

The Political Use of Capital Punishment as a Legitimation Strategy of the Communist Regime in Romania, 1944-1958

Radu Stancu

University of Bucharest, National Archives of Romania

Abstract: In this article, I will describe the evolution of capital punishment and the influence that ideology had during the founding years of Romania's communist regime, until 1958, when the legislation and application of capital punishment reached its highest peak. Starting with the punishment of war criminals and fascists, I will then describe how the death penalty was used for political motives in a period when the regime had to consolidate, legitimate and fight different *enemies*. With ups and downs like *The Death Penalty Law* of 1949 and the abolitionist attempt in 1956, it reached its climax in 1958-1959 after the enactment of Decree no. 318/1958.¹

Keywords: capital punishment, the death penalty, communism, Romania.

1. Introduction

The topic of capital punishment was taboo in Romania during the communist period. Nevertheless, an exotic appearance arose in 1974, in a book entitled *Contributions to the Study of Capital Punishment* by Iulian Poenaru.² Even though similar bibliographic appearances existed in Poland in the same period,³ the local context was different and the exact circumstances in which

¹ Another part of this research, covering the last period of the communist regime in Romania was published in: Stancu, Radu. 2013. The Political Use of Capital Punishment in Communist Romania between 1969 and 1989. In *Capital Punishment. New Perspectives*, Peter Hodgkinson (ed.), 337-359. Farnham: Ashgate.

² Poenaru 1974.

³ Fijalkowski 2001: 74.

this book appeared are yet to be established. The author was an attorney in Brasov⁴ and published his book in 1974, providing a comprehensive survey of the death penalty situation around the world. Communist rhetoric overwhelms the book, but the conclusions somehow suggest an abolitionist position as a natural consequence of the communist penal policy. Interestingly, a revised version of the book was published in 1992. In both versions, the period I am interested in (1944-1989) is covered only in a few pages, with a poor analysis of the legal framework.⁵ Another book, a doctoral thesis published in 2008 by a jurist, Olivian Mastacan, *Capital Punishment in Romanian Law*⁶, refuses to deal with the communist period,⁷ which is summarized in two pages, less than that given to *Jesus Christ's sentence to death*, reproduced in appendix. However, deeper research has been undertaken by legal scholars in Western universities, addressing political aspects and also stressing their importance.⁸

Thousands of people were killed by state actors after the communists took power in Romania in the mid-1940's until late 1950's, while less than three hundred were legally executed, as this study will show. Why did the regime choose this fate for just a few of them and how did the two forms of state killing coexist? Although marginal compared to other repressive phenomena in the period, like extrajudicial executions or deaths in prison, especially from a quantitative point of view, I will assert that the legal provisions and their actual use successfully illustrate the politicization of the death penalty itself.

The contradiction between the ideological rejection of capital punishment, rooted in Marxism, and its almost continuous use in Romania from 1944 until 1989 is intriguing at first sight. My aim is to analyze the mechanisms that lie behind both ideology and practice, and to examine how propaganda used the death penalty. Why was capital punishment continuously used and why could communism not lead to an *ideological abolition*? Was there a specific debate on the ideological issues, was the punishment used as in any other society, or was it, in fact, used as a political weapon?

In order to reconstruct a historical image of capital punishment, it is necessary to use a comprehensive approach based on an interdisciplinary perspective. Some of the leading scholars in the field⁹ have attempted to link legal studies with

⁴ Open Society Archives (OSA), HU-OSA-300-60-1, Records of RFE/RL Research Institute (fonds), Romanian Unit (subfonds), Subject Files (series), container no. 14.

⁵ Poenaru 1994. The only difference is the removal of the parts that were evidently soaked with communist rhetoric in the first version.

⁶ Mastacan 2008.

⁷ The same is the case in a book written by two policemen specialized in forensics: Popescu and Iancu 2009.

⁸ Frankowski 1996: 215-243; Fijalkowski 2001: 62-83; Agata Fijalkowski also published a case study on Poland: Fijalkowski 2005: 147-168; a case study on Slovakia was published by Robert Fico, former Minister of Justice in this country: Fico 1999; Richard Evans also dedicated a chapter to the GDR in his *Rituals of Retribution*: Evans 1996.

⁹ Boulanger and Sarat 2005.

social sciences in order to reveal the intimate content of the death penalty. Advocating for methodological pluralism, Christian Boulanger and Austin Sarat stressed the importance of cultural analysis, which in most cases requires deep historical insights. The theoretical framework constructed in this manner presumes an analysis of crime rates, socioeconomic indicators, regime type, religion and public opinion; all important in a different manner, on a case by case basis, in the peculiar context of each country. Meanwhile, they consider an aggregate theory generally misleading, and therefore they believe that it has to be coupled with medium range theories which allow a closer examination of the individual cases.

My understanding of the influence of politics on capital punishment starts from the Weberian concept of *monopoly on the legitimate use of violence*,¹⁰ the death penalty being thus the ultimate coercive instrument in the hands of the state. The legitimacy of the newly established communist regime in Romania faced many challenges and the use of capital punishment also has to be understood as a way for the regime to demonstrate its legitimacy. Going further, Otto Kirchheimer observed that law, during the period of power seizure, was dominated by a *revolutionary legality*, when strengthening the state under the leadership of the Communist Party was the main purpose.¹¹ This was translated into swift criminal proceedings or transforming the law into a tool of the regime. The recurrence of this principle throughout the first half of the period is also worthy of analysis.

In a liberal society, the legal discussion about capital punishment focuses on deterrence, retributive/restorative justice binomial, or the concepts of consequentialism/utilitarianism,¹² while for the communist societies, their conceptual strength weakens and the discussion becomes more focused on ideology. One could speak about retribution in eliminating political opponents in the first decade after the war, and also about the importance of general deterrence in the last two decades, but in my opinion these were constructed on a new conceptual basis which was defined by the antagonistic concept of *New Man*. According to this concept, individuals could be re-educated and made useful to society. But meanwhile, Stalin's theory of the intensification of the class struggle in emerging communist societies was used as an argument to accept capital punishment as an "exceptional and temporary measure".¹³

2. Early Years

The history of the death penalty in communist Romania begins with an ambiguity. According to an Amnesty International Report in 1989, capital punishment was introduced in Romania in 1949 "for a number of civil crimes;

¹⁰ Weber 1994: 310-311.

¹¹ Kirchheimer 1961: 288.

¹² Dolinko 2008: 75-87.

¹³ Frankowski 1996: 215-243.

previously it could only be used in wartime.”¹⁴ This information is supported by a document issued in 1956 by leading jurists and the Minister of Justice in Romania. According to the latter, capital punishment was abolished “after the liberation of the country”,¹⁵ (i.e. 23 August 1944, when Romania joined the Allies) being subsequently reintroduced in 1945 for wartime crimes against peace and humanity and then abolished even for these crimes in 1947.¹⁶

What we know for sure is that by decree no. 1626/1944, the Constitution of 1923 was restored, which in terms of capital punishment means that it was abolished, because it was not part of that constitution. Nevertheless, there was a high interest for the death penalty in the military, especially for certain crimes like defection. According to the military code, the death penalty could be enforced for certain crimes, even if it was not mentioned in the constitution. The problem of the unconstitutionality of the death penalty was raised by the Ministry of War, general Racoviță, in the Council of Ministers on October 7, 1944. During the same meeting, the interim minister of justice, Negel, declared: “I think that the death penalty is not constitutional”.¹⁷

If the death penalty was abolished in 1944, as a draft report of the minister of justice, D. D. Negel, also requested on October 12, 1944,¹⁸ it happened during the provisional governments that preceded the communist takeover. Unfortunately, no other reference related to this action is available. However, this contrasts with the attitude communists had towards the death penalty from the very beginning. An undated and unsigned report, no. 483/1945, shows that on the trial files of the communists at the Martial Court, during the war there were two types of initials: M or C.¹⁹ The interpretation of “political circles”²⁰ at the time was that General Nicolescu, the former commander of the Military Commandment of the capital - in 1945 chief of the Royal Military House - used this method to suggest to the judges what sentences they had to give in these particular cases. “This case will be publicized the following days and in the meantime the arrest of Gen. Nicolescu as a war criminal will be required.”²¹ Whether or not this case was true or just a fabrication, it is obvious that the

¹⁴ *When state kills...*, (Amnesty International: London, 1989), 195, in HU-OSA-300-60-1, Records of RFE/RL Research Institute (fonds), Romanian Unit (subfonds), Subject Files (series), container no. 14.

