

Lavinia STAN, Lucian TURCESCU (ed.), *Justice, Memory and Redress in Romania. New insights*, Cambridge Scholars Publishing, Newcastle upon Tyne, 2017, ISBN 978-1-4438-3152-9, 358 p.

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“Transitional justice” is a term broadly used to designate the various practices associated with the process of coming to terms with and shedding light over a troubled, violent or disturbing collective past. It stems both from the need to reckon with and understand an uneasy legacy, and from the aspiration to redress its wrongdoings. The complex practices of denazification after the Second World War or the different lustration measures taken after the collapse of the communist regimes in Eastern Europe illustrate the highly intricate processes of “transitional justice” and the extent of the issues they entail: from questions regarding the politics of memory to difficulties in clearly defining notions such as resistance, dissent, collaboration or consent; from the legal dilemmas of retrospective justice to the sometimes problematic cultural memory practices, etc.

The literature examining the post-communist transitional justice programs has mainly focused on the countries which seem to have pursued more sustained, timely and coherent policies in view of reckoning with recent history, like Germany, Poland or the Czech Republic. Romania, on the other hand, has not enjoyed the same scholarly interest and scrutiny. The main reason for this overlook seems to have been the overall perception that Romania is a “non-case of transitional justice” (293). The country’s “mudding through the past” and the slow and indecisive advances of the transitional justice programs have somehow favoured this hesitant approach from scholars.

The volume edited by Lavinia Stan and Lucian Turcescu seeks to address this gap in research and, most importantly, to argue in favour of a more scrupulous and more diversified reading of the Romanian transitional justice practices. While the particularly ambivalent position that Romania has had regarding transitional justice can be regarded

at first as a shortcoming, the same complicated history of reconsideration and reckoning might prove to offer surprising new insights and venues for reflection.

The volume is organized in three parts, each approaching the issues of memory, justice and redress from a different direction. The first part is more theoretical in scope and attempts to discuss key notions relevant to the transitional justice programs in general. The second part has a more empirical focus and aims to examine the different methods and practices put in place by state and non-state actors in order to initiate, further or hinder transitional justice initiatives. The third part grounds, in a sense, the other two as it closely considers the way in which redemptive or expiatory narratives take shape at the intersection of personal and collective, vernacular and official memories. A succinct overview of the articles (or chapters) comprised in the three parts would possibly offer a more coherent image of the volume's structure and arguments and of their overall dynamic.

The first part is opened by Cristina Tileaga's text, "Conceptions of Memory and Historical Redress". While an exclusively archival understanding of memory, Tileaga argues, can legitimize the narrative of a unique version of the past, the actual way in which collective and individual memories are retrieved, lived and constructed is more complex. That is to say that when dealing with acts of remembering, the fact that memory is socially, culturally and contextually fashioned and not a simple archive where "facts" are inscribed and stored must also be taken into account. For instance, the contradictory reception of the "Tismăneanu Report", a document backing the official condemnation of communism in 2006, can also be linked, as Tileaga demonstrates, to its narrow archival understanding of history. The whole process of "canonization of a single collective narrative around the nature of communism in Romania" (14), while aspiring to the status of an unchallenged, objective and exhaustive rendering of the truth, only exposed its own unchecked political and ideological biases. This type of discourse is rather aimed at building a "normative ethics of memory" (5) by educating on the socially appropriate and inappropriate representations of the past, as opposed to being concerned with demystifying it or understanding the actual collective experience in its "vital", conflicting, multiple and unsettling reality; hence, concludes Tileaga, the need to also take into account the relational, social and psychodynamic aspects of memory.

In “Collaboration and Resistance: Some Definitional Difficulties”, Lucian Turcescu and Lavinia Stan emphasize the need to clarify the terms at the core of the transitional justice initiatives, such as resistance, collaboration, dissent, opposition, compromise, etc. These conceptualizations seem to have largely been overlooked in Romania, where most of the transitional justice legislation, for instance, ignored “shared academic wisdom” pertaining to the understanding and correct assessment of the individual and collective involvement with the totalitarian regime. The shaky theoretical foundations facilitated, in turn, the reshaping of much of the public debate around notions of resistance and dissidence in such a manner as to “defend specific actors’ lack of open public opposition to the regime” (35). Attitudes of personal defiance, without an overtly assumed oppositional stance, were labelled, for example, as instances of actual resistance, such as “resistance through culture” and “resistance through spirituality”; terms that are in fact peculiar to Romania.

