Review Article

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Romania: Historiography on Holocaust and Postwar Justice Studies

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Abstract: Research on the Holocaust in Romania does, as an area of research, fare so much better than other case studies in terms of interest and researchers dedicating their time to study it. In this context, a brief overview of historiography on the Holocaust in Romania must take into account a few key factors: access to archives on Holocaust-related files, evolution of the subject within larger historical narratives of Romanian history of the 20th century, trends in Holocaust research in the last few years both in Romania and abroad, as well as the dynamic between historical research and public memory in Romania. Nevertheless, and in relation to this historiographical forum, despite its relative development, one aspect related to the Holocaust in Romania has drawn significantly less scholarly attention: *war crimes trials and the efforts at postwar justice.* Because of this under-research, although the documentation is especially relevant in terms of archives, the following contribution focuses on the importance of the study of the postwar trials for the field after outlining the main features of the historiography on the Holocaust in Romania.

Keywords: Holocaust in Romania; historiography; postwar justice; postwar trials; genocide

1 Beginning of the Research

It must be said that the factors mentioned in the abstract are related to each other, especially since the availability of archival sources has proven to be an essential part in researchers' choice to focus on the Holocaust in Romania. Not surprisingly, in communist Romania the subject of the Holocaust did not exist in terms of public memory, historical research, or scientific acuity. This lack of interest, as historian Adrian Cioflâncă has shown, was due to the regime's stake in keeping Romania's

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reputation "clean", claiming that there had been no Holocaust committed by Romanians in the country – only by Germans and Hungarians in Transylvania (Cioflâncă 2005). This situation, however, was also about Holocaust distortion, not just ignorance. While the Communist Party engaged in discourses of Romanian self-victimization relating to the Second World War, its subservient historiography directly distorted the nature of the Holocaust in Romania by shying away from presenting Romanian crimes and emphasizing the German initiatives and involvement. Furthermore, the partial rehabilitation of Marshall Ion Antonescu, the wartime leader of Romania, in the 1980s fueled much of the post-communist negationist discourses in relation to the Romanian involvement in the Holocaust, partly explaining why the subject was not studied in the 1990s (Cioflâncă 2005, 246).

The first post-communist decade was riffed with nationalist discourses due to the re-emergence of former fascist political individuals and groups in the public space, the rehabilitation of these figures, and a powerful fascist anti-communism (which to some extent is still present), as well as a lack of interest in researching the Holocaust in Romania. After all, why would one research something that did not exist? – a logic that continued the communist historiographical tendencies of the 1970s and 1980s. The real change occurred at the beginning of the 2000s, thanks to Radu Ioanid's efforts to systematize the archival sources on the Holocaust in Romania. Ioanid's aim was to give researchers access to files that could prove the Romanian state-sponsored genocide and create a research field of its own. As Head of the International Archive Program at the United States Holocaust Memorial Museum (USHMM), Ioanid sought to bring together thousands of files from different archival branches in Romania that contained information about the core of Romania's activities during the war. In terms of published studies, Ioanid's seminal work on *The Destruction of the Jews and Roma in Romania* is still cited as the empirical landmark (Ioanid 2000). Based on the files received by the USHMM from Romanian archives, including but not limited to records from the Ministry of Defense (of War), the Romanian Information Service (SRI), the Minister of Interior, the Pitesti Military Archive, as well as the National Archives, the book was the first major compendium which offered an overview of the Holocaust in Romania. The book also brought to the forefront of research Matatias Carp's *Black Book*, which was the first primary-source work dealing with what became to be known as the Holocaust, and was published immediately after the war (Carp 1946).

Ioanid's role was crucial, because it was thanks to him and Paul Shapiro, the Director of the USHMM's Center for Advanced Holocaust Studies (Shapiro 2013), that the Romanian archives could be assembled and made accessible in one global institution. As mentioned above, Ioanid was the Head of the International Archive Program at the Holocaust Museum in Washington, which gave him the possibility to access former secret police documents, which until that point had been sealed. His

personal and institutional efforts positioned him as an ideal researcher who could deal with the enormous trove of documents eventually deposited in the Romanian archive at the USHMM. This opened the door for interest in Romania because, although the Museum in Washington D.C. contained files from almost all countries affected by the Holocaust, the Romanian collection was among the first to have an almost complete collection of all essential documents which one could research solely from one spot. This efficiency of archival assemblage and capacity for research made Romania a serious case study for investigation. The second factor that contributed to the rise in the interest in the subject was the creation of the Final Report of the International Commission for the Study of the Holocaust in Romania, known as the Wiesel Commission after its president, Holocaust-survivor Elie Wiesel (Friling, Ioanid, and Ionescu 2004). In the final report prepared the Romanian state officially acknowledged its role in the Holocaust, which also helped to boost research interest in Romania and triggered more research into the role in the Holocaust of Nazi Germany's number one ally on the Eastern Front.

