

*HOLLÓ László*¹:

The Ratification of the 1932 Accord Relating to the Interpretation of Section 9 of the Concordat Concluded between the Holy See and the Romanian Government on 10 May 1927

Abstract.

Following the Treaty of Trianon, the situation of the Catholic Church operating on the territory of the Kingdom of Romania was regularized within a concordat agreement concluded in 1927 between the Romanian Government and the Holy See as interested parties.

Since due to the compromises Section 9 of the Concordat, addressing the legal situation of the church, became meaningful — a development that parties opposing the Concordat exploited —, the contracting parties agreed on a detailed explanation under an accord drafted in the early 1930s.

Our study presents the thriller-like antecedents and aftermath of the Accord, signed on 30 May 1932 between the contracting parties, relating to the interpretation of Section 9 of the Concordat concluded between the Holy See and the Romanian Government on 10 May 1927. The successive, short-lived Romanian governments could not give effect to the agreement due to the nationalist propaganda heavily present in the media. Abuses arising from the various interpretations eventually led to the appearance of the Accord in the form a decree-law on 2 May 1940.

Keywords: concordat, accord, Holy See, Romanian Government, Roman Catholic Status of Transylvania

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Following the Treaty of Trianon (“peace by dictation”), the situation of the Catholic Church operating on the territory of the Kingdom of Romania was intended to be settled within a concordat. After lengthy negotiations, this agreement was ultimately signed between the Holy See and the Romanian Government in the city of Rome on 10 May 1927.³ As a result of the negotiating parties’ mutual willingness to compromise, the bilateral agreement was reached subsequent to a highly complicated series of negotiations.⁴ The issue of the church institutions’ legal personality was clarified by Section 9.⁵ The clear and unambiguous establishment of the legal situation of the Roman Catholic Status of Transylvania fell victim to the compromises, which would later give rise to an interminable stream of problems facing the Status and its successor, the Alba Iulia Roman

² HOLLÓ László (2014): A Szentszék és a Román Kormány között 1927. május 10-én kötött konkordátum IX. szakaszának értelmezésére vonatkozó 1932. május 30-ai egyezmény elő- és utótörténetéről. In: *Studia Theologica Transsylvaniensia*. 17, 2. 163–180.

³ Sollemnis Conventio inter Sanctam Sedem et Romaniae Regnum, Vatican, 10 Mai 1927, In: *Acta Apostolicae Sedis*. XXI, 9(15 July 1929). 441–451. <https://www.vatican.va/archive/aas/documents/AAS-21-1929-ocr.pdf> (last accessed: 27 July 2021); publ. in Romanian transl. in: *Monitorul Oficial*, Partea I-a, nr. 126, 12 June 1929. 4479–4486.

⁴ Cf. MARTON József (2014): *A Gyulafehérvári Római Katolikus Egyházmegye a 20. században*. Miercurea Ciuc, Pro Print. 57–70; NÓDA Mózes (2008): *Biserica Romano-Catolică din Transilvania în perioada interbelică*. Cluj-Napoca, Studium. 47–81; GOJINESCU, Cristian (2009): Concordatul din 1929 și organizarea cultului catolic în România. In: *Etnosfera*. 1. 25–37.

⁵ “The state recognizes the Catholic Church represented by its hierarchical authorities as a legal person, in accordance with its constitution. Consequently, parishes, chief deaconries, cloisters, chaplaincies, provostries, monasteries, bishoprics, archbishoprics, and other units formed in accordance with canon law are considered legal persons, and the right of ownership to any kind of goods is guaranteed by the state in accordance with the constitution of the monarchy, for the benefit of the Catholic Church as represented by its legal hierarchical authorities.” Sollemnis Conventio, Section 9. [Author’s transl. – All non-English quotations in the paper at hand are translations performed by the author.]

Catholic Diocesan Council of Latin Rite as well as the Roman Catholic Status Foundation of Transylvania.⁶

1. Antecedents and Conclusion of the 1932 Rome Agreement – The Accord

Following the enumeration of the church institutions with legal personality in Section 9 of the Concordat, the provision that “the other canonically and legally established organizations are legal personalities” must have been a reassuring factor for representatives of the Holy See, but its interpretation in accordance with the contracting parties’ intention encountered insurmountable obstacles in what followed. Although the Romanian Government too assumed that the enumeration of the church institutions included in Section 9 was not restrictive but illustrative, which was thus extended to “further canonically and legally established organizations”,⁷ the provision was not considered relevant – especially by circles associated with the name of a certain university professor in Cluj, Onisifor Ghibu – for Status.⁸ Its activity had such a powerful impact

⁶ The Accord changed the name of the ancient institution, the Roman Catholic Status of Transylvania, to Alba Iulia Roman Catholic Diocesan Council of Latin Rite. Subsequent to its 1948 suspension and the social changes of 1989/90, the Diocesan Council was re-established in 2005 as a charitable foundation under the name Roman Catholic Status Foundation of Transylvania. Cf. HOLLÓ László (2016): Az Erdélyi Római Katolikus Státus tegnap, ma és holnap. In: Holló László (ed.): *Gyárfás Elemér a „civil püspök”. A Gyárfás Elemér halálának 70. évfordulója alkalmából tartott emlékkonferencia előadásai*. Budapest–Cluj–Napoca, Szent István Társulat–Verbum. 26–62, here: 51–55.

⁷ Cf. A Román Külügyminisztérium Jogi Bizottságának 1931. október 30-ai 144. számú jegyzőkönyve. Publ. in: POP, Valeriu (1934): *Acordul dela Roma*. Cluj, Imprimeria Fondul Cărtilor Funduare. 9–23, here: 18–20.

⁸ Onisifor Ghibu started his fight against the Hungarian churches and religious orders in the early 1920s already, his associated activities being intensified after signing the Concordat. With regard to Status, he called into question its canonicity, inter alia – with some justification, in his view. The canonical foundation of Status was not clear and unequivocal – at least for him – because it had gained its institutional form based on customary law instead of the provisions of the Code of Canon Law. Cf. HOLLÓ László (2009): *A világiak által „vezetett” egyházmegye. Az Erdélyi Római Katolikus Státus társadalmi jelentősége*. Vol. I. Cluj–Napoca, Egyetemi Kiadó. 120–127.

on public opinion that the short-lived governments between the two world wars were forced to take it into account. Further negotiations became necessary with a view to clarifying the situation. Therefore, by Decree no. 52.202/30 April 1930 of the Ministry of Public Education and Culture, Prime Minister Nicolae Iorga set up a “Committee on Legal History [under Ghibu’s chairmanship] charged with investigating the issue of the Roman Catholic State of Transylvania (!)”.⁹ The Committee concluded that the Romanian state “can issue a ministerial decree to take over the properties that have been owned illegally by the Roman Catholic State of Transylvania (!) for several decades”. Then, subsequent to the takeover, a panel of experts would put forward a proposal for using these properties for the benefit of “the canonically and legally established institutions of the Catholic Church, the University of Cluj, and the Romanian state”.¹⁰

