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Restitution of Jewish Property in Northern Transylvania During the Early Postwar Years

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Abstract: The restitution of Jewish property in the multiethnic region of Northern Transylvania faced numerous challenges during the first post-Holocaust years as a result of the complicated wartime history, postwar demographics, legal status, interethnic dynamics, and occasional violence. Having the lowest rate of survival among all Jewish communities in Romania, most of the region's Jews died during the deportation and did not return to their native places to claim their properties. This impacted the extent of restitution of individual private property. Some of the Aryanized property was restituted to the Jewish survivors or their heirs because the wartime beneficiaries fled the country or renounced possession since they were afraid of potential negative consequences. Part of the restitution took place through court litigation and this gives researchers a chance to assess the extent of Jewish success in obtaining restitution. The Supreme Court decisions in restitution cases show that the Jewish plaintiffs were completely successful in their litigation based on law 645/1945 that cancelled the transactions with property Aryanized during the Hungarian rule of Northern Transylvania. This was a much higher success rate, compared to the general share of success for Jewish litigation at the entire country level – around 66 %.

Keywords: holocaust; Romania; restitution; Jewish survivors; Transylvania

The Jews who lived in Northern Transylvania, one of Eastern Europe's contested territories, had a complicated legal status during World War II (WII) (Case 2009).¹ While at the beginning of the war they struggled with Romania's antisemitic violence and racial laws adopted by the King Carol II dictatorship, in the fall of 1940 they

1 Several pages of this article have been published in Stefan Cristian Ionescu, *Justice and Restitution in Post-Nazi Romania: Rebuilding Jewish Lives and Communities, 1944–1950* (Cambridge: Cambridge University Press, 2024).

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entered under the rule of Miklós Horthy's Hungary – as the result of the Second Vienna Award – and faced its antisemitic legislation, lost their property, and were deported to Auschwitz in 1944 as a result of the local antisemitism and occupation by Nazi Germany (Ionescu 2015, 2020; Kádár and Vági 2001; Margittai 2015). Following the offensive of the Soviet-Romanian troops, Hungary lost control of the region in the fall of 1944. The antisemitic measures were abolished in Northern Transylvania as the region entered under the Soviet military occupation and was eventually transferred to Romania in March 1945. The pro-communist Petru Groza government, which seized power in March 1945, continued the work of the previous transitional (coalition) governments led by Generals Constantin Sănătescu and Nicolae Rădescu that came to power after the collapse of the pro-Nazi regime of Marshall Ion Antonescu (1940–1944) and adopted several laws and directives aimed at the restoration of Jewish rights (Deletant 2021; Ionescu 2024; Tismăneanu 2003).

This article aims to discuss the reversal of Aryanization in early postwar Northern Transylvania. Based on archival documents, legislation, press, and ego-documents, I examine the socio-political context for the emergence of this reparatory legislation in early post-WWII Romania, the stipulations and problems in the reparations process, the gentiles' responses to Jewish efforts for restitution, as well as several cases of early postwar litigation for the restitution of Aryanized assets to former Jewish owners. Overall, the restitution of Jewish property in the multiethnic region of Northern Transylvania faced numerous obstacles during the first postwar years as a result of the complex wartime history, low survival rate, postwar demographics, legal status, tense interethnic relations, and occasional violence. Jewish survivors experienced a more complicated restitution process in Northern Transylvania compared with the Jews in the other parts of Romania, the majority of whom survived the war and were not deported.

According to the official Hungarian census, around 150,000 Jews lived in Northern Transylvania in 1941, out of a pre-WWII community of 165,000 persons. Subjected to a series of antisemitic violent measures, including the mass killing of 4,000–5,000 persons at Kamianets Podilskyi in the summer of 1941, the Northern Transylvanian Jewish community was particularly devastated by the 1944 deportations when the Hungarian and German authorities transported about 135,000 Jews to the Auschwitz-Birkenau death camp. Historians such as Randolph L. Braham and Zoltán Tibori Szabó estimated that more than three quarters of the Northern Transylvanian Jews were killed during WWII. By 1946, the Northern Transylvanian Jewish community was made up of 35,000–40,000 survivors. The first survivors in Northern Transylvania were those who reemerged from hiding or returned from Romania. They were followed by approximately 15,000 men who survived the Hungarian military labor service (labor battalions) and started to return to the region in late 1944. About 20,000 Jews returned to Northern Transylvania from the Nazi camps after their

liberation by the Allies in 1945 and another 8,000–10,000 chose to go somewhere else (Ancel 2006; Braham-Tibori Szabó 2019; Gidó 2020; Stark 2000; Tibori Szabó 2006; 2016).

The few historians who examined the aftermath of the Holocaust in Romania and the Jewish rebuilding efforts, such as Jean Ancel, Liviu Rotman, Ladislau Gyémánt, Attila Gidó, Zsuzsa Sólyom, Levente Olosz, and Zoltán Tibori Szabó, have paid little attention to the restitution of Jewish property in Northern Transylvania (Ancel 2011, 2006; Gidó and Sólyom 2010; Gyémánt 2005; Olosz 2018; Rotman 2005; Tibori Szabó 2006; Tóth 2014).

As Chief Rabbi Șafran remembered in his memoirs, while all the Jewish communities of Romania suffered under the Axis antisemitic regimes that left them impoverished, wounded, and traumatized, the Northern Transylvanian Jewry was the most affected group of local Jews: “The most decimated communities were those of Northern Transylvania. Their communities had been emptied and the few ‘repatriated’ Jews wandered, as if in a desert, with grieving souls” (Safran 1996, 212–213). The first priorities of the Auschwitz survivors from Northern Transylvania, as noted by Bernard Politzer who interacted with them in Cluj and Oradea during the summer of 1945 as an envoy of the Zionist youth movement *Hashomer Hatzair*, were to ensure their return to their places of birth, search for their relatives, find what was left from their families’ property, take revenge on those responsible for their wartime sufferings, and enjoy what life could offer them (Politzer 2004, 68–72).

