TRIAL | PROCES

an artist's book by | o carte de artist de
Dan ACOSTIOAEI

Universitatea de Arte „George Enescu” Iaşi
2012
"Vector - critical research in context" is an experimental publication [intentionally left undefined] based on an open editorial concept, alternatively applied as "a book of artistic research", "a catalogue of critical art", "an experimental artist's edition" [...]  

Această ediție a publicației Vector - cercetare critică în context este concepută sub forma unei cărți de cercetare artistică, „unui catalog de artă critică”, „unei ediții experimentale de artist” [...]
A critical moment in Romania’s recent social history was the overthrowing of the nomenklatura dictatorship that had been ruling during the regime imagined by Ceauşescu. The experiments with various hybrid forms of communist government and ideologization made from the end of World War 2 to the late ‘80s resulted in an irrevocable compromise of communism as a viable form of social cohabitation, as an alternative to the exploitative freedom, the alienating pseudo-happiness and the fetishising consumerist life of eternal capitalism.

To the extent to which art is not just political, but also inquisitive in respect to the conditions of our daily situation in relation to historical experiences and to the knowledge of the moment, in order to construct for ourselves or in order to live the construction of common life events we can reinvent the motivation for freeing ourselves from what others (counter)feit for us, and for rebuilding our living standards through the effects of art.

Whereas it seems that we are always in the situation where somebody else writes our history, where somebody else decides for us what we should experience where somebody else teaches us what life is, we should see to what extent we could turn art into political counter-attack, into a way of reassessing the decisions of others and of rebuilding the ideologically hoarded unavoidable.

This publication is the artwork of an artist, an artist’s book written as a reply to a history, to a new nomenklatura, to officialised arrogance, to taboos. Like almost any artwork, it will generate appreciation and rejection, considerations and resentment. It will mean different things to each of its readers. To me, as an editor, it is a journalistic undertaking and an artistic act. The work investigates a real-life event, the trial of the Ceauşescu couple on December 25, 1989, and creates a fictional event, the trial of those who staged the original one, projected retroactively between 1997 and 1999.

Dan Acostioaei and Bogdan Grigore invent a drastic indictment pointed at those who took it upon themselves to invent an Extraordinary Military Tribunal that would condemn and summarily execute the Ceauşescus. The event of December 1989 is reversed and turned against those who imposed it as their own public creation. One year after his...
extended mandate as president of Romania expired, in 1997, Ion Iliescu is prosecuted, undergoes a two-year trial and is sentenced to many years in prison. The sentence, however, is a moral one, based on an analysis of the facts that have turned an exceptional moment into an absolutely ordinary one: the defeat of a hegemony and the beheading of the vanquished.

A number of authors – writers, lawyers, philosophers, historians, art critics – were invited by the artist to write in this publication about the context and the circumstances of the Ceaușescu’s trial, the symbolic moment of the historical and political turning away from a failed communism and towards a decadent capitalism. The publication is also illustrated with a series of courtroom sketches made by Dan Acostioaei during the fictional trial taking place in the late ’90s.

Nebioloji Mišić’s text is a self-interview in which the activist artist comments on the political state of the people he has met while travelling around Romania and addresses them from the perspective of arguments concerning the ideological and material differences between the communist and the capitalist period.

Ovidiu Gherasim-Proca performs an analysis of the political context the structural contradictions of which generated the need for an overthrow of the totalitarian power. The bureaucratisation of the state apparatus, the dynastic hierarchies, the mythologisation of nationalism, the increasing fragility of the civil society and the cult of personality are some of the phenomena conditioning the “condemnation of communism” as a form of government–matrix of the incriminated political dysfunctions. The political errors committed by both sides, both by the ostensibly socialist leadership and by the new – professedly democratic – forms of government, are presented as irreparable consequences of the dialectic (de)structuring of political systems.

In presenting the various meanings of the “revolution”, situation where both exceptional and necessity states can manifest themselves, Ionuț Tudor constructs a lawyerly argumentation that could reject or justify the legitimacy of the political trial the Ceaușescu underwent. The juridical and philosophical discourse is built on the concepts of “anomic state” (Agamben) and “founding violence” (Derrida), which, although seemingly justifying the organisation of the trial and its consequences, are also mechanisms that spectralize and increase the ambiguity of Ceaușescu’s historical (anti)heroization.

Costi Rogozanu’s essay presents the Ceaușescu’s trial from the perspective of the media manipulation. Genocide becomes a code, amplified by gossip, the bodies are multiplied like so many pixels, the trial can be read in a sentimental tone. The mixture of genres, from reality show to horror, provides the entertainment dimension, a prerequisite in the medium of television.

Analysing the genre of political trial from the perspective of a theatrical ritual, Iulia Popovici emphasises the effects of a consciousness of looking in relation with which the mise-en-scène presupposes the production of an event of catharsis conditioned by the way the public manipulation mechanisms function.

Bogdan Teodorescu’s textual and visual intervention presents in a few fragments several personal moments from the collective memory, as well as fragments from the photography archive belonging to Ioan-Matei Agapi, a photography instructor, who wandered the streets on the days Ceaușescu was toppled from power.

Maria Alina Asavei recounts the event of the Ceaușescu’s trial from the perspective of her own childhood, presenting a personal history of the impact the tyrannicide had on a child’s mind, a possible metaphor for the beginnings of democracy in Romania.

From another narratological perspective, Vasile Ernu holds for Ceaușescu a lecture in biopolitics in which post-socialist Romania is seen as a socio-political organism in induced brain death, in a transition, in order to have the vital organs of the body-state removed. Through a number of allegorical constructions and metaphorical procedures, the author diagnoses the state of the nation depending on a traumatology that is specific to a global project.

Cristian Nae’s text, concluding this artist’s book, analysis in an enumeration a series of art projects based on the topic of trial as the artist’s reflection and political action in redesigning the reconsidered positioning in the predefined frameworks of the public sphere.

The artistic imaginary, where art is politically articulated, has created an event in which a key moment of social history is critically reconsidered in terms of a practical commitment from the part of the artist; this key moment was the violent replacement of a regime that had promised, but later disappointed, with a regime that in the end betrayed all solidarity and thwarted all attempts at remedying the errors of the past. The fictional staging of a trial for those who had organised the Ceaușescu’s trial simulacrum, with its visceral and authoritarian motivations, produces a meaning for the artist’s engagement in the criticism of political and media constructions that try to organise our lives depending on interests we have every right to be wary of. This is a response, in the guise of an artwork, to political despotism, to the manipulation of history, to the disdain for the self-organisation of social life, to the disregard for the artist’s cultural power of reacting critically and of re-writing time.

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Dan ACOSTIOAEI lives and works in Iaşi, Romania. He is a visual artist and he holds a teaching position at University of Arts “George Enescu” in Iaşi. His works focus on the identity models of the Romanian society in transition and on the ideological boundaries between the economic sphere and the conditions of artistic production within former Eastern Bloc. His artistic projects were part of group exhibitions such as One Sixth of the Earth - Ecologies of Image, MUSAAC, Leon, Spain (2012), Transitland: videoart in Central and Eastern Europe 1989-2009, Museo Nacional Centro de Arte Reina Sofia, Madrid, Spain (2010), Illuminations, Level 2 Gallery, Tate Modern, London, UK (2007).

Statement

Although it was widely publicized and it entered into the traditional debates occasioned by the annual anniversary of the Revolution of 1989, Ceauşescu’s trial – never investigated by the Romanian justice – is a landmark in the transition of the Romanian society towards the rule of law. The way the change occurred – a bloody overthrow of power and the execution of the leader – opens an unforgettable wound in the collective memory, a still unresolved national trauma, with long-term political and social repercussions.

We frequently witness the reinterpretation and rewriting of the historical events, with interesting internal dialectics – in the same monopolitical register – of the authoritarianism itself, from the one “based on the mystical preeminence of the State over any social realities”, to the authoritarian will “to decide how history and ideology must be understood through the state policy’s force of law” (see The Tismăneanu Report).

The official discourse (of whatever political colour) seems to always avoid the core of the matter, the debates always hovering in a realm which is particularly formal rather than ideological, with substance, as long as the opposition to the Ceauşescu’s regime still has the potential to legitimate.

This publication is not the result of vindictive tendencies. The project never had the intention to rehabilitate in a simplistic nostalgic key either Ceauşescu or the period he governed, but to revisit the zero moment of the democracy in Romania – Ceauşescu’s trial, orchestrated by the new power in Bucharest, in December 1989.

Taking advantage of the power of the artistic license, the trial imagined by the author is pure fiction and the imposed penalties are deliberately arbitrary, where fiction has the clinical, moral function of a reductio ad absurdum.

VERIFICAT
conform art. 264 alin. 3
Cod de procedură penală
PRIM PROCUROR AL PARCHETULUI
de pe lângă Curtea Supremă de Justiție
Popescu Ion

Rechizitoriu

Anul 1997. 23.03
Popescu Ion - Procuror la Parchetul de pe lângă Curtea Supremă de Justiție
Examinând actele și biletul atât de doar decizia penala nr. 325/9197, privind pe întrerupării:

1. învinătită Iliescu Ioana, cercetată pentru săvârșirea infracțiunilor de:
   - asociere pentru săvârșirea de infracțiuni prevăzute de art. 323, alin. 1 Cod penal și cu aplicarea art. 323 alin. 2 Cod Penal;
   - complicitate la omor doză de grav prevăzut de art. 176 alin. 1 lit. b Cod penal;
   - instigare la omor doză de grav prevăzut de art. 176 alin. 1 lit. b Cod penal;
   - bucurarea de calității oficiale prevăzută de art. 246 Cod penal.
Toate cu aplicarea art. 33 lit. a Cod penal. 70

2. învinătitul Voiculescu Gheorghe, cercetată pentru săvârșirea infracțiunilor de:
   - asociere pentru săvârșirea de infracțiuni prevăzute de art. 323, alin. 1 Cod penal și cu aplicarea art. 323 alin. 2 Cod penal;
   - instigare la omor doză de grav prevăzut de art. 176 alin. 1 lit. b Cod penal;
   - bucurarea de calității oficiale prevăzută de art. 246 Cod penal;
Toate cu aplicarea art. 33 lit. a Cod penal. 70

3. învinătitul Marinescu Victor Atanasie, cercetat pentru săvârșirea infracțiunilor de:
   - asociere pentru săvârșirea de infracțiuni prevăzute de art. 323, alin. 1 Cod penal și cu aplicarea art. 323 alin. 2 Cod penal;
   - bucurarea de calității oficiale prevăzută de art. 246 Cod penal.
Toate cu aplicarea art. 33 lit. a Cod penal. 70

4. învinătitul Militaru Nicolae, cercetată pentru săvârșirea infracțiunilor de:
   - asociere pentru săvârșirea de infracțiuni prevăzute de art. 323, alin. 1 Cod penal și cu aplicarea art. 323 alin. 2 Cod penal;
   - instigare la omor doză de grav prevăzut de art. 176 alin. 1 lit. b Cod penal;
   - bucurarea de calității oficiale prevăzută de art. 246 Cod penal.
Toate cu aplicarea art. 33 lit. a Cod penal. 70

5. învinătitul Bucărescu Silviu, cercetat pentru săvârșirea infracțiunilor de:
   - asociere pentru săvârșirea de infracțiuni prevăzute de art. 323, alin. 1 Cod penal și cu aplicarea art. 323 alin. 2 Cod penal;
   - instigare la omor doză de grav prevăzut de art. 176 alin. 1 lit. b Cod penal;
   - bucurarea de calității oficiale prevăzută de art. 246 Cod penal.
Toate cu aplicarea art. 33 lit. a Cod penal. 70

6. învinătitul Măgureanu Virgil, cercetat pentru săvârșirea infracțiunilor de:
   - asociere pentru săvârșirea de infracțiuni prevăzute de art. 323, alin. 1 Cod penal și cu aplicarea art. 323 alin. 2 Cod penal;
   - instigare la omor doză de grav prevăzut de art. 176 alin. 1 lit. b Cod penal;
   - bucurarea de calității oficiale prevăzută de art. 246 Cod penal.
Toate cu aplicarea art. 33 lit. a Cod penal. 70

Capitolul I
Constiția

Modulul de sesizare:
La data de 01.01.1997 Parchetul de pe lângă Curtea Supremă de Justiție s-a autosolicitat în legătură cu săvârșirea infracțiunilor de:
- asociere pentru săvârșirea de infracțiuni;
- instigare la amintire doză de grav;
- bucurarea de calității oficiale;
- instigarea la amintire doză de grav;
- bucurarea de calității oficiale;
- asociere pentru săvârșirea de infracțiuni.

Capitolul II
Situații de fapt


Capitolul III
Mijloace de probă

Pe buza probelor administrate în cauză înscrieri, declarări munitorilor, cercetarea la fața locului și reunirea s-a dovedit că iliesc, bănciu, stînca, voicuța, voicuța, militanță

Capitolul IV
Incazare juridică

Faptele învinuirii iliescii întrouasumul elementele constituctive ale infracțiunilor de:

1. Asofitie pentru că așa evazarea de infracțiunii prevăzute de art. 323 alin. 1 Cod penal cu aplicarea art. 323 alin. 2 Cod penal, constând în același caz în calitate de simpla evazare, directoar al filierei Tehnic, a constituit și s-a asociat cu învinuirii Gheu Voicu Voicuța, stînca Vocițe austatand, Militanță Nicoiu, Brocan Silviu, Măgureanu Virgil, a complotat și decis suspunerea tinerei Căsuțelor.

Obiectiv juridic special încluzat sunt relațiile sociale privind convingerea socială, a cărei existență este condiționată de aportul ordinii și însumi publice pentru care fapt cu creatoare de partid.

Subiectul infracțiunii II reprezintă planul de faptulor constituiri din învinuirii iliescii loon, Gheu Voicu Voicuța, stînca Vocițe austatand, Militanță Nicoiu, Brocan Silviu, Măgureanu Virgil.

Latura obiectivă este realizată prin inițierea constituirii asocierii în scopul săvârșirii infracțiunii de omor deosebit de grav.

Latura subiectivă - infracțiunea a fost săvârșită cu intenția directă, faptului conexional scopul asociierii – adică crearea filierii Conștientă.

Consumarea infracțiunii s-a avut loc în momentul în care, câte două, în piatră definitului general Mâzăresi, iar apoi în grup, în locul lui Măgureanu, a fost prins și a fost stinsă calulul lui Conștientă. Aceeia fapt este un mare iubitorii și s-a făcut la săvârșirea infracțiunii pentru care s-au asociat.

2. Complotirat la omor deosebit de grav prevăzut de art. 176 alin. 1, lit. B Cod penal, constând în acest caz în una constituiri grupului infracțional cu Voicu Voicuța, Gheu Voicu Voicuța, stînca Vocițe austatand, Militanță Nicoiu, Brocan Silviu, Măgureanu Virgil, este înființat Tribunalul Militar Excepțional care a decis să se confrunte cu influiția Căsuțelor, judecarea cuprinsă fiind în funcție după acest proces, în calitate de elemente de depresiune, renumele procesului nelucat nici un dăbnii: consumarea Căsuțelor, anticipat și prevăzută de iliescii loon.

Obiectiv juridic special: s-a încluzat relațiile sociale referitoare la dreptul la viață al lui Conștientă și Căsuțelor Enea.

În ceea ce privește subiectul infracțiunii legea nu ne opriră o calitate specială, infracțiunea putând fi creată de orice persoană. Latura obiectivă a realizat prin inculparea Căsuțelor de către plinul de execuție. În urma consumării, fără drept, la moarte către Tribunalul Militar Excepțional, fapt reprezentând omor deosebit de grav înviatorii să savârșească ar fi sau mai multe persoane conforme art. 176, alin. 1, litera b.

Consumarea faptului s-a produs prin facilitarea organizării procesului care a condus la moarea celor două victimio în urma influiției amânat tribunalul nelegii.

3. Usurarea de calitate oficială prevăzută de art. 240 Cod penal, constând în acest caz, deși nu avea nici o calitate oficială, în anul zilei de 24 decembrie 1989, iliescii loon a scris un deschid (în mod ologic) pentru înființarea Tribunalului Militar Excepțional, suspens iliescii, procedență CSFSN. Decretul de numire în funcție de președinte al CSFSN avea să fie emis pe 26 decembrie 1989, la 2 zile după înființarea Tribunalului Militar Excepțional și la o zi după
exercită.

Objectivul juridic special înclușat sunt relațiile sociale privind autoritatea de tuturor care implică exercitarea calității oficiale numai de către persoane învestite în condițiile legii cu astfel de calități.

**Latura obiectivă** – Sub aspectul elementului material, infracțiunea de uzurpare de calități oficiale se realizează prin văsătarea ambele acțiuni prevăzute de textul legii, adică acțiunea de folosire din drept a unei calități oficiale, adică de președirea CPSIM și acțiunea de îndeplinire a unui act legal al acelei calități, adică de emisirea a Douăzeci la Tribunul Militar Exceptional.

**Latura subiectivă** – Făptunătorul a acționat cu intenție, dându-se seama că iși atribuie o calitate oficială și împlineste un act legal al acelei calități, având drept scop apărarea de legalitățile Tribunului Militar Exceptional.

**Consumarea** – Infracțiunea s-a consumat în momentul emiterii declarației de infățișare a Tribunului Militar Exceptional legal.

**Faptele învinovățitului Voineu Voiculescu Gelu iht. enunțul elementele constituutive ale infracțiunilor de:**

1. **Asocierii pentru săvârșirea de infracțiunil prevăzute de art. 323 alin. 1 Codul penal** cu aplicarea art. 323 alin. 2 Cod penal, constând în același act închinat și s-a asociat cu învinuți lui Ilie Ion, Mănuțescu Victor Atanasie, Militar Nicolae, Ilie Ion Silvia, Măgureanu Virgil, a complotat și decis suprinderea fizică a Caspățașilor.

Objectivul juridic special încât în scopul săvârșirii infracțiunii de omor deosebit de grav:

**Latura obiectivă** – Infracțiunea a fost săvârșită cu intenție directă, făptunătorul cu conștiență și scopul împotriva lui Caspățășilor.

**Consumarea** – Infracțiunea a avut loc în momentul în care, dăruindu-le unui act legal, au putut discuții și s-au luat deciziile lui Caspățășilor. Fapta este mai gravă întrucât s-a trecut la săvârșirea infracțiunii pentru care s-au asociat.

2. **Instigarea la omor deosebit de grav prevăzut de art. 176 alin. 1, lit. b Cod penal.**

Constând în același act în urma constituirii grupului infracțional cu învinuți lui Ilie Ion, Mănuțescu Victor Atanasie, Militar Nicolae, Ilie Ion Silvia, Măgureanu Virgil, învinuțul a însinuat în repetate relații că-ar fi gata să-și compenseze eroarea lui Caspățășilor. Fapta este mai gravă întrucât s-a trecut la instigarea infracțiunii pentru care s-au asociat.

**Faptele învinovățitului Stănculescu Victor Atanasie iht. enunțul elementele constituutive ale infracțiunilor de:**

1. **Asocierii pentru săvârșirea de infracțiunil prevăzute de art. 323 alin. 1 Codul penal cu aplicarea art. 323 alin. 2 Cod penal, constând în același act închinat și s-a asociat cu învinuți lui Ilie Ion, Gelu Voineu Voiculescu, Militar Nicolae, Ilie Ion Silvia, Măgureanu Virgil, a complotat și decis suprinderea fizică a Caspățașilor.**

Objectivul juridic special încât în scopul săvârșirii infracțiunii de omor deosebit de grav:

**Latura subiectivă** – Infracțiunea a fost săvârșită cu intenție directă, făptunătorul cu conștiența și scopul împotriva lui Caspățășilor. Fapta este mai gravă întrucât s-a trecut la săvârșirea infracțiunii pentru care s-au asociat.

2. **Complicitate la omor deosebit de grav prevăzut de art. 176 alin. 1, lit. b Cod penal.**

Constând în același act în urma constituirii grupului infracțional cu învinuți lui Ilie Ion, Voineu Voiculescu Gelu, Militar Nicolae, Ilie Ion Silvia, Măgureanu Virgil, învinuțul a însinuat în urmă constituirea grupului infracțional cu învinuți lui Ilie Ion, Mănuțescu Victor Atanasie, Militar Nicolae, Ilie Ion Silvia, Măgureanu Virgil. Fapta este mai gravă întrucât s-a trecut la instigarea infracțiunii pentru care s-au asociat.

**Faptele învinovățitului Militar Nicolae iht. enunțul elementele constituutive ale infracțiunilor de:**

1. **Asocierii pentru săvârșirea de infracțiunil prevăzute de art. 323 alin. 1 Codul penal cu aplicarea art. 323 alin. 2 Cod penal, constând în același act închinat și s-a asociat cu învinuți lui Ilie Ion, Voineu Voiculescu Gelu, Stănculescu Victor Atanasie, Militar Nicolae, Ilie Ion Silvia, Măgureanu Virgil, a complotat și decis suprinderea fizică a Caspățașilor.**

Objectivul juridic special încât în scopul săvârșirii infracțiunii de omor deosebit de grav:

**Latura obiectivă** – Infracțiunea a fost săvârșită cu intenție directă, într-un scop mai văzut și mai cu reținerea lui Caspățășilor. Fapta este mai gravă întrucât s-a trecut la săvârșirea infracțiunii pentru care s-au asociat.

**Faptele învinovățitului Stănculescu Victor Atanasie iht. enunțul elementele constitutive ale infracțiunilor de:**

1. **Asocierii pentru săvârșirea de infracțiunil prevăzute de art. 323 alin. 1 Codul penal cu aplicarea art. 323 alin. 2 Cod penal, constând în același act închinat și s-a asociat cu învinuți lui Ilie Ion, Gelu Voineu Voiculescu, Militar Nicolae, Ilie Ion Silvia, Măgureanu Virgil, a complotat și decis suprinderea fizică a Caspățașilor.**

Objectivul juridic special încât în scopul săvârșirii infracțiunii de omor deosebit de grav:

**Latura obiectivă** – Infracțiunea a fost săvârșită cu intenție directă, făptunătorul cu conștiența și scopul împotriva lui Caspățășilor. Fapta este mai gravă întrucât s-a trecut la instigarea infracțiunii pentru care s-au asociat.
Latura subiectivă — infracțiunea a fost săvârșită cu intenție directă, faptului a fost acuzat doar după ce a fost primit șteargătorul cu care s-a asociat.

2. Instigarea la omor deosebit de grav prevăzută de art. 176 alin. 1, lit. b Cod penal.

Constatăm în acest caz că în urma constituirii grupului infracțional cu Ilișeu Ion, Voican Voiculescu Gelu, Stânceacele Victor Atanasie, Militări Nicolae, Măgureanu Virgil, învinuitor a adăuga pentru suprafața pieței cărora se refereau locuitorii cu care s-au asociat.

Latura subiectivă — infracțiunea a fost săvârșită cu intenție directă, faptului a fost primit șteargătorul cu care s-a asociat.

3. Complicitate la omor deosebit de grav prevăzută de art. 176 alin. 1, lit. b Cod penal.

Constatăm în acest caz că în urma constituirii grupului infracțional cu Ilișeu Ion, Voican Voiculescu Gelu, Stânceacele Victor Atanasie, Militări Nicolae, Măgureanu Virgil, învinuitor a adăuga pentru suprafața pieței cărora se refereau locuitorii cu care s-au asociat.

Latura subiectivă — infracțiunea a fost săvârșită cu intenție directă, faptului a fost primit șteargătorul cu care s-a asociat.

4. Latura obiectivă sau special — infracțiunea a fost săvârșită cu intenție directă, faptului a fost primit șteargătorul cu care s-a asociat.

Pentru îndeplinirea condițiilor prevăzute de art. 232 alin. 2 Cod penal, constatăm că în urma constituirii grupului infracțional cu Ilișeu Ion, Voican Voiculescu Gelu, Stânceacele Victor Atanasie, Militări Nicolae, Măgureanu Virgil, învinuitor a adăuga pentru suprafața pieței cărora se refereau locuitorii cu care s-au asociat.

Latura subiectivă — infracțiunea a fost săvârșită cu intenție directă, faptului a fost primit șteargătorul cu care s-a asociat.

Latura obiectivă sau special — infracțiunea a fost săvârșită cu intenție directă, faptului a fost primit șteargătorul cu care s-a asociat.

5. Latura subiectivă — infracțiunea a fost săvârșită cu intenție directă, faptului a fost primit șteargătorul cu care s-a asociat.

Pentru îndeplinirea condițiilor prevăzute de art. 232 alin. 2 Cod penal, constatăm că în urma constituirii grupului infracțional cu Ilișeu Ion, Voican Voiculescu Gelu, Stânceacele Victor Atanasie, Militări Nicolae, Măgureanu Virgil, învinuitor a adăuga pentru suprafața pieței cărora se refereau locuitorii cu care s-au asociat.

Latura subiectivă — infracțiunea a fost săvârșită cu intenție directă, faptului a fost primit șteargătorul cu care s-a asociat.

Latura obiectivă sau special — infracțiunea a fost săvârșită cu intenție directă, faptului a fost primit șteargătorul cu care s-a asociat.

6. Latura subiectivă — infracțiunea a fost săvârșită cu intenție directă, faptului a fost primit șteargătorul cu care s-a asociat.

Pentru îndeplinirea condițiilor prevăzute de art. 232 alin. 2 Cod penal, constatăm că în urma constituirii grupului infracțional cu Ilișeu Ion, Voican Voiculescu Gelu, Stânceacele Victor Atanasie, Militări Nicolae, Măgureanu Virgil, învinuitor a adăuga pentru suprafața pieței cărora se refereau locuitorii cu care s-au asociat.

Latura subiectivă — infracțiunea a fost săvârșită cu intenție directă, faptului a fost primit șteargătorul cu care s-a asociat.

Latura obiectivă sau special — infracțiunea a fost săvârșită cu intenție directă, faptului a fost primit șteargătorul cu care s-a asociat.

7. Latura subiectivă — infracțiunea a fost săvârșită cu intenție directă, faptului a fost primit șteargătorul cu care s-a asociat.

Pentru îndeplinirea condițiilor prevăzute de art. 232 alin. 2 Cod penal, constatăm că în urma constituirii grupului infracțional cu Ilișeu Ion, Voican Voiculescu Gelu, Stânceacele Victor Atanasie, Militări Nicolae, Măgureanu Virgil, învinuitor a adăuga pentru suprafața pieței cărora se refereau locuitorii cu care s-au asociat.

Latura subiectivă — infracțiunea a fost săvârșită cu intenție directă, faptului a fost primit șteargătorul cu care s-a asociat.

Latura obiectivă sau special — infracțiunea a fost săvârșită cu intenție directă, faptului a fost primit șteargătorul cu care s-a asociat.
Capitolul VI
Măsuri procesuale

Prin resoluția nr. 54/9/236 din data de 03/02/1997, șteaua de urmărirea penală, în baza prevederilor art. 323 alin. 1 Cod de procedură Penală, au dispus încheierea urmăririi penale față de înviniții Ilieascu Ion, Voican Voiculescu Ghețu, Stâncelescu Victor Atamășe, Mihalache Nicolae, Brucan Silviu, Măguarceanu Virgil.

Inviitorii le-au făcut clădiri la șteaua conținutului resoluției, precum și gurintele sale procesuale, întâmpinându-se în acest sens procese verbale:

Ilieascu Ion - 31/01/1997 (file 41-49)
Voican Voiculescu Gheţu - 31/01/1997 (file 50-58)
Stâncelescu Victor Atamășe - 31/01/1997 (file 59-67)
Mihalache Nicolae - 31/01/1997 (file 68-78)
Brucan Silviu - 31/01/1997 (file 79-86)
Măguarceanu Virgil - 31/01/1997 (file 88-103)


În consecință, constatănd că au fost respectate dispozițiile legale care garantează afirma uleiurului, urmărirea penală este completă și că există probe necesare și legale admisibile în bucuria 262 pe 1 lit. a Codului de procedură penală.

Dispune

Pentru înțelegerea a acțiunii penale și trimiterea în judecată încauzătorilor:
1. Inviitorii Iliescu, Voican, cercetat pentru săvârșirea infracțiunilor de:
   - asociere pentru săvârșirea de infracțiuni prevăzute de art. 323, alin. 2 Cod penal și cu aplicarea art. 323 alin. 2 C. Pen.
   - complicitatea în omor deoasăt de grav prevăzut de art. 176 alin. 1 lit. B Cod penal.
   - uzurparea de calități oficiale prevăzută de art. 260 Cod penal.
Toate cu aplicarea art. 33 lit. A Cod penal.

2. Inviitorii Ghețu, Voican, cercetat pentru săvârșirea infracțiunilor de:
   - asociere pentru săvârșirea de infracțiuni prevăzute de art. 323, alin. 2 Cod penal și cu aplicarea art. 323 alin. 2 C. Pen.
   - instigare la omor deoasăt de grav prevăzut de art. 176 alin. 1 lit. B Cod penal.
Toate cu aplicarea art. 33 lit. A Cod penal.

3. Inviitorii Stâncelescu Victor Atamășe, cercetat pentru săvârșirea infracțiunilor de:
   - asociere pentru săvârșirea de infracțiuni prevăzute de art. 323, alin. 2 Cod penal și cu aplicarea art. 323 alin. 2 C. Pen.
   - complicitatea în omor deoasăt de grav prevăzut de art. 176 alin. 1 lit. B Cod penal.
Toate cu aplicarea art. 33 lit. A Cod penal.

4. Inviitorii Brucan Silviu, cercetat pentru săvârșirea infracțiunilor de:
   - asociere pentru săvârșirea de infracțiuni prevăzute de art. 323, alin. 2 Cod penal și cu aplicarea art. 323 alin. 2 C. Pen.
   - instigare la omor deoasăt de grav prevăzut de art. 176 alin. 1 lit. B Cod penal.
Toate cu aplicarea art. 33 lit. A Cod penal.

