

## THE LEGAL STATUS OF THE JEWS IN ROMANIA DURING WORLD WAR II

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**Abstract:** The question of the Jews has been a concern, of not only the historian, since ancient times to the contemporaneity. A black page in the human history, the Holocaust is now meant to highlight an objective presentation of the facts and the political actors who endorsed or maintained such a tragedy. The interwar legislation, the political activity of some personalities at that time, including people of culture, the programs and the historical stages that formed the basis of the anti-Semitic practices are some of the topics approached in the article, meant to reflect, more than half a century later, the particularly serious events that the Jewish population in Romania experienced. The presentation of the historical events related to this sensitive subject, without pretending completeness, aims to assimilate some knowledge related to a global event, which represented a challenge to the most elementary human values.

**Key words:** anti-Semitic policies, deportation, totalitarian regime, discrimination, legislation.

The territory of Romania, being at the crossroads of the strategic roads that connect the south-eastern Europe to the other geographical spaces of the continent and having important economic resources, has been, since antiquity, a centre of interference and clash of the great powers. Anti-Jewish policies and actions did not appear suddenly in 1933, but they manifested themselves, over time, in several countries. Nazi Germany, however, painted the picture of an international Judaism that was intended to govern the world. Hitler declared in 1939 that “if the international Jewish being, in Europe or outside Europe, succeeds once again in throwing the peoples into a world war, then the result will not be the Bolshevization of the world, so a victory of the Judaism, but, on the contrary, the Jewish race will disappear from Europe”<sup>1</sup>.

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<sup>1</sup> The discourse of Hitler, from the 30<sup>th</sup> of January 1939, inserted in the German press of that time (see the Institute of Research of the Holocaust Museum from the United States, Washington/United States Holocaust Memorial Museum- USHMM/ “Documents Concerning the Fate of Romanian Jewry during the Holocaust”– hereafter DCFRJDH, ed. Jean Ancel, the Beate Klarsfeld of Foundation New York, vol. III, 1966).

Himmler, the head of the SS and Police forces, Hans Frank, a lawyer and governor-general of Poland and Thiera, etc., and the Minister of Justice tended to regard the Jew as an inferior biological species, a parasite, a microbe that transmitted deadly diseases to the German people through simple contact. "If we exterminated a microbe", Himmler said<sup>2</sup>, in his speech of October 1943, "we did not do so in order to eventually allow ourselves to be contaminated by the same microbe and to die". Hans Frank very often called them "lice", and the sick Europe would get over only after those in Poland were killed<sup>3</sup>. Even during the 16<sup>th</sup> century, Luther showed that the Jews deserved the contempt of the Lord and a heavier punishment than the thunder and the lightning that destroyed Sodom and Gomorrah, that they are a prey to anger and blindness, and that rabies is in their hearts<sup>4</sup>.

Both Luther, in his time, and the Nazis, later, tried to prove that the Jew could not change, remaining forever a Jew. Anti-Jewish racism was born in the second half of the seventeenth century, with the first "caricatures of the Jew" that appeared in satirical engravings<sup>5</sup>. The "theoretical" foundations of racism are laid after 1800, when, by tying themselves to certain physical, immutable characteristics, the anti-Semites discover that they became "a race". Thus, formulations such as "racial substance" (Rassenkern), "superior race" (Hochrasse) and "racial decline" (Rasseverfall) appear<sup>6</sup>.

During the tragedy of 1933-1945, the examples of resistance were fewfold and small in scale. The Jewish community reacted typically, with attempts to ease the endured hardships. The trials took the form of sums of money, preventive submission, charitable aid, rescues of people or property. The organization of aid and rescue of people or property became a traditional institution, today being one of the characteristics of the United Jewish Appeal.

All the histories of the Jewish people relate, in essence, the incessant turmoil and destruction, the consequent readjustments, the constant work to restore the community. In general, Jews emigrated when they were coerced, either by expulsion or by an economic crisis. Their last reaction was that of obedience to the laws and orders directed against them. Interestingly, the persecutors of the Jews understood that they could derive benefits from cohabitation with them, according to the adage "Do not kill the cow you want to milk" as pointed out by a historian<sup>7</sup>.

In a fiction made shortly before Hitler came to power, novelist Hugo Bettauer<sup>8</sup> shows that the Viennese, having driven out the Jews, finding that the city had become a dead city, decide to recall them. In their mutual relations, victims and aggressors used

<sup>2</sup> The discourse of Himmler, October 4, 1943.

<sup>3</sup> The general conference from the general Governing, July 9, 1943, in "The Journal" of Frank, p. 2233.

<sup>4</sup> Martin Luther, *Von den Jueden und Yhren Luegen*, Wittenberg, 1543, p. 418.

<sup>5</sup> Eduard Fuchs, *Die Juden in der woriteriur*, Munich, 1921, pp. 160–161.

<sup>6</sup> Konrad Durre, *Werden und Bedeutung der Rassen*, in "Die Neue Propylden – Weltgeschichte", Berlin, 1940, pp. 89–118.

<sup>7</sup> Vezi Stowasser, *Zur Geschichte der Wiener Gesera*, Wirtschaftsgeschicht, 16/1922, p. 106.

<sup>8</sup> Hugo Bettauer, *Die Stadt ohne Juden. Ein Roman von uebermorgen*, Wien, 1922.

a secular experience. The ground was set for anti-Jewish action. Hitler was not forced to invent propaganda, create laws and create a mechanism, but only to seize power.

The Nazi Party<sup>9</sup> adopted, on 24 February 1920, a 25-point programme, four of which relate directly or indirectly to Jews:

4) Only a related brother (Volksgenosse) can be a citizen... No Jew can, therefore, be a related brother.

5) That who is not a citizen can only live in Germany as a guest...

6) The right to make decisions about the direction and laws of the state can only belong to citizens...

7) Any new arrival of non-German persons is to be banned...<sup>10</sup>.

Paragraph 17 of the cited document provided for the possibility of expropriating goods and money in the interest of the community<sup>11</sup>. Hitler interpreted it as relating to Jewish-owned assets<sup>12</sup>. In the early 1930s, the Nazi party was organized, with specialized legal and political sections. In October 1932, the Reich Interior Minister intended to ask for twenty years of residence in Germany to be made compulsory for the naturalization of foreigners, “who belonged to an inferior culture” - in reference to Jews and Polish people. The circulars banned Jews from changing their names in order to be more easily spotted and excluded from the public life. The actions against Jews, to no longer have access to public baths or thermal resorts, were considered, by the authorities, to be “isolated”. In November 1938, following the assassination of a German diplomat at the German embassy in Paris by a young Jew, the Assault Division leadership ordered its troops to systematically burn down all the synagogues in the country. A “compromise” solution suggested by Goebbels was found – Jews to pay a fine, fixed at one billion marks<sup>13</sup>.

In Romania, the movement to assert national identity overlapped, from the very beginning, the principle of nationalization with the democratic principle. On the one hand, a national-democratic ideology was formed, on the other, a nationalist, chauvinistic and anti-Semitic one emerged. In Romania's modern history, nationalism generates, first, anti-Greek movement, and then anti-Semitism. At the same time, personalities such as Bălcescu, Maiorescu, Ralea, Ibrăileanu, Lovinescu adopt a discriminatory doctrine – a nationalism supporting and propagating its own values.

The affirmation of self-awareness, the entry into competition with other ethnic groups is achieved through the “*Supplex Libellus Valachorum*” – a reformist program with motivations of language and nation, fraternity and claiming the same traditions

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

<sup>10</sup> Ludwig Munn, *Führer durch die Behörden und Organisationen*, Berlin, 1939, pp. 3–4.

<sup>11</sup> *Ibidem*, p. 4.

<sup>12</sup> *Ibidem*.