The eyewitnesses’ observations are supported by the findings of historians such as Ancel, Braham, Gidó, Sólyom, and Tibori Szabó from their studies investigating the fate of the Jews who survived their army labor service and the 1944 deportation to the Nazi camps. These survivors, who struggled with major physical and psychological conditions and immense material difficulties as a result of their wartime experiences, faced significant problems in recuperating their assets “acquired” by the wartime Hungarian authorities and gentile neighbors (Ancel 2006; Gidó and Sólyom 2010, 53–90; Tibori Szabó 2006).² Historian Levente Olosz has argued that the fate of confiscated Jewish property in early postwar years was the most significant problem that preoccupied the returning survivors and gentile (mostly Hungarian) profiteers and negatively affected the postwar reconciliation between Jews and Hungarians in Northern Transylvania (Olosz 2018, 186–206).

Faced with the entangled history of the wartime re-Maghiarization of society and of Jewish and, to a lesser extent, of other gentile minority property in Northern Transylvania and the tense interethnic relations in the area, initially, the post-

2 For the numbers of Jewish population in interwar and WWII cities, see also *Jewish Population in Figures: Statistical Memento* (București: World Jewish Congress Roumanian Section, 1945); Tamás Stark, *Hungarian Jews During the Holocaust and After the Second World War, 1939–1949: A Statistical Review* (Boulder, CO: East European Monographs, 2000).

Antonescu governments were not sure how to address the restitution of property “nationalized” in that region. Between 1940 and 1944, the Hungarian authorities implemented broad expropriation policies and Maghiarization of businesses and companies targeting Jews, ethnic Romanians, and other minorities that were aimed to empower “deserving” Hungarians and return the wealth (especially industry and commerce) allegedly stolen by Jews. These policies were also taken to reverse the land reform adopted by Romania during the interwar period that benefited mostly ethnic Romanians (Blomqvist 2014; Case 2009; Kádár and Vági 2001; Margittai 2015, 211–236). The complete dispossession of Northern Transylvanian Jews came in 1944 when the German occupation and local antisemitism persuaded the Hungarian authorities to deport most of them and confiscate their houses, moveable assets, and other personal valuables, most of which ended up in the hands of ethnic Hungarian beneficiaries (Margittai 2015). A minority of the deported Jews – about 20,000 survivors of the Nazi death camps and about 15,000 survivors of the army labor battalions – returned home. Historian Peter Hayes has noted that in the regions where the Aryanization beneficiaries outnumbered the Jewish survivors, restitution posed even more challenges, and this was also the case in Northern Transylvania (Hayes 2013, 540–559).

1 The Restitution Legislation

As the result of the Allies’ requirements included in the 12 September 1944 Armistice Agreement, and hoping to obtain a better deal during the peace treaty negotiations with the Allies supposed of being philosemitic, the Romanian transitional governments adopted the main restitution laws rather quickly. Thus, Law 641 of 19 December 1944 (“For the Abolishment of Anti-Jewish Legislation”) was the first law that cancelled the racial laws and stipulated the restitution of jobs and expropriated Jewish properties (Ionescu 2015, 159–177; Ionescu 2024; Grama 2023; Stan 2006). As Law 641 did not cover all the complicated legal situations created by the previous antisemitic authoritarian regimes and dictatorships and their policies of dispossession, it was followed by Law 645 of 25 July 1945 (focused on Northern Transylvania) and Law 607 of 1 August 1945 (focused on Antonescu’s Romania), which aimed to reverse the transactions with the properties owned by Jews, ethnic Romanians, and anti-fascists that took place during the Axis regimes. After seizing power in a popular front style coalition in March 1945, the communists gradually consolidated their grip on society by taking control of key institutions, falsifying the 1946 elections, abolishing the monarchy (December 1947), and tightening their control on all social and ethnic-religious communities, including the Jews. To achieve the last point, the communist authorities planned to remove the traditional liberal and Zionist leaders and establish a pro-communist organization entitled the Jewish Democratic Committee (CDE), which would control all Jewish

communities (Țărău 2005; Vago 2010, 491–504; Rotman 2005; Kuller 2020). In terms of restitution, the communist authorities allowed a partial and gradual restitution of Jewish jobs, real estate, and businesses until 1948–1949, after which it started to implement its major nationalization policies targeting private properties, including those owned by Jews (Ionescu 2024).

The topic of restitution of Jewish property triggered debates during meetings of the Constantin Sănătescu, Nicolae Rădescu, and Petru Groza governments. The politicians had to negotiate a fine line between reestablishing justice for the dispossessed ethnic Romanians (some of whom had been expelled or fled to Romania between 1940 and 1944) and for the Jews dispossessed and deported to Auschwitz in 1944, and avoid triggering too much social turmoil and ethnic tensions, especially to prevent antagonizing the local ethnic Hungarian profiteers who joined the pro-communist parties in large numbers after the arrival of the Red Army (Bottoni 2010; Ciucă 2011–2012; Ciucă 2013; Ciucă 2014–2015, 2017).

