

# The Contextualization of the Holocaust in Romania. Legislation, Press, Rule of Law and Public Policies

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**Abstract (The Contextualization of the Holocaust in Romania. Legislation, Press, Rule of Law and Public Policies)**

*The Holocaust is treated in the scholarly literature as a phenomenon characterized by singularity and specificity, the relevance of the subject being often discussed in political or historical studies. To determine how it was possible for so many people involved to act both actively and passively in this dark episode of history, it is necessary to treat the Holocaust within the frame of social sciences at an interdisciplinary level. We propose to treat the subject both from a legislative perspective, in order to follow the way in which the rule of law can instrument the extermination of a group for religious reasons, as well as from the perspective of informing through the press, respectively that of public policies, to observe the masking of a phenomenon of such extent. Also, the article emphasizes that the post-Holocaust Jewish reintegration decisions in the Romanian society were in fact formalities and the Romanian culture was and will remain one of an anti-Semitic type.*

**Keywords** Romania; Holocaust; legislation; public policy; press; misinformation; anti-Semitism

**Rezumat (Contextualizarea Holocaustului în România. Legislație, presă, statul de drept și politici publice)**

*Holocaustul este tratat în literatura de specialitate ca fiind un fenomen caracterizat prin singularitate și specificitate, relevanța subiectului fiind deseori discutată în studii politice sau istorice. Pentru a determina cum a fost posibil ca atâtea persoane implicate să acționeze atât activ cât și pasiv la acest episod sumbru al istoriei, este necesară tratarea Holocaustului în cadrul științelor sociale la nivel interdisciplinar. Propunem tratarea subiectului atât din perspectivă legislativă, pentru a urmări modul în care statul de drept poate instrumenta exterminarea unui grup din motive religioase, cât și din perspectiva informării prin presă, respectiv a politicilor publice, pentru a observa mușamalizarea unui fenomen de asemenea amploare. De asemenea, articolul subliniază faptul că deciziile de reintegrare ale evreilor post-Holocaust în societatea românească au fost de fapt tertipurii formale și cultura românească a fost și va rămâne una de tip antisemită.*

**Cuvinte cheie** România, Holocaust, legislație, politici publice, presă, dezinformare, antisemitism

The context of the present article is represented by Romania's legislation and public policies regarding Jews between 1938 and 1949. It is well known that Romania had always a strong level of antisemitism as it was expressed already by the end of the 19th Century. Brustein & King managed to elaborate a comparative study on anti-Semitism in Europe before the Holocaust (1899-1939), in an attempt to present the causes of anti-Semitism, taking into account its temporal and spatial variations. In their study, they measured quantitatively, as a percentage, the laws that directly discriminate the Jews, as well as other anti-Semitic laws (legal acts that forced Jews to resign, resulted in the loss of their business or which were intended to expel Jews). According to this study, in the period 1899-1939, 17% of the total legal acts issued by the Romanian government were discriminatory against the Jews; 10% of the total normative acts that regulated the field of work or business contained provisions against the Jews; respectively 8% of the total normative acts denied the citizenship of the Jews or supported their expulsion. The same study stated that during the analyzed 41 years, from the perspective of the committed anti-Semitic acts / one million people, Romania has a three times greater number than Germany. Similarly, in the case of an analysis of the violent acts aimed at the Jews, it is noted that in Romania the anti-Semitism before the Holocaust was more violent than in the rest of the analyzed countries. (Brustein & King, *Anti-Semitism in Europe Before the Holocaust*, 2004)

From another point of view, in the following years, if we were to speak in numbers, before the Second World War, in 1937, in Romania there were 850,000 Jews. According to data, during WWII at least 270,000 were killed and at the end of the War, respectively in 1946, the number of Jews in the Romanian territories was 420,000. The interesting fact that deserves to be taken into account is that in the next twenty years, the number of Jews in the Romanian territories dropped down to 100,000 in 1967, and in 1999 in Romania there were only 9,000 Jews remaining. It is worth to wonder: Was communism as much anti-Semitic as the regimes before it were? (Wasserstein & Lucan, 2000)

Due to the above mentioned arguments, it is important to study and analyze the reason of the decline of the Jewish population in Romania, as well as how they were treated after the country assumed the atrocities committed against them and how the Romanian authorities contributed to the recovery, if they did.

