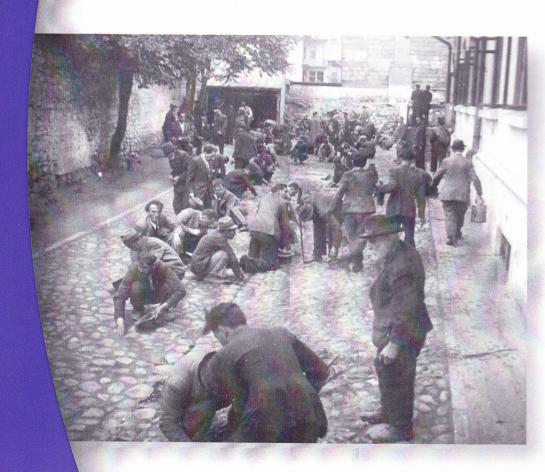
Revista Institutului Național pentru Studierea Holocaustului din România "Elie Wiesel"

# HOLOCAUST STUDII și CERCETĂRI



Vol. VIII Nr. 1 (9) / 2016



Institutul Național pentru Studierea Holocaustului din România "Elie Wiesel"

# HOLOCAUST STUDII ȘI CERCETĂRI

Vol. VIII Nr. 1 (9) / 2016

CURTEA @ VECHE

BUCUREȘTI, 2016



# **CUPRINS**

### In memoriam Elie Wiesel

- Alexandru Florian Elie Wiesel, "un mesager al umanității" / 11
- Radu Ioanid Omagiu unui mare înțelept cu o inimă de aur / 13
- Michael Shafir Rămas-bun lui Elie Wiesel / 15

# Studii despre Holocaust

- Alexandru Climescu
   Teoria constituțională în serviciul regimului Antonescu / 19
- Marius Cazan
  Profilul social al făptașului / 33
- Irinel Rotariu
  Groapa comună de la Popricani. Studiu legal / 45
- Ana Bărbulescu
   Viață, moarte și supraviețuire în lagărul de la Vapniarka / 73
- Daniel Silva Perdigão Aristides de Sousa Mendes, consulul rebel. Studiu de caz / 93
- Măriuca Stanciu
   Portugalia şi refugiații din al Doilea Război Mondial. Atitudini şi acțiuni / 105

# Studii despre antisemitism

- Anca Filipovici
   Resorturi ale antisemitismului în Bucovina secolului XX / 119
- Liviu Neagoe
  Drumul spre Iad. Evreii din România de la emancipare la Holocaust / 143

# Istorie și memorie

· Adina Babeş

Experiențele Holocaustului văzute prin ochii supraviețuitorilor / 183

• Laura Degeratu

Reconstituirea memoriei Holocaustului din România prin filme / 211

· Sonia Catrina

Asumarea dispariției evreilor din Transilvania de Nord prin activități de patrimoniu și preluarea sa în plan social / 227

· Danilo Trbojević

"Balcanizarea" memoriilor sociale/naționale și (re)prezentarea traumei / 289

### Recenzii

· Ioana Bujor

Simon Geissbuhler, Iulie însângerat. România și Holocaustul din vara lui 1941 / 309

Alin Constantin

Stefan Ihrig, Atatürk in the Nazi Imagination / 315

#### Addenda

- Raportul de activitate al INSHR EW pe anul 2015 / 321
- Index de autori / 333



### In memoriam Elie Wiesel

- Alexandru Florian Elie Wiesel, "A Messenger of Humanity" / 11
- Radu Ioanid

  Homage to a Great Sage with a Heart of Gold / 13
- Michael Shafir
  Taking Leave of Elie Wiesel / 15

### Studies on the Holocaust

- Alexandru Climescu
   Constitutional Theory in the Service of the Antonescu Regime / 19
- Marius Cazan
  Social Profile of the Perpetrator / 33
- Irinel Rotariu
  The Popricani Mass Grave. Legal Survey / 45
- Ana Bărbulescu
   Life, Death, and Survival in the Vapniarka Camp / 73
- Daniel Silva Perdigão Aristides de Sousa Mendes, the Rebellious Consul. A Cas Study / 93
- Măriuca Stanciu
   Portugal and the Second World War Refugees. Attitudes and Actions / 105