2 Romania and the Holocaust

After the opening of the archives, researchers started to realize that this case study of genocide, considered by some important Holocaust scholars in the West to be on the periphery (Hilberg 2003), was central to the understanding of the Holocaust as part of a pan-European project. This aspect was emphasized by István Deák as well, using other case studies from Europe, such as Hungary (Deák 2013). Unlike Hungary, however, Romania's case had a clearer aspect to it: the state was Nazi Germany's main ally on the Eastern Front. In fact, it was a country, which developed a national and ethnic "purification" project in its own understanding – distinct from the German one (Solonari 2015). It thus became a matter of focus to treat the once marginalized Romania as a center of interest to the study of the Holocaust. While Ioanid's book was empirically rich in terms of the details and sources provided, synchronic interpretation of those sources became a much larger focal point for scholars. One very good example was Henry Eaton's work on the origins and onset of the Holocaust in Romania, which strongly challenged earlier scholars' (Kareţki and Covaci 1978) ideas about the outside pressure put on Romania to join the war and the Holocaust (Eaton 2013). Based on the study in Romanian and German archives, Eaton cogently suggested that the Holocaust in Romania was a distinctly Romanian project, both separate from the German one in terms of evolution, but also having common grounds with other states in terms of military presence and the discrimination of Jews. This establishes the Holocaust as both, a pan-European project spearheaded by Nazi Germany, as well as a project distinctly constructed by each state.

Romania's role was much more powerful on the Eastern front because it devoted enormous military resources to the conflict. Vladimir Solonari's book on the efforts for national "purification" is a good example of such research. Solonari stresses the Antonescu government's interest in making a Romania for Romanians, in which the terms *"neam"* (blood-community) stood at the top of importance for Romanian leaders and society (Solonari 2015). The fact that *"neam"* does not have an equivalent in English (mostly translated as "nation") is telling about the importance of "blood-related communities" for the Romanian leading figures. The concept captivated the imagination of Romanian leaders who stressed that "this is the moment when we need to take action on this [purification]" and that "history would not forgive us if we do not take action to make Romania pure" (Delentant 2006, 155). Yet, paradoxically, Romania did not develop a unified policy of dealing with its Jews. The geography of genocide is important in this case, as Jews from the so-called Old Kingdom of Romania had undergone harsh discrimination but no extermination process as those that came under Romanian control in occupied territories (Transnistria, Bessarabia, Northern Bukovina), and those under Hungarian rule (from 1940 in Transylvania). This can be attributed to both the Romanian regime's intent to destroy Soviet Jewish communities in the territories it occupied and the idea of dealing with "our Jews" differently.

This separation and geography of the Holocaust has prompted many historians to research the Holocaust in Romania by focusing on the occupied territories. Diana Dumitru has made a major, if not crucial contribution to the field with her comparative research on the different responses of local populations in Bessarabia and Transnistria to the persecution of Jews by the Romanian state from 1941 to 1944 (Dumitru 2016). Dumitru concludes that local anti-Semitic violence in Bessarabia was much stronger than in Transnistria. Bessarabia was a former part of Romania during the interwar period, and the local population underwent a very strong anti-Semitic and nationalist education policy. In contrast, the territory that came to be known as wartime Transnistria was part of the Soviet Union, a socialist state, which in its official policies emphasized the elimination of ethnic and religious discrimination during the 1920 and 1930s. Dumitru's work is exceptional in that she traces how state policy influenced local populations' perceptions of anti-Semitism and how those, in turn, impacted contacts with the Jews (Dumitru 2011). While there were many factors and causes to consider when analyzing anti-Semitic action during Romania's occupation of Bessarabia and Transnistria, historiography has showed that it is in tune with the importance of analyzing Romania's anti-Semitism and the state's view on the Jews.