<sup>13</sup> At the official rate, un billion of reichsmark was the equivalent of 400.000.000 dollars. *Trial of the Major War Criminals*, IX, Nuremberg, 1947, pp. 276–278; see also *Proces des grands criminels de guerre*, IX, Nuremberg, 1947, pp. 300–301.

and customs, the same beliefs and histories. Romanian scholars had been involved in the study of history, playing an important role in ideas regarding the economic, cultural and social progress of the nation. The intellectual environment became fertile to confusing philosophies. The ad-hoc divans of Moldavia and Wallachia, meeting after the Paris Peace Congress in 1856, had refused to discuss the status of the Jews, determining their representatives to address the great powers with petitions. Alexandru Ioan Cuza, taking into account the requests of the Romanian Jews, synthesized by Iuliu Barasch, PhD., in the brochure “L'emancipation des Israelites en Roumanie” (Paris, 1861)<sup>14</sup>, will grant, under a few conditions, civil rights.

In the Constitution adopted in 1866, Article 7 states: “the quality of Romanian is acquired, preserved and lost in accordance with the rules announced by the civil laws. Only foreigners of the Christian rite can obtain the quality of Romanian”<sup>15</sup>. This article would most often be invoked in the Parliament of the country in the last decades of the nineteenth century, practically erecting a barrier against the Jews born here and the impossibility of naturalizing those arriving from other regions of Europe. Jews then numbered about 165,000 people. Restrictive laws and circulars led to anti-Semitic issues. Jews were not allowed to settle in rural areas, open hotels and restaurants, and rent property.

Romania remained among the last European countries where Jews were granted their civil rights. Under the pressure exerted by the Berlin Peace Congress of 1878, which had conditioned the recognition of Romania's independence to the revision of Article 7 of the 1866 Constitution, the Parliament voted to reformulate that article: “... the difference in religious beliefs and denominations does not constitute, in Romania, a hindrance to acquire civil and political rights and to exercise them”<sup>16</sup>. Later, in 1879, the “naturalization” procedure was also voted on, by which the Jews could individually apply to the Chamber for the right to citizenship.

The great proportion of Jews further remained as “foreigners without foreign submission”, that is, stateless people. In 1913, out of 231,038 souls in the Old Kingdom, only 4,668 received citizenship, violating Articles 43 and 44 which provisioned the block emancipation of the Jews<sup>17</sup>.

The Jew was considered the symbol of the foreigner because they were not assimilated. The views expressed by Mihai Eminescu, Bogdan Petriceicu Hasdeu, Vasile Conta, then Nicolae Iorga and A. C. Cuza are suggestive. In his articles, Eminescu opposes any concession, appreciating the “Israelite issue” as being “calamity”<sup>18</sup>. The concept of a citizen is assimilated to that of the ethnicity. Eminescu's

<sup>14</sup> Articles 8, 9 and 16 represent an attempt to acknowledge the political emancipation.

<sup>15</sup> Carol Iancu, *L'emancipation des Juifs de Roumanie (1913–1919)*, Montpellier, 1992, p. 22.

<sup>16</sup> *The Official Gazette*, no. 232 din 13 oct. 1879; C. Băicoianu, *Problema evreiască*, Bucharest, 1925, p. 25.

<sup>17</sup> Moses Gases, *The Situation of the Jews in Romania*, in “East and West”, 1921, XI, 30.

<sup>18</sup> D. Vatamaniuc, *Între deosebitele personalități*, in M. Eminescu, *Opere*, X. Publication (November 1877–15 Feb. 1880).

attitude can be explained by the fact that he had real fear in the face of the multiplication of the Jewish population in Moldova.

Jews concentrated in cities because they were denied ownership of land, their proportion in some centers of Moldova reached 50% (in Iași), provoking the reactions of people of culture and parliamentarians. At the same time, the Romanian bourgeoisie, in formation, did not have the financial means to face the competition of the Jewish bourgeoisie.

The defense reaction we feel in the texts of Eminescu, Hașdeu<sup>19</sup> etc., must be interpreted as a misunderstanding of the contribution of the Jewish bourgeoisie and craftsmen to the economic, technical and urbanistic development of Romania, to the modernization of any form of trade<sup>20</sup>.

According to some analysts<sup>21</sup>, Vasile Conta must be considered “the true founder of the Romanian doctrinal anti-Semitism”. The conclusion he draws in “The Jewish Question” is that “the first condition for the existence of the state was that the people should be of the same race”<sup>22</sup>.

Nicolae Iorga would refer to the debates for granting citizenship in “The History of the Jews in Our Countries”<sup>23</sup>, having an ambiguous attitude. He began, together with A. C. Cuza, to edit, in 1906, the newspaper “Neamul românesc”, and from 1910 he founded the National-Democratic Party. A. C. Cuza would become the most important theorist of anti-Semitism. He, being a university professor, dean of the Faculty of Law, would influence a part of the generation then in training. His theses are concentrated in “Despre poporație” (1899) and “Plagiatul poporației. O calomnie More iudaico” (1911), where the idea of “elimination” of the Jews from the life of the Romanian state is formulated for the first time<sup>24</sup>.

Unlike A.C. Cuza, Iorga would become, in the '20s, more conciliatory, moving from the ardent, patriotic mystique, to someone rejecting violence and extreme measures<sup>25</sup>. The '30s would bring to the fore a new generation of undeniable values, but also an extraordinary radicalism. Interesting is, in this respect, the attitude of Mircea Eliade, as a militant journalist.

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<sup>19</sup> B. P. Hașdeu, *Studiu asupra iudaismului. Industria națională, industria străină, industria evreiască, față cu principiul concurenței*, Bucharest, 1901; Idem, *Istoria toleranței religioase în România*, Bucharest, 1868.

<sup>20</sup> Stela Marieș, *Supușii străini din Moldova în perioada 1781–1862*, Iași, A. I. Cuza University, 1985.

<sup>21</sup> Leon Volovici, *Jews, Romanians and Ottomans: Some political aspects of their relation in Moldavia (XV–XV centuries)*, in “Romanian Jewish Studies”, I, Jerusalem, 1987, p. 10.

<sup>22</sup> Vasile Conta, *Opere complete*, Bucharest, 1914, pp. 647–658.

<sup>23</sup> *Documente privind domnia lui Alexandru Ioan Cuza*, vol. I, (1859–1865), Bucharest, Romanian Academy Press, 1989.

<sup>24</sup> Leon Volovici, *Nationalist ideology and antisemitism, the case of Romanian intellectuals in the 1930's*, Pergamon Press, London, 1994.

<sup>25</sup> Radu Ioanid, *Nicolae Iorga and Fascism*, in “Journal of Contemporary History”, London SAGE, vol. 27, 1992, pp. 467–492.

“We are the lucky contemporaries of the most significant transformation that modern Romania has known: the creation of a new aristocracy. The legionary youth, along with other miracles accomplished through sacrifice, enthusiasm and creative will, laid the foundations of a Romanian elite that is meant to change the meaning of the history of this nation”<sup>26</sup>.

Corneliu Zelea Codreanu, student and disciple of A.C. Cuza, had, in this respect, an identical point of view: “The new Romanian elite, like all other elites in the world, must be based on the principle of social selection, having the role of directing a nation in accordance with the laws of life of a people”<sup>27</sup>. Thus, the irrational concept of subjecting the crowd to the discretionary will of an individual or group of people arises.

There are some historians, such as Radu Ioanid, who, analysing the pro-fascist anti-Semitic legislation, find that some legal measures adopted in the Romanian Principalities would have been “the first anti-Semitic legal measures” since the 16<sup>th</sup> century. They cannot lead to the conclusion of the state anti-Semitism existence.