### Studies on Anti-Semitism

- Anca Filipovici
  Resorts of Anti-Semitism in Twentieth Century Bukovina / 119
- Liviu Neagoe
  The Road to Hell. The Jews from Romania from Emancipation to Holocaust / 143

# **History and Remembrance**

- Adina Babeş
   Holocaust Experiences Through Survivors' Eyes / 183
- Laura Degeratu
  Reconstructing the Memory of the Holocaust in România Through Films / 211
- Sonia Catrina
   Voicing the Death of Jews from Northern Transylvania Through Heritage and Its Social Appropriation / 227
- Danilo Trbojević

  "Balkanization" of National Memories and Identities Trauma / 289

### **Book Reviews**

- Ioana Bujor Simon Geissbuhler, *Iulie însângerat. România și Holocaustul din vara lui 1941* / **309**
- Alin Constantin
  Stefan Ihrig, Atatürk in the Nazi Imagination / 315

### Addenda

- Report of Activity of INSHR EW for the year 2015 / 321
- · Authors' Index / 333



# IN MEMORIAM ELIE WIESEL

# Elie Wiesel "A Messenger of Humanity"

### **ALEXANDRU FLORIAN**

I dislike and I am generally reluctant to saying or writing "great" words, which are most often used in official language or publications. It seems to me that they are meant to build a too bombastic, untrue symbolism. Since July 2<sup>nd</sup>, almost all the *in memoriam* messages referring to Elie Wiesel quoted the title formula, first used in 1986, when he was awarded the Nobel Prize for Peace. I am using it now, too, for the first time. I chose this parable because I believe it fits him well and, from now on, it will undoubtedly be symbolic of Elie Wiesel's identity. It is a homage to the man who, 71 years ago, was forced out of Sighet, together with his family and other local Jews, and taken to Auschwitz. The war was almost over. The Jews of Romania, Bessarabia, and Bukovina — those who had survived — returned from Transnistria. For the ones in Northern Transylvania, under Hungarian occupation, it was the beginning of their extermination.

I met Elie Wiesel in 2004, when I chaired the International Commission on the Holocaust in Romania. On that occasion, I could hear his speeches, in Bucharest, I then had the privilege of a short discussion with him. He wrote a few words, a book dedication, and I told him about the pogrom in Iasi. Elie then referred to the meaning and hardness of the tragedy of the Jews, during the Holocaust. He used simple words, in a sober and gentle tone, which reached their target. He mastered the art of concise and clear speech, using a low-pitched voice. He displayed perfect calmness, although one could feel his immense pain and how determined he was to fight any arbitrary political gesture with possible criminal results. At the time, I did not know that he had been tasked with the mission of being a messenger of humanity on Earth. But I now realize that, thanks to him and others like him, not many, politicians and civic activists, Europe has had a period of more than seventy years of continental peace. I believe his secret was his way of being. Elie Wiesel emanated understanding, warmth, emotion, humanity. With such ingredients, his message would easily reach the public, becoming persuasive. His discourse merged, into an exemplary formula, reasonable arguments and that emotion spanning from his lifelong personal tragedy. He had that calmness, that controlled peace of mind one can hardly see in people who have gone through the tragedy of death camps, despite having forever lost his parents and a sister.

Yesterday's messenger is today's symbol of an assumed struggle for the memory of the Holocaust, as well as of a strong bond with the innocent victims of genocidal regimes. His principles of verticality, due to which he agreed to be a vigorous public voice, made him never accept compromise. His ethics of life was that of unconditional promotion of the memory of the victims of dehumanizing political regimes. That is why he publicly expressed his disagreement with the gesture of President Ronald Reagan, who wanted to visit a military cemetery where soldiers of the *Waffen*-SS were buried (the cemetery of Bitburg) in 1985, during an official visit in Germany. That is also why, in recent years, Elie Wiesel returned the high awards he had been given by Romania and Hungary. In the former case, he did it because the leader of an extremist party in Romania was also awarded the same medal. In the latter case, he did it because of the Hungarian state's open denial of responsibility for the Holocaust. In other words, he always rejected double language. And it is good that he acted this way, for his human ideal was too high and, at the same time, too fragile to be negotiated.