Romanian-language historiography on the Holocaust has not yet achieved the same status as described in the beginning of this section, and this is related to the scholars' efforts to make their works widely available. English is arguably the most

accessible language for an international audience and historiography on the Holocaust. Many internationally renowned researchers write in English, key books are available in this language, largely because the dissemination of work is highly important for a field which strives on interconnectedness, especially since the Holocaust was a pan-European project. Many do write in Romanian and they are not known outside of the country and, in fact, many times even within it. This is mostly due to the subject not gaining enough traction within Romanian institutions, many of which prefer a nationalist reading of history that does not correspond with the trends in modern Holocaust scholarship. Moreover, whenever the Holocaust is treated within Romanian-language historiography, it is incorporated into a wider context of the Second World War, not as a subject in, and of itself. In this sense, it becomes peripheral to the study of genocide and lacks an in-depth methodology of its own. On the other hand, Adina Babes Fruchter and Ana Barbulescu have written extensively on the importance of source access and the way historiography can take advantage of archives having been opened in the last few years (Babeş Fruchter and Bărbulescu 2021). Vladimir Solonari's work, most of which is in English, has made a major contribution by contextualizing the Holocaust, and the "Jewish question" within a larger framework of population displacement in Romania. But this emphasis on the dissemination of the work should not lead us to overlook the importance of work written in Romanian, such as Mihai Chioveanu's groundbreaking study on how the Romanian state followed a genocidal policy at the beginning of the 1940s. His research, which also considers the interwar period, stands as a crucial study material for those who want an overview of Romania's policy on genocide and extermination before, and during the Second World War (Chioveanu 2008). These works, present in both Romanian and English, built upon key studies, such as Jean Ancel's work published under the editorial supervision of Leon Volovici and Miriam Caloianu (Ancel 2011). Volovici himself wrote an exceptional study of the far right in Romania (Volovici 1991), which was also translated into several languages including Romanian.

There are also studies dealing with specific aspects of the Holocaust in Romania. Stefan Ionescu wrote an insightful study on how the Jews in Romania resisted the process of Romanianization, a functionalist approach offering a way to interpret the Holocaust beyond what the more empirical studies had done before (Ionescu 2015). His research is unparalleled in its depth of analysis regarding Jewish resistance to fascist policies in Romania. Diana Dumitru's articles on the importance of the multiplicity of sources should garner even more attention as she shows that what documents omit can be just as important as what they textually reveal (Dumitru 2020). Michael Shafir's work on deconstructing the hate speech, including Holocaust denial, basically established the field of comparative studies on Holocaust distortion in Romania (Shafir 2002). Mihai Poliec then authored a comprehensive study on the

ways in which civilian complicity unfolded and how the state's policies were informed by the civilian population's perception of their own interest, stereotypes, and anti-Semitism (Poliec 2019).

Although specific case studies are important in the historiography of the Holocaust in Romania, and they should be the focus of future research, it is important to stress that the emphasis has been placed on larger studies dealing with the Holocaust in Romania; not only because they opened the field even wider but also because they have inspired further research owing to paradigmatic shifts in the approach. In this sense, Dennis Deletant's impressive work on Antonescu's Romania gives an intentionalist perspective on the process of genocide (Delentant 2006). An additional bottom-up understanding is marvelously presented in Grant T. Harward's research on the Romanian soldiers' motivations for killing and waging the war (Harward 2021). His emphasis on the Romanian concept of a "Holy War" for the war of expansion has been revolutionary, citing anti-Semitism, nationalism, religion, and propaganda on the myth of Judeo-Bolshevism as key factors in establishing a mindset of hate. Conversely, Simon Geissbuhler published a key study on the Holocaust in Bessarabia and Northern Bukovina during the month of July 1941, shortly after the invasion of the Soviet Union (Geissbühler 2016). Raul Cârstocea has very succinct yet analytical key pieces on the development of anti-Semitism in Romania and its role in paving a path to the Holocaust (Cârstocea 2014). Several other studies could be mentioned (Dallin 1998; Dumitru 2011; Solonari 2014; Trașcă 2008) that are important, because they show that the study of the Holocaust in Romania is inextricably linked to its predecessors and immediate postwar years.

3 Romanian War Crimes Trials in Historiography

One cannot understand the Holocaust in Romania without going back to studies stressing the severity of local anti-Semitism during the 1930s (Cârstocea 2008; Iordachi 2009; Ornea 2016), or without reading about post-war situations in other Eastern European countries in the region. Andrea Pető and Ildikó Barna's work on the Budapest trials in post-war Hungary sets a landmark for analyzing a case study of this nature (Barna and Pető 2015) and Tanja Penter has expanded the simple definitions of "collaboration" in her work on trials in Soviet Ukraine (Penter 2005, 2008). Diana Dumitru has done much of the same relating to trial material in today's Republic of Moldova – prewar Bessarabia (Dumitru 2014).

