

BABES-BOLYAI UNIVERSITY
FACULTY OF HISTORY AND PHILOPHY

PHD THESIS

**DEVELOPMENTS IN THE PUBLIC
ADMINISTRATION AND JUSTICE
APPARATUS OF THE CITY OF CLUJ
DURING THE FIRST POST-WAR
DECADE (1944-1950)**

- SUMMARY -

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Introduction

ARGUMENT

Today social, political and economic conditions are of such a nature, that people everywhere want desperately to produce changes in their situation. While some are seeking to act for the purposes of generation of such changes through the existing governments, others produce protests against the decisions taken by these governments. The latter believes that changing the laws and replacing the managers or even the whole governments will certainly lead to improved living conditions. But what is history teaching us about it? From the vantage position of the present, we find that, despite attempts made over thousands of years, people have failed to bring into existence not a single government to do justice without partiality, to bring a true and permanent safety and happiness for all his subjects. The result is a deep uncertainty that has characterized in particular twentieth century.

The tragedy of the twentieth century is represented mainly by the second world war, which caused Central and Eastern Europe to work its way through a process of structural transformation. The communization of the states from this area began with the occupation of their territories by the Soviet Red Army, ending after seizing leadership of those countries. Romania, Hungary, Czechoslovakia, Poland, Bulgaria, Albania, Yugoslavia and part of Germany (the future German Democratic Republic) were the European countries that have experienced drastic changes in their political and social systems, in imitation of the Soviet model. The installation of the soviet regimes in these states has been gradually. Although it seems that there was no clear strategy communization of the Central and South-East Europe, in the first instance, Communist parties have allied with democratic parties reaching so in the government and have got key ministerial posts. In the next stage, backed by the Soviet Union began a massive cleaning operation of the state, of the whole society, of any opposition to the new regime installed.

Struggling for Northern Transylvania

Romania's participation in the war on the German side and against USSR was, according to some, an act of "national self-defense", the hope to recover the territory of Northern Transylvania - lost in 1940 after Vienna Dictate - being one of the reasons which have led our country to entry in the second world war with the Axis and the decisive factor in the continuation of war against U.S.S.R. after the Romanian army reached on the Nistru River. The situation will be complicated after Romania will return weapons against Nazi regime, and the Northern Transylvania problem will now take an unexpected turn. It became a means of blackmail used by the Soviet Union for the Sovietization of our country, the hope to recover the lost territory being one of the reasons for which communism was instated in Romania.

Motivation for choosing the topic

We decided to study the issue of Developments in the Public Administration and Justice Apparatus of the City of Cluj during the first Post-War Decade (1944-1950) for two reasons:

1. The importance of the two segments subject of our research, administration and justice, two of the three bodies that assume the existence of the Romanian state: legislative body, intended to set the framework within which business must be conducted of individuals and legal entities, the administrative body that cares to meet the general interest and judicial body designed to resolve disputes between individuals and between them and the administrative units with legal personality.
2. The importance of Northern Transylvania that practically marked the history of the postwar Romania and the importance of Cluj, Transylvania's heart. The most important events, partly decisive for the Northern Transylvania, were held in the capital of Transylvania. For this reason, in our study we focused primarily on political events in Cluj, then we followed their impact on public administration and justice. Another reason is that Romanian and Hungarian researchers have not yet clarified in detail, at the local level, what really happened in the administration and justice in Cluj in this period. In some cases the problem is only partially exposed and has not been an object

for the reconstructions and historical analysis. Of course, we do not claim an exhaustive presentation. Our work is only a starting point in painting a picture closer to reality flipped, a puzzle scattered in thousands of pages of archives, press releases, speeches, from which we have attempted to assemble as many parts as we could. For this, the sources used are of the most diverse.