(Observator cultural, no. 830/2016)

# Homage to a Great Sage with a Heart of Gold

## RADU IOANID

It was on April 20<sup>th</sup>, 1944, that the Jews of Sighet were displaced into a ghetto by Horthy's authorities. The area was limited to four streets. The same day, 140 prominent members of the Jewish community were taken to the synagogue of the town. In the ghetto, each room sheltered 15 to 24 individuals. By May 8<sup>th</sup>, no less than 56 cases of typhoid fever were reported. Between May 16<sup>th</sup> and 22<sup>nd</sup>, the 12.749 Jews of Sighet were deported to Auschwitz, in four transports. Elie Wiesel was one of them.

Elie was fifteen years old at the time. In Auschwitz, he was registered as being a few years older, so as not to be exterminated immediately. He received a number: A-771. There, he lost his sister, Tzipora, and his mother, Sarah. Having been relocated, in early 1945, from Auschwitz to Buchenwald, he lost his father, three months before being freed. Elie Wiesel the orphan went to France, where he found two of his sisters who had survived the Holocaust.

A gifted journalist and a talented writer, having authored more than sixty books, Elie Wiesel was a Medicis Prize laureate and was awarded the Nobel Prize for Peace in 1986.

President Jimmy Carter appointed Elie Wiesel as Chairman of the United States Holocaust Commission, in 1978, and he became founding chairman of the United States Holocaust Memorial Council, in 1980.

Elie Wiesel never forgot the tragedy of the destruction of European Jewry. At the same time, he was involved in defending Kurdish victims, the missing persons in Argentina, the victims of apartheid and genocide in Africa, those of the Cambodian genocide and innocent victims of the civil war in Yugoslavia. In April 1993, at the inauguration of the Holocaust Memorial Museum in Washington, Elie Wiesel publicly asked President Bill Clinton to personally get involved and stop the massacre of civilians in Bosnia.

As a professor at the City University of New York, at Yale University and Boston University, Elie Wisel received the highest state honors, including the Presidential Medal of Freedom and the *Grande Croix de la Légion d'Honneur*.

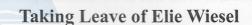
He chaired the International Commission on the Holocaust in Romania, having contributed to the knowledge and taking responsibility for a painful chapter in the history of Romania.

Elie Wiesel was able to refuse prestigious honors, as he was deliberately placed in the company of those who denied the Holocaust and who attempted to alter the memory of this great tragedy. In 2004, Elie Wiesel sent back the Star of Romania. He could not stand side by side with individuals who had received the same decoration and, as publicly expressed by the Nobel laureate, had denied the Holocaust and insulted the Jewish people. In 2014, Elie Wiesel also sent back the Great Cross of the Order of Merit of the Republic of Hungary, in protest for the participation of the Hungarian Speaker of the Parliament in the reburial ceremony of the ashes of a Hungarian fascist, in Romania.

Today, in Romania, the prestigious Institute for Holocaust Studies is named after Elie Wiesel and the town of Sighet cherishes his name by having opened a memorial house.

With the passing of Elie Wiesel, the United States, Romania and humanity at large have lost a great Teacher, a great Sage and soul of an exceptional kindness. May his memory forever be in our hearts and in the hearts of future generations.

(Revista 22, no. 1373/2016)



### MICHAEL SHAFIR

What can be said about Elie Wiesel has been said during his lifetime; both good and bad. The praise was not — strictly speaking — always accurate. From a literary perspective, Primo Levi's or Imre Kertész' might have bequeathed at least as important a legacy as Wiesel's writings on the Holocaust. What is more, many forget that the Nobel Prize bestowed on the man from whom we took leave on July 2<sup>nd</sup>, 2016 was not the Nobel Prize for Literature, albeit Wiesel had published some fifty-seven volumes, mostly in French and English. He was honored with the Nobel Peace Prize in 1986, to evince, as the prize's Norwegian committee put it, "as a messenger to mankind — not with a message of hate and revenge, but with one of brotherhood and atonement".

