

Private Historical Archives: Between Public Interest and Private Property in Communist Romania

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ABSTRACT

The policy on private archives are not and cannot be separated from the political regimes. If a certain political regime is formally against private property, it looks quite natural that private archives to be non grata. Despite this, an outlook over the avatars of Romanian State attitude towards private archives in the last century may reveal features and contradictions: fighting against private archives as a mean to serve the public interest. The present paper seeks to reveal how the Communist state policy on private property and on archives reflected on the status of private archives. The author identifies two steps. The first one, between 1950-1971, recorded an effort to protect the business archives of former private companies, together with an attempt to seize private archives of former social and political elite. In the second step, from 1971/1974 on, within the frame of national communism policy, the archival legislation was oriented towards concentration of all relevant historical private archives within the administration of the State Archives.

Key words: Romania, Private Historical Archives, Communist period, State Archives

Archivi storici privati: fra interesse pubblico e proprietà privata nella Romania comunista

SINTESI

La politica in materia di archivi privati non è e non può essere separata dai regimi politici. Se un certo regime politico è formalmente contro la proprietà privata, sembra del tutto naturale che gli archivi privati siano cosa non gradita. Nonostante questo, uno sguardo sopra gli avatar di atteggiamento dello Stato romeno nei confronti degli archivi privati nel secolo scorso può rivelare caratteristiche e contraddizioni: la lotta contro archivi privati come mezzo per servire l'interesse pubblico. Il presente lavoro si propone di rivelare come la politica statale comunista sulla proprietà privata e sugli archivi si rifletta sullo stato degli archivi privati. L'autore individua due fasi. La prima, tra il 1950 ed il 1971, ha registrato un tentativo di proteggere gli archivi di lavoro di ex aziende private, assieme al tentativo di prendere gli archivi privati delle ex élite sociale e politica. Nella seconda fase, dal 1971-1974 in poi, nel quadro della politica nazionale comunista, la legislazione archivistica è stata orientata verso la concentrazione di tutti gli archivi privati storici all'interno dell'amministrazione degli Archivi di Stato.

Parole chiave: Romania, archivi storici privati, periodo comunista, Archivio di Stato

Zasebni zgodovinski arhivi: med javnim interesom in zasebno lastnino v komunistični Romuniji

IZVLEČEK

Politika glede zasebnih arhivov, ni in ne more biti ločena od političnih režimov. Če določen politični režim formalno nasprotuje zasebni lastnini, je videti povsem naravno, da zasebni arhivi niso zaželeni. Kljub temu pa lahko pregled odnosov romunskega Državnega arhiva do zasebnih arhivov v zadnjem stoletju razkriva določeno značilnost in nasprotje: boj proti zasebnemu arhivskemu gradivu kot sredstvu služenja javnemu interesu. Namen pričujočega prispevka je razkriti, kako je komunistična državna politika o zasebni lastnini in o arhivih vplivala na statusu zasebnega arhivskega gradiva. Avtor tako podrobneje opredeljuje dve obdobji. Prvo, med leti 1950-1971, v katerem se kažejo prizadevanja za zaščito poslovnih arhivov nekdanjih zasebnih družb, skupaj s poskusom, da se zaseže zasebno arhivsko gradivo nekdanje družbene in politične elite. Drugo, od 1971/1974 naprej, pa podaja pregled arhivske zakonodaje, ki je bila v okviru nacionalne komunistične politike usmerjena v koncentracijo vsega relevantnega zgodovinskega zasebnega arhivskega gradiva znotraj Državnega arhiva.

Ključne besede: Romunija, zasebni zgodovinski arhiv, obdobje komunizma, Državni arhiv

Arhivele particulare - între interes public și proprietate private în România comunistă

REZUMAT

Politica referitoare la arhivele particulare nu este și nu poate fi separată de regimurile politice. Dacă un anumit regim politic este oficial împotriva proprietății private, este normal ca arhivele particulare să nu fie agreate. În ciuda acestui fapt, o privire asupra evoluțiilor atitudinii Statului Român în problema arhivelor private în secolul trecut poate aduce la lumină caracteristici și contradicții: lupta împotriva arhivelor particulare ca un mijloc de a servi interesul public.