Documentary sources used

The manipulation of historical events in the interest of the Communist Party propaganda had often sowed confusion in interpreting events, the official documents fail to reflect reality as a whole and, therefore, the examination of the totalitarian power's documents requires special hermeneutic. In other words, as opined Zoltan Szasz, any word written in official documents (we add and informal) is not to be believe uncritically. Often, the false testimony was transformed into "documents", but at the same time, each row must be taken seriously. Moreover, with few exceptions, both Romanian and Hungarian references, in the period under study, and the contemporary interest are tributary to the ethnic, political or religious, which is why we turned to some foreign sources in order to fiind an objective judgment. We tried to see the many facets of history, not just to throw stones at what the communism has done in Romania, which, like any other political system, has had his flashes.

Since that work specifically addresses the issue of administration and justice Cluj, documentary sources used are those in the custody of the National Archives Service Cluj County, archival funds: Municipality of Cluj, Cluj City People's Council, the Inspectorate General Administrative Circ. III Cluj, Cluj Lawyers College, Prosecutor General of the Court of Appeal Cluj, People's Court, the Regional Committee PCR Cluj Regional Committee P.M.R. Cluj, Cluj Police Inspectorate etc.

Methodologies

During the research, we used a combination of methods (historical, comparative, statistical, etc.). Trying to apply a methodology that is based on interdisciplinarity - Political History (local and regional), demography, media, church history, etc.. - Is the key to our approach, which includes many aspects of Cluj: public administration, justice, military, education and culture, political, economic and religious.

We have undertaken in this respect a quest as compared between:

- sources edited, official, period under study to date and unofficial, some unpublished (archival);
- Romanian and Hungarian sources, to which we added various foreign sources written in different languages (English, French, Spanish);
- the communist speech and its effects on the political leaders of opposition and on masses.

We remember a few questions of research that have guided our research:

- What was the work of local authorities in this distinct historical periods: October 12 to November 12, 1944; Soviet „protectorate” period (12 November 1944-8 March 1945); 9 March 1945-13 April 1948, and further developments of 1948?
- What was the fate of Hungarian officials during the Horthy regime and that of the Romanian officials and refugees who returned home with the desire to fill the old functions occupied until 1940, the situation that we found in the archives of Cluj, in an unique case, the Inspectorate General Administrative fund Circ. III Cluj;
- The addition to the list of the mayors and vice mayors in this period, a list so far incomplete, including on the official website of the Municipality of Cluj, mentioning also the political affiliation, ethnic and social origin;

With respect to Justice, we intend to identify the following aspects:

- Development of components of the judiciary in Cluj before and after the return of the Romanian administration, in comparison with those in Romania and the Soviet Union;
- The evolution of the Bar of Cluj in the post-war period;
- What was the fate of the old Hungarian Lawyers Bar during Horthy regime?
- What selection criteria for rejection/acceptance/promotion Bar/College of Cluj Lawyers were applied and by whom?
- What was the fate of the lawyers that were rejected from the Bar/College of Cluj Lawyers?
- To what extent can we talk about political involvement in the act of cleaning the justice?

The answers to all these questions and many others we have exhibited widely in the paper and we remembered telegraphically in its final conclusions.

Obstacles faced during completion of the doctoral thesis

The desire to expose the true essence as facts and data presented, in some cases full of contradictory information, in order to advance a critical point of view of the author, has reported the call to the primary sources. On the other hand, the huge amount of information in the possession of the National Archives Service Cluj County has required extensive research of archival material selection, especially because in the first two years of investigation was not possible to use of digital photo archive in this institution. The poor condition of some documents and the disappearance of others have hampered the collection and set a limit to this study.

Summary

Before starting the actual analysis of our topic it is necessary to radiography the historical period under study, the decisions of any kind (political, administrative, judicial or otherwise) must be analyzed in the context of the times in which they took place. That's why the first part of the paper, including Chapters I and II, is descriptive, for historical context, identifying historical data relevant to the subject proposed for research.