The otherwise well-balanced Prime Minister was also carried away by Ghibu’s enthusiasm since he sent him to Rome on 15 July as his special envoy to “inform the Holy See and elaborate on our views and give them to understand that a difference of opinion in this vital question for Romania could have consequences that we would like to avoid at all costs”.¹¹ Ghibu returned empty-handed from Rome. He suggested that the Committee on Legal Affairs of the Foreign Ministry should be consulted with regard to the international legal aspects of the matter. The Committee drafted a detailed resolution, wherein it was very critical of the conclusions drawn by the Committee on Legal History. It was of the view that the implementation of proposals should be “necessarily

⁹ GHIBU, Onisifor (1934): *Acțiunea catolicismului ungiuresc și a Sfântului Scaun în România întregită*. Raport confidențial înaintat M. S. Regelui Carol II cu CLXXVII + 45 de acte și documente. Cluj, Institutul de Arte Grafice „Ardealul”, 1.

Concerning the elucidation of the concept of the Roman Catholic Status of Transylvania, we must consider the deliberately manipulative Romanian translation of the Roman Catholic *Status* of Transylvania (Ro: *Statusul Romano-Catolic din Transilvania*) as Roman Catholic *State* of Transylvania (Ro: *Statul Romano-Catolic din Transilvania*) to be a malicious attempt at misinterpretation that can be traced back to Onisifor Ghibu’s initiative and that he used in various studies and articles – this must be especially the case since no one had used before the term “State” given that an essential conceptual difference is lying between the two designations. Cf. HOLLÓ László (2009), 56–57.

¹⁰ GHIBU 1934, 1–14; here: 13–14.

¹¹ Ordinance No. 42.362 of 18 July 1931 of the Romanian Ministry of Foreign Affairs. Publ. in: GHIBU (1934), 16.

preceded by a prior consultation with the Holy See as the latter could otherwise contend that the Romanian state has violated the Concordat”.¹²

While Prime Minister Iorga had been oriented so far – especially under Ghibu’s influence – rather towards a unilateral solution to the issue of the Status, inasmuch as he was ready to put a ban on the Status meeting to be held on 19 November 1931,¹³ he would thenceforward turn towards open discussions conducted with the Holy See as the right solution. However, Ghibu was not the one to be tasked with conducting these discussions.¹⁴ He ordered Foreign Minister Dimitrie I. Ghica to withdraw the assignment from Ghibu “due to lack of tact shown towards the superiors” and “to have the next Cabinet meeting entrust someone else with the delicate mission to Rome, someone who has a different kind of approach to hierarchy and to the most elementary attitude of politeness”.¹⁵ With his Ordinance No. 66.172¹⁶ issued on 27 November 1931, Foreign Minister Ghica withdrew the assignment from Ghibu, and reassigned the task to Minister of Justice Valeriu Pop through Ordinance No. 73.676 of 22 December.¹⁷

¹² Protocol No. 144 of 30 October 1931 of the Foreign Ministry’s Committee on Legal Affairs.

¹³ Foreign Minister Dimitrie I. Ghica and Latin Archbishop of Bucharest Alexandru Cisar interceded with Iorga – presumably at Gyárfás’s request –, subsequent upon which the Ministry of the Interior lifted the ban in the last moment and allowed the Status meeting to be held. Cf. IORGA, Nicolae (1939): *Memorii. Încercarea guvernării peste partide (1931–2)*, Vol. VI. Bucharest: Tiparul Așezământul Tipografic „Datina Românească” Vălenii de Munte, 232–233.

¹⁴ The fact that he has come to know Ghibu’s exaltation fuelled by nationalism is reflected by one of his references made during his speech at the Senate on 12 February 1932, when he formulated his opinion with a subtle touch of elegance and politeness: “Mr Ghibu is a highly enthusiastic, learned man, who has almost mystical deep convictions, but who – although dealing with history – has no *sense* of history that would prompt him to look at things from several perspectives at the same time. He is a man who attacks and fights, and he wrote a book that we can all benefit from.” *Az Erdélyi Katholikus Státus a Szenátus előtt. Gyárfás Elemér világi elnök beszéde és N. Iorga miniszterelnök válasza a Szenátus 1932. február 12-iki ülésén*. Cluj/Kolozsvár. Különlenyomat az „Erdélyi Tudósító” 5. számából, 1932, 26. Offprint from *Erdélyi Tudósító* 1932/5, 26.

¹⁵ Prime Minister Nicolae Iorga’s letter to Foreign Minister Dimitrie I. Ghica, dated 18 November. Publ. in: POP 1934, 26.

¹⁶ Dimitrie I. Ghica’s Ordinance No. 66.172 of 27 November 1931 addressed to Onisifor Ghibu. Publ. in: POP 1934, 27.

¹⁷ Cf. POP 1934, 28.

Negotiations commenced in Bucharest. On behalf of the apostolic nuncio, besides Bishop Gusztáv Károly Majláth, the official position of the Executive Board of Status was represented by Elemér Gyárfás, the secular Chairman of Status, and András Balázs, the rapporteur of Status. Conciliation negotiations ended on 7 May 1932 with a seven-part agreement that was mutually signed by the parties.¹⁸

It has repeatedly been confirmed – as so many times since then – that the word of politicians should not be accepted without reservations. Indeed, during the negotiations in Rome, Minister of the Interior Valeriu Pop, normally viewed by Status as “a man with a sense of justice and a Catholic mindset”, abandoned the Bucharest agreement signed by himself and reopened the negotiations on an entirely new footing. Gyárfás must have been expecting that because on 14 May, before travelling from Bozieş to Bucharest, he wrote Bishop Majláth that: “in any event, I am leaving here ready to continue my travel to Rome in case of emergency”.¹⁹ Indeed, he had to travel all the way to Rome so that he can give effect there to the position of Status represented during the Bucharest negotiations.

Cardinal Eugenio Pacelli and Minister of Justice Valeriu Pop concluded the Accord in Rome on 30 May 1932.²⁰ This deprived the institution of Status of its autonomous nature and in spirit of canons no. 1520–21 of the 1917 Code of Canon Law transformed it into Diocesan Council. With respect to its assets, Section 2 stated that the property rights of Status should be placed under the administration of the Alba Iulia ordinary, while Section 5 declared that all assets under the ownership and management of Status as at 1 January 1932 were “ecclesiastical goods”, and, applying the principles

¹⁸ Archives of the Roman Catholic Status of Transylvania (hereinafter as: ERKSL [Hu]), IV/4 h. box 6, bundle of 1932: *Az 1932. május 7-ei hét pont.*

¹⁹ ERKSL 255. d. 1940/1904 cs.: *Gyárfás 1932. május 14-én Majláth püspökhöz intézett levele.*

²⁰ Accord concernant l'interprétation de l'art. IX du concordat du 10 mai 1927 entre le Saint-Siège et le Gouvernement roumain. In: *Acta Apostolicae Sedis*, Annus XXIV – Vol. XXIV. Num. 7, 1 Iulii 1932, 209–218; at: <https://www.vatican.va/archive/aas/documents/AAS-24-1932-ocr.pdf> (last accessed on: 24 July 2021).