1 Introduction

As any other person involved in preserving heritage, the archivists in public archives often is divided between the desire of having large and valuable holdings and the need to respect the property of archival materials. Not once, that archivist might envy some other (private) archives for having nice records in their custody or even more important than his/her own. We may call this the professional challenge in archival field...

But what if in this professional challenge the power of the State is interfering, giving to the archivists in State Archives the authority over all archives? Or how a totalitarian State, with no respect to private property, regards the issue of private archives? In this paper, we shall try to illustrate instances of such processes, based on some snapshots of the history of Romanian archives during the Communism. Despite a temptation of blaming *ab initio*, in many cases the facts are not easy to qualify and an interesting mixture of professional benefits versus property breaking occurs. The main idea would be that a national policy on archives will affect both public and private records and general State political issues have a direct impact in this area.

2 Before Communism

The only Archival Act of democratic Great Romania was issued in 1925. Its provisions about the private archives concerned deposits, gifts and purchases. About the records held as deposits, the owner kept the right of property, but State Archives had the right to use those records for studies and research. The publication of the records was subject to written agreement between the Head of Archives and the owner.

“State Archives shall receive deposits for preservation [...] from private individuals or institutions. In such a case, the deponents may keep their right of ownership over their deposits, but they must grant to the State Archives the right of using for study and scientific research. Publication of pieces from such deposits will be possible only based on a signed written convention between owners and the Head of the respective Archives. Also, the divisions of the State Archives may purchase or receive as gifts any type of records, monuments or publications...” (State Archives Act 1925 (SAA) art. 3)

Due to the large national minority archives existent in some regions of Romania, the Act also stated:

“Historical archives belonging to national and denominational minorities, existent at the time of this law, will keep their present statute, but they will be put under the surveillance and inspection of the General Director of the State Archives”.

3 First years of communism. Impact on private archives

The end of the WW2 brought to Romania the raise of power of Communist Party, mainly supported by Soviet troops. Until the end of 1947, the Communists took all the political power using “democratic” elections and framed trials against political opponents. Also, they managed to force the abdication of King Michael and so the beginning of the year 1948 marked the full communisation of political power and the unstoppable march towards full deployment of Communist doctrine.

Dismantling the private property and elimination of former social elite was one of the main

goals of this doctrine. Owning lands or enterprises or any other form of production implying hiring other people for one's business meant "exploiting the workers". In this regard, following the goal of presumed "social equity", the Communists started by nationalising the means of production (Law 119/1948), as an attempt to break the economic power of "bourgeoisie". A decree in 1950 mentioned about the former exploiters that they should sign on as employee (Decree 16/1950). In the same time, in many cases, former members of the elite were imprisoned, for breaking the laws issued by the new regime.

Such actions had an impact on the private archives. As the former "exploiters" were politicians or landlords from old Romanian nobility, in many cases they possessed collections of valuable documents. Either by confiscations, either by selling as the only way to get an outcome for living, those documents were endangered, not having the proper condition for preservation anymore. The same case is for hobbyists of older artifacts, as it was less probable they belonged to the working class... The archives of former private enterprises were also jeopardized, as the new "workers power" started a new course and did not need any remains of the past. Moreover, as the paper shortage was high, the risk of using old records as waste paper increased (for the need of recycling waste paper see Decision 51/1951)

Some other actions, such as the new regime of civil status and identity control, had an impact on private archives, in this case-the religious ones. In order to clarify the civil status of the people, giving that a rigorous identity control was in force, the Decree 153/1950 required:

"Physical or legal persons holding denominational archives, within 10 days from the publication of this decree have to render to the Civil Status Offices in the area where they reside, all registers, records, files and any other documents that records actions or facts regarding civil status"(Decree 153/1950, art. 1).

