

THE RIGHTS OF THE NATIONAL MINORITIES IN ROMANIA FROM AN EDUCATIONAL PERSPECTIVE IN THE INTERWAR PERIOD

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Abstract. *The educational rights of minorities have always reflected not only the degree of openness of a state, but also the regime in power in that country. Currently, the national minorities in Romania enjoy full rights, which make our state an example of good practices in this regard, but this has not always been the case. This is the reason why, in this article, I chose to focus on the interwar period, a period that offers us an overview of the stages that Romania has gone through in regard of educational rights for the national minorities.*

Keywords: *Constitutions, legislation, stages, changes, political power*

The study of national minorities is becoming a pressing concern for the researchers of the 21st century. The disappearance of authoritarian regimes and the establishment of the democratic ones, or at least, of those `claimed` to be democratic, led to the creation of dependencies between states. At the same time, another transition took place: from a regime that served only the leaders to a regime that now serves the population as well.

The new democratic regime promotes the freedoms and rights of all citizens but also the autonomy from the powers of the government, which gives the opportunity for the opposition to freely express themselves despite the political leaders that are in power. In this new context, more and more ethnic groups, both on the old European continent and outside it, disagreeing with the actions of the state of which they are citizens, driven by the desire to gain power or just the radical idea of secession, fought for separation from the state they belonged to.

The act of secession can save the citizens of a state in case there are differences and even the danger of a civil war between the majority population and minority groups. But as everything, this has a negative side as well, because it can also cause enormous administrative and economic damages. Thus, the study of minorities, be they national, ethnic or religious, is becoming increasingly important among researchers and it became an interdisciplinary matter. In order to completely understand and to succeed in outlining the profile of a minority and anticipate its behavior in time, it is fundamental to combine the historical, sociological and political point of view.

No consensus has yet been reached on the term of „minority”. this term is not being clearly explained in any document, not even in those addressed to national minorities (Khan, Rahman, 2012: 11-12). Regarding to term „minority” there are only mentions or regulations given by various bodies and institutions, both national and international. The first regulation applicable in international law, of the concept of

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minority was given by the Permanent Court of International Justice in 1930. “The community” (referred as to minority) has been defined as “*a group of persons living in a separate country or region, having their own race, religion, language and traditions, who retain their own ways of exercising their faith and who support each other*” (Petrașu, 2015: 20). Attempts to define the concept of minority also occurred within international organizations. The definitions given by them reflect not only the field in which the specific organisations are operating, but also the political reality of those areas. For example, the United Nations mainly uses the formula “*national, ethnic, religious and linguistic minorities*” (UN Declaration on the Rights of Persons Belonging to National Ethnic, Religious and Linguistic Minorities, 1992). Meanwhile, the European standards use a more simple formula “national minorities”.

In opposition to the first impression given by the meaning of the “minority” term, it is not a numerical category, but rather a socio-political term. Therefore, it’s necessary to specify that this term needs to be understood in its political and social meaning, not as a quantitative term (Mureșanu, 1996: 37). Throughout my paper, when I will use the concept of national minority, I will refer to a group that differs from the rest of the population by the presence of an ethnic (national) character expressed through culture, language or religion.

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In Romania, the national minorities played an important role in the evolution of the Romanian society. They have helped, especially in shaping the society’s structure from the ethnicity and identity perspective. According to the National Institute of Statistics, in our country nowadays, the majority group is represented by Romanians, with a 88,9% percentage, followed by Hungarians with a percentage of 6,5% of the total population. These are followed by Roma with 3,3%, Ukrainians 0,27%, Germans 0,19%, Turks 0,15%, Lipovans 0,12% and Tatars 0,11% (National Institute of Statistics, 2014: 10).

More often than not, in the last century, minorities have enjoyed rights and freedoms that have allowed them to preserve but also to promote their ethnic and cultural accuracy. Thus, they reached, especially in the period after the fall of the communist regime, to be *positively discriminated*. This pictured Romania as an example of “good practices” in respecting and promoting the right of national minorities.

In order to have an overview of the rights that the national minorities of Romania currently have, we considered that we need to look back in time and learn, firstly, the rights they have enjoyed in the past and its evolution over time. Therefore, in this study I will focus on the rights of national minorities in the interwar period because this period embodies in just 21 years the entire history of minorities and their rights. From normality to positive discrimination and then to the decay and restriction of rights, the interwar period offers us a general perspective on the situation of national minorities in Romania.

