

## LIVING TOGETHER – LAW, TOLERANCE AND COERCION

### THE POLITICAL-JURIDICAL STATUTE OF THE JEWS IN ROMANIA (1858-2004)

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The question of the political-juridical statute of the Jews living in Romania has been the object of much internal and external controversy, most of the points of view expressed bearing the imprint of the specific political situation, without being solidly founded on documentary sources.

Without intending to go into dispute with any historians, jurists or politicians, I shall present the fundamental documents regulating the political-juridical statute of the Jews, from the first document attesting the founding of modern Romania and up to the present time.

The issue of the union of the Romanian Principalities of Moldavia and Wallachia was on the agenda after the revolution of 1848. The Unionist Movement was so strong and active, that one of the issues debated at the Peace Congress of Paris – which took place after the Crimean War (1853-1856) – was the question of the Romanian Principalities. The Congress eventually decided that ad-hoc assemblies (divans) should be summoned in the two regions in order to express their opinion on the future organization of the Romanian Principalities. Elections were further on organized and, in October 1857, the ad-hoc divans voted in favor of the union of Moldavia and Wallachia into a state called Romania.

On 7/19 August 1858, the conference of the representatives of The Seven European Powers (Great Britain, France, Austria, the Kingdom of Sardinia, Prussia, Russia and the Ottoman Empire) adopted the Convention of Paris, establishing the political, social and administrative statute of the Principalities. This document, which held the value of a Constitution, mentioned that the two countries would bear the name of the United Principalities of Moldavia and Wallachia. Art. 46 of the Convention read: “The Moldavians and the Wallachians will be all equal before the law, and in points of their contributions (taxes), and will have equal access to public office [...] The Moldavians and the Wallachians, irrespective of their *Christian Rite* (*emphasis I.S.*), will equally enjoy political rights. The exercise of these rights can also be extended over other cults, through legal provisions.”<sup>1</sup> The formula by virtue of which political rights were enjoyed by inhabitants

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<sup>1</sup> Constantin Nuțu, Maria Totu, *Culegere de texte privind istoria modernă a României (1848-1878)*, Bucharest, 1978, p. 378.

“irrespective of their Christian rite” clearly shows that the inhabitants of Mosaic rite, that is the Jews, were excluded from the exercise of these rights. The Seven Powers adapted a rider to the Convention of 7/19 August 1858, which referred to the setting up of the elective Assemblies. Art. 5 read: “No one shall be allowed to be elector unless 25 or over, and born or naturalized Moldavian or Wallachian.”

The Convention of Paris was drawn up and adopted by the main European Powers, without the participation of the Romanians. The initiative to exclude the Jews from the political life of the Principalities, and further on of Romania, did not belong to the Romanians, but to these Great Powers. The convention synthesized the European modern, liberal conception of the time. Based on this convention, the elective Assemblies of Moldavia and Wallachia were organized, and Alexandru Ioan Cuza was elected prince on 5 and respectively 24 January.

On 24 January 1862, the United Principalities of Moldavia and Wallachia officially took the name of Romania. After the plebiscite of 10-14 May 1864, the Comprehensive Statute of the Convention of Paris was adopted, by which the attributions of the Prince and of the Parliament were given a better definition. The legislative power was organized in two chambers: the Elective Assembly and the Moderating Assembly (the Senate). The electoral law defined several categories of electors, according to revenue. Art. 3 read: “Direct electors, in both towns and villages, shall be all Romanians born or having the great naturalization, with a revenue of one hundred gold pieces, and of any nature.”<sup>2</sup> Individuals under foreign protection could not be electors, or for that matter be elected deputies or senators. The law made no reference to religious rite. However, it observed the line set by the Convention of Paris.

An important moment in the history of Romania was the adoption of the Constitution of 1 June 1866<sup>3</sup>, the first fundamental law of the country, drawn up by the Romanian politicians and jurists with no external participation. It was inspired from the Constitution of Belgium, which was the most advanced in Europe at the time. Title II of the Constitution, *On the Rights of the Romanians*, read: “The Romanians enjoy the liberty of conscience, liberty of education, liberty of press, liberty of free assembly” (Art. 5). Art. 6 read: “The present Constitution and other laws regarding the political rights define the necessary conditions for the exercise of these rights, in addition to the quality of being a Romanian.” Art. 7 read: “The quality of being a Romanian is acquired, preserved and lost according to the rules established by the civil laws. Only foreigners of the *Christian rite* (*emphasis I.S.*) can be naturalized.” In fact, the 1866 Constitution resumed the stipulations of the Convention of Paris on naturalization, or the obtaining of citizenship, which could only be acquired by foreigners of the Christian rite. Further on, Art.11 read: “All the foreigners living in Romania enjoy the protection given by the laws to

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<sup>2</sup> Ioan Muraru, Gheorghe Iancu, *Constituțiile României*. Texts, notes, comparative presentation, 3<sup>rd</sup> edition, Bucharest, 1995, p. 15.

<sup>3</sup> “Monitorul Oficial”, no 142 of 1/13 June 1866.

individuals and to property in general.” This included: individual liberty; inviolability of residence; the warranting of property of any nature, declared “sacred and inviolable”; liberty of conscience; liberty of education; liberty to communicate ideas and make them public in speech, in writing and in the press; the secret of letters and telegrams “is inviolable”.