¹⁵ Archive of the National Council for the Study of the Archive of “Securitate” (ANCSAS), Fond *Documentar* [Documentary], file no. D11069/1, 136.

¹⁶ *Ibid.*

¹⁷ National Archives of Romania (NAR), Fond *Presedintia Consiliului de Ministri - Stenogramme*, [The Presidency of the Council of Ministers – Minutes], file no. 3/144, 174.

¹⁸ NAR, Fond *Ministerul Justiției – Direcția Judiciară*, [Ministry of Justice - Judiciary Unit], file no. 83/1944, 74.

¹⁹ “M” for *moarte* [death] and “C” for *alte condamnări* [other sentences].

²⁰ NAR, Fond *Fond Comitetul Central al PCR - Secția Administrativ-Politică* [The Central Committee of the RCP - The Political-Administrative Section], file no. 3/1945, 2.

²¹ *Ibid.*

communists tried to take political advantage of it. Furthermore, the provisions related to war criminals were used for political purposes, while the non-political character of the 1949 law was an invention, as we will see.

War Criminals

Those targeted by the regime in 1945 were vaguely defined, including large categories, as we may see in law no. 50 on January 15, 1945 – *Pentru urmărirea și pedepsirea criminalilor și profitorilor de război* [For the pursuit and punishment of war criminals and profiteers]:

Art. 1: The war criminals are those who, in any position:

- a. applied inhumane treatments to the prisoners of war, against international law.
- b. ordered or committed acts of cruelty or suppression against the population in the war zones;
- c. ordered or initiated the establishment of ghettos, internment camps, deportations on political or racial criteria;
- d. ordered or applied collective or individual repressions, as well as those who ordered transportations with the purpose of the physical extermination of those transported, or organized hard labor for the same purpose;
- e. as commanders, directors, supervisors or guards for prisons, prisoners camps, internment camps, deportees or political detainees camps, subjected the detainees to inhumane treatments in a cruel or continuous manner;
- f. as judiciary police officers, or any type of investigators supporting the war policy, persecuted and tortured people for being against the war or against the dictatorship regime, as well as those who as prosecutors or magistrates, civilian or military, supported terror or violence through their professional activity;
- g. leaving the national territory, offered their services to Nazi Germany and attacked our country through their writings, speeches or in any other way;
- h. in any other way, broke the international law regarding conduct during war.²²

Capital punishment could be applied for any of the crimes provided by article 1, but it was not the only available punishment.

Law no. 312 on April 21, 1945 *Pentru urmărirea și sancționarea celor vinovați de dezastrul țării* [For the pursuit and punishment of those guilty for the country's disaster]²³ added a first article which was likely related to the Antonescu trial. It included those who “decided to declare and to continue the war against the Soviet Union and the United Nations”. Also, “the instigators and the co-authors of those

²² *Monitorul Oficial* [Official Monitory], 21 January 1945, Part I, 415-416.

²³ Law no. 312 on 21 April, in *Monitorul Oficial* [Official Monitory], 24 April 1945, Part I, 3362.

guilty for the acts condemned by the present law will be punished with the same punishments.”²⁴ Both laws also included the confiscation of the properties of the condemned as a complementary punishment for all the crimes mentioned.

Retribution and the elimination of political opponents were the most important applications for the death penalty during this period. The discussions within the Council of Ministers reveal the pressure communists put for a larger application of the punishment, synthesized by the minister of justice, Lucrețiu Pătrășcanu. Rășcanu, the war minister, objected and tried to substantiate the necessity of exempting those who got direct orders (“If ordered, the firing squad does not execute that order?”).²⁵

The minister of war also declared that “... everything is too relative. We have to state here, as clear as possible, that the penal code cannot be exceeded (...); that the public accusers have too much power.”²⁶ But Pătrășcanu replied that “this law, in its substance, is a political repression law – and nothing more – which should satisfy the public opinion, the allies, and what we consider to be our goal in Romania today. That is why granting the right to appeal means to move this issue in a wrong direction.”²⁷ Coming back to the constitution, Pătrășcanu also considered that: “The constitution is way behind the reality. The death penalty is not mentioned in the constitution and we still accept it.”²⁸ Ultimately, the law provided the right to appeal against the composition of the court and against the application of the punishment, which could be suspended in case of a capital sentence.²⁹

Military justice, as well as civil justice, were replaced in matters concerning war criminals by the two People’s Tribunals in Bucharest and Cluj. For this, the Romanian communists established a new judiciary system, which included Public Accusers, appointing very often laymen with no legal training, but loyal to the regime, such as former underground communist fighters³⁰ during the interwar period.³¹ Their prerogatives exceeded those of the prosecutors.

According to the Report of the Commission on the Holocaust in Romania³², a total of 148 capital sentences were imposed for war crimes, 100 in Cluj and 48 in Bucharest, quoting an article by Zoltán Tibori Szabó³³ for Transylvania

²⁴ *Ibid.*

²⁵ NAR, Fond *Președinția Consiliului de Miniștri. Stenograme*, [The Presidency of the Council of Ministers – Minutes], file no. 3/1945, 429.

²⁶ *Ibid.*, 434.

²⁷ *Ibid.*, 437.

²⁸ *Ibid.*, 438.

²⁹ Law no. 312 on 21 April, in *Monitorul Oficial* [Official Monitory], 24 April 1945, Part I, 3363.

³⁰ The Romanian term is *ilegaliști*, deriving from the period when the Communist Party was illegal.

³¹ Muraru 2010: 129. See also: Cojocariu 2011; Dianu 1995.

³² Friling et.al. 2004: 320-321.

³³ Szabó 2004.

and American Jewish Archives for the tribunal in Bucharest, both of them without indicating the exact documentary source. Following a show trial, named *The Trial of the Big National Treason*, on May 17, 1946, 13 capital sentences were passed (6 of them *in absentia* for Horia Sima, Mihai Sturdza, Ioan Protopopescu, Corneliu Georgescu, Constantin Papanace and Victor Iasinschi), while the former chief of the state Ion Antonescu and three of his collaborators, Mihai Antonescu (vicepresident of the Council of Ministers), Gheorghe Alexianu, the governor of Transdnier and Constantin Z. Vasiliu, the commander of Gendarmerie, were shot in a filmed execution on June 1st, 1946. The sentences of war minister Constantin Pantazzi, Radu Lecca, the representative for Jewish problems and Eugen Cristescu, the head of the intelligence services, were commuted.

In their clemency petitions, the explanations for their deeds vary between executing orders, as Alexandru Alexianu wrote, and professional duties, as in Eugen Cristescu's case:

Under the terrific pressure of the death penalty, detained between walls close to the execution site, my whole being is struggling appalled and my conscience is asking itself, from the deep places where it resides, how can pure truth be known, considering the highly relative human judgment and human activities, so I can prove your Majesty and to the whole country that I am innocent, and all my activity as a chief of the Intelligence Service did not have, in my conscience, other purpose than the one of being always in the service of the country and of the throne (...).

It is not about my person, but mostly about my name and my family, and especially about the historical truth of our political and social life which does not have to be defiled in any way or degraded by the pen of the historians in the future, when they will write about the Intelligence Service and his chief throughout the past war, in which we took part, against our will, due to the German tendencies of expansion and conquest.³⁴

Ion Antonescu did not address such a petition, but he authorized his defendants to draft it. The one written by his lawyer, C. Paraschivescu-Bălăceanu is very formal, while the one addressed by his mother, Lita Baranga, is different: "... I beg with tears in my eyes your Majesty to be so kind to grant the high grace of commuting the death sentence of my only son Ion Antonescu given by the People's Tribunal on May 17, 1946." Both petitions were eventually rejected by the king. In the last letter to his wife before the execution, Ion Antonescu wrote: "I faced the trial with no fear, the same as I stand before the supreme justice (...) I do not regret anything and you should do the same (...) My last wish is that you continue living (...) No tears."³⁵

³⁴ NAR, Fond *Casa Regală - Diverse* [Royal House – Diverse], file no. 15/1946, 16.