Indeed, nothing illustrates better the essence of Wiesel's thought than his famous sentence according to which "the opposite of love is not hate, but indifference". Just as Primo Levy, Wiesel tried to understand what leads to the naissance of Evil and, just as him, he failed in the endeavor. Time and time again he would emphasize that the Holocaust remains incomprehensible, impossible to reproduce by words, but also unexplainable in terms of its most terrifying dimension, namely the victim's self de-humanization, his or her transformation into a subhuman entity. This metamorphosis would have never reached its scale without the indifference of those who were (momentarily, at least) untouched by what was happening to their (human?) fellows, Wiesel stressed. Although sing other words, much of the same was expressed after World War II by Pastor Martin Niemöller, in his famous poem that cannot be dated with precision:

"First they came for the Socialists, and I did not speak out — Because I was not a Socialist.

Then they came for the Trade Unionists, and I did not speak out — Because I was not a Trade Unionist.

Then they came for the Jews, and I did not speak out — Because I was not a Jew.

Then they came for me — and there was no one left to speak for me."

This is why Elie Wiesel would not hesitate to raise his voice whenever he suspected that yet another genocide was in the bud anew somewhere, as it happened in Sudan, or was ignored, as in the case of the Armenian genocide of the early 20<sup>th</sup> century.

His personal experience in Auschwitz and Buchenwald, where he lost part of his family, undoubtedly was central in his continuous effort to awake the consciousness of people and state leaders, whom he knew how to conquer by his simplicity, yet also by his firmness. Without Elie Wiesel, we might never have had the United States Holocaust Memorial Museum that ever since its inauguration in 1993 became a paradigmatic institution for the memory and the commemoration of all genocides and crimes against humanity.

Wiesel was sometimes accused of being an extremist Zionist propagandist, one who was close to Benjamin Netanyahu and (what is more) one who was ready to infringe on his own principles when it came to Israel and its conflict with the Palestinians. Just one day after his death, the accusation was repeated in the prestigious French publication Le Monde Diplomatique. A proximity to the Revisionists cannot be ruled out, all the more so as it is known that Wiesel started his journalist career in circles close to Menachem Begin. From there all the way to charging him with "imposture", as Le Monde Diplomatique does, the road is however long and ill-paved. The more so as "imposture" was a serious accusation thrown into his face by a Jewish Auschwitz survivor, who was interned there in a different period than Wiesel and who claimed his reminiscences were but a forgery. That prisoner might have encountered in Auschwitz another Elie (Eliezer) Wiesel; the records show that four people of the same name passed through the German death factories. Whether confusion or (alas, all too human) envy, or possibly a combination of both, the episode was considered by Wiesel unworthy of a response. Romanian and Hungarian negationist detractors made the most of it.

For us, in Romania, Elie Wiesel's name will remain linked, above all, to the International Commission for the Study of the Holocaust in this country, that he chaired and whose report was published in 2004, and with the setting up of the National Institute for the Study of the Holocaust in Romania, that has been named after him. For the report, Wiesel was decorated with the highest Romanian medal. One that he promptly sent back to former President Ion Iliescu upon learning that not long afterwards, the late negationist Corneliu Vadim Tudor was honored by Iliescu with the same state order. The gesture was an obliging legacy. Both the 2004 report and the National Institute were (and still are) persiflaged and denigrated; and, alas, not only by the forces of Evil.