In the seventh and eighth decades of the nineteenth century, a certain evolution was noted on European level, in the sense that political (citizen) rights were granted to the Jews. This evolution was mirrored in some international documents which were also targeting Romania. On the occasion of the first International Jewish Conference held in Brussels in October 1872, it was required that the Jews living in Romania should be granted civil and political rights<sup>4</sup>.

On 8 May 1877, Romania proclaimed its State Independence; then, she engaged in the war between Russia and Turkey, and contributed to the defeat of the Ottoman Empire. The peace treaty was signed in Berlin on 1 July 1878, by Russia, Germany, Great Britain, France, Italy and the Ottoman Empire. Art. 43 of the treaty read: “The high contracting parties acknowledge the independence of Romania, and set it in relation to the terms featured in the following two articles:

Art. 44. In Romania, the difference in religious belief and denomination shall not be opposed to any individual as ground for exclusion from or incapacity of enjoying civil and political rights, admission to public office, or exercise of various professions and industries in any locality. Liberty and practice of any cult shall be granted to all the naturalized subjects of the Romanian State, as well as to foreigners, and no hindrance should be made either to hierarchical organization of the various religious communities, or to their relations with their spiritual leaders. Nationals of all the Powers, tradesmen or others, shall be treated in Romania irrespective of religion, based on complete equality.

Art. 45. The Principality of Romania retrocedes to His Highness the Emperor of Russia the part of Romanian territory broken away from Russia as a result of the 1856 Treaty of Paris, which on the west borders upon the thalweg of the Prut, and on the east on the thalweg of the Chilia Arm and the mouth of Stari-Stambul.”<sup>5</sup>

These two articles raised heated debate in the country, especially art. 45 by which Romania, although having contributed to the victory over the Ottoman Empire, was losing part of her territory, more exactly the three counties in southern Bessarabia, previously retroceded to her by the Congress of Paris of 1856. On her part, Russia was breaching the Convention signed with Romania on 4 April 1877, in which she had pledged “to maintain and have the political rights of the Romanian State observed, such as they result from the internal laws and existing treaties, and also *to defend the present integrity of Romania*” (*emphasis I.S.*)<sup>6</sup>.

<sup>4</sup> *Istoria românilor*, vol. VII, tome II. *De la Independenta la Marea Unire (1878-1918)*. Coord. Gheorghe Platon, Bucharest, 2003, p. 70.

<sup>5</sup> Constantin Nuțu, Maria Totu, *op. cit.*, p. 659.

<sup>6</sup> *Documente privind istoria României. Războiul pentru Independență*, vol. II, Bucharest, 1954, p. 112.

As to Art. 47 of the Treaty of Berlin, Prince Carol I, who came from the Hohenzolern family, well known in Germany, noted that, “the Romanian nation has never been animated by any spirit of intolerance”. He declared that, after the fall of Constantinople, many Christians who “fled the triumphant Crescent, found refuge on the territory of the Romanian Principalities”. And further on, “when the Israelites, persecuted in other states, rushed upon us, this immigration was encouraged by the traditional hospitality of the Romanians, by the tolerance they found here”. According to the Prince, immigration had taken on the character “of a genuine invasion”, the foreign element was weighing upon the development of national trade and industry, and this situation had called for a number of legislative restrictions<sup>7</sup>.

The considerable pressure exerted by the Great Powers, especially by Germany, prompted the Romanian politicians to apply the stipulations of Art. 44 of the Treaty of Berlin. On 1 October 1878 Art. 1 of the Constitution of Romania was modified. In the new form, religious equality was admitted, and citizenship was granted to all the Jews who had taken part in the Independence War of Romania, the other Jews being able to obtain citizenship through individual applications and the vote of the Parliament. Thus, citizenship was obtained by 880 Jews who had fought in the war and by several other hundreds, through individual applications, by 1918<sup>8</sup>. Their number was extremely small, if taking into account that 260,015 Jews had been recorded at the 1899 census, amounting to 4.5% of the population of Romania<sup>9</sup>.

Although enjoying political rights in few numbers, the Jews had an active part in the economic and cultural life of Romania. Therefore, Jacob Marmorosch and Mauriciu Blank founded in 1863 one of the largest banks in Romania (Marmorosch, Blank et co.). In 1902, 122 large industrial companies under Jewish leadership were recorded, representing 19.5% of all existing businesses in Romania<sup>10</sup>.

The Union of the Autochthonous Jews was founded in 1909, and it played an important part in promoting the interests of this community in relation to the Romanian State, as well as abroad.

In 1917-1919, clear steps were taken to eliminate any discrimination as to the political rights of the Jews. In July 1917, the Constitution of Romania was modified in order to enable two essential reforms : agrarian and electoral. In its new form, Art. 57 of the Constitution read: “The Deputies Assembly is composed of deputies elected by the Romanian citizens by universal, equal, direct and secret ballot, based on proportional representation.”<sup>11</sup> No further reference was therefore being made to the exclusion of citizens of a religion other than Christian.

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<sup>7</sup> *Cuvântările regelui Carol I, vol. I. 1866-1886*, ed. Constantin C. Giurescu, Bucharest, 1939, pp. 315-316.