³⁵ Scurtu 1996: 238.

The execution took place in front of prosecutors Alfred V. Petrescu, Gheorghe Săndulescu, registrar Gheorghe Colac, commander of Jilava prison, Colonel Dumitru Pristavu, police inspector Gavrilovici Mihail, on behalf of the Ministry of Interior, coroner Alexandru G. Ionescu and the priest of the prison, Totolici Teodor. When asked about his last wish, Antonescu declared: "I ask not to have my hands tied, nor my eyes covered during the execution", while Constantin Vasiliu asked to see his family and to confess to a priest. Gheorghe Alexianu declared: "I wish the Romanian people to fulfill the ideal for which I die today" and Mihai Antonescu asked for paper to write to his family, and his library to be donated to the Faculty of Law in Bucharest.³⁶

Before *The Trial of the Big National Treason*, the first trial of the People's Tribunal in 22 May 1945 resulted in 28 capital sentences. Among the condemned were generals Nicolae Macici, Constantin Trestioreanu and Corneliu Calotescu. Gheorghe Grigorescu, a teacher from Dâmbovița County was also sentenced to death for his actions as a gendarmerie lieutenant in Transdnier. The brother and defendant of Colonel Gheorghe Zlătescu condemned the defective procedure of the investigation, led by a former waiter, under pressure from a press eager for sensational news, and the crowd surrounding the court.³⁷ Colonel Modest Iosipescu, a former Gota prefect, declared, as we can find out from the transcript of the trial, among various anti-Semitic invectives: "I know that I will be sentenced to death because I can loathingly see how this room is filled with *ax tails*, but I will not lose my mind. It feels like I am at a carnival, not in front of a court."³⁸ Sever Buradescu was also condemned for war crimes as the commander of Vapniarka camp, and his mother and sister addressed a clemency petition to the king on June 1st, 1945.³⁹

In a meeting of the Council of Ministers on May 2nd, 1946, Petru Groza asserted:

We as a government have been forgiving, we may say, regarding a group of war criminals, the first group. From a democratic perspective, this may be a good thing or a bad thing. I myself still have doubts whether I did a bad or a good thing when I commuted the sentences. As a human being I have this satisfaction of not having to decide on anyone's death and from this point of view I have my conscience clear (...).

I did not release anyone, I just commuted the penalty. I don't know if I did good or bad. We shall wait and see if this act of the government has been properly appreciated or if it has been taken as a weakness and if it will have any impact

³⁶ *Ibid.*, 241.

³⁷ NAR, Fond *Casa Regală - Diverse* [Royal House – Diverse], file no. 42/1946, 2.

³⁸ *Ibid.*, 40.

³⁹ *Ibid.*, file no. 11/1945, 1.

on democracy, fortifying it or weakening it. This matter is still open. I don't want to draw a negative conclusion yet.⁴⁰

After the 28 capital sentences were commuted by the Council of Ministers, some authors claim that there was a consensus inside the People's Tribunals to avoid death sentences.⁴¹ I also encountered the opinion that it was not the Romanian authorities who commuted the sentences, but Andrei Visinski himself, according to an officer from the Allied Commission of Control, quoted in the memories of Dudu Velicu on June 17, 1945.⁴²

Other famous trials include those of the journalists, on June 4, 1945, with death sentences *in absentia* for Pamfil Șeicaru and Grigore Manolescu, and that of the members of the exile government led by Horia Sima, with death sentences for: Gen. Platon Chirnoagă, Gen. Ion Gheorghe, Sergiu Vladimir Cristi, Visarion Puiu, Ion San Giorgiu.⁴³ Three executions took place between 1951 and 1953 for crimes against humanity, as mentioned by the penal registration forms.⁴⁴ But they were all different types of sentences, an abusive interpretation of the legislation, like the retroactive condemnation for "torturing the UTC⁴⁵ activists in 1934" of Costică Macri.⁴⁶

People's Tribunals were abolished in 1946 and Appellate Courts continued trialing these types of crimes. In 1947, the matter was brought into public attention following the defective application of the legislation and in the context of the Paris peace treaty, which stipulated the obligatory yielding of war criminals, as Lucrețiu Pătrășcanu declared.⁴⁷ Law no. 291/18 August 1947, the new law dealing with war criminals, did not include capital punishment, the maximum punishment being lifetime forced labor. However, the discussion gets more intense; analyzing the law before being published, Petru Groza affirmed during the meeting of the Council of Ministers on June 12, that "... it has to be known once and for all that we are not here for revenge; of course we support the punishment of war criminals, but we cannot demean ourselves to personal revenges."⁴⁸ Gheorghe Gheorghiu-Dej had a different opinion: "No mercy for these people. They have to be brought in front of the courts, trialed and punished."⁴⁹

⁴⁰ NAR, Fond *Președinția Consiliului de Miniștri - Stenograme*, [The Presidency of the Council of Ministers – Minutes], file no. 5/1946, 47-48.

⁴¹ Muraru 2010: 140.

⁴² Pavelescu 2004: 14.

⁴³ Scurtu 1996: 118.

⁴⁴ Archive of the National Administration of Penitentiaries (ANAP), Fond *Fișe Matricole Penale* [Penal Registration Forms], author's calculations.

⁴⁵ Uniunea Tineretului Comunist (Union of the Communist Youth).

⁴⁶ ANAP, Fond *Fișe Matricole Penale* [Penal Registration Forms], file of Costică Macri.

⁴⁷ NAR, Fond *Președinția Consiliului de Miniștri - Stenograme*, [The Presidency of the Council of Ministers – Minutes], file no. 6/1947, 9.

⁴⁸ *Ibid.*, file no. 9/1947, 23.

⁴⁹ *Ibid.*, file no. 6/1947, 13.

The influence of politics on the judiciary system is legalized by law no. 341/5 December 1947, regulating judicial organization, which explicitly provided that “judges have to defend the interests of the working class, to protect the new democracy and to punish the enemies of the people.”⁵⁰ Through the same law, assessors become part of the panel of judges, this measure being fully put into practice in 1949; the judicial popular schools are established through journal no. 77 of the Council of Ministers on February 3rd, 1948, their purpose being to form new judges. The constitution in 1948 did not include the principle of the immovability of judges, making them more dependent on the executive power. The bar associations were disbanded and replaced by Colleges of Lawyers through law no. 3/17 January 1948, meaning that every lawyer had to re-register at a special commission; meanwhile, the Prosecutor’s office was subordinated to the Ministry of Justice.⁵¹

The capital crimes included in the laws for the punishment of war criminals are part of a legal process quite common in all Central-East European countries after the war, especially Germany and its allies. In most of these countries a significant number of executions was recorded: 1700 executions in Poland, 180 executions in Hungary and no less than 2680 death sentences in Bulgaria.⁵² In Romania, only the four people in Antonescu group were executed. In 1947, Petru Groza believed that “we did not really fulfill our duty from this point of view, considering the way punishments have been applied in other countries.”⁵³

Thus, certain exceptions were applied in 1948, based on decree no. 1017 of May 31, with evidence covering the pardoning and not just the punishment commutation of Vizi Ludovic, Zsiller Szigmund, Szegedi Ioszef, Schmidt Iosif, Kindea Ianos, Cosma Aurelia and others, sentenced to death for treason or espionage during the war.⁵⁴ The authorities claimed that “after August 23, 1944, a large amnesty has been granted”⁵⁵ but these persons were exempted because of their crimes of high treason or espionage. “Now, when our country has a popular social order, when war is over and Romania’s relations with all its neighbors are of good vicinity, sincere friendship, and mutual support, it is time that they [i.e. the condemned] should be pardoned (...)”⁵⁶ They were all Hungarian citizens and their commutations were demanded by the Hungarian

⁵⁰ Legea pentru Organizarea Judecătorească (Law for the Judicial Organization), in *Monitorul Oficial* [Official Monitory], no. 282, 5 December 1947.