As early as the 19<sup>th</sup> century, the Romanian legislation on Jews had been developing under the sign of ethnic and religious discrimination<sup>28</sup>. The “Organic Regulation” provisioned, in Chapter 3, Section 94, the obligation for all Jews to be registered with the local authorities, specifying their occupation. “The Jews who could not prove their worth had to be evacuated from those localities”<sup>29</sup>.

On May 5, 1851, in Iași, a “Commission against vagrancy” would be established, to regulate the right of the Jews to settle in Moldavia, and, in 1859, Mihail Kogălniceanu asked the Central Commission for the common laws of the United Principalities to elaborate laws that would prohibit the access of the foreign Jews and provision the gradual emancipation of Romanian Jews. Since 1863, A. I. Cuza promised the emancipation of the Romanian Jews. Since 1864, the right to vote was granted to Jews if they were officers in the army, had a university degree or were owners of an industrial enterprise. After the abdication of A. I. Cuza, the current favourable to the emancipation of the Romanian Jews reoriented itself, sometimes even sliding towards anti-Semitism. Until 1877, the Jews did not have the right of permanent residence, being possible to be banished as “vagrants”:

“They cannot possess, in the countryside houses, land, vineyards, inns, pubs; they cannot lease land and sell tobacco and cigarettes. The right to own houses and real estate in cities is systematically challenged; they are not allowed to take part in any invitation to tender; there cannot be teachers, lawyers, nor

<sup>26</sup> Mircea Eliade, *Noua aristocrație legionară*, în “Vremea”, year XI/1938, no. 522 from January 23.

<sup>27</sup> Stelian Bălănescu, Ion Solacolul, *Puncte de vedere sau despre inconsistența miturilor: cazul mișcării legionare*, in “Dialog”, no. 142/146, 1993.

<sup>28</sup> Radu Ioanid, *op. cit.*, p. 13.

<sup>29</sup> I. C. Butnaru, *Holocaustul uitat*, Tel Aviv, ACMEOR, 1985, p. 485.

pharmacists, state doctors or railway civil servants; they are obliged to perform military service, but cannot be promoted as officers in the army”<sup>30</sup>.

Article 44, the decision of the Congress of Berlin, from June to July 1878, provisioned: “In Romania, differences in confession or religious faith may not be invoked as a reason for exclusion or prevention from enjoying civil and political rights, for the prohibition to practice public offices and to obtain honours, or to exercise any craft or profession in any kind of locality”<sup>31</sup>.

The law voted in 1879, regarding the revision of art. 7 of the Romanian Constitution, grants Romanian citizenship only to a number of 888 Jews, who had fought in the war of independence of Romania, from 1877-1878, and, in the period 1879-1911, there 189 were naturalized<sup>32</sup>. From 1880 to 1894, as a result of a law adopted in 1882, 859 people were expelled from Romania, of which 163 were Jews. Between 1894 and 1906, 6,529 were expelled, of which 1,177 were Jews<sup>33</sup>.

The Primary Education Law of 1893, and the Law on Secondary and Higher Education (of the same year) provisioned that education was free only for Romanian children. The others – foreigners, – were admitted only within the limits of available places and paying taxes. Because of these measures, there is an emigration of Jews from Romania to the U.S., Western Europe and Palestine, meaning about a third of the Jewish community in Romania emigrated<sup>34</sup>.

Since 1876, although they were not Romanian citizens, a large part of the Jews in Romania were obliged to perform military service, and since 1882 they had to serve in the army as “inhabitants of the country”. Although about 13,000 Jews participated in the Balkan War in 1913, they were not granted citizenship Romanian. In World War I, 882 Jews were killed, 735 wounded and 825 decorated.

By adopting the Constitution of 1923, the Jews of Romania were granted Romanian citizenship, along with all the other minorities of the country. People who had opted, before 1924, for the citizenship of another state were considered to have lost Romanian citizenship. The regulation lasted until 1938. Royal Decree No. 169 of January 21, 1938, signed by Carol II and Octavian Goga (President of the Council of Ministers), states the “revision” of the award of citizenship to Jews. It was not discrimination on a racist basis but on the basis of the place of birth.

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<sup>30</sup> Carol Iancu, *Bechröder et Cremieux. Le combat pour l’émancipation des Juifs de Roumanie devant le Congrès de Berlin. Correspondance inédite (1878–1880)*, Centre de Recherche et d’Etudes Hébraïques, Montpellier, 1987, p. 19.

<sup>31</sup> *Ibidem*, p. 58.

<sup>32</sup> Carol Iancu, *Les Juifs en Roumanie, 1866–1912. De l’Exclusion à l’Emancipation*, De L’Université d’Aix en province, 1978, pp. 186–187.

<sup>33</sup> *Ibidem*, p. 203.

<sup>34</sup> Carol Iancu, *L’émancipation des Juifs de Roumanie*, Montpellier, Centre de Recherches et d’Etudes juives et Hébraïques, 1992, p. 32.

The Carlist Constitution, of February 27, 1938, proclaimed at point “a” – “the law of blood” and at point “b” distinguished “Romanians from blood” and “Romanian citizens”<sup>35</sup>.

It was Nazi Germany that would directly and immediately determine the Romanian political life during the Carlist period. The solutions adopted by the ruling circles of the Third Reich would find a strong echo in Romania, using the same brutal methods, covered by “legislative” measures. Thus, if between 1933 and 1940, the solution of emigration was conceived, after 1941 it would be proceeded to the measure of extermination of these “foreigners”. The legal status of the Jewish inhabitants of Romania was regulated by two laws preceding the fascist government in Romania: Decree-Law no. 2650 given on August 8, 1940 signed by the Prime Minister, Ion Gigurtu, and the Minister of Justice, Ion V. Gruia<sup>36</sup>, and Decree-Law No. 2651 which forbids marriage between Romanians by blood and Jews<sup>37</sup>, issued in the same period. They were the first racial, of fascist character laws in Romania, because, in the explanatory memorandum of Decree no. 2651, there are frequently notions such as “Romanian blood”, “the biological conception of the nation” and concrete references to the “racial laws of Nuremberg”.

In order to understand how this point was reached, we must make a return to the German legislation of the interwar period, the main source of inspiration of the Romanian legislation in this regard<sup>38</sup>, the German people was divided into “Aryans” and “Non-Aryans”. The latter – the “Non-Aryans” – were divided into three other categories: a) Second-degree Mischling (“mongrel”) – people with a Jewish grandfather; b) First degree mischling – people who were not married to a Jew on September 15, 1935, were descended from two Jews but did not practice the Mosaic religion; c) Jews – people with two Jewish grandparents, belonging to the Mosaic religion or, married to a Jew, on September 15, 1935, and people having three or four Jewish grandparents. The most affected by the German legislation in the coming years would be those in the “c” category. Those in the categories “a” and “b” could not be officials, in the army they could not exceed the status of soldier and could not marry Germans except with official approval. When considering the entry into the category of “Aryan” or “Non-Aryan” one took into account, not the religion of the person concerned, but of their ancestors.

The status of the Jews, according to the Decree-Law of August 8, 1940 (no. 2650) was even more explicit: a) those of mosaic religion; b) those born to parents of Mosaic religion; c) Christians born to a Christian mother and a father of mosaic

<sup>35</sup> Gheorghe Dumitraș-Bițoaica, *Statutul juridic al evreilor și legislația românizării*, Buchrest, Prometeu, 1942, p. 43.

<sup>36</sup> *Decret-lege privitor la starea juridică a locuitorilor evrei din România*, în *Evreii din România între anii 1940–1944*, vol. I, “Legislația antievreiască”, Bucharest, 1993, pp. 46–50 and “The Official Gazette”, part I, no. 183, August 9, 1940, pp. 4079–4080.

<sup>37</sup> *Decret-lege pentru oprirea căsătoriilor între români de stinge și evrei*, în *Evreii din România între anii 1940–1944*, vol. I, p. 55 and “The Official Gazette”, part I, no. 183, August 9, 1940, pp. 4086–4087.