<sup>8</sup> *Istoria românilor*, vol. VII, tome II, p. 72.

<sup>9</sup> *Ibidem*.

<sup>10</sup> Avram Rosen, *Participarea evreilor la dezvoltarea industrială a Bucharestului din a doua jumătate a secolului XIX până în anul 1938*, Bucharest, 1995, p. 60.

<sup>11</sup> “Monitorul Oficial”, no 98 of 20 July/2 August 1917.

The Union Documents of 1918 also included some principles or reforms that were to be made in the Romanian National State. Therefore, Paragraph 8 in *The Declaration* of the Council of the Country of 27 March 1918, by which the union of Bessarabia to Romania was decided, read : “Bessarabia will send to the Romanian Parliament a number of representatives in proportion with the population, elected by universal, equal, direct and secret ballot.”<sup>12</sup> Paragraph 3 in the Resolution of the National Assembly of 1 December 1918 on the union of Transylvania to Romania noted: ”The complete introduction of a genuinely democratic regime in all the fields of public life. Universal, direct, equal, secret ballot, in every commune, in a proportional way, for both sexes, aged 21 and over.”<sup>13</sup> By the Union Decisions of 1918, all the inhabitants of Bessarabia, Bucovina and Transylvania ceased to be citizens of the states from which the respective territories had broken away (Russia, Austria, and Hungary). The Royal Decrees of 9 April, 11 December and 18 December 1918 ratified the Union of the respective provinces to Romania, and the inhabitants of these territories automatically became Romanian citizens, provided they did not opt for another citizenship.

Whereas the Jews living in Bessarabia, Bucovina and Transylvania were Romanian citizens by right, Art. 7 in the Constitution of Romania still contained some restrictions concerning the Jews living in the Old Kingdom. A step to remove this discrimination was taken by the decree-law of 30 December 1918, which stipulated: “The full-aged inhabitants of the Kingdom, irrespective of their religion and who have not enjoyed the plenitude of their citizen rights, will be able to acquire these rights once they have proved, according to the present law, that they were born in the country and that they have not been the subjects of any other foreign state.”<sup>14</sup> The decree stipulated the procedure to be followed in order to obtain citizenship, by court decision. However, the process was still tedious and lengthy. As a result, another decree-law issued on 28 May 1919, noted: “The full-aged Jewish inhabitants of the Old Kingdom, born in the country, who have not been the subjects of some other foreign state, are Romanian citizens, and shall enjoy all the citizen rights if they express such a wish and make the declaration that they were born in Romania and have not enjoyed any other foreign protection.” There were no further requirements as to providing documents or obtaining court decisions: “The mere declaration that they wish to acquire citizen rights is sufficient.”<sup>15</sup> In fact, by this decree-law, citizenship was being granted to all the Jews living in the Old Kingdom. Therefore, beginning with May 1919, all the Jews living in Romania were Romanian citizens.

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<sup>12</sup> Ioan Scurtu (coord.), *Documente privind istoria României între anii 1918-1944*, Bucharest, 1955, p. 7.

<sup>13</sup> *Ibidem*, p. 10.

<sup>14</sup> C. Hamangiu, *Codul general al României. Legile uzuale. 1913-1919*, vol. VIII, p. 1.190.

<sup>15</sup> *Ibidem*, 1919-1922, vols. IX-X, p. 71.

The question of national minorities was discussed at the Peace Conference in Paris, on the occasion of the elaboration of the Peace treaty with Austria. The successor states to the Habsburg monarchy, as well as Greece, were to sign a special treaty on the national minorities. In relation to this diplomatic approach, there was much speculation about Romania having denied political rights to the minorities, especially to the Jews. In reality, I.C. Brătianu – President of the Ministry Council and head of the Romanian delegation to the Peace Conference – had not referred to the refusal to grant political rights of the minorities, but to the way in which countries included in the category of states with “limited interests”, including Romania, were being treated by the victorious Powers. When addressing the Supreme Allied Council on 31 May 1919<sup>16</sup>, Ion I.C. Brătianu noted that Romania had granted complete equality of political and religious rights and liberties to all her citizens, irrespective of race or religion. He declared that Romania was ready “to accept any decision which the states belonging to the League of Nations would accept on their own territory, in this respect” (*emphasis I.S.*). The request was declined by American president Woodrow Wilson, who assured Ion I.C. Brătianu that “we have no wish to infringe upon the sovereignty of his country”, but “Romania will come out of this war greater, stronger, with territorial gains, owing to the common effort and the vigor of our armies. We have therefore the right to insist on these conditions.” Ion. I.C. Brătianu pronounced himself for the equality of “all the states, greater or smaller”, noting that “if certain stipulations were inscribed in the Pact of the Society of Nations, Romania will not oppose them. Or, *the treaty with Austria had established various degrees of sovereignty*” (*emphasis I.S.*). This point of view was not accepted by the Allied Supreme Council (USA, Great Britain, France, Italy, Japan), and Ion I.C. Brătianu left the Peace Conference, and handed in his resignation from the position of President of the Ministry Council on 12 September 1919.