Cynthia M. Horne’s “Evaluating Measures and Their Outcomes” tries to draw a picture of Romania’s efforts to address the past. Firstly, she proposes a comparative evaluation of Romania’s progress towards comprehensive transitional justice programs against the similar measures taken by other countries in the region. Furthermore, she examines the correlation between the processes of lustration, broadly speaking, and the general pace of society’s democratization. Whereas such a conclusion might seem too schematic, it can be suggested that it nevertheless accounts for most of the hopes and subsequent frustrations associated with the ambiguous transitional justice measures in Romania.

A more in-depth analysis regarding the delegitimizing effects of incoherent and unconvincing transitional justice policies, affecting the overall democratization of society, can be found in Alexandu Gussi’s article, “Paradoxes of Delayed Transitional Justice”. One of the perplexing outcomes of the Revolution in 1989 in Romania was the fact that it allowed the reproduction of the former state structures and elites, rather than disrupting their actual continuity. The subsequent tension between the demands of the civil society for accountability over the totalitarian past and the state’s “policy of oblivion and denial” led to another paradoxical situation. State actors embraced what Gussi calls “defensive anticommunism” as a means to deflate any actual transitional justice measures and also to legitimate the post-communist state. The political elites,

while formally condemning the crimes of the totalitarian regime, did little in the direction of comprehensive transitional justice policies. These “incomplete transitional justice policies” can be thus related, Gussi argues, to Romania’s “incomplete democratization”.

The volume’s second part categorizes texts questioning the actual practices of transitional justice. The first chapter, “Retrospective Justice and Legal Culture”, by Raluca Grosescu and Agata Fijalkowski, analyses how Romania’s legal culture influenced the country’s transitional justice initiatives. The relative reluctance of the judicial system to prosecute cases of crimes and the abuse of human right perpetrated during the communist period is not to be uniquely associated with the inherent legal challenges that such situations reveal. It should also be understood, the two authors argue, as the consequence of a legal culture mostly attached to a high degree of formalism and to an overall conservative tendency as a testimony to its still fragile independence.

In “Public Exposure without Lustration”, Dragoş Petrescu offers a detailed overview of the legal and political disputes that marked the failed attempts at a formal lustration in Romania, from the passing of the “Ticu Dumitrescu” law in 1999, and culminating with its judging as unconstitutional in 2008. The constant political and institutional hindering of the disclosure efforts has not been, however, fully successful. The “informal lustration” by “public exposure”, facilitated by the access given to most of the former secret police archives, has remained the main form to address and denounce the past crimes and complicities.

The next article, “Memory, Commemorative Landscape and Transitional Justice”, by Duncan Light and Craig Young, shifts the focus from the juridical aspects to the “symbolic dimension of transitional justice, namely the practices of commemoration and memorialization” (145). The reshaping of the “public memory” is linked, as a “soft” practice in the context of transitional justice, to the reshaping of the urban and commemorative landscape. It also reveals the cultural policies put into place at the intersection of vernacular and official memories, in order to construct and affirm a new collective identity. In Romania, as Light and Young demonstrate, the involvement of the non-state actors in the creation of memorials, museums and other landmarks of

remembrance has been “astonishing” if compared to the corresponding authorities’ “lack of enthusiasm”.

Caterina Preda proposes an analysis regarding one of the most understudied “soft” themes in the field of transitional justice: art. “The Role of Art in Dealing with the Communist Past” questions the relevance of artistic mediation when speaking of remembrance. Art, on the one hand, can function as a complementary source for understanding and coming to terms with a complicated past. It represents perhaps a more nuanced source than the documentary sources provided by archives, courts or commissions. On the other hand, artistic representations and expressions can challenge the unilateral instrumentation of the collective memory. Art can thus give a voice to those “counter-memories”, marginalized by the officially accepted (and acceptable) version of the past. Furthermore, artistic practice can also be viewed as “affective justice”, as a legitimate means of understanding and exploring the unsettling facets of history. The lack of legal grounding for transitional justice measures, as well as the “forget your past” policy adopted by the majority of the political actors, seem to have stimulated the emergence of a rich and nuanced cultural memory pertaining to Romania’s communist period, as a form of “poetic reckoning” with the past.

Cristina Petrescu’s study, “Nostalgia, Identity and Self-Irony in Remembering Communism”, opening the third part of the volume, explores the “minor” “personal” narratives of the communist period that somehow fail to adhere to the “morally correct” version of the past, centred on the criminal and repressive nature of the regime. The normative claim of the official narrative seems to have left little room for positive, nostalgic or ironic recuperations. However, as Cristina Petrescu illustrates, these kinds of recollections, mostly related to everyday life under communism, are neither worrying symptoms of amnesia nor do they signal a desire to revert to an oppressive past. They should instead be interpreted, Petrescu argues, as having a “curative function” rooted rather in a “desire for a fairer world” than in the denial of past wrongdoings.

