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**Democracy, communism and the rule of law**  
**(A Prosecutor's notes, G.P.Vuza, Vremea Publishing House, 2008, editor Dan Tudor Vuza)**

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We have before our eyes a memorialistic text of an exceptional interest. It reveals to the reader the drama experienced by a democratic intellectual, the prosecutor G.P.Vuza, during the communist regime in Romania. Apart from the genuine social background, depicted with an almost literary craftsmanship, this text raises the fundamental, dramatic, tough question of the relationship among democracy, communism, law and lawfulness both from political standpoint and most particularly at the level of individual consciousness.

G.P.Vuza was born in 1918, in Iasi, into an intellectual family (his father was a professor of philosophy). He was still a child when his father passed away, being raised by his mother - an employee in public administration. He took his law degree at the University of Iasi. He was brought up in the tradition of high democratic values instilled in him also by his relatives and family acquaintances: lawyers, priests, writers. He performed his military service in 1944 under the control of some German officers and subofficers - as dictated by the political circumstances - whose brutality was always repugnant to him. As a lawyer and prosecutor in Iasi and in the Moldavian small towns, he was more a left-wing proponent. He was in at the Soviet invasion in Romania. He married a doctress and finally, in 1974, he joined the Communist Party.

What could be the rationale of this young, left-wing, intellectual democrat to join the Communist Party? In my opinion, a sound, deep liberal education, dictating him the tenet that nothing is above the law, that the law must be served and observed as the only way towards life cultivation and social consistency (is it not Socrates here?). The country was under Soviet occupation, the historical parties were defeated and were falling apart, a new rule was shaping up in Romania: the communism and the dictatorship of the proletariat. The country, the life had to go ahead. The children to be born had to grow up in a climate of peace and security. They had to know and to obey the law. They had to know and to protect their rights while piously respect the rights of others. They had to earn an honest living, in harmony with the others. They should be able to raise their own children and fulfill their lives. Who else could do all these if not also a modest intellectual with an outstanding professional background and endowed, it seems, with an exceptional judicial vocation, as G.P.Vuza? The communists provided him the opportunity to exercise these abilities within the new social framework, to fulfill his democratic ideals and to achieve his destiny as a magistrate. At least he believed so. Should he stand aside? Should he let the politically confected magistrates, without a sound professional training to deliver the justice? Should he thicken the ranks of the law professionals purged by the new regime? Would this have been moral? Would it have been moral to continue the fight against a master who had already conquered the country? Who was coming to power by universal suffrage? The country fought, it

was defeated, it was to do as well as it can and the utmost possible to redeem the life of future generations who, hopefully, may stand the chance to send away this passing master. Justice has no political colour. If a thief is punished, if a wrongdoer is put back on the right track, if a stolen propriety is returned to the old lady, its rightful owner, all these deeds are not communist; nor liberal, nor of any political colour. They are not political. They are solely acts of justice, of equity. G.P.Vuza was a communist because in Romania of those times, the communist party was the only one which could provide him the possibility to do justice by exercising his profession. Or, at least, he believed so.

A remarkable fact for that time, as the author relates, is the Prosecution status as an independent body, according to its statutory framework laid down at its inception in 1954, and formulated according to the Soviet model. The Prosecution had the legal and legitimate right to inform the hierarchic authorities against any interferences in its activity coming from the party, the security bodies, the militia (former Romanian police) etc.

The acts of justice done by G.P.Vuza in his youth, in Iasi, seem almost legendary. Speaking of legends my grandfather told me one: a renowned lawyer sends his assistant to allegedly defend a peasant on a trial but with backstair and clear-cut instructions to get the peasant's money and to prolong the trial. The young assistant detects correctly a flaw of procedure, proves that the justice is on the peasant's side, gets the peasant acquitted and is paid by this one for doing such a good job. With this victory he returned to his master who severely admonished him: "This trial was a milk cow and you've weaned it!". And throw him out. My grandfather was telling me this legend when I was a child as an example of the dirty trickeries that exist in this world. G.P.Vuza was the young in the grandfather's legend: in Iasi he acted exactly as the legend says, on a trial with a peasant, under the guidance of his master, a famous lawyer in Iasi. It is not impossible that this real story should turn, later, into the popular legend narrated by my grandfather. The years do not preclude this possibility: the foregoing occurred in 1947, my grandfather recounted them in 1960.

The author lays blame on nationalization, but when he was ordered to pass a swimming pool in Iasi from private ownership to state ownership he found out that the owner was keeping a double entry. The petty "landowner bourgeoisie" was not that clean and not that holly. In its turn, the prosecutor blackmailed the owner to cede the swimming pool as a voluntary donation in order to evade the legal punishment.