In Chapter I we reviewed the major events in the country in the period under study, integrating Romania in the context of international events at the end of the Second World War. We refer to the act of 23 August 1944, transition events between August 1944-6 March 1945 and the subsequent installation of Petru Groza government (from 6 March 1945 to 13 April 1948): Parliamentary elections of November 19, 1946, total suppression of the constitutional life in Romania by eliminating the political opposition parties (PNT - Maniu, NLP - Constantine (Dinu) Bratianu and PSDI - Constantin Titel Petrescu) and King Mihai, the proclamation of the Romanian People's Republic, elections and Constitution of 1948.

A significant part of each chapter was dedicated to the installation process of the communist authorities in the various public institutions, the policy of "cleaning", "cleansing" or "democratization" of the old authorities which were refractory to the new political regime, under the pretext of eliminating from the public life of the "fascists", "nazis", "chauvinists" and "undemocratic". This work was perverted by the communists, who did not punish the true fascists and Nazis who worked during the Second World War.

Chapter II, *The history of Cluj in the postwar period*, continues the procedure that began in the first chapter, by integrating the Northern Transylvania in the events of the Old Kingdom and Cluj in the center of the events in Northern Transylvania. Because our study wants to present the development of public administration and justice apparatus in the first postwar decade, we began researching the period immediately after the Great Union of 1918, to give the reader an overview of the life of Cluj in the interwar period, in order to highlight the start and development of the two segments. Using our results, in this paper we could compare the two periods, interwar and postwar, with similarities and differences occurred, the results being mentioned in the final conclusions.

We decided to insist upon education, press and religious life of postwar Cluj, due to the fact that starting on January 1945, by an order of prefecture were ordered to be nominated by the organizations of the local „democratic” parties 56 members of Municipal Council of the city Cluj, of the citizens of the town. Were members of the Municipal Council, in the number of those 56, the rector of University and religious leaders who had at least 2,000 parishioners. At the same time, were invited to participate at the important meetings of the Cluj Political Council, established in 1946, the most representative personalities from across the city: dr. Emil Petrovitch (the Rector of "King Ferdinand I” University), dr. Lajos Csögör (the Rector of "Bolyai" University), Alois Boga (archpriest Roman Catholic) bishop Nicholas Collar (bishop of the Diocese of Vad, Feleac and Cluj) Alexe Kiss (Unitarian Bishop), Salamon Katz (Prime Jewish rabbi), Simon Weinstein (Secretary of the Jewish Community of Cluj), the president of the Baptist cult and the Greek-Catholic protopop of Cluj.

Moreover, a large number of teachers, publishers and clergy played an important role in the political life of the city, influencing the judicial and administrative authorities. Some of them will occupy senior administrative positions: vice-prefect Dr. Lajos Csögör (MADOSZ member, assistant professor at the department of dentistry at the "Ferenc József" University - the name of the new Hungarian University of Cluj - and rector of the University "Bolyai" -1945), Mayor Tudor Bugnariu (journalist, professor, member of PNP), Vice Mayor Dr. John Demeter (member of UPM, PhD in political economy, communist, lawyer, journalist and professor at the "Bolyai" University) etc. We remember also the Orthodox Bishop Nicholas Colan, Julius Hossu (bishop of Cluj Romanian Church United), Bishop Marton Aron (spiritual leader of the Hungarians), Vásárhelyi János (Reformed Bishop of Cluj), who also had a role in the events.

The second part of the thesis includes Chapters III and IV. The study of the administrative development requires prior specification of notions and concepts that I mentioned in the first part of the **Chapter III**, entitled *The evolution of the public administration in the city of Cluj in the period 1944-1950*. After clarifying the operational concepts - making a journey through literature in order inventory of established views of the experts, resulting in the definition of the concepts of central and local government, civil service and civil servants - we focused on the study of the case, the problem of government development of Cluj in the first postwar decade, focusing on describing the functioning of the local government in October 1944 - April 1948. Also this approach we employed in the Transylvanian area to identify the impact of Cluj played in this geographical environment.