On the events of the final days of negotiations towards concluding the Accord, see: CSUCSUJA István (2012): Gyárfás Elemér az 1932. évi római tárgyalásokon. In: CSUCSUJA István: *Sokarci örökség. Tanulmányok, laudációk, gyászbeszédék.* Kolozsvár, Kriterion. 63–69.

of the document of establishment, it guaranteed proprietorship for the benefit of the funds, which it enumerated.²¹

In his book *Acordul de la Roma*, Valeriu Pop explains the rationale behind the choice of formulation. In his opinion, the ecclesiastical nature of the properties cannot be called in question. That being the case, the Holy See would never agree on their nationalization. This wording, however, provides the opportunity that, based on a potential subsequent search for and examination of the charters (Maria Theresa's charters) not yet available at the time of the signature, in case those would confirm that the queen had founded them for more general Catholic or educational purposes instead of strictly for serving the Roman Catholic Church, then they could be seized and taken over – with the prior consent hereby given by the Holy See – by the Greek Catholic Church, the Romanian state's Ministry of Education, or perhaps to serve further purposes.²²

The Accord required painful compromises on the part of Status. The more than three centuries old institution of Status, solicitously guarding its independence throughout the history against both the state and the bishop, was now transformed into a consultative body. It waived its permanent residential right to the sacristan's apartment pertaining to the University Church managed by the Piarists in Cluj and handed it over to *Regele Ferdinand al României University*. At the same place, in the name of "fraternal solidarity", the Accord allowed a Greek Catholic liturgy to be held on Sundays as well as on church and public holidays, where the Greek Catholic Ordinary of Cluj–Gherla appointed the priest but the Alba Iulia Ordinary of Latin Rite paid for the services. Despite the inevitable compromises, signing the Accord was of paramount importance for Status since the attacks on the institution prior to signing it might have been unstoppable.

2. How the 1932 Rome Accord Came to Be Enforced

One might think that by signing the Accord the case of the Roman Catholic Status of Transylvania and of the institution transformed into the Council of the Alba Iulia Roman Catholic Diocese of Latin Rite found a point of equilibrium. But this situation did not exist at all.

²¹ For a description of the funds, see: HOLLÓ 2016, 26–62; here: 60–61.

²² Cf. POP 1934, 135–143.

In the two legal actions of Status brought against the Romanian state's Ministry of Agriculture starting from the early 30s, the Ministry assisted by Ghibu successfully went on – despite having signed the Accord – with its “campaign” of bringing arguments aiming to question the legal personality of Status.²³

The Accord was obviously not a satisfactory solution for Ghibu – it only reinforced his attacks. He did and could carry on with his dealings, all the more so because his propaganda campaign run for several years in the “interest” of the state, against the Transylvanian Roman Catholic Church of Latin Rite, put him in a position that at his proposal the Ministry of Culture had the authority to transfer the properties of the church, especially of Status and of the religious orders (the Premonstratensians, the Minorites), one after another in the land register – without consideration of the land register practice. In the first round, properties were transferred in the land register to the name of the University of Cluj.²⁴ Acting in the spirit of a culture of compliance, Status sought to enforce its rights before the court and appealed against all illegal measures. Elemér Gyárfás, the secular Chairman of the Diocesan Council, acted in his capacity as a lawyer before the various courts as well as a senator in the parliament and made use of his connections in his selfless, heroic efforts and perseverance to defend on every forum the properties of both the Diocesan Council and the religious orders.

²³ The basis of the lawsuit was that Status leased out an area of its Kolozsmonostor (Ro: Cluj-Mănăştur) estate to the Academy of Agriculture (of Cluj) for 30 years starting from 1897. Following the Treaty of Trianon (“peace by dictation”), this lease agreement came to be inherited by the Romanian state. Up until the enactment of the Land Act, it paid for the lease on a regular basis; however, it stopped paying altogether from that point on. This was the reason why Status launched a lawsuit, against which Ghibu – as a self-proclaimed representative – took upon himself the tasks of data collecting, forging, making misstatements, etc., which is repeatedly and clearly demonstrated in Pop Valeriu's book entitled *Acordul de la Roma*. Cf. also: MÉSZÁROS Cirill (1932–1933): Kritikai csevegések O. Ghibu Róm. Kath. tárgyú adatairól I–XIII. In: *Erdélyi Tudósító*. XV, issues: 11–14, 17, 19, 21, 23–24 and *Erdélyi Tudósító* XVI, issues: 2, 4, 6, 10; BALÁZS Sándor (2005): *Onisifor Ghibu – alarc nélkül*. Cluj-Napoca, Komp-Press. 129–147.

²⁴ GHIBU 1934, XXXV–XXXVI.

2.1 The Four-Member Committee Established for Settling the Affairs of the Catholic Church

In the 1930s, acting under pressure from Greek Catholic bishops seeking to clarify the unfortunate situation and manage the distribution of assets under Status ownership, several initiatives were launched by the apostolic nuncio on the one hand and by the government on the other, such as the ad hoc idea of setting up a six-, three-, or four-member committee.

By reason of the Hungarians in Transylvania joining the National Renaissance Front, Minister for Minorities Silviu Dragomir invited Bishop Áron Márton to a meeting on 7 January 1939 along with two Protestant bishops and two leading Hungarian politicians. In exchange for joining the Party, he promised “the fulfilling of several important requests put forward by the Hungarian minority, inter alia, settling the matters of Status, the issue of the 1932 Vatican Accord and of the religious orders, all within a period of three-four weeks”.²⁵

The idea was to have a four-member committee of lawyers – with two members appointed by the government and two members by the church – work out a unanimously adopted or at least a bridging, compromise solution. After the representatives of Status agreed to the proposal for solution, a political agreement was reached on 17 January with regard to the Hungarians in Transylvania joining the National Renaissance Front. According to Gyárfás’s report, “this proposal was one of the main reasons why the leading personalities of the Hungarian Catholics in Transylvania, acting contrary to their principles, accepted to take on a role in the so-called Romanian front”.²⁶ At the Board meeting held on 11 February 1939, Gyárfás presented the plan of establishing a four-member Conciliation Committee. The Board of Directors suggested the bishop to appoint secular Chairman Elemér Gyárfás and Board member Ignác Bartha to the Committee on the part of the church.²⁷ Their appointments were announced both to Apostolic Nuncio Andrea Cassulo and to Minister for Minorities Silviu Dragomir.