Some jurists participated in the post-Antonescu public debate on the return of Maghiarized property by publishing legislative proposals in the press. For example, on 1 February 1945, lawyer Traian Alexandrescu, the former president of the Ilfov [Bucharest] Bar Association, published a draft law for the restitution of the property in Northern Transylvania that had been “sold” under pressure by ethnic Romanian and Jewish owners between 1940 and 1944 as “a measure to repair the injustices done against Romanians and Jews in Transylvania” (Alexandrescu 1945, 33–34; Kádár and Vági 2001; Margittai 2015). Caught in a vicious political struggle at that time, the authorities (the Rădescu government) did not pay attention to the proposal. After the new (Groza) government started to consolidate its grip on power, on 3 April 1945 Romania adopted Decree-Law 260 “Concerning the Legislation Applicable to Northern Transylvania and the Rights Acquired in That Territory During the Hungarian Occupation” which reinstated Romania’s legislation over that territory and regulated the transfer of property and other rights. The new law included some general stipulations (in chapter 2) about the cancellation of discriminatory laws, ordinances (the special legislation applied by Hungary in Northern Transylvania, including the ordinances no. 1440/1941, 1630/1941, and 5200/1943), and administrative measures that favored the Hungarian state, institutions, companies, or individual ethnic Hungarian third party beneficiaries concerning the transfer of property and other rights.³ The law also stipulated (in chapter 3) the restitution of property that had been seized or transferred by the Hungarian authorities between 1940 and 1944. The law did not specifically mention who were the victims of the Hungarian discriminatory policies, but at that time it was clear that the authorities considered the ethnic Romanians, the Jews, and the communists/“antifascists” as the main victims of the wartime legislation, dispossession,

3 Decree Law 260/1945 was published in *Monitorul Oficial* no. 78 of 4 April 1945.

and other discriminatory measures. This decree law was the direct result of Romania's efforts to reestablish its authority over Northern Transylvania, which was liberated from the Nazi control by the Red Army and Romanian troops in October 1944, and whose control had been assumed by the USSR until Stalin handed it over to Romania in March 1945 for abandoning the Axis before Hungary, and as a gesture of support for the newly appointed pro-communist Groza government. Overall, in Transylvania the communist authorities pursued a policy of peaceful ethnic coexistence and integration in a multiethnic society during the first postwar decade (Bottoni 2010, 2017, 10–53; Ancel 2006; Gidó 2020; Tibori Szabó 2006).

On 25 July 1945, the Groza government adopted another closely related piece of legislation, namely law 645 for the “Regime of the Property Sold Through Violence in Northern Transylvania” which was initially aimed to be adopted together with law 607/1945 that regulated the restitution of Jewish property “sold” under duress during the Antonescu regime (Ciucă 2014, 397–407). As Lucrețiu Pătrășcanu, the Minister of Justice, informed his colleagues, this law aimed to repair the injustices related to the transfer of property made during the Hungarian rule of Northern Transylvania, whose victims were the local Jews, ethnic Romanians, and Hungarians. While law 645/1945 was more restrictive than law 607/1945 regarding the concept of violence it required (“the violence should be obvious”), on which type of transactions could be cancelled, and the burden of proof, by adopting this provision MJ Pătrășcanu tried to avoid the accusation of being “chauvinistic . . . and prevent the discontent of the Hungarian masses” (Ciucă 2014, 417–418). It did so by broadening its scope to cover victims of all ethnicities by stating that “all Jews, Romanians, or Hungarians who suffered due to the Horthy regime should be able to use this law to regain their assets” (Ciucă 2014, 417–418; Faur 2008). The Groza government adopted this special restitution legislation to address the specific problems of Jewish survivors in Northern Transylvania by lumping them together with other groups of victims of Hungarian discriminatory wartime policies, especially local ethnic Romanians. The latter did not suffer the same level of radical persecution as the Jews – as Hungary was worried that Romania would retaliate with similar measures against Hungarians living in Southern Transylvania – but were nevertheless subjected to discrimination and sporadic violence, and postwar Romania's legislation suggested the equivalence of suffering under Hungarian wartime rule (Braham 1998; Cioflâncă 2004, 29–46; Florian 2011, 19–46).⁴ At the same time, the Groza government, following a suggestion by Pătrășcanu, also planned to adopt a law that “will allow reparations

⁴ This early attempt to frame the Hungarian rule in Northern Transylvania (under Miklós Horthy and Ferenc Szálasi) as equally violent and discriminatory against both ethnic Romanians and Jews would be expanded during the next decades by the Romanian national communist regime of Nicolae Ceaușescu, who promoted distortionist and negationist policies of Holocaust memory. Randolph L. Braham, *Romanian Nationalists and the Holocaust: The Political Exploitation of Unfounded Rescue Accounts* (New York: Institute for Holocaust Studies, City University of New York, 1998); Adrian

for the Hungarians who suffered in Southern Transylvania [which remained under Romanian control during WWII] under the Antonescu regime.” (Betea 2018; Ciucă 2014, 415, 418–419; Tismăneanu 2003).⁵ Such a law was never adopted.

Archival documents that became available in the post-1989 years show that some communist officials lacked empathy for the plight of the returning Jewish survivors and their immense needs to rehabilitate and rebuild their lives and even displayed antisemitic prejudice. This is illustrated by the discussions that took place during the 5 November 1945 meeting of the leaders of the communist mass organizations that were part of the Groza government coalition, which included CDE. Discussing the material support needed by Jewish survivors from Moldova and Northern Transylvania that should have been provided by the government in order to attract their votes and support, communist leaders such as Vasile Luca – the Deputy Prime Minister – revealed their beliefs in the antisemitic myth of “Jewish wealthy exploiters,” including the Jewish survivors from Northern Transylvania who had just returned from deportation, and blamed them for antisemitism. At the same time, other communist officials, such as Ofelia Manole (representing the pro-communist Patriotic Defense), had a more nuanced and emphatic view of Jewish survivors:

Com[rade] Ofelia Manole: ... we also have this problem [of widows and orphans who need support] in [Northern] Transylvania, where we have [former] deportees. They should see that you defend them, not only ask them to support the government.

