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### DREPTURI ȘI LIBERTĂȚI ALE CETĂȚENILOR ROMÂNI ÎN PERIOADA COMUNISTĂ

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*Problematica drepturilor omului s-a ridicat în anii de după cel de-al Doilea Război Mondial la nivelul unui fenomen politic, social, juridic, cu implicații în toate domeniile existenței umane. Drepturile și libertățile fundamentale ale omului reprezintă baza juridică a statului de drept modern. Prin opoziție, în sistemele totalitare, drepturile și libertățile fundamentale ale omului nu sunt respectate, chiar dacă de foarte multe ori acestea sunt prevăzute în Constituție și în legislație. În perioada regimul comunist, în România au fost încălcate în repetate rânduri libertăți și drepturi precum: dreptul la viață, la libertate și la siguranță, libertatea de exprimare, dreptul de acces la cultură etc. Dacă la nivel declarativ, regimul comunist se autodefinia ca un regim care atinge noi culmi în respectarea drepturilor și libertăților fundamentale ale omului, practica a arătat faptul că regimul, prin instituțiile sale de forță, a utilizat legislația penală ca o formă de motivare a numeroaselor abuzuri. Prezentul articol are scopul de a evidenția transformările politice și sociale produse în cadrul instituțiilor juridice ale statului român, pe perioada regimului comunist. În elaborarea acestui articol am utilizat metodele calitative de cercetare, apelând la analiza lucrărilor științifice și la studiul de mărturie.*

**Cuvinte-cheie:** comunism, drepturi, libertăți, legislație, control, manipulare.

#### THE RIGHTS AND FREEDOMS OF ROMANIAN CITIZENS UNDER THE COMMUNIST REGIME

*The issue of human rights rose in the years after the Second World War to the level of a political, social, legal phenomenon, with implications in all areas of human existence. Human fundamental rights and freedoms represent the legal basis of the modern rule of law. By contrast, in totalitarian systems, fundamental human rights and freedoms are not respected, even if very often they are provided for in the Constitution and legislation. During the communist regime in Romania, freedoms and rights such as: the right to life, freedom and safety, freedom of expression, the right of access to culture, etc., were repeatedly violated. If at the declarative level, the communist regime defined itself as a regime that reaches new heights in respecting fundamental human rights and freedoms, practice has shown that the regime, through its institutions of force, used criminal legislation as a form of motivation for numerous abuses. The purpose of this article is to highlight the political and social transformations produced within the legal institutions of the Romanian state, during*

*the communist regime. In the preparation of this article I used qualitative research methods, using the analysis of scientific works and the study of testimonies.*

**Keywords:** communism, rights, freedoms, legislation, control, manipulation.

## **DROITS ET LIBERTÉS DES CITOYENS ROUMAINS PENDANT LA PÉRIODE COMMUNISTE**

*La question des droits de l'homme s'est élevée dans les années qui ont suivi la Seconde Guerre mondiale au niveau d'un phénomène politique, social et juridique, avec des implications dans tous les domaines de l'existence humaine. Les droits et libertés fondamentaux de l'homme sont la base juridique de l'État de droit moderne. En revanche, dans les systèmes totalitaires, les droits et libertés fondamentaux de l'homme ne sont pas respectés, même s'ils sont souvent prévus dans la Constitution et la législation. Pendant le régime communiste, en Roumanie ont été violés à plusieurs reprises des libertés et des droits tels que: le droit à la vie, la liberté et la sécurité, la liberté d'expression, le droit d'accès à la culture, etc. si au niveau déclaratif, le régime communiste s'est défini comme un régime qui atteint de nouveaux sommets dans le respect des droits et libertés fondamentaux de l'homme, la pratique a montré que le régime, à travers ses institutions de force, utilisait la législation pénale comme une forme de motivation pour de nombreux abus. Cet article vise à mettre en évidence les transformations politiques et sociales produites au sein des institutions juridiques de l'État roumain sous le régime communiste. Dans l'élaboration de l'article, nous avons utilisé des méthodes de recherche qualitative, en utilisant l'analyse d'articles scientifiques et de témoignages.*