⁵¹ Banu 2009: 128, 133.

⁵² Frankowski 1996: 219.

⁵³ NAR, Fond *Președinția Consiliului de Miniștri. Stenograme*, [The Presidency of the Council of Ministers – Minutes], file no. 6/1947 11, 12, 13.

⁵⁴ NAR, Fond *Ministerul Justiției – Direcția Judiciară*, [Ministry of Justice - Judiciary Unit], file no. 518/1948.

⁵⁵ *Ibid.*, 32.

⁵⁶ *Ibid.*, 32.

government as it did a similar act regarding several Romanian prisoners.⁵⁷ In this case, politics prevailed, since the basis of these actions was actually a *gentlemen's agreement* between the Romanian and Hungarian governments during the war, whose regulation was discussed in August 1943 and apparently extended after the war.⁵⁸

Extrajudicial killings were also part of the communist practices, especially in prisons, but the number of the victims is also difficult to establish. One could mention here peasants who opposed the collectivization process, members of some resistance groups, and especially prisoners in prison camps and work colonies. The figures advanced by researchers and memory activists are various, ranging from 500.000 between 1948 and 1964 (Gheorghe Boldur-Lățeșcu) to 15.000-20.000 roughly for the same period (Ion Ciupea and Stăncuța Todea).⁵⁹ Furthermore, in 1968 the authorities decided to register the death of 1406 dead prisoners for whom a death certificate was never issued between 1946 and 1958. According to three special reports, 101 of them were sentenced to death and executed, while the other 1305 people died during prosecution or in prison.⁶⁰

Alexandru Frumușeanu, chief police commissar in Târgu-Jiu during the war and immediately after the armistice, together with Costică Constantinescu, another commissar in the same town, known for his anti-communist attitude, died in Jilava prison, as we can find out from a Radio Free Europe report on September 29, 1951.⁶¹

Other summary executions were those of the peasants who rebelled against the collectivization process, 16 in Bihor County and 12 in Arad in 1949, for example.⁶² Another regular reason to execute was justified by the alleged escape from escort, as in the case of members of the resistance group "Cruce și spadă," [Cross and Sword] namely Gheorghe Gheorghiu, Aurel Potra, Pituru and Hossu, during the same year.⁶³

Regarding military offences, the Military Code enacted on February 21, 1948, included capital punishment:

Art. 478. The punishments applied by military courts are those provided by the penal code, but also: 1. Main penalties for murder: death (...) ⁶⁴ Capital

⁵⁷ *Ibid.*, 44.

⁵⁸ NAR, Fond *Ministerul Justiției – Direcția Judiciară*, [Ministry of Justice - Judiciary Unit], file no. 34/1943, vol. I, 32-35.

⁵⁹ Dobrinu 2008: 18, 20.

⁶⁰ *Ibid.*, 65.

⁶¹ Prison Deaths, 29 September 1951. In HU OSA 300-1-2-7916; Records of Radio Free Europe/Radio Liberty Research Institute: General Records: Information Items; Open Society Archives at Central European University, Budapest.

⁶² Tismăneanu et. al. 2007: 434.

⁶³ Bodeanu et. al. 2009: XLV.

⁶⁴ NAR, Fond *Consiliul de Stat – Decrete* [State Council – Decrees], decree no. 327/1948, 76v.

punishment could also be imposed for some war time crimes: rebellion (art. 512), insubordination (art. 529, 530), defection (art. 551, 552), destruction of military facilities (art. 567), the captain abandoning ship before all the other passengers (art. 593).⁶⁵

The Death Penalty Law in 1949 and the Aftermath

As Otto Kirchheimer put it, “doctrinal disquisitions on the law’s lasting normative validity mushroomed”⁶⁶ in the period of power seizure, or *revolutionary legality*, when *Partiinost’* (party and proletariat interests) prevailed. The fight against fascists, but also against other types of political opponents such as counter-revolutionaries and saboteurs continued and *required* the existence of the death penalty. Law no. 5/1948, which modified the penal code did not include the death penalty for *social dangerous* acts, the maximum penalty being lifetime forced labor.⁶⁷ Although in the amended Penal Code passed on February 27, 1948, capital punishment was not included, its provisions were very important for the transformation of the Penal Code into a political tool. One of the most important legal principles, non-retroactivity of the law, was suspended for some safety measures, and in the 1949 version of the Penal Code it was totally ignored. Moreover, “the crimes that are considered to endanger the society can be punished even if they are not encoded as crimes in the legal provisions.”⁶⁸

On January 13, 1949, *Legea nr. 16/1949 pentru sancționarea unor crime care primejduiesc securitatea Statului și propășirea economiei naționale* [Law no. 16/1949 for the penalization of some crimes that endanger the State’s security and the prosperity of the national economy], the so-called *Legea pedepsei cu moartea* [Capital Punishment Law] was enacted. Several capital crimes were established, some of them crimes against the state:

- a. Treason, serving the enemy, causing detriment to state power;
- b. Procuring and transmitting state secrets to a foreign or enemy power;
- c. Conspiring in any way against internal or external security of PRR⁶⁹

and others economic crimes (art. 2) or terrorist acts (art. 3):

It is punished by death the sabotage of economic fulfillment of PRR by:

- a. Destroying or deteriorating in any way the buildings, machines, installations of any type in industrial factories or other type of factories, electric, gas or any other power plants;

⁶⁵ *Ibid.*, decree no. 327/1948, 67-79.

⁶⁶ Kirchheimer 1961: 288.

⁶⁷ NAR, Fond *Consiliul de Stat – Decrete* [State Council – Decrees], decree no. 60/1948, 119.

⁶⁸ Tismăneanu et. al. 2007: 189.

⁶⁹ *Buletinul Oficial* [Official Bulletin], 15 January 1949, Part IA, 550-551.

- b. Destroying railways, or installations, materials and constructions related to them, aerial or naval communication assets, bridges, aqueducts, telephone or telegraph installations and radio transmitting stations;
- c. Arson or destruction , in any way, of industrial or agricultural products or forests;
- d. Consciously unfulfilling or negligently fulfilling official duties in the factories mentioned on let. a, resulting in public calamities or catastrophes.

Art. 3

Terror acts are also punished by death, committed individually or in groups by any means, as well as spreading microbes or poisoning substances resulting in death or severe impairment. Organizing terrorist or sabotage groups is also punished by death.⁷⁰

Furthermore, instigation, complicity, concealing or preparing the crimes above led to the same punishment. The last article of the law stipulated that all the cases were to be trialed by Military Tribunals.

Lawyers in Ilfov County declared - according to Securitate informants - that its provisions were too strong and such a law did not exist even in the USSR,⁷¹ where capital punishment was abolished in 1947 during peacetime, until 1950.⁷² The new law's extremely unclear content spread terror among public servants, as illustrated by an informative Securitate report. According to the informants, employees in the petrol extraction industry, airports, railways and other professional categories were terrified; opposition politicians believed that some events prompted the authorities to develop such measures, since "strong laws are always a sign of weak governments."⁷³ Iancu Ianculescu, a former liberal, declared (to an informant) that he will "put a sign on his door that at that house there is a contagious disease"⁷⁴ and Alexandru Alexandrini, the former Minister of Finance also declared that "nowadays it is better to stay inside your house and talk to no one."⁷⁵ Maybe these fears were justified, if we consider to a conversation between a lawyer and a public servant from the Presidency of the Council of Ministers. The first one, Romulus I. Teodor, declared in front of the second, Bujescu, that based on four written testimonies, anyone can be shot; Bujescu was probably the Securitate informant. Meanwhile, two merchants considered that the law was meant to scare people or maybe it was only intended to be applied to those already imprisoned.⁷⁶

⁷⁰ *Ibid.*

⁷¹ ANCSAS, Fond *Documentar* [Documentary], file no. 13209, vol. 3, 139.

⁷² Van den Berg 1983: 159.

⁷³ ANCSAS, Fond *Documentar* [Documentary], file no. 11069/1, 136.

⁷⁴ *Ibid.*, 137.

