

## English Corner

Our ITT-OTT publication, to which the present yearbook is a successor, has included English and occasionally German language texts, since its beginning. However, during the last few years we have institutionalized the "English Corner" as a regular part of ITT-OTT.

We are continuing this tradition for two reasons: First, because we want to reach the second and third generations, some of whom have difficulty reading Hungarian articles. Their continued involvement in things Hungarian, is in our mutual interest.

Second, this way we can share information which can be used in an English language context to influence the foreign policies of English-speaking peoples. The following article serves both these objectives. Feel free to copy this article and send it to your friends and your Congressman.

With best wishes / Baráti üdvözlettel,  
I.a.

### **Property-Restitution and Majority-Minority Relations in Romania:**

## **A CASE STUDY OF THE RESTITUTION STRUGGLES OF THE REFORMED HIGH SCHOOL IN CLUJ/KOLOZSVÁR**

*Andrew Ludanyi and Gabriella Nádas*

During the preceding decade, more precisely, since the collapse of the Ceausescu dictatorship (December, 1989) in Romania, the Hungarian Reformed Church in Transylvania has demanded that Romanian state authorities return their properties that had been expropriated/confiscated in the late 1940's after the consolidation of communist rule in Romania. So far, of the known, 2,140 Hungarian church properties confiscated by the state, only in the case of about 50 has the decision been taken to return them to their rightful owners. How-

ever, of this number only about a dozen properties have actually been returned so that the minority churches could move back in. Why is the Romanian state so slow in undoing these great injustices of the preceding communist regime?

The fate of the Reformed High school in Cluj/Kolozsvár (Liceul Teologic Reformat Cluj) may provide us with an answer to this question. This high school is part of the famous Reformed Church complex on Farkas Street (now Strada M. Kogalniceanu) in the center of the city. The main building of the high school is more than 200 years old, while the newer building and sports facility date back to 1900-02. Thus, these structures predate Romanian rule over the city of Cluj. Romanians gained control of this predominantly Hungarian city only in 1919 by military occupation, and in 1920 by the Treaty of Trianon imposed by the victorious Entente powers. At that time the total population of the city was 83.4% Hungarian, 12.4% Romanian and 4.8% other (Saxon-German, Jewish, Armenian, etc.)

During the interwar period the Reformed High School remained church property. This also meant, that unlike the state owned University of Cluj (originally the Franz Joseph University) renamed the King Ferdinand University, the high school remained a Hungarian religious and educational institution. Only the advent of communism following World War II led to the confiscation of the school properties of the Reformed Church in the city, as well as throughout Romania.<sup>2</sup>

The "nationalization" i.e. confiscation of church properties had from the beginning an anti-minority motivation. Although initially it was also due to the communist ideological commitments of the Party leadership and the Leninist commitment to "democratic centralism." They wanted to have only secular public schools controlled by the atheistic precepts of the Romanian Workers Party.<sup>3</sup> The foot-dragging in returning these properties is in part a reflection of the fact that many Romanian officials are holdovers of the previous Communist regime. They simply do not want a private, "uncontrolled," religiously defined school to operate on the territory of the Romanian state. These officials are also the products of the extreme Romanian nationalism of the Ceausescu years, which attempted to "homogenize" the population, so that the Hungarian and other minorities in the country, would not have viable independent institutions of their own. It must not be forgotten that Cluj/Kolozsvár itself was transformed from a majority Hungarian city (50.3%) in 1956 to a majority Romanian city (75.6%) by 1989 under the communist Gheorghe Gheorghiu-Dej and Ceausescu administrations.

Only the 1989 collapse of the "Socialist camp" enabled the Hun-

garian and other minorities to again demand the right to instruction in their own language and the restitution of their church and educational properties. However, the Romanian leadership has been able to obstruct property restitution except in a few showcase instances, including the high school of the Hungarian Reformed Church in Cluj/Kolozsvár. The partial restitution of this high school has been carried out with excessive delay and to the present writing extends only to part of the ground floor and two floors of the old building on Kogalniceanu/Farkas street. But the struggle for the control of this real estate is itself instructive of Romanian policies toward both national and religious minorities.