Com. Vasile Luca: There are very few [former] deportees in [Northern] Transylvania who are struggling with misery. They became multi-millionaires.

Com. Chiriță: We have reports about people living in barracks.

Com. Ofelia Manole: There are people who live in terrible misery.

Com. Vasile Luca: They are doing [black market] speculation. They never had [real] jobs.

Com. Ofelia Manole: ... We have to distinguish between different categories of Jews. There is a category of Jews whose just claims should be supported by the Jewish Democratic Committee.

Com. Vasile Luca: ... Don't worry, they will thrive. For centuries, they have learnt how to thrive In the short time since they returned from the camps they became millionaires. In Transylvania ... they speculate We have to expose them, we have to fight against them and not allow them to do whatever they want only because they have suffered.... This [pro-communist] newspaper [*Unirea*] should expose these bandits, the Zionist, fascist, and reactionary [Jewish] press and the Jewish speculators and saboteurs and emphasize how they compromise the Jewish population and prevent the liquidation of antisemitism (Nastasă 2003, 159, 163–164).

Cioflâncă, “A ‘Grammar of Exculpation’ in Communist Historiography: Distortion of the History of the Holocaust under Ceausescu.” *Romanian Journal of Political Science* 4–2 (2004): 29–46.

5 During the first post-Antonescu years, Pătrășcanu was accused by his communist comrades of harboring ethno-nationalist tendencies, as a result of a speech he delivered in Cluj in 1946 in which he declared himself first a Romanian and then a communist, criticized Hungarian revisionism, and argued that the entire Transylvania should belong to Romania. See Antonio Faur, *Realități Transilvănene în rapoartele unor diplomați francezi, 1945–1948* (Oradea: Editura Universității din Oradea, 2008), 83–119.

During other meetings of the pro-communist organizations, Luca and other government officials continued to blame Jewish survivors who returned from deportation to Northern Transylvania of economic speculation, laziness, and profiteering from the restitution measures (Nastasă 2003, 179–183; Ciucă 2014, 202, 220–221; Tibori Szabó 2006).

The restitution process had been hampered by other developments which were influenced by international events. For example, the Allies required the post-Antonescu governments to adopt legislation that made the survivors' efforts to obtain restitution more difficult. This was the case of the Jewish survivors who tried to retrieve their Aryanized property acquired by German and Hungarian citizens and companies in Northern Transylvania between 1940 and 1944, and encountered specific problems. As Romania declared war on Hungary and Germany after the demise of Antonescu, the new Romanian authorities sequestered those assets and established a new agency – the House for the Administration of Enemy Assets (CASBI) – to administer them temporarily.⁶ As the result of the Allies' requests, some of those assets (most of them deemed as "German assets") were transferred to the Soviet Union, which Romania enacted through law no. 182/1946 (March 21, 1946).⁷ In order to comply with the Allies' decisions, the Romanian authorities requested the courts to suspend the pending cases of restitution concerning this type of property claimed by Jewish survivors. Because the Soviet representatives in Romania were interested in controlling as many German assets as possible and often interpreted the term "German assets" in a broad manner, and because the local officials preferred to accommodate Soviet requests, some of the Jewish property Aryanized by the Germans between 1940 and 1944 ended up in Soviet hands and, thus, frustrated Jewish efforts to obtain restitution.

The Romanian government started to lose its interest in the topic of the restitution of Jewish property after signing the Peace Treaty in February 1947, but continued to pay some attention, although less and less, to the process of restitution in Northern Transylvania. In March 1947, the Romanian embassy in Bern (Switzerland) informed the Ministry of Foreign Affairs (MAE) in Bucharest that the organization of Jewish Hungarian survivors from Northern Transylvania requested the restitution of or reparation for their movable property confiscated by the Hungarian authorities after the latter refused the Jewish organizations' requests. In this respect, the Hungarian authorities responded that Romania should be responsible for such restitution/reparation since Northern Transylvania was part of Romania after WWII and the Peace Treaties did not require Hungary to return Jewish property confiscated in that region or to pay

6 See Law No. 182 of 21 March 1946 "For the Surrender of German Assets that had been Awarded to Soviet Union during the Potsdam Conference," which was published in *Monitorul Oficial*, no. 70 of 23 March 1946.

7 Arhivele Naționale ale României (ANR), Comisia Română pentru Aplicarea Armistițiului (CRAA) 1–800/1945–46: on CASBI, see also Florian Banu, *Asalt asupra economiei României: De la Solagra la Sovrom, 1936–1956* (București: Nemira, 2004), 83–121.

compensations to survivors. Romanian diplomats worried about such a scenario and produced (on 18 March 1947) a detailed memo – entitled “Memo on the Northern Transylvanian Jews’ Rights for Reparations According to the Peace Treaties” – on how to address this situation. The memo suggested that Romania should use the documents produced by Jewish survivors from Northern Transylvania and their organizations (such as the memo presented at the Peace Conference by Teodor Fischer and the study “Northern Transylvanian Jewry Under Hungarian Occupation, 1940–1944” drafted by the Cluj-based Association of Former Jewish Deportees) and to obtain interpretative statements of the Peace Treaty favorable to Romania from the three main Allies – the USSR, the US, and Britain.⁸