5. Inviitorii Măguarceanu Virgil, cercetat pentru săvârșirea infracțiunilor de:
   - asociere pentru săvârșirea de infracțiuni prevăzute de art. 323, alin. 2 Cod penal și cu aplicarea art. 323 alin. 2 C. Pen.
   - complicitatea în omor deoasăt de grav prevăzut de art. 176 alin. 1 lit. B Cod penal.
Toate cu aplicarea art. 33 lit. A Cod penal.

6. În cazul lui Mihalache Nicolae, s-a dispus încetarea procesului penal pentru cazul prevăzut de articolul 10 litera g) Cod de procedură penală (1956).

In conformitate cu art. 264 Cod de procedură penală raportat la art. 29 pe 1 lit. a Codului de procedură penală, deoarece se înaintează Corpu Suprem de Justiție - Secțiune penală, urmănei a fi citate.

Încredință

Ilieascu Ion, Voican Voiculescu Ghețu, Stâncelescu Victor Atamășe, Brucan Silviu, Măguarceanu Virgil

Marcatori


Alte date

- Se stabilește cheltuieli judiciare în sumă de 25.000.000 lei care vor fi suportate de infractori în solidar.

Procurori

Popescu Ion
Mădrătășescu Vasile
IN NUMELE LEGII
HOTĂRÂZTE:

În unică instanță:
1. Condamns pe inculpatul ILIESCU ION la 7 ani de închisoare pentru sâvârșirea infracțiunii de asociere pentru săvârșirea de infracțiuni prev. de art. 323 Cod penal.  
   Condamn pe același inculpat la 20 de ani de închisoare și 7 ani interzicerea drepturilor prev. de art. 64 lit. a, b și c Cod penal pentru săvârșirea infracțiunii de complicitate la omor deosebit de grav prev. de art. 176 alin. 1 lit. b Cod penal.  
   Condamn pe același inculpat la 3 de ani de închisoare pentru săvârșirea infracțiunii de usucare de calitate oficială prevăzută de art. 240 Cod penal.  
   În baza art.33 lit.a, 34 lit.b și 35 Cod penal înculpatul va executa pedeapsa cea mai grea, de 20 ani de închisoare și 7 ani interzicerea drepturilor prev. de art. 64 lit. a, b și c Cod penal, pe care o sporite cu 3 ani de închisoare, în final urmând a executa 25 ani închisoare și 7 ani interzicerea drepturilor prev. de art. 64 lit. a, b și c Cod penal.

2. Condamns pe inculpatul VOICULESCU GEĽU la 7 ani de închisoare pentru săvârșirea infracțiunii de asociere pentru săvârșirea de infracțiuni prev. de art. 323 Cod penal.  
   Condamn pe același inculpat la 25 de ani de închisoare și 10 ani interzicerea drepturilor prev. de art. 64 lit. a, b și c Cod penal pentru săvârșirea infracțiunii de instigare la omor deosebit de grav prev. de art. 176 alin. 1 lit. b Cod penal.  
   În baza art.33 lit.a, 34 lit.b și 35 Cod penal înculpatul va executa pedeapsa cea mai grea, de 25 ani de închisoare și 10 ani interzicerea drepturilor prev. de art. 64 lit. a, b și c Cod penal, pe care o sporite cu 5 ani de închisoare, în final urmând a executa 30 ani închisoare și 10 ani interzicerea drepturilor prev. de art. 64 lit. a, b și c Cod penal.

3. Condamns pe inculpatul STĂNCULESCU VICTOR AȚANASI la 7 ani de închisoare pentru săvârșirea infracțiunii de asociere pentru săvârșirea de infracțiuni prev. de art. 323 Cod penal.  
   Condamn pe același inculpat la 25 de ani de închisoare și 10 ani interzicerea drepturilor prev. de art. 64 lit. a, b și c Cod penal pentru săvârșirea infracțiunii de complicitate la omor deosebit de grav prev. de art. 176 alin. 1 lit. b Cod penal.  
   În baza art.33 lit.a, 34 lit.b și 35 Cod penal înculpatul va executa pedeapsa cea mai grea, de 25 ani de închisoare și 10 ani interzicerea drepturilor prev. de art. 64 lit. a, b și c Cod penal, pe care o sporite cu 5 ani de închisoare, în final urmând a executa 30 ani închisoare și 10 ani interzicerea drepturilor prev. de art. 64 lit. a, b și c Cod penal.

4. Condamns pe inculpatul BURCUANI SILVIU la 7 ani de închisoare pentru săvârșirea infracțiunii de asociere pentru săvârșirea de infracțiuni prev. de art. 323 Cod penal.  
   Condamn pe același inculpat la 15 de ani de închisoare și 5 ani interzicerea drepturilor prev. de art. 64 lit. a, b și c Cod penal pentru săvârșirea infracțiunii de instigare la omor deosebit de grav prev. de art. 176 alin. 1 lit. b Cod penal.  
   În baza art.33 lit.a, 34 lit.b și 35 Cod penal înculpatul va executa pedeapsa cea mai grea, de 15 ani de închisoare și 5 ani interzicerea drepturilor prev. de art. 64 lit. a, b și c Cod penal.

5. Condamns pe inculpatul MĂGUREANU VIRGIL la 7 ani de închisoare pentru săvârșirea infracțiunii de asociere pentru săvârșirea de infracțiuni prev. de art. 323 Cod penal.  
   În baza art.11 11 2 lit. a rap la art.30 lit. a Cod de procedură penală achită pe același inculpat pentru săvârșirea infracțiunii de complicitate la omor deosebit de grav prev. de art. 176 alin. 1 lit. b Cod penal.

În baza art.191 Cod de procedură penală obligă pe înculpatul Iliescu Ioan, Voican Voiculescu Geľu, Stănăudescu Victor Ațanasiu, Burcuani Silviu, Măgureanu Virgil la plata sumei de câte 25 600 600 lei cheltuielii judiciare către stat.

Cu recevările.
Promunția în sesiunea publică, azi 20 decembrie 1999

JUDUCĂTOR
Cosar Viorel

PREȘEDINTE
Ascov Adi

JUDUCĂTOR
Petru George
6. The defendant Virgil Măgureanu, investigated for crimes of:
- association in order to commit offences as stipulated by art. 323, par. 1 of the Criminal Code with the application of art. 323 par. 2 of the Criminal Code.
- instigation to aggravated murder as stipulated by art 176 par. 1 let. b of the Criminal Code.
All with the application of art 33 let. a of the Criminal Code.

Chapter I
We note

Way of apprehension:
On January 6, 1997, The Public Prosecutor’s office attached to the High Court of Cassation and Justice apprehended itself in the matter of crimes of:
- association in order to commit offences
- instigation to aggravated murder
- complicity to aggravated murder
- usurpation of official qualities

Chapter II
De facto situation

The first plans for the removal of Ceaușescu was made ever since the fall of 1984 by Militaru, Iliescu and Brucan, but they have been prevented from taking action by Ceaușescu’s regime. The plan to remove the Ceaușescu family became possible along with the riots of December 1989.

On December 22nd, 1989, 5 hours and 36 minutes after the presidential helicopter took off from the Central Committee of the Communist Party building, the Ceaușescu couple was arrested and took to the Police headquarters in Târgoviște; at 18:35 the two were taken to the Military Unit 01417 where they remained until their death.

On December 23rd, 1989, the commander of the garrison UM01417, Colonel Kemenici Andrei is “recommended” to use this “method”, namely to murder the Ceaușescu family without a trial. Andrei Kemenici says: “I reported to Stănculescu: «Comrade General, if they don’t die, we will. We can only deliver them dead!» He replied: «If, necessary, use the method!» For me, it was clearly an order: the Ceaușescu family need not be abducted, they need be taken out from the unit by Stănculescu only. If anyone else tried to do so, we had to prevent him.” The formula “use the method!” was suggested to General Stănculescu by Voican Voiculescu. Stănculescu declares: “After an inappropriate dissertation about Descartes, Discourse on the Method and State Reason [...], Gelu Voican Voiculescu proposed to me directly a way for their immediate suppression.”
On December 24, 1989, around 8 PM, Ion Iliescu writes a decree for the establishment of an Exceptional Military Tribunal to hear the case of the Ceaușescu couple: Ceaușescu Nicolae, Ceaușescu Elena. The decree is handwritten and signed by Ion Iliescu, president of CFSN. At that moment Ion Iliescu had no official quality (see appendix 2). The action of establishment of the Exceptional Military Tribunal, without any right, by Iliescu was a follow-up of the plan made on December 24, 1989 by Ion Iliescu, Silviu Brucan, Gelu Voican Voiculescu, Victor Atanasie Stănculescu, Virgil Măgureanu, Nicolae Militaru in the office of the deceased General Milea. They debated in groups of 2 in the bathroom. „We entered in groups of 2 in Milea’s bathroom”. It was crazy, we left the water running. We were whispering various scenarios. I had an idea: «We could say they escaped while the police officers were taking them to the station, as in the case of Zelea Codreanu. We just kill them». They looked at me and it seemed that Mazilu said that: «In such cases, the president can establish the Exceptional Military Tribunal…», where: «…we should trial and sentence them to death as we have evidence in favour of this convictions.” Later on, the group of the defendants Ion Iliescu, Silviu Brucan, Gelu Voican Voiculescu, Victor Atanasie Stănculescu, Virgil Măgureanu, Nicolae Militaru decided for the Ceaușescu couple to be murdered, their physical elimination being necessary so as to take power and rule the country.

General Stănculescu recalls he was given the order to murder the Ceaușescu family: “the Iliescu group told me that there should have been a trial to end the Ceaușescu era for good. «And, what should we do afterwards?», I asked. «Well, we should go to the Prosecutor’s Office, the Justice». I asked him: «How do we trial him? Do we throw him in jail, put him in house arrest as he did or we just finish him?». I think that they all gave an answer: Brucan was definitely for it, Voican also decided in favour of suppression, Iliescu hesitated. Brucan also said: «It is a good idea, this is how it should be done. Any revolution should murder the chief of state». He started with theory, Charles II of England, the Russian tsars; Brucan also told me: «If he remains a monument in people’s memory, they might feel sorry for him».”

Further to the establishment of the Exceptional Military Tribunal, on December 25, 1989, a group of persons went to Târgoviște, to the UM01417 headquarters by two helicopters as follows:

Helicopter PUMA 90
General Victor Atanasie Stănculescu, Gelu Voican Voiculescu, Virgil Măgureanu, Colonel Ștefan Gheorghe, Colonel Ion Baiu, Major Mugurel Florescu, Lieutenant major Trifan Matenciuc (aide-de-camp Stănculescu)
Paratroopers: Captain Ionel Boeru, sergeant Dorin Cârlan, sergeant Constantin Băârângui, sergeant major Octavian Gheorghiu.

Helicopter PUMA 92
Colonel Gică Papa, Colonel Ion Nistor. Major Dan Voinea, Constantin Lucescu, Nicolae Teodorescu, sergeant major Jan Tănase, Captain dr. Liviu Verdeș.
Paratroopers: sergeant major Laurențiu Ștefănescu, sergeant major Teodor Gheorghe, sergeant major Marian Forjan, sergeant major Dumitru Iliescu.

The take off was at 12:10 and the landing at 1:00 PM.

This group unjustly trialled, prosecuted and sentenced to death in a small court the Ceaușescu couple.

There was a one-day trial on September 25, 1989 to be more precise, between 1:20 and 2:30 PM without evidence and testimony of witnesses and a public defender. The sentence was given at 2:40 PM.

The public defenders did not make an appeal although this is required in case of a death sentence, with or without the defendant’s consent. At 2.48, the Ceaușescu couple were taken out from the Court of Law and at 2.50 they are brought to the death wall of UM01417 and executed. They were shot by a group of executioners, namely Captain Ionel Boeru, Sergeant Dorin Cârlan, and sergeant major Octavian Gheorghiu.

The short trial of the Ceaușescu couple was filmed by the Colonel Ion Baiu and broadcast on national television. The execution was not filmed.

The two bodies were taken over by the team members of the helicopter Puma90 and brought to Bucharest to rest on the Ghencea stadium on December 25, 1989, at 3.50 PM and remained there until December 26, 1989 when they were transported to the Central Military Hospital at General Stănculescu’s order.

During December 26 – December 30, 1989, the bodies lied at the Morgue of the Central Military Hospital, until the morning of December 30, 1989. As Stănculescu recalls: “We told them to put the packages in the car, we closed the car and sent the bodies to the morgue. Afterwards, Gelu Voican Voiculescu played his role as he was in charge of the funeral. I said I had finished my part since Iliescu had appointed me Minister of Economy on December 26, 1989.” Gelu Voican Voiculescu had the responsibility of funeral for the two bodies which were buried on December 30, 1989 in the Ghencea cemetery for civilians.

Chapter III
Means of evidence

Based on the evidence brought: deeds, witnesses’ declarations, research at the crime scene and reconstitution, it was proved that Iliescu, Brucan, Stănculescu, Voican Voiculescu, Militaru and Măgureanu were associated in a criminal group led by Ion Iliescu to murder Ceaușescu Nicolae and Ceaușescu Elena and take over the political power in Romania.

Chapter IV
Legal framework

The actions of the defendant Ion Iliescu have all the constitutive elements of the crimes of:
1. Association in order to commit offences as stipulated by art. 323 par. 1 of the Criminal Code with the application of art. 323 par. 2 of the Criminal Code which reads that as simple citizen, manager of the Technical Publishing House he associated with the defendants Gelu Voican Voiculescu, Victor
Atanasie Stănăciulescu, Nicolae Militaru, Silviu Brucan, Virgil Măgureanu, conspired and decided to murder the Ceaușescu couple.

The special legal matter breached refers to the social relations on civil living that depends on the assurance of public order and safety which is endangered by the action.

The subject of the offence is the plurality of offenders consisting of the defendants Ion Iliescu, Gelu Voican Voiculescu, Victor Atanasie Stănăciulescu, Nicolae Militaru, Silviu Brucan, Virgil Măgureanu.

The objective aspect consists of the association to commit the crime of aggravated murder.

The subjective aspect – the crime was directly intended and the offender was aware of the purpose of association – the murdering of the Ceaușescu couple.

The crime was committed when the defendants debated two by two in the bathroom of the deceased general Milea to murder the Ceaușescu couple. The offence is more serious as the objective of association was met.

2. Complicity to aggravated murder as stipulated by art. 176 par. 1, let. b of the Criminal Code. Further to the formation of the criminal group consisting of Gelu Voican Voiculescu, Victor Atanasie Stănăciulescu, Nicolae Militaru, Silviu Brucan, Virgil Măgureanu, The Exceptional Military Tribunal is established for the purpose of murdering the Ceaușescu couple; the couple was unjustly trialled in a masquerade trial which violated elementary legal norms the case ruling not leaving any shred of a doubt: the death of the Ceaușescu couple anticipated and planned by Ion Iliescu.

The special legal matter: social relations pertaining to the right to life of Ceaușescu Nicolae and Ceaușescu Elena were breached.

As far as the subject of crime is concerned, the law demands no special quality as the crime could have been committed by anyone.

The objective aspect was fulfilled by the shooting of the Ceaușescu couple by the group of executioners. Further to the unjust death sentence given by the Exceptional Military Tribunal, the offence being that of aggravated murder as it was made on two or more than two persons according to art. 176, par. 1, letter b.

The crime was committed because of a quick trial that led to the death of the two victims due to the establishment of a non-legal court.

3. Usurpation of official qualities stipulated by art 240 of the Criminal Code which means that despite the lack of official qualities, in the evening of December 24, 1989, Ion Iliescu wrote a decree (in an holograph manner) signed by Ion Iliescu, president of CFSN to establish the Exceptional Military Tribunal. The decree which appointed him president of the CFSN would only be issued on December 26, 1989, 2 days after the establishment of the Exceptional Military Tribunal and a day after the execution.

The special legal matter breached is the social relations on the state authority which involves the exercise of official qualities only by persons invested with such qualities in accordance with the law.

The objective aspect – Under the aspect of the material element, the crime of usurpation of official qualities is made by committing both actions provided by the law, i.e. the action of using an official quality without any right, namely that of president of CFSN and the action of taking action in relation to this quality: that is to issue the Decree to set up the Exceptional Military Tribunal.

The subjective aspect – The offender took action intendedly, realizing he makes unjust use of an official quality he did not have and commits and offence in relation to that quality for the purpose of rendering the Exceptional Military Tribunal apparent enforceability.

The crime was committed when the decree of establishment of the non-legal Exceptional Military Tribunal was issued.

The actions of the offender Gelu Voican Voiculescu have all the constitutive elements of the crimes of:

1. Association in order to commit offences as stipulated by art. 323 par. 1 of the Criminal Code with the application of art. 323 par. 2 of the Criminal Code which reads that he associated with the defendants Ion Iliescu, Victor Atanasie Stănăciulescu, Nicolae Militaru, Silviu Brucan, Virgil Măgureanu, conspired and decided to murder the Ceaușescu couple.

The special legal matter breached refers to the social relations on civil living that depends on the assurance of public order and safety which is endangered by the action.

The subject of the offence is the plurality of offenders consisting of the defendants Ion Iliescu, Gelu Voican Voiculescu, Victor Atanasie Stănăciulescu, Nicolae Militaru, Silviu Brucan, Virgil Măgureanu.

The objective aspect consists of the association to commit the crime of aggravated murder.

The subjective aspect – the crime was directly intended and the offender was aware of the purpose of association – the murdering of the Ceaușescu couple.

The crime was committed when the defendants debated two by two in the bathroom of the deceased general Milea to murder the Ceaușescu couple. The offence is more serious as the objective of association was met.

2. Instigation to aggravated murder as stipulated by art. 176 par. 1, let. b of the Criminal Code. Further to the formation of the criminal group consisting of Ion Iliescu, Victor Atanasie Stănăciulescu, Nicolae Militaru, Silviu Brucan, Virgil Măgureanu of which he was a member, the culprit insisted on several occasions that Ceaușescu Nicolae and Ceaușescu Elena be murdered without any trial and with “the use of the method”.

The special legal matter: the social relations pertaining to the right to life of Ceaușescu Nicolae and Ceaușescu Elena were breached.

As far as the subject of crime is concerned, the law demands no special quality as the crime could have been committed by anyone.

The objective aspect was fulfilled as he insisted that the Ceaușescu spouses be murdered without a trial which contributed to their unjust death sentence given by the Exceptional Military Tribunal, the offence being that of aggravated murder as it was made on two or more than two persons according to art. 176, par. 1, letter b.

The crime was committed as the culprit insisted that the lives of the two victims be taken by “the use of the method”.
The actions of the offender Victor Atanasie Stănăculescu have all the constitutive elements of the crimes of:

1. Association in order to commit offences as stipulated by art. 323 par. 1 of the Criminal Code with the application of art. 323 par. 2 of the Criminal Code which reads that he associated with the defendants Ion Iliescu, Gelu Voican Voiculescu, Nicolae Militaru, Silviu Brucan, Virgil Măgureanu, complotted and decided to murder the Ceaușescu couple.

The special legal matter breached refers to the social relations on civil living that depends on the assurance of public order and safety which is endangered by the action.

The subjective aspect – the crime was directly intended and the offender was aware of the purpose of association – the murdering of the Ceaușescu couple.

The crime was committed when the defendants debated two by two and then together in the bathroom of the deceased general Vasilie Milea to murder the Ceaușescu couple. The offence is more serious as the objective of association was met.

2. Instigation to aggravated murder as stipulated by art. 176 par. 1, let. b of the Criminal Code. Further to the formation of the criminal group consisting of Ion Iliescu, Gelu Voican Voiculescu, Nicolae Militaru, Silviu Brucan, Virgil Măgureanu of which he was a member, the culprit facilitated the murdering of the Ceaușescu couple at UM01417.

The special legal matter: the social relations pertaining to the right to life of Ceaușescu Nicolae and Ceaușescu Elena were breached.

As far as the subject of crime is concerned, the law demands no special quality as the crime could have been committed by anyone.

The objective aspect was accomplished as the culprit led the group of helicopters that transported both officials from the non-legal Exceptional Military Tribunal and members of the group of executioners consisting of military paratroopers and was in charge with the formalities of the case which was heard in UM01417 for the precise purpose of murdering the Ceaușescu couple; the case ruling left no shred of a doubt: the death of the Ceaușescu couple, as anticipated and planned by Victor Atanasie Stănăculescu, the offence being that of aggravated murder as it was made on two or more than two persons according to art. 176, par. 1, letter b.

The crime was committed when the culprit helped by means of the organizational measures he took.

The actions of the offender Nicolae Militaru have all the constitutive elements of the crimes of:

1. Association in order to commit offences as stipulated by art. 323 par. 1 of the Criminal Code with the application of art. 323 par. 2 of the Criminal Code which reads that he associated with the defendants Ion Iliescu, Gelu Voican Voiculescu, Victor Atanasie Stănăculescu, Silviu Brucan, Virgil Măgureanu, complotted and decided to murder the Ceaușescu couple.

The special legal matter breached refers to the social relations on civil living that depends on the assurance of public order and safety which is endangered by the action.

The subject of the offence is the plurality of offenders consisting of the defendants Ion Iliescu, Gelu Voican Voiculescu, Victor Atanasie Stănăculescu, Nicolae Militaru, Silviu Brucan, Virgil Măgureanu.

The objective aspect consists in the association to commit the crime of aggravated murder.

The subjective aspect – the crime was directly intended and the offender was aware of the purpose of association – the murdering of the Ceaușescu couple.

The crime was committed when the defendants debated two by two and then together in the bathroom of the deceased general Vasilie Milea to murder the Ceaușescu couple. The offence is more serious as the objective of association was met.

2. Instigation to aggravated murder as stipulated by art. 176 par. 1, let. b of the Criminal Code. Further to the formation of the criminal group consisting of Ion Iliescu, Gelu Voican Voiculescu, Victor Atanasie Stănăculescu, Silviu Brucan, Virgil Măgureanu of which he was a member, the culprit insisted that Ceaușescu Nicolae and Ceaușescu Elena be murdered without any trial and with “the use of the method”.

The special legal matter: the social relations pertaining to the right to life of Ceaușescu Nicolae and Ceaușescu Elena were breached.

As far as the subject of crime is concerned, the law demands no special quality as the crime could have been committed by anyone.

The objective aspect was fulfilled by the shooting of the Ceaușescu couple by the group of executioners. Further to the unjust death sentence given by the Exceptional Military Tribunal, the offence being that of aggravated murder as it was made on two or more than two persons according to art. 176, par. 1, letter b.

The crime was committed as the culprit made five phone calls to the colonel Kemenici Andrei so as to make pressure to urge the trial and the inevitable decision to murder the two victims.

The actions of the offender Silviu Brucan have all the constitutive elements of the crimes of:

1. Association in order to commit offences as stipulated by art. 323 par. 1 of the Criminal Code with the application of art. 323 par. 2 of the Criminal Code which reads that he associated with the defendants Ion Iliescu, Gelu Voican Voiculescu, Victor Atanasie Stănăculescu, Silviu Brucan, Virgil Măgureanu, complotted and decided to murder the Ceaușescu couple.

The special legal matter breached refers to the social relations on civil living that depends on the assurance of public order and safety which is endangered by the action.

The subject of the offence is the plurality of offenders consisting of the defendants Ion Iliescu, Gelu Voican Voiculescu, Victor Atanasie Stănăculescu, Nicolae Militaru, Silviu Brucan, Virgil Măgureanu.

The objective aspect consists in the association to commit the crime of aggravated murder.

The subjective aspect – the crime was directly intended and the offender was aware of the purpose of association – the murdering of the Ceaușescu couple.

The crime was committed when the defendants debated two by two and then together in the bathroom of the deceased general Vasilie Milea to murder the Ceaușescu couple. The offence is more serious as the objective of association was met.

2. Instigation to aggravated murder as stipulated by art. 176 par. 1, let. b of the Criminal Code. Further to the formation of the criminal group consisting of Ion Iliescu, Gelu Voican Voiculescu, Victor Atanasie Stănăculescu, Silviu Brucan, Virgil Măgureanu of which he was a member, the culprit insisted that Ceaușescu Nicolae and Ceaușescu Elena be murdered without any trial and with “the use of the method”.

The special legal matter: the social relations pertaining to the right to life of Ceaușescu Nicolae and Ceaușescu Elena were breached.

As far as the subject of crime is concerned, the law demands no special quality as the crime could have been committed by anyone.

The objective aspect was fulfilled by the shooting of the Ceaușescu couple by the group of executioners. Further to the unjust death sentence given by the Exceptional Military Tribunal, the offence being that of aggravated murder as it was made on two or more than two persons according to art. 176, par. 1, letter b.

The crime was committed as the culprit made five phone calls to the colonel Kemenici Andrei so as to make pressure to urge the trial and the inevitable decision to murder the two victims.

The special legal matter breached refers to the social relations on civil living that depends on the assurance of public order and safety which is endangered by the action.

The subject of the offence is the plurality of offenders consisting of the defendants Ion Iliescu, Gelu Voican Voiculescu, Victor Atanasie Stănăculescu, Nicolae Militaru, Silviu Brucan, Virgil Măgureanu.

The objective aspect consists in the association to commit the crime of aggravated murder.

The subjective aspect – the crime was directly intended and the offender was aware of the purpose of association – the murdering of the Ceaușescu couple.

The crime was committed when the defendants debated two by two and then together in the bathroom of the deceased general Vasilie Milea to murder the Ceaușescu couple. The offence is more serious as the objective of association was met.

2. Instigation to aggravated murder as stipulated by art. 176 par. 1, let. b of the Criminal Code. Further to the formation of the criminal group consisting of Ion Iliescu, Gelu Voican Voiculescu, Victor Atanasie Stănăculescu, Silviu Brucan, Virgil Măgureanu of which he was a member, the culprit insisted that Ceaușescu Nicolae and Ceaușescu Elena be murdered without any trial and with “the use of the method”.

The special legal matter: the social relations pertaining to the right to life of Ceaușescu Nicolae and Ceaușescu Elena were breached.

As far as the subject of crime is concerned, the law demands no special quality as the crime could have been committed by anyone.

The objective aspect was fulfilled by the shooting of the Ceaușescu couple by the group of executioners. Further to the unjust death sentence given by the Exceptional Military Tribunal, the offence being that of aggravated murder as it was made on two or more than two persons according to art. 176, par. 1, letter b.

The crime was committed as the culprit made five phone calls to the colonel Kemenici Andrei so as to make pressure to urge the trial and the inevitable decision to murder the two victims.
The crime was committed when the defendants debated two by two and then together in the bathroom of the deceased general Vasile Milea to murder the Ceauşescu couple. The offence is more serious as the objective of association was met.

2. Instigation to aggravated murder as stipulated by art. 176 par. 1, let. b of the Criminal Code.

Further to the formation of the criminal group consisting of Ion Iliescu, Gelu Voican Voiculescu, Victor Atanasie Stânceșcu, Nicolae Militaru, Virgil Măgureanu of which he was a member, the culprit insisted that the Ceauşescu couple be murdered according to the model provided by the death of Charles II and the Russian tsar, providing the criminal group with moral justifications for the crime that was anticipated and planned by Silviu Brucan.

The special legal matter: the social relations pertaining to the right to life of Ceauşescu Nicolae and Ceauşescu Elena were breached.

As far as the subject of crime is concerned, the law demands no special quality as the crime could have been committed by anyone.

The objective aspect was fulfilled by the shooting of the Ceauşescu couple by the group of executioners. Further to the unjust death sentence given by the Exceptional Military Tribunal, the offence being that of aggravated murder as it was made on two or more than two persons according to art. 176, par. 1, letter b.

The crime was committed when the culprit insisted orally that the victims be suppressed according to the model provided by the English and Russian revolution.

The actions of the offender Virgil Măgureanu have all the constitutive elements of the crimes of:

1. Association in order to commit offences as stipulated by art. 323 par. 1 of the Criminal Code with the application of art. 323 par. 2 of the Criminal Code which reads that he associated with the defendants Ion Iliescu, Gelu Voican Voiculescu, Victor Atanasie Stânceșcu, Nicolae Militaru, Silviu Brucan, complotted and decided to murder the Ceauşescu couple.

The special legal matter breached refers to the social relations on civil living that depends on the assurance of public order and safety which is endangered by the action.

The subject of the offence is the plurality of offenders consisting of the defendants Ion Iliescu, Gelu Voican Voiculescu, Victor Atanasie Stânceșcu, Nicolae Militaru, Silviu Brucan, Virgil Măgureanu.

The objective aspect consists in the association to commit the crime of aggravated murder.

The subjective aspect – the crime was directly intended and the offender was aware of the purpose of association – the murdering of the Ceauşescu couple.

The crime was committed when the defendants debated two by two and then together in the bathroom of the deceased general Vasile Milea to murder the Ceauşescu couple. The offence is more serious as the objective of association was met.

2. Complicity to aggravated murder as stipulated by art. 176 par. 1, let. B of the Criminal Code.

Further to the formation of the criminal group consisting of Ion Iliescu, Gelu Voican Voiculescu, Victor Atanasie Stânceșcu, Nicolae Militaru, Silviu Brucan, the defendant was present at the trial of the Ceauşescu couple at UM01417 as representative of F.S.N.
We decide

To initiate criminal action and prosecute the following defendants:

1. The culprit Ion Iliescu, trialled for the crimes of:
   - association in order to commit offences as stipulated by art. 323 par. 1 of the Criminal Code with the application of art. 323 par. 2 of the Criminal Code.
   - complicity to aggravated murder stipulated by art. 176 par. 1 let. b of the Criminal Code. To all art. 33 let. a of the Criminal Code applies.