²⁵ Archdiocesan Archives of Alba Iulia (hereinafter as: GyÉL [Hu]), 586/4–1939: Áron 1939. március 18-iki levele Andrea Cassulo nunciussnak. Publ. in: Marton József (ed.): *Márton Áron hagyatéka 14. kötet. Márton Áron. Egyházi belső ügyek*. Miercurea Ciuc, Pro-Print. 40–46.

²⁶ ERKSL 255. d. 1940/1904 cs.: GYÁRFÁS Elemér: *A megoldásra váró erdélyi katolikus egyházi kérdések ügyében kiküldendő négyes bizottságra vonatkozó újabb fejlemények*, 1–2.

²⁷ ERKSL 4/a, vol. 89: *Az igazgatótanács 1939. február 11-ei jegyzőkönyve*, 114.

The commencement of the four-member committee's operation came up against an unexpected complication since the nuncio intended to name the members of the committee on the part of the church all by himself and insisted that one of the two Catholic members of the committee should be a Romanian Greek Catholic, as "Romanian Greek Catholics also have some requests to be met with respect to the disputed ecclesiastical properties".²⁸ On 17 February, the Minister for Minorities passed the blame onto the Holy See for the delay in fulfilling the obligation undertaken in the Accord. Urged by the government, the apostolic nuncio appointed Greek Catholic Bishop Iuliu Hossu and Latin Catholic Bishop Áron Márton to the committee. Áron Márton summarized his position on his appointment in three points and made it known to the nuncio as well as the Minister for Minorities. First, he did not consider the bishops' commissioning as a viable solution since they lack the necessary expertise for solving complex legal issues; second, he was of the view that a Greek Catholic cannot be named to the committee; finally, he insisted on his own candidates, otherwise he could not accept participation in the committee on the Latin side.²⁹ Embracing Bishop Áron Márton's position, Minister for Minorities Silviu Dragomir informed the nuncio that the government could not accept the appointments due to the above reasons. In his response given in the second half of March, the nuncio named Gyárfás and, as a representative of the Greek Catholic interests, Greek Catholic University Professor Camil Negrea.³⁰ Minister for Minorities Dragomir placed this document *ad acta*, and on 18 April told Elemér Gyárfás that the opinion set forth by the expert committee of lawyers was meant to facilitate the peaceful settlement of contentious issues. However, including the representation of Romanian Greek Catholic interests had put him in an awkward position

²⁸ ERKSL 255. d. 1940/1904 cs.: GYÁRFÁS: *A megoldásra váró*, 1

²⁹ ERKSL 4/a, vol. 89: *Az igazgatótanács 1939. március 14-ei jegyzőkönyve*, 151.

³⁰ On the Roman Catholic side, one could hardly expect Negrea Camil's assistance in clarifying the legal status of the properties since Negrea, as the Rector of the University of Cluj, initiated in the University Senate the takeover by the state of some of the Status properties, such as the University of Cluj and the Piarist Church, as early as 1924. Indeed, the transfer in the land register took place. Cf. GHIBU 1934, 233. What is more, in one of the ongoing lawsuits, he represented at a court hearing the opposing litigant party of Status, Onisifor Ghibu. Cf. ERKSL, 255. d. 1940/1904 cs.: GYÁRFÁS: *A megoldásra váró*, 4.

since his competence as a Minister for Minorities no longer existed now, and the case was going beyond the powers conferred upon him.³¹

On 29 March, the nuncio informed Bishop Áron Márton too about the appointments. Although the bishop represented his previously expressed position and protested against the decision, he eventually yielded to the nuncio's pressure and agreed to ask Elemér Gyárfás to get in touch with university Professor Negrea Camil so as to listen to his arguments concerning the Greek Catholics' requests. Given that, as per the minutes of the Board of Directors meeting held on 12 April, "an in-depth discussion – commensurate with the importance of the question – began", and the Board "expressed its greatest concern over this plan", the bishop asked to have the justification for his procedure recorded in the minutes. He considered it important to make a concession to the nuncio without jeopardizing their cause. He chose to do so because, on the one hand, the nuncio – due to a series of intentional misinformation – believes that the Board of Directors acts based on political considerations and not in the spirit of the church, and this misconception must be corrected. On the other hand, as a result of the nuncio's conduct, Status would eventually need to turn directly to Rome with a view to defending its rights against the Greek Catholics, and then they can claim to have already taken this road in obedience to the nuncio. To address all concerns expressed, he stressed that "1./ his position on the contentious issues is that he would not give up on a single brick or furrow constituting their rightful property; 2./ without the Board's knowledge, he would take no action at all that might substantially affect their cause". With touching honesty and in an almost solemn-like tone evoked by times of hardship, he reassured the Board as follows: "Any assumption implying that our public interests (of the Status members) must be defended against the bishop is offensive to the bishop's person and viewpoint. Everyone should know that the bishop is just as Catholic and Hungarian as any other person. The principles and aspects of divine law and truth guide all my actions, wherefore I kindly ask you to openly raise any possible concern, because I would not allow myself to have the Board cover for the bishop, should the occasion arise, against its better judgment."³² At the bishop's request, Gyárfás contacted Negrea by way of a letter written on the very same day, mentioning the nuncio's request conveyed

³¹ Cf. ERKSL 255. d. 1940/1904 cs.: GYÁRFÁS: *A megoldásra váró*, 4.

³² ERKSL 4/a, vol. 89: *Az igazgatótanács 1939. április 12-ei jegyzőkönyve*, 171.

through the bishop. In his response sent on 20 April, Negrea made it clear that no preparations had been made regarding the assignment and that the nuncio had appointed him as a negotiating partner without prior request. "As I have not been commissioned by anyone so far to look into certain issues of interest to the Catholic churches, I deem it inopportune to take part in the relevant discussions already. Should I be assigned by any competent entity, I will notify you immediately so that we can start the discussions, within the limits of the assignment, of course."³³

Minister for Minorities Dragomir did not see it befitting to refuse in writing the nuncio's second appointment as well, which is why he asked him in person to change his position based on the previous arguments. In the meantime, Bishop Áron Márton visited Greek Catholic Bishop of Cluj Iuliu Hossu and told him that he had been extremely embarrassed by the Greek Catholics' interference. Bishop Hossu argued that it was still better if the Greek Catholics obtained the assets than letting the schismatics get hold of them and that they, as born Romanians, could perform an invaluable service in protecting those assets. And their participation in the Committee would also nicely document Catholic solidarity. However, in response to Bishop Áron's decided manner, he made a promise to suspend their claims until the Latin Catholics' dispute with the state is not fully settled.³⁴

As the nuncio's pro-Greek Catholic stance had become evident, Elemér Gyárfás headed for Rome on 15 May to make inquiries and provide information about the pending matters of Status at the Vatican Secretariat of State. He had the opportunity to meet the rapporteur of the cases at issue as well as the Cardinal Secretary of State and his Deputy. Based on the negotiations conducted, he could establish that the Greek Catholics had made use of their connections to create barriers to the unreserved recognition and strong representation of Status's rights on the part of the Holy See. Although their benevolence seeking the protection of Status's interests had remained unchanged, they still considered that concluding an agreement with the Greek Catholics, even through sacrifice, would be the easiest way to settle the case.³⁵

³³ Negrea's letter qtd. in: ERKSL 4/a, vol. 89: *Az igazgatótanács 1939. május 9-ei jegyzőkönyve*, 199.