On the one hand, the behavior of the state towards national minorities was largely determined by different historical events, but also by the European regulations that took place in this field. In Romania, as well as in the rest of the world, the first demands of minority groups focused on the topic of religion, as an element of protection of the ethnic identity. Within the United Principalities of Moldavia and Wallachia, in addition to the Christian majority, there were also ethno-religious minorities who did not share the religious beliefs of the majority. The religious matter was more important at that time, because the obtainment of citizenship was limited only to Christians (The Constitution of Romania, 1866). This problem, however, gradually disappears from the Romanian society

with the help of the political elite that was slowly establishing but also with the events that took place internationally.

The end of the First World War brings Romania in a favorable situation in which it can easily achieve its main political goal, namely the foundation of the unitary national state, but also the possibility of reorganization and restructuring. A few events of this period outlined the necessary framework for our country to establish the Greater Romania. To namely only a few: being one of the victorious countries in the First World War, the dissolution of the multinational empires in Eastern Europe, the desire of the Romanians from the three provinces (Bessarabia, Bucovina and Transylvania) to unite.

The Great Union took place on the 1st of December 1918 and with this event, Romania recognizes the equality in exercising the civil right for all national minorities. This recognition is a mutual one, because as we stated earlier, in the efforts of creating the Great Union several minority groups both from Bucovina, Bessarabia and Transylvania have shown their support for the establishment of the Greater Romania. In the Resolution of the Alba Iulia National Assembly, the National Assembly proclaims the followings: “*Full national freedom for all the co-inhabiting peoples. Each person will study, manage and judge in its own language by individuals of its own stock and each person will get the right to be represented in the law bodies and to govern the country in accordance with the number of its people*” (Resolution of the National Assembly from Alba Iulia, 1918: art. 3/1) and in the second point “*Equal rights and full autonomous religious freedom for all the religions in the State*” (Resolution of the National Assembly from Alba Iulia, 1918: art. 3/2). Therefore, we can observe a change in the perception of minorities who are now offered equal rights with those of belonging to the majority. If the Constitution of 1866 tried a process of assimilation of minorities, the Resolution of the National Assembly in Alba Iulia brings upfront the idea of creating an intercultural society that reduces the cleavage between majority and minority and where minority groups actively contribute to creating and consolidation the national identity. This proves an emancipation of the elite of the time and a determination to bring Romania to the European standards of the time.

The change in perception on the subject of minorities is also due to the fact that the percentages of minorities have increased once the Great Union was successfully established. The provinces that united on 1st of December 1918 brought, in addition to the expansions of the country’s territory and a significant population growth, a population in which, over time, several nationalities have found their place. Thus, Romanian politicians were forced to manage, besides the restructuring of the state, the situation of the minorities as well. In this scenario, given the large number of citizens of other nationalities, the process of assimilation of minorities into the majority population was no longer a viable option for a country with democratic standards. Therefore, the only solution was to adopt Western policies to grant equal rights to all *cohabiting people*.

In order to create an overview of the increase in number of other nationalities citizens who were included in the territory of the Greater Romania after the 1918’s Union, I have created a table with data provided by the National Institute of Statistics in the paper entitled “*Romania a Century of History: Statistical Data*” („România un Secol de Istorie: Date Statistice”). In this table I compared the data from the 1912 Population Census (before the Great Union) and the Population Census of 1930:

Table 1. The structure of the Romanian population by nationalities, both the 1912 Census and the 1930 Census.

Nr. crt	Nationality	The Population Census of 1912	The Population Census of 1930
1	Romanian	93,47%	71,9%
2	Hungarian	0,96%	7,9%
3	Austrian	0,63%	-
4	Turkish	0,47%	0,9%
5	Greek	0,24%	0,1%
6	Bulgarian	0,16%	2,0%
7	Italians	0,15%	-
8	German	0,11%	4,1%
9	Serbian, Croatian and Slovenian	0,06%	0,3%
10	Russian	0,06%	2,3%
11	French	0,02%	-
12	Swiss	0,01%	-
13	English	0,01%	-
14	Ukrainians, Ruthenians	-	3,2%
15	Czech, Slovakia	-	0,3%
16	Polish	-	0,3%
17	Jewish	-	4,0%
18	Tatars	-	0,1%
19	Gagauz	-	0,6%
20	Roma	-	1,5%
21	Undeclared	0,01%	0,01%
22	Others	0,01%	0,3%

Source: National Institute of Statistics, “Romania a Century of History: Statistical Data”, Publishing House of the National Institute of Statistics, Bucharest, 2018.