One of the main angles of recuperation, and a recurring theme when it comes to the years of the Stalinist-inspired repression, is that of the mystical and spiritual dimensions of resistance. The extensive place that the religious symbols and practices hold within the larger narratives of resistance, identity and victimization is examined in Monica Ciobanu’s contribution to the volume, “Remembering the Gulag: Religious

Representations and Practices”. The post-communist symbiosis between religion and politics has helped create a national myth based on the interplay between patriotism, the Orthodox Christian faith and the rejection of the “foreign” (whose pernicious and exemplary embodiment was considered to be precisely the communist ideology). The Romanian Orthodox Church engaged in a process of “selective memory”, as Ciobanu calls it, carefully downplaying its extensive collaboration with the communist state. Instead, the Church sought to capitalize on the narratives of religious repression and spiritual resistance, and therefore legitimize itself as the true upholder of the national ethos throughout the communist years.

Moreover, the “new” narrative, centred around national exceptionalism as well as ethnic and religious identity, revived, in a somewhat unsettling twist of fate, precisely some of the core themes promoted by the propaganda of the victimizers. The fact that the majority of the public, the politicians and the media have uncritically embraced this unilateral perspective only highlights the need for a broader, more lucid and more nuanced discussion regarding victims, resistance and perpetrators. Such a discussion would have to include, therefore, the analysis of the relation between the totalitarian regime and the Church, as Cristian Vasile argues in “Coming to Terms with the Controversial Past of the Orthodox Church”.

Better documented and almost exclusively presented, the history of the State’s repression against religion during the communist period reveals only “one side of the coin”. The other facet, namely the Church’s collaboration and conformism towards the communist state authorities, including the infamous secret police, is yet to be fully disclosed and reckoned with. The “politics of oblivion” have been embraced by the political and ecclesial elites alike, and are still thwarting the attempts at transparently documenting the extent and depth of this ambivalent relation. A case in point, as Cristian Vasile explains, is the prolonged lack of access to the ecclesial archives and the obvious reluctance of the Church in that direction.

In “Pain and Politics in Victim Testimonials”, using an extensive analysis of “The Memory of Pain”, a documentary series produced and aired during the first few years after the fall of the totalitarian regime, Delia Popescu examines the problematic way in which personal experiences and testimonies can be “framed” and instrumentalised in order to forge a particular “national identity” narrative. The choice of this documentary

is not without importance. Conceived as both a documentary effort and a call for justice, the film is staging, through various techniques, a view of nationhood and national history as “Christian martyrdom” (268). The aspiration to shed light over the past, to uncover and demystify it, is paradoxically played out in search of a “replacement national myth”, hence in a new mystification. What is even more problematic in the context of a complicated historical legacy marked by Romania’s passage from fascism to communism and, through revolutionary fervour, to “democracy”, is precisely this idea of a national continuity that must be renewed over and against the recent troubled past, deemed to be “alien” by the realization of the authentic “Romanian self”. The risk, as Michael Shafir (cited by Delia Popescu) notes, is that “the need for myth replacement might well lead to *mis-replacements*” (281).

Justice, Memory and Redress. New Insights proposes, as has been demonstrated, a collection of articles which explore the issues related to transitional justice in Romania, including both a wide range of practices such as court trials, lustration, public access to the files of the secret police, commissions, cultural, religious or artistic recuperations, as well as key concepts necessary to lucidly understand not only the past but also the present strategies and debates over it, and the whole process of reckoning as such. One of the volume’s strengths lies precisely in its extensive analysis and critical reflection dedicated to the tortuous politics of memory, remembrance and oblivion, as well as to the construction and staging of public narratives which help shape the collective mnemonic landscapes. Furthermore, the fact that what are generally considered to be the “soft” aspects of transitional justice practices (such as the reshaping of the urban “memoryscapes” through memorialization initiatives, or the analysis of the various artistic or personal (counter)narratives) are given extensive scrutiny adds a welcomed critical bonus to the volume. For instance, the argument presented in some of the contributions (for example that Romania’s challenges with a real lustration mirrors its difficulties as a fully functional democracy), while correct to a certain extent, might seem a bit schematic. By also including complementary approaches which analyse the intricate processes of remembering (with their present social and personal dimensions) and by critically reflecting on the way in which memory is shaped politically and culturally mediated, the volume gains coherence and conceptual density. The volume does, overall, more than just to fill a hiatus corresponding to the transitional justice

studies concerning Romania. A multifaceted approach ensures both a comprehensive overview of the challenges and developments associated with the country's complicated path towards reckoning and valuable theoretical insights which prove to be important for further research and reflection.