2. The culprit Gelu Voican Voiculescu, trialled for the crimes of:
   - association in order to commit offences as stipulated by art. 323 par. 1 of the Criminal Code with the application of art. 323 par. 2 of the Criminal Code.
   - instigation to aggravated murder stipulated by art. 176 par. 1 let. b of the Criminal Code. To all art. 33 let. a of the Criminal Code applies.

3. The culprit Victor Atanasie Stănculescu, trialled for the crimes of:
   - association in order to commit offences as stipulated by art. 323 par. 1 of the Criminal Code with the application of art. 323 par. 2 of the Criminal Code.
   - complicity to aggravated murder stipulated by art. 176 par. 1 let. b of the Criminal Code. To all art. 33 let. a of the Criminal Code applies.

4. The culprit Silviu Brucan, trialled for the crimes of:
   - association in order to commit offences as stipulated by art. 323 par. 1 of the Criminal Code with the application of art. 323 par. 2 of the Criminal Code.
   - instigation to aggravated murder stipulated by art. 176 par. 1 let. b of the Criminal Code. To all art. 33 let. a of the Criminal Code applies.

5. The culprit Virgil Măgureanu, trialled for the crimes of:
   - association in order to commit offences as stipulated by art. 323 par. 1 of the Criminal Code with the application of art. 323 par. 2 of the Criminal Code.
   - complicity to aggravated murder stipulated by art. 176 par. 1 let. b of the Criminal Code. To all art. 33 let. a of the Criminal Code applies.

6. In the case of Nicolae Militaru, it was decided to cease criminal prosecution due to the reason provided by article 10 letter g of the Code of Criminal Procedure (death).

According to art 264 of the Code of Criminal Procedure reported to art. 29 point 1 let. a of the Code of Criminal Procedure, the file is submitted to the Supreme Court of Justice – Criminal Division and subpoena served to the following:

Defendants
Ion Iliescu
Gelu Voican Voiculescu
Victor Atanasie Stănculescu
Silviu Brucan
Virgil Măgureanu

Witnesses

Other data
- Expenses incurred by the proceedings amounting to 25.000.000 lei which will be paid by each defendant in part

Prosecutors
Ion Popescu
Vasile Mândrășescu

[1] Voină Domenico, Ceaușescu în Țârgoviște [Ceaușescu at Târgoviște], Editura Ion Cristescu, 1999
[5] Alex Mihăi Stoicanescu, În stânga, adversarul... [Finally, the Truth...], Editura RAO, 2009
[7] see the minutes of Ceaușescu’s trial
[8] Militaru died on December 27, 1996
IN THE NAME OF THE LAW IT IS DECIDED:

Unanimously:

1. The defendant ION ILIESCU is sentenced to 7 years imprisonment for criminal association as stipulated by art. 323 of the Criminal Code.

The defendant is also sentenced to 20 years imprisonment and 7 years of loss of rights as stipulated by art. 64 let. a, b and c of the Criminal Code for the crime of criminal association in order to commit aggravated murder as stipulated by art. 176 par. 1 let. b of the Criminal Code.

The defendant is also sentenced to 3 years imprisonment for having made use of official qualities according to art. 240 of the Criminal Code.

Based on the art.33 let. a, 34 let. b and 35 of the Criminal Code, the defendant will serve the hardest sentence, 20 years imprisonment and 7 years of loss of qualities according to art. 64 let. a, b and c of the Criminal Code, increased by 5 years imprisonment so that the defendant is finally sentenced to 25 years imprisonment and 7 years of loss of qualities according to art. 64 let. a, b and c of the Criminal Code.

2. The defendant GELU VOICAN VOICULESCU is sentenced to 7 years imprisonment for criminal association as stipulated by art. 323 of the Criminal Code. The defendant is also sentenced to 25 years imprisonment and 10 years of loss of rights according to art. 64 let. a, b and c of the Criminal Code for the crime of instigation to aggravated murder as stipulated by art. 176 par. 1 let. b of the Criminal Code. Based on art.33 let. a, 34 let. b and 35 of the Criminal Code, the defendant will be sentenced to the hardest sentence, namely 25 years imprisonment and 10 years of loss of rights according to art. 64 let. a, b and c of the Criminal Code.

3. The defendant VICTOR ATANASIE STĂNCULESCU is sentenced to 7 years imprisonment for criminal association as stipulated by art. 323 of the Criminal Code. The defendant is also sentenced to 25 years imprisonment and 10 years of loss of rights according to art. 64 let. a, b and c of the Criminal Code for the crime of association in order to commit aggravated murder as stipulated by art. 176 par. 1 let. b of the Criminal Code. Based on art.33 let. a, 34 let. b and 35 of the Criminal Code, the defendant will be sentenced to the hardest sentence, namely 25 years imprisonment and 10 years of loss of rights according to art. 64 let. a, b and c of the Criminal Code.

4. The defendant SILVIU BRUCAN is sentenced to 7 years imprisonment for criminal association as stipulated by art. 323 of the Criminal Code. The defendant is also sentenced to 15 years imprisonment and 5 years of loss of rights according to art. 64 let. a, b and c of the Criminal Code.

Based on art.33 let.a, 34 let.b and 35 of the Criminal Code, the defendant will be sentenced to the hardest sentence, namely 15 years imprisonment and 5 years of loss of rights according to art. 64 let. a, b and c of the Criminal Code.

5. The defendant VIRGIL MĂGUREANU is sentenced to 7 years imprisonment for criminal association as stipulated by art. 323 of the Criminal Code. Based on art.11 point 2 let. a relating to art.10 let. d of the Code of Criminal Procedure, the defendant is also acquitted for for the crime of criminal association as stipulated by art. 176 par. 1 let. b of the Criminal Code.

Based on art.191 of the Code of Criminal Procedure, the defendants Ion Iliescu, Gelu Voican Voiculescu, Victor Atanasie Stănculescu, Silviu Brucan, and Virgil Măgureanu have to pay the sum of 25,000,000 lei each for court costs to the State.

In appeal.

Ruled in public session, this day, January 25, 1999.

JUDGE
Coman Viorel
COURT CHAIRMAN
Asasevi Adrian
JUDGE
Petrinescu George

Translated by Paula Orofei
Nebojša MILIKIĆ

Q & A

Q: So, how exactly did you arrive at the topic of re-evaluating Ceaușescu’s period of ruling?
A: It happened in the train from Bucharest to a provincial town in the north-east of the country. An older woman, dressed up the way Serbian peasant women do, was loudly talking about some political issues. I could understand some bits and it seemed she was comparing Ceaușescu’s régime with the others that followed him; in this debate more or less all the passengers took part. I was trying, on the basis of some of my personal expectations and prejudices, to understand the meaning of the comments and the debate. Judging by the tone of her voice and the others’ face expressions, it seemed to be a typical questioning of political changes that took place in the late 1980s by the ordinary and, I would say, relatively poor citizens.

Q: If it was about your prejudices, where do they come from?
A: I tried to clarify it with the help of friends in Romania. And every time, an attempt to clarify the question that can roughly be described as “Which side should the ordinary people take?” would lead us to quarrels and a cul-de-sac.

Q: In your opinion, why would it happen?
A: I would say it was because we belong to different classes, and also, of course, ideological positions in our living and working realities back then...

Q: In your immediate surroundings of people, with whom you cooperated in Romania, how did you perceive their views on the socialist history of their country?
A: I was stunned by their ideological optics which is passionately applied to discussion and evaluation of cultural and political achievements and failures of that period. For example, when you read about visual art production in Ceaușescu’s age, general comments are full of hate and sorrow, but somebody neutral could only ask himself how such a sophisticated art could exist and have at least some kind of support in such an authoritarian regime, to avoid using the politically confusing and manipulative term of “the totalitarian régime.” Furthermore, the all-pervasive modernistic architecture of Ceaușescu’s era has mostly been and remained stunning, before it largely degenerated.
into monumental and pseudo-traditional kitsch. And its modernity did not consist only in the manner in which it was designed and built, but also in the fact that the flats were practically given away almost for free and that massive residential blocks, officially intended for the working class, were deliberately located in the very city centers. Even if that was more propaganda than reality, in our so-called post-socialistic era, deprived of all utopias, many things I saw seemed like a first-class cultural and political legacy, if not a respectful source of inspiration...

Q: That formal utopia was followed and paid by massive misery? However, how did it happen that you demanded a fair trial for Ceaușescu?

A: Ok, misery was deep, no question about that. Still, I would recommend – should the trial take place – to closely investigate the causes, norms and effects of that misery. You should not forget that, for example, according to the strictest research criteria of the World Bank or some such monster organization in Cuba there is no poverty at all! Let us see then, is everything really getting better today in Romania and who exactly is better off? Isn’t there misery in the fact – which Boris Buden described – that thousands of Romanian mothers, having lost their jobs and income, no matter how small it might have been, are degraded first by being transformed into housewives and then, leaving those families to which they supposedly returned from the utopian communist factories, are transformed into workers who go to Italy and Spain to do jobs practically as half-slaves? However, the question about a more sober evaluation of the Ceaușescu age turned up during a spontaneous discussion with a couple of colleagues. We were sitting in a café at a big table with a group of people who knew one another fairly well. One of those present, a person with a high position in state administration, in order to defend contemporary post-communist economic and political system i.e. the capitalism, was explaining: “My wife and I became university graduates in the early 1980s. We got married and had a child. And what could the communists give us? A flat, a job and a car for maybe 3 or 4 years! And that was all!” Though uttered with bitterness and stern disapproval, these words echoed around the table in the ears and thoughts of a group of young people – like a fairytale, I would say. The person in the high position continued with his happy-go-lucky cannonade: “People want to spend money in the supermarkets! Here, this young man” – pointing to one of those present – “got a job in my department and he is happy that he can work there and earn money.” How much does he earn? I asked. “About 250 euro” answered the person in the high position. The young man we were talking about vaguely nodded. Everybody at the table fell silent, perhaps even in a tense sort of way, but remained quiet. I noticed that a lot of Romanians have very nice manners, maybe too nice. Later I found out that the person who was talking had five times bigger salary than the mentioned youngster. My next question was: “And what about the creativity of these people?” and then: “What can the non-communists or the anti-communists give them today, once they graduate?” The discussion slowly turned...
into constant avoidance to answer such questions. There, that was the concrete moment when I realized that a “fair trial to Ceaușescu” would be necessary, not only for the sake of young Romanians, for whom—as far as I could see it back then—re refraining from using the words such as “equality”, or even “employment” or “the right to work” became a matter of nice manners, but also for the sake of anyone who thinks that issues of social emancipation and political and economic equality are on our daily agenda. Such a trial would be an opportunity to take detailed stock of the achievements of socialism, without the influence of the inclination towards vulgar consumerist propaganda, but also without any superficial nostalgia or making-up and covering-up of the cruel past. Simply, it would be an unprecedented political and symbolic act. Of course, it cannot be a real trial and it is not to be expected that Ceaușescu would fare well even at such a trial. But it should certainly be expected that the trial would be able to make us distinguish between the very ideas promoted by the régime and its practice, namely to differentiate between socialist thought and some of its bad practice rather than simply toss some of the most important emancipatory ideas in the history of mankind into a dungeon. The point would be in an inclusive and liberating debate, which would be organized as open, lasting and able to keep a sense of proportion. It would be a huge step forward and outside the ideological single-mindedness and the totalitarianism of metaphysics of capital, imposed by any transitional regime.

Q: And then?
A: And then I started to put forward this idea among my friends in Romania and elsewhere, among everyone who in one way or another dealt with the topic of socialism, “post-socialism,” transition etc.... Mostly among artists....

Q: And what was their reaction?
A: Well, the commonest reaction was disbelief or even some kind of shock. As if these professional idea-generators and observers, reflectors and refractors of the world, were not in the least interested whether it was possible to employ people once they graduate, give them flats, build flats for workers in city centers, manage a country’s economy without falling into dependence from international financial and political power centers. If this is the case, then I am truly concerned about the capacity and objective of their conceptual and creative horizons.

Q: How do you think such a trial could be organized or, to be more specific, produced, because it actually resembles an art project?
A: It is a separate question. I think that it is during the negotiations about the organization, or as you say production of the trial, that one could best determine which form, shape, structure, duration and scope it should and could have. A consensus about such a trial is a consensus about the need for historical truth. A will or a necessity to arrive at such a consensus is not readily provided at a given social conjuncture. Therefore, one could try also with some artificial, self-sustaining form.

Q: What kind of importance would it potentially have for memory of socialism, for example, in Serbia? Memory of Tito, Milošević?
A: Enormous. Remember the slogan “Tito - Ceaușescu, Sloba – Iliescu,” which was not only a slogan of anti-Milošević protesters, but also a kind of a conundrum which combined malicious poignancy and banal delusion of all anti-communist agitators. All together, we have to critically look upon the socialist past of Eastern European countries, which is in one way or another directly connected with anti-fascist movements, attitudes and struggles, as well as with revolutionary and emancipatory tendencies which lifted many parts of society in these countries from their humiliating backwardness as well as humiliating dependence on the exploiter classes. This jump into modernity which happened “under communism” taught us to think and talk about the common, the international, the universal, using the words and phrases such as, for example, in former Yugoslavia, associated labor, local community office, non-aligned movement or social property, or, in Romania, a free flat or full employment – which remains difficult to translate into imperial languages even today. Yes, there was logorrhoea and dictation and forceful ordering, as well as seduction, but let us openly ask, what were the main aims of all this? Certainly not those which could be forgotten only because they were betrayed. Therefore, the said trial would be a struggle against past and future forgetting of the talk about freedom, equality and solidarity. And those who suffered under authoritarian régimes should not be afraid about such re-evaluation of the past, because each careful and judicially established fact about systemic betrayal or misuse of such talk can only lead to a much stricter historical punishment of actors of such misuse, stricter than the one the sufferers themselves find pertinent or have already meted out.

Translated by Vanja Savić
Nicolae Ceaușescu in Front of "People’s Court"

The Meaning of the Last Political Trial from the Period of the Communist Dictatorship

Ovidiu Gherasim-Proca

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Motto:

“Judge: Defendant Ceaușescu Nicolae, what else do you want to add in your favour?
Nicolae Ceaușescu: I am not a defendant, I am the President of Romania, its chief commander and I will answer only in front of the Great National Assembly and of the representatives of the working class! That is all I wanted to say. Everything is a lie from the beginning to the end, a lie invented by those who organized and succeeded in the coup d’état, by betraying people, going as far as destroying the independence of Romania!
Judge: One cannot have a civilised, proper, logical dialogue with you.”

The Romanian Revolution of 1989 was considered an unusual, exceptional and mysterious event. "The televised Revolution", transmitted live on the national channel, is a representative example of spectacular political violence. A long time after the change of regime, only a few people understood the terror that accompanied it and how the "terrorists" disappeared without a trace. The events of December were named, after a while, “the stolen revolution” (Mazilu, 1991) or “the unfinished revolution” (Gabanyi, 1999). But neither its beginning was certain. Its promoters inside the Romanian Communist Party (in Romanian: PCR) took care of systematically inducing the death of dictatorship by the death of the dictator himself, according to the grim determinism of the system they served. The trial of the couple Ceaușescu can be considered the last political trial from the communist Romania. It evokes the nature of the communist totalitarianism, but also the essence of the revolutionary transformation – a macabre show meant to commission what some people called the postcommunist “showroom democracy” (Codiță et al., 1997). "People’s Court" of the military body from Târgoviște organized the judicial simulacrum in which the lawyers accused more fiercely than the prosecutor, the judge eloquently denounced and defiantly gibed more than he...
deliberated, most people there were the sons of the communist dictatorship. They were now devouring their parents. It was the only way they could become free from their own status.

Why was it necessary to experience this? The explanation is relatively simple. Among the “satellite states” of the Soviet Union, Romania was remarked as having a personal dictatorship with premodernist features, a strange mixture of totalitarianism and sultanism. Totalitarianism was accompanied by sultanism, the last being more and more obvious starting with 1974 (Linz & Stepan, 1996: 349), mainly explaining the exceptional status that Romania had among the states of Central and Eastern Europe. In this country, took place the most violent, ambiguous and the latest event of dispossession of the communist dictatorship in comparison to the other states in the area (Linz & Stepan, 1996: 344; Tănase, 1999: 274).

The state-party had been replaced by a type of client governance with patrimonialist features. In the 80’s, “the socialism of Ceaușescu” was nothing more than a strategy of keeping and enhancing personal power by total subordination to the party. By having his family members placed in the party’s hierarchical structures in several key positions (Tismăneanu, 1985: 65), Ceaușescu gave the impression that the state belonged entirely to his family. Additionally, “dynastic socialism” was supported by the national ideology of autarchal independence. The myths of the Romanian nationalism had been rehabilitated, adapted and completed to have the same political direction that made Nicolae Ceaușescu successful, just like his predecessor, Gheorghe Gheorghiu-Dej. Four years after taking over the power, in the crucial moment of 1968, the relative independence from Moscow had offered not only protection, but more legitimacy inside the country, even a certain prestige in the West. The mechanism of propaganda later transformed the absolutist ambitions of the dictator in a heterodox combination of Lenin’s Marxism and nationalism, in a contradictory official ideology, supported by an enormous network of cultural legitimation (Verdery, 1991). Ceaușescu was an apprentice of Dej, he himself practiced the “degenerate byzantinism” (Tismăneanu, 1995: 119) that defined the political culture of the communist elite having a Stalinist origin. In a relatively short period, he succeeded in building his own “cult of personality”, bringing Dej into disrepute for the execution of Lucrețiu Pătrășcanu (Mocanescu, 2004) and imitating the technique of “nationalization” of communism as a means of strengthening personal power.
The brittleness of civil society (Tismăneanu, 1997: 136) and the subordination of the communist party blocked all reforms in the period when the Soviet Union had adopted a more open policy, favourable for liberalization. Ceauşescu was totally against Gorbaciov's trend (Tănase, 1999: 257-264). The repressive measures against the protesters from 1989 were a predictable consequence of this phase. The violence of the confrontations between the army and the protesters and, later, the exemplary punishment of the dictator seem inevitable measures in the given context. The Romanian civil society that took shape in 1989-1990 was lacking organization and it could not cope with the propaganda attacks of the new power. Thus, the death of Nicolae Ceauşescu seemed absolutely necessary in the violently bloody events, but in the same time, the only symbolic way of emancipation of the regime’s servants. The servile status of the bureaucrats of the ancien régime directly depended on the “supreme ruler”. Only his disappearance could guarantee personal freedom and the transfer of power.

The examination of consequences is just as important as the explanation of causes. From the point of view of political sciences, the topic of trials of this type should be included in the general theme of transitional justice, a research field closely related to disciplines like democratization studies and comparative politics. Precisely, the discussed trial is defined by what Jon Elster called “pure political justice”, meaning exactly the finding of the guilty people involved and making a decision concerning their future status only by the authority of the new people in charge with the executive power, in an unilateral and unappealable way (Elster, 2004: 84). The roles normally assumed in case of criminal transitional trials can be grouped in four main categories: the punishment of the guilty people, the rehabilitation of victims’ dignity, the restoration of judicial order by the re-entry of respect for the law, the public presentation of a coherent narration regarding the iniquities committed during the dictatorship (Grosescu & Ursachi, 2009: 19-26). The trial of Nicolae and Elena Ceauşescu did not comply with any of these major functions.

At first sight, the trial lead to the punishment of the main wrongdoers for the endurance and abuses that generated the revolution from 1989. But death and sequestration of estates are not the real ways of punishment for communist leaders such as the ones mentioned above. Their execution did nothing more than to confirm the myth of heroism that would have been specific to Nicolae Ceauşescu, his faithfulness
towards communist ideology and the courage to face death. For a communist who became a party member in 1933, when he was 15, for a party activist that knew the dangers of the Stalinist schemes and a participant to the politics of an intricacy of intrigues from the 50’s -60’s, death in front of the firing squad is not a devastating affliction, but a possibility which cannot be excluded. On the one hand, by singing ‘The International’ in his last moments of life, the old illegal activist was now in the position of a revolutionary fighter, this status was impossible from his own point of view. On the other hand, regarding things from the public eye’s perspective, the death of the dictator in a special day for the Orthodox Christians (December 25, the celebration of Christmas) would later lead to a convenient myth for his memory. Being associated with religious transgression, the tyrannicide lost much of its judicial value. Finally, the punishment for these two rulers was a good excuse for postponing the punishment of the most important people responsible for the régime, the new power still needed their support. The conviction of the dictator also meant “making him silent” by the reformer communists from ‘Frontul Salvării Naţionale’ – the National Salvation Front (Tismăneanu, 1997: 206).

The elimination of these two did not consequently lead to rehabilitation or the memory recovery of the victims of dictatorship. In fact, the trial did nothing but switch the attention of the people from the abuses of the régime instaured being influenced by the Soviet Union, bringing forward the abuses of the dictator and thus avoiding an authentic debate about moral repair for the victims.

Furthermore, respect for the principle of legality was seriously affected. The trial did not satisfy elementary judicial needs, not even the right to self-defense. It is true that the judicial system during the dictatorship was legally subordinated to the Communist Party; it was not compatible with the ideal of judicial impartiality. It is true that constitutional provisions could not be respected entirely as if there was a revolutionary situation. But the deficiencies of the applied procedures were so big that one could say that the verdict was based on the will of accusers. The trial did not last longer than 55 minutes and the verdict was immediately put in practice. The prosecution did not bring any evidence. It seems that the result of the trial had been already established, The Special Military Court in charge with this trial was created by a secret decree of the Council of the National Salvation Front (Grosescu & Ursachi, 2009: 121-122).

Neither the narrative structure has a satisfactory perspective, though it does not contradict the spirit of the moment and the evolution of events.1 The court’s findings almost perfectly resume the official opening of the iniquities committed during the dictatorship: “While pursuing their criminal acts, the defendants took over the entire political power, taking advantage of the state to satisfy their own mean needs and to repress the Romanian people. Thus, the so-called «scientific program of nurturing
people gave them the possibility to systematically lead people to starvation, taking away their elementary conditions for living” (Grosescu & Ursachi, 2009: 219).

This is followed by a long list of iniquities which should have justified the verdict of genocide, subversion of state power, acts of sabotage, subversion of national economy, all these being regulated in the Criminal Code of the Socialist Republic of Romania. The verdict mentions the demolition of churches and monasteries, “the spending of fabulous amounts of money”, “the dismantling of the Romanian army”, the organization of terrorist groups, the damage caused during the revolution, the fraudulent deposit of large amounts of money in secret bank accounts abroad. The accusations were accompanied by the insulting rhetoric considered appropriate by the members of the court: “Ignorant, but snob, the two tyrants embellished their numberless residences that they used as their own properties, they adorned them with works of art and rare books, stolen from the property of prestigious cultural institutions” (Grosescu & Ursachi, 2009: 219).

The fantastic epic of the verdict and the inquisitorial style of the hearing would satisfy the mob’s hate. Once hate was gone, suspicion replaced it, then frustration. The revolution did not bring any certainty except for the fact that most trusted collaborators of the ancien régime had more to gain afterwards than most opponents. Lustration could not be involved (Stan, 2009: 132-134). Neither reconciliation. Romania started the democratic transition in the most unfavourable conditions.

Beyond the things mentioned above, one can say that the symbolic value of the discursive interventions mentioned in the recorded transcript of the trial is larger now than it was 23 years ago. They underline one of the less visible aspects in the official histories of dictatorship: its ridicule character, the moral guilt of those who accepted to passively look and do nothing while elementary social values were being degraded.

The absurd dialogues recorded in the trial’s transcript are so striking, so shameful, that one cannot do anything but understand that dictatorship managed to preserve itself due to a moral crisis which has nowadays echoes. Patrimonialism and rudimentary clientelism did not disappear, the unfinished process of un-communization still continues to obsess most of the postcommunist intellectual elite (Tănăsoiu, 2008), the instrumentalization of the anti-communist themes by political elite diminishes its significance, the return of the Romanian rural or pseudo-urban society remains a mystery for many intellectuals, tempted to ignore all social problems which is not part of the project “the conviction of communism”.

Finally, one can notice today’s entanglement between the official conviction of the dictator and the official conviction by the Romanian State, seventeen years later. Both political gestures represent remarkable exceptions in the area. In both cases, solemnity turned into a grotesque performance. Both acts of political justice were included in a strategy of legitimization whose main actors are the groups resulted from the disappearance of PCR (The Romanian Communist Party). Last, but not least, these strategies are accompanied by massive ideological conversions.

The anticipation of Romania’s attainment of the status of a full right member of the European Union caused the end of an important political cycle. The main post-communist parties felt the need to re-think their own strategies. While the Social Democratic Party (in Romanian: PSD) was trying to prove its total separation from the communist past by appointing leaders that were politically different from the former president Ion Iliescu, other parties that still preserved the political inheritance of the ancien régime were struggling to become attached to the European People’s Party (EPP), against all ideological constraints. The most surprising affiliation demand came from the Democratic Party (in Romanian: PD), a part of the reformist faction of FSN, previously a member of the Socialist International (Dancu, 2011). This transformation, just as strange as the spontaneous disappearance of PCR after December 25, 1989, naturally led to an attempt of ideological consolidation. The capacity of president Traian Băsescu to determine the declassification of the files of the Security by information services (Stan, 2012: 275) and the responsiveness to the demands of the intellectuals preoccupied by the topic of decommunization (Tănăsoiu, 2008: 92) played a crucial role in the political re-capitalization of anticommunism.

If the trial from 1989 had as objective the legitimation of FSN as an owner of power (Grosescu & Ursachi, 2009: 125) or the postponement sine die of de facto incrimination of the responsible people of the ancien régime, the late start of “the trial of communism” is a judicial-political failure. Anticommunism soon became the debated topic of the parties from the Alliance “Justice and Truth” (the National Liberal Party and the Democratic Party) during their internal fight started after 2004 (Abraham, 2008: 14-17). Later, this was an element of the strategy that helped the presidential party (the Democratic-Liberal Party) the ideologically revised version of the Democratic Party) to get the unconditional support of a significant part of the intellectual elite, in a fierceful fight against the former liberal and social-democratic allies. This serious political conflict reaching an extreme intensity in 2012 is nourished by the adversities which are specific to the economic crisis, by the more and more reduced administrative ability of the Romanian state and by the continuous abasement of public
services (which already are precarious). In this situation, the topic of reconsideration of the communist past, filled with the frustrations of a long delay, becomes an almost perfect discursive weapon, slowly fading its restoring meaning.

This is one of the most harmful effects of the communist dictatorship in Romania: the double failure of trans- and postcommunist justice. The trial of Nicholae Ceauşescu delayed "the trial of communism", but the official version of communism, also used as a simple means of governmental legitimation, contributed to the discouraging postponement of democratic consolidation.

Bibliography:


Notes:

[1] The expression refers to simulated democracy, built from apparently functional institutions, but actually never used, presented as if in a showroom to offer an advantageous image of Romania to the Western side, putting the elite of the Romanian politics in a good light. The obsession of the outside image of Romania – the attempt to artificially embellish disturbing realities, the belief that appearance matters more than the essential – is one of the most resistant Romanian preconceptions.

[2] The term was taken from Weber’s socioologic analysis.

[3] According to the author’s opinion, the same category contains the punitive acts that followed The Russian Revolution from 1917 or the trials of Nicolae Ceauşescu in 1984-1989, that of the Romanian trials of the Ceausescu era. In the opposite side, one can find “true legal justice”, historical examples are few, most cases being significantly far from the ideal type.

[4] The electoral support given to successor parties is a proof that most of the population of Romania was not capable of seeing beyond the justifying discourse offered by the National Salvation Front (in Romanian: FSNH), the organization that immediately emerged and took over not only the institutional inheritance of the Communist Party, but also government itself.

[5] For example, this is the reason why Hertha Muller started the debates from September 2010, during her visit in Bucharest. They threw a new kind of light on the Romanian intellectuals’ passivity during dictatorship.

[6] Before July 12, 2012, when the Republic of Moldavia organized a similar parliamentary event, Romania was the only country in the south-east of Europe that had officially condemned communism. This happened in 2006, due to the initiative of president Traian Băsescu and the contribution of a “truth commission” lead by Vladimir Tismaneanu (Tismaneanu, 2008).

[7] Regarding the trial, we can speak about a judicial simulacrum. In the case of the parliamentary meeting for presenting the message of the protests are dealing with the noisy protests of Corneliu Vadim Tudor, known for his hilarious rhetorical style. 
THE REVOLUTION AS A STATE OF EXCEPTION
AND THE TRIAL AS PURE VIOLENCE

1. Introduction

An attempt to analyse the moments from ‘89, and especially the trial of Ceaușescu, from exclusively judicial perspective is incomplete from the beginning. A multitude of events connected to that period are showed to us in chiaroscuro which allows us to see only a fragmented image of what happened then. Instead, the historical significance of past events determine us to repeatedly return to this then when we want to explain the present. Not incidentally, this is one of the moments which represents the basis of nowadays society.