**Mots-clés:** communisme, droits, libertés, législation, contrôle, manipulation.

## **ПРАВА И СВОБОДЫ ГРАЖДАН РУМЫНИИ В КОММУНИСТИЧЕСКИЙ ПЕРИОД**

*В годы после Второй мировой войны проблема прав человека поднялась на уровень политического, социального, правового явления, затрагивающего все сферы человеческого существования. Основные права и свободы человека представляют собой правовую основу современного правового государства. В тоталитарных же системах основные права и свободы человека не соблюдаются, даже если они очень часто предусмотрены Конституцией и законодательством. Во времена коммунистического режима в Румынии неоднократно нарушались такие свободы и права, как право на жизнь, свободу и безопасность, свободу волеизъявления мнений, право на доступ к культуре и т.д. Если на декларативном уровне коммунистический режим определял себя как режим, достигший новых высот в соблюдении основных прав и свобод человека, то практика показала, что режим через свои силовые институты использовал уголовное законодательство как форму мотивации многочисленных злоупотреблений. Цель данной статьи - осветить политические и социальные преобразования, произведенные в правовых институтах румынского государства во времена коммунистического режима. При подготовке статьи автор использовал качественные методы исследования, анализируя научные работы и изучив свидетельства.*

**Ключевые слова:** коммунизм, права, свободы, законодательство, контроль, манипулирование.

### **Introduction**

In Romania, the period between 1945 and 1989 is one of the most controversial and widely debated topics in recent history, this period being marked by very diverse social, economic, political and cultural events, phenomena and processes.

In our country, communism began with the

establishment of the government of Petru Groza, dominated by the communists and supported by the Soviets in 1945. This event was followed by the forced abdication of King Mihai on December 30, 1947 and the proclamation of the Romanian People's Republic, which continued to resist after 1965 under the name of the Romanian Socialist Republic, so

that in 1989 it was eliminated by violence. As such, the quasi-total domination of society by the single party materialized through a series of “revolutionary transformations” [4, p. 7].

The sociological analysis of the evolution of the communist regime in Romania must be done gradually, because the installation of dictatorship and the limitation of fundamental human rights and freedoms was done in different forms and means, some harsh and brutal, others with an apparent «air of democracy» and respect «formal» of law and legislation [1, p. 438]. Milled by the period of dictatorship prior to the takeover of power by the communist regime, the legal institutions of the rule of law suffered a deep blow with the establishment of the communist regime [6, p. 397].

Taking over political power and directing socio-economic development in a clearly ideologically stipulated sense, the communists tried to build the new regimes on fundamental laws. Their analysis marks the close link between the content of all the Constitutions of Central and Eastern Europe, on the one hand, and their complete alignment with the model of the Constitution of the Union of Soviet Socialist Republics of 1936, on the other, considered the most democratic in Stalinist times from the world [3, p. 10].

### **Communist constitutions - an instrument of repression in communist Romania**

In 1945, Romania entered the sphere of influence of the Soviet Union, which had the effect of establishing communism in our country. The legitimation of this political regime was the conception of a new constitution, which was based on the single power and the formal proclamation of human rights.

During the communist period, three constitutions were drafted in Romania (in 1948, 1952 and 1965), the last of which remained in force until the events of December 1989, which ended the communist regime.

The first Constitution of Communist Romania entered into force on April 13, 1948, being composed of 105 articles, divided into 10 titles. This fundamental law proclaimed by the communist regime was the tool for the realization of the state dictatorship and the transition to the planned socialist economy. Once in force, the human rights protection system was severely affected.

The main reforms enunciated in the first communist Constitution completely ignored the concept of «private property», the state adopting political, economic and legal measures aimed at nationalizing the main industrial, banking, mining, transport and insurance enterprises, the transfer of state ownership to the railways, cinemas, medical institutions, as well as residential buildings belonging to private individuals. Basing the bases of the socio-economic structure of social type, the Constitution of 1948, although recognizing the existence of three types of property (state property, cooperative and participatory), proclaims the principle of supremacy of state and cooperative property to the detriment of private property [3, p. 13].

The direct and violent intervention of the party and the state did not only target the infrastructure of society (agriculture, industry, transport), it also included Romanian spirituality, represented by science, education, research, culture. Even if the state ensured the free and accessible study for a large number of pupils and students, Decree 175/1948 was politically and ideologically grounded in the direction of training «middle and senior cadres of specialists, on a scientific basis, to meet the needs of strengthening democracy and the construction of socialist society” [7]. The education system had to perform a function of indoctrination, to prepare children and young people according to the patterns of the “new man” and to eliminate the critical spirit and spontaneity of students [6, p. 472]. There was also severe control over the culture, and those who

had the courage to revolt, were persecuted, harassed or even forced to emigrate abroad. The legislative framework of this historical period, ignored the right to education and culture, rather reflecting the concern of the leaders regarding the economic development of the state.