The new government, presided by Arthur Văitoianu, organized parliamentary elections on 3-6 November 1919, with the participation of all the Romanian citizens, including the Jews. One should note that Rabbi Tzirelsohn ran at Chişinău on the list entitled *The National Jewish Group*<sup>17</sup>. Several Jews were elected to the Deputies Assembly and to the Senate, including Nathan Lerner (Hotin), Tzirelsohn (Chişinău), Iancu Melic Meilichsohn (Hotin), Ilie Moscovici (Ilfov), Alexandru Dobrogeanu-Gherea (Ilfov). Had the Jews not been recognized as Romanian citizens, they would certainly not have been able to participate in the elections and become members of the Parliament.

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<sup>16</sup> For the debate, Ioan Scurtu, *România și Marile Puteri (1918-1933). Documente*, Bucharest, 1999, pp. 53-69.

<sup>17</sup> “Monitorul Oficial”, no 178 of 20 November 1919.

The Peace Treaty with Austria, including the treaty on the minorities, was signed by Romania on 10 December 1919<sup>18</sup>. Its Preamble noted: “Romania, of her own will, wishes to offer guarantees of liberty and justice, to both the inhabitants of the Old Kingdom of Romania and those in the recently transferred territories, irrespective of race, language or religion.” Art. 7 in the Treaty made special reference to the Jews: “Romania pledges to recognize as Romanian subjects, with full rights and no formality, the Jews living in the country, on the territories of Romania, who cannot prevail themselves of any nationality.”

The treaty was ratified by the Romanian Parliament on 26 September 1920. Before validation by the legislative forum of Bucharest, new parliamentary elections had taken place, in May-June 1920, and several Jews had become members of the Deputies Assembly and the Senate<sup>19</sup>: Ilie Moscovici (Ilfov), Jacob Pistiner (Cernăuți), Alexandru Dobrogeanu-Gherea (Prahova), Leevi Nathan (Hotin), Gheorghe Grigorovici (Cernăuți), etc.

The Constitution of March 1923<sup>20</sup> synthesized the juridical norms that had been adopted until then and established – in a unitary and coherent text – the rights and obligations of the Romanian citizens. I shall quote here the main stipulations. Art. 5: “The Romanians, irrespective of ethnical origin, language or religion, enjoy the liberty of conscience, liberty of education, liberty of press, liberty of gathering, liberty of association, and all the liberties and rights established by the laws.” Art. 7: “The difference in religious belief and denomination, in ethnical origin and in language, do not constitute in Romania a hurdle against acquiring and exercising civil and political rights. Only naturalization makes the foreigners similar to the Romanians in the exercise of political rights.” Art. 8: “All the Romanians, irrespective of ethnical origin, language or religion, are equal before the law, and have the duty to equally contribute to the taxes and the public duties. They are the only ones admissible in the public, civil and military offices and positions.” Art. 22: “The liberty of conscience is absolute. The State guarantees the liberty and protection of all the cults, since their exercising is not detrimental to public order, the morals or laws of organization of the State.” Art. 28: “The Romanians, irrespective of ethnical origin, language or religion, have the right to gather peacefully and without arms, in good observance of the laws that regulate the exercising of this right, in order to treat all sorts of matters; no special authorization shall be required in this respect.” Art. 29: “The Romanians, irrespective of ethnical origin, language or religion, have the right to associate, in good observance of the laws regulating the exercising of this right.” Art. 72 referred to the senators by right, who included: “The leaders of the denominations recognized by the State, one for each denomination, as they are elected or appointed in accordance with the

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<sup>18</sup> For the complete text of the treaty, *Minoritățile naționale din România. 1918-1925. Documentele*, coord. Ioan Scurtu, Liviu Boar, Bucharest, 1995.

<sup>19</sup> “Monitorul Oficial”, no 44 of 30 May 1920; nos. 45, 46, 47 of 31 May 1920, 1 and 2 June 1920.

<sup>20</sup> *Ibidem*, no 282 of 29 March 1923.

laws of the country, and represent a number of over 200,000 believers, as well as the senior religious representative of the Muslims of the Kingdom” (the Muslims being less than 200,000 in number). Art. 119: “Every Romanian, irrespective of ethnical origin, language or religion, belongs to one of the army structures, according to the special laws.” Art. 133 of the Constitution noted the ratification of the decrees-laws of 30 December 1918 on the granting of citizen rights, of 28 May 1919 and 13 August 1919 on the granting of citizenship to the Jews living in the Old Kingdom, and of all the decrees by which individual citizenship had been granted before the aforementioned decrees.

The national minorities were allowed to create political, cultural and religious associations defending their interests. In 1923, the Union of the Autochthonous Jews became the Union of the Romanian Jews (URJ), with inclusion of the local organizations of Bessarabia, Bucovina and Transylvania. In his letter of 6 October 1928 to the Jewish Community of Timișoara, President Wilhelm Filderman and the General Secretary M. Zelțer-Sărățeanu marked that the Union of the Romanian Jews had had a fruitful activity: “First of all the equality of rights of the Jews living in Romania, the consecration by Constitution of the rights of the Jews throughout the country, the recognition of the Mosaic Cult and its subsidizing from the State budget, the protection of the schools of our communities, the stipulation of our rights of equality in various laws passed in the last decade.”<sup>21</sup> In 1928 the Jewish Parliamentary Club was founded, with the mission to coordinate the activity of the Jewish deputies and senators. In 1931 the Jewish Party was created under the leadership of Theodor Fischer and Adolf Stern. It only enjoyed partial support from the Jews, and obtained mediocre results in the elections. In 1936 the National Council of the Jews Living in Romania was created. Made of the representatives of the URJ, the Jewish Party and the Mosaic Cult in the Senate of Romania, it had as a major objective to defend the democratic rights and liberties stipulated in the Constitution of 1923 and to fight anti-Semitism.

