” painful history. Hence, justice becomes a process of strengthening the nation, aided by a culture of responsibility.<sup>11</sup> Communism aimed to strictly and ubiquitously control individual and collective remembrance. Its proponents detested the idea of emancipated anamnesis, so they systematically falsified the past. Until 2006, Romanian democracy had been consistently deprived of opportunities to engage in truth-telling in relation to its troubled twentieth-century past, largely due to the work of the post-Communists, particularly the powerful PSD.

In this volume, we employ *decommunization* as an umbrella concept that encompasses two sets of ideas. First, we understand it as a means of dealing with the past both historiographically and publicly. It reflects our profound belief in the communicative power of telling truths about dictatorship as a way of overcoming its legacies. Practically, this means understanding the ideology of totalitarians and the sociology of those they rule. A democratic society must understand the temptation of utopian illusions and their inevitably barbaric pursuits. Second, the concept presupposes specific policies that may be controversial or debatable, but have the following aims: allowing access to the archives of the former regime and to the files of the secret police (called the Securitate in Romania); commemorating past traumas and victims; formulating reparation policies for victims and their families; creating museums and memorials about state socialism; and, last but far from least, exercising political justice against perpetrators of the Communist

<sup>10</sup> Joachim Gauck, “Dealing with the STASI Past,” Special Issue: “Germany in Transition,” *Daedalus* (Winter 1994), pp. 282–283.

<sup>11</sup> Charles Villa-Vicencio and Erik Doxtader, eds., *Pieces of the Puzzle: Keywords on Reconciliation and Transitional Justice* (Cape Town: Institute for Justice and Reconciliation, 2005), pp. 34–38.



period – those individuals guilty of homicide or crimes against humanity. These two levels of decommunization reflect two fundamental components of working through the burden of the past: (1) specific legal, financial, and institutional measures and (2) the civic and political acknowledgment of responsibilities, complexities, and ultimate truths about dictatorship.

### The Need for Truth

Decommunization addresses some of the most difficult challenges of the transition from democracy to dictatorship and of the much less straightforward process of consolidating a democratic, tolerant society. It is a phenomenon pertinent to the nature of revolutions, the role of dissidents, the levels of mass compliance with the old regime, and the possibilities of overcoming the legacies of recent history. In all the countries of the former socialist bloc, the public has expressed a strong need to identify the sources of their anxieties: those responsible for economic ruin and the engineers of the huge mechanisms of mental and political regimentation.

Within a horizon of expectations centered on the imperative of clarity, the failure to reveal the truth about the past is conducive to public discontent, frustration, and a general feeling that the old guard is still running the show. This sentiment has been palpably present across most of Eastern Europe, particularly in places where the second echelon of the former ruling class exploited nationalist and anti-Communist passions, only to strengthen its power and eventually preempt any serious coming to terms with the past. Romania is almost a textbook case for such a situation, although this trend is threatening all of post-Communist Europe. For example, the rise of Poland's proto-authoritarian Prawo i Sprawiedliwość (translated as Law and Justice or PiS) is a direct result of the national failure to remember the past while simultaneously building a new future, and Putin holds power in Russia by inflaming the collectivist fantasies of the Communist experiment. In Poland, anti-Communist hysteria produced the new authoritarianism, whereas in Russia, proto-Leninist illusions were used for the same ends. And, of course, the PSD post-Communists in Romania, along with a coalition of ethno-nationalists, refuse to even morally indict Ceaușescu's reign, making it virtually impossible to achieve a transparent government or tolerant society. Whichever approach

neo-authoritarians have chosen, the failure to fully discuss the truth about the Communist era leads to disaster. Democracy clearly requires transparent historical explanations about past traumas.

Decommunization has been a complex and manifold process. It has attempted to bring about a moral regeneration of societies long permeated by duplicity, hypocrisy, and systematic lies; sought historical truth and the understanding of the political and human instruments that made Communist autocracy possible; and, finally, served as a legal endeavor to identify individual guilt and respond to it in accordance to the laws as they functioned at the time of the incriminated actions or on the basis of the suspension of the statute of limitations on particular crimes (e.g., homicide in Romania).

Some voices have labeled the process of dealing with the past as an obstacle to the progress of democratization. Their argument is that bringing to the fore and then confronting painful, guilty, problematic memories and histories will fuel resentment, revanchist attitudes, elites' unwillingness to adopt democratic norms, and the like. But what kind of societies will these become if their memory has been artificially amputated? Ignoring the files and archives of Communist polities, in our view, is a form of pretending that the horror never existed. The fundamental issue we must confront is the nature of the Leninist regimes and our view of them from a liberal perspective: if we agree that they were systematic forms of controlling and coercing human will, then there is no moral imperative that compels us to treat their history differently from how we confront fascism's horrendous legacy. Although it would be absurd to deny the evolution – and even, in some cases, liberalization – of these regimes (especially in Hungary and Poland), their ideologically driven intentions are very much similar. Communist regimes cannot be excused or judged differently than fascist ones simply because the former asserted that their project was rooted in humanism and rationalism – after all, as the editor of Poland's most influential daily, *Gazeta Wyborcza*, Adam Michnik, wisely said, "There was no socialism with a human face, but only totalitarianism with broken teeth."<sup>12</sup> True, the age of unmitigated terror passed after Stalin died (except in Albania and, to some extent, in Romania). But the criminal foundations of these regimes remained unaltered: none were based on

<sup>12</sup> Adam Michnik, *Letters from Freedom: Post-Cold War Realities and Perspectives* (Berkeley: University of California Press, 1998), p. 104.