# STUDII DESPRE HOLOCAUST STUDIES ON THE HOLOCAUST

# Constitutional Theory in the Service of the Antonescu Regime

## **ALEXANDRU CLIMESCU**

#### Abstract

This study aims to examine how Romanian legal experts reacted to the anti-democratic and anti-liberal politics of the Romanian state starting with 1940. Our intention is to investigate how constitutional theory positioned itself in relation to the new regime changes that occurred in Romania in 1940. An examination of the works published in the field of public law allows us to establish which were the legal justifications offered for an authoritarian state, anti-individualism and the anti-Semitic policies of the Antonescu regime.

### Keywords

Antonescu regime, constitutional theory, Romania, fascism

### Introduction

Following the territorial losses of Romania in the summer of 1940, Kings Carol II and Michael issued several decrees which would serve as the constitutional foundation of the new regime. Decree no. 3051 issued by Carol II on September 4, 1940¹ entrusted General Ion Antonescu with the responsibility of forming a Cabinet. Other two decrees issued by Carol II the next day suspended the 1938 Constitution, dissolved the legislative chambers and appointed Ion Antonescu president of the Council of Ministers with full powers as ruler of the state.² On September 6, 1940, Carol II issued a manifesto in which he passed the "heavy burdens of rule" to his son, Michael, an act which, although not explicitly stated, meant his abdication. On September 5 and 7, King Michael issued decrees nos. 3067 and 3072³, through which he reinvested Ion Antonescu with full powers and renounced the King's

<sup>&</sup>lt;sup>1</sup> Monitorul Oficial, no. 204, 4 September 1940.

<sup>&</sup>lt;sup>2</sup> Decree-laws nos. 3052 and 3053, Monitorul Oficial, no. 205, 5 September 1940.

<sup>&</sup>lt;sup>3</sup> Monitorul Oficial, no. 208, 8 September 1940.

prerogative to conclude treaties, amend organic laws, and appoint ministers and sub-secretaries of state. Following these acts, the *Conducătorul Statului* ("Ruler of the State"), Ion Antonescu's title similar to that of Germany's *Führer*, held both the legislative, and the executive power.

At the foundations of Antonescu's regime lay also two plebiscites organized in March and November 1941. The first one, announced on 25 February 1941, asked the approval for the way in which Ion Antonescu had ruled the country since September 1940. Women and Jews were forbidden to participate, while any public discourse, gatherings, or propaganda were banned.<sup>4</sup> Only 0.1% from the total number of participants expressed their disapproval during the plebiscite. The second one included, besides the question regarding the approval or disapproval of the way Antonescu had ruled the country, the request that citizens grant Ion Antonescu their confidence, so that he may start the "national reform of the State and the protection of the king's rights"<sup>5</sup>. The results were clearly in favor of Ion Antonescu, with only 0.002% negative answers.

During the inter-war period, constitutional legal theory soared due to the new constitution adopted in 1923 and the regime change of 1938 which, following a new constitution, had instated a royal dictatorship. After September 1940, once the constitution of Carol II was suspended, the number of publications in the field of constitutional theory saw a decline. However, renowned lawyers adapted their theoretical endeavors to the new constitutional order established through the royal decrees mentioned above. Arhiva de drept public (Public Law Archive), a quarterly journal headquartered in Iași and directed by professor Constantin Angelescu, addressed topics of constitutional and administrative law and was continuously published between 1939 and 1942. In Bucharest, Revista de drept public (Public Law Review) was published constantly under the supervision of Paul Negulescu, a professor considered to be one of the founding fathers of Administrative Law as an academic discipline. In 1942, Paul Negulescu published a new treaty of public law, together with George Alexianu, a renowned law professor of administrative and constitutional law and, between 1941 and 1944, the governor of Transnistria, directly involved in the extermination of Jews. Additionally, during the Antonescu regime, several textbooks of constitutional law were published, while articles in this field appeared sporadically in other academic journals, such as the Annals of the Bucharest Faculty of Law.6

<sup>&</sup>lt;sup>4</sup> Cristian Preda, *Rumânii fericiți. Vot și putere de la 1831 până în prezent*, Iași, Polirom, 2011, pp. 185-203.

<sup>&</sup>lt;sup>5</sup> Ibidem.