Although theoretically the rights and freedoms of the individual were guaranteed by the Constitution, in practice numerous restrictions and prohibitions were introduced regarding their exercise, thus creating a real discrepancy between political and legal principles and realities.

Since the beginning of its establishment, the communist regime has permanently exercised control over society, intervening in all sectors of life. The basic tool used in this regard was the political police or the Securitate, which, having a huge network of informants, penetrated all areas of Romanian society.

The second socialist constitution entered into force on September 27, 1952, being composed, like the previous Constitution, of 105 articles, divided into 10 chapters. Through this Constitution, the communist state became the main mechanism for the realization of the dictatorship of the proletariat, as it planned the national economy, achieved socialist industrialization and socialist transformation of agriculture.

With regard to «fundamental rights and duties of citizens», the constitutional act of 1952 regulated them in Chapter VII, emphasizing debts to the detriment of rights. Far from being instruments and means whose purpose is the protection of freedom and the restriction of state power, they had as their original mission the creation of optimal conditions for the survival of a totalitarian state [5, p. 74].

For example, the Constitution provided in art. 84 that “freedom of conscience is guaranteed to all citizens. Religious cults are free to organize and can function freely” in the context in which Decree no.

358 of December 2, 1948, in order to establish the legal situation of the former Greek-Catholic cult, provided in art. 1 “cessation of the activity of all the central and statutory organizations of this cult” [8].

Also, the freedoms mentioned in art. 85 “freedom of speech, freedom of the press, freedom of assembly and rally, freedom of processions and street demonstrations” (Constitution of the Romanian People's Republic of 1952) were severely limited and controlled. Freedom of expression has been subject to strict control by state authorities and law enforcement agencies because of its potential to generate currents of opinion and provoke movements, protests and riots against the regime.

Starting with the 1960s, Romanian politics began to gradually distance itself from the sphere of influence imposed by the Soviet Union. This intention was exposed when Gheorghe Gheorghiu-Dej, under pressure from the Soviets to decide which part of the conflict between China and the Soviet Union he supported, issued a statement asserting Romanian independence, «The April Declaration». This document argued that one communist party should not demand of another its model of government and that in the relations between communist countries the principle of independence of each country must be respected. As such, it was noted the need to adopt a new Constitution that would impose the new reality of the communist state, even if the internal regime still retained the pro-Soviet structure.

The fundamental law elaborated in 1965 was the one that consecrated and substantiated the most important political monopoly of a single political formation, represented by the communist party defined as “the highest form of working-class organization” [1, p. 446]. Through this Constitution, Romania was proclaimed a “Socialist Republic”, considered as a country that has a generalized socialist economy and socialist production relations, in all sectors of social life.

Considering that in Romania socialism won, through the Constitution of 1965 the national economy was characterized as socialist, based on socialist ownership of all means of production, property that took either the form of state property (including goods owned by the whole people), or of the cooperative one (comprising the goods that were the property of each cooperative organization). This fact made every Romanian to be dependent on a single leader (the communist state), to whom he had to show permanent obedience in exchange for the protection and economic security he needed.

Under these conditions, the property right was protected to a small extent, the law enumerating only the goods that can be the object of this right: "income and savings from work, the house, the household next to it and the land on which they are located, as well as the goods for personal use and comfort". [1, p. 448].

The constitutional act elaborated in 1965 amplified the role of legislation as a mechanism for shaping and changing social reality, offering it a purely instrumental function in order to maintain and consolidate the communist regime and ensure the permanent subordination of individuals to the party and the socialist state.

With regard to the sphere of private life of individuals, the communist state drafted normative acts that flagrantly violated the right to privacy. In 1966, normative acts were adopted which provided for the prohibition of abortion and the illegal causing of abortion, the prohibition to have tools for performing abortion, as well as the obligation to announce the abortion. Decree 770/1966 marked the regime's intervention in the most intimate aspects of the lives of its citizens, and especially in women's bodies. Demographic policies aimed at human reproduction represented the «political body» of Romania, a body - in the political sense of the phrase - deeply abused by a regime that constantly declares its deep humanity and paternalistic care for citizens,

in the context of the formation of the «new man» [6, p. 510].

Another legislative measure conceived by the communist regime aimed at increasing the stability of marriage and the family, by introducing normative requirements that limited the reasons invoked by spouses for dissolving marriage through divorce [1, p. 450]. For example, the marriage could be dissolved only if the husband suffered from chronic mental alienation, was declared dead by a court decision or left the country or was unfaithful in the form of adultery [1, p. 450]. The communist state managed to cover the personal life of each individual with a strong network of provisions, measures and legislative decisions, so that one could no longer talk about the freedom of personal life, but only about its planning and ideology.