³⁴ ERKSL 255. d. 1940/1904 cs.: GYÁRFÁS: *A megoldásra váró*, 5

³⁵ ERKSL 4/a, vol. 89: *Az igazgatótanács 1939. május 9-ei jegyzőkönyve*, 199.

On 16 June, Bishop Áron Márton accompanied by Elemér Gyárfás paid a visit to the nuncio, who made them known that the Greek Catholic bishops yielded to his persuasion and resigned themselves to the idea of not having any Greek Catholic in the four-member committee. Given the fact that the nuncio had previously committed himself far too much before the government to defending the Greek Catholic interests, they agreed that he would appoint Prelate Anton Durcovici, Latin Vicar-General of Bucharest. This measure may have seemed as if, instead of a second secular lawyer, a canonist were appointed to aid Gyárfás.

All the same, the nuncio had not entirely given up on representing the Greek Catholic position. He asked them to yield – while retaining ownership – the Piarist, i.e. the University Church to the Greek Catholic Bishop of Cluj. Gyárfás explained the moral impossibility of fulfilling the request considering that the building at issue is exactly Status's church, underneath which the most prominent personalities of Status are entombed in the crypt. Bishop Áron Márton meant to convey that in case they need further churches, they should make sacrifices and build for themselves. The Latin Catholics had already yielded two churches: the Minorites' Church and the Kolozsmonostor [Ro: Cluj-Mănăştur] Abbey. Finally, he added that "handing over the church building would create such an unrest among members of the congregation that he cannot take responsibility for the consequences, and so he asked for setting aside the attempt and the plan altogether".³⁶

2.2 The Activity of the Four-Member Committee

Once the representatives of the Diocese of Transylvania had accepted the appointment of Prelate Anton Durcovici, the final hurdle was crossed, and the four-member committee could embark on its mission. The constituent meeting took place on 7 October 1939, and conciliation work lasted until 10 February 1940 in the framework of a total of 11 meetings. Since no official minutes were kept of the conciliation process despite Gyárfás's repeated urgings, he would keep "records" of each meeting – commensurate with the seriousness of the case –, which have thus become extremely valuable

³⁶ ERKSL 255. d. 1940/1904 cs.: GYÁRFÁS Elemér: *Jegyzőkönyv a négyes bizottság ügyében június 16-án folytatott megbeszélésről* (17 June 1939), 2–3.

sources of the work performed by the four-member committee. In what follows, these records will form the basis of summarizing the course of negotiations.³⁷

Roman Catholic interests were thus represented by secular Chairman Elemér Gyárfás and Vicar-General Anton Durcovici, Prelate of Bucharest, while the state delegated presidents of chamber Lucian Borcea and Ioan Garoiu from Sibiu and Braşov respectively. Ministries interested in the legal dispute also represented themselves: the Ministry of Education, the Ministry of Public Health, the Ministry of Culture, and the Ministry of Agriculture delegated Titus Dragoş, Slave Avramescu, Nicolae Russo-Cruţescu, and Constantin Bălăcescu respectively, while the Ministry for Minorities was represented by lawyer Corneliu Rudescu. One might conclude that ambassadors of the Roman Catholic interests did not find themselves in an easy position in this scenario. They were tasked with defending Status and the cause of the Catholic Church in the face of overwhelming odds embodied by seven well-prepared lawyers. Besides that, the nuncio instructed them regarding the code of conduct they need to follow as members of the committee, according to which they should carry on negotiations in the most considerate manner, in the spirit of understanding and conciliation, while – pursuant to the explicit instructions of the Holy See – they should not make the slightest concession in matters concerning the validity of the Accord and the religious orders' legal personality under public law. It may also be noted that Gyárfás had an unquestionable position of advantage over the government's lawyers. As its secular Chairman and a lawyer, he had been representing Status as well as the case of the religious orders' real estates in countless proceedings for almost twenty years, which made him the absolute expert of the subject.

Minister for Minorities Silviu Dragomir opened the constituent meeting by stating that the government hoped to resolve the legal disputes that had arisen with the Catholic Church in the spirit of understanding and conciliation shown towards the minorities. He would welcome a unanimous solution delivered by the Committee, but where this is not a possible option, they should at least seek bridging solutions.

³⁷ ERKSL 255. d. 1940/1904 cs.: GYÁRFÁS Elemér: *Feljegyzések a katolikus egyházi testületek és szervezetek jogvitáinak rendezése céljából alkotott négyes bizottság 1939. október 7-e és 1940 február 10-e között tartott 11 üléséről* (hereinafter as: *Feljegyzések I–XI* [Hu], with indication of the meeting's date).

When discussing the procedures that the Committee should follow throughout its work, President of Chamber Borcea suggested obtaining at first the certified copies of the land register extracts in respect of all properties at issue as well as the laws, royal charters, and government decrees that had been regulating the legal status of these immovable properties over the centuries. Gyárfás expressed his opposition to this proposal, considering the acquisition of the above-listed documents an unjustifiable move. He argued that the Law on Cults had not only repealed the laws opposing it but had also provided that “by virtue of this law, all laws, regulations, statutes, decrees, and provisions of any nature in force prior to the promulgation of the present law shall be hereby repealed”.³⁸ He did not recommend asking for the land registers, nor drawing up a list of pending lawsuits because “he has all data collected on the lawsuits and legal disputes of over a hundred in number, yet this list is not complete as new notifications are received on a daily basis”.³⁹ As an expert on the subject, he pointed out that the numerous lawsuits and legal disputes are based on a few contentious issues. In case the Committee takes a stand on these fundamental points of principle, a significant part of the concrete legal disputes would be resolved. Based on the proposal, the Committee agreed to address the matters of principle before looking into the particular legal disputes. It is indicative of Gyárfás’s competence that he immediately handed over the written list of the eight issues of principle to be solved in the ongoing cases of the Catholic Church. These are as follows: (1) Can legally binding land registrations be modified without consideration of the land register practice? (2) Is the Accord regulating the legal personality of Status valid and binding? (3) Do religious orders have legal personality, and, if they do, is it of public or private in nature? (4) How should Section 15 of the Concordat⁴⁰ be

³⁸ Legea pentru regimul general al cultelor, Art. 49. In: *Monitorul Oficial al României*, Partea a I-a, no. 84, 12 April 1928.