Based on this legal demand, the historical Archives of different denominations had to render to the state institutions the records about births, baptism, marriage and death, mainly before 1965 or 1895, when civil status registration was introduced in various provinces of Romania.

4 A new archival regime

In 1950, very likely following the Soviet model, the State Archives were transferred under the authority of the Ministry of Interior (Decree 17/1951)¹. Until 1953, the General Director was still Aurelian Sacerdoțeanu, the person who managed the institution since 1938. A certain continuity of vision was therefore preserved, showed in his efforts of increasing the institutional profile and strengthening the regulation for protecting the archives.

In 1950, the above mentioned Decision for recycling paper was endorsing the authority of the State Archives, stating that

"Institutions and enterprises of any kind will start immediately to process their old records, following the guidelines issued by the State Archives. Afterwards, the papers, useless for them or for the State Archives, will be rendered to recycle centers. For endorsement, the State Archives will issue the necessary guidelines for processing the old records" (Decision 51/1951).

Ten years later, on the same line, a new Decision of the Council of Ministers stated:

"The Ministry of Internal Affairs, through General Directorate of the State Archives, will decide, within 30 days from the present decision, together with every Ministry or central organisation, the agenda for arrangement, inventorying and appraise the records, while all the organisations (...) will immediately start to undertake those actions according to the guidelines issued by the General Directorate of the State Archives. (...). Operations of arrangement, inventorying and appraisal of records (...) are a permanent task, that should be undertake when the retention periods stated in disposition schedule for that records category expire" (Decision 1234/1959, p. 49).

It is to be remarked that, in comparison with the Inter War period, when the recycling regulations almost completely ignored the status of records (Popovici 2013, p. 270), the new Communist

1. In USSR, the State Archives were under the authority of the Ministry of Interior in 1938 until 1960.

authorities were careful or at least accepted the care for the archival records, despite some real life attempts to bypass the regulation (*Mărturii*, 2006, p. 350). It is to be remarked that the most important records taken into account were the ones belonging to the former private factories and enterprises and, from professional point of view, it was a remarkable attitude towards preserving the past memory. In fact, a serious campaign of transferring the historical records into the State Archives custody was carried out. For example, in 1961, in an article about Braşov Regional Division of the State Archives, E. Moisuc stated that, after 1944, the total amount of historical records held increased with 320% (Moisuc 1962, p. 282). For the State Archives as a whole, it was stated in another article that since 1938, 12 millions archival units were accessioned, while in that year the State Archives only held 1.5 millions.

The broadening of accession policy for the State Archives in the first years of Communism was assumed also as a professional and a political endeavour. On the one hand, it is obvious that business archives were valuable for their content as historical sources. Adding such records to the historical archives could not but satisfy users 'and the archivists' professional interests. On the other hand, the political interest in preserving those archives stood on the idea of revealing the injustices and abuses of the past regime. Moisuc, in the above cited article, admitted it was for the first time when business archives, from industrial, commercial and banking enterprises, were accessioned by the State Archives.

"In this way, social and business archives passed the threshold of the Archives, while they used to stay for decades hidden in the Capitalists' safes for serving their class narrow interests and for destroying the documentary evidences of merciless exploitation of the masses of workers. These fonds can now be used as direct sources of documentation about capitalist economy".

Commenting the fact that the city Braşov was an industrial one for decades, and so the Archives could have held business archives since then, E. Moisuc added:

"Such an endeavour was not possible in the former regime when the state laws defended the private property over documentary materials, serving in this way the class interests that were defended by all means. Only in the years of democratic people's power such accessions have been possible, reflecting the new content for the archival activity" (Moisuc 1962, p. 282-283).

Despite being a person with a sound democratic education, Aurelian Sacerdoţeanu issued an order in 1951, asking subordinate units of the State Archives, in a very 'politically correct' wording, to check the private collections and archives and to "take to State Archives account all the material that **belongs to us**" (my emphasizing, BFP). He enumerates the archives of former agricultural properties, banks, industrial and commercial enterprises. A relevant quotation:

"Accounts, records of the executive boards and operational accounts, all together with the administrative correspondence hold a special interests for economic history and for relationships between govern and bankers. In the same time, from here it might be revealed the origins of the bankruptcy of exploited class because of the exaggerated interests" (Mărturii 2006, p. 343-345).