2 Restitution Through Court Litigation

Of all Jewish claimants in post-Holocaust Romania, the survivors from Northern Transylvania faced a particularly complicated restitution process since, during the war, the Hungarian authorities had sold many of their properties at auction. Usually, the survivors tried first to negotiate with the gentile beneficiaries for the retrieval of their former assets, but often this approach did not work and the survivors had to go to the courts, especially after Law 645 was adopted in the summer of 1945. The restitution process through the courts was complicated and its success was not guaranteed. Within 6 months (or one year for those located abroad) from the publication of the restitution law no. 645 (on 14 August 1945), the Jewish survivors had to file lawsuits in local courts (*judecatorie*) and request the cancellation of the wartime sale of their property presumed to be without a valid consent (as a result of wartime physical/psychological violence). The plaintiffs could request the cancellation if they had been subjected to national, racial and anti-democratic (political) persecution; had been fired from their jobs based on national, racial, and political discrimination and sold their property to support their families; were expelled, deported, or became refugees; or suffered a loss of at least 50 % of the property value as the result of the transaction; or suffered a loss of at least 25 % of the property value as a result of the poor administration of the asset by the custodians appointed by the Hungarian wartime authorities. If the transaction was cancelled by the court, the Jewish plaintiff had the right to request the eviction of the gentile beneficiary who enjoyed the possession of the asset. Transactions with movable assets could be canceled only in the case of “bad faith” on the part of third-party acquirers. The law stipulated that those cases based on law 645/1945 had to be resolved through an emergency (fast) procedure.⁹

8 Arhiva Ministerului Afacerilor Externe (AMAE), Conferința de Pace (CP), file 143, pp. 288–296.

9 See article 1–7, 14 of Law no. 645 of 25 July 1945 published in *Monitorul Oficial* no. 183 of 14 August 1945.

Courts were crucial in the restitution of Jewish property (real estate and businesses/companies) in post-Holocaust Romania, but not all aspects of this process are clear at the current stage of research.

What was the success rate of Jewish litigation for restitution during the postwar years? Unfortunately, the archives of the Romanian courts concerning the litigation of Jewish property during the postwar years are not available to researchers, but information about some court decisions could be found in scattered archival repositories or were published in various legal journals. For example, I found four Supreme Court decisions on cases involving litigation for the restitution of Aryanized property in Northern Transylvania that were published in *Buletinul Deciziunilor Înaltei Curți de Casație și Justiție* and *Justiția Nouă* legal journals. These decisions show that the Jewish plaintiffs requesting restitution based on Law 645/1945 had a 100 % success rate. The most important court in Romania, the Supreme Court (*Înalta Curte de Casație și Justiție*), decided on the four cases of litigation concerning Aryanized property on 29 November 1946 (decision number 1245), 16 February 1948 (decision number 115), 20 April 1948 (decision number 26), and 9 November 1948 (decision number 1184).¹⁰ In one of the court decisions that cancelled the transfer of real estate in favor of Hungarian beneficiaries by the wife of a civil servant who found refuge in Romania after the 1940 Vienna Award, the ethnicity of the plaintiff is not clear. In the last two decisions, the Supreme Court appointed temporary administrators for the estates of the Jews who disappeared during the war and recognized their right to request the cancellation of the transfers of property in favor of gentile beneficiaries. Adding two restitution cases from Oradea to the others that I will discuss in the next part of this article – cases in which the courts decided in favor of Jewish plaintiffs, but gentile antisemitic workers prevented the judicial executors from enforcing the decisions – it results in a 100 % success rate for Jewish litigation out of six cases.

While this is a very small exploratory sample until the courts' archives are opened, it is nevertheless an important finding especially when compared with the significantly lower success rate (66 %) of Jewish plaintiffs in the part of Romania's territory that was under the Antonescu regime during the war.¹¹ While it is difficult to give a precise answer at this stage of research based on a small sample of court decisions, it is clear that the Supreme Court seemed to have been more inclined to reverse Aryanization in Northern Transylvania compared with the rest of the country. My hypothesis is that this outcome had to do with the fact that the profiteers of Aryanization in the former cases were ethnic Hungarians (who acquired Jewish assets during the Hungarian rule of that area, a situation which was much resented by the Romanian and

¹⁰ See *Buletinul Deciziunilor Înaltei Curți de Casație și Justiție* part I, (1946): 577–580; *Justiția Nouă* No. 5–6 (1948): 127, *Justiția Nouă* No. 1–2 (1949): 202–203.

¹¹ Ionescu, *Justice and Restitution in Post-Nazi Romania*.

Jewish elites in the early postwar years) and in the latter – ethnic Romanians (who acquired assets during the Antonescu regime). This suggests an ethnicization of the process of restitution of Jewish property and the perpetuation of anti-Hungarian biases in the postwar era in spite of the communist master narrative of peaceful coexistence and integration between the neighboring Romanian and Hungarian ethnic groups and nations.

3 Gentile Responses to Jewish Restitution Efforts

The gentiles who acquired Jewish property, mostly local peasants, were extremely frustrated after the collapse of the fascist regime when the returning Jewish survivors claimed their assets or financial compensation, and sometimes threatened the wartime profiteers (Ancel 2006; Kádár and Vági 2001; Margittai 2015, 111–136).¹² The urban beneficiaries of Jewish property in Northern Transylvania were also hostile to the idea of restitution (Ancel 2006; Tibori-Szabó 2006). For example, survivor Imre (Róth) Tóth recollected in his postwar interview that he and his sister failed to recuperate their parents' furniture and other assets which had been acquired by the communist party and other institutions from the wartime Aryanizers in the city of Satu Mare. His sister, who insisted on recuperating the assets she identified and used legal means and complaints to party officials, received the answer that the property belonged to the working class and the people. As Tóth remembered, nothing was returned to the Róths and this hurt his sister a great deal (Tóth 2014, 262–265). Survivor Susana Diamantstein from Târgu Mureș also encountered the refusal of gentile profiteers to return the movable assets and valuables entrusted to them by her family before their deportation to Auschwitz (Pipiddi 2004, 271). In the city of Oradea, which harbored the largest Jewish community before the deportation (22,083 people) among whom only 3,500 returned in 1945–1946 (and another 2,500 arrived from other parts of the country), the reemergence of the survivors triggered frustrations and hostility among gentiles, which sometimes resulted in conflicts with their former Jewish neighbors (Braham-Tibori Szabó 2019; Gidó 2020; Gidó and Sólyom 2010, 65, 69, Mózes 2020). Tereza Mózes, a returning Auschwitz survivor looking to recover some of her dowry hidden for safekeeping with neighbors, was greeted with hostility by the young gentile woman who used the assets during the war and was reluctant to return them in its aftermath as she remembered in her memoir: “You complained that many of you have died? In my opinion, too many of you came back. You should have all remained where they sent you” (Mózes 1995, 211). Sometimes, the hostility towards the returning survivors turned into violence (Stone 2017, 556–557).