The end of the Ceausescu dictatorship in 1989 raised the hope that a democratic Romania would emerge. In this context Bishop Kálmán Csiha began the process for the restitution of the Reformed High School and other church properties that had been confiscated in 1948. In the spring of 1990 the Romanian Ministry of education finally approved the reactivation of the Reformed High School. Mariana Stoica, Government administrator at this time, also approved that the school could begin its work in the old building of the high school on Kogalniceanu/Farkas street. However, this approval was promptly rescinded and on October 1, 1990 at the start of the school year, the Reformed students gathering in front of the school building for the opening, could not enter the premises. As a disincentive, the county educational administration offered the school a "temporary location" in the four classrooms of a dilapidated public school on the fringes of the city. For years, from 1990 to 2002, instruction was carried on in this school, first in a double shift in the four classrooms, later in eight rooms in this same building.

The bulldog tenacity of the school staff and Bishop Csiha and the change in government in 1996 finally led to the introduction of legislation which officially returned ten classrooms for the growing student body in the Reformed High School on Kogalniceanu/Farkas street. This government decision was finalized in 1999. From this point onward the Reformed Church has been paying 70 million lei in property taxes annually for these properties. However the students and staff of the Reformed High School were not allowed to move into the buildings because of the concerted obstructionist tactics of Mayor Gheorghe Funar and the Romanian Sincai (Liceul) High School which has been using the confiscated properties. Only on December 20th, 2002 were the students of the Reformed High School able to move into the 10 classrooms on the 2nd and 3rd floors.

Both the mayor of Cluj and the Sincai Liceul (Romanian school

in the confiscated buildings of the Reformed Church) have challenged the ownership of the Reformed Church to these properties in lawsuits. The Hungarian Reformed Church has tried to regain control of its properties via counter lawsuits in the Romanian courts since 1999. Until 2003 the Romanian courts of Cluj and Bucharest have avoided rendering a final decision in the case recognizing the property rights of the Reformed Church. Instead, the litigants have witnessed delays and decisions that left everything up in the air. In the meantime the fate of the students of the Hungarian Reformed High School remained unresolved.

Complicating the legal status of the two schools is the lack of good faith on the part of both the Sincai Liceul administration and the nationalist city government of Cluj. The former has transferred "ownership" of the school buildings to the municipality of Cluj as soon as it realized in 1999, that the ownership rights of the Reformed Church were recognized by a decision of the Romanian national government in the Parliamentary Act of that year to return confiscated properties to their rightful owners. In other words, the properties "nationalized" (stolen) by the Romanian communists in 1948, were now being illegally transferred to Romanian municipal ownership, by the Romanian school administration of these properties. (After the Romanian courts had already recognized the legal right of the Reformed Church to these properties in 1999!)

The legal situation has been further complicated by the establishment of a restaurant catering service in the cafeteria located on the ground floor of the old building (where the 2nd and 3rd floor are now occupied by the classrooms of the Reformed High School.) This restaurant has a five-year lease and pays rent not to the Reformed High School but to the Sincai Liceul! Also located on the ground floor are the library facilities used by the Sincai Liceul and a dental clinic which is in a similar relationship to the Sincai Liceul as the restaurant. (As of October, 2003, this is being renegotiated.)

Although in December 2002 the Reformed High School was able to reclaim two floors in the old building, it has been stymied in its efforts to reestablish a fully functional high school. On paper it was recognized as the legal owner of the buildings, and has been paying taxes on a regular basis on these properties, but it does not control what goes on in the premises except, for two floors in the old building. In terms of liability and the upkeep and modernization of the school this is an impossible situation. It is a catch-22 situation which plays into the hands of the obstructionism of mayor Fünar and the Sincai Liceul.

While the courts have recognized that the buildings occupied by the Reformed and the Sincai high schools are all part of one real estate plot, prior to 1948 the property of the Reformed Church, the foot-dragging continues in the restitution of these buildings to it. Suits and countersuits have not moved the process forward. As recently as May 6, 2003 the court decision to vacate the Sincai Liceul from the ground floor of the old building by June 10th was ignored by the administrators and staff of that school. Thus, when the 2003-2004 academic year began, the Hungarian Reformed High School could still not begin much of the renovation work necessary to make the building totally functional.

The collusion of Romanian central authorities in this obstruction has always been evident. In counties where Hungarians are in a majority (Covasna, Harghita) the state is able to overrule local authorities at will. In Cluj county and in the city of Cluj it pretends to be helpless in the face of mayor Funar's sabotage of its official restitution efforts. This reflects a lack of political will on the part of the central public officials rather than their inability to fulfill their pledge for property restitution.