In addition, in the 1980s, Romania faced one of the most severe economic crises in its history. The daily life of the people in the communist era was marked by many shortages: lack of food, lack of heat, lack of running water, electricity, etc. The food crisis in Romania resulted from the increase of exports and the limitation of imports, the socialist economy being entitled as a «scarcity economy». Nicolae Ceaușescu's desire to pay the external debt, led in 1981 to the decision to rationalize basic foods such as: bread, milk, sugar, meat and meat products. The card system was introduced in all states facing economic problems, being a necessary measure to ensure a minimum guaranteed consumption to the population [2, p. 57]. The payment of the external debt was made with immense efforts on the part of the Romanians, who had to face repeated and long series of shortcomings in terms of food.

Another problem of that period was the cold in the apartments, especially since the winter of 1984-1985. If the food shortage had settled relatively gradually, the confrontation with the cold in the houses was a shock for the population. The consequences of the



lack of heat generated problems related to the lack of hot water, personal hygiene and cooking. The lack of heat also had a negative impact on people's health. Although in theory, the citizens of communist Romania lived in one of the most prosperous periods in the history of this country, in practice, they were obliged to make significant efforts to be able to live. Commodities had become scarce goods, despite the rationalization measures established by the regime, and imports of consumer goods and other products, such as medicines, were drastically reduced [6, p. 446].

Although the communist legislation recognized the existence and guarantee of the main civil rights and freedoms, in practice, their realization was greatly diminished by a «series of legislative creations» and even politico-ideological. The functioning of restrictive and coercive instruments in the civic education of people has not been achieved linearly, it includes both periods of liberalization and moments of limitation of individual freedoms.

The existing situation in Romania regarding the flagrant violation of human rights has led many Romanians to decide to go abroad, generally to the United States, Canada and Western Europe, using various means, namely: seeking political asylum, marriage, family reunification or even illegal border crossing.

### Conclusions

The legislation elaborated during the communist period was not one that ignored, at first sight, the protection of some fundamental rights of the person, but this desideratum was realized only at formal level, by a simple disposition in the text of the Constitution, without other norms that guarantee a real protection of the consecrated rights [6, p. 402].

From a sociological perspective, the communist period can be characterized by the existence of an “excessive normative pressure, supported by

the mechanism of force, fear and manipulation, which forced individuals to adopt hyper conformist behaviours and actions, which lacked a common collective consciousness” [1, p. 444]. Far from being a modelling factor of social interests and a means of rationalizing Romanian social life, the legislation during the communist regime failed to be an expression of the “general will” and a factor of normative regulation of the fundamental rights and freedoms of individuals, but only the manifestation of an exercise of power by the party and the communist state.

### References

1. BANCUIU, A. *Normative paradigm and the exercise of power during the communist regime in Romania (1948–1989)*, Romanian Journal of Sociology, new series, year XXIX, 2018, no. 5–6, Bucharest, pp. 437 – 457.
2. BUTEA, C. *The idea of the tail in memorialistics*, Studium Magazine, 2014, VII/2014, pp. 57 – 68.
3. CHIRTES, A. *Reflection of democratic principles in the Romanian Constitutions*, The sphere of politics Magazine, 2015, no. 114, pp. 10 – 18.
4. GORUN, A. and GORUN, H. T. *Contributions to the development of Romanian stasiology*, Brâncuși Academic Publishing House, Târgu-Jiu, 2016. ISBN-978-973-144-763-6.
5. OLTEANU, C. N. *Constitution of 1952 - instrument of legitimation of the Party*, National Law Review, 2014, nr. 5, pp. 71-75.
6. TISMANEANU, V. (coordinator). *Final Report of the Presidential Commission for the Analysis of the Communist Dictatorship in Romania*, Bucharest, 2006. ISBN: 978-973-50-1836-8.
7. *Decree no. 175/1948 for education reform issued by the State Council*, Romanian People's Republic. – <https://lege5.ro/App/Document/g42domzq/decretul-nr-175-1948-pentru-reforma-invatamanului>, (accessed on 30.06.2022).
8. *Decree no. 358 of December 2, 1948 for establishing the legal status of the former Greek-Catholic cult*. – <https://legislatie.just.ro/Public/DetaliiDocumentAfis/22875> (accessed on 30.06.2022).