12 ANR, Direcția Generală a Poliției (DGP), 44/1945, p. 17.

In the same city of Oradea, the survivors' legal efforts to recuperate their Aryanized properties sometimes escalated into violence organized by the local gentile profiteers. In December 1946, a Special Intelligence Service (SI) officer reported that Fazekas, a trade union activist at the General Labor Confederation (LC) and a profiteer of the Maghiarization of Jewish houses, successfully opposed the restitution process with the help of a crowd of 300 workers from several factories. Summoned by Fazekas and the GLC, the workers chased away the judicial executors and the police who came to enforce a court decision favorable ("*restitutio in integrum*") to Mrs. Ecaterina Balla, a Jewish survivor who returned from the Nazi camps and requested in court the house and the furniture that belonged to her parents. Previously, after the court ordered the restitution, Fazekas refused to move to the two-three residences offered by Mrs. Balla, according to the restitution law provisions and kept postponing his relocation from the Jewish house. The crowd (mostly ethnic Hungarians) also shouted slogans promoting antisemitism, Hungarian nationalism, anti-court, and anti-police ideas accusing the regime's justice system of being "reactionary" for supporting the restitution of Jewish property. Additionally, the workers beat up the boyfriend of the Jewish heiress, a Jewish man named Stössel who came with the judicial executors. The SSI officer also reported that the incident caused the revival and the increase of "chauvinism" among the local Jews, who were supported by ethnic Romanian "reactionaries" who emphasized the danger of "communist anarchy" as a result of the workers' actions.¹³

An SSI informer from Oradea reported about another case of workers' strong opposition to the restitution of Jewish property that took place in November-December 1946 in the same city. The workers prevented the judicial executors from enforcing an eviction court decision against a gentile man named Balogh, who refused to return a former Jewish bakery he acquired during the wartime process of Maghiarization. Those who prevented the enforcement of the court's restitution and eviction decision were a group of 200–300 workers from local factories, who were mobilized by trade union activists, the latter who were usually controlled by communist activists. The secret police also reported that the workers' violent actions against restitution, together with their other social protests, demands, and threats – "tacitly promoted" by the influential GLC trade unionists – terrorized factory managers and industry owners. Fearing their workers and the prospects of a social revolution, the factories' owners scaled down their economic activity.¹⁴ This pattern of workers' opposition (and local authorities' acceptance) to the enforcement of court decisions ordering the restitution of Jewish property resembled developments in other countries of the region, such as Czechoslovakia and Poland as shown in studies authored by Anna Cichopek-Gajraj and David Gerlach (Cichopek-Gajraj 2014, 63–113; Gerlach 2017, 192–235). It also shows

13 ANR, Președinția Consiliului de Miniștrii-Serviciul Special de Informații (PCM-SSI) 186/1941, 21–22.

14 ANR, PCM-SSI 186/1941, 21–23.

how the local police agents interpreted the conflicts over restitution mainly through a narrow Marxist dogma of class struggle.

Other local authorities also noted the tensions triggered by Jewish efforts to obtain restitution. The Satu Mare prefecture reported on 19 July 1945 to the Ministry of Interior that the return of Jewish survivors in Satu Mare county from deportation and their requests for the return of their movable Aryanized property from the local peasant auction buyers without offering them compensation triggered the latter's major discontent when they saw their recent acquisitions threatened. The Satu Mare officials were outraged to report that in the cases when the gentile beneficiaries of Aryanization sold the former Jewish property to third parties before the return of the survivors, the former Jewish owners or their relatives (in the cases of the owners' death or disappearance) forced the first Aryanizers to buy the same type of assets and hand them over. This allegation about the behavior of Jewish survivors was unusual in early postwar Romania. This led the gentile beneficiaries to complain to local authorities, who in return asked the government in Bucharest to issue a general order to regulate what to do in such cases. The central authorities responded that because the transfers of property resulted from "an abuse perpetrated under the protection of the [former] reactionary Hungarian administration, all the assets have to be restituted" (Nastasă 2003, 131). The government was thus more favorable to the restitution of Jewish assets seized by the Hungarian authorities after the deportation of Northern Transylvanian Jews to Auschwitz than to those "sold" by Jews to individual gentiles before deportation.