According to the census of 1930, the national minorities in Romania made 28.1% of the population. A number of 728,115 Jews were recorded, amounting to 4% of the total population of Romania.

The statistics of the Ministry of Industry and Commerce drawn up in 1937 showed that in Romania there were 173,145 individual businesses : 83,821 Romanian (48.4%) and 89,324 (51.6%) belonging to the national minorities; 32.7% out of the latter were Jewish<sup>22</sup>. I shall mention several important industrial businesses set up or managed by Jews<sup>23</sup> : the Iron Works and the Reșița Estates

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<sup>21</sup> *Minoritățile naționale din România, 1925-1931. Documente*, coord. Ioan Scurtu, Ioan Dordea, Bucharest, 1996, p. 321.

<sup>22</sup> The Central Historical National Archives, the Presidency of the Ministry Council Fund, file 240/1939, f. 41; N. Dascălu, *Les nationalités cohabitantes en Roumanie (1918-1940)*, in “Revue Roumaine d’Histoire”, 1978, 4, p. 719.

<sup>23</sup> For further details, Avram Rosen, *Contributia evreilor la progresul industrial în România interbelică*, Bucharest, 2002.



(Max Auschnitt), the Titan Metallurgical Works – Nădrag – Călan (Max Auschnitt, Oskar Auschnitt, Edgar Auschnitt, Oskar Kaufman, etc.), the “Astra” Factory of Railway Cars and Engines – Arad (N. Șapira, Mauriciu Blank, Aristide Blank, Oskar Kaufman, Richard Soepkez, L. Traserson), the “Astra Româna” Refinery (Otto Stern), the “Buhuși” Textile Factory (Schlesinger, Lazăr Margulies, Oskar Kaufman, R. Halfon), the “Vulcan” New Society of Workshops (Mauriciu Blank, Richard Soepkez, Aristide Blank), the “Ripiceni” Sugar Factory (Al. I. Zissu, I. Iosipovici, M. Abramovitz, R. Elian, I. Reiss). In addition to these, the well reputed bank Marmorosch, Blank et. Co. (Aristide Blank) and the Bank of Industry and Commerce Bucharest (Felix Javitz), etc.

These examples clearly demonstrate that the Jews, far from suffering any exclusion, had an important and even essential contribution to the economic progress of Romania in the interwar period. They were also an active and extremely fruitful presence in the cultural and scientific life of Romania.

With the rise of the nationalist, extreme right wing forces in Europe, a tendency was also noted in Romania to contest the democratic regime, labeled a Judeo-Mason creation. On this backdrop, anti-Semitism became ever more aggressive. The National-Christian Defense League created by C.C. Cuza in 1923 merged in 1935 with the National-Agrarian Party led by Octavian Goga into the National-Christian Party. The main extreme right organization was the Legion of Archangel Michael, created by Corneliu Zelea-Codreanu in 1927; made illegal in 1931, 1932 and 1933, it rebecame legal in 1934, under the name of the Everything for the Country Party. These organizations had a strong anti-Semitic character, and often committed acts of hooliganism against the Jews.

In the parliamentary elections of 1937, no political party was able to gather over 40% of the total ballots and make up a majority in the Deputies Assembly. The National-Liberal Party ranked first, with 35.9%, followed by National Peasants Party with 20.4%, the Everything for the Country Party with 15.5%, and the National Christian Party with 9.1%<sup>24</sup>. King Carol II entrusted Octavian Goga, President of the National-Christian Party, with the task to form the new government. The Goga Government (28 December 1937 – 10 February 1938) was not a government of the National-Christian Party, since the main ministries – Internal Affairs, Justice, Army, Foreign Affairs – were held by officials who did not belong to this party.

Under this government, anti-Semitism became state policy. Discriminatory measures were taken against the Romanian citizens of Jewish origin: the withdrawal from the Jewish journalists of the permits of free circulation on public transport, the suppression of some newspapers termed Jewish (“Adevărul”, “Dimineața”, “Lupta”). Quite significant in this respect was the decree-law of 22 January 1938 on the revision of Romanian citizenship. Art. 5 read: “Within 30 days from the publishing of this law in the Official Monitor, the mayors of each

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<sup>24</sup> “Monitorul Oficial”, no 301 of 30 December 1937.

commune shall draw up a table with all the Jews recorded in the nationality ledgers of the commune. Records based on the decision of an appeal commission or on court decision, shall be specifically mentioned in the table.” Art. 6: ”Within 20 days from the publishing, all the individuals listed in the tables, or their heirs, who, by the fact of the record of the author, enjoy Romanian citizenship, shall present the necessary papers in order to prove that the conditions stipulated in Art. 56, paragraphs 1, 2, 5 and 6, and Art. 60 in the Law 28/1924 (the law on the obtaining and loss of Romanian nationality) are fulfilled.” Art. 7 noted that a prolongation by 20 days could be granted on request, which increased the delay to 40 days. The same article mentioned that the non-deposition of the documents in within the given delay “was considered an acknowledgement of the fact that the legal conditions for the obtaining of Romanian nationality had not been rightfully fulfilled”. Art. 12 noted that if the documents were not deposited, or if an individual was found not to have fulfilled the requirements of the law, the court was to order that he should be erased from the ledgers, considering that the record had been made by fraud<sup>25</sup>.