³⁹ *Feljegyzések* I, 3.

⁴⁰ “Patronage rights and obligations of any nature shall be abrogated without any compensation. Sacred buildings, parish houses and their accessories, and other goods donated to the church by the patron a) shall remain entirely in the property of the legal persons indicated in Section 9 if registered in their name in the land registry, or b) shall remain in the property of the church, made available for the use of the parishes, if registered in the name of the patrons. In case a parish ceases to exist canonically as well as legally, then the former patron – provided that it is the State or a state institution – shall have entire disposal of the properties; and in case this is a private party, then the above-indicated buildings and properties shall remain in the ownership and use of the Church” (Sollemnis Conventio, Art. XV).

interpreted with regard to the properties held by an ecclesiastical body at the time of its conclusion, although not being the owner according to the land register? (5) Is the diocesan bishop entitled to proceed in matters concerning the assets belonging to ecclesiastical bodies and foundations on the territory of his diocese? (6) Are transfer agreements concluded between the churches and the Hungarian state valid with regard to school buildings? (7) Does the Minister of Education have the right to prescribe denominational schools' language of instruction in the sense of Section 19, paragraph 3⁴¹ of the Concordat? (8) Does the Minister of Education have the right to prescribe the language of religious education in the sense of Section 20, Article 1⁴² of the Concordat?

The fundamental points of principle brought forward make it obvious even for a layperson why the establishment of a committee was necessary in order to settle the legal disputes of the Catholic Church bodies and organizations. Contemporary state institutions denied Catholic Church institutions (Status, religious orders, parishes) the right to property and did not implement the various articles – favouring church institutions – of the Concordat and of the laws.

Members of the Committee agreed on giving priority to two specific questions, i.e. the validity of the Accord and the legal personality of the religious orders. On Borcea's further proposal, they did ask the land registers from Gyárfás after all, along with documents and studies that church institutions had published in print in defence of their case, and they also asked for the compilation of a list including the specific legal disputes.⁴³

At the next meeting, held on 7 November, Gyárfás – at the Committee's request – outlined the background of the conclusion of the Accord. He presented document no. 12.052 issued by the Ministry of Foreign Affairs – as a forum entitled to interpret international treaties – to Status on 31 June 1933, in which it declared the Accord to be final, of legal force, and binding. Likewise, he presented document no. 87.058 issued along similar lines by the Ministry of the Interior on 6 November 1933 to Transylvanian

⁴¹ “All schools of the religious orders and congregations shall be placed under the authority of the competent bishop while retaining the right to establish the language of instruction” (*Sollemnis Conventio*, Art. XIX, 3. §.).

⁴² “The Catholic Church has the right to provide religious education to the Catholic children of all public (state) and private schools in the Kingdom; this religious education shall be provided to them in their mother tongue” (*Sollemnis Conventio*, Art. XXX, 1. §.).

⁴³ *Feljegyzések* I (7 October 1939), 3–6.

courts, at the same time pointing out that the courts had not accepted it nonetheless in the course of the hearings, and they had arbitrarily declared the Accord invalid in the absence of ratification by the parliament.⁴⁴

He went on to explain that – as indicated by its title: *Commentarium Officiale Accord concernant l'interprétation de l'art. IX du concordat du 10 mai 1927 entre le Saint-Siège et le Gouvernement roumain* – it deals with the interpretation of Section 9 of the Concordat. The contracting parties agreed under Section 22 that “all difficulties and contentious issues that may arise in relation to the interpretation of the present Concordat will be resolved by mutual agreement between the Holy See and the Government”,⁴⁵ wherefore it needs no separate ratification by the parliament. On the strength of the above arguments and the presented documents, the Committee – provided that their original draft as well as the document including the Ministry of Foreign Affairs’ decision to publish the text of the Accord in the Official Gazette can be found in the Archives of the Ministry of Foreign Affairs – unanimously accepted the Accord as valid. Lawyer Rudescu was tasked with the job of obtaining the documents.⁴⁶

At the third meeting, held on 10 November, Rudescu reported that the Ministry of Foreign Affairs had sent the text of the Accord to the Official Gazette under document no. 40.831 of 30 July 1932 but asked for its publication in the non-official part of the Gazette. Therefore, the Committee, in a bid to forestall all objections that may be raised in the future, suggested its publication in the form of a new decree-law.

Over the course of the subsequent sessions, an agreement could be reached with respect to the legal personality of religious orders only after lengthy negotiations. However, making a decision as to whether this legal personality is of public or private nature was postponed until the next meeting that was to be held on 23 November.⁴⁷

In his memorandum attached to the notes on conciliatory meetings number 4 and 5 held on 23 and 24 November respectively, Gyárfás pointed out that the discussions conducted during the last two meetings had not brought them any closer to the solution, and negotiations had begun to lose momentum. He believes the reason behind

⁴⁴ *Feljegyzések* II (7 November 1939), 1.

⁴⁵ *Sollemnis Conventio*, Art. XXII.

⁴⁶ *Feljegyzések* II (7 November 1939), 3–6.

⁴⁷ *Feljegyzések* III (10 November 1939), 1–3.

this could be that, due to the recent change of government, the representatives of the various ministries refrain from taking a position that might be contrary to the intention of their future superiors. In his view, the greatest difficulty lies in the fact that no commonly accepted minutes were drafted during the negotiations so far. At his proposal, Rudescu undertook to make use of his notes and draw up the minutes.⁴⁸

Despite the promises, the minutes were never completed. Therefore, within the framework of meeting no. 6 held on 7 December, specifications were provided about the format and method of notation of the minutes. Its form should be that of a so-called “journal” kept in chronological order, which should be completed by a legally accurate resolution on the particular legal positions.⁴⁹ This meeting as well as the following one, meeting no. 7 held on 8 December, revisited the point discussing the legal personality of religious orders. The main driver behind the difficult conciliation agreement was best illuminated by Rudescu’s statement, who – also relying on Minister for Minorities Dragomir’s viewpoint – was of the opinion that “we should be seeking a solution so that a certain portion of the disputed assets can fall to the share of the state, because he believes that in the general atmosphere created by Ghibu this is the only way for the government to justify in the Romanian’s public’s eye the large concessions made for the religious orders”. In the context of seeking a compromise solution, Borcea and Rudescu suggested “to cede the Cluj, the so-called University Church to the university and the Greek Catholic Church”.⁵⁰ Gyárfás outlined the legal situation of the church, which in his view was beyond dispute since Status clearly retained ownership of the church at the time of selling the university’s land to the Hungarian state. Also, he pointed out that cession is not an option from a moral standpoint either because Status has deep ties to the church considering that its prominent personalities are entombed in the crypt located underneath the church building.