In the final analysis this is collusion with the most retrograde, chauvinist elements in Romanian society. Proof of this collusion also was reinforced by the Romanian Ministry of Education's rejection of the Reformed High School's request to start a 5th grade class for the school (which would initiate a Middle School complement to the High School.) When the High School's Principal (Árpád Székely) requested this, the Ministry responded by saying that they could start such a class if they gave up one of their three 9th grade classes. Principal Székely complied with this arrangement, agreeing to start only two 9th grades in 2003-04 as to be able to start up the 5th grade class. However, the Ministry reneged on its own "deal" and refused to give permission for a new 5th grade, but also did not allow for the restart of the 9th grade that the school had given up to be able to begin the Middle School complement. This is nothing less than the old Leninist tactic of two-steps forward, one step back... or perhaps one step forward and two steps back as far as minority educational opportunities are concerned.

Sadly, the fate of this school in mid-October 2003 again looks desperate. Romanian President Iliescu stated that he was opposed to any restitution to minorities, whether Hungarians, Jews or Saxon-Germans. In his self-styled demagogic way, he announced that he was not going to preside over the "skinning of Romanians." This was followed by the final decision of the Romanian courts not to return any

more of the confiscated properties to the Reformed High School of Cluj. They would have to make-do with the old building with the still partially occupied ground floor. The new building, the gymnasium and the courtyard would remain in the possession of the Sincai Liceum. This was followed up with a "final decision" erasing the Reformed Church's claims to any of these properties beyond the old building.

Those of us concerned for the Hungarian minority in Romania have been supportive of Romania's NATO accession and have supported other policies, both of the EU and USA that would benefit Romania and all its inhabitants. But this support was based on the assumption that Romania too would in good faith begin property restitution to minority churches and fulfill its obligations to provide education in the Hungarian language to all its inhabitants who request it. It is time for Romania to begin delivering on these pledges. The total property restitution of the Reformed High School in Cluj will be the litmus test of the coming year.

#### Footnotes

1. Place-names will be given in both Hungarian and Romanian on first use in this essay. Subsequent references will be provided in Romanian in most instances.

2. It is important to note that the Reformed Church in Romania has been the religious and cultural refuge of the Hungarian population in Transylvania. According to the census results of 1910, 1930 and 1992, we know that religion

and nationality are very closely related in present-day Romania. Members of the Hungarian minority are Roman Catholics, (Calvin) Reformed or Unitarians in their religious commitments. The Saxon-German minority has been overwhelmingly Lutheran while the Swabian Germans have been mainly Roman Catholic. The Romanian majority, on the other hand, is Romanian Orthodox or Uniate (Greek) Catholic in its allegiance. The majority of the latter denomination were forcibly "reunited" with the Romanian Orthodox Church in 1948. The properties of the Uniate Catholics were simply "nationalized" by submerging them in this submerged status. The data on the religious/denominational affiliation of Transylvania's population is based on Árpád E. Varga, *Fejezetek a Jelenkori Erdély Népesedéstörténetéből*. Budapest: Püski, 1998, pp. 262-265, 374-379, and Jürgen Henkel, "Gesellschaft und Kirche in Rumänien nach 1989", *Südosteuropa Mitteilungen* (February, 2003), 35-52.

The current religious profile of Transylvania on the basis of these three census results is the following:

Year	Romanian Orthodox	Uniate Catholic	Roman Catholic	Reformed	Lutheran	Unitarian	Jewish	Other
1110	34.4%	23.67%	18.8%	13.3%	5.0%	1.3%	3.5%	0.1%
Population	1,796,352	1,235,599	1,851,155	694,018	262,075	68,706	151,597	4,678
1930	34.4%	24.9%	17.1%	12.6%	5.0%	1.2%	3.5%	0.9%
Population	1,922,622	1,374,457	940,788	696,156	274,262	68,333	192,373	51,073
1992	39.4%	2.7%	11.1%	10.3%	0.7%	1.0%	.04%	4.8%
Population	5,360,102	206,833	854,935	796,682	56,248	75,978	2,768	169,567

a. The drastic decline of the Uniate Catholics from 1,374,457 to 206,833 is a consequence of their forced merger with the Romanian Orthodox Church in 1948. This also explains the doubling of the latter's total growth. According to the 2002 census the Uniate Catholics have been submerged even further; being reduced to a total of 195,481 of the population in Romania. The Roman Catholics according to this same census are presently 1,028,401, while the Reformed have declined to 698,550, the Lutherans to 11,203, the Unitarians to 66,846, while the Jews to 6,179. In the meantime a dramatic increase in the number of Baptists (129,937) Pentecostals (330,486) and Adventists (97,041) is evident.

b. The drastic decline of the Lutherans from 274,262 to 56,248 is a consequence of Nicolae Ceausescu's policy of "repatriating" Saxon-Germans to Germany during the 1970's and 1980's from ransom payments by the West German government.

c. The rapid growth of the "other category" is a consequence of the growth of "new" denominations like the Adventists (Jehovah's Witnesses), Baptists and Pentecostals.