<sup>38</sup> Raul Hilberg, *Exterminarea evreilor din Europa*, vol. II, Hasefer Press, Bucharest, 1997, pp. 65–66.



religion, unbaptized; d) those born to a mother of Mosaic religion outside the marriage; e) women entering into previous alliances, married to Christians, if they had switched to Christianity no later than one year after the establishment of the Party of the Nation (June 22, 1939); f) Jews of atheist blood<sup>39</sup>.

According to the same decree, the Jews of Romania were divided into three categories:

– Category I: those who came to Romania, after December 30, 1918;

– Category II:

a) Naturalized until December 30, 1918;

b) Naturalized after serving the homeland during the war of independence, by amending the Constitution of 1866 in 1879, pursuant to art. 7, par. 2, lit. c;

c) The naturalized from Dobrogea, after its incorporation in Romania as a result of the Congress of Berlin (1878) and the joining of the Quadrilateral;

d) Those who fought in Romania's wars, for the Romanian side, except for those who died in battle or passed into the occupied territory;

e) The wounded, the decorated, the ones known for acts of bravery during the war;

f) The descendants of those who died in the Wars of Romania and the descendants of those included in the previous paragraphs.

– Category III. Jews not included (exempted) in categories I and II<sup>40</sup>.

It was also provisioned, for Jews, regardless of category, the prohibition to acquire Romanian names<sup>41</sup>. They could not acquire rural property in Romania<sup>42</sup> and risked the annulment of the paternal attribute if they gave their potential Christian children an education contrary to the religious or national principles<sup>43</sup>. Second-class Jews could not hold or gain public office in the future<sup>44</sup> and they could not be career soldiers.

Those in categories I and II could not be: civil servants, lawyers, traders (in rural areas, or could not sell alcoholic beverages), military, publishers, members of national sports associations, service people in public institutions. Those who violated the provisions of the above-called decree were punished with deprivation of liberty, from one month to two years<sup>45</sup>.

<sup>39</sup> Gheorghe Dumitraș-Bitoaica, *Statutul juridic al evreilor și legislația românizării*, Bucharest, Prometeu, 1942, p. 33.

<sup>40</sup> According to art. 6 from *Decretul-lege privitor la starea juridică a locuitorilor evrei din România*, in "Legislația antievreiască", vol. 1, p. 47.

<sup>41</sup> *Ibidem*, Art. 14: "The Jews from any category cannot acquire Romanian names... The ones that try and do it shall suffer penalties...".

<sup>42</sup> *Ibidem*, Art. 11: "The Jews from any category cannot acquire rural properties in Romania". On the other hand ... they can sell their properties to the Romanians by blood...".

<sup>43</sup> *Ibidem*, Art. 13.

<sup>44</sup> *Ibidem*, Art. 9: "... Those who are not civil servants on the date the decree was published, cannot obtain, in the future, any public office".

<sup>45</sup> *Ibidem*, Art. 21: "It shall be punished by correctional prison" (letters a–f).

Exempt from the provisions of Decree no. 2650 of August 8, 1940 or “privileged” were the Jews who had obtained naturalization after the war of independence, those naturalized by the vote of the Parliament and their descendants. Beneficiaries – about two thousand people. So were the combatants of the Balkan War or the First World War, regardless of whether they had been decorated or not.

Interestingly, the “Report to the Council of Ministers” on this decree law, made by the Minister of Justice of that time, Ion V. Gruia, says that: the division of Jews into three categories, “is not accidental. It is the transition point to a regime that belongs to tomorrow”<sup>46</sup>.

In the same explanatory agenda, making direct references to the racial laws adopted in Nuremberg in 1935, the Minister of Justice, speaking about the protection of the “Romanian blood by prohibiting marriages between “Romanians by blood” and Jews, he stated: “I considered the Romanian blood as a main element for the defence of the Nation”<sup>47</sup>.

In the following year (on April 9, 1941), it was issued the Decree – Law no. 968 granting a dispensation to state officials who wanted to marry a person of Romanian ethnic origin, other than Jewish<sup>48</sup>.

The decree-law, bearing the number 1867, adopted on June 24, 1941, provided the same rules of marriage for the officers and non-commissioned officers of the Romanian army, being followed by a “Regulation on the Decree-law related to the military status of the Jews”<sup>49</sup>.

All these norms defined the Jews on religious grounds. They had the obligation to register at the “Jewish Center of Romania”.

Decrees – laws no. 2650 and 2651, adopted by the Gigurtu government under Carol II, remained a permanent benchmark for the legislators of the later fascist regimes, and a continuity in this respect could be observed.

Antonescu's totalitarian state exercised its repressive function towards the Jewish population, through the Minister of the Interior and through the army. The military authorities were empowered to act on the basis of the laws of war, the Ministry of Internal Affairs having the role of organizing the movements of the Jewish populations and the columns of work of public benefit, to create the special police of the Jews<sup>50</sup>.

The years 1930-1940 were decisive in the systematic propagation of anti-Semitic ideology<sup>51</sup>. It was then that the foundations of the anti-Jewish legislation of Antonescu regime were laid, suggesting the need to create a pure ethnic state. Racist

<sup>46</sup> Gheorghe Dumitraș-Bitoaica, *op. cit.*, p. 47.

<sup>47</sup> *Ibidem*, p. 55.

<sup>48</sup> Relevant are, for this situation, *Precizări ale Ministrului Justiției cu privire la Decretul – lege care se referă la oprirea căsătoriilor între românii de sânge evrei*, in *Evreii din România între anii 1940–1942*, vol. III, 1940–1942: “Perioada unei mari restriți”, Bucharest, Harefer Press, 1997, pp. 204–205.

<sup>49</sup> In *Evreii din România între anii 1940–1944*, vol. I, pp. 156–162.

<sup>50</sup> Lya Benjamin, *Studiu introductiv*, in the volume *Evreii din România ...*, vol. I, p. XIX.

<sup>51</sup> *Ideea care ucide*, Antologie de texte, Bucharest, Noua Alternativă Press, 1994.

theories had made their presence felt in political and cultural environments, influencing the education in the family, in schools and universities<sup>52</sup>.

The situation of the Jewish population – as a structure – remaining in Romania after the territorial losses in the summer of 1940, was shown in the “Memorandum” prepared by the Central Institute of Statistics. According to the last census, as of December 30, 1930, the number of inhabitants of the Mosaic religion was 756,930, being 4.2% of the total population of the country. By provinces, the Jews were willing as follows: in Bessarabia (27.3%), over a fifth in Moldavia (21.4%), 12.9% in Crișana – Maramureș, 12.4% in Bucovina and 10.8% in Muntenia. The fewest were in Banat (1.9%), Dobrogea (0.5%) and Oltenia (0.5%).

According to the same 1930 census, 36.5% of the Jewish population lived on trade and 28.1% on industry. The figure of the Mosaic population changes in the 1930s-1940s, both due to natural growth and migration.

The changes that occurred, as a result of the territorial detachments in the summer of 1940, caused about 56.5% of the number of Mosaics to remain in the lost territories (about 427,962 Jews), thus remaining in the Old Kingdom only 328,968 persons of mosaic religion.

The territorial losses in the summer of 1940, especially the Vienna Award, marked the end of the royal dictatorship. Noting Gigurtu's inability to master the situation in the country, Carol II decided to replace him with a person capable of restoring order, who would have authority in the army, enjoy the trust of the Iron Guard and not meet the opposition of Iuliu Maniu and C. I. C. Brătianu. The person who met these attributes was General Antonescu, whom the king invited to the Royal Palace on the evening of September 3, 1940.