Just how important the properties of the religious orders were for the state was also demonstrated by the lengthy, exhausting debate that took place at meeting no. 8 held on 20 December, in the course of which the government’s lawyers continued to push through their interests in this respect. Lawyer Avramescu consistently held that

⁴⁸ ERKSL 255. d. 1940/1904 cs.: *Gyárfás Elemér 1939. december 2-i levele az igazgatótanácsnak.*

⁴⁹ *Feljegyzések* VI (7 December 1939), 2.

⁵⁰ *Feljegyzések* VII (8 December 1939), 5.

since the Premonstratensians lack legal personality, “the Ministry of Public Health definitely lays claim to Băile Felix [thermal spa resort] and is not willing to give up on it”.⁵¹ Gyárfás demonstrated his heroic patience and perseverance and practically encouraged himself when he remarked in his letter attached to the notes on the meeting that “the situation on the ground does not engender excessive optimism, but perhaps there is not sufficient justification at the present time for adopting an inflexible approach either that would spoil everything; we should instead make repeated attempts at the favourable conclusion of the negotiations during the meeting to be held on 26 January”.⁵²

Concerning the legal status of the religious orders, government representatives insisted on reaching a compromise solution that would consider three categories of orders: (1) orders whose legal personality would be recognized under certain preconditions, and so they may have ownership of real estate; (2) orders whose legal personality cannot be recognized due to the low number of their members or the lack of public interest activities; (3) orders whose activity is not considered desirable by the state, wherefore they can no longer operate.⁵³ The categorization of religious orders would be performed by the state, whereby it goes without saying that the real properties of the orders falling in the latter two categories would be automatically subject to nationalization.

In Cluj on 7 January 1940, Minister for Minorities Silviu Dragomir put forward an “out-of-court” proposal for settling the legal situation of the religious orders. He requested that the church should willingly cede the buildings of the Piarist Gymnasium in Sighetu Marmației, the Minorites’ Gymnasium in Șimleu Silvaniei, and the Premonstratensian Gymnasium in Oradea. After consultation with the superiors of the religious orders and the Board of Directors, Gyárfás paid a visit to Dragomir and informed him that the orders could not give up on any immovable property without causing serious moral damages in the public opinion of the congregations concerned. Looking for solutions through compromise, he saw as the only option if the state – when settling the legal personality of the orders – had guaranteed the ownership of those properties alone that were de facto in their possession when the Concordat was ratified. This way, the buildings of the Minorites’ Gymnasium in Șimleu Silvaniei and the Piarist Gymnasium

⁵¹ *Feljegyzések VIII* (20 December 1939), 7.

⁵² ERKSL 255. d. 1940/1904 cs.: *Gyárfás Elemér 1939. december 9-i levele az igazgatótanácsnak.*

⁵³ *Feljegyzések VIII* (20 December 1939), 8.

in Sighetu Marmației – the former was expropriated by the Romanian state on 19 July 1919 while the latter in September 1920 –⁵⁴ would not be included in the settlement agreement and could be retained for the benefit of the state.⁵⁵

At meeting no. 9 held on 26 January 1940, the Committee continued to discuss the issue of the religious orders' legal personality. After the presentation of several dissenting opinions, lawyer Avramescu spoke out the truth when he explained that the issue of legal personality could not be decided based on reasons of principle, but the financial consequences of recognition should also be taken into account – because if the legal personality of a particular religious order is recognized, then “it can also retain its possessions, and the state will be deprived of its right of claiming them, in addition to which it might even be forced to return whatever it had taken from it, and that would be completely inadmissible. He cautions the Committee that assets in the range of 100 million [lei] are at stake here.”⁵⁶ Hence, the Committee failed once again to find a common ground.

Negotiations resumed the following day, on 27 January, but this time things moved ahead rapidly. Regarding the legal situation of properties resulting from patronage relationships, they reached an agreement without undue delay. Accordingly, they drew up a bill containing five paragraphs providing for the settlement of the matter, and pursuant to its point 5): “In case there is lack of documentary evidence supporting the legal relationship with respect to the patronage, then 40 years of commonly acknowledged, undisturbed, and continuous possession shall constitute legal protection for the legal relationship of patronage until evidence to the contrary is found.”⁵⁷ On the subject of arbitrarily and unilaterally, incorrectly entered land registry items, they also came to an agreement: if the denominational character of a school can be proven, then it shall remain in the property of the church. However, the Committee could not achieve a consensus in the question of the bishop's right to the representation of Catholic organizations, institutions,

⁵⁴ Cf. SZABÓ M. Attila (2015): *Magyar oktatási intézmények a Magura aljában. A szilágyosmlyói gimnázium története*. Odorheiu Secuiesc [no publ.], 71; VICZIÁN János (2003): *Máramarosszigeti Piarista Gimnázium* (entry), In: Viczián János (ed.): *Magyar Katolikus Lexikon*. Vol. VIII. Budapest, Szent István Társulat. 597.

⁵⁵ *Feljegyzések* IX (26 January 1940), 1.

⁵⁶ Op. cit. 6.

⁵⁷ *Feljegyzések* X (27 January 1940), 8.

and foundations before the law, while it did not consider itself competent to deal with the issues related to prescribing the language of (religious) education.⁵⁸ The meeting was concluded with lawyer Rudescu being tasked with compiling a briefly reasoned summary of the work carried out by the Committee and of the crystallized positions, which would be signed in the framework of a final meeting to be held on 1 February.

Subsequent to the meeting, Durcoviçi and Gyárfás informed Minister for Minorities Dragomir that they would not be able to appear for the *prima vista* signing of the forthcoming document on 1 February. They need a few days to study the document. Therefore, 10 February was set as the new date for signing. Meanwhile, given that the four-member committee could not reach a consensus on certain issues, Gyárfás submitted on his own and on Durcoviçi's behalf a minority report that went against the position taken by most of the Committee members. Therein he maintained their stance on Status's legal personality under public law, bringing forward the similar example of the legal personality under public law ensured for the Bucovina Orthodox religious fund, and stood by their view on the religious orders' legal personality under public law pursuant to sections 9 and 17 of the Concordat as well as sections 11 and 36 of the Law on Cults. They also stated their views on issues left unresolved by the four-member committee by virtue of time constraints, absence of consensus, or incompetence. The following principles were proposed for adoption and possibly enactment by the government: based on his authority guaranteed by the Code of Canon Law as well as pursuant to sections 8, 9, and 14 of the Concordat, the diocesan bishop is entitled to proceed on behalf of institutions located on the territory of his diocese but lacking legal personality; in view of the fact that determining the language of instruction of a particular school is the education financier's exclusive right, public authorities should refrain from prescribing or modifying it; since para (1), Section 20 of the Concordat guarantees the right of children to receive religious education in their mother tongue, government institutions should respect this right. They requested that legal disputes be settled in consideration of these fundamental principles.⁵⁹

⁵⁸ Op. cit. 9.