About the valuable personal or family papers, Sacerdoţeanu considered that, by pursuing and taking into custody the private archives, the (archival) justice is served:

"...many owners seldom played an important political role in the past and, as it was the custom, they left the position carrying a lot of files from there. Usually, these papers presents a greater importance than the records left in the institution archives. These are official records, whose alienation left gaps in county or administrative archives. Collecting them not only fills the gaps in the original archival fonds, but also [fill] the historical information exactly where the dominant class wanted to seed the unawareness" (Mărturii 2006, p. 344).

In the same time, those private records of former elite should serve the history and the interests of the new regime:

"Archives of bourgeoisie politicians and of the war criminals. These persons were dominating the past political and economic life of the country and they accumulated in their homes real collections of documents and manuscripts.... Here it can be added political and private correspondence. The former are highly valued historical documents, while the latter are political documents that are very interesting for the contemporaneity. Both should be taken into State Archive heritage, in order to be preserved and studied" (Mărturii 2006, p. 345).

In 1957, in a private letter, he criticized the new Director of the State Archives on too much politics and less care for older documents. The Director, wrote Sacerdoțeanu, refuses to purchase former landlords' documents, claiming that people's money would support in this way the "class enemy". The Director would hoped that, in the end, the owner would donate by themselves those record, while Sacerdoțeanu bantered such an idea, claiming that the owners might rather use the papers for setting fire in their ovens, spoiling in this way the history of valuable records (*Corespondență*, 2004, p. 222-223). This assertion contradicted somehow the public declaration of the Romanian Archives Delegation to the 3rd *International Archives Congress* in Florence, in 1956. In that occasion, as a response to the Italian archivists Filandieri's speech, the Romanian delegation stated:

"In Romania, the issue of private archives and mainly the family ones, is a matter of concern for the archivists for a long time, and they ceaseless struggle to bring them into State Archives repositories. Not always their efforts led to positive results, because many families owning such valuable historical sources are not understanding; on the one hand, they did not understood the documentary relevance and on the other hand they hid them, being afraid the researcher's eye not to reveal the black spots from their families history. In their vast majority, the private archives, in Romania, were not available to history scholars. In such conditions, the preservation of private archives was problematic. Many valuable pieces disappeared, either by destruction, or by alienation... State Archives is the only institution that, by its staff and its budget, can offer a proper preservation, processing and use of these archives. Unfortunately, we know there are still many families that do not understand the importance of these historical values. A law that would force the families to bring to the archives their private archives would not have good results [because...] those archives can be easily hidden or even destroyed" (Buletin 1956, p. 12).

One can notice some fine overtones in all these quotations. What is undeniable is that the main goal claimed in the public discourse is the care for old private archives and their release for research. Moreover, allegedly, this can only be done properly only by the State Archives. We can notice here a sort of "professional marketing", in an attempt to raise the institutional profile of the State Archives. Despite these efforts, some other cultural institutions criticized the competences of the archivists or ignored State Archives efforts and they created their own lobby to protect their own interests on (private) documentary material².

In what concerns the private owners, the public discourse claimed they did not understand the new cultural commandment, they blocked researchers' access because of owners' history or they destroyed their records because of their unawareness. Actually, this attitude of private owners was just a continuation of their past habit, because also in the Capitalist regime they either hid or destroyed their records... For anyone aware of those times, these assertions were not just a public dispute, but a real crime; they might have been a ticket directly to the prison. Keeping the records not available to the scholars would meant the prevalence of private (class) interest versus general interest of the working class, which was sanctioned by the laws. It is hard to believe that the former families, already target of the new regime, would risk their freedom by a public refuse to render the documents. In the same line, the ownership over records was not really protected by new laws. In the Constitution in 1952 states in article 12 that "*the right of ownership for the citizen of the People's Republic of Romania and the right of inheritance over private ownership are protected by law for their incomes and economies resulted from their work, for the house and household, for domestic objects and private use*". Hardly any private family documents can be integrated here! Moreover, as the records belonged to former economical, political or social elite of the country, it can be hardly accepted they did not know the value of those records.