3. The name of the communist party/movement evolved from the Communist Party of Romania in 1921, to Romanian Workers Party in 1947, and under Nicolae Ceausescu to Romanian Socialist Workers Party which was its appellation at the time of its final demise in 1989.

4. The change in population profile was registered according to the population census of 1992. In the meantime, the Ceausescu colonization of ethnic Romanians from the countryside and from the Regat regions of Romania was achieved via industrialization and extensive housing developments throughout Cluj (for example the transformation of Pélmonostor into the city district of Manastir). This was also reinforced by restrictive settlement policies faced by the ethnic Hungarians.

5. Gheorghe Fünar is the chauvinist neo-fascist mayor of Cluj who has used anti-Hungarian demagogic appeals to stay in power to the present writing.

#### Appendix A:

##### Property-Restitution Fact Sheet for Hungarian Churches in Romania

1. 1948 - total number of church properties confiscated from the Hungarians of Romania:

Reformed (Calvinist) Church	974
Roman Catholic Church	1055
Unitarian Church	<b>92</b>
Evangelical (Lutheran) Church	19

2. 2003 - Total number of Church properties returned to Hungarians in Romania:

Reformed (Calvinist) Church	12
Roman Catholic Church	25
Unitarian Church	7
Evangelical (Lutheran) Church	5

3. The restitution struggle of the Hungarian Reformed Church High School of Cluj:

a. 1947. Communists come to power in Romania

b. 1948. Confiscation of all buildings on Kogalniceanu (Farkas) street, in the center of the city. The buildings are now transformed to house a Romanian State High School renamed the Sincai Liceum.



Buildings "nationalized at this time included the 200 year old main building, the 100 year old new building, and the gymnasium building and the connecting athletic activity field located between the buildings. The archives and library holdings of the Reformed High School were scattered to other libraries throughout the city.

c. 1989. Nicolae Ceausescu overthrown in December. Revolt sparked by Reverend László Tokés and his Reformed Congregation in Timisoara.

1990. Bishop Kálmán Csiha begins campaign for property-restoration in Cluj.

1990. Spring. Romanian Ministry of Education approves the re-establishment of the Reformed High School of Cluj. Mariana Stoiea school administrator gives permission for the restart activities of the school in its former properties on Kogalniceanu Street.

1990. Fall. Stoica's permission is rescinded and the Reformed High School's students are squeezed into the dilapidated public school structure on the fringe of the city in four classrooms, in two shifts. They remain in this structure until December of 2002.

1999. September. Government decision is born to reinstate the Reformed High School of Cluj on its original property. At this time its reinstatement is also recognized by having its deed officially confirmed and by requiring the Reformed Church to pay 70 million lei annually in taxes for its property on Kogalniceanu street.

1999. Following the above decision Mayor Funar of Cluj and the Administration of the Sincai Liceum begin a whole series of lawsuits to block the Reformed High School from regaining control of its property. One tactic is to transfer "ownership" of the school properties to the municipal government by the Sincai school administration, recorded in the "official minutes" of the school staff meeting. Countersuits by the Reformed Church followed. The Sincai school also sublets part of the old building to a restaurant and a dental office.

2002. December 20-22. The Hungarian Reformed High School can finally move back into 10 classrooms on the second and third floors of the old building on Kogalniceanu Street. Reconstruction work begins.

2003. February 5. Court approved commission makes a factual determination on the property claimed by the Reformed High School. It determines that the old building and the other structures on the lot described by the deed are all part of the same property, under the same address.

2003. May 6. A decision is rendered which obligates the Sincai Liceul to vacate the ground floor of the old building by June 15th. This does not happen.

2003. October 1. The Hungarian Reformed High School continues its educational mission in the 10 classrooms of the 2nd and 3rd floors of the old building, with the forced reduction of one of their 9th grade classes.

**2003. October 8. The Romanian courts reverse their previous stance and declare that the Reformed High School can only retain the 2nd and 3rd floor of the "old" building.**