<sup>&</sup>lt;sup>6</sup> Analele Facultății de Drept, year IV, nos. 1-2, 1942. This special issue was dedicated to the German legal science. Ovidiu Al. Vlădescu published the article "Betrachtung über Rasse und Nationalität nach deutscher Auffassung", pp. 244-251, which was appreciative with regard to the German racist theories and Adolf Hitler.

Furthermore, the lack of a formal, written constitution did not represent an obstacle for lawyers to legally justify the nature of the new regime. According to Dem P. Toader<sup>7</sup>, author of a textbook of constitutional law, since the 1938 Constitution was only suspended and not revoked, the Romanian state still had a valid, fundamental, and constitutional organization. Accordingly, the new regime operated under general constitutional principles which were extended through ordinary laws which regulated the organization of institutions and powers of the state. Since the *Conducător* possessed both executive, and legislative authority, this author believes that it was Ion Antonescu's right to modify the constitutional order as he saw fit.

The aim of this article is to examine how works published in the field of constitutional law related to Ion Antonescu's new political regime and its dominant ideology. We are fully aware that previous works already examined the anti-Semitic legislation decreed by the Romanian state before and during the Second World War and the ideological constructions which supported those anti-Semitic policies. However, our purpose is different, as we intend to focus on the reactions of legal experts to the legal and political changes brought by the Antonescu regime. We intend to find out if and how Romanian legal experts used constitutional theory to legitimate authoritarianism, dictatorship, anti-liberalism, and the anti-Semitic policies implemented before and during the Second World War. Our analysis will also take into consideration the relationship of the Romanian constitutional doctrine developed under Ion Antonescu and the National-Socialist legal doctrine.

The first section of the article will outline how constitutional theory conceives of the regime established in 1940, based on the defining features of the new Romanian state and its elements. Afterwards, the article will turn its attention to the theoretical positioning of Romanian constitutionalists in relation to the previous political order, liberalism, and the regime of intangible individual rights. The third section of the study will be dedicated to the fundamental institution of the Antonescu regime, namely that of the *Conducător* and the means through which legal experts attempted to legitimate it.

# Foundations of the new regime: The state of emergency and anti-Semitism

Constitutional theory dedicated to the nature of the new regime was informed by previous theoretical developments about the 1938 Constitution. Furthermore, the reasons invoked for the need of the 1938 Constitution were similar to those which supported the regime change in 1940. According to Tarangul's critique of

<sup>&</sup>lt;sup>7</sup> Dem P. Toader, *Drept constituțional și administrativ*, Editura autorului, București, 1943.

<sup>&</sup>lt;sup>8</sup> *Ibidem*, p. 52.

parliamentarism, various crises manifest during the inter-war period needed a strong response from the executive which had to organize complicated public services. As such, individualist democracy had failed due to the high number of parties, governmental instability, precarious management, and the diminishment of the State's authority. The unique party, as an expression of the authoritarian state was necessary in order to remake a unity of options, canceling the divisions and uniting all the Romanian citizens. Legitimation of corporatism was based on the fact that only those who work are capable to elect.<sup>9</sup>

National states are seen as states where power belongs to the members of the national community, who are more important than the other citizens who do not share the "same blood or race". The idea of the national state was disconsidered by the 1919 peace treaties, because they provisioned the protection of minorities, a fact that weakens the state. Although the 1938 constitution proclaimed the equality of citizens in relation to the law, it gave preference to the ethnic Romanian element. The solidarist conception was put in practice by the idea of the national and Orthodox state. The state was still a democracy, but a solidarist one. What changed was the way in which the people exercised their power. Furthermore, totalitarian states like Italy and Germany based their regimes on the trust and adhesion of the people; according to the National-Socialist theory of the state, the *Führer*'s power was based on trust and belief of the people which possess a national spirit.