⁵⁹ Op. cit. 10–13.

Durcovici and Gyárfás gave an account of the developments to Nuncio Cassulo as well. Although at previous meetings the government's lawyers requested that the University Church be ceded to the Greek Catholics, and they would have called this cession a provocation, the nuncio returned to the idea that settling the Greek Catholics' claims will constitute a separate task that needs to be taken care of within the church, following the settlement of legal disputes with the state. At the Board of Directors meeting held on 14 February, Board member Bar. Béla Szentkereszty also reported that during his visit paid to the nuncio, the latter asked him, too, to do his best and take a supportive attitude towards the permanent cession of the University Church of Cluj to the Greek Catholics in order to preserve peace. Bishop Áron Márton made a serious statement in this regard during the meeting, when he declared that "should this issue consistently and forcibly stay on top of the agenda, then, as a last resort, he is determined to put his job at the disposal of the Holy See"⁶⁰ rather than cede the church to the Greek Catholics.

Gyárfás kept detailed notes also on the thriller-like process in the course of which it was not until 8 February, 6:45 PM that – in response to his repeated urging and following a series of interventions – he finally managed to obtain the document drafted by Rudescu that was to be signed on 10 February. Going through the 18-page long summary, he immediately found that it was unacceptable for the representatives of the Holy See. On the one hand, the government's lawyers invited to the meetings of the four-member committee were treated in the document as full members of the Committee when it came to building a majority in deciding on the contentious issues, while, on the other hand, it put statements into the mouths of the Holy See's representatives that they had never really made, this way indicating certain positions as adopted with the unanimous approval of the Committee that they had actually never given their consent to. That being the case, in agreement with Prelate Durcovici, they concluded on 9 February that the text drawn up in this form could not even be considered for discussion.

During further negotiations, Minister for Minorities Silviu Dragomir also confirmed that indeed a four-member committee was appointed and the government's lawyers had access to the meetings exclusively on the basis of observer and consultant status.

⁶⁰ ERKSL 4/a, vol. 90: *Az igazgatótanács 1940. február 14-ei jegyzőkönyve*. 88. p.

Thereafter, Gyárfás – considering Rudescu’s busy schedule – took it upon himself to compile the text for the meeting convened for the following day and would make it available for Rudescu to have it typed in the following morning. The next day, in Rudescu’s absence – who called in sick and did not show up in the office –, the secretaries refused to type the 15-page long document. Thus, Gyárfás had to have it typed in a private typing office.

At the meeting held on 10 February, at 17 PM, the four-member committee accepted the text prepared by Gyárfás, making only minor modifications to it. Subsequently, however, an extremely awkward discussion took place prior to the signing procedure. Lawyer Dragoș, the representative of the Ministry of Public Education, repeatedly criticized that delegates of the various ministries were not regarded as full members of the Committee. In the heat of the ensuing debate, Russo-Cruțescu adopted the most moderate and benevolent attitude, and Garoiu pointed out that he had also been informed of a four-member committee. Since the government’s lawyers were not willing to sign the document, Rudescu and Borcea considered that the Committee’s work was worthless without the consent of the ministries’ representatives.

Gyárfás put the situation down to the fact that, as the Ministry of Public Education would have lost the anticipated immovable properties by way of the agreement, it deliberately resorted to such a provocation in order to overturn this agreement. Such an outcome may have also resulted from the resentment harboured – as Gyárfás opined – “and expressed so many times by Minister of Public Education Andrei and his general staff against Minister for Minorities Dragomir, whose action should succeed, would make it impossible for the Ministry of Public Education to carry on its established anti-minority practices”.⁶¹

3. Closing Remarks

Following further discussions, the 15-page long document compiled as a result of the four-member committee’s negotiations⁶² was finally signed by all four members of the Committee on 18 February. The letter of gratitude written by the Board of Directors

⁶¹ *Feljegyzések XI* (10 February 1940), 5.

⁶² ERKSL 255. d. 1940/1904 cs.: *Încheierea finală a Comisiunii Mixte pentru aplanarea litigiilor dintre stat și organizațiile Bisericii Romano-Catolice din țară.*

on 10 April 1940 and addressed to Minister for Minorities Dragomir informs us that once again it was due to his intercession that the signing could eventually take place. Subsequently, based on the signed document and with a view to settling the legal disputes between the state and the Catholic Church, the Romanian government issued two decree-laws. Accordingly, Decree-Law no. 659⁶³ was published in the Official Gazette on 2 May 1940, ratifying *The Accord relating to the Interpretation of Section 9 of the Concordat Concluded between the Holy See and the Romanian Government on 10 May 1927*. As could be seen above, the Accord was already published – following its signing in Rome on 30 May 1932 – in the official gazette of the Holy See, i.e. *Acta Apostolicae Sedis*, as well as in the Official Gazette of Romania, and it did not require ratification. All the same, it has now been issued once again in the form of a decree-law to avoid further objections and disputes. Further, Decree-Law no. 688 issued on 3 May 1940 provided for the amendment of the 1928 Law on Cults, more specifically its Section 36 on the legal situation of the religious orders and Section 39 on the church properties and goods resulting from patronage relationships. The publication of the two documents seemed to resolve all legal disputes. At their meeting held on 13 March 1940, the Board of Directors of Status acknowledged the introduction of the Decree-Law, stating that “the implementation will show to what extent the modification will work out in practice and whether it will satisfy all requirements that called for the modification”.⁶⁴

The Board of Directors – knowing by past experience the peculiar conduct of the Romanian judicial system – displayed prudence without excessive rejoicing over the developments. Indeed, their prudence proved to be reasonable since, although Bishop Majláth had Status’s properties registered in the Land Registry for the benefit of the church (based on the Accord issued in Decree-Law no. 659), following the Law on the Restitution of Property published after the 1948 nationalization as well as the 1989/90 regime change, institutions of the Romanian judicial system have consistently questioned its validity up to the present day. This is how we have arrived at the situation where the Special Return Committee on property restitution (Ro: *Comisia Specială de Retrocedare*) having disregarded the Accord and thus having denied both the Alba Iulia

⁶³ Decret regal 659: Decret lege pentru ratificarea acordului între Sf. Scaun și Guvernul Român. In: *Monitorul Oficial*, Partea I-a, nr. 52, 2 May 1940.

⁶⁴ ERKSL 4/a, vol. 90: *Az igazgatótanács 1940. március 13-ai jegyzőkönyve*. 101.

Ordinary of Latin Rite and the Roman Catholic Archdiocese of Alba Iulia their right to reclaim the former church properties, the church – acting in the spirit of a culture of compliance – is once again seeking justice from the court. Given the precedents and the Romanian authorities' rejective action, it is only the involvement of the competent authorities of the Vatican that could provide substantive assistance today, just as before, in outlining a legitimate solution.

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