⁷⁵ *Ibid.*, 137.

⁷⁶ *Ibid.*, 138.

However, the official press greeted the passing of the law and the way it was received by the working class during the propagandistic presentations that were held in factories. The Prime Minister, Dr. Petru Groza, stressed that:

By giving this instrument in the hands of the authorities, we emphasize our determination to protect our institutions, to protect the order of the People's Republic of Romania, making anyone who conspires against this order, against this Republic, understand that there is no forgiveness and no oblivion.⁷⁷

The death penalty was meant to intimidate not only the political opposition, but the whole population. In this respect, the legislation regarding capital punishment was part of a general trend concerning penal legislation.

In March 1950, in a series of meetings of the Secretariat of the Central Committee of the Romanian Workers' Party, preparing the *directives* for the celebration of May 1st, Vasile Luca and Alexandru Moghioroș talked about capital punishment for sabotage, emphasizing that it is not properly enforced.

Decree no. 199 on August 11, 1950 - *On sanctioning some crimes that endanger state security, the assets of Army Forces of PRR and the fulfillment of national economy*, incorporated all the economic crimes provided by law no. 16/1949 under the name of "sabotage of the economic fulfillment of the People's Republic of Romania", adding embezzlement and stealing or destroying the property of the Army Forces as capital crimes. Article 4 provided the complementary punishment of total confiscation of the properties of the condemned, a measure that affected their families. Article 5 extended the application of the law "when the crimes are committed against a state where the power belongs to those who work, or against the interests of the working class in any state, if the acts were committed on the territory of PRR."⁷⁸ The penal registration forms provide information about the execution of one person for this kind of offence in 1952 (theft from public property).⁷⁹

The data regarding executions between 1949 and 1957 are again poor and unreliable, with penal registration forms recording only 16 cases, 14 of them political.⁸⁰ Among the types of crimes committed were treason (3 cases), terror acts (3 cases) and conspiracy against state interests (one case).⁸¹

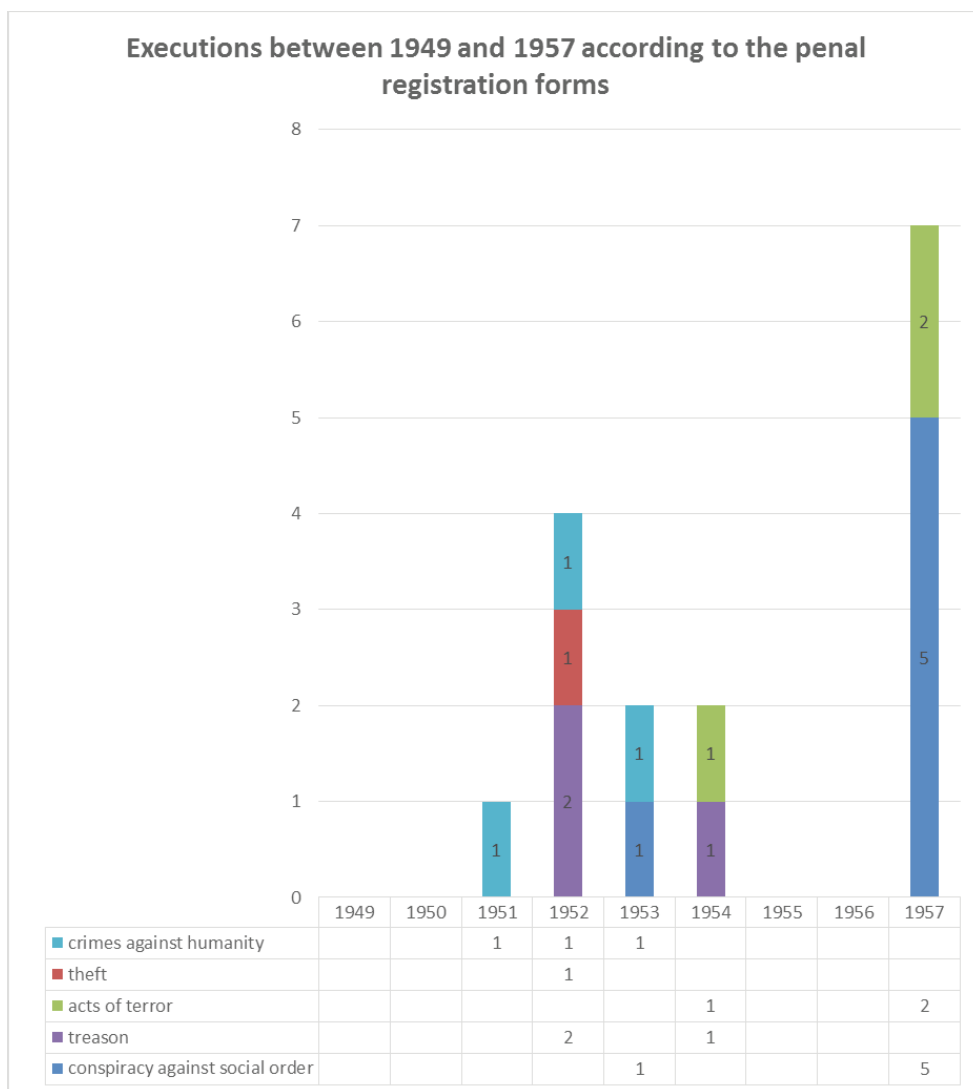
⁷⁷ The Speech of Mr. Prime Minister, Dr. Petru Groza, *Scântea* [The Spark], 14 January 1949, 5.

⁷⁸ *Buletinul Oficial* [Official Bulletin], no. 68 on 12 August 1950, 780.

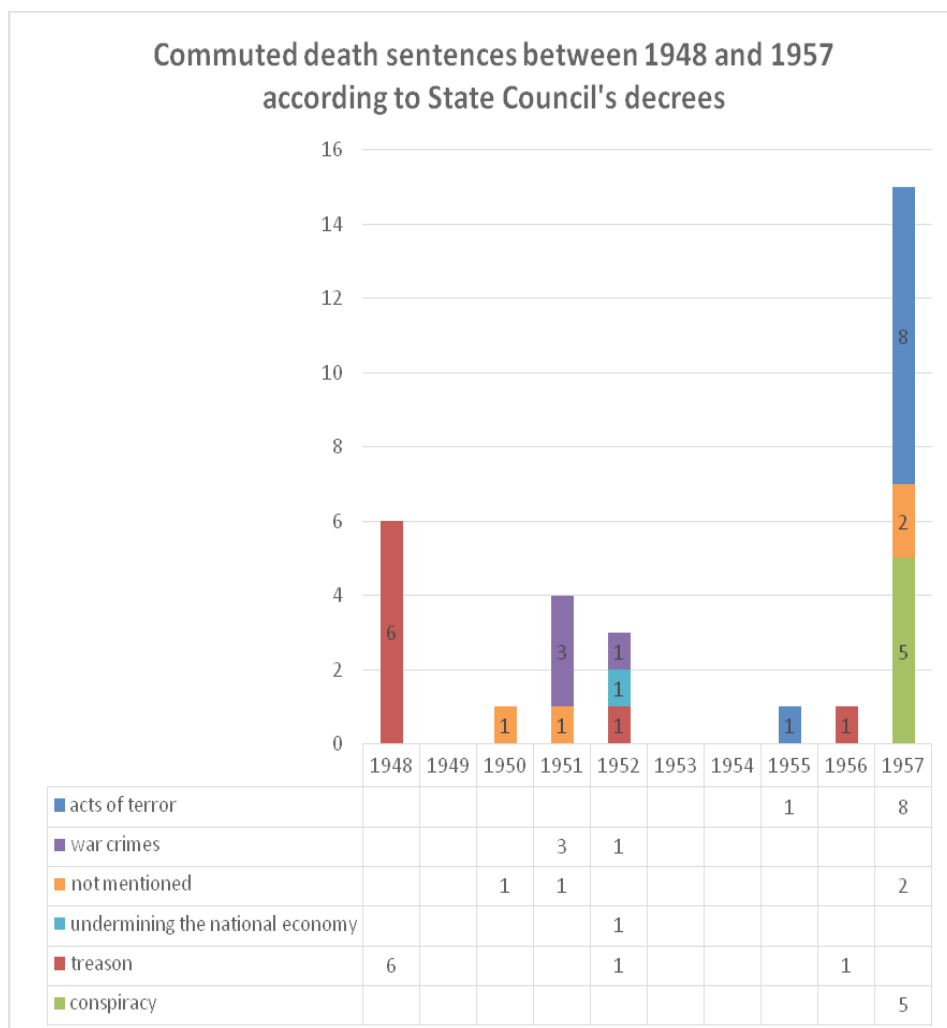
⁷⁹ ANAP, *Fişe Matricole Penale* [Penal Registration Forms].