Therefore, the practical refuse to render private records to the State Archives, where the case, had, in our view, two main reasons: firstly, indeed, that the documentary material might became an argument for the Communist prosecutors. In a time when political trials were ordinary, how can you trust the "cultural missions" of an institution, part of the infamous Ministry of Interior³? Secondly, the monetary value of records could have been the only source of money for often-decimated families. Bearing in mind these two arguments, the reluctance of owners of private archives to transfer them to the State Archives sound reasonable. Nonetheless, I really doubt such arguments were publicly presented...

2. See for instance the dispute between Ministry of Interior/State Archives and Romanian Academy in 1954 (*Mărturii* 2006, doc, 187, 190).

3. For an example of power and interference on archival work in the time of Stalinism see Serhy Yekelchuk, *The Archives of Stalin's Time: Political Use, Symbolic Value, and the Missing Resolutions*, Comma, 3-4/2002 B 3/4 pp. 83-91.

On the other hand, Sacerdoțeanu's letter about the refuse to buy private archives in order not to enrich the former exploiters sound plausible. The political mindset of the time emphasized that the only acceptable fortune results from one's own work. Having different goods to sell are not a good example in this regard, so, politically speaking, the State should not support former owner of private archives by purchasing their goods. Despite this, Romanian Delegation in Florence in 1956 claimed that "In the latest years, due to the serious material support for the State Archives, the collection of private archives increased by purchases" (Buletin 1956, p. 12). Some more deeply research should be undertaken in this regard, in order to identify more clearly the share of purchases in the total number of accessions of private archives in those times.

Besides the interests to protect the records and to make them available to historians, my opinion is that another element can be included in the interest of State Archives to acquire private archives: the enrich of "their" holdings with valuable records. As cited above, even Sacerdoțeanu, in 1951, asked the archivists to take the "...material that **belongs to us**". Before his leave in 1953, he, as director, contributed to the draft of the act promoting the concept of State Archival Heritage⁴, based on Soviet model. By this act, which was sanctioned formally only in 1957 (Decree 353/1957), the documentary materials considered to be part of the State Archival Heritage and held by other libraries and museums should be transferred to the State Archives, with the exception of Library of the Romanian Academy, National Library and the 3 main University Library. These exceptions reflected the influence and political lobby carried out by the other institutions, which State Archives, even backed by the Ministry of Interior, could not overrun. It should be noted that personalities from science, literature and arts have their personal papers included in State Archival Heritage only after they were donated or sold to the State Archives (or other institution). It was not the case of former royal family and members of government, whose personal paper were part of the State Archival Heritage. Interesting enough, all religious denominations were allowed to keep their documentary materials; they could not alienate the documents, but they can deposit them for permanent preservation for the State Archives. By this act, State Archives managed to appropriate a large part of the (former) private historical records. But challenges to acquire more valuable records than the law prescribed occurred. An example is presented even by Sacerdoțeanu, in his private correspondence. When a Director of a regional Archive attempted to confiscate a scholar's papers, Sacerdoțeanu (as a private person) wrote him a letter warning to avoid abuses. Sacerdoțeanu advised that State Archives should not let the impression that are allowed to confiscate the private archives and more, they should care firstly about endangered records, not that well preserved and cared. As the scholar promised to the Romanian Academy his manuscripts and documents, an attempt to confiscate would meant breaking the archival law (*Corespondență* 2004, p. 240).