The fall of the Goga Government on 10 February 1938 made this decree-law fall into oblivion. However, it was not annulled. Carol II set up the regime of monarchic authority, and on 27 February 1938 a new Constitution was promulgated<sup>26</sup>, which maintained most of the stipulations of the fundamental law of 1923. I shall quote the articles relating to national minorities. Art. 4: “All the Romanians, irrespective of ethnical origin and religious belief, have the duty: to consider the fatherland as the most important sense of their life, to sacrifice themselves in defense of its integrity, independence and dignity; to contribute by their work effort to the moral and economic development; to fulfill in good faith the community tasks imposed by laws, and to contribute of their own will to the fulfillment of the political tasks without which the state cannot exist.” Art. 5: “All the Romanian citizens, irrespective of ethnical origin and religious belief, are equal before the law, and owe it respect and submission. No individual can consider himself exempt of his/her civil or military, public or particular duties, based on his/her religious belief or on any other ground.”

The chapter devoted to the rights of the Romanians began with Art. 10: “The Romanians enjoy liberty of conscience, liberty of work, liberty of education, liberty of the press, liberty of gathering, liberty of association, and all the liberties from which rights derive, under the terms established by the law.” Art. 19: “The liberty of conscience is absolute. The State guarantees the same equality and protection to all the cults, since their exercise is not detrimental to public order, the morals or the security of the State.” Art. 27 left room for restrictive interpretation: “Only the Romanian citizens are admissible in the civil and military public functions and offices, taking into account the majority and state creative character of the

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<sup>25</sup> “Monitorul Oficial”, no 21 of 22 January 1938.

<sup>26</sup> Ibidem, no 48 of 27 March 1938.

Romanian nation. The foreign subjects cannot hold such functions, unless in cases established by law. The foreigners living on the Romanian territory enjoy the protection given by the laws to individuals and property in general. Only the Romanians and the naturalized individuals can inherit and detain rural real estate property in Romania. The foreigners shall only have a right to the value of this real estate property.” Thus, it results that the restrictions referred to the foreigners, as the category of Romanian citizens also included the national minorities (Magyars, Germans, Jews, Turks, etc.). Nevertheless, the idea of “the majority and state creative character of the Romanian nation” left room for some confusion, which was speculated in the dramatic context of the summer of 1940.

The stipulation of the Constitution of 1923 referring to the senators by right was maintained. Art. 64, letter *e* in the Constitution of 28 February 1938 noted: “The leaders of the denominations recognized by the State, one for each denomination, as they are elected or appointed in accordance with the laws of the country and represent a number of over 200,000 believers” were senators by right. According to the Constitution, senators had to be aged 40 or over; however led to a special situation appeared in relation to the Mosaic cult: after the death of Iacob Niemirower, Alexandu Șafran was elected Chief Rabbi on 4 February 1940; thus, he became the youngest Chief Rabbi in the world as he hadn’t turned 30 at the time<sup>27</sup>. The ceremony in which he took office was held at the Coral Temple on 3 March 1940, and was attended by Ion Nistor, Minister of Cults and Art. Șafran wrote in his memoirs: “As to my admission to the Senate, despite my age, the president, Constantin Argetoianu, declared himself in favor, during my courtesy call. With the support of the Palace and of the government, and with the agreement – essential in juridical points – of the High Court of Justice, the law was interpreted as addressing only the senators elected on political ground.”<sup>28</sup>

By the Royal Decree of 30 March 1938, all the political parties were dissolved. The Federation of the Unions of the Jewish Communities in Romania, not being registered as a political party, continued to exist.

After the capitulation of France before Germany on 22 June 1940 and the occupation of Bessarabia and Northern Bucovina by the Red Army after the Soviet ultimatum of 26-27 June 1940, Romania changed her foreign policy. The new government presided by Ion Gigurtu declared on 4 July 1940 that Romania was orienting herself toward the Axis, that is toward Germany and Italy. In order to win the favors of Hitler and Mussolini, the officials in Bucharest adopted a vocabulary borrowed from the fascist and national-socialist ideologies, and took steps in the spirit of the new political orientation. One such example was the decree-law of 8 August 1940 on “the juridical statute of the Jewish inhabitants of Romania”<sup>29</sup>. The

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<sup>27</sup> Alexandru Șafran, *Un tăciune smuls flăcărilor. Comunitatea evreiască din România. 1939-1947. Memorii*, Bucharest, 1966, p. 48.

<sup>28</sup> *Ibidem*.

<sup>29</sup> “Monitorul Oficial”, no 183 of 9 August 1940.

Jews were thus divided into three categories: I. The Jews who had arrived in Romania after 20 December 1918; II. The Jews who had received naturalization (citizenship) until 30 December 1918; III. The Jews who did not belong to categories I or II.