As we can clearly see in the above table, after the creation of the Greater Romania, the number of Romanian citizens decreased from 93,47% in 1912 to 72% in 1930. Moreover, minorities such as the Hungarian, German, Russian, Ukrainian, Jewish or Bulgarian have strengthened, reaching considerable percentages in the overall population. Another consequence of the change in the minority policy after 1918 is the appearance and recognition of minority groups that until that point were not officially recognized as Romanian citizens, having rather the title of ‘foreigners residing on Romanian territory’. An example in this case is the Jewish minority, which was not included in the 1912 Population Census, but in the 1930 it appears with a percentage of 4%. The Roma minority, also appears only in the 1930 Population Census with a percentage of 1,5% and is in the same situation as the above mentioned minority.

The effects of the First World War were also felt in the share of populations that were not of Romanian nationality. We can notice between the two censuses minority groups that disappeared from Romania or so few people have remained that they were transferred to the “others” section (e.g. Italians, French, English, Swiss). This might have been due to the mass departure of some citizens to the West, immediately after the outbreak of the military conflict.

The aspirations towards a reform by the Romanian political elites of the interwar period but also the legislative evolution in the field of national minorities could not have been possible without adherence to certain treaties or international bodies. Thus, we have

to mention an important event: Romania's accession to the Minorities Treaty in 1919, an event that represented a notable evolution of the country in this regard. This event brought with itself a legal framework of Western inspirations. Romanian undertook, through this treaty, to ensure the protection of life, liberty, free exercise of any religious belief and to recognize as Romanian citizen anyone who lives or who is born in the country. It is important to note that the signing of this treaty was a condition for joining the League of Nations, but even so, the policies pursued towards national minorities entered a new paradigm protected by the League of Nations. Therefore, a new stage begins in where the focus is put on balancing the relationship between the minority and the majority, a stage of reconciliation and the cultivation of mutual trust and respect.

During this period, Western states focused their attention largely to their own national minorities, transforming the European space into an appropriate and convenient environment for the development and preservation of the specific elements of the minorities. At the same time, they adopted the idea of interculturality through which a dialogue between the minority and the majority was initiated, a dialogue that brought mutual benefits. Therefore, the rights of minorities have become a notable category of rights, being separated from human rights, but shaping into a framework that would protect minorities from any attempts by states or the majority population to marginalize or oppress them.

The interwar period, in addition to a freshly brought air for the European nations, also offers hope for the national minorities. The Romanian Constitutions from 29th of March 1923 confirms the commitment of the politicians and consolidates the state that soon took over no less than 16 national minorities. This "Fundamental Law", presented in a modern form, offers equal rights for all citizens "*regardless of ethnic origin, language or religion*" (The Constitution of Romania from 1923: art. 5). Moreover, article 7 stipulates that "*differences of religious beliefs and denominations, of ethnic origin and language, do not constitute an obstacle in Romania to acquire and exercise civil and political rights*" (The Constitution of Romania from 1923: art. 7). The adoption of this Constitution has allowed minorities to expand their political, cultural and economic activities, while ensuring that these rights will not be violated. Throughout this period, national minorities enjoy the most rights, because the legislation in this area was in line with that of Western states.

The year of 1924 brings the *Law for primary education and non-primary education*, a law that was issued based on the Western model, which stipulates that in regions with a population of another ethnicity or a group who is talking in a language different from the national one, primary schools will be established with teachers who are able hold classes in that specific language (Crețu, 2018: 79). Two more laws followed which were the subject of education: the Private Education Act from 19th December 1928 and the Secondary Education Act from 8th of May 1928. Both laws mentioned and regulated the field of education of national minorities. These laws were a clear example of the western direction that Romania took in the interwar period. Also, the country became more and more open on the subject of national minorities. Romania has gone from perceiving national minorities as a dangerous element that must be assimilated, to the creation of a permissive framework that offered them rights and freedoms similar to those in the West.

Once Carol II had come to power and the first undemocratic regime had settled in Romania, the state entered a new stage in its life in which the fascist influence had increased. The European context, where fascist movements were gaining power, also

contributed the Romanian situation. The first movements of such, in Romania, took the shape of small groups of people that condemned the parliamentary speech. Later, due to the favourable internal political climate, racist ideas were adopted related to the division of people into superior and inferior groups, Atheist-Nazi or Legionary-Orthodox (Mictat, 2015: 7). The racial hatred and anti-Semitism “trend” gradually increased due to the focused attention of the press in this matter. These ideas reached a large part of the Romanian society and the protection and rights that have been enjoyed by national minorities until that point, became unlikely and increasingly insecure.