The anti-Semitic legislation has been analyzed mainly in politically autonomous states, such as Germany, Great Britain, France, Italy or Romania and primarily on normative acts developed before 1940, rather for analyzes on causes. Even less about the way of "committing" the Holocaust, for the simple reason that during the Holocaust, democracy suffered a pause, especially from a normative point of view.

The shortcomings of the specialized literature on the proposed theme are firstly revealed by the lack of quantitative studies that include the analysis of anti-Semitic legislation during the Holocaust, in order to capture and unfold the phenomenon, not just the way it was built before. Also, one of the major criticisms brought to the specialized literature from this point of view could be the avoidance of some analyzes in which the Holocaust is treated individually, reported in

each state, through the measures of the racial legislation, the specialized literature declaring that it is sufficient for us to consider that the states involved in the Holocaust to be “non states.” Also, the existing researches, besides the fact that they have the mentioned temporary limits, could be improved from the point of view of the sources used: more precisely, in order to correlate the legislative with the way in which the political environment was changed and transformed into a phenomenon in that the extermination of a group of citizens is carried out, it is necessary to analyze the legislation both from legal sources (officials, such as Official Monitors, if they exist) and from internal sources (press, public policies of the time). (Lavis, 2018)

The central idea regarding the legislation of Holocaust in Romania is that sustaining that the legislation of an authoritarian state is not worth to be analyzed due to the lack of the rule of law is wrong because it is ignoring the fact that any type of regime is supported but some kind of law and the analysis of the legislation is crucial in regards to how the state applies or does not apply rules and public policies.

In addition to the legislation analysis, it is also important to take a look into the written press of the studied period in regards to the way that the Jewish situation was described, keeping in count that information that was transmitted by the press meant at that time a lot of public policies applied by the state directly to the Jews.

If the legislation can be analysed from a procentual point of view a cantitative method can be used in order to reveal the ammount of racism before, during and after the Holocaust, the press can be investigated with a qualitative research method, so that the two aspects can be teamed up in order to explain public policies regarding the Holocaust.

Nowadays, the media is being perceived as the main factor in increasing the awarenes of the population, so it would be safe to assume that the role of the press in that time was the same. If analysing the press of the times, a strong anti-Semitic wave is being revealed, public measures were to be taken but it is also safe to state that the authorities did not prevent the genocide to happen and also that they did not manage to take the right measures in reintegrating the Jews in the society.

If the level of racism can be measured by the legislation, the reader must keep in count that in the matter of newspapers most of it was formed by the ones that were against Jews and the ones that were transmitting objectively the reality of the genocide were just a few and usually were kept in silence.

The public policies represent the implementation of the decisions of the government according to what the population requests are but in this specific case, public policies were represented either by some journal's point of views either by the main wish of the leader of the country in that specific time. One can ask itself, if only the leader was against the Jews or it was a full mechanism of social-hatred implemented by the law?

The Hitler orders, as well as the deportations that ended with the killing of the Jews, were only the culmination of the idea that had been propagated since

the 1930s and in the time of the Goga-Cuza government (December 1937–February 1938) and perhaps even before them. In this regard, we can quote parts of the speech delivered in January 1938 by Octavian Goga in the Parliament, in which these arguments are fully supported: “Goga ended his speech by calling for the recognition of the instinct of «race differentiation» and of «the differentiation of religion,» and with the recognition that the «organic entity» of the Romanian people and the Romanian soul cannot absorb foreigners, it [the entity] being unjustly assaulted by an invasion of «foreigners» – the name given to the Jewish by Goga.” (Yad Vashem, 2003)

Later on, in an interview with the Italian newspaper, *La Stampa*, even Ion Antonescu explained that a big part of the policies of the Goga Government was following the ‘Jewish problem’ and because the Jews were controlling the Romanian economy from the leader’s point of view, the Antonescu Government was seen as a solution in replacing the Goga Government and of course, solving the Jewish problem. Even though at the beginning the Jews’ property topic was the most important aspect to be taken from them, in the years that followed, the Jews were not able to even live right in Romania, from the legislation point of view, because work, businesses and citizenship was taken away from them.