The Jews belonging to categories I and II were not allowed to be: public servants; members of professions in direct relation with the public authorities; members in the administration councils of businesses; traders in rural communes; spirits traders; guardians of or administrators for the disabled of Christian religion; military men; managers or renters of movie theatres; editors of Romanian books, newspapers or magazines; leaders, members and players in national sports associations; janitors in public institutions.

The decree-law targeted especially the Jews who had come to the country after 30 December 1918. A special mention was made of the fact that the Jews belonging to the II category preserved all their rights “acquired legally”, with two exceptions: 1) They could not acquire rural property in Romania and, in the future, they could not acquire industrial businesses in the rural area; 2) The right of parenthood of a Jewish father over his Christian child could be withdrawn, if it was established in court that the father was giving his Christian child an education against the religious or national principles.”

Another decree of 8 August 1940, forbade marriages “between Jews and blood Romanians”<sup>30</sup>.

After the instauration of the dictatorship of Ion Antonescu on 6 September 1940, the anti-Semite policy became an essential coordinate of the governmental activity. Several decree-laws were adopted, by which the Jews were denied access to the theatre and the opera, to state education, military service, the bar, etc. In addition, Ion Antonescu decided “the Roumanization of the staff” in the economic enterprises; the state’s taking over of the rural and urban property belonging to the Jews; in exchange for the pre-military and military service, the Jews were obliged to pay military taxes and work in the service of the community, etc.

The effect of these restrictions was somewhat diminished by the application of some alternative solutions, or by interpretation of the existing legislation. Therefore, the Federation of the Unions of the Jewish Communities founded schools and colleges (of university level) for children and teenagers, opened a new theatre called “Barașeum” for the Jewish directors and actors. Many enterprises were only formally Roumanized, by the appointment at top level of some ethnic Romanians. They were nevertheless preserving their entire staff, including the Jewish leadership. A number of intellectuals were placed in “compulsory service” in various public institutions (for example, approximately 2,800 Jews worked for the Institute of Statistics in 1942).

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<sup>30</sup> Ibidem.

In December 1941, Marshal Antonescu decided to dissolve the Federation of the Union of Jewish Communities and set up the Central of the Jews of Romania, which was “authorized to represent the interests of the Jewish community.”<sup>31</sup> According to the articles of law approved on 30 January 1942, the Central of the Jews of Romania had the right to: organize the Jews, correct the education of the Jews and organize them for activities and trades; prepare the emigration of the Jews; organize cultural activities and the schools of the Jews; organize the social association of the Jews; make sure that the Jews participate to work according to the law; organize the exercise of the Jewish trades under the terms established by Law; edit a newspaper of the Central of the Jews of Romania; provide data and information required by the authorities in relation with the issues of Roumanization; establish and keep the files and registration certificates of all the Jews in Romania up to date; receive the requests addressed by the Jews to the various authorities, and forward them, with enclosed references, to the competent authorities; issue of special identity cards for the Jews.

Beginning with 22 June 1941, Romania joined Germany in the war against the Soviet Union. After the liberation of Bessarabia and Northern Bucovina, the Romanian Army continued the struggle on Soviet territory. On 8 October 1941, in the absence of any special law, the massive deportation of the Jews from Bessarabia and Bucovina to Transnistria (the territory between the Dneestr and the Boug) began. There, the Jews were submitted to a regime of physical elimination. A genuine Holocaust was thus recorded, most of the deported Jews perishing of hunger and cold, as well as of various diseases. Deportations ceased after a year, on 12 October 1942.

According to the estimates, between 6 September 1940 and 23 August 1944, over 250,000 Jews died in Romania and in the territories under Romanian administration. To this will add around 135,000 Jews from the north-east of Transylvania, under Hungarian authority, who died in the Nazi concentration camps.

Approximately 360,000 Jews survived in Romania, forming the largest Jewish community in Europe at the end of World War II.

On 23 August 1944, Ion Antonescu was dismissed from power, and Romania broke away from the alliance with Germany and joined the coalition of the United Nations. The democratic regime, based on the Constitution of 1923, was reinstated. The royal decrees of 23 and 24 August 1944 abrogated the racial legislation, and the Jew recovered all their democratic rights and liberties.

Based on the Convention of armistice signed on 12 September 1944 with the USA, Great Britain and the Soviet Union, Romania adopted several laws against those who had placed themselves at the service of hitlerism and fascism (the Antonescu regime being considered fascist). The people affected by these laws included the leaders of the Central of the Romanian Jews, accused of collaborationism.

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<sup>31</sup> Ibidem, no. 299 of 17 December 1941.

On 30 December 1947 the monarchy was abolished and Romania became a People's Republic. Art. 16 in the Constitution of April 1948<sup>32</sup> read: "All the citizens of the People's Republic of Romania, irrespective of sex, nationality, race, religion or education, are equal before the law." Art. 17: "Any promotion or manifestation of race or nationality hatred is punished by law." The term "national minorities" was replaced with that of "co-inhabiting nationalities." Art. 47: "In the People's Republic of Romania the co-inhabiting nationalities are granted the right to use their maternal language and to organize education in their maternal language at all levels. The administration and justice, in territorial units also inhabited by populations of nationalities other than Romanian, shall also employ the language of the respective nationality, in oral and in written, and shall appoint public servants from the respective nationalities or from other nationalities, who speak and understand the language of the local population. The teaching of Romanian language and literature in school is compulsory at all levels."