During this period, newly formed parties such as the Christian National Defence League in 1923 (Liga Apărării Național Creștine) or the Legionary Movement / Iron Guard in 1927 (Mișcarea Legionară/Garda de Fier) imposed their point of view by adopting certain discriminatory laws that sought to eliminate citizens belonging to national minorities from all public services. The most affected group by these actions was the Jewish minority which was also attacked, at that time, by the anti-Semitic current. Unfortunately this was only the beginning of a long line of anti-Semitic and anti-minority regulations. In the following years, various laws emerged that increasingly restricted the rights of national minorities, from “reviewing minority officials” to “controlling minority cultural activities” or “separating minorities living in symbiosis and creating the specific separator” (Mictat, 2015: 8). Therefore, the national minorities have come to fear for their lives.

The authoritarian monarchy established by Carol II brings with itself a new Fundamental Law, thus separating itself from the liberal-democratic tradition of the previous constitutions. The new Constitution from February 1938 (The Constitution of Romania from 1938) specifies new rights and obligations for Romanian citizens. Once this new document had been accepted, national minorities realized that their former rights had been restricted by the simple fact that they have not been mentioned in the new Constitution.

Usually, the rights and obligations of minority groups are included in the constitutional text in order to give them an official, legitimate character. Therefore, by not including the subject of minorities in the Constitution of 1938, national minorities were restricted from the rights they had enjoyed until then. The fact that the new Constitution under the rule of Carol II hadn't mentioned the issue of minorities deepened the minority-majority cleavage and cultivated a sense of supremacy for the dominant population, which stated that by simply being more numerous than the other groups, had the power to control the minority. Thus, Romania enters a gloomy stage regarding national minorities and especially for the Jewish minority.

The problem of the Jews in Romania persisted long before the emergence of the regime of Carol II. In the middle of the 19th century, the Jews from Moldova and Muntenia were divided into 2 categories: those born on the territory of the Romanian Principalities, the so-called “raia” Jews, who paid a modest tax to the Government and the ones that were under the jurisdiction of foreign consulates, which did not pay any taxes and enjoyed greater privileges than those in the first category (Petreu, 2011: 21-27). However, over time, several political leaders have tried to change the perception on the Jewish minority, especially, as I mentioned in this paper, within the period of the Great Union, when Jews, like all the other minorities had enjoyed full rights.

The feeling of hatred towards the national minorities was accentuated despite the fact that Romania received criticism from the international community. The leaders of the time, strongly believing in the fascist ideal, continued to issue discriminatory laws for

minority communities. All of these culminated in the outbreak of the World War II when hundreds of thousands of Jews and Roma were deported to Nazi camps and suffered greatly.

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The rights of national minorities in the interwar period can be classified into three stages: the stage of reconciliation and rebuilding; the growing stage of fascist ideology sympathizers; the stage of deepening the minority-majority cleavage. These stages were largely influenced by the European context, because without the example of managing the minority of Western states and without Romania's acceptance in the League of Nations, we could not have talked about the stage of reconciliation and restoration of majority relations with minorities. As well as, without anti-Semitic or fascist literature there would have been no legionary movements in Romania and we would not have witnessed genocide of the Jewish minority and the oppression of the rights of national minorities. We can realize in this way the less favourable effects of state interdependencies, but nevertheless we must weigh the beneficial effects that compensate each time.

The interwar period introduced the emancipation of national minorities. For the first time, on the territory of Romania, minorities did not have an inferior status, which is to be admired considering the new specifics of Greater Romania. The educational reforms that had been enjoyed by people belonging to national minorities and the fundamental rights and freedoms offered by the liberal governments offered the possibility to raise the living standards of these citizens and it also increased Romania's positive image abroad.

During the interwar period in Romania the educational rights of the national minorities were in accordance with the specifics of the time. Starting from the full freedom to study in the language of the minority to which a group belongs and the encouragement of education in each minority's mother tongue continuing with the total restriction of this right during the reign of Carol II, people belonging to national minorities went through events that both marked their existence and strengthened their communities. Once institutionalized and protected by law, education in mother tongue offered the chance for minorities to have well-prepared leaders who were able to represent the rights of their own communities. It's important to mention that even though by the end of the interwar period all minority rights were restricted, the sense and feeling of freedom managed to triumph in these communities.

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