A normal grid of analysis (chain of historical events, judicial details etc.) leaves a series of very important aspects unquestioned. First of all, the trial of the couple Ceaușescu does not fit any of the forms of a judicial process. Even the most indulgent analyst, given the exceptional situation, would not yield to temptation and that person would declare the trial was an obscene simulacrum. Even if we accept from a judicial point of view that the trial was not a real one, then what was it? Here answers stop because the question was not launched. But, if we change the interpretation grid, we are left with nothing more but a simple gesture of pure violence and nothing more. The tendency will be that of regressing to the judicial dimension — “yes, a violent gesture, but it was still inside a trial”. And here, arguments stop, it is as if we are afraid of opening the next door that looms in the shadow. And no wonder, there seems to be a tacit awareness that, by making this step, the entire recent history will be undermined internally. What kind of régime did we install if it is based on violence and especially violence is the one that we wanted to remove? Didn’t we leave it in history, in the place where so many people died?
In a way, everything has been told about the Revolution, we cannot add anything new, nor change the image that we have on it.1 Have all possibilities been discussed, all options, all versions, isn't there a saturation of discourse which paradoxically urges you to stick to "it was a revolution", "it was a coup d'etat" etc.? Even if we learn new information, our perception will not radically change. In other words, the Revolution has ossified.2 Or, to be more precise, our perspective on it has ossified. Even its special status, of founder event, no longer has the same aura. A survey showed that only 50% of the respondents believed that we have a revolution in '89. But, what are we talking about, is it past events or our perspective on them? How do we make the distinction between them, what criteria do we use? When we talk about then, do we include in our discourse what happened afterwards, meaning our personal and collective history? What concepts do we use to describe, re-(co)mmemorate, remember that then? And why, the moment we say these words, does the discourse stop, exactly when it should start?3

However, if we want to test a new interpretative scheme, the judicial one is always in the background. Though we wanted to suspend it, it stubbornly returns.4 Agamben opens the way for a theoretical approach of the matter. A series of concepts used in his analysis regarding a few famous events in history, such as the French Revolution or the Bolshevik one, can be applied to the Romanian '89. The state of exception, a concept belonging to Carl Schmitt and developed by Agamben, seems to be fertile from an explanatory point of view, this is why our intention is to apply this concept to the events that interest us. But, before this, we will try to contextualize the term of revolution and, in particular, the Romanian revolution.

The term “revolution” is loaded with a specific aura, due to historical references.5 And how can this term not be perceived as positive since revolutions are not simple changes, but “historical events which make us face the problem of the beginning in a direct and unavoidable way”.6 Furthermore, in order for a change to be considered a revolution, this should be capable of forming a new political government body.7 For the post-December Romanian society, the moment '89 is perceived as one of radical change and innovation. Wouldn’t it be more appropriate to characterize it as a change non-change? A paradoxical statement for sure which can be made clear if we look at it from the perspective of the distinction form-content.8 Obviously, at the level of content and the emergence of several parties, a new constitution comes along with the myriad of civil and individual rights, freedom of press etc. and the situation seems deeply revolutionary, but formally, we seem to have witnessed only a strategic regrouping and reorganization. Power, and in this case we cannot fall into the simplifying discourse of exclusively including the executive power in the category Power, entered into the block of its own identity restated ostensibly with every ritual (film, press, literary circle, manifestation), needed of form of opposition to strongly reassert itself. To allow capitalism to restructure social, political and interhuman relations, but without changing the formal structure of power, was an identifiable strategy in the entire Eastern Europe of local elite, put in practice with the tacit agreement of the West.9 This finding is based on two observations: a) the nomenclature became an emancipatory force and successfully took over the capitalist discourse, offering guarantees and arguments that it is the only solution of transition towards democracy and free market; b) the irrelevance of the individual under both regimes; far from being considered a value per se, for this is not what we are stating, the individual was and remained irrelevant to the power, not being able to modify the power devices in which one was integrated.10

And still, despite these suspicions regarding the strategies used then, there is a genuine authenticity which cannot be reduced to zero. The pathos that accompanied the revolutionary movement (and here, without any doubt, we can state that there was an authentic revolutionary breath11), whose emblematic image is represented by the tri-coloured flag having the communist emblem cut, is in our memory and makes history positive. As long as that tri-coloured flag waved on the streets, the anomic state installed once Ceaușescu ran away from the building of the Central Committee is similar to a spacial energy12 which condenses an infinity of energy in one point. When in contact with a body, it assimilates it, at its turn giving energy, but it alters its nature. Similarly, the (re)emergence of political forces is an attempt to assimilate revolutionary pathos to orient it towards a specific direction, in this case an ideological one.13 This is inevitable and it took place once the Council of the National Salvation Front became a political party, this was the moment when the Revolution became, paradoxically, conservative. This transformation was noticed by H. Arendt regarding other revolutions in history: “psychologically speaking, the experience of a basis combined with the conviction that a new story is going to take place and be placed in history, will make people rather “conservative” than “revolutionary”; eager to maintain what was done up to that moment and provide stability rather than open themselves up to new things, innovation, new ideas”14. His thesis seems to support the idea of taking into account the score of the first free elections, an overwhelming 85% at the presidential elections from 1990 for Ion Iliescu. Moreover,
public atmosphere was inclined to such a position. Though “a real revolution revolutionizes its own presuppositions”16, it is not less true that the germs of conservation are active inside it. Flanked by these two features, of a new beginning and of regressive tendencies, the Romanian revolution is part of the pattern of the concept of revolution.

Referring to the moment ’89, S. Žižek considered the image of the tri-coloured flag with the cut emblem “sublime” and “instead of the symbol of the organizing principle of national life, there was nothing but a hole in the centre”17. This empty place signified “the openness” of a régime which, though it lost its hegemonic power, it was not replaced by another one. This “openness”, this singularity of history condensed in a single point is a real exception. The enthusiastic image of the hole is not annihilated by what we know now, “the fact that the events have been manipulated”18, that Security had to conspire against itself, in order to survive, it was the only way the old power device could survive by “removing its symbolic clothes”19. However, for outside viewers (Žižek here refers, obviously, to those from abroad), and also for the participants to other events, what matters most is experimenting this “openness” which was not under the hegemony of an ideological project, for a while. This happened afterwards, having different faces or parties or different political projects that tried to “kidnap” the revolution which no longer belonged to them.20

In a different way, Giorgio Agamben expresses largely the same idea – that the secret police conspired against itself in order to overthrow the old régime.21 But what attracted the attention of the Italian philosopher is another detail of the Romanian Revolution, meaning the events from Timișoara where, to justify the revolutionary movement, just buried corpses were aligned to be offered to foreign televisions as a result of the massacre ordered by Ceaușescu. Not surprisingly, the first accusation in the trial is the crime of genocide – there were over 60,000 victims in Timișoara. The lie was later exposed, but the impression was unforgettable, being legitimized by world media as “being clear that the truth is nothing more than a moment in the necessary movement of false. In this way, truth and false were not discernible and show was legitimized by show exclusively”.22 For Agamben, this event marks a turning point in world politics, underlining the true value of media’s political dimension.

Therefore, we cannot consider that the Romanian Revolution is a typically Romanian product. In this historical point, a number of political devices meet and they did not emerge exclusively from the local vision or creation.23 Consequently, its
3. The state of exception

We believe that the events of '89 can only be understood by the dialectical grid of the conceptual construction of the state of exception. This is indissolubly connected with the entire judicial order: "the state of exception is not a special right (like the right of war), but, as the suspension of legal order itself, it defines its threshold or the limit concept". Moreover, do not confuse the state of necessity or the curfew, as they are mentioned in the Constitution of Romania. Being a concept with dialectical "reinforcement", we can only present it in its development, not by providing an analytical definition that not even Agamben tried to give.

We will try to briefly sketch, in 4 thesis, what Agamben understands by the state of exception, related to the term iustitium:

a) "The state of exception is not a dictatorship... but an empty space, an area of anomy in which all judicial determinations and, first of all, the distinction between public and private are disabled". Consequently, during a state of exception, every judicial determination is inapplicable and, thus, the judicial reference no longer is a valid landmark. But, the theoretical importance of the concept does not consist in underlining a state of exception for it exists, there is no doubt about it, but in the essential relationship that this type of situation has with law itself. For Agamben, these two get to determine each other, in a dialectical chain which becomes a veritable paradigm of governance. Can we place the Romanian revolution under this concept? The establishment of the anomic state in Romania corresponds to the moment when the presidental helicopter takes off from the C.C. building, the moment of irreversible breakup when the sovereign disappears in front of a crowd that has necrotic sovereignty wires. We believe that the state of exception was installed from the moment when the new political formation appeared on the horizon and introduced two laws in the legislative body which restore a form of legitimacy: the removal of the outlawed Communist Party and the abolition of the death penalty. The consequence was the burning of millions of party books and the members' blocking in their own houses, these gestures show us how far loyalty goes and how easy it is to enter the nomic state. At that moment it takes place the big conversion through which new legal and constitutional order are installed. The Constitution which immediately follows it historically is nothing but its direct consequence.

b) "This space devoid of law seems to be, for certain reasons, so essential for judicial order which needs to use all means to create a specific relation with it, as if, in order to be founded, it should necessarily maintain a relation with an anomaly." (Agamben, 2008, p. 51). This thesis is important for the economy of discourse for it is focused on two aspects: 1) the justification of the trial of the couple is exceptional, there are no legal arguments to operate judicially. On the contrary, the court, the hub of the new régime which makes possible the installation of the new judicial order especially by invoking the state of exception – young people are massacred in Bucharest while the couple is alive, tries to establish the contact wires with the anomaly. 2) Terrorists represent an excellent management strategy, for the terrorist, an image of shadow and violence, the rapport anxiety – judicial order is reversed. This time, the cell power emerging on the horizon will manage the terrorist, but in a different way, so that the distance between the two is constant. There are no proof to incriminate Ion Iliescu of having used de facto terrorists, but one can easily notice that under the threat of the terrorist, the new cell became saving, as if the shadow enemy becomes the pretext of the saviour's emergence.

c) The acts committed during the iustitium "seem to evade any legal definition... in relation to law, they cannot be placed anywhere" (Agamben, 2008, p. 51). Any cataloguing of the facts from December '89 would lead us to insurmountable aporia, since legal criteria cannot ensure proper ordering. What set of laws do we obey when we evaluate this situation? Do we accept being in the extra-legal area when we do not accuse the participants of bloody events? Does this acceptance mean that we obey a superior order to the judicial one? Since it is not a political one, what is its status? Can it be replicated? (maybe the last question is the one which should give us more reasons to think about it?). Discussing about founding and conservative violence, J. Derrida stated that "founding violence seems to be easily criticized, on the one hand, since it cannot be justified by a pre-existent legal act, thus seeming savage. On the other hand, the same form of..."
4. Necessity

One of the main arguments of the trial was derived from necessity: in order to put an end to fighting between the troops loyal to Ceaușescu and the revolutionary people, the only solution was the suppression of the dictators. In this case, the action of the initiators of the process is perfectly consistent with the concept of revolution in general: what else except necessity is the main justification for each revolutionary act? For Agamben, the theory of necessity is a theory of exception, through which “an isolated case is protected from the obligation of obeying law. Necessity is not a source of law and it does not suspend law: it limits itself to protecting an isolated case from the applied norms...”. Similarly, the trial is a separate case of normal judicial functioning and the court had no jurisdiction, numerous rules of criminal procedure that would have normally paralysed any similar process had been broken in an unspeakable manner, evidence means were non-existent etc., but this does not take the judicial character away, prosecution is made on articles from the penal code in force at that moment that the defendants would have violated. We believe that the apparent paradox can be solved in the following way: when law is invoked, it is used entirely (it is a judicial nonsense to extract some rules from the legal corpus and to use them separately), not partially, as it was done during the trial. The fact that the trial took place in the known way shows that necessity dictated its initiation, development and consequences. But necessity cannot be placed in the law, it is extra-legal, though law often includes it in its determinations. Therefore, the trial is not a trial, but an act guided by the necessity of creating camouflage around a trial.

Regarded from the point of view of necessity, the trial can be defined just as Agamben describes the relationship between the state of necessity and revolution, as an “ambiguous and uncertain area, in which measures which are extra-judicial or anti-judicial pass into law, while judicial rules are indetermined; therefore, a threshold in which fact and law seem to become undecidable” (Agamben, 2008, p. 31). This undecidability where we are does not represent a dead end, but this is the conceptual force of the state of exception. This order suspension is needed just for ensuring the perpetuation of its existence: “Far from answering a regulatory gap, the state of exception appears as the opening of a fictive gap inside judicial order, the purpose is to safeguard the existence of rule and its applicability to the normal situation. This gap is not inside the law, but it concerns its relationship with reality, the possibility itself of applying it. It is as if law would contain an essential piece situated between putting the law and applying it and, in an extreme situation, it can be covered only by installing a state of exception, therefore creating an area in which we speak about suspension of application, but the law remains as such in force”. This is why the inner engine of every type of justification has necessity at its core. If we accept the fact that necessity dictated action, then killing the couple is perfectly justified, regardless of the legality or illegality of the trial (this becomes even more obscure than it was; a simple execution would have spared us of the simulacrum of the show). But, if we reject the thesis of necessity, and we have a strong argument to do this, namely the fact that the number of dead people after the trial is ten times bigger than before it, so the trial was not dictated by necessity, therefore the process is nothing but a symbolic gesture, a façade which hides a gesture of pure violence.

Synthetically, the trial plays the role of a “fictitious gap” interposed between normal order (Ceaușescu should have been judged in front of M.A.N. – Romanian: Marea Adunare Natională: The Great National Assembly) and the applicability to normal situation (for there are forces which are loyal to the dictator and they would surrender only if he was removed). Thus, the auspices of establishing a new order are created, more specifically of an order that would end the anomie state and would (re)bring things back to normal.

In the short but complex work About Violence, Walter Benjamin offers us one of the most provocative theories on the relationship, often imperceptible, between violence and law. If the trial of the couple Ceaușescu is not a trial, as we have seen, than what is left is an act of pure violence. But where is violence against law hidden? “The entire violence is, as a means, either law-founding or law-preserving”, Benjamin tells us. We will notice that in the case of the trial, both forms of violence appear: The first measures taken by the newly established power are to dissolve P.C.R. (The Romanian Communist Party) and to abolish death penalty, these measures refer to two essential things in a state: politics and penal law. To be more precise, they target the state itself. Derrida claimed that “law order is fully manifested in the possibility of applying death penalty, its abolition would not affect only a device among others, but the
entire principle of law would be disavowed”. Thus, the abolition of death penalty is the
death blow given to previous judicial order, while the removal of the unlawful P.C.R.
means blocking the possibility of decision: if decisions were taken by the party, its taking
out ensures that there is no possibility for it to regain decision force. Both sides covered,
victory is guaranteed.

But what is the function of violence in the circle of power? For Benjamin, it operates in
two times: once on “what is established by law”, and it is clear that the exercise of violence
against the dictatorial couple targets the entire legal system, by accepting the
identification of the Ceaușescus with power, and then, especially by the fact of expressing
violence, it becomes the “lawful founder” – suppression gave the right to power to claim its
status as the newly established power. Consequently, Benjamin says, “instituting law
means instituting power and this is an immediate manifestation act of violence”. Thus,
there is no strict delineation between foundation and preservation.

Taking into account
the things mentioned above, we can conclude that the Romanian Revolution was a state
of exception which justifies necessity, made manifest through a gesture of pure violence
duplicated by a judicial trial which founds and preserves law.

The appeal to Ceaușescu as an absolute reference of power masks his “spectral"
dimension. From the height of power, he was obscurely annihilated, without the
contribution of a malicious look. In this lies the essential problem – the enormity of
executing the couple Ceaușescu does not consist in the actual killing, but in the fulfilment
of the act of justice. Maybe by a real trial, the couple could have been made “unsacred”. If
you allow us an exercise of imagination, let us suppose there a trial would have existed,
respecting all judicial standards, after which the couple would have been executed, then
maybe the problem of Ceaușescu would have been solved once and for all”. But in this
case, there was no discreditation, no moment when somebody says “the king is naked”.
And the chance was missed by parricide. Children killed their father, but the gesture of
killing bears no significance of the gesture of killing like in the myth of Oedip, through
which the son obtains his autonomy, freedom, power (the kingdom), but everything takes
place dastarily, in the back, in the barracks, in the antechamber of power.

The paradox of the Romanian Revolution is that Ceaușescu’s killing did not lead to his
disappearance, but it kept his share, sometimes even increasing it. Where his personal
pettiness should have been exposed, by killing him, he was projected into another
dimension, placed somewhere between our world and a symbolic one where he cannot
be removed from, for his spectre does not obey the laws of the living. Just like the killed
king of Denmark, the father of Hamlet, haunts the city reminding people of the committed
royal murder, the same, the phantom of Ceaușescu haunts the idea of justice. If justice is
in an inextricable link with the non-judicial so that it can be possible, just like the theory of
exception showed us, the same, the phantom of Ceaușescu needs a non-phantasmatic
supplement to be suppressed.
Thus, the stake of any re-evaluation of the matter Ceausescu seems to be his de-transhistorization, the suppression of the mystical foundation through which he was preserved in power and his reintegration in history, not like a haunting phantom, but as a moment of history. As a corollary, the so-called communist period should be treated similarly – its re-location in history, for it is history. Consequently, the problem is not that the Romanian Revolution was not extreme enough, but that it was no radical enough, failing to create the spark between the foundation and the phantom.

It is somehow inappropriate to speak about ‘the stolen revolution’. Let us remember that H. Arendt makes a thorough and meaningful analysis, that great revolutions were made by people perfectly convinced that their acts represent a return to a more favourable situation. The revolutionary pathos of a new beginning is not inherent to some revolutionary events, like a possible condition at the beginning of the action, but as a feature which favours the thesis of necessity (with subsidiary theses: coup d'état, external plot etc.) would suppose its uniqueness. It should be repeated continuously that from the effervescent crucible of events emerge forces which are divergent with plans, projections, different solutions with their ideological load. The simple chanting “Freedom!” is not enough to obtain something, for freedom itself is not something, it does not have the status of a thing. We know it now, the projection of iliescu over future in those moments was done as a return to socialism, as if the previous régime had been only a betrayal and the task of the revolutionary people was a restauratio. From this point of view, iliescu can be regarded, according to the criterion of H. Arendt, as a real revolutionary person. The fact that other forces with different claims appeared simultaneously and directed the revolution towards an anti-communist requirement is not compatible with the logics of a revolution. The two competing visions relate to the anti-Ceausescu movement as a common demanding core, towards capitalism. As a consequence, the realm of interpreting the meaning of the December _'89_ cannot be taken for granted.

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Notes

1. It is the name given by Walter Benjamin to the action which neither founds, nor preserves law, is the reason why it cannot be adopted by judicial law without doubts (though the state has always tried to put monopoly on violence, but there is always a remainder that escapes, an exception). For Agamben, “it is rather the stake of the game in this conflict regarding the state of exception; what results there from, and only in this way, it is pre-supposed to law” (Giorgio Agamben, Starea de excepție [The State of Exception], Idea Design & Print, Cluj, 2008, p. 60)

2. Maybe exactly proximity to events makes us have a somehow distorted image on them?

3. There is also a negative influence that language exerts (precisely, the way in which we use terms by natural tendencies of simplification and assimilation, specific to generalization and abstraction. The events from that time need a general concept to express them and, irrespective of the position that we adopt and whether it was a revolution, a coup d'état etc., the most appropriate term is that of revolution. From concept to its projection in reality there is only a small step that we usually make unconsciously. Thus, every time we want to ask questions regarding this, we start with “the Romanian Revolution…” therefore, wouldn’t it be appropriate to eliminate as much as possible the term of “revolution”, just to avoid the appearance of confusions?

4. The revolutions that established new regimes have this feature of being enhanced by subsequent history which is reflected in their gestures and decisions. The emancipatory gesture is inherent to revolution and this is, from my point of view, the most important characteristic of a revolution, being perpetuated in the conscience of contemporary people and their followers.

5. Agamben appreciated that the actions of those during the time of the revolution are simple facts whose appreciation will depend on circumstances but, while they are in progress, they can be considered undeniable and their definition is outside the field of law. For further clarification, see Giorgio Agamben, op. cit., p. 50.

6. Not just the aura of the concept should concern us, but its fundamental irreducibility. No revolution is a revolution in itself. It is difficult for a revolution to be placed under the heading of revolution. It is rather a singular event that escapes the conceptual determinations prior to itself. That a posteriori, it receives a conceptual consistence, becoming a putsch, a coup d’état etc., is a matter that we should always keep in mind (that is exactly why H. Arendt stated that sometimes, the term revolution is absent where we would tend to think it exists). Moreover, this conceptual “consistence” is most of the time dependent on the self-justifying efforts of a society/class/force etc. If projection over the past favours one of these versions, it would be promoted and justified. From this point of view, we consider that we can truly appreciate at its true value Iliescu’s insistence on cataloguing the moments of December _'89_ as a revolution. For the entire further development of history to be justified as a goal of the society, it is necessary for that moment to appear in collective memory as a revolution, otherwise it would be gnawed from inside by suspicion.


Power, by its agent of action, the miner, was able to suppress this emancipatory gesture is nothing but strong reaffirmation of identity. The pieces of difference being dismantled, the empty space of any emancipatory gesture could be easily captured, turning society into a topos easily claimed by any dominant force, where capitalism has found a clear path to get installed. The paradox is specifically this, that Iliescu feared most finally happened because he opposed it. In this case, the paradox is eminently dialectical, if a perspective open to difference had been embraced, the destiny of our society in the last twenty years would not have known this schizophrenic split that blocks the present is a perpetual dialogue of hysterical muets. Translated by Paulea Onofrei
[8] Ibidem, p. 30

[9] Distinction that we see for explanatory purposes, not because there is a radical separation between the two. They are separable, but they are not separate. Most significant issues in science, ethics and in all the fields are so much connected with philosophical considerations, “formal ones, that discussing one of them means discussing the other, too,” (apart Ernest Gellner, Words and Things, Beacon press, Boston, 1959, p. 155).


[11] This fast becomes even more frustrating in capitalism, in which the voice of the citizen is a commodity, and of such a commodity has such a great importance.


[13] Imperative of the dominant force that will forestall the revolutionary pathos, we should not forget that this is strictly a stranger to revolution, meaning that, even if it is political, a revolution has no political colour. This is later edited by the composers as a justifying device. Not once, the confusion caused by overlapping the two made the society incapable of making a decision regarding options.

[14] Hannah Arendt, op. cit., p. 41

[15] The exemplary symbol here is an edition of the newspaper Adevărul (The Truth) which, in 1990, published a number having a blank first page, containing only the sole: “We need peace, good people”. This scene, together with what it foreshadowed, was later unmasked in June 1990.


[17] In a strictly Kantian meaning.


[19] Ibidem, p. 1

[20] The apparently paradoxical thesis can be explained in the following way: in the context of the dissolution of the communist regimes from the East, any attempt to support Ceaușescu would have meant a bankrupt strategy, because the roller of change which would have come irrespective of how much oppression would be exerted on the population (in fact, it would have had nothing to lose but the chains) would have found Security in the opposite camp and it would probably suffered hatred. Thus, the strategy of overlooking the “conscience of the country” would have allowed the Security’s control on the course of events, including public perception on it and it would have maintained privileges intact.

[21] In describing the revolution as coagulated/staten etc., many authors study exactly the essential part of the Revolution – the hole, the “openness” that Žižek talks about.

[22] Giorgio Agamben, Means without end, University of Minnesota Press, Minneapolis, USA, 2000, p. 85, 1.2

[23] Ibidem, p. 81, 2

[24] “The closure” of the society at that time is available if we think about simple citizens, not those from the first line of the party.


[27] The Roman institution, a miniature model of the state of exception, activated in case of danger to the republic when the Siene issued an edict through which the consul, praetor or simple citizens had the right to act by using any means to save the state. Judgement specifically means “the stop, the suspension of law” entirely. We remark a basic difference compared to the state of necessity, carefully regulated in modern constitutions which provide the exact number of possibilities of action which can be used in case of necessity.

[28] Ibidem, p. 51

[29] Idea which contradicts the way in which we normally explain sovereignty and law itself. Agamben takes Carl Schmitt’s thesis that argued that a sovereign is “that who can decide on the state of exception”.


[31] Formally, Ceaușescu was fully entitled not to recognize the court, legitimately claiming that the only competent authority to judge him is the Great National Assembly.

[32] The Holywood reference is not entirely accidental. The possibilities of phantasmatic manipulations were known by the strategists from the East, just as well as their American counterparts.


[34] Observation to be applied especially in the case of the execution of the couple Ceaușescu.

[35] We are so far from one of the essential purposes of the criminal trial, in the manner established by law and its theoreticians – finding the truth and punishment of the guilty people.

[36] The Roman jurists have established the adage “necessity has no law”, meaning either “necessity does not recognize any law”, so there is no law to prescribe necessarily, or that “necessity creates its own law”, making us understand that what is inevitable will become a law. Both meanings underline the exceptional character of necessity. It operates at the borderline of law. It outlaws in exceptional situations, it stays in the shadow of power, acting when a syncope threatens the normal course of things, substituting the incapacity of the normal to confront the exceptional.

[37] Giorgio Agamben, op. cit., p. 33


[39] Ibidem, p. 78

[40] What is striking is the fact that, not as a desire of criminal humanism, the abrogation of death penalty takes place, but it is a form of redemption of the violent act of killing the couple Ceaușescu. It is as if, to guarantee the success of the new order to come, it is the required realization of exactly the decision which made possible its emergence.

[41] Ibidem, p. 28

[42] Also in the symbolic register, as an imaginary alternative, let us imagine the scenario of a resurrection of Ceaușescu to be brought to life at the end of the 1990s, an ideologically impossible. Ceaușescu did nothing but to be consistent with himself and the ideology he embraced, one perspective among others. That ideology became ‘the hegemon’ which, as far as the culture appeals to the apparent logic he was in favor of, crushing the difference – the demonstrations from the University Square, is another story (it is in the logic of the left to sustain the difference at the expense of uniformity and bourgeois conformism, only that the difference was a carefully forgotten matter in the period of the Romanian communism, as if it had not been the engine of dialectics, this is the reason why we can justifyedly declare “communism was a capitalist, and his political agents were only some masked bourgeois”).

[43] The existence of a single force would have strengthened the idea of a coup-d’etat.

[44] The strategy of encapsulating capitalism in the frames of communism was probably the stake of the ideological differences from the East, but they did not foresee or did not have the power to foresee the voraciousness of capitalism. The economic part which should have been cursed and controlled by politics was a too taught nut which transformed itself into a tumour that dominated politics itself (in the infinite reproduction of capital similar to the infinite reproduction of cancer cells)!
The trial of the couple Ceauşescu is the most vulnerable media page from all the recording of December 1989. Vulnerable because of the way we look at it today. Having an ultra-educated eye with ten reality-shows per day, hundreds of short movies on youtube that are focused on the exploration of the "authentic" and the "unhackneyed", having such an order that even animals act intentionally stupid in front of the video camera, one cannot analyze too much from that strange fitting delivered by TVR in a night of Christmas.

The reality-show, as a type of entertainment, has a specific component in its convention with the consumer: we all know it is somehow "settled". A good gossip is especially a lie, slander, it is settled from words, it is made of forced connections. The one who hears it invests it with "real". Is it a so-called production? It would be easy to say, over and over again, that it is directed from the moment the video camera was turned on, that it is a technical curse? Not only. "the production" of the media event created by the reality-show is somewhere else – the consumer directs one's own amazement, bewilderment going as far as using autohypnosis.

When we now look on YouTube at the trial of the couple Ceauşescu, we are amazed by the content of shots, of the way the camera moves, on what it catches and on the lack of sophistication of people in front of the camera. They are always clumsy, they do not know how to instantaneously conceal themselves, they are not authentic. They, poor people, they pretend, but they cannot hide from contemporary piercing eyes. Not surprisingly, after days of euphoria and solidarity with the Romanian televised revolution, after the trial was broadcast, questions started to appear in foreign media. The Western eye, more experienced as far as image conventions are concerned, did not
stand another matrix video. It did not understand a show without an advertising break. And the questions continued: Why there is no blood from the wounds of the dictators? It is obvious that they were murdered after the trial in a secret interrogation process away from the eyes of the viewers – the purpose of this interrogation was that of finding out about secret accounts abroad, why the execution itself is not filmed etc. there were lawyers from the trial that had speeches similar to Nae Cătavencu against those they were supposed to defend, prosecutors that threw "evidence" heard on the radio regarding the genocide etc. They were all aliens.

Now, little things seem to me stranger, they "shine" in the movie. During the trial, general Stănculescu is making a "cracker" from a piece of paper that he is trying to put into operation with jerky movements. Gelu Voican Voiculescu, a mysterious bearded character, a military Santa Claus, an engineer passionate about astrology, comes closer and whispers some things in his ear. In that specific moment, the operator catches him in the frame and uses zoom. The image then is moved to the right. Virgil Măgureanu, looking imperturbably bored, is playing with his tie. Where are the moments of tension? A huge soldier, with a tankman hat on, clears the corner of his eye; it may be a tear or fatigue. The Ceauşescus themselves laugh, they cry out, they mock the "court", they do not admit anything. The convention is a strange one that we cannot understand now. It is the reason why we howl from the start that "it was directed". Or, together with Ceauşescu (he said it clear during the trial), we repeat that it was "coup d’état". An entire culture of scenario invaded media and academic intellectual environments after 1990. Practically, the only "right" hypothesis was that launched by Ceauşescu himself. It is much more complicated to believe that you had a real zero moment, that there was a point from which everything could have started all over again. The fight of scenarios is caught by a caricature of the time in a satirical publication in Paris, where the presidents of the USA and of the Soviet Union sit side by side and the legend is the following: CIA – KGB, score 2000: 1000, the victims from Panama, respectively from Romania.

What did we miss from the convention of the movie The Trial of the Ceauşescus? The televisions turned off until then. The image mainly absent from a device designed to emit huge amounts of messages. A huge counter-dependence, a huge expectation, just like that of the victims of a flood waiting for news in an almost dead receiver. A turned off television is more aggressive than a turned on one. Quickly imagine a total electricity fall and a desktop darkly looking you in the eye. The medium would be the message, yes.
The monitor is just a kind of bright bulb, no matter what it transmits, but I do not think McLuhan ever meditated on what happens when the monitor is almost always shut down. The Romanian TVs were shut down, pending for real program, or they stole images from their neighbours if they were closer to the border.