Let us not forget about Romania switching sides in the Second World War, a fact that made the country well-known about the dual position it had in regards with the conflict that came with also a lot of formal changes in concordance with the ‘Jewish Problem’. Antonescu decided too little too late that Romanians must not be seen as Jewish killers and Romania started to take formal measures during the second part of the war, not being determined if the measures were the actual position of the leader and what he believed or if it was just a measure of precaution in front of the judgmental point of view and global consequences of “the Democracies” that will gain the war. (Stone, 2017)

In August 1944, things became clearer and the reflection of the Romanian new Government was seen with new eyes more exactly, they sank the facts and put them in a very positive presentation, and used the changing of the regime argument in order to reestablish rights for the Jewish people as it follows in a normative act given to the public:

*King Michael today formally restored the democratic constitution of Rumania by reestablishing the 1923 constitution which had been suspended by his father, King Carol. Until a national legislature can be elected, its powers will be exercised by the King and his Cabinet, in which all the Democratic Parties, including the Communists, are represented. All dictatorial powers bestowed on the Premier by various decrees under the Antonescu regime are abolished by today’s Act. All anti-Jewish decrees and laws passed under the Antonescu regime have also been annulled and thousands of Jewish doctors, lawyers, teachers and others who were driven from those professions by those laws are automatically reinstated, though thousands of others did not survive to benefit by this new reform. At the same time, to keep things in hand here the Government has warned the Press of the reintroduction of Press’ control, which was dropped after the*

*Palace revolution of 23rd August. Papers have been told that they must publish nothing on military and political matters which is not in accordance with official directives.* (BBCM, 4 September 1944)

Despite of these changes, the mechanism formed by legislation, media, and public policies, was not entirely changed. Only one of the mentioned areas, the legislation, suffered formal modifications while the social construct reflected by the media in concordance with public policies was suffocated by antisemitism and political changes.

Examining also the question of „What happened after?“, we can definitely mention the Paris Peace Treaty held in 1947 in which the statements were made as following: *“Romania will take all necessary measures to ensure to all persons under Romanian jurisdiction, regardless of race, gender, language or religion, the use of human rights and fundamental freedoms, including freedom of expression, freedom of the press and freedom of publication, freedom of worship, freedom of political opinion and public assembly. Romania also undertakes that the laws in force in Romania shall not establish or imply, in their content or application, any discrimination between persons of Romanian citizenship, on the basis of their race, sex, language or religion, whether in relation to the person, their assets, commercial, professional or financial interests, personal status, political or civil rights, whether in any other matter.”* (Paris Peace Treaty with Romania, 1947) One would be tempted to affirm that the Jew situation was getting better but lets not forget that Romanian Communism was seen in a formal way as a democracy and reiterate the fact that the Jewish people were hated in Romania long before the Holocaust happened.

Most of the public policies that were supposed to happen after the Holocaust did not actually happen, and a very significant part of Jewish property in Romania was not given back to the owners neither today. Also, the attempts to reintegrate Jews in labour and political fields or even social life failed, social and cultural construct manifesting itself as it does towards foreign people. Romania tended to reject Jewish people until the point that today we only have a few thousand Jews remaining in the country.

### **Conclusions**

Taking an overall look at all the above mentioned the following ideas should be taken in consideration:

- In order to understand Holocaust in Romania, it is important to look into the mechanism of the social construct expressed by the press, formal measures expressed by the law, the existence and the applicability of public policies and the way they interfere one with each other;
- Lack of the rule of law does not mean the lack of a regime to be analyzed but a way of seeing the formal measures of that regime in order to be compared with the actual measures taken by the leaders and the administrative apparatus;
- Press brings social construct and reveals public policies along with facts;

- Public policies, media and legislation can be manipulated in a way that can get to the extermination of a religious group. In multiple states.

In the end, even though new policies were proposed and legislative measures were demanded in order to reintegrate the Jewish people in Romania, the cultural approach impregnated within the years before and following the Holocaust tragedy succeeded regarding the fate of the Jews and we believe that they never managed to feel that they were fully accepted in Romania.

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