To conclude, in the first decade of Communism, private archives existed as the nationalised factories archives, as former elite families' archives and as the church archives. State Archives undertook actions, both legal and in practice, to shelter the business archives. The church archives remained autonomous, with the notable exception of birth, marriage and death registers that were transferred to the Civil Status Offices where they were included in the administrative workflow of the State administration. For the family archives, State Archives attempted to appropriate those papers too, but in many cases this action failed, first because of the (silent) reluctance of the owners, then because of alternative institutional offer, like central libraries. Nevertheless, not once, the intervention of State Archives saved very valuable documentary materials from alienation and destruction.

4. This concept was often translated as State/National Archival Fund/Fonds (hereafter SAF). This translation is erroneous in my opinion and it led even the famous Michel Duchein to incorrect interpretations. SAF was defined as the whole of documentary materials owned by the State. This definitions was not connected in any way with the classical definition of an archival fonds, but it was rather similar with the concept of archival heritage (see also "cultural fond", to define the cultural heritage). In practice, the SAF contained archival fonds, so the translation of SAF as being "fonds" is incorrect, as a fonds cannot contains another fonds (it was never assumed as such, not even in communist archival literature). In this regard, the interpretation of M. Duchein that SAF reflects the maximalist approach to the concept of archival fonds is erroneous. Also, the term "fund" is basically a false friend, because the SAF is not an institution or money of any kind. A proper meaning would be, therefore, that of *archival heritage*, this translation being, in our opinion, the most closed to the concept. On the other hand, as Mr. Charles Kecskemeti noticed in a talk, the SAF also contained the active/semiactive records, while heritage often defined only the passive cultural goods.

5 The second step: National Archival Heritage

The general archival framework established in 1957 remained unmodified until 1971. The new decree 472/1971 brought significant changes in the matter of private archives and it remained, until today, a point of controversy. Its avatars within several years and its effects should be understood in a broader political context.

In 1964, after facing an attempt of economic integration/subordination proposed by Soviet Union, the Romanian Communist Party initiated a policy of independence and carrying off from Moscow. In the next years, which meant also the first years of Nicolae Ceausescu's leadership, a fresher air of relaxation and modernisation blew in Romania. In 1971, in circumstances that are still under scrutiny, Ceaușescu called yet for a cultural and moral discipline. This step, known as “the little cultural revolution”, required in its main lines:

- cultural creation should be aligned to the Communist Party policy;
- it should exist only one version of national history-the one established by the Communist Party;
- the Western culture, technique etc. should be reassessed in favour of national ones;
- the national products, tradition, culture should be promoted as better than other nations’;
- only one ideology would be accepted-the one proposed by the Communist Party.

This political endeavour reflected what historians call “the national-communism” policy, marked, among others, by censorship and nationalist and political driven cultural productions. Within this framework, a series of acts have been adopted, in order to increase the control of totalitarian State over the sources of national culture and history. In this regard, one has to quote the Law 63/1974 (Law for protecting the National Cultural Heritage of Socialist Republic of Romania). The private cultural goods were not anymore the private property of their owners, but goods of the “whole people”- therefore, they were under special supervision. The private owners of cultural goods had to declare them in 60 days; otherwise, these were subject to confiscation. The same penalties applied for owners who cannot set a proper preservation conditions. State cultural institutions were allowed to take for time-unlimited possession the most valuable private cultural goods⁵.

As mentioned above, a new archival legislation was adopted exactly in the same time with this new cultural policy of the Communist regime. In a first step, in December 1971, it was published Decree 472/1971 about the National Archival Heritage. The framework for writing this act should have been shaped by the new policy. We cannot date for sure the moment when an initial text was written, but in 1969 the idea of a new legislation was barely mentioned (Titileanu 1969, p. 13). However, due to some of its provisions, we may be certain the final version was revised accordingly to the political principles enunciated by Ceaușescu. The new archival act changes the name of the “archival whole” from *State* to *National* Archival Heritage (NAH). This change had deep legal implications over private archives: the new concept incorporated the historical records created not only by the state, but also by collective organisations, religious organisations and physical persons. Therefore, the propriety had no relevancy for the “archival protection” and State Archives received extended rights of inspection and control over creators or holders of historical records. The latter should apply the uniform provisions of law regarding the way archives should be processed and preserved. Some important museums and historical institutions were still allowed to collect and keep records belonging to NAH (*records* regarding mainly private papers). The religious organisation had the right to keep records generated by their own activity, but had the obligation to declare those received from third parties (as donations, purchases or deposits), with the goal of transferring the ones having historical value to the State Archives. Researchers who made copies of historical records in foreign Archives (as private persons or as representatives of research institutions) should declare and made them available for preservation or copying at the State Archives, in order to facilitate the general public access to the historical information.