⁸⁰ *Ibid.*, author's calculations.

⁸¹ *Ibid.*, author's calculations.



⁸² *Ibid.*, author's calculations.



83

The accusation of sabotage was used in an important political trial meant to justify the failures at the construction site of Danube-Black Sea Canal, a method borrowed from the USSR together with the idea of the canal. This

⁸³ *Ibid.*, author's calculations.

way, the frustrations of the population about various shortages were directed against some real culprits, scapegoats invented by the propaganda machinery.⁸⁴ In the race to find culprits, incredible accusations and precarious arguments were put together.⁸⁵ Nichita Dumitru was accused of “enmity towards mechanic end electric tools from the USSR”, and he declared: “I did not execute the maneuver orders with the diesel locomotive (...) I did not execute the inspections on time (...)”. Vasilescu Nicolae “denigrated the regime in our country and in the USSR, mistrusted the construction of the Canal, stated that we are on the brink of a new war” and also “delayed for six months the execution of the cart prototype for KTM 4 perforators, blocking by this the machinery and slowing down the excavations”.⁸⁶

Maybe all these details would have never been revealed if in 1967-1968, Nicolae Ceaușescu had not ordered an investigation into the methods used by Securitate in this trial; the direct target was Alexandru Drăghici, and several accused, witnesses, and prosecutors were interviewed while the files in 1952 were studied again.

The frenzy surrounding this trial reached its climax when several organizations asked for exemplary punishments, as registered by the Securitate. The trial was held in Poarta Alba labor colony, in the presence of an audience of more than 2000 workers. During the investigation in 1968, one of the assessors remembered that “the audience was frenetically asking for the maximum penalty” and the prosecutor mentioned that “in the hall there were citizens manifesting their indignation and hate, asking to be appointed as commanders of the firing squads, shouting *Death! Death! Death for saboteurs!*”⁸⁷ Not that spectacular, if we consider that one of the 1968 investigation conclusions was that the room was packed with Securitate agents wearing overalls. Taking into account the project and the amplitude of the sabotage needed to delay it, the punishments were accordingly: five death sentences for Aurel Rozei, Dumitru Nechita, Nicolae Vasilescu, Gheorghe Georgescu Topuzlău and Cernătescu Petre, the first three executed on October 13, 1952, while sentences of the last two were commuted by the Presidium of the Great National Assembly on October 10, 1952.⁸⁸

Other facets of the death penalty, like the behavior Aurel Rozei, Dumitru Nichita, and Nicolae Vasilescu exhibited before their execution were depicted by a 1952 report signed by the renowned Colonel Nicolae Doicaru,⁸⁹ chief of Securitate in the county of Constanta:

⁸⁴ Banu 2004: 140.

⁸⁵ *Ibid.*, 125.

⁸⁶ *Ibid.*, 127.

⁸⁷ *Ibid.*, 137.

⁸⁸ ANCSAS, Fond *Documentar* [Documentary], file no. D016243, 74.

⁸⁹ Nicolae Doicaru became famous for the harsh treatment he applied to the prisoners in Canal corrective labor colony. Then he became the chief of important intelligence structures.

When he (Nichita Dumitru) was announced by the prison chief to prepare for his “transfer”, he realized that he is going to be executed, which resulted from his facial expression and the kiss he exchanged with prisoner Cernatescu, as well as from his entreaties (...).

After the van left the prison, Nichita Dumitru was trembling and looking down, while Rozei Aurel, pulling his cap over his head, said no word. Meantime, I observed that Vasilescu Nicolae paid attention to the van’s route, trying to see where they are taken, through the driver’s window. When he saw that the van gets out of town, one could see on his unrecognizable face that he was terrified.⁹⁰

It is also worth mentioning that even the coroner, Aschie Gheorghe, was also a Securitate captain.⁹¹

Sabotage actions consisting of cutting telephone wires seem to intensify in the beginning of 1953, when they draw the attention of Gheorghiu-Dej, unsatisfied by the punishments and the ongoing investigations. He summoned the authorized institutions to “review previous trials; few of those who committed the most severe crimes will be sentenced to death and the others to harsh penalties.”⁹² The events that determined this reaction were also linked to a group of legionaries, parachuted in northern Romania in order to invigorate the resistance movement. Trained in Germany, they were captured, sentenced to death and executed on October 31, 1953 in Jilava prison. Again, Gheorghiu-Dej trenchantly affirmed: “This is not about sentencing them to different punishments. There is only one punishment here: shooting. And also some of those who covered for them should share the same fate. (...) This way we trickle fear in their souls.”⁹³

In 1953, decree no. 202 redefined the applicability of capital punishment for certain crimes: Article 209 limited the application of the death penalty for counter-revolutionary activity and *undermining of the national economy* to “actions that determined or could determine severe consequences”⁹⁴, a highly ambiguous definition which could actually be very broadly interpreted. The actions were: “undermining the national economy through the use of state institutions or factories, or the sabotage of their normal activity, as well as using or sabotaging them for the benefit of their ex-owners or interested capitalist organizations.”⁹⁵

The numbers provided by the penal registration forms are low, but various other means existed to charge and punish in favor of the regime. A perfect example of taking advantage, through capital punishment, of a repressive

⁹⁰ ANCSAS, Fond *Documentar* [Documentary], file no. D016243, 68.

⁹¹ *Ibid.*, file no. D016243, 70v.

⁹² NAR, Fond *Comitetul Central al PCR - Cancelarie* [The Central Committee of the RCP - Chancellery], file no. 5/1953, 4-9.

⁹³ *Ibid.*

⁹⁴ Decretul 202 pentru Modificarea Codului Penal al RPR [Decree no. 202 for the Modification of the Penal Code of the PRR], *Buletinul Oficial* [Official Bulletin], 14 May 1953, 162.

⁹⁵ *Ibid.*

situation created by the authorities themselves is the Pitesti prison experiment started in 1949.⁹⁶ Briefly, it can be described as the reeducation process of mainly student members of ex-opposition parties through severe torture. But the core of the experiment was the forced transformation of the victims into torturers of their own colleagues, a brainwashing program that affected over 1000 inmates according to the lowest estimations. Rambling statements like the one of Vasile Păvăloaie give us a glimpse into the torture and pressure level that the accused were subjected to while awaiting their sentence:

That's me, a legionnaire criminal and a bandit that does not deserve to live anymore; you will decide if there is still something good in me and if I still deserve to live, because I want to live, I want you to allow me to live; but I do not know if my criminal deed will allow me to live and if the new socialist society that is outside can still have me back among the fair people outside.⁹⁷

The experiment was stopped through a secret trial in 1952 in the context of the internal maneuvers for power between Gheorghe Gheorghiu-Dej and Teohari Georgescu, the Minister of Internal Affairs. The sentence was politically decided in a meeting of the Political Bureau of CC of RWP on November 6, 1954.⁹⁸ While 22 death sentences were passed on the prisoners for group terror acts and for preparing a conspiracy against the internal security of PRR, and 16 executions took place on December 17, 1954, the Securitate agents responsible for the experiment received light sentences and were shortly released.⁹⁹ Those executed were Eugen Turcanu, Ion Stoian, Nicolae Cobilaș, Cristian Șerbănescu, Grigore Romanescu, Cornel Pop, Cornel Popovici, Octavian Zbranca, Ion Voin, Ioan Cerbu, Gheorghe Popescu, Constantin P. Ionescu, Constantin Juberian, Mihai Livinschi, Mihai Păvăloaie and Maximilian Sobolevschi.¹⁰⁰ The sentences of Alexandru Popa, Octavian Voinea, Aristotel Popescu, Pafnutie Pătrășcanu and Dan Dumitrescu were commuted only in 1957, on the occasion of the trial of a new group related to the experiment, when Valeriu Negulescu, Gheorghe Caziuc and Virgil Bordeianu were sentenced to death. Later that year, their sentences were also commuted. Blatantly putting the blame on *enemies* - US and Iron Guard agents who infiltrated the Securitate - shows the trivialization of the reeducation concept itself and the attempt to avoid any negative consequences for the regime. According to some authors, the role of the death sentences was to eliminate some of the prisoners who possessed information about the experiment.¹⁰¹

⁹⁶ Mureșan 2011: 26.