Although the moments were decisive, the leaders of the P.N.Ț. and of the P.N.L. did not assume the responsibility to organize and lead Romania on the road of returning to the democratic, parliamentary – constitutional regime. They looked with satisfaction at the collapse of Carol's regime, which they had long wanted, but seeing the difficult situation the country was in, they did not have the courage to take responsibility for the Romanian state. They adopted a path of behind-the-scenes manoeuvres aimed at establishing a dictatorial regime that would restore order in the country and restore state power.

On September 4, 1940, Carol II received the resignation of the I. Gigurtu government. On the same day, Antonescu “in charge of forming the government”<sup>53</sup>, tried to get in touch with Horia Sima, knowing the support that the Iron Guard enjoyed from the Nazi Germany, showing himself willing to satisfy the claims. At the same time, two meetings were held with Wilhelm Fabricius, the Minister of Germany in Bucharest, with whom he advised on how to solve the political crisis.

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<sup>52</sup> Dan Botta, *Conștiința de rasă*, in “Sfarmă piatră”, year II, no. 37, from Aug. 1936.

<sup>53</sup> Președinția Consiliului de Miniștri, *Pe marginea prăpastiei*, vol. I, Bucharest, 1941, p. 43.

Against the general background of the dissatisfaction of the large popular masses, the iron-guardists put pressure on the Palace, on the camarille, demanding the abdication of Charles. Between Antonescu and the Legionnaires, a close connection was increasingly established. Realizing that being President of the Council, under Carol II, was not a guarantee that he would stay in power for a long time and, with the support of Germany, Antonescu asks Carol, for dictatorial powers, on the evening of September 4.

Left alone, without political support, on the morning of September 5, Carol signed the decree suspending the Constitution, dissolving the Parliament, endorsing I. Antonescu with full powers for the leadership of the Romanian state<sup>54</sup>.

Examining the content of the decree, it can be seen that, by its content, a rift was being prepared between the king and the prime minister. In Article 2, that on royal prerogatives, it was stated that “He is the Head of the Army”<sup>55</sup>, and finally, that “The amendment of organic laws, the appointment of ministers and undersecretaries of state will be made by royal decrees, countersigned by the President of the Council of Ministers”<sup>56</sup>, thus annulling the practical effectiveness of Article 1 of the same decree, which invested General Ion Antonescu “with full powers for the leadership of the Romanian state”<sup>57</sup>.

Antonescu could only change the structure of the old Carlist regime with the king's consent, which would have led to a “tabula rasa” of his own past, neither predictable nor acceptable. Antonescu's “full powers” therefore referred only to the administrative level of the state, not to the highest level, of the legislature and the supreme executive. Antonescu was, at that time, halfway between the council president and the head of state. He continued the consultations with the leaders of democratic bourgeois political parties and iron guard heads on 5 September, with a view to resolving the government crisis. All those consulted (the leaders of the P.N.Ț, P.N.L. and the Iron Guard) demanded Carol's abdication, supporting the general's own intentions.

In order to counter the king's possible attempts to save his throne, Antonescu seeks to isolate him from the people he could have supported and sends him, on September 5, a letter asking him to abdicate and leave the country, citing the reason that he can no longer ensure his security.

The intervention of the Minister of Germany in Bucharest, Fabricius, was decisive.

On the morning of September 6, realizing that the game was lost, King Carol passed the royal prerogatives to his son, Michael. Antonescu also had a reserved position regarding the destination of Carol's fortune, giving him the opportunity to leave with everything he wanted. In the afternoon, Horia Sima arrived in Bucharest and was invited to the Presidency of the Council of Ministers.

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<sup>54</sup> “The Official Gazette”, from September 5, 1940.

<sup>55</sup> *Ibidem*.

<sup>56</sup> *Ibidem*.

<sup>57</sup> *Ibidem*.

Carol left the country, via Yugoslavia, Italy, being accompanied by Elena Lupescu and Ernest Urdărescu. After a short stay in Switzerland and Spain, he was forced to spend several years in Mexico and Brazil, the last years of his life being spent in Portugal, pledging that he would not carry out any political activity. He was married in July 1947, in Brazil, to Elena Lupescu. He died on the 3rd of April 1953, following a heart attack, being buried in the royal tomb of the Monastery of San Vicente in Lisbon, along with the kings of Portugal (his father's, Ferdinand, grandmother and mother had been a Portuguese queen and, respectively, a princess). The regime of the personal dictatorship of King Carol II marked the period when the Romanian monarchy reached the peak of its power, managing to seize the main economic and political levers of the state, to impose its own will on the other political factors. The contempt for bourgeois parliamentary democracy, as well as for the Romanian constitutional tradition, in which the monarchy had its well-established place, the attempt to institutionalize a personal regime proved to be, in the end, bankrupt.

The formula recommended by the German legislation, in September 1940, transposed, after all, into practice was the establishment of a government made up of legionary leaders, to which there would be added a few soldiers at the Ministry of National Defense and technicians at the economic departments. This formula was finalized on the night of 14/15 September 1940. The president of the Council of Ministers was General Ion Antonescu, who also assumed the National Defense. The Iron Guard held: the vice-presidency of the Council of Ministers (Horia Sima), the Ministry of Internal Affairs (Constantin Petrovicescu), the Ministry of Foreign Affairs (Mihail Sturdza), the Ministry of Public Works and Communications (Pompiliu Nicolau), the Ministry of National Education, Cults and Arts (Traian Brăileanu), the Ministry of Labour, Health and Social Protection (Vasile Iașinschi).

The economic ministries entrusted to specialists: Prof. Gheorghe Leon – former Minister of National Economy and in Gigurtu government, kept his portfolio, being doubled by the iron-guardist Corneliu Georgescu as undersecretary of state; George Crețianu, director of the National Bank of Romania, politically unemployed, becomes minister of finance, having as helpers two undersecretaries of state, the iron-guardists Constantin Papanace and Ion Protopopescu. Mihai Antonescu, a close friend of Ion Antonescu, a professor of international law, becomes the minister of justice. Lt. Col. Nicolae Dragomir, was entrusted the newly established department of The Economic Coordination and Staff, etc. The entire Press and Propaganda sector comes under the control of the legion. The Iron Guard held the absolute majority of the posts of secretaries-general, directors-general and directors of ministries, including the undersecretariat general of the Presidency of the Council of Ministers<sup>58</sup>.

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<sup>58</sup> "Timpul", from September 16 and 20, 1940.

The presence at the head of the economic and financial departments of some technicians proves the distrust, both of General Antonescu and of Berlin, towards the capacity of the legionary leaders to govern the economic life of the country. The power of the Legionary Movement “took place under the control of Germany and on the initiative of Hitler’s leadership, for the sole benefit of the Nazi war machine, for the purposes pursued in the eastern and south-eastern Europe, since the Third Reich”<sup>59</sup>. Simultaneously with the announcement, in the press, of the formula of the new government (September 16, 1940), Romania was proclaimed a “national legionary state”. The Iron Guard was the only political movement that had the right to act legally.

At the time of the government constitution, both Ion Antonescu and Constantin Petrovicescu were no longer among the regular establishment of the army<sup>60</sup>. The army did not hold, in this government, only the undersecretaries of state at the Ministry of National Defence, positions that the military had held in all the previous governments. Between September 6, 1940 and January 24, 1941, the army did not leave the barracks to interfere in political affairs, only once, on January 21–24, with the intention of liquidating the legionary rebellion.

General Antonescu's first concern was to appease the anger of the unleashed crowds. General Antonescu's appeals were not missing the promises that those who had been guilty of the country's disaster would be held accountable<sup>61</sup>.