The authorities constantly received complaints from the Jewish leaders about the violence targeted at Jews and their property in early postwar Northern Transylvania. Their investigations of and reports about these cases of violence suggest that the local authorities tried to deny and/or downplay the seriousness and the antisemitic nature of the attacks. For example, on 5 December 1945, the Central Bureau of the Orthodox Jews of Transylvania and Banat informed the Federation of the Unions of Jewish Communities (FUCER) about various attacks against Jews and Jewish institutions (such as synagogues), including one person shot, perpetrated by local peasants in several villages – Vișeu de Sus, Vișeu de Jos, Borșa, Cinea[Cuhea], Săliște de Jos – of the Maramureș region. The organizations of local Jews requested their coreligionists from Bucharest to intervene with the government to stop the wave of antisemitic violence (Nastasă 2003, 184). Wilhelm Filderman, the leader of FUCER, petitioned the Ministry of Interior and requested the police and gendarmerie to protect the returning Jewish deportees and help them reintegrate in their former homes and recuperate all the assets "that had been taken from them abusively by the Hungarian fascists" (Nastasă 2003, 184–185). Filderman, thus framed his petition in ethnicized and Marxist language that could be easily understood by the central authorities. Responding to these complaints and the subsequent inquiries received from Bucharest, the Maramureș gendarmes denied that ethnic Romanian profiteers of Aryanization refused to reconstitute the former houses of the returning Jewish survivors in the village of Vișeu de Sus, as the Jewish community had complained,

except in one case which ended up in pending court litigation. The gendarmes also denied that the Jews received death threats or were shot in the villages of Vișeu de Jos and Cuhea as a result of disputes over Aryanized property. The gendarmes acknowledged only one case in which unknown persons broke the windows of the house belonging to a Jewish man, named Gantz Eber from the village of Borșa. According to the gendarmes, this was allegedly a response to a death threat expressed by another Jewish person (Solomon Fried) to a gentile engineer Coman, who reacted by asking for help from other gentile villagers who showed up and chased away Fried. The gendarmes also acknowledged that a grenade exploded in a synagogue located in the village of Săliște de Jos, but claimed that it was not thrown by a (antisemitic) person but was probably set up by the local Jews to find a pretext to seek revenge against Romanians. The gendarmes' argument used "to prove" this theory was that nobody was killed or hurt in the explosion. The police report seems flimsy and speculative, and shaped by antisemitic prejudice (Nastasă 2003; Olosz 2019, 183–184).

Tensions in the region remained high and were also complicated by the political violence that plagued the year before the first post-Antonescu national elections, which took place in November 1946. In February 1946, the Satu Mare gendarmes reported that a Jewish man named Ungăr beat up an ethnic Romanian peasant who painted graffiti in support of the National Peasant Party (PNȚ) on a wall in the village of Seini. Allegedly, the victim did not respond to the violence but threatened that he would retaliate against Ungăr at a later time. According to the report, the ethnic Romanian villagers supported PNȚ and were outraged by the attack, and chanted antisemitic and anticommunist slogans (Nastasă 2003, 187). Other reports produced by the gendarmerie and various authorities show that sometimes the interethnic tensions (often related to Jewish requests for restitution) and political disagreements overlapped and triggered episodes of violence among the local population (Nastasă 2003, 188, 226).

Communist nationalization policies also affected the Jewish restitution efforts negatively. The first major example of such nationalization was the March 1945 rural reform, which nationalized without compensation rural estates larger than 50 ha and those belonging to "absent" owners or who did not work them. The Jews owned some rural property in Northern Transylvania and the survivors were impacted by this measure. The Jews who were not present in Romania at that time – either because they had fled given wartime antisemitism, or were deported and had not yet returned – also could fall into the category of "absentees" and risked losing their rural estates. This situation triggered the protest (on 15 April 1945) of the Union of Romanian Jews (led by William Filderman) to Romulus Zăroni, the Minister of Agriculture.¹⁵ This problem lingered on. On 14 May 1946, a delegation of former Jewish deportees and notables from

¹⁵ See the 15 April 1945 petition sent by the Union of Romanian Jews to Romulus Zăroni, quoted in Mihai Pelin, "Plecarea fruntașilor evrei din România," *Jurnalul.ro* (30 November 2006), <http://>

Northern Transylvania led by Rabbi Spitz of Bistrița, accompanied by Chief Rabbi Șafran, met with the Minister of Agriculture Traian Săvulescu to request that Jewish camp survivors should not be considered “absentees”, and their property should not be expropriated based on the 1945 land reform. According to Șafran, Săvulescu agreed with their request, but it is not clear whether the government actually implemented its promise (Safran 1996, 224).

Some Jewish survivors did manage to recuperate their Aryanized property, even though only temporarily because of the communist nationalization. This was the case of Samuel Csernovit, a returning survivor of the Nazi camps, who received back his house and factory located in Târgu Mureș, but lost them again a few years later due to communist nationalization (Pipiddi 2004, 308). Other returning survivors faced a similar situation: Laslau Grün and his father returned from deportation to their native town of Reghin and found their house completely empty of furniture and valuables, but were able to move in and could start to rebuild their lives. Only a few years later, the communist regime nationalized their house (Pipiddi 2004, 237). Survivor Herman Freifeld from Bistrița also found his family house completely empty as all the movable assets had been stolen, but was able to move back in and keep it even after the new wave of nationalization (Pipiddi 2004, 470). Returning to his native city of Târgu Mureș, survivor Nicolae Berham also found his house empty of all movable assets and valuables except the furniture (Pipiddi 2004, 293). Other returning survivors, such as Nicolae Kallós from Oradea, who found their houses occupied and the movable property gone, did not try to recuperate them and moved to other cities for better opportunities to rebuild their lives (Pipiddi 2004, 345).

The restitution of Jewish property was also hampered by the arrival of Soviet forces, who seized as war spoils German, Hungarian, and former Jewish property owned or abandoned by profiteers. For example, Oradea’s Jewish community complained to the Soviet authorities in the fall of 1944 that the Red Army had seized Jewish property from local German and Hungarian Aryanizers. The Soviet officials rejected the accusation, and nothing was recuperated in this case (Pipiddi 2004, 271).¹⁶ While the Red Army did confiscate or requisition property in Romania, sometimes blaming the Soviets for the confiscation of Jewish assets was just the local beneficiaries’ pretext to avoid restitution. Before deportation, many Jews had entrusted some of their belongings to gentile friends and neighbors, some of whom refused to return these possessions by claiming that the Red Army had stolen them, or that they had deteriorated because of improper storage conditions, or that they had never received such assets (Mózes 1995, 211; Berkovits 2003, 60–61).

jurnalul.ro/special-jurnalul/controverse-plecare-fruntasilor-evreimii-din-romania-6900.html (consulted on 10 July 2017).