The Romanian revolution brought a continuous transmission of TVR, almost 24 hours of 24. The film of Ceauşescu’s trial was broadcast late at night. The first horror on TVR. At night, after a long wait the television devices from people’s houses began to find their function. Until then, except for some rare entertainment shows and some movies each year, they had been turned off or blocked two hours with propaganda. The medium was the message, and the message was always “to be continued”. Can it be more apocalyptic than this? The eruption of the program, the adaptation to transmission, the famous “pretend that you are working”, sessions, panic-stricken messages, crazy discourses. When you do not know how to pretend, you are terribly artificial.

We have plenty of revolutionary examples. A good attack of the sovereign is built with a lot of gossip. This gossip is not public, it circulates and it is perpetually changed without bursting in media, that kind of gossip can have revolutionary effects.

There are several plans, several codes mixed in the trial of the couple Ceauşescu. The first code is the “genocide”. False information transmitted by the Free Europe radio channel and then by the Romanian Television, tens of thousands of dead bodies, the corpses from Timişoara. This is the plan which outraged some of the commentators of the 1990’s that were against the current. I refer especially to Giorgio Agamben and Jean Baudrillard. Baudrillard speaks about the invented corpses (bodies which had been exhumed and posted in front of the camera in order to make the genocide from Timişoara) seen as “revolutionary aphrodisiacs”, keeping the rudimentary agitation and techniques of manipulation. Agamben goes a step further and sees a turning point, the corpses caught in a macabre performance, in a setup that would become famous. The scenario will be later repeated in Lithuania, when the Soviet Union fell, corpses were taken from the morgue and presented as victims of the Russian tanks – this is what Eduard Limonov wrote in 1992. Returning to Agamben, he noticed the power of the show which can be legitimized only through show:
Eventually, the paradigm of the body would change after almost twenty years, after the Gulf and Afghanistan wars. Chuck Norris said in an interview that he had been in Afghanistan and that the soldiers allowed him to shoot from a tank in a target that was a few miles away. He had fun. Asked if he knew if he had hit the target, he laughed confused like a child. But the best example appeared with the great scandal Wikileaks: American soldiers recorded while shooting in civilians as if plugged in computer games (the screens, the display seem to have been taken out of the gamers’ world) and they commented the annihilation of victims with an infantile cynicism. Those are also some “setups” technically produced. “Real” bodies are simple pixel phantoms. One does not see any internal organs, any blood. It is a new phase in the show time that Agamben was talking about. A phase which cannot be placed under the heading “the inevitable horrors of war”. It would better fit the category “the inevitable entertainment of war”.

Another interesting side in the film of the Ceaușescus’ trial is, let’s call it, “human”. The same Limonov, an extremely subtle writer, easily labeled as crazy, controversial after so many strange political events (culminating with his nationalist-Bolshevik dream of saving Russia and a prison nearby), wrote the most sensitive lines after the Trial of the Ceaușescus:

The tape that presents the murder of the Romanian head is a spectacular and terrible proof of love in an old couple, that love which is expressed by handshakes and exchanging glances.

You can experiment this by looking at the sequences of physical proximity of the two without any sound. It will be easier for you to understand Limonov’s perspective. The emotional dimension can be completed by clothes and colour games. They all seem to have escaped from Mad Max having costumes taken from a provincial second hand.

They wear thick clothes (Gelu Voican Voiculescu declared for France Soir that this was the reason why blood does not appear profusely illustrated, though the two had been riddled in several bursts). She was wearing a generous fur coat and a scarf wrapped around her neck. He is well wrapped in a black coat. The rest of the assembly contains different spots of colour, sometimes even three colours, or they are military, or they have the coloured tie as the future head of services, Măgureanu, or Gelu appears with his white beard.

Gelu Voican Voiculescu is, thus, a representative person of the “court”. Practically, we have two accused who laugh, sniff, shake hands, anticipate that they might be shot, but they do not seem to believe it. The rest of the world plays a very serious role. Proofs of the soldiers who were part of the firing squad clearly converge to a point: many of them knew from the beginning how the trial would end. Connected to the obsession for the “corpses”, Voican Voiculescu pretends that he left the bodies at the morgue for a few

For the first time in the history of humanity, just buried corpses or lined up on the tables of the morgue were quickly exhumed and tortured to simulate the genocide before the cameras that had to legitimate the new régime.

What the entire world saw on the television screens as being the real truth was the absolute lie and though falsification at times seemed obvious, it was authenticated as real by the global media system for which it was clear that truth was nothing but a moment in the necessary removal of the fake. Thus, the truth and the fake became indistinguishable and the show was legitimized by the show itself.

In this respect, Timisoara is Auschwitz at show time: even if it was said that after Auschwitz, it would be impossible to think and write like before, even after Timisoara, it will not be possible to watch a television screen in the same way.

The talk about the essence of the body that loses itself in media meanders continued.

And I do not refer only to the endless scenarios promoted by the ’90s newspapers, all of a sudden progressive, neoliberal, but also neo-peasant supportive, neoanticommunist. I refer to that pure, that innocent transfer of power, the equivalent of turning on the TV in ’89.

Peter Weibel writes in an interesting way, taking in Lacan through Žižek’s eyes, he writes about the voice of the people that Ceauşescu was and the television took it over, refer to that pure, that innocent transfer of power, the equivalent of turning on the TV in ’89.

Fake dead bodies ended up by producing “real” dead bodies. The pixel-bodies that created Ceauşescu’s face at Câmpulung Româneşti (The Romanian Singing Feasts) rebelled and consumed the dictator through television. The most boring face of the last ten years finally produced a first-hand show. The metaphors’ force is infinite. And intellectuals vampirized all possibilities. Evolution was inhibited after the revolution. The cycle of the show continued with the cycle of the judgement, of the accusation: what it was, how it happened, why. “What are we going to do? Where are we heading?”, these were the questions asked by millions of people directly hit after ’90. Millions of non-educated and non-progressive people. Millions of people who claim they now want Ceauşescu back. Don’t they want that “point zero” back?
days. Only on December, 29, he remembered them, and Ion Iliescu and Petre Roman would have told him. “Gelu, this is your problem”. In the film of the trial, later completed with images, in the end, this Gelu appears on the edge of the grave, saying “May God make them rest” thrice. The supreme irony is that the third time, the cameraman turns the camera towards him and makes him repeat: “Come on, say it again”, and Gelu adopts the same attitude and says the words again. He was the man who led the bodies. He secured passage, he cleaned up the mess. He even said at a certain moment that he hid the burial place in order not to have the dwellings tainted, so great was the fury of the people. He had been the protector of the bodies.

Gossip

Finally, we come to the key code, the disintegration of the “tyrants”. Gossip. In the interventions of the prosecutor and of many other characters present at the trial, an important place is occupied by rumours regarding wealth, the villa that would have been given to Zoe, the daughter of the couple Ceauşescu. The fragment is hallucinating. The image if the golden weigher should be placed somewhere in a leading place in an anthology of the Romanian people’s expressiveness, it seems taken out of the Luther’s rampage sermons against the popes:

JUDGE: The last question, defendant! You were talking about equality and about the fact that we are all equal, that each of us should receive back according to one’s work. We saw on TV the villa of your daughter, she had a golden weigher for the meat brought from abroad. Our meet from here, ours, was not good.

The crazy gossip goes on. The accused are visibly dismayed. Maybe they are more dismayed by the way in which their subjects perceive their power. It had been pure, total, but they did not use it for buying goods, but for totally different direction of powerfully exercising authority. It is memorable the scene in which the judge wants to finally know the age of Mrs. Elena Ceauşescu, but her answer is unique:

JUDGE: I have been interested in this and I know that your birthday is somewhere before his, but I have never known the year when you were born. What is it?

ELENA CEAUŞESCU: These really are women things...

The question “where is the money?”, similar to a scenario with coup d’état in third world countries (something similar to “where is the money so we can pay for the army?”) is an important one, but it should not be addressed to the couple Ceauşescu. On the whole, the revolution was supported by a nomenclature which had accumulated discontent and wanted release, including financial one. One of these many unsee of the communist bourgeoisie, Traian Băsescu, even said that he accumulated his wealth during the time of Ceauşescu, after the revolution, he only invested and reinvested... Money was there,

money did not count for the Ceauşescus. What one could do with it when having everything? “Yes, this is the way things happen, betrayals come from those near you.”, to quote Elena Ceauşescu.

The two sides

Shortly after the trial, the judge Gică Popa would commit suicide: “I did not find any solution for releasing myself from the fear and terror which would have made my life unbearable”, he left a note to his colleagues.

One of the soldiers from the firing squad complained that many of them were left by their wives; they were left alone, moreover without any job (made redundant before NATO), Gelu Voican Voiculescu remained a sort of weird shaman whose words nobody understands. Măgureanu was the man acting in the shadow, the man from services, the only one who could continue in the new power order, having a mysterious aura. Stănculescu was sent to jail in the end and he kept saying “final truths”, full of announced or postponed omissions. The camp that went to execute Ceauşescu forever remained the side from the shadow or it even took part of the side of the outcasts.

The side that transmitted the event, Dinescu, Iliescu, Roman and their TVR represented the result of the simple equation “the medium is the message”. The trial of Ceauşescu was just another television show, clumsily made, following so chaotic logics that it seems directed, but it was just another show. The grids were already made in the other side, that from the studios, the clean side, filmed live, not directed.

Translated by Paula Onofrei

Notes


[2] The transcript of the process here: http://www.ceausescu.org/ceausescu_texts/revol_utenorial-ro.htm; “Who organized a coup d’état could shoot anyone”, said Ceauşescu. The expression “coup d’etat” is used over and over again during the interventions.

[3] This thing is visible especially in the low-quality works dedicated to the trial and the Revolution. One of the worst books on this topic, except for the imagined analysis of Grigore Caritanu, is Mătărescu Ceauşescu [The Death of the Ceausescus], by Catherine Durandin, Humanitas, 2011. The author writes at a specific moment: “so, Ceauşescu states, being right, “vita is a coup d’état”


Why were the great Nazi leaders judged in long-term minute trials at Nürnberg, Eichmann in Israel, then the military and political commanders of the war from the former Yugoslavia etc., having armies of lawyers, prosecutors and judges, when their guilt was “obvious”, and their condemnation – implicit? Certainly, not because the same judges could choose between the death sentence and that of life imprisonment. But because this type of political trial which involves the entire society is a widespread theatrical ritual meant to heal wounds and declare a new, better and right beginning of the world. Even when they take place long after the punishable offences, these trials are part of the inaugural mythology of the “new” world. There are elements which are necessary for the founding myth of change, of the better, which is the basis of important socio-political transitions. Being more than judicial procedures, these trials are clashes of values, principles and sometimes, conflicting ideologies.

And from this point of view, the process and condemnation of the couple Ceaușescu at Târgoviște are the great failure of opening a new page in the history of Romania.

Political trials, those of major war criminals or terrorists are performative demonstrations of the principle of justice and rightful punishment. The beginning is at Nürnberg – not only the start of legislating crimes of war, but also the first (big) judicial debate which was video recorded and broadcasted through radio transmissions. Taking into account the practical redefining of terrorism after September, 11, most recent analyses from this perspective approach the trials of people accused of terrorism (the most recent one, the case of Andreas Brejvik) – it is yet interesting that comparative studies regarding
functional dynamics and the social effects of these trials do not exist yet. We can speak much less about contemporary “classical” political trials – obviously, the events from Târgovişte end an epoch of such prosecutions.

And still, classifying the trial of the couple Ceaușescu seems to be much more complicated than at first sight…

Which is the specificity of the trial of Nicolae and Elena Ceaușescu, from the perspective of a theatrical performance? What normally activates the performative character of human manifestation is the consciousness of sight: the neutral presence, not involved in action, of a spectator – or, the trial from Târgovişte was apparently one without witnesses, without public. The Stalinist tradition of political trials is one of closed doors – and the most famous Romanian example is that of the condemnation of Lucrețiu Pătrășcanu, in 1954. There are multiple reasons for this closed character of trials, and in most cases, they are not connected to safety necessities: the proceedings of illegalist communists, initially open to the public and, especially, to the press later started to be held with closed doors because the defendants took advantage of the situation to send their messages, they regarded it as a militant stance and they were perfectly aware that the left-side journalists that covered the event would propagate these messages for a much larger audience. The closed doors did not mean a secret trial, but control over its narrativization. Pătrășcanu himself (with his illegalist experience) would use the dramatic potential of the court to defend his own discourse, for posterity, but taking into account the given conditions (being warned by the presiding judge that he is showing off, the defendant answered: “Yes, let me show off, my life is short, but there are people who will watch this crap”).

The trials with closed doors practically annihilate the performative effect of the trial: it is not the condemnation itself which offers the feeling of exercise of justice, of accomplished revenge, of restoration of order and good things, or on the contrary, of injustice, social hypocrisy etc., but the actual pursuit of the trial, passing through its specific phases (in which the discursive reenactment of the committed crimes plays an important role) and the corporalization of the sentence (the defendant is deprived of his attributes of power, the evil is reduced to the much-too-human frailty). The political trials of the terrorists and criminals of war are by definition theatrical trials, not because they would be falsifying setups, but because they are, by definition, addressing to a target-public and they suppose the confrontation of conflicting principles and sets of values, with equal chances of winning before that audience. The sentence does not always overlap the impact on the public and, by extension, the social one.\(^5\)

As I was saying, in Târgovişte, there was no public – but its place was taken by the recording camera, while the behaviour of the members of the court, of the prosecutor and of the defense lawyer proves the fact that they all had the conscience of playing their own roles (which are not professional – in most cases, they stepped down from exercising judicial relations in favour of interiorizing some guessed expectations of the “public”). Failure to comply with the formal conditions of the theatrical trial – including the background that I will talk about and whose improvisation will affect, on long term, the performative reception of this hearing – is frustrating for the other two characters, the couple Ceaușescu. A lot has been said and written about Nicolae Ceaușescu’s repeated insistence that he will not face criminal charges except for the situation when he is brought in front of the Great National Assembly, as a form of negation of the situation he was in, a way of seeking refuge in the bureaucratic familiar safety, in the illusion that a safe institution, ideologically controlled, could restore the original political order, just like it had done it before.\(^6\) Actually, there is a fundamental error at the basis of the trial “scenario”: a process is a dramaturgical construction based on the balanced dialectical development of facts, while a political trial supposes a “clash” of points of view from balanced positions in front of the public opinion; at Târgovişte, the judges and the accusers chose to perform instead of and not for the public (assumed as a large and uniform mass of “people”). And this practically leads to the annihilation of the condition of implicit theatricality for activating the feeling of justice. From negative heroes, the defendants became victims\(^7\), and what should have been the legitimation of a new social order became a failed and illegitimate end. It was not so much due to the failures of legal proceedings (a classification of the alleged misconduct in accordance with the legislation in force, the defendants’ right to defence and to the confrontation with the accusers etc.), but because of voluntary ignorance regarding the dramaturgical and spectacular framework of the trials themselves. The improvised decor is probably justified by haste, but spatial organization was premeditated, providing a large space for movement for the accusers
and the accused had zero mobility, without having the conventional force of a courtroom
(where space generates authority perceived as legitimate, just as the theatre stage
generates the perception of theatrical actions as belonging to a self-sufficient reality).
Court is not about exposing people in chains, about humiliation or parade of the
weakness of the supposed wrong-doer; the dispossession of power starts from the
premises of an initial abuse of power, and subjection to judicial “scrutiny” re-establishes
the balance of force by neutralizing the extraordinary qualities of the accused, a man like
all the others. It is, paradoxically, what the defendant Nicolae Ceaușescu understands
by constantly claiming that he answers “as a simple citizen” – without practically
appealing to his political status, threats from positions of power or the entire domination
instruments. The couple Ceaușescu plays the appropriate roles – their judges, do not.
And restriction of the discursive space of the defendants to a series of negations and
appeals to higher courts (including “the people”, this is a factor having great importance)
has exactly the opposite effect before the intended audience: frustration before lack of
confirmation of the negative attributes that large society layers connected to the
defendants.

There are two components of the outcome of a political trial, they do not necessarily
overlap: the judicial sentence itself and the conviction/ symbolic acquittal – and they
reflect in the mirror the similar theatrical mechanism: the fulfilment of the heroes’
personal destiny and catharsis as the effect over the public. The symbolic reaction at the
end of a trial is also a cathartic one – purifying at an individual level (of the “spectator” as
a citizen) and at the level of society (of the “spectators” as members of the community).
Passive spectators are those who give a meaning to judicial exposure (that they
evaluate depending on their own social experience of “justice” – it is not a universally human instinct, but it takes the
shape offered by normative socialization), not the actors themselves that are involved in the dramatic trial – and in
Târgoviște, the latter transgressed their roles, executing a sentence which was not negotiated socially. It is a cliché:
masses of people taking part at the execution of a sentence of amputation, lapidation, hanging etc. in societies where the
Islamic law applies are neither forced to be present at human suffering, nor monsters without empathy, they are just
differently socialized by the Euro-Atlantic environment, where the exceptional
implementation of death sentences is restricted to a formal bureaucratic framework.
Societies define themselves and the differences among them by emphasizing
programmatic and ideological distances of procedural approach of similar intention
actions. The blatant parallel between the memory print of the totalitarian legal framework
(in which, for example, the defence attorney was the agent of the oppression system)
and the trial meant to set society free from its recent totalitarian past (but appealing to the
image of a defender with a unique role of accusing – since his interventions in Târgoviște
were reduced to providing additional incriminating questions, formally addressed
through the “official” prosecutor) spectacularly
activates social emotions rather linked to
dissociation (lack of trust, especially) than to
solidarity. The show is a familiar one, but not in the
expected meaning.

Certainly, there are manipulation mechanisms in
most, if not in all political trials (including those for
crimes of war or terrorism), since their purpose is
not of finding out truth, but of providing moral
compensation, a warning regarding the limits of
power abuse… Conviction is implicit and offered
as an inaugural gesture at the level of the entire
society. Political trials of the couple Ceaușescu’s
type have therapeutic effects on large scales of
society – following the logics of the bourgeois
theatre of Bertolt Brecht. But the combination
familiar-uncreditable and negation of the direct
development of the character in front of the public annihilated the entire potential
compensatory effect of the theatrical trial. The monster was disenchanted – but as a
suicide who avoids paying for one’s own deeds.

[2] For example, the case of the IRA members,
convicted for terrorism, for whom there was
massive public support from the Irish.
[3] The most famous, in November 1979, when
the old communist Constantin Pîrvulescu
confronted Ceaușescu.
[4] Here, we could introduce another political
criminal justice practice, that of popular courts – which, despite their name, are not famous on long term
(social memory is long, but the Romanian history
of the Romanian courts starting with the first
decade after the Second World War, is not one
of legitimate justice). Popular courts annihilate
the structure of distance necessary for the
public/public opinion to perceive a conviction as
the restoration of justice (the uninvolved “viewer”
refuses to assume the judicial burden itself, he
looks for confirmation – or invalidation – of social
order in the development of the trial).
[5] See the project ICCT (International Center
for Counter-Terrorism, Hague, www.icct.nl),
“Terrorism Trials as Theatre”, where the trials for
crimes of war/terrorism/terrorism are assimilated
to political ones.

Notes

Translated by Paula Onofrei
Nowadays, a journey by taxi that costs over 15 RON (€ 3.33) usually includes, in most cases, a “packet” of personal stories and judgemental issues which can hardly contradict the socio-political situation of the past 30 years in Romania. The character that initiates these, the taxi driver, almost invariably confirms his words with the expression: “Mr, it was definitely better in Ceaușescu’s time”. Of course, his arguments keep flowing, as answers to his own questions, rhetoric leaves time to the customer to answer only by monosyllabic words: “Did we have flats? – Yes, we did. Did we have cars? – Look, Dacia is good even now. We also had food, because each of us has relatives in the countryside... a chicken, an egg, a pig... ” He is very proud that, after the Decree-Law no. 61 from 1990, regarding the sale of the houses belonging to the state fund to the population, he was able to buy his apartment by the price of only 13 salaries. Once upon a time, money was always enough, he could go to the seaside, he visited the entire country and he even saw Berlin in the D.R.G. When the Revolution came, he burnt some files at the headquarters of P.C.R. (The Romanian Communist Party), because everybody did it. He was happy when Ceaușescu was shot, but now he regrets, because the former ruler did a lot of good things for the Romanians.

The taxi driver on the spot creates a map of the ensemble in which he can sketch only by using a few details. At a thorough analysis, one can notice that his personal history is connected to a lot of his work colleagues; he is one of those people who moved to the city during the period of the forced communist industrialization. For him, the problem of tomorrow is seen differently now, because it really exists. 23 years ago, after “today” always came another “today” which was just as grey, but sure. The symbolic image of a pre-December paradise country has as a reference point a fragment of minimum comfort to be found in the capitalist standard of living which brings the bonus of assuring this kind of life during the entire existence.

I have said what makes the taxi driver regret the previous régime; what made him react instinctually on December, 22 and a few days later can be explained by the boomerang effect of his individual formation in a general context of indoctrination, it is the consequence of the blind spirit of the crowd.
On July 15, 1989, 24 years after the IXth Congress of the Romanian Communist Party, which brought him the position of first secretary of PCR, Nicolae Ceaușescu declared:

More than 4 billion people live in poverty and during the last century, their situation continued to get worse, while in rich countries, a small group of rich people managed to annually accumulate tens and tens of billion dollars from developing countries. It is a situation which must not go further than this! This is the world represented by some gentlemen who give us pieces of advice to take it as a model! The world of inequality, of theft, of oppression! We have known it for hundreds of years and one hundred years during capitalism. This is the reason why I declared that for us, this road will never be taken! The Romanian people have a saying, that this will happen when pigs fly, when two Sundays come together. (Applauses) Do not applaud yet. Modern genetics has made incredible progress. (Applauses) And it is possible to meet flying pigs, but not even then, will we return to our former state of things. Capitalism in Romania is forever dead and buried! People represent the true master and they will always be in charge with their own destiny, with the wealth of their own country! (Applauses, cheers).

Carefully directed, this discourse which is vehemently charged with irony promoted the humoristic side of the speaker which the ruler wanted to underline as a strong point of his personality and image. As always, the public reacted in an obedient manner, applauding and laughing out loud. Thus, these words were not the stereotypes we have been used to for two centuries, but, on the contrary, they represented three pictures which were to a certain extent prophetic for the post-Ceaușescu period.

The first refers to the apocalyptic picture seen by Ceaușescu, referring to the influence of international economic corporations after they opened local markets, this phenomenon is countered by the building of an utopian system, powered by one’s own megalomania based on economic selfishness.

The second picture could speak about people’s awareness that four centuries of communist demagogy is a solid indestructible basis for socio-economic changes at the level of the citizen’s mentality.

In the last image, representing people with the self-chosen representatives, it is underlined the politics of party individual, “always a master of his destiny, a master of the wealth of the country”; this situation later degenerating into a personal and atrocious way of managing the patrimony of the country in the post-December period.

The same discourse strengthened, in the end, the image created by Ceaușescu at an international level, he declared himself the protector of developing countries: “It is important to find solution for paying the external debt of 1200 billion dollars of these countries. And this should not be done by symbols. Symbolism is good in art. In economy and politics, it is useless”... Taken out of the context, this statement is more than a lie if we think about the fact that the entire communist period had political symbol as a propaganda engine. Generations of young people completed their education always having the image of the ruler placed above the classroom blackboard, as a frontispiece, as intangible and immutable values, even if
these images varied from the representatives of the Central Committee to the picture of Ceaușescu. The membership card, the falcon of the country, the pioneer, the UTC member were basic social ingredients for the development of the new man, with a healthy communist way of thinking. Behind the shiny ideology, just like in any socialist state, there was an oppressive system that copied the evil Soviet methods.

Mr. Ioan Matei Agapi, a teacher of photography at the Academic Centre of the House of Culture for Young People and Students and at the Public School of Arts in the post-December period, tells about the fact that he had been interrogated thrice by the Security for many days every ten years (1957, 1969, 1979). Every time, the man who "took care" of him had the same code name: Matei. The system had taken over the principle of all-seeing deity to be found in each individual. Practically, the citizen had to be aware of the fact that except for the possible informant near him/her, there was an "angel" that supervised every move. Intellectual pedigree was not at all an advantage at that time, the persons that came from intellectual families were usually the most supervised ones and forced to do different tasks under oppression. Mr. Agapi himself was forced to do some activities which were connected to his job (photographs, short documentaries) for free, in most cases, he received the threat of losing his job if he did not do what he had been asked.

In the teacher’s archive, there are a series of photographs which are not connected at first sight, on the topic of the Revolution. Accompanied by commentaries, they have a special value as documents. The photos taken on December 22 at the Square House (the former headquarters of C.C. in Iași) show a crowd of people that protest, while at the balcony of the building there are a few individuals who deliver speeches [photo 1]. The explanations of the author cast light on the motivation of taking those pictures: "Among those people, there was no one I knew, not a single Grand Old Man, not even an intellectual or somebody that I knew. It was an assembly that was created all of a sudden, a mass of manoeuvre, the same that will burn a few minutes later the files in the building of C.C. having no copy." In this set of photos, there is one having a specific connotation. In the centre of the crowd of resurgents, one can notice teacher Agapi himself, holding his camera [photo 2]. The photo was taken by a "fellow" and it was offered to teacher Agapi after more than two years, when its purpose was that of evoking a simple memory.

The photographs of Bucharest were taken on December, 27. In front of the television, one can identify symbolic elements connected to the new revolution [photo 3]. The two tanks are the proof that the army was on the side of people, this thing is exemplified also by the cut-off hole in the flag that flies above their heads. In the first plan of the photograph, there is a symbolic element of identity, the car ARO which seems to assure us that the rebellion reaction is Romanian. In the background of the photo, the building of the television seems to be a witness and an actor of this theatre. This image is a created one, a façade meant to vanish suspicions connected to the success and credibility of this revolutionary act.

Connected to this image, the building destroyed by flames is marked by a monument of silence as being one of the places where manipulation proved its power in this period.
The respective building having an unknown owner later proved to be a conspiracy house. Being a strategic precious element by its physical position in space, inside it, there had been placed simulation devices for shooting, equipped with sound and light. The false attacks were attributed to the so-called terrorists that were considered responsible for the events that started on December, 22. At that time, everything that happened in the country was immediately transmitted by the Romanian Television, seen as a “pot” of political military acts. It is intriguing the fact that information regarding the objective of this attack in that specific place and also the identity of people in charge of it were never revealed to the public.

Marked by their unhackneyed character, the photographs taken in the Studio 4 of TVR show to the public the people “behind the buttons” that assured the technical transmission [photo 5]. The viewer may question the quality of witnesses that these people had, invisible at that time, the viewer may have doubts regarding the way in which they would decipher the logics of the events of December from a nowadays perspective.

The report material from Bucharest ends in an optimistic and metaphorical way. Having the subway of the tube as background, a few young people on two rows, having a Christmas tree in the middle, use their hands to show the victory sign [photo 6]. The young people are aware of the fact that they have gained access to liberty, to free expression; these were the most important values for them at that time. They are also the ones that will form the first “sacrifice generations” from a long line which continues nowadays.

Regarding the photos or videos that represent documents of the revolution, there is only late interpretative information; for most people, these items were required by people or manipulated into wanting them. The filmed trial of Ceaușescu is an eloquent example in this respect. The viewer was satisfied by the fact that the dictator would no longer be part of the political life; therefore, the execution was accepted as normal without asking about the person who asked for it or its degree of violence. On the contrary, one may say that the more or less professional way of filming of Mr. Bratu (the cameraman of the Ministry of Defence) received different reactions. The moment when Nicolae and Elena Ceaușescu were taken out of the armoured automobile (called TAB in Romanian: Transportor Auto Blindat), the way in which they were presented as crammed in a corner while on trial, incoherent replies, the embarrassing moment of having their hands tied, etc., these created narrative conflicts that created the image of a ridicule event.

If we think about nowadays’ reality, one can definitely state that the simple Romanian citizen does not suffer from mental instability, but I would rather say that he is affected by a continuous process of directed information. This citizen reacts at stimuli which are familiar to him and are to be found in his immediate proximity of living, no matter if he has immediate actuality or the nostalgia of the past as his landmark.
We can assume our own version of the past only to the extent to which that version counts in understanding and exposing the hegemonic versions of official history. Raphael Samuel once said that "social history, if it is to fulfill its subversive potential, needs to be a great deal more disturbing". In order to be truly disturbing, this history celebrates the mundane, the disadvantaged or those lacking power, bringing past and present closer together and takes into account those dissonances which we know of as part of our own manner of evaluating and understanding the past. But can we really understand the past on its own terms, or is it necessary and inevitable to pass it through the filter of present-day values? To what extent our past traumas can metamorphose into "historical truth"? How can we cleanse the traces of power excess from official histories? In this conceptual framework it is legitimate to ask ourselves whether: 1. the fall of communism in Romania in December 1989 is viewed/understood differently by those in power and by those on the margins of power, and 2. Whether there may be a unilateral/mandatory vision imposed by communism, according to which people say they see in communism only what it is officially allowed to say.

What follows below is a personal history of the fall of Romanian communism, and of transition to democracy. It is "personal" because it relies on private memories of the past, but at the same time it circumvents the political sphere and becomes political. Memories are inevitably filtered through the social and political contexts people find themselves in. This politics of memory must not be overlooked or underestimated. Political elites know best why. I do not know whether the evocation of one's own "histories" and of one's own political memories can change the course of past events, but they definitely can contribute to throwing power relations out of balance.