In those days, the successive decree-laws had a one-way meaning, being directed against the regime of the royal dictatorship, the only one responsible for the end of the country's borders; not a word about the responsibility of Hitler's Germany and fascist Italy, the real authors of the Vienna Act. On September 6, 1940, the dignities of royal adviser and the crown council were abolished. The next day – a decree-law on the control of the assets of the former state officials from the last 10 years. On September 8, 1940, all shares owned directly or indirectly by Carol, issued or in the deposit of some companies, were blocked. From September 9, the Nation Party and its guards, the funds at their disposal, were disbanded. The generals who had collaborated with Carol II, and supported him, were placed in reserve, etc.

Thus, it appeared a portrait of an Antonescu, an incorrigible opponent of the dubious businessmen, a defender of the law, and “To die for General Antonescu is a duty. To die for General Antonescu is an honour”<sup>62</sup>.

Antonescu was one of the most conservative politicians that interwar Romania had. His military formation also made a strong mark on his political thinking, turning him into a perfect prototype of the military dictator. Living in the privacy of some

<sup>59</sup> Lucrețiu Pătrășcanu, *Probleme de bază ale României*, 3<sup>rd</sup> edition, Bucharest, 1946, p. 263.

<sup>60</sup> Through the decree of October 25, 1940, Constantin Petrovicescu was retroactively promoted to division general, starting with June 1, 1938 (when he had been in reserve), being reintegrated in the regular establishment (*Cuvântul* from October 27, 1940).

<sup>61</sup> *Chemarea către țară*, in “Timpul” from September 9, 1940.

<sup>62</sup> An article signed by Mihai Antonescu, in “Universul”, from September 6, 1940; “Timpul”, from October 31, 1940.

politicians of the time, being for many years head of the General Staff, Antonescu knew very well both the pettiness and the venality of most of them, as well as the practices that governed the Romanian political life.

King Michael and Queen Mother Elena made themselves available to the dictator in his campaign to win public opinion.

The Legionnaire-Antonescu government conducted a policy of total alignment with the Axis. As a “head of state”, Antonescu points out that Romania no longer considered itself linked to any of the diplomatic pacts, agreements and concords concluded in the previous period, the only basis of the foreign policy being the development of ties with the Axis: “We go one hundred percent, until death, along with the Axis. Either we triumph with the Axis, or we fall with the Axis”<sup>63</sup>.

The measures taken in the first days after taking power, practically led to the enslavement of the country to Hitler's Germany.

Not only the Jewish leaders in Bucharest made interventions regarding the annulment of the deportations, but also numerous Romanian political personalities. With the greatest consistency in favor of the Jews, together with Wilhelm Filderman, the leader of the peasant party, Nicolae Lupu, PhD., intervened with Ion Antonescu<sup>64</sup>.

Iuliu Maniu<sup>65</sup>, the leader of the National Peasants' Party and the leader of the Liberal Party, Dinu Brătianu, also sent memoirs to Ion Antonescu, demanding the annulment of the deportations. The two, together with another peasant-party leader, Ion Mihalache<sup>66</sup>, considered that the measures for the deportation of the Jews had been taken to the suggestion of the Germans, they “being gathered by the traditions of humanity possessed by our people”<sup>67</sup>.

There were notes from the SS, informing that, in September 1942, a letter signed by a group of intellectuals had been sent to the king, in which they protested against the deportation of Jews. In favour of the release of the poet Magnus Sperber, the literary critic Eugen Lovinescu, the poets Ion Pillat and Vasile Voiculescu and the writer Oster Maltur Ciscck intervened<sup>68</sup>.

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<sup>63</sup> The declaration of Antonescu delivered in the Minister Council meeting, from September 21, 1940.

<sup>64</sup> Dr. Nicolae Lupu was born in 1876, at Arsura-Ghermănești. Studies: The Faculty of Medicine. He supports Romanian entering the war with the Allies. Founder of the Peasant Party. Vice-president of P.N.Ț. Minister of Education, health and Public Property, Labour and Internal Affairs, from 1913, deputy in all the legislatures.

<sup>65</sup> Iuliu Maniu (1873–1952). Son of a magistrate. He studies at the Universities from Cluj, Wien, Budapest. Doctor in law at Budapest, in 1898. He takes part to the Memorandum movement. From 1897, he is a member of the National Council of the Romanian National Party. He merges P.N.R. with the Peasant Party of Ion Mihalache, in 1926, creating P.N.Ț. (Peasant National Party)

<sup>66</sup> Ion Mihalache, born in 1882, Topoloveni (Muscel). A primary school teacher. He founds, in 1918, the Peasant Party. During the governing of the peasant party, from 1928–1931, he fills different positions.

<sup>67</sup> DCFRJDH, vol. 10, 1996, pp. 354–357.

<sup>68</sup> Radu Ioanid, *op. cit.*, p. 338.

The turning point in the war also determined a change in Antonescu's attitude on addressing "Jewish issues", which led to the annulment of the decision regarding the deportation of the Jews from Moldova and Muntenia, and the saving of about 300,000 lives.

Furthermore, "The Inter-ministerial Commission, created as a body for the execution of the deportation of all Jews in Romania, began to deal with... the repatriation of the Jewish deportees"<sup>69</sup>.

At the end of 1943, the selective repatriation of Jews deported to Transnistria begins. The signs of a certain "goodwill" towards the fate of some Jewish deportees are shown since the spring of 1942, when the governors of Bessarabia, Bucovina and Transnistria receive, through a secret note, the list of categories of Jews who could be released from the ghettos, with the approval of the governors and the Ministers of Foreign Affairs and Justice:

- a) The war invalids and their direct descendants;
- b) Widows and war orphans;
- c) The parents of the fallen on the field of honour;
- d) Those who took an active part in Romania's wars, for Romania, in the lines of fire and were wounded or decorated with orders of bravery;
- e) Former soldiers in the Romanian army;
- f) Pensioners of the Romanian state, who worked for the benefit of the country;
- g) Jew men or women married to Christians, whether or not they had children;
- h) Jews baptized before 1920;
- i) Elderly people, over 70, who had families in the country and could support them;
- j) Exceptional cases of worthy people who do not fall into any of the above categories, and who will be subjected to the appreciation of the Governors.

The idea of the provisional repatriation of the Jews from Wallachia and Moldova was formulated in a memoir sent on November 19, 1942 by Nandor Ghingold – president of the Jewish Central, to the Head of State. Ghingold proposed the idea of the Jews leaving Transnistria, through Romania, for another country, by paying some final taxes partially paid by the applicants or their relatives, the difference being sustained by the Jewish organizations abroad<sup>70</sup>.

This idea was embraced by the government's representative for Jewish affairs, Radu Lecca, at the meeting of November 22, 1942, attended by the leaders of the Jewish Central and Wilhelm Fildennan.

The latter sent, on January 2, 1943, a memoir to Ion and Mihai Antonescu requesting the repatriation from Transnistria of orphans, widows, invalids and war decorations. A few days later, Filderman discussed with Radu Lecca in Bucharest the possibility that 5,000 orphans from Transnistria could emigrate through

<sup>69</sup> Matatias Carp (ed.), *Cartea Neagră. Fapte și documente. Suferințele evreilor din România*, vol. 3, Bucharest, Socec Press, 1948, p. 243.

<sup>70</sup> *Ibidem*, pp. 407–408.



Romania, Bulgaria and Turkey to Palestine, the expenses being sustained by the Jewish Agency for Palestine, based in Jerusalem.

By order no. 55347 of the Ministry of Internal Affairs, on January 19, 1943 “it was ordered the establishment of a Commission that was to triage the Jews deported to Transnistria and concentrated in the Vapnirard camp, in order to repatriate those who had been deported and concentrated<sup>71</sup>, for reasons lacking fundament<sup>72</sup>”.