¹⁶ ANR, DGP, 44/1945, pp. 8, 19, 20–22.

In some cases, relatives and other survivors moved into the houses of Jewish families who did not return from deportation. When the direct Jewish heirs showed up at their family homes later on, they encountered several surprises such as hostile relatives or foreigners living on the premises. This happened to Gheorghe Gaston Marin (nee Grossman) when he returned in 1945 to his family house in Cluj from France where he had spent the previous eight years studying, working, and fighting in the French Resistance. Even though, while in France, he received information that his parents and sister had been deported to Auschwitz, Marin was nevertheless surprised and saddened to find his house full of unknown residents who were living there together with his uncle and aunt. His relatives had moved to Cluj from another city and seemed uncomfortable to see him back, as he remembered in his memoir:

Finally we arrived in Cluj and walked to my parents' house on 23 Băii Street where I found numerous residents, including my aunt and uncle, who did not expect our arrival. They expressed their surprise that I did not vanish as they heard, but actually returned They gave us the bedroom of our parents and kept insisting that they came to Cluj to take care of my parents' house and assets, of which very few remained (Marin 2003; 104–105).

Soon, Marin had a pleasant surprise when several ethnic Hungarian friends of his family – the Maroşes – came to visit him and gave him some movable assets entrusted for safekeeping by his parents before the 1944 ghettoization. Impressed by their gesture, Marin remembered his gratitude to these true friends:

A few days after our arrival, I was visited by an old friend of my fatherMaroş, who together with his wife hid several objects given to them by my parents ... thus risking their freedom. The Maroş family returned to me the Rosenthal service, table silver, tablecloths, carpets, embroideries, Maissen porcelain, and other objects of material and sentimental value. This gesture of the Hungarian chief-engineer Maroş consolidated my faith in the fight against nationalism and chauvinism and against ethnic based hatred ... I remained friends with the Maroş and their children (Marin 2003; 104–105).

The Maroşes also informed Marin about the series of legal and financial persecutions, including the loss of house, relocation to the Cluj ghetto, and the deportation to Auschwitz suffered by his parents and sister in the spring of 1944. Their house had been nationalized by the Hungarian authorities and later sold to a gentile profiteer, Mikó Árpád, who fled with the Hungarian army in the fall of 1944 when Soviet and Romanian troops approached Cluj. As Marin moved to Bucharest with his wife and child for his job in the elite circles of the communist regime, he was not interested in pursuing the restitution of his family house (Marin 2004, 105).

4 Conclusions

The restitution of Jewish property in the multiethnic region of Northern Transylvania faced numerous challenges during the first post-Holocaust years as a result of the complicated wartime history, postwar demographics, legal status, interethnic dynamics, and occasional violence. Having the lowest rate of survival among all Jewish communities in Romania, most of the region's Jews died during the deportation and did not return to their native homes to claim their properties. This impacted the extent of restitution of individual private property. As a result of the Allies' pressure – through the February 1947 Peace Treaty – Romania adopted a law (no. 113 of 30 June 1948) that returned heirless and unclaimed property to the Jewish communities, but it seems that its provisions were not implemented effectively (Ionescu 2024).

Some of the Aryanized property was restituted to the Jewish survivors or their heirs because the wartime beneficiaries had fled the country or renounced possession since they were afraid of potential negative consequences. Part of the restitution took place through court litigation, and this gives researchers a chance to assess the extent of Jewish success in obtaining restitution. The Supreme Court decisions in restitution cases show that the Jewish plaintiffs were completely successful in their litigation based on law 645/1945 that cancelled the transactions of property Aryanized during the Hungarian rule of Northern Transylvania. This was a much higher success rate, compared with the general share of success for Jewish litigation at the entire country level – around 66 %. While it is not clear why the courts were more favorable to Jewish plaintiffs in Northern Transylvania, and the court decisions sample is very small, it nevertheless suggests that it might have something to do with the ethno-nationalist understanding of the country's nationalization policies, as most of the Aryanization profiteers in Northern Transylvania were ethnic Hungarians, while in the rest of the country they were ethnic Romanians. In spite of the Jewish plaintiffs' 100 % rate of success in the postwar courts, it is not clear how many of these favorable decisions were implemented in practice. Evidence from the city of Oradea (which hosted the largest Jewish community before deportation) – two out of six court decisions – suggests that, sometimes, the Jewish owners or their heirs were not able to take possession of their court-returned properties as a result of opposition from the profiteers, antisemitic gentiles, and local authorities.

The primary sources also show that it was more difficult for the Jewish survivors to obtain the restitution of movable assets, as they changed hands easily and frequently and could be modified/transformed without much difficulty, and could be hidden easily. As many real estate and businesses/companies still existed *in situ*, survivors could more easily engage in legal and administrative procedures or direct negotiations with the profiteers to achieve restitution.

Unfortunately, even some of the survivors who received back their houses and businesses/companies could not enjoy them for long as they were negatively impacted by communist nationalization. Most companies were nationalized in 1948, and gradually many businesses followed their fate or closed down. The communist regime also adopted the mass nationalization of private housing in 1950 and some Jewish survivors lost their real estate (Ionescu 2024; Chelcea 2004; Șerban 2019; Stan 2006).

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