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Capital Punishment in Romania between 1944 and 1990

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ABSTRACT

This study offers data, examples and an interpretation of what has been a taboo topic for Romanian historiography: the relations between capital punishment and politics in communist Romania. Because this area was previously unexplored, it required an extensive analysis of various primary sources which allowed a survey of the legal framework, an approximate account of the number of sentenced and executed people as well as the reconstruction of particular cases. All have been placed within an interpretative scheme in the larger context of the legal and political history of Romanian communism.

In terms of the death penalty, the first half of the communist period was very dynamic. Its start was dominated by the issue of war criminals, which often took a retributive form, a disguised way of punishing the fascists, former political rivals of the communists. Poor data does not allow us to have a full account on the dimensions of this phenomenon, while a comparison with other East-European communist states confirms that the data is incomplete. In 1949, the legal provisions concerning capital punishment were extended to several economic and political crimes, intended to frighten a large part of the population. The propagandistic use was centered on the publicity of the legal provisions and not on particular cases, except for the bank robbery case which was presented to a limited audience. Counting first on the specific deterrent effect of the executions, the regime used the death penalty mainly to eliminate fascists, saboteurs, traitors or members of the resistance groups, etc. Although it could also directly eliminate them, the authorities decided to follow the legal procedures. This was meant to provide the appearance of legality that aimed to improve regime's image and also had a general deterrent feature. Although leading jurists debated and attempted to abolish capital punishment in 1956, legal provisions and actual use tightened in 1958 when the Stalinist ruler Gheorghe Gheorghiu-Dej felt less secure about his position. The reasons were the de-Stalinization process that followed the death of Stalin in the USSR, the events in Hungary in 1956 and the withdrawal of Soviet troops from Romania in 1958. After the high execution rates registered in 1958-1959, the figures came back to normal until the adoption of the new Penal Code in 1969, demonstrating that the application of the legal provisions was again a political matter.

The period after the penological reform in 1969 was particularly linked to the personality of Nicolae Ceausescu. The legal provisions, as they were explained to the wider public, were developed in the spirit of a claimed humanitarianism of the regime, and thus blamed the violent repression specific to the Stalinist period. The dream of an *ideological abolition* is recycled through a discourse on the natural disappearance of the death penalty accompanying the construction of the *New Man* and the decrease of criminality in general. This ideological discussion had no connection with the tight legal framework and even less with its interpretation and the politicized use of capital punishment.

Compared to the Stalinist period, the use of the death penalty for direct political purposes such as eliminating opponents disappears, especially if we consider that no person was executed for treason. However, the politicization of capital punishment can be observed if we look at its inconstant use, dependent on various deterrent campaigns disseminated by

the propaganda machine. For example, the first increase in the number of executions, in 1971, followed the adoption of the *July Theses*, a statement of return to real-socialism. The regime took a neo-Stalinist turn in the 1980's, when after first degree murder, economic crimes and treason were the main capital crimes. Economic criminality draw attention as a result of the deep economic crisis Romania was facing and resulted in at least 19 capital sentences for economic crimes in 1984 and 1985, largely publicized by propaganda through central newspapers together with murder and robbery execution cases. Unlike these, treason cases were secretly discussed in high level meetings by the increasingly intransigent ruling couple who allowed no dissidence.

In this period the GDR abolished the death penalty and most of the East European countries decreased the use of capital punishment. In this respect, Romania was an exception, not just for the excessive use of capital punishment, but because its application was uneven and dictated by the political interests, thus making the Romanian case interesting. In the face of the deepening gap between the official discourse and the rising criminality, Ceausescu reacted by granting large amnesties which aimed to improve his own image. Ultimately, Ceausescu himself was sentenced to death and executed during the upheaval of December 1989.

Between 1944 and 1989 it was not the Justice who took the important decisions regarding capital punishment. Ministry of Interior, the Securitate and the Central Committee of the Romanian Communist Party were the main decision makers when the legal provisions were discussed as well as in the application of the death penalty. Although there was an interpretative difference between the official discourse of the two periods, as well as a substantial decrease in its use as a political tool, nonetheless the death penalty in Romania was dominated by political factors throughout the communist period.