My years under communism coincide perfectly with my childhood years. As much as I try to dissociate them, I still have in my active memory my "Fatherland Falcons" uniform.

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(on which I managed to stain with jam every morning), the Chinese fountain pen with a little Panda head at the end of the cap, the children’s magazines Arici Pogonici and Cutenzătorii, the Muppets Show and the free (or ridiculously cheap) summer camps in Năvodari. For me, the fall of communism meant at the time (I was ten) the liberalisation of spectacle on television, and the right to wear blue jeans at school all the time (especially since uniforms had become an accessory one could choose to wear or not). I could not foresee the moral mine and the chaos that would come after those circumstantial “freedoms”. I did not have the vaguest idea what (liberal or non-liberal) democracy meant and I do not think I actually understood what it was in the following ten to fifteen years. Thus, my fist failed democracy lesson started with a televised show: the tyrannicide.

I have watched the Ceausescus’ trial and execution to television. To my mind, all the revolution’s events were unfolding in that wooden box and only there. Only much later I began to wonder, in a very serious tone, whether those things had actually happened or not. I remember that the “trial” caught many at their Christmas dinner, around dessert time. At the time I was too young to understand the seriousness of the event. I could, however, surmise the dreadfulness of the moment, judging only by the way the grown-ups around be reacted, both with hostility and with hesitant joy. That joy was not similar to the joy felt after a victory in a football match, but was instead joy mixed with fear and anxiety. However, I remember almost clearly that through my ten-year-old eyes, the trial and execution of the “comrades” appeared somewhat different from what the grown-ups perceived. It is not surprising: children perceive and understand the world differently because they do not stop at the grown-ups concepts, beliefs, clichés and idiosyncrasies, but instead go beyond them (and they do not censor their opinions depending on opportunities and interests, either).

Many children have watched on television the Ceausescus’ trial and execution, together with their parents and grandparents, without understanding much from this “movie”. It was more violent than all the action movies shown on television at the time. I was not used to such shocking images, with old people put against the wall and executed, but I do not remember, either, feeling any trace of compassion for this scene, which appeared to me as unreal or as a stunt. At the end of the day, the “monster/tyrant of the Carpathians” was dead, and in the mind of a child of the “Golden Era” good always prevailed over evil, because this was what happened also in the fairy tales I would read (computer games had not reached us at the time). I did not think at the time that the Ceausescus’ trial and execution were unfair or illegal. I did not think that it was possible for the decision to execute them to have been made before the trial, and this could have justified both the haste with which the two were processed and the simulation of defence. I didn’t have the faintest idea about “human rights”, “show of cruelty”, “simulacrum”, “kangaroo courts” or “show trials”. Therefore, what I felt is what I remember feeling when watching the Ceausescus’ trial and execution on that Christmas day: a state of perplexity. That was how I stepped into democracy.

I wasn’t even convinced of the veracity of what I had seen, nor by the “actors’ play”. I was thinking at the time that Ceausescu was not the real Ceausescu (the way I knew him from the Pioneers and the Fatherland Falcons magazines), but instead an amateur actor, disguised under a wig and many fake wrinkles, who hadn’t even bothered to study better the Secretary General’s gestures and intonation. Besides, the director had cut out many of the lines Ceausescu should have been reciting during the trial. I thought: “It must be really cold on that stage... Those people wear their overcoats and their scarves indoors!” (nowadays this would look to me more like a scene from a Nikita Mikhalkov movie). Later on I read in the press about the way people abroad had perceived the fact that neither Nicolae nor Elena Ceausescu took off their coats or scarves: “Still wearing their overcoats, they look more prepared for last-minute Christmas shopping than a trial – or an execution.” I remember clearly the judge declaiming at the start of the trial: “The Grand National Assembly has been abolished. We have a new state power institution.” I did not understand the phrase “a new state power institution”. Would this new power institution be the “rescuing hero” who fought the “Carpathian tyrant” tooth and nail? (at the time I was not aware that the enemy of evil is not always good). But whereas I could discern clearly who the “monster” was in this new “movie” (since he was sitting calmly anyway in the dock, holding his spouse’s hand), why was this “new power institution” so complicated to understand and decipher? What was this, where was it coming from and what would become of it? It wasn’t very clear to me either whether was putting whom on trial, or who was the positive “hero” of this new “movie”. Who was the “Übermensch”, “the Hero”, “Superman”?

I also remember the hammy performance of one of the “defence” lawyers (it was only much later that I found out that was Constantin Lucescu, a barrister from the Bucharest Bar). At some point he started wailing with a theatrical voice about the crimes committed by the tyrants against their own people: “murder by starvation, by lack of heating, by lack of lighting; but the most heinous of all was the crime of chaining the Romanian spirit, the soul of this people.” I began then reflecting on the phrase “Romanian spirit” (not very
From childhood, post-December 1989

To begin with, political opinions and convictions are shaped as products of childhood socialisation.\(^1\) Political convictions are not immutable, then can change in time (especially if we consider the influence of political events, which affect inevitably our convictions one way or another). The replacement of a political regime with another is such an inevitable event, one that contributes to changing our opinions or convictions concerning political acts.

The notion of "political learning" designates the process through which the citizens of a country change their opinions, attitudes and political tactics as a result of a severe crisis or of an event that is hard to ignore. Nancy Bermeo used the concept of "redemocratization" in order to explain the cognitive change process as part of the political learning/redefinition.\(^2\) For Bermeo, this "redemocratization" has three stages: 1) the breakdown of the dictatorship; 2) the creation or reconstruction of a democracy, and 3) the consolidation of a new regime. However, the way we should understand politics is essentially influenced by the second stage, by that "critical moment between the crisis of the old order and the consolidation of the new one — for it helps explain why a new regime becomes democratic [...] why, in essence, a dictatorship in crisis is replaced by a democracy rather than another dictatorial regime".\(^3\)

Undoubtedly, a democracy is preferable to a dictatorship from many points of view. The dominant idea we can find in the theories of democracy is that democracy means the rule of law. The transition forms a dictatorial regime (the Ceausescu regime) to a "democratic" one did not take into account "the rule of law", but rather the need of the "new power institution" to see the old hegemony dead and buried in order to be able to install itself comfortably as the new hegemony. And as the "new institution of power" was very good at "democratically" hued disguises and imbroglios, it staged a trial to chow the people how you can get rid of communism in less than two hours. The "new power institution" believed "the Romanian spirit" needed a lesson, and rushed to offer an exemplum, a false exorcism performed on television (just like the sermons and the morality plays of the Middle Ages). However, what the new power wanted to disseminate was the fact that the trial and the execution of the dictatorial couple was a fulfillment, by way of justice, of the people’s will. In reality, the trial was a bloody staging, “legitimised” by a judicial farce. A real trial would have taken too long and would have tainted the “immaculate revolutionaries” image of those who replaced the status quo.

A long time afterwards I kept playing the game of trial and execution. I would sit two dolls on a worn-out chair, then put them inside an old valve TV set, of which only the wooden case and a bit of screen had remained. I would be careful to tie a “peasant-style” scarf around one of the dolls’ heads and dress the other in a coat and a muffler. After I put them to trial to my satisfaction, I would tie their hands behind their backs with string and take them outside to shoot them with my water gun. After they dies, I’d dust their little clothes, untie their hands and apologize to them (especially to a chimney sweep doll and his girlfriend, on whose faces I had drawn bullet holes and blood, with a red ballpoint pen). Sometimes the dolls didn’t feel like dying at the first attempt, and so I had to try them again, in a more authoritarian tone of voice, adding a new count: “refusing to die at my will and in the established position”.

A few days later I remember hearing an uncle saying: ‘It would have been better if they’d shot them straight away without any trial’. What I can’t remember is the reason he had said this: 1) either that it would have been better if they’d shot them straight away without any trial, rather than have a show trial; of that 2) ‘It would have been better if they’d shot them straight away because they didn’t deserve to have a trial’. I remember thinking: “those tyrants have hurt the Romanian spirit. However, the new power institution seems to be generous in providing them a different trial. It is not a real trial, but it looks like one. I wonder whether the tyrants were glad to see they were not killed straight away, that they were given a trial?” (later on I watched the trial taping and heard Ceausescu say: “You could have shot us without all this masquerade.”).

By the time I found my bearings and finished dressing up my Arădeanca\(^4\) doll appropriately for the solemnity of a courtroom, the two tyrants lay by the wall in a pool of blood (with no “viewer discretion advised” warning – besides, the show was an exceptional one, of the PG-13 rating type). I did not feel the gravity of the situation because I was not sure of my own perception. Later on I read that the philosophy of the mind had proven that “perception starts from prognosis”, underlining the connection between perception and knowledge. Everything we perceive is influenced by our cognitive background. Therefore, my visual perception of the Ceausescus’ execution could only be a pseudo-perception, without much meaning, because I had never seen television or in “real life” people riddled with bullets against a wall as a new Christmas movie. I did not have in all my cognitive background anything that could have been associated with the execution of human beings.

The replacement of a political regime with another is such an inevitable event, one that contributes to changing our opinions or convictions concerning political acts. The notion of “political learning” designates the process through which the citizens of a country change their opinions, attitudes and political tactics as a result of a severe crisis or of an event that is hard to ignore. Nancy Bermeo used the concept of “redemocratization” in order to explain the cognitive change process as part of the political learning/redefinition.\(^2\) For Bermeo, this “redemocratization” has three stages: 1) the breakdown of the dictatorship; 2) the creation or reconstruction of a democracy, and 3) the consolidation of a new regime. However, the way we should understand politics is essentially influenced by the second stage, by that “critical moment between the crisis of the old order and the consolidation of the new one – for it helps explain why a new regime becomes democratic [...] why, in essence, a dictatorship in crisis is replaced by a democracy rather than another dictatorial regime”.\(^3\)

Undoubtedly, a democracy is preferable to a dictatorship from many points of view. The dominant idea we can find in the theories of democracy is that democracy means the rule of law. The transition forms a dictatorial regime (the Ceausescu regime) to a “democratic” one did not take into account “the rule of law”, but rather the need of the “new power institution” to see the old hegemony dead and buried in order to be able to install itself comfortably as the new hegemony. And as the “new institution of power” was very good at "democratically" hued disguises and imbroglios, it staged a trial to chow the people how you can get rid of communism in less than two hours. The “new power institution” believed “the Romanian spirit” needed a lesson, and rushed to offer an exemplum, a false exorcism performed on television (just like the sermons and the morality plays of the Middle Ages). However, what the new power wanted to disseminate was the fact that the trial and the execution of the dictatorial couple was a fulfillment, by way of justice, of the people’s will. In reality, the trial was a bloody staging, “legitimised” by a judicial farce. A real trial would have taken too long and would have tainted the “immaculate revolutionaries” image of those who replaced the status quo.
The voices in the West soon made themselves heard. The discussions about the former East mentioned frequently the innate inability the citizens of this part of the world had for deciding their own fate, according to the illuminist-liberal principles. It was said that the communist systems had operated as prisons for belief, thought and free expression, as well as that human rights had been constantly and consistently breached. However, the people living in these prisons knew nothing (or almost nothing) about life outside this prison, and in a way they had come to think of this imprisonment as "their life". That was the reason why, after the fall of communism, many seemed unable to adapt to the life outside the prison, and the new leaders had only to profit from this situation.

Later on, Romania entered the "free" circuit of market economy, we had to adapt to the society of the spectacle", and witness the "democratic" plundering of what used to be the property of the state by the members of "the new power institution". At some point, the lives of the former children in this new world began to look increasingly like what Kermit the frog used to call "his life as a Hollywood star": "chaos, madness and romantic pigs".

Notes


[2] Herbert Hirsch asserts that political leaders will always evoke or "invent" memories of the real or fictional past, in order to motivate the "people" to blindly subject to their will. Thus, entire generations believe their own version of the past to be the official version and thus the version of the past sanctioned by hegemonies becomes history (see Herbert Hirsch, Genocide and the Politics of Memory, University of North Carolina Press, 1995).


[10] In Romanian, an imbroglio is a play with a complicated, deliberately confusing plot, and with a surprising and clarifying denouement.

[11] The propaganda of the '80s had personalized Ceaușescu's power to such an extent that most of the population identified the supreme leader of the Romanian Communist party with the communist regime itself. (Dragoș Petrescu, "Dilemmas of Transitional Justice in Post-1989 Romania", in Lustration and Consolidation of Democracy and the Rule of Law in Central and Eastern Europe, Political Science Research Center, Zagreb, 2007, p.132).


Vasile ERNU

THE SWAN SONG OF ROMANIA
OR THE RECENT HISTORY TOLD TO NICOLAE CEAUȘESCU

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About a country’s pulse before death

A State that does not know and is not capable of counting its citizens can no longer exist or maybe it does not deserve to exist. The citizen of a country is, in fact, its pulse. When the State, the power which rules and represents that country, no longer knows how to take its pulse, it means that its institutions have entered an advanced state of decay. The state may even be clinically dead, but nobody else has confirmed this yet. Not being able to take your own pulse, this minimal gesture of “biopolitics”, to see the state of your own socio-political body means not being capable to meditate and decide on your own situation. In such a context, when the social and political body can no longer meet its basic functions, it seems that only somebody from abroad can come to see, to diagnose the situation of the political body called Romania. Looking carefully at the socio-political body of Romania, we see a body entered in convulsions and announcing total death because brain death happened some time ago, but the external diagnostician has not announced it yet.

Why?

When the state cannot take its own pulse, meaning it cannot even count its own citizens, someone from abroad is needed to do this. In the global context in which we live, there will always be a volunteer because, though the body of Romania smells like a decaying corpse, any person or civilised institution knows that nowadays, even a carrion can become a commodity. The present situation reveals the fact that this type of institutions is here, in our neighbourhood, in our social, political and economic body, knowing exactly how to take our pulse, meaning to count us. The most important, accurate and reliable information about us, about most of this country’s citizens are not to be found in the dying institutions of the Romanian state, but in multinational economic institutions. A multinational economic institution knows about the people of this country far more than a
Romanian institution with this function should know. For example, in Romania (but this is true for most countries, just on the outskirts of capital, one can see better), the bank holding your loan or an insurance company not only knows everything about us, but something more. They know what is happening at the moment with us and they even fairly accurate estimate what will happen in the near future to each of us. There is no Matrix or metaphor here, but simple reality.

The delicate situation does not consist in the fact that they know more about us than the State which is paid by us to fulfil this function, but the fact that they, more recently, have “hands longer” than the state, and often state institutions are their subordinates (carefully look at the meeting of the heads of state with IMF chiefs, or look at the way the lobbies of large corporations impose laws). There is even a more cynical institution, such as IMF, which has the role of providing the last diagnosis and make the necessary and useful decisions holding power over the dying body of this country: a social and political body into a state of advanced disease, in fact, a dying body should have its last functional organs put for auction to satisfy those who have kept this political body under infusion. Why a State-body in brain death is kept under infusion and who uses it?

I would not seek a response to this type of question in treaties of political sciences and philosophy, but in a totally different place. To find an answer, I would rather turn to the medical field. Do you remember how, in the ’60s, the most important thinkers of the post-industrial period announced the death of all? In the same period when the individual was declared dead, major changes took place in the medical field. In those years of “Sputnik generation”, some researchers developed a new area of medicine, called AIC (anesthesia and intensive care, in other languages, it was called “reanimatology”), others were trying to analyze different stages of death, while others were deeply involved in transplant techniques of the vital organs of the body. Regarding these matters, the politicians and political scientists did not know much. Why should they have known about these problems and solutions proposed by physicians?

The surgeons of that time who were in charge with the entire process of making a transplant of the organs of a human body knew that an organ cannot be taken from dead body. Their fundamental question was: how can one get hold of these fundamental organs from a “fresh” body, still alive? Medicine, of course, knew this for some time: one cannot take an organ for transplant from a dead body, but from one which is in coma de passé (clinical death).

It is known: a person who is in this situation can live only connected to devices that maintain artificial respiration and blood flow (the technique required by these procedures appears in the same time). People in this phase have a dead brain, but their heart rate and respiration are artificially maintained. Brain death is the result of complete cessation of cerebral blood flow and its stop of functions is irreversible. Traditionally, as we all know, a person is considered dead when one stops breathing and one’s heart stops beating, one does not have a pulse for a long period of
time and one’s vital organs are in the process of alteration, that is the process of tissue necrosis has started. With the development of resuscitation techniques, we find that death is a process which is not only connected with the cessation of heart beat (lack of pulse). In this respect, beside the old concept of biological death, appears the one of brain death. Brain death was defined as “an irreversible coma with abolition of reflexes. It is an irreversible process due to neuronal necrosis, followed by the decrease of circulating blood”.

Because techniques of vital organs transplant are developed and extended in different countries in parallel, causing controversies, the committee of the Medical School of Harvard made things clear in 1968: together with classical criteria of determining the death of the body, there is a new method of doing this – whole brain death. Both brain death and biological death are connected with the same recognized event: death. But the organisms diagnosed with death, in both cases, even if they are dead, they have different features: from those with brain death, one can take organs for transplant, unlike the one in biological death whose organs are no longer useful for transplant. In order for these transplant procedures to become “normal”, though they caused numerous debates at that time, laws have been introduced, giving the legal right to doctors to use the organs of the “clinically dead” person for the transplant. Before this moment, there was no regulatory legislation.

What does this medical story have in common with us and the death of the State? If we look at the political history of postcommunist countries (it is also true for colonies), we see a striking similarity between medical techniques and economic, political and social engineering products applied to the political body of postcommunist countries. When in 1989, the entire political body went into convulsions and foretold its death, the announced death was not a biological one, but a brain death. When the communist political body was no longer capable of taking its pulse, a foreign power interfered and the diagnosis given was: transition, meaning brain death. What does a doctor do in this situation? We mentioned it above: breathing and blood circulation are kept, while the organs are transferred to other political bodies.

IMF and World Bank & co have met and still meet the same function of a transplantologist: on the one hand, one pumps money to maintain blood circulation and breathing for the state in brain death and, on the other hand, simultaneously, a difficult process of transplanting all vital organs of the body-state takes place (from the control over the blood circulation-bank, to that concerning kidneys, tissues etc. – factories, power systems, railways etc.) to the political bodies which have economic and political control over these political individuals in brain death.

The bad news is that this process of political and economic transplant expands, with the last crisis, over other states that apparently are in a better health state, meaning they are on the point of being in clinical death.
The major problem of transplantologists who are state-interventionists, if we look at the case of Greece especially and the way it was handled by large financial institutions, is how to build a legal framework to avoid falling into the outdated category of "theft" or "political assassination" (in order not to make wars to conquer states, but to make them become brain dead through financial engineering). In other words, now, the great problem and challenge of those who hold real power and are in charge with economic transplantology is how they will make this transfer of wealth legal, these transplant of economic organs (but also of natural resources), so that everything seems "natural" and the "murder trail" disappear. The last great challenge is how big capital will manage to build a cemetery for the states that, after "released" from all vital organs, will be declared "biologically dead", and the corpses will have to disappear. The cemetery of states is the new project to come.

For the past 20 years, we have witnessed the collapse of state institutions and an unseen fight against it. Our parents, who lived in the '50s -'70s, built the infrastructure of this country, from factory roads to clinics, schools, cinemas and stadiums. That generation (and everything they built) became a donor-generation for the social, political and economic life of the postcommunist period. Beyond ideology, this is cynical and tragic reality. What that generation built in one year, we have not been able to do in 20. From those human, economic resources and social realities, we lived and consumed (after the '90s) until exhaustion, without putting anything back. What was built then, after the '90s, we sold or gave to others who did not contribute to them, with an unseen pathos. Instead of producing factories appeared commercial places, ships were converted into yachts and railway sold as bought scrap. Schools and hospitals close because they are not profitable. The only valid truth is profit. This is the belief and daily practice of every post-communist citizen. The only real thing that we managed to do is to destroy social cohesion, we destroyed the last track of social sensitivity which lead us to the disappearance of political meaning. And so we turned everything into ghettos: huge ghettos and small luxury ghettos, just like the population of this country was divided in two groups: a big one, of "the wicked parasites, rude and inefficient", and a small one, of "the good citizens, civilised and efficient".

And the dream of children from the '70s to become doctors, teachers, engineers and cosmonauts is now considered obsolete and ridiculous. Most people gave up their dream a long time ago, their jobs that they have learned with much effort, but they made all sorts of fantastic jobs (advertising, PR, marketing etc.). The only dream of the generation who is in the process of becoming mature today is that of having access to loans to buy things they will never really need.

We fought capitalism until the only thing left to sell was our soles. Even worse, we went further than this: we took loans for not yet born generations. When they are born,
they will already be enslaved by the chains of debts made by their parents. And so, step by step, we have become the slaves that born new innocent slaves.

I will have to remind an old story to my Christian and conservative friends: the loan, the dream came true, takes you out of the field of freedom and politics. Yes, you can set yourself free from it, only by a radical gesture that few are capable of, especially when the context is totally unfavourable for radical gestures. What is salvation if not a purely political gesture? How do I read the political discourse of Christ in the story of credits and political salvation? Simple. The statement that “it is easier to pass a camel through the eye of a needle than for a rich man to enter the kingdom of heaven”, I interpret it as: the rich man can save himself in the last moment, for he can give away his own wealth, even if it would happen with great effort, just because he has the power and control over his belongings. I would continue the interpretation of Christ’s position in this way: it is easier to pass a wealthy man through the eye of a needle than for a man with credit-loans to enter the kingdom of heaven. Why? Because the credit is a reversed wealth, with minus. The man who has credit has wealth which cannot be left aside, because he is not its owner. He has a wealth that does not belong to him. From this derive total lack of freedom and leaving the political field, thus the incapacity of taking part in the act of salvation.

When the dead have the same social function as the living inside the state, then we are dealing with a nonpolitical space. In order to better understand this living together of the dead with the living in the Eastern political space, we do not necessarily need to read treaties of politology and philosophy. It is necessary to read, for the Eastern general context, the novel-poem of Gogol, Dead Souls. Like it or not, we are part of the same socio-political paradigm as Gogol’s. In order to understand the story better in the Romanian context, it is enough to read the novel of Bram Stoker, Dracula. We have learnt a very interesting thing from Gogol: “dead souls” have a very important function, just like the living ones. Dead people can make you a human being in the nowadays meaning of the word. Who is a “real” man? One who owns properties, estates, wealth from which power derives or through which power is bought which, in time, leads to multiplying wealth. “Dead Souls”, those who are not among us for a while, have this power. The entire adventure of the novel is about the way Pavel Ivanović Čičikov acquires “the dead souls” of the dead serf peasants, enrolled in the tax record. In the nowadays Romanian version: “dead souls” vote for deciding Romania’s fate. From beyond the grave, the dead exercise a social and political function that the living will not do. Extraordinary: “dead souls” are more alive than the elected people or even the chosen and suspended president.

But Stoker, in his Dracula, maybe one of the best books about Romania, even if he was never here, discovers a very important issue as far as we are concerned. Everything starts from the word Nosferatu, meaning not-dead which is the key to understanding our
past and our present (in the tome *Ultimii eretici ai Imperiului* [The Last Heretics of the Empire], I dedicated two chapters to this topic, and here I will briefly sketch some ideas). Stoker notes that, in fact, the great tragedy of Count Dracula, like ours, in fact, is the fact that he is trapped between two worlds, between “the living” and “the dead”, in a non-discursive field, in some sort of meaninglessly haunting. A sort of “neither-nor” which is the tragedy of someone caught between two worlds. The first major problem of this space of the dead and of the living which manage to coexist, or better said the world of those trapped between the living and the dead, that is the vampire theme, is linked — and I will strictly refer to the social and political problem — to irrationality. To a specific type of irrationality. Do you remember the ritual question from chapter 9: “Do you want, Wilhelmina, to share this lack of knowledge with me?”: The question comes after a memorable statement: “The secret is here, but I do not want to know it”.

In fact, the great drama of Count Dracula is the drama of self-ignorance. This is the cause of him lacking a command centre. Both the enemy and the centre of decision are always outside us. The Russians, the Jews and the communists are to blame, while we are never guilty of anything, isn’t it? But we make major decisions only by bowing to the High Gate, may it be Istanbul, Moscow, Bruxelles or Washington?: Is it true that the decisions made under oath at the High Gate will be applied in our space in a personal way: we wanted what is best for us and everything could not have turned out worse (for the society, usually, not for the people in charge with making decisions). Our rulers speak and act like Van Helsing in the novel *Dracula*: “I want you to believe in things in which you cannot believe”. Van Helsing also ends this type of “neither-nor” experience, of those trapped between two worlds, in the field of discursiveness where politics disappears and everything is a rhetoric of effect designed to seduce: “There are things which you do not understand, but they exist”. Here, we are in the political field of vampirism.

We messed up, we destroyed and sold almost everything. After these processes done with a morbid and stupid enthusiasm, an unseen fragmentation and social dissolution followed. When a factory is destroyed, when a library or cinema disappears, when a road or a bridge collapses, in fact, a vivid, real world crumbles. It is a vivid world which gives everything up to receive nothing in return. This type of fragmentation and collapse finally leads to one of the most tragic social events: insensitivity and social non-feeling which make social life disappear and, in the end, they announce total political death.

The story of our Romanian society from the postcommunist period is very much alike the story of the whale 52 Hertz (Hz). It is the story of the loneliest whale in the world, because it has no family, friends and it is not part of any group of whales. It desperately swims in the oceans’ waters. It swims alone, in search of another whale, “singing” a set of sounds composed of no more than six “screams” which last six seconds maximum. It is her “swan song”, for no other whale can hear it. Therefore, it is doomed to die in solitude. Why? Because it is the only whale in the world which emits sounds on the frequency of 52 Hz; all species of whales that exist communicate among themselves with sounds of frequencies between 12 and 25 Hz. Not even a sound emitted by it can be heard by another whale and receive an answer. Biologists have different opinions: some claim that it is a hybrid whale, others that it is a mutant, while others think that it might be too young and “its voice is in formation”.

Our hope would be this last argument: we are a much too young society and we still have the voice of social life in formation. But maybe we have reached that degree of solitude, fragmentation and social insensitivity because each of us emits messages of another frequency and we cannot even hear ourselves, nor communicate to get ourselves organized socially and politically. From what we know from history and from the millennia’s political reflection, an individual can die in the easiest way due to lack of social life, this is why we desperately need social sensitivity, the one which creates social life and leads to the formation of political life, its lack means that we are no longer human. The question is how do we regulate our voices to deliver wavelengths that allow us to hear ourselves?

Here is the ending story which, in the best case, can happen to us, too. It is like this: on April 19, 1993, not far from San Francisco, Trisha Marshall, a young mother of four children, entered the house of a retired man to rob him. Unfortunately, the old man was at home and, in the American style, he took his gun, shot the 28 year old young mother in her forehead, afterwards, he announced the police. The police came and they took the body to the hospital, and the doctors found that Trisha Marshall has “a dead brain”. They also discovered that she had traces of cocaine and alcohol in her blood and, surprise, she was four months pregnant. When the parents and friends found out, they insisted that the doctors find a way of saving the baby. Despite the high price of such a procedure of maintaining “the body alive”, the doctors fought three months and a half to maintain the body of the mother alive. After much effort, exactly after three months and a half, on August, 3, Darius Marshall was born by caesarean, and the baby was taken home by his grandparents. After a few minutes, the mother was disconnected from the apparatus and became biologically dead.

It is a *happy-end*, though: there is death, but there is also birth, there is despair, but also hope. The one born from the belly of a dead brain might be our last hope, the one who can still save us.
Characterizing the “off-modern” as an investigation of the still unexplored ways of expression of modernity, a look back at recent past having the purpose of selecting undeveloped possibilities in order to reconstruct the present, Svetlana Boym offers a good description of the post-communist condition. Twenty years after the Romanian revolution, the exorcism of the communist past seems to have ended. The event that represented the basis of this breakup, the revolution itself, was at its turn debated, making some famous expressions popular such as “televised revolution” and the famous image of the cut-out hole flag, analyzed by Slavoj Žižek in the terms of the collapse of the symbolic régime of the communist ideology and coming back – not less traumatic – of the Real, the nonsignified and the inform. Its re-visit, starting from the topic of the trial (debatable and having taken place in suspect conditions) of the couple Ceausescu, supposes exactly the reconsideration of potentialities broken by the development of Romanian politics and of the mode in which it was more or less manipulated, stolen from people and their civic consciousness, or simply of the violent way (and symptomatic) that characterized the separation from the past. In what way can a trial be reopened in an artistic way, addressing the trial itself which is de facto finished, how can its unexplored potentialities thus reopen the problem of its effects on the present? In what way can the judges’ way of making decisions not only destabilize power and authority relations then established, but also explore the way in which justice was used retributively without becoming an impartial judge?

In this article, I intend to indirectly give an answer to these questions, by focussing on a few possibilities of art intervention in the judicial system. Thus, I am going to try to sketch various methods in which the trial was used as a strategic element in investigating history and society in contemporary artistic research. By this phrase, I understand those artistic practices whose objective is to initiate questions about processes and social and cultural policies, therefore to use art more as a platform of public debate and civic reconstruction, not necessarily as a production of cultural goods or representations, in this respect using methods and theories borrowed from disciplines...
related to humanistic sciences such as sociology, political sciences, history, law, philosophy, psychology and psychoanalysis, and also disciplines such as economics, physics or engineering. I am not trying to synthesize a certain topography of this reason, but to map vectors of a possible crossroads between the judicial system and contemporary art that are the means of power of the critical instance over society and, in the same time, in an selfcritical way, on art and its boundaries. The common element of these examples is the usage of art as a method of re-subjectivization and as a model of the public sphere.