On the same day, the Romanian authorities decide to select the Jews deported to Transnistria, for repatriation, from the following categories:

- those who had submitted applications for departure to Bukovina and Bessarabia after their occupation by the USSR and whose names appeared at the Soviet legation in Bucharest;

- deportees from among those who had eluded the compulsory labour<sup>73</sup>. The attitude of the authorities will “sweeten” even more in the summer of 1943. General C. Z. Vasiliu, minister undersecretary of state at the Ministry of Internal Affairs, asked his subordinates rhetorically (on August 11, 1943) to say when they had worked correctly: in the past (1941) when they had approved favourably the deportation to Transnistria of “the innocent Jews” or now (1943) when they endorsed the return of the deportees<sup>74</sup>. The request addressed, on September 7, 1943, to Radu Lecca, included the following categories of Jews who were to be repatriated: orphans, widows, invalids and those decorated during the war of 1916-1918;

- Jews original from Dorohoi;

- the Jews from Wallachia and Moldova who had been in the areas subjected to evacuation by chance;

- pensioners and former state officials; - Jews deported in September 1942 (suspected of prohibited political activity and accused of having violated the provisions on compulsory labour); orphaned children<sup>75</sup>.

Mihail Antonescu, based on the report drawn up by Radu Lecca, the General Commissioner, approved the repatriation of orphaned children, widows, invalids and those decorated in the war of 1916-1918, of state officials and pensioners. It was decided to concentrate orphaned children from Transnistria in an orphanage in Odessa, from where they were to be taken over for emigration by the International Red Cross<sup>76</sup>.

By order no. 43504, sent to the Transnistrian Gendarmerie Inspectorate, General C. Z. Vasiliu ordered, in accordance with a previous order of the Council of

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<sup>71</sup> DCFRJDH, vol. 10, pp. 592–595.

<sup>72</sup> Matatias Carp, *op. cit.*, vol. 3, p. 406.

<sup>73</sup> *Ibidem*, p. 419.

<sup>74</sup> *Ibidem*, pp. 408, 434.

<sup>75</sup> *Ibidem*, pp. 409, 435–437, 438–440.

<sup>76</sup> *Ibidem*, pp. 409, 437.

Ministers, “the return to the country of all Jewish criminals, to compulsory work, sanctioned with sending to Transnistria, as well as their families”<sup>77</sup>.

The order was dated October 3, 1943. Ten days later, Wilhelm Filderman demanded, through a note addressed to the Romanian government, the repatriation of all Jews deported to Transnistria<sup>78</sup>. In response, through a report of the M.A.I., it is proposed the repatriation of the vast majority of the deportees. There were exempted:

- Jews deported to Transnistria from Târgu Jiu camp (407);
- Jews who had been active in the communist movement and who were at large at the time of their deportation to Romania (554);
- Jews convicted of communist activity and evicted from the penitentiaries of Romania (85);
- Polish Jews who clandestinely entered Bukovina and evacuated to Transnistria<sup>79</sup>.

On January 17, 1944, “Ion Antonescu refused to continue repatriating the Jews, claiming that one million Romanians from Transnistria, Bessarabia and Bukovina would like to return to Romania. To receive the Jews would be to cause great discontent”<sup>80</sup>.

It is more than interesting to see the change in the attitude of Mihai Antonescu, noticeably anti-Semitic and xenophobic, manifested in previous years, which emerges from the long telegram sent to Alexandru Crețianu, the Romanian Minister in Ankara, in which he emphasizes that the Romanian government had been since 1941 “against any physical solution or serious individual coercion measure, the Romanian people being tolerant and not advocating the crime as an institution and political method”<sup>81</sup>.

Warning Crețianu that “you, Antonescu and your families will be killed” by the Russians, Ira Hirschmann, special representative of President Roosevelt and member of the War Refugee Board, stressed that he had nothing to offer in exchange for allowing Jewish children to emigrate to Palestine to a government that kills its own citizens”<sup>82</sup>.

After marshal Antonescu's decision of March 14, 1944, to allow the return of all Jews from Transnistria, two repatriation commissions of the Jewish Centre went to Mogilev and Tiraspol.

Officially and holding valid approvals, 10,744 Jews were repatriated from Transnistria (of which 1,846 children orphaned by both parents), their number being only 20% of the Romanian Jews in Transnistria, who had survived the winter

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<sup>77</sup> *Ibidem*, pp. 443–444.

<sup>78</sup> *Ibidem*, pp. 409, 444–447.

<sup>79</sup> *Ibidem*, pp. 447–450.

<sup>80</sup> *Ibidem*, p. 241.

<sup>81</sup> Ion Calafeteanu, Nicolae Dinu, Teodor Gheorghe, *Emigrarea populației evreiești din România în anii 1940–1944*, Bucharest, 1993, p. 136.

<sup>82</sup> Ira Hirschmann, *Caution to the Winds*, New York, David McKay, 1962, p. 157.

of 1943. Other deportees managed to reach Romania taking advantage of the chaos caused by the German-Romanian withdrawal and the entry of Soviet troops into Transnistria.

In the memorandum presented at the Paris Peace Conference<sup>83</sup>, in 1946, it is shown that, in Romania, in the autumn of 1944, 22,300 of the deportees from Transnistria returned to Romania, that only 1,528 Jews had died there, plus 3,750 from within the country, except for those from northern Transylvania.

Moreover, “the Romanian government had never intended to give up the protecting of the Romanian Jews living abroad”<sup>84</sup>.

The Minister of Justice, Lucrețiu Pătrășcanu, who organized the lawsuits filed against the war criminals, said, regarding the Jewish real estate confiscated by Antonescu regime: “a period of four years has created some situations that you cannot make disappear; for example, as far as the Jews are concerned, I admit, I have not been able to do justice so far”<sup>85</sup>.

Always inconsistent in the decisions he made, especially after the course of the war had changed, changing his mind about the repatriation of all the Jews deported to Transnistria, he would order, at a meeting of the Council of Ministers, the implementation of one of the following solutions:

“One solution is to take them from these cities, and take them to certain small towns, to get all the Romanians out of there, and to let them live among themselves. We should only feed them. We go through the supply service and they pay. They work with each other, they make tailoring, carpentry, etc.

The second solution is to gather them in the ghetto, in every city. Let's say: this is the part where you stay; do not get out of here, do what you want; we do not kill you, we do not do anything to you.

The third solution is to take them from there and bring them to the country. But it is the most dangerous and catastrophic for the Romanian people. I cannot bring them there. Many have escaped, and I cannot bring the others, for I have faith that the world would stone me”<sup>86</sup>.

At the end of his trial, Ion Antonescu stated that he took upon himself all the mistakes of his subordinates, except for the abuses, robberies and the committed murders. “We made many repressive laws, similarly to all the states of that time, which, however, did not apply. No Jew was executed, no young man was executed, retaliatory order we gave, but of massacre, we did not”<sup>87</sup>.

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<sup>83</sup> DCFRJDH, vol. 8, p. 497.

<sup>84</sup> *Ibidem*, p. 500.

<sup>85</sup> Radu Ioanid, *op. cit.*, p. 355.

<sup>86</sup> DCFRJDH, vol. 10, p. 422.

<sup>87</sup> *Procesul mării trădări naționale – stenograma dezbaterilor – guvernul Antonescu*, p. 54.

Antonescu was not an adventurer from an economic point of view. He was politically situated between Goga and Codreanu, having a fervent cult of the state and the obsession of a Romania purified by minorities.

His anti-Semitism was economic, political, and social, but he had no religious and mystical fits, like the Legionnaire one. Even his most ardent enemies admit that the fate of the Jews would have been different (in the wrong sense) if the government of the Legionnaires had lasted longer. The first laws on the abrogation of anti-Jewish people, adopted between August and December 1944<sup>88</sup>, ended an era of historical experience for the Jewish community in Romania, which – for the most part – understood that the solution for the Jewish people was the State of Israel and the return to their home country, while respecting, everywhere, the principles of the rule of law.