These provisions generated a state of dissatisfaction and protest, mainly for religious organisation in Transylvania. Here, the Catholic, Lutheran or Unitarian churches had older archives with va-

5. These legal provisions were applied equally for all citizens or institutions in Romania. Despite that, even in some official documents, Hungarian minority claimed this legislation was targeted specific to their cultural goods, statements that were not demonstrated in any way (see for instance *Raport final*, p. 534).

uable documents. Moreover, due to the fact that religious denomination was generally equivalent to Ethnic minority (Hungarians and Germans), the sense of community was very much stressed and private papers used to be donated to the Church in community and not to Romanian State institutions. The new provisions on the one hand, was in favour of scientific historical research, but on the other hand spoiled religious and ethnic communities of some of their cultural goods.

The follow-up of the Decree 471 occurred in 1974, one day after the promulgation of the Law for protecting the National Cultural Heritage. It was obvious an attempt to synchronize the legal provisions of the two acts. The new Decree 206/1974 was more strict in the field of private archives, indicating more precise the time-limits and steps for performing the legal obligations. It extensively presented the steps that religious institutions should follow for transfer the third-parties historical records to the State Archives. It excluded libraries from the institutions allowed to keep historical records. The museums still allowed to collect private papers should submit their list to the State Archives. Individuals who held private historical records were obliged to submit them to the State Archives in 60 days.

The new provisions opened a real war on the field of private archives. The Library of Romania Academy was forced in 1978-1979 to transfer its collection of old charters to the State Archives, but publicly protested against such action, qualified as an abuse⁶. The Lutheran Archives in Braşov, for instance, issued a memorandum, emphasizing that they understood to obey the law, but they would never consider this transfer as legal⁷. On the other hand, many private owners had to come to the Archives and donated their records⁸.

These provisions, that made ridiculous the idea of private archives, were aligned to the political concept of national communism. We can consider today that keeping private archives was considered a form of selfishness, trying to keep historical information available for a small group of people. On the contrary, transferring them to the State Archives was a form of public use, for the general interest of the nation. However, beyond official claims, several issues does not really fit with these generous intentions. Firstly, the public availability or private records could have been obtained by setting legal obligation in this regard. But such a measure would meant a respect for private property, that was out of the sight of a Communist administration. On the other hand, in many cases, the records transferred to the State Archives were not processed at all (because of the lack of resources), so even today the records are not freely accessible, undermining the original intentions. Not to mention that, because of the same lack of resources, some of those records were kept in poor conditions of preservation, accelerating their degradation.

But one important goal for taking the ownership over private archives, in our opinion, was the intention to set control over historical sources. In the same year 1974, the secret order 00545 created within the State Archives the so-called "special archive" (Ivan 2013, p. 61-69). It was designed to contain those records from regular archival fonds that were sensitive for the official interpretation of history. In order to achieve the goal of the order, archivists were forced to screen the historical fonds for those records, extract and confined them to a special "secret" repository. These "extractions" were not indicated for the regular public of the archives, as if the sensitive records would never existed. This showed clearly that control over historical sources, in an attempt to hide anything that was besides the official line of historical propaganda, was perhaps the main goal for transfer private papers to the State Archives.