Before offering an analysis of the selected examples, it is important to restate the specific condition of the modern judicial system that the trial embodies in its artistic form. From an etymological point of view, the term of trial itself is based on the act of criticism (krinein) as a process of examination – that of temporarily suspending the way things stand and of re-examining the known facts. This model has given its exemplary shape to the thinking of modern art, that of “aesthetic judgement”, called to exercise its authority on this field completely separated from that of moral or cognitive judgement. Though aesthetic judgement is neither totally a stranger from a sensitive or lower form of knowledge – just like Baumgarten called it – nor from its intertwining with the field of morality – just as Kant’s analysis of the sublime proves it –, it still listens to its own laws and finds its own principles in a special usage of human abilities which are in a “free game”. This game is directly connected to the liberty of the subject, capable of getting autonomy by “judging on one’s own”, consequently opposing oneself to the unquestioned authority and to the prejudices transmitted by tradition. This new autonomy of the subject is expressed by Kant using the following terms: “1. Think independently; 2. Think taking into account the other person’s point of view; 3. Always think being consistent with yourself”.

By this short introduction in the modern history of aesthetics, I intend to underline that the model of taste judgement is adopted by art as a specific way of producing subjectivity. Therefore, the artistic problem of taste judgement also supposes a model of the public sphere and of participation to it, making it possible, based on an indemonstrable consensus obtained (by Kant) by the postulate of communicability of the public sphere and of participation to it, making it possible, based on an autonomy of the subject expressed by Kant using the following terms: “1. Think independently; 2. Think taking into account the other person’s point of view; 3. Always think being consistent with yourself”.

Though it does not have an explicitly articulated form, the indictment aspect of the famous work of Ion Grigorescu made in 1978 and called Dialogue with Ceaușescu suggests a possible compensatory usage of the trial as a dialogic act in the context of an ideological opposition of the political discourse. The film of 7'10” presents two characters placed in an equivocal place – this is the reason why it can be treated as an imaginary space –, one near the other. The first of them is the artist, dressed in a casual daily outfit, the second is a character who wears a mask representing the face of Ceaușescu cut from a paper effigy. The dialogue of the two is silent, it appears as a script on the screen unfolding in each individual’s proximity.

In this fictional meeting, Grigorescu asks Ceaușescu things related to collectivization and forced labour, peasants’ oppression, the illusions of propaganda discourse about equality and excess of authority. The mute dialogue invariably receives answers which are quotations taken from propaganda at that time, this situation can be interpreted as an expression of the monopoly that Ceaușescu wants to have on power, always controlling his image and the others.” In this situation, the dialogical structure can be interpreted as a compensatory intervention which undermines the authority and power monopoly on daily existence, starting from the premises that the dictator’s authority is perpetuated by reproducing his omniscient and omnipotent condition; he is capable of knowing better than anybody what is good and the proper ways to get it. “Advancing his own interpretation, Grigorescu […] seeks to regain the power to define daily life conditions.”

As far as I am concerned, the dialogical form used by Grigorescu is that of an imaginary trial at a personal level, as a mechanism of resubjectivization. The split ego
staged by Grigorescu, represented by the effigy of Ceausescu both as a mask (persona) and as an alter-ego – symbolic place of the pattern superego with which he identifies himself – implicitly becomes a form of exorcism of authority. To support this interpretation, I remember Jan Verwoert’s observation according to which Grigorescu underlines the power of Ceausescu of invading our private lives in a deep way; this idea is strengthened by the analogy between the conditions of dialogue and that of a private dinner.1

Therefore, I can conclude that the ideological topic introduces dialogue in the essentially monologic structure of fictional discourse, undermining its ability of totalization, of catching reality and transforming it into pure discourse. The breakup between the two régimes (that of descriptions and legitimizations to be found in the official propaganda discourse and that of daily records at the level of personal observation) becomes more and more obvious while the effigy of Ceausescu continues to repeat the same discourse. Thus, the power of mind is deployed, the dictator being reduced to a simple parade of verbal and visual signs lacking all material support. In the same time, he underlines an entire technique of reducing the private sphere to the public one, taking fragments of ideological discourse, decontextualizing and reproducing them carefully. According to the statements of the artist, "my selection tries to bring texts back to life, even the threats they contain, socialization, the technique of the prosecution considered to be the life of the Party and a way of making the social vehicle move again." Last, but not least, it is remarkable the attention that the formal mechanism of this artistic indictment which turns the normal situation of the subject as a vassal, paid to pauses, moments of silence, ellipses. In this space of necessary reflection, Grigorescu introduces a time of alterity and implies the presence of the spectator, of the witness-public as an essential element of this trial. This individual plays the role of the judge, finally, being asked to repeat the critical act of the artist on one’s own. A more recent example and, in the same time, important for a critical rapport to the communist past, but also to the post-communist amnesia, is the work of Mona Vatamanu and Florin Tudor simply called The Trial (2004-2005). In their video, a transcription of the trial of Nicolae Ceausescu taking place at the Revolution, monotonously read and sometimes hastily, comments the visual discourse, just as inanimate, of the socialist urban view of Bucharest. Sequences come one after another in loop, suggesting the endless repetition of the same indictment and the unaccomplished character of the confrontation with the past.

The video camera walks in Bucharest and records the effects of history, asking for a new confrontation with it. But this encounter is always postponed, not finding its specific way of becoming reality. The (hasty and speculative) form of the trial and the imminent execution of the dictator bring forward not only a collective way of having a fight against communism by bringing general plaints (whose last embodiment is the recent condemnation of communism as a criminal régime), but the way in which a false image of communism is perpetuated as a simple interlude, an aberration of history, an interruption of the interwar democratic process and a diverted modernity. All these continue to stand in the way of real participation to building a new public sphere, suggested by the one way indictment constitution. Such a formula closes the subject in collective amnesia, masked by hard feelings and rejection of one’s own historicity. While Grigorescu offers an alternative way of subjectivization, Vatamanu and Tudor present the inconsistency of such a model after 1989. The de-encapsulation of the individual from the power of ideological fiction by duplication and rhetorical analysis has as correspondent the re-capturing of subjectivity in collective fictions which do not provide answers, but they only raise questions. A public sphere ossified and almost non-existent, in which the bourgeois ideology of the autonomy of subject does not find its place, has a corresponding fictive public sphere where the critic exercise of the difference is absent, while the past is exclusively used as a silent witness, capable of offering well-established answers to the raised questions.

One needs to be precautious regarding the possibilities and limits of intervention in rebuilding the public sphere. A reflection on the condition of critical art in connection with the economic sphere of art market and, largely speaking, with cultural industry, we meet in the video work directed by Hila Peleg, called A Crime against Art, a version of the trial staged by Anton Vidokle and Tirzad Zolghadr at the art fair from Madrid in 2007. Its source of inspiration is represented by the trials of André Breton in the interwar period. The video catches a normal situation in the world of art, that of a trial in which the accused is art itself, thus replying with the discourse of institutionalized criticism. Its relevance for our discussion is given by the way in which the video succeeds in synthesizing a lucid reflection on the limits of criticism and critically as a discursive and material intervention over the existent power structures. The main question raised by the video is simple, but important: what is our position that gives us the right to accuse and judge? How impartial can be a critical art when one needs to recognize its partialism, subjectivity and insertion in history flow? Last, but not least, what are the limits of selfcriticism?

What attracts the attention from the start is the distribution of roles which reproduces a certain division of the stage and production of contemporary art. Though the common structure of a judicial trial is preserved, being composed of a judge (Jan Verwoert),
Hila Peleg, A Crime Against Art
video stills, 2007

I would bring into discussion two other possibilities of using the form of the trial in order to discuss not only the justice of political action, but especially omissions, ellipses and the manipulation of justice discourse, the essentially ideological nature of the descriptions offered to specific historical events and the way in which every fixed perspective supposes the exclusion of others. This discussion contributes to underlining the self-reflexive way in which art can compensate and, in the same time, it can manipulate the constitution of the public sphere, assigning a certain position and specific conditions to the viewer who turns into a subject, having the possibility to speak and act. Thus, art starts from the topic of the inherent plurality of the public sphere in the postmodern society which has a real pulverization as its correspondent in the post-communist society. Critical art no longer acts in a public bourgeois space as a territory of individual subjectivity, but in the same time, it faces the problem of handling its representations, concepts and, especially, emotions and feelings through the means of cultural and media industry.

Such an usage of the form of the trial to underline the invisible side of the expansionist discourse of light in favour of democracy, just as the United States spoke in Iraq and Afghanistan, this type of discourse can be met in the work of David Thorne, Katya Sander, Ashley Hunt, Sharon Hayes and Andrea Geyer called 9 Scripts from a

Nation at War (2007). It clearly presents the complexity of the way in which recent history can be described from the perspective of generalizing the exceptional state without appealing to reductionist scenarios of the public space and its constitutive specificities.

Though the present paper is similar to a constellation of 10 video items which expose the same number of discourses, it can be associated to telematic forms of the trial in which the role of the witness and of the accuser is in turn held by different declarative positions and social roles. The ten discourses, conceived by artists and played by different people, occupy as many positions of subjectivity in relation to various social roles and specific ways of taking part in the public space – that of reporter, student, journalist, lawyer, blogger, interviewer etc. an essential element of the article is the explicit way in which setup is used as an artistic method, appearing as the repetition of the same discourse in different forms by different people. Thus, the explanation of the setup and of the repetition allows not only the critical distancing of the viewer, as a Brechtian device, but also the reflection on the way in which subjectivity is built by internalizing beliefs which become fixed by cultural reproduction. Moreover, the work allows not only questioning the “objectivity” of witnesses, but also of the forms in which we are involved while building present history. It rejects the passive state of the viewer and, through its collective and collaborative form, raises questions regarding the way in which the opinions about historical truth are produced and perpetuated with authority.

If the previous artwork dealt with the problem of participating in the public sphere by using declamatory positions, the exhibition of Judy Radul, World Rehearsal Court, raises the problem of the telematic form of the public sphere which knew an unseen development after the ’60s. It is a research of the model of the International Criminal Court, considering the effect of technology and new media over building justice. A series of channels transmits what happens in the court of law, including and presenting simultaneously the viewers in this context of co-presence. The viewers is in the same time looked at and one becomes a second witness, but not less important. Radul underlines the fact that the telematic enlarges the public sphere, but in the same time, it makes possible the exacerbation of certain emotions through visual aids. The attention is focused on handling the manipulation potential that art has, by its grammatical and basic vocabulary means such as cut, close up, zooming etc. The
comparison between the court of law and the theatrical court becomes important again. Once trials began to be transmitted by television channels, they moved to the spectacular régime, in which they reproduce not only an image of truth, but its associated effects, a specific pleasure and collective dreaming state nurtured by video art, by its specific visual régime.

Looking at the last two examples, one can understand that, in order to question historical truth in a complex way, every demanded critic intervention thus asks for a careful usage and manipulation of visual language and also of the role and positions of the speakers, of what can be said and of the way in which it can be said. When the chosen topic is the process of Ceaușescu himself, it needs to question specifically the inherent relationship between the adjusted manner in which it was presented and transmitted to the public through the means of television and the mechanism of image manipulation of one’s own art, in order to find (in a happy way) the lost potential of the public sphere or, having a less demanding task which is closer to one’s powers, to indicate its dysfunctional characteristics. And this can also be done by pluralizing our own situation, being both agents and contemplators, situated at the crossroads of multiple narrations and histories which overlap and intertwine now and they can function as possible experiences and ways of coexistence which are different and sometimes antagonistic.

Translated by Paula Onofrei

Notes

* The title plays on the text of Simon Sheikh (In the place of the public sphere? Or, the World in Fragments, to be found at http://www.republicart.net/disc/publicum/sheikh03_3.html), being the starting point of the present reflection


[2] Slavoj Žižek, Židovské obyvatele in negativ, Kant, Hegel a kritika ideológií [Tarrying with the Negativ, Kant, Hegel and the Critique of Ideology], At, București, 2001, p. 3


[7] Jan Veverka, "Life as it is Lived. Art, Ethics and the Politics of Sharing All of Life’s Aspects", in Martha Dićiewska, ed. cit., p. 40

[8] Ibidem, p. 45

[9] Ion Grigorescu, "Diaries", in Martha Dićiewska, ed. cit., p. 64

Cătălin GHEORGHE

RE-SCRIEREA JURIDICĂ A ISTORIEI

Un moment critic în istoria socială recentă a României a fost răsturnarea de la putere a dictaturii nomenclaturiste instaurate în regimul imaginat de Ceaușescu. Experimentele cu diferite forme hibride de guvernanță și ideologiează comunistă de după ce de-al doilea razboi mondial până la sfârșitul anilor ’90 au dusa la compromiterea irevocabilă a comunistului ca posibilă formă de construire socială alternativă la libertatea explorativă, pseudo-fericirea alienanță și viața consumistă folosindu-și capitalismul element.

În măsura în care arta nu a doar politică, ci și închizitive cu privire la condițiile situației noastre cotidiene în raport cu experiențele istorice și cunoștințele momentului pentru a ne construi sau să ne trăi construcția evenimentelor de viață comuni, ne putem reinventare motivația de a ne elibera de ceea ce (contra)ajăț pentru noi și de a reface condițiile în care trăim prin intermediul efectelor artelui.

Dacă pare că suntem mereu în situația ca atitivenea sa ne să scrie istoria, ca atitivenea sa să decidă cea ce vrem no să să trăim, ca atitivenea sa să învețe ce este viața pentru toți, ar trebui să vedem până unde putem să facem din artă un mod de contra-invitativă politică, de re-eva luare a deciziilor altora și de re-construire a inevitabilului tezaurizat ideologic.

Această publicație reprezintă lucrarea de artă a unui artist, o carte-de-artist care răspunde unei istorii, unei noi condițiile în care trăim prin intermediul efectelor artelui.

Ovidiu Ghearsim-Proca analizează în generalizația a studiilor pe care le-a făcut în domeniul de cercetare critică și producție artistică, alunecând în sensul de revoluție a artelor, a încercat să încheie un eveniment de chatarsis condiționat de formatul televiziunii. Analizând genul procesului politic din perspectiva unui ritual teatral, Iulia Popovici evidențiază efectele unei condizițiuni în care punerea-în-scenă presupune producerea unui eveniment de chatarsis condiționat de modul de funcționare al mecanismelor manipulării publice.

Analizând generația Ceaușescu, Vasile Ernu îl își îmâna de Ceaușescu o disertație de biopolitică în care România post-socialistă e văzută ca organism socio-politic căruia i s-a indus moartea cerebrală, de inevitabililor tezaurizat ideologic.

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ARGUMENT

Deși a fost intens mediatizat și a intrat în tradiția dezbaterilor ocazionate de aniversarea anuală a Revoluției din 1989, procesul cuplului Ceaușescu – niciodată investigat de justiția română – reprezintă un punct de cotitură al societății românești către statul de drept. Modul în care s-a petrecut schimbarea – o săngerioasă răsturnare de putere și executarea condamnatului – deschide o rană de neînțelesă în mentalul colectiv, o traumă națională încă nerezolvată, cu repercusiuni morale și sociale pe termen lung.

Asistăm cu regularitate la reinterpretarea și rescrierea istoriei evenimentelor, interesantă fiind dialectica internă, în același registru monologic, a autoritarismului însuși, de la cel „buzat pe mistica preeminenței Statului asupra oricărei realități sociale”, la voința „de a hotări, autoritarist, prin forța de lege a politicii de stat, cum trebuie înțelesese istoria și ideologia” (vezi Raportul Tismaneianu).

Discursul oficial (de orice culoare politică) pare să îi scape întotdeauna esența problemei, dezbaterile situiindu-se permanent într-o zonă mai cu seamă formală decât într-una ideologică, de substanță, atât timp cât situația în șezuvie cu regimul Ceaușescu încă prezintă potențial de legământare. Publicația de față nu este rezultatul unor tendințe vindicative. Proiectul nu a avut niciodată inițiația de a reabilita într-o cheie simplist nostalgică Ceaușescu sau perioada în care acesta a guvernat, ci rezolvarea momentului al zero al democrației din România – procesul lui Ceaușescu, instrumentul de noua putere de la București în decembrie 1989. Profilării de puterea licenței artistice, procesul imaginat de autor este pură fișoare, iar sângeuriile impuse sunt vătare arbitrare, unde fișonuiarea are funcția clinică, moralișcă a unei reduse ad absurdum.

Q & A

Q: Apăru, cum ați ajuns la tema re-evaluării perioadei de conducere a lui Ceaușescu?
A: Acest lucru s-a întâmplat când mă deplasam cu trenul din București către un oraș de provincie din nord-estul țării. O femeie mai în vârstă, îmbrăcată ca o ţărancă din Serbia, vorbea cu vocea ridicată despre probleme politice. Am încercat să clarific acest lucru cu ajutorul prietenilor din România. Şi de fiecare dată, o încercare de lămurire a întrebării care poate fi articolată în linii mari drept „Care ar trebui să fie poziția oamenilor de rând?” ne-ar putea duce la dezbateri interminabile.

Q: După părerea d-vostei, de ce se-ar întâmpina acest lucru?
A: Aș spune că din cauza apăratului păstrării unor socialiști la post, de asemenea, datorată pozițiilor ideologice din existența noastră și din realitățile de atunci...

Q: În cercul d-vostă de oameni care vă sunt alături, cu care ați cooperat în România, care a fost percepția d-vostă privind opinia lor asupra istoriei socialiste a țării?
A: Am fost umiți de optică lor ideologică care este aplicată cu pasiune în discuții și evaluări ale rezultatelor culturale și politice, precum și în diagnosticarea evenimentelor acelei perioade. Spre exemplu, când citim despre oarecare evenimente ale artă vizuală din timpul lui Ceaușescu, comentariile sunt pline de ură și durere, dar cineva nu-ar putea putea întreba în privința existenței unei arte atât de socialistice în timpul unui astfel de regim autoritar, precum și a și apărarea unor atitudini, evitând utilizarea termenului de „regim totalitarist”, considerat manipulativ și semănând cu reductio ad absurdum. În plus, arta modernă, care se răspândește peste tot în timpul lui Ceaușescu, a fost și a rămas umitătoare, înainte de a deveni masivă în liniile monumentale și pseudo-traditionale. Şi modernitatea sa nu constă doar în modul în care a fost creată și construită, ci și în faptul că apărarea artei era practic date aproape pe gratis și blocurile rezidențiale masive, destinate oficial clasei muncitoare, erau în mod intenționat localizate în centru orașelor. În revoluția acelei perioade, mai multă propagandă decât realitate, în perioada noastră post-socialistă, lipsită de toate utopii, multe lucruri din cadrul celei pe care le-am văzut păreau o moștenire culturală și politică de primă clasă, dacă nu sursă de inspirație demnă de tot respect.

Q: Acea atitudine formală a fost urmată și plătită de sărăcie masivă?
A: Da, sărăcia era mare, nu e nici un dubiu în această privință. Totuși, aș recomanda – în cazul în care ar avea loc procesul – să investigați atent cauzele, normele și efectele acelei sărăcii. Nu trebuie uitate că, spre exemplu,

Dan ACOSTIOAEI

Neboja MILIKIĆ
conform criteriilor de cercetare cele mai stricte ale Băncii Mondiale sau ale altor asemenea organizații gigant din
Cronica, dacă nu a fost îndeplinit, dană și fiind consumat, producerea
casino și apoi, părând acele familii la care se întreabă de la utopicile fabrici comuniste,
Iată, întrebarea privind o evaluare mai meticuloasă a epocii Ceaușescu a apărut în timpul unei discuții
și ilustrează, la fel de explicativ, în fosta Iugoslavia, "egalitate", sau chiar "angajare" sau "dreptul la muncă" a devenit o chestiune de
Jefui, totuși, a fost momentul concret când am realizat că "un proces corect al lui Ceaușescu" ar fi necesar, nu doar de dragul tinerilor români, pentru care – după cum mi-am dat seama la acea vreme – averea
străină și a dobândit un rol important în dezvoltarea regională. De asemenea, pentru a putea realiza lucrări
privind memoria socialismului, spre exemplu, în Serbia? Amintirea lui Tito, a lui Milošević?
Nebiha Hidrikić (1964) este lucrător cultural, cercetător și activist din Belgrad, Serbia. Este implicat în proiecte de cercetare și publicare, în proiecte de cercetare și campanii publice. Scrisoare despre cultura și artă. La Centrala Cultural na Foaie din Belgrad, în calitatea de editor și coordonator al proiectelor de dezvoltare și al programului de democrație și dezvoltare culturală a culturii.

Nici construcția narrativă rezultată nu este una satisfăcătoare, deși nu contrazice spiritul momentului și nici dezafăruarea evenimentelor ce au urmat. Constatațările tribunalului rezumă aproape exact descrierea oficială a revoluției. În realitate, acțiunea care a avut loc în 1989 nu a fost doar un proces de liberare sau îngrijorare a direcției de conducere. Aceasta era doar o așa-zisă decriminalizare a sistemului comunist, încărcată de frustrările unei îndelungate amânări, devine o armă discursivă aproape perfectă, pierzându-și treptat sensul reparatoriu originar. Această transformare, la fel de spectaculoasă, a făcut ca dispuziția oficială a revoluției, fiind constituit printr-un decret secret al Consiliului Frontului Salvării Naţionale (Grosescu & Ursachi, 2009: 125) sau recepția sa online de către serviciile de informații a dosarelor Securității (Tănase, 2005: 92) să fie cunoscută chiar și înainte de o declarație oficială. Această decizie a avut drept urmare desecretizarea de către serviciile de informații a dosarelor Securității, dar și politizarea definitivă a procesului.
REVOLUŢIA CA STARE DE EXCEPŢIE ŞI PROCESUL CA VIOLENŢĂ PURĂ

1. Introducere

O tentativă de analiză a momentelor din ’89, şi în special a procesului Ceauşescu, dintr-o perspectivă exclusiv juridică este de start incompletă. O multitudine de evenimente legate de aceea perioadă nu se prezintă într-un clar-obscuur cu ce ne permite decât o imagine fragmentară asupra a cea ce s-a petrecut atunci. În schimb, semnificaţia istorică a evenimentelor petrecute ne determină să ne întoarcem recurrent la acea atunci când vrem să ne explicăm prezentul. Nu întâmplător, este unul dintre momentele fondatoare ale societăţii prezente.

O glăta de analiză normală (în Iniinere de evenimente istorice, detalii juridice etc.) lasă nechestionate o serie de aspecte de maximă importanţă. În primul rând, procesul cuplului Ceauşescu nu se încadrează în tipicul niciunii forme de proces juridic. Chiar şi cât mai indulgent interpret, în fața provocării excepționalității situației, nu ar odea tendințele și ar declara procesul ca un simulacru obșcen. Chiar dacă aceștia acceptăm din punct de vedere juridic că procesul nu a fost proces, atunci ce a fost? Aici răspunsurile se opresc căci întrebarea nu trimite minte a fi formulată. În schimb, schimbăm glăta interpretativă, nu ne rămâne decât un simplu gest de vio lență pură și nimic mai mult. Tendința va fi să ne regăsam în procesul legislativă „da, un gest violent, dar totuși în cadrul unui proces”. Și aici argumentația se oprește. Este ca și cum ne este frică să deschidem următoarea ușă, pe care o întreținem în penumbra. Și nu e de mirare, există parcă o conștientizare tacită a faptului că, de facem acest pas, întreaga istorie va fi subminată. Cel fel de regim am instat dacă aceasta se fundamentează pe vio lență și tocmai vio lență dorim s-o eliminăm? Nu am lăsat-o oare în istorie, în locaunele ei mun adăia camenei?

Într-un anumit sens, s-a spus totul despre Revoluție, nu mai putem adăuga nimic nou și nici schimba imaginea pe care o avem asupra ei. Și ce concepte noastre astfel devenită încredințate ar declara procesul ca un simulacru obscen? Chiar dacă am aflat informatii noi perspectiva noastre nu s-ar mai schimba în mod radical. Cu alte cuvinte, Revoluția s-a osofat. Șau mai exact, perceptiva noastră asupra ei a osofat. Și ce concepte noi ar fi concepute după aceea? Și de ce, tocmai în momentul acesta oamenii - sub violen tă doriem să o eliminăm? Nu am lăsat-o oare în istorie, în locaunele ei mun adăia camenei?

În schimbul, dacă vom rămâne în același punct de vedere, totuși nu ne rămâne decât un simplu gest de vio lență si astfel devenită încredințate ar declara procesul ca un simulacru obscen. Chiar dacă am acceptat din punct de vedere juridic că procesul nu a fost proces, atunci ce a fost? Aici răspunsurile se opresc căci întrebarea nu trimite minte a fi formulată. În schimb, schimbăm glăta interpretativă, nu ne rămâne decât un simplu gest de vio lență pură și nimic mai mult. Tendința va fi să ne regăsim în procesul legislativă „da, un gest violent, dar totuși în cadrul unui proces”. Și aici argumentația se oprește. Este ca și cum ne este frică să deschidem următoarea ușă, pe care o întreținem în penumbra. Și nu e de mirare, există parcă o conștientizare tacită a faptului că, de facem acest pas, întreaga istorie va fi subminată. Cel fel de regim am instat dacă aceasta se fundamentează pe vio lență și tocmai vio lență dorim s-o eliminăm? Nu am lăsat-o oare în istorie, în locaunele ei mun adăia camenei?

Totuși, chiar dacă dorin să probăm o nouă schemă interpretativă, cea juridică persistă mereu în fundal. Deși dorinsem s-o suspendăm, revine cu obstinare. Agamben ne deschide drumul către o poziție teoretică de abordare a chestiunii. O serie de concepte utilizează în analizele sale privitoare la câteva evenimente celebre din istorie, precum Revoluția Franțească sau cea bolivienscă, și le aplică și lui ’89 românească. Ștărea de excepție, concept teoretizat de Carl Schmitt, și dezvoltat de Agamben, pare a fi fertil explicativ, de aceea ne propunem să
Securitatea, tocmai pentru a reuși să supraviețuiască, a trebuit să conspire împotriva ei înșiși, ca singură modalitate semnifică “deschisul” unui regim care, deși și-a pierdut puterea hegemonică, nu a fost înlocuit de altul. Acest “în locul simbolului principiului organizator al vieții naționale, nu a mai rămas decât un gol în centru”. Acest gol Referindu-se la momentul ’89, S. Žižek considera imaginea tricolorului cu stema decupată ca fiind “sublimă” – nou început cuplat cu tendințe regresive, revoluția română se înscrie în tiparul conceptului de revoluție. Într-un registru diferit, Giorgio Agamben exprimă în mare măsură aceeași idee – poliția secretă a conspirat împotriva ei înșiși pentru a răsturna vechiul regim. Dar ceea ce-l reține pe filosoful italian este un alt detaliu al acestui proces: “Starea de excepție nu este o dictatură... ci un spațiu gol de drept, o zonă de anomie în care toate determinațiile juridice ‒ și, în primul rând, însăși distincția dintre public și privat ‒ sunt dezactivate”. De aceea, în timpul unei stări de excepție, orice determinare juridică nu mai este utiliza și, astfel, ceea ce se înfățișează în noua ordine juridică este de fapt un teren plin de posibilități specifice a întâlnirii disruptive care se însoțește acestei situații.”

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a-i asigura perpetuarea existenței: “Departe de a răspunde la o lacună normativă, starea de excepție se prezintă ca
devină indecidabile” (Agamben, 2008, p. 31). Această indecidabilitate în care ne găsim nu reprezintă un punct mort,
necesitate și revoluție, ca o “zonă ambiguă și incertă, în care măsurile de fapt, în sine extra-juridice sau anti-juridice,
încălcate într-o manieră incalificabilă, mijloacele de probă erau inexistente etc., dar prin aceasta nu i se elimină un
competentă, numeroase norme de procedura penală ce ar fi paralizat în mod normal orice proces similar au fost
excepției, prin care “un caz izolat este sutrasul obligației de a respecta legea. Necesitate nu este sursă de lege și
4. Necesitatea
constituantă, a fost apropriat. (că s-a transformat în farsă sau în tragedie, Agamben nu ne spune, dar putem să
unei plombe, ne indică forța unei națiuni care există (de unde steagul), fără ceva esențial (aici puterea politică), dar
cum flutura frenetic pe străzile Bucureștiului. Acel decupaj, similar unei operații de curățire în vederea implantării
instauratoare de o nouă ordine, din care noi facem parte integrantă, și astfel ne este greu s-o criticăm.

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stări de excepție – deoarece sunt masărați în București atâta timp cât cuplul este în viață, încearcă să stabilească fețe
din contact cu anumitor, în termen de câteva ore după ce, în urma unui proces, cuplul a fost eliberat. În această
rețeaua, în unele cazuri, aceasta își pregătește o a doua meserie, către care îi oferă, cu ajutorul unui șef, un cântăreț
sau unul al căilor, o șansă de a deveni profesionist sau, chiar și, ceva mai puternic, un agent secret.”

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De martie săptămâna următoare, în vestimțe a începUT să se desfășoare o acțiune importantă: procesul împotriva Ceaușescu-ului. Cei trei judecători care îl funcționează, toți ființe cu un activ propriu: Gheorghe Maniu, Nicolae Ionescu și Ștefan Cioabă, au
acordat cuplului Ceaușescu-i, în urma unei decizii primită în termen de câteva ore, accesul la procesul de eliberare. Acesta
a fost urmat de o protesta de la Palatul de Justiție, unde s-a făcut o manifestație în fața sediuluitribunalului.