The zealous local communists, in their greed for promotion ordered the arrest of some poor little Jewish merchants who did not post the price for the cherries they were selling at the market. The prosecutor Vuza opposed their arrest and within a few days the party central leadership approved his dissent and excluded the zealous locals from the party. A situation much too frequent, the abuses of the communist party were made by the local activists and much too less programmatically by the party.

G.P.Vuza had a deep insight into the human nature, into the political and social organization. Instead of arresting 14 peasants for leaving the collective farms (on the ground that the president of the collective farm was drunkard and lazy), he talked to them and showed them the right path to follow. One of the peasants had two children who were officers in the army and who could lose their jobs in retaliation for their father's action. So the right thing to do was to remain in the collective farm and put the president's removal to the vote. The new society had its norms and instruments which had to be learned and used.

In 1954, G.P.Vuza is transferred to Bucharest and appointed as First Deputy Attorney General of Popular Republic of Romania. I find quite interesting that in this position, beside many other remarkable things he accomplished in the name of justice and truth, he also answered Petru

Groza's intervention requests for the latter's friends. It seemed that Petru Groza, in his official capacity as president of the Great National Assembly - the state's supreme body at that time - was quite liberal with the interventions to help his friends in trouble. This was an interference; are such interferences legally and ethically correct? Was Petru Groza - a former landowner, who ceded his landed property and passed to the communists for the "ramshackle was shacking", as he asserted - an opportunist or a sincere democrat? The laws were not perfect, their endorsement inadequate, so he afforded himself to correct both of them, here and there, for the sake of his friends. Judging after his democratic standpoints he seemed rather sincere than opportunist. After all, if he were an opportunist he could neglect his friends once he became highly-placed. Also, at Petru Groza's suggestion, the author drew up a brief report leading to the pardon of Elena Patrascanu. On that occasion, P. Groza found out that Lucretiu Patrascanu - Elena Patrascanu's husband - was innocent and blamed the communism for his assassination. But the reason behind his assassination seemed to be the human envy of a few communist potentates for Patrascanu's oratorical talent, education, charisma and public success.

G.P.Vuza sought that Romanians stood the test of history through their struggle, that they freed all by themselves from the communists in 1989, that Romania jointed Europe a long time ago and all the recent hype concerning our accession to Europe is more akin to a "tale". I do share somewhat the same opinion, except for the fact that Romanians did not free all by themselves, nor were they saints in the history.

Along the same lines of the "thaw (of the Stalinist frost)" the author played a main part in the release of 5 socialist leaders incarcerated for 7 years for the only guilt of dissenting the fusion of the Socialist Party with the Communist Party, a fusion leading in 1948, to the Workers' Party. G.P.Vuza took also the initiative to improve the prison conditions, he formulated the law on the liberalization of abortions and set up the Institute of Criminalistics which was to strengthen the independence of the Prosecution (this institute was subsequently dissolved).

Of a particular historical interest are his memoirs concerning the communist superior leadership at that time. They provide us with insights into what kind of people those powerful supremes were, what kind of knowledge they had, what was their line of reasoning and their mindset, etc. One of the 5 convicted democrats was a famous professor of philosophy, named Motas. When G.P.Vuza released him from prison, professor Motas was wearing some horrible rags and Vuza wanted to bring him new clothes. The irony was that Motas's former party colleague, Stefan Voitec, who "betrayed" to communists, to be the one who brought him these clothes in his new official position as Minister of Light Industry. But Motas turned them down, saying that: "Timeo danaos et dona ferentes". When G.P.Vuza retorted that neither Motas is the priest Laocoon of Troia from Vergil's Aeneid nor Voitec a Greek, Motas accepted the clothes. The foregoing are reported to the party no.2 supreme leader, named Chisinevski, who remained astound: he gave Vuza his "notebook" and told him to write down the Latin expression, to translate it to him, he spelled it, he learned the name of Apollo's priest, he found out about the Trojan horse and as happy as a child he went straight to no.1 supreme leader, Gheorghiu Dej, to repeat it to him and to report Vuza's answer with the Trojan priest and the Greeks. He came back happily and told Vuza that the "comrade", meaning no.1 supreme leader, said that Vuza "acted well".