The Constitution of September 1952<sup>33</sup> also contained articles referring to the national minorities. Art. 81: "The working people, citizens of the People's Republic of Romania, irrespective of nationality or race, are granted full equality of rights in all the fields of the economic, political and cultural life. Any direct or indirect hindering of the rights of the working people, citizens of the People's Republic of Romania, the institution of direct or indirect privileges based on the race or nationality to which the citizens belong, any manifestation of chauvinism, race hatred, national hatred or nationalist chauvinist propaganda is punished by law." Art. 82: "In the People's Republic of Romania the national minorities are granted free use of their maternal language, education in the maternal language at all levels, books, newspapers and theatres in their maternal language. In the territorial units also inhabited by populations of nationality other than Romanian, all the organs and institutions shall also employ the language of the respective minorities, in oral and in written, and shall appoint public servants from among the respective nationalities, or other local individuals who are familiar with the language and customs of the respective population."

The last Constitution adopted during the socialist-totalitarian regime was the one of 1965<sup>34</sup>, when Romania adopted the name of Socialist Republic. The same principles noted in the previous fundamental law were maintained. Art. 22: "In the Socialist Republic of Romania the co-inhabiting nationalities are granted the free use of their maternal language, as well as books, newspapers, magazines, theatres, education in their own language at all levels. In the administrative-territorial units also inhabited by populations of nationality other than Romanian, all the organs and institutions shall also employ the language of the respective nationalities, in

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<sup>32</sup> "Monitorul Oficial", no 87 bis of 13 April 1948.

<sup>33</sup> "Buletinul Oficial al Marii Adunări Naționale a Republicii Populare Române", no 1 of 27 September 1952.

<sup>34</sup> "Buletinul Oficial al Republicii Socialiste România", no 1 of 21 August 1965.

oral and in written, and shall appoint public servants from among them or from among other citizens who are familiar with the language and the customs of the respective population.”

These rights and liberties could be exercised within the limits permitted by the socialist-totalitarian regime. In fact, Romania was led by a unique political party (the Romanian Workers' Party created as a result of the fusion of the Communist Party with the Social-Democrat Party in February 1948; in July 1965 it adopted the name of Communist Party), which imposed its political and ideological program in every field of activity: economic, social, political, cultural, etc. The main production means, the housing fund, the hospitals, movie theatres, theatres, etc. were nationalized. The agriculture was collectivized (cooperativized), and the peasants were deprived of their right of property over the land (apart from a minimal plot of land around their own farm). Education and culture were ideologized. The repression organs embarked upon the liquidation and even physical elimination of political adversaries.

This policy affected all the Romanian citizens, including the Jews. Unlike other socialist countries, Romania accepted the emigration of the Jews to Israel, a fact which led to a considerable decrease in number of this community, which in 1977 counted approximately 24,667 individuals. In those hard times, many Romanian ethnics wished to be Jews or Germans, in order to be able to emigrate legally. Many Romanians were shot down when attempting to cross the border illegally; those who were caught by the border authorities were sentenced to long terms of imprisonment.

The year 1989 marked a change of regime in Romania. The Revolution of December 1989 opened the road back to democracy. In November 1991 a new Constitution was adopted<sup>35</sup>. Art. 4 read: “Romania is the common and undividable fatherland of all her citizens, irrespective of race, nationality, ethnic origin, language, religion, sex, opinion, political orientation, property or social origin.” Art. 6: “The State recognizes and guarantees to the individuals belonging to the national minorities the right to preserve, develop and express their ethnical, cultural, linguistic and religious identity.” Art. 59: “The organizations of the citizens who do not gather in the elections the number of votes enabling them to be represented in Parliament have the right to hold a seat of deputy, under the terms given by the electoral law.” Romania is the only country in Europe – and maybe in the world – which grants such rights to all the minorities. On this basis, a representative of the Jews is member of the Deputies Chamber; to him will add the Romanian citizens of Jewish origin elected on the lists of the political parties.

In order to prevent and discourage any form of anti-Semitism, in March 2002 a law was passed, which forbade the fascist, racist and xenophobe organizations and symbols; the negation of the Holocaust was also interdicted.

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<sup>35</sup> Ibidem, no 233 of 21 November 1991.

Although representing a little numerous ethnic group – the census of 1992 recorded 9,107 Jews – the Federation of the Jewish Communities of Romania carries on an ample activity on internal and international levels. In their turn, the Romanian citizens of Mosaic religion substantialles contribute to the economic, social-political and cultural development of the country they live in and are linked to.

By Governmental Decision, 9 October was declared the Day of Holocaust in Romania. This day was celebrated for the first time in 2004. As in 2004, the day of 9 October was a Saturday, at the proposal of the Federation of the Jewish Communities of Romania the event was marked on Tuesday, 12 October.

In the 146 years taken into focus by the present article, the political-juridical statute of the Jews living in Romania has taken a sinuous course: from exclusion (1858) to partial acceptance (1878), and the granting of full rights (1919); then, a new period of exclusion, first partial (1938-1940), then total (1940-1944), and the Holocaust (1941-1942); again, the proclaiming of equality of rights with the other inhabitants (1944), and the insurance of full participation to the public life of Romania, with no hindrance whatsoever (1989).