⁹⁷ ACNSAS, Fond *Penal*, file no. 1114, vol. 6, 472, apud Mureșan 2011: 179.

⁹⁸ NAR, Fond *Comitetul Central al PCR - Cancelarie* [The Central Committee of the RCP - Chancellery], file no. 123/1954, 3-4.

⁹⁹ Rusan 2007: 318.

¹⁰⁰ Mureșan 2011: 187.

¹⁰¹ Mureșan 2011: 183.

The events in Hungary in 1956 triggered a reaction in Romania, especially in the Hungarian Autonomous Region. Such a case is that of Szabó Mozes in Târgu-Mureș, age 30, who, after a failed attempt to cross the border to Hungary, spread leaflets in November 1956 and founded a counterrevolutionary organization, according to his capital sentence. His mother brought evidence about his mental disorder and asked the Presidium of the Great National Assembly to commute his sentence:

The last catastrophe – after all those described above - provoked by capitalism was the poisoning done through some radio stations, who affected my son's soul with their false propaganda, who was already sick and became receptive to that. Afterwards he realized he was making a mistake and how serious his actions were and, with all his sincerity, he asked the working class to forgive him ...¹⁰²

His pardon letter lets us know that he was trialed in the factory, in front of his colleagues. Ultimately, his capital sentence was commuted to lifetime forced labor.

Another case involved Nedici Vidosa, sentenced to death for conspiracy against the social order, but also to lifetime forced labor for high treason and illegally crossing the border. A spy for Tito's Yugoslavia, her sentence was commuted on 24 October 1950.¹⁰³

But the threat for the regime could also come from outside the country, and the rhetoric of imperialist intelligence agencies caused a series of trials at the beginning of 1953. The trials against French, American, British, Austrian, Vatican or Masonry acts were politically staged during another meeting of the Political Bureau of Central Committee of the Romanian Worker's Party, when the punishments were carefully chosen:

Com. Gheorghiu-Dej: All of them should be shot, according to the laws in our republic, but because they are too many and this might look like a carnage, we will have to imprison most of them and only in some special cases, one or two, they should be sentenced to death.

Com. Chișinevschi: In terror cases...

Com. Gheorghiu-Dej: Not only terror. There are some of them who did terrible things, they provided important state secrets to the enemy. Some of them have to be sentenced to death. In my opinion most of them deserve that, but they are too many, you cannot slaughter all of them.

Com. Chișinevschi: The leaders...

Com. Borilă: Two or three in each trial, otherwise we encourage them.

Com. M. Constantinescu: Those who encouraged others to join them...

Com. Gheorghiu-Dej: Do you agree with his proposal? (All comrades agree).¹⁰⁴

¹⁰² NAR, Fond *Consiliul de Stat - Decrete* [State Council – Decrees], decree no. 612/1957, 158.

¹⁰³ *Ibid.*, decree no. 1090/1950, 249.

¹⁰⁴ NAR, Fond *Comitetul Central al PCR – Cancelarie* [The Central Committee of the RCP – Chancellery], file no. 47/1953, 2-48.

3. *The Abolitionist Attempt*

A short period of attempted restoration of *legality* detrimental to *Partiinost'* (the party spirit of Marxism-Leninism) defined the period after the death of Stalin in the USSR.¹⁰⁵ Of course, this had an echo in Romania as well, one of its results being the legal proposal from July 5, 1956, by Avram Bunaciu, Augustin Alexa (general prosecutor), Alexandru Voitinovici (president of the Supreme Tribunal), Ion Gh. Maurer and Gheorghe Diaconescu (Minister of Justice), which attempted to abolish capital punishment.¹⁰⁶ Surprisingly, Bunaciu was the former Minister of Justice when the death penalty law was enacted in 1949 and all of them were top communist jurists playing key roles in the prosecution of war criminals. They stressed that between 1949 and 1952, several laws provided capital punishment altogether for 48 crimes, which contradicts its *exceptional character*.¹⁰⁷ The problem was also underlined by Soviet jurists in 1945 when they discussed with the Romanian part the project of the new Penal Code. In the USSR, the death penalty was abolished for most of the crimes during peacetime, according to the report. The five jurists proposed capital punishment to be replaced by lifetime imprisonment for most of the crimes, or to retain it for 8 of them: mutilation, killing or exterminating war prisoners or hostages, genocide, destruction of installations, buildings or factories for counterrevolutionary purposes that resulted in severe consequences, terrorist acts, robbery with murder against public or private property, premeditated murder or murder by cruelty or torture and piracy followed by murder. Very important, until the adoption of a new Penal Code, they proposed the abolition or at least the restriction of the death penalty to the most severe crimes.¹⁰⁸

What other reasons could drive them to make such a proposal? The answer can be found exactly in the fate of the abolitionist measure. The tone is cautious, and it had all the reasons to be so, since it was to be analyzed by top officials like Alexandru Drăghici, Minister of Interior and the head of Securitate. He was one of the heads of the purges that dominated the party in the previous years and eliminated from the political arena top party leaders like Ana Pauker and Vasile Luca. The purges also determined the execution of the former Minister of Justice between 1944 and 1948, Lucrețiu Pătrășcanu, after a long and humiliating imprisonment and a show-trial on April 17, 1954, along with Remus Koffler, another underground Communist from the interwar period. Six years passed from the moment of his arrest until his execution.

Com. Gheorghiu-Dej: We are talking not only about an action of espionage, diversion, but also about a criminal gang with connections abroad and serving

¹⁰⁵ Kirchheimer 1961: 289.

¹⁰⁶ ANCSAS, Fond *Documentar* [Documentary], file no. 13209, vol. 3, 136-139.

¹⁰⁷ *Ibid.*

¹⁰⁸ *Ibid.*

other countries, whose purpose was a coup d'état, assassinations and this kind of things, essentially overthrowing by violence and with the help of foreign countries of the popular regime in our country. ...

Pătrășcanu has the attitude of an enemy, of a great bandit, of an old hardened counter-revolutionary and he does not admit that he spied. He is very insolent.

It is very nice when the accused admits everything during a trial. He knows he cannot expect mercy from us and that is why he has this attitude. He is a ferocious enemy. A consistent material resulted, good for history, theater and cinema, with real facts, not fictional. And it covers a long period of time, the most eventful, when our regime was forming. ...

This will strengthen people's trust in the regime, in its force, in its organs. This trial is very important.¹⁰⁹

The proposal also included a new regulation for the prison system and for punishments execution. Apart from the other signatories, Gheorghe Diaconescu, Minister of Justice, considered that in case capital punishment will still be applied for some crimes, treason should be among them.

My interpretation is that the fear of future purges of a large part of the new elite triggered them to ask, at least temporarily, through the voice of the leading jurists, for the abolitionist measure. This happened in what Kirchheimer called a short period of *restoration of legality* detrimental to the *revolutionary legality*.¹¹⁰ Minister Drăghici's answer to this report rejected the temporary abolition of the death penalty and the exclusion of treason and espionage as capital crimes from the new Penal Code.¹¹¹ The problem was postponed until the adoption of the new Penal Code. *Partiinost'* was about to be back in power very soon, when the legal provisions were tightened through decree no. 318/1958 and the execution rates reached their highest level.