I think this episode is fascinating. I personally went through a similar experience. In 1982, as usual, I did not receive visa to go for 2 weeks in Italy where I was invited to work in an international research center. As usual, I ask my colleague Valentin Ceausescu to intercede with the higher-ups for granting my visa. Obliging, Valentin intercedes in his usual elegant collegial manner, but my visa remains blocked, this time due to a small local chief of personnel ("cadres"). I ask Valentin to intercede again with this one, but Vale tells me that he will not do that for anything in the world because that chief of cadres is "too small and too mean". I am all on my one with no

solution. I take my courage in both hands and go in person to that chief of cadres. He tells me quite explicitly that an important person suggested him that I would fly the country on this occasion so he cannot grant my visa. Obviously he does not disclose the name of this person. I ask him why does he think that this person said such a thing about me, but he cannot answer. You see – I told him – we already have a question. A question we must also have an answer to, as the party (Communist Party) teaches us. He agrees with me. I scored a point but I had no idea what will happen next. That night the solution pops into my head. I woke up at the crack of dawn, grabbed Aristotle's Politics, an old and torn edition, from my small bookcase, and went to the chief's cabinet. I wait for him, he arrives, he shows me in, I tell him that I studied all night long, I found the answer to "our" question and I hurried to share it with him. The answer, I tell him, is in this book. The boss looks shyly at the book, he barely dares to touch it, I watch him in astonishment, he delicately and almost lovingly caresses the tattered book, shows much respect for Aristotle's name, an emotional moment of high culture bonds us for an instant. For fear not to lose it, I hurry to open the Aristotle and read him a famous paragraph which says approximately that whenever someone sprung to prominence in the city, through the number of his friends, fortune, fame or beauty, it was not long before the city ostracized him. This is the answer, I tell him, the motivation of my detractor. He asks me what "ostracize" means. I decline him the verb. He remained impressed. He was astonished. He was taking part in something beautiful, lofty, an act of culture. He was deeply touched. He immediately signed my visa. I was happy. The old Aristotle saved me. There, the culture has, beyond any shadow of doubt, practical value! "The most practical thing is a good theory". And it was Lenin who said this.

I am convinced that if Patrascanu had told Gheorgiu Dej and the Russians about Aristotle – in a collegial manner, without arrogance, with modesty – they would not have envied him and he would have escaped death.

I find quite intriguing the position of the communist regime at that time, towards the church and the priests. In the Oltenia region, had risen out of the blue a generalized hatred against the priests. Gheorgiu Dej sent a team to get information on the spot; G.P.Vuza was part of this team. It is remarkable that this team was listening to the priests relating their misfortunes. Gheorghiu Dej ordered that these high-handed actions against the priests be put to an end and to "not take the religion out of the people's head as the party has nothing to put in its place for the time being". Remarkable. Was the communist regime of those times a monster? It is hard to tell, from such accounts. Of course, there were people sent to forced labour at the Canal, but among them were many quibblers who did not want to work, who did not want to give the gold (golden coins) to the state. Once again the country is defeated, the conqueror makes the law, the defeated does not stay on equal footing with the conqueror, the situation is dangerous, the abuses in such situation are frequent, we must "pay attention to the horses, pay attention to the harnesses, life is a carrying of boxes full of glasses" .

I think this is what G.P.Vuza, this bright figure of high dignity and rigor, wanted to teach us: to suffer defeat with dignity, to attempt to redress things as much as possible, to give a chance to future generations who, hopefully, will be more fortunate. His memory should stay for ever in the history of the Romanian justice.

During his struggle to improve the prison conditions, G.P.Vuza expressed an overt critical opinion against the Minister of Internal Affairs of that time. The Minister did not forgive him for that. In 1958 G.P.Vuza was purged from both the party and the Prosecution Office. After 5 years he was readmitted into the party but he no longer accepted a position of authority in the Prosecution Office as such a position became already too "politicized". But after 1990 he wanted to return to the Prosecution Office as he was an incredible fighter, relentless in his belief in justice and life. One says he resented the fact that intellectuals and "scientists" did not enjoy respect any

more during the successive regimes in Romania, following the '90s. I am convinced that he would have bettered this situation and then, one like me would have someone to ask for help against all degradations of life in nowadays Romania. Worried about his poor health, about the illness that enfeebled him, his family did not let him return. In 2003, he passed away from a heart disease, in medical conditions that are still unclear.

In the second part of his life, the “political” purges – based on the personal grounds of those who were coming to power - repeated themselves. Above democracy, above the communist regime, above the law, the Romanian’s vile nature, man’s nature generally, to which G.P.Vuza fell victim too, accomplished its work. We have no reason to believe that envy, wickedness, greed, man’s hate against man, will ever cease to exist in Romania. They will continue to give the extent of the backwardness of this nation devoid of light and faith.

(Translated from Romanian Antiphys. Rev. 147 (2008) by Iulia Negoitza)