As for Romania, Andrei Muraru has written a comprehensive PhD thesis on postwar trials in Romania relating to crimes in Transnistria (Muraru 2011), a study that can guide further research in this area (Grec 2020). In this sense, basic data on the topic overall is necessary when discussing the dimension of Romanian postwar

justice. The immediate postwar People's Tribunals functioned between 1945 and 1946, under law 312/1945 for the capture and punishment of war criminals. The tribunals judged 16 group trials, each comprising of dozens of defendants, with criminal responsibility judged on an individual basis. Later, postwar procedures were placed under the authority of the Appeals Courts starting in 1947. Any legislation dealing with war crimes was completely overhauled in 1955, when the people accused of acts during the Second World War were labeled as "fighting against the working class" (Muraru 2011, 73). Until 1947, some 657 people had been tried by the two People's Tribunals in Bucharest and Cluj, and by 1949 over 1700 had been convicted in some form, with a few hundred expecting further proceedings (Muraru 2011). This posits Romania as a country with one of the lowest conviction rates in postwar Europe. Decree number 421/1955 released many war criminals, being part of the efforts of the Romanian communist regime to redraw the legal system. By 1958, only 117 war criminals had been still incarcerated (Muraru 2011, 75). Merely four people were executed for war crimes, including Romanian dictator and supreme leader of the state, Ion Antonescu.

Bogdan Chiriac wrote a PhD thesis on the Ion Antonescu group trial of 1946 (Chiriac 2017) and Alexandru Climescu elaborated on the importance of looking at memory construction when dealing with postwar trials in Romania (Climescu 2018), a subject which is painfully relevant because of today's attempts to rehabilitate fascist figures in the country. These aspects being mentioned, it is important to place the study of Romanian postwar trials within the larger context of studying the Holocaust in both Romania and Eastern Europe. The published studies have informed my own research on Romanian postwar trials of the Odessa Massacre perpetrators (in progress at the time of writing).

In particular, Muraru's PhD thesis on what he calls Transnistrian war crimes trials was one of the first studies after 1989 that directly dealt with the way transitional justice was understood by early postwar Romanian authorities. While his study is mostly an overview, it deals with important issues, such as the legal postwar framework, the placement of the trials in a broadly defined Eastern European context, a case study of three large groups of perpetrators put on trial, as well as the relationship between those proceedings and the war crimes that came to be known as the Holocaust – the persecution of the Jews and Roma. While Muraru could expand the discussion on the importance of recognizing postwar trials as legitimate actions of justice in a specific context, it is nonetheless a critical study for our understanding of the post-1945 legal aspects. Muraru followed with articles and reviews of books regarding the legal aspects of war crime trials in Romania and Europe together with analyses of what he rightfully calls attempts at "outrageous rehabilitations," meaning endeavors of contemporary far-right parties and fascist groups to denigrate any attempts at justice in Romania in the aftermath of the Second

World War (Muraru 2020). His findings suggest that the general postwar justice effort in Romania was a failure, and an unfinished attempt at the "denazification process," in which only individual cases really brought justice (Muraru 2011, 261).

Muraru's point has been confirmed by Jared McBride, who, based on Soviet archives and postwar trials in the USSR, demonstrates that trials dealing with Holocaust crimes were not show trials (McBride 2019). While Romania's war crimes trials were different from the Soviet trials in terms of overall focus and organization, they shared enough common aspects to allow us to use McBride's arguments in the Romanian context as well.

Other authors have also written about this part. Daniel Boboc offers a survey of trials relating to the Iași pogrom of 1941, discussing aspects ranging from the politization of the trials to how the legal system was put in place. The focus on the trials of the Iași pogrom is important, especially since such an analysis is still missing from current historiography; yet, Boboc used only a limited number of secondary sources related directly to war crimes trials, which may question some of his conclusions (Boboc 2021). Most of the sources are primary (trial and investigation records as reflected in secret police archives) and some articles on postwar trials in Romania (such as the ones mentioned above). Otherwise, most of the secondary source material is taken from monographs on the Holocaust in Romania, especially since there are no large studies on their own relating to postwar justice. Unlike Poland's case, where Andrew Kornbluth's *August Trials* volume was met with positive responses (Kornbluth 2021), similar comprehensive study is still lacking for Romania. A future work on the postwar retribution trials in Romania must, on the one hand, place the trials in the context of analyzing Holocaust crimes and, on the other hand, create a research cluster focusing on postwar justice in Romania. These two aspects are not contradictory but rather complementary.