4. Conclusions

According to Andrew Scobell's study, we can conclude that the initial focus on war criminals/political enemies, in an atmosphere dominated by seizure of power, corresponds to a *terror stage* delimited by him,¹¹² while a second stage, assuming *routinization* or *codification of the repression* was enacted through several decrees amending the Penal Code and the establishment of a new judicial system.

In terms of the death penalty, the first part of the communist period was very dynamic. Its start was dominated by the issue of war criminals, which

¹⁰⁹ NAR, Fond *Comitetul Central al PCR – Cancelarie* [The Central Committee of the RCP – Chancellery], file no. 5/1953, 4-9.

¹¹⁰ Kirchheimer 1961: 288-192.

¹¹¹ ANCSAS, Fond *Documentar* [Documentary], file no. 13209, vol. 3, 130-131.

¹¹² Scobell 1991: 189-234.

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 of 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. 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 which aimed to improve the 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 initiated a new wave of repressions.

Works cited:

Primary Sources:

- Archive of the National Administration of Penitentiaries (ANAP), Fond Fise Matricole Penale (Penal Registration Forms).
- Archive of the National Council for the Study of the Archive of "Securitate" (ANC-SAS), Fond Documentar (Documentary).
- National Archives of Romania (NAR), Fond Casa Regala - Diverse (Royal House - Diverse).
- NAR, Fond Comitetul Central al PCR - Cancelarie (The Central Committee of the RCP - Chancellery).
- NAR, Fond Fond Comitetul Central al PCR - Sectia Administrativ-Politica (The Central Committee of the RCP - The Political-Administrative Section).
- NAR, Fond Consiliul de Stat – Decrete (State Council - Decrees).
- NAR, Fond Ministerul Justitiei – Directia Judiciara, (Ministry of Justice - Judiciary Unit).
- NAR, Fond Presedintia Consiliului de Ministri - Stenograme, (The Presidency of the Council of Ministers - Minutes).
- Open Society Archives (OSA), HU-OSA-300-60-1, Records of RFE/RL Research Institute (fonds), Romanian Unit (subfonds), Subject Files (series).

Secondary Sources:

- Banu, Florian. 2004. Radiografia unei Mistificări: Procesul Sabotorilor de la Canalul Dunarea Marea Neagră [Radiography of a Mystification: The Trial of the Saboteurs at the Danube-Black Sea Canal]. *Arhivele Securității*, 116-142.
- Banu, Florian. 2009. Instrumentalizarea Justiției de către Regimul Comunist, 1945-1958 [The Use of Justice by the Communist Regime, 1945-1958]. *Caietele CNSAS*, 2, 121-147.

- Bodeanu Denisa, Cosmin Budeanca and Valentin Orga (eds.). 2009. *Mișcarea de Rezistență Anticomunistă din România, II. Grupul "Cruce și spadă"* [Anticomunist Resistance in Romania, II. "Cross and Sword" Group]. Cluj-Napoca: Argonaut.
- Boulanger, Christian and Austin Sarat. 2005. *The Cultural Lives of Capital Punishment: Comparative Perspectives*. Stanford: Stanford University Press.
- Cojocariu, Maria Andreea. 2011. *Subordinating Justice in Communist Romania: The Sovietization of the Romanian Criminal Justice System (1945-1953)*, MA Thesis. Budapest: CEU Budapest College.
- Dianu, Tiberiu. 1995. The Romanian Criminal Justice System. In *Legal Reform in Post-Communist Europe. The View from Within*, ed. Stanislaw Frankowski and Paul B. III Stephan, 257-275. Dordrecht: Martinus Nijhoff Publishers.
- Dobrinu, Dorin. 2008. *Listele Morții* [The Lists of Death]. Iași: Polirom.
- Dolinko, David. 2008. State Punishment and the Death Penalty. In *A Companion to Applied Ethics*, ed. R. G. Frey and C. H. Wellman. Oxford: Blackwell.
- Evans, Richard J. 1996. *Rituals of Retribution: Capital Punishment in Germany, 1600-1987*. Oxford: Oxford University Press.
- Fico, Robert. 1999. The Death Penalty in Slovakia. In *The Death Penalty: Abolition in Europe*, 117-129. Strasbourg: Council of Europe Publishing.
- Fijalkowski, Agata. 2001. The Abolition of the Death Penalty in Central and Eastern Europe. *Tilburg Foreign Law Review*, 9, 62-83.
- Fijalkowski, Agata. 2005. Capital Punishment in Poland. In *The Cultural Lives of Capital Punishment: Comparative Perspectives*, ed. Austin Sarat and Christian Boulanger, 147-168. Stanford: Stanford University Press.
- Frankowski, Stanislaw. 1996. Post Communist Europe. In *Capital Punishment. Global Issues and Prospects*, ed. Peter Hodgkinson and Andrew Rutherford, 215-243. Winchester: Waterside Press.
- Friling, Tuvia, Radu Ioanid and Mihail E. Ionescu, (eds.). 2004. *Raport Final. Comisia Internațională pentru Studierea Holocaustului în România* [Final Report. International Commission for the Study of Holocaust in Romania]. Iași: Polirom.
- Kirchheimer, Otto. 1961. *Political Justice: The Use of Legal Procedure for Political Ends*. Princeton: Princeton University Press.
- Mastacan, Olivian. 2008. *Pedeapsa Capitală în Dreptul Românesc. Origini și Evoluție*. Târgoviște: Bibliotheca.
- Muraru, Andrei. 2010. Legislation and War Criminal Trials in Romania. In *New Europe College, Ștefan Odobleja Program Yearbook 2009-2010*, ed. Irina Vainovski-Mihai, 109-177. Bucharest: New Europe College.
- Mureșan, Alin. 2011. *Pitești. Cronica unei Sinucideri Asistate* [Pitesti. The Chronicle of an Assisted Suicide]. Iași: Polirom.
- Pavelescu, Alina (ed.). 2004. *Dudu Velicu. Biserica Ortodoxă în Perioada Sovietizării României. Însemnări Zilnice* [Dudu Velicu. Orthodox Church during Sovietization in Romania. Daily Notes]. Vol. I. București: Arhivele Naționale ale României.
- Poenaru, Iulian. 1974. *Contribuții la Studiul Pedepsei Capitale* [Contributions to the Study of Capital Punishment]. București: Editura Academiei RS România.
- Poenaru, Iulian. 1994. *Pedeapsa cu Moartea, Pro sau Contra?* [The Death Penalty, Pro or Contra?]. București: Editura Lumina Lex.
- Popescu, Gheorghe and Adrian Marcel Iancu. 2009. *Interzicerea Pedepsei cu Moartea – Garantie a Dreptului la Viață* [Banning the Death Penalty – a Guarantee for the Right to Life]. Craiova: Editura Sitech.

- Rusan, Romulus. 2007. *Cronologia și Geografia Represiunii Comuniste în România* [The Chronology and Geography of the Communist Repression in Romania]. București: Fundația Academia Civică.
- Scobell, Andrew. 1991. The Death Penalty under Socialism, 1917-1990: China, the Soviet Union, Cuba and the German Democratic Republic. *Criminal Justice History: An international annual*, 12, 189-234.
- Scurtu, Ioan (ed.). 1996. *România. Viața Politică în Documente. 1946* [Romania. Politics in Documents. 1946]. București: Arhivele Statului din România.
- Szabó, Zoltán Tibori. 2004. The Transylvanian Jewry during the Postwar Period, 1945-1948. *East European Perspectives*, vol. 6, <http://www.rferl.org/content/article/1342467.html>
- Tismăneanu, Vladimir, Dorin Dobrinu and Cristian Vasile. 2007. *Comisia Prezidențială pentru Analiza Dictaturii Comuniste din România. Raport Final* [The Presidential Commission for the Analysis of the Communist Dictatorship in Romania. Final Report]. București: Humanitas.
- Van den Berg, Ger P. 1983. The Soviet Union and the Death Penalty. *Soviet Studies*, vol. 35, no. 2 (Apr. 1983), 154-174.
- Weber, Max. 1994. The Profession and Vocation of Politics. In *Political Writings*, ed. Peter Lassman and Ronald Speirs, 310-311. Cambridge: Cambridge University Press.