Chapter IV, entitled *The Justice of Cluj between 1945-1950*, completes the picture of the Cluj in the post-war period, where there was initially a legislative chaos that accompanied the chaos that was in the local government and public life of the city. Since Soviet „protectorate” period (12 November 1944-8 March 1945), continuing with tense period 6 March 1945 - December 30, 1947 and ending around 1950, we realized, with rich original sources, an entirely new approach until now, Cluj justice postwar developments, especially the Bar Lawyers of Cluj, whose situation was exceptional.

After the return of the Romanian administration, during 1945-1950, the justice bodies in Cluj were The Court of Appeal, the Court of Cluj, Cluj Urban Court, Cluj Rural Court, The General Prosecutor of the Court of Appeal Cluj, Cluj Court and Prison Prosecutor attached to Cluj Tribunal Prosecutor. The situation was spotted at these institutions, both ethnically and politically. The justice in Cluj had players of any kind of political, social and ethnic groups. The situation was similar for the Cluj Bar, which became in 1948 the College of Lawyers, which had in its composition: returning refugee advocates, lawyers from the Hungarian Dictate period, newly enrolled and communists lawyers and lawyers from the opposition parties, "reactionaries".

The submission of justice began immediately after the Communist takeover of political power, which is one of the priorities of the new regime. The first judicial purges took place so after 23 august 1944, when magistrates considered guilty of "fascism", "Nazism" and "chauvinism" were forbidden to practice. Gradually, with the rise of the communists, more and more uncomfortable lawmen were replaced by the "faithful to the regime".

Replacing existing equipment with new state was achieved through organizational changes in laws and court organization and operation of Prosecution. In this sense, the justice of the first post-war decade, the new regime established in Romania after March 6, 1945 and

consolidated by the country's transformation into Romanian People's Republic, has undergone fundamental changes by multiple laws and regulations to operate law radically change the organization of the judiciary. Romania entered a new stage of its history, when, gradually, judicial organization adopted the Soviet model. The Romanian judicial system embedded in succession all Soviet practices, paving the way for abuses, irregularities and unjustified repression. At the legislative level, this period coincided with significant changes in the principles of law and the role of justice in society. The rule of law was quickly replaced with the abuse and judicial independence by subjecting it to political forces. Minister of Justice Pătrășcanu subordinate the justice to the class struggle objectives. There were set up "people's court", "public prosecutors", especially the people's assessors.

The opposition opposed the measures taken by the Communists to maintain tenure judiciary protest against the communist monopoly imposed on the Board of defense. P.N.L. and N.P.P. realized that if the judiciary is entirely in the hands of PCR, the fight for them was lost. It was, however, a losing battle from the start, thanks to unequal bargaining power, the Communists benefiting the intervention from political, diplomatic and military Soviet.

But we can not forget that the communist regime brought innovations with positive effects for the Romanian society. Mention, among others: the introduction of universal suffrage, low voter age and the particular employment of women in the judiciary, the civil service statute which introduced new rights for workers, taking the idea blocks from USSR, prioritization of literacy children and adults, encouraging cultural activities and sports etc. Equally true is the fact that among the communists came and men of unquestionable value in all areas for which coexistence regime meant a sacrifice in order to ensure a decent living, but having nothing in common with communist ideology. From official duties, many of whom have tried to take them out of the fire scrubber as many of those who have accepted the compromise. The picture of this historical period, however we wish, we can't paint it using two colors, because gray areas are very extensive.

Following the "middle way", our research is intended as a modest contribution to the historiography of the issue presented. The novelty is represented by the subject proposed for research, original sources and approach to the topic, is a lesson of actual history for each generation. *Lucrarea se încheie cu concluziile finale ale cercetării, unde am ținut să amintim, selectiv, rezultatele obținute în activitatea de cercetare, analiza și interpretarea lor.*

Spacious Annexs and bibliographic references have an important role in the understanding of the subject debated.