The issue which triggered some debates between Romanian constitutionalists was the relationship between the suspension of the 1938 Constitution and the establishment of the new regime in 1940. For Tudor Drăganu<sup>11</sup>, the suspension of the 1938 Constitution was itself unconstitutional, since it was not implemented through a plebiscite or a constitutional assembly. However, he still managed to find a justification for the regime change in 1940 by resorting to the only theory which could legitimate such a rupture, namely the necessity theory. The decree through which Carol II had suspended the Constitution mentioned that the King's decision was conditioned by the "state of extreme necessity". Accordingly, the thesis of Drăganu theory was based on the fundamental principle that the constitutional and legal order is not an aim per se, but only a means towards higher purposes. In the author's interpretation, Carol II was called upon to choose between saving the existence of the state itself by breaking the law and observing the law, but endangering the continuity of the Romanian state. According to this logic, the violation of the existing legal order did not constitute only a possibility, but an obligation meant to ensure the continuity of the state. According to Drăganu, the events

<sup>&</sup>lt;sup>9</sup> Erast Diti Tarangul, "Problema formei de stat în Constituțiunea Regele Carol al II-lea", in *Arhiva de drept public*, year 1, no. 1, 1939, pp. 74-100.

<sup>&</sup>lt;sup>10</sup> Ibidem.

<sup>&</sup>lt;sup>11</sup> Tudor Drăganu, "Ideia solidaristă în Constituțiile de după Războiu ale României", in *Arhiva de Drept Public*, year 3, no. 1, 1941, pp. 5-33.

surrounding the autumn of 1940 implied that it was not possible to find any solution within the old constitutional order. The violation of the legal and constitutional order was justified by the circumstances in order to guide the country safely through the internal disorder and external threats.

Negulescu and Alexianu also considered the political crises in 1940 as the founding moments of the Antonescu regime. An entire chapter in their treaty details the reasons behind the suspension of the 1938 Constitution and puts forward arguments intended to legitimate the removal of all constitutional guarantees. Similar to Drăganu, they claimed that the aim of saving the state and to consolidate the executive authority in an extreme situation has priority over the principle of legality. 12

On the contrary, Constantin Angelescu considered that the Constitution of 1938 was revoked and, as such, the new constitutional regime of Romania was a transitory one until suchtime as, according to his own statements, Antonescu would reorganize the foundations of the state, according to his plans. As he acknowledged that the state was in a phase of reform based on authoritarian principles inspired from Germany and Italy, the final destination of the constitutional transition was the corporative state. <sup>13</sup> As seen above, Negulescu and Alexianu saw in the new political regime at least one institution meant to be permanent and continuous, namely the *Conducător*. They also suggested ways to ensure the continuity through the right of the *Conducător* to appoint his successor.

Consensus was reached by legal theories with regard to the belonging of Romania to the category of fascist authoritarian and totalitarian states. According to Alexandru Bogdan<sup>14</sup>, the totalitarian and authoritarian states were the result of the social needs manifest after the First World War and were based on the involvement of the entire nation in the state's life. These types of states were grounded on a "new and constructive idea of renewal" and a "better and healthier social order", which could link together social classes with the aim of developing the state's needs. Alexianu and Negulescu resorted to Hitler's "monumental" *Mein Kampf* to argue that the state is a means to the formation of a human civilization of superior values, based on a capable race, and that the Romanian state doctrine resembled the National-Socialist one, since it focused on the state as a promoter of the Romanian nation.

The constitutionalists' view about who represented a member of the nation did not differ from the prevailing ideology of the era. Constitutional theory reflected the official policy of the regime and outlined a rigid separation between Romanians and the ethnic minorities on the one hand, and the Jews on the other hand.

<sup>&</sup>lt;sup>12</sup> Paul Negulescu, George Alexianu, *Tratat de Drept Public*, București, Casa Școalelor, 1942, tom I, p. 139.

<sup>&</sup>lt;sup>13</sup> Constantin Angelescu, "Noua organizare constituțională a statului român", in *Arhiva de Drept Public*, year 3, no. 2-4, 1941, pp. 151-181.

<sup>&</sup>lt;sup>14</sup> Alexandru Bogdan, *Drept constituțional și administrativ*, Ed. Ziarului *Universul*, București, p. 98.