6 Conclusions and today state of facts

During Communist regime, three types of private archives could be met: private company papers, personal papers and religious archives. In this regards, two distinct attitudes were recorded. In the first phase, before 1971, the private companies archives were in general saved, by transferring those records in the State Archives repositories. The religious archives were not within the direct interests of the state and private papers were recognized as being valuable, and they were accessioned by the State Archives, by deposits, purchases or donations, in a rather cloudy policy.

6. These collection was restituted in 2010 (Law 189).

7. They had to transfer records on the guilds of the town, not religious documents. The collections were not restituted until today.

8. After the fall of Communism, some of them claimed they were forced to donate.

After 1971/1974, the State took a new approach regarding private papers. The new legal provisions compelled the transfer of all records of historical relevance from the religious archives and from private individuals to the State Archives. Such actions were synchronized in all cultural area, in what I consider to be a hidden attempt to control the historical sources and to bring them under the unique control of the State.

After the fall of Communism, in 1996 a new archival law was adopted, but the matter of private archives is almost completely ignored.

The State privatized former communist enterprises, but in rare cases there have been mentions about their archives. Along with their bankruptcies, those records are also lost, in too many cases. Historically speaking, this made the Communist administration more responsible for the archives than Democratic one...

The Library of the Romanian Academy managed to get back its collection, using the political lobby in this regard.

The religious organisations attempted several times to get back their collections. In some instances, some fonds or collections were rendered back based on decisions of courts of law, but an overall solution was not found. One article of the law is much blamed for not allowing a retrocession of private archives. The article states that "*Records belonging to NAH that, according to the law, were transferred to National Archives repositories, cannot be redrawn from their administration, with the exception of deposits*". The article is, in fact, more oriented towards avoiding the creators to ask back the records transferred to the Archives, but, obviously, it is also applicable to the case of religious archives, as long as the accessions from religious organisations in 1970 are considered legally valid.

But, in our opinion, the restitutions failed from several other reasons. The archivists in the National (former State) Archives are proud of their documentary wealth and fight to preserve it, no matter the initial conditions for accession. Not in all cases the demanders can offer similar or good conditions of preservation for the records and, in many cases, they refuse to accept for those records the same access conditions as there are in National Archives today. In several cases, the demands for restitution are not realistic. For instance, a first category of records consists from the so called "rescued archives" in the first years of Communism (when many religious organisations abandoned their records) and the parish registers (that were included in the workflow of public administration of the State). On the other hand, there are collection of historical records, transferred in the State Archives repositories in 1970s, as a result of the Communist state policy of concentration of historical sources. Due to the different circumstances, the status of those records are different, but the retrocession demands tried to obscure them.

The present paper was an attempt to present a history of private archives in Communist Romania. Caught among many interests (politics, archivists attitude, legal status etc.), private archives were not an easy task for survival. We must admit that, if records from private archives still exists today, this is because the State Archives had fulfilled its duty of preserving past memories, no matter the reasons for doing it.

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SUMMARY

This paper seeks to reveal the avatars of state policy on private archives, in Romania. In the first part, as a landmark, it is presented the archival policy on private archives in a democratic state. In this framework, the right of ownership over private records was guaranteed. State Archives had the possibility to inspect private archives for technical issues, but any accessions should rely on the civil regulations. The archival policy during Communism regime had two main stages. The first years, marked by severe repressions against former elite of the country and political or civil opposition (real or imagined), involved also a sort of campaign from the State Archives. This campaign is at least twofold: on the one hand, it meant a large endeavour to protect the abandoned or threaten private archives; on the other hand, it was also a hunt for valuable private records, that could not be protected elsewhere, but in the State Archives repositories. The second phase of archival policy during Communism was heavily influenced by the general policy of the Communist Party, called by historians "national communism". The two changes of archival legislation in Romania, between 1971-1974, marked the increasing trend of control over private records by the State Archives. It culminated with the provisions that private owners should give up to the National Archives their relevant historical documents. Here also one can notice a double facet: on the one hand, it was a breaking of the right of ownership. On the other hand, the formal purpose was to grant public general access to "national archival heritage". The closing lines present some post-Communism evolutions.

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