Thus, by Decree No. 1626 of 31 August 1944<sup>89</sup> it is stated, in art. I, that “The rights of the Romanians are those recognized by the Constitution of 1866, with the amendments that were subsequently brought to it the Constitution of 1923”.

On September 1, by Decree-Law no. 1630<sup>90</sup>, the concentration camps are abolished. On the same day, by Decree-Law no. 1634 the “Undersecretariat of State of Romanianisation, colonization and for the creation of the Office for the liquidation of the patrimony of the National Centre for Romanianisation and solving of the minority problems and migration” is abolished<sup>91</sup>.

On December 19, 1944, the Decree-Law is given “for the abrogation of anti-Jewish legislative measures”<sup>92</sup>. Through it, there are abrogated all the restrictions on both Jewish people and property, restrictions that were, under past dictatorial regimes, the object of legislative, administrative or judicial provisions. All Jewish civil servants removed from service on racial grounds were reintegrated into the same positions they held, in compliance with all the rights earned by seniority, grade and payroll, similar to the officials who remained in service.

Those in the service of disbanded companies, would be assigned for compulsory employment in equivalent situations, to other enterprises. Any dismissed employee would regain the right to work.

Jewish craftsmen and free professionals are reinstated in all their rights and in situations identical to those they had before the application of racial laws. The goods and the rights of any kind, taken away from Jews by the provisions of racial laws, were

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<sup>88</sup> The volume *Anti-Jewish Legislation* contains the memoirs of the Jewish Central Council addressed to the new Romanian government, installed after the overthrow of Antonescu regime (August 1944), reflecting the approach of the Jewish organizations in Romania to obtain the abrogation of the anti-Jewish legislation, and to restore the Jews in the rights and with the goods they were dispossessed of (documents 99–103). They include, in addition to natural repairs, numerous concrete data on the irreparable consequences of anti-Jewish legislation.

<sup>89</sup> *Legislația antiievreiască*, vol. 1, pp. 371–372.

<sup>90</sup> *Ibidem*, pp. 372–373. *Decretul- lege pentru desființarea lagărelor de internare*.

<sup>91</sup> *Ibidem*, pp. 374–375.

<sup>92</sup> *Ibidem*, pp. 378–392. This law, no. 641, was published in “The Official Gazette”, no. 294, from December 19, 1944.

given back to them. The buildings, thus, re-entered the patrimony of the Jewish holder, free from any tasks constituted after the dispossession of the Jew, and the mobile assets would be resumed by the dispossessed owner from the holders, on any account. The re-entry into use of the former Jewish landlords and tenants in the buildings from which they were evicted was immediate, through the effect of this law.

All the monetary rights that were due to the former Jewish owners, stripped of their right by the effect of the racial laws, when the debtor was the state, were to be the subject to special laws, as the war effort against the Hitlerism continues.

During the war, the salvation of the Jews from death came in contradiction with the doctrine of the "First victory. After the war, the repairing of the injustices inflicted on the Jews conflicted with the efforts of the East and the West to win the favours of the part of Germany they had occupied. Condemnation of persecution, propaganda for freedom and expressions of sympathy for the oppressed were overshadowed by reserves defending the essential interests of the Allies. These resources became responsible for the "functional blindness" the Allies suffered from, in the decisive moments of the Jewish catastrophe.

After the war, the Jews formulated three requirements: the restitution of all property, confiscated or become Aryan; the compensation of the survivors who had suffered material loss and physical damage; repairs intended for the reintegration of displaced persons.

The installation of the communist regimes in the East left no hope for the Jews to truly recover farmland or businesses. In Romania, Bulgaria and Hungary, formerly allied countries of the Axis, the Soviets regarded the Jewish assets as German property, and appropriated them as compensation. It began, in fact, the exodus of a part of the Jews who were oriented towards the formation of a state that would be called Israel. They abandoned everything they had achieved. The communist Romania gave the federation of Jewish communities "some worn-out furs and some recovered valuables"<sup>93</sup>. In time, the extermination of European Jews would lose its importance. The phenomenon would exhaust its direct effects and possible consequences that were becoming more and more distant from their original cause.

By the end of World War II, there were about 375,000 Romanian Jews who had survived. In 1930, 756,000 Jews lived in Romania. Of these, 150,000 had been deported by the Hungarian authorities in collusion with the German authorities, in 1944, to the extermination camps in Poland and Germany. Of these, 130,000 were murdered. According to some estimated evaluations, approx. 1,000,000 people from Bessarabia and Bukovina withdrew with the Soviet authorities in 1941, or were subsequently deported. About 50,000 Jews survived the deportations from Transnistria. About 45,000 perished in Bessarabia and Bukovina. In Transnistria (mostly, Odessa, Golta, Berevorvca) at least 130,000 local Jews perished, plus at

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<sup>93</sup> Raul Hilberg, *op. cit.*, p. 258.

least 75,000 deported Romanian Jews, who were killed or died due to disease, poverty, misery. In the areas under Romanian jurisdiction, implicitly with the help of the Germans, 250,000 Jews found their death.

The history of the extermination and survival of the Romanian Jews, during World War II, was and still is full of contradictions and paradoxes.

The trials of Romanian war criminals began in 1945 and ended in 1951–1952. King Michael I signed, on January 21, 1945, Law no. 50, elaborated by Lucrețiu Pătrășcanu, Minister of Justice, regarding the punishment of war criminals<sup>94</sup>.

In the trial of national treason, Ion Antonescu, Mihai Antonescu, C. Z. Vasiliu and Gheorghe Alexianu were executed in Romania, the main charge being the anti-Semitic one. The death penalty was commuted to dozens of cases by senior officials and officers, many of whom were sentenced to life or punished to many years in prison. Hundreds of officers, gendarmes and policemen were also sentenced to detention or forced labour. Those who did not die in prison were released between 1958-1962. In Romania, as well as in Hungary and Bulgaria, during Antonescu's dictatorship, anti-Jewish ethnic discrimination was also doubled by geographical discrimination. Jews from the territories contested by neighbours or against neighbours were deported and killed with priority. As a peculiarity, during the deportations, a dialogue was established in Bucharest between the Romanian authorities and the leaders of the Jewish communities. Various Romanian politicians such as Iuliu Maniu, I. C. Brătianu and Queen Mother Elena have repeatedly intervened in favour of the Jews. The ideology of Antonescu regime brought significant damage to the balance of the dead and survival of the Romanian Jews<sup>95</sup>.

On August 23, 1944, both the war against the Allies and the persecution manifested, in various ways, against the Jews, ceased. Paradoxically, after this date, another period of hard trials would begin for the Romanian people. A totalitarian, violent and unscrupulous regime would enthrone and, with it, the vast majority of personalities in Romania would be systematically exterminated.

A part of the historians and journalists belonging to Ceaușescu's school of thought would issue the theory of Romanian humanitarianism, humanitarianism that would have prevented the very existence of the Holocaust in Romania. An attempt was made to diminish or even totally deny the responsibility of the Romanian authorities, focusing exclusively on the German responsibilities. The treatment of the deportation areas prompted interventions from the Vatican representative himself, the Swiss diplomatic representatives, the USA representatives, and of institutions, such as the International Red Cross, the War Refugee Board committee in Istanbul.

The situation of the Jews in Romania between July 1940 and August 1944, certainly constituted a special chapter, both in the history of the Romanians and in that of the Jews, a period that is necessary to be clarified, because the postponement

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<sup>94</sup> See Lucrețiu Pătrășcanu, *Scrieri, articole, cuvântări 1944–1947*, Bucharest, Political Press, 1983; Idem, *Problemele de bază ale României*, Bucharest, Socec Press, 1945.

<sup>95</sup> Radu Ioanid, *op. cit.*, p. 405.

of some fair and pertinent conclusions can only bring moral prejudices to the Romanian people.

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