From other works, Bogdan Chiriac's study on Ion Antonescu's trial was a comprehensive attempt to place the legal proceedings against the Romanian dictator within a broader political context which did not focus on postwar justice itself. Chiriac's analysis is much narrower than Muraru's, yet his research implications are broader, as he stresses that Antonescu's trial became embroiled in the political battles of the cold war. While there is a kernel of truth to this aspect, analyzing it further tends to be problematic, especially, since in 1945–1946 it was still unclear how cold war politics could be defined. Much more interesting is the fact that this study reiterates a similar approach, much older than the 21st century analyses, espoused to Jean Ancel. In a less-cited study, a research introduction to his 12 vol *Documents on the Romanian Jewry During the Holocaust* (Ancel 1986), Ancel summarized the documents regarding the destruction of Jewish communities in various parts of Romania and the territories it occupied. He also has a section dedicated to war crimes trials, which discusses different scholarly interpretations that can be put forward

regarding postwar justice in Romania. Ancel differentiated between Ion Antonescu's trial, which he saw as a more propagandistic event distorting the suffering of Jews, and other political trials, which, as he argued, did not go far enough in condemning war criminals, especially concerning the destruction of Jewish communities (Ancel 1986, 17–19). While Ancel was right on many aspects of these trials, especially regarding the post-1944 Romanian laws that did not go far enough to include all those responsible for possible war crimes, his overall conclusions seem a bit forced when suggesting that the People's Tribunals were a battleground between two political camps. Law 312/1945, which governed these trials, was a strict one, and was introduced in a very complicated post-war transition period, a setting which precluded a view of simple, dichotomous, political good versus bad side. Simplification, however, is understandable and not completely unwarranted, since Ancel was writing in 1986, before the beginning of a large, international research into the Holocaust in Eastern Europe, including postwar justice. One needs a much more nuanced view of Romanian trials: while it is true that Antonescu's trial was politicized, it was nonetheless just one of the many trials that research should focus on, and it should not be studied in isolation.

People's Tribunals trials in Romania did not completely ignore the issue of the Holocaust, but it was limited in what they could achieve. Special law 312/1945, which set up the rules for the trials, was strict in its applicability, although the categories that it proposed to investigate seemed broad. The courts, however, used a much narrower interpretation, and also in many cases the burden of proof the judges expected was quite high. According to Andrei Muraru, "[t]he offences defined under this law (312/1945) fall into three categories (from a political, military, legal or propaganda point of view): '1) participation in the war against the USSR and the Allies; 2) inhuman treatment (from compulsory labor to extermination) applied to prisoners of war, the civilian population in conflict zones, or determined by political or racial reasons; 3) fascist-legionary propaganda'" (Muraru 2011, 68). For regular soldiers, the courts mostly chose not to follow up on charges, the officers being the main category put on trial. Given the legal circumstances and quite strict legal interpretations of the special laws governing postwar justice in Romania, Romanian People's Tribunal acknowledged the destruction of Jewish communities as much as they could, mostly through witness statements reporting specific anti-Jewish measures and mass murder, as well as through the specific prosecutors and judge's remarks. These were all given within the specific postwar context. They neglected some criminal cases, but this happened because the law was limited to the evidence presented in 1945–46, and these courts worked within the boundaries of regular legal proceedings, only accepting substantiated evidence against the defendants. While there was a clear Soviet influence in terms of language and approach, most of the Romanian war criminals initially got away because the courts did not have enough evidence to

sentence them according to special law 312/1945. Once the category of war crimes (under its different variants and names) was incorporated into the penal code after 1948, perpetrators were brought to justice at a higher rate. Hence, while Ancel was right in his claim that many war criminals had escaped justice, this happened mostly because of the chaotic administrative circumstances at the end of the war and the insistence on punishing high level perpetrators, in addition to the strict adherence to the special law. Later trials increased the conviction rate, yet, as Ancel also rightfully mentions, subsequent mass pardons by the communist regime through decree laws (in various years between 1955 and 1964, with the last one releasing all political prisoners) significantly hindered the possible "coming to terms with the past" effort. Ancel's effort to analyze postwar trials is admirable and partially sound, especially in terms of looking at the persecution of the Jewish community in Romania and its occupied territories; however, one must take his conclusions with a grain of salt, since they were written before the opening of the secret police archives. A more nuanced look at Romanian postwar trials, especially the People's Tribunals, shows that they were much more cohesive and stricter in terms of accusations than it was previously believed. Retrospectively, however, if one looks at the other cases in Europe, the Romanian postwar justice attempt can be considered a failure: only four people were executed for acts during the war, and the general amnesties of the 1960s freed all political prisoners, including those involved in the Holocaust.

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