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Paradoxul revoluției române e că uciderea lui Ceaușescu nu a dus la dispariția lui, ci i-a pastrat enormitatea executării cuplului Ceaușescu nu constă în uciderea propriu-zisă, cât în faptul încheierii actului de

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Dar care este funcția violenței în angrenajul puterii? Pentru Benjamin, aceasta operează în doi timpi: o dată
indreptarea pedepsei cu moartea este lovitura mortală dată ordinii juridice anterioare, pe când scoaterea P.C.R.-ului
nu s-ar aduce atingere doar unui dispozitiv între altele, ci s-ar dezavoua însuși principiul ca atare al dreptului”.  Astfel,
primite măsuri luate de noua putere constituite sunt de dizolvare a P.C.R. și abolire a pedepsei cu moartea, măsuri care
țin decât două chestii esențiale dintr-un stat: politica și dreptul penal. Mai exact, țintesc de contact cu anomia. 2) teroriștii reprezintă o excelentă strategie de

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5. Procesul ca violență pură, Ceausescu ca spectru

În scurtă dar complexa lucrare Despre violență, Walter Benjamin ne oferă una dintre cele mai provocatoare teorii asupra relației, doserii imposibile, dintre violență și drept. Dacă procesul cuplului Ceausescu nu este un proces, după cum am văzut, atunci ce ne rămâne este un act de violență pură. Dar unde stă violența față de drept? „Întreaga violență este, ca mijloc, fie întemeietoare de drept, fie conservatoare de drept”, spune Benjamin. Vom sesiza că, în cazul procesului, intervenim ambele forme de violență.

Prin urmare, presupunem că „regulile de conducere a proprietății, în special a proprietății teritoriale, sunt legate de cele avute în vedere la respectarea conștientă a dreptului”. 38 Dar unde stă violența față de drept? .....
Reține, exemplu de care nu se poate dezauda o interpretare, că reprezintă unii succesuri în cuvintele lui Xi Jinping, de la aprobarea unor proiecte la promovarea unor idei. Aceste proiecte s-au implementat într-un context de transformare rapidă a societății, cu implicarea fiecărui cetățean. În acest sens, mediul de comunicare, cu oportunități și restricții, este esențial pentru promovarea ideilor și a valorilor naționale. Aceasta nu doar îi permite să-și exprime pe cetățeni, ci și să le vindecă de tradițiile și influențele de la pasărea. De asemenea, aceasta permite să-și exprime pe identitatea națională, cu oportunități și restricții, pentru a-și îmbunătăți și a-și dezvolta potențialul.

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István Türrer este cercetător independent. Absolventul Facultății de Filosofie și Drept din Ungaria, este prezent în momentul mutării sa în drept European, este interesat de orientațiile contemporane ale științelor sociale (cu precădere cele de factura critică), de discursul ideologiei, construcția Europeană, arta

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Scolii ceaușistă nu a reprezentat niciodată socializm în mod ideologic. Expresia extremității a acestei ideologii ce au trecut într-un discurs nemoral și ideologic, ca și cum, pentru a garanta succesul noii ordini ce va să vie, e nevoie să substituie capacitatea lui ce într-un condiții normale să țină afrontarea excepționalului.

Sensura de înmulțire a inelului de nevoi (este în logica stângii a să fi susținut pe diferența, în detrimentul comunismului, o perspectivă eroică a unui fel de un înmulțire a diferenței). Schmitt care argumenta că este suveran “cel care decide asupra stării normal suveranitate și dreptul ca atare. Agamben reia teza lui Carl Forța de lege -...noi este adesea un lucru cu nici o legătură cu a, dar este una dintre scenariile ale scenariului a invadat media și mediile academice, intelectuale după 1990. Practic, singura...mai vulnerabilă pagină media din tot calupul de înregistrări acumulate în Decembrie '89. Când privim ac...numai să știi dacă a putut prea descrea cu mișcări de...nu știi dacă a putut doar niște bătute masacare?". Existența unei singure forțe ar fi într-un fel formula unui stat de excepție. Strategia de încapsulare a capitalismului în cadrul construcției unor state ideale unul, este lutor întrupării populației și dezastrul-un. aceasta e o problemă pentru acele care au fost doar mai puțin ca sa se rețină, pentru a ghice și și diferite momente de tensiune? Un soldat imens, cu o căciulă de tancist pe cap se șterge în colțul ochiului, nu se știe dacă e lacrimă sau simplu oboseală. Ceaușinii însăși râd, se indignează, îl avusesc pe picior “curtea”, nu recunosc acestea spre a le învăți de nevoi cătători cu unul pentru, pentru a-i ascunde acesta de excepție, o prevedere a vorbelelelele. Și e mai mai simplu să crezi că ai avut un moment 0 real, de către oameni și dezastrul-un. Nu întâmplător, după zilele de euforie și de solidarizare cu revoluția televizată, românia, după difuzarea procesului cu împotiva a să se țină într-o manie la televiziune. Ochii, ceva mai exat cu diverse convenții de imagine, nu a suportat a altă video-marime. Nu a înțeles că o acela un show făceaz de publicitate. De pe în trayectul din rândul dictatorilor? E clar că nu nici nu e fost bătută dublă, motiune că pentru puterile justificată decla...are cu aceeața a un capitanei de stat, eta aparte. publica să se doar niște bătute masacare?". Existența unei singure forțe ar fi într-un fel formula unui stat de excepție. Strategia de încapsulare a capitalismului în cadrul construcției unor state ideale unul, este lutor întrupării populației și dezastrul-un. aceasta e o problemă pentru acele care au fost doar mai puțin ca sa se rețină, pentru a ghice și și diferite momente de tensiune? Un soldat imens, cu o căciulă de tancist pe cap se șterge în colțul ochiului, nu se știe dacă e lacrimă sau simplu oboseală. Ceaușinii însăși râd, se indignează, îl avusesc pe picior “curtea”, nu recunosc acestea spre a le învăți de nevoi cătători cu unul pentru, pentru a-i ascunde acesta de excepție, o prevedere a vorbelelelele. 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Ceaușinii însăși râd, se indignează, îl avusesc pe picior “curtea”, nu recunosc acestea spre a le învăți de nevoi cătători cu unul pentru, pentru a-i ascunde acesta de excepție, o prevedere a vorbelelelele. Și e mai mai simplu să crezi că ai avut un moment 0 real, de către oameni și dezastrul-un. Nu întâmplător, după zilele de euforie și de solidarizare cu revoluția televizată, ro
că a existat un punct de unde se putea începe totul la capăt. Lupta scenaristului e redată într-o caricatură a vremii într-o publicație satirică la Paris, unde președinții SUA și URSS stau cot la cot, iar legenda este următoarea: CIA – KGB, scor 2000 la 1000, victimele din Panama, respectiv din România.

Ce ne scapă din convenția filmului Procesul Ceaușescu? „Televiziunea încheie de până atunci. Imaginea este destul de secretă, iar decizia finală este de către o autoritate. Televiziunea are dreptul să aibă un rol în procesarea informațiilor. La un an după ce filmul a fost lansat, un avocat a fost arestat pentru că a publicat știri false despre procesul Ceaușescu. Acest lucru este o ilustrare a modului în care mediul de comuniere poate fi utilizat pentru controlul societății.”

Eva Păunescu, într-un extrăsurat, numitea o femeie care la o asamblie publică a cerut să fie audiată. Se pare că a fi spus că are un secret care să ii îngrijească pe ceilalți de la guvern. Acest lucru a dus la o reacție violentă la nivelul mediului de la Televiziunea Române. În filmul, un director este văzut să se înfanțeze în cameră, iar un alt director este însoțit de un grup de jandarmi care îl urmăresc. În situația în care procesul Ceaușescu a fost lansat, un fotografiu a apărut cu un mesaj care spunea: „Televiziunea îi îngrijește pe ceilalți”. Acest mesaj a fost publicat într-un program televizat cu titlul „Procesul Ceaușescu”.
Gossipul dement continuă. Acuzați sunt vizibil consterniți. Poate cel mai consternat este de felul în care supusii le percep puține. Era a fost puțură, totală, dar nu a mers în nici un caz către acționare de bună, dar a mers în totul alte direcții de exercitare în forța a autorității. Memorabilă și scena în care judecătorul vrea să ale, în sfârșit, vânta dar unei Elena Ceaușescu, iar răspunsul ei a fost unic: "ELENA CEAUȘESCU: Asta e chiar ceva de familie...

Într-adevăr, „unde-s bani?”, demnă de un scenariu cu lovituri de stat în țări de lumea a treia (ceva în tipul „unde-s bani că să ne păstrăm armata”) e o importanță, dar nu Ceaușescipioi trebuie să fie adresată. Până la urmă, revoluția a fost sprijinită de o nomenclatură nemulțumită care acumulase și vroia eliberare, inclusiv al capitalelui. Unul dintre acei mulți revoluții din burghezia comunistică, Traian Băsescu, chiar puseste ca și-a acumulat lumea și se părea de bună. Dus al altui lumea, dar nu-i părea nimic, dar ca-lei-i în sfârșit. Ce să faci cu el cine ai fost? „Da, o să învățăm, trădările vin de lângă tine.” ca s-o cităm pe Elena Ceaușescu.

Cete două tabere
Judecătorul Gică Popa avea să se sinucidă la curtă timp după judecată: „N-am găsit altul atât de puțin pentru a nu elibera de femeie și pamâna care mi-e, să facă în plină istorie a viații pe care aș fi mai avut-e de trăi.” ideea el scria într-un bilet de colegiu.

Unul dintre iubiți din plinul de execuții se plângea că pe mai mulți dintre ei-i au păstrat soție, că au rămas singuri, că au rămas și fără soția (disponibilizat înainte de NATO). Gheorghe Voiculescu a rămas un soi de șaman care din bălmăcă puternică nimeni nu înțelege nimic. Măgureanu a fost umul din ținut, omul de serviciu, al unui soldat din plutonul de execuție se plângea că pe mai mulți dintre ei i-au părăsit soții, că au rămas în loc de un timp care a Ceașescu, după revoluție doar a investit și reinvestii... Baini au fost ocloci, bani nu contau pentru Ceaușesci. Ce să faci cu el cine e la țară? „Da, o să învățăm, trădările vin de lângă tine.” ca să-ți cităm pe Elena Ceaușescu.

Iulia POPOVICI

TEATRUL RATAT AL LEGITIMITĂȚII REVOLUŢIONARE

De ce înființa mari liberali național și la Nürnberg, Eichmann în Israel, apropi comandanții politici și militari războiului din fosta Iugoslavie etc. au trebuit de judecăți în minuțioase procese de lungă durată, cu arme de avocați, procurori și judecători, atunci când vinovaților lor era „evident”, iar condamnarea – implicită? În mod sigur, nu pentru ca acești judecători să poată alege între benzi și idei de inființare de viață. Cei să-și poată alege al doilea lume. Ce să faci cu el cine ai fost? „Da, o să învățăm, trădările vin de lângă tine.” ca să-ți cităm pe Elena Ceaușescu.

Procesele politice, cele ale marilor criminali de război sau teroriști sunt demonstrații performative ale principiului dreptății și justitiei pedeapselor. Începutul la Nürnberg – nu doar debutul legimilor crimei de război, ci și prima (care) debară judecător într-o filosofie video și care a beneficiat de testarea de unde radio. Având în vedere redefinirea, practic, a teritoriului post-11 septembrie, cele mai multe analize recente din această perspectivă abordează procese ale unor acuzați de terorism (cel mai recent, cel al lui Andreas Brejvik) – interesant însă, studii comparative despre dinamica funcțională și efectele sociale ale acestor procesuri nu există încă. Cu alti mai puțin pentru procesele politice „clasice” contemporane – în mod cert, evenimentele de la Târgoviște încheind o întârgăt zid cu un astfel de puțin sub acuzare. Dhyan proiecțiile politice și societatele din Târgoviște Ceaușescu sunt mereu și al unei națiuni românești. Cu toate acestea, a clasificat procesul soților Ceaușescu se dovedește a fi mai complicat decât pare la prima vedere... Care e, teatral vorbind, specificul procesului lui Nicolae și Elena Ceaușescu? Ceea ce în mod normal activează caracterul performativ al unei manifestări umane este constituit prin puncta neutră, neîntâmpinată în adăug, a unui spectacol – or, procesul de la Târgoviște a fost unul de a fi spectacol, fără publică. Traditația stabilizează procesul de recunoașterea publicului e unul la un șapte închei – și cel mai celebru astfel de exemplu românesc este cel al condamnării lui Lucreţiu Pătrășcanu. În 1954. Există mai multe ori, ele nu au de-a face cu necesități de siguranță; știentifică de judecător ale unor știiștiuni legale, inițial descrise publicului și, mai ales, presei, au încheiat ulterior s-a și încheiat cu șapte închei pentru că au expresat exploatarea situația pentru a-și transmite mesajele, profitau de ea ca de o tribună militară și erau perfect conștienți că urmărirea ce a apărut în procesul de evenimentul vor lega aceste mesaje pentru o audiență mult mai mare. Ușor încheiat însemnau nu secretizarea procesului, ci controlul asupra unei a ușilor închise – și cel mai renumit astfel de exemplu romanesc este cel al condamnării lui Lucreţiu Pătrășcanu.
nici forțați să participe la suferința umană, nici niște monștri fără empatie, sunt doar socializați diferit față de mediul de socializarea normativă), nu actorii propriu-zâni ai dramei procesuale – iar la Târgoviște, aceștia din urmă și-au evaluat în funcție de propria experiență a "dreptății" – ea nu e un instinct universal uman, ci ia forma dată de "cetățean" – fără să facă practic apel la statut politic, amenințări de pe poziții de putere sau întregul instrumentar al procesului-spectacol – inclusiv în termeni de decor, despre care vom mai spune. Aerul improvizat al decorului are, probabil, justificarea grabei, însă organizarea spațială era și la confruntarea cu acuzatorii etc.), ci din pricina ignorării voluntare a cadrului procedurii juridice (o încadrare a faptelor incriminate în acord cu o legislație în vigoare, dreptul acuzaților la apărare fie legitimarea unei noi ordini sociale a devenit un sfârșit ratat și ilegitim. Nu atât din cauza nerespectării unor plăți pentru propriile fapte. (Vedere proiectul ICT (International Center for Counter-Terrorism, Polonia). Începând din 2011, este man made).
Regizat cu atenție, acest discurs vehement și totodată încântat de ironie promova în plus calitatea oratorului spiritual pe care conducătorul dorea să îl anexeze la imaginea sa. La fel ca de fiecare dată, publicul a reacționat obișnuit și mai ales cu râsete pe cât posibil de îndoelenească. Totuși, aceste cuvinte nu emiteau platauțiile stereotipice cu care ne obișnuim vreme de două decenii, ci din contră semnalau trei tablouri care s-au dovedit într-o amabilitate măsurată în revoluție în perioada post-ceaușistă.

Primul se referă la tabloul apocaliptic văzut de Ceaușescu, care reprezenta influența corporațiilor economice internaționale odată cu deschiderea pieței de desfășurare ațitoră, contrară de acesta prin construirea unui sistem utopic, alimentat de proprietăți și bazat pe o autodeterminare economică și socială izolată. Tabloul acesta se următe prompt de comunicatorului faptul că patru deceni de demagogie comunistă vor constituir o bază solidă și impenetrabilă pentru schimbări de natură socio-economică la nivelul mentalității cetățenești. În ultimul tablou, referitor la popor, cu reprezentanții lui auto-aleși, subliniază politica omului de partid, „științală stăpână al destinelor sale, a bogăților țării”, care a condus mai apoi, în perioada post-decebalistă, la o gestionare personală și atroce a patrimoniului țării. Acesta discurs întâlnă, la final, imaginea agreată însoțită de Ceaușescu la nivel internațional, în care se eneza că așa făceau toți. S-a bucurat când Ceaușescu a fost împușcat, dar acum îl regretă pentru că a făcut multe lucruri bune în România. La Revoluție a ars și el câteva dosare la sediul P.C.R., fiindcă așa era „durerea totală”. A urmat, a călătorit în cameră și a vizitat Berlinul R.D.G.-ist. La Revoluție a ars și el câteva dosare la sediul P.C.R., fiindcă așa era „durerea totală”. A urmat, a călătorit în cameră și a vizitat Berlinul R.D.G.-ist. La Revoluție a ars și el câteva dosare la sediul P.C.R., fiindcă așa era „durerea totală”. A urmat, a călătorit în cameră și a vizitat Berlinul R.D.G.-ist. La Revoluție a ars și el câteva dosare la sediul P.C.R., fiindcă așa era „durerea totală”.

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În raport cu această imagine, cadrarea distruză de păcate ne relevă printr-un monument al tăcerii unui din locurile unde s-au desfășurat acțiunile manipulative din această perioadă. Imobilul respectiv, cu proprietar neunic, s-a dovedit ulterior a fi o casă conspirativă gândită prin poziționare în corespondență cu un prețios element strategic, în care au fost amplasate dispozitive simulatoare de tragere sonore și luminoase. Falsele atacuri au fost pusse pe scena asa-ziilor teroriști sub spectrul cărora s-au desfășurat evenimentele începând cu data de 22 decembrie. În condițiile în care acțiunile desfășurate în țară erau relatate imediat de Televiziunea Română, privita privitorul pare sugestionat să se întrebe despre sursa informațiilor care li se oferă în televizie. Sursa aceasta se identifică perfect cu anii mei de comunism.

Asupra suporturilor care fac obiectul documentației revoluției, în format fotografic sau video, planează din păcate doar aprecieri interpretative târzii, pentru marea masă a populației constituind informațiile punctuale pe care aceasta și le dorea sau era determinată să și le dorească. Procesul filmat al lui Ceaușescu este un exemplu concluzionăt în această direcție. Telespectatorul, mulțumit de asigurarea faptului că dictatorul nu va mai reveni în publicitatea media, a primit înțelegerea că este lipsit de oportunitatea să-și exprime opinia și brâmul să se împiedice pe acest subiect. Adesea, într-un mod neînțeles, publicul e înșelat cu folosul împărtășirii. Procesul este o manieră de a distribui informații prin intermediul televiziei, iar persoana care îl întocmește este considerată un veșniciar în societate.

POLITICA MEMORIEI: EROUL, MONSTRUL, ŞI „DOMNIA LEGII”

Putem să ne asumăm propria variantă de trecut în măsura în care doar acea variantă contează în înțelegerea demascării versiunilor hegemonice ale istoriei oficiale. Raphael Samuel spunea că „istoria socială, pentru a-și înțelege potențialul subversiv, ar trebui să fie mult mai stânjenitoare”. Pentru a fi adevărat stânjenitoare, această istorie este construită de către oamenii care se identifică cu anii de democrație, dar nu se identifică cu anii de comunism. Aceasta este o „istorie personală” a căderii comunismului românescă și a intrării în democrație. Este „personală” în sensul că se bazează pe amintiri private despre trecut, dar în același timp eludează sfera „politică” și devine imposibilă pentru contextele sociale și politice în care oamenii se situează. Această politică a istoriei nu trebuie să treacă cu oamenii la marginile istoriei, ci trebuie să treacă cu ei. Această politică a istoriei trebuie să treacă cu amintirile istoriei și să le contribuie la debalansarea țării.
oarecare acurateză, că prin ochii mei de copil de zece ani, procesul și execuția "tovarășilor" se vedeau așa de stranie în ceea ce se vedea adolescent. De o parte, creșterea, dezvoltarea și înțelegerea de care a avut nevoie socialitatea pentru a nu mai fi blocată și pentru a putea evolua în direcția unui mai bun dezvoltare. Oarecum, procesul a început cu o scumpire a mirii, care nu au fost compensate de o săptămână sau mai puțin, întrucât se știa că procesul va dura peste un an, dar nu s-a știut cât de mult vreodată va dura.

În școlile din țară, înființarea unui nou sistem educativ a fost un proces dificil. Școli și licee au devenit instituții de învățământ, unde elevii și elevinții au avut ca misiune să învețe limbajele, matematică, științe, istorie și literatură. Cu toate acestea, în multe școli, învățământul era foarte dificil, iar elevii erau adesea dezmotivați. Această situație a datorat în mare măsură cazului în care procesul s-a încheiat în minusă. Desigur, procesul a avut și efecte pozitive, în special în cadrul unei generații ce s-a dezvoltat în condiții de criză, dar și de schimbare semnificativă.

Post-copilărie, post-decembrie 1989

Părintele și convingerile politice sunt contraite inițial ca fiind produsul societății din după ce învățați din copilărie. Aceste convingeri politice nu sunt etnice sau învațătoare, ci sunt considerate ca fiind construite dintr-un proces constant de schimbare a modului de învățăre și a modului de observare a lumi. Schimbarea politică și socială în România a avut un impact semnificativ asupra vieții publice și private. Comunismul a fost înlocuit cu un sistem democrat, în care cetățenii au avut drepturile și obligațiile lor în următorii ani. Această schimbare a avut un impact semnificativ asupra vieții publice și private. Comunismul a fost înlocuit cu un sistem democrat, în care cetățenii au avut drepturile și obligațiile lor în următorii ani. Această schimbare a avut un impact semnificativ asupra vieții publice și private. Comunismul a fost înlocuit cu un sistem democrat, în care cetățenii au avut drepturile și obligațiile lor în următorii ani.
Maria Alina Asavei este istoric al artei şi critic. În prezent ea este doctorand în filosofie la Universitatea Central Europeană din Budapesta. Lucrează mai ales în domeniul artă şi dizabilitate, politica esteticii, forme de angajare artistică din timpul şi după regimurile totalitare. A publicat studii în Istoria artei, Cambrid...
Când moară un Stat sau de ce nevoe de transplant de medical? Cîte face-i şi cîte foloseşte?

La o astfel de întrebare aș căuta un răspuns în tratatele de filosofie și politică, în care nu există un anumit text. Dar ce are această povestă medicală cu noi și cu moartea Statului? Dacă ne uităm la istoria politică a ţărilor moderne, evident, nu a existat nici-o reglementare legislativă în domeniu.

Moartea cerebrală a fost definită ”ca o comă ireversibilă cu abolirea reflexelor. Este un proces ireversibil datorat necrozei neuronilor, urmat de scăderea cantităţii de sânge circulant”.

Moartea creierului rezultă din încetarea completă a fluxului sanguin cerebral, iar începutul funcțiorii lui este ireversibil. Tradătoarea amănunțită și fără opoziție nu mai apare.”

Răspunsul la întrebarea: ”Când moară un Stat sau de ce nevoie de transplant de medical? Cîte face-i şi cîte foloseşte?” este un anume text care îl face pe autorul să explicheze cum moară un Stat într-un context de criză economică și politică.

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Cum poate naşte o mamă moartă sau cum poate exista un final fericit al morţii cerebrale-tranzitie? 

lată şi istoria de final, care, în cel mai bun caz, nu se poate întâmpla cu șansă. Ea spune așa: pe data de 19 aprilie 1993, nu departamento de San Francisco, Trisha Marshall, o tânără mamă a patru copii, a intrat în casa unui pensionar ca să-l fure banii. Din nefericire, bătrânilor era acasă şi în cel mai american stil, a scos puşca, i-a tras tinerei mame de 28 de ani un glonţ în frunte, după care a anunţat poliţia. Poliţia a venit, a dus trupul la spital, iar medicii au constat că Trisha Marshall are „creierul mort”. Au mai descoperit că în sânge au urme de alcool şi cocaină, şi surpriză, că este şi gravată în patru luni. Când părinţii şi prietenii au aflat, au insistat ca medic să găsească o soluţie de salvare a copilului. În ciuda preţului foarte ridicat al unei astfel de proceduri de menţinere a „trupului viu”, medicii au luat trei luni şi s-au reuşit să-şi ducă la viaţă corpul mamei. După ce opt luni, mama era de acelaşi număr de bucurii. Dupa citoare, mama era de acelaşi număr de bucurii. Dupa citoare, mama era de acelaşi număr de bucurii. Dupa citoare, mama era de acelaşi număr de bucurii.
ÎN NEUMELE SFERII PUBLICE.  

NOTE DESPRES UTILIZAREA PROCESULUI ÎN CERCETAREA ARTISTICĂ CONTEMPORANĂ

Caracterizând “off-modernul” drept o investiție a cătoric încă neexplorate de manifestare a modernității, o revizuire a trecutului recent cu scopul de a extrage din aceste potențialități nedezvoltate în scopul reconstruirii prezentului, svetelona Boyer oferă o bună descriere a condiției post-comunisme. 1 La douăzeci de ani de la revoluția română, exorcizarea trecutului comunism pare a se fi încheiat. Evenimentul fondator al acestui nou sezon, revoluția care a atât, a fost la rândul său discutat, popularizând simțimele celebre precum revoluția “televisată” și nu mai puțin celebra imaginii precum cea a stadionului găurit, analizată de Slavoj Žižek în termenii colapsului regimului simbolic al ideologiei comuniste și – rezultatul – a Realului, asemănător și liniștit. 2 Revizuirea acestuia, plecând de la tema procesului (discutabil și petrecut în condiții suspecte) al istoriilor Ceaușescus, presupune tocmai reconsiderarea potențialităților obținute de desfășurarea a poliției românești și reconsiderarea modului în care acesta a fost mai mult sau mai puțin manipulat, făcut poporului și conștiinței civice, chiar și pur și simplu, a modalității violente (și simptomatice) prin care a avut loc despărțirea de trecut. În ce fel poate redescoperi unii proces sub formă artistică adresată procesului efectiv, încheiat de modul de punere în funcțiune al cărui decizie nu poate fi pe lângă modelul de sferă publică și în al doilea rând, pentru a ne indica întrebarea cu privire la modelul în care practică artistică propune, prin intermediul formei procesului, un anumit tip de subiectivizare, criticând formele dominante de putere. 3

Aceste lucruri ne interesă în analiza noastră în două moduri. În primul rând, pentru a ne pune întrebarea despre modelul de sferă publică pe care îl pun în discuție și în ceea ce privește subiectivizarea. 4

Deși nu intervenie într-o formă artificiată explicit, aspectul rechizitorial al deși de celebra lucrare realizată de Ion Grigorescu în 1978 intitulată Dialog cu Ceaușescu sugerează o posibilitate de a subsumarea pentru a sublima act dialogic în condițiile unei opresiuni ideologice a discursului politic. Filmul de 70” prezintă două figure care își găsește propriile principii într-un proces sub formă artistică adus în discuție de către caurii timpului – întruchipează a două figuri care își găseau propriile principii într-un proces sub formă artistică adus în discuție de către caurii timpului – întruchipează a două figuri care își găseau propriile principii într-un proces sub formă artistică adus în discuție de către caurii timpului – întruchipează a două figuri care își găseau propriile principii într-un proces sub formă artistică adus în discuție de către caurii timpului – întruchipează a două figuri care își găseau propriile principii într-un proces sub formă artistică adus în discuție de către caurii timpului – întruchipează a două figuri care își găseau propriile principii într-un proces sub formă artistică adus în discuție de către caurii timpului – întruchipează a două figuri care își găseau propriile principii într-un proces sub formă artistică adus în discuție de către caurii timpului – întruchipează a două figuri care își găseau propriile principii într-un proces sub formă artistică adus în discuție de către caurii timpului – întruchipează a două figuri care își găseau propriile principii într-un proces sub formă artistică adus în discuție de către caurii timpului – întruchipează a două figuri care își găseau propriile principii într-un proces sub formă artistică adus în discuție de către caurii timpului – întruchipează a două figuri care își.
și producției de artă contemporană. Deși structura comună a procesului juridic se păstrează, ea cuprinzând un
ordin important în acest demers revoluționar îl are prescrierea de a descoperi pe televizorul simple scenariu, discurs. Acesta joacă în cele din urmă rolul judecătorului, chemat să repete, în cele din urmă, actul critic al artiștilor de fiecare dată pe cont propriu.

În acest fel, putem concluzi că subiectul ideologiei introduce dialog în structura esențial monologică a discursului
cu subiectul ideologiei introducă dialog în structura esențial monologică a discursului. Dacă arta contemporană constituie deja un

Aș aduce în discuție două alte posibilități de utilizare a formei procesului pentru a discuta nu doar justițea unor

Aceasta pare însă mereu amânată, negăsindu-și modalitatea specifică de articulare. Forma (grăbită și

Această și condițiile specifice în care poate deveni subiect, poate vorbi și acționa. Ea pleacă, așadar, de la problema pluralității

Scizura celor două regimuri (cel al descrierilor și legitimărilor aflate în discursul propagandistic oficial și cel al

Se impun însă formulate câteva precauții cu privire la posibilitățile și limitele de intervenție ale cercetării artistice în

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curtea de tribunal și teatrul devine din nou importantă. Odată cu transmiserea proceselor prin intermediul canalelor televizate, ea intră în regimul spectacular în care reproduce nu doar o imagine a adevărului, ci și afecte asociate acesteia, o anumită juisanță și o anumită fantasmare colectivă la care arta video, prin regimul său vizual propriu, contribuie fără îndoială.

Privind ultimele două exemple, putem înțelege că pentru a realiza o complexă chestionare a adevărului istoric, orice intervenție critică solicită, așadar, o utilizare și manipulare atentă a limbajului vizual, precum și a rolului și pozițiilor vorbitorilor, a oasea ce poate fi spus și a modului în care poate fi spus. În cazul în care tema aleasă este chiar procesul intentat lui Ceaușescu, ea trebuie să interrogeze tommai relația inerentă între forma trunchiată în care a fost prezentată și transmișă publicului prin intermediul televiziunii și mecanismele de manipulare a imaginii proprii artelui, pentru a regăși (în mod fericit) potențialul pierdut al sferelor public sau, cu o sarcină mai modestă și mai apropiată de propriile-i potenții, pentru a-i indica acestea caracteristicile disfuncționale. Iar acest lucru poate fi obținut și prin pluralizarea proprii noastre situați că deofootă agenți și contemplatori, ași la intersecția mulțimilor naratări și istoriis, se ce se suprapun și întreptățind în prezent și care pot funcționa ca experiențe deoștii și moduri de coexistență diferite și uneori antagoniose.

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